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# Press freedom crisis in Europe

by Jean-François Julliard

Repressive laws, political interference, economic pressures, physical attacks ... : being a journalist in Europe is no longer a safe and peaceful profession. Freedom of speech in the press needs urgent protection.

In January 2011 Hungary took over the rotating EU presidency. The very same day, the country's new and criticised media law came in to force. The European Commission has criticised the legislation, which resulted in Hungary backing down on some issues. Nonetheless, a Media Council, whose members are appointed by Parliament's conservative Fidesz majority, is to monitor all forms of media. The core of the problem remains, since the composition and attribut of the all-powerful Media Council remain unchanged. The OSCE has deemed the Media Council a concentration of power without precedent in European democracies.

If the dubious notion of "balanced reporting" contained in the law no longer applies to blogs, it does still concern other audiovisual media as well as Internet linear content providers. The law also no longer applies to foreign media "unless they are broadcasting to the Hungarian people and are based abroad with the aim of circumventing Hungarian law". It is still anyone's guess how this would be established.

The range of "offences" punished by the law has been restricted slightly and centres on the concept of incitement of hatred or discrimination. On the other hand, journalists must still respect "public morality" and "human dignity" – notions

that have yet to be defined by the Media Council – or face astronomical fines.

Above all the Media Council, created in December 2010, emerges unscathed from the amendments. Yet this body, with its utterly disproportionate attributions, is at the heart of the controversy. Appointed directly by the government, the Council's five members all belong to the ruling Fidesz party. Despite concerns over its impartiality, the body has the legal right to demand any number of confidential documents from media organisations and if they are not handed over they face a fine of €100,000.

The recent amendments made to the media law do not provide a single extra guarantee that journalists' sources will be protected, and sanctions against media that break the law can still go as far as a ban.

The fight for press freedom in Europe is more urgent than ever. Free speech is seriously challenged in a number of EU Member States. It is disturbing to see several European Union member countries continuing to fall in our yearly worldwide press freedom index. If it does not pull itself together, the European Union risks losing its position as world leader in respect of human rights. And if that were to happen, how could it be convincing when asking authoritarian regimes to make improvements? There is an urgent need for European countries to recover their exemplary status.

## Greece not better than Benin

In our 2010 press freedom index, 13 of the EU's 27 members are in the top 20, but some of the other 14 are ranked very low. Italy is 49th, Romania is 52nd and Greece and Bulgaria share place 70 with Benin and Kenya. The European Union is not a homogenous whole as regards media freedom. On the contrary, the gap between good and bad performers continues to widen.

There has been no progress in several countries where Reporters Without Borders pointed out problems. They include, above all, France and Italy, where events of the past year – violation of the protection of journalists' sources, the continuing concentration of media ownership, displays of contempt and impatience on the part of government officials towards journalists and their work, and judicial summonses – have confirmed their inability to reverse this trend.

The often liberticidal legislative activity of certain EU Member States, and the new up-



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surge in anti-press proceedings brought by political leaders, are weakening the European freedom of expression model. In so doing they are undermining its external policy and the universal impact of its values. Ireland is still punishing blasphemy with a €25,000 fine. Romania now considers the media a threat to national security and plans to legally censor its activities.

In Italy, where ten or so journalists still live under police protection, only an unprecedented national media mobilisation's tenacity helped to defeat a bill aimed at prohibiting the publication of the content of telephone call intercepts, one of the main sources used in judicial and investigative journalism. Although the United Kingdom still benefits from a free and high-quality media, its defamation laws offer grounds for assembly-line trials brought by censors of every sort. Not only is this counter-productive, but such actions complicate the mission of those who, outside of the EU, are trying to secure the decriminalisation of press offences.

The heads of European governments, like their parliamentary colleagues, are gaining notoriety for their increasingly systematic use of proceedings against the news media and its journalists. The latter have to endure the insults which political leaders allow themselves to indulge in ever more frequently in their statements, following, in such matters, the deplorable example of press freedom predators, and overlooking the moral obligations inherent in their public office.



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In Slovenia, the former Prime Minister is competing with Silvio Berlusconi and Robert Fico by demanding no less than €1.5 million from a journalist who denounced irregularities tainting certain procurement contracts. In France, the presidential majority could not find words harsh enough to label journalists who inquired into the Woerth/Bettencourt affair. But the prize for political meddling goes to the Greek government which, in a manner not unlike most of the government censors, went so far as to request its German counterpart to apologise for the Greek economic crisis headline used by the magazine STERN.

ETA in Spain and the IRA in Northern Ireland have for years been the most dangerous threats within the countries of the European Union. While the terrorist activities of these two movements is fortunately now on the wane, the media still continue to be the target of physical attacks and murders within the European Union.

The Balkan Peninsula is still a concern, although it has recorded major changes. Although the legislative reforms required for accession to the EU have been adopted in most Balkan countries, their implementation is still in the embryonic – if not non-existent – stage. Control of the public and private media by the calculated use of institutional advertising budgets and the collusion between political and judicial circles is making the work of journalists increasingly difficult. In a precarious situation, caught in a vice between the violence of ultranationalist groups and authorities who have not yet rid themselves of old reflexes from the

Communist era, an increasing portion of journalists are settling for a calculated self-censorship or a mercenary journalism which pays better, but gradually ruins the profession's credibility.

Blighted by mafioso activities which, every year, strengthen their financial stranglehold on the media sector, independent publications are waging an ongoing battle which deserves more sustained attention from European neighbours.

## Scandinavian heavens

Fortunately, several European countries share first place in the index again. This year it is Finland, Iceland, The Netherlands, Norway, Sweden and Switzerland. They have all previously held this honour since the index was created in 2002. These six countries set an example in the way they respect journalists and the news media and protect them from judicial abuse.

They even continue to progress. Iceland, for example, is considering an exemplary bill, the Icelandic Modern Media Initiative (IMMI), that would provide a unique level of protection for the media. Sweden distinguishes itself by its Press Freedom Act, which has helped to create a particularly favourable climate for the work of journalists. It does this by the strength of its institutions and by its respect for all those sectors of society, including the media, whose role in a democracy is to question and challenge those in positions of power.

## EU needs to discuss press freedom

Becoming a member of the EU is not easy. Candidate states must live up to the political criteria, which includes paying full respect to human rights and fundamental freedoms. These requirements, of course, apply equally to countries that are already full members, but today the Union has no tools to control how these rights are respected in practice.

In the field of economic policy, the European Union's watchdog role is becoming more and more important as a means to keep member states' finances in shape and ensure respect for common legislation. Giving the EU an equally prominent role in scrutinising how fundamental rights are respected by national governments would be a natural next step to take. The European Commission has been given a strong mandate for dealing with fundamental rights through the Lisbon Treaty.

At Europe's doors, Turkey and Ukraine are experiencing historically low rankings, the former being separated from Russia's position only by Ethiopia. These declines can be explained, as far as Turkey is concerned, by the frenzied proliferation of lawsuits, incarcerations, and court sentencing targeting journalists. Among them, there are many media outlets and professionals which are either Kurd or are covering the Kurd issue. Ukraine is paying the price of the multiple press freedom violations which have broadsided the country since February 2010 and Viktor Yanukovich's election as Head of State.

On May 3rd, we published an op-ed with Birgitta Ohlsson, Swedish Minister for EU Affairs and Democracy. Together we asked for a serious discussion on how to deal with member states that



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compromise fundamental rights, including press freedom. Freedom of speech was once born in Europe, and it must be preserved for future generations. The EU has an obligation to hold the torch of freedom high in a world where the majority of mankind cannot speak freely. We hope our call was listened to and discussion already started among European governments.



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He joined Reporters Without Borders as a member of the Asia desk in 1998 and was head of the Africa desk for several years before being appointed head of

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