

## **EU Commission President vows to improve protections for journalists**

15 September 2021; by William Horsley, AEJ Media Freedom Representative

For many years the European Commission has been criticised for its inaction in the face of mafia-style killings of journalists and heavy-handed political attempts to silence critical media through bad laws, harassment and verbal threats, and direct ownership of media in EU states and would-be member states alike. So it is notable that the Commission's president, Ursula von der Leyen, used Wednesday's State of the Union speech to the European Parliament to say that achieving better protection for journalists is now one of the Commission's foremost priorities.

"We need to stop those who threaten media freedom", she declared, citing the murders of Daphne Caruana Galizia in Malta, Jan Kuciak in Slovakia, and Peter de Vries in the Netherlands as examples. The Commission is putting forward a so-called "recommendation" aimed at giving journalists better protection.

And the independence of media companies is essential. She promised that the EU would have a Media Freedom Act within the next year.

The intention of those words is welcome, but there will be considerable scepticism among journalists and concerned civil society groups as to how much difference these pronouncements will make. The Commission has been forced to admit that (thanks to the evident reluctance of its member states), it has only limited 'competence' in the field of media freedom and journalists' physical and legal protection.

The Commission has indicated that its own Recommendation will in many ways echo the Council of Europe's 2016 Ministerial Recommendation (2016)<sup>4</sup> on the protection of journalists and safety of journalists. That document is far-reaching and it is backed in many practical cases by the enforcement authority of the European Court of Human Rights in Strasbourg. Yet the toll of violent attacks and judicial and political harassment of critical journalists cannot be said to have improved in the past five years.

The scale of the challenge facing the Commission in its ambition to 'make a difference' is daunting. This week the Association of Independent Journalists, including many leading figures working in Poland and Hungary, issued a report entitled Europe's Free Press Under Siege. The report highlights the great variety of means - like intimidation, ownership and regulatory controls of media, financial pressure and political manipulation - have regularly been used to try to replace the voices of independent media with those of sycophants and government-friendly media of all kinds.

This new report also provides more persuasive evidence that this suppression of free and independent media is often closely linked to the growth of repressive states in which a governing party seeks to dominate parliament, the judiciary and all relevant public agencies so as to seek effective permanent one-party rule.

One area where the Commission possesses quasi-governmental power is in competition law, especially the regulation of public service broadcasting. But this year the Commission reneged on an earlier promise to focus on that 'hot-button' issue in its recently-published 2021 Rule of Law report covering all 27 member states.

The EU-funded Media Pluralism Monitor's report for 2021 names 12 EU countries where the independence of public broadcasting is described as "at high risk". In Poland and Hungary, in particular, the "state mugging" of public media risks seriously distorting elections, and depriving the populations of free and diverse media.

The Commission itself is under siege from leading civil society groups to take bold actions to clamp down on the growth of abusive legal threats (SLAPPS) of the kind that Daphne Caruana Galizia faced in the years before her murder in 2017. The fourth anniversary of that assassination of an independent journalist will be marked next month. Seven individuals have admitted complicity or are being prosecuted. But no date has yet been set for the figure suspected of being the mastermind.

If, as Ursula von der Leyen says, "defending media freedom means defending our democracy", then those defences are in urgent need of repair.