

# NAVIGATING MEDIA FREEDOM IN THE EU: CHALLENGES AND SOLUTIONS

## Keynote speech

**Maja Sever**

*President of the European Federation of Journalism*

Over the past two years, since I was elected as the president of the European Federation of Journalists (EFJ)<sup>1</sup>, I have engaged in numerous discussions about the importance of defending journalism as a public good.

In Europe, significant laws such as the Copyright Directive<sup>2</sup>, the Digital Services Act<sup>3</sup>, the Artificial Intelligence Act<sup>4</sup>, the Anti-SLAPP Directive<sup>5</sup>, and the European Media Freedom Act (EMFA)<sup>6</sup> have been enacted<sup>7</sup>, and funds have been allocated for various journalism-related projects.

The most important for journalists is the European Media Freedom Act<sup>8</sup>. As the final text of the EMFA was formally adopted EFJ calls once again on the Member States to be efficient and ambitious in implementing this crucial legislation.

The final green light given to the EMFA by European governments – except Hungary – could not be timelier as the situation is worsening in several EU countries, where public service media are being used politically and weakened

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<sup>1</sup> The **European Federation of Journalists (EFJ)** is the largest organisation of journalists in Europe, representing over **320,000** journalists in **77** journalists' organisations across **45** countries. The EFJ was created in 1994 within the framework of the IFJ Constitution to represent the interests of journalists' unions and associations and their journalists. It has established an independent legal status as an international non-profit association in February 2013 according to the Belgian law. The EFJ promotes and defends the rights to freedom of expression and information as guaranteed by Article 10 of the European convention on human rights.

<sup>2</sup> Directive (EU) 2019/790

<sup>3</sup> Regulation (EU) 2022/2065

<sup>4</sup> COM(2021) 206 final

<sup>5</sup> DIRECTIVE (EU) 2024/1069

<sup>6</sup> Regulation (EU) 2024/1083

<sup>7</sup> Yurukova, Mariya, The Role of the Member States' Digital Services Coordinator for Ensuring Coordinated and Consistent Enforcement of the Digital Services Act, Proceedings from the Tenth International Scientific Conference of the European Studies Department „The State of the European Union - a need for unity and solidarity“, editor/s: Shikova, I., Simeonov, K., Tsvetkova, N., Radoykova, G., Yurukova, M., Publisher: Minerva, 2023, pages:176-187, ISBN:978-954-8702-62-1

<sup>8</sup> Regulation (EU) 2024/1083

financially, instead of guaranteeing citizens independent, plural and quality information as their mission requires.

Few days after adopting EMFA EFJ follows situation in Slovakia, drastic changes to the appointment and competence of oversight bodies would set up government control and effectively end the public broadcaster's independence, contradicting Article 5 of the EU's Media Freedom Act.

In Italy, recent major politically influenced internal management changes at Radiotelevisione Italiana (RAI) and attempts to shrink even further the financial autonomy of the Italian broadcasting service are another worrying development that the EMFA should prevent.

Article 5(2)) reads: „Member States shall ensure that the procedures for the appointment and the dismissal of the head of management or the members of the management board of public service media providers aim to guarantee the independence of the public service media providers (...) They may be dismissed before the end of their term of office only exceptionally where they no longer fulfil the legally predefined conditions required for the performance of their duties laid down in advance by national law or for specific reasons of illegal conduct or serious misconduct as defined in advance by national law.“<sup>9</sup>

„The acute situations in Slovakia and Italy show the importance of immediate and ambitious application of the EMFA, which is not only aimed at preventing political interference, but also at preventing the weakening of public service media due to a lack of financial sustainability,“ said the co-chair of the EFJ Broadcasting Expert Group (BREG), Rolf Johansen<sup>10</sup>.

The EFJ welcomes the introduction of the media pluralism test as a positive step to prevent threats to media plurality and independence from market concentration. It also welcomes better protection of online content produced by news media and journalists from the power of the platforms.

In a nutshell, the EMFA establishes minimum rules for the protection of journalists' sources, strict guarantees for the independent operation of public service media and their financial viability, transparency in media ownership and state advertising, as well as editorial independence in newsrooms.

The EFJ and its affiliates will now work to ensure that the EMFA delivers on its promises: to hold governments accountable for ensuring media pluralism and editorial independence across the 27 Member States, and to ensure that journalists are protected from undue political or other influence.

EFJ believe that law and mechanism could be stronger, But now that the EMFA has been adopted, the real test lies with how this act will be implemented

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<sup>9</sup> Regulation (EU) 2024/1083

<sup>10</sup> EFJ calls for immediate and ambitious implementation of the European Media Freedom Act, Retrieved from: <https://europeanjournalists.org/blog/2024/03/26/efj-calls-for-immediate-and-ambitious-implementation-of-the-european-media-freedom-act/>

and enforced in the EU Member States. In the EU is needed both political will at national level, but also from the European Commission and the newly created board to oversee its application.

As part of the MFRR project in 2023 and 2024, EFJ issued over 1500 warnings due to media freedom violations. Since May 2023, the EFJ has co-signed 201 warnings to the Council of the European Platform for the Protection of Journalism. Our colleagues continue to perish in wars. In Gaza, more than 140 journalists have been killed. EFJ are committed to providing help, support, and tangible assistance. EFJ raise global awareness of the dangers faced by our colleagues as they courageously report the truth in Gaza and Ukraine. Statistics show that our work remains insecure even in regions not affected by war.

Recommendations for the protection of journalists' safety have been established, and at the national level, in the different EU Member States are developing mechanisms for the systematic protection of journalists' safety.

The European Federation of Journalists disputes the conclusions of a study<sup>11</sup> commissioned by the European Commission to assess the implementation of the EU Recommendation on the protection, safety and empowerment of journalists. The report points to supposed progress that in fact remains marginal, if not ineffective.

The press release states that „since the Recommendation was adopted in 2021, most Member States (19 out of 27) have either adopted a dedicated Action Plan (Denmark, Lithuania, Sweden) or created a dedicated structure or committee (Greece, Latvia, Italy). The majority also either have or are planning to put in place a comprehensive governance supporting the safety of journalists“.<sup>12</sup>

The executive summary of the study states that „eight EU Member States (Croatia, Denmark, Greece, Ireland, Latvia, Lithuania, The Netherlands, Sweden) have established a specific governance system, eight (Austria, Belgium, France, Germany, Italy, Portugal, Slovenia, Spain) have adopted initiatives only covering specific aspects of the Recommendation (e.g. ensuring the safety of journalists covering protests and demonstrations), while three (Cyprus, Slovakia, Malta) are currently in the process of developing a governance framework. Among eight Member States with established governance systems, three (Denmark, Lithuania, Sweden) have adopted a dedicated Action Plan and three (Greece, Latvia, Italy) have adopted a more „practical“ approach with the creation of a

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<sup>11</sup> European Commission, Directorate-General for Communications Networks, Content and Technology, Study on putting in practice by Member States of the recommendation on the protection, safety and empowerment of journalists - Final report, Publications Office of the European Union, 2024, <https://data.europa.eu/doi/10.2759/205635>

<sup>12</sup> EU: No real progress in protecting journalists, contrary to what a European study claims, Retrieved from: <https://europeanjournalists.org/blog/2024/05/10/eu-no-real-progress-in-protecting-journalists-contrary-to-what-a-european-study-claims/>

dedicated structure. Greece and Latvia have created a dedicated Task Force, while Ireland introduced a Media Engagement Group (MEG). Finally, in two countries – Croatia and the Netherlands – dedicated protocols ensuring the safety of journalists have been adopted.<sup>13</sup>

It is quite shocking that this study notes progress in the measures taken by the governments of most of the EU member states,“ reacted EFJ GS Ricardo Gutiérrez. „The evaluators, who know nothing about journalism, are out of touch with the realities experienced by journalists in Europe. The report often confines itself to a quantitative approach, without really seeking to assess the quality of government initiatives, as is the case for the so-called task force set up by the Greek government“<sup>14</sup>.

Another cause for concern is the study’s observation that it is allegedly difficult to set up mechanisms for monitoring press freedom violations at national level, even though mechanisms are proving effective at European level (MFRR Platform, Council of Europe platform).

The EFJ nevertheless welcomes some of the factual findings of the study:

Journalist associations are „at the forefront of training“: the study highlights a clear pre-eminence of journalist associations in delivering training for journalists. Consultations show that media professionals can find training within 16 EU Member States (the study also notes that many training initiatives are not supported either by the public authorities or by companies in the sector);

Social and economic protection measures are currently limited, particularly for freelance journalists. „Dedicated social or economic protection for journalists is still in the early stages, indicating a need for more comprehensive measures“<sup>15</sup>;

Cooperation among stakeholders remains a work in progress, with only half of EU Member States establishing mechanisms for collaboration. Concrete measures to enhance personal protection, rapid response, and support mechanisms for journalists need further development;

A small number of Member States have developed initiatives to address online safety. The shortcomings of the Member States should have led the authors of the study and the European Commission to take a much less optimistic view of the situation. Freedom of the press is fundamental to the EU democracies. EU cannot afford to turn a blind eye to the global inaction of governments.

Statistics show that our work remains insecure even in regions not affected by war.

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<sup>13</sup> EU: No real progress in protecting journalists, contrary to what a European study claims, Retrieved from: <https://europeanjournalists.org/blog/2024/05/10/eu-no-real-progress-in-protecting-journalists-contrary-to-what-a-european-study-claims/>

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

EFJ continue to witness the persistent impunity for crimes against journalists, which includes the lack of progress in the investigation of Giorgos Karaivaz's murder, the overturning of convictions against Slavko Čuruvija's murderers, and the coerced resignations of special prosecutors in Ján Kuciak's case. Moreover, numerous countries are seeing an increase in orchestrated campaigns of defamation and discrediting of journalists, particularly during election periods, frequently orchestrated by political factions' intent on silencing journalists.

EFJ are fighting disinformation, political pressures, and market challenges. Being a journalist today is certainly not easy.

As technology advances, adversaries of media freedom are adapting by utilizing AI tools to sway public opinion. Consequently, it is imperative that our legislation evolves in tandem with swift technological advancements and that EU is establishing laws and regulations to guarantee the transparency and accountability of major technology firms. This will safeguard the autonomy of journalists and the uninhibited sharing of journalistic content.

While EFJ are trying to compel major digital platforms to halt the spread of fake news and emphasize the importance of the right to freely share journalistic content, EFJ are being surpassed by news of the development of artificial intelligence, which some media houses are already using to replace journalists and their work. That is why EFJ signed the Paris Charter on Artificial Intelligence<sup>16</sup>, the first document in journalism that defines the ethics and principles that journalists, editorial offices, and media houses around the world should adopt and apply in their work with artificial intelligence. The Charter outlines ten key principles for preserving the integrity of information and the social role of journalism. Among other things, the fundamental principles demand that ethical considerations must guide technological choices within the media, and human action must remain central to editorial decisions. The media must responsibly differentiate between authentic and synthetic content, and also be involved in the global governance of artificial intelligence to defend the sustainability of journalism when negotiating with technology companies. This is certainly another battleground where all stakeholders must unite to protect citizens' right to information and ensure the ethical management of technologies, which should remain as tools and aids in the work of journalists, rather than as replacements for genuine journalistic work.

But let us briefly return to the initial settings.

It is crucial to develop effective strategies and strong legislation, but ultimately, the most important element is the individual, the journalist. That is why, amidst all the challenges that lie ahead, including compliance with legislation, acquisition of new skills, and adaptation to technologies, it is

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<sup>16</sup> PARIS Charter on AI and Journalism, 2023, Retrieved from: <https://rsf.org/sites/default/files/medias/file/2023/11/Paris%20Charter%20on%20AI%20and%20Journalism.pdf>

paramount to empower and protect the labour and professional rights of journalists. Strong and secure journalists are the foremost defence against disinformation, fake news, and various political pressures. Free and independent journalists are the cornerstone of every democratic society.

As Europe draws closer to crucial elections for the European Parliament, the necessity for independent journalism serving the public interest and robust journalists has never been greater. Journalists must have the freedom to act and report without facing pressure or intimidation.

The European Federation of Journalists has published a Manifesto entitled „Stand up for Journalism as a Public Good,”<sup>17</sup> aimed at heightening awareness of the vital need to defend the rule of law, media freedom, and media pluralism. It outlines actionable steps to ensure the sustainability and safety of journalism, as well as the regulation of artificial intelligence.

EFJ advocate for the promotion of sustainable journalism, the public and transparent investment in high-quality journalism, and the assurance of independent and enduring funding for public media services. EFJ call for fair compensation from big tech companies for the use of journalistic content and for journalists' copyrights. From the EU, EFJ expect the provision of funds for the continuous financial support of independent journalism, media literacy initiatives, the monitoring of attacks on journalists, and support mechanisms. Furthermore, EFJ insist on creating a secure environment for journalists to eliminate impunity and prevent attempts to silence them with SLAPP lawsuits, as well as to protect them from the misuse of spyware. In the realm of artificial intelligence, EFJ demand greater transparency regarding training data and synthetically generated content, obligatory compensation for creators, and the establishment of guidelines for the ethical use of artificial intelligence.

The essential message in times of significant pressures and challenges faced by journalists in their daily work is that ensuring their safety and the protection of their professional and labour rights is fundamental to the struggle for robust, independent, and free journalism.

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<sup>17</sup> EFJ Manifesto for 2024 EU elections: Stand up for journalism as a public good, Retrieved from: <https://europeanjournalists.org/wp-content/uploads/2024/03/Stand-Up-for-Journalism-EFJ-Manifesto24-Design.pdf>

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