

International Seminar: Press Freedom Under Threat

10 October 2017, Ghent, Belgium

REPORT

The aim of the international seminar, organised by Ghent University, Faculty of Law and Criminology, and Ossigeno per l'Informazione, was to bring journalists, academics, organisations that support and monitor press freedom, and students together to discuss the current worldwide threats to media and journalists.

The seminar was opened by **Eva Lievens (Ghent University)** and **Alberto Spampinato (Ossigeno per l'informazione)** stressing the fact that media freedom is threatened all around the world. Journalists worldwide are being intimidated, imprisoned and sometimes killed. In other countries, threats to press freedom take other forms, such as the weakening of the protection of journalistic sources. However, freedom of expression and freedom to receive information are fundamental rights which need robust protection. There is a significant lack of awareness, education, and facilities with regard to defending these rights, even among media operators, journalist organisations and journalists themselves. The monitoring activities undertaken by NGOs, such as [Ossigeno per l'informazione](#), are especially important today and should thus be established in more countries and be supported more widely.

Dirk Voorhoof (Ghent University) presented the state of press freedom in Europe in the 21st century in the context of the European Court of Human Rights (ECtHR)'s case-law. Issues which are crucial for press freedom are inextricably linked with the protection of journalists and their sources, access to information, whistleblowing and investigative journalism. The respect for these rights is reflected in press freedom rankings provided by organisations such as [Reporters without Borders](#) and [Freedom House](#). These rankings demonstrate that in states in which press freedom and journalist rights do not exist or are curtailed there often is an overall lack of respect for the protection of human rights in general. From a broader perspective, press freedom and journalist rights are linked to the sustainability of democracy. Transparent, effective and accountable institutions, public access to information and the protection of fundamental freedoms are some of the goals of the [UN Sustainable Development Strategy](#). Domestic and local authorities of Member States, the Court of Justice of the European Union, the ECtHR of the Council of Europe, non-governmental organisations, networks of investigative journalists and various platforms should all be involved in achieving these goals. Therefore, monitoring, awareness-raising and reporting of killings, violence, imprisonment, physical threats, intimidation and prosecution of journalists and media representatives is crucial. Organisations and platforms such as the [International Federation of Journalists](#), the [Committee to Protect Journalists](#), [Article 19](#), the [European Centre for Press and Media Freedom](#), and the [Council of Europe platform to promote the protection of journalism and safety of journalists](#) contribute to the achievement of these goals. However, according to Dirk Voorhoof, a challenging question for the coming years remains: "Is there still a business model for 'responsible' public interest journalism?"

Finally, recent developments were highlighted through an overview of the ECtHR's case-law regarding (1) the protection of journalists' sources, (2) protection of whistleblowers, (3) access to public and official documents and (4) investigative journalism. Although a quite high, and often increasing, degree of protection is usually afforded to journalists and their activities by the ECtHR, loopholes still exist. The ECtHR should continue to

uphold high standards of protection of freedom of expression and journalists' rights, by strictly scrutinising all kinds of interference with journalists, media outlets, NGOs and other public watchdogs' rights, and hence leaving a narrow margin of appreciation to the Member States in these matters.

A question from the audience concerned the possible safeguards to ensure that the *rights to presumption of innocence* and *fair trial* are protected from 'press leaks'. In this respect, Dirk Voorhoof stressed that it is crucial to balance the different human rights concerned. It is true that, on the one hand, freedom of expression must be protected, but on the other hand, other human rights of individuals might also be at stake (such as privacy and fair trial). A balancing exercise must entail the analysis of all the elements of the case at hand. However, media and journalists cannot be required to respect the presumption of innocence in the same way as judges are required to.

The second part of the international seminar focused on existing instruments for monitoring and safeguarding press freedom and supporting journalists, presented by **Scott Griffen** ([International Press Institute](#)), **Flutura Kusari** ([European Centre for Press and Media Freedom](#)) and **Alberto Spampinato** ([Ossigeno per l'informazione](#)).

The [International Press Institute \(IPI\)](#) is a global media freedom and press freedom organisation founded in 1950 in New York by prominent editors from around the world. The organisation, which is underpinned by a network of practicing editors, publishers and journalists, promotes the free flow of information across borders and, among other goals, focuses on monitoring press freedom violations all over the world. They bring violations to the attention of society and explain why they should not be tolerated. Journalists' safety is still very important today as physical attacks against and killings of journalists keep being reported. An average of around 100 journalists are murdered around the world on an annual basis. As crimes against journalists often tend to go unpunished, impunity is regarded as an additional pressing issue. The perpetrators are either not identified or never convicted for the crimes they commit. Moreover, legal harassment of the press is very often associated with a disproportionate application of libel and defamation laws in a number of countries. Nowadays, press freedom online is equally threatened because of surveillance, digital safety and cyber security issues involved. Less direct violations of media freedom include concentration of media ownership, censorship, abuse of power and provision of financial support to government-friendly media only. Notably, the current lack of public trust in the media is fuelled by the fact that certain political figures try to delegitimise the work of professional media, thus undercutting the power journalism may have. IPI uses different press and media freedom monitoring methods. They analyse and cover press freedom violations in many countries in a journalistic style, undertake journalistic exercises, and engage in fact-checking and collecting sources. The results of their activities are made available to the public through online media, articles and blogs. At the moment, special attention is given to the solidarity campaign concerning the journalists arrested in Turkey.

The [European Centre for Press and Media Freedom \(ECPMF\)](#) was established in 2015 in Leipzig, Germany, and aims to facilitate cross-border activities to support and monitor press freedom. The ECPMF is mainly funded by the European Commission and now counts around 40 members – NGOs and individuals. The instruments used by the organisation include (1) legal aid programmes (legal advice, engagement in national and international litigation, financial help provided to journalists and organisations) concerning defamation, imprisonment, harassment, whistleblowing, protection of sources, censorship, and access to public

information cases, (2) journalist-in-residence programmes providing direct help for journalists under threat and (3) fact-finding missions conducted with partner organisations.

[Ossigeno per l'informazione](#) is a monitoring organisation established in Rome and a member of ECPMF. The organisation collects information about threats to media freedom and freedom of expression, verifies the information and eventually makes it public. At the moment, more than 3000 cases of press freedom violations have been reported by Ossigeno. Such central observation and monitoring organisations should be established all over the world to fight threats to freedom of expression more effectively. Despite the fact that the Council of Europe has created a [platform](#) for alerts on the most serious violations on the freedom of the press, there is a lack of awareness of and input to the platform. Therefore, local observation and monitoring organisations could and should play an important role in fuelling this platform.

A question from the audience concerned the solidarity towards freedom of expression violations outside of Europe. Despite the fact that journalists, academics and NGOs express solidarity towards countries like Turkey, such initiatives do not appear to have a concrete and tangible impact on the level of press freedom. In this context, Scott Griffen stressed that whereas effective pressure indeed sometimes appears to be missing, Europe has a very important role to play outside its frontiers as well.

The seminar ended with a panel which discussed concrete threats to day-to-day journalistic practices in Europe and in Belgium. The panel was moderated by **Sarah Van Leuven (Ghent University)** and consisted of Belgian journalists **Mehmet Koksal (European Federation of Journalists)**, **Bram Souffreau (Apache)** and **Bart Aerts (VRT)**.

Mehmet Koksal is a Project Officer at the European Federation of Journalists (EFJ) and a Belgian-Turkish journalist. He noted that a significant number of press freedom violation cases is also reported within Belgium. He stressed that journalists who have been intimidated do not always contact the journalist organisations to report the violation, so keeping track of the actual situation proves to be difficult. Hence, an observation and alert system is crucial for keeping track of all violations. In any case, journalists should avoid staying alone when faced with threats and violations of their rights. Support from the legal and media community is very important and should be sought. He voiced his belief in the fact that the relationship between journalists and the readers is trust-based and can be maintained through quality journalism.

Bram Souffreau is a co-founder and operations director at [Apache](#), a Flemish investigative journalism website founded 8 years ago. The biggest challenges faced by the organisation are currently associated with defamation lawsuits brought against the organisation, accompanied by heavy compensation claims. Mr Souffreau stressed the importance of legal support offered to the journalists, as well general support from the public. There is a certain chilling effect resulting from the lawsuits, but this affects the managers of the organisation more than the journalists themselves who remain very committed to the type of investigative journalism that they conduct and the manner in which it is conducted.

Bart Aerts is an independent journalist working for the Flemish broadcasting company [VRT](#). After his report on possible influences on certain judges and prosecutors in Belgium was aired, he was subjected to a home search which resulted in the seizure of his computer and iPhone by the police. He was taken into custody and questioned about his journalistic methods and ethics. Mr Aerts stressed that given the fact that journalistic sources deserve robust protection, the measures that were taken in his case constitute a harsh violation of

this right. Although he is very confident about the fact that any criminal conviction would constitute a violation of his right to freedom of expression, he also stressed that other journalists are now more careful because of what happened to him. In his view, this is not acceptable. Such intimidating incidents are not expected when one starts working as a journalist. If, as a journalist, you adhere to journalistic standards and deontology, it is very surprising to suddenly become the object of legal action.

The international seminar was concluded by **Sarah Vantorre** ([Ossigeno per l'informazione](#)) who stated that independent journalism and press freedom are essential in a democratic society. She stressed the need for an international scientific and journalistic community that shares research, data and experiences, so that the current situation worldwide, including in Europe and Belgium, can be improved.

Rapporteurs: Ingrida Milkaite and Argyro Chatzinikolaou (Ghent University)