



10 PROPOSALS TO BETTER PROTECT PRESS FREEDOM IN EUROPE



March 2019

Preamble

Press freedom is backsliding in the European Union: attacks on the media are mounting in Poland and Hungary; journalists are murdered in Malta and Slovakia; at the same time, editorial independence is under threat from governments and businesses, while the publication of fake news is widely used to disrupt elections and quality journalism is running into trouble.

The 2019 European elections present an opportunity to make press freedom, independence and diversity of news and information cornerstones of the European Union. Now is the time to adopt a policy that focuses on the right of citizens to reliable news and information, and to protect journalists. It is time to appoint someone to take on this role, a European Commissioner who will take affirmative action and lead the fight. RSF has drawn up 10 proposals that would enable the next European Parliament to make free and independent news and information a priority for the next five years.

1. Appointment of a European Commissioner in charge of the freedom, independence and diversity of news and information

We believe that **freedom of the press should have its own representative**, a Commissioner entitled to use all European policies and their legal instruments to succeed:

Protection of fundamental rights;

Regulation of the digital market and online platforms, including a strict competition policy;

Security to ensure protection against manipulation of news and information during election campaigns.

2. Early warning on breaches of press freedom

For NGOs there should be an **emergency point of contact** to sound the alarm as soon as a breach of fundamental rights is observed in the European Union. The hereby-mentioned Commissioner would be responsible for taking action in conjunction with national authorities to ensure freedom of news and information is safeguarded. This would include instances where the personal safety of a journalist or his family is in danger.

3. Sanctions against predators of press freedom

The president of the United States, and the British and Canadian prime ministers have administrative and financial powers, such as visa bans or the freezing of assets, aimed at preventing serious breaches of human rights. These are known as *Magnitsky* sanctions.

RSF calls on the European Union to pass a **Magnitsky Act in order to have a means to punish individuals or entities** that flout human rights anywhere in the world. The proposal was clearly stated by the current legislature on 14 March 2019. Next step is to facilitate the decision at the Council of the European Union, to ensure that sanctions are proportionate, based on transparent and specific criteria and not arbitrary, with a right of appeal.

4. Competition policy should promote diversity of news and information

Competition policy is a core competency of the European Union and the Commission plays an essential regulatory role. The above-proposed Commissioner would **tailor competition policy** into a genuine tool for protecting the basic elements of freedom of the press:

- By regulating online platforms that have a monopoly and present a danger to the integrity of news and information;
- By preventing acquisitions of large corporations which could create **conflicts of interest** in the fields of news and information.

5. New guarantees for the global space of communication and information

The public sphere has come under threat from trolls that cause interference and from online platforms using algorithms that speed up the dissemination of false or manipulative information. This has raised a number of legal and political questions and led to the launch by RSF of its “Information and Democracy” initiative in November 2018.

This Declaration, supported by 12 democratic countries, sets out the basic principles with which those who take part in the public debate must comply in order to ensure its integrity. It calls for the **creation of an “Information and Democracy Partnership”**. It would establish a forum for negotiation where governments and civil society, together with experts, could work out new norms and standards. The European Union, founded on the principles of freedom, should take part in this process with goodwill.

6. Ensuring reliable information prevails over manipulation

There are two responses to “fake news” on the Internet: to ban a phenomenon that is difficult to define in law; or to strengthen the reliability of information in its broad sense .

RSF prefers the second approach, which takes greater account of fundamental rights and presents less of a danger to freedom of expression. In order to achieve it, we urge the European Union to **make use of the tools of the Journalism Trust Initiative**, designed to promote journalism by creating a comprehensive and agreed set of trustworthy standards and to differentiate it from the mass of news and information.

7. Rebalancing European legislation: freedom of expression and the digital single market

The European Union has traditionally focused on the development of a digital single market, and its e-commerce directive has failed to ensure that the leading online platforms are held accountable. European legislation needs to be readjusted in order to provide better protection for freedom of opinion and expression.

For this reason, RSF calls for a **European regulation setting out new principles**. An online platform that contributes to a breach of freedom of expression or opinion should be punished. A system of responsibility, and its attendant obligations such as vigilance and transparency, should be set at the European level, just as the digital single market operates at the European level.

8. Tackling the harassment of journalists

There are many cases where legal procedures have been exploited to harass and intimidate journalists. Abusive procedures are used to muzzle the media. RSF argues that the next Commission and Parliament, as well as the Council, legislate to prevent such misuse of legal proceedings in the form of "Strategic Lawsuit Against Public Participation" (SLAPP).

9. A State of the Union for press freedom in the EU

RSF calls for the European Parliament periodically to **review compliance with press freedom legal framework** in all members states. This could be in the form of a report by a group of independent experts, thus avoiding the exercise being exploited by political groups in Parliament. It would produce **country-by-country recommendations** and, in the most serious breaches, such as the murders of journalists, there would be a public hearing of the Heads of State or Government of the Member-State concerned, or even a public inquiry. Such infringements should be punished and, in the most serious cases, could therefore lead for example to the suspension of European funds to the Member States concerned.

10. Strengthening press freedom in the EU treaties

The Treaty on the European Union and the Treaty on the Functioning of the European Union do not provide sufficiently clear protection for freedom of the press or the independence and pluralism of news and information. **How to improve this should be the subject of a Europe-wide debate** which should consider the need for:

- The inclusion of press freedom and the independence and pluralism of news and information among the values of the European Union. They should be specifically included among the values set out in **Article 2** of the Treaty on the European Union.
- A stronger role for the **Court of Justice of the European Union**. RSF calls for the court to be able to undertake investigations on its own initiative or at the request of national jurisdictions, national ombudsmen or NGOs.

- Broader powers for the **European ombudsman**. RSF believes he or she should be allowed to monitor compliance with the EU Charter of Fundamental Rights by member states as well as by EU institutions.



The European elections should provide the EU with a clear mandate to tackle freedom of the press. RSF urges candidates to adopt these 10 proposals to show them the way.

An initiative by

**REPORTERS
WITHOUT BORDERS**
FOR FREEDOM OF INFORMATION