



Fighting Words: Journalism Under Assault in Central and Eastern Europe

Meera Selva

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About the Author

Meera Selva is director of the Journalist Fellowship Programme at the Reuters Institute for the Study of Journalism and an accomplished senior journalist with experience in Europe, Asia, and Africa. She spent three years working in Berlin and Singapore for *Handelsblatt*, and had previously spent several years as a UK correspondent for the Associated Press. She has also worked out of Nairobi as Africa correspondent for the *Independent* and as a business journalist at a range of publications, including the *Daily Telegraph* and *Citywire*.

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This report was written while remembering always Ján Kuciak and his fiancée Martina Kušnírová, and Viktoria Marinova.

Malta is not included in this study but Daphne Caruana Galizia's assassination and the campaign her sons Matthew, Andrew, and Paul have run to draw attention to her murder and call for justice have played a crucial role in highlighting the issue of media freedom across Europe.

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Editor's Note: This report was amended to remove some quotations that were erroneously attributed.

Methodology

This report is based on a combination of an online survey of a strategic sample of almost a hundred journalists working in 16 countries in central and eastern Europe, combined with interviews with key journalists and seminars and background conversations held at the Reuters Institute for the Study of Journalism.

The online survey was fielded between 4 November 2019 and 14 December 2019. Ninety-seven journalists responded, resulting in a response rate of 48%. The countries selected were as follows: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Montenegro, Northern Macedonia, Poland, Romania, Serbia, Slovakia, and Slovenia.

While all countries are covered, four key countries, Hungary, Poland, Slovakia, and Bulgaria, are covered in more detail: the first two as they host some of the largest media systems in the region, and the latter two as countries where journalists were killed.

As the survey was in English and on a sensitive topic, we used a non-probability sample (convenience sample) to reach journalists from the target population. As a result, the respondents are most likely to come from digital sites and from independent news outlets, though an effort was made to reach as wide a range of journalists as possible. The results reflect only our respondents and cannot necessarily be generalised to all journalists across the region.

The surveys were sent out and collated via JISC online surveys, provided by the University of Oxford.

The surveys were accompanied by interviews with key journalists in the region, both on and off the record. The interviews were carried out in English, German, and Hungarian, though all were translated into English for this report.

Furthermore, the report was complemented by a set of seminars at the Reuters Institute for the Study of Journalism and discussions with journalists participating in the Institute's journalist fellowship programme and summer schools.

Executive Summary

In this report we identify the pressures currently being applied to independent journalists working in central and eastern Europe. We show that the autonomy and independence of the media across much of Europe is under threat from politicians, who launch verbal attacks on journalists, but also from other journalists, who discredit and smear colleagues working for rival publications.

The report arrives at a time when several countries in central and eastern Europe have dropped fast down various press freedom indices, most notably Poland and Hungary. In Slovakia, the murder of investigative journalist Ján Kuciak and his fiancée Martina Kušnírová created a public uproar that led eventually to the resignation of the prime minister and several ministers, but it also highlighted the physical threats facing journalists who investigate corruption and organised crime.

To understand the situation and examine what can be done to address it, we sent out a questionnaire to journalists in 16 countries in the region, asking them about the state of press freedom and the areas in which they felt their ability to work was being curtailed.

We also asked them about sources of support and solidarity in their profession and asked what may be of assistance to them in the future.

This report focused very much on the experience of working journalists and the threats that they directly identify. The journalists questioned spoke of coming under attack from politicians who discredit individual journalists and media outlets, launch vexatious lawsuits, and weaponise government advertising revenue to harm critical media and financially boost friendly outlets. There is also in many countries an outright state of media capture, where media outlets have been brought under direct or indirect government control.

The region's media landscape is also marked by rising job insecurity for journalists, along with increased polarisation in the media landscape. Outlets are characterised as being starkly pro- or anti-government and the journalists who work for them are also essentially made to pick a side.

In this climate, many journalists seek solidarity and support to continue their work, but do not always find it.

This paper ends with a discussion of what can be done to support journalists. Possible solutions range from recognising the pressures journalists are under and working peer-to-peer, in professional networks, and inside organisations to ensure they have the mental tools to handle that pressure, to building on collective responses and calling on media associations and professional associations, both domestically and internationally, to highlight the factors that hamper independent journalism.

There is also a call for more media organisations to rethink their relationship with the public. While journalists have tended to be reluctant to advocate for themselves, this report argues that this is a moment when journalists must remain politically independent but be prepared to talk about the value they provide in society, to convince the public not only to pay for good journalism but to support it when it comes under fire.

Introduction

In Europe, one of the safest continents in the world for press freedom, three journalists have been murdered in the last three years: Daphne Caruana Galizia in Malta, Ján Kuciak in Slovakia, and Viktoria Marinova in Bulgaria. All three had reported on government corruption and organised crime.

These deaths did not happen in a vacuum. They happened in a climate where many journalists have been attacked and undermined and discredited by politicians, where the media have been captured or financially weakened, and where lawsuits have been used to systematically hamper and inhibit the pursuit of investigative, independent journalism.

On 23 September 2019, Arthur Sulzberger, publisher of the *New York Times*, commandeered some of his newspaper's pages to write an opinion piece, headlined 'The Growing Threat to Journalists Around the World.' In it he warned that:

Around the globe, a relentless campaign is targeting journalists because of the fundamental role they play in ensuring a free and informed society. To stop journalists from exposing uncomfortable truths and holding power to account, a growing number of governments have engaged in overt, sometimes violent efforts to discredit their work and intimidate them into silence.

His words, referring to the United States as much as elsewhere, highlighted the growing need for vigilance over the state of media freedom worldwide and the importance of allowing journalists space to speak about the stresses under which they operate.

Reporters Without Borders, which publishes its annual World Press Freedom Index, highlighted that Europe's journalists are being subjected to many forms of pressure, including growing anti-media rhetoric from governments. There has also been growing aggression towards journalists from organised crime cartels worldwide and the effects of this are being felt in central and eastern Europe, both through the assassination of Ján Kuciak and also through attacks on and intimidation of several journalists.¹ This is particularly the case in the Western Balkans, in countries such as Montenegro, where investigative journalist Olivera Lakić was shot in the leg in May 2018 after reporting on the links between officials and cigarette smuggling.

And as this survey draws out, some of the most pernicious attacks on independent journalism come from other journalists, often working for state-controlled media. This polarisation within the profession has pushed many journalists into silos they do not want to be in, and deepened the sense of being under siege.

From 2014 to 2018, Index on Censorship documented media freedom incidents across Europe to see how journalists and media outlets have been targeted. In addition, the Council of Europe in its annual report highlighted growing threats to the profession in 2018. And in November 2019, Rasmus Kleis Nielsen, Robert Gorwa, and Madeleine de Cock Buning presented the main threats to what they described as 'Europeans' fundamental right to freely receive and impart information', highlighting several threats to free expression and media freedom in Europe, including harassment, the erosion of legal protections, and media capture (Nielsen et al. 2019).

¹ https://rsf.org/sites/default/files/en_rapport_mafia_web_o.pdf

In countries such as Hungary and Poland, an illiberal populist party won a parliamentary majority and then started a conservative nationalist project, concentrating executive power, stripping away opposition, and exerting partisan control over public institutions and the media.

In other countries the threat comes not so much from populist parties but from anti-establishment parties, or simply private interests hijacking the agenda of mainstream political parties.

This report focuses on central and eastern Europe but will draw in examples when relevant from other countries. The aim of this report is not to say that authoritarian regimes are on the march but to highlight how democratic norms and press freedom are being undermined within some democracies.

It is important to highlight that some of the countries in the study are actually among the best ranked places for press freedom worldwide. The Baltic states in particular have a relatively pluralistic media: independent media with high levels of internet penetration creating a space for innovative digital journalism. Estonia ranked 11th, above Germany, Canada, and Ireland. Latvia at 24th is above the United Kingdom. Slovenia and Slovakia are on a par with the UK and France. This could be partly because the politics in these countries is fragmented and so far it has been hard for one group consolidate power. But it is a testament to a commitment to media freedom and an understanding of its importance.

But all countries need vigilance.

Press freedom can be chipped away at in many different ways, and by the time the situation becomes critical it is too late. India, Mexico, and Turkey are all democracies that have managed in their histories to develop pluralistic political systems and conduct credible elections and peaceful transitions of power. But they are now among the worst countries to be a journalist. Turkey, once seen as a model for Muslim countries, is now the world's worst jailer of journalists. India, the world's largest democracy, has become an incredibly dangerous place to be a journalist. At least 11 have been killed since 2017, including three killed in hit-and-run car crashes in 24 hours in 2018, and other journalists face huge levels of online abuse, physical attack, and harassment. In Mexico, drug cartels have assassinated investigative journalists at such a rate it is now the most dangerous country outside conflict zones to be a journalist.

Each of these countries has, and has had, first-rate independent, high-minded principled journalists who are excellent at their jobs. But these journalists and their media houses have not always been as good at selling their case to the public, at clearly articulating the value and purpose of journalism, or at showing solidarity with their colleagues at rival outlets when they come under attack.

In central and eastern Europe, at the moment, there is a chance to do just that. While there are ever heavier pressures bearing down on journalists in the region, there has been a push back in the narrative. In March Zuzana Caputova was elected president of Slovakia on a liberal anti-corruption ticket, and moderate candidates have all won presidential elections in North Macedonia, Latvia, and Lithuania.

Several countries, including the Czech Republic, Slovakia, Lithuania, Romania, and Bulgaria have seen large-scale protests against corruption that have included vocal support for the media and the journalists who helped uncover some of the worst examples of corruption.

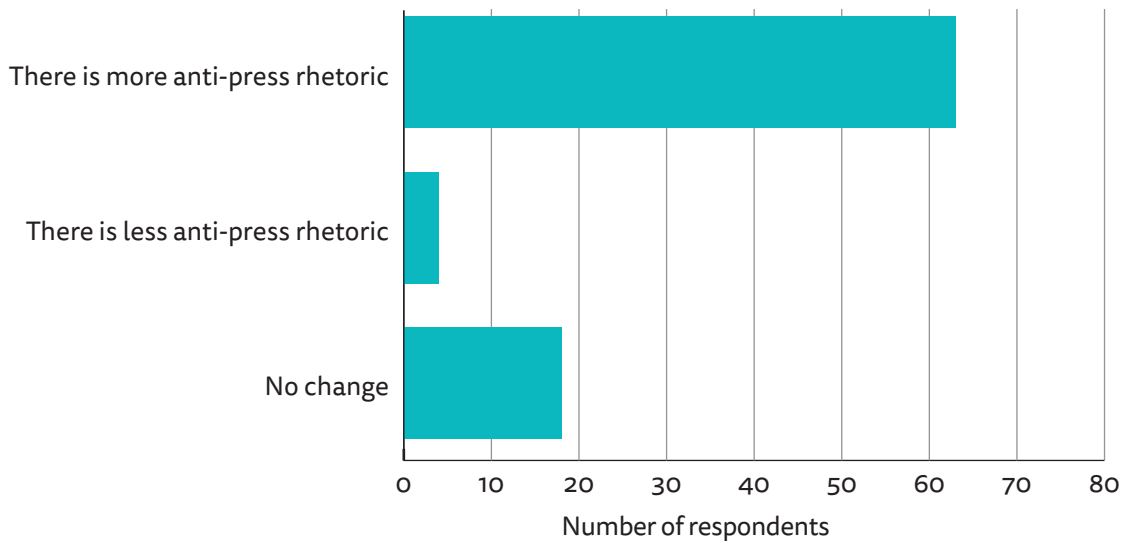
This then seems to be a good moment to see if journalists should speak out more, to define their function in society and call for the support they need to operate safely and effectively. But to do that we must first identify the threats, to see where the possible solutions lie.

Journalists in central and eastern Europe have a long history of dealing with state pressures, censorship, politicised owners, and legal blocks to their work. Marius Dragomir and others have documented the pressures on the media in the region in the form of media ownership, regulation, legislation, physical attacks, and threats against journalists or media owners (Dragomir 2018).

This, combined with the pressures on journalism worldwide – a fall-off in commercial advertising revenues, digital disruption, an ageing readership – has made the industry vulnerable to attack.

The journalists in this survey were asked if they felt anti-press rhetoric in their countries had improved or worsened in the last three years, and the majority felt things had worsened.

Perceived change in anti-press rhetoric since 2015



Q22f. What do you think has happened to anti-press rhetoric since January 2015? There is more anti-press rhetoric, there is less anti-press rhetoric, no change. *Total sample: 97*

We asked journalists both in the survey and in on- and off-the-record interviews, to identify where they thought the threats to press freedom were coming from. From their responses we identify six major areas of concern for journalists in the region:

1. Anti-journalist rhetoric by politicians and rival media
2. Online and offline attacks on journalists
3. Media capture and the weaponisation of state advertising
4. Deteriorating legal environment
5. Concerns over a journalist’s ability to protect sources
6. Lack of collaboration and solidarity

Because this report is focused on threats to independent journalism in a region where many news media are effectively captured, we sent the survey specifically to journalists known for independent reporting. As a result, it is skewed towards digital and print platforms, even though state-run television is a significant source of news for much of the population in eastern and central Europe, but the pressures facing the journalists who responded to the survey in many ways define the limitations of the media landscapes in the region.

1. Anti-Journalist Rhetoric by Politicians and Other Media Outlets

In November 2016, 15 months before Ján Kuciak was murdered in Slovakia, the prime minister, Robert Fico, lashed out at journalists who had questioned him about allegations that public procurement rules had been broken during the country's EU presidency. Speaking to a group of local reporters, he said: 'Some of you are dirty anti-Slovak prostitutes ... You don't inform, you fight with the government.'

The language he used was part of a wider, more disturbing trend to use the language of sex and shame to attack journalists. The Indian minister for state for external affairs, General V. K. Singh, used the term 'presstitutes' to describe journalists in a tweet in April 2015. He later apologised, but the term caught on in India – a country where journalists now are frequently attacked and sometimes killed. Politicians worldwide have used similar language to coordinate widespread attacks on the press.

Czech president Milos Zeman has picked up the anti-press rhetoric. While standing next to Russian president Vladimir Putin in May 2017 he called for journalists to be liquidated. In October 2017 he greeted a group of journalists with a dummy Kalashnikov, and two months later he cracked a joke about journalists, referencing the death of *Washington Post* reporter Jamal Khashoggi at the Saudi embassy in Istanbul, saying: 'I love journalists, that's why I may organise a special banquet for them this evening at the Saudi embassy.' In a climate where these comments are seen as acceptable, the Czech Republic has also fallen fast down the press freedom index. Two years ago, the Czech Republic was 23rd on the World Press Freedom Index; it is currently ranked 40. The key factor is a concentration in media ownership, driven by the current prime minister, Andrej Babiš, but the easy casual attacks on journalism play a part.

In Albania, Prime Minister Edi Rama frequently refers to journalists as rubbish bins (*kazan*), while the leader of the opposition, Lulzim Basha, refers to the media as 'captured and bought'. Unsurprisingly, Albania has just passed a draconian set of anti-defamation laws that allow government agencies to hear complaints about news sites, demand retractions, impose fines, and suspend their activity.

In Montenegro, meanwhile, investigative journalist Olivera Lakić was shot in the leg at close range in May 2018. This was just a month after the president, Milo Djukanovic, had said *Vijesti*, the newspaper she worked for, was promoting 'fascist ideas' after they wrote about his son's business dealings when he was party leader.

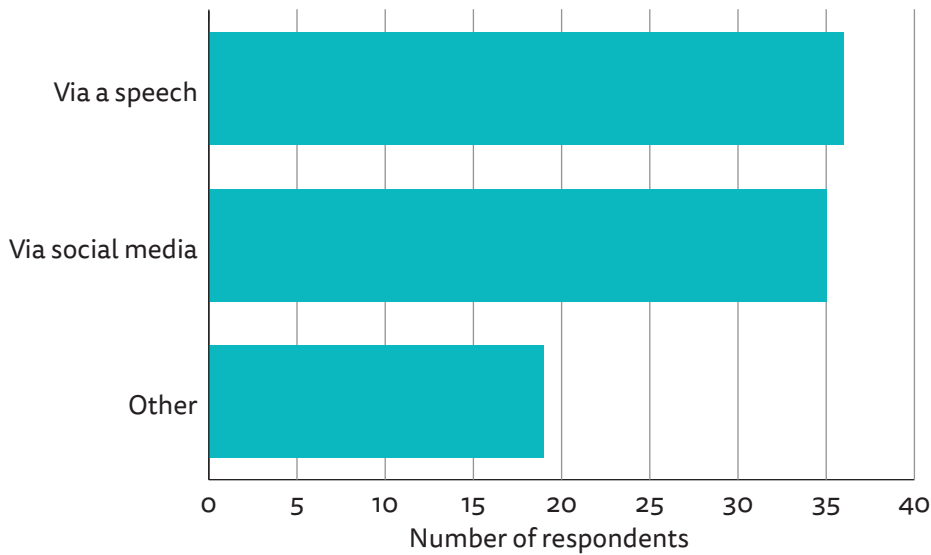
In our survey, 63% of all journalists questioned said they had been publicly criticised by a politician for a piece of journalism they produced, with 58.1% of those saying the criticism came via a speech and 56.5% said it was delivered via social media.

The striking thing on the graph overleaf is that online attacks by politicians are only part of the picture; much of the criticism was delivered the old-fashioned way, by speeches and remarks at press conferences or by calling up the editors of publications.

The language of these attacks usually treated the journalist in question as somehow outside the mainstream national norms. Many journalists said outlets connected to the Open Society Foundation, run by George Soros, were particular targets. Soros is Jewish, and much of the framing

about his support for the media, academia, and civil society in central and eastern Europe is couched in anti-Semitic terms.

Forms of direct criticism of journalists by politicians



Q24. If a politician has ever publicly criticised you for a piece of journalism you produced, how was that criticism delivered? Via a speech. Via social media. Other. *Base: All those who said they had been publicly criticised by a politician for a piece of journalism they produced = 58*

Polina Paunova, political editor at Radio Free Europe, talked about how, when she asked critical questions at a press conference, ‘journalists loyal to the government stood up and accused me of being a spy of George Soros. In that context, it discredits me and prevents me from doing my job.’

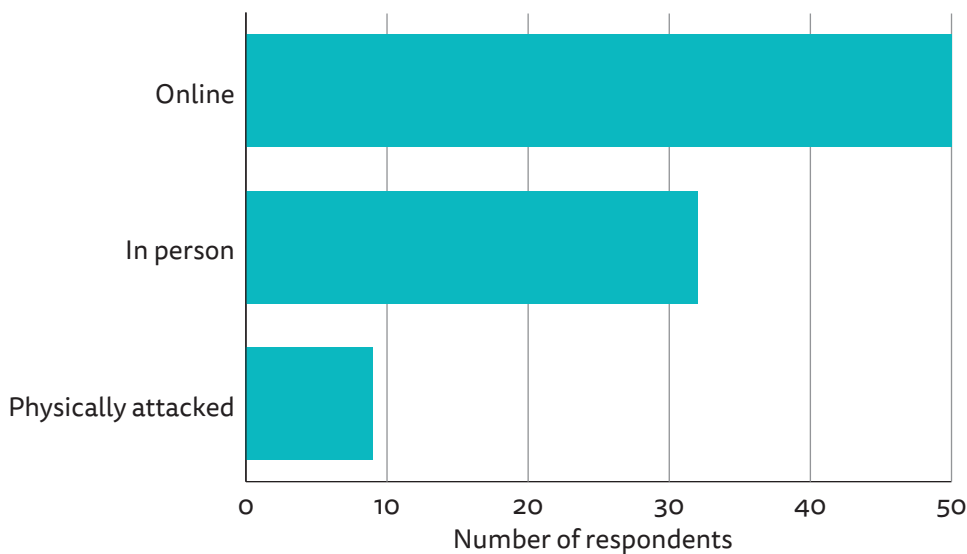
This report will go on to discuss the implications of this rising polarisation.

2. Attacks Online and Offline

Much of the most innovative independent journalism in central and eastern Europe has come from digital-born news outlets, and it is striking that many of the most fearless anti-corruption reporting has come from online portals such as Slovakia's *actuality.sk*, and Hungary's *444.hu*. But the online space is also becoming a bearpit for journalists, who are routinely attacked or trolled.

In our survey, 64.5% of all questioned said they had been threatened or harassed for their work as a journalist; 83.3% of those said the attacks had come online, and just over half said it had been in person.

Ways in which journalists have been harassed



Q20. If you have been threatened or harassed for your work as a journalist, how was it done? You may tick more than one. *Base: All those who said they have been threatened or harassed for their work as a journalist = 60*

Of our journalists surveyed, 16.7% also say they have been doxxed, i.e. had their personal information, such as their home address or details of their private life, made public online.

Just under half (46.5%) said they felt online attacks had worsened in the last three years, 36.8% said they had received more threats, and 31.4% perceived no change in threats.

This shows an intensifying trend. A related survey by the Council of Europe in April 2017 of journalists in its 47 member countries said that 40% said they had been subjected to forms of harassment that affected their personal life, and 53% of these consisted of cyber harassment (Clark and Grech 2017).

This is concerning on several levels. The attacks take a mental toll on journalists, detract from the stories they want to tell, and use up time and energy.

These online attacks are also deeply personal. Criticisms delivered via speeches or at press conferences are public – other people hear the same message as the recipient, at the same time.

Journalists who are attacked online receive this abuse via their mobile phones or computer screens, at any time of day or night, and often no one else knows about it unless they choose to share the messages. And many of the journalists interviewed say they are often reluctant to share many of the messages of abuse, partly because they don't want to react as if they are affected by them and partly because, under deadline, they simply don't want to take the time to engage with the messages in any way. As a result, the true scale of the online harassment of journalists is hard to measure and is most likely under reported.

This is especially true for female journalists, who often bear the brunt of these online attacks. In many ways the virulent harassment of women online is an extension of the attacks on female bloggers in the early days of the internet. And while there is more likely to be more women journalists in central and eastern Europe than in many parts of the world, they are still more likely to be judged on their looks and attacked in highly sexualised terms. This abuse of women circles back to the extremely sexualised language used by politicians when attacking the press.

3. Media Capture and the Weaponisation of State Advertising

Media capture in central and eastern Europe is caused by a combination of weak regulatory framework, financial pressures, and private individuals with political motivations who want to acquire media or influence them. These problems are often compounded by market concentration, lack of pluralism, and problematic forms of ownerships.

Marius Dragomir, in his report on *Media Capture in Europe*, documented how journalism in central and eastern Europe has been distorted by dominant media groups, controlled by a handful of moguls and government-financed media channels in the last decade. He said that things have now reached a critical point (Dragomir 2019):

The collusion between the political class and media owners has reached unprecedented levels, leading to a phenomenon known as media capture, a situation where most or all of the news media institutions are operating as part of a government-business cartel that controls and manipulates the flow of information with the aim of protecting their unrestricted and exclusive access to public resources.

The first signs of media capture in the region happened in the late 2000s, at the moment digital disruption, falling advertising revenues, and the global financial crisis hit media outlets everywhere. In this perfect storm, businessmen, oligarchs, and governments picked up the now relatively cheap media companies that foreign investors no longer needed.

This hit countries like the Czech Republic, Slovakia, and Bulgaria, where several commercial media outlets were sold to businessmen who wanted to use the media to boost their political influence. The most egregious case of media capture in the region is in Hungary, where the right-wing conservative Fidesz government has systematically dismantled media independence and distorted the market since 2014. Attila Bátorfy (2019) documented how the media market five years ago was owned by mostly foreign and private media companies, such as Axel Springer, Ringier, WAZ, Lapcom, Inform/Russmedia, Pro7Sat1, and Deutsche Telekom. Between 2014 and 2018 ownership of news assets shifted to and increasingly concentrated in the hands of pro-government oligarchs. The most significant consolidation step occurred in November 2018, when the prime minister, Viktor Orban, supported the creation of the Central European Press and Media Foundation (CEPMF), and immediately accepted ownership of 476 media brands (weekly and daily newspapers, magazines, online news outlets, blogs, radio and TV stations, and outdoor billboard advertising companies). The previous owners, mainly supporters of the government, donated their ownership rights to this new entity without compensation.

Hungary is an extreme case, but the problems of ownership and advertising pressures are prevalent across the region. In Bulgaria, the parliamentarian Delyan Peevski, who also owns the country's largest cigarette manufacturer, gained control of a large number of media outlets, which he uses in an openly partisan way (Global Initiative Against Transnational Organized Crime 2019).

In this survey, the journalists in the affected countries all displayed a high awareness of media capture and its consequences. Just over half (53.2%) are very concerned or somewhat concerned by pressure from media owners. This is likely to be because openly partisan media owners often use their news outlets not only to propagate pro-government propaganda but also to attack independent journalists.

Hristo Geshov, a freelance investigative journalist in Bulgaria, was attacked by rival outlets after publishing an article on an illegal sewage system. The investigative outlet Bivol has also come under similar attack from outlets owned by Peevski after reporting on tobacco smuggling.

Peter Erdelyi from 444.hu described how pro-government TV channels called him a traitor and a foreign agent after he highlighted the way all newspapers in the CEPMF ran virtually identical front pages on the day of the European Parliament elections. This issue of attacks from other journalists will be discussed later in the report, in the section on solidarity and support.

Journalists are also well aware of the role advertisers can play in shaping editorial. The separation between journalists and advertising teams has traditionally been one of the most important information barriers in the media industry, designed to make sure that reporters remain unaware of the advertisers' agenda when they do their jobs. But it is clear that the journalists questioned in this report are fully aware of and often internalise the impact of advertisers on their work.

Just over one-third in the report said they were very concerned or somewhat concerned about advertisers controlling what journalists can and cannot write.

The Hungarian government has very deliberately used state advertising to prop up certain media at the expense of others, and it is worth looking closely at how this affects editorial policy and why journalists are right to be concerned.

Attila Bátorfy and Ágnes Urbán (2019) identified clearly in their study just how government advertising spend relates to editorial output and argue that 'state advertising is a powerful tool of political favouritism as well as an instrument of market distortion, censorship, and building an uncritical media empire aligned with the government'.

They argue that when a newspaper becomes critical of the government its share of state advertising falls. At the same time, a pro-government media outlet ends up with a much higher share of advertising revenue. And the proportions are even more stark in the online market.

This has really affected the country's two main news portals, Index and Origo. Origo was owned by Hungarian Telekom, a subsidiary of Germany's Deutsche Telekom, but it was sold in 2016 to a company now owned by a Hungarian, Ádám Matolcsy, the son of the president of the Hungarian National Bank (MNB), at which point its share of state advertising revenue really took off.

In Poland, meanwhile, the main beneficiaries of government advertising are pro-government titles such as *Gazeta Polska*, *Sieci*, and *Do Rzeczy*. For them, state-related revenues accounted for 45%, 40%, and 23% of total ad revenues respectively, according the Reuters Institute *Digital News Report*.

Conversely, Kantar Media data showed that *Gazeta Wyborcza*, the biggest independent newspaper in Poland, received roughly \$520,000 in advertising revenue from state companies and various Polish ministries in the first seven months of 2017. For the same period in 2018, the amount fell to about \$55,000. As ad revenue dropped, publications that supported the government received large increases, including a 700% jump in state company ad purchasing at the conservative magazine *Do Rzeczy* between 2015 and 2016 (Eyre and Goillandeau 2019).

Serbia has followed a similar pattern, with government-friendly media receiving lucrative advertising contracts from state-run utility companies, while independent newspapers struggle.

Péter Erdélyi from 444.hu pointed out that bias in the distribution of government advertising spend is reflected in private-sector companies spend as well:

Companies that operate in heavily regulated sectors, for example telecom companies and banks who must rely on the state for various licenses. They are big advertisers, but very cautious ones, because they don't want to upset the government.

Attila Mong, a Hungarian journalist now working for the Committee to Protect Journalists, said:

For journalists working for public-service media channels and to other pro-government outlets, the most pressing issue is self-censorship. They do not have the freedom of reporting what they want or framing their stories freely. They may see the professional or ethical biases they make but they carry on doing them because they accept that is expected from them under present circumstances.

Independent journalists do not escape the pressure either: 'If they want to keep their advertisers and avoid deteriorating company conditions they may also have to accept a framing that is less critical than what they'd use in an ideal situation.'

4. Deteriorating Legal Environment

This threat of lawsuits is being recognised as a deliberate way to silence journalists. The most striking, and damning, statistic about the use of vexatious lawsuits still comes from the fact that the Maltese investigative journalist Daphne Caruana Galizia was subject to 48 civil libel suits at the time of her death.

The term Strategic Litigation against Public Participation, or SLAPP, was coined in the US in 1989, the year the Cold War ended, to describe the use of legislation to stop moderate middle-class and blue-collar Americans communicating their views on various issues to government officials. George Pring and Penelope Canan, who first used the phrase, wrote:

We have found people sued for reporting violations of law, writing to government officials, attending public hearings, testifying before government bodies, circulating petitions for signature, lobbying for legislation, campaigning in initiative or referendum elections, filing agency protests or appeals, being parties in law-reform lawsuits, and engaging in peaceful boycotts and demonstrations. Yet these are among the most important political rights citizens have. (Pring and Canan 1996)

In Europe, SLAPP has been used very specifically to wear down journalists and curb the kind of public-interest journalism that would fuel the type of civil society activism Pring and Canan described.

The journalists themselves are fully aware of why they are being targeted. Of the journalists questioned in the survey, just over one-third (36.2%) said they were very concerned or concerned about the threats of lawsuits.

Bart Wielinski, deputy editor-in-chief of *Gazeta Wyborcza* and head of the foreign desk said there were currently approximately 30 lawsuits against *Gazeta Wyborcza* and its journalists.

They are pressuring federal and civil judges into opening investigations but so far most courts are trying to retain their independence. This also has an economic dimension. If we are found guilty and have to pay fines that would put a severe economic burden on us.

Péter Erdélyi, meanwhile, said his media outlet www.444.hu is getting sued 'basically every week, on average'.

These are 99.9% of the times frivolous civil lawsuits we are going to win. Still, they cost us a lot of time, energy, resources, and money. We employ two lawyers because of their volume. We have to sit down with the editor, the lawyer, set up the meeting, turn up at the court at least twice. On the other side, there are these huge state institutions with all the time and money, it hardly cost them anything.

And while many of the lawsuits focus on libel and defamation, there are occasions where anti-terrorism or national security legislation is used instead.

In Poland, the investigative journalist Tomasz Piątek came under attack in 2017 after he published a book that described then-defence minister Antoni Macierewicz's alleged political and financial ties with persons close to the Kremlin, to the Russian intelligence services, and to Russian criminal

organisations.

In Poland the Polish Ministry of Defence requested the military wing of Poland's National Prosecutors Office to investigate him for terrorism charges that carried a potential three-year jail term. After an international outcry the case was dropped, but Piątek said at the time that he was clear the purpose of the investigation was 'to intimidate me and other journalists'.

And in many countries freedom of information and national security laws essentially cancel one another out. In Bosnia Herzegovina the Freedom of Access to Information Act guarantees access to most public records, but the Law on Protection of Secret Data denies access to information of most interest to journalists.

There are other tweaks in legislation that make journalists' work more difficult. In September 2019 Slovakia amended its press code to grant politicians the right to reply to media content when they allege their dignity, honour, or privacy is violated by false statements of facts. The outlet that fails to publish a reply can be punished by having to pay damages up to nearly €5,000. And in Croatia laws against defaming and insulting the State and its symbols, and laws against publishing what the law refers to as 'humiliating' media content, can be used to go after journalists even for publishing proven facts. In March 2019, the Croatian Journalists' Association (CJA) organised a rally to highlight the fact that there are 1,100 ongoing lawsuits filed by politicians, public figures, and corporations against journalists. The public broadcaster alone had filed 36 lawsuits against its own employees and others.

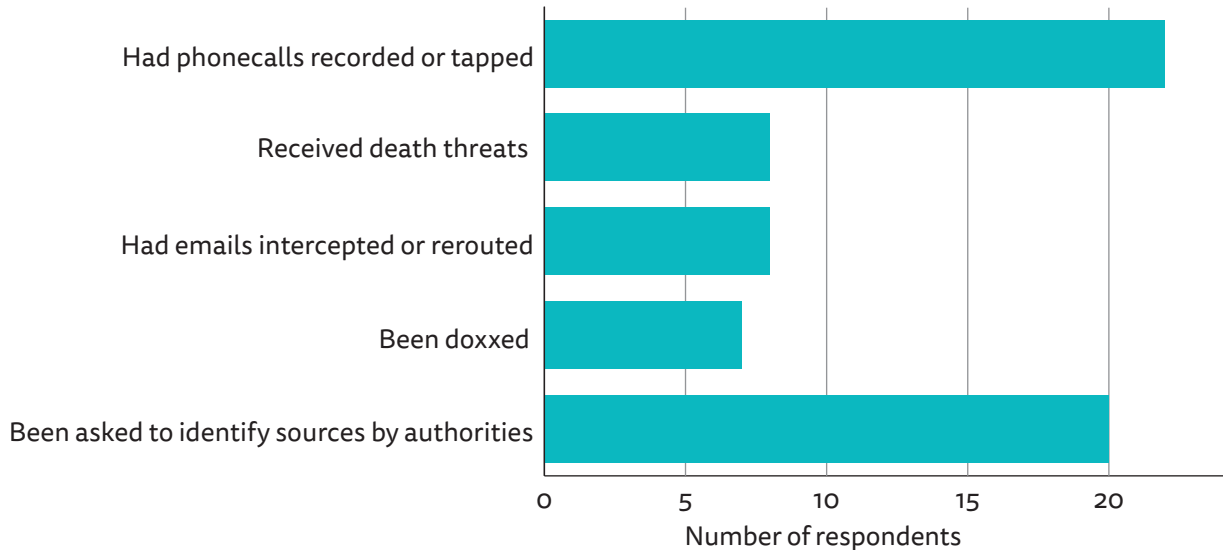
The counterpoint to the issue of vexatious lawsuits is a gradual calcification of freedom of information legislation, making it harder and harder for journalists to access publicly available data. One barrier has been to make access more expensive. In Lithuania the new coalition government has introduced charges for journalists wanting to access public data that they could previously access for free. Andras Petho of the investigative site www.direkt36.hu described how it was getting more expensive to access data through freedom of information laws:

Here's recent example on how government agencies push back when we requested some public procurement records: They told us that we had to pay half a million forints (£1280) for the data and cited certain regulations as a reason to do this. We believed this was genuine public information, so we took the case to the court. Luckily, an organisation, the Hungarian Civil Liberties Union, represented us pro bono. A year later, the case was settled out of court and we received the most important data for free in the end. But it was a difficult and time-consuming or cumbersome process.

5. Protection of Sources

In a region with a long history of phone tapping and surveillance, many journalists surveyed said they had had phone calls recorded or tapped and had had emails intercepted or rerouted.

Ways in which journalists have had privacy compromised



Q22b. Have any of the following things happened to you while working as a journalist? Tick all that apply. Had phonecalls recorded or tapped, received death threats, had emails intercepted or rerouted, been doxxed, been asked to identify sources by authorities. *Total sample: 97*

These breaches of journalists' privacy are designed to intimidate: many of those who reported being under surveillance also said they had received death threats. It also undermines the privacy of those who speak to the journalists, especially sensitive sources. It is not surprising in this context that so many journalists also said they had been asked to identify sources by the authorities.

The European Court of Human Rights sees the right of journalists not to disclose their sources, not as privilege to be granted or taken away depending on the lawfulness or unlawfulness of their sources, but as part and parcel of the right to information (Council of Europe 2018). It clearly recognises that, without effective protection, potential sources will be wary of speaking to journalists over disclosures that are clearly in the public interest.

The journalists covered in this survey did not feel that their governments supported this perspective, and indeed even Estonia, which generally ranks high on the World Press Freedom Index, has come under fire for its Sources Protection Act, which gave judges the right to demand testimony from journalists about their sources in cases where a serious crime had been committed. The reporters interviewed all fully recognise their duty to protect sources when working on public-interest stories, but all say this is an area of real pressure.

6. Lack of Solidarity

A common thread running through the survey has been how frequently many of the journalists in this report come under attack from other reporters in their own countries, often working for pro-government and rival outlets.

This trend has intensified in many countries as media ownership has concentrated in the hands of government-friendly owners, who have used the outlets they own to attack journalists critical of political leaders, but it is also one area where even the Baltic states have problems. In Estonia, Russian-speaking media aimed at the Russian minorities in those countries are often treated with suspicion and hostility by other reporters, and Latvia has different levels of freedom for Latvian-language and Russian-language media.

What was striking was the lack of a useful role being played by industry associations here. Only 26% of those surveyed said they belonged to a press association and only 20% of journalists said they had received any support from press associations when attacked by politicians.

This absence of industry solidarity is especially noteworthy and important in light of research documenting how collective action by the media sector can help journalists and news organisations prevail when their freedoms are under threat and help them shape the environment they operate in for the better (VonDoepp 2017).

When asked why they did not belong to an association, 92.2% said they did not see the benefit of belonging. Many of the journalists questioned in this survey point out that many media associations are dominated by journalists who work for pro-government media outlets and act in the interests of older legacy-based journalists.

But there is obviously potential for this to improve. From the relatively small number who belong to press associations, 84.6% said the main reason they became members was to show solidarity with other journalists. Three-quarters of journalists questioned said that, if they had been attacked for their work, support from other media organisations in their country would have been the most helpful source of support. Gergely Brückner from Index.hu spoke of the role it played in his work.

The independent media outlets have always shown solidarity to me if I'm under attack. They still care, express solidarity, and show appreciation for quality reporting. It has always been the case, luckily. I get invited to various independent radio stations and TV broadcasts to tell my side of the story.

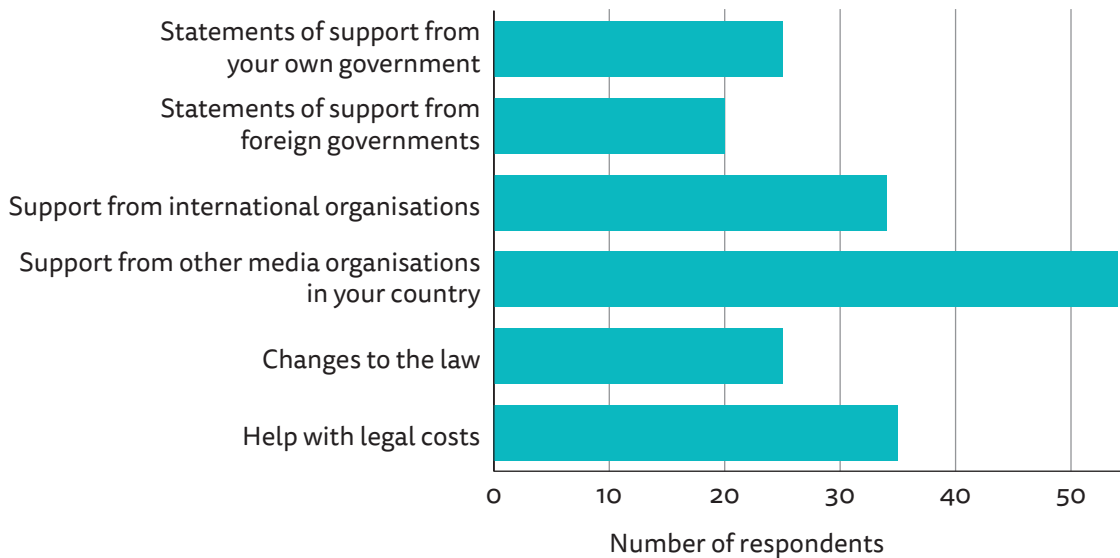
Of journalists who were publicly attacked by politicians, 90.5% said they received support from their colleagues and 74.6% said they received support from editors and managers.

Conclusion

There is a time for action and a time for words. And right now, with all the threats against journalism, is the time for both. The first thing to do is to ask journalists what they need.

Our survey asked journalists who had been attacked for their work what would have been most helpful, and the clearest majority said the best support would be from other media organisations in their country. This, more than international support, and certainly more than support from foreign governments, is seen as vital.

Most useful sources of support for journalists under attack



Q26. If you have been attacked for your work, what do you think would be helpful? Help with legal costs, changes to the law, support from other media organisations in your country, support from international organisations, statements of support from foreign governments, statements of support from your own government. *Total sample: 97*

As this report has highlighted, some of the most vicious and hurtful attacks on journalists have come not from politicians but from other journalists, often working for pro-government media outlets. In most professions, people are reluctant to criticise other practitioners so publicly and personally. Journalists in central and eastern Europe have been quick to attack, to allow politicians to manipulate them into attacking colleagues.

There should be moves to end this polarisation of journalists, which ultimately hurts the entire sector. In Turkey media organisations allowed themselves to be pitted against each other in the battle for government favours and approval, only to find that, ultimately, none of them really gained.

But support for journalists in central and eastern Europe needs to be multi-tiered and operate at all levels: inside the newsroom, among the industry, and internationally. It needs to address the direct personal toll on journalists and recognise the need for wider, institutional reform.

Crucially, journalism in central and eastern Europe, like the rest of the world, should not allow itself to get used to the idea that independent journalists are somehow action heroes, expected

to face death, bullet wounds, and rape threats while carrying out their jobs. Journalists need supporting professional, social, and institutional frameworks in which to operate, and this final section suggests some areas where they may obtain it.

Support from Peers and Organisations

There is a space for personal and interpersonal responses to recognise the pressure journalists are under, working peer-to-peer, in professional networks, and inside organisations to ensure they have the mental tools to handle that pressure. This, in turn, can and should be supplemented by organisational responses by media organisations, to help their journalists recognise, talk about, and deal with these pressures.

Journalists may enter the profession with little understanding of how to handle traumatic story coverage and a limited awareness of how they may be affected psychologically by their work. This lack of emotional literacy, compounded by a newsroom culture that promotes suffering in silence, can result in journalists who are hesitant to seek treatment or support for burnout, depression, or PTSD symptoms.

Mental wellness is often an afterthought in newsroom culture, especially for reporters working for smaller news outlets without the resources or awareness to address work-related trauma. Journalists are rarely able to speak openly about how they deal with their work. There is an awareness that witnessing traumatic events, or dealing with disturbing imagery and content, can affect journalists, but very few media organisations worldwide have the resources to provide systematic support for people affected.

Journalists who routinely come under attack online are also vulnerable and should be given support and strategies to cope. And the trauma does not just come from external sources. In polarised, highly charged news environments, journalists internalise what they can and cannot write. This came out in many off-the-record conversations but is not easily quantified. Our questionnaire shows that 26.6% of journalists are concerned about censorship, and only 13.8% of respondents said they had stopped themselves writing a story because they feared repercussions.

But an earlier survey for the Council of Europe found high levels of self-censorship among journalists, with a high proportion saying they feel pressured to present their reports in ways that are more amenable to their employers, withholding information when necessary, and others feel compelled to tone down controversial stories (Clark and Grech 2017).

Most journalists interviewed said they would benefit from an appreciation of this, along with tools for navigating an increasingly complex media space. This can come from something as straightforward as regular social gatherings or message boards where people can speak freely and post links to resources and useful areas of support.

Media organisations and labour unions have the capacity to be more active in this area, creating spaces for journalists to gather, documenting the kind of provisions they need, and calling on media organisations to provide it.

This report has highlighted some of the weak solidarity structures in the industry, but central and eastern Europe also hosts some of the most effective journalistic collaborations that allow reporters in the region to work on far bigger stories, often involving corruption, than they would otherwise do.

Outfits like the Balkans Investigative Reporting Network and n-ost pull together resources, civil society groups, and journalists in the region. The Organized Crime and Corruption Reporting Project, meanwhile, has long been a model for collaborative, cross-border investigative journalism and, in the wake of Ján Kuciak's murder, founded an investigative unit in his name.

These organisations play a vital role in providing a sense of solidarity among journalists, organising spaces where they can gather both in real life and online. They have also been effective in advocating for their journalists, highlighting the threats they have faced and outlining the conditions they need to carry on working.

International Responses

Organisations such as Reporters Sans Frontières and the Committee to Protect Journalists have done invaluable work in tracking and highlighting attacks on journalists worldwide and calling for international support where needed. News organisations too have begun to work together, through initiatives such as the One Free Press Coalition, a grouping of international media organisations with a mission to 'use the collective audiences of member organisations to stand up for journalists under attack for pursuing the truth worldwide'.

There is a wider international response, however, that can and should be based on highlighting the commitment these countries have taken on in human rights law. The UN holds an annual World Press Freedom Day, highlighting Article 19's Freedom of Expression in the UN Declaration of Human Rights.

Nielsen, Gorwa, and De Cock Buning (2019) identify areas where the European Union in particular can exert pressure on member states. These include recognising the positive obligation established by the European Court of Human Rights to carry out effective investigations following the killing or disappearance of journalists; actively monitoring member states over Article 7 of the Treaty of the European Union; and making sure commitments to freedom of expression and media freedom are closely watched along with other rights and values.

Making the Public Case

One of the media industry's responses worldwide to issues of falling trust and shrinking readership has been to rethink its relationship with the public, to find ways to tell the story of the industry and the role it serves in society.

Many news organisations see the business case for doing this.

Independent journalists in central and eastern Europe, like in the rest of the world, are looking closely at new models for journalism that require new relations with the public. In many countries journalists left legacy media organisations, which were sold to owners they felt were too closely allied to governments, to set up new sites that rely more closely on subscriptions and membership.

In Slovakia *Denník N*, set up by journalists who left the daily newspaper *SME* after it changed hands, has a business model where 75% of its income comes from its readers. The model was exported to the Czech Republic, with the *Denník N* site launched in October 2018, as part of a growing number of crowdfunded independent news sites (such as Alarm and the online TV platform DVTV).

In Hungary, Index.hu and 444.hu, and the investigative platforms Atlatzo.hu and Direct36.hu, are financed by grants and reader contributions, while the left-wing news platform Merce.hu relies on donations from readers. And in Romania, Casa Jurnalistului and Decat o revista have experimented with both crowdfunding and subscriptions. All these outlets have recognised that they need to build trust with their audiences, in countries where public trust in the media is incredibly low.

But efforts at dealing with the public need to go further. Journalists have to change the narrative, rebuild a relationship with the public, and sell the case for independent journalism. In raising public awareness and rallying public support, journalists essentially act as activists and organisers to defend their own rights and their ability to serve the public, while trying to maintain their position and reputation for not being politically partisan.

One way to do this is to deal with the online attacks on journalism head on. In the Philippines the independent news site Rappler came under sustained vicious trolling after it criticised the strongman president Rodrigo Duterte. It responded by tracking the trolling, investigating where the attacks were coming from and publishing their findings.

But this may be a time when reporting is not enough. Journalists need to define their role in society and to talk directly to the public, not just about the stories they cover, but about how and why they do the jobs they do.

In eastern and central Europe the opportunity comes in precisely the area where journalists have come under the most severe attack: while reporting on corruption and organised crime. There is growing public dismay at the spiralling levels of corruption and organised crime activity. A rising awareness of the role the media can play in exposing it may offer journalists a chance to argue their worth to the general public.

The role of journalists covering large-scale protests and demonstrations worldwide has grown more complicated, as they become seen not as neutral observers but either participants and activists themselves, or somehow allied to the authorities the protestors are demonstrating against.

But this has not been the case in central and eastern Europe, where the demonstrations have largely been in favour of press freedom. Slovakia and the Czech Republic held the biggest street protests since 1989 over corruption and media attacks. In Slovakia the protests started in the wake of Ján Kuciak's murder and led to the resignation of the prime minister, Robert Fico, and his cabinet. In the Czech Republic, thousands of protestors took to the streets to demand the resignation of Andrej Babiš over alleged fraud and conflicts of interest. Romania too has had regular anti-corruption protests since 2017.

This may be the space where journalists and journalism need to act: to argue the case for press freedom and explain just why and how independent journalism can help defend the public interest, reduce corruption, and empower the public.

The key here is to focus on the concept of reporting, and on holding power to account without being seen as overtly political. This is hard in a region where many journalists also see themselves as political activists, participating in demonstrations, but it is crucial to maintain impartiality so that journalists do not become 'political fighters'.

Central and eastern Europe has developed an independent media space in a dizzyingly short time frame and, as mentioned at the start of the report, it is striking that some of the best countries

for media freedom, and some of the best journalism, are in this region. Most of the countries have good digital penetration, high levels of literacy, and, most importantly, excellent journalists.

Media in central and eastern Europe, as elsewhere, work best when they are pluralistic, diverse, rigorous, viable, and independent, supported by good laws, democratic leaders, and an engaged public. Journalists from all media organisations will thrive if they recognise that they can compete and disagree, but they should not allow themselves to be manipulated by politicians and others into tearing each other apart, undermining the credibility of the entire industry.

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Cover photo: Demonstrators attend a protest rally in reaction to the murder of Slovak investigative reporter Ján Kuciak and his fiancée Martina Kusnirova, in Bratislava, Slovakia, 16 March 2018.
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