

S&D Group online event:

Media and artistic freedom under attack - Europe has to act

22 February 2021, 14:00-16:00

Today's hearing was very timely: since our Resolution on Media pluralism and media freedom in the European Union back in 2018, the situation in Europe has worsened - from Hungary to France, Bulgaria, Poland or Slovenia, which will take over the EU Council presidency next summer. The European Parliament is deeply concerned about this trend.

Last October, the EP CULT committee heard about developments affecting Hungarian theatres and drama schools. In November, the EP passed a Report on 'strengthening media freedom: the protection of journalists in Europe, hate speech, disinformation and the role of platforms'. Today's public debate gathered professionals from across sectors and countries, politicians, NGOs and citizens to discuss the situation and put forward proposals.

Key findings:

Media regulation requires professional and impartial engagement guided by respect for fundamental freedoms without political interference. Attempts to damage media freedom and pluralism should be considered a serious and systematic abuse of power that goes against fundamental EU values.

Failing proper safeguards, the digital environment is not made a safer place for freedom of expression.

We cannot confuse reliable information, investigative journalism or artistic expression with defamation.

Measures imposed by the current economic and sanitary crisis should not put at risk artistic freedom nor the right to access and impart information. Critical thinking is part and parcel of our society: we cannot silence our journalists and our artists when they simply try to fulfil their essential societal role. Instead, we need to protect them from arbitrary lawsuits, from state surveillance and from other intimidation methods which sadly sometimes even end-up in murders - and at best tend to discredit the role of media to access information or dry up artistic creation and expression.

Attempts to undermine artistic freedom have sometimes reached a structural level in several parts of Europe: when investments in 'culture' go to infrastructure, but not to artists and culture workers, when directors and managers of cultural institutions are replaced and their programmes drastically tweaked following elections, we need to worry and react.

Politics can be tempted to instrumentalise arts in a way that is favourable to them. It is therefore no wonder that increased pressure against the media is also accompanied by increased pressure on artistic expression. The culture sector was economically fragile in many parts of Europe before the pandemic started. National measures passed in the context of the fight against COVID-19 have hit them even harder. And the shrinking of advertising revenues and/or public funding put some media organisations in a very vulnerable position. Not only are media and the cultural sector facing a risk of undue control, but even sometimes a risk of extinction.

Key proposals:

A **rapid alert mechanism for press freedom and artistic freedom violations** needs to be set up so that journalists and artists can report violations of their fundamental rights and access support for their legal assistance and relocation, where needed.

The **EU's rule of law mechanism shall include all forms of freedom of expression, including artistic expression**. The Commission should take artistic freedom as part of the next rule of law report and link the new regime of conditionality to freedom of expression more explicitly.

This should go hand-in-hand with the setting-up of a **formal monitoring framework for freedom of expression and artistic freedom** to keep a clear overview of the situation across the EU, identify trends and contribute to evidence-based legislation. The situation should be reflected in the annual rule of law assessments reviewed by the Commission.

The **Democracy Action Plan** unveiled by the Commission last December (2020) comes timely. **Journalists and editorial teams** look forward to the Commission proposals to **tackle their safety** and present an initiative to protect them from strategic lawsuits against public participation (SLAPPs), and the European Parliament needs to be further associated in shaping effective, binding measures. These should also cater for artistic freedom as an important element of democratic expression.

Besides, as highlighted on several occasions by the Council of Europe, it is about **time that defamation is no longer subject to criminal sanctions** including jail in any parts of the EU: Member States should swiftly modernize their systems if need be to ensure proportionality of defamation laws and set high standards for the rest of the world.

European measures to support media pluralism, **fight against private and government interference in the sector, strengthen transparency of media ownership** and to secure the independence of media regulatory bodies need to be closely monitored and further strengthened. The **Audiovisual Media Services Directive** must be properly implemented. New proposals made in the **Digital Services Act and the Digital markets Act** can help increase transparency and pluralism on the digital market, empower citizens to know better where a piece of information comes from, enjoy an online environment where hate speech is not admitted, while having their say on what content may be filtered out, and why. At the same time, general monitoring obligations must remain opposed, as they bear a real risk for freedom of expression. Meanwhile, EU countries need to take action to avoid excessive media concentration and guarantee such transparency.

Next to national and local support schemes, **EU funds can help**. The budget for 2022 needs to take into special consideration the protection of artists. Besides, the **Media Action Plan** presented by the Commission last December seems promising, but more clarity on its expected roll-out is needed. Next to emergency support, mid- and long-term help should also be envisaged, that positively impacts on creation and innovation. Finally, EU funding should be made **conditional on respect for freedom of expression and the rule of law**.
