



EUROPE

Standing Strong: Safeguarding Free Expression Amidst Turbulence in Europe & Central Asia

Annual Report 2023

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EXPRESSION AT A GLANCE

War, humanitarian emergencies, and natural disasters – 2023 challenged people across Europe and Central Asia in many severe ways. Personal tragedies intertwined with increasing attempts to stifle critical speech, promote false narratives, and, in some cases, fuel hostilities. Once again, it became clear that freedom of expression and the free flow of accurate, reliable information are vital in times of crisis – essential for accountability, debunking propaganda and disinformation, the protection of civilian lives, and the resilience of our increasingly vulnerable democracies.

ARTICLE 19 Europe worked alongside our international and local partners across the region to address both ongoing and emerging threats to civil societies and their right to freedom of expression, online and offline. Similar to previous years, we engaged through multiple platforms and approaches: conducting research, developing legal analyses and interventions, organising workshops, raising awareness through campaigns, amplifying both alarming developments and promising breakthroughs, and advocating with decision-makers to protect freedom of expression for their constituents. In all that we do, we aim to stay grounded in local contexts, promote diversity, inclusion, and empowerment, and fulfil ARTICLE 19's guiding principle – the power of our voices. We are committed to continuing this work with humility and dedication.

DEFINING A NEW DIGITAL ERA FOR ALL

In a rapidly evolving digital landscape, social media and messaging platforms have undergone a profound transformation. Once celebrated as champions of free expression, these platforms are now controlled by a handful of major companies. Big tech holds immense power over what billions of users see and share online, raising growing concerns about freedom of expression, media diversity, and privacy. Meanwhile, governments across the region increasingly recognise the influence of the online environment in amplifying free and independent voices. In response, they are intensifying efforts to control online content, surveil or prosecute dissenting voices, and pressure big tech companies to abandon their human rights commitments by demanding access to sensitive user data.

Improve content moderation

Flawed content moderation practices can turn social media platforms into fertile ground for ‘disinformation’, ‘hate speech’, and discrimination. To address these challenges, ARTICLE 19 Europe contributed to the development of [a handbook](#) aimed at strengthening the resilience of civil society in the face of potential online threats. Building on our expertise in content moderation and platform regulation, the handbook equips civil society with tools to better engage with major platforms and policymakers, striving for a safer online environment for all.

Advocacy with big-tech in restrictive regimes

The high-stakes general elections in Turkey in May 2023 were preceded by intensified government efforts to enforce online censorship and tighten control over social media and independent news websites. The online environment plays a crucial role in Turkish political discourse, as it remains one of the last spaces where dissenting voices can be heard. The Turkish government is well aware of the power of digital platforms to mobilise civil society and exchange vital information and thus has a long history of silencing critics online. Previously we also [raised the importance](#) of encouraging and protecting the use of strong end-to-end encryption by the authorities.

Recognising the critical role of digital platforms for free political discourse, the exchange of reliable information, and debunking state propaganda – especially during pivotal moments like elections – ARTICLE 19 Europe examined potential threats to Turkey’s online environment during the 2023 parliamentary and presidential elections. In [a detailed analysis](#) prepared jointly with Human Rights Watch, we outlined how the government has accumulated a vast arsenal of digital censorship tools to target journalists and activists, and block inconvenient posts and accounts to ultimately seize greater control over online content. The document also details what additional steps social media platforms and messaging services should take to meet their human rights responsibilities. Ahead of the nationwide voting, we organised a [discussion](#) on the crackdown on free speech online and key takeaways from our analysis. We also organised a well-attended [workshop on digital rights](#) in the context of elections for civil society in Turkey.

We addressed the challenging task of striking a balance between resisting undue government pressure and ensuring platform accessibility for users during [an interactive workshop](#) at the 18th Internet Governance Forum in Kyoto.

Groundbreaking ruling in facial recognition

In July 2023, the European Court of Human Rights (ECtHR) ruled that Russia violated Nikolay Glukhin’s rights to freedom of expression and privacy by using facial-recognition technology to arrest and convict him. [Glukhin](#) had been identified through CCTV while attending a peaceful protest in support of activist Konstantin Kotov.

Following our intervention, [the ECtHR found](#) that the use of facial recognition to target Glukhin was unlawful, marking the case as one of the Court's most significant rulings of the year.

Decentralise digital power

ARTICLE 19 Europe in collaboration with Law and Policy team of ARTICLE 19 International Office has been [at the forefront of civil society advocacy](#) for two landmark EU laws with the potential to decentralize power in digital markets: the Digital Markets Act (DMA) and the Digital Services Act (DSA). The strength and quality of these laws will be crucial to safeguarding our right to free expression, curbing harmful practices by Big Tech, and empowering users to shape their online experiences. Many of [the recommendations developed by our Law and Policy team](#) were incorporated into the final legislation, and thanks to our expertise in competition law and policy, we led civil society efforts on the DMA.

However, the real impact of these laws depends on their implementation. That's why, in 2023, our advocacy shifted toward ensuring effective enforcement. We brought together academics and regulators in Brussels to foster collaboration and drive meaningful change.

SAFER COMMUNITIES, STRONGER VOICES

Stand with Ukraine

Russia's full-scale invasion of Ukraine in February 2022 has devastated [people's lives](#) and country's infrastructure. Numerous reports show Russian forces repeatedly violating international humanitarian law, bombing civilian areas, and targeting hospitals and schools. Following the invasion, Russia has also increased its crackdown in Occupied Crimea, prosecuting scores of journalists and [human rights defenders](#). These actions are accompanied by attacks on freedom of expression and information, increasingly recognised as crucial for survival in armed conflicts.

ARTICLE 19 Europe [stands firmly](#) with courageous Ukrainians defending their country and fundamental rights. Despite the devastation of war, Ukraine's media sector endures, [with its journalists praised](#) for their courage and professionalism in covering the invasion.

Towards resilient media and journalists' safety

2023 once again was marked with great challenges that hinder the resilience of the independent media landscape in the region. As part of the Media Freedom Rapid Response (MFRR) mechanism and the Council of Europe's Platform on Safety of Journalists, ARTICLE 19 Europe continued to monitor and react to threats against journalists and to address legislative proposals aimed at weakening media freedom, pluralism and independent of the outlets in the region. In addition, we released an updated second edition of our [Directory of initiatives on the safety of journalists in Europe](#). The Directory maps initiatives on the safety of journalists deployed by the State, or in which the State is involved in the EU and candidate countries.

ARTICLE 19 Europe co-authored an annual report of the Council of Europe's Platform to Promote the Protection of Journalism and Safety of Journalists in publishing '[War in Europe and the fight for the right to report](#)'. The report examined the main threats to media freedom in Europe and addresses recommendations to the Council of Europe, the European Union and their member states on actions needed to tackle these challenges. Overall, throughout 2022, the Platform documented 289 alerts concerning 37 countries, with journalists being murdered, imprisoned, physically attacked, legally harassed, and subjected to smear campaigns.

Stronger EMFA, stronger democracy

ARTICLE 19 Europe in a close collaboration with the Law and Policy team from the ARTICLE 19 International Office has been at the forefront of advocacy efforts supporting the development of [the European Media Freedom Act \(EMFA\)](#). The EMFA aims to protect media independence by establishing common European standards that safeguard against editorial interference and illegal surveillance, ensure media pluralism, enhance transparency in ownership and financial relations with the state, and prevent the misuse of state funds to create clientelist media. It also focuses on protecting the independence of public service media and national regulatory authorities while fostering an economic environment where independent journalism can thrive. In 2024, we will continue our civil society advocacy to ensure the final proposal includes robust safeguards for media independence across the EU.

Advocacy and fact-finding missions

In 2023, ARTICLE 19 Europe together with partners, we conducted three media freedom missions in Bosnia and Herzegovina, Greece, Poland, Serbia, and Slovakia. We met with journalists, media experts, public officials, law enforcement, regulatory bodies, and public broadcasters to assess the state of play for media freedom. We examined the main challenges, including a hostile environment and restrictive laws, and outlined recommendations on how to strengthen media resilience and support independent journalism.

We continue to monitor the situation and engage with key stakeholders to see the needed changes implemented.

Bosnia and Hercegovina

Our mission confirmed that media freedom in [Bosnia and Hercegovina](#) remains in decline due to restrictive laws, [hostile rhetoric](#) and denigration of journalists by public officials, and ongoing systemic challenges to the independence of public service media. In July 2023, Republika Srpska reintroduced criminal penalties for defamation. In a [legal analysis](#) published ahead of the vote in the National Assembly, we argued that the punitive nature of the applicable sanctions constitutes a disproportionate interference with free speech.

Our [recommendations](#) included calls to:

- Decriminalise defamation
- Discontinue any criminal cases against journalists,
- Ensure a human rights-based approach in the development of any legislative initiatives
- Develop a national-level safety plan to advance media freedoms and protection of journalists

Greece

Although Europe has been shaken by revelations about the targeting of Greek media professionals with spyware and the 2021 killing of veteran crime reporter Giorgos Karaivaz, the authorities have done little to address the problems. We conducted [a joint mission to Athens](#) to analyse the underlying reasons for the recent erosion of media freedom in Greece and to explore potential opportunities for improvement.

Our [recommendations](#) included calls to:

- Ensure that amendments to the rules governing criminal defamation do not inadvertently undermine press freedom.
- Take effective, appropriate, and proportionate measures to address manifestly unfounded or abusive legal proceedings against public participation and commit to not initiating such proceedings by public authorities.

Poland

Ahead of the October 2023 parliamentary elections, we [co-organised a visit to Warsaw](#) to assess the main challenges for media freedom and outline priorities for the incoming government. In recent years, Poland has seen increasing efforts to control and influence large sections of the media, a situation worsened by deepening polarisation within the media landscape and among journalists. Additionally, Polish media face one of the highest numbers of vexatious lawsuits, or SLAPPs, in the European Union.

Our [recommendations](#) included:

- Comprehensive reform of public service media governance and financing to ensure political independence and fulfilment of its public service role.
- PKN Orlen must divest its media holdings, and state-controlled companies, outside public media, should be barred from owning media.
- Public funds and state advertising should be allocated based on transparent, objective, and fair criteria.
- Defamation should be decriminalized and handled exclusively as a civil matter.
- The government must stop sponsoring vexatious lawsuits against media or individuals for legitimate criticism and free expression.

Serbia

In April 2024, we visited Belgrade to mark [the anniversary of editor and publisher Slavko Ćuruvija's murder](#). The visit included symbolic marches, discussions on impunity, and meetings with journalists, unions, and officials, highlighting the media crisis in Serbia. While some efforts are made to prosecute [attacks on journalists](#), these are undermined by a hostile climate fuelled by political leaders. No one has been found guilty of Slavko's murder, and threats against journalists are at a peak. Media pluralism remains weak, with the ruling party controlling much of the media and concerning [legal proposal](#) that risk to further deteriorate the media freedom.

ARTICLE 19 Europe and its partners reaffirmed their commitment to giving Serbian journalists platforms to share their stories, as international pressure is crucial for change.

Slovakia

Slovakia's media freedom progress remains fragile. In February 2023, we conducted a mission to support the families of Ján Kuciak and Martina Kušnírová and assess press freedom five years after their murder. We participated in commemorative events, met with journalists, and urged the government to implement reforms to improve journalist safety, media independence, and protect against abusive lawsuits.

After Robert Fico's new government took office, he proposed changes that threaten democratic institutions and free expression. We put forward [recommendations](#) to secure full justice for Ján and Martina, ensure that media can fulfil their watchdog role without fear of attacks, and discourage any attempts to implement a foreign agent law, among other suggestions. We will continue to monitor the situation.

Protect reporting on public interest issues

ARTICLE 19 Europe, led by the Law and Policy team from our International Office, together with Privacy International, [submitted a joint amicus brief](#) to the European Court of Human Rights in *Nabrdalik and Moskwa v. Poland*. The case concerns Polish journalists whose devices were forcibly searched by military officers as they were documenting events close to the Polish-Belarusian border in November 2021. In the submission, we showed that searches of digital devices constitute serious interferences with the right to freedom of expression and privacy, guaranteed by the European Convention, and urge the Court to outline necessary safeguards to prevent violation of these rights.

In Tajikistan, insulting public officials can result in a prison sentence of over five years. During a discussion [we facilitated at RightsCon 2023](#), experts emphasised that such provisions severely restrict the work of journalists and activists, stifling any criticism of the government and contributing to a repressive climate for free speech and other fundamental civil liberties.

In 2023, following our advocacy efforts, the Tajik government agreed to abolish repressive provisions in the draft media law and provide journalists with greater legal protections when reporting on public officials. We will continue to monitor developments closely to ensure these commitments are fulfilled.

Legal harassment against public watchdogs

2023 marked a critical moment in the effort to break the vicious cycle of abusive legal actions targeting investigative reporters across Europe. [Numerous testimonies](#) from [journalists, writers](#), and activists highlighted the personal and professional toll of SLAPPs, often brought by public officials. These stories underlined the urgent need for a strong EU anti-SLAPP Directive that guarantees robust protection for those threatened for reporting in the public interest.

On 30 November 2023, the EU reached an agreement [on a landmark directive](#) to protect Europe's journalists and human rights defenders from SLAPPs.

This was a significant achievement for ARTICLE 19 Europe and our partners in the Coalition Against SLAPPs in Europe (CASE). Since 2017, we have tirelessly advocated to ensure that what happened to Maltese journalist Daphne Caruana Galizia – who was facing 48 abusive lawsuits at the time of her assassination – would never happen again. In her honour, the new directive has been named ‘Daphne’s Law.’

The protections within [this directive](#) were hard-won. In 2022, the European Commission’s initial proposal included our core recommendations. However, by 2023, the European Council attempted to weaken the directive, which would have left it protecting only a handful of SLAPP victims and, tragically, would not have protected Daphne herself.

Thanks to persistent advocacy, the final directive retains its key protections, making it stronger. However, while these measures mark an important step forward, they should be viewed as minimum standards for protecting public watchdogs against SLAPPs. ARTICLE 19 Europe will closely monitor the transposition phase and urge states to go beyond these benchmarks, implementing more ambitious measures.

Defamation laws abused to suppress scrutiny

Abusive lawsuits are increasingly initiated on the basis of the misuse of civil and criminal defamation laws. Originally intended to protect individuals’ reputations from false accusations, these laws – and the often-excessive penalties they impose – are increasingly being exploited by powerful individuals, especially public figures, to stifle criticism.

ARTICLE 19 Europe believes defamation laws are legitimate only if their aim is to protect the reputations of individuals – or of entities with the right to sue and be sued – against real injury. These laws should not shield people from language that is simply offensive or shocking. Furthermore, ARTICLE 19 Europe has long argued that criminal defamation laws are both unnecessary and disproportionate responses to damage to reputation and should therefore be removed from domestic legal frameworks. We based our advocacy on [legal analyses](#) showing how criminal defamation and the misuse of reputation protection laws violate international human rights standards.

Free to Protest

Protection of freedom of expression and the right to protest is an essential part of a functioning democracy. Protest is often one of the most effective tools available for marginalised individuals and groups to voice their disenchantments and eventually –successfully advocate for change. While the right to protest is not absolute, any restrictions imposed must meet strict criteria to ensure that people are able to freely exercise their right to peaceful assembly.

Following the 7 October Hamas attack and the resulting humanitarian crisis and shelling of Gaza, cities across the world have seen large marches demonstrating solidarity with Palestinian civilians and calling for an end to the violence. Arab and Jewish communities have stood side by side, urging an end to the war ‘for the sake of humanity.’ Meanwhile, [several European governments](#) have banned pro-Palestinian demonstrations and detained scores of people, citing the need to prevent incitement to violence or hatred.

ARTICLE 19 Europe reiterates that governments must protect the right to protest, especially in a time of crisis.

Campaigning in Poland

As part of the Global Campaign [#FreeToProtest](#), we conducted new research on protests in Poland, focusing on mass demonstrations against the near-total abortion ban and anti-LGBTQI+ discrimination, as well as the violent response from law enforcement. We gathered testimonies from activists, lawyers, and others who participated in the protests, detailing their experiences with excessive police force or other

attempts to suppress their right to peaceful assembly. Our thorough analysis of these events allowed us to develop a set of recommendations for the authorities and law enforcement that we discussed in detail during a [panel](#) with local experts whose insights also informed the report's findings.

On 15 October 2023, Polish citizens achieved [a historic voter turnout](#), leading to a major political shift. Opposition parties, who all committed to reversing democratic backsliding, secured enough seats to oust the ruling Law and Justice (PiS) party.

ARTICLE 19 Europe is ready to support efforts to reverse the country's illiberal trajectory and will closely monitor how the new government upholds its domestic and international obligations to protect freedom of expression, access to information, and freedom of assembly.

Important victory for environmental whistleblowers

Back in 2013, Russian authorities arrested and detained 28 Greenpeace activists and two journalists for taking non-violent direct action against oil-drilling plans in the Arctic.

A decade later in June 2023, following an intervention from our Law and Policy team, the European Court of Human Rights [found that this violated](#) their rights to liberty, security, and freedom of expression.

Protecting whistleblowers

In February 2023, we welcomed [the decision](#) of the European Court of Human Rights in a case known as 'LuxLeaks', in which two PriceWaterhouseCooper employees leaked information about international tax-avoidance schemes to journalists.

The Court ruled in the whistleblowers' favour.

It found that their disclosure was in the public interest because it contributed to public debate. Importantly, the Court also found that the penalties imposed on one of the whistleblowers by a Luxembourg court were disproportionate and 'had a chilling effect on freedom of expression.'

The Court also selected this case – which ARTICLE 19 Europe led by Law and Policy team from the International Office intervened in – as a key case of 2023, meaning it was one of the most important cases it dealt with all year.

Stand with Belarus

Three years on from the 2020 fraudulent presidential election, though rarely appearing in the news anymore, massive repression against people in Belarus has never really slowed down. The Lukashenko regime has intensified its violent crackdown on dissent, leading to the near-total ban on civic space and the prevalent suppression of journalists, human rights defenders, and other independent voices. Political prisoners endure abuse and torture and are denied access to hygienic products and essential medication. Many political prisoners are held incommunicado without any contact with the outside world.

The escalation of Russia's full-scale invasion of Ukraine has prompted Lukashenko to increasingly invoke 'anti-extremist' laws. In [a submission to the Special Rapporteur on the Situation of Human Rights in Belarus](#), ARTICLE 19 Europe and its partners examined the implications of these anti-extremist and anti-terrorist laws on human rights in Belarus. We demonstrated that this legislation is being exploited as a tool for systemic repression, targeting and silencing dissent on a large scale. Activities such as fundraising, sharing information, or giving critical interviews can be labelled as 'extremist' or 'terrorist,' effectively criminalising them. The regime has also banned anti-war sentiment and any expressions of support for Ukraine.

ARTICLE 19 Europe will continue to provide unwavering support to courageous Belarusians, amplify their cases for the international audience, advocate for the unconditional release of [all political prisoners in Belarus](#), and demand respectful treatment for those still incarcerated. [Andrei](#), [Irina](#), [Nasta](#), [Ales](#) and many others – we stand by you.

Targeting dissent for online speech

Turkey continued to weaponise legal provisions to harass and [intimidate journalists](#), activists and all dissenting voices. Authorities frequently invoke criminal laws related to extremism and terrorism, alongside [2020 amendments](#) that introduced prison sentences for ‘disseminating false information’. These amendments also granted the government greater control over social media platforms including banning content or throttling.

In 2023, ARTICLE 19 Europe published numerous statements amplifying examples of judicial harassment of dissenting voices including an aggravated life sentence for [Osman Kavala](#). We submitted several expert opinions to domestic courts in cases of [journalists](#) prosecuted for their activity online which could be as little as a social media post.

INFORMATION IS POWER

Access to information is a cornerstone of free expression, essential for the functioning of civil society, democracy, and independent journalism. Without the ability to access accurate and timely information, citizens are deprived of the knowledge needed to make informed decisions, hold governments accountable, and participate meaningfully in public life.

In 2023, governments across the region attempted to restrict access to information, citing national security, natural disasters, or war as justification.

In crisis, access to information is lifeline

The Turkish authorities' response to the devastating earthquakes of 6 February revealed a lack of understanding of the critical role transparency and free information flow play in relief, reconstruction, and rehabilitation efforts.

ARTICLE 19 Europe [urged the Turkish government](#) to ensure all actions and reconstruction initiatives are rooted in the principles of access to information, transparency, and accountability. [Independent media](#) is essential for the success of these efforts, and attacks on journalists, media workers, and civil society covering the earthquake response must stop. We also submitted [an expert opinion](#) emphasising that during natural disasters, internet shutdowns and other intentional disruptions to online access are unjustifiable.

End culture of secrecy

Public access to court documents is crucial for transparency and accountability, enabling journalists and civil society to scrutinize the judiciary. After 20 years of advocacy, in which we played an active role, the European Parliament [voted in September 2023](#) to grant public access to these documents. Despite [resistance from the Court](#), December saw a breakthrough: the Court Statute now includes a principle of proactive disclosure, marking a shift towards greater openness and transparency in line with international standards.

