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## Press Freedom Under Threat in Europe: SLAPPs and Democracy

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# Press Freedom Under Threat in Europe: SLAPPs and Democracy

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## **ABSTRACT**

This paper critically examines the legal systems of European countries and their relationship to press freedom, particularly the vexatious legal threats used by government officials and corporations to silence journalists. These legal threats are known as SLAPPs (strategic lawsuits against public participation) and their use has increased exponentially in the last decade. Although the issue is global, this research analyzes the issue through the lens of Greece, Italy, and Hungary. As member states, each one of these countries has an obligation to uphold the democratic standards put forth by the EU. Journalists are a vital aspect of the democratic process and are protected by both domestic and international laws. Corruption within democratic governments is on the rise, and the inability of European countries to recognize and prevent these attacks against journalists is cause for increasing concern. This paper aims to answer the question of whether current domestic and international law is being enforced in a manner that protects journalistic authority.

## **KEYWORDS**

European Union, press freedom, journalism, free speech, democracy, authoritarianism

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## 1. INTRODUCTION

Without freedom of the press, there are no real democratic societies. Without freedom of the press, there is no freedom. —António Guterres, Secretary General of the United Nations (UN News, 2022)

The freedom of the press is one of the most vital components of a democracy. Journalists are vital in the process of sharing information and communicating issues of public interest. This communication allows for citizens to effectively participate within civil society. Journalists are also tasked with the responsibility of checking the government by keeping it accountable for corruption and human rights violations. These aspects must be respected and protected by all parties to maintain a functional democracy. The recent difficulties faced by journalists around the world show that their role in society is not respected. Not only do violations of press freedom threaten democracy, but they also threaten the universal right of free speech, making the issue relevant to all individuals.

This paper will examine the use of “vexatious legal threats,” one of the most common methods of silencing journalists. These lawsuits are also known as Strategic Lawsuits Against Public Participation (SLAPPs) and are mainly used by government officials and politicians. Government officials have been using these lawsuits at an increasing rate, abusing their power to silence the release of vital information to the public, and using the lack of safeguards within international and state-level legislation to their advantage. SLAPPs targeted at journalists for fulfilling their watchdog role threaten the idea of press freedom in its entirety. The number of cases has reached the point where the issue has gained the attention of international institutions such as the United Nations and the European Union. As recently as May 3, 2022, the United Nations has acknowledged the importance of press freedom and has spoken out about the detrimental effects that these lawsuits can have on journalists and the democracies they work to support. Similarly, the European Union and its sub-organizations recognize press freedom to be a fundamental right to all citizens of EU member states and expect each member state to protect this right.

The crucial role that press freedom plays in any democracy is evidenced by the various international and domestic laws that protect this right. While national constitutional laws on press freedom vary from state to state, all states that are members of the European Union have agreed to certain common standards (in practice both directly and indirectly protecting press freedom) that each member state is obligated and expected to implement in their domestic legal systems (see list of relevant International Laws listed in Appendix 1). These laws exist because freedom of information and opinion is vital to the existence of a stable democracy.

The question of how domestic law in various European countries affects the freedom of the press was the inspiration for this research project and will be examined through an analysis of three case studies. Specifically, I will consider the legal systems and instances of SLAPPs in Greece, Italy, and Hungary. The inaction of these EU member states to adopt necessary laws or follow existing legislation that prevents SLAPPs and defamation cases is cause for concern. Disregarding recommendations for systematic change made by the European Commission and ignoring international law by allowing violations of press freedom to continue, reveals a disconnect between the projected image of a functioning democracy and the reality of how each of these countries' governmental systems are actually operating.

The gravity of the issue of press freedom throughout Europe is only vaguely recognized by the public, but the depths of the issue are known by those in the field who have

experienced threats as well as those who engage in press freedom activism. The central question that this paper considers is whether current legislation in the relevant countries is effectively protecting journalists from the increasing legal threats coming from politicians and authoritative figures, and what the implications of these threats are for both the field of journalism and the society at large.

## 2. CASE STUDY 1: GREECE

The media landscape in Greece is just as complex as its political landscape. Greece has consistently been at the bottom of Reporters sans frontières' (RSF)<sup>1</sup> press freedom index for years, with its lowest ranking being in 2022, sitting at 108 out of 180 countries (RSF, 2022). Years of economic unrest have caused the country to suffer on all fronts, the press not being excluded (Stamouli, 2022). The country's tumultuous political system has trickled down into the media and the two have melded together. There are now very few news outlets that are not controlled by the state through funding or political influence. This combination has allowed for a disproportionate amount of press violations to occur, with no government action taken to combat them. To complicate matters further, the lack of transparency when it comes to funding of the press paired with the lack of legal enforcement regarding violations of press freedom has caused an overall distrust of the media by Greek citizens.

By understanding the laws surrounding the press and the Greek legal system, we can more easily determine whether the existing laws need to be changed or if the issue instead lies on the enforcement side. At the most basic level, a quick review of the Greek Constitution shows that there are two articles directly related to press freedom. Art.5a: The Right to Information, and Art. 14: The Freedom of Expression and of the Press. Both articles give Greek citizens the right to know information about the systems of their country, as well as the right to speak openly about any topic, agreeing with popular opinion or going against it. Government influence and/or control over the press is a clear violation of both basic rights. These actions "create a significant obstacle for the public's access to information and, subsequently, their informed participation in the democratic process" (ECMPF, 2022a). Considering these articles from the constitution, it can be assumed that the issue lies not with a lack of legal protections, but with a lack of judicial enforcement of the protections already in place.

Another relevant and vital legal framework is the Greek Penal Code, specifically relating to cases of libel and defamation. In Greece, both libel and defamation are considered criminal offenses and most offenders face jail time. However, according to Art. 366 of the Greek Penal Code, journalists can invoke good faith and public interest in their defense if charged with defamation and if said defamation is true and affects the public interest. This does not include punishment for insult, which journalists are not exempt from. Considering that good faith and public interest are the only viable defenses for journalists in these cases, it is very difficult for a journalist to not end up in jail. Also, given that many political figures take all types of criticism towards them as personal insult, many journalists end up with fines and jail time, regardless of whether the information published was factual.

As of November 11, 2021, journalists can also be sentenced to prison for the publication of "fake news." According to an amendment made to Art. 191 of the Penal Code, "Whoever in public or via the Internet disseminates in any way false news that is capable of

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<sup>1</sup> RSF or Reporter Without Borders in English, is an international non-governmental, non-profit organization based in Paris, France with the aim of safeguarding the right to freedom of information.(RSF, 2022)

causing concern or fear to citizens or to shake public confidence in the national economy, the country's defense capability or public health shall be punished with imprisonment of at least three (3) months and a fine." The amendment brought immediate backlash from journalist organizations around the country as well as other international press freedom organizations such as the Committee to Protect Journalists (ESIEA, 2022). The European Federation of Journalists petitioned to the Minister of Justice to have the amendment revoked, citing that its definition of "fake news that is capable of causing concern or fear to citizens etc." was too vague and outwardly contradicted the constitution's right to freedom of expression and a free press. As mentioned above, Art. 14(2) of the Greek Constitution states that "The press is free. Censorship and all other preventive measures are prohibited." The new law not only contradicts and violates the country's constitution and EU standards of freedom of speech, but it also does not state who makes the decision as to what is considered "fake news." The passage of the amendment to Art. 191 is an example of judicial inaction when it comes to enforcement of domestic constitutional law in Greece. Even though the amendment was petitioned to be revoked by multiple international journalistic organizations, no judicial action was taken to consider amending the law to protect the press.

Another great threat to press freedom that many journalists face today are SLAPPs. In March 2022, the deputy director of International Press Institute, Scott Griffen, spoke out about the dangers of these lawsuits: "We fear that these recent cases are the tip of the iceberg of a far deeper problem of legal threats and pressure against journalists carrying out watchdog reporting in Greece" (IPI, 2022a). The Greek government has shown no intention of creating anti-SLAPP legislation in the near future. Many of the cases litigated in these lawsuits involve multinational companies targeting journalists who have published information about their businesses in the public interest. An illustrative example would be the case of investigative reporter Thodoris Chondrogiannos, who was targeted with a lawsuit by Rewarding Packaging Recycling, a recycling company with strong ties to the government. The company filed a lawsuit against both Chondrogiannos and industry.gr (the news outlet where the story was published) claiming € 80,000 in defamation damages. The article had been based on leaked documents from a public agency within the Greek Ministry of Environment (Chondrogiannos, 2020). The documents had revealed in detail how most of the packaging the company received was not recycled. After the initial legal complaint, Chondrogiannos updated the article to include the legal notice, but did not take it down. During the trial, the company argued that they had needed more time to respond to the allegations Chondrogiannos had sent them. Chondrogiannos had never received a request for more time from the company; instead, he received a message that read: "We have no desire to answer any of your questions." Chondrogiannos had given his contact information on all his attempts to speak with the company, but received no responses, deeming the company's claims to be false. Chondrogiannos continued to report on the company after receiving another information leak later that year. In January 2021, the company sent a follow up legal notice threatening the journalist with another lawsuit.

Thodoris Chondrogiannos is one of the many journalists who have been targeted with SLAPPs in Greece. In fact, defamation lawsuits are quite common there, and are one of the top threats that journalists face in the country. Furthermore, these cases are not limited to domestic charges. In November of 2021, four journalists from the Greek newspaper *Dimokratia*

were charged with insulting the Turkish president, Recep Tayyip Erdoğan<sup>2</sup>. Although the Greek government (as well as the journalists) have no intention of going to trial in Turkey, if convicted in absentia, they could face up to five years in Turkish prison. The journalists will likely have trouble traveling internationally as well, as the Turkish government notified Dimitris Rizoulis, *Dimokratia's* managing editor, that they plan to place a notice with Interpol for the team's arrest (Carassava, 2021). Although the Greek government agreed to not send the team of journalists to trial and potential imprisonment, no further actions were taken in their defense.

Lawsuits like the ones described above are increasing at a rapid rate, suggesting that criminal charges are being used routinely against Greek journalists to impede their work and taint their reputations. Despite the pleas from national and international journalistic organizations, as well as recommendations made by the European Union, the Greek government has made no effort to implement protections for the press or increase enforcement that would lessen the prevalence of SLAPPs. It is important to recognize that the European Union has published multiple reports that remind the Greek government of their obligation to uphold the international rules and values that they had agreed to upon joining the EU, including clauses protecting the right of press freedom (European Commission, 2022).

### 3. CASE STUDY 2: ITALY

Italy has long had issues with distinguishing between journalism and politics. Journalism in Italy is highly politicized, being heavily shaped by influences from the government and the Italian parliament (Pew Research Center, 2018). It is not uncommon for citizens to solely watch or read news that tell them what they want to hear or agree with their political beliefs. This politicized environment can be partly traced back to the government's deep involvement in the regulation of the media, as well as a lack of ethical code naming the press as independent from the government. The legal system in place (or lack thereof) regarding journalism's role within the country has created a gray area where journalists can be targeted and threatened for speaking out in the name of public interest, with the government having no responsibility for their protection.

One of the biggest threats to press independence that directly concerns Italian journalists is, again, SLAPPs. In Italy, the main intention of SLAPPs is to intimidate reporters from reporting on issues of public interest that involve government officials, politicians, corporations, or big-name businesses. Thousands of journalists in Italy have been dealt SLAPPs, a vast majority of them being related to defamation, which is considered a criminal offense in Italy. Art. 595 of the Italian Penal Code defines defamation and outlines the different levels of charges that can be brought against both journalists and citizens. In 2020, the constitutionality of the imprisonment of journalists for defamation came into question before the Italian Constitutional Court and a hearing was held on the legitimacy of Art. 595 of the Penal Code as well as Art. 13 of the Press Law. The court ruled that while they agreed that reform to both articles was necessary, the matter was the responsibility of the parliament, to whom the court deferred the decision. By 2021, the Italian parliament had failed to legislate on the issue. In a follow up hearing, the court ruled that Art. 13 of the Press Law was not compliant with the Constitution, but ruled Art. 595(3) to be compliant, reasoning that it was constitutional as it allowed judges to order imprisonment only in cases of "exceptional

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<sup>2</sup> The suit came after the paper published an article regarding the Greek/Turkish standoff over drilling rights in the Mediterranean Sea, with a headline that included a Turkish swear word that was allegedly used to "lash out" against the Turkish president (Carassava, 2021).

severity” (Italian Constitutional Court, 2020). This is relevant because in a functional democracy, the court has the power to rule on the constitutionality of articles of this nature. The court’s unwillingness to use this power signifies that the system of checks and balances within the Italian government cannot be depended on to ensure just outcomes. To make this imbalance clearer, the Italian parliament has yet to legislate on any amendment to Art. 595 presently, allowing the misuse of this law to continue. The increasing prevalence of SLAPP cases and criminal defamation cases in particular, has reached the attention of the European Commission, their concern outlined in the *2022 European Commission Rule of Law Report*.<sup>3</sup> The lack of parliamentary action and disregard of international concern signal that maintaining free press is not a priority of the Italian government.

According to the Italian National Statistics Institute, 9,479 proceedings for defamation were initiated against journalists in 2017, with 60% being dismissed and 6.6% going to trial. This amount has increased in the last 5 years, with many cases having little legal merit, but continuing to put journalists under financial pressure. On September 1, 2022, journalist Sara Manisera was sued for defamation by a local administration of the municipality of Abbiategrasso located outside of Milan. Manisera had made remarks on the administration at an awards ceremony for the *Diego Tajani Prize* in Croto, Calabria a few months before, where she won an award. The award in question is named after Diego Tajani, who was the first judge to bring the attention of the Italian parliament to the relationship between criminal organizations and politics. In her acceptance speech, she warned her audience of the mafia’s potential presence and connections to local administrations in Abbiategrasso. Following her speech, the local administration of Abbiategrasso filed a lawsuit against Manisera without prior discussion claiming defamation. The suit was named a SLAPP under Article 21 of Lombardia (Articolo 21, 2022). The administration argued that Manisera had directly accused the current administration of connections to the mafia. Manisera’s speech shows no direct accusations, instead speaking of the history of known mafia-related institutions that had been allegedly connected to the administration in the past, with the focus of her speech leaning towards environmental and land protection (Ticino Notizie, 2022). While the case is still ongoing, it is important to mention that a few months before the lawsuit was filed, the administration of Abbiategrasso had denied the request to create an anti-mafia commission in the province. Given the doubtful grounds for the accusation made and the violation of the Art. 21 of the Constitution, the case will likely not make it to trial. This shows that the intention of the administration was not to debate the issue in court, but to send a message to Manisera to not speak about the issue again.

The above is an example of the most common legal threats journalists receive in Italy. Although many of these cases do not end up going to trial, they leave journalists with a tarnished confidence in the system and financial burdens that many of them must handle on their own. A good example of this is the case of Antonella Napoli, a freelance journalist who is highly esteemed in the international journalism community (Perrone, 2020; ECMPE, 2022b). In 1998, Napoli became involved in a criminal case after publishing two articles involving Alessandro Fedullo, judge of the Regional Administrative Court. The articles that brought about the complaint detailed Fedullo’s involvement in secretive abortions. Fedullo responded by charging Napoli with defamation and initiating a claim for compensatory damages in 2006. Because of the lengthy proceedings, the court of Naples dismissed the case in 2007. Four years later, after Fedullo’s death in 2011, the legal proceedings against Napoli

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were re-initiated by members of Fedullo's family, seeking compensation for moral, monetary, and non-monetary damages totaling 100,000 euros. The case has yet to be resolved, meaning that Napoli has been dealing with this case for over 25 years. Senior legal advisor of the European Center for Press and Media Freedom (ECPMF)<sup>4</sup> said this after the organization committed to provide legal support to Napoli:

No journalist should spend decades in court to defend her work and no country should allow powerful people to abuse its judicial systems. I hope Antonella's case will be resolved soon and Italy will undertake the very much needed reforms to ensure its courts are no longer abused. (ECMPF, 2022b).

Napoli's legal battle is an illustrative case of how individuals with power use their influence to silence journalists who are doing their job.

You feel gagged and tied, especially if you are a freelance journalist. If you get your hands on big news about a public figure with the tendency to sue, you'll think twice. I have never stopped, but many give up because they fear consequences that they can't afford. (Perrone, 2020)

Regardless of the extent of the threat, these abuses of power taint the democracy that Italy claims to be.

The imbalance of power between the Italian government and the journalists whose job it is to keep the public informed about those who make decisions for them is evident. Organizations such as the Coordination Centre Against Intimidation of Journalists<sup>5</sup>, the ECPMF, the RSE, along with many others have done tremendous work to bring awareness to the issue and to provide support to journalists in not only Italy but globally (Article 19, 2020). Despite the work of these organizations, powerful individuals continue to attempt to silence those who wish to speak out through SLAPPs. Even considering the recognition of the issue and discussions within the European Union to make change (Council of the EU, 2022b), an issue of this magnitude will only be solved by recognizing the need for systemic change and legislation reform from within the Italian government.

#### **4. CASE STUDY 3: HUNGARY**

The tumultuous relationship between the press and the Hungarian government has been recognized by international actors for years (Bodrogi, 2017; Council of Europe, 2022; Council of Europe CHR, 2014). Although Hungary runs on a parliamentary system that on paper appears to be democratic, actions taken by the prime minister in the last decade have shifted the country towards right-wing populist and nationally-conservative authoritarianism (Liboreiro & Zsiros, 2022; Serhan, 2020). Since 2010, the Hungarian government has started and continued a concerning trend of removing checks and balances from their government, which has had a heavy effect on the independence of the press. Hungarian Prime Minister Viktor Orbán continues to put effort into systematically eroding the freedom of the media, especially independent journalism, in the hopes of furthering his pro-government

<sup>4</sup> ECPMF has created a program that assists journalists facing legal issues of different varieties, mainly aiding journalists who face defamation charges and push back from their governments in accessing public documents (see: <https://www.mfr.eu>).

<sup>5</sup> Organization that works alongside the Italian Press Association to collect testimonies and reports from threatened journalists and offers protection on a case-by-case basis.

narrative (IPI, 2022b; OHCHR, 2021; Rankin & Garamvolgi, 2022) These actions show a decrease in the relevance of international rules and obligations within the country, leading to a higher level of corrupt legislation and SLAPPs.

The current system that rules the press contradicts the original function of the press as outlined in the country’s constitution. As for laws regarding the freedom of the press, Art. 9(1) of the Hungarian Constitution grants the right to freedom of expression: “Everyone shall have the right to freedom of speech,” with Art. 9(2) granting the right to freedom of the press. Allowing funding to only go towards outlets that are pro-government is an example of some of the actions taken by Fidesz (the ruling right-wing party) and the prime minister that have violated Art. 9(2) of the constitution and the government’s duty to “recognize and protect the freedom and diversity of the press and ... ensure the conditions for free dissemination of information” (Fundamental Law of Hungary, 2011). The immense number of lawsuits against investigative journalists in the country also violates the statements made in the constitution. The ongoing hypocrisy between the standards set in the constitution and the reality of press protections can be traced back to the passage of the Hungarian Press and Media Act of 2010.<sup>6</sup>

The passage of this act gained the attention of the Human Rights Watch, who criticized the law for its further endangerment of press freedom and disregard for international protections that already existed (Human Rights Watch, 2011).<sup>7</sup> The law created an authoritative body with the purpose of monitoring all media, ultimately giving the body the power to control what is published. The body can impose fines of up to € 700,000 for reasons including “unbalanced news coverage” or coverage that is deemed to violate “public morality.” The passage of this act has allowed Fidesz to mold the media into a propaganda tool, only allowing content that aligns with the party’s ideology (Human Rights Watch, 2011). Although investigative journalism still exists in the country, any journalist who wishes to publish information on corruption is shut down by the state, usually in the form of hefty lawsuits (Ekholm & Ylilehto, n.d.). To the Hungarian government, journalists are “political actors,” not individuals who collect important information for the interest of the public.

Aside from corrupt legislation, defamation lawsuits are an extremely prevalent way in which authority figures target journalists. According to the Hungarian Criminal Code Art. 226, defamation is a criminal offense that can carry up to 2 years in prison if convicted. The case of Júlia Halász is an example of the type of defamation cases that journalists in Hungary experience regularly. In May of 2021, Júlia Halász, a reporter for one of Hungary’s largest still running independent newspapers, 444.hu, was convicted of a criminal defamation charge (Crouch, 2021). The charge came from an article that she had published back in 2017, where she accused a Budapest city district councilor of harassment when she attempted to cover him at a party forum. The counselor, László Szabó, who is a member of Fidesz, denied the harassment, with other members of Fidesz being his only witnesses. The harassment in question involved Szabó accusing Halász of filming him without permission, and physically forcing her out of the room while taking her phone and deleting all the photos she had of him. The criminal complaint Halász had filed was dismissed by Hungarian authorities due to lack of evidence. Although the incident was a clear violation of Halász’s rights both as a journalist and as a citizen, the laws currently in place allow the government to regulate

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<sup>6</sup> The act went into effect on January 1, 2011.

<sup>7</sup> Hungary has signed and ratified the UDHR, ICCPR, CFREU, and the ECHR, all including clauses protecting the right of press freedom.

what gets published by suing journalists. This allows political leaders such as Szabó to file complaints such as the one described above, with no penalty for their own actions, leaving journalists who speak out burdened with lawsuits or criminal charges.

Another example that shows political abuse of criminal law to silence journalists is the case of András Dezső (RSF, 2020). In 2018, Hungarian investigative journalist András Dezső was reprimanded by a court in Budapest for the alleged misuse of personal information that he had published in an article earlier that year. The information in question had been published on an official Swedish database, accessible to the public, which Dezső had accessed legally. This was later confirmed by the authorities. “Democracy demands due process with respect for a diversity of viewpoints,” editor-in-chief of RSF, Pauline Adès-Mével said regarding Dezső’s case. “An EU member country cannot allow a veteran journalist to be convicted for doing his job in a normal manner and simply using publicly available information” (RSF, 2020)

The international attention that Dezső’s case brought to the increasing number of threats to press freedom in Hungary is positive, yet the issue is not simply solved by passing new legislation. In the case of Hungary, the issue of press freedom is more closely related to the country’s declining commitment to democracy, which freedom of the press is a vital aspect of. When a government does not value and actively maintain systems that promote democracy, there will be no true freedom of the press. The cases outlined above show a projection of a changing government that has begun to shift the profession of journalism from its traditional role as a government watchdog to one that is used to aid the government’s agenda. This in turn is a part of a broader pattern of breaking down the original system of checks and balances that previously made Hungary a democracy. Journalists can only fulfill their proper role in the society if their rights are respected within a democratic system, but when the system of democracy itself is not upheld, journalists will not be able to do their jobs properly without backlash.

## 5. CONCLUSION

The case studies analyzed above are the tip of the iceberg of legal attacks against press freedom and reflect larger themes regarding the future of both journalism and democracy. The ability to speak out against a person of higher power (even in a negative manner) is vital to democracy. A journalist’s job is to pass on information to the public that the public themselves do not have easy access to. Any country whose government’s actions contradict the purpose of the profession of journalism, cannot consider itself a democracy.

International bodies have begun to recognize this. “The European Court of Human Rights has vindicated several journalists, who have lashed out at public officials, calling them all sorts of names, on the grounds that their criticism adds to pluralism and democracy—even if offensive and provocative at times” (Carassava, 2021). Freedom of speech and opinion does not require one to be respectful or agree with another’s thoughts. It is exactly the opposite. True democracy entails welcoming all opinions. Not only does this need to be codified into law (as it already is in the case studies discussed above), but must also be respected and upheld by those of authority. The latter is where Greece, Italy, and Hungary fall short. Considering this and the actions of the governments of Greece, Italy, and Hungary noted in this analysis, the veil of democracy that these countries hide under becomes questionable, placing them realistically more in the category of authoritarian governments.

This conclusion can be made by outlining three major themes that are shown in the case studies of these countries. The first theme is the disconnect between legislative action

and judicial inaction. This is most evident in the passage of legislation that inherently violates these countries' constitutions, with no judicial action being taken to question the passage of such legislation. The prime examples of this is Greece's "fake news" amendment to Art. 191 of its criminal code. This law should have been questioned in court and ultimately struck down, as the main goal of the law violates the freedom of opinion clause as well as the press freedom clause of the Greek Constitution. The second theme is the unwillingness of governments to recognize the questionable nature of the lawsuits by authority figures which seek to intimidate journalists and keep them from exercising their rights. Finally, the third major theme that emerged from this analysis is the disregard of broader international norms and rules, such as those put forth by the EU and UN, regarding press freedom. As members of the EU, Greece, Italy and Hungary are obliged to respect EU values and implement relevant legislation domestically. In the case of press freedom, the actions of these countries show that the international norms set by the EU are not being respected.

"Democracy is based on the exercise of the right to freedom of opinion and expression and the freedom of information, both offline and online. This is at the core of the profession of journalism and must be accompanied by an environment that is able to provide protection and safety to journalists and media professionals." (Council of the EU, 2022a)

Although there have not been steps taken domestically to combat the legal threats against journalists in these countries, international institutions have begun to recognize the magnitude of the issue. A 2021 annual report prepared by partners of the Council of Europe, *Defending Press Freedom in Times of Conflict*, shows that the ministers of the Council of Europe have approved a plan to establish a legal framework for improved protection against abusive and vexatious legal threats targeted at journalists (Council of Europe, 2022). The European Commission has expressed that it will consider the amendment of current EU legislation regarding conflicts of law and jurisdictional regimes, with the goal of ending cross-border SLAPP lawsuits throughout the EU (Council of Europe, 2022). The Commission has also presented a proposal for a directive on SLAPPs that would suggest additional safeguards against these lawsuits and provide guidance to member states on the matter. The recent discussion of creating new European legislation to combat SLAPP cases is positive. Although it will not be enough to solve the issue, it is a helpful step that can push these countries to implement their own domestic legislation.

While international pressure is important, this analysis shows that international regulations only go so far in the protection of press freedom. Threats to free press only become less once the issue is recognized domestically and systemic change is made. Although the profession of journalism is deemed necessary for a functional democracy and respected on the surface, the current functioning of the governmental systems of Greece, Italy, and Hungary show a declining respect for the profession. Looking at the issue holistically, the increase in threats against journalists indicates a shift from democratic values to more authoritarian practices, making the relevant countries more vulnerable to corruption. Without the scrutiny of free press, people in power (particularly politicians) can use their authority as they see fit for their personal benefit. This connection between declining press freedom and increasing authoritarianism must be made clear as a system that does not respect the right to the truth and those who deliver it does not deserve the title of a democracy.

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## APPENDIX

### LIST OF RELEVANT INTERNATIONAL LAWS & TREATIES

#### 1. Article 19 of the Universal Declaration of Human Rights

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

#### 2. Article 19(2) of the International Covenant on Civil and Political Rights

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

#### 3. Article 11 of the Charter of Fundamental Rights of the European Union

(1) “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public

*authority and regardless of frontiers.”*

*(2) “The freedom and pluralism of the media shall be respected.”*

#### 4. Article 10 of the European Convention on Human Rights

*(1) “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.”*

*(2) “The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”*