



TEXTS ADOPTED

P8_TA(2018)0183

Protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová

European Parliament resolution of 19 April 2018 on protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová (2018/2628(RSP))

The European Parliament,

- having regard to Articles 2, 4, 5, 6, 9 and 10 of the Treaty on European Union (TEU),
- having regard to Article 20 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 6, 7, 8, 10, 11, 12 and 47 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention on Human Rights (ECHR) and the related case law of the European Court of Human Rights,
- having regard to the International Covenant on Civil and Political Rights (ICCPR),
- having regard to the UN Human Rights Committee's General Comment No 34 on Article 19 of the ICCPR (Freedoms of opinion and expression),
- having regard to Resolution 2141 (2017) of the Parliamentary Assembly of the Council of Europe of 24 January 2017 on attacks against journalists and media freedom in Europe,
- having regard to the declaration of the Council of Europe's Committee of Ministers of 30 April 2014 on the protection of journalism and safety of journalists and other media actors,
- having regard to the commitments of the OSCE in the fields of freedom of the media, freedom of expression and the free flow of information,
- having regard to its resolution of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential

- information of companies and public bodies¹,
- having regard to its resolution of 25 October 2016 with recommendations to the Commission on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights²,
 - having regard to its resolution of 15 November 2017 on the rule of law in Malta³,
 - having regard to its resolution of 25 October 2016 on the fight against corruption and follow-up of the CRIM resolution⁴,
 - having regard to the open letter of 6 March 2018 addressed by 17 media freedom organisations to the President of the Commission, Jean-Claude Juncker,
 - having regard to the statements by the Council and the Commission of 14 March 2018 on the protection of investigative journalists in Europe: the case of Slovak journalist Ján Kuciak and Martina Kušnírová,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas respect for the rule of law, democracy, human rights and fundamental freedoms, and the values and principles enshrined in the EU Treaties and international human rights instruments are obligations incumbent on the Union and its Member States and must be respected;
 - B. whereas Article 6(3) TEU confirms that fundamental rights, as guaranteed by the ECHR and as arising from the constitutional traditions common to the Member States, constitute general principles of Union law;
 - C. whereas the EU operates on the basis of the presumption of mutual trust that Member States act in conformity with democracy, the rule of law and fundamental rights, as enshrined in the ECHR, the Charter of Fundamental Rights and the ICCPR;
 - D. whereas free, independent and unhindered media constitute one of the cornerstones of a democratic society; whereas Member States have the duty to ensure that press freedom and journalists are protected on their territory;
 - E. whereas the rights to freedom of expression and freedom of opinion are indispensable conditions for the full realisation of the principles of transparency and accountability;
 - F. whereas the EU and its Member States are committed to respect freedom and pluralism of the media, as well as the right to information and to freedom of expression as enshrined in Article 11 of the Charter of Fundamental Rights, Article 10 of the ECHR and Article 19 of the ICCPR; whereas the public watchdog functions of the media are crucial for upholding these rights and for the protection of all other fundamental rights;
 - G. whereas the Union has the possibility to act in order to protect the common values on

¹ Texts adopted, P8_TA(2017)0402.

² Texts adopted, P8_TA(2016)0409.

³ Texts adopted, P8_TA(2017)0438.

⁴ Texts adopted, P8_TA(2016)0403.

which it was founded; whereas the rule of law and fundamental rights should be applied with equal strength to all Member States;

- H. whereas the Slovak investigative journalist Ján Kuciak and his partner Martina Kušnírová were found murdered in their home in Veľká Mača on 25 February 2018;
- I. whereas the right to independent and transparent access to justice is a core component of the rule of law; whereas the perpetrators of these murders, but also those of earlier cases, have yet to be brought to justice and a culture of impunity must be condemned;
- J. whereas this is the fifth case of a journalist being murdered in an EU Member State in the past ten years¹, and the second murder of an investigative journalist working on the Panama Papers in the EU following the assassination of Daphne Caruana Galizia in Malta in October 2017; whereas attacks on investigative journalism are crimes against the rule of law and democracy;
- K. whereas Ján Kuciak specialised in investigating large-scale tax evasion scandals, tax fraud, corruption and money laundering, and explored in his last article, published posthumously, the potential extortion of EU agricultural subsidies by the Italian mafia group 'Ndrangheta, which may have also involved government officials close to high-level politicians;
- L. whereas the murder led to the biggest peaceful protests and street demonstrations since the Velvet Revolution of 1989, calling for justice, accountability, the rule of law, respect for media freedom and action to fight corruption; whereas the protesters and the Slovak public have shown serious distrust in the state institutions and officials, including the police; whereas trust in the state institutions has to be restored;
- M. whereas, according to the Council of Europe, abuses and crimes committed against journalists have a deeply chilling effect on freedom of expression and amplify the phenomenon of self-censorship;
- N. whereas the Organised Crime and Corruption Reporting Project reported that personal information of Ján Kuciak might have been leaked following several freedom of information requests filed by him with Slovak state authorities; whereas he submitted a criminal complaint to the Prosecutor's Office after being threatened by a Slovak businessman, and subsequently stated that 44 days after the submission the case was not assigned to a police officer and was closed with no witness hearing held;
- O. whereas the protection of journalists and journalistic sources, including whistle-blowers, varies between Member States and in most does not include providing effective protection against retaliation, defamation charges, threats, intimidating lawsuits or other negative consequences; whereas the inadequate protection offered by some Member States to journalists, as well as the growing hostility displayed towards them by some public figures, are substantially undermining their basic freedoms;
- P. whereas the Media Pluralism Monitor's 2016 Country Report on Slovakia identified high levels of risk regarding political independence, primarily because local media are being funded, and are often indirectly owned, by municipalities and are exposed to

¹ See: <https://rsf.org/en/journalists-killed>

potential political pressure; whereas the report also mentions existing safeguards for the protection of journalistic sources such as judicial review and legal definitions;

- Q. whereas according to the World Press Freedom Index 2017 by Reporters Without Borders, defamation is punishable in Slovakia by up to eight years' imprisonment, the harshest penalty for this offence in the EU; whereas, however, Slovakia ranks 17th in this index;
 - R. whereas the Secretary-General of Reporters Without Borders, visiting Bratislava on 2 March 2018, deplored the 'appalling climate for journalists' that has been sustained and even created in certain Member States by numerous European politicians, including government leaders;
 - S. whereas several attacks on journalists in Slovakia have been reported since 2007 and two journalist are still missing;
 - T. whereas according to the World Economic Forum (2017), Slovakia ranks 117th in terms of corruption out of 137 countries surveyed; whereas prosecutions for corruption-related offences have fallen considerably; whereas the 2018 European Semester's country report on Slovakia states that no progress has been achieved in stepping up the fight against corruption;
 - U. whereas Parliament organised a fact-finding mission to Slovakia from 7 to 9 March 2018, consisting of Members from the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Budgetary Control;
 - V. whereas serious concerns of NGO representatives were articulated in the mission report of Parliament's delegation, primarily on possible conflicts of interest, such as those between the General Prosecutor's Office and the organs which should control its activity and between the Minister of the Interior and the chief of police; whereas, in addition, the selection of top prosecutors was described as highly politicised and the lack of an independent body competent to review complaints against the police was criticised; whereas the adequacy of protection of media freedom and the transparency of media ownership were queried;
 - W. whereas, when the Slovak Supreme Audit Office conducted an exercise covering all EU fund managing and intermediate authorities, only the Slovak Agriculture Paying Agency (APA) was found problematic; whereas the Audit Office passed its findings to the Slovak General Prosecutor and National Criminal Agency;
1. Strongly condemns the murder of Slovak investigative journalist Ján Kuciak and his partner Martina Kušnírová;
 2. Is appalled by the fact that this is the second fatal attack on a journalist in the EU in the past six months, after journalist Daphne Caruana Galizia was assassinated in Malta on 16 October 2017;
 3. Calls on the Slovak authorities to deploy all necessary resources to ensure a full, thorough and independent investigation into the murders of Ján Kuciak and Martina Kušnírová that brings those responsible to justice; welcomes the Slovak authorities' intention to fully collaborate with the international law enforcement authorities and the Italian Anti-Mafia Investigation Directorate (DIA) during the investigations; strongly

recommends creating a joint investigation team to be co-led by Europol and allowing it full access to the case file;

4. Calls on the Slovak Prosecutor-General to look again into the criminal complaint submitted by Ján Kuciak after being threatened, and to investigate the reports that personal information was leaked after he filed several freedom of information requests with the Slovak authorities;
5. Urges the Slovak authorities to ensure the protection of investigative journalists from any form of intimidation, defamation charges, threats or physical attacks, and to take effective measures for the protection of those exercising their right to freedom of expression against attacks aimed at silencing them;
6. Acknowledges the crucial role that investigative journalists can play as watchdogs for democracy and the rule of law; condemns insulting comments by EU politicians towards journalists; notes that the highest level of protection of investigative journalists and whistle-blowers is in the vital interests of society as a whole; encourages both the Commission and the Member States to present legislative or non-legislative proposals for the protection of journalists in the EU who are regularly subject to lawsuits intended to censor their work or intimidate them, including pan-European anti-SLAPP (Strategic Lawsuit Against Public Participation) rules;
7. Calls on the Commission to safeguard, promote and apply the values enshrined in the Treaty on European Union and the Charter of Fundamental Rights, as well as in the ICCPR, and, in this context, to monitor and address challenges to media freedom and pluralism across the EU, while respecting the principle of subsidiarity; calls on the Commission to keep Parliament closely informed of actions taken;
8. Points out that whistle-blowers have proved to be a crucial resource for investigative journalism and for an independent press, and that guaranteeing the confidentiality of sources is fundamental to freedom of the press; stresses, therefore, that whistle-blowers contribute to democracy, transparency of politics and the economy, and an informed public; calls on the Slovak authorities, and all the Member States, to ensure the protection of the personal safety and livelihoods of investigative journalists and whistle-blowers; asks the Commission to propose an effective, comprehensive and horizontal EU directive on the protection of whistle-blowers, by fully endorsing the Council of Europe's recommendations and Parliament's resolutions of 14 February 2017¹ and 24 October 2017;
9. Calls on the Commission to create a permanent financial support scheme including a dedicated budget, by reallocating existing resources in support of independent investigative journalism;
10. Calls on its Conference of Presidents to present a proposal on how Parliament could honour the work of Daphne Caruana Galizia and Ján Kuciak, and to consider renaming Parliament's traineeship for journalists after Ján Kuciak;
11. Notes that the Media Pluralism Report 2016 by the Centre for Media Pluralism and Media Freedom (CMPF) identifies a medium to high risk of horizontal media

¹ Texts adopted, P8_TA(2017)0022.

ownership concentration in Slovakia; considers that media pluralism in a number of Member States is threatened by the control of the media by political bodies or individuals or by certain commercial organisations; underlines that, as a general principle, governments should not abuse their position by influencing the media; recommends including more detailed information on media ownership in the annual Media Pluralism Monitor;

12. Welcomes the Investigative Journalism for the EU (IJ4EU) initiative, whose aim is to foster and strengthen cross-border collaboration among investigative journalists in the EU;
13. Is concerned about the allegations of corruption, misuse of EU funds, abuse of power and conflicts of interest in Slovakia which could cause the deterioration of democracy; calls on the Slovak supervisory and judicial authorities and on the European Anti-Fraud Office (OLAF) to investigate all alleged irregularities and frauds, including VAT carousel frauds and those relating to the European Agricultural Fund for Rural Development (EAFDR) and other structural funds;
14. Expresses deep concern at the possible involvement of organised crime in the murder and at the risk of infiltration in the sectors of politics, government at all levels, the economy and finance; stresses that this phenomenon must not be underestimated; recalls that international criminal networks are highly active and that organised crime is growing in scale and sophistication; calls on Slovakia and all the Member States to improve cooperation and coordination in order to boost the development of common, standard procedures based on the good practices of those legal systems that are the most highly developed in terms of countering organised crime;
15. Notes that the Supreme Audit Office of Slovakia has issued three critical reports on the APA; calls on the Slovak authorities to ensure a thorough investigation of the findings of the Supreme Audit Office; calls on the European Court of Auditors to conduct an investigation and to publish a Special Report on agricultural payments in Slovakia;
16. Encourages Parliament's Special Committee on Financial Crimes, Tax Evasion and Tax Avoidance to evaluate the allegations of VAT fraud, money laundering and misuse of European funds, as well as the sufficiency of national rules on seizure of assets following criminal activity in this context, with special regard to the work of Ján Kuciak and other investigative journalists;
17. Calls on the Council to work with participating Member States in setting up the European Public Prosecutor's Office as soon as possible, in the interests of coordinated action against fraud in the EU and other crimes affecting the Union's financial interests;
18. Expresses concern about the findings of the report drawn up by its Committee on Civil Liberties, Justice and Home Affairs and its Committee on Budgetary Control following their fact-finding mission to Slovakia, stating that the selection of top prosecutors is believed to be highly politicised and that there have been a number of allegations of corruption against top officials which did not lead to a proper investigation; calls on the Slovak authorities to strengthen the impartiality of law enforcement and to address the key findings and recommendations of the report on Parliament's fact-finding mission; asks the Slovak Government and Parliament to take all the necessary steps to restore the public's trust in the state institutions, including the police;

19. Reiterates its regret that the Commission decided not to publish the EU Anti-Corruption Report in 2017, and calls on the Commission to resume its annual anti-corruption monitoring in all Member States without delay; invites the Commission to develop a system of strict indicators and easily applicable, uniform criteria to measure the level of corruption in the Member States and evaluate their anti-corruption policies, in line with Parliament's resolution of 8 March 2016 on the Annual Report 2014 on the Protection of the EU's Financial Interests¹;
20. Stresses that it is of vital importance to guarantee that the common European values listed in Article 2 TEU are upheld in full and that fundamental rights as laid down in the Charter of Fundamental Rights are guaranteed;
21. Strongly calls for a regular process of monitoring and dialogue involving all Member States in order to safeguard the EU's basic values of democracy, fundamental rights and the rule of law, involving the Council, the Commission and Parliament, as proposed in its resolution of 25 October 2016 on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights (the DRF Pact);
22. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States and the President of the Slovak Republic.

¹ OJ C 50, 9.2.2018, p. 2.