


# Press Freedom and Freedom of Expression in Estonia and Latvia: The Role of Agents

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**Abstract:** Editorial independence and freedom of expression are not self-evident in 21st century European Union. Although the Press Freedom Index monitors the situation on a yearly basis, we ask in the context of two Baltic states – Estonia and Latvia, what the improvement of Latvia’s ranking and deterioration of Estonia’s tells us about freedom of press (FoP) and freedom of expression (FoE) in these two countries. As we differentiate between FoP and FoE in the current article, our aim is to evaluate who the agents are that play a key role in ensuring both. The main objective of this article is to propose an agent-oriented approach for the assessment of the trends concerning the practices of FoE and press freedom in Estonia and Latvia. The approach includes case research method that enables us to reveal the pressure mechanisms that are related to various agents. The study focuses on cases that put pressure on media freedom as well as those that are more related to restrictions concerning FoE: Strategic Lawsuit Against Public Participation (SLAPP) and whistleblowing. We conclude that cases from Estonia and Latvia illustrate how the actions and non-actions from individual and institutional agents could have detrimental effect on both the FoE and of the press, even when the highest court instances and legal frameworks are generally supportive of these freedoms.

**Keywords:** freedom of expression; freedom of the press; agent-oriented approach; case analysis; Estonia; Latvia.

## INTRODUCTION

In the second decade of the 21st century, the European Union is faced with the situation where the editorial independence of news media and the freedom of expression are being questioned. The various forms of pressure on the news media and people who express critical opinion are developing in small steps – through unnoticed changes in the law or through new interpretations of existing laws. With this article we first propose a methodology that allows us to reveal the agent-related pressure mechanisms and potential risks concerning both freedom of the press (henceforth FoP) and freedom of expression or speech (henceforth FoE). Second, we compare the diachronic development of both FoP and FoE in two Baltic countries – Estonia and Latvia.

Legal methods (any that include using norms and inferences in the legal domain, (Herrán, 2023) generally concern sources of law and methods of interpretation (Edwarsson & Wockelberg, 2013: 364, 365). The traditional approach to the FoE primarily assesses the legal environment in the country, asking whether the law adequately supports FoE and how the law is interpreted by assorted legal actors.

In this study, we argue that the FoE and FoP are on daily bases applied by many other actors who are neither lawmakers nor lawyers, such as journalists, media owners, bureaucrats, whistleblowers and media prosumers, etc. The activities of these agents lead to potential opportunities to restrict FoP and FoE, but also to counter-reactions to attempts of (potential) restrictions. Therefore, we would like to add the perspective of social science and ask about the role of various agents who either enhance or diminish the protection granted for FoE. We call it ‘the agent-oriented approach’, which includes the case study method. Margaret Archer’s theoretical model of morphogenic society (Archer, 2010, 2013, 2015, 2017, 2020) was used here to understand the role of particular agents. In brief, the outcome of interactions between the agents could be either a change or transformation in the structural and legal framework that Archer calls morphogenesis or reproduction of the structural and legal framework, which she named morphostasis. Primary agents are those whose actions reproduce the existing condition (uphold the existing legal framework, understandings, practices etc). Corporate Agents are those whose actions result in transformation of the existing structure. By adopting this theoretical approach, we could group all the agents into two groups: primary agents – judges, journalists, some lawyers, media experts – and corporate agents – politicians (both, far-right and corrupt), businessmen, prosecutors.

In assessing FoE and FoP in a comparative perspective, two dimensions must be considered: one is the change in the degree of freedom in each country over time. The second dimension is the implementation of existing laws of certain country compared to others. The European Court of Human Rights (ECtHR)

is the ultimate arbiter of human rights matters in Europe, and that includes respect for FoE. However, a persistent trend of clear shortcomings in national legal frameworks for the protection of FoE can be noticed. A growing number of ‘strategic lawsuits against public participation’ (SLAPP cases, for short) as well as the growing number of frivolous and vexatious lawsuits against journalist was reported in various countries (Council of Europe (2022.2)).

While the “Freedom of Expression in 2021” (Council of Europe (2022.2)) report points out the countries and aspects of increasing risks as well as progress, Estonia and Latvia are not mentioned – it is likely that changes in both countries can be described as tendencies, there are clearly no prominent symptoms of risks or progress. In the Estonian case, we can see temporal and slow tendencies happening in access to information, where restrictions are being implemented more and more to limit the access to public documents (Pild et al., 2022). There are to our knowledge no similar reports in Estonia and Latvia concerning FoP or FoE. Another area where the legislation is designed to improve the FoE is the protection of whistleblowers. However, in this article we ask about the implementation practice in small societies as Estonia and Latvia. Should it be considered that in small societies it is possible to work out the identity of the whistleblower? Although the following is a matter of discussion agreements and culture, it is not exactly the law.

The change in the situation of FoP is indirectly monitored through the World Press Freedom Index, which is updated annually. Estonia ranked 4th in the world in 2022 and 8th in 2023, while Latvia was 22nd and 16th in 2023 (RSF..., n.d.). Since the beginning of the 21st century the World Press Freedom has ranked Estonia among the 10 most free countries in the world. In 2020, ranking fell to 14th place for just one year. This was due to the owner of the daily newspaper *Postimees* interfering in staffing policy. The situation in Latvia has improved since gaining 50th place in the 2011/2012 (RSF..., n.d.), which was a low point because during the first decade of the century Latvia’s ranking had hovered between 10th and 16th. The dramatic fall to 30th rank in 2009 and 50th in both 2010 and 2011/2012 was due to the structural transformation of the Latvian media environment caused by the sale of *Diena* newspaper to Latvia’s oligarchs. Several other events related to restrictions on FoE took place during this period, such as the search of the residence of Latvian Television journalist Ilze Nagla (this will be further analysed as a separate case of violation of FoE).

Does the improvement in ranking reflect that the situation in other countries has deteriorated or has the situation in Latvia become better? Is the 16th or 22nd place in the Index actually a big difference from the top 10 countries? If yes, then what factors can be found behind the statistics? What is the qualitative difference in both countries at the time where increasing populist strategies and tactics of political communication create a risk of subverting both freedoms?

As Kenny (2020, p. 267) argues there is a difference between the public perception of FoP (as the autonomy of the media from political interference) and FoE (as an individual freedom to express one's own views without fear of sanction).

To answer these questions, we need a methodology for monitoring FoP and FoE, which allows us to analyse possible barriers to the implementation of freedom of the press and expression and to detect the tendencies. Therefore, this article focuses on the question of which actors, with which agencies, influence the balance between freedom and restrictions.

## **DISTINCTION BETWEEN THE (INSTITUTIONAL) FREEDOM OF THE PRESS AND INDIVIDUALS' FREEDOM OF EXPRESSION**

In the context of the current article, it is important to distinguish FoP and FoE. The former is institutional while the latter is an individual right. Press freedom safeguards editorial independence, while FoE should enable individual journalists as well as lay members of society to express their opinion and deliver information freely. The close reading of the EU policy documents also reveals this distinction: ECHR Article 19 is about *FoE*, the European Media Freedom Act aims to safeguard the independence and pluralism of media institution and journalists. However, in the context of the present study it is important to point out the difference concerning the actors. In 2006 (12 years before the GDPR) Fenwick and Phillipson, note that:

Strasbourg Court often talks about information that “the public has a right to receive”... the values the Strasbourg Court are concerned with are *audience* based, rather than speaker-based – it would follow naturally that the Court would be principally concerned with *media freedom*, not individual FoE. This follows logically from the pragmatic stance of the Court – expression is valued for its contribution to the democratic process, both in watchdog and educational terms. (Fenwick and Phillipson 2006, p. 68).

Mike Annany (2018, p. 39, 40) highlights an additional dimension – the public has the right to hear, and the press can provide citizens' common listening experience. There is the argument that the institutional freedom of press (provided that it serves the public interest to be informed) has been traditionally better protected than an individual's freedom to speak. This argument became even more visible since the key case at the ECtHR in 1996 of 'Goodwin v. United Kingdom' concerning journalistic protection of sources. Still, whistleblowing protection was passed only in 2019 and entered into force on 16 December 2019.

By 2023 the transposition process is still ongoing in Estonia, and Latvia implemented the law in 2022.

However, the concept of whistleblowing includes controversial values and loyalties (e.g., loyalty to the employer versus loyalty to the public interest) (Kleinig 2014). Santoro and Kumar (2018, p. 38) define the concept of whistleblowing via five constitutional elements: “the public nature of the disclosure, the role of the agent, the confidential nature and content of the disclosure, and its significance for the public interest”. The core idea of the whistleblowing protection lies in the question of how the whistleblower is required to disclose the information. However, a whistleblower must consider several factors for gaining legal protection. Protection cannot be obtained by knowingly providing false information and a penalty is foreseen for this. The Directive follows the three-tiered model of reporting: internal (workplace of the whistleblower), external (authorities outside of the workplace) and public channels (media)”. Abazi’s critical views on the barriers of implementation of should be taken seriously:

Firstly, a person may publicly report the information only if she has tried other internal and external channels and they did not lead to appropriate action. Secondly, a public channel is permissible only if a whistleblower has grounds to believe that the breach may constitute an imminent or manifest danger to the public interest, such as where there is an emergency situation or a risk of irreversible damage, a risk of retaliation, or little prospect of the breach being effectively addressed due to the particular circumstances of the case, such that evidence may be concealed or destroyed or that an authority is in collusion with the perpetrator of the breach or involved in the breach. These additional conditions for public reporting thwart whistleblowers from directly reporting to the media and it remains to be seen how stringently the EU courts will interpret this provision. It can be suggested that a reading in line with FoE and the case law of the ECtHR should guide EU courts in future cases. (Abzari 2020, p. 49)

The whistleblower shall, when reporting a breach, ensure that it is carried out in accordance with all these requirements. Hence, the question of whether the whistleblower’s directive would increase the FoE and transparency in society will depend on the organizational culture and the attitudes towards critical opinion and loyalty obligations in society.

However, a journalist could enjoy the better protection of *FoP* if they have a job at a large media organisation and that organization protects its employees – the media organisation has the legal and economic resources to conduct litigation because of whatever is published. Freelance journalists and individuals

from a wide range of organizations are significantly less protected in litigation of SLAPP cases.

The term SLAPP (Strategic Lawsuits Against Public Participation) was coined by George W. Pring and Penelope Canan in the 1980s (Verza, n.d.). According to Sofia Verza (n.d.), US legal experts see SLAPP as different from a “normal” attack on FoE or media in that SLAPP’s goal is to completely silence critics by intimidating them and draining their resources. SLAPPs can be recognized by the large disparity between the power and available resources of the plaintiff and the defendant.

All SLAPPs can be recognized by the fact that cases are filed and journalists or their workplaces are involved in protracted litigation, which usually ends without a result. Furthermore, SLAPP activities have a dissuasive effect, in that they are intended to limit the work of critical mass media, targeting them with demands to pay large compensations for what is published and depleting their resources with the need to engage in expensive lawsuits (Borg, 2021). The large sums of money demanded from journalists and their employers silence journalists, keep them silent about the cases that are brought, and in time they may also lose the support of their employers because the fight in the courts requires too many resources.

In July 2023, the European Parliament provided a list of most vulnerable agents: “Journalists, media organisations, activists, academics, artists and researchers” (Europarl 2023.23.11), as well as proposed initiatives against SLAPP. The problem of SLAPP is its “liquid” nature, as they can take many forms. The allegations most typically relate to defamation, but they may relate to breaches of other rules or rights (e.g. data protection)” (Roadmap, 2021, EC, n.d.).

To reveal the nature of this problem, it is important to ask who it is that initiates SLAPP cases, and who are or should be accountable for protecting and balancing the FoE against individual rights?

## **METHODOLOGY: CASES AND ANALYSIS OF INTERACTION BETWEEN INVOLVED AGENTS**

As stated in the introduction, we claim that protection of FoP and FoE needs a new monitoring methodology that enables society to collect information and carry out analysis to reveal the diachronic tendencies concerning the implementation of both freedoms.

Initially, the analysis should consist of four levels. First, the laws that are in force and the analysis of these changes (involving descriptive research methodology). Secondly, jurisprudence – legal disputes and judgments of both the ECtHR as well as national courts and other organisations with authority to make

discretionary decisions (qualitative legal research with the aim of finding relevant legal precedents and principles). Thirdly, cases where there is a public dispute between agents over the interpretation of restrictions on FoE but which in some cases do not reach the court. There is also a possible fourth level that would require specific research methods and access to relevant information: cases that are solved within organizations but are never revealed to the public.

The measurement criteria for the first component are traditional: whether the freedom is legally guaranteed and if the restrictions of freedom are prescribed by law, and what kind of safeguards exist against the abuse of laws that restrict the freedoms? Each change in the legal environment should be assessed by answering the question: how the change influences the balance between the freedom and the restrictions? As previously stated, this kind of monitoring is missing in Estonia as well as in Latvia.

The second component needs special analysis of the case law, which provides answers to the questions concerning how the interpretations of the courts have been changing over time. While there are plenty of studies concerning the ECtHR case law concerning Article 10 (and 8), there is not any systematic analysis concerning Latvian and Estonian case law.

The third component needs case study research (Yin, 2018; Gerring, 2017) of the public discourse. The qualitative analysis enables scholars to carry out analysis that focuses on finding and recording relevant cases (make a summary of the dispute between agents and identifying the various issues that are covered by the agents), identifying the parties and their agency, interaction, and reaction. What arguments are used in public debates? The analysis provides answers to the question about the sensitivity of agents concerning the FoE and FoP. The selection and collection of cases can be approached differently, depending on the aim of the study.

In this study, we have been collecting cases that can be characterised as media scandals or intensive coverage of a topic that have created a certain “attention wave” (Paimre and Harro-Loit, 2018). In the case of such intensive media coverage, it is important that the longer the media attention stays on the subject, the more voices with distinct agency are involved. This allows the analyst to follow the debate and the arguments. The in-depth analysis of each case requires a quantitative mapping of the publications and a range of voices (who talks about what and in which channel). For this study we did not carry out quantitative analysis of the cases, but focused on a qualitative, agent-oriented approach which pays attention to the various actors, their role in the cases and maps the main discourses and “voices”.

We chose four recent cases from Estonia and three cases from Latvia. We selected only those cases which were covered by several media channels and the topic was on the agenda longer than a week. These cases revealed the changes in public

discourse and the views of many stakeholders concerning FoE or FoP. The descriptions of the cases were based on the media coverage available on them, which enabled us to explore in depth the public argumentations on the matters as well as sequence of the events. The selection of the cases was done by the authors and the aim was to demonstrate the complexity of pressure mechanisms in relation to the FoP and FoE, specifically in relation to whistleblowing. Whistleblowing is represented by two cases from Estonia – these two cases demonstrate how complicated is the situation in a small country like Estonia and how different is the situation concerning the FoP and the FoE in Estonia. We did not select any SLAPP cases, but the phenomena are addressed in the chapter about the changes of the legal environment in Estonia.

## **THE CURRENT LEGISLATIVE ENVIRONMENT OF FREEDOM OF EXPRESSION AND PRESS FREEDOM IN ESTONIA**

The legislative environment concerning FoE has been liberal and supportive of FoE in Estonia since the 1990s. Defamation of honour was decriminalised in Estonia in 2000 when the Law of Obligations Act was passed. The Act regulates defamation and the general protection to privacy (Articles 1046 and 1097). Private data protection is regulated by the Personal Data Act brought into conformity with GDPR. In Estonia, journalists and journalism (in addition to source protection and broadcasting) have only one special regulation: Art. 4 of the Personal Data Protection Act, in exceptional cases, where there is a high public interest, allows the processing of personal data for journalistic purposes without consent.

The court practice (case law) has a strong influence on legal interpretation of FoP. In the 1990s, Estonian courts afforded a remarkably high level of protection to FoP (Harro, 1996). Two of the decisions of the Estonian Supreme Court, related to the media, have reached the European Court of Human Rights (Tammer versus Estonia 2001, and Delfi versus Estonia 2013). In both judgements, the judgement of the Supreme Court of Estonia remained valid, whereas the quality of the judgments is indicated by the preservation of the arguments of the Supreme Court of Estonia in the final judgement. In the case of the Delfi v. Estonia, the solution has been criticised, as if to restrict FoE. However, because of the precise reading of the solution, it can be said that Delfi was criticised rather for its lack of editorial vigilance, and the important fact was that the comments on the news contained elements of hate speech.

Since 2019, there has been increasing pressure against FoP and FoE from politicians. For example, in March 2019 the vice-chair of EKRE (ultra-right populist party) Martin Helme, who at that time was the member of the board of the public broadcaster ERR, asked his fellow board members to sanction



ERR employees who criticised his party (ERR 2019.28.03). In 2019 the owner of Estonia's oldest daily *Postimees* interfered in the work of journalism and personnel policy (Beltadze, 2019). It should be taken into consideration that the journalistic job market in Estonia is very small and interference into personnel policy is therefore a serious threat to journalistic autonomy and FoP.

Cases of SLAPP have been increasing in the EU during the second decade of the 21st century and has also occurred in Estonia. Also, lawyers experienced in the area admit that news organisations are getting an increasing number of threats (Alaküla, 2022) but Estonia does not have a sufficiently efficient system that enables it to collect the number of cases where media organisations and journalists were sued but won the case.

The lead journalist of the investigative journalism group at *Eesti Ekspress* explains:

Anyone who want can sue journalists for their professional work or threaten somehow and all this is a waste of time. The time we should deal with the research of and publishing the articles, not waste our time under legal disputes where there is no substantive basis? If there is a legitimate legal dispute, of course we have to be sued and we have to take responsibility. Unfortunately, within recent years, we are increasingly exposed to the court actions and threats are unfounded. Therefore, a significant part of the time, sometimes even before publication, during publication and of course after the publication, goes to legal fights. (Lauk et al., 2022).

An investigative journalist at *Eesti Ekspress* admitted that too many lawsuits have the effect of creating self-censorship. Especially if a journalist is personally sued.

The most important thing for me is that I'm in SLAPP cases I am involved personally, my name is on the public list of hearings (...) That's particularly stupid, because the legal debate is not about the facts. I'm involved in a legal dispute. I even do not understand what my possible wrongdoing could be. (Eesti Ekspress, investigative journalist)

It is important to note here that Estonian legal environment enables to sue of either organisation or person, which depends on the plaintiff (Lauk et al., 2022).

From 2019 onwards, articles began to appear in Estonian media outlets, asking whether the Republic of Estonia should ban Russian propaganda channels (e.g., Mihelson, 2019.13.08, Raudsik, 2020, Ranne, 2021)? Until the official start of the Ukrainian war on 24 February 2022, Estonia had the most lenient regulations regarding Russian propaganda channels, in the Baltic states. In the

public debate on the banning of those channels, the idea proposed and discussed considered whether these channels should only be pay-per-view channels that are not offered as part of a broadcast package (Loonurm & Luhats, 2022.08.02). Finally, after several debates on the legal possibilities to ban Russian propaganda channels in Estonia, amendments to the Media Services Act were passed and the new regulation entered into force on 9 March 2022.

## **THE CURRENT LEGISLATIVE ENVIRONMENT OF FREEDOM OF EXPRESSION AND PRESS FREEDOM IN LATVIA**

Freedom of expression is included in Constitutional Law in Latvia; it is clearly defined in accordance with international human rights standards. The restrictions to FoE, which address privacy protection issues, are proportional to the legitimate aim pursued.

Latvian media regulation is liberal, it emphasises the freedom of the press and assumes that the state protects it. The Law on The Press and Other Mass Media (published in Latvijas Republikas augstākās Padomes un Valdības ziņotājs, 6/6, 14.02.1991, see Supreme Council of the Republic of Latvia, 1990)) defines FoP as the main basis for the activities of the media, including the basic principles of the establishment and operation of the media organisations, the rights, and obligations of journalists, protecting sources of information of journalists. This law was created even before independence, in the very end of 1990, and reflects the ideals of Gorbachev's glasnost. It is outdated, and its conditions do not reflect the diversity and complexity of the modern media environment; however, it has yet to be renewed.

This is one of the laws reflecting terminological inconsistency, which has led to the fact that in Latvian media regulation, modern norms coexist with designations that are closer to instrumental media understanding, such as "broadcasting means". Thus, these words are not in accordance with modern understanding, according to systems theory (Luhmann, 1996), that media is one of the separated subsystems of society. In political public communication, these words also reflect the understanding of media and FoE, which is related to efforts to limit media freedom, subjecting it to current political or "state" interests. This also determines that in Latvia there exists a professional or modern, conservative or post-Soviet and instrumental journalistic culture (Dimants, 2019), which characterised by the use of the media to advance either or both political and economic interests, clientelism in the relations between the journalists and their sources.

In mid-2011, Section 16 of the Law on The Press and Other Mass Media was amended to ensure the need to emphasise media freedom: "An editor (editor-in-chief), when performing his or her duties, shall be editorially independent."

On the one hand, the addendum clearly accentuates independence of the media editor, on the other hand, it is declarative, as it does not provide the protection of editorial independence in the case of a conflict. At the same time, the law imposes a duty on journalists to provide truthful information and respect the rights and legitimate interests of the state and stipulates that a journalist is responsible for information published, which insults the honour and dignity of a person.

Defamation is still criminalised in Latvia. Article 157, Part 2 of the Criminal Law stipulates that defamation in mass media is punishable by temporary deprivation of liberty or by probation supervision, or by community service, or by a fine (Latvijas Vēstnesis, 199/200, 08.07.1998.). Criminal liability for defamation refers to the author. In this case, the editor-in-chief's responsibility for the content of the published material does not apply.

Analysis of media regulation prepared for the Latvian Media Ethics Council by Sorainen Law Office (Tauriņš et.al., 2020) identifies that in the Latvian legal framework, the interpretation of the concept of a journalist corresponds to the institutional approach rather than the functional one, thus unreasonably narrowing and simplifying the scope of the concept.

Protection of journalistic sources is regulated by Article 22 of the Law on the Press and Other Mass Media. The right not to disclose the source of the information is not absolute and is subject to restrictions. To protect the essential interests of an individual or society, only a court may instruct a media journalist or editor to indicate the source of the information published.

It must be noted that the general context for the development of the system of media freedom related law system significantly improved after release of first National Media Policy Guidelines in 2016 (Cabinet of Ministers, 2016). This followed the elaboration of the institutional infrastructure – creation of Media Support Fund that fostered editorial autonomy and transparency as well as establishment of the Council of Media Ethics (in 2018), and PSM ombudsperson (in 2022) in the context of ongoing reform of PSM.

Latvia is one of the first countries that has transposed the EU Whistleblowing Directive (Directive 2019/1937), followed by adoption of new Whistleblowing Law, which entered into force in 2022 (Latvijas Vēstnesis, 2022/24B.1).

## POLITICAL PRESSURE AGAINST PRESS FREEDOM IN ESTONIA: OVERVIEW OF THE KEY-CASES

### CORRUPTION CASE OF THE MINISTRY OF EDUCATION AND RESEARCH

In 2020, the Estonian daily newspaper *Õhtuleht* published an investigative article revealing the minister of education and research had been using the ministry's chauffeur driven car to take her kids to school and kindergarten over a long period (Kuznetsov et al., 2020.17.11). This was followed by further public allegations of misuses of finances (Mihelson et al., 2020.22.12) and possible embezzlement (Berendson, 2021). The corruption case is currently still in court (Mihelson, 2022.07.01) with no estimate of the end of court hearing.

An interesting aspect about this case was that the ministry of justice tried to act against the newspaper. *Õhtuleht* revealed that the minister of justice had asked the prosecutor's office to evaluate the work of *Õhtuleht's* journalist because he believed there were signs of private surveillance which is an offence against liberty under the Penal Code of Estonia (§ 137) (Riik, 2020a). Several stakeholders including Estonian Association of Journalists (Paju, 2020a.21.11) and Estonian Association of Media Enterprises condemned the actions of minister of justice for attacking Estonian FoP and the inaction of the prime minister who stayed silent about the actions of minister of justice (*Õhtuleht* (2020.23.11)). Minister of justice then backed down and stated that they had not attacked the FoP (Riik, 2020b). Since the communication between the minister of justice and the public prosecutor was not documented, there was nothing to publish under the Public Information Act (Riik, 2020c).

In addition to the ministry of justice, the journalists were also put under pressure by some media experts due to potential unethical conduct. To prove the abuse of the official car of the minister, the newspaper published a photo in which the children of the minister were exiting the car. The publication of the photo was criticized by various experts in the press community and politicians, some of the criticism was published before the journalists had a chance to explain their reasoning. For example, the journalism ethics ombudsman of the Estonian Public Broadcasting said: "Currently, children are unnecessarily and unethically drawn into this matter by *Õhtuleht*" (Roosve, 2020). Later journalists covering this corruption case published extended explanations about their moral reasoning for publishing the concerned photo: that the photo was taken from a distance, the faces were blurred, and that the minister had repeatedly exhibited her children in the media.

It was also revealed that several officials of the ministry knew for years of the minister's actions and understood that they were wrong. They had remained silent until journalists began to investigate the activities of the minister. We can

draw from here the question of how applicable the FoE is for officials. If there was no freedom of the press and the journalists who represent it, the corruption in the ministry that has probably lasted for years would have been still going on.

The large-scale public debate between politicians, journalists, public servants, media experts and various press organisations highlighted, that freedom of the press is no longer self-evident for the assorted agents in Estonia – even in the case of a clear high-level corruption. However, by the end of the debate the public discourse was dominated by the opinion that the public must know about corruption and that it is the duty of journalists to publish such material.

However, this case represents a change in the attitudes of politicians in Estonia. According to the cases collected by the authors of this article, this was first case since the 1990s that politicians dared to attack journalists exposing corruption in systematically proven investigative articles. However, this case illustrates that news journalism, even under pressure, still can protect its independence and the public debate helps to support the value of media freedom.

## **NO HAPPY END FOR WHISTLE-BLOWERS IN ESTONIA**

The value of keeping citizens informed is accepted in public but whistleblowing as a civic duty is not recognized by Estonian organizations. Most organizations in Estonia set loyalty to the organization and the aim to protect the reputation of the organization as the primary priority (e.g., the draft of the Code of Good Conduct of officials). In other words, the value of workplace loyalty overrides freedom of critical speech. While whistleblowing is often viewed as an archetypical form of organizational dis-loyalty (Kleinig, 2014, p. 190), the notion of the publics' right to know seems to be diminishing its protective power in Estonia.

The next two cases reveal that even if the whistleblowing is justified (the topic concerning high public interest, the whistle-blower tried to use internal communication etc.) the final consequences for the whistleblower were detrimental. Therefore, fearless speech that discloses misdeeds in organizations is not protected in Estonia.

### **CASE 1: WHISTLE-BLOWER FROM THE HEALTH BOARD**

In December 2020 journalistic TV magazine *Kuu-uuriija* (*Investigator of the Moon*) ran an interview with an anonymous high-level health official who revealed the state did not have a plan for vaccination against coronavirus that should be put in action already in January for the high-risk groups (Postimees 2020.20.12)). According to the official, the state had neither sufficient needle for the vaccination program nor refrigerators for storing the vaccines (Postimees 2020.20.12).

Two days later *Postimees* revealed the communication manager for the health board was fired due to his appearance on *Kuu-uuri* as he was quickly identified as the whistle-blower (Mõttus-Leppik, 2020.22.12). The situation faced a backlash for breaching of FoE from Estonian Association of Journalists (Õhtuleht, 2020.22.12) and from the day investigative journalist of *Pealtnägija* (Estonian National Broadcasting) (Paju, 2020b.22.12). The director of the Health Board emphasised the whistle-blower did not approach him and admitted that the national vaccination program needed some preparations (Hussar, 2020.22.12). It was never revealed who helped to identify the whistleblower as all parties decided to remain silent (Pau, 2020.30.12).

The state did not have a vaccination plan, and the case of the whistleblower from the Health Board was a message for public servants: do not express your critical opinion in public media channels. No-one could say that the issue was not an urgent public interest. However, the saga itself illustrated that Estonia had problems concerning critical discussions.

## CASE 2: WHISTLEBLOWER FROM A UNIVERSITY

In August 2019, a whistleblower revealed that some research grant money received from the European Commission by the Ragnar Nurkse Institute of Tallinn University of Technology was paid to people who were not really working on the project. The whistle-blower tried to pay attention to the problem within the university, but he was silenced. He spoke to his boss, who forbade him from calling the case a crime. After that, he spoke to the head of the department, who stated that this was a hoax, but refused to mention it publicly. In addition, the whistle-blower spoke to the head of the human resources department, who knew what was going on, but had told the him that if he did not like it, he could leave (Palgi 2020.09.01). The whistleblower then contacted the rector of Tallinn University of Technology, who thought that it was essentially corruption and promised to deal with it, but the whistle-blower did not notice any changes and received no feedback. Then the whistleblower contacted the journalists.

This case was covered by all the Estonian daily newspapers. The journalists pointed out that the internal investigation of the Tallinn University of Technology did not contain errors. In this case, too, the role of the press and journalists in informing the public and amplifying the whistleblower's voice was clearly distinguished. As has been said – until the journalists escalated the misuse of funds into media scandal, the university denied any misuse of money. During the scandal in 2019, the prosecutor's office started an investigation of potential benefit fraud but in 2021 decided not to bring any charges against the university (ERR 2021.24.06).

## NEW ACTORS PROVIDE PRESSURE IN ESTONIA: PROSECUTORS

### THE PUBLIC PROSECUTOR'S OFFICE FINED JOURNALISTS PERSONALLY

The Public Prosecutor's Office asked Harju County Court to fine Sulev Vedler, Tarmo Vahter and their employer Delfi Media AS for publishing an article in *Eesti Ekspress* on 25 March 2022 that covered the investigation of alleged money laundering in Swedbank without the permission of the prosecutor's office. Among other things, the names of the suspects in the article were disclosed (Vedler, 2022.04.05). The case elicited many surprised responses from the experts who emphasised the dangers related to fining journalists personally (e.g., Eesti Päevaleht (2022.04.05; ERR, 2022.05.05; Nömper, 2022.05.05; Ginter, 2022; Pölluste, 2022).

The county court fined journalists and the owner of the publication each with 1000 euros. But the Tallinn District Court annulled the ruling of the county court and explained that although the law required the permission of the prosecutor's office to publish information concerning pre-trial proceedings, the imposition of a fine was not justified. The lack of justification was because the publication of the article did not damage the investigation of the criminal matter (ERR 2022.14.06). The Supreme Court agreed with the conclusion of Tallinn District Court in the ruling, but explained further when the permission of the prosecutor's office is required for publication of the data and when a fine may be imposed on the violator of the prohibition on publication (Delfi, 2023.31.03).

All stages of, and the parties, to the case agreed that the Code of Criminal Procedure in principle allows for fines to be imposed on journalists for unauthorised publication of information concerning pre-trial proceedings in criminal matters – both the wording of the Act and the explanatory memorandum refer to this. Similarly, according to the case-law of the European Court of Human Rights, such punishment of journalists is not contrary to the principle of FoE (Delfi, 2023.31.03).

The Supreme Court noted, however, that the prosecutor's office must not act arbitrarily when granting or refusing permission to publish information but must consider both the interest of the public in obtaining information and the need to solve a criminal offence and protect the interests of the people or companies affected by the information. It is also possible to challenge the refusal of the Prosecutor's Office in court. The requirement for the permission of a prosecutor's office does not extend to information received by a person regardless of criminal proceedings – for example, by witnessing a criminal offence themselves. Similarly, the threat of a fine does not include cases where the victim tells their loved ones about a crime committed against them after interrogation (Delfi, 2023.31.03).

This case illustrates the important role of the Supreme Court as a protector of the FoP. Since the case turned into a media scandal and had been under the media's attention for a long time, representatives of various expert groups, including lawyers and former judges, took the floor. In the debate, it appeared that the lawyers had arguments between themselves, for example, about how the public interest is defined and who can define it. Journalists noted that the prosecutor's office was trying to unilaterally define which information is of high public interest status and argued that this function must remain with the press. In general, the public debate helped to protect the FoP in Estonia.

All four cases illustrate the importance of these agents and the special role of journalists as independent agents who stand for transparency. They also illustrate how the Supreme Court, in general, is the central agent of defence for FoP. However, as we look further down towards the grassroots level, there are several agents that do not take either FoP or FoE for granted, and infringe upon these freedoms with their actions, interpretations, and decisions.

An important agent in the Estonian cases is the Estonian Prosecutor's Office, as all cases involved corruption or suspicion of it. The prosecutor's office had a passive role in first two cases but took a more active stance against transparency in the third case by deciding to fine individual journalists. These cases also show that various agents can be involved in decisions and actions leading to potential limitations to FoE or FoP. In whistleblower cases, the role of the employer is crucial, as the organisation can take extra steps to retaliate against the whistleblower. Some agents have an indirect role by affecting public opinion, for instance, by turning public attention away from high-level corruption and the responsibility of those involved towards potential ethical misconduct and accountability of the press. Even if such criticism could be justified in principle, it could leave journalists vulnerable to further criticism and attacks in critical times.

The cases also demonstrate that the Estonian press and the public are ready and open for deliberative communication on various topics related to FoP. However, whistleblowing cases did not receive similar attention. Hence, there seem to be fewer agents willing to have a deliberative communication concerning the transparency and FoE in Estonian society.



## JOURNALISTS' RIGHT TO FREELY CRITICISE AUTHORITIES AND PROTECT THEIR SOURCES IN LATVIA

The situation of FoP in Latvia is characterised by four significant cases, two of which have reached the ECtHR that has decided in favour of the journalist's FoE, and the journalist's right to protect their information sources. The third case required seven years of legal proceedings and ended with the decision of the Riga District Court that the online news medium TVNET did not offend the honour and dignity of the Latvian Opera and Ballet Theatre. The fourth case shows the vulnerability of FoP in front of arguments referring to national security.

In 2007, the ECtHR decided in favour of Aivars Ozoliņš, a commentator of the newspaper "Diena", who had been sued by former Minister of Economy Laimonis Strujevičs for the moral damage caused by publications critical of the politician. In them, the journalist evaluated Strujevičs's actions, which predicted changes in the privatisation of state enterprises. Aivars Ozoliņš published several articles which accused the Minister of Economy of abusing his official position and accepting bribes in connection with the privatization process of JSC Ventspils nafta. The minister filed a lawsuit for defamation and asked to recover damages from the media company. The court ordered the applicant company to pay compensation to the minister and to withdraw four of the seven articles published in Diena newspaper, as well as pay damages. The representatives of media complained that the court's decision to impose an obligation to pay damages violated their right to FoE.

In this example, several court cases dealt with the understanding of the differences between a journalist's right to express an opinion and news that must correspond to provable facts. According to the representatives of the media, the initial conclusion of the court was wrong, that the opinion was based on specific news, that they must be true, and the opinion must be based on true facts – such a conclusion of the court contradicts Article 100 of the Constitution of the Republic of Latvia. Everyone has the right to freely express their opinions. Opinions can also be formed and expressed based on false facts and erroneous information (Cilvēktiesību gids, n.d.).

The ECtHR recognized that the content of the publications was offensive and incriminating but did not violate the limits of FoE reserved for journalists. The assessment of the politician's activity corresponded to the common interests of society.

The second case shows how the source protection principles and journalist's personal protection, and agency is treated in Latvia. The case concerned the leak of important data from the State Revenue Service (SRS) revealed by the information source of Ilze Nagla, the presenter of the analytical program "De facto" of Latvian Television. On February 14, 2010, the journalist announced

in the program “De facto” that there had been a large-scale data leak from state revenue service (SRS).

On February 19, 2010, the police went to LTV to obtain evidence from the journalist as a witness in the criminal proceedings. They asked for a transcript of the 2010 broadcast, as well as access to email correspondence with the source. The applicant refused to reveal the identity of her source, referring to the right to non-disclosure of information provided for in Article 22 of the Law “On the Press and Other Mass Information Media”. On May 11, 2010, the police searched the journalist’s residence. During the search, several storage media containing a large amount of her private information, as well as most of her work-related information, were seized.

Ilze Nagla claimed that the search was related to professional activity, and its purpose was to find out the source of the information provided in the Latvian television program *De facto* about the acquisition of data from the State Revenue Service’s Electronic Declaration System and the subsequent publication of this data. Ilze Nagla also complained about the type of search and its lack of legal justification. Thus, this case showed that because the national regulation and its application are insufficient to understand the FoE in the journalist’s work, the judgment of the ECtHR court was necessary to protect the journalist’s rights. When the case went to the ECtHR, it ruled that it believed there had been a violation of Article 10 of the Convention.

Like in the previously mentioned Estonian example, important agents in this case were law enforcement officers, a police representative, a prosecutor, and a judge. The search of the journalist’s residence took place within the framework of the criminal proceedings of the Criminal Police Department of the Economic Police Department of the State Police, which was confirmed by the prosecutor of the Finance and Prosecution Office and the investigating judge in the Riga City Centre District Court (Latvijas Vēstnesis, 2013.16.07). This example shows that, when evaluating the conflict of rights of agents (journalists, media organizations and an influential state institutions), the national level law enforcement bodies take the position of defending the interests of the state institution.

## EXCESSIVE OFFENSIVE OPINION OR SLAPP IN LATVIA?

The third case is related to the claim of the Latvian National Opera and Ballet Theatre (LNOB) against the online media TVNET for the violation of honour and dignity. The essence of the dispute is that on August 4, 2014, TVNET published an opinion piece entitled “How the Latvian National Opera views the public house of Putin’s court”, which expressed an opinion about the birthday party of the Russian composer Krutoy held at the National Opera. Considering

that TVNET denied committing a violation, LNOB appealed to the court. The Latvian Association of Journalists previously assessed the verdict of the first court as legally absurd and dangerous. The court of first instance decided to ask for almost 130,000 euros from TVNET – for insulting honour and dignity. After the appeal, the compensation was reduced to 50,000 euros.

“An overly critical opinion costs 50,000 euros in Latvia” – this is how the Latvian Journalists’ Association responded to the decision of the Riga District Court. While representatives of the industry called such a punishment disproportionate, the judge in the leading case explained that such a large compensation was awarded to prevent excessive offensive articles from being published by the media in the future.

In June 2021, the Riga Regional Court decided to completely cancel the first instance court’s verdict, which required “TVNET GROUP” to pay moral compensation for insulting the respect and honour in favour of the Latvian National Opera and Ballet.

Nevertheless, TVNET recently received an increased fine again and the media organisation is involved in a new trial related to FoE and media freedom. In the spring of this year, Latvia’s National Electronic Media Council (NEEMC) fined TVNET with 8,500 euros for the incorrect use of the word “deportation” in an interview with the member of the Parliament Aleksejs Roslikovs from “Stability!”. Consequently, the court of first instance in October recognized as legal the decision of the NEEMC to punish the “TVNET GROUP” (Straume, 2023.3.10).

At the Latvian level, this trial ended in the spring of 2024, when the Riga District Court reduced the fine imposed by the NEEMC on TVNET GROUP from 8,500 to 3,000 euros for the incorrect use of the word “deportation”. This means that the court of the second level recognized as justified the claim of NEEMC to address the media and not the politician. Although, the latter had “incorrectly” used the word “deportation” in his rhetoric, applying it to the amendments to the Immigration Law on residence permits of citizens of the Russian Federation, since the law uses the term “forced expulsion”. In the view of the court, the mass deportations organized by the occupation authorities of the USSR in the Baltics in 1941 and 1949, which violated the Geneva Convention of 1949, cannot be compared with the legal actions of the state defined in the Immigration Law. The court of first instance stated in the judgment that TVNET GROUP is not held responsible for the use of the term “deportation”, but for not ensuring that the facts and events are reflected in the program fairly, objectively, with due accuracy and neutrality, promoting the exchange of opinions, and comply with generally accepted journalistic and ethical principles.

In the opinion of the court, NEEMC rightly pointed out that the guest of the program could express any opinion, but journalists, regardless of the purpose

of the program, must conduct the conversation professionally, avoiding the provision of inaccurate information. The judgment has entered into force and cannot be appealed. The broadcaster TVNET attributes this court decision to NEEMC being politically influenced (Ostrovskis, 2023.23.05) and the media company is considering an appeal to the ECtHR. This is an actual example that shows that the media regulator has become an important agent in determining the climate of FoE in Latvia, by harshly addressing media organizations, instead of allowing professional problems to be solved through self-regulation. The “odd” court case of TVNET was one of the examples that was mentioned in several discussions when Latvian Radio editors published an open letter about the narrowing of the borders of FoE in Latvia (Latkovskis, 2024.3.5; Latvijas Radio, 2024.5.4).

Along with the revocation of the license for “TV Rain”, this was the second case in the same year when NEEMC applied a severe penalty against a media organization, leading to the conclusion that Latvian courts respect the position of state institutions more in FoP cases (Council of Europe, 2023).

The outlined cases show that the level of the understanding of the complexity of the concept of FoP and its exercise by media outlets and individual journalists in Latvia by the involved individual and institutional agents including judges is rather low. Despite the (rather late) development of focused national media policy (Cabinet of Ministers, 2016), there is no open and public discussion about the principles and limits of application of the principles in concrete cases. In this context the authorities involved (prosecutors, courts, but also the regulatory body NEEMC) in Latvia tend to restrict the uses of this freedom by journalists. Moreover, in some cases agents admit publicly that the fines applied are seen as a disciplinary measure for the media environment, a mechanism of prevention similar cases of journalists or media exercising their agency. The result is these decisions tend to reach out to practices, principles and values – the cultural aspects of the scene. It must be underlined, that in two first cases the journalists themselves were treated as agents, in the second case, the privacy of journalist was even treated as less important than institutional interests of the other side. In the other two cases, the processes were conducted against the media organisations. The processes were rather lengthy and, in the end, (after discussion and consideration of public interests) the outcome was supportive towards the FoP. However, in some cases, this was only the result when ECtHR was involved as an agent. The role of strong professional organisations reaching out to create public support to journalists in the country must be underlined in terms of agency. These cases show the risks of influence on the developments around understanding and usage of FoP of conservative political agents in the context of populist political communication as shown by the rhetoric and the way of argumentation of NEEMC in the recent case of TVNET (and TV Rain).

## DISCUSSION

We have argued with this article that the development of the freedoms of both expression and the press in Estonia and Latvia should be carried out two-dimensionally: the diachronic dimension presents the changes within one country while the horizontal perspective enables us to discover the country's position in comparison to other countries.

The diachronic dimension shows that the pressure on both FoE and FoP has increased in Estonia since the beginning of the second decade of the 21st century. However, the resistance of journalists to this pressure has been strong and the public debates on the importance and limits of FoP have become increasingly detailed and professional. Therefore, Estonia continues to remain among the countries with a high freedom of the press.

The freedom of the press in Latvia has changed for the better in the diachronic perspective, the original position at the beginning of the 21st century was worse because the regulation of public media did not protect them from political influence. After regaining independence and the shock of economic difficulties in the 1990s, the commercial media environment was affected by oligarchization and media instrumentalization trends. However, structural elaborations do not necessarily mean a practical improvement of the perception and application of principles included in concepts of both FoP and – even less – FoE.

Indeed, current developments suggest new risks at the diachronic level. In Latvia, following recent complaints against journalists and lawsuits, SLAPP is being talked about (LMĒP, 2023.7.11) more and more often. Every fifth journalist has experienced legal action against them because of their work, according to data from the Worlds of Journalism Study (Rožukalne & Ozoliņa, 2022), although SLAPP cases are not monitored in Latvia. The FoE and the diversity of media content is affected in relation to changes in the public discourse after Russia's full-scale invasion of Ukraine, which created a geopolitical, social, and economic crisis in Eastern Europe. There have been several cases, in which Latvia's politicians have turned against the media for using "inappropriate" sources in the context of the war, using public security risks as an argument. It is a new stage of an anti-media discourse created by populist politicians and supported by an organized army of trolls who attack the media, creating a self-censorship of journalists (Brauna, 2022). The denial of access to information for journalists is also often explained by security considerations (Litvaitis et al., 2023), thereby contributing to the securitisation and militarization of the public sphere in Latvia. Support for restrictions on media freedom is linked to politically advantageous assumptions about possible negative media effects that could harm public interests and security, therefore developing a protectionist approach in the understanding of FoP in times of crisis.

The calls for restricting freedom in the media environment and political communication coincide with cases of restriction of FoE, with the introduction of the ‘moral’ amendments to the Education Law (LSM, 2018.9.12), enabling organizations of conservative parents to influence the content of basic education. Also in 2023, some conservative politicians, parents’ organizations and politicized activists turned against contemporary art (LNB, 2023.21.11), tried to burn books intended for sexual education of children (Jakone, 2023.23.11) and criticized the media that offers diverse discussions on those issues. The agents demonstrated support for censorship of controversial art ideas and uncomfortable public opinions.

The last developments clearly show the role of culture and value systems in ensuring proper legal protection of both FoP and FoE as well as protection of information sources, especially whistleblowers in Latvia. Cases of SLAPP are followed by an increasing number of attacks on journalists in public space that may prevent journalists (but also whistleblowers) as individual primary agents from active engagement. In recent times, the geopolitical context supports a securitising attitude for the possible emergence of corporate agents that turn against more freedom in the communication in general and support more restrictions in the name of safety and security as a main public value. According to the World Values Survey (WVS) (Haerpfer et al., 2022) and the European Social Survey (ESS), Latvia’s society is dominated by secular-rational values over traditional values (WVS). Conservation values dominate over openness to change values (ESS), survival values dominate over self-expression values (WVS), and self-transcendence values dominate over self-enhancement values (ESS). The WVS shows that Estonia tends to lean a bit more towards the self-expression values, but otherwise on a similar level as secular values. This might explain why after the more FoE-oriented period of 1990s, when the instrumental view on media in society did not allow the corporate agents to emerge, government rapidly developed a legal system appropriate for elaboration of the freedom of press on the structural level of changes. Most of the agents (NEEMC, courts) tend to maintain existing structures (by recursive mode of communication) representing morphostatic approach in contrast to Estonia. Even if the recent years are marked by activity by several corporate agents (including the Association of Journalists of Latvia and several other NGOs and academia) resulting in remarkable changes, this attitude prevailed in decisions and interpretations of cases by these agents.

However, in terms of FoE, Estonia too has moved towards greater restrictions compared to the late 1990s and the early 2000s. In recent years (especially after the adoption of the GDPR), the FoE of expert and lay members of the public has been affected by blurred boundaries in terms of data protection, the risk

of SLAPP cases and where the protection of whistleblowers has not really taken root in Estonian culture.

The case research method proposed by us makes it possible to analyse which actors with which agency are most likely to restrict FoE, but such methods should be used more systematically. For example, to collect as many SLAPP cases as possible and perform a separate analysis of how businesspeople, politicians, economic powerholders as well as the courts either contribute to or prevent SLAPP cases.

The case-by-case analysis we have proposed makes it possible to “diagnose” the presence or absence of pressure mechanisms against transparency. This kind of diagnostics is important because if the press does not notice the agents of pressure and the public is indifferent to the restrictions on both FoP and FoE, then it is possible to reduce these two freedoms through small changes – until the restrictions are legitimised.

It might be also worth to ask – should we need a new institution that enables monitoring not only transparency in society, but also FoP and FoE as well as access to information?

## CONCLUSIONS

In the Estonian public sphere, journalists are active agents who support both FoP and FoE. The Supreme Court has supported journalists’ right to define public interest. The Estonian Supreme Court has reiterated: in Estonian society, classification and not disclosure must be justified very precisely. Like Estonia, journalists and the Association of Latvian Journalists are the most active agents of defending FoP, supported by academic media researchers and some NGOs that focus on human rights.

The problem, however, is that the pressure on FoE and FoP is mostly at the grassroots level. As stated above, very few cases reach the level of the Supreme Court. In the case of unjustified restrictions on FoE, journalists have the opportunity, initially, to speak publicly about it. Secondly, journalists can rely on the legal assistance of media organisations. It should be noted that journalists are suffering because of the SLAPP phenomena – as the lawsuits are often against individual journalists. Another problem is related to the fact that court processes related to SLAPP issues are relatively novel so that judges have insufficient experience in dealing with these issues.

The selected cases of whistleblowers in Estonia demonstrated that the critical freedom to express ones’ ideas is less protected than the FoP. Estonia should change its attitude in cases if the whistle blower acts in good faith, his loyalty

to the employer, as well as gratitude for his work, can be as important as transparency and public interest. The same can be seen as true for Latvia.

In Latvia, there were several positive developments in recent years in terms of development of the first media politics guidelines. The development included instruments for supporting the media outlets with codes, or a public statement on ethics, reforming PSM, the establishment of the Council of Media Ethics (2018) and PSM ombudsperson (2022). All of which served as an elaborate institutional framework in support of FoP. However, the sources of possible risks for the FoP, but even more – the FoE and information accessibility – is the lack of media related knowledge and both reflection and reflexivity in Latvian society. This situation led to a lack of consequence in understanding concepts such as editorial independence and journalistic autonomy as they are involved in everyday media practice. There are no lawyers specialising in media law, only few legal scholars who are regularly analysing cases dealing with FoP issues. Educating society about the role of journalists and media in democracy must involve several further agents – schools, universities, and NGOs.

In the case of Estonia, it can also be said that the general satisfaction with Estonia's ranking in the top ten countries, globally, in the context of the freedom of the press may have reduced the sensitivity to increasing pressure, but even more so, caused inattention to the fact that freedom of expression is decreasing.

In Estonia and Latvia, one of the major problems in evaluating the agents involved is connected to the implementation of the regulation, i.e., the lack of monitoring and academic study of the cases and the field in general. There are only a few researchers (two or three in each country) who work in the field with limited capacity of monitoring and analysing.

The agent-oriented approach helps to highlight potential sources of pressure that are targeted at specific individual actors, like journalists or whistleblowers, or that try to undermine the importance of the freedom of expression and of the press and their underlying values of truth and transparency. The selected cases from Estonia and Latvia illustrate how the sum of all the actions, statements and opinions of individual and institutional agents could lead to a serious detrimental effect on both the freedom of expression and press freedom, even if the highest court levels and legal frameworks are generally supportive of these freedoms.

## ACKNOWLEDGEMENT

The Mediadelcom project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No. 101004811. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union's Horizon 2020 research and



innovation programme, neither the European Union nor the granting authority can be held responsible for them.

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