Ahead of the publication of the #SOFJO Resource Guide's publication in October 2020, the Office of the RFoM offers the participants of this year's South East Europe Media Conference a preview of three selected chapters. The chapters presented here have a focus on the role of the executive, the judiciary and law enforcement in better ensuring the safety of female journalists online. The #SOFJO Resource Guide is authored by Dr. Silvia Chocarro, Sarah Clarke, Paulina Gutierrez and Judy Taing.

This will particularly contribute to the discussions of Panel IV: Silencing Women Journalists: From Portraying to Online Harassment.

The Office of the RFoM invites for co-operation on the Resource Guide.
Please contact: Principal Adviser Kristin.Olson@osce.org or Project Officer Julia.Haas@osce.org.

Content
1. Presentation of the #SOFJO Resource Guide
2. Sneakpeek of 3 chapters addressing the:
    a. Executive branch of government
    b. Judiciary
    c. Law enforcement

1. Presentation of the #SOFJO Resource Guide

Safety of Female Journalists Online – #SOFJO

The online safety of women journalists goes beyond gender equality and press freedom, directly impacting the quality of our democracies and right of society to access a plurality of information.

Female journalists face a double burden: being attacked as journalists and as women. Threats of rape, physical violence and graphic imagery show up in their inboxes and on their social media platforms as they go about their workday. In 2015, alarmed by a growing number of reports, from across the OSCE region, of female journalists and bloggers being singled out and fiercely attacked online, the Office of the OSCE Representative on Freedom of the Media (RFoM) launched the Safety of Female Journalists Online (#SOFJO) project.

The #SOFJO project was launched as a global platform for the development of strategies to negate the effects that online harassment has on the lives of women journalists, their work and the serious threat this type of gendered abuse poses to media plurality. During the first years, the #SOFJO campaign aimed at raising awareness of the prevalence of this type of harassment and at sharing the stories of women journalists who have been targeted. In the course of the project, in a bid to raise awareness and inspire change, the RFoM Office, together with various other stakeholders, has conducted and supported research, generated comprehensive publications, and developed sets of recommendations for governments, media outlets, and other relevant actors.

As part of the Office's ongoing efforts to promote and ensure safety of journalists, in 2018, the RFoM Office, in co-operation with the International Press Institute (IPI), produced the documentary *"A Dark Place"* to highlight the experiences of female journalists who have been affected by online harassment. The documentary explores how this phenomenon and the issues it raises go beyond gender equality by directly impacting the freedom of the media and the fundamental human right of society to access a plurality of information.

As a next step in the project, over the last six months, the RFoM Office has developed a comprehensive #SOFJO Resource Guide, aiming at assisting States and providing guidance to all relevant stakeholders, on improving the safety of female journalists online. This #SOFJO Resource Guide will respond to the gaps that still exist in addressing the safety of women journalists online, and will contribute to transforming the developed recommendations and policies into practices. The Guide will provide sets of concrete proposed actions for ten types of actors, both State and non-State actors, complemented by additional resources and good practice

examples to provide guidance for the implementation of international standards and commitments on the safety of journalists.

Gender-specific online abuse of journalists

Sixty-three per cent of female journalists at some point have been threatened or harassed online just for doing their jobs. Women journalists are four times more likely to experience these types of attacks than their male counterparts, according to a survey by *The Guardian*.[2]

For most women journalists around the world, online harassment and abuse has become a major hazard to the profession, one that threatens their ability to do their jobs, thereby violating their right to freedom of expression, and hampering free and open access to information for all members of society. "I have thought about coming off social media," says BBC political editor Laura Kuenssberg in the documentary *A Dark Place* by the RFoM and IPI, "but then people who are there, who want information, which is the most important thing for me, then they lose, and then I lose."

All journalists around the world face increasing threats and violence as a result of their work.[3] Too often, the price of reporting the truth comes in the form of threats, surveillance, attacks, arbitrary arrest and detention, and – in the most grievous cases – enforced disappearance or killings. Governments and other powerful actors continue to silence those that hold them accountable, in an attempt to escape scrutiny and stifle dissent.[4]

Women journalists face an additional layer of risk, specifically due to their gender. Nowhere do we see this more starkly than in gender-based online harassment and abuse. Manifestations of online harassment and abuse can range from direct or indirect threats of physical or sexual violence, offensive messages, and targeted harassment (often in the form of 'pile-on', i.e., with multiple perpetrators co-ordinated against an individual), to privacy violations (such as stalking, non-consensual sharing of intimate images and 'doxing'. i.e., publishing private information, such as the target's home address).[5] Each of these might be defined differently in domestic legislation or in recommendations of regional and international human rights bodies. Other institutions, such as social media companies and academics, have also produced their own lexicon to conceptualize this phenomenon.[6]

Although both men and women journalists are the victims of online harassment and abuse, the form and frequency of attacks that women face are particularly disturbing,[7] pushing many women journalists to curtail their work or consider leaving the profession. At least 40 per cent of women journalists said they have avoided reporting certain stories as a result of online harassment.[8] Violence against women journalists does not take place in a vacuum. It is intrinsically linked to how women are subjugated in patriarchal societies and to the associated factors that undermine gender equality, such as wage gaps, exclusion from decision-making processes, and the greater burden of unpaid family care. Women journalists are often targeted when they are highly visible and outspoken in their work, especially when they are challenging long-standing gender norms and stereotypes.[9] Women journalists face attacks not only by those attempting to silence their coverage, but also from sources and colleagues, and even family members. In many cases, they are not safe even in spaces where they are meant to be protected, such as their own newsrooms.[10]

It is clear that the type of threats and attacks which journalists face and the impact that these threats and attacks have, is often linked to, and varies according to, gender and other factors, such as race and ethnicity, religion or belief, sexual orientation, age and social group.[11] Aggravating factors including working as a freelancer,[12] or

[1]Michelle Ferrier*, Attacks and Harassment The Impact on Female Journalists and Their Reporting,* (Washington: International Women's Media Foundation, TrollBusters, 2018 https://www.iwmf.org/wp-content/uploads/2018/09/Attacks-and-Harassment.pdf.
[2]Becky Gardiner, et. al., "The dark side of Guardian comments", The Guardian, 12 April 2016, https://www.theguardian.com/technology/2016/apr/12/the-dark-side-of-guardian-comments.
[3]ARTICLE 19. *Global Expression Report 2018/19,* (London: ARTICLE 19, 2019). https://www.article19.org/xpa-2019/.
[4] Ibid.
[5] ARTICLE 19 &ILGA Europe, "Third Party intervention submission in the European Court for Human Rights, Andrea Giuliano and Hungary, App. No. 45305/16", 2 March 2020, https://www.article19.org/wp-content/uploads/2020/03/Guiliano-v-Hungary-Submission-2-March-2.pdf.
[6] Ibid.
[7] APC, "Online gender-based violence: A submission from the APC to the UN Special Rapporteur on violence against women, its causes and consequences", 2017, https://www.apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV.pdf.
[8]Op.cit. 3
[9]Report by the Special Rapporteur on violence against women, its causes and consequences, *Combating violence against women journalists* (New York: General Assembly, Human Rights Council, 2020),https://undocs.org/en/A/HRC/44/52.
[10]Silvia Chocarro, *The safety of women journalists: Breaking the cycle of silence and violence. IMS Defending Journalism book series*, (Denmark, International Media Support, 2019),https://www.mediasupport.org/publication/the-safety-of-women-journalists/.
[11] Amnesty International, "Toxic Twitter - A toxic place for women", 2018, https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1/#topanchor.
[12] Committee to Protect Journalists, "The Best Defense; Threats to journalists' safety demand fresh approach", 2017, https://cpj.org/reports/2017/02/best-defense-threats-safety-journalists-freelance-emergencies-attack-digital/.

covering topics that have been shown to be riskier, such as corruption,[13] organized crime,[14] environment issues,[15] human rights and, in particular, women's rights,[16] not to mention the risks of covering conflict situations. Understanding these differences, and how certain threats may be experienced differently by journalists belonging to diverse groups as compared to their counterparts, is essential to developing comprehensive, tailored measures to prevent, protect, and remedy attacks against journalists. Unfortunately, many pieces of legislation, public policies and other measures put in place by States lack this gender and intersectional dimension.

What key actors can do

The purpose of the #SOFJO Resource Guide is to directly respond to the gaps that exist in addressing the safety of women journalists online. Over the last decade, there has been promising progress among stakeholders in their understanding and integration of gender approaches in the efforts to promote the safety of journalists. International human rights standards increasingly call for a gender-responsive approach to the safety of journalists and there is a growing body of research on the issue of attacks against women journalists. This growing attention has come to include harassment and abuse that women journalists are increasingly facing online. On a national level, it can be seen that media outlets and civil society groups are investing more energy into developing tools and programmes for journalists to address and prevent gender-based online harassment and abuse.[17]

However, even stronger efforts are needed. Tackling online gender-based harassment and abuse, as well as the issue of violence against women journalists at large, must include public awareness campaigns to improve social norms and workplace equality, while also ensuring that women's voices are heard more in all media, especially on issues that have largely been assigned to men, such as politics. A multi-stakeholder approach that engages different branches of government, international and regional bodies, and various civil society actors from the human rights, media, and internet intermediaries, is needed. It is important that women journalists, including those who have experienced online attacks, are involved in developing approaches and solutions to address online harassment and abuse against women journalists. Of course, any support provided to women journalists must come with their explicit consent.

The #SOFJO Resource Guide aims to identify a concrete way forward for different stakeholders in bolstering the safety of women journalists[18] online by applying a holistic perspective. The Guide will consist of ten chapters, each dedicated to a different key actor. Each chapter will lay out a series of recommendations for measures to address gender-based online harassment and abuse, along with a selection of examples of existing measures and a list of useful resources, aiming at supporting the ability of stakeholders to identify their own gaps, and supplementing information that can support the creation or improvement of tools or initiatives to tackle online harassment and abuse against women journalists.

The content of the chapters

For State actors, the Resource Guide will lay out steps and considerations that the executive, legislative, judiciary and law enforcement can take. These proposed actions include legislative reviews and reforms, the development of national action plans, and dialogue building. It also proposes measures to integrate a gender-responsive approach throughout State institutions, investigations, and journalist safety mechanisms, as well as putting capacity-building programmes in place for civil servants. Among the first five chapters covering State actors, one will point to the role of intergovernmental bodies, by highlighting approaches to improve international human rights standards and their effective implementation on a national level.

The Resource Guide will continue with another five chapters covering recommended actions for non-State actors: internet intermediaries; media outlets; journalists' organizations and actors with a key role for independent self-regulation; civil society organizations and journalism education institutions; and individual journalists. The recommended measures include: enhancing capacity through training in digital tools and legal knowledge; developing peer support networks and other psychosocial resources; strengthening risk assessments and protocols for reporting and responding to online harassment; waging awareness campaigns; and advocating for workplace equality. The section for non-State actors will also set out ways for different stakeholders to improve

---

[13] Transparency International, "The High Costs Journalists Pay When Reporting on Corruption", 2020, https://www.transparency.org/en/news/the-high-costs-journalists-pay-when-reporting-on-corruption#.

[14] Reporters Without Borders, "Journalists: the *bête noire* of organized crime", 2018, https://rsf.org/sites/default/files/en_rapport_mafia_web_0.pdf.

[15] Reporters Without Borders, "Hostile climate for environmental journalists", 2015, https://rsf.org/sites/default/files/rapport_environnement_en.pdf.

[16] Reporters Without Borders, "Women's rights: forbidden subject", 2018, https://rsf.org/sites/default/files/womens_rights-forbidden_subject.pdf.

[17] Ibid.

[18] Inclusive of all journalists who identify as women.

gender-responsive documentation of online attacks. Fostering collaboration and co-ordination among stakeholders is an overarching recommendation.

Moreover, the Resource Guide will also include a section on international human rights standards that apply to the safety of women journalists. It is important that, in addressing gender-based online harassment and abuse, the fundamental human rights to freedom of expression and privacy are respected.

For this year's South East Europe Media Conference "The New Frontline: Working Together to Foster Media Freedom", the RFoM Office is delighted to present three selected chapters ahead of the #SOFJO Resource Guide's publication in October. These three chapters focus on the role of the executive, judiciary and of law enforcement. The Resource Guide, and these three chapters do not pretend to propose an exhaustive list of actions to be taken to address the large scope of online harassment and abuse against women journalists. Rather, they provide each of the three key actors with a brief selection of the most relevant and achievable steps. Concrete examples, put in place by different actors in various countries, illustrate each proposed action. A selection of useful resources complements this list.

The safety of women journalists online cannot be addressed in isolation from the work on the safety of all journalists, nor can it be addressed without a broader pursuit of gender equality in society. Simply put, the safety of women in the media could be vastly improved by ensuring that women have equal rights and the same opportunities and security as men do. In line with this, some proposed actions entail the integration of a gender approach into existing initiatives promoting safety of journalists. Other actions are about augmenting or tailoring existing gender equality actions.

A gender-responsive approach

Any initiative aiming to tackle online harassment and abuse against women journalists needs to be designed from a gender-responsive approach. While a gender-sensitive approach is about being aware of gender roles, norms and relations, a gender-responsive approach means taking into consideration and acting upon gender norms, roles, relations and how policies or measures affect men and women differently. It is about taking action towards gender equality.

The following ten principles should be applied:

1. **Gender neutral is gender blind.** Every decision and measure, be it a piece of legislation, a training programme or budget, or other such measure, has a different effect on different people, including depending on their gender.

2. **Gender is interconnected with other identities.** Gender, together with age, class, income, ethnicity, sexual orientation, religion, disability, race and other factors, such as being part of an urban culture versus rural environment, constitute socially defined categories that are intertwined and generate overlapping and interdependent inequalities. This is called an intersectional approach, and is needed, as not everyone experiences inequality in the same way.

3. **Be gender-transformative every step of the way.** Inequalities between women and men, including asymmetric access to power and rights, need to be taken into account throughout the whole process, from designing, planning, implementing, monitoring, and evaluating legislation, policies and any other actions.

4. **It is not only about what, but also about how.** A gender-responsive approach not only takes into account the degree to which gender and power relationships impact the context. It also entails an inclusive, participatory and respectful process that empowers and promotes gender equality.

5. **Information is key to building solutions.** Accurate and comprehensive data on attacks against journalists, disaggregated by gender and other intersectional factors, is needed to develop strong responses tailored to different political, economic, cultural and social contexts.

6. **Keep listening to many voices.** To ensure that women journalists are among the active decision makers related to work that potentially affects their lives, wide and transparent consultations are needed, including with governmental and non-governmental actors across all relevant specialties and fields of discipline.

7. **Build capacity for change**. Tailored training on gender-responsive approaches should be made available to all actors involved in the protection of journalists. The first focus should be on individuals most likely to be able to influence and who have the power to bring changes in a broad and sustainable manner.

8. **Set aside sufficient resources**. Committing to a gender-responsive approach should go beyond words, with sufficient human and financial resources assigned to the implementation of these actions.

9. **Be SMART.** Initiatives addressing online harassment and abuse against women journalists must contain goals that are Specific, Measurable, Attainable, Relevant and Time-bound. This would promote accountability towards gender equality and would contribute to systematizing the lessons learned and improving future actions.

10. **Measures towards the protection of women must advance, not undermine, their fundamental rights.** All measures that could restrict the right to freedom of expression must be prescribed by law, serve a legitimate purpose, and be necessary and proportionate in a democratic society. Discouraging or restricting professional activities of women is not a solution.

40 Proposed actions

In addition to the three selected chapters presented at the South East Europe Media Conference, the #SOFJO Resource Guide provides proposed actions for seven types of key actors in view of ensuring better online safety for female journalists:

Executive branch of government:
Implementing policies and practices for increased safety of female journalists

Proposed actions
1. Establish a national action plan on the safety of journalists that addresses specific conditions for female journalists;
2. Put in place protection measures that are gender-responsive;
3. Collect data on attacks against female journalists to inform policy and research, and to support awareness-raising campaigns to spur engagement among decision makers and the public;
4. Report on the safety of female journalists to the key international human rights mechanisms, and integrate the issue into foreign policy.

Legislative branch of government:
Adopting or adapting frameworks for a safer environment offline and online

Proposed actions
1. Review and, when necessary, amend or adopt laws to promote a gender-responsive approach to the safety of journalists;
2. Make sure that legislation addressing online harassment and abuse against female journalists does not undermine the right to freedom of expression.

Judiciary:
Ensuring access to justice and ending impunity

Proposed actions
1. Raise awareness on gender issues throughout the judicial system, as this is essential for the protection of female journalists;
2. Increase expertise among judicial personnel on issues of freedom of expression, safety of journalists and harassment and abuse, offline and online;
3. Apply and promote best practices in access to justice, sentencing and remedies;
4. National human rights institutions should engage on the issue of safety of journalists.

Law enforcement agencies:
Enhancing the methods for protection and effective investigations
Proposed actions
1. Enhance training of law enforcement authorities on the issue of online safety of journalists, with a gender-responsive approach;
2. Review and improve gender considerations in risk assessments of threats and

---

[19] United Nations General Assembly, Resolution 2200A (XXI), "International Covenant on Civil and Political Rights", 16 December 1966, entry into force 23 March 1976, Article 19, https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.

harassment;

3. Strengthen protocols, methods and procedures to investigate crimes against journalists and freedom of expression;
4. Increase dialogue and co-ordination on the safety of journalists between law enforcement authorities, media outlets and civil society.

Intergovernmental organizations:
From setting standards to assisting States

Proposed actions
1. Mainstream gender-responsive approaches in human rights standards and mechanisms on the safety of journalists;
2. Support States to address the implementation gap of international standards on the safety of journalists;
3. Help increase data and research that could inform the initiatives on safety of female journalists online;
4. Prioritize co-operation and co-ordination of actors to leverage impact.

Internet intermediaries:
Respecting the rights of female journalists and promoting online safety

Proposed actions
1. Respect international human rights standards on freedom of expression, privacy, participation and non-discrimination in policy and practice;
2. Make sure that policies on content moderation are clear, transparent and accessible for users, and that users are aware of how content is moderated, what constitutes online harassment and abuse, and how to report it;
3. Adopt user-centered and non-discrimination-based approaches in all operations;
4. Handle content removals and users' data requests with transparency and consistency;
5. Promote the role of women in journalism.

Media Outlets: Protecting journalists starts at work

Proposed actions:
1. Improve the workplace culture with comprehensive policies on both safety and gender;
2. Ensure support and training to journalists facing online harassment and abuse;
3. Develop gender-responsive community guidelines for interactive online platforms;
4. Monitor and document online abuse and harassment of female journalists, including freelancers.

Journalists' organizations and self-regulatory bodies:
Organizing collective action and promoting media ethics

Proposed actions
1. Increase collective action and advocacy to improve safety and other working conditions for female journalists;
2. Reinforce capacities through peer-to-peer networks, training and other practical support;
3. Document attacks and use information to raise awareness among key actors;
4. Promote the inclusion of safety and gender equality issues in the work of self-regulatory bodies.

Civil society organizations and educational institutions:
Mobilizing, researching and sharing good practices

Proposed actions
1. Increase data, knowledge and awareness on gender-based online harassment and abuse among key actors and society at large;
2. Join forces to advance the implementation of safety standards and other working

conditions for female journalists at the national level;

3. Develop holistic protection training and educational materials;
4. Integrate journalists' safety and gender equality in journalism education and training institutions' activities.

Journalists and media workers:
Prioritizing self-protection and peer support

Proposed actions
1. Monitor and assess the risk landscape for female journalists;
2. Practice a holistic approach towards safety and security, including physical, legal, psychosocial and digital security;
3. Document and report threats and attacks;
4. Support colleagues who are facing online abuse and harassment, and those who are at higher risk of experiencing such attacks;
5. Become informed on available forms of support, including legal mechanisms.

2. Sneakpeek of three chapters

A. Executive branch of government:

Implementing policies and practices for increased safety of female journalists

The executive branch is responsible for the governance of the State, establishing policies and processes to execute and enforce laws effectively. This chapter proposes a selection of actions that the president or prime minister's office and ministries can take to protect, but also promote, the safety of women journalists online. While this section does not focus on local governments, whose forms and functions vary greatly, the proposed actions might be equally relevant for local authorities. The role of law enforcement agencies, although falling under the responsibility of the executive, is addressed separately in chapter four.

> *OSCE Ministerial Council Decision No. 3/18* calls on States to *"fully implement all OSCE commitments and their international obligations related to freedom of expression and media freedom, including by respecting, promoting and protecting the freedom to seek, receive and impart information regardless of frontiers."*

Proposed actions
1. Establish a national action plan on the safety of journalists that addresses specific conditions for female journalists;
2. Put in place protection measures that are gender-responsive;
3. Collect data on attacks against female journalists to inform policy and research, and to support awareness-raising campaigns to spur engagement among decision makers and the public;
4. Report on the safety of female journalists to the key international human rights mechanisms, and integrate the issue into foreign policy.

1. Establish a national action plan on the safety of journalists that addresses specific conditions for female journalists

National commitment to the safety of women journalists should be demonstrated at the highest levels, both in words and in deeds. Members of the government must publicly and unequivocally condemn attacks on women journalists in relation to their work, and not just in cases of physical violence, but also when it concerns sexual harassment, intimidation, threats and other abuse, including through digital technologies. Public officials should lead by example and refrain from denigrating, intimidating or threatening the media, including using misogynistic language against women journalists.

Violence against women journalists and online harassment and abuse are intrinsically linked to broader social inequality and attitudes towards women. Policies to address the root causes of gender-based violence and gender stereotypes should accompany, and link to, an action plan aimed at improving the safety of women journalists. Empowerment of women throughout society must be promoted, not just actions specific to the media sector.

Of course, online harassment and abuse against women journalists is linked to the media environments they work in. Understanding the specific context in each country is fundamental to addressing the safety of journalists. Incorporating a national assessment of how women and men journalists are exposed to, and impacted by, various types of threats (physical, psychological, digital, legal and economic), is therefore an important first step in the development of a national plan for safety of journalists.

A national action plan's ultimate goal should be to design the most effective measures for implementing international human rights standards on the safety of journalists, and to do so with gender-responsiveness in mind. This means designing actions to address the specific needs of women journalists while contributing to changing the gender and power dynamics that undermine gender equality. One concrete step is to perform a gender-responsive audit regarding the implementation of specific standards and commitments, such as the *OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists*, as part of a national action plan on the

safety of journalists. If an active national action plan on the safety of journalists in the country already exists, it could be reviewed to mainstream a gender-responsive approach and include measures to address online harassment and abuse. This could include developing safety training programmes to identify and tackle online harassment and abuse, and to develop or strengthen support associations, networks and forums for women journalists, particularly those working to counter online abuse.

Cross-pollination with other relevant work areas, such as, for example, national action plans for gender equality, human rights, or other categories with overlapping themes, is highly recommended.

According to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, it is fundamental to develop strategic partnerships with various international, regional and local actors. With this in mind, actions to address online harassment and abuse against women journalists would need to be developed and implemented with a high degree of representation by women journalists. In this way, practices would be well informed by those vulnerable to the problem and in turn empower them through their participation. This might include all branches of the State; independent human rights institutions; media regulatory and self-regulatory bodies; internet intermediary companies; public, private and community media outlets; journalists' associations and unions; civil society groups; journalism education institutions and academic researchers; media literacy experts and women's rights organizations.

Examples

Integrating national action plans: The Swedish national action plan Defending Free Speech: Measures to Protect Journalists, Elected Representatives and Artists from Exposure to Threats and Hatred recognizes the need to integrate a journalists' safety plan into the national gender strategy and the need to ensure a gender approach by key actors, such as the judiciary. A key aspect of this plan's focus is expanding, developing and funding existing institutions, such as the local victim support centers and helplines to support those subjected to threats brought about by participation in public discourse.

Conducting audits: In 2018, the University of Amsterdam carried out an Audit on Freedom of Expression in the Netherlands, to provide a concrete picture of the implementation of the 2016 Council of Europe Recommendation on the Protection of Journalism and Safety of Journalists and other Media Actors in the Netherlands. Even though this audit does not specifically include the issue of online violence against women journalists, it is a good example of how to conduct an effective assessment.

Including protection of journalists in policies: To increase impact, the protection of journalists could be included in national gender equality and human rights policies, or other connected policies. The National Programme for the Protection and Promotion of Human Rights in the Period 2013 – 2016 in Croatia, for example, included the recommendation to strengthen the prosecution of perpetrators of threats and violence against journalists.

Resources

• UNESCO's Journalists' Safety Indicators (JSIs) provide a set of indicators to assess the state of the safety of journalists at the national level. It also includes a guidebook on how to apply them, although its application would need to be complemented with a gender-responsive assessment tool. JSIs have been applied in Afghanistan, Guatemala, Iraq, Kenya, Nepal and Pakistan, and the reports can be consulted on UNESCO's JSI website.
• The UN Women *Handbook for National Action Plans on Violence against Women* could serve as a point of reference to integrate a gender approach within a plan of action for safety of journalists. Also, the UN Women *How to Manage Gender-Responsive Evaluation* could provide tips for assessing the safety of journalists with a gender-responsive approach.

2. **Put in place protection measures that are gender-responsive**

Journalists who are threatened should have immediate access to concrete protection measures. Rapid response to threats against journalists could be effective in protecting a (potential) target and minimize possible escalation of violence. This type of mechanism could fall under the supervision of one governmental body, for example a law enforcement agency or a multi-stakeholder group with a mandate under a national protection mechanism. While these mechanisms are traditionally used in cases of physical attacks, they can also be mobilized for legal and psychosocial support, including in cases of online harassment and abuse.

Given the distinct and often sensitive nature of threats to women journalists, which can include sexualized violence, threats of violence and sexual attacks, including against family members, it is imperative that all

measures, including those under rapid response mechanisms, are gender-responsive. A first step is to ensure that any analysis of attacks takes into account any gender aspect and that women are staffing safety resources, such as by having women law enforcement officials available to protect the person attacked, including as escorts, or to have women answering emergency hotlines. Risk and response assessment protocols need to take into account security measures or support, for example if relocation is needed, tailored to the specific needs of the individual women attacked.

It is important that any rapid response or protection mechanism includes preventive measures and proactive solutions, not only reactive components. This could include a system to monitor risks and threats against journalists online and offline, combined with gender analysis. Such preventive measures are key to identifying trends and the readiness to address threats more effectively. Preventive initiatives could also include training programmes for all actors involved, including on how to respond when journalists are targets of online harassment and abuse, and the development of easily accessible resources that inform journalists how to use the mechanisms and measures in place. These efforts should be accompanied by awareness-raising campaigns.

Protection measures are more accessible and effective when they are tailored to the case and context of each individual journalist. This means, for instance, that protective equipment needs be adapted to women's bodies and clothes, that financial support may need to include dependents, and that specific psychological support should be guaranteed for journalists who are being harassed or abused online. All actors involved in the protection of journalists should receive training on gender-responsive approaches.

Structuring protection mechanisms and measures, to include multi-stakeholder representation in management and oversight, brings varied expertise to the table, along with greater accountability. Women's rights and journalists' organizations should be among these stakeholder groups.

Efforts to improve the safety of journalists should always be accompanied by the prosecution of those committing violence against journalists and by addressing impunity for crimes against journalists. As a concrete measure to support this, the executive branch could appoint an independent national prosecutor specialized in crimes against expression and journalists, when relevant. This special prosecutor could supervise and co-ordinate cases; provide support to the victims; promote a culture of zero tolerance to impunity on crimes against freedom of expression and against journalists. This person should be trained on gender-responsive approaches.

In some countries, there may already be well-functioning national protection or rapid response mechanisms. Given that gender-based attacks, including online harassment and abuse have turned into a major threat relatively recently, it may still be necessary to review and reform existing mechanisms so as to ensure a gender-responsive approach is included and properly integrated. This process should be done in consultation with other stakeholders, including experts on gender perspectives in public policies and in safety assistance.

Examples

Developing national rapid response mechanisms: The Ufficio Centrale Interforze per la Sicurezza Personale, a body within the Ministry of Interior of Italy, leads a rapid response mechanism providing bodyguards, armored cars and other protection equipment to journalists threatened by organized crime.

Creating multi-stakeholder groups: The Netherlands has created a multi-stakeholder Steering Group on Aggression and Violence against Journalists, with the mandate to co-ordinate the response to attacks against journalists between the police, the prosecutor's office and the media sector and journalists.

Encouraging commissions of investigation: The Serbian Ministry of Interior, together with the national security body and journalists' associations, runs the Commission for the investigation of wartime murders of journalists in the Former Yugoslavia, created in 2013. As a result, in 2019 someone was convicted for the murder of a Serbian journalist in 1999. Although its focus does not address online harassment and abuse against women journalists, it is a good example of bringing together multi-stakeholder expertise and oversight.

Supporting regional rapid response mechanisms: In 2020, the European Union (EU) supported the creation of the Media Freedom Rapid Response mechanism to protect journalists, managed by a group of civil society groups on a day-to-day basis. A rapid mechanism already existed for human rights defenders, ProtectDefenders.eu, which also includes journalists. A consortium of human rights NGOs manages this mechanism.

Developing national protection mechanisms: Colombia was the first country worldwide to develop a national protection mechanism for journalists. It includes a dedicated women's protection committee, with representatives from women's rights organizations, the government, and international organizations, such as UN Women. They analyse each case they receive from a gender perspective, which has enabled customized responses. Twelve

years after the founding of the protection programme in 2000, the government introduced a protocol in 2012 for addressing threats against women journalists: a good example of reassessing and reforming an existing mechanism to integrate a gender-responsive approach.

Installing special prosecutors: In 2006, Mexico installed the first special prosecutor for crimes against freedom of expression, with a focus on attacks against journalists.[14]

Resources

- The *UN Human Rights Council (HRC) report 24/2* has collected good practices of State and non-State actors on the safety of journalists.[15]
- The Council of Europe (CoE) has published a series of recommendations and good practices on the safety of journalists. Taking Action to Protect Journalists and other Media Actors, which includes concrete examples of how the CoE's standards on the safety of journalists have been implemented in some countries.[16]
- A collection of mechanisms on the protection of journalists can be consulted in the International Media Support publications series Defending Journalism;[17] one publication in the series focuses specifically on the safety of women journalists.[18]
- The Media Freedom Rapid Response initiative published a collection of protections measures taken by EU Member States and candidate countries.[19]
- Palermo University has analysed the effectiveness and institutional set-up for protection mechanisms in a report on the cases of Colombia, Mexico and Guatemala.[20]

3. **Collect data on attacks against female journalists to inform policy and research, and to support awareness-raising campaigns to spur engagement among decision makers and the public**

Strong responses to online harassment and abuse against women journalists can only be developed when policymakers, media professionals, civil society groups and the broader public have a comprehensive understanding of the scope of the problem and of its impact on the journalistic profession, free expression and the free flow of information. To build that understanding, quantitative and qualitative data collection, analysis and research is needed.[21]

As a start, data disaggregated by gender, but also by other intersectional identities, needs to be gathered. Such data is needed to ensure that solutions take into account the complexity and diversity of the way violence affects women and how structural violence is exercised against certain groups in society.

Some key areas of research include the gathering of data that distinguishes between different forms of online abuse, the severity of online attacks, and the impact of this on women journalists' rights and their work. The identification of gender-specific obstacles and risks and insight into how these differ from those faced by their male counterparts would inform evidence-based policies and other possible responses.

Ideally, data collection would be done in collaboration with national statistics/statistical bodies, universities, national human rights institutions and civil society groups to ensure the most accurate and independent information, and ensuring the right to privacy.[22] Besides informing national actions, a data collection would also be useful to inform international mechanisms. Indicator 16.10.1. of the Sustainable Development Goals' (SDGs) Voluntary National Reviews (VNRs), for example, asks authorities to provide the number of attacks against journalists in their respective countries.[23]

Data collection can also support strong public awareness campaigns, demonstrating that online harassment and abuse is not only an attack on women journalists, but also an attack on freedom of expression and freedom of the media, and a threat to the right of every person to access information in society as a whole.[24]

Educational outreach is another important step to improve public understanding of the issue. Social media use and trends could be integrated into education curricula by education authorities, or included within media literacy programmes. Adult and non-formal education programmes that promote a media and digital literate society could be developed and implemented. This approach can contribute to a safer environment for citizens participating in social media, including women journalists.

As part of a public awareness strategy, government officials should issue public statements, including when applicable social media posts, to express support for targeted journalists, and organize events to sensitize citizens about the role of journalism and the negative impact of attacks against women journalists on society. International commemoration days, such as World Press Freedom Day (3 May), International Day to End Impunity for Crimes against Journalists (2 November), International Women's Day (8 March), and the International Day for the Elimination of Violence against Women (25 November), offer good opportunities for such actions.

Examples

Creating panels of legal experts: The United Kingdom has created an independent [High-Level Panel of Legal Experts](#), with the aim of carrying out research to inform the development of legislation and policies on the safety of journalists.[ᵃ] Their first report, published in February 2020, focuses on the *[Use of Targeted Sanctions to Protect Journalists](#)*.

Developing media literacy programmes: A report prepared by national experts for the European Audiovisual Observatory for the European Commission refers to [547 media literacy projects](#) implemented in EU Member States since 2010. Media literacy skills linked to critical thinking was addressed by 403 of those projects, while those related to media use capacities featured in 385 of the 547 projects.[ᵇ]

Finland has a national policy targeting formal and informal education institutions, media and other actors relevant to promoting an understanding of the offline and online media and social media environment.[ᶜ]

4. Report on the safety of female journalists to the key international human rights mechanisms, and integrate the issue into foreign policy

Through their participation in intergovernmental organizations (IGOs), States can play a constructive role in contributing to the development of international standards on the safety of journalists. States should suggest including the issue of the safety of women journalists and a stronger gender-responsive approach in the many resolutions, recommendations and decisions passed by IGOs.

States can also actively contribute and engage with relevant gender equality-focused international treaty bodies, such as the UN Committee on the Elimination of Discrimination against Women, or the UN Commission on the Status of Women (CSW). Amongst others, CSW monitors progress on the implementation of the Beijing Declaration and Platform for Action, which recognizes the importance of promoting women in the media industry and mainstreaming a gender perspective in media content.[ᵈ]

An important accountability commitment that States have in relation to international standards is their obligation to report on their implementation. Well-established reporting secures the measurement of progress towards goals or obligations, but also serves as a means to document trends, including impunity levels, and good practices. States could further improve the quantity and quality of their inputs pertaining to violence against women journalists (in co-operation with non-governmental actors that collect data and produce research) when participating in the following mechanisms:

- The UN [Universal Periodic Review (UPR).](#)[ᵉ] Under the UPR process, States have to report on their national human rights situation, after which the members of the UN HRC provide recommendations for improvement. This process provides an excellent opportunity to make safety of women journalists offline and online a priority for all States.
- States can also highlight the challenges faced by women journalists when contributing to the regular [reports](#) by the HRC and the UN Secretary-General on the implementation of HRC and UN General Assembly (UNGA) resolutions on the safety of journalists.[ᶠ]
- The same goes for the [thematic reports, communications and urgent appeals](#) issued by the Special Procedures of the UN HRC, in particular for the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and other institutions whose mandates may cover violence against women journalists.[ᵍ]
- In the [Voluntary National Reviews](#) on the implementation of the SDGs, and in particular for SDG 5 (gender equality and women's empowerment) and SDG 16 (promote just, peaceful and inclusive societies), States should include data on the safety of journalists disaggregated by gender.[ʰ]
- Responding to UNESCO requests for information on the judicial status of journalist killings, the *[UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity](#)* allows the UN organization, mandated with the protection of freedom of expression, to monitor trends impacting safety of journalists.[ⁱ] In addition, UNESCO collects a broader range of inputs for its [World Trends Report](#) on freedom of expression and media development, which includes information on online harassment against women journalists.[ʲ] In addition to providing data, States can help promote the findings of these reports.
- Member States of the CoE should respond to the alerts on the [Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists.](#) The Platform monitors particular incidents against journalists and seeks States' responses.[ᵏ]
- Multilateral initiatives, such as the [Open Government Partnership](#), [Freedom Online Coalition](#), [Community of Democracies](#) and the [Media Freedom Coalition,](#) could provide good forums to promote policy discussions on addressing the safety of women journalists online.

In addition to these international mechanisms, diplomatic representations in other countries can be mobilized to promote public events, to issue public statements, and to support local or regional initiatives promoting the safety of women journalists. Facilitating visa and asylum requests from women journalists under threat is another vital way to respond.

Examples

Incorporating SOFJO in the Universal Periodic Reviews (UPR): By September 2019, after 84 States had gone through a UPR, 43 States had incorporated the issue of the safety of journalists in their recommendations. Kyrgyzstan, Montenegro, the Russian Federation and Turkmenistan were among the OSCE participating States that received recommendations on safety of journalists. Among the participating States that were vocal on the issue, the Czech Republic was the most active, followed by Austria, Canada, France, Lithuania, and Norway.[1] Slovenia, for example, recommended to Mexico to integrate a gender perspective when addressing the safety of journalists.

Intergovernmental informal groups: Several States, in their capacity as members of, or participants in, intergovernmental initiatives, have created informal groups on the safety of journalists. Their aim is to work together for increased attention on the issue. Such informal groups for co-operation on the issue exist at the UN in Geneva and New York, UNESCO and the OSCE.[2] Next to co-ordinating their efforts around resolutions and other policy actions, these groups host events to draw attention to the issue. In 2019, for example, the UNESCO Group of Friends (GoF) on the safety of journalists organized a conference on online harassment against women journalists.[3] In the same year, the UN New York GoF co-hosted an event on the safety of journalists and the SDGs.

Delivering policy statements: In 2018 and 2019, the informal OSCE group of friends on the safety of journalists issued statements expressing its concern about violence against women journalists.[4]

Resources

- The Office of the UN High Commissioner for Human Rights has a database with human rights recommendations issued by the UN human rights protection system, which is valuable for the development of public policies.[5]
- ARTICLE 19's report *Ending Impunity: Acting on UN Standards on the Safety of Journalists* summarizes the latest standards on the safety of journalists, including recommendations to address violence against women journalists online and offline.[6] It includes a chapter on gender-responsive approaches to the safety of journalists.
- The coalition of States participating in the Open Government Partnership produced a global report on *Civic Space: Defending Activists and Journalists*, which includes a series of good practices put in place by States on the safety of journalists.[7]
- Through the initiative of Media4Democracy, the EU has been supporting EU delegations worldwide to better understand the challenges to media freedom and reinforce freedom of expression. This includes the Handbook for EU Delegations: Protecting the Safety of Journalists, Protecting Freedom of Expression that provides technical guidance in taking action on the safety of journalists.[8]
- The Community of Democracies published a Toolkit on the Safety of Journalists for the Personnel of the Diplomatic Missions, which entails concrete actions to promote the safety of journalists, such as holding a regular dialogue with the authorities and journalists; providing emergency support when needed; monitoring trials of journalists or their attackers; and facilitating travel documents and visas.[9]
- The Committee on Civil Liberties, Justice and Home Affairs of the European Parliament published the guide Safety of Journalists and the Fighting of Corruption in the EU to explore various regulatory and other measures to counter attacks against journalists in the European Union.[10]

---

[1] Organization for Security and Co-operation in Europe (OSCE), Ministerial Council, Decision No. 3/18, "Safety of Journalists", 7 December 2018, Milan, https://www.osce.org/chairmanship/406538?download=true.
[2] Ibid.
[3] Elisabeth Witchel, Shared responsibility: Safeguarding press freedom in perilous times, (IMS: Copenhagen, 2020), https://www.mediasupport.org/publication/shared-responsibility-safeguarding-press-freedom-in-perilous-times/
[4] "UN Plan of Action on the Safety of Journalists and the Issue of Impunity", (CI-12/CONF.202/6) UNESCO, https://en.unesco.org/un-plan-action-safety-journalists.
[5] "Defending Free Speech - measures to protect journalists, elected representatives and artists from exposure to threats and hatred", Government Offices of Sweden, Ministry of Culture, 2018, https://www.government.se/4990f9/contentassets/bd181f7b0f4640e7920807d110b3c001/action-plan-defending-free-speech.pdf; The help-desk for journalists at Fojo Media Institute: https://fojo.se/verktyg-for-journalister/demokratijouren/helpdesk/.
[6] "Audit of freedom of expression in the Netherlands", University of Amsterdam, Institute for Information Law, https://www.ivir.nl/projects/auditoffreedomofexpression/.
[7] Council of Europe, Committee of Ministers to Member States, "Recommendation No. 4 on the protection of journalism and safety of journalists and other media actors", adopted on 13 April 2016, https://www.coe.int/en/web/freedom-expression/committee-of-

ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-cm-rec-2016-4-of-the-committee-of-ministers-to-member-states-on-the-protection-of-journalism-and-safety-of-journalists-and-other-media-

[8]"Violence, threats and pressures against journalists and other media actors in the EU." (Contribution to the second Annual Colloquium on Fundamental Rights – November 2016), European Union Agency for Fundamental Rights, https://ec.europa.eu/information_society/newsroom/image/document/2016-47/fra_threats_and_pressures_paper_19751.pdf.

[9]"Journalists' Safety Indicators: National Level; based on the UNESCO's Media Development Indicators", UNESCO, 2015, https://en.unesco.org/themes/safety-of-journalists/journalists-safety-indicators.

[10] UNESCO, *Applying UNESCO's Journalists' Safety Indicators (JSIs): A practical guidebook to assist researchers*, (Paris: UNESCO, 2015),https://unesdoc.unesco.org/ark:/48223/pf0000260894.

[11]UN Women, *Handbook for National Action Plans on Violence against Women*, (New York: UN Women, 2012), https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2012/7/handbooknationalactionplansonvaw-en%20pdf.pdf?la=en&vs=1502.

[12] UN Women, *How to Manage Gender-Responsive Evaluation*, (New York: UN Women Independent Evaluation Office, 2015), https://genderevaluation.unwomen.org/-/media/files/un%20women/gender%20evaluation/handbook/evaluationhandbook-web-final-30apr2015.pdf?la=en&vs=4246.

[13]*Joint Declaration on Crimes against Freedom of Expression*, The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, presented on 25 June 2012,https://www.osce.org/representative-on-freedom-of-media/91595.

[14]Alberto Spampinato, *Italy, So Much Mafia, So Little News*, European Center for Media and Freedom and OsservatorioBalconi e Caucaso, 2018, https://adobeindd.com/view/publications/4fd5ff1c-0f8c-4186-9565-dd3217e63b28/bndf/publication-web-resources/pdf/ECPMF-FFM-Italy.pdf.

[15]Presveilig,https://www.persveilig.nl/.

[16] Media Freedom Rapid Response, https://www.mfrr.eu/.

[17] Unidad Nacional de Protección,https://www.unp.gov.co/.

[18]"Conoce a la Fiscalía Especial para la Atención de Delitos cometidos contra la Libertad de Expresión",Fiscalía General de la República, 2019,https://www.gob.mx/fgr/documentos/conoce-a-la-fiscalia-especial-para-la-atencion-de-delitos-cometidos-contra-la-libertad-de-expresion.

[19]Op. cit. endnote 5.

[20]Peter Noorlander, *Taking Action to Protect Journalists and Other Media Actors*."Artificial Intelligence – Intelligent Politics Challenges and opportunities for media and democracy", Ministerial Conference, 28-29 May 2020, Cyprus, https://rm.coe.int/cyprus-2020-safety-of-journalists/168097fa83.

[21]"New global study documents best practices on the safety of journalists", IMS news item, 30 October 2019, https://www.mediasupport.org/new-global-study-documents-best-practices-on-the-safety-of-journalists/.

[22]Chocarro, Silvia, *The safety of women journalists: Breaking the cycle of silence and violence. IMS Defending Journalism book series*, Denmark, Published by International Media Support (2019), https://www.mediasupport.org/publication/the-safety-of-women-journalists/.

[23] Media Freedom Rapid Response, "Protecting Journalists and Media Workers: Good Practice", MFRR, 2020, https://www.mfrr.eu/wp-content/uploads/2020/06/MFRR-UK-Recommendations-Good-Practice.pdf.

[24]Natalia Torres and Eduardo Bertoni, *Institutional Design and Effectiveness of the Agencies Charged with Protecting Journalists and Investigating Crimes against the Press: Mexico, Colombia and Guatemala*, (Buenos Aires: Universidad de Palermo, 2012), https://www.palermo.edu/cele/cele/pdf/english/Internet-Free-of-Censorship/Institutional-Design.pdf.

[25]Op. cit. endnote 2.

[26]OSCE Representative on Freedom of the Media, "Recommendations following the Expert Meeting New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists", 17 September 2015, https://www.osce.org/fom/193556?download=true.

[27]"Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", UN Sustainable Development Goals Knowledge Platform, https://sustainabledevelopment.un.org/sdg16.

[28]OSCE, *New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists*, (Vienna: Office of the Representative on Freedom of the Media, Organization for Security and Co-operation in Europe, 2016), https://www.osce.org/fom/220411?download=true.

[29]"IBAHRI Secretariat to the High Level Panel of Legal Experts on Media Freedom", International Bar Association, https://www.ibanet.org/IBAHRISecretariat.aspx.

[30] Chapman, Martina, Mapping of media literacy practices and actions in EU-28, (Ed. by Maja Capello), Strasbourg: European Audiovisual Observatory, 2016, pp. 28, 39. https://rm.coe.int/1680783500.

[31]Robert Tomljenovic, *Regulatory Authorities for Electronic Media and Media Literacy - Comparative analysis of the best European practices*, (Strasbourg: Council of Europe Publishing, 2018),https://rm.coe.int/regulatory-authorities-for-electronic-media/1680903a2a.

[32]United Nations, "*Beijing Declaration and Platform for Action*", adopted on 15 September 1995, Fourth World Conference on Women, 4-15 September 1995, Beijing, https://www.un.org/en/events/pastevents/pdfs/Beijing_Declaration_and_Platform_for_Action.pdf.

[33]"Universal Periodic Review", United Nations Human Rights Council, https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx.

[34]"Resolutions on Journalists' Safety: How Does the UN Monitor their Implementation?", IFEX news item, 22 December 2017,https://ifex.org/resolutions-on-journalists-safety-how-does-the-un-monitor-their-implementation/.

[35]"Special Procedures of the Human Rights Council", UN Human Rights, https://www.ohchr.org/en/hrbodies/sp/pages/welcomepage.aspx.

[36]"Voluntary National Reviews Database", UN Sustainable Development Knowledge Platform, https://sustainabledevelopment.un.org/vnrs/.

[37]"UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity", UNESCO, https://en.unesco.org/themes/safety-journalists/dgreport.

[38]"World Trends in Freedom of Expression and Media Development", UNESCO, https://en.unesco.org/world-media-trends.

[39]"Platform to promote the protection of journalism and safety of journalists", Council of Europe, https://www.coe.int/en/web/media-freedom.

[40]UNESCO, *Intensified attacks, new defences: developments in the fight to protect journalists and end impunity*, InFocus edition of the World Trends in Freedom of Expression and Media Development (Paris: UNESCO, 2019), https://unesdoc.unesco.org/ark:/48223/pf0000371487.

[41]"OSCE delegations establish a Group of Friends on Safety of Journalists", US Mission to the OSCE news item, 23 April 2018, https://osce.usmission.gov/osce-delegations-establish-a-group-of-friends-on-safety-of-journalists/.

[42]"UNESCO Conference tackles online harassment of female journalists", UNESCO news item, 12 June 2019, https://en.unesco.org/news/unesco-conference-tackles-online-harassment-female-journalists.

[43] Austria, Canada, Denmark, Estonia, France, Germany, Greece, Latvia, Lithuania, Montenegro, the Netherlands, Norway, Sweden, the United Kingdom, and the United States of America.

[44] Universal Human Rights Index,https://uhri.ohchr.org/.

[45]ARTICLE 19, *Ending Impunity: Acting on UN Standards on the Safety of Journalists* (London: Article 19, 2019), https://www.article19.org/wp-content/uploads/2019/11/SOJ-Web.pdf.

[46]"Defending Journalists and Activists", Open Government Partnership, https://www.opengovpartnership.org/policy-area/defending-journalists-and-activists-expression/.

[47]Media4Democracy,https://media4democracy.eu/.

[48]Community of Democracies*, Toolkit: On the Safety of Journalists for the Personnel of the Diplomatic Missions*, March 2017, https://community-democracies.org/app/uploads/2018/06/Toolkit-Safety-of-Journalists-1-1.pdf.

[49]TarlachMcGonagle, *Safety of Journalists and the Fighting of Corruption in the EU*, (Brussels: European Parliament, 2020), https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655187/IPOL_STU(2020)655187_EN.pdf

B. Judiciary:
Ensuring access to justice and ending impunity

This chapter focuses on the work of courts and judges who interpret and apply the law, functions that are essential in the protection of human rights and the safety of journalists. In addition, this chapter also includes a section on independent human rights institutions that are mandated to protect and promote human rights.

One of the challenges in addressing online harassment and abuse against women journalists is that it often goes unreported and, therefore, guaranteeing their access to justice is crucial. Of particular concern is the high level of impunity for crimes against journalists – nearly 90 percent of the known murders of journalists worldwide. As it represents a systemic failure of the functions of government and the rule of law, on which the safety and rights of everyone depends, fighting impunity is an absolute imperative.

OSCE Ministerial Council Decision No. 3/18 calls on States to "take effective measures to end impunity for crimes committed against journalists, by ensuring accountability as a key element in preventing future attacks, including by ensuring that law enforcement agencies carry out swift, effective and impartial investigations into acts of violence and threats against journalists, in order to bring all those responsible to justice, and ensure that victims have access to appropriate remedies."

Proposed actions
1. Raise awareness on gender issues throughout the judicial system, as this is essential for the protection of female journalists;
2. Increase expertise among judicial personnel on issues of freedom of expression, safety of journalists and harassment and abuse, offline and online;
3. Apply and promote best practices in access to justice, sentencing and remedies;
4. National human rights institutions should engage on the issue of safety of journalists.

1. Raise awareness on gender issues throughout the judicial system, as this is essential for the protection of female journalists

Online safety for women journalists needs a judicial system that protects the rights of everyone and is attentive to how different experiences are lived by men, women and people of diverse sexual orientations, gender identities and expressions, in line with international human rights standards. In pursuit of this ideal, States should make all efforts to evaluate and reform the justice system to advance gender equality. Potential steps towards this goal include balancing gender representation in personnel and building capacity to guarantee equal access to justice.

One of the challenges in addressing online harassment and abuse against women journalists is often not reported. There are many factors that contribute to this, such as fear of retaliation, professional repercussions, and stigmatization by peers. There may also be inadequate protections to safeguard the dignity of complainants, economic costs and a perception that nothing will be done; factors that might further discourage women journalists from pursuing a case. Proactive steps to facilitate access to justice, including legal aid services and information campaigns, can help women journalists overcome some of these hurdles. Promoting the rule of law and ensuring equal access to justice for all is a commitment in the Sustainable Development Goals.

Steps to improve the rate of cases that are addressed on the safety of women journalists in the judicial system can also include organizing dialogues between the judiciary and women journalists, to share experiences and increase understanding of how online harassment and abuse affects journalists' personal and professional lives.

Examples

Training judicial professionals: Starting in 2013, the authorities of Bosnia and Herzegovina have, in collaboration with the Association of Women Judges, trained judicial professionals on gender approaches in the judicial procedures and practices.

Supporting cases being brought to court: In 2018, the regional media regulatory authority of North Rhine-Westphalia, Germany, launched a project offering legal support to news organizations and journalists to bring cases of online harassment and abuse to court.[7]

Resources

- Detailed recommendations on how to ensure a gender-responsive approach to the justice system have been developed by the OSCE in the toolkit Justice and Gender.[8]
- The Council of Europe's programme for Human Rights Education for Legal Professionals (HELP) offers an online course, Access to Justice for Women, which includes modules on improving women's access to justice and gender sensitive approaches to the practice of law.[9]
- UNESCO's report *Prevent and Punish: in Search of Solutions to Fight Violence Against Journalists* includes recommendations to address impunity of crimes against journalists, although there are no specifics on gender issues.[10]

2. Increase expertise among judicial personnel on issues of freedom of expression, safety of journalists and harassment and abuse, offline and online

To be able to adapt, judicial personnel need to be aware of the different benefits and challenges that the rapidly changing media landscape poses to men and women journalists. Topics such as the fulfillment and protection of the right to freedom of expression online; the fundamental importance of gender-responsive approaches to upholding this right; as well as the proper reaction to online harassment and abuse while keeping in line with international human rights standards, should be included in legal educational curricula and training programmes.

Such training courses should cover, at a minimum, five themes that impact the safety of women journalists online:

(1) an overview of international human rights standards on the prevention, protection and prosecution of crimes against the right to freedom of expression;
(2) a clear insight into the lawful limitations to the right to freedom of expression and the so called three-part test (legality, legitimacy, and necessity and proportionality), presented in the chapter: International human rights standards that frame the work for the safety of female journalists online;
(3) the benefits of, and challenges to, the right to freedom of expression online and insight into the way internet and social media operates;
(4) an inclusive and non-discriminatory approach to the enjoyment of the right to freedom of expression; and
(5) the role of journalism and journalists in democratic societies.[11]

Organizing training in co-operation with peers from the judiciary across borders could be invaluable to all involved. A workshop among judges, or other individuals working in the justice sector, from OSCE participating States, for example, could allow for a productive exchange of experiences and lessons learned.

Examples

Organizing Massive Open Online Courses: Since 2014, more than 12,000 judges have attended Massive Open Online Courses organized by UNESCO to increase their knowledge on freedom of expression issues. Participants have warmly welcomed the courses, with feedback indicating that the training has helped them to better understand issues related to the safety of journalists.[12]

Attending in-person training: Since 2016, more than 4,000 judges, prosecutors, lawyers and media professionals took part in the Council of Europe's JUFREX project expanding their knowledge on freedom of expression and the safety of journalists in South-East Europe.[13]

Establishing special courts: Estonia established a specialized court for online harassment, with judges and law enforcement officials receiving special training on the issue.[14]

Resources

- UNESCO published a toolkit on Legal Standards on Freedom of Expression in Africa includes a section on gendered perspectives on freedom of expression.[15] UNESCO in collaboration the Center for International Media Assistance also published a guide on International Standards on Freedom of Expression: A Basic Guide for Legal practitioners in Latin America and the Caribbean[16] as well as an educational toolbox for judges on freedom of expression, access to information and safety of journalists.[17]

- [Protecting the Right to Freedom of Expression under the European Convention on Human Rights](#), a guide by the Council of Europe provides recommendations on the safety of journalists.[ ]
- An online training on the safety of journalists for judges and legal practitioners sets the basics for protecting and prosecuting violence against journalists. It is available on the [Council of Europe's HELP online platform](#) in various languages.[ ]

3. Apply and promote best practices in access to justice, sentencing and remedies

As the pursuit of independent legal action can be traumatic and time consuming for the person subjected to violence, a system should be in place to ensure processes are swift, and legal aid and remedies provided.[ ] Remedies should be proportionate to the gravity of the violations, and could include financial compensation, as well as a range of measures to rehabilitate the victims and facilitate their return to work if they so desire.[ ]

When considering cases of online harassment and abuse against women journalists, courts should factor into their sentencing and corresponding sanctions and remedies the impact that the conduct has had on the right to freedom of expression and freedom of the press.[ ] When sentencing, judges should consider best practices of cases of attacks against journalists addressed by other courts, in line with international human right law. There is an increasing body of jurisprudence that the judiciary can draw from. This can serve to ensure that State and non-State perpetrators are firmly aware that they cannot act with impunity without some measure of redress being granted by the courts. One such measure is an award of damages to a journalist who has suffered a violation.[ ]

Judicial bodies should promote, in co-operation with special prosecutors and independent commissions established by different stakeholders, the reinforcement of the fight against impunity. This could include collaboration with special commissions that monitor the effectiveness of investigations in co-operation with the responsible ministry, media organizations and civil society organizations.

Examples

Sentencing: In France, two individuals were handed six-month suspended prison sentences and fined 2,000 euros for making online death threats and rape threats. Their target, a French woman journalist, had been subjected to an eight-month online harassment campaign.[ ] In Ireland, an individual was sentenced to four-and-a-half-years in prison (the last 18 months of which were suspended) for harassing a woman journalist under the Non-Fatal Offences against the Person Act.[ ]

Establishing public inquiries: In November 2019, a public inquiry into the assassination of Daphne Caruana Galizia in Malta was established, following substantial advocacy by the victim's family, a resolution of the Parliamentary Assembly of the Council of Europe's Legal Affairs Committee, and pressure from other international organizations.[ ]

Awarding financial reparation: In Finland, a national court awarded a woman journalist with 94,000 euros in damages, along with compensation for medical fees, loss of earnings and security, after being subjected to online harassment, stalking and defamation by three individuals.[ ]

Ensuring civil remedies: In many countries, victims can bring civil claims for damages if online harassment or abuse breaches the constitutional right of a private person, for example under Irish Law.[ ]

Resources

- European Court of Human Rights (ECtHR) case law can be consulted in the Council of Europe report *[Freedom of expression, the media and journalists: Case-law of the European Court of Human Rights](#)*. There is also the Council of Europe HELP online training on [Reasoning of judgments and Introduction to ECHR.](#)
- The European Audiovisual Observatory [IRIS Merlin database](#) includes useful information on media legal issues, including protection of journalists.
- The Columbia University [Global Freedom of Expression Case Law](#) database provides access to hundreds of judgments on freedom of expression issues worldwide, including the safety of journalists.
- The University of Oxford's Faculty of Law published a *[Report on Reparations and Remedies for Victims of Sexual and Gender Based Violence](#)* looking at international, regional and national jurisprudence.

4. National human rights institutions should engage on the issue of safety of journalists

Whether established as a commission, ombudsperson or other form, independent public national human rights institutions (NHRIs) are well suited to address the issue of safety of journalists, including the issue of online

harassment and abuse against women journalists. NHRIs could give attention to the safety of female journalists through monitoring, educating and strategic communication, as well as through the examination of complaints, and preventing human rights violations and abuses against journalists.[6] For example, NHRIs are mandated to deal with individual complaints, and to mediate between complainants and public administration bodies not having fulfilled their obligation to protect human rights. In addition, NHRIs can make public statements; start awareness raising campaigns; as well publish topical research.

NHRIs are well placed to monitor attacks against journalists, including online harassment and abuse. As independent public institutions, NHRIs are in a good position to develop data collection systems on the extent and impact of the safety of journalists that could inform public policies and international mechanisms, such as the Sustainable Development Goals.

NHRIs have in some cases quasi-jurisdictional competencies, which puts them in the position to recommend and provide for remedies, or play a role in alternative dispute resolutions. Such non-legal remedies can be a welcome alternative on cases of gender-based online and offline harassment against women who do not want to engage in an open judicial procedure.

Like other institutions, NHRIs should ensure a gender-responsive approach in their work and designate the appropriate human and financial resources to implement such an approach effectively.

Examples

Producing human rights ombudsperson reports: The Human Rights Ombudsman of Bosnia and Herzegovina produced a _Special Report on the Status and Cases of Threats against Journalists_. It identifies the main challenges for journalists' safety, including online harassment and abuse, and the extent to which these challenges were properly handled by the State.[10]

Publishing reports in collaboration with media: The Lithuanian Seimas Ombudsman's Office collaborates with the media, in particular the Association of Regional Radio Stations, to conduct joint programmes on human rights issues. In this joint initiative, radio journalists prepare programming with content input from the ombudsperson's office. This arrangement offers a forum to broadcast issues on freedom of expression and violence against journalists, including online harassment and abuse.[11]

Resources

- The Handbook for National Human Rights Institutions on Women's Rights and Gender Equality by the OSCE Office for Democratic Institutions and Human Rights(ODIHR) provides useful tips to mainstream gender in NHRIs.[12]

[1] UNESCO, 2019, Intensified attacks, new defences: developments in the fight to protect journalists and end impunity, https://unesdoc.unesco.org/ark:/48223/pf0000371487.

[2] William Horsley, _OSCE Safety of Journalists Guidebook,_ Second Edition, page 23, (Vienna: OSCE Representative on Freedom of the Media, 2014),https://www.osce.org/fom/118052?download=true.

[3] Eleanor Gordon, _Justice and Gender,_ in _Gender and Security Toolkit,_ (Vienna: DCAF, OSCE/Office for Democratic Institutions and Human Rights (ODIHR), UN Women, 2019), https://www.dcaf.ch/sites/default/files/publications/documents/GSToolkit_Tool-4%20EN%20FINAL_1.pdf.

[4] Edison Lanza, IACHR, RFOE, "Women Journalists and Freedom of Expression: Discrimination and gender-based violence faced by women journalists in the exercise of their profession", (OEA/SER.L/V/II CIDH/RELE/INF.17/17), 31 October 2018, http://www.oas.org/en/iachr/expression/docs/reports/WomenJournalists.pdf.

[5] "Sustainable Development Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". UN Sustainable Development Goals Knowledge Platform, https://sustainabledevelopment.un.org/sdg16.

[6] Op. cit. endnote 3.

[7] Barbara Trionfi and Javier Luque Martinez, "Newsroom Best Practices for Addressing Online Violence against Journalists: Perspectives from Finland, Germany, Poland, Spain and the United Kingdom"_,_ (Vienna: IPI, 2018),https://newsrooms-ontheline.ipi.media/wp-content/uploads/2019/06/IPI-report-online-harassment-06032019.pdf.

[8] Lorraine Andaya Serrano, _Integrating Gender in Project Design and Monitoring for the Security and Justice Sector,_ in _Gender and Security Toolkit,_ (Vienna: DCAF, OSCE/ODIHR, UN Women, 2019). https://dcaf.ch/sites/default/files/publications/documents/GSToolkit_Tool-15%20EN%20FINAL_0.pdf

[9] Council of Europe HELP Online Courses,http://help.elearning.ext.coe.int/.

[10] Eduardo Bertoni, _Prevent and Punish: In search of solutions to fight violence against journalists,_ (Paris: UNESCO, 2015), https://en.unesco.org/sites/default/files/prevent-and-punish_bertoni.pdf.

[11] Catalina Botero, _Guía político-pedagógica sobre la incorporación de la temática de libertad de expresión y de acceso a la información pública en la formación de operadores judiciales en América Latina,_ (Paris: UNESCO, 2016), https://unesdoc.unesco.org/ark:/48223/pf0000243750.

[12] RosentalCalmon Alves, "Training Judges Online to Safeguard Journalists", in The UNESCO Courier, April – June 2017, https://en.unesco.org/courier/2017-april-june/training-judges-online-safeguard-journalists.

[13] "Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX)", Council of Europe, South-East Europe Freedom of expression (JUFREX),https://www.coe.int/en/web/freedom-expression/promoting-freedom-of-expression-in-south-east-europe.

[14] Peter Noolander, "On the safety of journalists and other media actors, for the Conference of Ministers responsible for Media and Information Society", Background paper on the implementation of CM/rec(2016)4, Cyprus, May 2020,https://rm.coe.int/background-paper-safety-of-journalists-and-other-media-actorsfinal/168094b396.

[15] UNESCO, *Legal Standards on Freedom of Expression: Toolkit for the Judiciary in Africa*, (Paris: UNESCO, 2018), https://unesdoc.unesco.org/ark:/48223/pf0000366340.

[16] Silvia Chocarro, *International standards on freedom of expression: A basic guide for legal practitioners in Latin America and the Caribbean,* (Washington: Center for International Media Assistance, 2018),https://www.cima.ned.org/resource/international-standards-on-freedom-of-expression-a-basic-guide-for-legal-practitioners-in-latin-america-and-the-caribbean/.

[17] UNESCO, *Caja de herramientas para escuelas judiciales iberoamericanas*, (Paris: Unesco, 2017), https://unesdoc.unesco.org/ark:/48223/pf0000251593.

[18] Dominika Bychawska-Siniarska, *Protecting the Right to Freedom of Expression Under the European Convention on Human Rights*, (Council of Europe, 2017), https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814.

[19] http://help.elearning.ext.coe.int/.

[20] Organization for Security and Co-operation in Europe, "Joint declaration on crimes against freedom of expression", 25 June 2012 https://www.osce.org/representative-on-freedom-of-media/91595.

[21] Op. cit.endnote26.

[22] Scott Griffen, "Legal Responses to Online Harassment and Abuse of Journalists: Perspectives from Finland, France and Ireland", OSCE, The Representative on Freedom of the Media, https://www.osce.org/representative-on-freedom-of-media/413552?download=true.

[23] Op. cit.endnote5.

[24] "RSF publishes report on online harassment of journalists", Reporters Without Borders news item, 1 August 2018, https://rsf.org/en/news/rsf-publishes-report-online-harassment-journalists.

[25] Op. cit. endnote 22.

[26] Council of Europe, Parliamentary Assembly Resolution No. 2293, "Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges", 26 June 2019, http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=28053.

[27] Op. cit.endnote27.

[28] Op. cit. endnote 26.

[29] United Nations General Assembly, Resolution 74/157 on The safety of journalists and the issue of impunity, 18 December 2019, https://undocs.org/A/RES/74/157

[30] The Institution of Human Rights Ombudsman of Bosnia and Herzegovina, "Special Report on the Status and Cases of Threats Against Journalists in Bosnia and Herzegovina", June 2017, https://www.ombudsmen.gov.ba/documents/obmudsmen_doc2017082415202346eng.pdf.

[31] OECD, "The Role of Ombudsman Institutions in Open Government, OECD Working Paper on Public Governance No. 29", https://www.oecd.org/gov/the-role-of-ombudsman-institutions-in-open-government.pdf.

[32] OSCE, "Handbook for National Human Rights Institutions on Women's Rights and Gender Equality", (Warsaw: OSCE/ODIHR, 2012) https://www.osce.org/odihr/97756?download=true.

C. Law enforcement agencies:
Enhancing the methods for protection and effective investigations

This section deals with the State bodies that have to fulfil the obligation to protect journalists and effectively investigate crimes against them: the law enforcement agencies. Women journalists face distinct risks in relation to their work, which requires gender-responsive approaches to their safety. Investigation of crimes against journalists committed in the digital environment are still a developing field. Any new proposals to counter online practices should be carefully assessed, to ensure that the protection and exercise of human rights online, including the right to freedom of expression and privacy, is not undermined.

This section provides an overview of recommendations and existing standards on the effective investigation of crimes against journalists (including those laid out in OSCE Ministerial Council Decision No. 3/18) to address the range of conduct of gender-based online harassment and abuse against women journalists. In addition, it proposes steps that law enforcement authorities should undertake at a minimum to implement these recommendations.

> OSCE Ministerial Council Decision No. 3/18 calls on States to "[e]ncourage State bodies and law enforcement agencies to engage in awareness-raising and training activities related to the need to ensure safety of journalists, and to promote the involvement of civil society in such activities, where appropriate."

Proposed actions
1. Enhance training of law enforcement authorities on the issue of online safety of journalists, with a gender-responsive approach;
2. Review and improve gender considerations in risk assessments of threats and harassment;
3. Strengthen protocols, methods and procedures to investigate crimes against journalists and freedom of expression;
4. Increase dialogue and co-ordination on the safety of journalists between law enforcement authorities, media outlets and civil society.

1. Enhance training of law enforcement authorities on the issue of online safety of journalists, with a gender-responsive approach

As law enforcement officers may not always be mindful of international human rights standards and safety of journalists in their day-to-day work, training programmes could play a constructive role in helping them to understand better the rights of journalists, the range of threats they face and tools to respond. Such training programmes should include several components and recommendations on how to create procedures that encourage women journalists to report online and offline attacks to the competent authorities, along with measures that transform institutional behaviours that reproduce and tolerate practices that make harassed individuals relive distress and repeat experiences based on social and gender norms (also known as re-victimization). A general perspective on the use, misuse and benefits of technology, as well as practical modules providing tools and knowledge on legal and technical aspects, should convey the different manifestations of gender-based online harassment and abuse, as well as the specific circumstances under which threats and harassment online amount to criminal offenses that should be dealt with in the same way as offline crimes.

Such training should be mandatory for all relevant law enforcement personnel, in particular police receiving the reports and investigators, and should include certain timeframes for completion. Equality and non-discrimination modules should incorporate measures to counter the obstacles that women face in accessing justice, such as structural and targeted discrimination in the criminal justice system.

Preventive measures are crucial, as are the procedures to identify the particular risks and threats that women journalists face online as opposed to those experienced by their male counterparts. Law enforcement authorities should prioritize threats to life or physical integrity, including rape threats and other criminal conduct online with the potential to manifest offline.

Law enforcement personnel should become well versed in the practical measures available to prevent and mitigate the negative impacts of gender-based online harassment and abuse. They should, for example, become aware of the possibilities that digital security tools provide to prevent unauthorized access to journalists' digital accounts. Authorities should also be aware of the unique aspects of journalists' jobs, like the crucial need to

protect sources and the impact that various types of harassment and abuse have in their personal and professional lives.

Training should make law enforcement mindful and aware of the historical and still prevailing tendency of blaming the women targeted by gender-based abuse and harassment related cases. The training should also highlight the burden and psychological impact of reporting and pursuing such complaints. Identifying the root causes of overlooking reports of online abuse and other acts reported by women journalists should provide inputs to create measures that protect women journalists from, and prevent, attacks against them.

Additionally, law enforcement officers should receive training and information on the application of measures to support women journalists when certain behaviour does not meet the criminal threshold.

Examples

Providing online training for the police: The Swedish Police Authority, in co-operation with Uppsala University, launched an online training for police officers to deal with hate crimes, addressing freedom of speech, freedom of the press and the fundamental rights and freedoms of journalists, opinion leaders and politicians.

Publishing handbooks for the police: The Canadian Department of Justice's Handbook for Police and Crown Prosecutors on Criminal Harassment shows the different types of harassment that occur online and the different laws and procedures that can be followed to investigate such offences.

Resources

- The training manual on Freedom of Expression and Public Order, published by UNESCO, aims to equip members of the security forces with the tools to maintain public order in compliance with human rights and freedom of expression, while also guaranteeing the safety of journalists. The manual has been used in workshops and training courses as part of the implementation of the UN Action Plan of Safety of Journalists in many countries, including Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan.
- To help law enforcement to better investigate online harassment and abuse of women journalists, ARTICLE 19 prepared the policy brief: Investigating Online Harassment and Abuse of Women Journalists.

2. Review and improve gender considerations in risk assessments of threats and harassment

Discrimination and inequality that women face offline often replicates itself online. Law enforcement authorities should be aware of these circumstances, particularly in cases where journalists are vocal and expose conduct against societal norms and gender stereotypes that may put them at extra risk.

Law enforcement authorities should comprehensively review the procedures and measures they apply to evaluate the risk level posed by online and offline threats against journalists. This review should include the level of risk assigned to different types of threats that are not necessarily categorized as criminal conduct, both online and offline, including the connection between the two realms. Such a comprehensive review should generate practices with the view of developing a protocol – understood as the set of methods, procedures and standards that guide the authorities' performance – on the investigation and responses to threats against, and risks faced by, journalists.

All threat reports by law enforcement officers should include a detailed description of the assessment and the recommended measures, as well as all factual, contextual and gender considerations provided by the journalist and a gender specialist, if there was one, co-conducting the assessment or investigation.

Risk assessments should have a section to include and consider behavioural patterns and gendered aspects of the incident, such as stereotypes, discrimination, intolerance, sexualized threats and intimidation. This information should be used to determine follow-up actions and to enhance the collection of data related to the different manifestations of online harassment and abuse against women journalists.

Law enforcement functions can contribute to a better understanding and development of policy responses to online harassment and abuse against women journalists. Authorities should commission or support data collection and analysis of data related to this issue. This work could guide and strengthen preventive and investigative responses, in strict compliance with data protection obligations and privacy protection standards. Journalists who report an incident should be clearly informed about the use and processing of their information, as well as the remedies they can access in case of violations or abuses.

Examples

- **Establishing protocols for assessing threats and risks:** With a view to developing a model protocol to assess the risks, and improve collaboratively the responses that law enforcement authorities are providing to journalists facing particular risks related to their work, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions has called on States to support the collection of good practices in the investigation, assessment and/or response to threats and risks of journalists. Such protocols must incorporate the digital and technological notions of the threats and risks faced by journalists.

3. **Strengthen protocols, methods and procedures to investigate crimes against journalists and freedom of expression**

Strengthening investigations into attacks against journalists is paramount to tackling impunity, but when doing so, it is important to incorporate a gender approach that responds to the different manifestations, impacts and risks faced by women as opposed to men.

Addressing impunity of crimes against journalists requires diligent, impartial and effective investigations aimed at determining the truth, and pursuing, arresting, prosecuting, and eventually punishing all perpetrators of crimes against women journalists.

One of the measures that law enforcement authorities should take is to create specific units within the police and prosecutor's offices for investigating crimes against journalists, or put in place any similar and adequate action plans that enable the prioritization and specialization of investigation of crimes against journalists. These units or special actions should base their operation on methods, procedures or protocols developed through shared good practices.

Next, law enforcement agencies should receive sufficient resources to prioritize risk assessments and investigations of crimes against women journalists. In addition, they should be given the capacity to develop a specialized set of standards, procedures and protocols to ensure that the investigation of crimes against journalists includes, as a rule, the exhaustion of a line of enquiry related to the victim's journalistic activity. When law enforcement agencies decide not to follow and exhaust this line of enquiry, they should justify this decision in writing, and have it approved by a higher level official. In cases involving women journalists, gender considerations need to be highlighted in the report.

When threats and harassment online amount to criminal offenses that should be dealt with in the same way as offline crimes, law enforcement authorities should evaluate their existing protocols of investigation and preventive measures in order to identify best practices and lessons learned from all procedures applicable to prevent and investigate these crimes. Such an evaluation can benefit from the participation of organizations and experts working with abused individuals, as well as women journalists who have experienced obstacles in accessing the criminal justice system.

Examples

Providing high-level judicial guidance: The UK Crown Prosecution Service provided guidance for decisions in cases involving communications sent via social media by its 2018 publication Social Media – Guidelines on prosecuting cases involving communications sent via social media, which includes clarification on which social media communications could be considered criminal offences.

Appointing special responsibility: The police in Kosovo assigned its Department of Grave Crimes to investigate attacks and threats against journalists. In a related measure, Kosovo's Basic Court of Pristina appointed a co-ordinator for cases of journalists.

Resources

- A number of civil society organizations, along with the Public Prosecutor's Office, adopted a special protocol to investigate crimes against freedom of expression in Mexico. It includes operational standards of investigation and evidence gathering, collaboration between different authorities, measures to direct and liaise individuals targeted by violence with relevant services and to ensure their safety.

4. **Increase dialogue and co-ordination on the safety of journalists between law enforcement authorities, media outlets and civil society**

To build public confidence in the rule of law and to tackle gendered discrimination effectively, law enforcement authorities should promote, facilitate and encourage co-ordination between the police, prosecutors, media

organizations and civil society. It is essential that the journalists that have been targeted by online and/or offline crimes report the crime to the police.

Dialogues between these parties should focus on addressing the root causes of impunity for crimes against journalists and the role of technology in both exercising human rights and posing risks to journalists' rights. These dialogues should take place with the shared understanding by all that it is crucial to have input from those attacked, and from groups supporting people who have been experiencing online harassment and abuse, when law enforcement agencies want to design, develop or apply procedures that tackle discriminatory practices and structural obstacles. Co-ordination among participants should develop new, or strengthen existing, methods and procedures to ensure accountability and redress.

Law enforcement authorities could also participate in international co-operation initiatives, such as the ones organized by the UN Office on Drugs and Crime (UNODC), as they offer space to exchange expertise, experience and information about criminal justice practices and the prevention of crimes against journalists. Civil society and media sector should also be included in these initiatives.

Examples

Collaborating for improved investigations: The Dutch police and prosecution service, together with the Dutch Society of Editors-in-Chief, agreed to improve the investigations of attacks against journalists, including by implementing measures such as systematic registration of cases, giving attacks against journalists high priority and making information for victims more transparent and accessible.[18]

Facilitating joint training to improve dialogue: UNESCO has facilitated structured dialogues and workshops for law enforcement personnel and journalists in various countries, such as Ukraine, Nepal, Tunisia, Senegal, Tanzania, Somalia, and Burkina Faso.[19]

Inviting more actors to dialogue: The UNODC Commission on Crime Prevention and Criminal Justice holds dialogues on Safety of Journalists that include representatives from governments and civil society.[20]

Providing issue-based training with potential targets: The OSCE Transnational Threats Department has trained the police in Armenia to improve their dialogue with civil society during demonstrations, including special attention to women protesters.

Resources

After a series of seminars between law enforcement officials and journalists in Ukraine, UNESCO published a report and a video to share their experience.[22]

[1]Organization for Security and Co-operation in Europe (OSCE), "Joint declaration on crimes against freedom of expression", 25 June 2012, https://www.osce.org/representative-on-freedom-of-media/91595.

[2]United Nations General Assembly Resolution 74/157, "*The safety of journalists and the issue of impunity*", adopted on 18 December 2019, https://undocs.org/A/RES/74/157.

[3] OSCE, The Representative on Freedom of the Media, "Communiqué on the growing safety threat to female journalists online", 6 February 2015, https://www.osce.org/fom/139186?download=true.

[4]William Horsley, *OSCE Safety of Journalists Guidebook,* (Vienna: OSCE Representative on Freedom of the Media, 2012), https://www.osce.org/fom/85777?download=true.

[5] OSCE, *New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists,* (Vienna: OSCE Representative on Freedom of the Media, 2016)

[6]Peter Noolander, "On the safety of journalists and other media actors, for the Conference of Ministers responsible for Media and Information Society", Background paper on the implementation of CM/rec(2016)4, Cyprus, May 2020,https://rm.coe.int/background-paper-safety-of-journalists-and-other-media-actorsfinal/168094b396.

[7]"A Handbook for Police and Crown Prosecutors on Criminal Harassment", Government of Canada, Department of Justice,https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/har/part1.html#cybstalk.

[8]UNESCO, *Freedom of Expression and Public Order: Training manual,* (Tunis: UNESCO, 2015),https://unesdoc.unesco.org/ark:/48223/pf0000231305.

[9]"Almaty Training on Freedom of Expression and Public Order", UNESCO news item, 9 December 2019, https://en.unesco.org/news/almaty-training-freedom-expression-and-public-order.

[10] ARTICLE 19, *Gender-based online harassment and abuse against women journalists and main social media platforms*, (London: ARTICLE 19, 2020),https://www.article19.org/onlineharrassment.

[11]UN Special Rapporteur on extrajudicial, summary or arbitrary executions, "Investigation of, accountability for and prevention of intentional State killings of human rights defenders, journalists and prominent dissidents", (A/HRC/41/CRP.1), 19 June 2019,https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/36.

[12]OSCE Representative on Freedom of the Media, "Recommendations following the Expert Meeting New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists", 17 September 2015,https://www.osce.org/fom/193556?download=true.

[13] Op. cit.endnote 12.

[14]*Joint Declaration on Crimes against Freedom of Expression,* The United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the

Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information, presented on 25 June 2012. https://www.osce.org/representative-on-freedom-of-media/91595.

[15]United Nations General Assembly Resolution 39/6, "The safety of journalists", adopted on 27 September 2018, https://undocs.org/A/HRC/RES/39/6.

[16]"Social Media - Guidelines on prosecuting cases involving communications sent via social media", The Crown Prosecution Service,https://www.cps.gov.uk/about-cps.

[17]Petrit Çollaku, *Kosovo Indicators on level of media freedom and journalists' safety,* (Association of Journalists of Kosovo, 2018).

[18]Procuraduría General de la República, Estados Unidos Mexicanos, "Protocolo homologado de Investigación de delitos cometidos contra la libertad de expresión",https://www.gob.mx/cms/uploads/attachment/file/444272/Protocolo_homologado_de_investigaci_n_de_delitos_cometidos _contra_la_libertad_de_expresi_n.pdf.

[19]"Agreement of the Steering Group on Aggression and violence against journalists", (Unofficial translation by Tarlach McGonagle), The Hague, 2018,https://www.ivir.nl/publicaties/download/Agreement-of-the-Steering-Group-on-Aggression-and-violence-against-journalists-EN-translation.pdf.

[20]"UNESCO partners with Tunisian Ministry of the Interior to improve safety of journalists", UNESCO news item, 2019, https://fr.unesco.org/news/l%E2%80%99unesco-et-le-minist%C3%A8re-de-l%E2%80%99int%C3%A9rieur-de-la-tunisie-coop%C3%A8rent-pour-am%C3%A9liorer-la-s%C3%A9curit%C3%A9-des.

[21]"The Safety of Journalists: Report on UNODC CCCPCJ Side-Event", Academic Council of the United Nations System, 7 July 2014, https://acuns.org/the-safety-of-journalists-report-on-unodc-cccpcj-side-event/.

[22]"Film on the training of Ukrainian law enforcement officers on freedom of expression & safety of journalists", UNESCO news item, 11 April 2018, https://en.unesco.org/news/film-training-ukrainian-law-enforcement-officers-freedom-expression-safety-journalists.