

## **Information Documents**

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22 November 20:

# The safety of female journalists

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#### Introduction

Over the last years, the Council of Europe has consistently advocated for stronger and comprehensive measures for the safety of journalists. The adoption of Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors¹ was followed by the Implementation Strategy approved by the Council of Europe Steering Committee on Media and Information Society (CDMSI) in 2018 and the Implementation Guide to Recommendation CM/Rec(2016)4 of 2020², as well as its extended version of 2023.³ In line with the Resolution on the Safety of Journalists adopted at the Nicosia Ministerial Conference on 10-11 June 2021,⁴ a Campaign for the safety of journalists was launched on 5 October 2023 in Riga, in the framework of the Conference "The Pen Is Mightier than the Sword? Meeting today's challenges to freedom of expression and the safety of journalists", organised under the Latvian Presidency of the Committee of Ministers.

It is unfortunately beyond doubt – as evidenced by various Council of Europe and UNESCO reports referred to in this document, as well as the <u>Platform to promote the protection of journalism and safety of journalists</u> – that journalists, in particular investigative journalists, run the risk of interference with their right to freedom of expression. Moreover, they experience various types of threats, such as disproportionate regulations against reporting of some events, economic pressure, intimidation, strategic lawsuits, violence and even killings/murder.

The assassination of Daphne Caruana Galizia in 2017 was a harsh reminder that women in journalism are a particular – at times fatal – target of these threats.

Female journalists are particularly exposed to risks of intimidation and harassment. According to a global study by the International Center for Journalists (ICFJ) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) about online violence against women journalists, 72% of heterosexual women journalists indicated that they had been targeted in online attacks. This figure rose to 85% for lesbians and 88% for bisexual women.<sup>5</sup> Similar statistics result from national surveys. According to a survey by the National Union of Journalists of the United Kingdom, 29% of its members indicated that they had been bullied or harassed at work because of their sexual orientation or gender identity.<sup>6</sup> Furthermore, as noted in cases of violence against women in general, many women journalists do not report or make public the violence they experience.<sup>7</sup>

available at: <a href="https://www.nuj.org.uk/resource/one-in-three-lgbt-members-have-been-bullied-or-discriminated-at-work.html">https://www.nuj.org.uk/resource/one-in-three-lgbt-members-have-been-bullied-or-discriminated-at-work.html</a>, accessed 22 September 2023.

<sup>&</sup>lt;sup>1</sup> 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 actors.

<sup>&</sup>lt;sup>2</sup> Council of Europe DGI(2020)11, Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors, How to protect journalists and other media actors?

<sup>&</sup>lt;sup>3</sup> The Extended Implementation Guide was made public on the occasion of the launch of the Campaign for the safety of journalists on 5 October 2023 in Riga.

<sup>&</sup>lt;sup>4</sup> Conference of Ministers responsible for Media and Information Society, "Artificial Intelligence – Intelligent Politics, Challenges and opportunities for media and democracy", 10-11 June 2021, Resolution on the safety of journalists.

<sup>&</sup>lt;sup>5</sup> Posetti J., Shabbir N. (2021), *The Chilling: global trends in online violence against women journalists; research discussion paper*, UNESCO, p. 22, available at: <a href="https://unesdoc.unesco.org/ark:/48223/pf0000377223">https://unesdoc.unesco.org/ark:/48223/pf0000377223</a>, accessed 22 September 2023.

<sup>&</sup>lt;sup>6</sup> NUJ, (2021), "One in Three LGBT+ Members Have Been Bullied or Discriminated at Work",

<sup>&</sup>lt;sup>7</sup> Manjoo R., Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo - 14 May 2013. United Nations, Office of the High Commissioner for Human Rights; 2013, available at: <a href="https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/136/39/PDF/G1313639.pdf?OpenElement">https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/136/39/PDF/G1313639.pdf?OpenElement</a>, accessed 17 October 2023, and Posetti, J., Aboulez, N., Bontcheva, K., Harrison, J., and Waisbord, S. (2020), Online violence Against Women Journalists: A Global Snapshot of Incidence and Impacts, UNESCO, p. 1, available at: <a href="https://unesdoc.unesco.org/ark:/48223/pf0000375136">https://unesdoc.unesco.org/ark:/48223/pf0000375136</a>, accessed 17 October 2023.

Referring to UNESCO research, its Director-General Audrey Azoulay stated, on the occasion of the "International day for the elimination of violence against women" on 25 November 2022:

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Women journalists are particularly at risk. [...] Nearly three-quarters of women journalists have experienced online violence, a figure that has worsened since the start of the Covid-19 pandemic. One in five of the women surveyed said they experienced offline violence as a result. Thirty per cent said that they self-censor on social media and 20 per cent withdrew from all online interaction. This is not only a threat to human rights, but also to democracy.<sup>8</sup>

Indeed, as shown by the Council of Europe's study *Journalists under pressure*<sup>9</sup> dealing with the impact of unwarranted interferences on journalists' professional and private lives, threats can result in self-censorship, be it toning down critical stories or abandoning reporting about controversial issues altogether. Especially in the case of female journalists, various studies have shown that they are either considering leaving journalism or are effectively guitting their jobs as a result of abuse.<sup>10</sup>

The present report aims at addressing this particular aspect in view of the Council of Europe's campaign for the safety of journalists.

### 1. Threats to the safety of female journalists before Council of Europe bodies

### 1.1. Case-law of the European Court of Human Rights

Few cases of threats or violence against female journalists have reached the European Court of Human Rights (hereinafter "the Court"). Among them, the case of Mazepa and Others v. Russia11 relates to the killing of the investigative journalist Anna Politkovskaya and is still in the process of the supervision of its execution by the Committee of Ministers. The Court found a violation of the right to life (Article 2 of the European Convention on Human Rights, hereinafter "the Convention") because of the lack of effective investigation into Ms Politkovskaya's murder in 2006. The Court stressed that in cases where the victim of a killing is a journalist, it is of utmost importance to check a possible link of the crime to the journalist's professional activity. It referred in this respect to Recommendation CM/Rec(2016)4<sup>12</sup> in which the Committee of Ministers states that the conclusions of an investigation must be based on a thorough, objective and impartial analysis of all the relevant elements, including the establishment of whether there is a connection between the threats and violence against journalists and other media actors and the exercise of journalistic activities or activities contributing in similar ways to public debate. 13 Moreover, the Court argued that the investigation into a contract killing is not adequate in regard to the procedural limb of Article 2 of the Convention if no genuine and serious investigative efforts have been taken to identify those who commissioned the assassination. The domestic authorities' scrutiny in a case concerning a contract killing must aim to go beyond identification of the murderer.14

<sup>&</sup>lt;sup>8</sup> Message from Audrey Azoulay, Director-General of UNESCO, on the occasion of International Day for the Elimination of Violence against Women, 25 November 2022, available at: https://unesdoc.unesco.org/ark:/48223/pf0000383769, accessed 22 September 2023.

<sup>&</sup>lt;sup>9</sup> Clark M., Grech A. (2017), *Journalists under pressure: Unwarranted interference, fear and self-censorship in Europe*, Council of Europe, available at: <a href="https://rm.coe.int/journalists-under-pressure-fa-en-/168097e9e1">https://rm.coe.int/journalists-under-pressure-fa-en-/168097e9e1</a>, accessed 22 September 2023, pp. 56-57. The study is based on a survey with 940 journalists from across Council of Europe member states and Belarus.

<sup>&</sup>lt;sup>10</sup> See, for example, Le Cam F., Libert M. and Ménalque L. (2018), *Être femme et journaliste en Belgique francophone*, Laboratoire des pratiques et identités journalistiques, Université libre de Bruxelles and Université de Mons, available at : <a href="https://www.ajp.be/telechargements/JournalistesFemmes/l-etude.pdf">https://www.ajp.be/telechargements/JournalistesFemmes/l-etude.pdf</a>, accessed 26 September 2023.

<sup>11</sup> Mazepa and Others v. Russia, Application No. 15086/07, judgment of 17 July 2018.

<sup>&</sup>lt;sup>12</sup> 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 actors, paragraph 19

journalists and other media actors, paragraph 19.

13 See the above-mentioned judgment <u>Mazepa and Others v. Russia</u>, paragraph 73.

<sup>&</sup>lt;sup>14</sup> Ibid., paragraph 75, with references to <u>Gongadze v. Ukraine</u>, Application No. 34056/02, judgment of 8 November 2005, paragraph 176, and <u>Huseynova v. Azerbaijan</u>, Application No. 10653/10, judgment of 13 April 2017, paragraphs 115-16.

The case of <u>Sedletska v. Ukraine</u><sup>15</sup> concerns an interference with the journalist's right to the protection of her sources in 2018, due to the authorisation granted by the domestic judiciary of access to her mobile telephone communications data. The Court found this to be disproportionate and not justified by an overriding requirement of being in the public interest in a democratic society. Hence it concluded that there was a violation of Article 10 of the Convention (freedom of expression). In its judgment, the Court focused on the applicant's work as a journalist who was investigating high-profile corruption in Ukraine. <sup>16</sup>

Issues related to a female journalist's right to respect for her private life combined with her journalistic activity were considered by the Court in the case of Khadija Ismayilova v. Azerbaijan. 17 After having published and contributed to articles criticising the alleged involvement of the family members of a leading political figure in various commercial ventures, the journalist received a letter threatening her with public humiliation if she did not stop her investigative reporting. When she refused, a video featuring scenes of her sexual life and her then boyfriend, taken with a hidden camera secretly installed in her bedroom, was posted on the Internet. Around the same time, local newspapers ran stories accusing her of immoral behaviour and anti-government bias. The Court considered that the acts complained of were grave and amounted to an affront to human dignity. It emphasised that the applicant is a well-known journalist, that there was a plausible link between her journalistic activity and the intrusions in her private life, and that the purpose of those intrusions was to silence her. 18 The Court reached this conclusion in view of the fact that the applicant was well-known in society specifically for her journalistic activity and for that activity only, and that therefore it was difficult to discern any motive for the threats of public humiliation received by her other than a motive connected to that activity. 19 This made it of the utmost importance to investigate whether the threat was connected to the applicant's professional activity and by whom it had been made. 20 The Court found that the authorities had violated Article 8 of the Convention by failing to comply with their positive obligation to ensure the adequate protection of the applicant's private life by carrying out an effective criminal investigation into the very serious interferences with her right to respect for her private life. They have also disclosed the applicant's private information in a report on the status of the investigation. Moreover, the Court has held that there had been a violation of Article 10 of the Convention, as the state had failed to comply with its positive obligation to protect the applicant in the exercise of her freedom of expression.<sup>21</sup>

A subsequent case, <u>Khadija Ismayilova v. Azerbaijan (no. 3)</u><sup>22</sup>, concerns another violation of Article 8 of the Convention on account of a newspaper article which sought to cast aspersions on the same applicant's private life. The Court held that the domestic courts had failed to conduct an adequate balancing exercise between her right to respect for her private life and the newspaper's right to freedom of expression, taking into account the applicant's arguments that, in a country with a traditional conservative society, portraying a woman as someone having "the lifestyle of a porn star or a prostitute" could result in stigmatisation by society and by her own relatives, and even create a risk of physical harm from the latter.<sup>23</sup> The Court found that the respondent state did not comply with its positive obligation to take adequate measures to secure protection of the applicant's right to respect for her private life and her reputation (violation of Article 8 of the Convention). This is consistent with the Court's case-law that states have a positive obligation to create a favourable or enabling environment to ensure the safety and security of journalists against threats, attacks, abuse and harassment not only from state but also from non-state actors.

<sup>&</sup>lt;sup>15</sup> <u>Sedletska v. Ukraine</u>, Application No. 42634/18, judgment of 1 April 2021.

<sup>&</sup>lt;sup>16</sup> Ibid., paragraph 65.

<sup>&</sup>lt;sup>17</sup> Khadija Ismayilova v. Azerbaijan, Application No. 65286/13, judgment of 10 January 2019.

<sup>&</sup>lt;sup>18</sup> Ibid., paragraph 116.

<sup>&</sup>lt;sup>19</sup> Ibid., paragraph 119.

<sup>&</sup>lt;sup>20</sup> Ibid., paragraph 120.

 <sup>&</sup>lt;sup>21</sup> Ibid., paragraph 166.
 <sup>22</sup> <u>Khadija Ismayilova v. Azerbaijan (no. 3)</u>, Application No. 35283/14, judgment of 7 May 2020.
 <sup>23</sup> Ibid., paragraph 49.

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### 1.2. Parliamentary Assembly of the Council of Europe

The Parliamentary Assembly of the Council of Europe (PACE) has also pointed to the greater exposure of women journalists to certain threats. In its ResAP(2020)2317, "Threats to media freedom and journalists' security in Europe",<sup>24</sup> when calling on member states to protect more effectively the safety of journalists and media freedom, and to create an enabling and favourable media environment, the PACE urged them to fight online harassment particularly of female journalists<sup>25</sup> and to pay specific attention to the higher vulnerability of women journalists.<sup>26</sup> One of the selected specific themes to be covered by the report on "Guaranteeing media freedom and the safety of journalists: an obligation of member States", which is currently being elaborated, is threats to women journalists. The PACE rapporteur highlights that gender equality in the media sector enables more accurate and balanced reporting of specific issues, but women journalists still suffer from multiple discrimination and are subject to more threats than their male counterparts. For him, enhancing safety, and the perception of safety, of women journalists is essential for strengthening gender equality in the media.

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#### 1.3. Commissioner for Human Rights

The Council of Europe Commissioner for Human Rights has dealt with the present issue as part of her comment on violence against women in the digital world.<sup>27</sup> She referred to multiple online threats, comments and attacks against women journalists in many countries amounting to misogynist verbal comments and harassment devoid of argument on the substance of the matter reported by the journalist. The Commissioner concluded that human rights standards to ensure the safety of journalists and gender-based violence do exist, but that their implementation is lacking.

<sup>&</sup>lt;sup>24</sup> ResAP(2020)2317, "Threats to media freedom and journalists' security in Europe", Text adopted by the Assembly on 28 January 2020.

<sup>&</sup>lt;sup>25</sup> Ibid., paragraph 5.4.

<sup>&</sup>lt;sup>26</sup> Ibid., paragraph 6.7.

<sup>&</sup>lt;sup>27</sup> Council of Europe Commissioner for Human Rights, Comment published on 15 March 2022, "No space for violence against women and girls in the digital world".

#### Alerts on the Platform to promote the protection of journalism and safety of journalists 1.4.

Recent alerts on the Platform to promote the protection of journalism and safety of journalists (hereinafter "Platform for the Safety of Journalists") show that women journalists were attacked when they covered protests, 28 tried to film illegal constructions, 29 or tried - together with their male colleagues – to report about demonstrations of environmental activists. 30 They were assaulted and detained by the police when they tried to cover demonstrations, 31 and some of them were beaten and insulted.<sup>32</sup> In Bosnia and Herzegovina, a journalist complained that her car was set on fire as a retaliation for her frequent coverage of corruption, organised crime, smuggling and drug trafficking in the region.<sup>33</sup> Another journalist had been threatened with death by a member of the *camorra* mafia group.34 Two journalists received death threats by Ukrainian nationalists, after the journalists had published an article about the dismissal of the Ombudsperson for human rights for allegedly unverifiable and exaggerated reports about war-crimes under the Russian occupation.<sup>35</sup> Another journalist received death threats by hooligans after publishing her investigative story about criminal elements in Serbian sports.<sup>36</sup> One journalist who covered the trial on the murder of a girl was threatened at knifepoint.<sup>37</sup> A far-right politician in Hungary issued death threats against a journalist who works for a Hungarian-language public radio in Romania.<sup>38</sup> One journalist left Russia, after the Chechen leader Ramzan Kadyrov threatened her and her male colleague with death.<sup>39</sup>

Anonymity in social media may create a feeling of impunity for those who use hate speech, harass and intimidate other people (including journalists). Recent cases from the Platform for the Safety of Journalists reveal that journalists who reported about or investigated racism<sup>40</sup> or radical Islamism<sup>41</sup> received threats. A journalist, who had posted a photo of herself with a politician of the opposition, received a wave of threats of death and violence on social media. 42 Another journalist, who had reported that a prominent politician had plagiarised his doctoral thesis, received a threatening message directly linked to her article, and photos of her private life in her bathroom were published on the internet.<sup>43</sup> Several alerts demonstrate that persons who disliked a journalist's reports issued sexist harassments against her<sup>44</sup> or threatened her.<sup>45</sup>

Whereas most of the above-mentioned incidents of harassment do not appear to have gender-related motivation, some of them clearly included gender-related threats.<sup>46</sup>

<sup>&</sup>lt;sup>28</sup> Alert No. 259/2022, Photojournalist Lorena Sopena Assaulted while Covering Protest in Barcelona, (Spain), 13 September 2022.

<sup>&</sup>lt;sup>29</sup> Alert No. No. 235/2022, <u>Journalist Maja Sever Attacked while Taking Pictures</u> (Croatia), 03 August 2022.

<sup>&</sup>lt;sup>30</sup> Alert No. 280/2022, Novi Sad TV Editor-in-Chief Emilija Marić Physically Attacked (Serbia), 19 October 2022.

<sup>&</sup>lt;sup>31</sup> Alert No. 176/2022, Journalist Buse Söğütlü Assaulted and Arrested by Police (Türkiye), 25 May 2022.

<sup>32</sup> Alert No. 72/2022, Azerbaijani Journalists Fatima Mövlamli, Sevinj Sadygova and Teymur Karimov Detained and Beaten over Protest Coverage (Azerbaijan), 17 February 2022.

33 Alert No. 199/2022, Bosnian Journalist Nataša Miljanović-Zubac's Car Destroyed by Fire (Bosnia Herzegovina), 24 June 2022.

<sup>&</sup>lt;sup>34</sup> Alert No. 202/2022, Editor-in-chief Maria Bertone Threatened with Death by Camorra Mobster (Italy), 27 June 2022.

<sup>&</sup>lt;sup>35</sup> Alert No. 209/2022, Ukrainian Journalists Sevgil Musaieva and Sonia Lukashova Receive Death Threats, Ukraine, 5 July 2022.

<sup>&</sup>lt;sup>36</sup> Alert No. 204/2022, Editor-in-Chief Brankica Stanković Threatened with Death by Sports Hooligans (Serbia), 28 Jun 2022.

<sup>&</sup>lt;sup>37</sup> Alert No. 169/2022, Journalist Ayten Mammadova Threatened at Knifepoint (Azerbaijan), 11 May 2022.

<sup>&</sup>lt;sup>38</sup> Alert No. 299/2022, Hungarian Politician Discusses the Hanging of Journalist Boróka Parászka (Hungary), 9 November 2022.

<sup>&</sup>lt;sup>39</sup> Alert No. 63/2022, Novaya Gazeta Journalist Elena Milashina Leaves the Russian Federation after Threats from Chechen President (Russian Federation), 8 February 2022.

<sup>&</sup>lt;sup>ào</sup> Alert No. 61/2022, Belgian Journalist Samira Atillah Targeted by Death Threats and Sexual Harassment (Belgium), 4 February 2022.

<sup>&</sup>lt;sup>41</sup> Alert No. 59/2022, Death Threats against Journalist Ophélie Meunier (France), 1 February 2022.

<sup>&</sup>lt;sup>42</sup> Alert No. 298/2022, <u>Turkish Trolls Threaten Al-Monitor Correspondent Amberin Zaman</u> (United Kingdom), 10 November 2022.

<sup>&</sup>lt;sup>43</sup> Alert No. 124/2022, Romanian Journalist Emilia Şercan Victim of Smear Campaign (Romania), 7 April 2022.

<sup>&</sup>lt;sup>44</sup> Alert No. 250/2022, <u>Journalist Sonia Koltuklieva Targeted by Online Harassment (Bulgaria)</u>, 2 September 2022.

<sup>&</sup>lt;sup>45</sup> Alert No. 136/2022, <u>Inđija News Portal Journalist Verica Marinčić Threatened Online</u> (Serbia), 19 April 2022

<sup>&</sup>lt;sup>46</sup> In particular, the following alerts: Alert No. 204/2022, Editor-in-Chief Brankica Stanković Threatened with Death by Sports Hooligans (Serbia), 28 Jun 2022; Alert No. 250/2022, Journalist Sonia Koltuklieva Targeted by Online Harassment (Bulgaria), 02 September 2022; Alert No. 124/2022, Romanian Journalist Emilia Şercan Victim of Smear Campaign (Romania), 07 April 2022.

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#### 1.5. Council of Europe reports and referenced publications

The Council of Europe's Information Society Department's Annual Report on the state of freedom of expression in Council of Europe member states in 2021, which was published in April 2022, notes that women journalists faced particularly grave and gender-based threats.<sup>47</sup>

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According to the publication A Mission to inform, Journalists at risk speak out<sup>48</sup>, which is based on interviews with a handful of journalists across Council of Europe member states, "harassment directed at women is more likely to be sexualised". The book refers to a worldwide online survey<sup>49</sup> of 977 self-defined female journalists, where "nearly two thirds of the respondents said they had experienced some form of intimidation, threats or abuse in relation to their work, ranging in severity from name calling to death threats." The publication complements the 2017 study *Journalists under Pressure.*<sup>50</sup> That study, which among others addresses gender differences in experiences of unwarranted interference, reports that "male journalists were significantly more likely than females to be threatened with force, intimidated by police and to experience physical assault. Conversely, females were significantly more likely than males to experience sexual harassment and/or violence."51

The 2020 analytical report of the Gender Equality Commission and the Steering Committee on Media and Information Society (CDMSI)52 refers to a 2017 survey by the International Federation of Journalists<sup>53</sup> in which almost 400 women journalists from 50 countries worldwide took part and which showed that almost one in two women have suffered sexual harassment, psychological abuse, online trolling and others forms of gender-based violence while working as journalists. The 2020 Implementation Guide to Recommendation CM/Rec(2016)4 adopted by the CDMSI also provides information on the growing number of reports of female journalists and bloggers being attacked on social media.<sup>54</sup>

A worldwide survey among 597 women journalists (to which the above-mentioned Implementation Guide refers) demonstrates that nearly two out of three respondents said they had been threatened or harassed online at least once and that "online attacks have become more visible and coordinated in the past five years particularly with a rise of nationalism around the world and the use of digital networks."55 The report also indicates that "for women journalists and media workers, physical, sexual and online abuse is a part of their daily work lives. Among women who work abroad (not in the USA), 68 percent indicated that gender was the main factor in their attacks."56

<sup>52</sup> Gender Equality Commission, Steering Committee on Media and Information Society, 2020, Gender equality and media, Analytical Report 2019 Data, Council of Europe

<sup>&</sup>lt;sup>47</sup> Council of Europe DGI(2022)2, Report by the Information Society Department, <u>Freedom of expression in 2021</u>, p. 9.

<sup>&</sup>lt;sup>48</sup> Clark M., Horsely W. (2020), A mission to inform: journalists at risk speak out, Council of Europe.

<sup>&</sup>lt;sup>49</sup> Barton A. and Storm H., (2014), Violence and harassment against women in the news media – A global picture, International Women's Media Foundation and International News Safety Institute, pp. 2, 5.

<sup>&</sup>lt;sup>50</sup> Clark M., Grech A. (2017), p. 13.

<sup>&</sup>lt;sup>51</sup> Ibid.

<sup>53</sup> International Federation of Journalists, (2017), "IFJ survey: One in two women journalists suffer gender-based violence at work", available at: https://www.ifj.org/media-centre/reports/detail/ifj-survey-one-in-two-women-journalists-suffer-gender-based-violence-atwork/category/press-releases.html, accessed 22 September 2023.

54 Council of Europe DGI(2020)11, Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of

journalists and other media actors, How to protect journalists and other media actors?, p. 20.

55 Ferrier M. (2018), Attacks and Harassment, The Impact on Female Journalists and Their Reporting, International Women's Media Foundation, Troll-Busters.com, available at: https://www.iwmf.org/wp-content/uploads/2018/09/Attacks-and-Harassment.pdf, accessed 22 September 2023, pp. 6-7.

<sup>&</sup>lt;sup>56</sup> Ibid., p. 30.

# 2. <u>Council of Europe standards applicable in respect of threats to the safety of female journalists</u>

The Court's case-law has clarified that there is a positive obligation of member states to create a favourable or enabling environment to ensure the safety of all journalists against threats, attacks, abuse and harassment from state and also from non-state actors.

As regards the scope of this obligation in respect of female journalists, the Committee of Ministers' Recommendation CM/Rec(2016)4 first notes the many gender-related threats facing them:

...Female journalists and other female media actors face specific gender-related dangers, including sexist, misogynist and degrading abuse; threats; intimidation; harassment and sexual aggression and violence. These violations are increasingly taking place online. There is a need for urgent, resolute and systemic responses.<sup>57</sup>

Female journalists and other female media actors face specific gender-related dangers in the course of their work, such as threats, (sexual) aggression and violence, in targeted ways, in the context of mob-related sexual violence or sexual abuse while in detention. These dangers are often compounded by various factors, such as under-reporting, under-documentation, lack of access to justice, social barriers and constraints concerning gender-based violence, including stigmatisation, lack of recognition of the seriousness of the problem and discriminatory attitudes by extremist sections of society...<sup>58</sup>

The Recommendation then sets out principles for dealing with those threats appropriately:

A systematic, gender-sensitive approach is required to prevent and combat these specific dangers, as well as to counter the underlying societal customs, practices, gender stereotypes, prejudices and discrimination on which they feed. Primary responsibility for developing such strategies lies with State authorities, but media, civil society and corporate organisations also have important roles to play: a gender-specific perspective should be a central feature of all measures and programmes dealing with the protection of journalists and other media actors and the fight against impunity.<sup>59</sup>

The text of the Recommendation also warns about online harassment, threats, abuse and violations of digital security which tend to target female journalists and other media actors in particular, which calls for gender-specific responses.<sup>60</sup>

The 2020 Implementation Guide to this Recommendation also addresses the gender-specific risk factors faced by journalists and other media actors.

The Committee of Ministers' 2013 Recommendation CM/Rec(2013)1 on gender equality and media highlights that media freedom and gender equality are intrinsically inter-related.<sup>61</sup>

The Committee of Ministers' 2019 Recommendation CM/Rec(2019)1 on preventing and combating sexism contains the first internationally agreed legal definition of sexism. <sup>62</sup> It underlines that women and girls can be subject to multiple and intersecting forms of discrimination and sexism, including sexist hate speech. They are particularly exposed to such discrimination if they practise certain professions, such as that of journalist. <sup>63</sup>

60 Ibid., II. ("Principles"), paragraph 18.

<sup>&</sup>lt;sup>57</sup> Recommendation CM/Rec(2016)4, paragraph 2 of the preamble.

<sup>&</sup>lt;sup>58</sup> Ibid., II. ("Principles"), paragraph 17.

<sup>&</sup>lt;sup>59</sup> Ibid.

<sup>&</sup>lt;sup>61</sup> Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media, adopted by the Committee of Ministers on 10 July 2013.

<sup>&</sup>lt;sup>62</sup>Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism, adopted by the Committee of Ministers on 27 March 2019, appendix, page 10.

<sup>63</sup> See, in particular, appendix part II.B. As regards the issue of intersectional discrimination, see also Council of Europe, European

<sup>&</sup>lt;sup>63</sup> See, in particular, appendix part II.B. As regards the issue of intersectional discrimination, see also Council of Europe, European Commission against Racism and Tolerance (ECRI), 2019, <u>Annual Report on ECRI'S activities covering the period from 1 January to 31 December 2018</u>, paragraph 15; and Council of Europe, ECRI, 2020, <u>Annual report on ECRI'S activities covering the period from 1 January to 31 December 2019</u>, paragraph 13. The Committee of Ministers' <u>Recommendation CM/Rec(2022)16 to member States on combating hate speech, adopted by the Committee of Ministers on 20 May 2022</u>, outlines that many persons (for example, black Muslims or lesbian Roma women) are targeted by hate speech on different, intersecting and cumulative grounds, which further worsens their situation (paragraph 8 of the Explanatory Memorandum). See also Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), GREVIO(2021)20, General Recommendation no. 1 on the digital dimension of violence against women, adopted on 20 October 2021, published on 24 November 2021 (paragraphs 13 and 44).

#### 3. Steps to improve the safety of female journalists

This report shows that the Convention, as applied and interpreted by the Court, as well as recommendations of the Committee of Ministers, especially Recommendation CM/Rec(2016)4, include also gender-specific standards providing guidance to member states on how to ensure a safe environment for the work of women journalists. Nevertheless, as can be seen from the examples presented in the report, their safety is often not ensured in practice.

The Council of Europe <u>Campaign for the safety of journalists</u> was launched on 5 October 2023 with the overarching aim of closing the gap between standards and implementation in this field. The Campaign seeks to provide significant support to states in the elaboration and implementation of related national action plans and/or specific protection mechanisms for journalists' safety.

In this framework, member states can take account of the gender-related risks to which women journalists and other media actors are exposed when carrying out their mission to inform the public and contribute to a sound democratic debate. States should apply a systematic, gender-sensitive approach to prevent and combat these risks, in particular by ensuring that:

- Their legislative framework guarantees effective protection from gender-related threats in the course of journalistic work.
- Law enforcement agencies and, in particular police services, provide effective and timely protection against risks to life or physical integrity.
- ➤ Gender-responsive protocols and training programs are developed for all State authorities who are responsible for fulfilling State obligations concerning the protection of journalists and other media actors. These protocols and programmes should ensure: 1) the prevention and detection of violence against women, the needs and rights of victims, as well as how to prevent secondary victimisation; 2) the effectiveness of investigations into violent incidents and threats and the need to consider the possible link between the offence, the journalists' activity and their gender; and 3) the investigation into harassment, threats and other offences that take place online, including those that are gender-based.

The Campaign shall further offer member states the opportunity to:

- > ensure that state officials and public figures do not undermine or attack the integrity of journalists and other media actors on the basis of their gender;
- > ensure that women journalists who report attacks against them are provided with adequate protection, including psychosocial support;
- > ensure that effective judicial remedies are available, as well as practical protective measures such as relocation and shelter:
- > co-operate with information-gathering, awareness-raising and other initiatives co-ordinated by international and regional intergovernmental organisations;
- include gender-specific training programmes in schools of journalism and in media and information literacy initiatives;
- ➤ develop a partnership with civil society and the media for the promotion of best practices for the protection of journalists and other media actors and for combating impunity, ensuring a gender-responsive approach to these issues.

The Campaign should also provide an opportunity to address inequalities in the profession of journalists and the weak representation of women in decision-making roles in the media industry.

Fighting violence against women, including its technology-facilitated manifestations, can be substantially facilitated by the ratification and adequate implementation of the <u>Istanbul Convention on Violence against Women and Domestic Violence</u><sup>64</sup> and the <u>Budapest Convention on Cybercrime</u>. Cyberviolence has been explicitly recognised as one aspect of violence against women and girls by the Court, which further noted that such violence can take a variety of forms, including breaches of cyberprivacy. This means that member states are required to put in place adequate legislative frameworks to enable offenders to be identified and brought to justice.

Online safety and empowerment will be addressed by the CDMSI in more detail during the next biennium, with guidance to be developed on how to counter different types of online harm (threats, harassment, bullying, disclosure of personal information, etc.) and to improve the safety of those participating in the digital communication environment, including women journalists. It is hoped that more clarity about definitions and responsibilities of states, online platforms and other actors may help alleviate the problem of underreporting, which is often detected in research on online violence.

The Council of Europe will continue working on this pressing issue with international and regional organisations committed to the safety of journalists.

<sup>&</sup>lt;sup>64</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No. 210).

<sup>65</sup> Council of Europe Convention on Cybercrime (ETS No. 185).

<sup>66</sup> Buturugă v. Romania, Application No. 56867/15, judgment of 11 February 2020, paragraph 74.