

# The safety of women journalists

All you need to know about States' obligations and commitments to strengthen your advocacy

**What is this #JournoSafe AdvoSheet about?** This is the first in a series of advocacy sheets that explain the obligations States have and the commitments they have made regarding the safety of journalists under international human rights law. We are producing them to support your advocacy efforts. If you have a meeting with a public official, or are writing a statement or press release, you can use this AdvoSheet – which includes key quotes we have taken from official documents – to support your arguments.

## What is in this #JournoSafe AdvoSheet?

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# 1. First Principles: The right to freedom of expression and the function of journalism

The role journalism plays in a democratic society, including the work that journalists and the media carry out, is protected under the right to freedom of expression. This right is recognised in Article 19 of the [Universal Declaration of Human Rights \(UDHR\)](#) and [Article 19 of the International Covenant on Civil and Political Rights \(ICCPR\)](#), as well as in regional human rights treaties.

The right to freedom of expression is not absolute. The State may restrict it under certain exceptional and narrowly drawn conditions, which are defined under international human rights law (ICCPR) and consist of three cumulative requirements:

- **Legality:** The restriction must be based on a precise law that is accessible to everyone;
- **Legitimacy:** The restriction must be in pursuit of a legitimate aim (Article 19.3 of the ICCPR); and
- **Necessity and proportionality:** The restriction must be necessary and proportionate in a democratic society, and must be the least restrictive means of achieving a legitimate aim.



## 2. The big picture: States' obligations on women's equality and freedom of expression, and how this pertains to women<sup>1</sup> journalists<sup>2</sup>

Under international human rights treaties, **States are obliged to ensure all women fully enjoy both the right to freedom of expression and the right to equality.** When applied to women journalists, this means that States have the obligation to prevent, protect, and respect their right to freedom of expression (alongside all the other rights enshrined in the ICCPR), including when they are targeted in connection with their journalistic activities, and with special attention to those instances where these reprisals are gendered.

The right to equality and non-discrimination and the right to freedom of expression are mutually supporting and reinforcing rights. Hence, States must observe Article 19 of the ICCPR together with its [Article 2](#), which requires States to guarantee human rights to all people *'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'*

**States have a duty to prevent violence against women and to protect women from such violence** – including when this violence is the result of women's journalistic activities – by adopting and implementing diverse measures to tackle it, as stated in the binding [Convention on the Elimination of All Forms of Discrimination against Women \(CEDAW\)](#). Violence against women

<sup>1</sup>'Women' refers to any person who identifies as such.

<sup>2</sup>This AdvoSheet uses a functional definition of journalists, as per the UN Human Rights Committee [General Comment 34](#): 'Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere.'

is defined as *'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life'* (Article 1 of the [Declaration on the Elimination of Violence against Women](#)).

To ensure the safety of women journalists, it is vital to enable an environment in which they can exercise their journalistic activities equally to men. This is recognised in the [Beijing Declaration and Platform for Action](#) (1995), which calls for **greater participation and decision-making of women** in the media, and for the media to promote a balanced and non-stereotyped portrayal of women.

While the role of journalists is not the same as that of human rights defenders (HRDs), the work of some journalists – for example, those who investigate and report on human rights abuses – is similar in impact to the work of HRDs. As such, they should also be protected from attacks and violence. The [Declaration on Human Rights Defenders](#) establishes that States must take *'all necessary measures to ensure the protection of HRDs against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any arbitrary action'* as a consequence of their legitimate exercise of their rights, as well as *'to benefit from an effective remedy'*.

The importance of ending violence against women and addressing the safety of journalists is also recognised under the [2030 Agenda for Sustainable Development](#), and progress is assessed in relation to the following targets:

- **Target 16.10 of Sustainable Development Goal (SDG) 16:** One of the indicators to measure its progress, which is about ensuring public access to information and protecting fundamental freedoms, is the *'number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months'*.
- **Targets 5.1 and 5.2 of SDG 5:** These targets focus on the *'elimination of all forms of discrimination and violence against women and girls in the public and private spheres'*.

In situations of armed conflict, UN Security Council (UNSC) [Resolution 1325](#) calls on all parties to armed conflict *'to respect fully international law applicable to the rights and protection of women and girls, especially as civilians, in particular the obligations applicable to them under the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977'*, which recognise journalists as civilians.



### 3. Specifics: States' responsibilities to women journalists according to their human rights obligations

States have committed to the safety of women journalists in several [UN resolutions](#), which are texts that include recommendations agreed to by UN Member States on specific issues. Several UN bodies, including [special procedures](#) — independent human rights experts with mandates to report and advise on human rights — have also provided recommendations on the issue.



### **a) Taking a gender-responsive approach to the safety of journalists**

As UN Special Rapporteur (UNSR) Irene Khan has pointed out, female journalists *'are particularly targeted for physical and psychological violence and threats, including death and rape threats, for speaking out or simply for being a woman in a leadership role'* ([Report by the UN Special Rapporteur \(UNSR\) on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, A/76/258](#)).

States have acknowledged *'the specific risks faced by women journalists in relation to their work'* ([UN Human Rights Council \(HRC\) Resolution 45/18 on the safety of journalists](#)), and have recognised the importance of *'developing, reviewing and strengthening inclusive policies, including by allocating adequate resources to address the historical, structural and underlying causes, including unequal power relations, and risk factors of violence against women and girls'* ([HRC Resolution 38/5 on accelerating efforts to eliminate violence against women and girls](#)).

More concretely, States have underlined the importance of *'taking a gender-responsive approach when considering measures to address the safety of journalists, including in the online sphere; and for women to enter and remain in journalism on terms of equality and non-discrimination while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed'* ([HRC Resolution 45/18](#)).

States have an obligation to not only **protect** women journalists but also **prevent** violence against them, and have agreed to develop *'safe gender-sensitive preventive measures and investigative procedures, in order to encourage women journalists to report online and offline attacks against them and provide adequate support, including psychosocial support, to victims and survivors'* ([UN General Assembly \(UNGA\) Resolution 74/157](#)).

Moreover, in 2016 States created the role of a UN independent expert to work with States to implement measures that contribute to the protection against violence and discrimination based on sexual orientation and gender identity ([UNGA Resolution 32/2](#)).

### **b) Applying an intersectional approach to the safety of journalists**

States have recognised that **journalists face intersecting forms of violence depending on various forms of discrimination**, including – but not limited to – *'sex, race, religion, ethnicity, minority status, disability or political affiliation'* ([HRC Resolution 45/18](#)). As such, they have agreed to take *'an intersectional approach'* in any legislation and measure taken to eliminate all forms of discrimination against women and girls ([HRC Resolution 44/17](#)). This includes the commitment *'to include an understanding of multiple and intersecting forms of discrimination in any training on combating gender bias for State officials'* ([HRC Resolution 44/17](#)).

The UN Secretary-General (UNSG) has also called on States to take a gender-sensitive approach that understands and considers *'the different experiences, views and needs of women and men and those who identify with other identities'* ([A/72/290](#)).

### **c) Tackling gender-based violence and sexual harassment against women journalists**

While both men and women journalists are exposed to violence and threats to their safety in the course of their work, women journalists are disproportionately targeted by gender-based violence, including sexual harassment. In relation to the **violence women journalists face as a result of their work**, States are obliged under international human rights — and have also agreed to specific

measures — to *'prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law'* ([HRC Resolution 45/18](#)).

As for the **violence and intimidation women face in their workplaces**, which applies to women journalists' work spaces and environments, the [International Labour Organization \(ILO\) Convention on Violence and Harassment, 2019 \(No. 190\)](#) recognises *'the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment'*, and also *'that violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work.'*<sup>3</sup> The UNSR on violence against women, its causes and consequences has called on States to ratify this convention so as to ensure the safety of women journalists ([A/HRC/44/52](#)).

#### **d) Addressing the safety of women journalists online**

The UNSR on freedom of expression described how gender-based violence occurs online, including in the form of *'both harmful speech and behaviour. It is often sexist or misogynistic in nature and contains digital threats or incitement to physical and sexual violence'* ([Report by the UN Special Rapporteur \(UNSR\) on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, A/76/258](#)). The UNSR on violence against women, its causes and consequences has described online forms of violence as *'[s]extortion, doxing, trolling, online bullying and harassment, online stalking, online sexual harassment and the non-consensual sharing of intimate images'* ([A/HRC/44/52](#)).

In recent years, **States have increasingly looked at preventing and responding to violence against women and girls in digital contexts**, and have committed to *'ensuring that women and girls are able to exercise the right to freedom of opinion and expression online and offline without discrimination, and do not experience violence or threats of violence while exercising this right'* ([HRC Resolution 38/5](#)). States have also expressed their support for *'gender-sensitive responses that take into account the particular forms of online discrimination'* ([HRC Resolution 38/7 on the promotion, protection and enjoyment of human rights on the Internet](#)).

#### **e) Combating negative stereotypes, stigmatisation, and misogyny towards women journalists**

As the 2012 joint declaration by special rapporteurs on freedom of expression affirms, *'State officials should refrain from making statements that are likely to increase the vulnerability of those who are targeted for exercising their right to freedom of expression'* ([Joint declaration on crimes against freedom expression](#)). The UNSG has called *'for clear political will and effort'* from States to *'tackle gender-based discrimination, including violence, and inequality and gender-based stereotypes'* ([Report by the UNSG A/72/290 on the safety of journalists and issue of impunity](#)). In response, States urged all *'political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, or using misogynist or any discriminatory language towards women journalists, thereby undermining trust in the credibility of journalists and respect for the importance of independent journalism'* ([HRC Resolution 45/18](#)).

<sup>3</sup> States having ratified the ILO Convention, and therefore obliged by this convention, are the following: [https://www.ilo.org/dyn/normlex-es-f?p=NORMLEXPUB:11300:0::NO::P11300\\_INSTRUMENT\\_ID:3999810](https://www.ilo.org/dyn/normlex-es-f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:3999810)

#### f) Improving investigations into violence against women journalists

States have the obligation to investigate crimes against journalists, *'including those targeted because of their sexual orientation or gender identity'* ([UNGA Resolution 67/168](#)). These investigations should be independent, speedy, and effective, with a view to bringing to trial, before impartial and independent tribunals, both the perpetrators and instigators of these crimes.

**When the crime concerns a woman journalist, authorities should incorporate a gender approach into the investigation.** States have committed to training the judiciary and law-enforcement personnel on not only international human rights and humanitarian law obligations regarding the safety of journalists but also *'combating sexual and gender-based discrimination, and violence against women journalists, as well as the particularities of online threats and harassment of women journalists, using 'gender-sensitive investigative procedures'* ([UNGA Resolution 74/157](#)). The UNSR on violence against women, its causes and consequences has also recommended that States develop specific protocols to protect women journalists' right to freedom of expression and other human rights ([A/HRC/44/52](#)).

#### g) Addressing violence against women journalists in situations of conflict

In situations of armed conflict, [UNSC Resolution 2222](#) acknowledges the *'specific risks faced by women journalists, media professionals and associated personnel in the conduct of their work'*, and underlines *'in this context the importance of considering the gender dimension of measures to address their safety'*. **The UNSG has repeatedly expressed concerns regarding specific threats and violence against women journalists** in his [reports](#) to the UNSC on women, peace, and security, as well as on the protection of civilians.



## 4. Learn more: Resources to support your advocacy on behalf of women journalists

You can find the full texts of States' obligations and commitments in the links mentioned throughout this AdvoSheet, as well as in the following guides and resources:

- ARTICLE 19, [Ending impunity: Acting on UN standards on the safety of journalists](#), 2019.
- ARTICLE 19, [Freedom of expression and women's equality: Ensuring comprehensive rights protection](#), 2020.
- ARTICLE 19, [Investigating online harassment and abuse of women journalists](#), 2020.
- ARTICLE 19, [Submission to the report on gender justice by the UN Special Rapporteur on Freedom of Expression](#), 2021.
- Columbia University, [Columbia global freedom of expression: Case law](#), 2021 (searchable database of international case law related to freedom of expression).
- IFEX, [5-minute explainers](#), 2021 (resources on international standards on freedom of expression and safety of journalists).
- Organization for Security and Co-operation in Europe, [Safety of female journalists online: A #SOFJO resource guide](#), October 2020.
- UN High Commissioner for Human Rights, [Universal human rights index](#), 2021 (searchable database of over 170,000 observations and recommendations made by the UN human rights protection system).