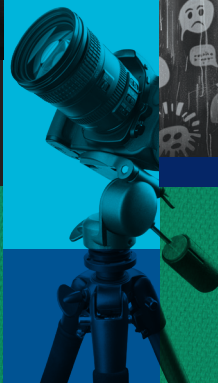
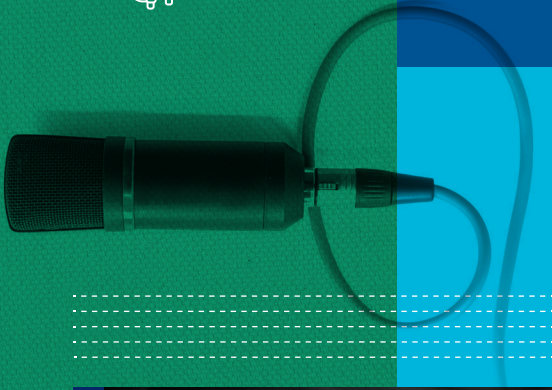




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ARTICLE 19



From impunity to accountability:

Investigating tech-facilitated gender-based violence against journalists

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Together with our partners, we develop cutting-edge research and legal and policy analysis to drive change worldwide, lead work on the frontlines of expression through our nine regional hubs across the globe, and propel change by sparking innovation in the global freedom of expression movement.

We do this by working on five key themes: promoting media independence, increasing access to information, protecting journalists, expanding civic space, and placing human rights at the heart of developing digital spaces.

<https://www.article19.org>

info@article19.org

<https://www.facebook.com/ARTICLE19org/>

<https://www.instagram.com/article19org/>

<https://bsky.app/profile/article19.bsky.social>

<https://x.com/article19org>

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Design: Neha Bhansali ([@nb.designco](https://www.instagram.com/nb.designco))

Executive summary

Online harassment and abuse against women journalists are now widely recognised as serious threats to freedom of expression and media freedom. They take many forms, including surveillance, threats, doxxing, identity theft, and deepfake sexual content. They often precede or occur alongside offline violence. These abuses, whether from state or private actors, are compounded by existing gender-based discrimination and can significantly restrict women journalists' ability to report, express themselves, and participate in public discourse. In many cases, they drive women journalists out of online spaces entirely.

Despite the gravity of these abuses and the threats they pose to freedom of expression, women journalists face significant barriers to justice. Public authorities frequently fail to take online harassment and abuse seriously, and law enforcement often lacks the understanding, capacity or will to investigate such cases effectively.

The escalation of online violence and abuse against women journalists coincides with a global surge in digital authoritarianism. As attacks grow more sophisticated, for example through the use of AI-driven tools like deepfakes, the need for updated legal frameworks and gender-sensitive law enforcement responses has reached a critical juncture.

This briefing calls for more comprehensive responses to counter these threats. This is essential to ensure that women journalists can safely exercise their right to freedom of expression in an increasingly hostile digital landscape. It builds on ARTICLE 19's 2020 publication, *Investigating online harassment and abuse against journalists*¹, and examines how international standards have evolved since 2020. Under international human rights law, States have an obligation to prevent, protect against, and provide redress for violence and harassment targeting journalists, including in digital contexts. While existing standards and recent case law from the European Court of Human Rights (ECtHR) provide important guidance, further clarity is needed on how to conduct effective investigations from a gender intersectional approach in response to tech-facilitated gender-based violence. Further guidance is also needed on how authorities should approach investigations as means to protect the right to freedom of expression of women journalists.

Any responses to online harassment and abuse of women journalists must themselves not compromise the protection of freedom of expression. The briefing also explores the risks of adopting measures that restrict freedom of expression, such as overbroad cybercrime legislation or unchecked government demands to online platforms for user data.

Finally, ARTICLE 19 offers actionable guidance on how States can uphold their human rights obligations to ensure that law enforcement authorities respond effectively to tech-facilitated gender-based violence against women journalists, while protecting and respecting freedom of expression. Measures include adopting appropriate legislation, allocating appropriate resources, investing in intersectional gender-informed, non-discrimination, and digital trainings for law enforcement and the judiciary, and ensuring that any investigations properly account for any link between the alleged crime and the woman's journalistic activities.

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Introduction

Online harassment and abuse targeting journalists has escalated and evolved significantly in recent years. While all journalists may face retaliation for their reporting, women journalists are disproportionately targeted, often with gender-specific abuse including intimidation, stalking, surveillance, and the non-consensual sharing of intimate content.

As technology evolves, and emerging technologies such as generative AI become ever more sophisticated, so do the forms and patterns of this abuse. In some cases, this harassment is part of coordinated campaigns, driven by political or other interest groups that are specifically aimed at silencing critical voices.

It is increasingly recognised that this form of abuse has become one of the most serious threats to freedom of expression for women journalists.² It can lead to self-censorship, psychological harm, and, in many cases, journalists leaving the profession entirely. These abuses significantly undermine the right of journalists to express themselves and the right of the broader public to access diverse views and information.

The rapid expansion of tech-facilitated gender-based violence against women journalists, combined with the increasing complexity of digital platforms and tools, has created a challenging environment that demands deeper understanding. This issue is not only about individual attacks but reflects broader societal dynamics, including power imbalances and gender inequality, which are amplified in the digital sphere. As online abuse adapts to new technologies and tactics, it becomes harder to detect, investigate, and address effectively.

While not all forms of online harassment and abuse may reach the level of severity to be criminally prosecuted, some incidents of online harassment and abuse may amount to criminal conduct and demand effective investigations from law enforcement and the judicial system. However, State responses are often inadequate, with prevention measures and investigations falling short of international standards. Effective responses are urgently needed. Yet, they must be grounded in international human rights law, particularly the right to freedom of expression and non-discrimination.

The exclusion of women journalists from digital spaces due to harassment and abuse is not merely a freedom of expression and media freedom concern. It impacts democracy, gender equality and public access to information. When gender-specific abuse drives women out of journalism or forces them into self-censorship, it creates blind spots in coverage of topics like reproductive rights, gender-based violence, and systemic inequality, issues disproportionately reported by women, while also suppressing women's perspectives on all matters of public interest.

Therefore, in this briefing, ARTICLE 19 calls for improved responses to protect the right to freedom of expression of women journalists, as a precondition for media pluralism, ensuring women journalists can participate in and contribute to public discourse without sacrificing their rights or professional choices.

States must act urgently to dismantle barriers to justice, as current failures to investigate potential criminal harassment and abuse enable perpetrators and normalise gendered censorship. Effective responses require a holistic approach. Without immediate action, the systematic exclusion of women from public discourse will irreversibly erode freedom of expression, media freedom and public trust in institutions.

While this brief focuses on States, particularly law enforcement authorities, the role of intermediaries in cases of tech-facilitated gender-based violence against journalists is also highly significant. Their shortcomings, which have included inadequate content moderation, slow response to reports of abuse, and inadequate cooperation with law enforcement, have been extensively documented by ARTICLE 19³ and can exacerbate the risks and harms faced by journalists online.

A note on terminology, key concepts and the evolving manifestations of tech-facilitated gender-based violence

In our 2020 brief, ARTICLE 19 explored in detail key concepts related to online gender-based harassment and abuse, as well as the evolving definitions of journalism and who qualifies as a journalist – concepts and definitions that endure today and which we will continue to refer to in this brief. At the same time, we note that there is still no universally agreed terminology that fully captures the range of conduct targeting women, including women journalists, through information and communication technologies (ICTs). Reflecting the complexity of this phenomenon, debates continue over which concepts and terms most accurately describe its various forms.

For example, in recognition of the need to focus on the impact of online abuse on women's rights and the more systemic dimension of the challenge, a multistakeholder working group comprised of UN Women, the WHO, UNFPA, the European Institute for Gender Equality, and the Due Diligence Project referred to tech-facilitated gender-based violence as 'any act that is committed, assisted, aggravated or amplified by the use of information communication technologies or other digital tools, that results in, or is likely to result in, physical, sexual, psychological, social, political or economic harm, or other infringements of rights and freedoms.'⁴

Another overarching term used is the one we primarily relied on in our 2020 brief: 'online gender-based harassment and abuse'. It captures a wide range of conduct including death threats, doxxing (the public dissemination of personal information, such as email address, telephone number or home address), identity theft, and unauthorised access to personal accounts, among other online attacks faced in this case by journalists as a result of their journalistic activities. Online gender-based harassment and abuse refers to these attacks when they are coupled with sexualised or discriminatory connotations rooted in stereotypes and prejudices based on a person's sex, gender or sexual identity. This can include threats of physical or sexual violence; doxxing; calling for rape or attacks against the journalist and their families; surveillance and stalking to

exert psychological violence; identity theft or unauthorised use of accounts to disseminate personal and intimate information; or the non-consensual distribution of intimate or sexual images. These forms of tech-facilitated violence converge with heightened risks of offline attacks and abuse. They persist today and are particularly prevalent against women journalists.

In this brief we use online harassment and abuse when we refer to this type of conduct as such, which may or may not target women, and we use the term 'tech-facilitated gender-based violence' when these forms of abuse are gendered.

Overall, discussions and debates around definitions and concepts are expected to continue, particularly as technology evolves and the forms and patterns of such abuse and their impact continue to change. We note that the emergence of new forms of violence has further intensified with the growth of artificial intelligence – for example through the creation of deepfake sexual content.⁵

As regards the definition of 'journalists', we have long pointed out that these notions have significantly evolved over the last decade, including in the context of State obligations to protect journalists. We maintain a functional definition of journalism, encompassing those engaging in the collection and dissemination of information to the public via any means of communication.⁶

Finally, we provide a description of what we mean by adopting a gender intersectional approach in this brief. In our 4-year project ***Equally Safe: Towards a feminist approach to the safety of journalists*** we have adopted and promoted a gender intersectional approach to the safety of journalists, one that starts with recognition of the fact that women are not a monolithic group, and any approach centring women's safety and equality must account for multiple and overlapping inequalities and structural inequities that result in unequal distribution of resources, opportunities, constraints, and power in a given context. A gender intersectional approach ensures that these factors are not analysed in separate silos, and instead identifies how different forms of inequality, discrimination, and oppression, including legacies like colonialism, operate simultaneously to influence women's abilities to exercise their rights.

An intersectional gender approach allows to see how journalists and communicators are at risk due to their race, ethnicity, class, sexual orientation, migrant status, age, disability, and other factors. This approach takes analysis beyond women journalists' individual experiences to illuminate the systems that place them in a situation of vulnerability when they engage in journalistic

activities. It requires that differences be understood within a systemic framework of intersectional inequalities, where gender discrimination overlaps with other forms of discrimination.⁷ In the context of violence against women journalists, this means that the rights of women journalists to freedom of expression, equality and non-discrimination should be seen as a whole and mutually reinforcing rights to comply with States' obligations to ensure all women fully enjoy both the right to freedom of expression and the right to equality.

Challenges and barriers for women journalists' access to criminal justice

The realisation of women journalists' right to access to justice, including to remedy and reparation for tech-facilitated gender-based violence, does not only hinge on the way States investigate criminalised conduct. There are often structural obstacles that need addressing to even allow for the initiation of investigations into the different forms of abuse faced by women journalists.

For example, States take very different positions on whether different forms of online harassment and abuse should be a criminal offence, how precisely these crimes should be defined, and when the threshold for criminal liability might arise – at times for valid reasons, including the protection of freedom of expression. This can mean that sometimes there is simply no legal basis for prosecution.⁸ What also emerged from ARTICLE 19's extensive public and private consultations is that, overall, these types of online harms are often perceived as separate from or less severe than offline attacks.⁹ In addition, where online violence has not manifested offline, it is sometimes not considered sufficiently serious to warrant a prosecution.¹⁰ This poses a challenge to taking preventive action before offline violence occurs, even though human rights bodies have highlighted that context – including additional and specific threats that journalists or human rights defenders might be exposed to – matters, and that 'violence against women is experienced as a continuum of online and offline experiences.'¹¹

In addition, protection efforts are sometimes undermined because online harassment and smear campaigns are often perpetrated by public figures, which can lend a veneer of legitimacy to attacks and lead law enforcement to treat them less seriously.¹² This contrasts with the reality of journalists and human rights defenders often facing a heightened risk, and the fact that protection measures must be tailored to the specific needs of the individual, taking into account the level of risk associated with their work.¹³ If and when an investigation commences, reports show that systemic issues often result in failures to afford women journalists the protections that international human rights law requires. For instance, as stated in the UN Secretary General's 2022 report on the Intensification of efforts to eliminate all forms of violence against women and girls,

[T]he intent of legislation can [...] be undermined by poor implementation, inadequate financing and resources, limited awareness of laws, weak enforcement and consequent impunity for violence against women and girls.¹⁴

Studies show that if the online conduct is prohibited under criminal law, investigations are more complex and require significantly more resources when compared to the investigations of 'offline' crimes.¹⁵ This is due to numerous issues, including the need to discover what jurisdiction the offence was committed in; perpetrators using anonymous usernames or VPN devices designed to prevent identification; and challenges in cooperation between law enforcement.¹⁶

Where the cases involve more than one jurisdiction, investigation can require lengthy and complicated international cooperation between law enforcement authorities through mutual legal assistance treaties (MLATs) to gain access to evidence and to identify perpetrators through international cooperation.¹⁷

More generally, law enforcement often lacks the resources and is ill equipped to investigate such cases effectively.¹⁸ Meanwhile, patterns of online harassment and abuse continue to evolve and become more sophisticated with advancing technological capabilities, further complicating the task of investigation.¹⁹

The inadequate law enforcement response to online harassment and abuse is not solely due to the complexity of such cases or a lack of technical expertise. When cases include or overlap with instances of tech-facilitated gender-based violence, inadequate investigations are often also rooted in structural barriers to women's access to justice. For example, there is often limited awareness and understanding of the gendered dimensions of online abuse, including its disproportionate impact on women and its chilling effect on the exercise of other rights. Victims' experiences are often treated as isolated incidents rather than as part of broader patterns of behaviour driven by entrenched stereotypes, inequality, and discrimination against women. In addition, many women who turn to the authorities for support face stigma and discriminatory attitudes from law enforcement, including victim-blaming and the dismissal of gendered threats and incidents. As a result, women often lack trust in the

judicial system and are reluctant to report abuse or may withdraw complaints after initial contact with law enforcement.

A somewhat distinct but related issue is that there is an underutilisation of legal mechanisms beyond criminal law that could address various forms of tech facilitated gender-based violence. For example, civil, non-discrimination, data protection and other administrative legal frameworks could be leveraged more to address different types of online harassment in general and tech-facilitated gender-based violence in particular.²⁰

International standards and guidance on investigating online harassment and abuse of women journalists need further development

States have an obligation under international human rights law to investigate online harassment and abuse of women journalists

Online harassment and abuse of women journalists can violate a number of human rights.

Apart from the right to freedom of expression (Article 19 of the International Covenant on Civil and Political Rights (ICCPR)), the right to privacy (Article 17 of the ICCPR) and the right to equality and non-discrimination (Articles 2(1) and 26 of the ICCPR) protect women journalists' rights online.²¹ The ICCPR places positive obligations on States to safeguard these rights, protect them from disproportionate interference by private actors and remedy any violations.²² This includes adopting and implementing prevention, monitoring, and response mechanisms to address the issue of online harassment and abuse of women journalists, and, in particular, conducting effective investigations into potential crimes.²³

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁴ provides an additional legal basis for States' obligation to prevent, investigate and prosecute online harassment and abuse against women journalists.²⁵ For example, Article 2(e) of the Convention explicitly provides that States parties are to take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise. According to the Committee on the Elimination of Discrimination against Women (CEDAW)'s General Comment No. 35 "[t]hat obligation, frequently referred to as an obligation of due diligence, underpins the Convention as a whole and accordingly States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women."²⁶

As will be discussed further, any measure designed to address tech facilitated gender-based violence must strictly comply with international human rights law. Where any measure restricts freedom of expression, it must adhere to the principles of legality, legitimacy, necessity and proportionality under paragraph 3 of Article 19 of the ICCPR.

Measures to protect women journalists should be centred on preventive and educational measures aimed at creating an enabling environment that tackles the structural discrimination which enables online harassment and abuse, and adopting a legislative framework that adequately recognises and protects the right to non-discrimination. Where online abuse and harassment occur, appropriate remedies may be found in various legal frameworks, including civil and administrative law, and may not necessarily be limited to criminal law.²⁷ The principle of proportionality requires that criminal sanctions can only be applied in exceptional circumstances, namely when online harassment and abuse reach a certain severity, such as causing serious harm.²⁸

UN standards and guidance on effective and rights-compliant investigations into online harassment and abuse against women journalists

Where online harassment and abuse potentially reach the threshold of criminal conduct, States are obliged to undertake an investigation and, if applicable, prosecute and sanction the perpetrators. In addition, under CEDAW, States are required to take all appropriate measures to address gender-based violence against women, which requires a determination of whether such abuse has occurred on discriminatory grounds.

There are several international resolutions and documents that emphasise States' obligations to investigate crimes against journalists and provide guidance on effective investigations that recognise the specificities of crimes against journalists.²⁹

Some of the most detailed recommendations can be found in the 2012 **Joint Declaration on Crimes Against Freedom of Expression**, issued by the then freedom of expression mandate holders,³⁰ and **Human Rights Council Resolution 33/2**.³¹ They emphasise the need for specialised, properly trained and resourced investigative units; development of specific protocols and

methods of investigation and prosecution; and specialised trainings for prosecutors and the judiciary on the safety of journalists.

In 2022, a **Human Rights Council resolution on the safety of journalists** further detailed that these investigations require 'following and exhausting lines of enquiry that determine whether violence, threats and attacks result from the journalistic activities of the victims'.³²

In 2022, UNESCO and the International Association of Prosecutors issued **Guidelines for Prosecutors on Cases of Crimes Against Journalists** which highlight the need for prosecutors to conduct a contextual analysis of the nexus between the alleged crime and the media activities and consider the impact on fundamental rights when crimes are committed because of the journalistic work of the victim.³³

These standards and guidelines provide an important starting point for addressing online abuse against women journalists. Yet, they are not sufficiently tailored to the characteristics of gender-based crimes against journalists, the distinct nature of online harassment or the particular challenges faced by investigative authorities and judicial bodies.

However, in recent years, there has been increased recognition of and more detailed attention given to the specific risks faced by women journalists, including with regards to online harassment and abuse and the need for responses that are specific to those gendered threats.

In 2022, the Human Rights Council underlined the

importance of taking a gender-responsive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based harassment and abuse, including blackmailing with private content,

and recognised that 'online attacks against women journalists [...] are one of the most serious contemporary threats to their safety'. It further called upon States to 'encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures'.³⁴

In 2023, **Resolution 78/215 of the third committee of the UN General Assembly** called upon States, among others to:

- Take a gender-responsive approach when investigating crimes against journalists, including by supporting the judiciary and law enforcement with training, capacity-building and awareness-raising, with a 'strong focus on combating, both online and offline, sexual and gender-based discrimination and violence against women journalists, as well as the particularities of online threats and harassment of women journalists';
- Implement gender-responsive strategies for combating impunity for attacks and violence against journalists;
- Collect and analyse concrete quantitative and qualitative data on online and offline attacks or violence against journalists, that are disaggregated by, among other factors, sex; and
- Put in place safe gender-responsive preventive measures and investigative procedures to protect journalists, especially women journalists.³⁵

It is also notable that, in its preamble, Resolution 78/215 was a first of its kind in clearly linking the emerging threats of generative AI to the safety of journalists, noting with concern that artificial intelligence can 'pose risks to media and the safety of journalists and media workers, including through enabling online threats and harassment.'³⁶

Special procedures have also provided recommendations on the issue. In particular:

- In the 2020 report **Combating violence against women journalists**, the UN Special Rapporteur on violence against women, its causes and consequences recommended the establishment of specific reporting mechanisms for women journalists that are targets of doxxing as well as special investigative units or independent commissions and to
- ***Develop protocols and training programmes for police, prosecutors and judges who are responsible for fulfilling State obligations concerning the protection of the freedom of expression and human rights of women journalists and other media actors.***³⁷
- The UN Special Rapporteur on Freedom of Expression report on **Reinforcing media freedom and the safety of journalists in the digital age** further recommended in 2021 that

- **States [...] adopt specific legislation to prohibit, investigate and prosecute online violence against women and ensure its proper implementation by law enforcement authorities, the judiciary and social media platforms.³⁸**
- In his 2022 report on the **Intensification of efforts to eliminate all forms of violence against women and girls**, the UN Secretary General urged States
- **To recognise violence against women and girls in digital contexts as a human rights violation and form of gender-based violence against women and girls and to introduce effective laws, policies and regulatory frameworks in line with existing international human rights instruments to criminalise and prohibit all forms of violence in digital contexts and strengthen capacities of law enforcement agencies to investigate and prosecute crimes effectively.³⁹**

Recent jurisprudence by regional courts on tech-facilitated gender-based violence against women proves instructive

At the regional level, the European Court of Human Rights' (the ECtHR or the Court) recent decisions in *M.Ş.D. v. Romania*⁴⁰ and *Volodina v. Russia (No. 2)*⁴¹ are instructive. While these cases do not specifically address tech-facilitated gender-based violence against journalists, the Court's findings on domestic violence provide useful guidance on how such violence, when amounting to a crime, ought to be investigated.

In *M.Ş.D. v. Romania*, the Court found that the failure to conduct a prompt and thorough criminal investigation into acts of online harassment (including, among other forms, the non-consensual public dissemination of intimate photographs) amounted to a breach of Article 8 of the European Convention on Human Rights (ECHR) protecting the right to private life.

The Court considered that the conduct of the authorities in question 'shed [...] doubts on their ability and willingness to conduct a prompt and thorough investigation in the applicant's case.'⁴² In particular, the Court highlighted the excessive length of the investigation, the lack of impartiality on the part of the prosecutor's office and a dismissive, revictimising attitude toward victims; and the absence (or lack in quality of) of victim-centred training for professionals handling cases of gender-based violence.⁴³

In *Volodina v. Russia (No. 2)*, the Court found a violation of the applicant's private life due to the authorities' failure to protect her from online abuse by her partner, who created fake profiles, shared intimate photos, tracked her, and sent death threats. The Court highlighted the authorities' reluctance to open a criminal case (the case was only opened two years after the applicant's report) and the slow pace of the investigation, which led to the perpetrator's impunity as the claim became time-barred. The Court also criticised the failure to promptly secure digital evidence, undermining the investigation, noted that no requests were sent to Instagram to identify the owner of the fake accounts, and found that the case was not handled with the special diligence required in domestic violence proceedings.⁴⁴

Another relevant decision was rendered in *Ilareva and others v. Bulgaria (Third Section Decision)*.⁴⁵ The ECtHR found that law enforcement authorities failed to investigate online death threats, threats of torture and beatings, and vulgar insults which had been directed at three human rights defenders. The Court held that this failure amounted to violations of the right to respect for private life and the right to freedom from discrimination. It observed that the investigation had been unreasonably narrow and failed to examine the specific link between the online abuse and the prejudice underlying the threats, which were connected to the applicants' work protecting refugees and migrants.⁴⁶ The Court also criticised that the authorities 'could have requested from Facebook the information provided by the owners of the accounts in question at the time of the creation of the accounts – which may have included personal data (names, addresses, occupation), email addresses and/or telephone numbers – and followed up on any such leads'.⁴⁷

To summarise, there is international guidance both on investigating crimes against journalists and on investigating tech-facilitated gender-based violence. There is also growing recognition of the threats posed by online harassment and abuse of female journalists in an ever-changing digital environment. Recent jurisprudence by the ECtHR sheds light on the requirements for investigations into gender-based online harassment and abuse or online abuse linked to other forms of prejudice associated with the work of human rights defenders to be considered effective. While such standards and case law provide a useful starting point, further elaboration is needed on the diligence required in conducting investigations into tech-facilitated gender-based violence against women journalists, and how the specific nature of these threats should be accounted for and contextualised.

Human rights challenges in responding to online harassment and abuse

The previous section demonstrated that States have an obligation under international human rights law to conduct effective investigations into tech-facilitated gender-based violence against women. They also have an obligation to investigate when journalists are subjected to online harassment and abuse. At the same time, States must ensure that any measures, whether legislative or otherwise, that address online harassment and abuse also comply with international human rights law. If such measures restrict freedom of expression, they must adhere to the principles of legality, legitimacy, and necessity and proportionality (the three-part test).⁴⁸

For example, while States should adopt criminal offences in exceptional cases where online harassment and abuse reach a certain level of severity, the adoption of substantive speech offences carries risks to freedom of expression. The rise in cybercrime legislations illustrates this concern. Some States have criminalised certain forms of online abuse in their cybercrime legislation.⁴⁹ While some of these laws could, in theory, offer legal protection to women journalists, they often fail to comply with the three-part test and have at times even been used to directly target the work of critical voices.⁵⁰

The recently negotiated and adopted UN Cybercrime Convention has also been severely criticised by human rights organisations for bringing activities into its scope which are 'cyber-enabled' rather than 'cyber-dependent,'⁵¹ often criminalising vaguely defined online content and activity.⁵² The Convention included provisions that, if implemented at the domestic level, could be invoked by women journalists; namely, its criminalisation of the dissemination of non-consensual intimate images (NCII). However, the Convention did not define sexual activity, therefore risking infringement on the rights of survivors of online gender-based violence.⁵³

Freedom of expression concerns raised by potential responses to online harassment and abuse go beyond those arising from substantive offences. For example, critics of the UN Cybercrime Convention have also pointed to the provisions permitting the disproportionate increase in policing powers and cooperation for those offences without adequate safeguards.⁵⁴ Broad investigative powers, such as interception of communications or data retention requirements, are already a typical characteristic of many

cybercrime legislations and could significantly undermine journalistic work.⁵⁵ Privacy-infringing powers and practices within law enforcement can further pose specific and distinct risks for women who file criminal complaints. For example, ARTICLE 19 has received repeated reports of survivors of tech-enabled gender-based violence whose information has been mishandled and shared within law enforcement authorities to ridicule or minimise the report or access women's personal information.

Other challenging aspects include that online anonymity is increasingly under threat, with some calling for 'real-name' requirements on social media to identify perpetrators more easily. While anonymity can complicate investigations into online abuse, it is also a vital safeguard for freedom of expression and privacy. Undermining it risks enabling disproportionate surveillance and weakening protections for journalistic sources.⁵⁶

The role of online platforms and government demands to online platforms to assist in investigations also raises complex issues. Law enforcement will often have to request information from internet intermediaries to carry out their investigation. In 2020, the UN Special Rapporteur on violence against women, recommended the establishment of 'an effective response to online gender-based violence against women journalists and efficient cooperation with Internet intermediaries in that regard'.⁵⁷

At the same time, governments' user data access requests to companies can sometimes be in violation of privacy and freedom of expression standards.⁵⁸ Such demands may be based on cybercrime, 'disinformation', or other laws that do not meet international freedom of expression standards. The former UN Special Rapporteur on Freedom of Expression has specified that companies' responsibility to respect freedom of expression should, as a minimum, include a duty to 'engage in prevention and mitigation strategies that respect principles of internationally recognised human rights to the greatest extent possible when faced with conflicting local law requirements'.⁵⁹

These are only a few examples of the complexities and free speech risks that could arise when responding to online harassment and abuse. Any State responses must, however, be tailored, including the perspectives of those affected, and scrutinised against their human rights impact to avoid undermining the work of journalists while protecting their rights to non-discrimination and equality. As the UN Special Rapporteur on freedom of expression has warned, 'there must be no trade-off between the safety of women journalists and the right to freedom of expression on which their vocation is based'.⁶⁰

Recommendations

Tech facilitated gender-based violence of women journalists is a serious and complex problem. Addressing it requires a holistic strategy that does not focus only on restrictive responses, such as the criminalisation of certain conduct. Instead, it should include regulatory and non-regulatory responses that challenge harmful stereotypes in society, address systemic discrimination and foster an environment where women journalists can work and express themselves free from discrimination, online and offline.

The following recommendations do not cover all such necessary actions. In line with the focus of this brief, they focus on the State's role in ensuring that law enforcement effectively respond to attacks against women journalists while respecting respect freedom of expression.

At a minimum, States should take the following measures:

- Where online harassment and abuse cause serious harm, adopt legislation to prohibit such conduct, following close consultations with civil society organisations, in particular women rights, free expression and press freedom groups. Any such legislation must fully comply with the requirements of legality, legitimacy, necessity and proportionality under Article 19(3) of the ICCPR. The use of criminal law should be reserved for exceptional cases where the severity of the abuse justifies such intervention.
- In cases where online harassment and abuse against women reach the level of severity prohibited under criminal law, undertake a prompt, expeditious, thorough, diligent and comprehensive investigation in a manner guaranteeing sufficient public scrutiny and prosecute perpetrators where warranted. Authorities should incorporate a gender intersectional approach to such investigations and address the structural barriers of and discrimination against women in accessing justice.
- Adopt measures such as dedicated institutional resources, capacity and training to enable the legal system to deal effectively with online gender-based harassment and abuse against journalists. In particular:
 - Invest in comprehensive training for law enforcement, the judiciary, and cyber units on how to effectively respond to tech-facilitated gender -based violence. This includes gender, intersectionality and non-discrimination training, as well as digital skills development.

States should allocate dedicated resources for building digital forensics capacity and improving infrastructure to investigate such cases effectively.

- Educate authorities about the disproportionate impact of online abuse on women and the chilling effect it has on other rights, ensuring that victims' experiences are not treated as isolated incidents.
 - Train authorities to recognise that online harassment often escalates into offline violence and to consider the continuum of online and offline abuse when assessing threats and protective measures.
 - Implement protocols to prevent victim-blaming, dismissive attitudes, and other forms of discrimination in law enforcement and judicial processes.
 - Train law enforcement and the judiciary on States' international legal obligations and commitments on the safety of journalists and on understanding online harassment against women journalists as a freedom of expression and press freedom issue. Training should explicitly address gender-specific threats to women journalists to ensure these threats are taken seriously and that investigations properly account for any link between the alleged crime and the journalist's activities.
- Improve access to mechanisms for women journalists to report online harassment and abuse. Encourage the use of civil, non-discrimination, data protection, and administrative mechanisms to address tech-facilitated gender-based violence where criminal prosecution is inadequate or insufficient.
 - Ensure that any measures designed to assist investigations – such as data retention mandates, data access requests to online platforms, or interception – comply with the legality principle, have judicial oversight and respect freedom of expression standards and not restrict journalistic functions.
 - Establish clear legal frameworks and protocols that allow for more effective cooperation with social media platforms to promptly secure digital evidence in cases of tech-facilitated gender-based violence against

journalists. Any such frameworks and requests must strictly comply with the principles of legality, legitimacy, necessity, and proportionality.

- Allow for pre-emptive action against online abuse that may escalate to offline harm, including the monitoring of campaigns and coordinated harassment targeting journalists.

Notes

¹ ARTICLE 19, [Investigating online harassment and abuse of women journalists](#), 2020.

² See for various reports on these threats and challenges, UNESCO, [Safety of Women Journalists | UNESCO](#); or International Center for Journalists (ICFJ), [The Chilling: A global study of online violence against women journalists](#), 2022.

³ See, for example, ARTICLE 19, [Investigating online harassment against women journalists in Spain](#), 2022, p. 4.

⁴ See UN Women and WHO, [Technology-facilitated Violence against Women: Towards a common definition - Report of the meeting of the Expert Group 15-16 November 2022, New York, USA](#), 2023.

⁵ INDEX on Censorship, [The journalists being threatened with artificial intelligence](#), 14 March 2024.

⁶ See ARTICLE 19 2020 brief, *op.cit.*, pp. 9-10.

⁷ ARTICLE 19, Equally Safe: Towards a feminist approach to the safety of journalists, FEMSOJ 1 and FEMSOJ 2 project research and advocacy findings available at <https://www.article19.org/equally-safe/>. See global research Equally Safe, The Safety of Women Journalists advosheet, and Guidelines 1, 2 and 3 for protecting women journalists.

⁸ See, for example, Council of Europe, Working Group on cyberbullying and other forms of online violence, especially against women and children, [Mapping study on cyberviolence with recommendations adopted by the T-CY on 9 July 2018](#), 9 July 2018, p. 19.

⁹ See, for example, report of the ARTICLE 19-hosted side event, "Equally Safe – Mainstreaming an Intersectional Gender Approach into the Safety of Journalists," 18 June 2025, 59th Session of the UN Human Rights Council (report forthcoming).

¹⁰ ICFJ, *op.cit.*, pp.18-19.

¹¹ Inter-American Commission on Human Rights, Resolution 44/2023, Precautionary Measures No. 99-23, A.A.Q.O. and family members regarding Mexico, 12 August 2023, para. 46 (original in Spanish).

¹² See, for example, report of the ARTICLE 19-hosted side event, "Equally Safe", *op.cit.* (report forthcoming).

¹³ Inter-American Commission on Human Rights, Resolution 42/2023, Precautionary Measures No. 341-23, Gustavo Andrés Gorriti Ellenbogen regarding Peru, 24 July 2023, para. 51 (original in Spanish).

¹⁴ Report of the UN Secretary General, [Intensification of efforts to eliminate all forms of violence against women and girls - Report of the Secretary-General, A/77/302](#), 18 August 2022, para. 64.

¹⁵ Working Group on cyberbullying, *op.cit.*; UNESCO, [Legal and normative frameworks for combatting online violence against women journalists](#), 2022, p. 14.

¹⁶ ARTICLE 19, 2020 brief, *op.cit.*, p. 18.

¹⁷ See e.g. ARTICLE 19, 2020 brief, *op.cit.*, UNESCO 2022 study, *op.cit.*, p. 15.

¹⁸ ARTICLE 19, [Investigating online harassment against women journalists in Spain](#), 2022, pp. 3-4.

¹⁹ UNESCO 2022 study, *op.cit.*

²⁰ ARTICLE 19, [Investigating online harassment against women journalists in Spain](#), 2022, p. 3.

²¹ See e.g. ARTICLE 19, [Freedom of expression and women's equality: Ensuring comprehensive rights protection, 2020](#), pp. 6-12. At the regional level, freedom of expression is protected under Articles 2 and 19 of the African Charter on Human and Peoples' Rights, Articles 1(1) and 24 of the American Convention of Human Rights and Article 14 of ECHR and in Protocol 12 to ECHR.

²² See, e.g. General Comment No. 34 ("States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression"); see also European Court of Human Rights (European Court), *Dink v. Turkey*, App. no. 2668/07, 6102/08, 30079/08, 7072/09, and 7124/09), 14 September 2010, paras. 106 and 137.

²³ See ARTICLE 19 2020 brief, *op.cit.*, p. 20.

²⁴ Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, UN Treaty Series, vol. 1249, p. 13.

²⁵ See also CEDAW General Recommendation No. 35 on gender-based violence, paras 14 and 21.

²⁶ See CEDAW General Recommendation No. 35 on Gender-based Violence against Women, para. 24.

²⁷ Organisation for Security and Co-operation in Europe (OSCE), [A #SOFJO Resource Guide](#), p. 82.

²⁸ See ARTICLE 19, [Investigating online harassment and abuse of women journalist](#), 2020, p. 20. See also ARTICLE 19, [Prohibiting incitement to discrimination, hostility or violence](#).

²⁹ These include resolutions by the UN HRC, the UN General Assembly (UNGA), the UNSC, and the UNESCO General Conference.

³⁰ [Joint declaration on crimes against freedom of expression](#), the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the 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, 25 June 2012, section 4.

³¹ HRC, [Resolution 33/2, The safety of journalists](#), A/HRC/RES/33/2, 6 October 2016, para 6. Subsequent HRC resolutions adopted similar recommendations. See A/HRC/45/L.42/Rev.1, 1 October 2020, para 10 (c), (d).

³² See [HRC Resolution, 30 September 2022](#), A/HRC/51/L.14, para 11(c). See also ARTICLE 19, [UN: New strong resolution on the safety of journalists](#), 10 October 2022.

³³ UNESCO, [Guidelines for prosecutors on cases of crimes against journalists](#), 2 December 2023.

³⁴ HRC, [Resolution 51/9 of 6 October 2022 on the safety of journalists](#), preamble and paragraph 11(f).

³⁵ General Assembly, [Resolution 78/215, 22 December 2023](#), A/RES/78/215, paras 5, 11 and 13. See also ARTICLE 19, [UN: Free expression at the 78th General Assembly Third Committee](#), 24 November 2023.

³⁶ *Ibid*, preamble.

³⁷ [Combating violence against women journalists. Report of the Special Rapporteur on violence against women, its causes and consequences](#), A/HRC/44/52, 6 May 2020, para 93.

³⁸ [Reinforcing media freedom and the safety of journalists in the digital age – Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#), A/HRC/50/29, 20 April 2022, para 119.

³⁹ The Report of the UN Secretary General, 2022, *op.cit.*, para 64.

⁴⁰ ECtHR, *M.Ş.D. v. Romania*, App. no. [28935/21](#), 3 December 2024.

⁴¹ ECtHR, *Volodina v. Russia (No. 2)*, App. no. [40419/19](#), 14 December 2021.

⁴² *M.Ş.D. v. Romania*, *op.cit.*, para. 154.

⁴³ *Ibid.*, paras 145-147. See also for a critique of the ECtHR's refusal to discuss whether the authorities' established failure to conduct a proper investigation was also discriminatory, Margarita S. Ilieva, [Decentering Survivors as Dominus Litis in European Court of Human Rights Law. Blog of the European Journal of International Law](#), 20 December 2024.

⁴⁴ *I Volodina v. Russia (No. 2)*, *op.cit.*, paras 62-69.

⁴⁵ ECtHR, *Ilareva and others v. Bulgaria*, App. no. [24729/17](#), 9 September 2025. Decision not final at the time of writing.

⁴⁶ *Ibid.*, paras 137 – 141.

⁴⁷ *Ibid.*, para. 143.

⁴⁸ See [Joint Press Release by the UN Special Rapporteurs on Freedom of Expression \(David Kaye\) and Violence Against Women \(Dubravka Šimonović\)](#), 08 March 2017.

⁴⁹ Examples include the Kenyan Computer Misuse and Cybercrimes Act (2018) criminalising cyber harassment (Section 27) and identity theft and impersonation (Section 29) or the Nigerian Cybercrimes Act 2015 which criminalises 'cyberstalking' or messages that are 'false, for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred, ill will, or needless anxiety to another' (Section 24).

⁵⁰ See specific examples named in [ICFJ's the Chilling Report](#), pp. 219 (for Kenya and Nigeria) and 295 (Philippines).

⁵¹ Cyber-enabled crimes are crimes that can be committed without information and communications technology (ICT) but could be enabled through the use of ICT. Cyber-dependent crimes on the other hand are crimes that cannot be committed without the use of ICT systems, such as illegal access to a computer system or illegal interception.

⁵² See ARTICLE 19 and Human Rights Watch, [Comments on the Draft Text of the UN Cybercrime Convention](#), August 2023.

⁵³ *Ibid.*, pp. 12-13.

⁵⁴ See e.g. ARTICLE 19, [UN: The Draft Cybercrime Convention remains deeply flawed after seven negotiating sessions](#); or Human Rights Watch, [Comments on the Updated Draft Text of the UN Cybercrime Convention \(Rev 3\)](#), July 2024.

⁵⁵ Access Now, [When "cybercrime" laws infringe human rights: lessons from the Arab region](#), 27 November 2024.

⁵⁶ UNESCO 2022 study, *op.cit.*, pp. 14-15.

⁵⁷ See e.g., [Visit to Ecuador - Report of the Special Rapporteur on violence against women its causes and consequences](#), A/HRC/44/52, 6 May 2020, para 93; or the UN Secretary General 2021 report on violence against women and girls, calling on States to "increase cooperation with the technology sector [] to prevent and respond to violence against women and girls in digital contexts; *op.cit.*

⁵⁸ Open Global Rights, [The corporations' dilemma: navigating government access to information](#), 16 August 2018.

⁵⁹ UN Human Rights Council, [Report of the Special Rapporteur on Freedom of Expression](#), 6 April 2018, A/HRC/38/35, paras 45–46.

⁶⁰ Reinforcing media freedom and the safety of journalists in the digital age, *op.cit.*, para 118.