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Safety of Journalists as a Priority for the OSCE

Journalists' safety is rapidly deteriorating in many countries in the OSCE region. In recent years, the OSCE Representative on Freedom of the Media (RFOM) has intervened in some 200 cases dealing with journalists' safety annually, including attacks and death threats, but also hundreds of criminal investigations launched against critical voices.

Harassment and intimidation have reached unprecedented heights with acts of violence against journalists taking place nearly every day throughout the OSCE region and beyond. No country or region has been immune. The assassination of Daphne Caruana Galizia in Malta in October 2017, of Ján Kuciak in Slovakia in February 2018, the shooting at Olivera Lakić in Montenegro in May 2018, the killing of five Capital Gazette staff in the US in June 2018, the murder of Saudi Arabian journalist Jamal Khashoggi in his consulate in Istanbul in October 2018, the shooting of the young journalist Lyra McKee in Northern Ireland in April 2019, the death of Vadym Komarov in June 2019, a few weeks after he was brutally attacked and left in a coma in the city of Cherkasy in May, and, before that, the killing of Pavel Sheremet in Ukraine in July 2016 and the terrorist attack against the Charlie Hebdo journalists in France in January 2015; these are among some of the shocking and terrible examples of the environment confronting media actors today.

These journalists and their colleagues do not only deserve admiration for their work and daily courage. First and foremost, they deserve protection and justice for the crimes committed against them.

It is not only journalists that are attacked, but the very foundations of democracy; it is the role of the press to hold those in power accountable that is under attack. It is freedom of speech and freedom of opinion. It is the right of citizens to be informed about corruption, or any other matters that affect their daily lives. When journalists are targeted, it is everyone's freedoms that are at risk.

I am particularly alarmed by the combination of threats against the free media for political, economic, or ideological reasons. With the systematic denigration of the press, more and more people now consider it acceptable to attack the messenger because they do not like the message, despite working in very different contexts.

Today, at a time of increasing risks and challenges to the press and press freedom, we need to build a network of awareness and solidarity at the international level to defend press freedom. And, above all, to enhance our joint efforts in promoting a safe environment for journalists; one that is safe from intimidation, safe from harassment, and safe from violence.

The 57 OSCE participating States recognized the importance of this issue in Milan in December 2018, when they unanimously adopted an OSCE Ministerial Decision on Safety of Journalists, the first in 20 years, in which they acknowledged the gravity of the situation and claimed that they are “deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists, including those involving killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention and arbitrary expulsion, intimidation, harassment and threats of all forms, such as physical, legal, political, technological or economic, intended to suppress their work.”¹

The participating States also urged “political leaders, public officials and/or authorities to refrain from intimidating, threatening or condoning – and to unequivocally condemn – violence against journalists, in order to reduce the risks or threats that journalists may face and avoid undermining trust in the credibility of journalists as well as respect for the importance of independent journalism”.²

The Ministerial Decision also recognized that female journalists bear the brunt of online violence, harassment, and intimidation, as women and as journalists. Indeed, we have been astonished by the specific type of gender-based violence that female journalists face online, in particular the barrage of sexually explicit and misogynistic abuse.³ And we have seen the development of these attacks in all the countries of the OSCE region.

This type of online intimidation and harassment is used against investigative journalists in an attempt to have them renounce their work; it targets reporters by exercising pressure on them; it is used against critical voices to try to silence them; but it is also increasingly being used against female journalists whatever their field of work in the media.

By adopting Ministerial Council Decision No. 3/18, the OSCE participating States confirmed that we urgently need to act to improve the safety of journalists. Now the time has come to implement this decision.

What does it mean? In addition to violence against journalists, intimidation, and harassment, there is a staggering lack of prosecution of the perpetrators of these crimes. It is unacceptable that most of the threats and attacks against journalists and media outlets are not fully investigated or thoroughly and effectively addressed. The research conducted by my Office in 2017 into the cases of the more than 400 killed journalists in the OSCE region over the last 25 years showed that, in 85 per cent of cases, perpetrators or masterminds were not brought to justice and impunity prevailed. We cannot allow this trend to continue. It is among the key obstacles to ensuring journalists’ safety; it results in self-censorship and a chilling effect on freedom of the media.

1 Organization for Security and Co-Operation in Europe, Ministerial Council, Milan 2018, Decision No. 3/18, Safety of Journalists, MC.DEC/3/18, 7 December 2018, p. 2, available at: <https://www.osce.org/chairmanship/406538>.

2 Ibid., p. 4.

3 Cf. *ibid.*, p. 3.

This impunity is not inevitable and it would be a terrible setback for states to admit otherwise. We need to bring an end to any form of indulgence or protection for the killers of journalists.

Journalists' safety must become a higher priority for governments that claim to support the work of the media and uphold OSCE commitments. Political commitments to protect media freedom are important, but without effective and timely prosecution and punishment of those responsible for crimes against journalists, nothing will change. This means:

- Government and law enforcement authorities must send out a clear message that attacks against journalists will not be tolerated;
- swift and efficient investigations must be conducted every time a journalist is the victim of an attack;
- evidence must be taken in a professional manner with the goal of prosecuting all responsible parties;
- prosecutors need to be trained to understand the nature of media work and how it renders members of the media vulnerable to harm, intimidation, and harassment;
- judges must apply criminal sanctions and sentences for these crimes in full accordance with the law and proportionate to the offenses committed.

The OSCE Ministerial Council Decision also requests states to “establish [...] national data collection, analysis and reporting on attacks and violence against journalists”.⁴

We are ready to support this, and we propose the establishment in every participating State of a national committee for the safety of journalists which would gather representatives of the prosecutor's office, the police, and journalist associations to verify that all attacks and threats are properly investigated, improve procedures if needed, propose protection measures when necessary, and implement preventive action to reinforce the security of journalists.

It is paramount that effective legislation is developed to ensure that all attacks are investigated and the perpetrators brought to justice.

What we witness today is that emerging technologies are too often increasing the potential for online abuse, and rarely come with the measures designed to reduce online risks. We have to defend and promote freedom of expression online, but there must be a discussion on the abuse, and the use of certain tools. Algorithms and automated systems like chatbots can flood journalists' accounts with hundreds of hateful messages in an instant. Think about how often these tools are used against journalists, in the case of doxing – publishing private or identifying data online without an individual's consent – or other malicious online attacks.

4 Ibid., p. 4.

It is encouraging to see that media outlets, civil society, and others have started to develop online safety protocols, offering support to journalists. However, we should not lose sight of the fact that other media actors are self-engaged and work remotely, within their online spaces. Many freelance journalists are, for these reasons, more vulnerable and face greater obstacles, which prevent them from accessing these systems of protection. Another phenomenon that has also caught my attention recently is the plethora of new, alternative, forms of support that are fully operational in the online space and providing support for journalists targeted with online harassment.

To conclude, the participating States have a special responsibility, and duty, which is to implement the OSCE Ministerial Decision adopted in Milan:

- They should, if necessary, adapt their legislation to better tackle the safety of journalists;
- they should ensure that law enforcement agencies train staff to identify threats to safety within the framework of the legislation, in line with international human rights standards;
- they should encourage strategic co-ordination among the police, prosecutors and media organizations, and promote reciprocal understanding;
- we encourage the states to co-operate with non-state actors, most notably civil society, journalists associations, internet intermediaries, and social media platforms on the means to prevent the risks and improve protection mechanisms;
- all actors should also offer support and encourage new programmes and initiatives to counter the online harassment of female journalists;
- the media outlets, on their side, should have internal policies and mechanisms to support journalists when they face threats; such support should also be developed for freelance journalists;
- Media outlets should pay attention to the diversity of their newsrooms, ensuring they reflect that of their societies, so as to contribute to ensuring a multitude of perspectives.

In order to ensure genuine plurality and a diversity of voices, it is crucial that global efforts take a multi-faceted approach, including gender sensitivity, addressing layers of threats and obstacles to free expression.