



OHCHR

Call for comments on opportunities,
challenges and threats to media in
the digital age

Time period

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Introduction

Members of the ICSO Safety of Journalists Coalition – Committee to Protect Journalists, Free Press Unlimited, Global Forum for Media Development and International Media Support – welcome the opportunity to make a submission to the UN Special Rapporteur on opportunities, challenges and threats to media in the digital age.

The Committee to Protect Journalists is an independent, nonprofit, nongovernmental organization that documents press freedom violations globally, and defends the rights of journalists to report the news safely and without fear of reprisal. CPJ works closely with journalists, their families, and their colleagues; leads campaigns; spearheads or advises on diplomatic efforts; and works with other organizations to ensure that justice prevails when journalists are imprisoned or killed. CPJ also provides comprehensive, life-saving support to journalists and media support staff working around the world through up-to-date safety and security information and rapid response assistance.

Free Press Unlimited is a non-profit media development organization that works with local independent media partner organizations in over 40 countries worldwide. Free Press Unlimited supports local media professionals and journalists, particularly in countries with limited (press) freedom. They are close to their audience and are the best guarantee for a sustainable, professional and diverse media landscape. We enable them to give people access to the information that helps them survive, to develop themselves, and with which they can monitor their governments.

The Global Forum for Media Development is an international network of around 100 journalism support and media development organizations working in around 50 countries. Our core value is to support the creation and strengthening of journalism and free, independent, sustainable, and pluralistic news ecosystems, as defined by the declarations of UNESCO at conferences in Windhoek, Almaty, Santiago de Chile, Sana'a, and Sofia. Its main focus is to ensure proper collaboration as well as an exchange of information and experience among its members with a view to creating a strong, independent, and pluralistic media environment, which contributes to the development of empowered societies.

IMS is a global non-profit organization working to promote public interest journalism to strengthen democracy, ensure development and reduce conflict. The contributions of this submission from IMS draw on multi-year media development experience in over 30 countries across the four continents with more than 100 media partners across the globe supporting media freedom and the safety of journalists.

In this document, we present input and recommendations in response to the breadth of questions posed in the call concerning global and regional trends in the media freedom sphere and measures to address key threats and challenges. The contents of this submission have

been compiled from research and monitoring that we have commissioned in whole or in part, consultations with relevant stakeholders and extensive desk research.

Given the extent of the call and time limitations, this submission raises the key developments, challenges and recommendation, but is non-exhaustive. Submitting organizations stand by to follow-up with additional information and deeper analysis at the request of the UN Special Rapporteur.

Executive Summary

Independent media—the kind that provides an essential public service—has been in decline for nearly a decade. A collapse of the traditional journalistic business model, growing political polarization, democratic backsliding, and the added burdens of the COVID-19 pandemic have contributed to a potential “media extinction event”, as we’ve been warned by the UN Secretary-General.¹

The crisis in independent media now jeopardizes progress in virtually every aspect of human development. The heavy toll of the lies, rumors, and misunderstandings around COVID-19—the so-called “infodemic”—is a stark reminder of how fundamental trustworthy and reliable information is to public health. A well-functioning independent media system is critical to sustainable social and economic development—the bulwark of peaceful, economically prosperous societies.

This submission addresses:

Key trends, including threats to the financial survival of media, impacts of disinformation, the proliferation of spyware technologies, legal challenges to press freedom, amongst others (§ 1a - 1c).

Recommendations and good practices to states to improve and strengthen media freedom and the independence of the media, as well as the safety of (women) journalists, including recommendations to combat gendered disinformation (§ 2-9).

¹ [Pandemic cannot become a ‘media extinction event’: UN Secretary-General | UN News](#)

1a- What are the key trends, threats or challenges to the freedom, independence, pluralism and diversity of media and the safety of journalists in your country, region, or globally in your view?

Global

The principal challenges that media organizations are facing worldwide can be encompassed in the following categories (which are also interrelated):

Financial survival: linked to the economic crisis that has impacted traditional media business models, sometimes making smaller media outlets dependent on grants or subsidies coming from bigger business or governments. This financial help, if done without safeguards, could lead to “media capture” in which small media organizations are co-opted by governments or big media outlets, posing a threat to independent journalism and media freedom. Advertising revenue for newspapers globally has been in free fall since 2008, plunging from \$103 billion to \$49 billion in 2019. Due to COVID-19, this figure is likely to decline by a further 25%. While the overall online advertising market is expected to continue growing at a compound annual rate of around 20%, digital ad revenue largely circumvents news publishers.

This decoupling of advertising and journalism content is a result of two long-term trends. Firstly, by taking advantage of high market concentration, large platforms and intermediaries have captured the digital advertising market and other critical digital business segments, and compromised market plurality and quality of our information ecosystem. Secondly, firms that specialize in ad tech allow advertisers to block their ads from appearing next to anything a brand considers “controversial,” including journalism and news content.

Digital transformation: Media and journalist organizations have to adapt to this new form of information sharing, which has also impacted the way in which they relate to their audiences and advertisers. Digitalization has become a priority, but at the same time an extra effort for small media organizations and independent journalists, who have to distribute their limited time and resources to compete against bigger outlets in the digital space. Simultaneously, online harassment and digital attacks pose a major threat to organizations with limited digital resources/expertise. The digital transformation has also impacted the way in which audiences access journalistic content and the ways in which this content appears in the digital platforms in terms of accessibility and removal/blocking of the content. Audiences are increasingly accessing news through their mobile devices, social media and messaging platforms. Users consider social media less trustworthy, impartial and accurate than other major news platforms. However, due to availability, reach, and the current system of incentives and recommendations, quality content is relatively disadvantaged in the economies-of-scale model that platforms are pursuing.

Mistrust and disinformation: Whereas the digital transformation opened new channels worldwide for information, it has also had a negative effect on the quality of information and the spread of mistrust towards journalism and media organizations. This mistrust has contributed to the spread of misleading and harmful information which has targeted and threatened public health, democracies and has exacerbated the polarization in our societies. (more in the response to question 9). Distrust towards independent media and journalists can lead to aggression as we witnessed during the insurrection at Capitol Hill where journalists were attacked and their equipment was destroyed.

While by no means a new phenomenon, the spread of disinformation poses a threat to both journalists themselves who are targeted by it, but also to the media ecosystem in which they operate. Disinformation is harmful to journalists- and press freedom more broadly in a few ways. Firstly, journalists who cover disinformation or undertake reporting intended to debunk it, often find themselves the target of rampant online abuse. This was the case for Davey Alba, a New York Times Journalist who covers disinformation, who found herself at the center of a vicious online [harassment campaign](#) in 2020. Secondly, disinformation campaigns are routinely used to attack, intimidate, smear or discredit journalists, often even by the state itself, as has been the case for Nobel Laureate and veteran journalist Maria Ressa in the Philippines. In these ways, disinformation is part of the online harassment landscape. Thirdly, as we enter our third year of the COVID-19 pandemic, we must also take into account that while there are certainly real public health concerns posed by disinformation, that the pandemic has been used by many governments as a cover for censorship and efforts ostensibly aimed at combatting or punishing fake/false news. CPJ has documented hundreds of cases from around the globe of journalists being targeted or retaliated against for critical reporting on the COVID-19 pandemic, and government responses.

The proliferation of spyware technologies. Spyware technologies are increasingly winding up in the hands of governments with records of press freedom violations, and they are using these tools to surveill, harass, and intimidate journalists and those close to them around the world. In some cases, states appear to be surveilling journalists, and their colleagues, immediately before or after their murders, as was the case in the gruesome murder of Washington Post columnist Jamal Khashoggi. One of the most advanced spyware tools deployed by governments against journalists is Pegasus, which has been [detected](#) in more than 45 countries and linked to targeting of journalists in [India](#), [Mexico](#), [Uganda](#), [Lebanon](#), [Morocco](#), and the [UAE](#). Journalists cannot work without mobile phones, computers and other digital devices they rely on to track news developments, communicate with sources, collect evidence and information, and publish content to online platforms. Spyware presents a threat to the ability of journalists to do their job safely, and to protect their sources..

The risks of undermining by political force: Mistrust towards journalism, polarization and democratic crisis are translated to a growing hostility towards journalists and media

organizations.² Apart from online harassment and digital attacks, the safety of journalists is also threatened by legal and political strategies to silence or hinder their activity. In the worst cases, journalists also face physical risks and attacks when conducting research or covering public events.³ Such risks are a severe interference to freedom of expression, independence and media pluralism, and above all, a threat to the safety and lives of journalists and other media professionals.

The risks of physical attacks: Finally, besides legal and political threats, journalists and reporters increasingly fall victim to aggression and harassment coming from individuals. In particular demonstrations and protests have turned out to bring along safety issues for journalists, who are increasingly subjected to violence. In recent months, anti-vaccine protests in particular have proven particularly hostile towards the press. CPJ reporting found that journalists covering demonstrations against COVID-19 countermeasures have been called “terrorists,” “pedophiles,” “murderers,” and “scumbags.” Protesters have harassed and assaulted members of the press, and told them that “the nooses are ready.” In the Netherlands for instance, the public broadcaster NOS removed its logos from their broadcasting vans after experiencing too many threats and violent acts from protestors and citizens.⁴

Legal intimidation: Journalists are increasingly facing legal threats. Through SLAPPs and criminalisation of defamation, journalists may be intimidated with legal persecutions following their publications. Moreover, journalists may face arrests and arbitrary detention, often used to pressure them into censorship. In 2021, the Committee to Protect Journalists reported a record number of jailed journalists in its annual census, with at least 293 journalists imprisoned globally on December 1, 2021. This marks the fifth consecutive year where the number has been higher than 250. The increase is a result of number of factors, but most concerningly it seems globally that leaders have weaponized tech and security laws to stifle dissent, and continue to flout international norms without consequence. According to the [CoE Platform](#) on the Safety of Journalists, currently 57 journalists are in detention in Europe.

Repressive legislation: During the pandemic we have seen many countries all over the world curbing press freedom. Many introduced measures and legislation that criminalize the spread of information about the pandemic or the impact such information may have, albeit in different forms. Others legally prohibited the freedom of movement, or access to specific sites and events for journalists. The passing of such restrictive legislation was facilitated by the emergency legislation that 107 countries have adopted in light of the pandemic. Such legislation enables governments to adopt restrictive measures by decree. But the consequential laws and measures limit the ability of journalists to do their jobs freely. Many countries adopted fake news

² [2020 World Press Freedom Index: “Entering a decisive decade for journalism, exacerbated by coronavirus” | RSF](#)

³ <https://fom.coe.int/alerte>

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<https://europeanjournalists.org/blog/2020/10/16/the-netherlands-public-broadcaster-nos-removes-logo-from-vehicles-following-increased-attacks-against-journalists/>

regulations. These are laws or regulations that criminalize the spread of disinformation about the pandemic. In some cases, like Hungary, the publication of factual news is also punishable if it “hinders the fight against the epidemic”. Other countries have adopted similar legislation using different terminologies, such as the criminalization of “scaremongering” or “spreading chaos”. In practice, these laws - intentionally or unintentionally - lead to censorship of information and seem to be an ideal tool for silencing critical voices, many of which are journalists. Authorities took the fight against “fake news” into their own hands, empowering themselves to block sites deemed guilty of spreading it, often with little oversight or accountability mechanisms in place.

Europe

In Europe, recent work of relevant Council of Europe⁵ bodies shows three issues which are taking worrying dimensions:

- Obstruction of and interference with coverage of public events, due to disregard or inadequate care of the obligation of policing agents to protect journalists and their equipment. This obstruction often comes in the form of:
 - Misconduct by law enforcement officers
 - Obstruction from action of private or unidentified persons
- Broadcasting bans and blocking of access to the internet.
- Strategic lawsuits against public participation (generally referred to as “SLAPPs”) which are defined as “*lawsuits without substantial merit, to stop citizens from exercising their political rights or punish them for having done so, forcing the target into the judicial arena, where the filer foists upon the target the expenses of the defence.*” This abuse of the rule of law to repress journalists is a serious threat to freedom of expression.⁶

Latin America, Southeast Asia and Africa

A recent study by Sembramedia has focused on the sustainability of digital media entrepreneurs in these three regions. In their study, they found that *51% of the media organizations were the victim of digital attacks, and 40% said they had been threatened for their work—often on a weekly if not daily basis. Online harassment has become so prevalent that many of the organizations we interviewed said they were subjected to near-constant trolling and other types of online abuse and harassment—primarily via social media.*⁷ In their study Sembramedia shows that:

- 51% of all media organizations reported they had been harassed online
- 40% had received threats

⁵ “Current trends in threats to Freedom of Expression: interference with the coverage of public events, broadcasting bans and strategic lawsuits” (2021) Council of Europe <https://rm.coe.int/native/0900001680a4a958>

⁶ See European Commission Public Consultation on EU Action Against Abusive Litigation (SLAPP) Targeting Journalists and Rights Defenders (2022), Joint Submission by the Coalition Against SLAPPs in Europe: [CASE_Joint_submission_EC_consultation_final.docx - Google Docs](#)

⁷ <https://data2021.sembramedia.org/reportes/executive-summary/>

- 37% suffered DDos attacks
- 12% were victims of physical attacks

The highest rates of attacks were reported by journalists who covered hot-button issues such as human rights issues, corruption, and abortion. A [global study on Online Violence Against Women Journalists](#) by ICFJ and UNESCO also found that “The story theme most often identified in association with increased attacks was gender (47%), followed by politics and elections (44%), and human rights and social policy (31%).”

1b- To what extent have these trends, threats and challenges emerged, or have been aggravated, because of the policies and practices of digital and social media platforms?

The impact of policies and practice of digital and social media platforms

Whereas social media has had many beneficial effects in opening the information infrastructure worldwide, it also presents some threats to quality and reliable information as well as feeding into the polarization of the society, spread of disinformation and conspiracy theories at an unprecedented speed⁸, as well as unprecedented levels of online violence and harassment. Nonetheless, social media platforms are important distribution and audience engagement channels for many media outlets. Various facets of media sustainability challenges and opportunities have been amplified in an evolving digital world through the disruption of traditional business models. For example, when content is blocked or profiles are banned as a result of internal policies or practices by these digital platforms, the consequences for media outlets are devastating.

The Balkan Investigative Research Network (BIRN) has continually researched and produced evidence on how news articles on political topics are removed from social media platforms (Facebook, YouTube, and Twitter) in the Balkans through seemingly automated processes, often without any access to remedy. This not only means that local news consumers might miss out on important stories, but it is also detrimental to independent media because it makes it harder to cultivate an audience and drive traffic to the news outlet’s website. Furthermore, the difficulty continues with news outlets from smaller markets like Serbia having no success in appealing these removals to the large social media companies that dominate the information landscape.

A case study based on “The Love Matters Global Network”⁹ shows how Facebook’s content moderation policies for advertisements lack transparency and are often implemented in uneven

⁸ Development Agenda: Considering the Dark Side of the Media

⁹ “Facebook Bias against Sexual and Reproductive Health and Rights Advertisements? A case study of The Love Matters Global Network,” by Anastasiya Pak and Anna Hengeveld from RNW Media

and capricious ways in different countries around the world where this advocacy network operates, including India, Mexico, Kenya, Nigeria, the Democratic Republic of Congo, and Egypt. Advertisements related to sexual and reproductive health and rights were rejected by Facebook for different reasons and the company's stated rationale for the rejection was not consistent between countries and not in line with fundamental rights to freedom of expression and media. Public interest content is being blocked by the social media platform because its moderators label the content to be adult/sexual in nature, thus limiting its visibility to communities that need it most. This case study notes the sisyphian nature of effectively challenging such rejections and highlights the often-overlooked gendered nature of content moderation and how that may be impacting our public information ecosystem.

The impact of social media company policy can also be complicated, even when it is intended to improve the online information ecosystem. New policies from Facebook, YouTube, and Twitter label the accounts of state-owned or state-controlled news media. These policies emerged after critics charged that the platforms were serving as amplifiers of state propaganda and were even profiting from doing so. This type of labeling is not an easy task as it requires a level of media expertise to implement, and the relevant information about news organizations, such as ownership, is not always publicly available. The economic impact of these policies on affected news media, as well as their influence on media and information literacy, are unknown and unknowable, however, because the platforms do not collect the data to evaluate the efficacy of these policies on their stated goals.¹⁰


The economic impact of social media and general internet policy is crucial to the issue of media sustainability. Targeted advertising and surveillance capitalism have distorted the online sphere by incentivizing the design of platforms that are “addictive, manufacture virality, and that maximize the information the company can collect.”¹¹ Government regulation is needed to seek redress from this underlying economic model that dominates the digital ecosystem.

1c- Please highlight the gender dimensions of the trends and their consequences for the equality and safety of women journalists as well as media freedom.

Gender-based violence and harassment — both online and offline — is used to intimidate and silence female journalists, posing threats to press freedom. Online harassment has become a

¹⁰ “The Politics of Labels: How Tech Platforms Regulate State Media” by Courtney C. Radsch of the Committee to Protect Journalists, and one of the co-coordinators of the Dynamic Coalition on the Sustainability of Journalism and News Media

¹¹ “It’s the Business Model: How Big Tech’s Profit Machine is Distorting the Public Sphere and Threatening Democracy,” by Nathalie Maréchal, Ellery Roberts Biddle, Jessica Dheere, and Rebecca MacKinnon from Ranking Digital Rights



routine part of the job for many journalists, and for female-identifying, or non-binary journalists, the nature of this abuse can be particularly, vulgar and sexualized in nature. Coordinated disinformation attacks are overwhelmingly directed at women journalists. From deep fakes, to hacked photos, to rumors of impropriety, vicious smear campaigns targeting the appearance, character or behavior of a female journalist are particularly common— threatening not only her credibility but also her safety.

As women journalists are disproportionately targeted by online gender-based violence, abuse and (sexual) harassment, many of them indicate that the abuse has led them to become less active or even inactive on social media, while it's a crucial part of the job. Apart from the direct harm these women experience, we are concerned about the chilling effect of online harassment, which leads to less women taking part in the public debate as well as self-censorship among those who dare to continue despite the harassment. In the worst cases, online harassment can even lead to offline violence.

The Covid-19-crisis has exacerbated the hardship that women journalists face. Firstly because many of our female partners informally self-reported that the lockdown measures forced them to work from home, and they felt the double-burden of having to deliver professionally and being expected to take informal care and household duties "as normal". Secondly, as even more work has shifted to the online sphere, the harassment that women journalists face has also increased.

Currently online threats are met with impunity, while serious mental health issues for the journalists involved warrant prosecution. Society needs to send a clear signal that this behavior will not be tolerated.

2- What legislative, administrative, policy, regulatory or other measures have Governments taken to promote press/media freedom, including media independence, pluralism, viability and ownership issues? What has been the impact of these measures? What changes or additional measures would you recommend?

In April 2019, the Netherlands introduced an amendment doubling the penalty requirement for aggression and violence against journalists. The underlying rationale behind the penalty is that an attack on a journalist is an attack on the public's right to information. Moreover, the

Netherlands introduced a protocol called ‘Persveilig’ (Press Safe), a joint effort of the Association of Journalists and Editors-in Chief, the Public Prosecutor and the Police, aiming to strengthen the protection of journalists against violence and aggression on the streets, on social media and/or through legal claims. The protocol consists of a number of preventive and repressive measures.

Governments and their role to promote press/media freedom, media independence, pluralism and viability.

Government regulation is needed to improve transparency and accountability of the platforms, strengthen data privacy law to better protect users, and tighten corporate governance reform to require comprehensive reporting from companies on the human rights impacts of their platforms. Regulation of big tech and social media companies is an opportunity to foster media sustainability.¹² An example of this is the European Commission’s regulation for a Digital Services Act (DSA) which has the potential to create new mechanisms to fund the production of trustworthy news and information, and provide specific support for public interest journalism. This regulation also introduces transparency obligations and mandatory risk assessments, but the challenge to combat the spread of disinformation while complying with fundamental rights still remains.

It is concerning how limiting freedom of speech has become an “easier” or “fast” solution for many governments to counter the spread of disinformation. Experts have already warned that content removal and other general prohibitions can have harmful counter-effects, such as an increasing distrust in governments.¹³ The 2017 Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda states governments “*should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda)*”.¹⁴ Nonetheless, producing reliable, trustworthy information to counter disinformation needs to be part of the solution. It is also crucial to rebuild trust with citizens, which has been badly undermined during the COVID-19 pandemic, for which governments should also make a concerted effort to support the dissemination of reliable information by other actors, including the media. In addition to the regulation of content and platforms, and measures to counter disinformation directly, governments should also **enhance the provision of media and information literacy as response to dis- and misinformation**. The Centre for Law and Democracy has highlighted the importance of States adopting strong laws giving individuals a

¹² “Sustaining Journalism During COVID-19: How the EU can turn Digital Platform Regulation into a Tool for Democracy” by Olaf Steenfadt from Reporters Without Borders.

¹³ “The online information environment: Understanding how the internet shapes people’s engagement with scientific information”, The Royal Society (2022)
<https://royalsociety.org/-/media/policy/projects/online-information-environment/the-online-information-environment.pdf>

¹⁴ Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda, 2017 para. 2c, 2d. <https://www.osce.org/files/f/documents/6/8/302796.pdf>

right to access information held by public authorities, or right to information laws, promoting media diversity and a strong flow of professional content to the public via the media.¹⁵

Additional measures

In 2020, The Global Forum for Media Development launched a joint emergency appeal in the face of the COVID-19 pandemic together with 172 organizations¹⁶ calling governments, among others, to:

- 1. Respect fundamental human rights:** Fully respect, safeguard, and enable the rights to press freedom and freedom of expression, rule of law, access to information, privacy, and digital rights, and only restrict them as international standards permit. Do not engage in practices that undermine such freedoms – notably surveilling and monitoring journalists and their sources. People need independent information that they can trust, and responses to this crisis will be more effective and command greater public support if it is subject to independent scrutiny, openness, and transparency.
- 2. Ensure access to information:** Allow journalists to exercise their freedom to seek, receive, and communicate information without being harassed, intimidated, or attacked. Consider, where appropriate, designating journalists and media workers as key or essential workers. The responsible authorities should also avail journalists with accurate information on this global pandemic and state responses to it, to further facilitate citizens' right to access information. This includes holding open press conferences ensuring that all media outlets have access to public officials and other information sources.
- 3. Release imprisoned journalists:** It is critical that any state that continues to criminalise journalism, release all imprisoned journalists, including those detained or sentenced under the guise of prohibiting defamation or countering terrorism, and does not pursue such cases during the pandemic given the additional risk posed by detention.

¹⁵ Submission to the UN Special Rapporteur for Freedom of Expression on an Annual Thematic Report on Disinformation, note 9, pp. 14-15

¹⁶ [Emergency Appeal for Journalism and Media Support | GFMD](#)

5a- What measures have Governments taken to investigate and prosecute attacks against journalists, including online violence and harassment against female journalists? What are the barriers to fighting impunity? What changes would you recommend?

The murder of a journalist is the ultimate form of censorship, yet the perpetrators of such crimes are seldom held to account, and the cycle of impunity in journalist murders continues unabated in democracies and authoritarian regimes alike. Still, years after identifying impunity as a key priority in journalist safety, no one will be brought to justice for 8 out of ten journalist murders. While there have been convictions in some key cases (Javier Valdez in Mexico, Jan Kuciak in Slovakia, Daphne Caruana Galizia in Malta) full justice still remains out of reach for a majority of cases. Among the central barriers to addressing impunity are inexistent or flawed investigations, lengthy appeals processes or in many cases, and in many cases a profound lack of political will. In countries where journalists are murdered, there is often a distinct need for improved resourcing or training when it comes to investigations, and to those involved in the judicial process. Countries should be further encouraged to participate in the UNESCO impunity accountability mechanism - a step which acts as at least a signal of political will and desire to actually combat impunity. It should be clear to countries that support for UNESCO is intrinsically linked to ensuring that journalists can work without fear of reprisal.

5b- The UN Plan of Action on the Safety of Journalists and the Issue of Immunity will mark its 10th anniversary in 2022. How do you assess its results and what suggestions would you make to improve it?

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity emphasises multi-stakeholder participation and development of national mechanisms. It values close partnership between local media actors and international media support groups to facilitate the growth and safety of media. Civil society organisations across the media development, emergency response and press freedom advocacy spheres have largely supported the UN Plan, a handful of which have promoted its implementation as a main area of work.¹⁷

¹⁷ Namely, International Media Support cites the UN Plan as the guiding document in its institutional strategy to promote the safety of journalists.

Since the launch of the UN Plan of Action in 2012, however, the situation for journalists remains grim. Around the world journalists still work under immense risk and are subjected to threats, physical assault, imprisonment and even murder. The types of perpetrators are varied and growing, and include extremist groups, government officials and individuals with power and influence. Meanwhile, impunity rates for those who commit these crimes have barely budged—now, in eight out of ten cases the killers go free.¹⁸ Based on statistics alone, the international community cannot stand behind its results with much conviction.

From a more holistic view, however, the UN Plan has provided a common framework and language for states and civil society on the safety of journalists and the issue of impunity. No longer is protection addressed only through safety training for journalists and media workers, or impunity only through monitoring and advocacy. Concerted efforts have been made to share national experiences, more deeply engage the media sector, identify good practices, and increase coordination.

As we approach the 10-year milestone of the UN Plan, a key strategic achievement to reflect on is the increased recognition of a need to form robust national protection mechanisms that ensure the inclusion of all key actors at the national level. This was confirmed at the multi-stakeholder consultation organised by UNESCO in Geneva in June 2017,¹⁹ and civil society intends to reconvene later this year in a similar format to highlight progress and obstacles regarding the development of national journalist safety mechanisms and other safety-related goals.²⁰ To prepare for these discussions, the ICSO Safety of Journalists Coalition will draft a joint review over the course of the spring and summer 2022.

In the joint document, the ICSO Safety of Journalists Coalition will aim to include an overview of updates and reflections on the following initiatives that members have individually or collectively pushed forward to support the implementation of the UN Plan of Action:

- Supporting journalists, media workers and the overall sustainability of media during the **crises in Myanmar and Afghanistan** during 2021
- Passing of **journalist protection laws in Pakistan** in November 2021²¹
- Convening the **People's Tribunal** on the Murder of Journalists in November 2021²²

¹⁸ People's Tribunal on the Murder of Journalists. (2021). A Safer World for Truth. <https://ptmurderofjournalists.org/> In 2020, there were no perpetrators successfully prosecuted in 81% of the cases. This statistic has gone down from approximately 90% since the launch of the UN Plan a decade ago.

¹⁹ UNESCO. (2017, June 29). *Multi-Stakeholder Consultation on Strengthening the Implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. <https://en.unesco.org/strengthening-un-plan-action>

²⁰ The ICSO SoJ Coalition has been informed by UNESCO that a ministerial high-level conference will be convened in Vienna by the Minister of Foreign Affairs of Austria in collaboration with UNESCO and OHCHR on 2 November 2022, the International Day to End Impunity for Crimes Against Journalists.

²¹ Guraman, N. (2021, November 19). *Senate passes journalists protection*. Dawn. <https://www.dawn.com/news/1658991/senate-passes-journalist-protection-nab-bills-amid-oppositions-prot est>

²² People's Tribunal on the Murder of Journalists. (2021). A Safer World for Truth. <https://ptmurderofjournalists.org/>

- Advocating for a **Rapid Response Task Force** for investigations into killing journalists following former UN Special Rapporteur Agnes Callamard's report on the murder of Jamal Kashoggi in June 2019²³
- Drafting the **Emergency Appeal for Journalism and Media Support** in the face of the COVID-19 pandemic in the spring of 2020²⁴
- Launching and implementing the **Philippine Plan of Action for Safety of Journalists** in November 2019—the first national action plan of its kind²⁵
- Coordinating civil society input to form the **Media Freedom Coalition** and its Consultative Network over the course of 2019.
- Organizing an **international mission to Mexico** with civil society and high-level government stakeholders to address the rate of impunity in November 2019²⁶

8- Do you see any major gaps in the international human rights legal framework? Are there any specific recommendations that you would suggest to address such gaps or to improve implementation of existing standards?

Firstly, there is a need to **develop a definition of online (gendered) violence** in international law to create a solid basis for prosecution.

Secondly, as stated above, one of the main challenges for media organizations as well as for media in the digital age is the growing mistrust towards journalism caused by the spread of disinformation. As this phenomena also poses a threat to democracies worldwide, governments have tried to deal with disinformation through general prohibitions or restrictions to freedom of expression. This has become a challenge to many States as even if disinformation can cause harm, it is a form of expression which is protected by the right to freedom of expression, as

²³ In early 2021, a sub-group within the SoJ Coalition was formed to draft a proposal for a Rapid Response Task Force for investigations into killing journalists. This proposal was submitted to UNESCO and OHCHR and ultimately rejected. Draft proposal found here: <https://docs.google.com/document/d/1WdrE13bJkSY0wsv1Ugtb4r9inrFiFkiNe4dhYNGLFAY/edit>

²⁴ Emergency Appeal for Journalism and Media Support. Global Forum for Media Development. <https://gfmd.info/emergency-appeal-for-journalism-and-media-support-2/>

²⁵ IMS. (2019, November 21). The Philippines launches first national Plan of Action on the Safety of Journalists. <https://www.mediasupport.org/the-philippines-launches-first-national-plan-of-action-on-the-safety-of-journalists/>

²⁶ Between 4 – 6 November 2019, one year after Andrés Manuel López Obrador took office as Mexico's President – and on the occasion of the International Day to End Impunity – 17 members of the Civil Society Organizations on the Safety of Journalists (ICSO SOJ Coalition), an International Coalition dedicated to the defence and promotion of the safety of journalists, carried out an observation mission to Mexico. Mission report found here: <https://ifex.org/wp-content/uploads/2020/11/ENG-REPORTE-OCTUBRE-2020.pdf>

guaranteed, for example, in Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR). International law has explicitly made clear that general prohibitions on the dissemination of inaccurate statements are not legitimate:

*“General prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards for restrictions on freedom of expression, as set out in paragraph 1(a), and should be abolished.”*²⁷ - 2017 Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda

The Broadband Commission report, *Balancing Act: Responding to Disinformation While Defending Freedom of Expression*, highlighted the risks of even well-meaning regulation of disinformation:

*“[T]here is the phenomenon of catching journalists in nets set for disinformation agents through the criminalisation of the publication or distribution of false information (e.g. via ‘fake news’ laws). This works directly against the role of independent, critical journalism as a counter to disinformation.”*²⁸

Although specific prohibitions on inaccurate statements linked to particular sort of harms are not rejected, (e.g. false and defamatory statements or the prohibition of certain inaccurate statements during elections²⁹), **it is still an emerging area of debate which specific restrictions on freedom of expression might be warranted to combat dis- and misinformation**, for example, in the context of protecting public health. The fact that most disinformation is protected by international guarantees of the right to freedom of expression, in part due to the risk that even well-meaning restrictions can seriously undermine public interest expression, complicates the question of appropriate responses to this often very problematic form of expression

Nonetheless there is an idea that needs to be developed both by literature or authoritative international actors (e.g. international human rights courts) which is that the right to freedom of expression protects not only the rights of the speaker, but also **the rights of the listener**: *“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds”*³⁰. An argument could thus be made that

²⁷ Joint Declaration on Freedom of Expression and “Fake News”, Disinformation and Propaganda (2017, p. 3 para. 2a) <https://www.osce.org/files/f/documents/6/8/302796.pdf>

²⁸ Broadband Commission for Sustainable Development, September 2020, p. 8, https://www.broadbandcommission.org/Documents/working-groups/FoE_Disinfo_Report.pdf

²⁹ As contemplated in the 2020 Joint Declaration on Freedom of Expression and Elections in the Digital Age: “States should adopt appropriately clear and proportionate laws that prohibit the dissemination of statements which are specifically designed to obstruct individuals’ right to vote, such as by intentionally spreading incorrect information about where or when to vote.” Adopted in 20 April 2020, para. 1(c)(ii), <https://www.law-democracy.org/live/2020-joint-declaration-on-freedomof-expression-and-elections>

³⁰ Article 19(2) of the ICCPR <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

while disinformation is protected for the disseminator as part of his or her right to impart information and ideas, it also interferes with the recipient's right to seek and receive information and ideas, which could include some sort of **protection against receiving inaccurate and misleading information**, particularly where the intensity of it was such as to confuse or disorient the recipient as to the truth.

It is also important to note that a number of structural considerations propel the spread and prevalence of disinformation: these include human nature, a widespread feeling among many people of alienation and the business models of most online service providers, especially social media platforms. **Discrimination, social and economic inequalities (among others) as well as other sources of alienation are drivers for dis- and misinformation.** Addressing many of these, needs to be part of a longer-term package to solve these problems. Progress in the achievement of the Sustainable Development Goals is an effort that governments and international institutions need to make before societies enter into a vicious circle from which it will be very difficult to move forward.

9- The Special Rapporteur would welcome examples of good practice by Governments, companies, the media sector, civil society and other stakeholders, and your recommendations on how best to address the challenges and threats to press/media freedom, independence, diversity, pluralism, and safety of journalists. Please share any relevant documents, reports, news or academic articles that you believe should be considered in the preparation of her report

The professional media development community has the potential to effectively address many of the challenges that have emerged in this current media crisis. However, global development efforts have not yet been sufficiently aligned with the work of the media development community, despite the crucial role that independent journalism plays in successful development, as noted in research done by the World Bank, among other institutions. The development of principles for effective support to the media sector and journalism is a tool to address the weaknesses outlined above.

Recommendations for effective support to the media sector and journalism:

- **Integrating media development into the international development and governance agendas**
Support the sustainability of independent news media by increasing investment in media support. Better integration of media support into national development agendas can create opportunities to tap into broader and much larger governance funding systems. Integrate media development in post-conflict and peace building agendas. Ensure that programs focused on public sector reform, governance, and other cross cutting sectors include the needs of the media sector and help build a stronger country-level leadership for media development through learning, multi-stakeholder dialogue, and improved global and regional data on the media sector. **Integrate support for independent media into international cooperation for development and good governance, recognizing that Agenda 2030 and democratic progress will depend upon a concerted and collaborative response to the fundamental and structural crisis affecting the media sector.**
- **Informing efforts to improve donor strategies in the media sector**
Promote dedicated donor strategies with a focus on media development and the journalism sector. Donor strategies often lack internal structures to provide media development with dedicated budgets and mechanisms for providing funding to media. Donors and institutions often lack the expertise and resources to keep pace with changes in technologies, markets, and societies, or to understand the role of journalism and media in different contexts. Donors working through co-creation processes, partnering with networks, and investing in knowledge, however, have been able to innovate their support.
- **Fostering a growing commitment to long-term, bottom-up approaches to media development**
Ensure media support remains demand-driven, coordinated, contextually tailored, and oriented toward long-term, strategic goals. Most journalism support and media development programmes operate on short funding cycles of up to two years with burdensome administrative requirements. It is essential to move away from donor-driven solutions and enable local practitioners to experiment, learn, and lead the way toward impactful solutions by **supporting media development processes that are locally owned, locally driven, and produce long-term and sustainable changes in the political environment for the media.**
- **Integrating media development with internet governance and strategies to counter disinformation**
A flood of competing content promoted through the business models of internet companies has put news media's traditional business models in crisis and has strained the ability of citizens to discern fact from fiction. As such, debates related to internet

governance and disinformation are now intricately intertwined with media development. Support to the media sector has evolved to adapt to the new challenges of the digital ecosystem, including the new threats it presents to the safety and privacy of journalists. Still, **barriers to effective collaboration remain between those who work on media development and those who are engaged in internet governance and disinformation agendas.** Establish multi-stakeholder “wise persons” groups at country and regional levels to **examine the media sector, the quality of the laws, regulations, enabling conditions, as well as the potential of new digital media, and to propose reforms.**

- **Ensuring that instrumental engagement with the media sector does no harm**

Engagement with the media sector by international development actors is often poorly regulated regarding principles for doing no harm to media independence and sustainability. Journalists and the media sector have been increasingly engaged by development and international assistance actors, which have used them as a tool for their communication strategies overlooking the fact that **media is a key pillar of development in its own right.**

Recommendation to improve the (legal) safety of journalists

- States should decriminalize defamation and libel and replace them with appropriate civil law legislation in line with international standards on freedom of expression. To avoid a chilling effect the claimant should be required to prove actual malice and to include a so-called public interest defence (the defendant reasonably believed the publication was in the public interest).
- States should scale up their response to credible threats against journalists. As threats often precede (lethal) violence, they should be the object of an effective investigation. Depending on the outcome of the investigation, adequate protection measures should be put in place protecting the journalist from harm and/or addressing those that issue the threats.
- We are very concerned about the rising attacks and acts of violence against journalists. In particular during protests, journalists have fallen victim to harassment, too often carried out by police forces. Therefore, it is crucial that security forces are aware of freedom of expression standards and the rights of journalists in order to effectively protect these rights during protests. The (EU) Press Freedom Police Codex guidelines could serve as guidance. Setting up a structural dialogue between journalists, police and prosecutors could also create more direct links and understanding.
- In order to break the cycle of impunity for violence against journalists, all States should commit to create or maintain an effective mechanism on national level to receive and act on alerts on all forms of violence including threats and intimidation experienced by journalists and media workers, including those working freelance, to ensure that journalists have an authority to turn to and to ensure that investigations into these

incidents are prompt and effective and perpetrators of such violence are brought to justice.

- Instances of online harassment and abuse should be consistently prosecuted. Women journalists are disproportionately targeted by online gender-based violence, abuse and (sexual) harassment. Currently online threats are met with impunity, while serious mental health issues for the journalists involved warrant prosecution. Society needs to send a clear signal that this behavior will not be tolerated.

One welcome development in improving the legal protections for journalists worldwide has been the creation of the Legal Network for Journalists at Risk (LNJAR). LNJAR is a platform led by several CSOs to coordinate the different resources and types of support currently offered pro bono by various organisations to journalists and media outlets in need of critical legal support.

Recommendations to combat gendered disinformation:

Like-minded States should push for **new digital standards for social media platforms**. States must move beyond the idea of content moderation and push for **better risk assessment of companies** to prevent them from causing harm, demand transparency on algorithm preferences and increase the current understanding of how these algorithms replicate damaging types of content. Policy-makers must ensure that women leaders are at the forefront for the new digital social contract -- and that gendered disinformation is addressed in this new contract.

Influence digital platform standards to ensure that **digital platforms proactively address gendered harm**. For example, push social media platforms to introduce the possibility of using incident reports, which would also help monitor and understand the prevalence of the issue.

In negotiation/dialogue with social media companies -- push for the idea that misogyny is not only happening online because it is happening in real life -- bots/artificial actors are pushing out content, which is making gendered disinformation more prevalent than it would be otherwise. The root cause is not only social norms--social media companies have a real responsibility and need to be held accountable. **Social media companies must be regulated to the extent that they have the same risk assessment as are required in other sectors.**

A gendered perspective should be fully integrated into media and information literacy efforts, since these can help determine whether or not gender issues are considered important – as legitimate social, political and cultural matters – and can also help reveal the gendered disinformation narrative.

Recommendations for Social Media Platforms

In the above mentioned joint Emergency Appeal for Journalism and Media Support³¹, GFMD and other organizations called social media platforms to:

- 1. Respect fundamental and digital rights:** Guarantee and safeguard fundamental digital freedoms, including privacy, data protection, and cybersecurity, and do not engage in practices that undermine such freedoms – notably surveilling and monitoring journalists and their sources. Do everything you can to enable free, safe, and secure digital spaces for journalists, journalism organisations, and independent media.
- 2. Remodel algorithms and moderation practices:** Ensure your algorithms and moderators recognise credible information sources, including independent, trustworthy media and journalism organisations. Prevent automated takedowns of journalistic content related to COVID-19, particularly by algorithmic processes. Such takedowns erode the public's ability to access information, and harm journalism and media organisations who must then dedicate precious resources to resolving content-related disputes that could instead be directed towards reporting. Strengthen transparency and notice procedures as well as expedite appeal and remedy procedures.
- 3. Manage blacklist technology responsibly:** Work with advertisers to stop the use of blacklist technology to block ads from appearing next to credible journalism and news media stories that mention the COVID-19 pandemic and other critical health and social issues.
- 4. Support journalism:** Where appropriate, initiate or increase funding of independent, public-interest journalism, fact-checking, and other measures to counter disinformation and misinformation, as well as expedite grants to prioritize news and information outlets working to address the global health crisis.
- 5. Reverse commercial incentives that discriminate against journalism:** Create mechanisms to verify credible actors online, and reverse existing incentives to allow media to monetise public-interest journalism and high-quality content. Consider fundamental policy changes such as investing more in identifying and demonetising malicious actors, and preventing malicious actors from utilizing digital and programmatic ads to finance the spread of disinformation and misinformation.
- 6. Deliver Internet accessibility to all:** Prioritize maintaining Internet accessibility and connectivity, and promote the right to access information. As such, we urge telecommunication providers to lower the cost of Internet connectivity – especially in emerging and developing markets and low-income communities – to allow users to access news and information regardless of their economic status, as well as enable journalists to be able to work from home.

³¹ [Emergency Appeal for Journalism and Media Support | GFMD](#)

7. **Combat Online Violence:** Implement policies and tools that facilitate user control and relieving the burden for the individual, making it easier to report online harassment and violence

Additionally, based on the recommendations outlined by the study conducted by SembraMedia³², we strongly encourage social media companies and other tech platforms to safeguard media freedom and contribute to media sustainability and development by:

- Online Verification: *Develop better ways for journalists and media leaders to get their profiles verified.*
- Content Moderation: *Create a clear process for media of all sizes to appeal content take-downs so that they can get their journalism back online quickly when information is removed or profiles are shut down.*
- Tech support: *Software developers should provide tech support and training materials in more languages (translation is not that expensive) and make tools more accessible to media leaders who don't speak English. This not only helps them, it can also open up new markets.*

Recommendations for Media Companies

The joint Emergency Appeal for Journalism and Media Support³³, called media companies to:

1. **Ensure media workers can conduct their work safely:** Employees and freelancers must have protective equipment, training and clear safety guidelines. COVID-19 highlights the responsibility news organizations have towards all journalists and media workers, but also their duty towards the individuals we report on. Safety comes first.

2. **Protect jobs and adapt working environments:** Work with unions and others to find ways to avoid laying off staff due to losses in revenue. Take advantage of furlough schemes where they exist and other support wherever possible to avoid job losses. Adapt newsrooms to enable working from home when possible, particularly as and when governments put in place stay-at-home or physical distancing protocols. Provisions should take into consideration the gendered implications of these new working environments. Women are largely the main caregivers in their own homes, and the most likely to be responsible for nursing children and elders who are ill, home from school, or in isolation. Acknowledge that working from home, covering high-risk stories, or being exposed to infection can be both isolating and alienating. As such, work to ensure that employees and freelancers have access to appropriate mental health or psychosocial support.

3. **Serve your public:** Keep asking how you can find new ways to be relevant and useful to the public as well as to the overall response. Provide practical guidance alongside the news, and highlight solutions to challenges as well as problems. Be on the frontline in fighting

³² <https://data2021.sembra-media.org/reportes/executive-summary/>

³³ [Emergency Appeal for Journalism and Media Support | GFMD](#)

disinformation and misinformation. Organize collective action and pool resources if that is the most effective way of responding and persevering. This is a time for collaboration, not competition.

4. **Recognise diversity:** Serve all sections of your community by recognising that, while COVID-19 affects everyone, it is particularly devastating for marginalized communities and is exaggerating socio-economic inequalities (often related to ethnicity and gender) that predate the pandemic. We should be led by the evidence and challenge misleading narratives that the crisis is affecting society in equal ways. Ensure that your journalism includes perspectives and voices from women and marginalized groups and that you hire journalists from a variety of different backgrounds and specializations that can report accurately about how the disease and economic fallout is disproportionately impacting people of color, working-class, immigrant, and other marginalized communities. Create a database of women health experts and economic experts to avoid the gender bias of sourcing in the media.

Relevant Literature

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- ▼ [Balancing Act: Responding to Disinformation While Defending Freedom of Expression](https://www.broadbandcommission.org/Documents/working-groups/FoE_Disinfo_Report.pdf) (September 2020) Broadband Commission for Sustainable Development
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- ▼ [Windhoek +30 Declaration](https://en.unesco.org/sites/default/files/windhoek30declaration_wpdf_2021.pdf) (Nov. 18, 2021) - UNESCO
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- ▼ [Media independence and sustainability \(2020\)](#) Global Forum for Media Development - MIRA MILOSEVIC
- ▼ [Development Agenda: Considering the Dark Side of the Media](https://issuu.com/dwakademie/docs/considering_the_dark_side_of_the_me) (2015) - DW Akademie - JAN LUBLINSKI, SACHA MEUTER & MARK NELSON
https://issuu.com/dwakademie/docs/considering_the_dark_side_of_the_me
- ▼ [Journalism is a public good: world trends in freedom of expression and media development: global report 2021/2022](https://unesdoc.unesco.org/ark:/48223/pf0000379826) UNESCO
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- ▼ [Online violence Against Women Journalists: A Global Snapshot of Incidence and Impacts](#) (2020) Julie Posetti, Nermine Aboulez, Kalina Bontcheva, Jackie Harrison, and Silvio Waisbord - UNESCO
- ▼ [How social media regulation could affect the press](#) (Jan 2022) Alicia Ceccanese, Committee to Protect Journalists
- ▼ [‘It is becoming unbearable:’ Journalists say they have become ‘scapegoats’ at anti-vaccine protests](#) (Oct 2021) Attila Mong, Committee to Protect Journalists
- ▼ [2020 Annual Report: Dynamic Coalition on the Sustainability of Journalism and News Media](#) (2020) Internet Governance Forum. Edited by Daniel O’Maley, Hesbon Hansen Owilla, and Courtney C. Radsch