



# Human Rights in the Context of Protests for Journalists

## — WHO IS A JOURNALIST?

Journalists are individuals who document events, analyze issues, gather facts, and process data in order to inform society on matters of public interest. The term “journalist” refers to a wide range of actors, including professional full-time reporters and analysts, media workers and support staff, as well as citizen journalists, bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere. The professional designation of an individual as a journalist is less relevant than the acts of journalism or the nature of the content and its public interest function.

“

*“We must redouble our efforts to support journalists [...] to bolster their knowledge of their own rights and of protection measures available to them.”*

– Volker Türk,  
United Nations High Commissioner  
for Human Rights

## WHAT IS THE ROLE OF JOURNALISTS IN PROTESTS?

Journalists play an important role in monitoring protests. This role includes not only the observation of assemblies, but also the active collection, verification, and immediate use of information that can be used to address human rights violations and abuses. Moreover, the presence of journalists in protests promotes transparency and accountability and can deter the commission of such violations and abuses.

To assume such role, journalists have the right to observe, and by extension monitor, protests, whether violent or not, and to record reactions to protests by officials or other actors. This right is derived from the right to seek, receive and impart information and ideas of all kinds, as guaranteed under international human rights law (article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights (ICCPR)). The confiscation, seizure, and/or destruction of notes and visual or audio recording equipment of journalists without due process should be prohibited and punished.

Even if an assembly is declared unlawful or is dispersed, that does not terminate the right of journalists to monitor protests.



Photos by Unsplash: Sean Robbins



Photos by Unsplash: Alice Donovan-Rouse

## INCREASED ATTACKS ON JOURNALISTS COVERING PROTESTS

Journalists have become frequent targets of stigmatization, intimidation, threats, violence, arbitrary arrests and detention and legal harassment as a result of their legitimate activities during protests. Journalists further face undue restrictions and prohibitions on the dissemination of information based on vague and ambiguous ideas of "fake news," "misreporting and non-objective information", "attacking the image of the state," "hate speech" and "incitement or sedition." These measures appear designed to delegitimize journalists' monitoring role during protests, undermine public trust and confidence in journalists as watchdogs, mislead the public by blurring the lines between disinformation and independently verifiable reports on protests, and potentially expose them to violent reprisals. As a result, journalists are silenced and censored.

While State actors commit most attacks on journalists, non-State actors are increasingly posing threats to journalists as well, including, harassment, physical and verbal assault, smear campaigns, improper hate speech and incitement allegations, as well as injunctions and other civil remedies on the basis, for example, of anti-trespass or defamation laws, sometimes referred to as strategic lawsuits against public participation.

From 2015 to 2020, there were **125** instances of attacks on, or arrests, of journalists covering protests, including the killing of **10** journalists, in **65** countries.

Source: UNESCO, *Safety of Journalists Covering Protests: Preserving Freedom of the Press During Times of Turmoil* (2020)

## — INTERSECTIONAL DISCRIMINATORY ATTACKS ON WOMEN JOURNALISTS

In addition to being attacked because of their work as journalists, women journalists are at particular risk of gender-based violence and intersectional, compounded discrimination because of other identities, such as, but not limited to race, religion, ethnicity or minority affiliation, disability status, sexual orientation, gender identity and expression, and sex characteristics. Women journalists reporting on protests are at ever-increasing

risk of sexual attacks, with many having experienced groping and other forms of sexual harassment. Racism, religious discrimination, sectarianism, disability-based discrimination, homophobia and transphobia intersect with misogyny and sexism to produce significantly heightened exposure and deeper impacts for women journalists experiencing multiple and intersecting forms of discrimination concurrently.

The right of women journalists to be safe and free from all forms of discrimination is protected by international human rights law.

Photos by Unsplash: Luis Morera



## — OVERALL DUTIES AND RESPONSIBILITIES OF LAW ENFORCEMENT OFFICIALS

States have a positive obligation to respect and ensure the right of journalists to observe and monitor all aspects of an assembly, subject only to the restrictions outlined in article 19 (3) of the ICCPR. Such restrictions must:

- be provided by law;
- serve to respect the rights or reputations of others, or to protect national security, public order, or public health or morals; and
- conform to the strict tests of necessity and proportionality.

Law enforcement officials have the duty to ensure the safety and rights of journalists who are monitoring protests. Protection must be extended to all individuals engaged in journalistic activities, whether or not the individuals are accredited journalists or freelancers. In an assembly where certain individuals are behaving violently, law enforcement officials have a duty to distinguish between violent individuals and other assembly participants or monitors, such as journalists, whose right to peaceful assembly remains.

Authorities should ensure that a comprehensive community engagement strategy is in place that includes programmes and policies designed to build trust and communication among law enforcement officials, the media and other assembly monitors.

Authorities should also proactively engage with monitors by communicating consistently before, during and after an assembly; by providing access and information to monitors; and by considering and responding to monitors' reports after assemblies.



## — USE OF FORCE DURING PROTESTS

The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. At all times, law enforcement officials should consider and minimize the possible incidental impact of their use of force on journalists and other monitors, as well as on protesters, bystanders, passers-by, and medical personnel. They shall not direct force against these people.

States must ensure that any use of force is in accordance with the principles of legality, necessity, proportionality, non-discrimination, precaution and accountability.



*“Governments and the international community must take action to protect the people who bring us the news.”*

**– UN Secretary-General Antonio Guterres, International Day to End Impunity for Crimes Against Journalists**

<b>LEGALITY</b>	The principle of legality requires that States have in place a domestic legal framework for the use of force, especially potentially lethal force, that complies with international standards.
<b>NECESSITY</b>	The necessity requirement restricts the kind and degree of force used to the minimum necessary in the circumstances (the least harmful means available).
<b>PROPORTIONALITY</b>	The proportionality requirement sets a ceiling on the use of force based on the threat posed by the person targeted.
<b>NON-DISCRIMINATION</b>	States and their law enforcement agencies and officials are obliged under international law to respect and protect, without discrimination, the rights of all those who participate in assemblies, as well as monitors and bystanders.
<b>PRECAUTION</b>	The principle of precaution requires that all feasible steps be taken in planning, preparing, and conducting an operation related to an assembly to avoid the use of force or, where force is unavoidable, to minimize its harmful consequences.
<b>ACCOUNTABILITY</b>	To ensure accountability, States must establish effective reporting and review procedures to address any incident in relation to an assembly during which a potentially unlawful use of force occurs.

## **SAFETY MEASURES DURING PROTESTS**

Journalists should have proper safety gear, and support when covering protest. Media outlets should provide the same resources to their journalists, either employed or freelance.

Journalists should act consistently with their roles as monitors and avoid participating on any side during protests in any manner. They should wear clothing and press credentials to visibly distinguish themselves from either protesters or police.

Journalists should also be trained on how to cover protests safely. This training should include interactions with police as well as protesters, safety guidelines in reporting on fluid and dangerous situations, resiliency training to handle stress before, during and after, and first aid so that journalists can treat each other as needed.

## **DIGITAL SURVEILLANCE OF JOURNALISTS**

Surveillance of those involved in or monitoring assemblies, such as journalists, may violate the right to privacy. Any information gathering, whether by State or non-State actors, including through surveillance or the interception of communications, and the way in which data are collected, shared, retained and accessed, must strictly conform to applicable international standards, including on the right to privacy, and may never be aimed at intimidating or harassing participants and monitors, including journalists, in assemblies.

The installation of spyware technology onto the digital devices of journalists covering protests, to track journalists and intercept their communications, should be prohibited.

## **RIGHT TO INTERNET ACCESS AND BROADCAST SIGNALS**

Journalists need to report on the protests they monitor and provide information to the public. Both State and non-State actors cannot block news websites and cut broadcaster signals covering protests.

States have a positive obligation to respect and ensure the enjoyment of the right to freedom of expression and the means necessary to exercise this right, which includes access to the Internet. Internet access is not only essential to enjoy the right to freedom of expression, but

also the right to freedom of association and assembly, among others.

States should cease internet shutdowns designed to block participation and monitoring of peaceful protests, and repeal any laws and policies that allow network disruptions and shutdowns, including in the context of protests during crises, and ensure that any individual site-blocking measures comply with international human rights standards and are subject to judicial review.

## **ONLINE PROTESTS**

Communications technologies offer the opportunity to assemble either wholly or partly online and often play an integral role in organizing, participating in and monitoring physical gatherings. Interference with such communications can impede assemblies. The protection afforded to peaceful assemblies in physical spaces extends to online assemblies and associated activities. The use of social media and the Internet should be protected and facilitated in this context.

## **INCREASED ONLINE THREATS AGAINST JOURNALISTS**

The online harassment and attacks against journalists range from defamation and disinformation campaigns, gendered and racist hate speech, trolling, death threats, smear campaigns and threats against their family members. States have a duty to protect all journalists from threats, attacks, reprisals and acts of intimidation, including against them or their family members, associates and legal representatives, whether offline or online.

## **JOURNALISTS AND PRIVATE ENTERPRISES**

Assemblies may occur in both public and private spaces such as shopping malls, squares, and other types of privately owned public properties. Private enterprises have a responsibility to respect human rights, including the right to peaceful assembly and its constituent right to monitor such assemblies. Private enterprises, through the hiring of civilian private security services, play an increasingly prominent role in the policing and surveillance of assemblies while protecting private property or assets. Civilian private security services should not perform policing-type functions in relation to assemblies. If unavoidable, these services must respect and protect the right of journalists to monitor and observe assemblies and should comply with the highest standards of conduct.

## INCITEMENT AND HATE SPEECH

While journalists have the right to impart information and ideas of all kinds, it is important that they avoid language that may incite violence and hatred when reporting on protests, as prescribed under international law. It is crucial that journalists clearly attribute the harmful speech made during protests to the author(s) and balance the harmful speech with the reactions of those targeted in the speech. To this end, journalists should incorporate a human rights perspective when covering peaceful protests.

## GOOD JOURNALISTIC PRACTICES

There are several steps journalists can take to protect themselves. These include forming groups or joining existing ones dedicated to monitoring and upholding press freedom in their own countries, including in times of protests.

Journalists are also encouraged to avail themselves of technical solutions, including encryption and anonymity, to secure and protect the confidentiality of digital communications to ensure the enjoyment of the rights to privacy, freedom of expression, freedom of peaceful assembly and freedom of association.

National or regional press freedom and other similar journalist groups can provide a professional response from the community of journalists whenever their colleagues are harassed, detained, or attacked.

Additional information can be found in the briefer entitled 'Self-protection measures to respond to threats to journalists' (p. 6-7): [https://www.ohchr.org/sites/default/files/2023-04/Brief-Protection-mechanisms-available-for-journalists\\_0.pdf](https://www.ohchr.org/sites/default/files/2023-04/Brief-Protection-mechanisms-available-for-journalists_0.pdf)

Photos by Unsplash: Jonathan Harrison

## ACCOUNTABILITY

States have a positive obligation to protect the rights of assembly monitors, including journalists, and thus should fully investigate any human rights violation or abuse against them, hold those responsible to account, be they State agents, including law enforcement officials, or non-State actors, and provide an adequate, effective and prompt remedy. The protections afforded to monitors apply irrespective of whether an assembly is peaceful.

At the international level, journalists and other individuals performing assembly monitoring functions can bring complaints against a State for alleged violations of their rights to the United Nations human rights mechanisms, including the Human Rights Committee and relevant special procedures mandate holders. They can also submit a complaint to the UNESCO Committee on Conventions and Recommendations.

“

*“Only 13 percent of cases of killed journalists since 2006 have been successfully prosecuted.”*

*“We must bolster national criminal justice systems, by equipping them with special investigative units or independent investigative structures.”*

**– Volker Türk, United Nations High Commissioner for Human Rights, 2022 Vienna Conference on the Safety of Journalists**



## — MAIN SOURCES

UN General Assembly Resolutions on Safety of Journalists and Impunity, A/RES/70/162, A/RES/72/175, A/RES/74/157

UN Human Rights Council Resolutions on Safety of Journalists, A/HRC/RES/33/2, A/HRC/RES/39/6, A/HRC/RES/45/18

Human Rights Committee, General comment No. 34 on article 19: freedoms of opinion and expression, 2011 (CCPR/C/GC/34)

Human Rights Committee, General comment No. 37 on article 21: right of peaceful assembly, 2020 (CCPR/C/GC/37)

Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies on the proper management of assemblies, 2016 (A/HRC/31/66)

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 2022 (A/HRC/50/42)

Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 2020 (A/75/184)

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2011 (A/HRC/17/27)

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2011 (A/66/290)

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 2012 (A/HRC/20/17)

Report of Special Rapporteur on the promotion and protection of freedom of opinion and expression on gender justice and freedom of expression, 2021 (A/76/258)

Report of the Special Rapporteur on violence against women, its causes and consequences on combating violence against women journalists, 2020 (A/HRC/44/52)

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and

related intolerance, 2014 (A/HRC/25/32)

Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges – Report of the Office of the United Nations High Commissioner for Human Rights, 08 April 2022 (A/HRC/50/47)

United Nations Human Rights Guidelines on the Use of Less Lethal Weapons (2020)

Report of the United Nations High Commissioner for Human Rights on the safety of journalists, 2018 (A/HRC/39/23)

OHCHR and UNESCO, #JournalistsToo – Women Journalists Speak Out

UNESCO, Observatory of Killed Journalists

UNESCO, Safety of Journalists Covering Protests: Preserving Freedom of the Press During Times of Turmoil (2020)

UNESCO, The Chilling: Global trends in online violence against women journalists (2022)



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

Palais des Nations,  
CH-1211 Geneva 10, Switzerland  
[www.ohchr.org](http://www.ohchr.org)