GLOBAL
CONFERENCE
FOR

MEDIA
FREEDOM

NOVEMBER 16, 2020

THREATS AGAINST
JOURNALISTS

Nighat Dad and Shmyla Khan,
Digital Rights Foundation

2020

THREATS AGAINST JOURNALISTS

Executive summary

In the last decade, journalism and the media have undergone a cataclysmic change that has upended various aspects of the ways in which news is created, consumed and disseminated. These digital and social transformations have had implications for the safety—or lack thereof—of journalists. These threats not only affect the targeted journalists, but impact society as a whole as intimidation, denigration and violence against journalists has implications for freedom of expression, democratic norms and access to information at large. This paper will outline the major and emerging threats faced by journalists across the globe and the possible policy recommendations that can be introduced to ensure safety for journalists and foster an enabling environment of accountability and free speech protections where these threats can be minimized.[1]

---

[1] This paper was reviewed by IFEX, Privacy International and Free Press Unlimited.

Mapping threats to journalists

Threats faced by journalists across the globe are rapidly changing and becoming increasingly complex. For instance, Reporters Without Borders (RSF) found that a "historically low" number of journalists were killed in 2019. However, when examined more closely, a major reason for the drop in figures was not an increase in press freedom and safety of journalists, but rather that fewer journalists are being killed in warzones: "More journalists (59%) are now being killed in countries at peace than in war zones" and, at the same time, "there has been a 2% rise in journalists being deliberately murdered or targeted."[2] Furthermore, there has been a rise in attacks on journalists while covering protests and mass gatherings, with at least 10 journalists killed covering protests since 2015, according to UNESCO's Observatory of Killed Journalists.[3] The UNESCO report notes that hostility against the press is at an all-time high due to political rhetoric against the media, which often translates into individual attacks against members of the press.[4] The violence against journalists in these circumstances is primarily from state forces, who use "non-lethal" force to injure, as well as other tactics such as doxing while "criticizing individual journalists over their coverage of protests."[5]

Journalists are increasingly targeted on the basis of the nature of their reporting, while risks of reporting in the field persist. Reporting on subjects such as gang violence, terrorism, state corruption or human rights abuses, or reporting that is otherwise critical of government or public officials, leaves journalists the most vulnerable to various forms of attacks and violence. In some cases, journalists are also targeted because of their identity, such as their race, minority status, sexual orientation or gender. In Pakistan, there have even been reported cases

of murders (or so-called "honour killings") of women journalists by their family members for refusing to give up a career in journalism.[6] These cases necessitate a view of safety that is intersectional and contextual. Women journalists are often at an increased risk of attack for "breaking the rules of gender inequity and stereotypes".[7] Additionally, journalists reporting on "feminist issues" are threatened with legal action or abuse because of the subject matter of their stories.[8]

Many journalists across the world are subjected to arbitrary detention, either through the use of repressive laws or extrajudicially. RSF noted that in 2019 there was a 12% increase in the number of arbitrarily detained journalists worldwide.[9] According to the Committee to Protect Journalists (CPJ), in 2019, 248 journalists were imprisoned on the basis of their work.[10] Legal systems are often weaponized to target journalists. Sedition, defamation, cybercrime, anti-terrorism and national security laws are among the most common legal instruments that have been used to detain and prosecute journalists in various countries. One of the most prominent examples of this is the case of Maria Ressa, editor of the well-known Philippines news outlet Rappler. In June 2020, Ressa was retroactively tried and convicted of a "cyberlibel" offence over a 2012 story regarding alleged corrupt links between a businessman and a top judge.[11]

Other forms of judicial harassment, such as the use of "SLAPP" (strategic lawsuit against public participation) - most commonly in the form of libel and defamation lawsuits - -have become a tool used against journalists by both governments and powerful private individuals to drown defendants in lengthy and costly

---

[2] Reporters Without Borders, "Worldwide Round-up of journalists killed, detained, held hostage, in 2019", updated December 17, 2019. https://rsf.org/en/news/rsf-yearly-round-historically-low-number-journalists-killed-2019.
[3] Frank Smyth, "Safety of journalists covering protests: preserving freedom of the press during times of turmoil," UNESCO, 2020. https://unesdoc.unesco.org/ark:/48223/pf0000374206.
[4] Ibid., p. 3.
[5] Ibid., p. 4.
[6] Rabia Mushtaq, "Pakistan: Woman journalist killed for not quitting job," The Coalition for Women in Journalism, November 26, 2019. https://womeninjournalism.org/cfwij-press-statements/pakistan-woman-journalist-killed-for-not-quitting-job-px7w7.
[7] United Nations Human Rights Council, "Combating violence against women journalists: Report of the Special

Rapporteur on violence against women, its causes and consequences," A/HRC/44/52, May 6, 2020. https://undocs.org/en/A/HRC/44/52, p. 5.
[8] Ibid., p. 6.
[9] Reporters Without Borders, "World-side Round-up of journalists killed, detained, held hostage, in 2019", updated December 17, 2019. https://rsf.org/en/news/rsf-yearly-round-historically-low-number-journalists-killed-2019.
[10] Committee to Protect Journalists, "248 Journalists Imprisoned." https://cpj.org/data/imprisoned/2019/?status=Imprisoned&start_year=2019&end_year=2019&group_by=location.
[11] Rebecca Ratcliffe, "Journalist Maria Ressa found guilty of 'cyberlibel' in Philippines," The Guardian, June 15, 2020. https://www.theguardian.com/world/2020/jun/15/maria-ressa-rappler-editor-found-guilty-of-cyber-libel-charges-in-philippines.

procedures, thereby silencing whatever critical messages they are trying to report on.[12]

While there are many negative examples of laws used to restrict freedom of expression and target journalists, there are very few examples of legislation that protects journalists and creates an enabling environment for their work. Furthermore, according to a UNESCO report in 2019, 90% of perpetrators of murders of journalists go unpunished worldwide.[13] Impunity for attacks against journalists creates a chilling effect that goes beyond the individual case. Many legal systems are slow or ill-equipped to prosecute perpetrators of violence due to weak judiciaries or because of a lack of political will to act against powerful entities or the state itself.[14] This lack of judicial independence makes accountability through the local courts very difficult.

Many of the threats faced by journalists are linked to how new technologies are being deployed and used, along with data exploitation and surveillance in digital spaces.[15] Journalists regularly face online harassment, coordinated online defamation campaigns, phishing attacks, fake domain attacks, man-in-the-middle (MitM) attacks, and denial of service (DoS).[16] "Troll armies" are increasingly being used to silence, intimidate, threaten and discredit journalists that are critical of state institutions. As coordinated campaigns are becoming more organized, social media companies are unable to effectively

moderate what they have termed "inauthentic behaviour."

Furthermore, journalists are often subjected to surveillance and monitoring, which has increased since the prevalent use of digital technologies and online data collection, and can include the targeted use of malware, spyware, facial recognition software and other tools such as social media monitoring. Surveillance and monitoring are often used as tools of intimidation and silencing of journalists. The fear of being subject to such practices has a chilling effect on speech and can also result in self-censorship. Measures by states and governments to clamp down on privacy tools such as encryption and anonymity[17] are also undermining the ability of journalists to report securely and freely as they allow them to circumvent censorship to access information and avoid surveillance.[18]

Globally, the economic viability of independent journalism has drastically been undermined "due to a global decline in revenue from advertisement."[19] In such an environment, particularly in light of the economic downturn due to Covid-19,[20] financial coercion and pressure is used as a tool of control against journalists. With many media outlets feeling the pressure of the shift to digital, state policies such as selective allocation of government advertisements, particularly in a context where government advertisements constitute a bulk of the revenue for media houses, can be used as a

[12] Tarlach McGonagle, "Freedom of expression and defamation (2016)", Council of Europe, 2016. https://book.coe.int/en/human-rights-and-democracy/7072-freedom-of-expression-and-defamation.html.
[13] UNESCO, "UNESCO report says 90% of perpetrators of journalist murders go unpunished", November 51, 2019. http://www.unesco.org/new/en/rio-20/single-view/news/unesco_90_of_perpetrators_of_murders_of_journalists_remain/.
[14] Committee to Protect Journalists, "Global Impunity Index 2019," October 29, 2019. https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/.
[15] Jennife R. Henrichsen, Michelle Betz and Joanne M. Lisosky, "Building digital safety for journalism: a survey of selected issues," UNESCO, 2015. https://unesdoc.unesco.org/ark:/48223/pf0000232358.
[16] Reporters Without Borders, "New Delhi police fail to take action in response to death threats against journalist," September 25, 2019. https://rsf.org/en/news/new-delhi-police-fail-take-action-response-death-threats-against-journalist.
Syed Raza Hassan, "Pakistani journalist arrested for defaming military", Reuters, September 16, 2020, https://www.reuters.com/article/pakistan-journalist-arrest-idUSKBN263058.
Susan McGregor, "Why DDoS attacks matter for journalists", Columbia Journalism Review, October 26, 2016,

https://www.cjr.org/tow_center/journalists_ddos_hack_passwords.php.
"Evolving Phishing Attacks Targeting Journalists and Human Rights Defenders from the Middle-East and North Africa", Amnesty International, August 26, 2019, https://www.amnesty.org/en/latest/research/2019/08/evolving-phishing-attacks-targeting-journalists-and-human-rights-defenders-from-the-middle-east-and-north-africa/.
[17] UNHR Special Procedures, "Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: Encryption and Anonymity follow-up report," Research Paper 1/2018, June 2018. https://www.ohchr.org/Documents/Issues/Opinion/EncryptionAnonymityFollowUpReport.pdf.
[18] Privacy International, "Encryption and Anonymity create 'a zone of privacy online', says UN Special Rapporteur," June 17, 2015. https://privacyinternational.org/news-analysis/1403/encryption-and-anonymity-create-zone-privacy-online-says-un-special-rapporteur.
[19] "Policy Brief: Impact of Covid-19 on the media", Free Press Unlimited, July 2020.
[20] UNESCO, "Journalism, press freedom and COVID-19", Issue brief in the UNESCO series: World Trends in Freedom of Expression and Media Development, https://en.unesco.org/sites/default/files/unesco_covid_brief_en.pdf

tool for indirect pressure on journalists.[21] Financial uncertainty has led to layoffs at media organizations, directly impacting the well-being and livelihood of journalists. Digital transformations, along with reliance on market forces, has made it very difficult for independent journalism to proliferate. In the U.S., for instance, local newspapers and media outlets are rapidly shrinking and closing down.[22] These trends impact freedom of expression and access to information in general, but also pose more individual threats to journalists constantly living in fear of losing their jobs or suffering layoffs or pay cuts.

Role of emerging technologies

As online spaces and technologies become integral to the reporting and consumption of news, unique challenges are emerging for journalists, including the use of algorithms and artificial intelligence (AI) in media, the proliferation of misinformation on social media platforms and increasing role of social media in curating news.

Use of AI has increased significantly in the last few years, with an unprecedented amount of data being collected and used for automated decision-making. Journalists have been uniquely affected given the role of algorithms in dictating access to information and the news. Social media timelines and news feeds are fast emerging as spaces where users are consuming their news and social media companies have the power to determine which news is seen by users, and they tend to prioritize sensationalized content. The emergence of "algorithmic journalism" has raised ethical challenges for journalism and the role of journalists when news

stories are being developed through aggregated means rather than through independent reporting.[23] While some argue that aggregated news stories will enable media professionals to work on more investigative journalism by freeing up their time, automated stories have the potential to replicate systematic misinformation and biases in the data set.[24]

The power concentrated in the hands of social media companies in determining which content has visibility is often absolute and not subject to transparency. Digital spaces, fueled by algorithms and features such as mass forwards, are becoming hotbeds of misinformation, disinformation and misleading content. The 2016 U.S., U.K. and Brazil elections, as well as subsequent elections in other countries, saw the proliferation of online misinformation on platforms such as Facebook, WhatsApp[25] and YouTube.[26] These issues have persisted well into the present pandemic.[27] For journalists in these spaces, fact checking, countering fake news and keeping pace with developments has emerged as a major challenge. Furthermore, while misinformation and disinformation is a real issue to be tackled, the label of "fake news" has emerged as a bludgeon to discredit journalists and news organizations reporting unfavourably on various governments and policies.[28]

Algorithmic changes by social media companies significantly impact the viewership of content, particularly for independent media organizations. For instance, Facebook's 2018 revamping of its news feed to prioritize "meaningful content" posted by friends and family resulted in some journalists' readership being significantly impacted.[29]

[21] Inter-American Commission on Human Rights, "Special Rapporteurship for Freedom of Expression, Chapter V - Indirect Violations of Freedom of Expression," 2020. https://www.oas.org/en/iachr/expression/showarticle.asp?artID=228&lID=1.

[22] Victor Pickard, "Journalism's Market Failure is a Crisis for Democracy," *Harvard Business Review*, March 12, 2020. https://hbr.org/2020/03/journalisms-market-failure-is-a-crisis-for-democracy.

[23] Konstantin Nicholas Dörr and Katharina Hollnbuchner, "Ethical Challenges of Algorithmic Journalism," *Digital Journalism*, Volume 5, Issue 4, 2017. https://doi.org/10.1080/21670811.2016.1167612.

[24] Ayse Dalgali and Kevin Crowston, "Algorithmic Journalism and Its Impacts on Work," Syracuse University, School of Information Studies, undated. https://crowston.syr.edu/sites/crowston.syr.edu/files/AlgorithmicJournalism.pdf.

[25] Kevin Ponniah, "WhatsApp: The 'black hole' of fake news in India's election," BBC News, April 5, 2019. https://www.bbc.com/news/world-asia-india-47797151.

[26] Mathew Ingram, "YouTube has done too little, too late to fight misinformation," *Columbia Journalism Review*, April 4, 2019. https://www.cjr.org/the_media_today/youtube-misinformation.php.

[27] "Avaaz, "Facebook's Algorithm: A Major Threat to Public Health," August 19, 2020. https://avaazimages.avaaz.org/facebook_threat_health.pdf.

[28] Jana Laura Egelhofer, Loes Aaldering and Sophie Lecheler, "'You Are Fake News!' Mapping Delegitimizing Media Criticism by Political Actors," The European Consortium for Political Research, undated. https://ecpr.eu/Events/PaperDetails.aspx?PaperID=41801&EventID=115.

[29] Derek Wilding, et al, "The Impact of Digital Platforms on News and Journalistic Content," Centre for Media Transition, University of Technology Sydney, NSW, 2018. https://www.uts.edu.au/sites/default/files/2018-12/CMT%20News%20Report.pdf

State practices: protection and mitigation strategies

Given that in many cases states are the culprits in violence and threats against journalists, state practices need to be examined at the international level to exercise an additional layer of accountability. However international interventions have always faced issues of enforcement and carry with them the baggage of neocolonial practices that selectively use human rights and press freedom as a cover to pursue larger foreign policy aims. International intervention, often led by countries in the global North, needs to be fundamentally examined before it can be used as a method of holding states accountable. Journalist safety is an issue in all parts of the globe and increasingly under threat in traditionally democratic states. The Council of Europe has raised the alarm regarding the insecurity faced by journalists within member states, finding in 2017 that journalists were not sufficiently protected against violence and threats in 28 out of 47 member states.[30]

Use of practices such as state sanctions should be examined in light of efficacy and proportionality. There is emerging consensus that targeted sanctions, as opposed to comprehensive embargos, are a powerful tool to ensure accountability for states in the area of press freedoms.[31] In order for targeted sanctions to be effective and context-specific, civil society actors and press freedom watchdogs within the country to be sanctioned need to be part of the decision-making process.

Tying requirements of press freedom and safety of journalists to economic access and trade benefits has been an effective way of ensuring compliance from states. Measures such as the European Union's Generalised System of Preferences plus (GSP+) links trade benefits to compliance with human rights matrices. This approach can incentivize states to pass legislation and reform as conditions attached to economic privileges. Working with civil society actors to advocate for free speech and journalist safety as economic imperatives, in addition to other human rights obligations, can lead to

structural changes and safeguards being introduced. Monitoring must be built into these privileges, with mechanisms for withdrawal in the event of violations.

Reporting mechanisms for state practices, particularly on individual cases, also need to be strengthened. While there are review mechanisms within the UN system such as the Universal Periodic Review (UPR) process and treaty bodies that examine freedom of expression protections at a systemic level, individual reporting on cases involving targeting of journalists needs to be prioritized to ensure accountability. Cases of violence and threats to journalists are often not registered or prosecuted within the national legal system, particularly when there is state involvement. Civil society actors need to be supported to conduct robust reporting on the progress of cases. Mechanisms for data collection and updates for the UNESCO director-general's *Report on the Safety of Journalists and the Danger of Impunity*[32] need to be broadened to encompass more local actors.

Additionally, a concerted and comprehensive policy-making approach to journalist safety is required, that does not merely involve traditional stakeholders at the international and national level. Given the role of online platforms in the dissemination and sorting of news items, it is increasingly important to account for the role of social media companies when drafting policies. This becomes an even more complicated challenge for states in the global South, which lack the financial and political clout of states like the U.S. and European member countries to regulate social media companies. Nevertheless, without regulation requiring transparency and accountability from social media companies with regard to content moderation and use of algorithms, many policy interventions will be incomplete. Transparency and accountability for harm by decisions of social media companies should be conceived of at an international level, ensuring uniform legal protections across the globe rather than concentration of accountability in more powerful economies.

In 2019, the UN Special Rapporteur on the promotion and protection of freedom of opinion and expression called for an immediate

[30] Report by the Secretary General of the Council of Europe, "State of democracy, human rights and the rule of law: Populism - How strong are Europe's checks and balances?," 2017. https://edoc.coe.int/en/an-overview/7345-pdf-state-of-democracy-human-rights-and-the-rule-of-law.html.
[31] Amal Clooney, "Report on the Use of Targeted Sanctions to Protect Journalists," International Bar Association Human

Rights Institute, February 13, 2020. https://www.ibanet.org/Media-Freedom-Sanctions-report-launch-2020.aspx.
[32] UNESCO, "2018 DG report on the safety of journalists and the danger of impunity," 2018. https://unesdoc.unesco.org/ark:/48223/pf0000265828.

moratorium on the sale, transfer and use of surveillance technology until adequate human rights-complaint regulatory frameworks were put in place.[33] This call was recently reiterated by the UN High Commissioner for Human Rights in a report on the impact of new technologies in the context of assemblies, including peaceful protests.[34] The use of surveillance technologies by states is often targeted towards activists, political opponents and journalists. It should be noted that selling surveillance technology to states with weak privacy protections, such as absence of robust data privacy legislation, should be strictly monitored and regulated.

Lastly, as regulation of media spaces, particularly the Internet, is rapidly evolving—with nation states introducing mechanisms and legislation to control content and behaviours—it is important to remember the domino effect legislation and policies can have across states. States tend to mimic each other's practices, especially when it comes to media that operate across states. Therefore, it is important that states set a positive example by modelling policies and legislation that address challenges in a democratic and rights-respecting manner.

Conclusion

In conclusion, the threats faced by journalists are becoming more complex, with rising hostility against the press and emergence of new technologies. These threats—physical, legal, online and economic—have implications for freedom of expression and access to information. It is suggested that accountability mechanisms be established for the safety of journalists through interventions and strategies grounded in international human rights law, the strengthening of reporting of press freedom violations, the leveraging of targeted sanctions and trade incentives, and control over exchange of surveillance technology.

[33] OHCR, "UN expert calls for immediate moratorium on the sale, transfer and use of surveillance tools," June 25, 2019. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24736&LangID=E.
[34] UN High Commissioner for Human Rights, "Impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests," A/HRC/44/24, June 24, 2020. https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_24_AEV.docx.