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**Organization for Security and Co-operation in Europe  
Office of the Representative on Freedom of the Media**

**SPECIAL REPORT ON THE SIXTH ROUNDTABLE OF THE  
SAFETY OF JOURNALISTS PROJECT**

**POLICE PREVENTION AND FIGHT AGAINST IMPUNITY**

28 AUGUST 2023

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## *Foreword*

In November 2018, the Ministerial Council of the Organization for Security and Co-operation in Europe (OSCE) adopted Decision 3/18 on the Safety of Journalists. In this landmark document, the participating States committed themselves to improve the safety of journalists on different inter-related aspects, including physical, legal, economic and online threats and attacks, with a special focus on the distinct risks faced by women journalists. In 2022, the year in which we marked the 25th anniversary of the Mandate of the OSCE Representative on Freedom of the Media (RFoM), the current RFoM Teresa Ribeiro decided to devote special attention to the topic of safety of journalists and launched a new project.

The project consists of seven roundtables, each covering another aspect of the topic of safety of journalists: (1) data collection, analysis and reporting on attacks and violence against journalists and promotion of journalistic work; (2) secure working conditions; (3) safety of journalists in conflict situations; (4) intersectional perspectives; (5) legal harassment; (6) police prevention and fight against impunity, and (7) digital safety.

The sixth roundtable took place on 15 June 2023, with the participation of six distinguished experts: Stefano Delfini, Director of the Criminal Analysis Service and Senior Executive of the State Police of Italy; Shannon Landon, OSCE Adviser on Community Policing; Yelena Maxyuta, Judge of the Supreme Court of the Republic of Kazakhstan; Darko Martincevic, Prosecutor at Cantonal Prosecutor's Office of Canton Sarajevo, Bosnia and Herzegovina; Georgios Apostolou, Police Captain at the Ministry of Public Order and Citizen Protection of Greece.

This report is a reflection of the contributions and discussions from the sixth roundtable, with additional information from supporting material and literature. It does not suggest to be complete in its coverage, but rather aims to provide guidance to the participating States in their endeavour to further journalists' safety.



## *I. Introduction*

“Protection, prevention and prosecution is key in empowering journalists to work freely and without hindrance, and ending impunity for crimes against them.”

Journalism is an increasingly dangerous profession, with an ever-present possibility of falling victim to physical, verbal and online violence. This risk can be particularly high for investigative journalists that uncover stories of crime, political corruption and abuse of power by the state or by powerful private companies; or for media professionals that report from conflict zones or during public assemblies such as protests, demonstrations and rallies. In this last context, the RFoM has observed increasing violence and hostility towards the media by demonstrators and bystanders, but also a lack of adequate response by the police to protect media professionals from an increasingly hostile public. At the same time, there were instances where journalists and other media professionals received particularly harsh treatment at the hands of law-enforcers ranging from deliberate physical attacks and harassment to destruction and/or seizure of their journalistic equipment as well as arbitrary detention.

Journalists’ safety is further threatened by the prevailing impunity for such abuses and violations of journalistic freedoms, due to a lack of swift, effective and systematic investigations, prosecutions and punishment of the culprits. Such a climate of impunity emboldens the perpetrators, making journalists easy targets of future crimes. What further exacerbates the safety situation of journalists is that, oftentimes, State authorities fail to publicly and unequivocally condemn the attacks and threats against the media.

As the primary administrators of justice and promoters and protectors of the rule of law, the police (and other law enforcement officials), judiciary and prosecution play a vital role in ensuring a safe and enabling media environment and ending impunity for crimes against journalists. It is worth noting that the landmark 2018 OSCE MC Decision on Safety of Journalists acknowledges the important role of law enforcement and judicial authorities in this regard. In it, all 57 OSCE participating States committed, *inter alia*, to take concerted measures “to end impunity for crimes committed against journalists, by ensuring accountability as a key element in preventing future attacks, including by ensuring that law enforcement agencies carry out swift, effective and impartial investigations into acts of violence and threats against journalists, in order to bring all those responsible to justice, and ensure that victims have access to appropriate remedies”.



Several participating States have undertaken initiatives to implement these very important OSCE commitments. However, further prevention, protection and prosecution efforts are much needed to stop attacks on the media and to address the prevailing culture of impunity when it comes to violence and threats targeting journalists and other media professionals, in order to ensure a safe and enabling media environment in law and in practice.

## *II. Enhancing prevention measures and breaking the culture of impunity*

The promotion and protection of journalists and other media workers requires early consideration of preventative mechanisms and protective measures in advance of victimization occurring. For example, in the context of public gatherings, attacks against journalists could be prevented by establishing clear rules on media relations (a code of conduct or standard operating procedures), preventive operational measures/safety protocols and risk mitigation strategies. This is important in order to give law enforcement guidance on how to adequately handle the media and what measures to take to ensure their safety while facilitating their work during events that can lead to public unrest. This could entail setting up voluntary safe zones from where media can choose to cover the event, and guidance on evacuations and provision of protective cover where risk begins to manifest. Also crucial is early communication with the media on the security protocols and procedures in place, and the potential risks, in advance of planned protests or demonstrations.

Establishing dedicated mechanisms on monitoring, analysis, reporting and follow-up, was voiced during the discussions as another important preventative measure. To support the monitoring efforts in the OSCE region, especially in relation to online gender-based violence, the RFoM has recently developed the *OSCE Guidelines for monitoring online violence against female journalists*. This new tool, soon to be published, is based on 14 research-informed indicators, which aim to help develop methods and ways to detect, predict and ultimately help prevent the escalation of online violence against women journalists, and any possible connecting offline harms that may occur. For further reading on the topic of monitoring and documenting, see also the report of the first Roundtable of the OSCE RFoM Safety of Journalists project: <https://www.osce.org/representative-on-freedom-of-media/530605>.

Next to the above preventative measures, the experts underlined the need to foster a collaborative approach by creating mutually benefiting frameworks for co-operation, dialogue and information sharing among the law enforcement, prosecution, judiciary and other relevant stakeholders, including journalists, media and civil society organizations as well as academia.



In this light, the experts mentioned the Council of Europe Platform to promote the protection of journalism and safety of journalists, to which several OSCE participating States provide updated information on cases involving the safety of journalists and other media freedom violations. It was also mentioned that some participating States have formalized regular information sharing with the public on the state of investigations, court decisions and measures undertaken to combat impunity.

Lastly, the experts recommended the OSCE participating States to dedicate resources for right-based and gender-sensitive training for the police, prosecution and judiciary, to raise awareness and better understanding of the international human rights norms and safeguards, and the role of journalists in a democratic society. Equally important, the experts stressed, was the need to raise awareness among the youth on these topics.

For further reading on the handling of media during public assemblies, please see an earlier report published by the OSCE RFoM: <https://www.osce.org/representative-on-freedom-of-media/467946>.

### *Breaking the culture of impunity*

Impunity for human rights violations and abuses against journalists constitutes one of the greatest challenges to strengthening the protection and safety of journalists. When left unaddressed, a culture of impunity and unsafety develops and abuses become the norm.

In a 2005 study commissioned by the UN Commission on Human Rights, impunity is defined as “the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims”. This document, entitled *Updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity*, sets important international standards while recalling the obligations of governments under international law to take effective measures to combat impunity for human rights violations.

Globally, the rate of impunity for journalist killings remains shockingly high, with only 14 percent of cases around the world judicially resolved, according to the UNESCO observatory of killed journalists. This means that in almost nine out of ten cases the crimes go unpunished. When prosecutions for these killings have been successful, they were mostly limited to the



hired killers and accomplices, with the masterminds who planned and ordered the killings, escaping their responsibility. Studies show that institutional response to online attacks and threats against journalists is even less effective, as oftentimes they are not taken seriously by the authorities or due to the difficulty in collecting the evidence.

The subsequent effects of impunity crimes against journalists are equally troubling as it deepens fear among journalists, oftentimes pushing them into self-censorship or to leave the journalistic profession altogether. This in turn deprives the public of their right to know about issues that matter to them and hinders free public debate. At the same time, like all cases of impunity, it undermines citizens' trust in public institutions and the rule of law. When media workers, in fear of retaliation or belief that no action will be taken by the authorities, stop reporting crimes committed against them, this creates an environment ripe for crime, abuse and corruption, which essentially erodes the rule of law and democracy.

State authorities have a positive obligation to investigate attacks and abuses against journalists promptly, thoroughly, and independently, to initiate criminal proceedings and impose appropriate punishment against the culprits, and to secure the right to remedy and the truth for the victims. This obligation is well established in international and regional human rights instruments such as the European Convention on Human Rights and the case law of the European Court of Human Rights, as well as in numerous UN protocols and resolutions adopted at the UN Security Council. Although not legally binding, it is worth noting that over the past ten years, the UN General Assembly and the UN Human Rights Council have placed a spotlight on the issue through several resolutions, urging governments to do their utmost to ensure journalist's safety. What binds all the UN Resolutions is their uniform call to the authorities to effectively address the safety of journalists and break the culture of impunity through targeted action on four key interconnecting areas: prevention, protection, prosecution and remedy.

To this end, and in recognition of the far-reaching consequences of impunity, the UN General Assembly proclaimed 2 November as the 'International Day to End Impunity for Crimes against Journalists' in its Resolution 68/163 of 18 December 2013. The significance of this important commemoration day was acknowledged by all 57 OSCE participating States in the MC Decision 3/18.

Notwithstanding all these intentions, the experts at the roundtable noted that addressing impunity for crimes against journalists and securing their safety cannot be achieved in a vacuum. As a basis, the participating States first need to have a robust and comprehensive legal framework addressing violence against journalists and other media workers with appropriate





penalties in place, in order to ensure more effective and expedited police and judicial response. This requires dedicating the proper resources to investigate, prosecute, punish, and remedy attacks and threats of all kinds, both offline and online.

The experts agreed that it is essential to guarantee the thoroughness, impartiality, independence, transparency and timeliness of investigations and prosecution of crimes. Moreover, proper redress and support mechanisms should be available to the victims. This can entail access to socio-economic and legal support, emergency and long-term physical and psychosocial healthcare.

Given the particular nature of journalists' work, the experts also highlighted the need for investigations to look early on at the contextual analysis of the possible relationship between the alleged crime and the work of the affected journalist/s, and to look at the possible intersectional linkages, including gender-related dimensions. This is key when gathering evidence and establishing the motive of the attack. Furthermore, the nature of journalists' work, especially that of investigative journalists, means that there are particular aspects to the investigations of crimes against them, for example, the confidentiality and protection of their sources, which must be respected by the authorities.

### ***III. Good practice examples and the way forward***

It is evident that ending impunity for crimes against journalists and having robust and practical preventative measures in place, as well as proper handling of the media by the police (and other law enforcement actors), are all vital components of a safe and enabling media environment. As a way forward towards improving the effectiveness of investigative action and expedite prosecution of cases of attacks and threats against journalists, several experts at the roundtable highlighted the importance of establishing specialized and designated units, contact points and protocols within the law enforcement and prosecutors' offices.

It is worth noting that such mechanisms have already been set up in a number of OSCE participating States. For instance, an expert shared the practice of the Prosecutor's Office of Sarajevo Canton in Bosnia and Herzegovina, where in March 2022 a special prosecutor was appointed to act as a contact point for communication and co-ordination among journalist associations, judicial authorities and law enforcement in cases of attacks and threats against journalists. In order to ensure that the cases are processed efficiently and as a matter of priority, the prosecutor's office established a dedicated registry to track and oversee new and ongoing cases involving journalists.



As crimes against journalists, and especially online crimes, may also involve transnational dimensions, several experts stressed the importance of further investing in international and cross-border co-operation and exchange of information, expertise and best practices among the relevant State authorities. For online crimes, the expert from the prosecution specifically pointed to the urgent need to establish some sort of a formal agreement for co-operation with social media platforms at national and regional levels that would facilitate timely collection of evidence – which must be based on well-founded requests of the relevant authorities.

An expert from the Saxony police force in Germany explained about the creation of a designated unit with special mobile police teams to protect and facilitate the work of media during protests and demonstrations. This special unit consists of a liaison officer, riot police, technical moderators and a police commander who, in co-ordination with other police chiefs and/or upon alert from the media, dispatches the police teams to violent and disruptive public events. As part of an early warning mechanism, the police holds information briefings with the media in advance, to inform them about the upcoming police operation.

The experts agreed that the above police measures should be designed with consideration for gender-specific dangers faced by female journalists and media actors covering public events. They further underlined the importance of training and sensitization of police officers on the role and work of journalists and other media workers, and the legitimacy of their presence during public events – as essential to their prevention and protection efforts. In case of police misconduct and abuse against media professionals during public events, it is vital that there are effective accountability and disciplinary measures in place. This needs to be communicated to the media so that they are duly informed how and where to lodge complaints.

As mentioned above, frameworks and mechanisms for collaboration and exchange of information among the authorities and media can serve as a useful tool to better address the safety concerns of journalists and end impunity. In this regard, law enforcement experts at the roundtable shared the following models of Italy and Greece as good practice examples to replicate in other OSCE participating States.

In Italy, a “Coordination Centre for monitoring, analyses and permanent exchange of information on intimidation against journalists” has been operating within the Ministry of Interior since November 2017. Composed of high-level law enforcement authorities and journalist associations, the Centre serves as an important consultative and strategic body, providing political and strategic guidance and proposals on how to prevent and counteract intimidation and violence against journalists, including by adopting specific protection





measures for safety of journalists. At the operational level, the Centre is supported by the “Permanent Support Body”, which is tasked with real-time monitoring, data analysis, reporting and identification of preventative operational measures and initiatives tailored to different local/regional contexts in the country. Given the prominence of online threats and attacks targeting journalists, especially hate speech and gender-based harassment, this support body also provides joint trainings to journalists and police officers on digital safety as well as other safety issues of concern to media professionals.

On the other hand, in Greece, the law enforcement authorities have established a Task Force in May 2022, composed of relevant public institutions, the public service broadcaster, journalists’ associations, civil society organizations and academia. This mechanism provides a coordinated multi-stakeholder platform for monitoring and collecting information and best practices on safety of journalists and develops proposals for reform. In addition, an “international training centre for the safety of journalists” was recently opened in Thessaloniki, which provides comprehensive safety trainings and consulting services tailored for journalists who cover conflict zones and other crises. During public assemblies, the media can access designated safe zones and reach out to a liaison officer for support. These measures are voluntary and aim to provide preventative and protective assistance.

Another noteworthy example of constructive co-operation and dialogue between the journalistic community and state authorities is the Dutch PersVeilig initiative established in December 2018 by the Dutch Association of Journalists (NVJ), the Dutch Association of Chief Editors, the police and the Public Prosecution Service. This model initiative provides a comprehensive package of protection and prevention measures to enhance the safety of journalists, including a hotline and clear procedures to report attacks and intimidation; agreements to prioritize investigation and prosecution of cases involving violence against journalists; provision of protective equipment (safety vests, etc.), trainings, legal assistance and psychosocial support.

In terms of support mechanisms in other parts of the OSCE region, an expert from the judiciary mentioned the example of Kazakhstan where the judicial authorities have set up a mental health support system for journalists who fall victim of attacks, where they can receive professional psychosocial support.

As a last point, the experts agreed that efficient and effective protection, prevention and prosecution of attacks and threats against journalists and other media workers requires a whole-of-society approach premised on open, consistent dialogue and mutual co-operation between the law enforcement and judicial actors and other relevant stakeholders, including journalists,



media and civil society organizations and academia. The experts further agreed that engaging with the wider public, particularly with the younger generations, to build trust in free and independent media in democratic societies, is the way forward.