



**ONLINE RAPE THREATS  
AGAINST JOURNALISTS:  
HUMAN RIGHTS LAW AND  
NATIONAL LEGAL FRAMEWORKS**

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## **INTRODUCTION**

Women journalists are increasingly targeted by different forms of online gender-based violence, including online rape threats that are committed in the digital sphere by the use of phones, social media platforms, email and various other applications.<sup>1</sup> Online violence, including rape threats, affect women journalists disproportionately, and constitute acts of gender-based violence that are not only used to harm them, but also to silence them as journalists. While there is still an important need for thorough research into the nature and scale of the online violence against female journalists in the respective OSCE participating States, there are by now enough testimonies and research on the issue to confirm that rape threats online too often limit women journalist's role and their full participation in, and contribution to, pluralistic media landscape which is a key ingredient of democracy.

This report focuses on a specific form of online violence against women: rape threats against female journalists. Rape is a grave and serious human rights violation and a form of gender-based violence. It is recognized by several international human rights mechanisms as an act that could amount to torture.<sup>2</sup> Rape can also, when specific elements are present, constitute a war crime, a crime against humanity and/or a constitutive act with respect to genocide. Consequently, rape threats online are indeed threats of a very serious crime. Further, as this report will present, threats of rape cannot be considered as harmless acts since they constitute acts of gender based violence that result in, or are likely to result in physical, psychological, sexual or economic harm or suffering of women.<sup>3</sup>

Yet, we do not see that either the number of actual reporting to police or the prosecution of offenders, reflect the amount of online rape threats that too many women journalists face at a regular basis. The overwhelming flow of online rape threats that many journalists experience today, and yet many more are afraid to become targets of, are regularly seen as something “to be expected” and “hard to avoid” for women within the profession. This is completely unacceptable and needs to be challenged and ultimately changed.

This report takes a closer look at the specific issue of online rape threats against women journalists from a human rights perspective in order to assist with relevant knowledge for States and anyone who wants to do precisely this: challenge the prevalent normalization of rape threats online and contribute to a change. The report firstly provides an analysis of online rape threats against women journalists as manifestations of gender-based violence and human rights violations prohibited under the international human rights instruments. Secondly, rape threats online will be framed related to

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<sup>1</sup>United Nations Human Rights Council, Report of the Special Rapporteur on violence against women, its causes and consequences on Combating violence against women journalists, A/HRC/44/52, 6 May 2020, <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/44/52&Lang=E>

<sup>2</sup> Gaer, Felice D., Rape as a Form of Torture: The Experience of the Committee Against Torture, July 2012, pages 293-308, DOI:10.31641/clr150213 or

<https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1301&context=clr>

<sup>3</sup>For international standards that define gender-based violence against women, please see this report's Annex: International Standards, section 3-7 of “International human rights standards applicable for rape threats online against women journalists”, including the Declaration on the Elimination of Violence against Women (A/RES/48/104), and, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) reflected here.

existing types of prohibitions and crimes within national legal frameworks and/or international human rights standards, with a focus on: sexual harassment; psychological violence; stalking; aiding or abetting; hate speech and incitement to violence; and crime of threats. Finally, forward-looking recommendations are provided to assist national efforts in the prevention, prohibition, and criminalization of online rape threats against women journalists, in line with international human rights standards on the elimination of discrimination and violence against women – while respecting the right to freedom of expression.

The main conclusion from this report is that online rape threats against female journalists related to their profession violate their freedom of expression and constitute acts of gender-based violence that are harming women journalists, silencing them, and affecting freedom of expression.

*Online rape threats against female journalists are often seen as something “to be expected” for women within the profession. This report takes a closer look at the international standards in order to assist with knowledge for States and anyone who wants to challenge the prevalent normalization of rape threats online and contribute to a change.*

### **Manifestations of gender-based violence online against women journalists**

Online rape threats against women journalists violate a range of human rights, including psychological, physical and sexual integrity, the right to the highest attainable standard of physical and mental health, privacy and autonomy, the right to be free from violence, discrimination, torture and other cruel or inhuman treatment and the right to freedom of expression. Rape threats online result in, or are likely to result in, psychological harm that is manifested by depression, anxiety and fear. They could cause physical harm as well as economic harm in case the psychological effects prevent or hinder the victim’s working activities as a result of it. Moreover, women journalists are extensively targeted not only based on their profession and gender, but also based on racial or ethnic origin, religion, sexual orientation, disability and other intersectional characteristics.<sup>4</sup> When online rape threats are connected to the work of journalists, the attacks also violate their freedom of expression and could result in silencing them or in self-censorship and partial or full withdrawal from digital media platforms and the internet.

The digital technologies available today offer special opportunities for perpetrators who want to threaten women, for example, anonymity and a variety of amplifying techniques that enable speedy, coordinated and widespread visibility of the attacks. Rape threats that are committed with the support of machine-aided anonymity, speed, and/or outreach could cause, due to their intensity, a higher impact on the right to privacy and other human rights and are likely to result in a higher level of harm or suffering.

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<sup>4</sup>Described in both Löfgren Nilsson, M., & Örnebring, H., Journalism Under Threat - Intimidation and harassment of Swedish journalists, pages 880-890 in Journalism Practice Volume 10, issue 7, 2016, and in Posetti, Julie et al, “The Chilling: Global trends in online violence against women journalists. Research Discussion Paper.” UNESCO, April 2021, [https://www.icfj.org/sites/default/files/2021-04/The%20Chilling\\_POSETTI%20ET%20AL\\_FINAL.pdf](https://www.icfj.org/sites/default/files/2021-04/The%20Chilling_POSETTI%20ET%20AL_FINAL.pdf)

Extensive and vitriolic gender-based violence online targeting women journalists has been a well-known phenomenon for years among journalists but only recently have we seen an increased body of research on the issue at both global and national levels: Women journalists are often and highly affected by gender-specific safety attacks such as sexual harassment, sexual violence and threats of violence.<sup>5</sup>

Some examples:

- The University of Gothenburg in Sweden has carried out mappings of Swedish journalists' "exposure to threats, harassment and violence" at a regular basis since 2013. The results show that around every fourth journalist has been subjected to threats, violence or harassment and reporting on specific issues, such as migration, increased the risk of being targeted.<sup>6</sup> One fourth of the affected journalists have avoided writing about a specific issue, over half of the exposed journalists have developed fears, and one in four has considered leaving journalism. Both men and women are subjected to threats, but with a significant difference in the nature of the threats. Women journalists tend to receive much more sexual violence or violence related to their bodies, amongst such threats were rape, sexual violence, and sexual slurs.
- The Guardian in the United Kingdom commissioned research into the 70 million comments on its site between 2006 and 2016, and discovered that of the ten most abused writers eight were women. The study found that articles written by women attracted more abuse and dismissive trolling than those written by men, regardless of what the article was about. Articles about gender issues attracted particularly high levels of blocked comments, as did reporting on rape.<sup>7</sup>
- In 2021, the United Nations Educational Scientific and Cultural Organization (UNESCO) and International Center for Journalists (ICFJ) published research on Global trends in online violence against women journalists. The survey included 901 journalists from 125 countries. The following findings were made:<sup>8</sup>

"Nearly three quarters (73%) of our survey respondents identifying as women said they had experienced online violence; threats of physical violence (identified by 25% of survey respondents) including death threats, and sexual violence (identified by 18%)."<sup>9</sup> The research found that: "Online violence has since become a new frontline in journalism safety - a particularly dangerous trend for women journalists. The psychological, physical, and digital safety and security impacts associated with this escalating freedom of expression crisis are overlapping, converging and frequently inseparable."<sup>10</sup>

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<sup>5</sup>UN WOMEN, "Safety of all journalists", article, 12 August 2021, <https://www.endvawnow.org/en/articles/2021-safety-of-women-journalists.html>

<sup>6</sup>Löfgren Nilsson, M., & Örnebring, H., Journalism Under Threat - Intimidation and harassment of Swedish journalists, pages 880-890 in Journalism Practice Volume 10, issue 7, 2016,

<https://doi.org/10.1080/17512786.2016.1164614> Used as reference in Ministry for Foreign Affairs, Sweden, "Sweden's submission to the call for input from SR on violence against women, its causes and consequences", letter, 18 March 2020, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/VAWJournalists/Government/sweden.pdf>

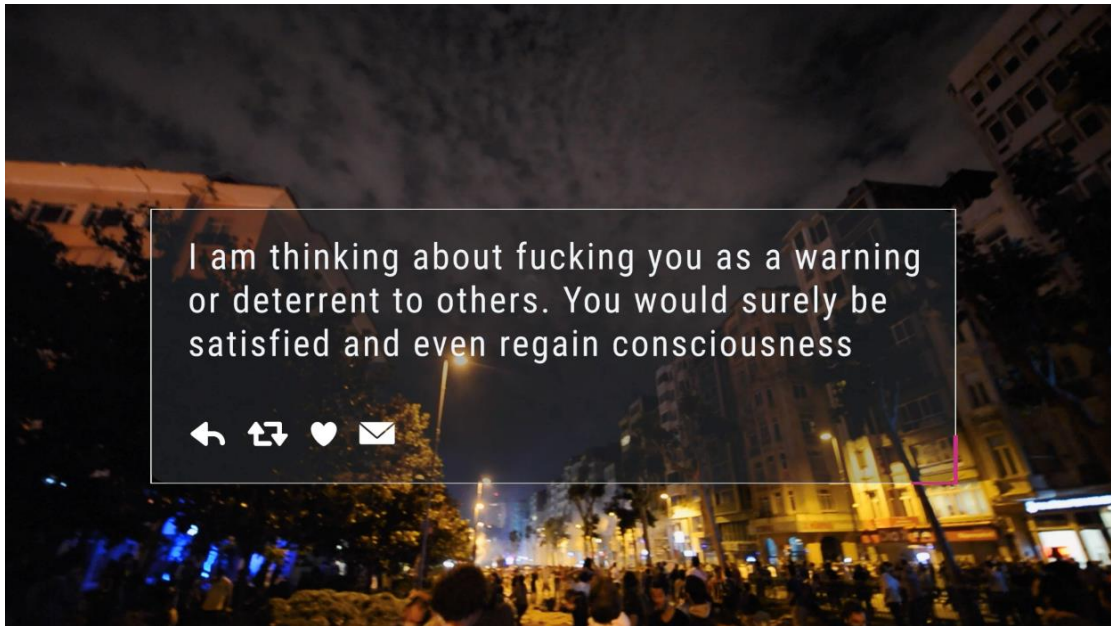
<sup>7</sup>Gardiner, Becky et al, "The dark side of Guardian comments," article, the Guardian online, 12 April 2016, <https://www.theguardian.com/technology/2016/apr/12/the-dark-side-of-guardian-comments>

<sup>8</sup>Posetti, Julie et al, "The Chilling: Global trends in online violence against women journalists. Research Discussion Paper."

UNESCO, April 2021, [https://www.icfj.org/sites/default/files/2021-04/The%20Chilling\\_POSETTI%20ET%20AL\\_FINAL.pdf](https://www.icfj.org/sites/default/files/2021-04/The%20Chilling_POSETTI%20ET%20AL_FINAL.pdf)

<sup>9</sup>Ibid.

<sup>10</sup>Ibid page 1.



*Example of a real rape threat that is not among the most graphic examples, yet with a clear message. From the documentary “A Dark Place” co-produced by OSCE RFoM and the International Press Institute.*

## **HUMAN RIGHTS OF WOMEN JOURNALISTS IN THE DIGITAL SPACE**

In order to analyze online rape threats against female journalists as a human rights violation it is important to use gender-specific human rights instruments on the elimination of all forms of discrimination against women and on the elimination of gender-based violence.

Within the international human rights framework, such a gender-specific framework that addresses discrimination against women and gender-based violence has been provided by the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) adopted in 1979<sup>11</sup> and the Declaration on the Elimination of Violence Against Women (DEVAW) adopted in 1993.<sup>12</sup>

States have an obligation to ensure that State actors refrain from engaging in or contributing to threats or acts of gender-based violence, including the due diligence obligation to prevent such acts by private persons and non-state actors, such as media companies and internet intermediaries, and to prohibit and criminalize online rape threats if they have not yet done so in line with the international human rights standards. In addition, States have the due diligence obligation to take all appropriate measures, including legislative measures, to prevent, investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women.<sup>13</sup>

Additionally, the 2011 Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) provides detailed human rights and criminal law standards relevant for the analysis of online rape threats as a human right violation and gender-based violence against female journalists.<sup>14</sup> The Istanbul Convention defines violence against women as “*a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*”<sup>15</sup> The Convention further establishes a number of offenses that should be criminalized or prohibited at the national

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<sup>11</sup>United Nations General Assembly, Resolution 34/180, “Convention on the Elimination of Discrimination against Women”, (CEDAW) 18 December 1979, entry into force: 3 September 1981, <http://www.un-documents.net/a34r180.htm> or <https://un-docs.org/en/A/RES/34/180>

<sup>12</sup>United Nations General Assembly, Resolution 48/104, “the Declaration on the Elimination of Violence against Women” (DEVAW), 20 December 1993, A/RES/48/104, [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf)

<sup>13</sup>United Nations CEDAW Committee/Committee on the Elimination of Discrimination Against Women, “General recommendation No. 19 on Violence against women.” 11th session, 1992, para 24, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf)

<sup>14</sup>Council of Europe, “Council of Europe Convention on preventing and combating violence against women and domestic violence”, (the Istanbul Convention,) CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/168008482e>

<sup>15</sup>Šimonović. Dubravka, “Global and regional standards on violence against women: the evolution and synergy of the CEDAW and Istanbul Conventions”, *Human Rights Quarterly*, vol. 36, No. 3 (August 2014), pp. 590-606.



level. For example, rape should be criminalized while sexual harassment could be subject to criminal or other legal sanctions.<sup>16</sup>

Applicable gender-specific human rights instruments related to gender-based violence and media freedom, and relevant OSCE commitments, such as the OSCE Ministerial Decision No. 3/18 on the Safety of Journalists, are further elaborated upon later in this report and in the Annex.

The majority of UN human rights instruments, including those on women's rights and violence against women, were adopted before the global establishment of the digital space, while some new instruments like the Istanbul Convention and the 2019 International Labour Organization (ILO) Convention concerning the elimination of violence and harassment in the world of work (C190)<sup>17</sup> were adopted in the time of digital space and information and communication technologies (ICTs). The ILO Convention No. 190 recognizes the right of everyone to work free from violence and harassment, including gender-based violence and harassment inclusive of sexual harassment.<sup>18</sup> All those international instruments are protecting the human rights of all persons everywhere, including in digital space from all forms of discrimination, including intersectional discrimination and human rights violations.

Over the last decade, a rich body of international commitments and agreements reflects the application of human rights instruments in the digital space. The core principle is simple: "the same human rights that people have offline must also be protected online".<sup>19</sup> All instruments protecting the human rights of all persons entitle them to human rights protection everywhere, including in the digital space. As for human rights of women, this principle means that the same human rights women have offline, must also be protected online. This conclusion has been reaffirmed by numerous resolutions and soft law instruments, some of which have specifically addressed female journalists.

- The UN Human Rights Council in 2016 adopted resolution No. 33/2 on the safety of journalists, which condemns the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment,

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<sup>16</sup>Ibid., para 155 of the Istanbul Conventions explanatory reports explains that articles 33 to 39 of the Convention require Parties to ensure that a particular intentional conduct is criminalized, while the Article 40 (sexual harassment) require criminal law sanctions or other legal sanctions.

<sup>17</sup>ILO/International Labour Organization, C190-Violence and Harassment Convention, 2019, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

<sup>18</sup>Ibid.

<sup>19</sup>United Nations Human Rights Council, Resolution 20/8, "The promotion, protection and enjoyment of human rights on the Internet", A/HRC/RES/20/8, 16 July 2012, <https://undocs.org/A/HRC/RES/20/8> in English: <https://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=A/HRC/RES/20/8&Lang=E>

online and offline, highlighting the need to address the gender-specific threats faced by women journalists.<sup>20</sup>

- The General Assembly in 2017 adopted resolution No. 72/175 on the safety of journalists and the issue of impunity, and acknowledged the specific risks faced by women journalists. It calls upon States to tackle sexual and gender-based discrimination, including violence and incitement to hatred against women journalists, online and offline.<sup>21</sup>
- The UNHRC Resolution No. 45/18 of 2020 on the safety of journalists specifically called on States to “*take measures to prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law.*”<sup>22</sup>
- The applicability of the CEDAW Convention to the digital world was well elaborated in the 2017 General recommendation No. 35 on gender-based violence against women.<sup>23</sup> The CEDAW Committee thus confirmed that the Convention is fully applicable to technology-mediated environments: “*Gender-based violence against women occurs in all spaces and spheres of human interaction, whether public or private. These include the family, the community, the public spaces, the workplace, leisure, politics, sport, health services, educational settings and their redefinition through technology-mediated environments, such as contemporary forms of violence occurring in the Internet and digital spaces*”.<sup>24</sup>
- The UN Special Rapporteur on violence against women, its causes and consequences in her thematic report on online violence against women explained in 2018 that the DEVAW definition of violence against women is applicable in the digital space and that “*any act of gender-based violence against women*” includes those that are “*committed, assisted or aggravated in part or*

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<sup>20</sup>A/HRC/RES/33/2 “2. Also condemns unequivocally the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline” United Nations Human Rights Council, Resolution 33/2, “The safety of journalists” A/HRC/RES/33/2, 29 September 2016, <https://undocs.org/A/HRC/RES/33/2>

<sup>21</sup>A/RES/72/175: 2. Also condemns unequivocally the specific attacks on women journalists in the exercise of their work, including sexual and gender-based discrimination and violence, intimidation and harassment, online and offline; United Nations General Assembly, Resolution 72/175, The safety of journalists and the issue of impunity, A/RES/72/175, 19 December 2017, <https://digitallibrary.un.org/record/1467885> or [https://digitallibrary.un.org/record/1467036/files/A\\_RES\\_72\\_175-EN.pdf](https://digitallibrary.un.org/record/1467036/files/A_RES_72_175-EN.pdf)

<sup>22</sup>United Nations Human Rights Council, Resolution 45/18, “The safety of journalists”, A/HRC/45/18, 6 October 2020. <https://undocs.org/en/A/HRC/RES/45/18>

<sup>23</sup>United Nations CEDAW Committee/Committee on the Elimination of Discrimination Against Women, “General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19”, CEDAW/C/GC/35, 14 July 2017, <https://digitallibrary.un.org/record/1305057>

<sup>24</sup>Ibid, Para 20.

*fully by the use of ICT, such as mobile phones, the Internet, social media platforms, email, etc. against a woman because she is a woman or affects women disproportionately”.*<sup>25</sup>

- The UN Human Rights Council adopted resolution No. 38/5, “*Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts*” of 5 July 2018<sup>26</sup> that speaks of “*threats of sexual and gender-based violence*”. It calls upon States to take immediate and effective action to respond to all forms of violence against women and girls, including in digital contexts, and to protect all victims and survivors by: “(a) *Holding perpetrators to account and combating impunity for all forms of violence, including violence used to intimidate women and girls who are exercising the right to freedom of opinion and expression; (b) Ensuring that legislation allows for the timely and effective investigation, prosecution, sanction and redress of violence against women and girls in digital contexts*”.<sup>27</sup>
- The GREVIO Committee, as the expert body that monitors implementation of the Istanbul Convention, has adopted General Recommendation No. 1 specifically on the digital dimension of violence against women.<sup>28</sup> In this Recommendation, GREVIO introduced the definition “*digital dimension of violence against women*” as comprehensive of acts of violence perpetrated online through technology, such as sharing humiliating images, insults and threats of death and rape.<sup>29</sup>
- The importance of gender equality for the fulfillment of media freedom and freedom of expression is reflected in the OSCE Ministerial Council Decision No. 3/18 on the Safety of Journalists, which is an instrument that acknowledges that the work of journalists are of specific value in societies and that their work conditions thus should be safe-guarded.<sup>30</sup> This Ministerial Council (M.C.) Decision, agreed by consensus of all 57 OSCE participating States, calls on them to prevent, protect and prosecute attacks against journalists. The States have agreed to condemn publicly and unequivocally all attacks and violence against journalists specifically, including “*intimidation, harassment, and threats of all forms, such as physical, legal, political, technological or economic, used to suppress their work and/or unduly force closure of their offices*”. Further, the States, commit to “*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* “. In addition, it expresses concern over “*the distinct risks faced by women journalists in relation to their work, including through digital*

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<sup>25</sup>Para 23, United Nations General Assembly, “Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective”, Submitted by Special Rapporteur Dubravka Simonovic pursuant to Human Rights Council resolution 32/19, A/RES/38/47, 18 June 2018, <https://digitallibrary.un.org/record/1641160> or [https://digitallibrary.un.org/record/1641160/files/A\\_HRC\\_38\\_47-EN.pdf](https://digitallibrary.un.org/record/1641160/files/A_HRC_38_47-EN.pdf)

<sup>26</sup>United Nations Human Rights Council, Resolution 38/5, “Accelerating efforts to eliminate violence against women and girls: preventing and responding to violence against women and girls in digital contexts”, A/HRC/RES/38/5, 5 July 2018, <https://undocs.org/A/HRC/RES/38/5>

<sup>27</sup>Ibid.

<sup>28</sup>Council of Europe, the Council of Europe Expert Group on Action against Violence against Women and Domestic Violence (GREVIO), 24 November 2021, <https://unipd-centrodirittiumani.it/en/news/GREVIO-General-Recommendation-No1-on-the-digital-dimension-of-violence-against-women/5948>

<sup>29</sup>Ibid.

<sup>30</sup>OSCE/Organization for Security and Co-operation in Europe, Ministerial Council Decision No. 3/18, “Safety of Journalists”, 7 December 2018, <https://www.osce.org/chairmanship/406538?download=true>

*technologies”, and underlines “the importance to ensure their greatest possible safety and that the experiences and concerns of women journalists are effectively addressed”. The M.C. Decision also calls on the States “to condemn publicly and unequivocally attacks on women journalists in relation to their work, such as sexual harassment, abuse, intimidation, threats and violence, including through digital technologies”.*

This Decision is the point of departure for the informative “#SOFJO Resource Guide”, launched 2020 by the Office of the OSCE Representative on Freedom of the Media with the aim to assist States and non-State actors in taking real actions to improve the safety of female journalists online.<sup>31</sup>

### **Rape threats online are gender-based violence and human rights violations**

Female journalists are under the scope of all those international human rights instruments mentioned above and in the Annex to the report. All definitions of gender-based violence, although with different scope in terms of persons covered, include “*threats*” of such acts of violence. Therefore, rape threats constitute acts of gender-based violence when they “*result in or are likely to result in physical, psychological, sexual or economic harm or suffering*”.<sup>32</sup>

The gender-specific international human rights framework for protection of women against discrimination and gender-based violence is an additional and integral part of the human rights framework that should be applied on women journalists jointly with the general and gender-neutral human rights framework that protects all journalists.

Threats are expressions that have different legal consequences depending on their gravity, situation and context. It could be disturbing to express a threat yet not illegal. The act could, if it fills relevant criteria, be prohibited as an illegal offence by administrative or civil law, and not seen as an offense based on the criminal law in place. Threats of serious nature could also be acts that are prosecuted in criminal law. In a culture of normalization of gender-based discrimination, online rape threats against women are too often downplayed for not being seen as imminent or direct threats, and therefore deemed as not very harmful, and consequently not judged as “serious enough”. This view could also be internalized by women of the same culture. Hence, the varied possible effects on the targeted women’s human rights and life conditions are not fully recognized. There is a need for improved knowledge by all in society, not the least by peers, media managers, prosecution, law enforcement and judiciary, about the specificity of the “*psychological, physical, sexual or economic harm or suffering*” caused by violence against women and threats thereof.

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<sup>31</sup>OSCE RFoM/Office of the Organization for Security and Co-operation in Europe’s Representative on Freedom of the Media, “The Safety of Female Journalists Online – a #SOFJO Resource guide”, 2020, <https://www.osce.org/representative-on-freedom-of-media/468861>

<sup>32</sup> For international standards that define gender-based violence against women, please see this report’s Annex: International Standards, section 3-7 of “International human rights standards applicable for rape threats online against women journalists”, including the Declaration on the Elimination of Violence against Women (A/RES/48/104), and, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) reflected here.

## Rape and rape threats are criminal offenses

Historically, but also in some States today, rape has been criminalized as a gender-specific crime against women only. Today, in most States, criminalization of rape is gender-neutral. Although rape could affect all persons, it predominantly affects women and girls and constitutes a form of gender-based violence against women.

The cultural stigma, as well as lack of implementation of accurate means to improve victim's reporting rate and the quality of investigations, contributes to very low prosecution rates and thus to a large extent leads to impunity for perpetrators or a “*normalization of rape, a culture of rape or silence on rape, stigmatization of victims and impunity for perpetrators*”.<sup>33</sup>

Under the international human rights framework, rape has been recognized as a grave and serious human rights violation and an act of gender-based violence against women and girls that could amount to torture. Under the international humanitarian law and international criminal law, rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide when the other elements of the crimes are present as elaborated in the UN thematic report on rape in 2021.<sup>34</sup>

- Rape is hence a serious crime that must be criminalized in line with international human rights standards. Consequently, rape threats as threats of acts of serious crime also fall under the prohibited forms of gender-based violence against women, since “threats of acts of gender-based violence” are also acts of gender-based violence under the condition that they result, or are likely to result, in psychological, physical, sexual or economic harm or suffering to women.<sup>35</sup>
- Rape was specifically referred to in the DEVAW Article 2 under the forms of gender-based violence: “*rape*” and “*marital rape*”. Definition of violence against women includes “threats” of violence, meaning that both offline and online threats of rape are forms of gender-based violence against women and girls.<sup>36</sup>
- Rape is a crime that violates a range of human rights, including the right to bodily integrity, the rights to autonomy and to sexual autonomy, the right to privacy, the right to the highest

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<sup>33</sup>Para 12: United Nations Human Rights Council, “Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention. Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović”, A/HRC/RES/47/26, 19 April 2021, <https://undocs.org/en/A/HRC/47/26>

<sup>34</sup>United Nations Human Rights Council, “Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention. Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović”, A/HRC/RES/47/26, 19 April 2021, <https://undocs.org/en/A/HRC/47/26>

<sup>35</sup>For international standards that define gender-based violence against women, please see this report's Annex: International Standards, section 3-7 of “International human rights standards applicable for rape threats online against women journalists”, including the Declaration on the Elimination of Violence against Women (A/RES/48/104), and, the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) reflected here.

<sup>36</sup>United Nations Human Rights Council, “Rape as a grave, systematic and widespread human rights violation, a crime and a manifestation of gender-based violence against women and girls, and its prevention. Report of the Special Rapporteur on violence against women, its causes and consequences, Dubravka Šimonović”, A/HRC/RES/47/26, 19 April 2021, <https://undocs.org/en/A/HRC/47/26>

attainable standard of physical and mental health, women's right to equality before the law and the rights to be free from violence, discrimination, torture and other cruel or inhuman treatment.<sup>37</sup> The European Court of Human Rights found rape in violation of Article 3 (torture, cruel inhuman treatment) and Article 8 (privacy and family life) of the European Convention on Human Rights. The UN-linked Committee Against Torture also developed jurisprudence on rape as torture.<sup>38</sup> The CEDAW Committee General recommendation No. 35 on gender-based violence against women finds rape as a crime against the right to personal security and integrity.<sup>39</sup>

- The Istanbul Convention provided a first legally binding international definition of rape based on the lack of consent. It established the obligation to its State parties to criminalize and prosecute rape.<sup>40</sup> In addition, jurisprudence in cases of rape before regional and international human rights bodies determined States' obligation to criminalize and prosecute rape in line with international human rights and criminal law standards.<sup>41</sup>
- Consequently, rape threats as threats of acts of serious crime, also fall under the prohibited forms of gender-based violence against women, since "threats of acts of gender-based violence" are also acts of gender-based violence under the condition that they result, or are likely to result, in psychological, physical, sexual or economic harm or suffering to women.<sup>42</sup>

### **Prohibition of rape threats online**

One of the main challenges in addressing online rape threats relates to the victims' access to justice. Frequently, online rape threats that have been reported upon to relevant agencies are dismissed if there is no traceable physical harm, since rape threats are regularly considered insignificant or "acceptable" for women in general and "normalized", as other forms of gender-based violence.

Further, as indicated earlier, there are significant differences between offline and online rape threats that are far from always taken into account. Digital means of communication entails some specific features that can facilitate attacks, like the anonymity of perpetrators and speedy and widespread visibility. Such attacks via digital tools could therefore cause a higher impact on the right to privacy and other human rights, and, could result in - or is likely to result in – a different kind and level of harm and suffering.

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<sup>37</sup>Ibid para 20.

<sup>38</sup>United Nations Committee Against Torture (CAT), "C.T and K.M. v. Sweden", CAT/C/37/D/279/2005, 17 Nov 2006, <https://www.refworld.org/cases.CAT.47975b00c.html> and: UN CAT, "V.L. v. Switzerland", CAT/C/37/D/262/2005, 22 January 2007, <https://www.refworld.org/cases.CAT.47975afd21.html>

<sup>39</sup>United Nations CEDAW Committee/Committee on the Elimination of Discrimination Against Women, "General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19", CEDAW/C/GC/35, 14 July 2017, <https://digitallibrary.un.org/record/1305057>

<sup>40</sup>Article 36 defines sexual violence and rape: "as the intentional conduct of engaging in non-consensual vaginal, anal or oral penetration of a sexual nature of the body of another person with any bodily part or object. Council of Europe, "Council of Europe Convention on preventing and combating violence against women and domestic violence", (the Istanbul Convention,) CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/168008482e>

<sup>41</sup>European Court of Human Rights, *M.C. v. Bulgaria*, Application No. 39272/98, Judgment, 4, 6 December 2003, [https://www.coe.int/t/dg2/equality/domesticviolencecampaign/resources/M.C.v.BULGARIA\\_en.asp](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/resources/M.C.v.BULGARIA_en.asp)

<sup>42</sup> See footnote 35.

States must ensure that their legal frameworks adequately protect women’s human rights online, including the right to life free from violence. In order to prevent gender-based violence including rape and rape threats against women journalists effectively, it is essential to adopt laws specifically prohibiting and criminalizing violence against women, as well as laws that criminalize rape, in line with the international human rights standards. It is important to increase prosecution and to end the widespread impunity for perpetrators of rape and rape threats. In the same vein, rape threats offline and online should be prohibited and criminalized in line with international human rights standards.

- Rape threats online constitute gender-based violence against women under the international women’s human rights instruments on discrimination and violence against women (further described in the Annex): the CEDAW Convention, CEDAW General recommendations No. 19 on Violence against Women and No. 35 on Gender-based Violence against Women and the DEVAW, and in other regional women’s human rights instruments, such as the Istanbul Convention and the ILO Convention No. 190. They all include in their definition of gender-based violence “threats” that result or are likely to result in the harm to women. Offline and online rape threats against women journalists are in the same category of gender-based violence against women.
- Article 19 (3) of the International Covenant on Civil and Political Rights provides restrictions to the freedom of expression that may be introduced with caution where they are deemed to be necessary, proportionate, legitimate and legal (the three-part test).<sup>43</sup> As described above, rape threats are threats of serious crime, it is important to consider their context, and possible effects upon the respective party’s right to freedom of expression. If the threat is expressed in relation to the female journalist’s profession, this adds an aggravated factor due to its negative impact on the function of journalists in society, as expressed in the OSCE MC Decision 3/18 on the Safety of journalists, for example.
- Restrictions on rape threats online could be eligible to comply with the three-part test: they could constitute discrimination and gender-based violence in line with article 2 of the CEDAW Convention, Article 2 of the DEVAW, and Article 3 of the Istanbul Convention. Specific restrictions are necessary and proportionate to protect women against gender-based violence. Also, the prohibition or criminalization of rape threats follow the legitimate objective to protect human rights of others, in this case women that are disproportionately affected by rape threats online but also considering the part.<sup>44</sup> Any law enforcement must also consider both the target’s

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<sup>43</sup>ICCPR, Article 19 (3): The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals. United Nations General Assembly, Resolution 2200A (XXI), “International Covenant on Civil and Political Rights,” (ICCPR), 16 December 1966, entry into force: 23 March 1976, [https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch\\_IV\\_04.pdf](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf)

The three-part test is further presented in OSCE RFoM/Office of the Organization for Security and Co-operation in Europe’s Representative on Freedom of the Media, “The Safety of Female Journalists Online – a #SOFJO Resource guide”, 2020, page 39, <https://www.osce.org/representative-on-freedom-of-media/468861>

<sup>44</sup>Para. 24, United Nations Human Rights Council, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue\*”, A/HRC/RES/17/27, 16 May 2011, <https://undocs.org/A/HRC/RES/17/27>

and offender's freedom of expression and other human rights at stake, and thus transparently assess the effects of the acts and situation.

- A higher level of protection for women journalists as a specific group of women against offline and online rape threats could be ensured through introducing aggravated circumstances to the criminal offense of threats, sexual harassment or other applicable crimes. Since rape threats online are targeting women journalists and their freedom of expression in order to silence them, they negatively affect the freedom of the media, pluralistic society and democracy in general.

There are several good examples of State initiatives to protect and promote the important function of journalists and media workers in the OSCE region. For example, in Sweden, courts may increase the penalty if a crime was committed with the intent to silence a journalist in his or her professional capacity.<sup>45</sup> Sweden has also established a national action plan, which contains special measures to protect female journalists, elected representatives and artists from exposure to threats and hatred online and offline.<sup>46</sup>

In Serbia, the Permanent Working Group on the Safety of Journalists, established in 2017, provides a platform for cooperation and information sharing between the police, the prosecution and journalist and media associations, on cases of attacks and threats against media professionals. To strengthen and institutionalize response efforts at the State-level, the Government established a Working Group for Security and Protection of Journalists in 2020, which reports to the Prime Minister and includes several representatives from government institutions, media and civil society.<sup>47</sup> A contact points system for journalists has been established in public prosecutors' offices and the police to facilitate reporting and access to information on cases involving attacks against journalists. Public prosecutors have been instructed to take urgent action, as well as keep special records of criminal acts committed against journalists. Furthermore, a 24-hour SOS phone line for reporting attacks and pressures on journalists was launched in 2021.<sup>48</sup>

States are slowly improving the protection and promotion of journalists and media workers' important function for democracy, in the national legislation. In Croatia, additional protection of the journalistic profession has been provided by the recent addition of the aggravating circumstance

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<sup>45</sup>Ministry for Foreign Affairs, Sweden, "Sweden's submission to the call for input from SR on violence against women, its causes and consequences", letter, 18 March 2020,

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/VAWJournalists/Government/sweden.pdf>

<sup>46</sup> Ministry of Culture of the Swedish Government, "Defending free speech -measures to protect journalists, elected representatives and artists from exposure to threats and hatred", National Action Plan, published online 4 May 2018, [https://www.regeringen.se/4990f8/contentassets/fee932068d1c4f96abdab23a211a7c01/rk\\_24998\\_till\\_det\\_fria\\_ordets\\_for-svar\\_eng\\_ta.pdf](https://www.regeringen.se/4990f8/contentassets/fee932068d1c4f96abdab23a211a7c01/rk_24998_till_det_fria_ordets_for-svar_eng_ta.pdf)

<sup>47</sup>Government of Serbia, "Government passes decision on formation of Working group for protection of journalists", article online, Belgrade, 10 December 2020, <https://www.srbija.gov.rs/vest/en/164777/government-passes-decision-on-formation-of-working-group-for-protection-of-journalists.php>

<sup>48</sup>European Commission, "European Commission staff working document Serbia 2021 (SWD 2021) 288 final", report accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2021, Communication on EU Enlargement Policy, Strasbourg, 19.10.2021, [https://ec.europa.eu/neighbourhood-enlargement/document/download/fbe0f0b7-d8ff-4b89-a4ed-af5ccd289470\\_en](https://ec.europa.eu/neighbourhood-enlargement/document/download/fbe0f0b7-d8ff-4b89-a4ed-af5ccd289470_en)



to the criminal offense of threat (Article 139 of the Criminal Code), if it was “*committed against the journalist in connection with his job and for which, in that case, prosecution is ensured by official duty*”.<sup>49</sup> Similarly, the Criminal Code in Serbia prescribes protection from various forms of threats to safety of persons performing duties of public importance in the field of information, related to the task they perform.<sup>50</sup> In practice, this includes threats to the safety of journalists, media workers and other persons reporting in the public interest. In Montenegro, journalists have been accorded enhanced protection by the recent amendments to the country’s Criminal Code, which recognized the journalistic profession as a job of public importance that is associated with increased safety risks.<sup>51</sup> The amended law prescribes more stringent penalties for various criminal offenses, including endangering safety, aggravated murder, serious bodily injury and coercion, if committed against “*persons performing activities of public importance*”, such as media professionals.

## **FRAMING RAPE THREATS ONLINE UNDER NATIONAL LEGAL FRAMEWORKS**

At the national level, the prohibition or criminalization of different forms of online gender-based violence could be done under different legislation. In many States, victims are compelled to sue perpetrators through a patchwork of related crimes that may not be adequate; for instance, some victims have brought claims under laws relating to the protection of privacy or defamation.

The RFoM publication *Safety of female journalists online – A #SOFJO Resource Guide* states that it can be necessary to establish entirely new laws to ensure change, however: “*Many countries have laws in place that might already apply and penalize some types of online harassment and abuse. Where laws exist, but do not provide enough protection, creating new laws should be the last resort. Instead, amendments to existing laws should be considered*”.<sup>52</sup> In order to contribute to the discussion on possible paths forward, this chapter addresses rape threats online from a perspective of relevant and commonly existing types of violations under the international human rights standards and commonly reflected in national frameworks.

In addition, the State parties to the Istanbul Convention have an obligation to criminalize sexual harassment, psychological violence and stalking. Once it happens, those provisions would allow to prosecute and sanction rape threats online.

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<sup>49</sup>Government of Croatia, “Penal Code of 21 October 2011” (Text No. 2498), 21 October 2011, [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=89286&p\\_classification=01.04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=89286&p_classification=01.04)

<sup>50</sup>Article 112(32) of the Criminal Code states: “Work of public importance is considered to be performing duties or profession that has an increased risk for the safety of a person who performs it, and refers to occupations that are of importance to public information, health, education, public transport, legal and professional assistance before the court and other state authorities.” Government of Serbia, Criminal Code, (translated version), Article 112(32), Belgrade 2019, [https://www.mpravde.gov.rs/files/Criminal%20%20%20Code\\_2019.pdf](https://www.mpravde.gov.rs/files/Criminal%20%20%20Code_2019.pdf)

<sup>51</sup>Article 142(32) of the Law on Amendments to the Criminal Code states: “An activity of public importance is considered to be the performance of a profession or duty that is associated with an increased risk to the safety of persons performing it in the field of public information, healthcare and legal aid before judicial and other state bodies.” Quoted in: Sindikat Media, “The Law on Amendments to the Criminal Code of Montenegro entered into force, which prescribes stronger criminal protection of journalists.” Article online, 10 January 2022, <https://sindikatomedijska.me/en/activities/adopted-criminal-code-stronger-criminal-protection-of-journalists/>

<sup>52</sup>OSCE RFoM/Office of the Organization for Security and Co-operation in Europe’s Representative on Freedom of the Media, “The Safety of Female Journalists Online – a #SOFJO Resource guide”, 2020, page 82, <https://www.osce.org/representative-on-freedom-of-media/468861>

## **Rape threats online as sexual harassment**

- The difference between sexual harassment and harassment is that sexual harassment is unwanted conduct of sexual nature, while harassment is unwanted conduct that does not have sexual implications. Rape threats online are without doubt a conduct of a sexual nature and constitute sexual harassment.
- Rape threats online could constitute sexual harassment under the ILO 190 on Violence and Harassment Convention's Article 1 and under the Istanbul Convention's Article 40; and as a manifestation of violence against women under the DEVAW Article 2 b where, as mentioned above, the definition of violence against women includes "threats" of violence, meaning that both offline and online threats of rape are forms of gender-based violence against women and girls.
- Under the ILO convention 190 on Violence and Harassment, online rape threats related to the world of work could constitute gender-based violence and sexual harassment, since harassment includes sexual harassment. Its Article 1 defines the term "violence and harassment" in the world of work, as: "*a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment*". Further, in the Article 1 (b), it defines the term "gender-based violence and harassment" as: "*violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment*". This definition is not gender specific and includes all persons in the field of work, however, it also recognizes that there is gender-based violence and harassment that affects persons of particular gender and sex disproportionately.
- The Istanbul Convention's definition of sexual harassment is legally binding for the States parties, while for others it should serve as a model provision.<sup>53</sup> The Istanbul Convention defines sexual harassment in its Article 40 as "*unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment*". This Article calls State Parties to ensure that sexual harassment is subject to criminal or other legal sanction.
- GREVIO, as the monitoring expert body of the Istanbul Convention, recently adopted its General Recommendation No. 1 on the digital dimension of violence against women.<sup>54</sup> It states

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<sup>53</sup>Article 40: Council of Europe, "Council of Europe Convention on preventing and combating violence against women and domestic violence", (the Istanbul Convention), CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/168008482e>

<sup>54</sup>Council of Europe, "Council of Europe Convention on preventing and combating violence against women and domestic violence", (the Istanbul Convention), CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/168008482e>

that violence against women and girls in the digital sphere silences their voices and amounts to gender-based violence against women.<sup>55</sup> The GREVIO specifically included rape threats under the forms of violence covered by Article 40 as a form of sexual harassment. All States parties under the General obligations on investigation, prosecution, procedural law and protective measures (Article 49) must take the necessary legislative or other measures to prohibit or criminalize rape threats online.

- An example of new forms or manifestations of online gender-based violence against women is “non-consensual distribution of intimate images or videos online” or so-called “revenge porn” that is now criminalized in many States as a separate criminal offense. While in some States it is now a specific criminal offense, in others it is prosecuted under other applicable offenses addressing sexual harassment, cyber bullying, and so on. Non-consensual distribution of intimate images online is a form of gender-based violence that predominantly affects women and that could cause psychological harm, but also physical and economic harm. Criminalization of such acts of online gender-based violence would pass a clear message to the intermediaries on the impermissibility of such content; to the perpetrators on their criminal responsibility; and, to the victims on protection of their human rights.
- An example of State address related to non-consensual distribution of intimate images or videos online: Canada has created a new offense under 162.1 of the Criminal Code prohibiting the non-consensual distribution of intimate images, as prescribed by the *Protecting Canadians from Online Crime Act*.<sup>56</sup> A judge can order the removal of an intimate image from websites if the person depicted did not consent to having the image posted (164.1 of the Criminal Code). This provision allows a judge to order having the images removed from the internet or social media (738 of the Criminal Code); empowers the court to seize and order the forfeiture of property related to the offense, such as computers and mobile devices (ss. 164.2 of the Criminal Code); and specifies that a justice may issue a recognizance order (peace bond) where there are reasonable grounds to believe an individual will commit a new offense (s. 810 of the Criminal Code). The Act also modernizes existing investigative powers to enable police – subject to prior judicial authorization – to obtain electronic evidence from the internet and other new technologies.

### **Rape threats online as psychological violence**

- The psychological harm or suffering that are the result of rape threats offline and online could constitute gender-based violence against women under the definitions of violence provided by the DEVAW, the ILO 190 and the Istanbul Convention, as described above and in the Annex. In addition to the definition of violence against women, the Istanbul Convention provided a useful definition of psychological violence as a form of violence that should be criminalized

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<sup>55</sup>Ibid, para 13.

<sup>56</sup> Government of Canada, “Protecting Canadians from Online Crime Act”, (S.C. 2014, c. 31), 9 December 2014, [http://laws-lois.justice.gc.ca/eng/annualstatutes/2014\\_31/](http://laws-lois.justice.gc.ca/eng/annualstatutes/2014_31/)

under the scope of the Convention. Article 33 defines psychological violence as “*the intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats*”. The Explanatory Report further elaborates upon conditions that could be used for prosecuting online rape threats as psychological violence if evidence is provided: “*The extent of the offense is limited to intentional conduct which seriously impairs and damages a person’s psychological integrity. Various means and methods of offline and online acts could result in psychological violence Under this provision “threats” are explicitly included as an act of violence and they include online threats, while the threshold is to prove that it is done through an “intentional conduct” that caused “seriously impairing a person’s psychological integrity.”*<sup>57</sup>

### **Rape threats online as stalking**

- The Istanbul Convention is the first international treaty that provides a definition of stalking as a form of violence that should be criminalized. Article 34 defines stalking as: “*intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety*”. Rape threat offline and online could under this provision constitute “threatening conduct”. As a second requirement, such conduct should cause fear for a person’s safety. This offense also requires repeated intentional threatening conduct that is causing fear for her or his safety. This would require more than one or repeated rape threats online that cause fear for her or his safety.
- In Finland, the Supreme Court found in 2022 that a repeated communication with and writings about a female journalist via messages and public posts constituted stalking under Finland’s Penal Code.<sup>58</sup> The Court handed the offender a 60-day suspended prison sentence. The man had sent private messages to the targeted journalist on Facebook suggesting they meet up, had published articles via Facebook and Twitter that the Court ruled had mocked and belittled her, and while doing so he had often tagged the journalists to ensure that she would see the posts. The Supreme Court assessed the case from the perspective of the posting man’s freedom of speech, but also from the viewpoint of protecting the target’s privacy and freedom of speech.

### **Rape threats online as aiding or abetting**

- The Istanbul Convention’s Article 41, is prescribing an offense of intentional aiding or abetting as commission of a serious crime. The article 36 of the Istanbul Convention states: “*Parties shall take the necessary legislative or other measures to establish as an offense, when committed intentionally, aiding or abetting the commission of the offenses established in accordance with Articles 33, 34, 35, 36, 37, 38.a and 39 of this Convention*”. These articles are applicable to

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<sup>57</sup>Article 33 of the Istanbul Convention. Council of Europe, “Council of Europe Convention on preventing and combating violence against women and domestic violence”, (the Istanbul Convention,) CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/168008482e>

<sup>58</sup>YLE, “Bäckman receives suspended sentence for stalking YLE reporter”, article online, 18 February 2022, <https://yle.fi/news/3-12323858>

intentional online rape threats that could constitute intentional aiding or abetting for the commission of rape.

### **Rape threats online as a prohibited hate speech and incitement to violence**

- “Hate speech” covers a broad range of hateful expressions but there is no universally accepted definition in the international law. However, it is understood that more severe forms of hate speech are prohibited under international law.<sup>59</sup>
- Online rape threats against women journalist could be considered as a manifestation of gendered hate speech and a form of human rights violation and gender-based violence against women. In the view of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, gendered hate speech must be addressed within the international framework of hate speech provided by Article 20 (2) of the International Covenant on Civil and Political Rights (ICCPR):<sup>60</sup> *“Although gender and sex are not mentioned in Article 20 (2), they can and should be considered grounds for protection in view of the gender equality clauses elsewhere in the Covenant and the broader intersectional approach to non-discrimination that international human rights law has consistently taken in recent decades”*.<sup>61</sup>
- Women journalists are targets of numerous rape threats online that can constitute incitement to discrimination and violence as defined in Article 20 (2) of the ICCPR. Online rape threats could constitute incitement to rape and other forms of gender-based violence against women, and a form of discrimination against women. As such, they reach the threshold set by articles 19 (3) and 20 (2) of the ICCPR. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concluded: *“misogyny should be prohibited if it reaches the threshold set by articles 19 (3) and 20 (2) of the Covenant”*.<sup>62</sup> The link between online forms of gender-based violence including threats of such acts and various forms of offline violence has also been addressed by judiciary and convictions have been made based on offline effects of online violence.
- Online rape threats are threats of a grave crime. When threats are made on other forms of crime, such as online life threats or online threats of kidnapping, these threats are as a rule taken more seriously and are prosecuted under national legislation as incitement to crime and/or violence. It can therefore be argued that incitement to crime provisions in the national law could also be used for prosecution of online rape threats. Such prosecution could also be necessary for the

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<sup>59</sup>Para 70, United Nations General Assembly, Resolution 76/258, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan” 30 July, 2021, <https://undocs.org/A/RES/76/258>

<sup>60</sup>Article 20 (2) of the ICCPR prescribing that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. United Nations General Assembly, Resolution 2200A (XXI), “International Covenant on Civil and Political Rights,” (ICCPR), 16 December 1966, entry into force: 23 March 1976, [https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch\\_IV\\_04.pdf](https://treaties.un.org/doc/Treaties/1976/03/19760323%2006-17%20AM/Ch_IV_04.pdf)

<sup>61</sup>Para 70, United Nations General Assembly, Resolution 76/258, “Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan” 30 July, 2021, <https://undocs.org/A/RES/76/258>

<sup>62</sup> Ibid.

prevention of their escalation to physical violent crimes. This said, rape threats online could also constitute a stand-alone crime which causes various kinds and levels of harm or suffering.

### **Rape threats online as a crime of threats**

- Rape threats online could be also prosecuted under the crime of threats. For example, in Croatia the criminal offense of threat (Article 139 of the Criminal Code) reads as follows: “*Whoever seriously threatens another with some evil so as to frighten or disturb him shall be punished by a fine or by imprisonment not exceeding one year*”.<sup>63</sup> Under such or similar provisions online rape threats could be prosecuted since rape is a serious criminal offense and online rape threats could frighten or disturb a person concerned.<sup>64</sup> The fact that the targeted person is a journalist could be prescribed as an aggregated circumstance for sanctioning.
- Under the Swedish domestic law, threats of rape are criminalized as an unlawful threat and harassment or as molestation and defamation. The making of unlawful threats, molestation and defamation can be committed offline, online or by using ICT.<sup>65</sup> Online threats against journalists in relation to their work have been considered to have intent to silence, and the verdict have expressed this as an aggregated circumstance influencing the sentence.<sup>66</sup>

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<sup>63</sup>Government of Croatia, “Penal Code of 21 October 2011” (Text No. 2498), 21 October 2011, [https://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=&p\\_isn=89286&p\\_classification=01.04](https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=&p_isn=89286&p_classification=01.04)

<sup>64</sup>Ibid.

<sup>65</sup>Ministry for Foreign Affairs, Sweden, “Sweden’s submission to the call for input from SR on violence against women, its causes and consequences”, letter, 18 March 2020,

<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/SR/VAWJournalists/Government/sweden.pdf>

<sup>66</sup>For example Nesser, Johannes, “Man dömd för olaga hot mot Arnstad”, article in Journalisten online, published 1 April 2022, [www.journalisten.se/nyheter/man-domd-olaga-hot-mot-arnstad](http://www.journalisten.se/nyheter/man-domd-olaga-hot-mot-arnstad), and, Sveriges Radio, “Bra med fällande dom i hoträttegång”, Press release by Swedish Radio, published 27 April 2021, <https://sverigesradio.se/artikel/bra-med-fallande-dom-i-hotrattengang>

## **RECOMMENDATIONS**

*Forward-looking recommendations for the prohibition and criminalization of online rape threats at the national level in line with international human rights standards :*

1. International human rights instruments on the elimination of all forms of discrimination against women and gender-based violence against women are providing a solid framework for the protection of female journalists against online rape threats. Participating States should ratify and implement all core UN and regional human rights treaties and implement the principle that human rights and women's rights protected offline should be protected online.
2. Rape threats online are threats of a grave crime of rape, and as such they constitute prohibited forms of gender-based violence against women that include threats of acts of gender-based violence under the condition that they result, or are likely to result, in psychological, physical, sexual or economic harm or suffering to women. They should be treated seriously, similar to online life threats with a focus on prevention of their escalation into physical harm, but also as a stand-alone crime, which causes different kind and level of harm or suffering that arises from the mere content of online rape threats.
3. States should review existing laws and practices in order to prohibit and criminalize rape threats online taking into consideration relevant international human rights standards, such as the CEDAW Convention, the Istanbul Convention and the ILO 190 Convention.
4. In cases where the gravity and harm of rape threats online require criminal responses, participating States should apply those criminal law provisions that provide the most adequate response to the harm caused. States could use the general crime of threats, or other more specific crimes like sexual harassment, stalking, or psychological violence, if required elements of such criminal offenses are met.
5. Online rape threats against female journalists, as a specific targeted group of women that are attacked due to their work with the aim to silence them, as well as to harm them as women journalists, could constitute aggravated circumstance under other crimes, like the threat as a crime.
6. Criminalization or prohibition of online rape threats in national law should be made well known to legal authorities, potential victims and the public, and adhered to by internet intermediaries.
7. Protocols and training programmes should be developed for police, prosecutors and judges who are responsible for fulfilling the State obligations concerning the protection of the freedom of expression and human rights of women journalists and other media actors.
8. Effective response to online rape threats against women journalists, if in line with international human rights standards, will require the cooperation of participating States and a multitude of stakeholders, for example internet intermediaries, media companies, individual journalists and their professional associations. States should, in accordance with the principle of due diligence, ensure that regulations on internet intermediaries respect the international human rights framework, including those with regard to business and human rights in line

with the UN Guiding Principles on Business and Human Rights of 2011<sup>67</sup> which should be explicitly expanded to include women's human rights instruments that prohibit gender-based violence online.

9. States and internet intermediaries should develop protection systems in accordance with international human rights standards with full participation of targeted women journalists. Internet intermediaries should provide transparent complaint mechanisms for cases of rape threats online, and co-operate with States in the prosecution of perpetrators and protection of targeted journalists.
10. Comparative analysis of good national practices, experiences and codes of conduct, if/when conducted, would be useful for future recommendations.

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<sup>67</sup> OCHCR/UN Office of the High Commissioner for Human Rights, "Guiding Principles on Business and Human Rights", 2011, [https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf)



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## **ABOUT THE AUTHOR**

Dr. Dubravka Šimonović was the United Nations Special Rapporteur on violence against women, its causes and consequences in June 2015-July 2021, appointed by the UN Human Rights Council.

She was a member of the UN CEDAW Committee between 2003 and 2014, and served as its Chairperson in 2007 and 2008. She was Chairperson of the CEDAW Optional Protocol working group that decides on individual petitions to the CEDAW Committee. She was also the Chair of the CEDAW working group that prepared the General recommendation No 23 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women of 2017.

At the regional level she was the Chair of the Council of Europe's Task Force to combat violence against women (2006-2007) that in its Final report proposed adoption of the Convention on violence against women. Between 2008 and 2010, she co-chaired the Council of Europe's intergovernmental Committee that drafted the Convention on Preventing and Combating Violence against Women and Domestic Violence – the Istanbul Convention.

For a number of years she was in diplomacy in the Ministry for Foreign Affairs of the Republic of Croatia, as a diplomat she attended the Fourth World Women's conference in Beijing (1995), served as the Chairperson of the UN Commission on the Status of Women (2000/ 2001). She finished her diplomatic carrier as the Ambassador of Croatia to the OSCE and United Nations in Vienna, Austria (2013-2015).

Ms. Šimonović holds a PhD in family law from the University of Zagreb. She is the author of several books and articles and was a Visiting Professor in Practice in the Centre for Women, Peace and Security at London School of Economics, 2016-2018.

## **ANNEX: INTERNATIONAL STANDARDS**

*The OSCE participating States have made important commitments to the promotion of gender equality and to the safety of journalists. Relevant provisions in the commitments are included further down in this Annex.*

### **International human rights standards applicable for rape threats online against women journalists**

In order to analyze online rape threats against female journalist as human rights violations it is important to use gender specific human rights instruments on the elimination of all forms of discrimination against women and on elimination of gender-based violence against women.

1. Within the international human rights framework such gender specific framework addresses discrimination against women and gender-based violence against women provided by the UN Convention on the Elimination of all forms of Discrimination against Women (the CEDAW Convention) of 1979 and the Declaration on the Elimination of Violence against Women (the DEVAW) of 1993. Additionally, the new regional gender specific human rights instrument addressing violence against women and domestic violence, namely the CoE Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention) provides detailed human rights and criminal law standards relevant for analysis of online rape threats as a human right violation and gender based violence against female journalists.

The CEDAW Convention provides a broad framework on elimination of all forms of discrimination against women and girls (inclusive of girls under the life cycle approach), and covers direct, indirect and intersectional discrimination against women. Although, a gender specific instrument, its overall goal is realization of the substantive gender equality between women and man. States should achieve substantive gender equality through legal measures like the inclusion of the “*principle of the equality of men and women in their national constitutions or other appropriate legislation*” and through pursuing policy for prohibition and elimination of all forms of discrimination of women, direct and indirect.<sup>68</sup> Additionally, States should adopt other measures for its practical realization and empowerment of women (Article 3) , and are allowed to use temporary special measures for accelerating de facto equality between men and women (Article 4.1) and special measures for protection of women during maternity (Article 4.2), that are all deemed as not discriminatory. The CEDAW Convention is also addressing elimination of gender stereotypes and harmful practices as well as other root causes of discrimination and violence against women in areas of life including private and public sphere.

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<sup>68</sup>The Article 2 (a) of the CEDAW Convention requires all State Parties to : *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure through law and other appropriate means, the practical realization of this principle*; United Nations General Assembly, Resolution 34/180, “Convention on the Elimination of Discrimination against Women”, (CEDAW) 18 December 1979, entry into force: 3 September 1981, [www.un-documents.net/a34r180.htm](http://www.un-documents.net/a34r180.htm) or <https://undocs.org/en/A/RES/34/180>

2. The Beijing Declaration and Platform for Action on Gender Equality and Women's Empowerment (UN 1995) stipulates 12 key areas for urgent action. One of the areas addresses Women and the Media.<sup>69</sup> Strategic objective J.1. aims to “*Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication*”.
3. Number 5 of the United Nations Sustainable Development Goals in the 2030 Agenda for Sustainable Development (2015) aims to “*achieve gender equality and empower all women and girls*”. Under this goal its first target is: “*End all forms of discrimination against all women and girls everywhere,*” while the second target, especially relevant regarding the specific topic of online rape threats against women journalist is: “*Eliminate all forms of violence against all women and girls in the public and private spheres including trafficking and sexual and other types of exploitation.*”<sup>70</sup> SDG 16 aims to: “*Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels*”, and its target 16.10 aims to “*Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements*”. Number 16.10 of the SDGs (and its indicators) addresses the scope of journalists: *Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.*
4. Links between discrimination against women and violence against women have been elaborated by the Committee on the Elimination of Discrimination against Women (the CEDAW Committee) in the General Recommendation No. 19 of 1992 on violence against women.<sup>71</sup> It explains that the CEDAW Convention definition of discrimination against women “*includes gender-based violence against women, that is, violence that is directed against a woman because she is a woman and/or that affects women disproportionately.*”<sup>72</sup> It also specifies that gender-based violence impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions like the right to life, the right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment, the right to equal protection according to humanitarian norms in time of international or internal armed conflict; the right to liberty and security of person; the right to equal protection under the law; the right to equality in the family, and the right to the highest standard attainable of physical and mental health.<sup>73</sup>

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<sup>69</sup>United Nations Fourth World Conference on Women, Action for Equality, Development and Peace, “Platform for Action”, (Beijing Declaration and Platform for Action), 1995, Beijing, China. J. Women and the Media: Strategic objective J.1, <https://www.un.org/womenwatch/daw/beijing/platform/>

<sup>70</sup>United Nations General Assembly, Resolution 70/1, “Transforming our world: the 2030 Agenda for Sustainable Development”, A/RES/70/1, adopted 25 September 2015, [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_70\\_1\\_E.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf)

<sup>71</sup>United Nations CEDAW Committee/Committee on the Elimination of Discrimination Against Women, “General recommendation No. 19 on Violence against women.” 11th session, 1992, [https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1\\_Global/INT\\_CEDAW\\_GEC\\_3731\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3731_E.pdf)

<sup>72</sup>United Nations CEDAW Committee/Committee on the Elimination of Discrimination Against Women, “General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19”, CEDAW/C/GC/35, 14 July 2017, <https://digitalibrary.un.org/record/1305057>

<sup>73</sup>Ibid.



5. In addition to recognition of violence against women as a form of discrimination, the Declaration on the Elimination of Violence against Women (the DEVAW) of 1993 recognizes violence against women as a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men. The DEVAW defines violence against women as : “*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.*”<sup>74</sup> Although it is not a legally binding human rights instrument its definition of violence against women has been widely accepted and incorporated in other international and national instruments.
6. The newest and most detailed human rights instrument is the regional CoE Convention on prevention and combating violence against women and domestic violence (the Istanbul Convention) of 2011, defines violence against women as a violation of human rights and a form of discrimination. Its Article 3 a) defines violence against women as “*a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.* This definition is in line with the Article 1 of the DEVAW definition while the paragraph d) of its Article 3 similarly like the CEDAW General recommendation No. 19 defines gender based violence against women as “*violence that is directed against a woman because she is a woman or that affects women disproportionately*”.<sup>75</sup> Furthermore, it also establishes a number of criminal offenses to ensure that particular intentional conduct is criminalized or prohibited at the national level. For example, rape should be criminalized while the sexual harassment could be subject to criminal or other legal sanctions.<sup>76</sup>
7. The ILO Convention 190 on Violence and Harassment of 2019 recognizes the right of everyone to work free from violence and harassment, including gender-based violence and harassment inclusive of sexual harassment.<sup>77</sup> Its article 1 defines the term “violence and harassment” in the world of work, as: “*a range of unacceptable behaviors and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment*”. Further, in the Article 1 (b), it defines the term “gender-based violence and harassment” as: “*violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and*

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<sup>74</sup>United Nations General Assembly, Resolution 48/104, “the Declaration on the Elimination of Violence against Women” (DEVAW), 20 December 1993, A/RES/48/104, [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21\\_declaration%20elimination%20vaw.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaration%20elimination%20vaw.pdf)

<sup>75</sup>Simonović. Dubravka, “Global and regional standards on violence against women: the evolution and synergy of the CEDAW and Istanbul Conventions”, *Human Rights Quarterly*, vol. 36, No. 3 (August 2014), pp. 590-606.

<sup>76</sup>Para 155 of the Istanbul Convention explanatory reports explains that articles 33 to 39 of the Convention require Parties to ensure that a particular intentional conduct is criminalized, while the Article 40 (sexual harassment) require criminal law sanctions or other legal sanctions. Council of Europe, “Council of Europe Explanatory Report to the Convention on preventing and combating violence against women and domestic violence”, (the Istanbul Convention), CoE Treaty series No. 210, Istanbul 2011, <https://rm.coe.int/1680a48903>

<sup>77</sup>International Labour Organization, C190-Violence and Harassment Convention, 2019, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

*includes sexual harassment.* This definition is not gender-specific and includes all persons in the field of work, but it also recognizes that there is gender based violence and harassment affects persons of particular sex of gender disproportionately.

8. All journalists enjoy freedom of expression as a key human right enshrined in article 19 of the Universal Declaration on Human Rights and article 19 of the International Covenant on Civil and Political Rights and enjoy additional human rights protection as journalist based on their indispensable role for their role in democratic societies. In addition to this specific human rights protection of all journalists and especial their rich to freedom of expression women journalists are at the same time additionally protected against discrimination and gender-based violence including online rape threats.

### **Provisions in OSCE Commitments on gender equality and media freedom**

The OSCE commitments in this regard derive from the following international documents: The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), the Beijing Declaration and Platform for Action on Gender Equality and Women’s Empowerment (1995), United Nations Security Council Resolution 1325 “Women, Peace and Security” (UNSCR 1325, 2000), and the United Nations Sustainable Development Goals (the 2030 Agenda for Sustainable Development, 2015, Strategic Goal 5 and 16.10).

The Helsinki Final Act (1975) outlines the obligation of the OSCE participating States to respect the human rights and fundamental freedoms of men and women.<sup>78</sup> The section 1. (a) “Declaration on Principles Guiding Relations between Participating States” includes for example “VII: Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”. It states, among others:

“In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfil their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound.”

### Mandate of the Representative on Freedom of the Media (PC Decision 193, 1997)

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action

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<sup>78</sup>OSCE/Organization for Security and Co-operation in Europe, “Conference on Security and Co-operation in Europe – Final Act”, (The Helsinki Act), Helsinki 1975, <https://www.osce.org/files/f/documents/5/c/39501.pdf>

by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media. (...)

Charter for European Security: III. Our Common Response (1999)

(...) 23. The full and equal exercise by women of their human rights is essential to achieve a more peaceful, prosperous and democratic OSCE area. We are committed to making equality between men and women an integral part of our policies, both at the level of our States and within the Organization.

24. We will undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. (...)

2004 OSCE Action Plan for the Promotion of Gender Equality (PC.DEC/638)

The Permanent Council, Decides to adopt the 2004 Action Plan for the Promotion of Gender Equality (...)

2004 OSCE Action Plan for the Promotion of Gender Equality (MC.DEC/14/04)

The Ministerial Council,

(...) Decides to endorse the 2004 Action Plan for the Promotion of Gender Equality adopted by the Permanent Council in its Decision No. 638 on 2 December 2004 (...)

36. Gender-mainstreaming of OSCE activities, policies, projects and programmes in the politico-military dimension shall also take into account obligations embodied in Security Council resolution 1325 calling for increased participation of women in, inter alia, conflict prevention and post-conflict reconstruction processes. (...)

42. Participating States are therefore recommended to:

- Adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women's and girls' rights;
- Comply with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), if they are parties, or, if they have not already done so, consider ratifying or acceding to this Convention. States that have ratified or acceded to this Convention with reservations will consider withdrawing them. States parties to the CEDAW are also called upon to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
- If they are parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and/or the International Covenant on Economic, Social and Cultural Rights (ICESCR), report regularly and on time to the respective bodies, and include women's organizations in the preparation of their reports;
- Take further action where necessary in order to ensure a safe environment for their citizens and the right to equal protection under the law, notably by increasing activities aimed at eliminating all forms of violence against women, including trafficking in human beings, and encourage those who

have not already done so to ratify and implement the UN Convention against Transnational Organized Crime, and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; (...)

– As recommended in the Guidelines on International Protection on Gender-Related Persecution within the context of Article 1A (2) of the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol relating to the Status of Refugees, introduce procedural practices, if States have not already done so, that ensure that proper consideration is given to women claimants in refugee status determination procedures and that the range of claims of gender-related persecution are accorded due recognition; (...)

– The OSCE Representative on Freedom of the Media (RFOM) will be alert to allegations of serious intolerance towards women and incitement to gender discrimination in or by the media in participating States in accordance with Chapter 6 of the mandate of the RFOM. The Representative will inform the participating States of such cases in his/her regular reports.

#### Ministerial Council Decision on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation (MC.DEC/14/05)

The Ministerial Council Decision on Women in Conflict Prevention, Crisis Management and Post-Conflict Rehabilitation integrates United Nations Security Council Resolution 1325 on Women, Peace and Security (UNSCR 1325) into the Organization's own obligations and provides for the OSCE to take action in the areas of recruitment, programming and reporting.

The Ministerial Council,

(...) 6. Calling on participating States and OSCE structures, as appropriate, to support and encourage training and educational programmes focusing on women and girls, as well as projects aimed at women's participation in building sustainable peace; to empower women's organizations; to support women's peace initiatives through the media and workshops on human rights and gender equality; and to raise awareness among women concerning the importance of their involvement in political processes, (...)

#### Ministerial Council Decision on Preventing and Combating Violence against Women (MC.DEC/15/05)

This Ministerial Council Decision on Preventing and Combating Violence against Women urges the participating States to take all legislative, policy, and programmatic measures to prevent violence against women.

#### Ministerial Council Decision on Strengthening the Effectiveness of the OSCE (MC.DEC/19/06)

The aforesaid Ministerial Council Decision calls for decisions by the Permanent Council to contribute to transparent, fair and consistent recruitment, improve the professionalism of OSCE personnel, as well as recognizes the need to promote gender balance of personnel as well as wider diversity of national origin of OSCE staff at the various levels.

#### OSCE Action Plan on the Threats and Opportunities in the Area of Environment and Security (MC.GAL/8/07)

Ministerial Council, in line with the OSCE Action Plan for the Promotion of Gender Equality, recommends that the OSCE raises awareness on gender-specific aspects of environmental threats and

encourages the involvement of women in efforts to prevent, manage and resolve environmental problems.

Ministerial Council Decision on Women's Participation in Political and Public Life (MC.DEC.7/09)

This Ministerial Council Decision on Women's Participation in Political and Public Life recalls the OSCE's commitments for the advancement of gender equality, non-discrimination and promotion of men's and women's equal right to participate in political and public life.

Ministerial Council Decision on Promoting Equal Opportunity for Women in the Economic Sphere (MC.DEC. 10/11)

The Ministerial Council Decision on Promoting Equal Opportunity for Women in the Economic Sphere calls upon participating States to identify obstacles preventing women's economic empowerment, create measures to address those issues and promote the sharing of domestic work, and parental and caregiver responsibilities.

Ministerial Council Decision on Issues Relevant to the Forum for Security Cooperation (MC.DEC. 7/11)

The Ministerial Council Decision tasks the Forum for Security Co-operation to examine ways to assist in the implementation of United Nations Security Council resolution 1325 (2000) and related Resolutions on Women, Peace and Security in the OSCE region.

Ministerial Council Decision on Elements of the Conflict Cycle, related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post- Conflict Rehabilitation (MC.DEC. 03/11)

The Ministerial Council Decision on Elements of the Conflict Cycle, related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation reaffirms the significant role of women in the prevention and resolution of conflicts and in peace-building, recalling UN Security Council resolution 1325 and the importance of its implementation by ensuring increased representation of women at all levels in conflict resolution and peace processes.

Ministerial Council Decision on Enhancing Disaster Risk Reduction (MC.DEC/6/14)

This Ministerial Council Decision calls for participating States to promote good governance and transparency in the field of disaster risk reduction, to incorporate local knowledge and information into national plans, taking into consideration the capabilities of both men and women and the specific vulnerabilities of children, women, the elderly, the poor, and the disabled, and to actively engage all relevant stakeholders, including where appropriate local authorities, civil society, the private sector, the media and academia in all phases of disaster risk reduction.

Ministerial Council Decision on Preventing and Combating Violence against Women (MC.DEC/07/14)

The Ministerial Council Decision strongly condemns all forms of violence against women and refrain from justifying it, as described in the Declaration on the Elimination of Violence against Women; and calls on the participating States to ensure protection and full respect of human rights

and fundamental freedoms of all women through: 1) legal framework; 2) prevention; 3) protection; 4) prosecution and 5) partnership.

#### Safety of Journalists (MC.DEC/3/18)

In summary, this decision calls on these participating States to prevent, protect and prosecute attacks against journalists. In addition, it expresses concern over “the distinct risks faced by women journalists in relation to their work, including through digital technologies”, and underlines “the importance to ensure their greatest possible safety and that the experiences and concerns of women journalists are effectively addressed”. The Decision also calls on the States “to condemn publicly and unequivocally attacks on women journalists in relation to their work, such as sexual harassment, abuse, intimidation, threats and violence, including through digital technologies”.

In particular, the Ministerial Council,

(...) Concerned by the distinct risks faced by women journalists in relation to their work, including through digital technologies, and underlining the importance to ensure their greatest possible safety and that the experiences and concerns of women journalists are effectively addressed, (...)

Calls upon participating States to:

(...) 4. Also condemn publicly and unequivocally attacks on women journalists in relation to their work, such as sexual harassment, abuse, intimidation, threats and violence, including through digital technologies; (...)

#### Preventing and Combating Violence Against Women (MC.DEC/4/18)

The Ministerial Council,

Reaffirming that the promotion and protection of equal rights and opportunities for all are essential to democracy and economic development and therefore to security, stability and sustainable peace in the OSCE area,

Determined to ensure the full and equal enjoyment by women and girls of human rights and fundamental freedoms, (...)

Reaffirming the United Nations Declaration on the Elimination of Violence against Women and recalling that OSCE commitments on human rights and gender equality are inspired by the international human rights framework, including the Convention on the Elimination of all Forms of Discrimination against Women, the Beijing Declaration and Platform for Action, and UN Security Council resolution 1325 on women and peace and security, (...)

Deeply concerned by the persistence of violence against women and girls in all its forms as one of the most pervasive impediments to their full enjoyment of all human rights and to women’s full, equal and effective participation in political, economic, and public life, (...)

Recognizing that sexual harassment in public and private spaces, in particular in the workplace and in educational institutions, has a damaging impact on women and girls’ full enjoyment of human rights and equal opportunities, thus impairing their ability to remain and/or advance in the workplace and in educational institutions, (...)

Calls on the participating States to:

1. Ensure access to justice, effective investigation, prosecution of perpetrators, as well as provide, while respecting their rights and privacy, adequate protection, rehabilitation and reintegration support for victims of all forms of violence against women and girls; (...)

3. Adopt measures, as appropriate, to encourage education on gender equality, human rights and non-violent behaviour thus contributing to the prevention of all forms of violence against women and girls, which can include: harmful practices, sexual violence, domestic violence, as well as sexual harassment;
4. Organize awareness-raising campaigns on the risks of specific forms of violence facing women and girls, including through digital technologies, and on their rights and the support available for victims of such violence; (...).