



Briefer on Human Rights and Elections for Journalists

WHO IS A JOURNALIST?

Journalists are individuals who document events, analyze issues, gather facts, and process data, to inform society on matters of public interest.

The term “journalist” refers to a wide range of actors, including professional full-time reporters and analysts, media workers and support staff, as well as citizen journalists, bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere. The professional designation of an individual as a journalist is less relevant than the acts of journalism or the nature of the content and its public interest function.

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“Sound, independent and diverse media are crucial to ensuring that government is transparent, accountable and responsive to people’s concerns. At times of crisis – such as the pandemic – they are literally life-saving.”

**Michelle Bachelet,
UN High Commissioner for Human Rights**

WHAT ROLE DO JOURNALISTS SERVE DURING ELECTIONS?

Journalists serve as watchdogs to keep the public informed and government officials in check. Journalists report on election campaigns, provide information about the candidates and parties, convey political agendas, fact-check the statements made by political candidates, and investigate and expose any election fraud and violations.

During elections, it is essential that there is a free exchange of information and ideas about issues of public interest between the public and the candidates. Everyone including journalists has the right to impart information and share opinions. Journalists must be free to report and comment on issues of public interest and inform public opinion without restraint or fear of punishment.

Journalists must be able to work in safety and freedom while covering elections. They should not be harmed, threatened, or intimidated in any way.



“Media freedoms are a fundamental cornerstone of our universal human rights.”

Michelle Bachelet,
UN High Commissioner for Human Rights

ARE JOURNALISTS AT RISK?

Today, journalists operate under grave threats. They have become targets of legal harassment, intimidation, online threats, and physical violence. Women journalists are at particular risk of threats and violence, both online and offline. The combination of old defamation laws and new laws to curb online expression exacerbate the hostile working environments facing journalists. Strategic Lawsuits Against Public Participation Laws (SLAPPs) are increasingly used to silence journalists. There has been an upward trend in the number of journalists killed, with recent years being the most deadly. The arbitrary detention of journalists and media workers has increased in the past years with most cases occurring in countries under authoritarian regimes or experiencing shrinking civic space. News media outlets have been unduly restricted or forced to shut down based on vague and arbitrary laws and policies.

Since 1993,
a total of
1523
killings of
journalists
worldwide.

A journalist
is killed
every
5 days
on average.

9 out
of **10**
killings of
journalists
remains
unsolved.

Source: 2020 UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity.



“Crimes against journalists have an enormous impact on society as a whole, because they prevent people from making informed decisions.”

Audrey Azoulay,
Director-General of UNESCO

HOW ARE FEMALE JOURNALISTS AFFECTED?

In addition to being attacked because of their work as journalists, female journalists are also the targets of gender-based violence in both online and offline environments. Reports have shown that female journalists receive significantly more online threats than their male colleagues do. The threats are overtly sexual in nature and focus on their physical appearance, culture, ethnicity, or personal background, rather than on the substance of their work. Online attacks against female journalists often include stalking, rape threats, and smear campaigns. These threats erode their freedom of speech and discredit the value of their work as journalists.

73 %
of the
635
female journa-
lists surveyed
experienced
some form of
online violence.

20 % of the
596 female
journalists been
attacked or abused
offline in connection
with the online
violence they had
experienced.

Source: UNESCO, *Online violence Against Women Journalists: A Global Snapshot of Incidence and Impacts (2020)*

IS THERE SPECIAL PROTECTION IN CONFLICT ZONES?

Under international humanitarian law, journalists reporting in conflict zones enjoy the same rights and protections as any other civilian, so long as they do not participate in hostilities. Under the status of civilian, journalists operating in conflict zones can never be a legitimate target of military operations. International human rights law continues to apply in conflict zones.



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“Media workers in war zones are threatened not only by bombs and bullets, but by the weapons of falsification and disinformation that accompany modern warfare. They may be attacked as the enemy, accused of espionage, detained, or killed, simply for doing their jobs.”

**Antonio Guterres,
UN Secretary General**

DIGITAL SURVEILLANCE

During elections, when political stakes are particularly high, the risk of digital surveillance may increase. Digital surveillance creates a chilling effect on the freedom of expression of everyone including journalists, who may self-censor or not be able to perform their functions for fear of being constantly tracked. Digital surveillance also threatens the physical safety of journalists: surveillance has led, in several cases, to arrests, intimidation, torture, and killings of journalists.

Journalists also rely on encryption and anonymity to shield themselves, their families, and sources from digital surveillance and harassment. It is crucial that journalists are able to use encryption and anonymity tools, such as virtual private networks (VPNs) and end-to-end encrypted messaging. Journalists have the right to be protected by law against unlawful or arbitrary interference with their privacy. Governments have justified interference with their right to privacy, family, home or correspondence through laws on national security or terrorism. However, these laws must be publicly accessible, tailored to specific legitimate aims, sufficiently precise, and provide for effective safeguards against abuse. Such laws should never unduly interfere with privacy or to impose undue restrictions on freedom of expression.

CONFIDENTIALITY OF SOURCES

Journalists should have the right to protect the confidentiality of their sources. Any restrictions to this right should be narrowly defined and only allowed if there is a prevailing public interest in such disclosure. As journalists often need access to modern technology, including online messaging apps, to gather information and contact their sources, digital surveillance also threatens the confidentiality of their sources. Many countries have shield laws that provide journalists with the privilege to refuse to disclose sources used or information obtained in the course of newsgathering. Journalists should be able to invoke shield laws to protect this right.

Photos by Unsplash:
Christin Hume / Korie Cull

RESTRICTIONS TO MEDIA FREEDOM

There are two main types of restrictions on media freedom:

1. PRIOR RESTRAINT

Prior restraint is the censorship of content before publication.

2. SUBSEQUENT PUNISHMENT

Subsequent punishment is the persecution of journalists after publication of content.

Media freedom carries with it special duties and responsibilities. Under international law, it may be subject to certain restrictions, but only as provided by law and where necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order, or of public health or morals.

Any restriction on media freedom must also meet the requirements of legality, necessity, and proportionality.

Legality	Laws restricting free speech should be accessible, clear and unambiguous.
Necessity	Any restriction must be based on a legitimate aim and overriding public interest.
Proportionality	Any restriction should be proportional to harm being avoided and must be the least intrusive to serve the needs of protecting the legitimate aim.

WHAT ROLE DO JOURNALISTS SERVE DURING ELECTIONS?

Journalists enjoy the unique position of being both a conveyor and a recipient of information. Journalists have both the responsibility to provide election-related information to the public and the right to access the information from election management bodies and political parties and candidates. Journalists should be allowed access to and report on election-related events organized by election management bodies, political parties, and candidates.

INTERNET SHUTDOWNS

Internet shutdowns are measures taken by a government, or on behalf of a government, to intentionally disrupt access to, and the use of, information and communications systems online. These often include complete blocks of Internet connectivity or accessibility of the affected services that are necessary for interactive communications, such as social media and messaging services. During elections, internet shutdowns inhibit the right of voters to know the candidates and policies they are voting for and the right of candidates and political groups to communicate with voters. Internet shutdowns prevent journalists from performing their functions as election watchdogs. Journalists need access to the Internet and messaging apps to gather information, contact sources and the newsroom, reach out to the public, and publish breaking election news. Internet shutdowns are particularly problematic for journalists with fewer resources as they are particularly dependent on online channels to publish and report their stories.

Internet shutdowns prevent voters from accessing critical and time-sensitive updates regarding their polling places and other election-related information. They may undermine the public exchange of information and the public's engagement in political activities such as rallies, demonstrations and protests. Ultimately, shutdowns damage democratic electoral processes and the free flow of information. This may in turn erode trust in electoral processes and increase the likelihood of hostilities and violence.

Internet shutdowns affected at least **52 elections** between 2016 and 2021.

JOURNALISM ETHICS AND STANDARDS

Responsible journalism strengthens public participation and contributes to a more credible and inclusive election. It also increases the transparency and accountability of the democratic process. Biased or partisan reporting can affect the integrity of the electoral process and trigger election-related conflict and violence. It is crucial that journalists stand by their code of ethics and standards of accuracy, fairness, and objectivity during the whole electoral cycle.

Journalists should avoid worsening social tensions. There must be strict observance of the rules of accuracy, verification, impartiality, neutrality and honesty in gathering and reporting news.

Journalists are encouraged to respect the principle of due impartiality in the treatment of candidates and parties during the coverage of the whole electoral process. They must reflect pluralistic views and opinions in society, and refrain from taking an opinion on political candidates and policies. They should make a clear separation between fact and opinion in their news stories.

Journalist must at all costs avoid conflicts of interest:

Journalist	Action
Having political preferences	Should not indicate party/policy preferences or voting intention Should not be active in political and campaign activities.
Registering or seeking nomination as a candidate	Must go on leave or be assigned to other less visible activities.
Confirmed as a candidate	Must go on leave for the period of the campaign, or be only assigned tasks that do not involve editorial deci-

	sions or public appearances on radio and television.
Membership in political parties	Allowed but only to a degree of involvement, that does not affect their perceived or real objectivity.
Elected into public office	Should be required to resign from their post.
Failed to get elected	Should be free to return to their post as long as their actions during the campaign period do not undermine their perceived objectivity

INCITEMENT AND HATE SPEECH

It is important for journalists to avoid language that may incite violence and hatred. It is crucial that journalists clearly attribute the harmful speech to the author and balance the harmful speech with the reactions of those targeted in the speech. Journalists are urged to refrain from censoring content of incitement or hate speech unless it passes the following threshold test:

Intent	What is the specific intent?
Content and Form	Does it directly and/or explicitly call to commit discrimination, hostility or violence?
Extent	Is the speech directed to the public? How many people are in the audience?

Likelihood and Imminence	How likely is the statement to result in a harmful or unlawful act? How immediate is the harm to occur?
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Context	How does the message relate to the social and political context prevalent at the time the speech was made and disseminated?
Speaker	What is the position or social status of the speaker?

ELECTION-RELATED DIS/MISINFORMATION

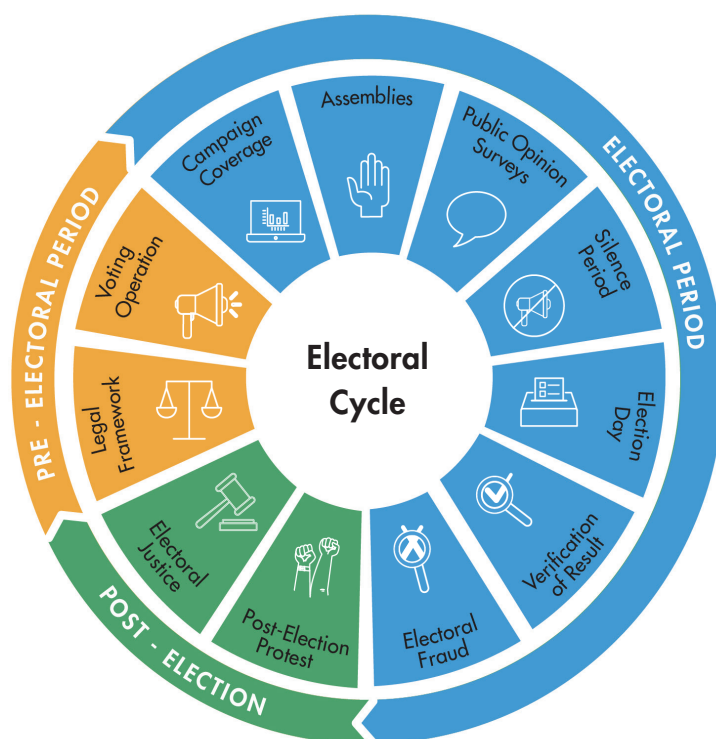
While social media has become the public square for many, it is increasingly becoming the space for dis/misinformation to flourish. Journalists are urged to thoroughly check and verify information found in social media platforms before using them as sources. In addition to fact-checking measures, journalists are encouraged to use social media platforms to disseminate accurate and verified news reports

to curb the spread of dis/misinformation during the whole electoral cycle.

Journalists should consider offering the public a right of correction and/or reply to address inaccurate statements in the media. It is crucial that journalists provide critical coverage of election-related dis/misinformation and debates on matters of public interest.

Electoral Cycle

The electoral cycle sees the elections as a continuing process. The cycle has three main periods: the pre-electoral period, the electoral period and the post-electoral period. While the aforementioned rights and responsibilities apply to the whole election cycle, journalists are encouraged to take note of certain duties that are specific to each main period.



PRE-ELECTORAL PERIOD

- **Legal Framework**

It is important that journalists help the public understand the legal framework that governs their right to public participation during elections. It is crucial that journalists monitor developments on the legal framework to ensure that all political parties and candidates are able to participate in elections on the basis of equitable treatment, enjoy the right to freedom of expression and freedom of association, and have equitable and non-discriminatory access to the media.

- **Voting Operations**

It is vital that journalists inform the public, particularly persons with disabilities, on how they can effectively exercise their right to vote.

They must inform the public on how election management bodies are planning to conduct and implement voting operations such as transparency of campaign finances, length of campaign period, secrecy of ballots, counting of votes, etc.

ELECTORAL PERIOD

• Campaign Coverage

It is crucial that journalists distinguish between official and campaign activities. They should provide fair, responsible, and gender-sensitive media coverage to all candidates and parties. They should deliver accurate and verified reports on campaign platforms and candidate backgrounds. Journalists are encouraged to promote a level playing field by providing all political candidates and with non-discriminatory and equal access to the media for the publication of advertisements and publicity materials. It is important that journalists grant candidates and parties equal and nondiscriminatory opportunities to discuss and debate policy matters.

• Assemblies

Journalists have the right to monitor assemblies in general, including political rallies that may be declared unlawful or dispersed. Journalists are at very high risk during assemblies. There is an increasing number of reports of physical attacks on journalists covering demonstrations by law enforcement officers, or of police hindrance and disruption of media workers' reporting of demonstrations. Journalists may not be prohibited from, or unduly limited in, exercising these functions, including with respect to monitoring the actions of law enforcement officials. They must not face reprisals or other harassment, and their equipment must not be confiscated or damaged.

• Public opinion surveys

Public opinion surveys help gauge public opinion on policy issues and level of support for political parties and candidates. Survey results can influence voters. As such, reporting on survey results needs to be done in a responsible manner. Journalists can assist the public in contextualizing the results by providing them the following details: the source of funding for the survey, name of the organization conducting the survey, methodology and details of the sample, the period when the survey was conducted, and the margin of error.

• Silence Period

Journalists should be mindful of the legally mandated silence periods before elections to allow voters to reflect on their choices of candidates and parties before casting their votes. The list of restrictions on media coverage during silence periods differ per country. Generally, no active campaigning by candidates or political parties is allowed. The actual duration of silence periods should be within a reasonable and specific timeframe.

• Election Day

It is important that journalists be granted early voting privileges because they too should be able to exercise their right to vote. On the day of elections, journalists should be allowed presence in voting and polling centers to monitor the integrity of the electoral process and report on electoral news and possible irregularities.

• Verification of Results

Journalists are urged to refrain from reporting on results before all polling stations are closed. Upon release of provisional results, it is crucial that journalists make clear to the public that provisional results are not necessarily a reflection of the final certified results. Journalists should be able to access election results from the election management bodies.

• Electoral Fraud

Journalists should provide only accurate and verified reports of electoral fraud. Electoral fraud comes in many forms such as vote buying, destroying ballots and tampering with vote counting machines. Journalists should avoid inflammatory language, helping to prevent election-related violence in case of electoral fraud.

POST-ELECTORAL PERIOD

• Post-Election Protests

Journalists have the right to monitor protests that may take place at any point of the electoral process, including when certain groups contest the announced results or claim fraud. This right is derived from the right to seek and receive information. Journalists should promote non-violence, helping to prevent election-related violence.

• Electoral Justice

It is important that journalists inform the public on the electoral justice process and monitor the exercise of the right to a fair trial, right to an effective remedy, and the right to challenge results and seek redress.



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