

Chapter 4:

Incorporating a gender perspective into state mechanisms and beyond

In nearly 30 years of being a journalist in Colombia, Claudia Julieta Duque has endured smear campaigns, death threats, kidnappings and illegal surveillance. The indomitable journalist has continued her journalism nevertheless, while also fighting back. Duque was one of the first journalists in Colombia to speak out against sexual harassment.⁹⁸ In a precedent-setting case, she has successfully pursued convictions against members of Colombia's Department of Administrative Security on charges of "psychological torture" that included death threats against her daughter⁹⁹

Duque's experience is extreme, but she is not alone. In *The safety of women journalists: Breaking the cycle of silence and violence*, a study of nine countries IMS published in November 2019, IMS found women journalists around the world are double embattled – as journalists and again as women. Attacks against women journalists often take a gender-specific form and the violence and threats are often sexualized. Online harassment disproportionately targets women, and thus women journalists bear the brunt of online abuse against journalists. That includes explicit threats of sexual violence, doxing, revenge-porn and use of demeaning images and threats – often with references to their families.¹⁰⁰

The language of international documents from the UN and regional bodies has grown increasingly articulate on the obligations of states to respond to threats against female journalists. For example, in 2017, the UN General Assembly adopted a resolution on SoJ calling on states to address attacks on women journalists, including "sexual and gender-based discrimination and violence, intimidation and harassment, online and offline," as part of "broader efforts to promote and protect the human rights of women, eliminate gender inequality and tackle gender-based stereotypes in society."¹⁰¹

Regional examples include Council of Europe Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media¹⁰² as well as its recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors, which called for "urgent, resolute and systematic responses"

98 On 27 January 2018, Duque revealed on Twitter that she experienced sexual harassment from former Attorney General Alfonso Gómez Méndez.

99 Higuera (2019).

100 Chocarro (2019), pp. 12-13.

101 United Nations General Assembly (2017), para. 5.

102 Council of Europe (2013).

to the gender-specific threats that many journalists face.¹⁰³ The General Assembly of the Organization of American States additionally recognises that the work of journalists “exposes them to being victims of aggressions and other acts of violence detrimental to their integrity” and expressed concern “at the particular risks faced by women who practice journalism, who, in addition, are victims of discrimination, harassment and sexual violence, including online.”¹⁰⁴

“State protection in the face of threats of violence must be accompanied by enforced zero tolerance to sexual harassment.”

States and other stakeholders are still catching up. Colombia and Mexico, countries with the most established state SoJ mechanisms, offer two scenarios of how mechanisms can integrate a gender perspective, or, in the case of Mexico, have failed to do so. The experience of both countries also show the limitations of a mechanism in addressing a multi-layered issue such as safety of female journalists. State protection in the face of threats of violence must be accompanied by enforced zero tolerance to sexual harassment, for example.

Attacks against women in media take place within a larger context that must be addressed. In Colombia for example, killings of women HRDs increased by almost 50 percent in 2019 compared to 2018, according to the UN Office of the High Commissioner for Human Rights (OHCHR).¹⁰⁵ In total (both men and women), 107 human rights defenders

in Colombia were killed in 2019, making it the bloodiest nation in the world for HRD killings.¹⁰⁶ Out more than 300 killings of HRDs worldwide in 2019, over two thirds took place in Latin America, according to a report by the NGO Front Line Defenders.¹⁰⁷

Shortcomings in prosecution of crimes against women in such societies, including domestic violence, rape and other forms of sexual violence, leads to further expectations of impunity for crimes against women.¹⁰⁸ It is easier to escape punishment for crimes if they are of a sexualized character, since most such cases are not reported and if reported rarely lead to conviction. Journalists reporting these crimes are not only often denied legal justice, but they also may face professional repercussions for doing so. A study by International News Safety Institute from 2014 shows that women in the media refrain from reporting incidents out of fear of losing work.¹⁰⁹ This reinforces the use of sexualized violence as a strategically advantageous method to silence women journalists¹¹⁰ not only in the physical realm, but also online¹¹¹.

¹⁰³ Council of Europe (2016), para. 2.

¹⁰⁴ Organization of American States (2017), Section ii.

¹⁰⁵ OHCHR (2020).

¹⁰⁶ Ibid.

¹⁰⁷ Front Line Defenders (2020).

¹⁰⁸ Musalo et al. (2010).

¹⁰⁹ Barton and Storm (2014).

¹¹⁰ Høiby (2016).

¹¹¹ Høiby (2020).

In the online environment, this idea of impunity is exacerbated due to lack of clear and known rules of engagement. Despite a growing number of cases setting legal precedent for unacceptable online behaviour, the awareness in society at large of existing principles and laws is scarce. Recent research into online hate crime even suggests that violations reported to the police are not prioritized partly because law enforcement too lack competence on existing legal frameworks.¹¹² That laypeople, journalists and law enforcement alike have limited competence for recognizing illegal online harassment again yields to the persisting impunity for crimes committed in the online sphere; if people do not know the law, they are unlikely to recognize, report and press charges. These overlapping effects create a dense threat environment for women journalists to work in and make them particularly predisposed to harassment online.¹¹³

Discriminatory stereotypes and patriarchal structures and systems fuel and enable aggressors.¹¹⁴ The machismo culture, in which men are assigned a higher value in society than women, is particularly widespread in Latin America.¹¹⁵ A culture in which male privilege and heterosexuality are praised give men excessive control in society and is linked to higher prevalence of violence.¹¹⁶ This generalized sense of male dominance underpins the constructs that create unique threats to female journalists in such environments.

Bringing stakeholders together on SoJ means understanding how gender, defined in this report by socially-constructed attributes associated with being male or female, impacts a journalists' safety and ability to practice one's profession.

Correcting course on gender in Colombia

Colombia was a pioneer in journalist safety, establishing the Program for the Protection of Journalists in 2000. Pressure placed on the Colombian government by journalists and news organisations, overwhelmed by years of violence from drug cartels and guerrilla and paramilitary groups, evolved into a partnership to create and manage the protection programme.¹¹⁷

According to data published and collected by the Colombian press freedom group FLIP, between 100 and 160 journalists are taken into the programme every year as they face threats from a wide variety of sources: public officials, security forces, criminals and armed groups.

Under the programme, journalists who receive threats can contact the National Protection Unit (UNP by its Spanish acronym) of the Ministry of the Interior. Cases can also be referred via civil society groups or by police. After some preliminary analysis, the Committee for Risk Assessment and Recommendation of Measures (CERREM) assesses the risk level and decides on allocation and protection measures. If found eligible, the journalists are provided with various forms of protection such as protective gear, armed guards or bulletproof cars, among other measures.

112 Keats (2014).

113 Høiby (2020).

114 Flood and Bob (2009).

115 Melhuus (1992).

116 Castañeda (2002), p. 17.

117 IMS (2017), p. 93.

For its first decade, the protection programme did not set out any gender-specific protocols or specialised responses for female journalists at risk. In 2012, however, following calls by freedom of expression groups like FLIP and the Red Colombiana de Periodistas con Visión de Género (Colombian Network of Journalists with Gender Vision), the Ministry of the Interior issued the “Specific Protocol with a Gender and Women’s Rights Perspective” [*hereinafter* the Protocol] for the UNP. The Protocol orders the protection programme to be guided by recognition of differences in gender, age, ethnicity, sexual orientation and urban/rural origin and for priority attention to women.¹¹⁸

The Protocol demands that cases of women in extreme or extraordinary risk receive priority attention from the entities participating in prevention and protection measures, based on their level of vulnerability. It also recognises a “sub-differential focus” on gender regarding groups or communities of women with characteristics (of ethnic background, geographic origin, sexual orientation) requiring consideration when evaluating risk. It orders the agencies participating in the programme to engage their officials in training and sensitisation on gender-specific threats.

On a practical front, the Protocol established the CERREM for women that includes members from women’s organisations, government agencies working on gender issues and representatives from The United Nations Entity for Gender Equality and the Empowerment of Women, or UN Women. The CERREM holds risk evaluation and response determination sessions exclusively on cases involving women requesting protection.¹¹⁹ The Protocol also includes guarantees of privacy for the information shared by women requesting assistance and puts in place special measures for the cases of women who are displaced.

The Protocol is considered one of the most comprehensive measures addressing gender-specific threats to women in media in Latin America. In his 2018 report, “Women Journalists and Freedom of Expression,” the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights identified the Protocol as a best practice for implementing a gender perspective in the protection of journalists.¹²⁰

However, FoE groups have highlighted flaws in the protection programme’s implementation as a whole, which still puts journalists at risk, regardless of gender. Some of the criticisms of the protection programme are that the risk assessment process moves slowly, and its responses are almost exclusively limited to providing physical protection, such as security personnel, and do not extend to investigation into the source of threats.¹²¹

The limits of protection

Even when good practices are in place, such as with the Protocol, programmes oriented around physical protection only address one aspect of safety. For female journalists in Colombia, the situation is far more complex, involving not just physical attacks, but aggression in many forms. The Federation of Colombian Journalists (FECOLPER by its Spanish acronym) noted in a 2018 report that “the special circumstances of being a female

118 Colombia Ministry of the Interior (2012).

119 *Ibid.*

120 Lanza (2018), fn. 183.

121 IMS (2017), pp. 106-111.



journalist are often embodied in abuses involving sexual harassment and coercion, intimidation, abuse of power, and threats based on gender status”.¹²²

One challenge to the situation is that many aggressions against female journalists are not reported. In its 2016 annual report, Colombia’s leading media freedom and safety organisation FLIP pointed out that the scope of attacks against women journalists is underestimated not only because they are not reported, but also because when they are, authorities ignore the differentiated nature of these aggressions. According to the report, “[A]ttacks against women journalists are not isolated. But they are imperceptible because they are not registered thoroughly by authorities, newsrooms and associations of journalists.”¹²³

In its 2017 annual report, FLIP pointed out advances in the adoption of protocols within Colombia’s protection programme for attending cases involving women, indigenous people or education workers, but noted the lack of acknowledgement of the specific risks for women. “A full recognition of the specific risks that women journalists face is still pending,” the report said.¹²⁴ FLIP’s research has also found that attacks against female journalists impact media pluralism, forcing women journalists to reconsider the subjects they cover.

Journalists demonstrate against the murder of their colleague María Helena Ferral at Lerdo square in Xalapa, Veracruz state, Mexico on 1 April 2020.

Journalists in Mexico’s eastern state of Veracruz protested on Tuesday against the murder of a reporter, demanding justice in a country that is notoriously dangerous for the press. María Elena Ferral, a correspondent for the *Diario de Xalapa* daily newspaper, was shot by two assailants on motorbikes when getting into her car, local officials said.

Photo: Hector Quintanar/AFP/Ritzau Scanpix

122 Colombian Federation of Journalists (FELCOPER) (2018), quoted from Lanza (2018), para. 39.

123 Fundación para la Libertad de Prensa (2017).

124 Fundación para la Libertad de Prensa (2018), p. 21.

FLIP's 2017 report also found that social media had become fertile ground for attackers to act with anonymity and impunity. During 2017, online harassment was the most common type of attack against journalists, with women often the targets.

Harassment and discrimination take place in newsrooms across Colombia.¹²⁵ Some strong responses by civil society have emerged. For instance, FLIP has been working with newsrooms to establish zero tolerance policies on harassment within newsrooms and launched prevention and information campaigns on discrimination, sexual harassment and other types of abuse against women inside newsrooms and also when reporting in the field.

In 2018, the Colombian Network of Journalists, together with the organisation Gender Vision, started the campaign #PeriodistasSinAcoso (Journalists Without Harassment) to call attention to sexual harassment suffered by women journalists in the course of their work, calling it "a generalised but invisible practice that most women bear in silence with the complicity of work colleagues and society at large". The campaign provides information through digital platforms and social media to recognise the typical situations of harassment so that men and women will be able to recognise them and report them.

In 2017, a campaign called #NoEsHoraDeCallar (Not a Time to be Quiet) was started by journalist Jineth Bedoya Lima, who was kidnapped and raped in 2000 while reporting on paramilitaries. The campaign blends the experience of a journalist such as Bedoya with the broader issue of violence against women in general. The heart of this campaign dictates that violence against women is a matter of public importance.

Bedoya's experience highlights another area that Colombia's mechanism fails to address: impunity. It took nearly 17 years for two of her attackers to face justice, and her struggle still continues to ensure all those involved in her assault are prosecuted. By Bedoya's account, the protracted fight for justice has been traumatic, marked by around a dozen court appearances, some in front of her attackers. Her advocates at FLIP and the Inter-American Commission on Human Rights (IACHR) challenged the government over this "revictimisation".

Her experience is testament to the need for prosecutors and investigators to establish stronger protocols regarding attacks against female journalists, many of which, even when perpetrated in connection to journalism work, have a sexual dimension. At an IACHR hearing on the case in 2016, one commissioner challenged the government over this "revictimisation," asking: "Would the state agree that repeatedly asking about her abduction, torture and rape denotes the failure of its investigators? Because taking statements of sexual violence is a very sensitive, painful and dramatic event for the victim so you must have a person properly trained to do so. Do you not accept that your officials have failed in their duties?"¹²⁶

Delays and other failures within Colombia's justice system also led Claudia Julieta Duque to boycott a court appearance against the remaining suspects charged with psychological torture against her. A November 2018 statement by the human rights group Equipo Nikzor on her behalf described the protracted legal proceedings as constituting "a scenario of revictimisation through the silencing, delay and verbal and legal attacks of defence lawyers and the accused".¹²⁷ Both cases highlight how difficult it can be to obtain convictions, and how unrewarding and potentially devastating it is for victims to take a case to court. This perpetuates the impunity that goes with this form of violence. To

¹²⁵ Chocarro (2019), p. 25.

¹²⁶ Higuera (2017).

¹²⁷ As cited in Higuera (2019).

improve conditions and offer support in these proceedings would perhaps be a more long-term investment than providing security personnel.

Gender perspective absent in safety mechanisms in Mexico

In Mexico, violence against the media has intensified since the 2000s amid the drug war with criminal cartels. In response to national and international pressure,¹²⁸ the Mexican government created a Federal Mechanism for the Protection of Human Rights Defenders and Journalists in 2012. Like the programme in Colombia, the mechanism is managed under the Ministry of Interior.¹²⁹ It undertakes risk assessments, rapid response or prevention measures.

Flaws in Mexico's protection mechanism have been reported on frequently throughout the human rights community.¹³⁰ In its 2017 report, *No Excuse*, the Committee to Protect Journalists (CPJ) notes cases in which journalists whose cases were taken up by the protection mechanism received inadequate measures. One journalist for example received only a panic button and no other support, while another was sequestered at an unguarded safe house.¹³¹ CPJ and other groups have pointed to under-resourcing, particularly understaffing, as a serious problem in the mechanism.¹³²

“Because taking statements of sexual violence is a very sensitive, painful and dramatic event for the victim so you must have a person properly trained to do so.”

Critics have also noted an absence of a gender perspective in the mechanism's risk assessment and responses. A coalition of civil society organisations working on press freedom and human rights called Espacio OSC published a critical report in 2017, “A Debt from the State,” analysing the mechanism.¹³³ The coalition determined that its risk assessment process does not take into account factors that affect the risks that individuals face or should be considered in the safety response, such as ethnicity, age and socio-economic background, in addition to gender. The assessment also does not account for instances when

128 Bertoni (2015), p.23.

129 Mendel (2016), p. 21.

130 CPJ (2017).

131 Ibid.

132 CPJ (2016); WOLA and PBI (2016).

133 Espacio OSC (2017).

the recipient of protection has the societal expectation of caring for their family, which, in most cases, is the role of the role of women.

In Mexico, the Protection Mechanism can be activated when a person under threat requests it. The Rapid Response Unit receives the request and evaluates it. After issuing the protection measures, it carries out an “Immediate Action Evaluation” and reports it to the Mechanism’s executive director. If approved, the case goes to the Risk Evaluation Unit to determine how to continue the protection measures. Between 2012 and 2017, 368 people received some form of assistance; 113 (30 percent) of them are women, according to the freedom of expression group ARTICLE 19’s 2017 annual report.¹³⁴ Within this process, there is protocol for women journalists.

In 2019, the UN OHCHR reviewed the mechanism and noted important gaps in its gender approach on an implementation level.¹³⁵ For instance, there is no specialised group to respond to threats against female journalists. It also notes the firm the government contracted to handle protection reported that it has 148 people trained as bodyguards, but only three of them are women. Among the OHCHR’s recommendations are the establishment of a unit of specialists to handle cases of violence against women journalists similar to the Protocol in Colombia and a training programme within the country’s Special Prosecutor’s office on handling attacks perpetrated against women journalists. The Mexican government has not responded to the recommendation.

Another study, published in 2016 by the Center for Justice and International Law, Just Associates and Protection International titled “Gender Focus in Protection of Human Rights Defenders in Mexico and Honduras” found that governments do not take into account the context of violence against women that hinder access to justice and protection in Mexico. Many attacks take place in environments where women are disempowered, where there is social acceptance of violence against women and where women are subject to grave stigmatisation following attacks.

In Mexico, physical attacks are only one manifestation of the hostile environment women journalists and human rights defenders work in. The Espacio OSC report on Mexico identifies vilification or character assassination and prolific online abuse as tactics used against female activists and journalists. For example, when the Women’s Human Rights Center in the state of Chihuahua (northern Mexico) filed a criminal complaint against a former state judge for domestic assault against his wife, the judge began a public campaign against the activists and accused them of profiting from cases of gender-based violence. The report also points out that institutions do not offer redress and instead often obscure or delay cases, which are examples of the institutional abuse that takes place against female journalists.

Prosecution mechanism devoid of gender perspective

Another mechanism Mexico adopted is aimed at addressing impunity, which is rampant in crimes against journalists, including in those against women journalists. At least 45

¹³⁴ ARTICLE 19 Mexico and Central America (2018).

¹³⁵ OHCHR Mexico (2019).

journalists have been killed in Mexico since 2000 and in 38 cases they were murdered with impunity, according to data published by the Committee to Protect Journalists.

In 2005 the government established a Special Prosecutor for Crimes Against Freedom of Expression within the Attorney General's office. This office has also been criticised for being ineffective [see Chapter 5], with only one percent of cases gaining convictions.¹³⁶ It also lacks a gender perspective.¹³⁷

A report by the *Comunicación e Información de la Mujer (CIMAC)* on violence against women journalists pointed out that not only has the Special Prosecutor been ineffective in guaranteeing justice for journalists, it also does not even disaggregate its information on cases by gender, despite repeated requests over the course of four years.¹³⁸ There is a lack of professionalism and training on gender perspective in the staff of both the Special Prosecutor and the Protection Mechanism. "This means that threats and personal or professional attacks are not labelled as violence, thus denying access to justice and protection," according to the CIMAC.

The mechanism does not have measures in place to integrate the specific context and sensitivities around attacks against women into its implementation. Although the Special Prosecutor has promoted a uniform protocol, "Protocolo Homologado," to be used by federal and state governments investigating crimes against freedom of expression, which includes procedures for attacks against female journalists, this has not been put into practice.

Beyond mechanisms

Protection and prosecution mechanisms are not the only initiatives through which states can impact and fulfil their obligation to prevent gender-based violence against women journalists. Among the recommendations by the Special Rapporteur for Freedom of Expression of the IACHR, Edison Lanza, are for states to publicly recognise that the gender-based discrimination and violence faced by women journalists constitute attacks on freedom of expression. Lanza additionally seeks for states to condemn and address sexist abuse, workplace inequality, sexual harassment, and online violence against women journalists in the course of their work and ensure online violence against women journalists is not trivialised by state authorities and is recognised as a problem that threatens press freedom and democratic deliberation.¹³⁹

Taking lessons to the Philippines

The mechanisms in Colombia and Mexico evolved differently. In Colombia, groups like FLIP and FELCOPER were closely involved¹⁴⁰ in the development and implementation of the protection programme, acting as case assessors. This level of civil society participa-

¹³⁶ Lanza (2018).

¹³⁷ CIMAC (2015).

¹³⁸ *Ibid.*

¹³⁹ Lanza (2018), para. 83.

¹⁴⁰ FLIP no longer participates directly in the mechanism.

A newspaper with a cover headline referring to the killing of Mexican journalist Leobardo Vazquez Atzin (upper-left) is seen at a newspaper stand, in Papantla municipality, Veracruz state, Mexico on 22 March 2018. Vazquez was gunned down the previous day in a state plagued by anti-press violence. Photo: Victoria Razo/ AFP PHOTO



tion paved the way for later reforms of the mechanism. In Mexico, the SoJ mechanisms do not have the same channels to civil society and have been less responsive to this issue. In both countries, however, it is clear that the safety of female journalists cannot be addressed only through a protection mechanism, but also must be integrated into institutions for prosecution and measures for prevention. Inclusion of women, ethnic minorities and a truly diverse range of stakeholders in the formation of SoJ mechanisms can also limit the gaps in how safety is addressed.

In the Philippines, stakeholders launched the Philippine Plan of Action for the Safety of Journalists (PPASJ) in November 2019, having considered the need to integrate a gender perspective. Women participated throughout the consultation process and the plan itself has included measures to promote safety and equality for women journalists throughout its five flagship areas. Actions it lays out include conducting safety training for women, documenting good practices and advocating for better treatment of women in the newsroom, improving documentation of attacks against women journalists and setting up a dedicated line of communication for female journalists under threat, such as a helpline.¹⁴¹

The plan still needs to lay out specific steps for better integration of a gender perspective into investigations of attacks against journalists. In the existing state mechanism, the PTFoMS, established to support investigations into killings and other crimes against journalists, has no special units or procedures to respond to attacks against women media workers.¹⁴²

As stakeholders in the Philippines advance the plan, the experiences of Mexico and Colombia should be factored in. The Colombian government took a decade to learn

141 AIJC and IMS (2019).

142 Chocarro (2019), pp. 38-39.

from its mistake of not taking gender perspective into account and amend its protection programme. The Mexican government still must learn this lesson.

Civil society approaches to strengthening position of women journalists

Few countries have institutionalised state mechanisms as Colombia and Mexico have, leaving CSOs to take the lead in responding to threats against female journalists. Some examples include:

- The Afghan Journalists Safety Committee (AJSC) operates a comprehensive and nationwide emergency response programme. It incorporated gender-specific pathways into its architecture, ensuring emergency help can be accessed by female media workers via female staff. It also created an advocacy committee made up of prominent female journalists and developed a sexual harassment policy for media houses to mitigate threats, among other activities.
- One significant advance was achieved in Somalia. In December 2018, the group Somali Women Journalists (SWJ) launched the Gender Respect Declaration to address sexual harassment following a year-long process of female peer workshops. Some 30 media houses signed. The declaration addresses issues such as sexual harassment, equal pay and career opportunities for women.
- In 2017, the Myanmar Women's Journalist Society (MWJS) launched its Breaking Gender Stereotypes campaign based on a study it produced the same year with IMS-Fojo analysing gender bias in the media. The study found women are represented in only 16 percent of media in Myanmar. MWJS, which was created to represent and promote the interests of female journalists in the media sector, is also working on setting up hotlines for journalists.
- The Digital Rights Foundation in Pakistan works to protect women in digital spaces in response to the severe online harassment women journalists encounter and its links to offline violence. In 2015, the watchdog, Freedom Network, an IMF partner, produced a book of testimonies by women journalists. A gender-sensitive code of ethics for print media has also been developed in Pakistan.