

MODULE IV

# SAFETY OF JOURNALISTS ON- AND OFFLINE



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# What types of attacks do journalists face?



Source: ARTICLE 19, 'Acting on UN Human Rights Council Resolution 33/2 on the Safety of Journalists', accessible [https://www.article19.org/wp-content/uploads/2017/11/safety\\_of\\_journalists\\_WEB\\_23.10.pdf](https://www.article19.org/wp-content/uploads/2017/11/safety_of_journalists_WEB_23.10.pdf).

# Duties of states and media

## 2016 UN HUMAN RIGHTS COUNCIL RESOLUTION ON THE SAFETY OF JOURNALISTS

- **The state has a duty to prevent, protect and prosecute:**
  - **Prevent:** including creating and maintaining an enabling environment for journalists; ensuring national laws do not interfere with journalists' independence.
  - **Protect:** including to publicly, unequivocally and systematically condemn violence and attacks; establish early warning systems and rapid response mechanisms; protect journalists covering protests and elections.
  - **Prosecute:** Includes the adoption of strategies to combat impunity; ensure victims of crimes against journalists and their families have access to appropriate remedies; reinvigorate their efforts to effectively implement the international human rights framework on the safety of journalists.

## INTERNATIONAL DECLARATION ON THE PROTECTION OF JOURNALISTS

- **Duty of media organisations to provide general safety:**
  - To develop and implement procedures and tools aimed at ensuring the physical, psychological and digital safety and security of journalists; building solidarity amongst journalists.
- **Gender-specific threats:**
  - Any strategy for the safety of journalists – whether by the state or within a media organisation – should appropriately consider the gender dynamic of the forms of threat and harassment, as well as the frequency with which it occurs.

# Surveillance

- Protecting the communications of journalists, particularly between journalists and sources, is of crucial importance for defending press freedom and therefore free and fair elections.
- Surveillance threatens the safety of journalists and whistleblowers or sources, and can also have a wider chilling effect on freedom of expression.
- In a ground-breaking judgement in February 2021 in *amaBhungane v Minister of Justice & Others*, the Constitutional Court of South Africa confirmed the judgement of the High Court that sections of the Regulation of Interception of Communications Act (RICA) were unconstitutional to the extent that they infringed upon the right to freedom of expression and failed to provide sufficient safeguards for protecting, amongst other things, the need for journalists to maintain the confidentiality of their sources.

“The confidentiality of journalists’ sources, which is crucial for the performance by the media of their obligations, is protected by section 16(1)(a) [of the Constitution.]”  
(*para. 115*).

“In sum, the confidentiality of lawyer-client communications and journalists’ sources is particularly significant in our constitutional dispensation”. (*para. 119*).

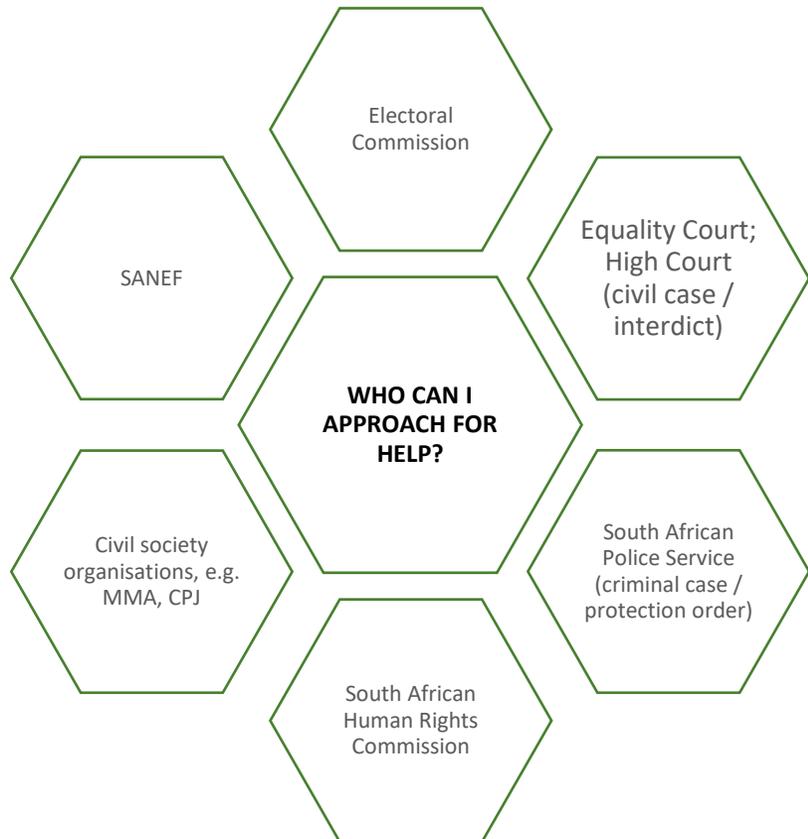
“RICA is thus unconstitutional to the extent that, when the intended subject of surveillance is a practising lawyer or a journalist, it fails to provide for additional safeguards...” (*para. 120*).

# Digital security

The Press Code provides that media must protect confidential sources

- **Digital security checklist:**
  - Have you backed up your devices (on hardware and/or the cloud)?
  - Have you removed sensitive data from the device?
  - Have you set up strong, unique passwords for all your accounts?
  - Have you encrypted your devices and do you use encrypted messaging services?
  - Have you set up your devices to remote wipe?
  - Have you set up two-factor authentication on all possible accounts?
- **Social media checklist:**
  - Do you have long and strong passwords for your accounts and a unique password for each account? (Tip: Consider using a password manager.)
  - Have you reviewed the privacy settings for each account to make sure any personal data is removed?
  - Have you removed any photos or images that could be manipulated and used as a way to discredit you?
  - Have you spoken with family and friends about removing photographs of you from their profiles?
  - Have you considered getting your account verified by the social media company?
  - Are you monitoring your accounts for signs of increased trolling activity or indications of threats?

# Assistance and recourse for journalists



- **SANEF** and **Media Monitoring Africa** have developed an online portal to track and record attacks against journalists during the election period: <http://elections.sanef.org.za>
- The **Committee for the Protection of Journalists** may be approached for advice and guidance.
- The **IEC** may be approached directly with a matter that falls within its jurisdiction as a contravention of the electoral law framework.
- The **South African Human Rights Commission** is competent to investigate any alleged violation of human rights.
- The **Equality Court** may be approached with a case of harassment or hate speech in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
- A claim for **civil damages** may be instituted.
- An **interdict** may be obtained to stop certain conduct.
- A **protection order** may also be obtained in terms of the Protection from Harassment Act 17 of 2011.
- The **South African Police Services** should be approached in respect of any criminal conduct.

# COVID-19 Protection

- SANEF [working and reporting guidelines for journalists during the pandemic](#)
- SANEF [guide to gender-aware reporting on COVID-19](#)
- SANEF [Guidelines on how to report on police brutality](#)
- Rules that the South African Police Service must follow when dealing with journalists:
  - “A media representative may not be prohibited from taking photographs or making visual recordings” by any SAPS member.
  - This includes photographs of police officers themselves.
  - SAPS members also may not wilfully damage the camera, film, recording or other equipment of a media representative.



Source: “Press Freedom must not be undermined by measures to counter disinformation about COVID-19. Accessible [here](#).”

# Group exercise

- Divide into groups and discuss the following questions:
  - What threats or attacks have you faced in your work as a journalist, both on- and offline?
  - What tools do you use to protect your safety online?
  - What assistance and recourse have you sought and or received for threats or attacks?
- In your groups, work together to draft a safety policy that could be implemented in your organisation, including internal processes, support structures, access to particular resources, and training.

# FURTHER READING



Visit [elections.sanef.org.za](http://elections.sanef.org.za)

# Suggested resources

- ARTICLE 19, 'Acting on UN Human Rights Council Resolution 33/2 on the Safety of Journalists' (2017) (accessible [here](#)).
- C. Silverman, 'Verification handbook: The ultimate guideline on digital age sourcing for emergency coverage', (undated) (accessible [here](#)).
- CPJ, 'Safety kit for journalists covering the South African election,' (2019) (accessible [here](#)).
- IEC, 'Municipal elections handbook', (2016) (accessible [here](#)).
- Media Monitoring Africa, 'Disinformation and 'fake news' during elections: Proposals for the upcoming 2019 General Elections in South Africa' (2018).
- Press Council, 'Code of Conduct and Ethics for the South African Print and Online Media: Decoding the Code sentence by sentence', (1 January 2019) (accessible [here](#)).
- Press Council, 'Guidance notes: A brief for journalists covering the elections', (February 2019) (accessible [here](#)).
- UNESCO, 'Journalism, 'fake news' and disinformation': Handbook for journalism education and training', (2018) (accessible [here](#)).
- Dullah Omar Institute, 'Electing Councillors: A Guide to Municipal Elections,' (2016) (accessible [here](#)).
- Municipalities.co.za, 'The Local Government Handbook South Africa 2021,' p 15 (accessible [here](#)).
- South African Cities Network, 'State of City Finances 2020,' (2020) (accessible [here](#)).

For more information and resources, please visit:

<https://elections.sanef.org.za>.

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