



Online Attacks on Female Journalists

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Online Attacks on Female Journalists

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Authors:

Rade Djuric

Nikola Jovic

Serbian language editor:

Natasa Polic

Translation:

Anica Milenkovic

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Ana Dokucevic

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1. Introduction

Online attacks on journalists are becoming one of the greatest challenges in the system of the journalists' safety. Female journalists are especially at risk, since they have to put up with enormous consequences due to various threats, insults and pressure. The increase of those attacks is visible in numerous reports and surveys but also activities regarding the measures to resolve such attacks and the system that is powerless to fight back and overcome the challenges of prevention and combating.¹

Based on reported incidents to the detriment of journalists and the data collected from various sources, for the first nine months of 2020 in Serbia, IJAS has recorded 151 different attacks or forms of pressure on journalists, media workers, the media and their property in its "Database of attacks and pressures on journalists", with 69 cases of the attacks on female journalists.

Out of the total number of cases, 75 were online attacks, and 29 of those cases were against female journalists. Such attacks include direct messages on social media such as Facebook, Twitter and Instagram, in the form of threats, insults and pressure through posts or articles.

Compared to 2019, there has been nearly 50 per cent increase of attacks and pressures in the first nine months.² Since 2016, the number of incidents in online space has been continually increasing, and the attacks are becoming more and more brutal.³

¹ Reporters Without Borders "Online Harassment of Journalists", 2018, https://rsf.org/sites/default/files/rsf_report_on_online_harassment.pdf, Troll Busters and IWMF "The Impact on Female Journalists and Their Reporting", 2019, <https://www.iwmf.org/wp-content/uploads/2018/09/Attacks-and-Harassment.pdf>, Amnesty International, 2017, <https://www.amnesty.org/en/latest/news/2017/11/amnesty-reveals-alarming-impact-of-online-abuse-against-women/> University of Texas Austin, "Woman Journalists and Online Harassment", 2018, <https://mediaengagement.org/research/women-journalists/>

² The comparison is made between the entire 2019 and the first nine months of 2020

³ IJAS Database of attacks and pressures on journalists <http://www.bazenuns.rs/srpski/napadi-na-novinare>

2. Methodology

Quantitative research

Data collection method: Online survey

Instrument: Survey questionnaire with 51 questions related to the perception of personal safety and exposure on the Internet, threats regarding labour and professional rights, perception of the protective role of the state and professional associations, impact of the safety risks and threats on the private life and relationship towards the profession.

Sample: 82 female journalists

Qualitative research

Data collection method: In-depth and detailed personalised interviews with female journalists who had personally experienced the problems of safety threats on the Internet.

Number of interviews: four

The materials, data and conclusions used for this Report have been obtained from previous published and non-published surveys which some of the authors worked on, as well as the information received through participation in groups for journalists' safety.

These data include interviews with 20 female journalists who suffered various forms of pressure and attacks because of their jobs as journalists, interviews with representatives of the competent authorities, members of the Standing Working Group for Journalists' Safety, representatives of the journalists' associations and experts in matters of journalists' safety.

The authors have used information gathered through participation in the work of special groups dealing with attacks on journalists, such as the Standing Working Group for Journalists' Safety (minutes from the meetings, conclusions from joint meetings with representatives of public prosecution offices, police and journalists organised by OSCE Mission to Serbia) and Working group for drawing up the Platform for keeping the records on the cases of threats to safety and pressures on journalists and other media actors. The information received through the work of the abovementioned groups has not been presented in this survey, but

was used to sum up the conclusions. Based on such information, the conclusions are general and do not indicate the information from specific cases of attacks which could affect the course of the proceedings which are still active.

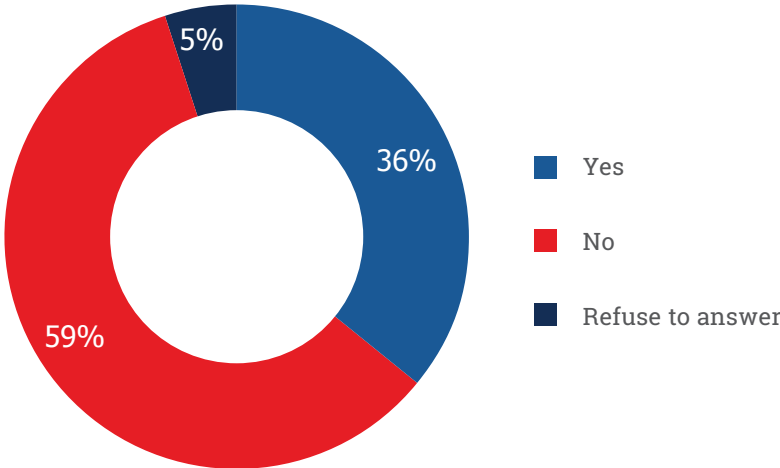
3. SURVEY: Empowered female journalists = informed citizens

During September 2020, Independent Journalists' Association of Serbia (IJAS) carried a survey among the female journalists "Empowered journalists = informed citizens". More than third of respondents (36 per cent) replied that in the last five years they had received threats through online channels or had their safety at risk in a similar way. It was due to the effect of some of their articles as 42 per cent claimed, or their entire work as stated by 27 per cent.

Every fourth journalist (25 per cent) received threats because of the media outlet they work for. About 42 per cent of the female journalist who participated in online survey said that it had been an isolated attack, while 18 per cent said that the attack was a part of the campaign against them.

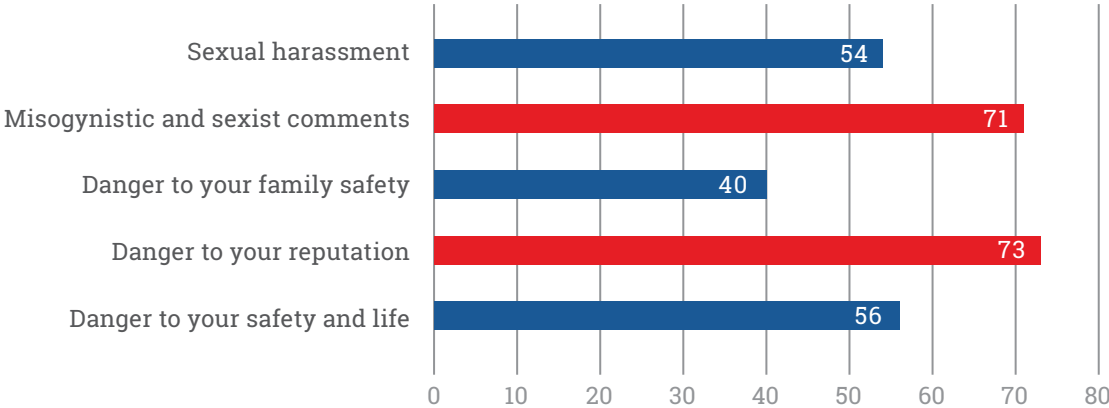
Half of respondents believe that threats made in the online world are as equally dangerous as threats in person.

► In the last five years, have you received any threats through online channels or has your safety in any way been at risk?



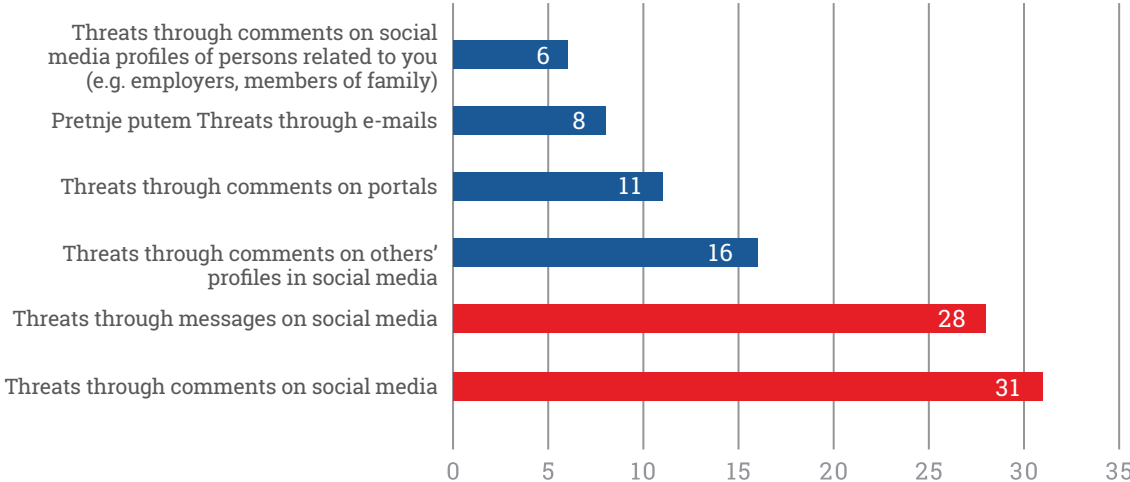
According to IJAS findings, in 73 per cent of the cases, the threats related to the reputation in danger, in 71 per cent those were misogynistic and sexist comments, and in more than 50 per cent of the cases, there has been sexual harassment and danger to safety and life. Danger to safety of female journalists' families was at stake in 40 per cent of the examples.

What was the content of the threats you have received?



In the online world female journalists most often receive threats through comments on social media – in 31 per cent of the cases, followed by messages on social media (28 per cent), through comments on others' profiles in social media (16 per cent) and comments on portals (11 per cent).

What was the form of threats you have most often received online?



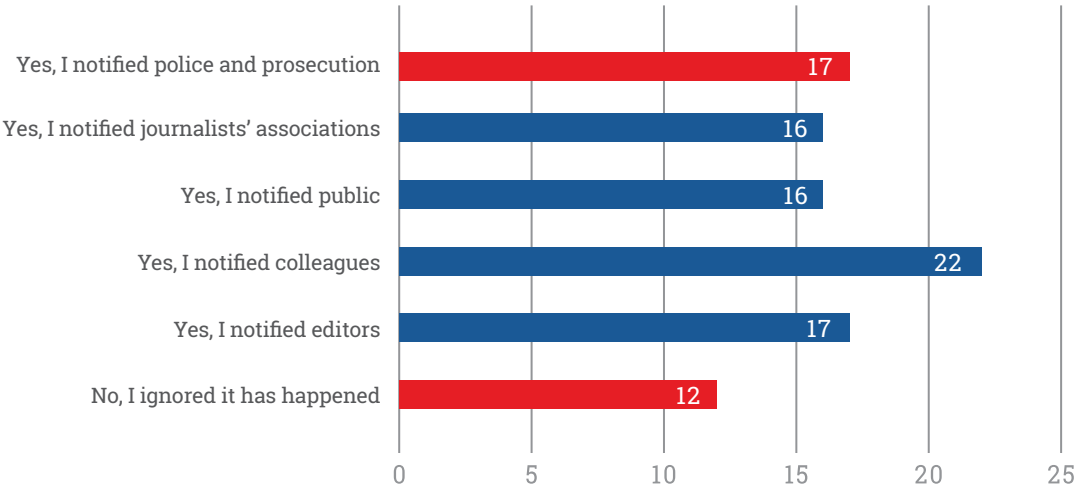
Almost 30 per cent of the respondents in the media industry claimed that the threats they had received turned into months of stalking, whilst in 29 per cent of the cases political organisations were behind those threats, in 27 per cent the individuals, and in 15 per cent of cases specific groups (hooligans, nationalists). Hidden identities or false profiles on the Internet were the source of threats to female journalists in 29 per cent of the cases.

In such situations, female journalists most often talk to their male and female colleagues (22 per cent), then editors (17 per cent). Only 17 per cent reported the threats to the police and prosecution.

Survey indicated that yet 70 per cent of the respondents believe that state authorities fail to react in an adequate manner. Out of it 30 per cent believe that they fail to react anyhow, and 40 per cent that they “mostly do not react”. However, every tenth respondent disagrees with these claims.

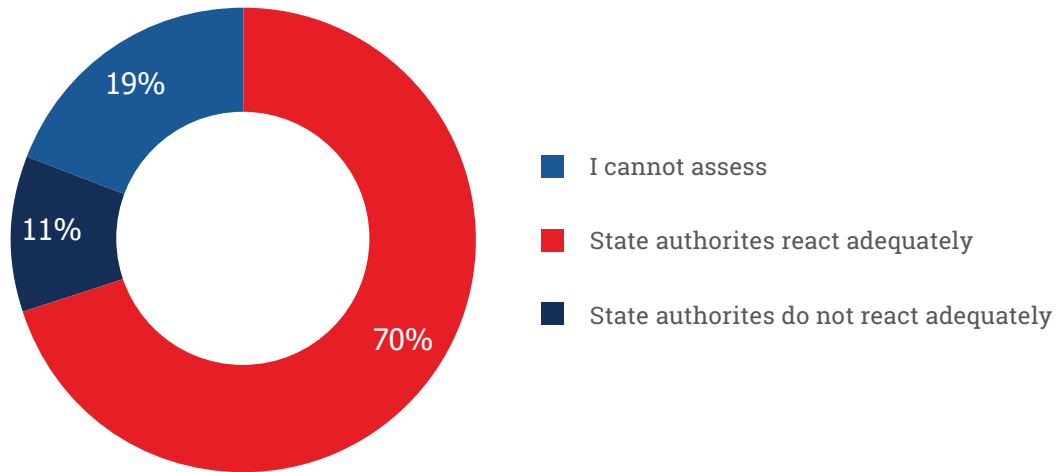
When asked how would they assess the relationship of the state authorities towards them during the proceedings, in more than 50 per cent of the responses the female journalists said that the representatives of the state authorities had not made them feel good, respected and safe, less than 20 per cent had experienced the opposite, while 26 to 31 per cent assessed this relationship as “neutral”.

Have you reacted to threats? If yes, how?





Asses the reaction of state authorities in the cases of reported threats to female journalists' safety?

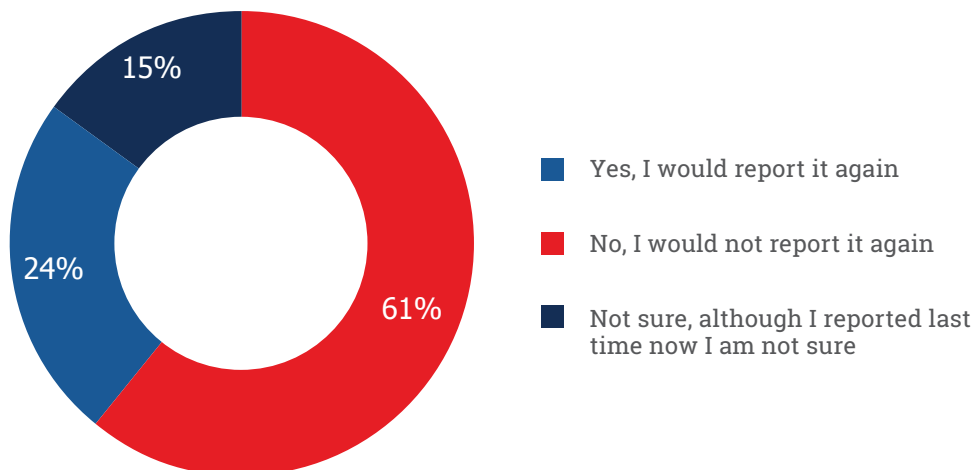


Almost two thirds of the respondents (61 per cent) would report the threats again if they would receive them, while 24 of female respondents would not repeat it.

In the group of female journalists which did not have experience with threats, 63 per cent responded that they would report it to competent authorities if they would have experienced such situation, two per cent would not do that, and 35 per cent is not sure what they would do.

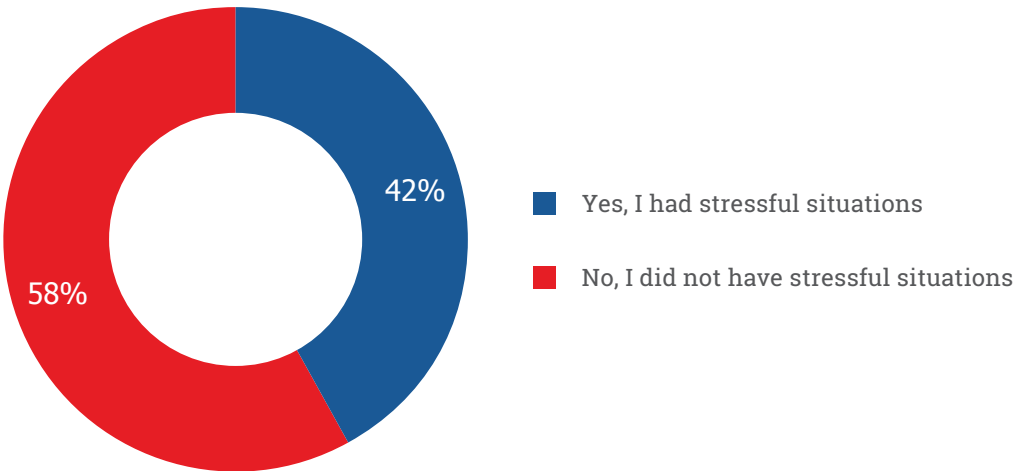


If you have had reported the case to the competent authorities, if you would find yourself in the similar situation would you do the same?
(female journalists who had experienced threats on the Internet)

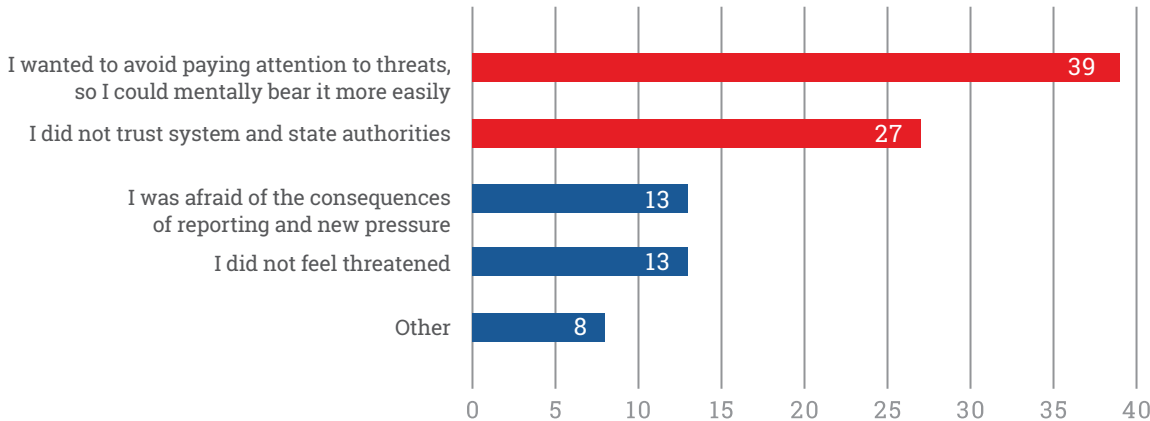


Out of journalists who had reported threats in Serbia, four per cent said that the state authorities put pressure on them to drop the proceedings, while 8.5 per cent said that the authorities demanded them to collect evidence themselves, and 12.5 per cent believe that proceedings had been carried out in a non-transparent manner.

Did you have to experience new stressful situations in the process, after you have reported threats to the state authorities?



If you had received threats, but did not react to them, what was the reason for such decision?



The interviewed respondents emphasised dissatisfaction with the work of state authorities in failing to protect their not only professional, but also civil rights. Insti-

tutions are perceived as non-efficient in their work, being slow, sluggish and often without any interest for resolving such cases. In addition, the state institutions only react to already reported threats on female journalists' safety, while they were rarely launching investigation and other legally prescribed proceedings on their own.

State institutions are also perceived to be in service not of all citizens, but politically suitable journalists. Therefore, judging by the statements of the journalists in the in-depth interviews, the state institutions recognise the division of journalists into pro-government and the other, so act in accordance with that classification by being motivated and willing to solve cases of danger to safety only for those female journalists who belong to the pro-government media.

Female journalists who had received threats indicate that in 60 per cent of the cases it has negatively affected their private life, for 58 per cent their physical and mental health, 32 per cent had their relationship towards work negatively affected, for 30 per cent their relationship towards their journalistic profession, and for 70 per cent it affected negatively their relationship towards institutions.

Relationship of the journalists towards threats was determined by social dynamics in Serbia which is, on the one hand, reflected in the polarisation, extremism and exclusion, and on the other hand, in the non-efficiency of the state institutions. In such situations, journalists who are exposed to frequent threats and attacks are being "forced" to get used to that.

According to their testimonies, first encounter with threats and attacks is experienced very intensely and with high emotions. However, as state institutions and journalists' associations fail to protect them, in time they get "used" to threats and attacks, by using various psychological mechanisms for minimizing their impact and importance.

Besides online threats that are visible and transparent, there is a permanent fear of losing a job due to direct and indirect political pressures to the media owners and editors. If you are a professional journalist, you might be afraid that you will lose your job, due to political and other pressure, so you begin to feel personal and professional frustration. This has an impact on the work of female journalists and their personal well-being.

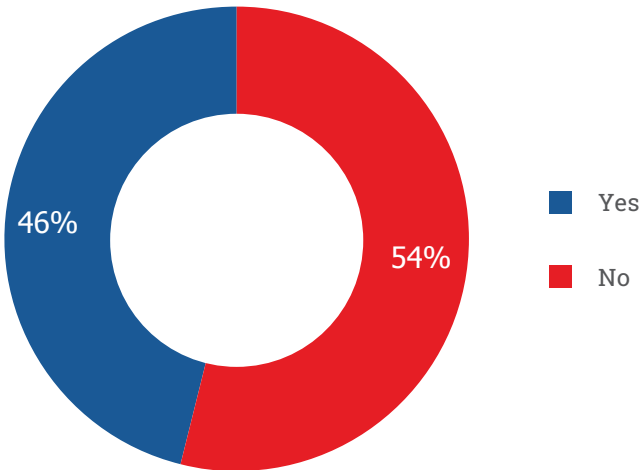
Exposure to online threats and attacks creates pressure to a female journalist that is not only personal (internal) but comes from her primary circle, her

family. This sort of pressure, motivated by concern, is negatively affecting personal and private life of female journalists even more.

The interviewed female journalists who had personally faced the problem of threats to safety on the Internet indicate the lack of empathy from their colleagues and absence of true support from the newsroom when the attack had occurred. They believe that higher level of compassion, support and transfer of experience from older colleagues to younger are crucially important, especially when the first encounters with unpleasant and threatening situations would occur.

In addition to threats, in the last five years more than every second respondent received offensive messages on the Internet, which could not be qualified as threats.

▶ In the last 5 years, have you received offensive messages on the Internet, which do not qualify as threats?

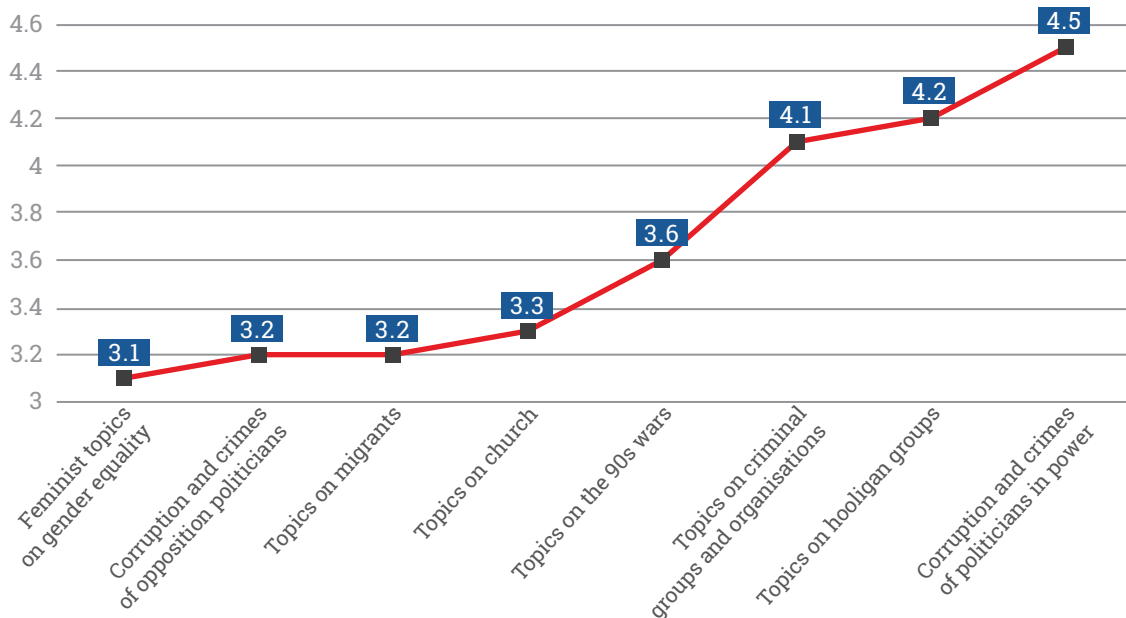


A majority of female journalists in Serbia, at least 84 per cent of them declared in the IJAS survey that they believed the number of online threats and pressures had increased compared to threats in person.

Topics that incite comments, which could be related to hate speech, threats and pressure to male and female journalists, are most often corruption and crimes of the politicians in power, hooligan groups and topics regarding criminal groups and organisations.



Which topics in Serbia incite comments that could be related to hate speech, threats and pressure on male and female journalists?



Yet 67 per cent of the female respondents from the media sector believe that the biggest problem in solving such situations is the absence of the consistent implementation of the existing laws and provisions, while every fifth (22 per cent) believes that it is necessary to have new laws and regulations to regulate the status of journalists.

Training on safety of female journalists on the Internet could be useful for 64 per cent of respondents, while every tenth thinks differently, and 26 per cent is not sure.

The female respondents see the current role of professional associations in protecting and improving safety of female and male journalists as inefficient.

The respondents recommended that journalists' associations should position is such way to **(a)** have the role of intermediary between female/male journalists and competent institutions; **(b)** inform female and male journalists on their rights and procedures which they should know if they find themselves in situations where their rights are in danger; **(c)** educate female and male journalists in the domain of personal safety both in person and online; **(d)** perma-

nently warn the public about violation of rights of female and male journalists; (e) provide legal aid to female and male journalists at risk.

Majority of female respondents is either completely unaware of the existence of the Standing Working Group for Journalists' Safety or is not familiar with its activities. However, the respondents agree that the idea of the existence of such body is good, but that its activities went unnoticed, so its work cannot be properly assessed.

4. General characteristics of online attacks

There are numerous reasons why there are more attacks on social media, starting from the physical benefits such as the absence of direct communication that requires physical presence, where it is necessary to demonstrate greater courage and responsibility for what was being said. Communication on the Internet means that it enables the possibility of delayed communication, enough time to plan the attack and withdraw quickly, for example, if the attacker feels uncomfortable.

The Internet is highly beneficial for quick and simple group gatherings and support but also attacks from groups. This is a reason why a potential attacker decides to act more easily. It is very questionable if the attacker would decide to do so if he/she would be alone and would not have the approval or accomplices among other persons in the action spot (network).

In this way, the attacker is being offered greater feeling of safety and freedom to accomplish the act. It is highly relevant that the posts mostly represent the public content that remains online for a long time, so attackers and their pieces of work have a large audience and specific support in the public scene which is reflected in number of likes or support comments.⁴

There could be other reasons too: possibility of hiding the identity, more difficult detection of perpetrators if they had been concealing their identity carefully,

⁴ Critical Points in the System of Safety of Journalists, Critical Point 9, Problem of processing attacks on journalists in social media and portals, page 42

awareness of the perpetrators about complicated detection and processing of the prosecution authorities reflected in the difficulties of collecting evidence related to the identity of those posing threats, deadlines and uncertainty of collecting data by the police and prosecution office. All the above reasons could provide potential additional momentum for venturing into attack more easily.⁵

Personal profiles in social media provide opportunity for attackers to remove posts, comments and direct messages they had written (so it also means deleting proof which is afterwards more difficult to find), and this is further assisted by the lack of appropriate reaction from the victims (who did not report it) or who are often even deleting their own posts which include the negative comments.

Nonetheless, the value system accepted in the society is highly important too as no one is judging lack of tolerance towards opponents, which is highly visible in social media. Representatives of the authorities do not condemn the attacks, which serves as a momentum to other citizens to take it as a form of behaviour that is not punished and is tolerated.

Since there is an impression that the degree of liability is smaller if the threat is made on social media, and with the mentioned absence of closeness and physical contact "face-to-face", the Internet becomes a central space for frivolous and very rough exhibiting of dissatisfaction with other peoples' opinions. Today we still have situations where it is necessary to explain to the citizens that it is important to defend freedom of speech and right to express opinion, but also that rules do not allow overstepping the limits of intolerance. Regarding the methods of expressing the threats, what we see is the lack of awareness on the place and consequences of what is done, followed by the impression that citizens who make threats are often not aware of their rights and especially of their duties.

Citizens quite often do not perceive the behaviour on the social media as similar with actions done in person, when they are in physical contact with the persons they are addressing to and making threats (for example: "so what, it is not the same, I did not say that to her in person, this is only Facebook").

⁵ Critical Points in the System of Safety of Journalists, Critical Point 9, Problem of processing attacks on journalists in social media and portals, page 42

Yet, the awareness and knowledge of those who committed the attacks before is increasing. Other potential perpetrators are also becoming aware of where is the limit they should not cross (possibility and manner of expressing certain threats, where is the line between threat, insult and pressure).⁶

Unfortunately, despite numerous examples of very serious threats made online, the practice and impunity create a different picture.⁷ The reasons are numerous: the victims who fail to react and the practice in criminal matters that observes the real danger of the expressed threats in a different way.

We emphasise that the problem in some attacks is de facto impunity for the majority of similar actions on social media. The problem is also the rapport some of the competent authorities have towards it, especially in smaller communities with the lower-ranked officers who have the attitude of failing to react and inability to understand negative behaviour on social media (“he did not mean that”, “he has no idea what he is writing”, “don’t say it like that, you know him”, “oh, it’s Facebook, people write stuff”, “well, he did not write God knows what to you”, and other).⁸

The difficulties in proceedings before the authorities are also a problem that is reflected in the process of data collection, such as: information available on the social media about the identity of the person making threats, information related to the events, because of the seat of a server or portal outside of Serbia and the complications of collecting data from the competent authorities in the countries where those are registered.

Victims have to carry a burden of delivering evidence, which they are obliged to do under the order of authorities. This is a form of secondary victimisation and one of the most frequent reasons of abandoning further prosecution or not reporting new attacks.⁹

⁶ Critical Points in the System of Safety of Journalists, Critical Point 9, Problem of processing of the attacks on journalists in social media, page 42;

⁷ Critical Points in the System of Safety of Journalists, Critical Point 9, Problem of processing of the attacks on journalists in social media, page 42;

⁸ The authors drawing up the analysis of the Critical Points in the System of Safety of Journalists for SlavkoCuruvija Foundation collected the examples while investigating attacks on journalists and interviewing victim female journalists as well as victim female journalists whose cases are still in the proceedings phase;

⁹ Critical Points in the System of Safety of Journalists, Slavko Curuvija Foundation, Critical Point 9, Problem of processing of the attacks on journalists in social media and portals, page 43;

Online space is also room where other citizens learn from other peoples' actions. As much as it is beneficial since it is increasing the awareness on what is an attack and a threat, it also has a negative effect since potential perpetrators are adjusting their behaviour based on others' conduct (threat expressed in modality). Unlike the event in the street where only attacker and victim journalist are present, in online space large number of events remains recorded.

In general, in that sense, **critical issues pertaining to online attacks**¹⁰ are as follows:

- 1. Increased number of online threats.** Total number of attacks is significantly bigger compared to 2019;
- 2. Extended duration of proceedings.** Reasons for longer duration of the proceedings could be problems with collection of data, lack of evidence, procedural issues in the relationship between prosecution and police, negative pressure from other public authorities;
- 3. Capacities of the competent authorities' departments** in the Ministry of the Interior (MoI) (Department for Suppression of Hi-Tech Crime) and Republic Public Prosecutor's Office (RPPO) - Special Prosecutor Office for High-Tech Crime. When comparing the organisation and resources allocated for prevention of criminal offences, there is an impression that high-tech crime is behind other areas. However, taking into consideration the realistic capacities, it is noticeable that experts for high-tech crime within Special Prosecutor Office and Department of the Ministry of the Interior are very good at their job. When comparing the continuing increase of number of attacks on the Internet with other criminal offences that represent primary offences for a longer period, significantly less funds are being allocated for the high-tech crime. Increase of detected attacks and the relevance of the area as such should be followed by the appropriate reorganisation and enhancement of the capacities at all levels (access to latest technologies, number of new technologies experts, response to attrition of the high quality staff, salary grades, engagement, work overload, new employment, technical capacities, assistance in departments which work in investigation and collection of data and notifications);

¹⁰ Made by the authors for the purpose of **reviewing proposals** for particular points of online stalking of female journalists in the framework of the Action plan of the Standing Working Group for Journalists' Safety, 2019;

4. **Collecting evidence and the lack of evidence issue.** Reduced technical possibilities of the victim journalists to collect all necessary evidence automatically redirect this to the overburdened police and prosecution. Capacities and possibilities for gathering evidence, with the prosecution and police too are also very insignificant, especially as regards social media or portals which are based outside of Serbia;
5. **Opportunities in the online space for connecting, grouping attackers and learning information** on real masterminds behind those attacks or persons whose role could be targeting (cause) as well, where the realised threat is only a consequence that causes fear. Compared to events in the street which cannot be always recorded, in online space there is more possibility to leave data, including disclosure of perpetrators or related persons. For example: connection with what is written on other pages or comments on profiles, visible communication in comments or on posts, likes, posts sharing;
6. **Method of collecting information (gathering evidence) from the victims and the effects of secondary victimisation;**
7. **Manner of expressing threats (made in the form of modality).** Today, on-line space and especially social media, increasingly reflect the wider public scene as a place to look up to and take the examples and behaviour models of other attackers, especially when in their cases the complaints were dismissed. This point is especially critical, taking into consideration a huge influx of such threats and lack of appropriate response of the criminal justice system (Criminal Code, Misdemeanour Law). Certainly, prosecutors and police officers who act in accordance with the laws are not to be blamed, it is the system as such that is incapable of change in the light of new circumstances;
8. **Constant progress of technology, new forms of communication, new social networks** (we especially emphasise communication network TikTok which has a huge negative potential), **changes and incapacity of users to adapt to new software, protection systems, unclear privacy policy and data which stay on the network, lack of knowledge of journalists as users, posting details on the threat before filing complaint or providing evidence and other.**

In the system of journalists' safety, we have noticed that several important points, on various different levels, can have a huge impact on defining forms of attacks, establishing consequences, detecting and solving cases of attacks on

female journalists on the Internet. In that sense, we differ between the following:

a) Substantive law and organisational part that include:

- International regulations as the basis and substantive law aspects of criminal protection through **categorisation of criminal offences against journalists** in a special part of the Criminal Code of the Republic of Serbia;
- Organisational aspect of criminal protection, which includes organisation and competences of criminal prosecution authorities and **importance of Special Prosecutor Office for High-Tech Crime** in the scope of Higher Public Prosecution Office in Belgrade, but also importance of the Department for Suppression of Hi-Tech Crime in the scope of Ministry of the Interior of the Republic of Serbia;
- **System of “contact points”** established through the Agreement on cooperation and measures to increase the level of journalists’ safety, which has an aim of rapid reporting, quick proceedings by competent authorities and improved control of processing of the cases of attacks against journalists in accordance with the laws under which the powers of public prosecution and police to act have been already specified;
- **Standing Working Group for Journalists’ Safety**, also established under the Agreement¹¹ where, among other things, the details are discussed and the course of attacks on female journalists is being monitored (with the conclusions contributing to solving specific cases and systematic problem solving - proposals for amending Criminal Code and Criminal Procedure Code, drawing up internal guidelines for competent authorities that could be helpful in the investigation);
- Future **Platform for recording pressures on journalists**, pursuant to the Agreement on Establishing a platform for recording cases of security threats and pressures on journalists and other media actors, which should be very relevant for defining and reviewing pressure that female journalists are experiencing in online space;

b) Specific critical points stemming from the practice of monitoring reporting and processing of the attacks, which are highly relevant for perpetration of

¹¹ Agreement on cooperation and measures to increase the level of journalists’ safety, at Association of Online Media website <https://www.aom.rs/wp-content/uploads/2016/12/Sparazum-o-saradnji.pdf>

the offence, the resolution of cases and relationship of the female journalists towards reporting, where we underline the following:

- Increased number of cases of online threats to female journalists' safety;
- Absence of gender-sensitive approach regarding the topic of female journalists' protection;
- Impunity of the pressure against journalists;
- Special form of attacks and pressure that female journalists experience from the government public officials, MPs and other representatives of the authorities;
- Behaviour of the public officials and absence of condemnation by the representatives of the authorities;
- Especially aggravating circumstances of the primary attacks in online sphere for female journalists and secondary victimisation;
- Giving up on reporting of the attacks and pressure;
- Serious deterioration of the victim female journalists' confidence that they could be appropriately protected from the attacks;
- The situation of de facto impunity or apparent impunity, depending on the point of view and the way situation is being interpreted in relation to unsolved or unprocessed cases, so it could be near impunity.

4.1. Substantive law aspects and organisational aspects relevant in the cases of online stalking of female journalists

International documents and standards, as well as domestic experts' analyses indicate that this issue is related to problems which female journalists rarely report so it is evident there is a need to develop efficient mechanisms in this area, which would include support and help. It is also underlined that it is necessary to enhance capacities of the authorities competent for implementation of laws by both organising trainings and improving databases on gender-based injuries and endangerment of journalists. Experts working on issues of gender equality are mainly those dealing with problems of attacks on female journalists.

We specially underline **UN General Assembly Resolution of 13 November 2017, regarding the Safety of Journalists and the Issue of Impunity in attacks on journalists** that contains all relevant elements of the system to protect the female journalists. Resolution calls upon states to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, inter alia, by means of:

- a. Legislative measures;
- b. Supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and international humanitarian law obligations and commitments relating to the safety of journalists, including with a strong focus on sexual and gender-based discrimination, and violence against women journalists, as well as **the particularities of online threats and harassment of women journalists**;
- c. Regular monitoring and reporting of attacks against journalists;
- d. **Collecting and analysing concrete quantitative and qualitative data on attacks or violence against journalists, that are disaggregated by, among other factors, sex**;
- e. Publicly and systematically condemning violence and attacks;
- f. **Dedicating the resources necessary to investigate and prosecute such attacks and to develop and implement gender-sensitive strategies for combating impunity for attacks and violence against journalists**, including by using, where appropriate, good practices such as those identified in Human Rights Council resolution 33/2; and;
- g. Putting in place safe gender-sensitive investigative procedures, **in order to encourage women journalists to report attacks against them and provide adequate support, including psychosocial support, to victims and survivors**.

In Serbia, criminal legislation regulating attacks on journalists is stipulated under the Criminal Code (CC). The Code stipulates three criminal offences that are directly related to attacks and threats on journalist in reference to *“the person engaged in a profession of public importance, regarding the task he/she is performing”*.

It stipulates the following: special form of criminal offence of aggravated murder when causing the death of a person who performs work in the public interest in connection with performance of their duties (Article 114 para. 1 item 8 of CC), special form of criminal offence of serious bodily harm, perpetrated against a person who performs work in the public interest (Article 121 paragraph 6) or offence which is suspected or founded to be perpetrated against female journalists in online space, which is **a special form of criminal offence of endangerment of safety, perpetrated against a person engaged in a profession of public importance in the field of information regarding the task he/she is performing (Article 138 para. 3).**

Since 2017, as more serious work was being done regarding this subject, the position of experts working on attacks against journalists in connection with criminal offences perpetrated to the damage of journalists has been moving forward in some way (primarily with members of the Standing Working Group for Journalists' Safety, engaged with this topic the most), so under the pressure of journalists' associations, with understanding and acceptance of RPPO and MoI, the number of offences which could be linked with attacks on journalists has increased.¹²

(A) Endangerment of safety from Article 138 para. 3 of the Criminal Code, in connection with online threats to female journalists

(3) Whoever commits the offence specified in paragraph 1 of this Article against the president of the Republic, member of parliament, prime minister, members of the government, judge of the Constitutional Court, judge, public prosecutor and deputy public prosecutor, attorney-at-law, police officer and person engaged in a profession of public importance in the field of information regarding the task he/she is performing, shall be punished with imprisonment of six months up to five years.

The purpose of introducing criminal offence of endangerment of safety was to ensure private safety of the citizens, primarily safety that the endangered subjects comprehend in a subjective manner. Consequences of the offence being perpetrated are exhibited in the feeling of unsafety and endangerment of the subject who is attacked, also fear for his/her life or body, for the life and body of persons close to them.

¹² Conclusions of the Subgroup for the analysis of Criminal Code in the framework of the Standing Working Group for Journalists' Safety

What qualifies it as the offence is the subjective feeling of a person being threatened with endangerment, prospects of threats of attacking life or body, as well as causal link between two actions (threat and feeling of unsafety). However, practical application demonstrated that such reasoning is not acceptable, so with the most severe forms from para. 3 it is necessary to have both subjective and objective assessment of endangerment.

However, the basic idea for defining this offence referred to the subjective feeling of disturbance, and not objective realistic threat which journalists quite often cannot be aware. For example, threatening someone with a plastic gun or unloaded weapon, or threat from a person for whom journalist objectively cannot tell if they can perpetrate the threat, creates strong subjective feeling of disturbance. In the current practice of the attacks on journalists, it is believed that objective threat is also necessary, so the offence will not exist only based on the subjective feeling only.

This offence is most often a foundation for qualifying the threats expressed against female journalists in online space. First, a threat must be made against a female journalist and must be related to her journalistic work, for example, an article or reporting. If the threat is made, and it is not related to the fundamental journalistic work but refers to some other private matter, then it is qualified as the basic form of the criminal offence from Article 138 paragraph 1.

Moreover, the severity of threat is another issue that brings about various conclusions and represents the most frequent topic of discussion between journalists and competent authorities. Out of 29 recorded cases of online attacks against female journalists, in addition to the cases of pressure that mostly include borderline elements of the criminal offences and various forms of insults, for most cases the starting qualification would be endangerment of safety.

What has been problematic so far for a threat to constitute an offence is a manner of expressing the threat. Precisely due to the manner of expressing threat, regardless of the feeling of fear, which is created with the journalists, a huge number of attacks in online space stay unprosecuted.

Threats expressed in the form of modality, which, in fact, is not punishable, create (subjective) feeling of endangerment with the female journalists, however, such threat is not sufficient to ascertain whether a criminal offence referred to

in paragraph 3 existed, as it requires specific certainty of the occurrence of the adverse consequences following what was written or said.

Threats, which do not constitute real danger in criminal practice, could be very different: expressed with certain condition, in the form of modality (“I will put a bullet in you”, “I would put a bullet in your head”), imaginative threats (“... I am not sure if you would last until morning”) or threats which are not indirect (for example “we know where you live”).

However, this does not mean they should be automatically neglected¹³, because such threats could be very dangerous taking into consideration the place and persons they are coming from. One of the conclusions is **the existence of vacuum, in situation when something negative is stated but is not detrimental or threatening enough to be punished** (it does not constitute the subject matter of the criminal offence which it should be prosecuted for because of the threat against journalists).

However, what is stated often does not fit into other existing criminal or misdemeanour offences that refer to the suffered attack, so such threat remains *de facto unpunished*. Therefore prosecutors and police officers quite often in good faith advise trying to file claims and prosecute for other offences if special elements for such things exist, for example, for stalking, racial and other forms of discrimination, relevant offences and most often ***insults***, for a criminal offence prosecuted under a private lawsuit.¹⁴

However, the practice demonstrates that female journalists in fact receive threats, not insults. In such cases, after detection of problems, it is necessary to start problem solving, first by changing the practice and prevailing opinion so the reaction to attacks would be improved and more purposeful.

(B) Online stalking of female journalists in conjunction with Article 138a of the Criminal Code

(1) *Whoever a certain period of time persistently:*

¹³ Quote, Analysis of the efficiency of criminal protection of journalists, page 90.

¹⁴ Criminal offence of insult from Article 170, para.1: Whoever insults another person, shall be punished with a fine ranging from twenty to one hundred daily amounts or a fine ranging from forty thousand to two hundred thousand dinars.

1) *Unauthorised follows or stalks another person or carries out other acts with the aim to get physically close to that person, against the person's will;*

2) *Attempts to establish unsolicited contact with that person, directly, through a third person or through other communication channels;*

3) *Abuses personal data of another person or a person close to them with the aim of offering goods or services;*

4) *Threatens to the life, body or freedom of another person or someone close to them;*

5) *Undertakes other similar acts in a manner that can substantially jeopardise the personal life of the person who is the target of such acts, shall be punished by a fine or by imprisonment of up to three years.*

(2) If the offence referred to in paragraph 1 of this Article resulted in endangering the life, health or body of the person who was the target of the offence, or the person close to them, the perpetrator shall be punished by imprisonment from three months to five years.

(3) If the offence referred to in paragraph 1 of this Article resulted in death of the person who was the target of the offence, or the person close to them, the perpetrator shall be punished by imprisonment from one to ten years.

Stalking from Article 138a of the Criminal Code can be one of the key offences for resolving the cases of female journalists' harassment through social media (para. 1 item 2 of this Article). In practice, the realistic impression is that stalking of journalists happens quite often, especially due to a high number of negative and continuing pressure. In practice, the beginner phase of the attack is characterised as pressure or potential endangerment of safety, while in time it turns into serious stalking (according to the poll from this survey even 30% of female journalists responded that beginners attack often turns into stalking, which demonstrates that they had experienced at least one incident which turned into online stalking).

Istanbul Convention (the **Council of Europe Convention on preventing and combating violence against women and domestic violence**, adopted on 11 May 2011) was an incentive to criminalise stalking. Serbia ratified the Convention ("Official Gazette of the RS" – International Agreements, No. 12 of 31 October 2013), so it is obliged to criminalise it. This particular offence is in fact stemming from problems of violence against women.

In comparison to the prescribed offences, the offence could be interpreted through the type of consequence that journalist as a subject has to put up with. Actions of perpetrating offence which mostly occur on the Internet must be taken in such a way so as to create consequences for a female journalist (at least in the form of endangerment, not always as a concrete physical consequence which occurred), and in our understanding, that would be the violation of the right to respect of private life and right to freedom of choice of an individual.

Within that meaning, it is sufficient that female journalist does not want to establish a contact with a person who is persistently trying that. Also, it is very probable that actions in the scope of stalking are not perpetrated on the Internet each time, but, for example, via text messages or physical interception, mailing letters, sending packages, oral messages through other persons and similar. In addition, the Internet could be a supplementary method of communication as the real stalking is occurring in person.

This criminal offence can be committed only with intent, which, depending on the form of the act of perpetrating, must include all the important elements. Concerning "other similar actions" from the definition of the offence, perpetrator must be aware that he/she is undertaking those actions in a manner which could truly endanger personal life of an individual against whom actions are undertaken and that they want to make it happen.

Similar as with criminal offence of endangerment of safety, stalking female journalists must be undertaken because of the work that female journalist is carrying out. If such element does not exist or the journalist does not feel unsafe or threatened, there is no stalking.

The practice demonstrated that along with the endangerment of safety, this was the most common offence as regards the online attacks on female journalists, especially from paragraphs 2 (attempt to establish communication), 4 and 5 (attack on life and body, endangerment of an individual) of this Article. Usually it is the combination of attack which is followed by numerous sexist and misogynistic insults displayed in a form of dissatisfaction due to the rejection to accept the communication or yet as a clear intent to pursue with the stalking.

The most common characteristics of online stalking¹⁵ are as follows:

- a. Action of perpetrating criminal offence includes the intent to establish contact with the victim through communication channels, but also *de facto* action of the attempt or the establishing of the contact, addressing, sending specific message;
- b. In the intent to establish the contact with the victims of stalking, during the specific period the perpetrator undertakes several actions. Those could be carried out directly towards the user of the specific account or through some communication channels (messages via Internet communication apps such as WhatsApp or Viber, via social media Facebook, Twitter, Instagram, LinkedIn or other) or through third persons (addressing third person via the Internet communication channels for the purpose of establishing contact with female journalist);
- c. For perpetrating criminal offence, any form of communication channels which could be used to send a specific message to the female victim is necessary. It could be a request for access (several requests, e.g. friend request, follow, attempt to persuade female journalist to “unblock” her account and allow access), direct or indirect comment, attempting or getting into contact. In these cases, it is possible that complete stalking actions are not being done through online communication. It is possible that manner of communication is interrupted, but the actions of addressing have continued;
- d. There is no criminal offence in a situation when the other person whom the message is intended for wants and allows contact (which *de facto* means that we must have the absence of accepting the contact, so it remains an open question if imparting to the attacker that the contact is not wanted or, for example, the action of refusing the friend request on Facebook or Instagram, still constitute the action of accepting);
- e. This criminal offence shall be considered perpetrated if the other person whom the message is sent does not want the contact with the person who pursues the establishing of such contact, if for some period of time

¹⁵ Made by the authors for the purpose of **reviewing proposals** for particular points of online stalking of female journalists in the framework of the Action plan of the Standing Working Group for Journalists' Safety, 2019;

this person attempts to establish the contact with the victim in any way whatsoever (continually pursues with harassment);

- f. It is required for a person who receives messages to experience state of endangerment and fear for their own life. In many cases we have examples of persistent attempts of communication which do not cause damage or do not cause disturbance with the persons whom the messages are sent;

In the view of the former practice and experience in the analysis of the recorded cases¹⁶, some critical issues have been observed pertaining to online stalking:

1. **Unlike other crime scenes, online space represents a very convenient field for collecting data on the perpetrated offence.** This is because there are recordings and records of the communication or messages to the victim female journalist. Hiding messages is difficult because if the one sending those removes them, the female journalist still can save them or make “screenshots” of those she had received on social media. Deleting content does not remove the trace completely. This is especially beneficial in the stalking cases taking into consideration the frequency and perpetuation of the actions taking place online. However, the problem of identification persists as well as accessibility of stalkers whose identity cannot be established precisely, which is a particular characteristic of social media such as Twitter or Facebook who are famous for their slow and cumbersome cooperation, or for the portals whose servers have seats outside of Serbia;
2. **Competent authorities do not have sufficient practice in such cases,** as there is a very small number of reported or instigated cases of the stalking of journalists, especially online stalking (four cases of stalking have been instigated, and we have recorded several cases of female journalist stalking where incrimination is based on endangerment of safety from Article 138 para. 3 instead of stalking);
3. **Good examples from practical life and work,** where through conversation with journalist we often detect the elements of stalking, but the journalists have not reported those. The reasons for failing to report it could be

¹⁶ Independent journalists' association database of attacks and pressures on journalists, <http://www.bazenuns.rs/srpski/napadi-na-novinare>

not being familiar with the elements of the criminal offence of stalking, failing to feel endangered as the journalist does not experience the received messages as stalking, filing complaints pertaining to other offences, lack of trust in the system, fear of consequences when reporting and additional forms of pressure;

4. **Technical action of (*de facto*) establishing of the contact** with an aim of warning to cease with it. We are under impression that this element remains unclear (if it means that we must have the absence of any form of accepting of the contact, so in that sense the question remains open if sending an answer to the attacker that contact is unwanted or, for example, the action of rejecting the friend request is an action which was carried out). The matter of time period is also interesting, which shall mean a time period during which continuously or with some interruptions it is attempted to establish communication or deliver the message, when it ceases to be stalking and becomes endangerment of safety, and other;
5. **The problem of proof of criminal offence of stalking in online communication.** Since stalking requires communication during a specific period of time (continuously), it is necessary to have a short time gap with the attempt to establish contact, and that attempts and messaging are carried on during specific time.

When it comes to other criminal offences that could be related to the attacks on female journalist in online space, in the Standing Working Group for Journalists' Safety conclusions, the following are recognised as offences that might be perpetrated against journalists:

- **Computer sabotage from Article 299 of the Criminal Code and unauthorised access to computer, computer network or electronic data processing from Article 302 of the Criminal Code**, where it is possible to perpetrate offence online, in some cases with the aim to attack a female journalist by first attacking the system that female journalist has access to, with an aim to jeopardise or confiscate data¹⁷. The severity of attacks varies, as some may cause temporary inaccessibility of certain content, while in some cases of attacks more serious damage occurs (data theft, identity

¹⁷ Criminal Code of the RS, Articles 299 and 302;

theft or misrepresentation, false identity, unauthorised access to other persons' communication and similar).¹⁸

- **Racial and other discrimination from Article 387 para. 2, 4 and 6 of the Criminal Code**, an offence which could be also perpetrated through direct messages on Facebook, Twitter and Instagram and other social media, in the form of posts or articles published on those media, comments on various posts and articles that victim female journalists published on those social media, comments on published posts of other persons, articles and comments on various portals on the Internet. Compared to the endangerment of safety, the procedure of gathering evidence is much easier, however unlike verbal threats, it is not perpetrated so often.

The offence is based on the prohibition of violating internationally recognised human rights because of the race, skin colour, religion, nationality, ethnic origin, or some other personal characteristic. It is important to mention that it is any action which violates fundamental human rights and freedoms because of the race, skin colour, religion, nationality, ethnic origin, or some other personal characteristic, which represents quite common form of attack on female journalists, especially on the Internet (comments on social media, comments on portals, articles).

The offences referred to are in the process of being introduced into enforcement by application of internal acts, obligatory guidelines or operational instructions in MoI and RPPO. At the same time, all the identified offences should become a part of the Standing Working Group for Journalists' Safety initiative for amending the Criminal Code.

It is especially important that after the offences are identified, it is necessary to organise continual overview and training of the police and prosecution so they would pay special attention in their work when such offences are perpetrated against journalists, which especially refers to the situation when journalists are unaware of the seriousness of threats or do not feel threatened enough to report such threats.

Regarding the implementation of the laws, journalists, the public and associations are not satisfied with the accomplished protection. The attitude that

¹⁸ Analysis of the efficiency of criminal protection of journalists, OSCE Mission to Serbia, 2018, pp. 36-37;

introduction of new offences would not improve status and protection of journalists is becoming more prevailing as, in fact, the point is in changing both the existing attitudes and the implementation.

Furthermore, taking into consideration that currently there are greater problems than the offences against female journalists safety which should be especially regulated (impunity for offences, attitudes of the government representatives, absence of condemning attacks, values and opinions expressed towards female journalists), it would be more effective and efficient to influence the key issues such as changing government representatives' attitudes, condemning intolerance and attacks, violence against female journalists, raising awareness, education, and other.

4.2. System of Contact Points and Standing Working Group for Journalists' Safety

Contact points (contact persons) shall mean persons for contact and coordination whose work is defined in the Rules of Procedure of the Standing Working Group for Journalists' Safety, and these persons are designated on behalf of the journalists' associations, Republic Public Prosecutor's Office (RPPO) and Ministry of the Interior (MoI) from different administrations and organisational levels.

RPPO designated the contact points at the highest levels such as in appellate public prosecutor's offices in Belgrade, Novi Sad, Nis and Kragujevac, in total designating 12 contact persons. MoI foresaw 95 persons, and journalists' associations have eight contact points. The system of contact points is provided for under the Agreement. It is additionally elaborated and introduced through the work of the Standing Working Group for Journalists' Safety, with special regard on existing regulations determining the competences in the work of public prosecution offices and police.

The work of contact points is regulated so that after the attack would be reported, contact points in public prosecution offices and MoI are notified without delay by those who had received the report. If she had failed to do it before, victim female journalist or person in the association that the female journalist approached may notify the contact points (after taking actions as regards reporting endangerment of safety).

After the notice from victim female journalist has been received, the contact person from association can establish direct communication with contact points in appellate public prosecutor's offices and organisational units of Ministry of the Interior, for receiving notice on actions taken and competent authorities' measures in accordance with the law.¹⁹

Taking into consideration the predicted speed in reporting and immediate response, contact points are especially important in reporting attack online. Precisely the rapidity of reporting, recording and keeping data, as well as the speed of collecting data are the key elements in solving online attacks. It is therefore one of the most important assignments of the Standing Working Group and particularly journalists' associations to emphasise how necessary it is to report the cases to the police or prosecution as soon as possible. Moreover, it is very important to notify contact points in the prosecution and the police about the report so they could follow the operation and report on the progress.

Standing Working Group for Journalists' Safety (SWGJS) has been formed under the Agreement on cooperation and measures to increase the level of journalists' safety. It consists of the representatives of the Republic Public Prosecutor, Ministry of Interior, Association of Journalists of Serbia, Independent Journalists' Association of Serbia, Independent Journalists' Association of Vojvodina, Association of Online Media, and Association of Independent Electronic Media.²⁰

Attacks that female journalist suffer in online space are recognised as one of the key points, so special assignments have been provided in the framework of the Group's Action Plan as regards female journalists and online space. Cases of the attacks are discussed in the Group meetings, and prosecutors, MoI officers and representatives of the associations are exchanging opinions and proposals.

Advancement in communication of the victims and representatives of the competent authorities represented a possibility for victim female journalists to participate in SWG meetings, where they can share their cases and receive answers to specific questions. The aim of such meetings is to inform repre-

¹⁹ Critical Points in the System of Safety of Journalists, SlavkoCuruvija Foundation, Critical Point 8, Contact points, pp. 34-35, <https://www.slavkocuruvijafondacija.rs/wp-content/uploads/2019/10/SCF-Critical-Points-In-the-System-of-Safety-of-Journalists.pdf>

²⁰ More about Standing Working Group in the Analysis of the efficiency of criminal protection of journalists and Critical points in the System of Safety of Journalists;

representatives of the public prosecutors and the police better on specific problems from the attack cases with the purpose of monitoring and resolving them.

The existing legislative framework is not problematic from the Standing Working Group for Journalists' Safety points of view (Criminal Code and to some extent Law on Criminal Procedure, however the Group yet has to analyse it).

In the framework of its work, the Standing Working Group continually reviews specific criminal offences and a common conclusion was made there are no particular and convincing reasons to additionally reinforce special protection of female journalists' in the meaning of criminal offences protecting women. However, the representatives of the associations still have an open question of the initiative to protect female journalist particularly in online space.

4.3. Pressure on journalists as a form of attack and Platform for recording cases of security threats and pressure on journalists and other media actors

Pressure is a form of activity which is neither criminal offence nor misdemeanour, but borderline or mild form of incidents compared to those recognised in the legislation, which does not create adverse consequences or damage to the female journalists.

As regards the pressure, the Platform for recording pressure on journalists has been planned, provided for under **Agreement on establishing a platform for recording cases of security threats and pressure on journalists and other media actors**.²¹

Particular database of the pressures and cases of safety endangerment should be of great importance for defining and reviewing pressures that are made against female journalists in online space, according to the plan of activities for drawing up and maintaining of the platform, as it would include all cases of male and female journalists' safety endangerment.

²¹ From Ombudsman webpage <https://www.ombudsman.rs/index.php/2011-12-25-10-17-15/2011-12-26-10-05-05/6617-z-sh-i-ni-gr-d-n-p-pis-s-n-vins-i-udruz-nji-s-ci-ci-i-sindi-i-sp-r-zu-usp-s-vlj-nju-pl-f-r-z-vid-nci-u-sluc-v-ugr-z-v-nj-b-zb-dn-s-i-i-pri-is-n-n-vin-r-i-s-l-di-s-r>

Having in mind frequent adverse consequences, direct endangerment or continued damage, the database would be especially important for the attacks on female journalists in online sphere, since there has been a huge number of identified pressures that female journalists suffered, and currently it is impossible to find them in the criminal legislation.

We observed a common problem that after rejecting criminal complaints filed by prosecutors for the attacks, the threats female journalists had received stay in indistinct spot. The offence for which the complaint was rejected is neither a criminal offence prosecuted *ex officio*, nor an insult prosecuted as a criminal offence under a private lawsuit, so what remains is the gap.

These attacks often cannot be prosecuted on any other grounds since they are not offences, so these types of attacks become *de facto* pressure on female journalists and serious verbal threats that are quite often expressed in the form of modality and transformed into pressure. Quite often the situations which in the end are defined as endangerment of safety and threats which are defined as insults really do not correspond to the real event and what was said (for example "you should get a bullet to your head"). Victim journalist have experienced endangerment of safety in the meaning of the verbal attack, which is not a specific insult that reflects the suffered consequences in a completely different manner.²²

Although pressure is not treated as criminal offence or misdemeanour, it causes certain damage, which quite often leads to more serious consequences that could be more severe than damage caused by criminal offence or misdemeanour.

4.4. Organisational framework

Online attacks are investigated and processed through special departments such as **Special Prosecution for High-Tech Crime** in the scope of the Higher Public Prosecutor's Office in Belgrade, and in the scope of MoI a special **Department for combating cybercrime** has been established for criminal offences prosecuted under the Law on Organisation and Competences of Government Authorities in Fight against High-Tech Crime.

²² Critical Points in the System of Safety of Journalists, SlavkoCuruvija Foundation, Critical Point 12, Pressures to journalists, problem of impunity of pressures, level of accountability of authorities, page 51;

Since threats against journalist often originate from social media, this department also has an important role in detecting perpetrators of such criminal offences, so it is often in charge of enforcement under the competences of the police.

It is important for special departments and sectors operation that their representatives directly participate in the work of the Standing Working Group for Journalists' Safety or represent contact points in the journalists' protection system provided for under the Agreement on cooperation and measures to increase the level of journalists' safety. There has been an increased degree of sensitivity for female journalists who are attacked, which is improving the understanding of the burden of their work and the consequences that they could suffer under these attacks.

According to the Agreement, and in line with regular provisions that regulate their work, the representatives of Special Prosecution for High-Tech Crime and Department for combating cybercrime should be constantly at disposal to attacked female journalist and contact points from journalists' associations.

4.5. Cases of online endangerment of female journalists' safety

Compared to previous periods, an increased number of online attacks on journalists has been observed. By October 2020, there has been 29 attacks and pressures in online space.

Female journalists are under the attack of both individuals and particular groups. Some female journalists are particularly targeted but for the final purpose of an attack. The attacks are carried out often based on gender, followed by misogynistic statements or insults, with sexual connotations. These most often end with making offensive remarks on the subject of gender or social position of women, especially a female journalist.

It is noticed there has been a particular increase of group pressures and threats that have elements of organised actions. Since physical violence is not the primary goal of the attackers (since women are treated as weaker sex, men suffer more physical attacks), online sphere becomes especially convenient for attacking.

Additionally, it is troublesome that Facebook, YouTube and Twitter do not appropriately promote gender equality and fail to tackle seriously the manner of spreading of the violence against the women in their platforms.²³ Reasons for attacks, in essence, are based on the specific characteristics of online communication and social relationship towards women, especially female journalist.

4.6. Absence of gender-sensitive approach in female journalist protection

Although this topic does not fall under the competences of the Standing Working Group and criminal justice authorities, it seems that it is highly relevant for this group to get involved in active problem solving since the consequences for victim female journalists can be very harsh.

Many documents in fact refer to the approach that includes promotion of existing preventive operational measures such as providing police protection, and in extreme cases, even evacuation to safe places. However, as these measures did not yield sufficient results in practice or were not undertaken in timely manner (police and prosecution already do that), it would be beneficial to move towards certain form of cooperation with institutions and organisations for protecting women's rights.

Female journalists are encountering gender-based dangers, including sexist, misogynist and humiliating abuses, threats, intimidation, harassments and sexual aggression and violence. In some cases, it is done through primitive methods of verbal attacks, endeavouring at first to humiliate the female journalist, to influence her self-esteem and her confidence in her work.

According to experts' analyses, the goal is to disrupt the female journalist balance and influence her as a journalist, determined in daring to write about matters of public interest. Particularly due to additional aggravating consequences, these attack cases must be investigated in detail.

²³ Amnesty International Survey <https://www.amnesty.org.uk/press-releases/women-abused-twitter-every-30-seconds-new-study>
<https://www.amnesty.org.uk/press-releases/twitter-and-facebook-failing-protect-women-mps-abuse-joint-human-rights-committee>

There has been no indication of special cooperation and alignment in the work of criminal justice and other government authorities to this very day, but that is also true for other forms of existing organisations that work on this topic (*Office of the Commissioner for the Protection of Equality, Ombudsman, line ministries, MoI, public prosecution offices, Standing Working Group for Journalists' Safety, the Working group for drawing up the Platform on pressures on journalists*). Other institutions can provide help in defining problems, consequences, influence that the attacks are reported more often and provide organised assistance to victim journalists.

Basic problem of gender inequality could be one of the reasons for more frequent and aggressive online attacks on female journalists. Those who are targets of attacks mostly report on crime, politics and sensitive topics in society. They are getting an indirect message that, in accordance with their traditional gender roles, they should work on topics that are more benign.²⁴ In that sense, some groups or individuals are prone to additionally discharge their dissatisfaction since they believe women are not serious or are even unworthy to work on specific topics. In such cases, the attackers especially become aggressive.

When reporting such cases, there is an impression that female journalists are left alone in the fight or with the help of their families and associations only. Associations that work on matters of women protection react more on particular cases of female journalists' endangerment, but not to a problem as such in a regular manner.

The most common reaction is the press release, but the media do not cover those press releases so often. The Office of the Commissioner for the Protection of Equality also often does not react as expected. Its reaction ends with condemnation, without further specific invitations or initiatives for investigations and processing.

²⁴ Serbia and the Balkans as predominantly patriarchal environments that nurture traditional values and patriotism (especially in smaller communities). The definitions of public and private sphere and assigning of gender roles are still imposed, especially in parts outside of big urban areas. There is a specific social attitude on women in journalism that they should be working with less important matters, so they are assigned with "less important" roles in advance (as presenters of entertainment programmes, weather channel presenters, entertainment shows, cultural shows, education and children shows).

Attacks and pressures which female journalists experience in online space from government public officials, MPs and other representatives of the authorities (misogynistic statements, physical threats, verbal threats, insults, harassments, various and constant forms of pressure)

Such attacks and examples of targeting in the media by the officials additionally incite other citizens to act in similar manner, which can result in increased number of attacks on female journalists or even poor reaction or complete lack of reaction of some representatives of competent authorities.

4.7. Officials' relationship towards attacks and absence of condemnation from government authorities' representatives

Through their monitoring and actions regarding attack cases, it is noticeable that government representatives fail to respond to attacks on journalists, especially female journalist. The negative response and tension are rising, pressures and attacks continue, there is a lack of accountability and acknowledging of responsibility, lack of awareness and situation of de facto impunity.

Recorded problems are noticeable especially in the cases from small communities, cities and municipalities in Serbian territory outside the capital or in suburban areas of Belgrade and Novi Sad. We especially underline harsh negative reactions of government representatives, but also the community to the filed complaint, which increases the pressure and targets female journalists at risk. Government representatives usually fail to condemn the attacks and support the journalists, except in cases when a journalist is linked with the political party in power. It is a common example, regardless of the level of the power.²⁵

²⁵ Statement of the Commissioner for the Protection of Equality after one of the attacks on female journalists: *"Law prohibits that discriminatory attitudes, insults and degrading treatment on the basis of physical appearance, health status or any other personal characteristic exist as a dominant manner of expressing different political attitudes in our public space, especially pertaining to MPs or any other public office holders"*;

4.8. Particularly aggravating impact of the primary attacks on journalists and secondary victimisation

Unlike the attacks on male journalists, women in this job suffer additional consequences since the primary attacks and threats are followed by additional gender and misogynistic insults. Secondary victimisation represents the continuation of the primary damage through negative response of the society and inadequate or even wrong response from the prosecution authorities, attorneys, family and close environment (the victims is blamed for the attack they suffered: “it’s your own fault”, “what else have you expected?”).²⁶

Due to the burden of their work, female journalist can be particularly exposed to victimisation. Exposure to repeated threats and comments in the process of gathering evidence and delivering it to the prosecution and police could have harmful effects on the victims. There are new forms of pressure, threats and harassment with elements of stalking even as forms of secondary victimisation. These occur as a form of retaliation for the complaint at the beginning or just as continuation of threats at first, but this time through lighter forms that continue having harmful effects.

Female journalists feel fear at regular level. However, the fear is not only a consequence of the attack but also the expectations of a series of legal, political, social and economic pressures which are present especially because of not so favourable situation in the country, and in absence of safe rules, they are afraid if they will be able to keep their existing position and job. This sort of fear is especially obvious after the attacks of the government representatives.

4.9. Giving up on reporting attacks

Female journalists often give up on reporting attacks. The reasons are as follows: fear of retribution, incapacity to fight the insults as a form of victimisation (insults in written form may stay for a long time in social media, circulate

²⁶ Quotes from female journalist in the scope of the 2019 survey for the purpose of preparing critical points and the analysis of the Critical Points in the System of Safety of Journalists for Slavko Curuvija Foundation;

the portals and be exchanged via sharing of the content), the impact on their private life, and complaints that are rejected in similar cases.

The near impunity for attacks and pressures is a special problem, but also the extensively long proceedings, lack of trust in the work of competent institutions, pressure on the institutions from other authorities, which the journalist victims are also aware of, the effect of so-called big and small cases²⁷, which is a problem particularly in small communities.

4.10. Huge deterioration of confidence of victim female journalists in the possibility of being adequately protected from attacks

The attacked female journalists believe that they are often not provided with adequate help and support from the competent authorities. At the same time, they feel revolted because competent authorities are often not able to help them adequately, so there is an impression that system is not working or that individuals do not do their job properly.

Such conclusions of female journalists are sometimes justified, however they are in collision with the powers and assignment of the authorities. Female journalists at risk sometimes unintentionally have the wrong perception of what are the assignments of police and prosecution, so it results in the lack of trust and understanding.

4.11. Situation of *de facto* or apparent impunity

Situation of *de facto* impunity has detrimental effect on the victim female journalists who give up on prosecution or stop reporting the subsequent attacks.

²⁷ Characteristics of “big cases” include fast and rapid response, engaging maximum resources of police and prosecution (time, staff) to the extent that is not equal compared to other cases, and it even seems exaggerated. These characteristics also include the pressure of other government authorities that occurs as the reaction to the high pressure of the public, specific political influence, importance of the injured party and their status in the society, particular weight and consequences of the attack. However, characteristics of “small cases” include the absence of the positive elements which refer to the “big cases”

It is the same with reporters who are not attacked, but learning from their colleagues' examples, they give up on reporting attacks.

However, we could discuss seeming or apparent impunity, since the female journalists are neither always aware nor are familiar with the law to such extent to understand that in specific cases there are no consequences or real endangerment (subjective feeling of endangerment). Depending on the point of view and manner of interpreting the situation with unresolved or unprocessed cases, we could also say there is apparent impunity. The positions on this matter differ to great extent.

Although victim female journalists believe there is impunity, representatives of the police and prosecution believe that such opinion is related to the cases which are outside of their competences, that there are no elements of criminal offence in these cases or that it is justified for pre-investigation to take longer time.

Conclusions and Recommendations

1. CONCLUSIONS

Since numerous conclusions of the survey were included in the text of the analysis, we are highlighting the most important:

1. Compared to other forms of incidents to the detriment of journalists, number of online attacks on female journalists has increased in 2020. Also, every year we record the continual increase of online attacks and pressures;
2. Female journalists are not satisfied with the work of government institutions in protection of both their professional and civil rights. The institutions are often perceived as ineffective in their work, inert, slow and highly unmotivated for solving such cases. In addition, journalists believe that government institutions only respond to reported cases of female journalist safety endangerment, while they rarely instigate investigation and other legally prescribed procedures. Journalists and associations are unsatisfied with the reactions of competent authorities *ex officio*;
3. Female journalists have objections to the role of the professional associations which they find inefficient in providing protection, as they are

mild in their response and selective, so their role is more formal and reduced to warning the public without epilogue;

4. Standing Working Group and its work are still unknown to the majority of female journalists, but it is believed that such group is necessary for resolving the cases of attacks against journalist;
5. Introduced system of contact points for rapid response after the filed complaints, which is functioning well, especially when monitored by the representatives of journalists' associations, but it does not have an effect on the outcome of the proceedings or sanctions for the attackers on journalists;
6. Legal understanding of specific manners of expressing threats continue to have negative effect on journalists, since for a large number of cases there are no proceedings. Female journalists are discouraged and often give up on reporting the attacks;
7. Pressures and especially threats for which it is established that cannot be qualified as criminal offences become greater danger and a problem for journalists' safety. We especially underline more frequent targeting and concealed invitations for attacks;
8. Pressures and individual attacks on journalist often turn into some forms of stalking, especially if they are not processed or sanctioned;
9. The threats have very negative effects, with emphasised secondary victimisation that is often a neglected topic and its impact remains unresolved;
10. Representatives of authorities fail to condemn the attacks and pressures against female journalists. In addition, we have recorded an increased number of incidents that are especially caused by representatives of the executive.

2. RECOMMENDATIONS FOR IMPROVING THE POSITION OF FEMALE JOURNALIST IN THE JOURNALISTS' SYSTEM OF SAFETY

General recommendations for all participants in the process of ensuring journalists' safety

- 1.** Identify and connect all relevant institutions that can contribute to the improvement of the position of female journalist in the system of safety. Prevention and adequate response are not possible without cooperation of all relevant stakeholders who work on issues of violence against women. One of the problems detected is the absence of mutual cooperation between institutions and other forms of associations which are very active in prevention of violence and protection of female journalists;
- 2.** It is necessary to establish precise criteria for monitoring and analysing attacks on women in journalism, particularly by taking into consideration areas that female journalists are working in, communities that attacks come from, specific forms of attacks which are usually repeated, and the consequences;
- 3.** It is necessary to keep regular and detailed monitoring of all online threats, attacks and pressure against female journalist. In the process of recording, analysis and monitoring it is necessary to establish the most frequent forms of attacks, how the attacks are performed, individual causes and consequences in order to gain complete insight. Only specialised associations are carrying out the regular monitoring so far. In this respect, it is necessary to align recorded cases with the prosecution and police;
- 4.** It is necessary to draw up special analysis of attacks against journalist which are based on difference in gender and other forms of discrimination, as well as analysis of the danger and risk of female journalists in online environment;
- 5.** One of the solutions, which is not a necessity, might be to amend Criminal Code by introducing new criminal offence as the special form of journalists' protection, or maybe to expand existing criminal offences with the aim to provide special protection for journalists;

6. It is necessary to carry out continual education of citizens that would include rising awareness of the ban of discrimination of female journalists. The education should be supplemented by the condemnation from members of SWG, Serbian institutions but also other representatives of the authorities;
7. A solution could be to organise smaller subgroups at the local level (similar to the Standing Working Group for Journalists' Safety), which would involve in its work local prosecutors, police officers and journalists. Such form of organisation would enhance the understanding of the difficulty of the work and the problems that female journalists are facing;
8. Since they already participate in overviewing specific online attacks, Standing Working Group and Working group for drawing up the Platform for recording pressures should establish cooperation with organisations that provide specialised support for women who are at risk in various ways. The goal of this cooperation is to exchange experience, become acquainted with current cases and issues, and rethink the idea of getting involved in problem solving.

Recommendations for journalists' associations

1. Journalists associations should maintain constant contact with their female members, train them how to recognise the attacks and how to react. Female journalist should know how to protect their profiles and personal data on the Internet, how to report and monitor such cases. The following is required in that respect: periodical meetings with journalists, field visits and trainings of female journalist in local media, connecting prosecutors and police officers and introducing them to local journalists, organising joint trainings and exchange of experience;
2. Consider having meetings with government and parliamentary bodies, so the representatives of the authorities will get acquainted with the attacks against journalists, adverse effects of the attacks, duties and liabilities, and the need to condemn the attacks;
3. Prepare special manual for journalists pertaining to online attacks (with specific examples, such as instructions for safer use of the Internet, how to recognise, when to report, what to do).

4. Proposals regarding improved protection should include topics such as: separating personal from professional online identities, using a pseudonym or a nickname which masks sex and other personal characteristics, education regarding adverse consequences of the attack, learning about channels for reporting harassment and attacks, direct and other contacts (Twitter and Facebook), and also links with platforms and websites which provide specialised protection.

