

Unsafe for Scrutiny:

Examining the pressures faced by journalists uncovering financial crime and corruption around the world



**Unsafe for Scrutiny: Examining the pressures faced by journalists
uncovering financial crime and corruption around the world**

Results of a global survey conducted in September – October 2020
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The Foreign Policy Centre

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Executive Summary

This report presents the findings of a survey developed by the Foreign Policy Centre (FPC) as part of its 'Unsafe for Scrutiny' project. The aim of this initiative was to uncover the scope and scale of risks and threats facing investigative journalists uncovering financial crime and corruption around the world.

The survey was conducted from 2 September to 16 October 2020 with the support of the Organized Crime and Corruption Reporting Project (OCCRP), the International Consortium of Investigative Journalists (ICIJ) and the Global Investigative Journalism Network (GIJN). The majority of the responses (78%) came from members of these three networks, with the rest a result of the FPC and its partners' direct contacts with investigative journalists.

The findings outlined in this report provide insights into the range of risks being faced by, and the most frequently utilised forms of threats and harassment against, journalists:

- The majority (**71%**) of respondents reported experiencing **threats and/or harassment while working on investigations into financial crime and corruption**.
- Of those, almost all had been subject to **verbal threats** (81%), **trolling on social media** (79%) and **written threats** (70%).
- **Civil legal cases, especially the use of cease and desist letters, surveillance, both on and offline, interrogation by authorities and smear campaigns**, were also experienced by **more than 50%** of these respondents.
- Incidences of threats or harassment with that have notable psychological impact – such as trolling, verbal and written threats, smear campaigns, and blackmail – were the most highly reported (35% of all incidences reported).
- Legal threats were strongly highlighted by survey respondents as an area of particular concern. **73%** of all respondents experiencing threats had received communication(s) threatening legal action as a result of information they had published. **The United Kingdom (UK) was by the far the most frequent country of origin for legal threats**, other than journalists' home countries. The UK was almost as frequently a source of these legal threats as the European Union (EU) countries and the United States combined. **Defamation pursued as a civil case** was by far the **most frequently given reason** behind legal communication(s) to respondents (**91%**).
- At least **61%** of respondents also reported **their investigations had uncovered a link (directly or indirectly) with UK financial and legal jurisdictions**.
- The resources that respondents identified as the most valuable while reporting on financial crime and corruption also overlapped with those they identified as the most lacking, namely **legal aid and counsel, financial support and whistleblower protections**.

The survey findings are complemented with a section specifically on international standards on safety of journalists, which examines the obligation of states to protect all journalists from threats written by Silvia Chocarro, Head of Protection at ARTICLE 19.

The 'Unsafe for Scrutiny' Project

This report, and associated survey, have been produced as part of the FPC's project '*Unsafe for scrutiny: How journalists around the world investigating financial crimes in UK jurisdictions face risks to their freedom and security from vexatious lawsuits (SLAPP) to violence*,' which is being kindly supported by the Justice for Journalists Foundation (JJF). As this project has a specific focus on the UK, the survey includes some questions with a UK aspect, including whether respondents had uncovered financial crimes and corruption with direct or indirect links to UK jurisdictions or experienced legal threats originating from the UK. This is reflected in the UK specific findings.

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Key Findings

Scope and Scale of Risks and Threats:

- The majority (**71%**) of respondents reported experiencing **threats and/or harassment while working on investigations into financial crime and corruption**.¹
- A higher proportion of women reported facing threats and harassment than men (**76%** versus **68%** respectively). Among the respondents, investigative journalists employed full-time experienced more threats and/or harassment than freelancers (**72%** versus **64%**).
- **100%** of respondents from the MENA region reported experiencing threats and/or harassment, followed by **80%** of those from the former Soviet Union (FSU) countries, **75%** from Europe (not including FSU), **75%** from North America, **71%** from Africa, **50%** from Asia, **33%** from South America and none from Oceania.
- Of the respondents who reported experiencing threats and harassment, almost all had been subject to **verbal threats (81%)**, **trolling on social media (79%)** and **written threats (70%)**.
- **Civil legal cases, especially the use of cease and desist letters, surveillance, both on and offline, interrogation by authorities and smear campaigns** were also experienced by **more than 50%** of these respondents.
- When asked, in their opinion, where the threats against them mainly come from respondents identified **the highest originator of threats as corporations (71%)**. This was followed jointly by **organised crime groups** and the **Government** in the journalist's home country (**51%**).

Legal threats as a key risk for investigative journalists:

- **Legal threats** were identified, by those respondents experiencing threats, to have **the most impact on investigative journalists' ability to continue working (48%)**, followed by psychosocial (**22%**), then physical and digital threats (each at **12%**)
- **73%** of all respondents had received communication(s) threatening legal action as a result of information they had published.
- **Defamation pursued as a civil case** was by far the **most frequently given reason** behind these legal communication(s) to respondents (**91%** of all respondents receiving legal communication). This was followed by **defamation pursued as a criminal case (33%)**, **privacy (24%)**, **trade secrets (24%)**, **GDPR (18%)**, **national security (9%)** and **copyright (4%)**.
- **56%** of respondents receiving communication threatening legal action stated that it made them more cautious as a result. **24%** of respondents stated that it did not affect them and only **2%** reported that it stopped them covering the issue altogether.

¹ FPC is using the World Bank's definition of corruption – "the abuse of public office for private gain," available on the World Bank's website - <http://www1.worldbank.org/publicsector/anticorrupt/corruptn/cor02.htm> and the United Kingdom's Financial Conduct Authority's definition of financial crime "any kind of criminal conduct relating to money or to financial services or markets, including any offence involving: (a) fraud or dishonesty; or (b) misconduct in, or misuse of information relating to, a financial market; or (c) handling the proceeds of crime; or (d) the financing of terrorism;" <https://www.handbook.fca.org.uk/handbook/glossary/G416.html?filter-title=financial%20crime>

Impact of all types of risks and threats:

- Only a small percentage of the respondents (**6%**) **feel completely safe** conducting their work generally as an investigative journalist. While the majority (**65%**) **feel moderately safe**, more than a quarter feel unsafe (**22%** - **moderately unsafe** and **6%** - **completely unsafe**).
- The majority (**67%**) of respondents believe the main intention of the threats they face is to stop their reporting altogether. **20%** feel the purpose is to diminish their reputation and the remainder (**13%**) to distort their reporting.
- **70% of respondents felt they had self-censored to some degree** as a result of the risks and threats they faced (**4%** reported they had self-censored 'an awful lot', **8%** 'a lot', **58%** 'not that much'). The remaining **30%** stated they had not censored themselves at all.
- The majority (**69%**) of respondents believed they had **witnessed an increase of self-censorship amongst their colleagues** as a result of risks and threats they have faced (**37%** reporting that they had 'directly observed' this increase, **32%** reported 'perceiving' it).

Obstacles:

- **Respondents ranked lack of access to information (89%)** as the **main obstacle** to investigating and reporting on this topic, followed by **personal safety and security concerns** for themselves and others (**59%**), defamation legislation (**44%**) and national security legislation (**24%**).
- Overwhelmingly the **most valuable form of resource and support** to be able to continue working was identified as **legal aid and counsel (84%)**, followed by **strong editorial support (72%)**, **financial support (60%)**, **whistleblower protections (54%)** and **digital security advice (54%)**.
- Around half (**51%**) of the respondents stated that **financial support** was the most lacking currently for them to continue their work. This was followed by legal aid and council (**49%**), psychosocial support (i.e. psychological) (**35%**) whistleblower protections (also **35%**), and digital security support and advice (**30%**).

UK Specific:

- **68% of respondents believed their investigations into financial crime and corruption had uncovered a link (directly or indirectly) with UK financial and legal jurisdictions.** At least **61%** of respondents confirmed a direct or indirect link, with further **7%** stating they believed there is a link with the UK but could not confirm with certainty.
- **The UK was by the far the most frequent country of origin for legal threats (31%),** other than journalists' home countries (**80%**). The UK was almost as frequently a source of these legal threats as the EU (**24%**) countries and the United States (**11%**) combined.

Recommendations

For States:

- Implement all United Nations’ Resolutions on the safety of journalists, which commit States, based on their existing international human rights law obligations, to act on three fronts: prevention, protection and prosecution and remedy.
- Review and seek to reform legislation that can be misused to vexatiously threaten journalists; including but, not limited to, laws covering civil and criminal (where applicable) defamation, privacy, trade secrets, copyright and national security.
- Adopt at a legislative level, and implement, measures to combat strategic litigation against public participation (SLAPP).
- Introduce, or where relevant increase, funding for public interest investigative journalism, including a focus on uncovering financial crime and corruption.
- Ensure all violations against journalists are promptly, thoroughly, independently and effectively investigated, with the perpetrators and instigators brought to justice. Recognise the role that an investigative journalist’s work may play in the motivation behind the violation.

For international and regional bodies:

- Prioritise the examination and redress of SLAPP as a key issue amongst existing work or measures to protect journalists and media freedom.
- Introduce, or where relevant increase, funding for public interest investigative journalism, including a focus on uncovering financial crime and corruption.
- Strengthen, or where relevant introduce, mechanisms to document violations against journalists to include reference to those specifically made against investigative journalists working to uncover financial crime and corruption.
- Ensure violations against investigative journalists, as with all journalists, are publically condemned and sustained efforts are taken to push for remedy and redress.

For national regulatory bodies covering the legal sector:

- Prioritise the issue of vexatious legal communication as one of serious concern undermining the legal community.
- Provide guidance to lawyers and law firms on how to identify potential SLAPP cases and avoid the misuse of laws for the purpose of threatening journalists.
- Encourage the provision of pro-bono legal support to journalists and media outlets subject to vexatious legal communication and/or SLAPP lawsuits.

For organisations supporting journalists and media freedom (including NGOs, donor organisations, trade unions and associations):

- Provide more funding for legal defence and guidance on how to respond to vexatious legal communication and litigation (SLAPP).
- Ensure that psychosocial training and support is equally promoted, if not prioritised, amongst efforts to improve journalists' physical and digital safety and security.

For journalists and media:

- Report all incidences of threats made towards you to the appropriate authorities (where safe to do so) as well as to relevant regional monitoring mechanisms and media freedom NGOs. While not all incidences may receive immediate remedy or redress, such reports will create a better understanding of the threats faced, the instigators and methods used. This can support the development of stronger measures for protection and defence, as well as prioritisation of funding.
- Ensure that you have risk protections in place to guard against potential legal challenges, for example media liability insurance or pre-arranged pro-bono legal support you can turn to when incidents arise.

***Notice:** This publication has undergone a pre-publication review by senior English defamation and human rights law experts.*

Introduction

Investigative journalists uncovering financial crime and corruption – at a local, national or transnational level – face a wide range of risks and threats in the course of carrying out their work. These can encompass physical, digital, psychosocial and legal risks and threats, and understanding their complexity and frequency can be difficult, particularly as journalists do not always report all of the threats or harassment they experience.²

This lack of reporting might be for a number of reasons – threats may seem less significant taken individually; there might be a lack of trust in the local authorities to properly investigate or in the judicial system, meaning the effort taken to report violations may be seen to outweigh the potential outcome; and/or the reporting process may be time consuming due to the volume and frequency of certain types of threats or harassment (for example, trolling on social media). A 2018 report by Index on Censorship found that investigative journalists “under-report incidents they consider minor, commonplace or part of the job, or where they fear reprisals.”³ Journalists may simply prefer to focus their efforts on the stories at hand rather than their individual challenges while reporting on them.

Certainly the more serious the violation the more likely it will be reported. This can be to the journalists’ media outlet, which may decide to publicise and investigate the circumstances itself, to the police, to media freedom NGOs or mechanisms within inter-governmental bodies, such as the Council of Europe’s Platform for the Protection of Journalism and Safety of Journalists.⁴ This regional platform raises alerts on media freedom violations in its 47 member States, ranked into one of two levels depending on the severity.⁵

The most extreme violation against any journalist is physical attack or murder. However, threats towards journalists rarely start at this most severe end of the spectrum. The majority of investigative journalists will have experienced an escalation of risks and threats during the course of their careers. Some of these may be relatively minor when examined in isolation, but, taken together with other threats and their frequency, the impact can be significant.

The aim of conducting this global survey, the findings of which are presented in this report, was therefore to generate a clearer picture of the scope and scale of risks and threats facing specifically investigative journalists working on financial crimes and corruption. Investigative journalists by their nature operate differently from daily news reporters, often working on stories over several months or even years, meaning they can face different risks and challenges. Such work requires meticulous, complex research and verification processes, often conducted in the utmost secrecy, especially when covering highly sensitive topics and working with anonymous sources or whistleblowers.

² Psychosocial threats encompasses those that have a psychological impact on journalists, influenced by the journalist’s environment and mental wellbeing; The SAFE Team, Why psychosocial self-care should be at the core of discussions about journalists’ safety, IREX, September 2019, <https://www.irex.org/insight/why-psychosocial-self-care-should-be-core-discussions-about-journalists-safety/>;

Committee to Protect Journalists, ‘Safety Notes: Psychological safety,’ 10 September 2018, <https://cpj.org/2018/09/psychological-safety/>

³ Index on Censorship, Targeting the messenger: Investigative journalists under extreme pressure, December 2018, <https://www.indexoncensorship.org/targeting-the-messenger-investigative-journalists-under-extreme-pressure/>

⁴ Council of Europe, The Platform for the Protection of Journalism and Safety of Journalists, established in 2015 to facilitate the compilation, processing and dissemination of information on serious concerns about media freedom and safety of journalists in Council of Europe member States, as guaranteed by Art. 10 of the European Convention on Human Rights, <https://www.coe.int/en/web/media-freedom/all-alerts>

⁵ Level 1 - Covers the most severe and damaging violations of media freedom, including but not limited to murder, assassination or direct threat to the life; physical assaults or the use of violence; prolonged arbitrary detention or imprisonment; arbitrary closure of a media enterprise; and any other acts posing a grave threat or having a severe impact on media freedom, online or offline. Level 2 - Covers all other serious threats to media freedom, offline or online. For a detailed explanation see - <https://www.coe.int/en/web/media-freedom>

The survey generated responses from 63 investigative journalists working on financial crime and corruption from 41 countries⁶. While such a survey cannot claim to be exhaustive or definitive, it provides insights into the range of risks being faced and the most frequently utilised forms of threats and harassment. These can serve as pointers to areas for renewed focus for the protection of investigative journalists, particularly those working in this area.

The survey findings are complemented in the report by a section on international standards regarding the safety and security of journalists by Silvia Chocarro, Head of Protection at ARTICLE 19, an international organisation campaigning for freedom of expression and right to information. Chocarro outlines States' obligations under international law, as well as commitments made at a UN level to act on three fronts: prevention, protection and prosecution and remedy. Taking the international level as a starting point, the report provides recommendations for States as well as several other stakeholders to better ensure the safety and security of investigative journalists.

⁶ The survey garnered responses from 80 journalists in total, 17 of whom are not working specifically financial crime and corruption, and therefore not included in the findings this report. However, the information they provided about their safety and security and in particular experience of legal threats will feed into future research.

Context

Investigative journalists uncovering financial crime and corruption have come to increasing prominence in recent years. Successive large-scale transnational investigations, conducted by huge global networks of several hundred journalists, have provided explosive insights into how political and business elites, as well as organised crime groups, all over the world have avoided law enforcement and misused financial and legal systems to facilitate the theft of public funds, tax avoidance, money laundering, bribery and other forms of crime and corruption. The fallout of these investigations has led to high profile resignations; changes to financial regulation; arrests and indictments against criminal figures; as well as the recovery of several billion in fines and seizure of illicit funds.⁷

At the same time, the murders of journalists involved in uncovering such crimes have created similarly shocking headlines, particularly those that have taken place inside of the EU. The Maltese investigative journalist Daphne Caruana Galizia was assassinated, aged 53, in a car bomb outside her home on 16 October 2017. She self-published her investigations into dodgy political and business dealings on her blog Running Commentary. Over the course of the year prior to her murder she posted several allegations about corruption amongst her country's political elite linked to the Panama Papers revelations.⁸ A few months later, on 21 February 2018, the Slovak investigative journalist Ján Kuciak and his finance partner Martina Kušnírová, both 27, were shot dead near their home. Kuciak worked for the news website Aktuality.sk and covered issues ranging from tax fraud among Slovak businessmen with political ties to potential embezzlement of EU funds. At the time of his death, he had been working with OCCRP, Investigace.cz, and the Investigative Reporting Project Italy (IRPI) on investigation on infiltration of an Italian criminal group into Slovakia.⁹

Since 2017, according to the Committee to Protect Journalists, a further 30 journalists working on corruption issues from places as widespread as Brazil, Mexico, Russia, Ukraine, India and the Philippines have been murdered, bringing the total up to 272 since their records began in 1992.¹⁰ Of these 211 have been conducted with complete impunity, undoubtedly creating a chilling effect. As one respondent to this survey, when asked how the situation had change in recent years, stated '*I did not believe someone can kill me for my work. Now I do believe.*'

Murder however is not the starting point. Journalists will usually face an escalating range of threats and attack. The impunity with which this can be carried out is often in step with those countries with the highest level of corruption¹¹. It is unsurprising, therefore, that these are often authoritarian states where respect for independent journalists is already low and the wider environment for media freedom is restrictive. Journalists can be subject to detention, arrest and imprisonment for publishing information that goes against the official line. Even in countries with greater respect for democratic freedoms, a culture of impunity for crimes against journalists can serve to embolden and encourage further attacks.

Threats and harassment against journalists, regardless of type, generally have to be funded. Perhaps with the exception of uncoordinated social media trolling or individual retribution, typically the

⁷ OCCRP, Impact to Date, March 2020, <https://www.occrp.org/en/impact-to-date>; ICIJ Story, <https://www.icij.org/about/icij-story/>; Douglas Dalby and Amy Wilson-Chapman, Panama Papers helps recover more than 1.2 billion around the world, ICIJ, April 2019, <https://www.icij.org/investigations/panama-papers/panama-papers-helps-recover-more-than-1-2-billion-around-the-world/>

⁸ ICIJ, The Panama Papers: Exposing the Rogue Offshore Finance Industry, <https://www.icij.org/investigations/panama-papers/>

⁹ OCCRP, A Murdered Journalist's Last Investigation, <https://www.occrp.org/en/amurderedjournalistslastinvestigation/>

¹⁰ CPJ, 272 Journalists Killed: between 1992 and 2020/ Motive Confirmed / Murdered / Coverages includes Corruption, https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&typeOfDeath%5B%5D=Murder&coverages%5B%5D=Corruption&start_year=1992&end_year=2020&group_by=year

¹¹ See Transparency International's Corruption Perceptions Index - <https://www.transparency.org/en/cpi>.

instigator needs to hire or bribe an intermediary(ies) to carry out their threats. Corrupt figures able to get away with financial crime are presumably well-resourced to utilise these funds to attempt to stop journalists from publishing information about their wrongdoing and contributing to a broader suppression of information of public importance.

As underscored by the findings of this survey, legal threats have become an acute area of concern. At the time of her death in 2017, Caruana Galizia had 47 open civil libel suits open against her “most of them brought by Maltese politicians and their business associates”.¹² Caruana Galizia herself wrote that those suing her were doing so “as an intimidation strategy as they retreat under siege”.¹³ She had first been sued in 1994 and was subject to 67 cases during her career; and despite her death, 25 cases are still open against her and are being fought by her family¹⁴.

Vexatious legal action to threaten journalists is referred to as strategic litigation against public participation (SLAPP). In the three years since Caruana Galizia’s murder there have been mounting efforts by civil society organisations, including the European Centre for Press and Media Freedom, ARTICLE 19, the Committee to Protect Journalists, Index on Censorship and others, to campaign against the use of SLAPP and for the introduction of specific anti-SLAPP legislation at an EU level. The issue has also captured attention at the Council of Europe. On 27 October 2020, the CoE Commissioner for Human Rights, Dunja Mijatović, released a Human Right Comment, stating that SLAPPs “pose a significant and growing threat to the right to freedom of expression in a number of Council of Europe member states, perverting the justice system and the rule of law more generally”.¹⁵

Mijatović outlines a threefold approach she argues is needed as part of a comprehensive response to effectively counter SLAPPs:

- *preventing the filing of SLAPPs by allowing the early dismissal of such suits. This should go hand in hand with an awareness raising exercise among judges and prosecutors, and proper implementation of the case-law of the European Court of Human Rights on defamation;*
- *introducing measures to punish abuse, particularly by reversing the costs of proceedings;*
- *minimising the consequences of SLAPPs by giving practical support to those who are sued.*

Anti-SLAPP legislation does already exist in a few countries including some parts of the United States, Australia and Canada. It is perhaps notable, that the US was ranked significantly lower than the UK and EU member states as an origin country for communication threatening legal action against our respondents.

One of the biggest issues with vexatious legal threats or SLAPP suits is that it has been a largely hidden problem. Usually they are communicated through letters from lawyers marked ‘private and confidential’ and, if successful in achieving their aim, the public will never know.

¹² Elaine Allaby, *After journalist’s murder, efforts to combat SLAPP in Europe*, Columbia Journalism Review, April 2019, <https://www.cjr.org/analysis/slapp-daphne-caruana-galizia-malta.php>

¹³ *Our fight against frivolous and vexatious libel suits*, Daphne Caruana Galizia Foundation, <https://www.daphne.foundation/en/justice/vexatious-libel-cases>

¹⁴ *Mapping Media Freedom, Malta: 25 active defamation cases against Daphne Caruana Galizia*, <https://mappingmediafreedom.usahidi.io/posts/23543>

¹⁵ Dunja Mijatović, *Time to take action against SLAPPs*, 27 October 2020, <https://www.coe.int/en/web/commissioner/-/time-to-take-action-against-slapps>

Survey Findings

Profile of the respondents

A total of **63 investigative journalists** working on financial crime and corruption in **41 countries** responded to the survey. The majority of the respondents (**78%**) received the survey from the three supporting networks - OCCRP, ICIJ and GIJN. The rest completed the survey after being contacted directly by the FPC or one its trusted partners.

Number of Respondents

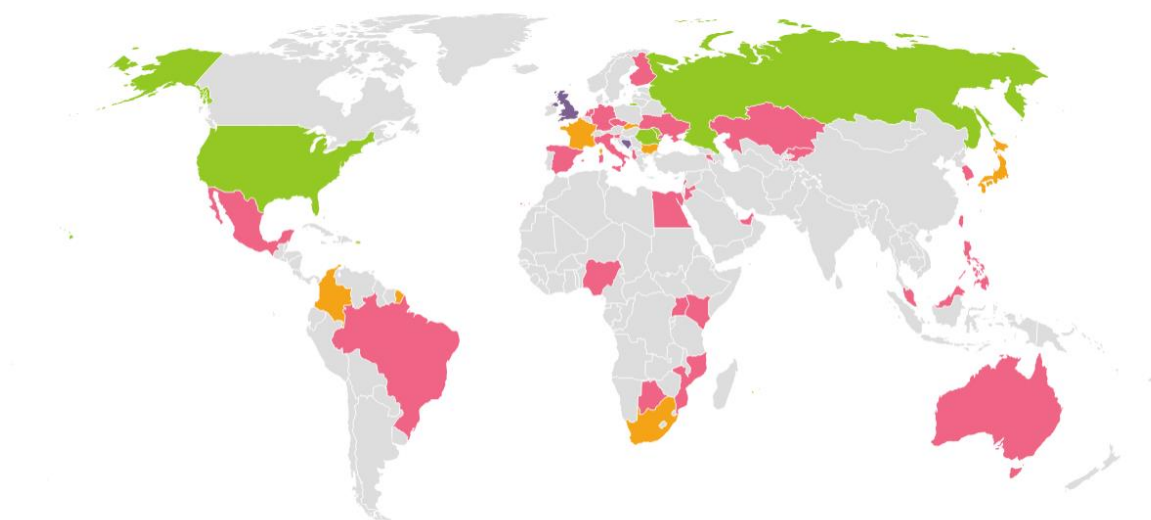


Diagram 1: Countries where respondents are based

The regional breakdown of the respondents was as follows:

- Europe and Central Asia – **61%** (16% of which are from former Soviet Union (FSU) countries¹⁶)
- Africa - **11%**
- Asia - **10%**
- Middle East and North Africa (MENA) - **6%**
- North America - **6%**
- South America - **5%**
- Oceania - **2%**

The largest number of respondents from a single country was **5** from both the UK and Bosnia and Herzegovina, followed by **3** each from Russia, Romania, Moldova and the United States. **41** of the respondents identified as male, **21** as female and **1** as gender non-conforming.

The respondents' gender, by region:

Gender	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Female	29%	44%	67%	14%	50%	25%	33%	0%
Male	71%	44%	33%	86%	50%	75%	67%	100%
Gender non-conforming	0%	11%	0%	0%	0%	0%	0%	0%

¹⁶ Former Republics of the Soviet Union – in terms of this survey, this includes responses from Armenia, Kazakhstan, Kyrgyzstan, Moldova, Russia and Ukraine.

The majority of all respondents (33%) are aged 25-34. There were no responses from investigative journalists under 25, with the amount of responses decreasing in number from the age group 35-44 upwards. The majority (38%) of the women respondents are aged 25-34, while an equal number (29%) of men responded from the 25-34 and 35-44 age groups.

More than two-thirds (68%) of the journalists who took part in the survey are in full-time employment, with a small portion (8%) working on a part-time basis. Freelancers comprised the second largest group (18%), with the remainder of respondents (7%) describing themselves as semi-retired, a student, a researcher working with investigative journalists or preferred not to answer.

By gender, notably far more women who participated are in full-time employment than men (81% versus 61%), with the opposite being true for freelancers (22% men versus 10% women).

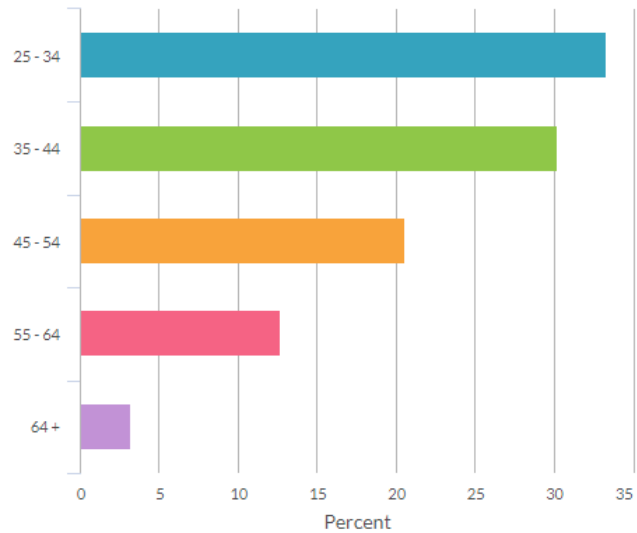


Diagram 2 – Age distribution of respondents

Focus of respondents' investigations

Domestic (political and/or bureaucratic) corruption is the most frequent type of corruption investigated by respondents (83%), followed by **transnational corruption** (81%). Third was **private-to-private corruption** (without a political link), which 70% of respondents reported covering.

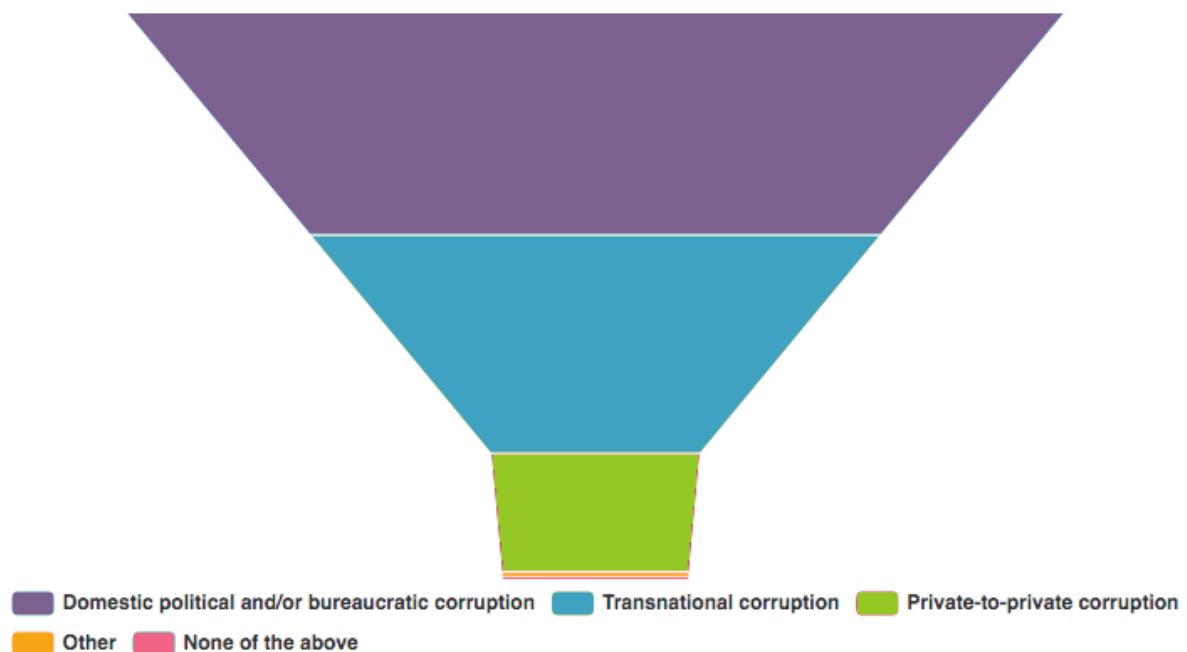


Diagram 3: Type of corruption covered by respondents

By region, domestic (political and/or bureaucratic) corruption was the most frequently reported type of corruption in Asia, Africa and the FSU. In Europe and North America, more respondents were working on transnational corruption. In MENA and South America, the split between the three types was more evenly distributed, while the sole respondent from Oceania is only working on private-to-private corruption (see Table 1 in Annex).

Most common respondent profiles:

- The most common respondent profile (**11%**) is a **male journalist**, aged **25-44**, employed **full-time** in **Europe**. **71%** of whom have experienced risks and threats as a result of their work.
- The most common profile of a **female respondent (8%)** is a journalist aged **35-44**, employed **full-time** in **Europe**. **100%** of whom have experienced threats or harassment as a result of their work.
- The most common profile of a **male respondent (6%)** is a journalist aged **35-44**, employed **full-time** in **Europe**. **75%** of whom had experienced threats or harassment as a result of their work.

Links with UK Financial and Legal Jurisdictions

Due to the UK focus of FPC’s Unsafe for Scrutiny project, through which this survey was conducted, respondents were specifically asked whether their investigations had direct or indirect links with UK financial and/or legal jurisdictions.

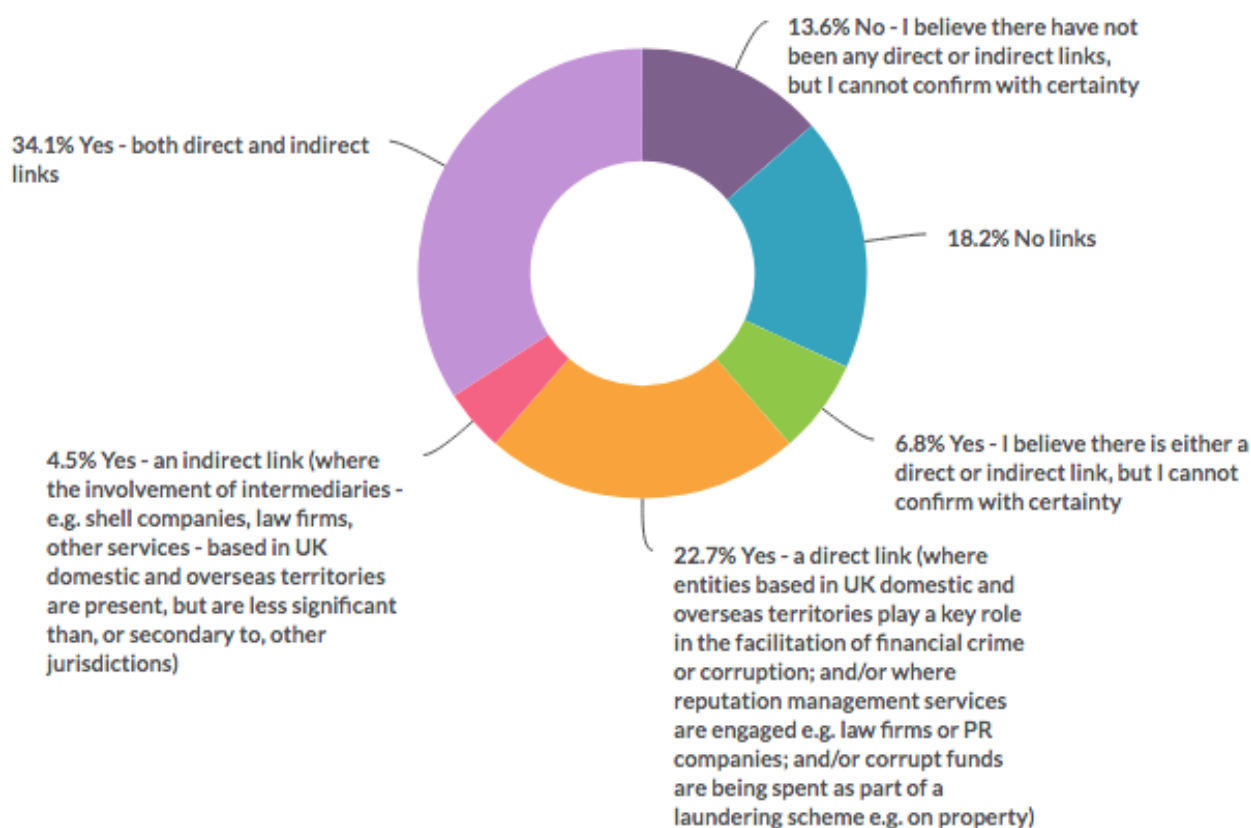


Diagram 4 – Link in respondents’ investigations to UK financial and legal jurisdictions

61% of those who responded to this question (44 respondents, all of whom reported experiencing threats) confirmed a direct or indirect link to the UK in their investigations, with an additional **7%** believing there has been a link but are unable to confirm with certainty.

Broken down by region, this increased to **75%** respondents in Europe confirming a direct or indirect link to the UK, with an additional **15%** believing there to be a link but unable to confirm with certainty. **100%** of the respondents from Africa and MENA and **67%** of those from North America confirmed a direct and/or indirect link to the UK jurisdictions. Only **13%** of those responding from FSU countries confirmed both direct and indirect links. There were no links to the UK in the investigations being conducted by respondents in Asia or South America (see Table 2 in Annex).

The scale and scope of risks and threats facing investigative journalists

Amount of respondents who have experienced risks and threats

The majority (**71%**) of respondents reported facing threats and/or harassment while working on investigations into financial crime and corruption.



Diagram 5 – Number of respondents who have experienced threats and/or harassment while working on financial crime and corruption

Breakdown by other factors:

- When looking at gender specifically this increased to **76%** for women and **100%** for non-binary respondents and dropped to **68%** for male respondents.
- By region, **100%** of respondents from the MENA region reported experiencing threats and/or harassment, followed by **80%** of those from FSU countries, **75%** from Europe (not including FSU), **75%** from North America, **71%** from Africa, **50%** from Asia, **33%** from South America and none from Oceania.
- Most (**72%**) of those in full-time employment reported experiencing threats and/or harassment, followed freelancers (**64%**) and then those in part-time basis (**60%**).
- **100%** of respondents aged over 64+ had experienced threats, followed **79%** of those aged 35-44, **77%** of those aged 45-54, **75%** of those aged 55-64, dropping down to **57%** for the youngest group of respondents, aged 25-34.

Types Threats Experienced

Of the 43 respondents who provided details about the threats and harassment they face, a significant proportion had been subject to verbal threats (**81%**), trolling on social media (**79%**) and written threats (**70%**). Questioning or interrogation by authorities, civil legal cases, surveillance, both on and offline, smear campaigns and the use of cease and desist letters were all of notable concern.

Type of Threat	Percentage of respondents that reported experiencing risks or threats
Verbal threats	81%
Trolling on social media	79%
Written threats	70%
Questioning or interrogation by authorities	63%
Civil legal case	60%
Online surveillance	60%
Offline surveillance	58%
Smear campaign	58%
Cease and desist letters	53%
Informal or formal blacklisting by authorities	47%
Physical violence/attack	42%
Criminal legal case	42%
Hacking of your personal or professional social media accounts	40%
Attacks to your website (e.g. DoS attacks)	40%
Blackmail	37%
Denial or removal of journalist accreditation	33%
Property damage	28%
Arrest or detainment	21%
Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement)	14%
Other	14%
Imprisonment	5%

Threats Experienced by Frequency

43 respondents detailed 406 incidences of threats based on frequency (daily, weekly, monthly, several times a year, yearly and rarely). Online and offline surveillance as well as trolling on social media were clearly the most frequently experienced forms of threats and harassment, with a number of respondents experiencing these on a daily, weekly and monthly basis. Written and verbal threats were the most frequently experienced by most respondents several times a year. Physical threats – while reported by respondents – were not being experienced as frequently on average as other types of threats.

The top 5 type of threats being experienced regularly by respondents (at least monthly):

1. Trolling on social media (35%)
2. Online surveillance (31%)
3. Smear campaigns (24%)
4. Cease and desist letters (17%)
5. Informal or formal blacklisting by authorities (15%)

Percentage of reported threats being experienced by frequency							
Threat Type	Total Number of Threat Incidences	Daily	Weekly	Monthly	Several times a year	Yearly	Rarely
Written threats	30	0%	0%	10%	53%	19%	16%
Online surveillance	26	15%	4%	12%	31%	15%	23%
Trolling on social media	34	3%	18%	15%	26%	15%	24%
Cease and desist letters	23	0%	0%	17%	26%	30%	26%
Smear campaign	25	0%	4%	20%	24%	24%	28%
Other	6	0%	0%	0%	33%	33%	33%
Hacking of your personal or professional social media accounts	17	0%	0%	12%	29%	24%	35%
Verbal threats	35	0%	0%	6%	37%	17%	40%
Informal or formal blacklisting by authorities	20	0%	0%	15%	30%	15%	40%
Blackmail	16	0%	0%	6%	25%	25%	44%
Offline surveillance	25	4%	4%	4%	36%	8%	44%
Civil legal case	26	0%	0%	15%	19%	15%	48%
Questioning or interrogation by authorities	27	0%	0%	0%	26%	22%	52%
Attacks to your website (e.g. DoS attacks)	17	0%	0%	0%	35%	12%	53%
Criminal legal case	18	0%	0%	0%	33%	11%	56%
Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement)	6	0%	0%	0%	33%	0%	67%
Denial or removal of journalist accreditation	14	0%	0%	7%	0%	21%	71%
Property damage	12	0%	0%	0%	8%	17%	75%
Arrest or detainment	9	0%	0%	0%	0%	22%	78%
Physical violence/attack	18	0%	0%	0%	6%	11%	83%
Imprisonment	2	0%	0%	0%	0%	0%	100%

Threats Experienced by Region

Percentage of respondents in each region experiencing a type of threat, regardless of frequency							
Threat Type	Europe (19)	FSU (8)	Asia (3)	Africa (5)	MENA (4)	North America (3)	South America (1)
Written threats	74%	50%	67%	100%	75%	67%	0%
Verbal threats	81%	75%	100%	80%	75%	67%	0%
Trolling on social media	81%	50%	100%	80%	75%	67%	100%
Blackmail	24%	38%	0%	40%	100%	33%	100%
Smear campaign	52%	38%	100%	40%	100%	33%	100%
Physical violence/attack	43%	38%	33%	60%	50%	0%	0%
Property damage	19%	38%	33%	40%	50%	0%	0%
Online surveillance	57%	63%	0%	60%	75%	100%	0%
Offline surveillance	57%	63%	33%	80%	50%	33%	0%
Hacking of your personal or professional social media accounts	24%	38%	0%	60%	75%	100%	0%
Attacks to your website (e.g. DoS attacks)	38%	13%	67%	60%	50%	33%	0%
Questioning or interrogation by authorities	57%	50%	33%	80%	100%	33%	100%
Arrest or detainment	5%	13%	0%	60%	100%	0%	0%
Imprisonment	0%	0%	0%	20%	25%	0%	0%
Cease and desist letters	71%	25%	0%	60%	25%	67%	0%
Civil legal case	74%	38%	67%	60%	75%	33%	0%
Criminal legal case	38%	38%	33%	60%	75%	0%	0%
Denial or removal of journalist accreditation	24%	25%	33%	60%	50%	33%	0%
Informal or formal blacklisting by authorities	43%	75%	0%	40%	50%	33%	0%
Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement)	19%	13%	0%	0%	25%	0%	0%
Other	10%	13%	0%	40%	0%	0%	100%

Threats Experienced by Gender

Generally there were not huge differences in the types of threats experienced by men and women respondents. On average, women respondents reported being subject to verbal threats (57% versus 54%) and to questioning or interrogation by authorities (52% versus 39%) than men. Notably, more men reported being the subject of online surveillance (44% versus 38%) and offline (44% versus 33%) surveillance as well as smear campaigns (41% versus 38%) than women.



Diagram 6 – Percentage of respondents by gender experiencing each type of threat, regardless of frequency

Threats Experienced by Employment

There was some interesting differences in the types of threats most frequently experienced by respondents who work full-time, part-time or in a freelance capacity. Respondents working full-time reported experiencing verbal threats, trolling on social media, smear campaigns, attacks on their websites, civil legal cases, cease and desist letters far more than their freelance counterparts.

Conversely, freelancers reported experiencing hacking of their personal or professional accounts, questioning or interrogation by authorities, arrest or detainment, denial or removal of journalist accreditation, informal or formal blacklist by authorities. Some of this could be perhaps be explained by not having the same level of support, resources and training that maybe available to those working full-time for a media outlet. One respondent specifically highlighted the role of employment status when it comes to safety and security:

“I think the fact that most journalists are employed as freelancers or on short-term contracts is a threat. You take a lot of risk on yourself, and you don't have continuity in people whom you can trust to work with you.” – Female respondent, aged 25-34, in full-time employment in the EU.

Percentage of respondents by employment status experiencing each type of threat, regardless of frequency				
Threat Type	Full-time (29)	Part-time (3)	Freelancers (7)	Other (4)
Written threats	76%	33%	71%	50%
Verbal threats	84%	100%	43%	75%
Trolling on social media	84%	67%	43%	75%
Blackmail	35%	0%	43%	50%
Smear campaign	90%	0%	71%	50%
Physical violence/attack	45%	0%	43%	25%
Property damage	29%	0%	14%	50%
Online surveillance	55%	67%	57%	75%
Offline surveillance	52%	67%	57%	75%
Hacking of your personal or professional social media accounts	29%	33%	71%	50%
Attacks to your website (e.g. DoS attacks)	42%	33%	29%	25%
Questioning or interrogation by authorities	58%	33%	86%	50%
Arrest or detainment	16%	0%	43%	25%
Imprisonment	6%	0%	0%	0%
Cease and desist letters	58%	33%	43%	25%
Civil legal case	69%	33%	57%	25%
Criminal legal case	39%	67%	43%	25%
Denial or removal of journalist accreditation	29%	33%	43%	25%
Informal or formal blacklisting by authorities	39%	100%	57%	25%
Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement)	19%	0%	0%	0%
Other	10%	0%	14%	50%

Evolving situation for respondents' safety and security

Respondents provided insights into their experience of threats and harassment, and how these may have changed over time:

- ***I have been subjected to [threats] for over a decade, but they are becoming worse every year. A substantial increase in this year as well because the current government holds many grudges.*** – Female respondent, aged 35-44, in full-time employment in the EU.
- ***They are getting more and more frequent and more aggressive.*** – Male respondent, aged 55-64, in full-time employment in the EU.
- ***I have about 30 years of experience. It was worst in the beginning of 90-ties. It became better after joining in EU in 2007. But the whole media situation became worst year after year.*** – Male respondent, aged 45-54, in full-time employment in the EU.

- ***It was the worst period was between 1990 and 2007. After that is better, there are still many problems.*** – Male respondent, aged 45-54, in full-time employment in the EU.
- ***Yes, there were legal threats, but then it turned to trial.*** – Female respondent, aged 35 – 44, in full-time employment in the EU.
- ***In general I became more cautious. In some cases I had to stop reporting. I had several difficult legal cases including threats by individuals and organisations that they are willing to destroy me financially and involve me in many legal cases on all levels – including the tactic of splitting one original case in several other cases. Several lawyers would tell me they got carte blanche by their clients to destroy me. In the last few years the psychosocial, digital and also physical threats became much more important and difficult. I already decided to avoid several countries and I did not visit events in those countries (congresses, meetings but also research trips).*** – Male respondent, aged 55-64, a freelancer in the EU.
- ***It depends on the quality of the Government and the independence of [the judiciary]. The more corrupt [the] oligarchy is - the worse the threats.*** – Female respondent, aged 45 – 54, in full-time employment in the FSU.
- ***There was a penetration into my apartment that looked as a robbery, but, In fact, not many things have been stolen. There could be much more thing to be stolen, including money. The video camera in front of the entrance into the building showed that the person spent about 40 minutes in my apartment. Giving the fact that few things were stolen, I think the penetration was to install some surveillance equipment. Also my cell phone was producing a lot of noise and echoed during conversations, but when the government changed, these noises disappeared.*** – Female respondent, aged 55-64, in full-time employment in the FSU.
- ***[The threats] haven't changed and sometimes they make me pull back [working as] a non-profit with limited funding.*** – Male respondent, aged 35 – 44, in full-time employment in Africa.
- ***I haven't noticed any considerable change, though I think it's fair to say that PR representatives are considerably less likely to respond to questions than previously -- with some becoming more aggressive in terms of responses as well.*** – Male respondent, aged 25-34, a freelancer in North America.

Spotlight on the Main Types of Threats

Legal threats were identified, by those respondents experiencing threats, to have **the most impact on their ability to continue working** (48%), followed by **psychosocial** (22%), then **physical** and **digital** threats (each at 12%).

The remaining (6%) of respondents reported other threats having the most impact, including **financial concerns** and specific bogus legal cases and incidences of surveillance.



Diagram 7 – Threat type that has the most impact on journalists' ability to continue working

Physical Psychosocial Digital Legal
Other - Write In (Required)

By region, the legal threats were ranked as having the most impact in South America (100%), North America (75%), Asia (60%), Africa (57%), and Europe (55%). In MENA legal, physical, digital and other (bogus cases) were ranked equally (25% each). The FSU region was the only one where legal threats were not ranked as having the highest or equally highest impact. Instead 38% of respondents from this region ranked physical threats as having the most impact, followed by psychosocial (25%) and digital (25%) with legal in last place (13%) (see Table 3 in Annex).

By gender, generally there was not much difference, legal threats had the most impact for both men and women. However, psychosocial threats were considered to have a greater impact by more women respondents than men (29% versus 18%) (see Table 4 in Annex).

By employment status, there was more variation – legal threats were thought to have the most impact by those in fulltime employment (56%) compared to part-time (33%) or freelancers (36%). Similarly more respondents working full-time were considered by the impact of psychosocial threats (24% versus 18%) than freelancers. Meanwhile, significantly more freelancers considered digital threats to have a greater impact than those working full-time (27% versus 6%). The impact of physical threats was noted much more by those working part-time (33%) or in another capacity, such as voluntary, semi-retired or trainee, (50%) compared to freelancer or full-time employees (both 9%) (see Table 5 in Annex).

Incidences by Type

When providing information about the type of the threats faced, respondents collectively charted **408 incidences** (by type and frequency). Interestingly, **35%** of these could be classified as psychosocial threats compared to **26%** understood to be of a legal nature.

There is inevitably some overlap between the four categories, for example, threats or harassment of any kind can potentially have a negative impact on journalists' mental wellbeing while detainment can also be physical as well as legal. However, it is notable that despite experiencing verbal threats, trolling and smear campaigns on average far more than legal threats, it is nevertheless the latter, which appears to have more impact on the respondents' ability to continue their investigative work.

Psychosocial

Threat	Incidences reported	Percentage of respondents that reported experiencing risks or threats
Verbal threats	35	81%
Trolling on social media	34	79%
Written threats	30	70%
Smear campaign	25	58%
Blackmail	16	37%
Total Psychosocial	140	
Percentage of overall incidences	35%	

It's easier for those affected by the report to send threats by text or online because they can do it anonymously. – Female respondent, aged 64 +, in full-time employment in Asia.

The classic forms of intimidation (lawsuit, phonically) continue but added to them are new digital forms using trolls and launching smearing campaigns. – Female respondent, aged 45 - 54, in full-time employment in the MENA region.

I'm facing currently a campaign to diminish my reputation on social media...based on several anonymous testimonies published at anonymous blogs. – Male respondent, aged 35 – 44, freelancer in the MENA region.

Legal

Threat	Incidences reported	Percentage of respondents that reported experiencing risks or threats
Civil legal case	26	60%
Questioning or interrogation by authorities	27	63%
Cease and desist letters	23	53%
Criminal legal case	18	42%
Arrest or detainment	9	21%
Imprisonment	2	5%
Total Legal	105	
Percentage of overall incidences	26%	

Threats of legal action, especially in the UK where court processes themselves are often prohibitive expensive, has forced me to be increasingly vigilant in terms of sustaining the facts and claims in a story. – Male respondent, aged 25 – 34, in full-time employment in Africa.

In the UK, as well as threatening defamation action, they also turn to privacy/data laws and breach of confidence. The law firm's use of private investigators / private intelligence operatives is also noteworthy. – Male respondent, aged 25 – 34, working part-time in the UK.

Lawyers have become more adept at using anti-privacy and GDPR laws to hinder reporting, request information and slow things down with bureaucratic processes. – Male respondent, aged 35 – 44, in full-time employment in the UK.

Physical

Threat	Incidences reported	Percentage of respondents that reported experiencing risks or threats
Offline surveillance	25	58%
Informal or formal blacklisting by authorities	20	47%
Physical violence/attack	18	42%
Denial or removal of journalist accreditation	14	33%
Property damage	12	28%
Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement)	6	14%
Total Physical	95	
Percentage of overall incidences	23%	

At certain point I was forced to leave my own house or sleep in different places during weeks, month[s], forced to leave my own country to [go] overseas, sometimes to another provinces, travel outside the country from a different airport - province , increase my surveillance physical, digital security, etc. – Male respondent, aged 35 – 44, a freelancer in Africa.

It's always about corrupt government officials using law enforcement agencies to threaten or shake one down. – Male respondent, aged 55 – 64, in full-time employment in Africa.

I did not believe someone can kill me for my work. Now I do believe. – Female respondent, aged 35 – 44, in full-time employment in the EU.

Digital

Threat	Incidences reported	Percentage of respondents that reported experiencing risks or threats
Online surveillance	26	60%
Hacking of your personal or professional social media accounts	17	40%
Attacks to your website (e.g. DoS attacks)	17	40%
Total Digital	60	
Percentage of overall incidences	15%	

Digital threats become more complicated to solve. – Male respondent, aged 64+, working part-time in North America.

More routine checks [are needed] to determine whether one's computer and devices have been compromised by malware. – Male respondent, aged 25 – 34, working part-time in the UK.

Our company has a really bad digital security support - improving that would help a lot. – Male respondent, aged 35 – 44, in full-time employment in the EU.

Origin of threats

When asked, in their opinion, where do the threats against them mainly come from, respondents identified the highest originator of threats as corporations (71%). This was followed jointly by organised crime groups and the Government in the journalist’s home country (51%).

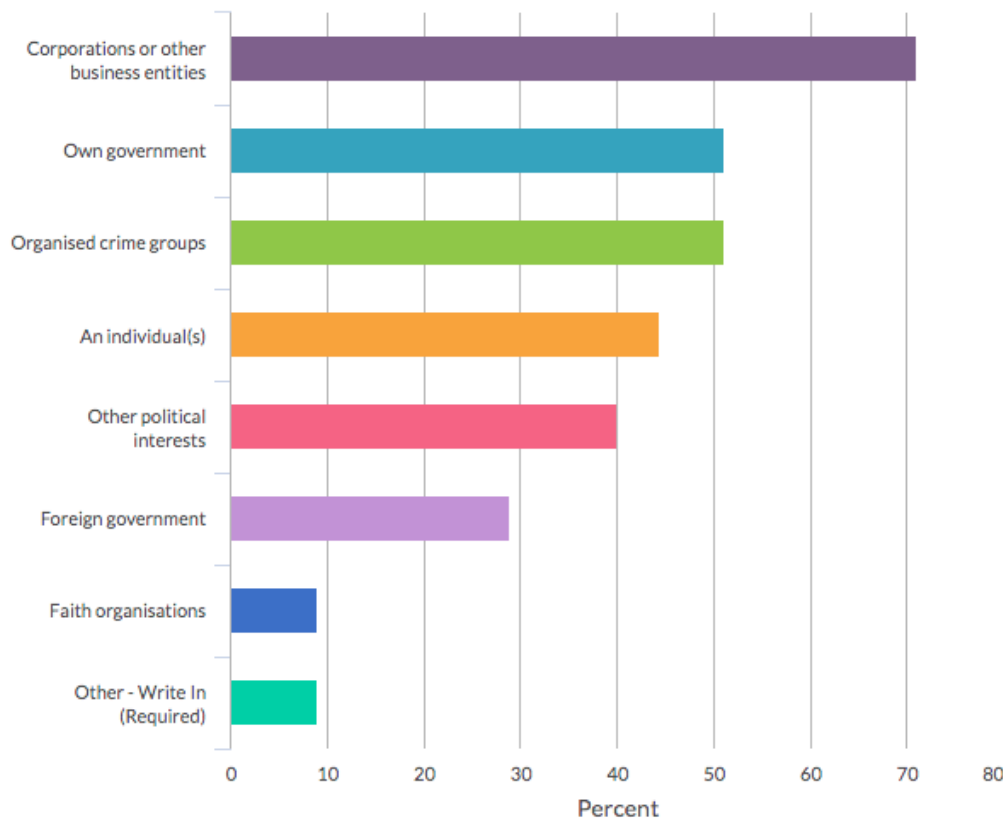


Diagram 8 – Top originators of threats against journalists working on financial crime and corruption

Top originators of threats, as identified by respondents, by region:

	Europe	FSU	Asia	Africa	MENA	North America	South America
Corporations or other business entities	71%	50%	67%	80%	100%	67%	100%
Own government	29%	75%	33%	80%	100%	33%	100%
Organised crime groups	62%	25%	0%	40%	100%	33%	100%
An individual(s)	57%	25%	33%	60%	50%	0%	0%
Other political interests	29%	50%	33%	80%	50%	33%	0%
Foreign government	43%	0%	0%	0%	50%	67%	0%
Faith organisations	5%	13%	0%	0%	50%	0%	0%
Other - Write In (Required)	5%	25%	0%	0%	0%	33%	0%

Legal challenges as a leading threat to investigative journalists

Legal challenges, as demonstrated by the results of this survey, are the threats that are of the most concern to investigative journalists and the ones that pose the biggest challenge for them to continue to report (see previous Spotlight section).

Of particular concern is vexatious legal action where there are no reasonable grounds for a legal case, but rather the intention is to stop or limit reporting. Such cases are increasingly being classified as strategic litigation against public participation (SLAPP). In the survey, the question to respondents was phrased specifically to gauge the level of communication they receive regarding legal threats, whether or not these are actually then pursued. The threat of legal action can have an impact on a journalist regardless of whether or not it is taken further. Moreover, the intention of vexatious legal action is often not necessarily to take the investigative journalist or media outlet to court, where the facts of the matter will be presented. Rather it is to utilise the threat of usually lengthy and expensive legal action, which poses a significant financial threat to the journalist or media outlet, as means to stop information being published or have it removed after publication.

73% of all respondents had received communication(s) threatening legal action as a result of information they had published.



Diagram 9 – Number of respondents who have received legal threats as a result of information they had published

By region:

Received legal communication	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Yes	78%	60%	67%	71%	100%	75%	67%	0%
No	22%	40%	33%	29%	0%	25%	33%	100%

Interestingly the respondent from Oceania added: *“Straight up: I’ve never received formal letters of demand or direct complaints and I still consider myself as emerging in this space. Where I have, they have been implicit and never stated out loud. Unless you are working with a big institution, what tends to happen is that editors at small orgs are risk-averse and they don’t want the hassle or financial risk of a lawsuit. So the story doesn’t run, or it changes. A quote gets excluded or a detail gets removed because there is no paperwork easily available to prove it. The same goes for working as an independent. I am keenly aware -- and this is based on stories from several reporters I have known -- that is something goes wrong there may be a defamation change that could target me personally and I could not financially sustain that.”* – Male, aged 25-34, working as a freelancer.

Reasons given for legal challenges

Defamation pursued as a civil case was by far the most frequently given reason behind these communications to respondents (**91% of the 45 respondents who reported received legal communication**). This was followed by defamation pursued as a criminal case (33%), privacy (24%), trade secrets (24%), GDPR (18%), national security (9%) and copyright (4%).

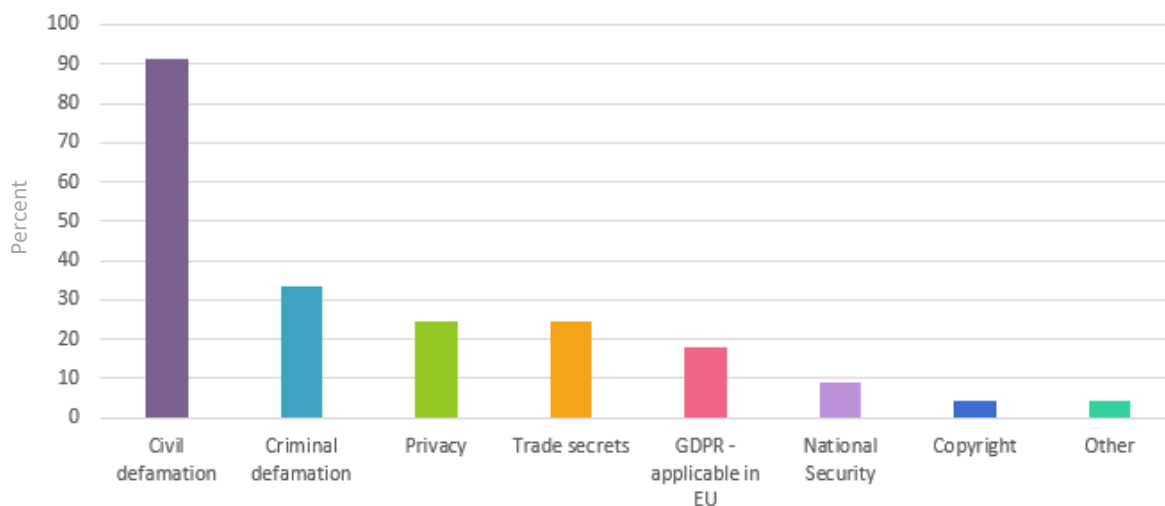


Diagram 10 – Reasons given for receiving communication(s) threatening legal action.

Despite moves by many countries in recent years to decriminalise defamation, it remains a criminal offence in several European and FSU countries, as well as others around the world. As identified by ARTICLE 19, the international human rights NGO campaigning for freedom of expression and right to information - “A key problem with criminal defamation laws is that a breach may lead to a harsh sanction, such as a custodial sentence or another form of harsh sanction, such as a suspension of the right to practise journalism or a significant fine. Suspended sentences, common in some countries, also exert a significant chilling effect as a subsequent breach within the prescribed period means that the sentence will be imposed.”¹⁷

The senders of legal communication

The 45 respondents who reported receiving communication threatening legal action were asked who they thought a) was the most active sender; and b) how frequently they received these communications (weekly, monthly, several times a year, yearly, rarely or preferred not to say), by the reason given.

The options for sender were given as:

- Own government
- Organised crime groups
- An individual(s)
- National corporations
- Organisations based in the UK
- Organisations based in the US
- Organisations based in the EU (not UK)
- Other entities / individuals
- Prefer not to say

¹⁷ ARTICLE 19 Global Campaign for Free Expression, Briefing Note on International and Comparative Defamation Standards, February 2004, P.5, <https://www.article19.org/data/files/pdfs/analysis/defamation-standards.pdf>

Reason	Originator	Frequency
Defamation as a civil action (whether as communication or realised) (reported by 41 of the 45 respondents receiving legal communication)	Most pursued by individuals (44%), then (22%) by own government, organisations based in the UK (12%), other entities/individuals (10%), national corporations (7%), organised crime groups (5%), with the rest preferring not to say.	For the majority (41%) of respondents such cases were happening several times a year, yearly (22%), monthly (7%) rarely (29%).
Defamation as a criminal case (reported by 15 of the 45 respondents receiving legal communication)	Predominately from individuals (40%), then by own governments (33%), organised crime groups (13%) and the rest from other entities/individuals or prefer not to say (7% each)	For the majority of respondents such cases were happening several times a year (60%), then yearly (20%) or rarely (20%)
Privacy (where GDPR is not mentioned/applicable) (reported by 11 of the 45 respondents receiving legal communication)	Predominately from individuals (73%), organisations based in the UK (9%), organisations based in the EU (9%) and the rest from other entities/individuals (not specified).	9% were receiving these communications based on Privacy monthly, 27% several times a year, another 18% yearly and the majority 45% rarely.
Trade secrets (reported by 11 of the 45 respondents receiving legal communication)	Predominately from national corporations (45%), then by other entities or individuals (18%), organisations based in the EU (9%), own government (9%) and organised crime groups (9%), with the remainder prefer not to say.	27% were receiving these several times a year, 27% yearly, 36% rarely, while 9% preferred not to say.
GDPR, applicable in the EU (reported by 8 of the 45 respondents receiving legal communication)	Predominately from individuals (50%), their own government (25%), organised crime groups (12.5%) and the remaining (12.5%) from other entities/individuals (not specified).	A quarter of those receiving communications based on GDPR were receiving them on a monthly basis, another 25% several times a year, 12.5% yearly and the majority (37.5%) rarely.
National security (reported by 4 of the 45 respondents receiving legal communication)	75% were received from own government and the other 25% were from organised crime groups.	Half were receiving these several times a year, a quarter yearly and the remainder rarely.
Copyright (reported by 2 of the 45 respondents receiving legal communication)	Half were received from national corporations and the other half from organisations based in the EU (not including the UK)	Half were received several times a year and the other half rarely.

Location of sender of legal communication

The majority (**80%**) of legal communications – regardless of type or reason - were being received from a legal firm, PR company or other individual or entity from the same country as the respondent.

The second highest location (**31%**) for respondents to receive legal communications from is the UK (including overseas territories).

This was followed by **24%** from EU countries (collectively, not including the UK) and **11%** from the United States. Other countries counted collectively covered the remaining **16%** – including Israel, Ukraine and other Eastern European countries.

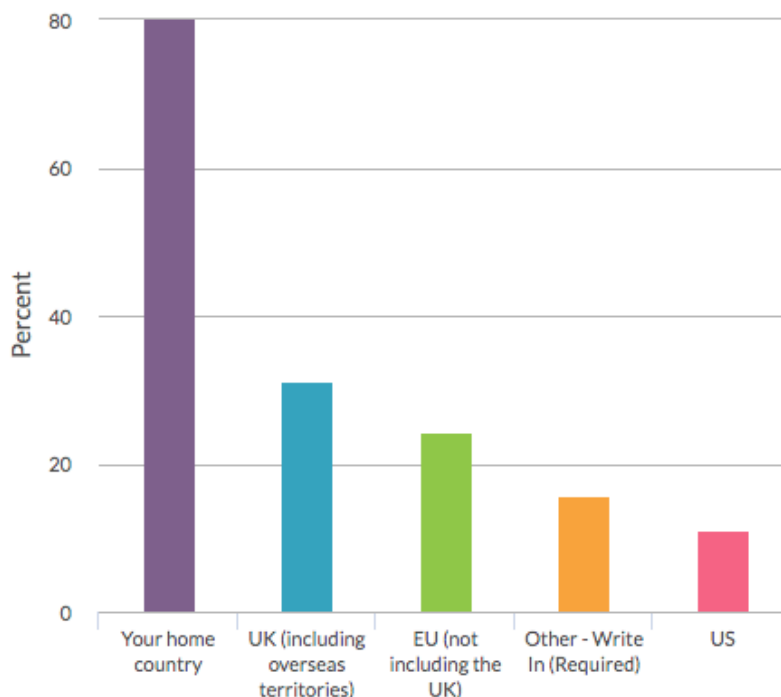


Diagram 11 – Location of those sending communication(s) threatening legal action to respondents

By region:

Across all regions, the respondent’s home country was ranked highest. In North America, the home country was also tied with the UK (both **67%**) and in South America it was tied with the EU. Respondents from North America were receiving the most legal communication from the UK on average (**67%**) followed by those in UK (**48%**).

Respondents in Africa and MENA were also receiving communication originating from the UK (25% of respondents in both regions). Respondents in MENA were receiving the most communication from the EU and the US compared to other regions.

Location of sender by region	Europe	FSU	Asia	Africa	MENA	North America	South America
Your home country	76%	83%	100%	80%	100%	67%	50%
UK (including overseas territories)	48%	0%	0%	20%	25%	67%	0%
EU (not including the UK)	33%	0%	0%	0%	50%	33%	50%
US	5%	0%	25%	0%	50%	33%	0%
Other - Write In (Required)	14%	33%	0%	20%	25%	0%	0%

Impact of receiving legal communications

56% of respondents receiving communication threatening legal action stated that it made them more cautious as a result. **24%** of respondents stated that it did not affect them and only **2%** reported that it stopped them covering the issue altogether.

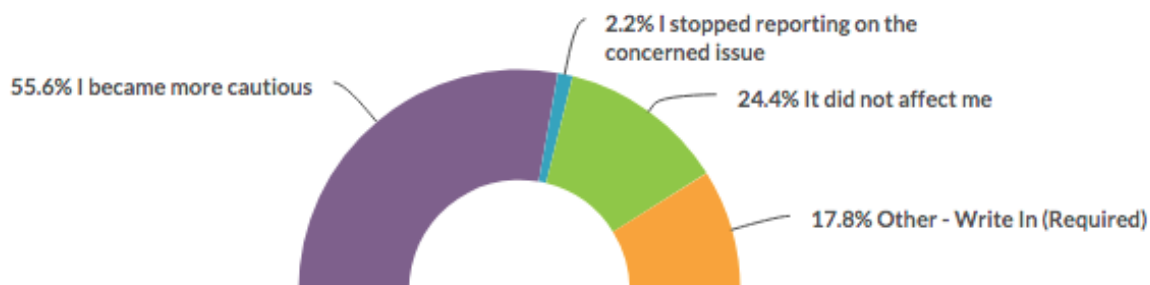


Diagram 12 – Impact of receiving communication(s) threatening legal action on respondents.

The remaining **18%**, all of whom came from Europe and the FSU, provided alternative answers:

- *Usually I just became more cautious but there have been cases [were] I stopped reporting.*
- *It will take a lot of time to handle these issues, but instead of not reporting the issue, I started to dig even more.*
- *We still publish but vet more stories with lawyers.*
- *It made a few of my editors ask me to stop reporting [on the issue, but] ultimately it did not affect my reporting.*
- *It consumes plenty of time, energy and money [which] I would rather spend on reporting.*
- *It takes time to find lawyer, [to get] money for lawyer, to consult, to answer*
- *Mentally [impacted me], but managed to get over it.*
- *[It caused] anxiety, stress, and financial loss.*

The impact of communication threatening legal action on respondents by region appeared most notable in Asia and the FSU:

Response to communication threatening legal action	Europe	FSU	Asia	Africa	MENA	North America	South America
I became more cautious	43%	83%	75%	80%	50%	67%	0%
I stopped reporting on the concerned issue	0%	0%	25%	0%	0%	0%	0%
It did not affect me	24%	0%	0%	20%	50%	33%	100%
Other - Write In (Required)	33%	17%	0%	0%	0%	0%	0%

There was little difference notable by gender, but by employment it was possible to see that those working freelancers were more likely to be affected by communications threatening legal action:

Response to communication threatening legal action	Fulltime	Part-time	Freelancer
I became more cautious	53%	50%	63%
I stopped reporting on the concerned issue	0%	0%	13%
It did not affect me	28%	50%	13%
Other - Write In (Required)	19%	0%	13%

The impact of the risks and threats

How safe respondents feel

Only a small percentage of the respondents (**6%**) feel **completely safe** conducting their work generally as an investigative journalist. While the majority (**65%**) feel **moderately safe**, more than a quarter feel unsafe (**22%** - **moderately unsafe** and **6%** - **completely unsafe**).

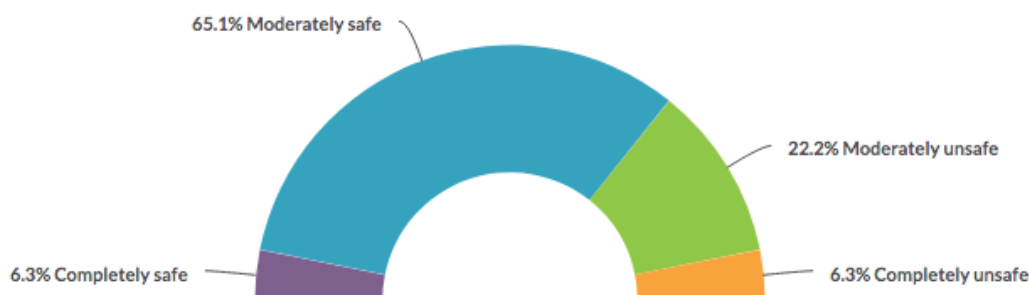


Diagram 13 – How safe respondents feel conducting their work as an investigative journalist.

By region, the respondents feeling completely unsafe are based in MENA (**50%**), Africa (**14%**) and Europe (**4%**). The respondents feeling ‘completely safe’ are based in Asia (**33%**) and Europe (**4%**). Generally those in Europe (**71%**), North America (**75%**), Africa (**71%**) and Asia (**67%**) felt moderately safe, while those in FSU (**50%**) and MENA (**25%**) felt moderately unsafe.

By region:	Europe	FSU	Asia	Africa	MENA	North America	South America
Completely safe	4%	0%	33%	0%	0%	0%	0%
Moderately safe	71%	50%	67%	71%	25%	75%	100%
Moderately unsafe	21%	50%	0%	14%	25%	25%	0%
Completely unsafe	4%	0%	0%	14%	50%	0%	0%

Those working full-time reported feeling moderately safe on average much higher than freelancers (**72%** versus **45%**). Following that more freelancers felt either completely unsafe or moderately unsafe than those working full-time.

By employment	Full-time	Part-time	Freelancer	Other
Completely safe	5%	0%	18%	0%
Moderately safe	72%	40%	45%	75%
Moderately unsafe	16%	60%	27%	25%
Completely unsafe	7%	0%	9%	0%

Yet perhaps surprisingly, more freelancers on average reported feeling completely safe compared to those working full-time (**18%** versus **5%**).

Only men reported feeling completely unsafe, while on average more women (**71%**) felt ‘moderately safe’ compared to men (**61%**). There was a similar level of men and women feeling ‘completely safe’ (**7%** versus **5%**) or ‘moderately unsafe’ (**22%** versus **24%**) (see Table 6 in Annex).

Aim of threats

Respondents were asked what they thought was the main purpose behind the threats they receive. The majority (**67%**) believe the intention is to stop their reporting altogether, while **20%** feel the aim is to diminish their reputation and the remainder (**13%**) to distort their reporting.



Diagram 14 – Main reasons identified for receiving threats

Notably more women respondents indicated that they thought the intention is to stop their reporting all together, compared to men (**75% versus 61%**). Conversely, far more men think the intention is to distort their reporting (**18% versus 6%**) than women. A similar number of women and men perceived the aim to be to diminish their reputations (**19% and 21%** respectively).

Journalists employed full-time were more likely to believe the intention is to stop their reporting (**68%**) than freelancers (**57%**). While freelancers are more likely to feel that the intention is to diminish their reputation (**29%**) or distort their reporting (**14%**), compared to full-time journalists (**19%** and **10%** respectively). The vast majority of respondents in most regions thought the intention was to stop their reporting altogether, except for Europe and Africa where there was a more of a split between the potential aims (see Table 7 in Annex).

Self-censorship

70% of respondents felt they had self-censored to some degree as a result of the risks and threats they faced. This comprised of **58%** respondents reporting self-censoring ‘not that much’, **8%** ‘a lot’ and **4%** ‘an awful lot’. The remaining **30%** stated they had not censored themselves at all.

Interestingly, the majority (**69%**) of respondents believed they had **witnessed an increase of self-censorship amongst their colleagues** as a result of risks and threats they have faced (**37%** reporting that they had ‘directly observed’ this increase, **32%** reported ‘perceiving’ it).

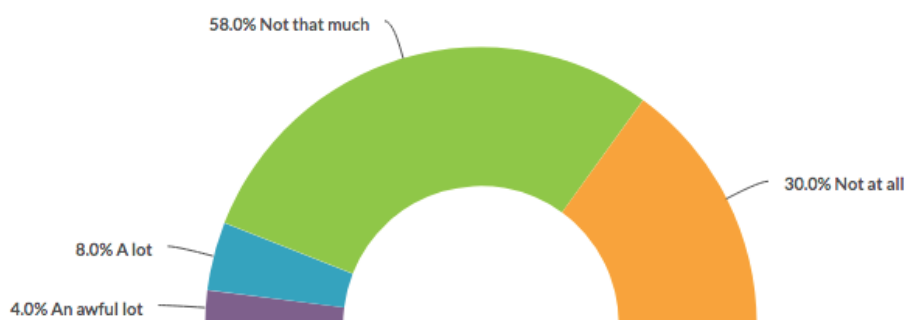


Diagram 15 – Perception on self-censorship as a result of receiving threats.

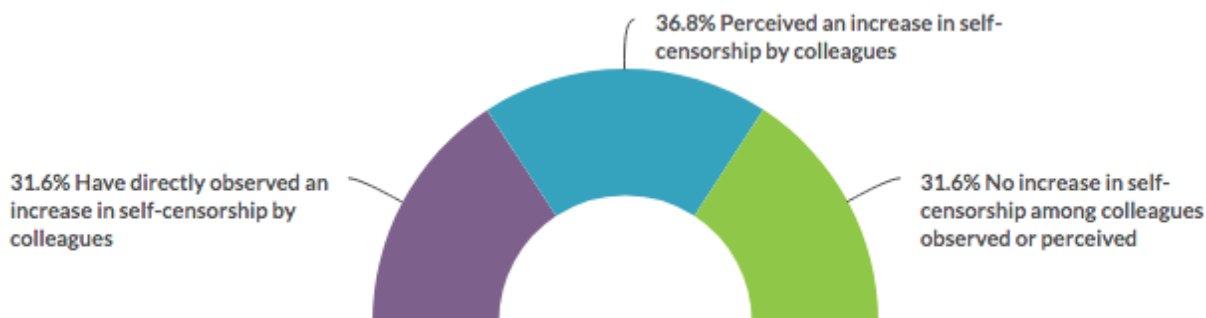


Diagram 16 – Perception on censorship in other investigative journalists:

Respondents from MENA were the only ones who reported censoring themselves ‘an awful lot’, followed by those in Europe, Asia, Africa and MENA censoring themselves ‘a lot’. Those from all regions, apart from MENA and Oceania, reported that they had censored themselves ‘not that much’. Meanwhile respondents in Oceania, Europe and Africa numbered the largest amongst those who believed themselves to have not to have censored themselves at all.

	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
An awful lot	0%	0%	0%	0%	50%	0%	0%	0%
A lot	5%	0%	20%	14%	25%	0%	0%	0%
Not that much	65%	88%	80%	29%	0%	50%	100%	0%
Not at all	30%	13%	0%	57%	25%	50%	0%	100%

The main regions respondents directly witnessed self-censorship in their colleagues are Europe, FSU, Africa, MENA and North America. Conversely Europe was also the region where the most respondents witnessed no self-censorship amongst colleagues – followed by the FSU and South America.

	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Have directly observed an increase in self-censorship by colleagues	25%	44%	0%	57%	50%	50%	0%	0%
Perceived an increase in self-censorship by colleagues	29%	33%	80%	29%	50%	25%	33%	100%
No increase in self-censorship among colleagues observed or perceived	46%	22%	20%	14%	0%	25%	67%	0%

What are the main challenges facing investigative journalists?

Main obstacles to investigations

The majority of respondents (**89%**) identified **the main obstacle** in investigating and reporting on financial crime and corruption as **lack of access to information**. This was followed by **personal safety and security concerns** for themselves and others (**59%**), defamation legislation (**44%**) and national security legislation (**24%**). In addition to the options provided, **13%** of respondents stated other concerns formed main obstacle, **7%** of which indicated those linked with financial pressures.

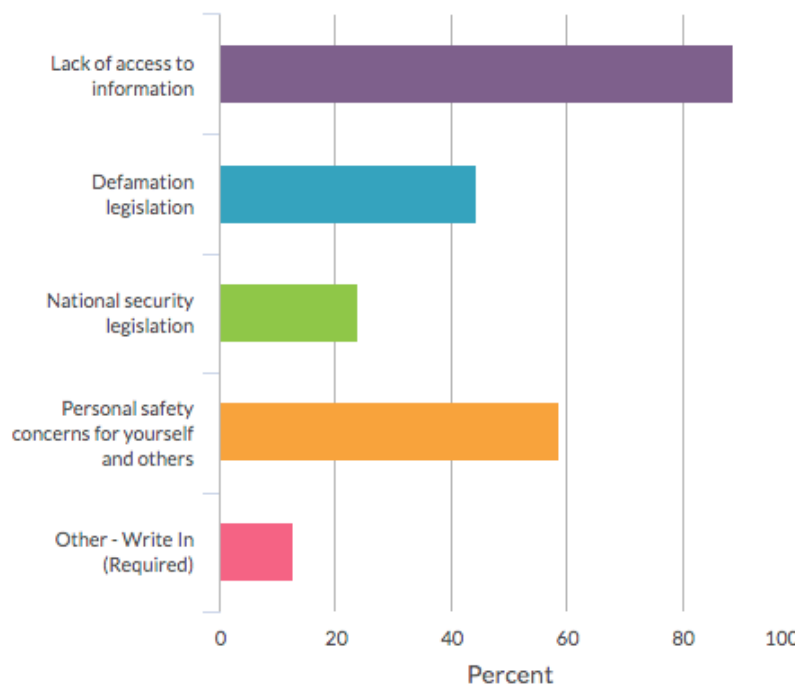


Diagram 17 – Main obstacles identified to working as an investigative journalist on financial crime and corruption.

The top obstacles facing investigative journalists working on corruption, as identified by respondents by region:

	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Lack of access to information	89%	90%	100%	86%	75%	100%	67%	100%
Defamation legislation	46%	20%	50%	29%	75%	75%	33%	100%
National security legislation	11%	10%	17%	57%	100%	50%	0%	0%
Personal safety concerns for yourself and others	54%	90%	0%	71%	100%	75%	33%	0%
Other - Write In (Required)	7%	10%	17%	14%	25%	0%	33%	100%

Men and women reported being fairly equally concerned about personal safety and security concerns (see Table 8 in Annex). While across the board, freelancers on average reported facing more obstacles than those employed on a full or part-time basis (see Table 9 in Annex).

The most valuable forms of resources and support

Respondents could select up to five forms of resources and support they found to be most valuable for their work. Overwhelmingly the most valuable form of resource and support was identified as Legal aid and counsel (**84%**), followed by strong editorial support (**72%**), financial support (**60%**), whistleblower protections (**54%**) and digital security and advice (**54%**).

A small percentage (**7%**) of respondents added their own answers:

- *Collective risk protections, like defamation insurance organised through a union (which we have).*
- *For me support is when the diplomatic corps does not shake the hands with very compromised corrupt high ranked officials from my country.*
- *We need direct support to us for safety - most journalism organizations offer terrible support because they don't really understand risks. We don't trust them.*

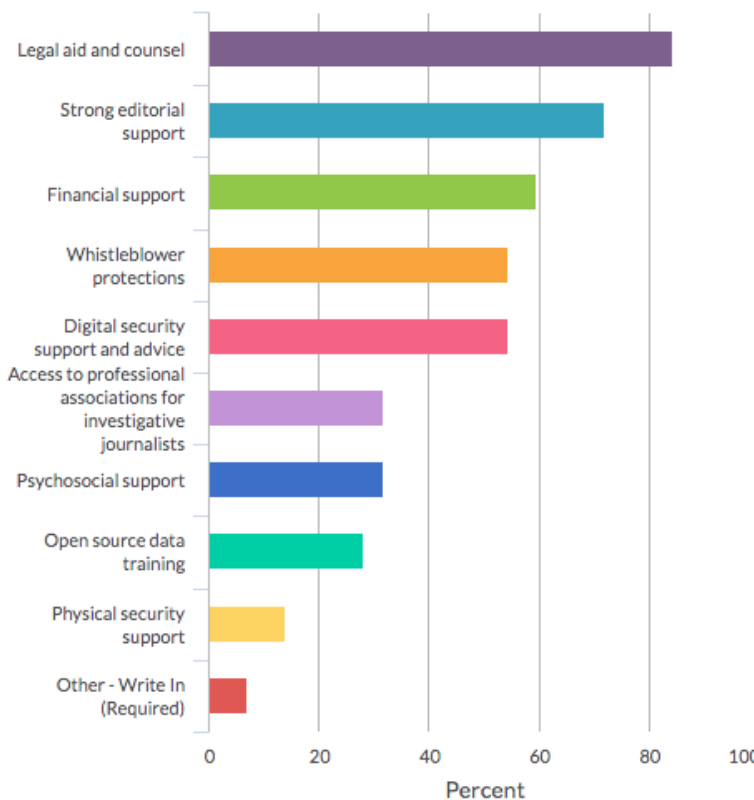


Diagram 18 – Most VALUABLE resources identified by respondents for their work as investigative journalists.

By region:	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Legal aid and counsel	88%	67%	100%	100%	75%	100%	67%	0%
Whistleblower protections	33%	78%	100%	57%	50%	100%	33%	0%
Access to professional associations for investigative journalists	25%	33%	40%	29%	25%	50%	33%	100%
Strong editorial support	79%	33%	100%	71%	50%	75%	100%	100%
Open source data training	17%	44%	60%	0%	50%	50%	33%	0%
Psychosocial support	33%	44%	20%	29%	75%	0%	0%	0%
Digital security support and advice	50%	56%	60%	57%	50%	25%	100%	100%
Physical security support	8%	44%	0%	0%	0%	0%	67%	0%
Financial support	75%	56%	0%	86%	25%	25%	67%	100%
Other - Write In (Required)	8%	11%	0%	0%	0%	0%	0%	100%

The most lacking forms of resources and support

Continuing on from the previous question, respondents could then select up to five forms of resources and support they found to be most lacking. Around half (**51%**) of the respondents stated that financial support was the most lacking.

This was followed by legal aid and council (**49%**), psychosocial support (**35%**) whistleblower protections (also **35%**), and digital security support and advice (**30%**).

Again a small percentage (**7%**) of respondents added their own answers:

- *Colleagues and editors trained on awareness of digital and physical surveillance awareness, and educated on the underlying principles, not just on tools and procedures.*
- *Substantial investments on legal battles to obtain a jurisprudential change on data and information.*

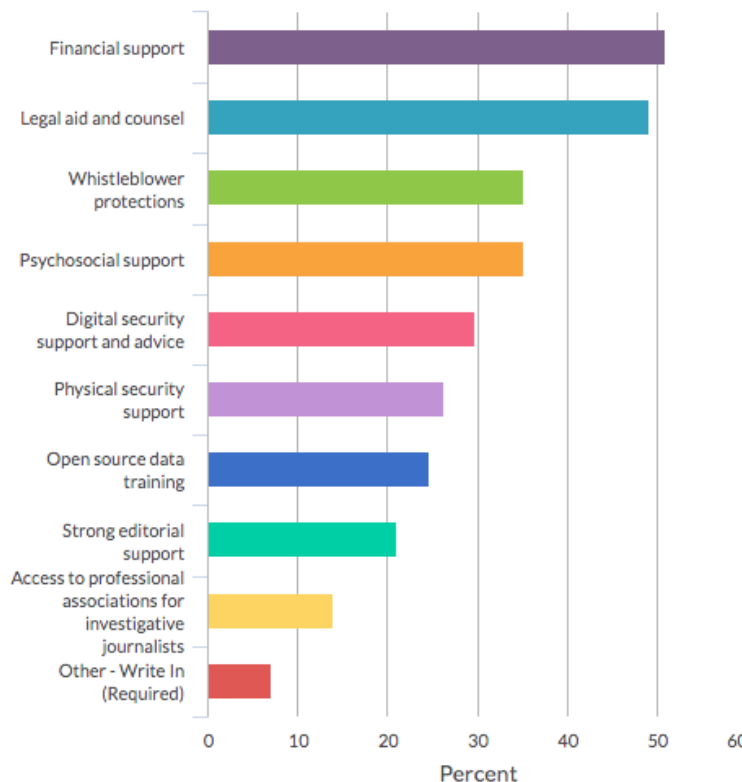


Diagram 18 – Most LACKING resources identified by respondents for their work as investigative journalists.

By region:	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Legal aid and counsel	50%	22%	60%	43%	75%	100%	33%	0%
Whistleblower protections	13%	33%	100%	14%	75%	50%	67%	100%
Access to professional associations for investigative journalists	21%	0%	20%	0%	50%	0%	0%	0%
Strong editorial support	17%	22%	20%	43%	50%	0%	0%	0%
Open source data training	17%	22%	60%	29%	0%	25%	67%	0%
Psychosocial support	54%	11%	60%	14%	50%	0%	0%	0%
Digital security support and advice	25%	56%	60%	14%	25%	25%	0%	0%
Physical security support	29%	44%	0%	14%	50%	25%	0%	0%
Financial support	58%	56%	20%	86%	25%	25%	0%	100%
Other - Write In (Required)	4%	0%	0%	0%	0%	25%	33%	100%

What measures would help? Respondents in their own words

In response to the final survey question, “what measures (at any level) would help your safety and security?” a number of the investigative journalists provided responses, grouped by theme and region/country:

On legal support:

- **Increased accountability for SLAPP actions.** – Male respondent aged 25 – 34, in full-time employment in the UK.
- **Libel law reform (again); Secure drop for sharing PR companies' letters, legal threats.** – Male respondent, aged 25 – 34, in full-time employment in the UK.
- **An international legal aid program that I can enrol in. I am more than willing to pass any fact checking procedure on my reporting and it would be great to be protected against legal harassment.** – Male respondent, aged 35 – 44, a freelancer in the EU.
- **Anti-SLAPP measures at the EU level; prosecutions of financial crime and corruption; a RICO act¹⁸ for the EU.** – Male respondent, aged 25 – 34, in full-time employment in the EU.
- **More legal advice.** – Male respondent, aged 45 – 54, in full-time employment in the EU.
- **Bill of law enacted to prevent malicious lawsuits/ Gag orders.** – Male respondent, aged 45 – 54, in full-time employment in the EU.
- **Legal aid.** – Female respondent, aged 25 – 34, in full-time employment in the EU.
- **A legal fund because defamation suits are our biggest hurdle and even if they don't go to court, the back and of forth of legal letters can get expensive.** – Female respondent, aged 35 – 44, in full-time employment in Asia
- **Strong enforcement of law to project freedom of speech.** – Male respondent, aged 25 – 34, in full-time employment in Asia.
- **Legal advice, editorial support.** – Female respondent, aged 25 – 34, in full-time employment in Asia.
- **Availability of legal aid and safety training.** – Male respondent, aged 35 – 44, in full-time employment in Africa.
- **More formalised and financially strong networks of legal aid.** – Male respondent, aged 25 – 34, in full-time employment in Africa.
- **Legal aid support and financial assistance will go a long way.** – Male respondent, aged 35-44, in full-time employment in Africa.

¹⁸ The Racketeer Influenced and Corrupt Organizations Act (United States, 1970) <https://www.britannica.com/topic/Racketeer-Influenced-and-Corrupt-Organizations-Act>

- ***A better legal system in my own country.*** – Female respondent, aged 45 – 54, in full-time employment in the MENA region.
- ***Reform of English libel and privacy laws to balance the playing field. Right now, it is slanted too much toward VIPs and against transparency.*** – Male respondent, aged 55 – 64, in full-time employment in North America.
- ***Increased legal aid -especially as it pertains to editors' and publishers' willingness to pay for lawyers to look over material, complaints from oligarchs' legal firms, etc.*** – Male respondent, aged 25-34, a freelancer in North America.

On security:

- ***Training on counter surveillance, IT security.*** – Male respondent, aged 35 – 44, in full-time employment in the UK.
- ***Above all, getting every organization I work all and collaborate with to train journalists on being aware of digital and physical surveillance risks connected not just with physical safety, but also to attempt of a malicious attacker to gain informational advantage over our reporting and discreetly intoxicate the investigate process. Beyond this, ALL editorial and non-editorial staff should be educated in all the underlying principles, mechanisms and aspects of digital and physical surveillance, instead of just on tools and procedures.*** – Male respondent, aged 25 – 34, in part-time employment in the EU.
- ***Specialised trainings on digital and physical security.*** – Female respondent, aged 35 – 44, in full-time employment in the EU.
- ***Contingency plan and contingency fund.*** – Female respondent, aged 35 – 44, in full-time employment in the EU.
- ***Security cameras at work and next to where any of us live.*** – Female respondent, aged 25 – 34, working on a voluntary basis in the EU.
- ***[My organisation] takes safety and security, both physical and digital, very seriously, so there are several measures in place to help the journalists' safety and security. However, I think that making a better assessment (with the editor) on how to approach someone who we don't know if he / she has connections with a criminal group or powerful politician that would help in my safety and security.*** – Female respondent, aged 25 – 34, in full-time employment in South America.
- ***Physical security support.*** – Male respondent, aged 35 – 44, in full-time employment in South America.
- ***Physical safety of my journalists and financial support.*** – Male respondent, aged 55 - 64, in full-time employment in Africa.
- ***Editorial support, digital security and counter-surveillance training.*** – Female respondent, aged 55 – 64, in full-time employment in the MENA region.

- **Secure servers and devices for media organizations that don't have enough financial resources to pay themselves.** – Male respondent, aged 64 +, partially retired in North America.

On financial support:

- **Money. We do our own legal, info and physical security because journalism orgs don't understand the issues in high end investigative reporting issues. You learn how to handle organized crime by dealing with it. They don't. They offer bad advice and get lots of money to offer that bad advice.** – Male respondent, aged 55 – 64, in full-time employment in the EU.
- **Strong editorial support and having enough finances to pay for digital security.** – Female respondent, aged 25 – 34, working as a freelancer in Africa.
- **First and foremost financial stability of the non-profit center I run.** – Female respondent, aged 35 – 44, in full-time employment in the EU.

On training:

- **To have more trustful resources and better education at modern journalistic tools and skills.** – Male respondent, aged 45 – 54, in full-time employment in the EU.
- **Training and education would be of great help.** – Male respondent, aged 45 – 54, working as a freelancer in Asia.

On contracts/freelance protections:

- **Contracts that go beyond just fee payments, but address security and protection measures.** – Male respondent, aged 35 – 44, a freelancer in the FSU.
- **More and better risk protections organised at a collective level for freelancers. More grant programs to perform investigative work, as well as specific grants for legal support, like how to set up a defensive trust to guard against law suits and defamation actions. And especially more grant programs and opportunities that aren't just open to European or North American applications.** – Male respondent, aged 25 – 34, a freelancer in Oceania.

On solidarity:

- **Well for one I need journalism bodies and associations to stand up for us and also reach out to us in such times.** – Male respondent, aged 45 – 54, in full-time employment in the MENA region.
- **I consider that many times the organization does provide support that on many occasions we do not know how to use it or ask for it. In my case I feel totally protected by my organization. I fear for the authorities in my country, which are the ones that do not offer protection and, on the contrary, are the ones that are organized with those we investigate.** – Female respondent, aged 35 - 44, in full-time employment in North America.

- ***International interest in [my country] ... has been proven effective [the] government and institutions are performing much better and thoroughly when an international spotlight is on their work.*** – Male respondent, aged 25-34, in full-time employment in the EU.

On various topics:

- ***Psychological and financial support or at least the opportunity to defend myself.*** – Male respondent, aged 35 – 44, a freelancer in the MENA region.
- ***1. Assurance of legal assistance 2. Digital support 3. International support by journalism associations 4. Support to escape in case of physical threat.*** – Male respondent, aged 55 – 64, in full-time employment in Africa.
- ***Trainings, professional networking, new and applicable legislation on witness protection, financial support for independent research and investigations.*** – Male respondent, aged 45 – 54, in part-time employment in the FSU.
- ***Free access to foreign databases - digital security protection - international community protection - international pressure of corrupt governments - international transparency of corrupt local government [figures] assets abroad.*** – Female respondent, aged 45 – 54, in full-time employment in the FSU.

The Safety of Journalists, a Matter of International Human Rights Standards and Soft Law

By Silvia Chocarro¹⁹

Let's be clear: violence against journalists can stop. It ends with accountability. If States fulfill their duty to protect journalists; if States meet their international commitments, journalists will be able to do their jobs freely and safely. International human rights law contains binding obligations to guarantee the safety of journalists. Additionally, in the last ten years there has been an unprecedented increase of international soft law. Implementation and accountability, however, are gaps that must be filled. Do this and the safety of journalists will be guaranteed, along with citizens' access to the information needed to take decisions about their lives and the future of their democracies.

The right to freedom of expression: A right of all

The right to freedom of expression is protected in Article 19 of the Universal Declaration of Human Rights (UDHR) and Article 19 of the International Covenant on Civil and Political Rights (ICCPR), as well as in regional human right treaties. Article 19 of the ICCPR requires States to guarantee everyone the right to freedom of expression, including the "freedom to seek, receive, or impart information or ideas of any kind", regardless of frontiers, and through any media of a person's choice, including online.²⁰

While the scope of this right is broad, Article 19(3) provides for its restriction in limited circumstances. States must show that any restriction satisfies a strict three-part test. Restrictions must be **provided by law**, based on a precisely drafted law, and be accessible, to enable individuals to modify their conduct accordingly; **in pursuit of a legitimate aim**, as per Article 19(3) for the rights or reputations of others, the protection of national security, public order or public health or morals; and **necessary and proportionate**, where the state must demonstrate in a specific and individualised fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat.

The ICCPR contains a number of other obligations relevant to the safety of journalists, including the right to life (Article 6) and the freedom from torture (Article 7). States are also obliged to guarantee individuals' freedom from arbitrary detention (Article 9) and ensure the right to a fair trial (Article 14). The ICCPR also requires States to guarantee freedom from "arbitrary or unlawful" interference in one's privacy, of particular importance for protecting journalists' private communications, their access and use of anonymity and encryption tools.²¹ Moreover, it sets out the right of all people to equality and non-discrimination (Article 2), further developed by the Convention on the Elimination of Discrimination against Women (CEDAW) that creates specific obligations for States to end discrimination against women, defined as "any distinction, exclusion or restriction" based on sex characteristics which has the effect or purpose of restricting or negating women's enjoyment of human rights, such as the right to freedom of expression.²² Other binding treaties, such as the

¹⁹ Head of Protection at ARTICLE 19. @silviachocarro

²⁰ International Covenant on Civil and Political Rights, 1966, Art.19, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx#:~:text=Article%2019&text=Everyone%20shall%20have%20the%20right,other%20media%20of%20his%20choice>.

²¹ ARTICLE 19, Ending Impunity. Acting on UN Standards on the Safety of Journalists, November 2019, <https://www.article19.org/wp-content/uploads/2019/11/SOJ-Web.pdf>

²² ARTICLE 19, Freedom of Expression and Women's Equality, Ensuring Comprehensive Rights Protection, October 2020, <https://www.article19.org/wp-content/uploads/2020/10/Gender-Paper-Brief-1.pdf>

International Convention on the protection of all persons from enforced disappearance, sets out specific obligations that can address the increasing enforced disappearances of journalists in reprisal for their work.

International Humanitarian Law (IHL), which governs the law of armed conflict, also has a say. Journalists, media professionals and associated personnel are specifically protected by IHL as civilians, provided they take no action adverse to this status. This means that any deliberate attack against a journalist by a party engaged in an armed conflict constitutes a war crime, and those responsible must be brought to account.²³ The Security Council has reaffirmed these obligations through resolutions on the protection of journalists in armed conflict.²⁴

The safety of journalists: an increasing matter of soft law

Soft Law is not toothless. International commitments made by States are not empty words and States must be held accountable. In the last ten years alone, a dozen resolutions have been passed in the UN system, including UNESCO, specifically on the safety of journalists. This was not always an issue of particular concern in the UN system. Since the 1970's, when there were many intense debates about the protection of journalists covering conflict situations,²⁵ it was not until 2012 when the UN Human Rights Council (HRC) and the UN General Assembly (UNGA) started to pass biennial resolutions on the safety of journalists.²⁶ 2012 was also the year of the first ever UN strategy: the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.²⁷ Since 2012, ensuring a safe environment for journalists made its way to two resolutions by the UN Security Council in 2006 and 2012, and to one UNESCO resolution focused on impunity in 1997.²⁸

UNESCO, the UN agency with the mandate to promote the right to freedom of expression has also played an increasing role. In 1997, it passed the first resolution focused on impunity on crimes against journalists and asking the UNESCO Director General to condemn the physical attacks against journalists. Since then, there has been a condemnation for every killing of a journalist. This information is collected in the database of the UNESCO Observatory of Killed Journalists.²⁹ Based on these condemnations, in 2006 UNESCO started to request States to provide information on the judicial inquiries. Information is published in a biennial report on this issue.³⁰

At the regional level, intergovernmental organisations have also looked at the protection of journalists. In Europe, for example, the Council of Europe (CoE) adopted a very comprehensive Recommendation on the protection of journalism and safety of journalists and other media actors³¹ and an implementation guide that provides guidance and examples on how to translate into action

²³ International Committee of the Red Cross. Customary International Humanitarian law, Rule 34, Journalists, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule34

²⁴ UN Security Council. Resolution 1738 on Protection of Civilians in Armed Conflict (S/RES/1738), 2006, [https://undocs.org/S/RES/1738\(2006\)](https://undocs.org/S/RES/1738(2006)) & UN Security Council, Resolution 2222 on Protection of Journalists and the Issue of Impunity (S/RES/2222), 2015, [https://undocs.org/S/RES/2222\(2015\)](https://undocs.org/S/RES/2222(2015))

²⁵ Chocarro, Silvia. The United Nations' Role in Promoting the Safety of Journalists from 1945 to 2016. In *The Assault on Journalism. Building Knowledge to Protect Freedom of Expression*. Edited by Ulla Carlsson and Reeta Pöyhtäri. Nodicom. Gothenburg, 2017 Page 45-61 https://www.nordicom.gu.se/sv/system/tdf/publikationer-hela-pdf/the_assault_on_journalism.pdf?file=1&type=node&id=38302&force=0

²⁶ UNESCO, Basic Texts Related to the Safety of Journalists, <https://en.unesco.org/themes/safety-journalists/basic-texts>

²⁷ UNESCO, UN Plan of Action on The Safety of Journalists, 2012, <https://en.unesco.org/un-plan-action-safety-journalists>

²⁸ UNESCO, Resolution 29 on Condemnation of Violence against Journalists, 1997, https://en.unesco.org/sites/default/files/ipdc_resolution_29.pdf

²⁹ UNESCO, Observatory of Killed Journalists, 2018, <https://en.unesco.org/themes/safety-journalists/observatory>

³⁰ UNESCO Director-General Report on the Safety of Journalists and the Danger of Impunity, 2020, <https://en.unesco.org/themes/safety-journalists/dgreport/2020>

³¹ Council of Europe. Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, 2016, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1

what is agreed on paper.³² Almost ten years earlier, the CoE had adopted a declaration specifically on the protection and promotion of investigative journalism “convinced that the essential function of the media as public watchdog and as part of the system of checks and balances in a democracy would be severely crippled without promoting such investigative journalism.”³³ In 2018, the Organization for Security and Co-operation in Europe (OSCE) also passed a Decision on the safety of journalists recognising the importance of investigative journalism and that the ability of the media to investigate “without fear of reprisal, can play an important role in our societies, including in holding public institutions and officials accountable.”³⁴

All of these texts have increasingly included additional aspects and nuances on the issue of the safety of journalists. While at the beginning concerns were around physical safety and impunity, resolutions have increasingly recognized the importance of legal, digital and psychological protection, as well as the need to approach the problem with a gender lens, among other considerations. Behind these improvements, there are also years of work by civil society groups, journalists’ associations and media to collect and analyse data to be used for evidence-based advocacy in the international sphere.

So, what have States committed to?

Resolutions on the safety of journalists commit States, based on their existing international human rights law obligations, to act on three fronts: prevention, protection and prosecution and remedy, as follows: 35

Prevention:

- Create and maintain a free and safe enabling environment for journalists, media workers and civil society, as they play a vital role enhancing the safety of journalists;
- Condemn all attacks against journalists and the prevailing impunity;
- Refrain from denigrating, intimidating or threatening the media and journalists, or using misogynist language towards women journalists, that undermining trust in media;
- Ensure national laws, policies and practices are fully in compliance with obligations under international human rights law and do not interfere with journalists’ independence;
- Refrain from the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation as well;
- Ensure business entities and individuals are not using strategic lawsuits against public participation to exercise pressure on journalists;
- Cease to and refrain from intentionally preventing or disrupting access to or dissemination of information offline and online;
- Respect freedom of journalists to have access to information held by public authorities.

Protection:

- Establish early warning and rapid response mechanisms against threats;

³² Council of Europe. Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors, 2020, <https://rm.coe.int/safety-implementation-guide-en-16-june-2020/16809ebc7c>

³³ Declaration Decl-26.09.2007 by the Committee of Ministers on the protection and promotion of investigative journalism, 2007, <https://rm.coe.int/1680645b44>

³⁴ OSCE, Decision No. 3/18 on the Safety of Journalists, 2018, <https://www.osce.org/files/mcdec0003%20safety%20of%20journalists%20en.pdf>

³⁵ This is a selection of commitments, mainly from HRC resolutions.

- Take measures to address sexual harassment and other forms of sexual and gender-based violence;
- Protect journalists, in particular those covering protests and elections;
- Allow encryption and anonymity and refrain from employing unlawful or arbitrary surveillance techniques;
- Protect journalists' confidential sources;
- Enhance information-gathering and monitoring mechanisms, also those by civil society.

Prosecution and remedy:

- Ensure the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks;
- Create special investigative units or independent commissions, and consider appointing a special prosecutor;
- Adopt specific gender-sensitive protocols and methods of investigation and prosecution;
- Support capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel on international standards and commitments related to freedom of expression and the safety of journalists;
- Ensure that victims and their families have access to appropriate restitution, compensation and assistance.

And who is a journalist after all?

One of the controversies that led to the fail attempt by the UN to pass a resolution on the safety of journalists in the seventies was the definition of a journalist. In 2011, the Human Rights Committee, a quasi-judicial body consisting of 18 independent human rights experts elected by UN member states responsible for providing guidance on States' obligations under the ICCPR, shed light on this particular matter.³⁶ It describes 'journalism' as a function shared by a wide range of actors, including bloggers and others who self-publish information online or offline, avoiding a restrictive or formal definition of who deserves protection as a journalist, and making clear that schemes for registering or licensing of journalists are incompatible with States' obligations.

In conclusion, the risks and attacks identified in this report are happening because States are not fulfilling their obligations and commitments. In many cases, governments or public officials are behind it. The more we know about international standards and commitments, the more we can hold governments accountable. The more we know, the more we can ensure the safety of journalists and the smooth functioning of our democracies, because without journalism there can be no democracy.

³⁶ UN Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of Opinion and Expression (CCPR/C/ GC/34), 2011, <https://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Conclusion

The findings of this report demonstrate the level to which investigative journalists uncovering financial crime and corruption are experiencing a range of risks and threats on a regular basis. Particularly notable are the level of threats that can have a significant psychological impact – such as being the subject of regular trolling on social media, blackmail or smear campaigns. Journalists’ mental wellbeing is as significant and important as their physical or digital safety and security.

Legal challenges are clearly of the highest concern across the board. The fact that such a high proportion of respondents are receiving communication threatening legal action, some with a certain degree of regularity, is alarming. While legal representation, and the right to defend yourself against spurious claims, is an important feature of democratic societies, the misuse of legal systems in an attempt to shut down public interest reporting must also be seen as undemocratic.

The legitimacy of legal threats should be questioned especially when they originate from those subject to investigations demonstrating their involvement in corruption. The imbalance of power between those who have the funds to pursue vexatious legal action, unchecked, and journalists and media outlets who have limited resources to defend themselves is considerable. Legal action can threaten the journalist’s ability to continue working, in a perhaps less scandalous and more seemingly legitimate way, but can create a similar chilling effect on media freedom to more overt violence or attack. Moreover, vexatious legal action is a form of threat that, if not made public by the journalist themselves who may fear further reprisals, can take place hidden from view.

Threats of any nature – and impunity for them - can have very insidious impact on the journalist themselves, their ability to continue their work, particularly in the face of pressure to self-censor for fear of escalation. The impact is, of course, felt most acutely by the journalist, but the wider repercussions are also felt by society. This is sometimes without their knowledge - if such threats and harassment leads to a reduction of publically important information from ever reaching the public sphere. When considering the topic of financial crime and corruption, the information brought to light by journalists is often essential to ensure that corrupt figures are held to account. Unimpeded, the damage such figures can do to local communities, societies and countries is considerable.

While the findings of this survey do not claim to be exhaustive nor definitive, they do point to priority areas for providing better support to investigative journalists and improving their safety and security. It is notable that the resources that respondents identified as the most valuable while reporting on financial crime and corruption also overlapped with those they identified as the most lacking, namely legal aid and counsel, financial support and whistleblower protections.

Turning specifically to the UK, its role – both as a facilitator of crime and corruption through the highly reported misuse of its financial systems as well as the source of a great number of legal communications threatening journalists around the world – sets it apart from other countries. If the UK wants to take a strong stance on anti-corruption as well as safety of journalists globally, as expressed by the UK Government’s own policies and priorities, there is a clear need to review and reassess what measures can be taken to prevent abuse by corrupt figures at home as well as abroad.

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Annex

Table 1: Regional breakdown on types of corruption reported on:

	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Domestic political and/or bureaucratic corruption	75%	80%	83%	100%	100%	75%	100%	0%
Transnational corruption	93%	50%	50%	86%	100%	100%	100%	0%
Private-to-private corruption	79%	40%	50%	71%	75%	75%	100%	100%
Other - Write In (Required)	7%	0%	0%	0%	0%	0%	0%	0%
Exclusive / None of the above	4%	0%	0%	0%	0%	0%	0%	0%

Table 2: Regional breakdown on whether respondents' investigations had direct or indirect links with UK financial and/or legal jurisdictions:

	Europe	FSU	Asia	Africa	MENA	North America	South America
Yes - confirmed links	75%	13%	0%	100%	100%	67%	0%
Yes - unconfirmed links	15%	0%	0%	0%	0%	0%	0%
No – uncertain of links	5%	25%	67%	0%	0%	0%	100%
No links	5%	63%	33%	0%	0%	33%	0%

Table 3: Legal threats by region:

	Europe	FSU	Asia	Africa	MENA	North America	South America	Oceania
Physical	10%	38%	0%	0%	25%	0%	0%	0%
Psychosocial	30%	25%	40%	14%	0%	0%	0%	0%
Digital	0%	25%	0%	29%	25%	25%	0%	0%
Legal	55%	13%	60%	57%	25%	75%	100%	0%
Other - Write In (Required)	5%	0%	0%	0%	25%	0%	0%	100%

Table 4: Legal threats by gender:

	Female	Male
Physical	12%	12%
Psychosocial	29%	18%
Digital	12%	12%
Legal	47%	48%
Other - Write In (Required)	0%	9%

Table 5: Legal threats by employment:

	Fulltime	Part-time	Freelancer	Other
Physical	9%	33%	9%	50%
Psychosocial	24%	0%	18%	0%
Digital	6%	0%	27%	50%
Legal	56%	33%	36%	0%
Other - Write In (Required)	3%	33%	9%	0%

Table 6: How safe respondents feel by gender:

	Female	Male	Non Conforming
Completely safe	5%	7%	0%
Moderately safe	71%	61%	100%
Moderately unsafe	24%	22%	0%
Completely unsafe	0%	10%	0%

Table 7: Main reasons identified for receiving threats by region:

	Europe	FSU	Asia	Africa	MENA	North America	South America
To distort my reporting	24%	0%	0%	20%	0%	0%	0%
To stop me reporting	57%	88%	67%	60%	50%	100%	100%
Personal attack to diminish my reputation	19%	13%	33%	20%	50%	0%	0%

Table 8: The top obstacles facing investigative journalists working on corruption, as identified by respondents by gender:

	Female	Male	Gender Non Conforming
Lack of access to information	81%	93%	100%
Defamation legislation	33%	51%	0%
National security legislation	38%	17%	0%
Personal safety concerns for yourself and others	57%	59%	100%
Other - Write In (Required)	10%	15%	0%

Table 9: The top obstacles facing investigative journalists working on corruption, as identified by respondents by employment:

	Full-time	Freelancer
Lack of access to information	91%	91%
Defamation legislation	44%	64%
National security legislation	23%	36%
Personal safety concerns for yourself and others	53%	64%
Other - Write In (Required)	9%	18%

A full copy of the survey questions

SECTION A - Background information

1. Through which network did you receive this survey*

- OCCRP
- GIJN
- ICIJ
- Other - Write In (Required)

2. What age group are you in*

- 18 - 24
- 25 - 34
- 35 - 44
- 45 - 54
- 55 - 64
- 64 +

3. What is your gender*

- Female
- Male
- Gender non-conforming
- Other - Write In (Required)
- Prefer not to answer

4. In which country are you based in*

- a. In which country are you based in * [All countries and prefer not to say]
- b. If you prefer not to say a specific country, which region are you based in

5. Which of the following categories best describes your current employment as an investigative journalist: full-time, part-time, freelancer, or other?*

- Full-time employment
- Part-time employment
- Freelancer
- Other - Write In (Required)
- Prefer not to answer

6. Have you reported on corruption* and financial crimes**

- Yes
- No

7. Which of the following types of corruption cases have you reported on (please select all that apply)*

- Domestic political and/or bureaucratic corruption (internal without an international dimension)
- Transnational corruption (corruption taking place with the involvement of foreign actors)
- Private-to-private corruption (corruption by corporations, individuals or criminal groups with no political link)
- Other - Write In (Required)
- Exclusive / None of the above

8. What are the main obstacles in investigating and reporting on these issues (please select all that apply)*

- Lack of access to information
- Defamation legislation
- National security legislation
- Personal safety concerns for yourself and others
- Other - Write In (Required)

9. How safe do you feel generally conducting your work as an investigative journalist*

- Completely safe
- Moderately safe
- Moderately unsafe
- Completely unsafe

SECTION B - What are the scale and scope of the threats faced

10. Threats - have you experienced them and if so, what kind and how often*

a. Have you experienced threats and/or harassment from working on corruption and financial crimes*

- Yes
- No

b. How often are you subject to the following types of threats (indicating by frequency – daily, weekly, monthly, several times a year, yearly, rarely, never)

- | | |
|---|--|
| <ul style="list-style-type: none"> • Written threats • Verbal threats • Trolling on social media • Blackmail • Smear campaign • Physical violence/attack • Property damage • Online surveillance • Offline surveillance • Hacking of your personal or professional social media accounts • Attacks to your website (e.g. DoS attacks) • Questioning or interrogation by authorities | <ul style="list-style-type: none"> • Arrest or detainment • Imprisonment • Cease and desist letters • Civil legal case • Criminal legal case • Denial or removal of journalist accreditation • Informal or formal blacklisting by authorities • Travel restrictions (including travels bans, deportation and other restrictions to freedom of movement) • Other |
|---|--|

11. In your opinion, where do the threats against you mainly come from (please select all that apply)*

- Own government
- Other political interests
- Organised crime groups
- Corporations or other business entities
- Faith organisations
- An individual(s)
- Foreign government
- Other - Write In (Required)

12. In your opinion, what is the main purpose of you receiving threats*

- To distort my reporting
- To stop me reporting
- Personal attack to diminish my reputation
- Other - Write In (Required)

13. Have your investigations uncovered a link (directly or indirectly) with UK financial and legal jurisdictions*

- Yes - a direct link (where entities based in UK domestic and overseas territories play a key role in the facilitation of financial crime or corruption; and/or where reputation management services are engaged e.g. law firms or PR companies; and/or corrupt funds are being spent as part of a laundering scheme e.g. on property)
- Yes - an indirect link (where the involvement of intermediaries - e.g. shell companies, law firms, other services - based in UK domestic and overseas territories are present, but are less significant than, or secondary to, other jurisdictions)
- Yes - both direct and indirect links
- Yes - I believe there is either a direct or indirect link, but I cannot confirm with certainty
- No - I believe there have not been any direct or indirect links, but I cannot confirm with certainty
- No links

SECTION C - Legal specific threats

14. Communication(s) threatening legal action

a. Have you received communication(s) threatening legal action as a result of information you have published*

- Yes
- No

b. If yes, please select what for or not applicable*

- GDPR - applicable in EU
- Privacy (where GDPR is not mentioned/applicable)
- Copyright
- Defamation e.g. slander or libel (pursued by an individual/group as a civil action)
- Defamation e.g. slander or libel (pursued by authorities as a criminal case)
- National security
- Trade secrets
- Other - Write In (Required)
- Not applicable

- If yes to GDPR - applicable in EU, please select the most active sender*
 -- **Please Select --Own government; Organised crime groups; An individual(s); National corporations; Organisations based in the UK; Organisations based in the US; Organisations based in the EU (not UK); Other entities / individuals; Prefer not to say**
- and how frequently do they send these communications*
 -- **Please Select --Daily; Weekly; Monthly; Several times a year; Yearly; Rarely; Prefer not to say**
- If yes to Privacy (where GDPR is not mentioned/applicable), please select the most active sender*
- and how frequently do they send these communications*

- If yes to Copyright, please select the most active sender*
- and how frequently do they send these communications*

- If yes to Defamation e.g. slander or libel (pursued by an individual/group as a civil action), please select the most active sender*
- and how frequently do they send these communications*

- If yes to Defamation e.g. slander or libel (pursued by authorities as a criminal case), please select the most active sender*
- and how frequently do they send these communications*

- If yes to National security, please select the most active sender*
- and how frequently do they send these communications*

- If yes to Trade secrets, please select the most active sender*
- and how frequently do they send these communications*

- If yes to Other, please select the most active sender*
- and how frequently do they send these communications*

15. Are you receiving communication(s) threatening legal action from either a legal firm, PR company or other entity/individual based in one of these countries (please select all that apply)*

- Your home country
- UK (including overseas territories)
- EU (not including the UK)
- US
- Other - Write In (Required)
- Unknown

16. If you feel comfortable to do so, it would be helpful for our research to know the names of the legal firms, PR companies, entities or individuals (please specify regional office if appropriate) that are sending these communications and on whose behalf they are sending them from [NON-COMPULSORY QUESTION]

17. How did receiving such a communication(s) affect your ability to work*

- I became more cautious
- I stopped reporting on the concerned issue
- It did not affect me
- Other - Write In (Required)

SECTION D - Impact of threats and harassment

18. Of the following categories of threats, which would you say has the most impact on your ability to continue working*

- Physical
- Psychosocial
- Digital
- Legal
- Other - Write In (Required)
- Not applicable

19. Have the type of threats, and the level of their intensity, that you have faced as a result of your work changed over time? Please briefly describe your experience [NON-COMPULSORY QUESTION]

20. To what degree do you think you have, consciously or unconsciously, censored yourself as a result of threats and/or harassment you have experienced*

- An awful lot
- A lot
- Not that much
- Not at all

21. Aside from your personal experience, have you observed or perceived an increase in self-censorship among colleagues with regards to reporting on financial crimes and corruption*

- Have directly observed an increase in self-censorship by colleagues
- Perceived an increase in self-censorship by colleagues
- No increase in self-censorship among colleagues observed or perceived

22. What kind of resources and support are either most valuable or needed to you when reporting on corruption and financial crimes*

a. What kind of resources and support are most VALUABLE to you when reporting on corruption and financial crimes (please select a maximum of 5 that apply)*

- Legal aid and counsel
- Whistleblower protections
- Access to professional associations for investigative journalists
- Strong editorial support
- Open source data training
- Psychosocial support
- Digital security support and advice
- Physical security support
- Financial support
- Other - Write In (Required)

b. What kind of resources and support are most LACKING currently to you when reporting on corruption and financial crimes (please select a maximum of 5 that apply)*

- Legal aid and counsel
- Whistleblower protections
- Access to professional associations for investigative journalists
- Strong editorial support
- Open source data training
- Psychosocial support
- Digital security support and advice
- Physical security support
- Financial support
- Other - Write In (Required)

23. What measures (at any level) would help your safety and security?