



ПЛАТФОРМА
П РА В Л Ю Д И Н И



INFORMATION
SECURITY NGO



Methodology

of monitoring physical attacks on journalists and media workers

(Index of Physical Security of Journalists of Ukraine)

- **Monitoring is carried out by the National Union of Journalists of Ukraine (a member of the International and European Journalists' Federation) in partnership with Ukrainian non-governmental organizations NGO "Information Security", Academy of the Ukrainian Press, Institute of regional press development, NGO "Human Rights Platform" that implement projects aimed at protecting freedom of speech**
- **The purpose of monitoring** is to determine the quantitative and qualitative indicators of the current level of physical security of journalists and media workers in Ukraine
- **The subject of monitoring** is the detection and evaluation of cases of physical aggression in relation to journalists in connection with professional activities.
- **The object of monitoring** is the cases when journalists and media (as well as, in certain cases, and members of the families¹ of journalists) face physical violence and injury or equipment damage, either as the result of a targeted attack by a public or private individual or in the course of their work. This also includes affecting by tear gas, pepper spray, or other mass riot control agents will be counted if the journalist suffers serious injury or appears to have been specifically targeted while performing his professional journalistic duties².
- **Methods used in the study:**
 1. **Content analysis** of information from the Internet, air of broadcasters, news agencies and print media.
 2. **Interviews** of victims of aggression, representatives of law enforcement agencies, participants in the conflict.
 3. **Analysis of documents** and official information on incidents.
 4. **Method of observation** - comparison of qualitative and quantitative indicators for a certain period of time (quarter, half year, year).
- **Definition and regulatory acts used in the compilation of Monitoring parameters.**
 - Journalism as a type of activity is continuously evolving to include input from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline, in the exercise of freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, thereby contributing to the shaping of public debate³.
 - "Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere". The UN General Assembly has also acknowledged that

¹ When violence and other unlawful actions against the members of the journalist's family directly or indirectly relate to the activity of the journalist

² Definition from U.S. Press Freedom Tracker (<https://pressfreedomtracker.us/physical-attack/>)

³ Resolution A / RES / 70/162 "On the safety of journalists and impunity for crimes against journalists", adopted by the UN General Assembly on December 17, 2015.



ПЛАТФОРМА
ПРАВ ЛЮДИНИ



INFORMATION
SECURITY NGO



"journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organisations that seek, receive and impart information and ideas of all kinds, online as well as offline ... thereby contributing to shape public debate". According to the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, "the protection of journalists should not be limited to those formally recognised as journalists, but should cover others, including community media workers and citizen journalists and others who may be using new media as a means of reaching their audiences⁴»

- "Journalists" are individuals who observe and describe events, document and analyze events, statements, policies, and any propositions that can affect society, with the purpose of systematizing such information and gathering of facts and analyses to inform sectors of society or society as a whole. Such a definition of "journalists" includes all media workers and support staff, as well as community media workers and so-called "citizen journalists" when they momentarily play that role⁵.
- "Journalist" is a creative worker who professionally collects, receives, creates and engages in the preparation of information for the media, performs editorial official duties in the media (in staff or on freelance basis) according to the professional titles of positions (work) of the journalist, which are indicated in the State Classifier of Professions of Ukraine⁶
- "Journalist" means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication. "Information" means any statement of fact, opinion or idea in the form of text, sound and/or picture⁷
- "Professional activity of a journalist should be understood as the systematic activity of a person associated with the collection, receipt, creation, distribution, storage or other use of information for the purpose of its distribution to an indefinite number of persons through print media, broadcasting organizations, news agencies, the Internet. The status of a journalist or his affiliation to the media is confirmed by an editorial or service certificate or other document issued by the media, its editors or a professional or creative union of journalists⁸ "
- "Information" means any information and / or data that can be stored on tangible media or displayed electronically⁹.

NB! The status of "journalist" depends not only on formal features, the availability of certain documents, but first of all on the nature of the activity of a person or organization.

➤ **Monitoring parameters.**

⁴ See paragraph 10 of the Principles set out in the Annex to Recommendation CM / Rec (2016) 4 of the Committee of Ministers to Member States on the protection of journalism and the safety of journalists and other media (Adopted by the Committee of Ministers on April 13, 2016 at the 1253rd meeting of Permanent Representatives of Ministers) // Council of Europe Documents Collection "Security of Journalists, 2016, p. 43

⁵ June 4, 2012 - A / HRC (Human Rights Campaign - Human Rights Campaign / 20/17)

⁶ Article 1 of the Law of Ukraine "On State Support to Mass Media and Social Protection of Journalists"

⁷ Recommendation No. R (2000) 7 of the Committee of Ministers to member states "On the right of journalists not to disclose their sources of information"

⁸ Note to Article 345-1 of the Criminal Code of Ukraine; the definition is provided for the purpose of applying Articles 345-1, 171, 347-1, 348-1 of the Criminal Code of Ukraine.

⁹ Article 200 of the Civil Code of Ukraine



ПЛАТФОРМА
ПРАВ ЛЮДИНИ



INFORMATION
SECURITY NGO



The Index of Physical Security of Journalists of Ukraine for the relevant period includes cases of physical aggression and attacks against a journalist and the media in connection with his professional activities.

1. Definition of the term "journalist" for monitoring purposes.

In the general order with the purpose of monitoring, "journalist" is defined as persons who **have a set of the following features**:

1. Physical person - full-time or freelance journalist, editor, operator, photocopier, presenter, blogger, writer, citizen journalist, etc.
2. A person is regularly or professionally involved in the collection (collects, receives, creates and is engaged in preparation) and dissemination of information:

"Regularly" - a quantitative indicator, characterized by the implementation of three or more times a month certain actions in collecting and disseminating information.

"Professionally" - on the basis of an editorial card or other document issued by the editorial staff of the print media, a broadcaster, an information agency, an internet publication, a professional and / or creative association of journalists.

3. Distributes its materials or carries out creative activity in print media, in broadcaster, on the Internet or in another way.

The Index also records cases of physical aggression (attack) in the media, physical blocking of editorial activity.

Editorial - the premises where is the editorial office of the broadcaster, the news agency, the printed media, the online media (the information site, which is regularly updated, and serves as the media) and the property belonging to them, including mobile, which is used in collecting, storing, processing and disseminating information.

Media technicians are included in the Monitoring in cases when they became victims of an attack in connection with the performance by the editorial staff or journalist / creative group of professional media activities.

In the event that as a result of the aggression both individuals and the editorial staff suffered, each victim is accounted as a separate unit in the indicators of the Monitoring.

The Advisory Board of the Index solves the issue of determining the status of a journalist in a particular case and inclusion / non-inclusion in the Index of cases of aggression in accordance with the section "Procedure for submitting cases to the Index" of this Methodology if:

- The victim, in addition to creative activities in the media and / or activities in collecting, editing and disseminating information: engaged in political activities at the national or regional level, is MP or a member of a local council, is a state official or official of public authorities or local self-government.



ПЛАТФОРМА
ПРАВ ЛЮДИНИ



INFORMATION
SECURITY NGO



- To the behavior of the victim there are significant remarks on the conscious provocation of an aggressive reaction towards himself.

2. Definition of "physical aggression" for monitoring purposes.

To include the case in the Index it is necessary that during the research one of the following signs of physical aggression in relation to the journalist was established¹⁰

- murder or attempted murder of a journalist and / or his close relatives or family members¹¹
- seizure or detention of the journalist as a hostage, his close relatives or family members in order to encourage this journalist to commit or refrain from committing any act as a condition for the release of a hostage¹²
- causing various degrees of bodily harm to a journalist¹³
- striking to a victim a blow, beating or committing other violent acts that caused physical pain and caused no bodily harm¹⁴
- torture of journalist¹⁵
- intentional destruction or damage to the property belonging to the journalist (editorial staff), his close relatives or family members¹⁶
- physical blockage of the editorial staff / illegal obstruction of editorial activities

In order to assign the relevant case to the Index, it is not required to have the fact of entering the event into the Unified State Register of Pre-trial Investigations. It is sufficient to establish, with the help of research methods, the features of the corresponding crimes provided by the Criminal Code of Ukraine or the fact of illegal blocking, illegal obstruction of the editorial activities.

3. Definition "in connection with professional activities" for monitoring purposes.

The case of physical aggression in relation to a journalist is included in the Index only if it has occurred in connection with his (her) professional activity

The professional activity of a journalist should be understood as the systematic activity of a person related to the collection, receipt, creation, distribution, storage or other use of information for the purpose of its distribution to an indefinite number of persons through printed mass media, broadcasting organizations, news agencies, Internet¹⁷

If after using all the research methods it is impossible to assume whether there was physical aggression in connection with the professional activity of the journalist, the decision on inclusion / not inclusion in the Index in the order determined by the section "Procedure for submitting cases to the Index" is adopted by the Advisory Board of the Index

¹⁰ If there are several signs of the consequences of physical aggression on one person due to one attack, the case is counted as one. In the event of the consequences of physical aggression on different individuals as a result of one attack, cases are counted separately for each individual

¹¹ In the meaning of Article 348-1 of the Criminal Code of Ukraine

¹² In the meaning of Article 349-1 of the Criminal Code of Ukraine

¹³ In the meaning of Articles 121-125 and 345-1 of the Criminal Code of Ukraine

¹⁴ In the meaning of Articles 126 and 345-1 of the Criminal Code of Ukraine

¹⁵ In the meaning of Article 127 of the Criminal Code of Ukraine

¹⁶ In the meaning of Article 347-1 of the Criminal Code of Ukraine, except for movable and immovable property of the Editor (legal entity).

¹⁷ Article 345-1 of the Criminal Code of Ukraine



ПЛАТФОРМА
ПРАВ ЛЮДИНИ



INFORMATION
SECURITY NGO



➤ **A procedure for submitting cases to the Index.**

Expert Group of the Index.

1. For the purpose of monitoring and analyzing the cases of physical attacks on journalists (the media), the organization-partners of the "Index" shall form an expert group, which shall be delegated by one representative of each organization.
2. The cases of physical attack may be reported by journalists who became victim to an attack and who consider the incident related to their creative / informational activities. Also, partner organizations of "Index" are tracking information about such attacks in other sources. In the event of an incident that has signs of physical aggression in relation to a journalist, the partner organization contacts the injured journalist to clarify the circumstances of the event and asks whether the journalist attaches an attack to his professional activities.
3. To include the case in the monitoring, it is required that at least 3 (three) out of 5 (five) partner organizations (or the general majority) support this inclusion.
4. The partner organizations publish a list of physical aggression against journalists in Ukraine every month.

Advisory Board of the Index.

1. To the analysis of incidents: 1) in which the victim combines creative activity with political, official, business activities; 2) in relation to which the members of the expert group failed to reach an agreed decision on inclusion / not inclusion in the Index - after voting by the Expert Council of the Index - involve media lawyers of partner organizations that are not members of the Expert Group of the Index, experts of international human rights protection missions, international journalists' organizations, etc. the range of which is determined by the Expert Group of the Index (in general, at least three persons for each incident) - which create the ad hoc Advisory Board of the Index.
2. The decision to include / not include an incident in the Index shall be made by a simple majority of the votes of the Advisory Board of the Index from the membership of the respective council. In the case of equal votes distribution "for" and "against", it is considered that the Advisory Board of the Index voted against the inclusion of the incident.
3. After voting of the Advisory Board of the Index and their indicating arguments, each member of the Expert Group may change its expression of will in relation to the relevant case.
4. The final decision on inclusion / non-inclusion of the case in the Index is adopted by a simple majority of votes from the general membership of the Advisory Board and the Expert Group of the Index. In the case of equal votes distribution "for" and "against", it is considered that the decision was supported against the inclusion of the incident.
5. The cases included in the Index with the participation of the Advisory Board are indicated in the public report with the main arguments.



ПЛАТФОРМА
П РА В Л Ю Д И Н И



INFORMATION
SECURITY NGO



Reverse the decisions to include cases in the Index.

Consideration of removal of a case from the Index takes place in accordance with the procedure envisaged for voting with the participation of the Advisory Board, on the basis of appeals from international human rights and international media / journalists' organizations or three leaders of the partner organizations of the Index and the legal partner organization of the Index

Partner organizations of the Index:

1. National Union of Journalists of Ukraine
2. NGO "Information Security"
3. Academy of the Ukrainian Press
4. Institute of regional press development
5. NGO "Human Rights Platform" (legal partner of the Index: [http: //ppl.org.ua](http://ppl.org.ua))

Expert Group:

1. Sergiy Tomilenko
2. Tetiana Popova
3. Valery Ivanov
4. Lyudmila Pankratova
5. Alexander Burmagin

The National Union of Journalists of Ukraine and the organizations - partners of the Index of Physical Security of Journalists - urge colleagues to adhere to the Code of Ethics of a Ukrainian journalist. At the same time, the unethical work of journalists or the media is not a reason for not including the information in the Index.