

GUIDELINES

of the Agency for Audio and Audiovisual Media Services
on monitoring of the application of reporting standards
in gender-based violence cases in the media

HORIZONTAL FACILITY FOR
WESTERN BALKANS AND TURKEY 2019-2022



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Freedom of expression and freedom
of the media

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Guidelines of the Agency for Audio and Audiovisual Media Services on monitoring of the application of reporting standards in gender-based violence cases in the media

Horizontal Facility for the Western Balkan and Turkey 2019 - 2022

Action on “Freedom of expression and freedom of the media in North Macedonia”

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LIST OF ACRONYMS

<i>AVMSD</i>	<i>Audiovisual Media Services Directive</i>
<i>COE</i>	<i>Council of Europe</i>
<i>EU</i>	<i>European Union</i>
<i>IFJ</i>	<i>International Federation of Journalists</i>
<i>OSCE</i>	<i>Organization for Security and Co-operation in Europe</i>
<i>FRA</i>	<i>Fundamental Rights Agency</i>
<i>GBV</i>	<i>Gender based Violence</i>
<i>WHO</i>	<i>World Health Organization</i>

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1. INTRODUCTION

The purpose and function of this set of monitoring guidelines for the media regulator is to provide a clear to follow set of standards and criteria aiming at the evaluation of content designated for the reporting of gender-based violence. The aim is to provide transparency and clarity in developing a pathway through which a standardization of assessment can take place. The categories of violence, as well as examples, are by no means exhaustive, however they constitute some core indicators, conforming with internationally resourced assisting instruments, such as by the UNESCO, EU etc., which communicate the same core principles of regulation countering gender-based violence.

The guidelines are organised in the following sections: establishing the background of regulatory objectives and therefore the broader principles guiding the manual; establishing the *raison d'être* of the need for this manual; establishing the regulatory landscape relevant to the task at hand; establishing and explaining criteria for the assessment of content through guiding questions, which the regulator is called to answer i.e. identify. The questions are based on regulatory principles (that is, the intention of the legal and policy provisions) and specific provisions as they are described in concrete legal documents. Finally, the document provides guidelines of desired good practice as a contrast between the text in question at any given time and the quality of reporting the regulator pursues, according to good practice standards and human rights centred regulation.

The guidelines are based on the workshop observations and discussions concerning ways in which the media's role in preventing and combating violence against women can be effectively monitored. The workshop dedicated to "Media regulatory authority and Self-Regulatory body for media ethics on regulation, self-regulation and monitoring of the application of reporting standards in gender-based violence cases in the media" was led and moderated by the Council of Europe expert Katharine Sarikakis. Its works entailed six parts:

1. The context of gender-based violence (GBV) and violence against women;
2. Debunking myths and an overview of correct terminology;
3. National and global instruments in addressing GBV;
4. The role of the media in preventing violence and their role in reinforcing the cultural basis in the normalisation of violence;
5. Areas and tools of reporting GBV with sensitivity and the ethics of reporting;
6. Tools and core issues in monitoring ethical standards and their application in media reporting.

Specific experience sharing and discussion related to North Macedonia as when compared to other European countries were part of the observations and reflections during the workshop sessions.

Moreover, it is important to note the detailed context of the current tally of victims and survivors of abuse and the situation of women in Europe who have experienced violence. Violence against women remains one of the core obstacles to achieving gender equality and constitutes the violation of human rights.

Europe-wide, one in five women experience violence with an intimate partner or one in four is assaulted ending in non-fatal result; one in two is sexually harassed in the EU-28; and one in five has been stalked according to the Fundamental Rights Agency study (FRA 2014). Moreover, GBV has claimed the lives of at least 5400 women of the age between 15-49 years old in the WHO European Region; two out of five were killed by their current or ex-partner (WHO 2017).

In the Republic of North Macedonia, the statistics look also worrisome: in 2018 an OSCE led report on the country found that 14% of women have experienced violence since the age of 15; 44% of women have experienced psychological violence; 30% of women have been sexually harassed since the age of 15.¹ However, these figures must be treated with caution as they most likely reflect cultural bias against women's claims and women's social roles. For a start, this is important to understand and appreciate that these numbers reflect a phenomenon of under-reported cases, which means GBV is more widespread.

Further, there is a need to use appropriate terminology which should be in line with the Convention on preventing and combating violence against women and domestic violence, known as Istanbul Convention² and to point out the various forms and expressions of violence. This includes not only physical and visible violence, but also other forms, such as psychological violence, hate speech and stalking. Especially in relation to media and communications, the representations of violence and their treatment must consider all those forms.

2. REGULATORY OBJECTIVES

Increased attention to the sources, processes and impact of gender discrimination as a cultural, social, political and economic phenomenon has yielded significant regulatory responses globally. As part of the overall approach to countering gender violence against women, media have been identified as one of the core actors in their potential role of preventing violence against women, also in their role as educating and raising awareness. Moreover, they are identified at the same time as sources of cultural reinforcement of discriminatory and harmful attitudes towards women through careless or sexist reporting. Countering gender violence against women is a task to be undertaken across sectors and across policy fields.

Therefore, when focusing on measures in the specific field of media regulation, policy initiatives include:

- a. soft policy approaches with attention paid to self-regulation and ethics as designed and agreed upon by relevant stakeholders and
- b. regulatory provisions enshrined in national law and conforming to European and international law and agreements.

These two forms of policy aim to provide a multi-perspectival approach to content regulation, in particular, which safeguards freedom of expression as is protected by international instruments and national law. It is therefore important for the purpose of monitoring informational content and reporting, and by extension socially educating stakeholders involved in the production of news and the circulation of information, related to gender violence against women, that both dimensions of policy are taken into account.

Alongside the issues of structural alignment with the aims of the Istanbul Convention, it is crucial to recognise and provide for the change in attitudes and practices concerning the "meaning makers" of our societies, the media in all their forms. The role of cultural and symbolic spaces of language, representation and debate reinforce, legitimise, normalise and excuse sexist views about women. The symbolic world of making meaning interacts in a continuum with the physical and structural world: the ideas and norms dominant and accepted in a society create the ground upon which physical and

¹ OSCE, 2019

² CoE, 2011

psychological forms of violence take place. The media and cultural institutions are the drivers of our societies' ideas and debates. Hence, the aim for social change in line with the protection of human rights must include a focus on all forms of media.

The common regulatory objectives of European and international laws in the area of countering violence against women can be described as follows:

- Prevent discrimination and violence against women and girls,
- Protect women from violence,
- Challenge stereotypes underscoring cultural normalization of violence against women,
- Promote understanding and raising awareness about violence against women constituting violation of women's human rights,
- Prevent re-victimisation,
- Protect from discrimination,
- Pursue a policy agenda countering violence against women through integrated policies according to the Istanbul Convention.

Hence, the regulatory objectives of non-discrimination, prevention of and protection from violence are to be met *also* at the cultural and structural social levels. Media reporting is integral in both the 'construction' of cultural understandings of women and GBV as well as in its role in making known matters of structural and institutional significance related to the policy of countering GBV (not only cases of violence, but also responses by institutions such as police, courts, the state etc.). The preventive function of the media as educators and cultural 'storytellers' as well as their role in protecting from violence by helping raise awareness through sensitized and ethical reporting are the underpinning principles of the subject of this monitoring guidelines.

3. OVERVIEW OF RELEVANT REGULATORY PROVISIONS

3.1. Introduction

The aim of this section is to provide a brief, yet as comprehensive an overview as possible on the regulatory environment pertaining to the exercise of reporting on gender-based violence.

There are two important dimensions to include in this process: firstly, the self-regulatory aspects are important in that these are part of a media governance system in national (and international) context and are considered part and parcel of regulating for democratic media on the basis of accountability and transparency. Self-regulation is *not* considered as a matter of *optional* but rather as required adherence to commonly accepted rules by professionals, i.e. journalists and media outlets wherever and in whatever medium they fulfil their reporting.

Secondly, regulatory provisions consist of technical requirements as well as the intention of the lawmaker and the spirit of policy. Hence, although regulatory paragraphs concerning the role of the media are to be found in limited places in the AVMSD, the Istanbul Convention and the National Law, the provisions included here pertain also to the *environment* within which the media are called to operate and hence the *spirit* of the relevant legislation. Therefore, this means that when making decisions about the compliance of media content to the expected community and policy standards and regulatory provisions, the required criteria are to be found not only in the technical aspects of the law but also in the essence and intention of the relevant law and policy.

Therefore, although it is clear that the media are considered important partners in combating violence against women, it is necessary that the principles and legal conceptual tools which underpin the Istanbul Convention, as the most comprehensive legal document currently, are incorporated within a system of reporting and monitoring of reporting. The broader cultural, political, social and economic environment within which reporting is conducted must be fully connected to the cases under examination by the regulator. The broader regulatory context of principles therefore offers a robust and transparent code against which the evaluation of reporting can take place reliably.

The experience of national approaches around Europe shows some worth noticing trends. Globally, 155 countries have passed laws against GBV. For the European area, the Council of Europe has developed standards that address sexist hate speech, such as the Recommendations CM/Rec(2013)³ on gender equality and the media; CM/Rec(2016)⁴ on the protection of journalism and safety of journalists; Internet Governance Strategy CM(2016)⁵ requiring monitoring actions; the Strategy for the Rights of the Child 2016-2021⁶ as top priority: a life free from violence. Also, the European Commission includes, for the first time, sexist speech as hate speech in the 2015 General Policy Recommendation No. 15⁷ on combating hate speech. Finally, the AVMSD and Article 6 allow for the prohibition of content violating laws of discrimination, including on the grounds of sex.

Despite an increased and conscious effort on the policy front, observers argue that EU-wide legislation is still not satisfactory. Nevertheless, some trends are worth identifying:

- Violence against women *legislation was enacted across several areas*, such as domestic and family law; employment law; equality provisions;
- *No regulation directed to the media specifically on GBV*;
- European regulation on *hate speech* exists but is applied unequally. *Sexist speech* is currently being accepted by the German courts as a new development;
- *Self-regulation* in the form of *tools* and *codes of conduct* is on the rise. Tools deriving from international organisations and codes of conduct are produced by journalists and professional media associations and press councils;
- *Training* and developing *monitoring* systems are strengthened, such as the ombudsman functions;
- Collaborations and horizontal actions are taking place.

3.2. Self-regulation

The Code of Ethics of Journalists⁸ constitute the moral framework within which journalists are expected to work in the country. Journalists are expected to honour the Code of Ethics as well as a set of Guidelines for Ethical Reporting for Online Media specifically addressing tendencies of online journalism. Moreover, the country's Council of Ethics adheres to the International Federation of Journalists' codes of ethics.

The following are the rules, which inform the way in which journalists must work and which inform the expected and required journalistic culture in a democratic country.

3 CoE CM 2013

4 CoE CM 2016a

5 CoE CM 2016b

6 CoE 2016c

7 CoE 2016d

8 Code of Ethics of Journalists <https://znm.org.mk/en/code-of-ethics-of-journalists/>

3.2.1. Self-regulation of journalists: general principles

Under the declaration of principles in the Code of Ethics of Journalists, the Council of Media Ethics of the Republic of North Macedonia cites:

“Having in mind their role in the building of democracy and civic society, the journalists shall defend the human rights, dignity and freedom, shall respect the pluralism of ideas and opinions, shall contribute to strengthening of the legal state and shall participate in the control over the government and other subjects in the public life.”

The following paragraphs make specific references to issues of human rights and dignity, balanced and non-stereotypical reporting, issues of violence and protection of vulnerable individuals, such as children, and issues of hate speech:

“Paragraphs”

5. *The journalist shall respect the rule of law and will publish nothing that is on the contrary with the public interest.*
10. *The journalists shall not consciously create or process information that jeopardize the human rights and freedoms, shall not use hate speech and shall not encourage discrimination of any sort (nationality, religion, sex, social class, language, sexual orientation, political orientation...)*
11. *The journalist shall observe the general social standards of decency and shall respect the ethnic, cultural and religious differences in the Republic of Macedonia.”*

3.2.2. II. Self-regulation of online journalism

According to the Guidelines for Ethical Reporting for Online Media (which are an additional upgrade and contain explanations to the provisions of the Code of Journalists in the online sphere) by the Council of Media Ethics of Macedonia:

Article 7

7.1. The topics related to personal tragedies shall always be carefully addressed, and the persons affected by the tragedy shall be approached with compassion and discretion. No names or photographs of victims shall be published when reporting on accidents, crimes, suicides or domestic violence. No data shall be published from which the identity of the victim or the perpetrator could be indirectly revealed before it is officially communicated by the competent institutions. The names and photographs of missing persons shall be published only with the permission of the relatives or the competent authorities involved in the search for the missing person.

7.3. When reporting on rape victims or victims of sexual violence, the identity of the persons shall not be revealed without the consent of the victim, and in the case of children – without the consent of the parents or the guardians and the child himself/herself (taking into account the age of the child), if there is a public interest and it is in the best interest of the child. The online media shall allow the consent to be withdrawn at any time, if requested by the parent or the guardian.

Article 8

8.2. Online media shall be especially careful when publishing footage of violence, brutality or suffering, whereby a priority shall be given to the protection of the dignity of the victims and the persons affected in any way by the events.

8.5. *When publishing interviews or statements of perpetrators of violence and crime, online media shall be careful not to put themselves in a position to promote their ideas, thereby encouraging people to commit crimes or spread hate speech. Online media shall keep in mind that interviewing the perpetrators can be painful for the victims and their families.*

Article 9

The journalist must not interview or photograph children under the age of 16 without the consent of the parents or guardians, unless it is in accordance with the children rights. The same refers to people with disabilities, who are not able to decide rationally.

Article 10

10.1. *Given the danger to individuals, groups or society as a whole, online media shall never incite hatred or intolerance based on race, skin color, origin, nationality or ethnicity, sex, gender, sexual orientation, gender identity, affiliation to a marginalized group, language, citizenship, social origin, education, religion or belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal status and social status or any other basis.*

10.3. *Online media shall make efforts to raise the awareness of the negative consequences of hate speech, identify and expose such speech, as well as to point out the actors who produce and use it. Online media shall create content that opposes hate speech and discrimination on various grounds.*

3.2.3. III. Self-regulation adhering to global journalism ethics

Furthermore, according to the IFJ Declaration of Principles on the Conduct of Journalists to which the journalists in North Macedonia are also expected to adhere:

7. The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.

Widely accepted self-regulatory principles

Responsibility for respectful reporting, especially in relation to specific matters such as violence, hate speech, vulnerable groups.

Sensitisation to matters and targets of discrimination, such as gender and intersectional markers in reporting.

Responsibility to counter violation of and to protect human rights.

Responsibility to not incite hatred on the basis of sex among other things.

Responsibility to not promote discrimination.

Responsibility to 'do no harm' while reporting.

Table 1: Widely accepted self-regulatory principles

Editorial offices and therefore the media have the ultimate responsibility to ensure the adherence to these codes which are based:

- a. on the overall responsibility of accurate reporting and
- b. on the proactive protection of human values and equality through reporting and reporting content.

3.3. Regulatory provisions

3.3.1. European Union Law

Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities⁹.

The free flow of AV services across Europe is also subject to respect of communications that do not incite violence and hate and prejudice:

Article 3

1. *Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of audiovisual media services from other Member States for reasons which fall within the fields coordinated by this Directive.*
2. *A Member State may provisionally derogate from paragraph 1 of this Article where an audiovisual media service provided by a media service provider under the jurisdiction of another Member State manifestly, seriously and gravely infringes point (a) of Article 6(1) or Article 6a(1) or prejudices or presents a serious and grave risk of prejudice to public health.*
[...]
3. *A Member State may provisionally derogate from paragraph 1 of this Article where an audiovisual media service provided by a media service provider under the jurisdiction of another Member State manifestly, seriously and gravely infringes point (b) of Article 6(1) or prejudices or presents a serious and grave risk of prejudice to public security, including the safeguarding of national security and defence.*
[...]

Article 6

1. [...] *Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any*
(a) incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter;
[...]

Article 9

1. *Member States shall ensure that audiovisual commercial communications provided by media service providers under their jurisdiction comply with the following requirements:*
[...]
(c) audiovisual commercial communications shall not:
 - (i) prejudice respect for human dignity;*
 - (ii) include or promote any discrimination based on sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation;*
 - (iii) encourage behaviour prejudicial to health or safety.*
[...]

Under the Directive, EU Member States must ensure that audiovisual commercial communications shared by media service providers do not include or promote any discrimination based on several

⁹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN>

grounds. EU Member States must ensure that audiovisual media services do not contain any incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the EU Charter of Fundamental Rights. In the case of reporting and such factual programmes, commercial placement can be considered commercial communication.

Finally, Recital 4 of the Directive, notes that due to the considerable impact on shaping and influencing public opinion social media services have, these services need to be included in the scope of the Directive to the extent that they meet the definition of a video-sharing platform service. So, similar rules to safeguard against discrimination and hate speech would apply to them.

3.3.2. EU Charter of Fundamental Rights

Article 21

1. *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.*
2. *Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.*

3.3.3. The Convention for the protection of Human Rights and Fundamental Freedoms - ECHR 1950

European Convention on Human Rights 1950, Article 10 provides that *“Everyone has a right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers” (Article 10(1)). However, the right to freedom of expression is not an absolute right. Its exercise carries “duties and responsibilities” and might be subject to restrictions prescribed by law, concerning, for example, the protection of the reputation or rights of others (Article 10(2)).*

Article 10 is read in conjunction with Article 17, which prohibits the abuse of rights, as follows:

“Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention”.

Article 14 of the ECHR contains a non-discrimination provision:

“The enjoyment of rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

Protocol No. 12 the Convention for the Protection of Human Rights and Fundamental Freedoms includes a general prohibition of discrimination. The current non-discrimination provision of the ECHR (Article 14) has a limited scope as it only prohibits discrimination in the enjoyment of the rights guaranteed by the Convention. Protocol No. 12 removes this limitation by guaranteeing that no-one shall be discriminated against on any ground or by any public authority.

The right “to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”, is not an absolute right and restrictions can apply in order to protect the rights of others, such as the right to be free from discrimination (ECHR Article

14). The definition of hate speech used by the Council of Europe and the European Court of Human Rights (the Court) encompasses expressions that spread, incite, promote or justify hatred based on intolerance. In existing cases, the Court uses Article 10 in combination with Article 17, excluding – in exceptional cases – that the protection of free speech can be invoked when it is immediately clear that freedom of expression is deflected from its real purpose, by invoking it to engage in an activity or perform acts aimed at the destruction of the rights and freedoms laid down in the Convention, seeking to stir up hatred or violence¹⁰.

3.3.4. Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

The Istanbul Convention includes the first legally binding definition of gender:

“Gender shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men”.

The Convention condemns all forms of violence against women and has four articles that are particularly relevant to the issue of sexist hate speech.

The Istanbul Convention addresses the larger cultural context and the specific role of the media as follows:

Article 12 – General obligations

1. *Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.*
2. *Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.*
3. *Any measures taken pursuant to this chapter shall take into account and address the specific needs of persons made vulnerable by particular circumstances and shall place the human rights of all victims at their centre.*
4. *Parties shall take the necessary measures to encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence covered by the scope of this Convention.*
5. *Parties shall ensure that culture, custom, religion, tradition or so-called “honour” shall not be considered as justification for any acts of violence covered by the scope of this Convention.*
6. *Parties shall take the necessary measures to promote programmes and activities for the empowerment of women.*

Article 17 – Participation of the private sector and the media

1. *Parties shall encourage the private sector, the information and communication technology sector and the media, with due respect for freedom of expression and their independence, to participate in the elaboration and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.*

¹⁰ Court’s judgement in PERİNÇEK v. SWITZERLAND [GC], no. 27510/08, 15/10/2015, paras 114-115.

2. Parties shall develop and promote, in co-operation with private sector actors, skills among children, parents and educators on how to deal with the information and communications environment that provides access to degrading content of a sexual or violent nature which might be harmful.

Article 18

3. Parties shall ensure that measures taken pursuant to this chapter shall:

- be based on a gendered understanding of violence against women and domestic violence and shall focus on the human rights and safety of the victim;
- be based on an integrated approach which takes into account the relationship between victims, perpetrators, children and their wider social environment;
- aim at avoiding secondary victimisation;
- aim at the empowerment and economic independence of women victims of violence;
- allow, where appropriate, for a range of protection and support services to be located on the same premises;
- address the specific needs of vulnerable persons, including child victims, and be made available to them.

Article 42 – Unacceptable justifications for crimes, including crimes committed in the name of so-called “honour”

1. Parties shall take the necessary legislative or other measures to ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the scope of this Convention, culture, custom, religion, tradition or so-called “honour” shall not be regarded as justification for such acts. This covers, in particular, claims that the victim has transgressed cultural, religious, social or traditional norms or customs of appropriate behaviour.

2. Parties shall take the necessary legislative or other measures to ensure that incitement by any person of a child to commit any of the acts referred to in paragraph 1 shall not diminish the criminal liability of that person for the acts committed.

Article 34 – Stalking “Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of repeatedly engaging in threatening conduct directed at another person, causing her or him to fear for her or his safety, is criminalised.”

Article 40 – Sexual harassment “Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.”

Recommendation CM/Rec(2013)1 of the Committee of Ministers on Gender Equality and Media. Addressed to member states and media organisations, this Recommendation includes guidelines and suggested actions to fight gender stereotypes in the media. A Handbook on the recommendation’s implementation was published in 2015.

3.3.5. The Law on Audio and Audiovisual Media Services¹¹

The Law on Audio and Audiovisual Media services regulates radio and television, as well as the audiovisual media services on demand and provides for the following:

Article 61

Principles

Broadcasters when performing their activities shall abide by the following principles:

- *Fostering and developing the human and moral values and protecting the privacy and dignity of any person,*
- *Equality of freedoms and rights regardless of the sex, race, national, ethnical or social origin, political or religious belief, property or social status of any person and citizen,*
- *Promoting the spirit of tolerance, mutual respect and understanding among individuals of different ethical and cultural origin,*
- *Identity protection of victims of violence,*
- *Respecting the presumption of innocence,*
- *Enabling international understanding and cooperation, public notion of fairness and protecting the democratic freedoms,*
- *Openness of programmes for expressing various cultures, which are part of the society,*
- *Keeping and nurturing the national identity, language culture and domestic creations,*
- *Objective and unbiased presentation of events with equal treatment of various views and opinions and enabling the public to freely form opinions for individual events and issues,*
- *Respecting the copyright and other related rights,*
- *Respecting the confidentiality of the source of information,*
- *Guaranteeing the right to response and correction and*
- *Autonomy, independency and accountability of editors, journalists and other authors involved in the creation of programmes and editorial policy.*

Article 48

Special prohibitions

- (1) *The audio and audiovisual media service must not contain programmes that threaten the national safety, call for violent destruction of the constitutional order of the Republic of Macedonia, call for military aggression or armed conflict, incite or spread discrimination, intolerance or hatred based on race, skin color, origin, nationality or ethnicity, sex, gender, sexual orientation, gender identity, affiliation to a marginalized group, language, citizenship, social origin, education, religion or belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal status and social status or any other basis.*
- (2) *The special prohibitions for Paragraph 1 of this Article should be in accordance with the practice of the European Court of Human Rights.*

¹¹ The Law on audio and audiovisual media services ("Official Gazette of Republic of Macedonia no. 184/2013, 13/2014, 44/2014, 101/2014, 132/2014, 142/2016, 132/2017, 168/2018, 248/2018 and 27/2019 and „Official Gazette of Republic of Macedonia no. 42/2020 and 77/2021

3.3.6. The Law on Prevention and Protection from Violence Against Women and Domestic Violence¹²

In January 2021, as a measure envisaged with the National Action Plan for the Implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence, the Law on Prevention and Protection from Violence Against Women and Domestic Violence was adopted. It tackles the issue of the role of the media in preventing and combating GBV in articles 33, 34 and 37.

It names the media amongst the factors that should “undertake preventive measures for raising awareness concerning all forms of gender-based violence, promoting gender equality and elimination of the stereotypes about the gender roles based on culture, customs, religion, traditions and other practices that are based upon the idea of subordination of women to men” (Article 33).

In order to do that, the Law stipulates that media should:

Article 34

[...]

- “2) conduct campaigns for recognizing the consequences of gender-based violence against women and the domestic violence;
- 3) establish a system for regular publication of information on safety measures, advices and other useful information for violence prevention and
- 4) mutually cooperate in the promotion and the prevention of gender-based violence against women and the domestic violence.”

The Law recognizes that the media should undertake these measures in accordance with their capabilities and independent and autonomous editorial policy, and also undertake the following preventive measures:

Article 37

[...]

- “1) when creating and airing informational and educational programs take into account to raise awareness of the general public about all forms of gender-based violence against women and the domestic violence, to promote gender equality and elimination of the stereotypes about the gender roles and
- 2) independently or through professional associations of journalists and media workers, establish cooperation with the associations for strengthening their own capacities for professional reporting about issues concerning violence against women and the domestic violence.”

Widely accepted regulatory objectives: media reporting gender violence against women

Promote respect for human rights in relation to women and gender violence against women.

Combat violence against women through combating stereotypes about women; men; gender roles and gender value in society.

Do not partake in victimization and revictimization and refrain from reproducing sexist stereotypes and those related to intersectional traits, such as gender and ethnicity.

¹² The Law on Prevention and Protection from Violence Against Women and Domestic Violence (“Official Gazette of Republic of Macedonia no. 24/2021)

Exercise critical reporting in relation to cases of violence and violence as a social phenomenon, including institutional responsibility.

Provide content which adheres to professional ethics and codes of conduct and the principles of the right to free speech in countering violence against women.

Freedom of expression is not equal to the violation of other human rights such as non-discrimination, dignity, freedom from violence.

Protect vulnerable individuals, victims and survivors of violence, such as minors, in reporting.

Table 2: Widely accepted regulatory objectives in media reporting

4. MONITORING SPECIFICS

4.1. Introduction

Baseline understanding of global traits of media coverage of violence against women

From the international scientific literature over several decades and from the most recent national case studies from across the globe including Australia and Latin American countries etc., there are specific systematic and systemic problematic issues found in media coverage of violence against women. These are summarized below. It is safe to say that although not all media exhibit bad practices nor all of the time, one or more of these characteristics are found in reporting at any given time. Reporting tends to be more neutral when it refers to geopolitically and culturally distant places. Nevertheless, when one of these characteristics is evident in the reporting, it is important that a more detailed examination is carried out.

Widely identified persistent bad practices of the media in covering violence against women in international and longitudinal studies

Lack of reporting on social context within which male perpetrators are violent against women and children.

Perpetuation of myths, misrepresentations and stereotypes.

Assigning blame and responsibility to victim-survivors.

Limited "expert" voices, predominantly law enforcement.

Limited display of sensitivity and knowledge about impact, harm and consequences of violence for victims and for communities.

Table 3: Widely identified persistent bad practices of the media in covering violence against women

4.2. Recommendation of how to approach the monitoring process

Consistency, coherence, reliability and method are important elements in the process of monitoring. It is advisable that when engaged in a process of analysis, persons tasked with monitoring read, watch the entire journalistic report once and take notes on the tone, message and duration of the report, as well as its order within the context of other news reporting. This first 'reading' allows for establishing the overall tone and approach to the matter. Moreover, situating the story within an order of news/item monitoring can establish the seriousness and respect it is given (e.g. it is a different placement when a story is presented during prime time and among serious social news; it is a different tone

when the story is followed by another describing the birth of piglets in a national park, and when this is of the same duration). Following the same logic, identifying the place of reporting within the broader programme content and even programming would serve the same purpose.

4.2.1. Preliminary overview of the story

Notes to be taken:

- ⇒ Duration of the report,
- ⇒ Previous story: theme and duration,
- ⇒ Following story: theme and duration,
- ⇒ Story and subject matter,
- ⇒ Who appears to have a voice, who is quoted?
- ⇒ Who remains silent?
- ⇒ Who seems to be protected: Perpetrator of violence? Victim/survivor?
- ⇒ What sort of images accompany the story?

4.2.2. Generic guiding questions

The following questions establish monitoring data which help locate the broader contextual environment of the creation of the report.

I. What areas of gender-based violence against women are described in the report?

1. Abuse against women on the basis of gender and gender specific actions e.g. breastfeeding,
2. Cyberbullying, online harassment, hate speech,
3. Child marriage/early marriage/forced marriage,
4. Controlling behaviour including economic violence,
5. Female genital mutilation/cutting,
6. Femicide/infanticide,
7. Psychological, emotional abuse,
8. Blackmail/abuse of children,
9. Sexual harassment, sexual assault, rape,
10. So-called "honour" crimes,
11. Trafficking of persons, smuggling,
12. Violence against women in conflict, armed conflict,
13. Violence against women in elections, political participation, public participation,
14. Violence by intimate partner/ex-partner, domestic violence/murder,
15. Reproductive violence against women (by the state, authorities, medical institutions etc.),
16. Other.

II. What is the current socio-political context of the violence?

1. Violence against women in the public eye e.g. journalists, politicians, public persons, activists, authors,
2. Violence in politics i.e. elections, referendum, demonstrations,
3. Violence in the contexts of sports events,
4. Violence in the context of cultural events,
5. Violence in the context of crisis,
6. Other.

III. What are the grounds of the complaint/of the case?

IV. Can similar breaches be identified over a period of time or across media with the same or similar content?

V. Is there a pattern of treatment of the subject of violence possible? Are media owned by the same company or adhere to same editorial control? Is the author/are the authors the same? Are the authors identifiable? Is this a 'copy-paste' story?

4.2.3. Generic questions to the context of the story/item

The following questions aim to assess the contextual information about the report and the contextual tone it conveys.

1. Does the report describing violence leave any doubt that this is a violent incident?
2. Does the report generate confusion as to the issue of violence against women?
3. Is the tone used for describing the event in any way inciting to judgment, in particular towards the victim/survivor?
4. Does the report present the event without contextual information about violence against women?
5. Does the report tend to minimize the extent and seriousness of violence against women in any way e.g. visuals, heading, tone of presentation and other audio, comments?
6. Does the report in any way reinforce, legitimise, normalize or excuse sexist views about women and justifies violence?
7. Does the report violate any of the professional standards?

If one or more questions are answered with „yes“ then more detailed questions are to be asked with regards to the extent and nature of the violation of media ethics.

4.2.4. Specific questions to the content of the story/item

I. Regarding the victim/survivor

1. Is the person/are the persons portrayed in any way as weak and hence responsible for not protecting herself/themselves?
2. Is the person/are the persons portrayed as too stupid or too irresponsible for not protecting herself/themselves?
3. Is the person/are the persons portrayed as provocative, inviting, 'asking for it' especially in a sexual manner?
4. Is the person/are the persons portrayed as becoming a victim/survivor in relation to their appearance?
5. Is the person/are the persons portrayed as in any way 'deserving' violence due to their sexual or cultural moral behaviour, their past, ethnicity or their associations?
6. Is the person portrayed in any accusatory or degrading manner?
7. Is the person portrayed as responsible in any other way for being attacked?

II. Portrayal of abuser/attacker

1. Is the person/are the persons portrayed as unstable?
2. Is the person/are the persons portrayed as "monsters"?
3. Is the person/are the persons portrayed as being forced to assault/abuse?

4. Is the person/are the persons portrayed as committing a crime of passion”?
5. Is the person/are the persons portrayed as having no choice (but to commit a violent crime)?
6. Is the person/are the persons portrayed as violent due to their race/class/education and hence as outside the norm?

III. *Portrayal of the event*

1. Is this portrayed as an isolated incident?
2. Is this portrayed as an extraordinary incident standing out from an otherwise violent-free society?
3. Is this portrayed as a crime of passion/honour, an expression of ‘love’ and generally of higher cultural “morals”?
4. Is this portrayed as a “sacrifice” for the “greater good”?
5. Is this portrayed as a “lesson” and warning to other women?
6. Is this portrayed as a private matter?
7. Is the event attributed predominantly on “extraordinary” conditions such as technology promoting violent speech?

4.2.5. Specific communicative devices of the reporting

I. *Language*

1. Is imprecise or inaccurate language used to describe the event?
2. Are words used with cultural significance, in particular with derogatory meaning?
3. Do headings or running titles and other textual aids misguide and misrepresent the story?
4. Is language at any point a tool to serve the questions asked in relation to the abuser, victim/survivor and event? When questions are leading or accusatory towards the victim and in the spirit of the criteria here, does language support those with adjectives or expressions, directly or indirectly?
5. Is language inviting to judgement or justification of violence against women?
6. Is language used to glamourize or sensationalise violence?
7. Is language being used to ‘lecture’?
8. Is language producing secondary victimization?
9. Is the tone of the item forceful, disrespectful or intrusive in particular in relation to addressing survivors?
10. Is the tone of the item forceful or manipulative in particular addressing minors?
11. Is the language stereotypical?
12. Is language passive and suggestive of blame?

II. *Interviews with victims/survivors*

1. Is there any breach of protocol and expected ethics when interviewing children or other vulnerable individuals?
2. Is the name or face or other characteristics of the victim/survivor public or information in the report can lead to their identification without their consent or judicial permission?
3. Is the appropriate interpreter used where applicable?
4. Is the perpetrator interviewed and his views accepted and directly or indirectly used as justification for the violence? This is also achieved by allowing problematic parts of the interview and act uncommented upon by the journalist.

III. *Visual material*

1. Is there use of unauthorized visual footage of the victim/survivor?
2. Is visual material of the victim used, presenting the victim/survivor in an unfavourable manner and is therefore suggestive of blame? Is imagery conducive to accusatory or degrading treatment towards the victim/survivor?
3. Is the selection of visuals and their editing precise and true to the accurate and respectful representation of the event?
4. Are visuals too graphic and disturbing without conveying information? Are they used to sensationalise the story?
5. Do images infantilise or disempower women?

IV. *Overall coverage*

1. Does the reporting endanger further the safety of the victim/survivor or her dependents?
2. Is the male perpetrator of violence invisible (whether in text or images) in the reporting? This is done by focusing on an event (violence) "happening" on a victim/survivor.
3. Is the reporting ambiguous and ambivalent concerning the dynamics, impact and harm of violence against women?
4. Does the reporting minimise the harms of violence? Common tools are the trivialisation of violence and women's claims and dehumanisation of women.
5. Does the reporting produce any arguments or suggestions that justify violence against the specific victim/survivor and/or violence against women in general?

5. GOOD PRACTICE IN REPORTING

The following notes serve to remind the Agency and the media professionals of the possibilities available to the media to improve reporting on gender-based violence against women. They also serve as counter criteria for a desired elevated quality of reporting and public debate. These elements of good practice can be used to provide concrete suggestions to media as well as serve as a comparison in relation to standard setting.

It is crucial to note that good practice *proactively* addresses the myths concerning GBV. The media play a special role in addressing, countering and preventing violence against women when applying good practices:

- By providing a full picture of what violence is;
- By seeking context of the reasons leading to GBV and the impact of violence on women and on society;
- By providing critical reporting into the accountability of authorities and bodies entrusted with the protection of women;
- By challenging, systematically, the myths regarding GBV;
- By enabling women's voices.

The ethics of reporting on GBV are in line with common global guidelines which include instructions to reporters and editors, such as:

- Violence against women is the violation of women's human rights and as such it must be reported;

- Violence against women is not separate from issues of human security;
- Restrictions on the exposure of sensational images or use such language;
- Refraining from providing information leading to the identification of the survivor of a violent attack under the risk exposure basis;
- Application of special conditions when seeking answers/interview to/with survivors;
- Non-use of judgmental language;
- Non-use of the pigeonhole the attack under the 'crime' pages/section/column;
- Use of precise language/terminology: rape, sexual assault, sexual harassment, violence by intimate partner;
- Report on the social context;
- Use of more than legal voices as experts to discuss the attack e.g. NGOs, social scientists, women's organisations, psychologists;
- Provide context and investigation as to the reasons why it is difficult for women to escape violent environments, including the slowness or ineffectiveness of institutions, stigma, lack of support;
- Provide information of local services;
- Use active language and make relationships clear, to demonstrate perpetrators are usually from the close circle of women; and
- In the cases of ethnicity and intersectionality (age, sexual orientation, ethnicity, class) highlight the impact of racism, dispossession, intergenerational trauma and do not resort to stereotypes.

Widely accepted principles of good practice in media reporting on GBV

Reporting

Refrains from justifying, excusing, sensationalising, trivialising or glamorising any form of GBV through language, visual or other communication tools.

Refrains from presenting violence against women as an isolated incident and/or perpetrators as 'monsters', unstable or an extreme situation. Provides context and information useful for survivors.

Treats violence against women as a human rights violation, a matter of human security and a matter of democratic concern.

Does not assign blame on the victim/survivor; does not re-victimise survivors.

Is sensitised to issues of intersectionality and impact of violence on the victim's/survivor's dependents/family.

Provides platform to the voices of victims/survivors without infringing dignity and respect, by seeking the input of NGOs, civil society organisations.

Shows life after violence: provides role models for hope, empowerment and agency.

Addresses boys and men as partners in combating violence in all stages of life.

Table 4: Widely accepted principles of good practice reporting GBV

6. OBSERVATIONS

The following issues are identified as common challenges ahead:

- Level of public complaints against online media seems higher than that of 'legacy' media i.e. long established press and broadcasting media;

- Inclusion of violence against women journalists within the GBV concept is crucial;
- The role of an overall challenging environment when reporting on GBV ethically must be considered and must be in line with the required standards.
- Steps forward may include:
- The continuous need for capacity building and training of communicators in order to improve skilful reporting;
- The need to improve further the cross-sectoral cooperation as crucial element in fighting GBV;
- The need to pay special attention and addressing to the ethnic relations and nationalism with certain elements rooted in the geopolitical aspects of the region and which exacerbate GBV;
- The use of concrete and concise language and standardised terminology throughout publications and work of authorities and media to raise awareness on GBV;

The following constitute a basic set of recommendations, which focus on a synergy among stakeholders to promote a healthy and constructive national debate.

- a. The development of a comprehensive set of tools for media professionals and the media industry including online services, which will provide fundamental training and guidelines on the depiction and reporting of GBV and gender roles;
- b. The development of cooperative links between different professionals specifically based on addressing GBV;
- c. Support self-regulation process and regulatory body in the effort to address GBV by reflecting on their own practices, the role of gender in their organisations and making sure measures are taken to appoint women in executive positions.
- d. Collaboration across sectors, including education, Universities, first responders such as police, to develop long-term campaigns;
- e. Enhance public debate by showcasing best practices in the form of awards for public communication by media industries or independent media professionals about GBV, as well as recognising other entities and individuals for their role in promoting healthy debates on GBV;
- f. Collection of practices and lessons learnt and making them available as tools of continuous education to the public and the media.

7. GLOSSARY

The terminology used in this guide throughout is in line with the Istanbul Convention and in particular Article 3.

Article 3 – Definitions

For the purpose of this Convention:

- a *“violence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;*

- b *“domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim;*
- c *“gender” shall mean the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men;*
- d *“gender-based violence against women” shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately;*
- e *“victim” shall mean any natural person who is subject to the conduct specified in points a and b;*
- f *“women” includes girls under the age of 18.*

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