Journalists in Exile: Women from North Africa

Introduction

Journalists operating within at-risk environments are increasingly finding themselves in exile, where they are subject to a number of new threats and challenges. This is particularly the case for women journalists, who may experience compounded harm. This submission focuses on the situation facing women journalists in exile from North Africa; documents two individual cases from Egypt and Morocco¹ as paradigmatic examples; and is intended to advance the application of international human rights law and standards to better protect the community of women journalists in exile around the world.

Threats and Challenges

Women journalists in exile from North Africa experience a number of threats and challenges. Some of these result from action undertaken or facilitated by the governments of their countries of origin, while others fall within the purview and/or responsibility of the governments of their new host countries. In some cases, tech companies are also implicated.

Digital Surveillance

Women journalists have been targeted by digital surveillance attempts initiated by governments across North Africa, including through no-click software like Pegasus and phishing, which tricks users into divulging sensitive information or downloading malware. The Pegasus Project reveals that more than 5,000 and 6,000 phone numbers were selected by the Moroccan and Algerian governments respectively for potential targeting by Pegasus; follow-up reporting confirms that at least two women journalists from Morocco, Hajar Raissouni and Maria Moukrim, were among the numbers shortlisted. In an interview with *Daraj*, Raissouni, who is now living in exile, says: "I was not surprised because I knew my phone was being monitored and I knew the secret police were watching our every move, even after we left Morocco." Rania Dridi, a Tunisian journalist based at the London-based Al Araby TV, was successfully targeted by Pegasus; according to an investigation from Citizen Lab, her device was hacked six times between 2019 and 2020.

Samia Errazzouki, who was formerly a Morocco-based journalist working for international outlets and is now based in the United States, was targeted by spyware developed by the Hacking Team in 2012 well before the notoriety of Pegasus. As a result, she has had to seriously rethink the way she used the Internet and her devices. Solafa Magdy, a formerly-detained Egyptian journalist now based in France, confirms that she faces regular hacking attempts, which leave her constantly worried about whether any of these attempts have been successful. She says that these attempts are "aimed at silencing my voice and impeding my ability to report truthfully."

Defamation

Women journalists in exile from North Africa are commonly the target of coordinated defamation campaigns. State and/or state-aligned individual accounts lead campaigns on social media platforms. State and/or state-aligned media outlets and personalities facilitate defamatory

¹ The cases of two women journalists from Egypt and Morocco, Solafa Magdy and Samia Errazzouki, were independently documented in interviews by TIMEP and are featured in this submission as paradigmatic cases.

campaigns via traditional media, including print and television. At times, the defamatory social media and media campaigns occur in conjunction with one another. Errazzouki explains that these campaigns often take on a gendered nature; following the publication of critical coverage she authored, Errazzouki has been called a "whore" and "prostitute." Public reporting on Raissouni's experience confirms this as well; she says: "Unfortunately, despite my departure, the defamation campaigns targeting me and my family continued whenever I published an article or wrote a blog about human rights violations in Morocco...numerous websites and newspapers tried to tarnish my reputation as a woman. And, because we live in such a conservative society, the easiest way to symbolically kill a woman is by killing her reputation." Magdy has been the target of online harassment of a similar nature as well. Social media platforms rarely, if ever, interfere to remove such content. In some cases, women journalists in exile have also experienced doxxing, placing them at additional physical risk.

Women journalists covering the war in Sudan from exile have experienced attempts by trolls to discount their reporting by accusing them of "supporting one side." Errazzouki's reporting on Morocco has repeatedly been called into question by campaigns accusing her of receiving funds from an enemy actor (Algeria or the Polisario Front) or of being a spy. She describes a trend in which these accusations are made by individual social media accounts, but then reiterated in pro-government media outlets that receive government subsidies. This has led Errazzouki to believe "with a strong degree of confidence that there is government involvement or at the very least tacit complicity" in these coordinated campaigns. In some other cases, online death threats have also been made, contributing to serious mental health harm and fears for physical security.

Physical Security

Following the brutal assassination of Jamal Khashoggi, journalists in exile began to increasingly fear for their physical security. Errazzouki says of the late journalist: "He was someone who I shared public spaces with, what is to say that I too wouldn't be targeted?" This threat hangs over the head of many. Errazzouki says that she has spoken to women journalists in North Africa who have been physically intimidated and physically surveilled in Europe at the hands of individuals known or proven to have a relationship with the Moroccan government or local embassy. These attacks and attempts can take on a gendered nature and weaponize gender, Magdy describes. Two incidents in Germany and the United States have also raised concern among Egyptian journalists; one man was convicted of spying for Egypt while working in the press office of German Chancellor Angela Merkel and another was arrested in New York for collecting information about political dissidents in exile at the direction of Egyptian authorities. Both individuals had engaged with journalists in exile.

Outside of Europe and the United States, the physical safety of women journalists is also under threat. During one border crossing between Tunisia and Libya, Tunisian journalist Huda Mzioudet was asked by a member of a Libyan militia what she was doing in Libya. According to public reporting by the Committee to Protect Journalists, she was fearful to say she was a journalist. "She recalled how her heart raced when his inquiry began to include sexual innuendo and he suggested that she should be spending time 'training him in certain acts,' as she put it. 'I was practically in the middle of nowhere... As a Tunisian national, I would not count on my government protecting me." Following the arrest and near-deportation of one Egyptian male journalist in Lebanon in 2023, similar concerns were also expressed by women in exile. This fear has particularly been exacerbated among a rise of politicized trials of journalists in absentia and the abuse of the Interpol and other fora for security and judicial coordination. Errazzouki, for example, has been told that there are charges against her in Morocco, but she has never received formal notice from the state. Others experience threats from state and/or state-aligned

individuals regarding the safety of family members at home; in 2023, the father of an Egyptian male journalist in exile was arrested.

Identity Documents

Some women journalists have also been denied access to identity documents in exile. Certain governments, prominent among them Egypt, have failed to provide or renew identity documents, like passports and national ID cards; this hampers basic rights for those abroad and their dependent loved ones, including their right to travel. In reporting by Human Rights Watch, an Egyptian journalist who worked for a British media organization said that her passport was stolen in 2019 in Turkey; she applied for a new passport at the Egyptian consulate in Istanbul the following year. After a nearly 18-month waiting period, she was told by a consulate officer: "They [security agencies in Egypt] want you to return to Egypt and your [one-time] travel document is ready for you to return." She interpreted this as a threat.

Other Challenges

In addition to the threats women journalists from North Africa experience in exile at the hands of the governments of their countries of origin, they also <u>face</u> a number of challenges inside their new host countries. These <u>include</u> challenges seeking legal status, amid difficult asylum and immigration procedures; challenges finding housing and accessing state benefits; banking issues; and mental health challenges, particularly for those who have experienced traumatic contexts like detention and war. Many journalists in exile must also contend with the difficulty of being able to continue their career from abroad, as a result of language barriers, changes in work culture, and legal issues with work authorization. As a result, some leave the profession altogether. For those that do find work covering what is happening in their countries of origin, many <u>suffer</u> from continued "psychological challenges"; reflecting on the war in Sudan, journalist Rania Mamoun <u>told</u> the Guardian: "I couldn't leave the house during those early days. Despite living safely in America, a feeling overwhelmed me that if I stepped out, bullets would pierce my body, or I would be struck by a bomb. I can't describe it as fear, but rather a manifestation of alignment with my friends and family in Khartoum, as if I too lived there, unbound by the expanse of thousands of miles."

<u>Impact</u>

The impact of what is documented in this submission is felt on the individual, familial, professional, and societal levels.

Errazzouki describes a "severe degradation of mental health" and "living under constant fear and paranoia"; Magdy in plain terms, states, "The Egyptian regime's tactics to silence dissent and critical reporting extend beyond borders, making it difficult to feel entirely secure even in exile." She expands: "The constant fear for my safety and the safety of my loved ones, coupled with the haunting memories of persecution and imprisonment, creates an emotional storm that never truly subsides. It's a persistent ache in my heart, a knot of worry that refuses to untangle." She explains that the mental health toll can also extend into deterioration of physical health, particularly in light of "sleepless nights and constant worry." Many are unable to seek the healthcare support they need in light of issues with coverage.

Some women journalists who have relocated to exile have had no choice but to work in informal conditions; to seek alternate sources of funding; or to leave the profession. In a report on Libya,

"Some who fled said they have stopped reporting due to intimidation or lack of direct access to the country." Some women journalists also feel they must censor what they cover, their tone, or the extent of how public they engage. Errazzouki describes having to base her tone and coverage on whether or not a loved one may be traveling back into Morocco. Magdy adds: "Fear of reprisal or surveillance from the home country's government might lead to self-censorship or refraining from covering sensitive topics."

For journalists attempting to continue their work from exile, Magdy describes the challenges that physical distance can impose. She says: "Being outside my home country limits my access to first-hand information and primary sources. This hampers my ability to report on current events and issues...Exile often leads to isolation from the journalism community and resources available in my home country. This disconnect can hinder collaboration, mentorship, and sharing of vital information."

Tying the individual experience to the state of journalism in exile and at home, Errazzouki concludes: "All of this...prevents people from doing work that is desperately needed...It [also] creates a huge void in information, including during times of crisis like the earthquake we saw in 2023."

Annex: Legal Framework

Journalists in Exile: Women from North Africa

Women journalists in exile from North Africa are forced to navigate a terrain of threats and challenges due to violative practices deployed by state actors and/or practices enabled or allowed to take place by host countries and tech companies. Fundamental human rights recognized across multiple international legal instruments impose obligations upon states to either refrain from certain actions or require a state to take positive measures to protect individuals within their jurisdiction from human rights violations. Journalists in exile experience multifaceted threats to their physical and psychological safety, compounded by perceived vulnerable identities like gender, displacement, irregular migration status, and statelessness among others. As a result, a number of their rights can be implicated, including but not limited to their rights to freedom of movement; freedom of expression, opinion, and association; life, liberty, and security; privacy; nationality; fair trial, equal protection under the law, and due process; education, work, and health.

By way of example, Morocco and Egypt² have both ratified and are bound by provisions from three of the main human rights treaties that implicate rights that women journalists in exile hold: the <u>International Covenant of Civil and Political Rights</u> (ICCPR), the <u>International Covenant on Economic, Social and Cultural Rights</u> (ICESCR), and the <u>Convention on the Elimination of All Forms of Discrimination Against Women</u> (CEDAW) – all of which are informed by and expand on the <u>Universal Declaration of Human Rights</u> (UDHR).

Right to freedom of movement

Women journalists often find themselves with little to no choice but to head into exile. When in exile, their ability to experience movement may be restricted due to challenges with residency, travel, and identity documents. As a result, their right to freedom of movement may be implicated at multiple points and by different actors.

Article 12 of the ICCPR provides that "everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence" and guarantees that "everyone shall be free to leave any country, including his own." The UDHR also affirms the right for individuals to move freely within the borders of their own country and for the right of individuals to leave any country and to return to their country. These rights are designed to protect against the arbitrary deprivation of the right to travel. Any restrictions to such fundamental rights must be necessary and proportionate to achieve a legitimate objective such as protecting national security, public order, public health or protecting the rights of others, and must comply with the principles of legality, necessity, proportionality, nondiscrimination, and judicial review.

Right to freedom of expression, opinion, and association

More often than not, women journalists find themselves in exile due to their journalistic work. Furthermore, while in exile, they experience severe restrictions to their right to freedom of expression, opinion, and association, including but not solely as a result of harassment, threats, and defamation campaigns. As a result, their rights to freedom of expression, opinion, and association are implicated.

² Morocco and Egypt are the two countries from which the women journalists that TIMEP conducted interviews with and which TIMEP's submission features as paradigmatic cases hail from.

Under Article 5 of CEDAW, women have the right to freedom of expression and participation in public life. CEDAW also protects the right to freedom of expression for women under the general principles of non-discrimination and equality. Article 19 of the UDHR confers everyone with "the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Expanding on the same principle, Article 19 of the ICCPR provides:

- (1) Everyone shall have the right to hold opinions without interference.
- (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Right to life, liberty, and security

Women journalists in exile experience harassment and threats that can manifest in physical violence; they may also be subject to deportation and arrest if returned to their country of origin. As a result, their rights to life, liberty, and security can be called into question.

Article 6 of the ICCPR protects against the arbitrary deprivation of life and observes that "every human being has an inherent right to life that shall be protected by law." Article 9 recognizes the inherent right to liberty and security and freedom from arbitrary arrest or detention. Article 3 of the UDHR also includes the "right to life, liberty and security of a person"; prohibits the "arbitrary arrest, detention, or exile" of an individual under Article 9; and guarantees in Article 10 the "full equality [for everyone] to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." These provisions collectively and indisputably protect journalists in exile against arbitrary actions by states including their host countries, that could directly or indirectly infringe upon these fundamental rights.

Right to privacy

In using surveillance technology and other software to collect and access personal or identifying information, and thereafter, using such information for defamation campaigns, harassment, and threats, states violate the rights to privacy of women journalists in exile.

The right to privacy is a fundamental human right safeguarded by international human rights:

- Article 12 of the UDHR: "No one shall be subjected to arbitrary interference with [their] privacy, family, home or correspondence, nor to attacks upon [their] honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."
- Article 17 of the ICCPR: "(1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful

attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks."

Right to nationality

When women journalists in exile are made to leave their countries of origin and/or when they face obstructions in renewing essential identity documents, their rights to nationality are implicated.

The right to nationality is a fundamental human right that recognizes an individual is part and belongs to a particular nation and is a legitimate member of that community. This right is essential because it implicates access to various civil, political, economic, social, and cultural rights associated with citizenship. According to expert interpretation of the 1961 Convention on the Reduction of Statelessness, deprivation of nationality without proper legal procedures "may only take place in accordance with law and accompanied by full procedural guarantees, including the right to a fair hearing by a court or other independent body. It is essential that the decisions of the body concerned be binding on the executive power. The person affected by deprivation of nationality has the right to have the decision issued in writing, including the reasons for the deprivation." Violations to the right to nationality can cause statelessness, rendering an individual vulnerable to other human rights abuses because they are not protected by citizenship rights.

Article 15 of the UDHR recognizes that "everyone has the right to a nationality, and no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality." Article 24 of the ICCPR emphasizes the right to nationality and addresses the protection of children: "Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state."

Right to fair trial, equal protection under the law, and due process

In some cases, women journalists in exile are tried in absentia or faced with legal charges in light of the work that they do or in reprisal for the work they have done. They are rarely guaranteed the process stipulated under international law, and as a result, their rights to a fair trial, equal protection under the law, and due process are violated.

The right to fair trial and equal protection under the law are fundamental human rights that define core values of democracy and rule of law for any society. They ensure that individuals are treated justly within legal proceedings, have the opportunity to access counsel, be heard before an independent and impartial tribunal, and guarantee the right to equal treatment under the law. Moreover, fair trial rights and equal protection guarantees underscore principles of equality, non-discrimination, and access to justice.

Article 10 of the UDHR recognizes the right for everyone to enjoy "full equality to a fair and public hearing by and independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." Similarly, Article 14 of the ICCPR defines the right to fair trial to encompass: (1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent, and impartial tribunal established by law; (3) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be

informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; (5) Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. Article 26 of the ICCPR also recognizes that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law."

Right to education, work, and health

Women journalists in exile often face significant challenges in accessing and enjoying their right to education, work, and health often due to displacement, their new status in their host countries, and threats from their country of origin.

While all the international human rights frameworks are fundamental to the protection of rights for women journalists, CEDAW is specifically designed to eliminate gender discrimination and to promote gender equality. Article 1 of CEDAW prohibits the discrimination against women in all areas of public life including employment. Article 11 safeguards the right for women journalists to work, receive equal opportunities and remuneration. Article 23(1) of the UDHR observes that "everyone has the right to work, to free choice of employment, to just and favorable conditions of work, and to protection against unemployment." Article 6 of the ICESCR recognizes the right to work, "which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts," and requires the state to take appropriate steps to safeguard this right.

The right to health is recognized under Article 25(1) of the UDHR: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services"; and under Article 12(1) of the ICESCR: "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

The right to education is inevitably connected to the right to be free from discrimination, right to work and health. It is also explicitly mentioned under Article 26(1) of the UDHR and Article 13(1) of the ICESCR.