UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

Pan-African Conference on Journalist Safety and Tackling Impunity

Presentation

By

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Distinguished guests and colleagues,
Ladies and Gentlemen,

I am honoured to be here with you at this session to discuss on the challenges to guarantee the safety of journalists, in particular from a UN perspective. There is evidence that the exercise of the human right to freedom of expression is becoming more dangerous. It is time therefore to joint efforts and facing this challenge all together. This is the reason why I would like to thank the Federation of African Journalists for taking the initiative to organize a meeting to address this critical issue.

Journalists, media workers and social media producers play a special role in guaranteeing the exercise of the human right to freedom of expression. They provide us with the necessary information to develop our opinion and to take informed decisions about our lives and development. It is therefore in the interest of the society as a whole to ensure a safe and enabling environment for them.
The dangers journalists encounter in undertaking their professional work are multiple. These ranges from confiscation of equipment, illegal surveillance, arbitrary arrest, harassment, torture, abductions to the most extreme form of censorship: to kill a journalist.

According to the last biennial report of the UNESCO´s Director General, 62 journalists and media workers were killed in 2011. A dramatic increase has taken place in 2012. Only in the first six months, 70 journalists have been killed in their line of duty, eleven of them were African journalists. This trend must stop.

While the attacks to foreign journalists in armed conflicts situations frequently draw the attention of the international community, the majority of people behind the number of killingsthose killed were local journalists who, in most of the cases, had received threats before being killed. Moreover, in very few cases the perpetrators have been brought to justice. The fact is that most of these abuses remain un-investigated and go unpunished.

What preliminary conclusions we can draw? Firstly, violence against journalists should be fought not only at international but mainly rather more at the local level; secondly, an important focus should be
on prevention and finally, perpetrators must be held accountable. Ending impunity would be a very effective measure to guarantee a safe environment to the exercise of the right to freedom of expression.

We are here today to discuss about how to guarantee the safety of journalists. In this regard, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, noted in his last report that “the problem with regard to continued and increasing violence against journalists is not the lack of legal standards but the lack of implementation of existing norms and standards”.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, also reiterated in his last report that “the most immediate problem does not lie with gaps in the international legal framework. The challenges -he said- is rather to ensure that the established international framework is fully used, and that its norms are reflected in domestic laws and practices”.

The issue therefore is not an absence of international legal instruments, but rather a failure in their implementation. It is vital to
create and enhance institutional and human capacities that can guarantee an adequate response by governments and the establishment of effective enforcement and monitoring mechanisms.

Let me start by summarizing the existing international legal framework as well the role of the United Nations. I will then go into greater detail about the role of UNESCO, before talking about the main challenges we are facing in our efforts to put an end to violence against journalists, including the recently endorsed UN Plan of Action on The Safety of Journalists and the Issue of Impunity. A specific session will be devoted to this Plan today.

[3. Existing international legal framework and UN]

The United Nations and its family have at their disposal a wide range of tools and instruments which can address the issue of the safety of journalists and the combat of impunity. These instruments draw their strength from being internationally recognized as well as being a moral compass and obligation for States.

The international legal framework includes both human rights and humanitarian laws.
Above all, the right to seek, receive and impart information and ideas through any media and regardless of frontiers is recognised by Article 19 of the Universal Declaration of Human Rights. It has, along with all human rights, binding correspondent provisions in the International Covenant on Civil and Political Rights as well as in several regional conventions and charters. In July 2011, Article 19 was the subject of an important comment by the Human Rights Committee. Adopted by this UN monitoring body, it constitutes an authoritative interpretation by clarifying the scope of States’ obligations. I invite you to read the entire text that, among other issues, calls on States to adopt adequate laws and practices together with national enforcement mechanisms to protect the right to freedom of expression and opinion.

The Human Rights Council’s Special Procedures mechanisms also play an important role in monitoring, raising awareness and giving advice on human rights issues. The most directly relevant contributions to the safety of journalists can be drawn from the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; however for the first time this year the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions focused his report on the rights of journalists, in response to the alarming
number of killings. The Special Rapporteur on the Situation of Human Defenders also included last year a specific chapter on journalists and media workers. Furthermore, it is our intention to propose that a specific chapter on the issue be included within the report of the Special Rapporteur on violence against women, its causes and consequences.

In addition to this, the Human Rights Council has been reporting on the status of the freedom of opinion and expression, and also on the safety of journalists within the framework of its Universal Periodic Review, initiated in early 2011, with UNESCO’s contribution.

Whilst the increased interest directed at the situation faced by journalists unfortunately reflects the escalation of violent attacks committed against them, it does also reflect an increased commitment of all parties involved in solving the problem.

Turning to focus on conflict situations, international humanitarian laws, such as the Geneva Conventions and their Additional Protocols, distinguish combatants from civilians and also provide clarification regarding their treatment. It is clear that journalists, including
embedded journalists, are civilians and must therefore be protected as such.

Since 2006, when the UN Security Council adopted the legally binding Resolution 1738, the UN Secretary-General presents an annual report to the General Assembly on the implementation of this Resolution.

In addition to international legal standards, there are many regional instruments such as the the African Charter on Human and Peoples' Rights, which states that “Every individual shall have the right to receive information”; and the Declaration of Principles on Freedom of Expression in Africa adopted in 2002. Remarkable work has been also done by the African Special Rapporteur on Freedom of Expression and Access to Information. And being here in Africa today, I cannot fail to mention the landmark Windhoek Declaration on Promoting an Independent and Pluralistic African Press, adopted on 3 May 1991. Ever since the Windhoek Declaration was agreed upon, freedom of expression and press freedom have been guaranteed constitutionally and through particular laws and regulations in several African countries. The African media sector has become increasingly plural.
UNESCO, as the United Nations specialized agency with a mandate to ‘promote the free flow of ideas by word and image’, has been an important player in the defence of freedom of expression, also through the promotion of the safety of journalists and the fight against impunity.

Within this field, our priority now is to reinforce our objectives working in cooperation with other UN agencies, programmes and funds; intergovernmental organizations, professional associations, NGOs and the media industry. It is for that reason that we led the preparation of the **UN Plan of Action on The Safety of Journalists and the Issue of Impunity** which is the UN roadmap on this issue. Many African organizations, including the African Union Commission, participated in this process. This Plan was endorsed last April by the UN Chief Executive Board, the highest level coordination mechanism of the UN system. Our challenge is now to make it real. How? We will discuss this question in detail this afternoon.

The importance of both the safety of journalists and the fight against impunity has been at the forefront of the organization for long time.
In 1997, the General Conference of UNESCO adopted the Resolution 29, which condemns violence against journalists and calls on its Member States to uphold their obligations to prevent, investigate, and punish crimes against journalists. Since then, the Director-General has publicly condemned each killing of a journalist or media worker and now also social media producers.

Furthermore, the Medellin Declaration, issued in 2007 within the framework of the UNESCO’s flagship activity, World Press Freedom Day, reiterated the call upon Member States to focus on securing the safety of journalists and combating impunity in both conflict and non-conflict situations. This is in addition to the Belgrade Declaration of 2004, which focused on supporting media in violent conflict zones and countries in transition.

Finally, the International Programme for the Development of Communication (IPDC) has, in recent years, assumed a crucial role. On top of developing media capacities in the field, IPDC has, since 2008, encouraged Member States to submit information, on a voluntary basis, on the status of the judicial inquiries conducted on each of the killings condemned by UNESCO, for inclusion in a public report submitted every two years to the IPDC Council by the Director-
General. The most recent report, in 2012, showed that the Director-General received information on 42% of the cases, only 10% of which led to a conviction.

In addition to legal matters, UNESCO has also undertaken numerous activities designed to improve training, promote partnerships and raise awareness, such as in the case of the Guillermo Cano/UNESCO World Press Freedom Prize.

[5. Challenges]

Returning to the point made earlier, the priority is not therefore to create new legal instruments but to guarantee the ability or willingness of Governments and other actors concerned to take effective measures. In doing so, the changing face of the challenges we are up against must be taken into account however.

The traditional concept of the term ‘journalist’ has evolved. According to the definition of the UN Special Rapporteur working on freedom of expression issues, journalists are “individuals dedicated to investigating, analysing and disseminating information in a regular manner through any type of media, including electronic ones”. New virtual ways of censorship or attacks against freedom of expression
have emerged as a result. As affirmed by the resolution The promotion, protection and enjoyment of human rights on the Internet, adopted by the Human Rights Council last June, “The same rights that people have offline must also be protected online, in particular freedom of expression.”

There is also a growing threat to the safety of journalists posed by non-state actors, such as organized crime groups. Moreover, according to the UN Special Rapporteur dealing with human rights defenders, an increasing number of journalists are targeted because of their reporting on human rights. Additionally, various NGO reports have observed that journalists reporting on environmental and natural resources issues are becoming more vulnerable to hostility.

Particular attention must be given to the issue of defamation, which can be handled through civil law and self-regulation systems, rather than require actual criminal charges. It is against this background that the UN Plan of Action on the Safety of Journalists and the Issue of Impunity urges the decriminalization of defamation offences around the world. The Declaration of Table Mountain of 2007, and a resolution by the African Commission on Human and Peoples’ Rights in 2010 also called for repealing laws that criminalize speech.
All of the above cannot be done without the commitment of everyone. The UN system, and particularly UNESCO, is leading the process of designing the implementation strategy of the UN Plan of Action on The Safety of Journalists and the Issue of Impunity. As some of you are aware, this will be discussed in the 2\textsuperscript{nd} UN Inter-Agency Meeting on The Safety of Journalists and the Issue of Impunity that will take place in Vienna on 22 and 23 November 2012.

The challenges are multiple and ever-changing. Protecting the fundamental human right to freedom of expression is an endless process. The case must be continually argued, violation of this right should never be accepted, and States and societies have to be committed in their efforts to move forward.

I very much look forward to our discussions, to continue building on what has been achieved; to furthering the cooperation between UNESCO and all of you, including the African Union Commission which occupies such an important role in this field, and to working towards a comprehensive approach to put an end to violence against journalists and impunity in Africa and worldwide.

Thank you very much