



## CONCEPT NOTE

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### ON THE OCCASION OF THE INTERNATIONAL DAY TO END IMPUNITY FOR CRIMES AGAINST JOURNALISTS

**2 NOVEMBER 2015**

Impunity towards crimes against journalists is considered one of the main factors fueling the cycle of violent crime against the exercise of freedom of expression and human rights more broadly. The operators of judicial systems including judges, prosecutors, lawyers, and investigative police are crucial to address the issue of impunity. Deepening and sharing experience and jurisprudence of international and regional courts, as well as national courts, can be an important tool in fighting impunity. It is also important to raise knowledge about international standards and international law. This year's commemoration will begin with a joint collaboration between UNESCO, the European Courts of Human Rights, the African Court of Human and Peoples' Rights, and the Inter-American Court of Human Rights in San Jose, Costa Rica from 9 to 10 October 2015 and strategic events to be held in New York, Amsterdam, London, Doha as well as UNESCO Headquarters in Paris on 2 November 2015.

## BACKGROUND

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The United Nations General Assembly adopted [Resolution A/RES/68/163](#) at its 68th session in 2013, which proclaimed 2 November as the '*International Day to End Impunity for Crimes against Journalists*' (IDEI). The Resolution urged Member States to implement **definite measures** countering the present culture of impunity. The date was chosen in commemoration of the assassination of two French journalists in Mali on 2 November 2013. UNESCO is mandated in the Resolution to lead the observation of the Day.

This landmark resolution **condemns all attacks and violence against journalists and media workers**. It also urges Member States to do their utmost to prevent violence against journalists and media workers, to ensure accountability, **bring to justice perpetrators of crimes against journalists and media workers**, and ensure that victims have access to appropriate remedies. It further calls upon States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

The focus on impunity of this resolution stems from the worrying situation that over the past decade, more than 700 journalists have been killed for bringing news and information to the public. In 2012 alone, the UNESCO Director-General condemned the killing of 123 journalists, media workers, and social media producers of public interest journalism. In 2013, the figure decreased slightly to 91, but still represented the second deadliest year for journalists.

These figures do not include the many more journalists who on a daily basis suffer from non-fatal attacks, including harassment or violence against them and/or their relatives, torture, enforced disappearances, arbitrary detention, intimidation and harassment in both conflict and non-conflict situations. Furthermore, there are specific risks faced by women journalists including sexual attacks.

Worryingly, **only one in ten cases of killings of media workers over the past decade has led to a conviction**. This impunity emboldens the perpetrators of the crimes and at the same time has a chilling effect on society including journalists themselves. Impunity breeds impunity and feeds into a vicious cycle. The public draw the inference that it is not safe to exercise their rights because state protection is lacking.

According to the 2014 UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity, **less than six percent of the 593 cases of killings of journalists from 2006-2013 have been resolved**. A quarter of these cases are considered as "ongoing" referring to their continued investigations over the various stages of the judicial system. In 60 percent of the cases, **no information on the judicial process** was made available to UNESCO notwithstanding the Director-General's requests for such. This lack of information may reflect upon the awareness and capacity of a judicial system to monitor and track these cases.

**When attacks on journalists remain unpunished, a very negative message is sent that reporting the “embarrassing truth” or “unwanted opinions” will endanger reporters and the ordinary people who are their sources.** Furthermore, society loses confidence in its **own judicial system**, which is meant to protect everyone from attacks on their rights. Perpetrators of crimes against journalists and others are emboldened when they realize they can attack their targets without ever facing justice.

As recognised by the UN Security Council in its Resolution 2222 of 27 May 2015, “impunity for crimes committed against journalists, media professionals and associated personnel in armed conflict remains a significant challenge to their protection and that ensuring accountability for crimes committed against them is a key element in preventing future attack”.

In the Resolution, the Security Council further emphasised that it is “the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law.”

**Society as a whole suffers from impunity.** The kind of news that gets “silenced” is exactly the kind that the public needs to know. Information is quintessential in order to make the best decisions in their lives, be it economic, social or political. This access to reliable and quality information is the very cornerstone of democracy, good governance, and effective institutions.

**It is in recognition of such far-reaching consequences of impunity**, especially of crimes against journalists, that the UN declared 2 November as the *International Day to End Impunity for Crimes against Journalists (IDEI)*.

IDEI, and the build-up to this day, provides a **strategic opportunity** to all stakeholders to focus public attention on the importance of ending impunity for crimes against journalists. It also opens new possibilities to draw in constituencies whose primary interests may be other than the safety of journalists. Of particular relevance to this concept note is the opportunity, given the symbolic significance of journalists to the wider issue of impunity and justice, to interact with all those who work in the rule of law system.

Others who are concerned with public participation and citizen’s rights to speak out on various issues such as corruption or domestic violence will also share an interest in the resolution on combating impunity of attacks on journalists, who by definition are actors in the public eye, and whose situation sends a signal to society at large.

The IDEI takes place within the wider context of [the UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#), which has been endorsed by the UN Chief Executives Board and appreciated by the UN General Assembly. The [Paris Declaration of the 2014 World Press Freedom Day conference](#) held at UNESCO Headquarters states: “The continuing high level of killings of journalists calls for intensified action by international organizations, governments, media and other actors to give heightened attention to strengthening the safety of journalists and to bringing their killers to justice.” In particular, it calls on all actors to support the UN Plan of Action

with complementary or joint actions, and to enhance cooperation with each other.” The IDEI is a major opportunity to advance the UN Plan of Action.

This year, UNESCO’s intention is to signal, in advance, the continued importance of this important Day, with a co-commemoration with regional human rights court systems including European Courts of Human Rights and the African Court of Human and Peoples’ Rights at the Inter-American Court of Human Rights in San Jose, Costa Rica from 9-10 October 2015. The collaboration with the regional human rights courts complements strategic events to be held at UNESCO Headquarters in Paris, New York, Amsterdam, London and Doha on 2 November 2015.

## **THE ROLE OF THE JUDICIARY SYSTEMS AND THE INTERNATIONAL COURTS OF HUMAN RIGHTS**

The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the *Universal Declaration of Human Rights*. Freedom of expression is an individual right, for which no one should be killed, but it is also a collective right, which empowers populations through facilitating dialogue, participation and democracy, and thereby makes autonomous and sustainable development possible.

This cannot be done without the strengthening of the Rule of Law, for which it is crucial a qualified involvement of the Judiciary Power and all operators of the system of justice. The implementation strategy derived of the UN Plan of Action makes this point very clear, when it underlines as an expected result of the Plan:

*“Member States are advised on the implementation of existing international standards at national level and on the development of journalist safety mechanisms, as well as supported in regard to the sharing of good practices and capacity-building among various actors, including the criminal justice chain, to promote a safe environment for journalists at national level”*

This is not only true for national judiciary systems. Three International Courts of Human Rights actively work for the protection of journalists by reinforcing and promoting Freedom of Expression and Freedom of Information by putting into effect the Conventions and Charters of Human Rights pertaining to their regions; these Courts are the African Court on Human and People’s Rights, the Inter American Court of Human Rights, and the European Court of Human Rights. All three institutions have well known cases where rulings were issued relating to fighting impunity of attacks on journalists, and this jurisprudence is valuable to share and discuss. The three examples show how courts can send a strong signal about a matter of key public concern.

## **CONCLUSION**

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In summing up, an attack on journalists is also an attack against the right that people have to seek and receive information; therefore, it is an attack on both the rule of law and on democracy.

This situation can be countered by fostering both national and international judiciary capacities for the promotion of Freedom of Expression and Freedom of Information. This requires a set of different strategies, among which are: a) capacity building; b) peer-to-peer dialogue; c) comparative law studies; d) knowledge sharing on jurisprudence; e) knowledge sharing on international standards.

As can be seen, by gathering regional and local judiciary systems, journalists and academia, the commemoration of the International Day, is an important moment to strengthen dialogue. It advances understanding about the required key roles, and helps to identify tasks to promote an effective implementation of strategies for improving the protection of journalists and for eliminating impunity for the crimes committed against them.