

FINAL DRAFT

UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY

1. Introduction

“Every journalist killed or neutralized by terror is an observer less of the human condition. Every attack distorts reality by creating a climate of fear and self-censorship”¹

- 1.1. In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers as well as of incidents affecting their ability to exercise freedom of expression by threats of prosecution, arrest, imprisonment, denial of journalistic access, and failures to investigate and prosecute crimes against them. This evidence has been repeatedly brought to the attention of the international community by inter-governmental organizations, professional associations, non-governmental organizations (NGOs) and other stakeholders.
- 1.2. Statistics gathered by UNESCO, as well as by other organizations such as the Committee to Protect Journalists (CPJ), Reporters Sans Frontières (RSF), the International News Safety Institute (INSI), the International Freedom of Expression Exchange (IFEX) and the Inter American Press Association (IAPA) all testify to the staggering number of journalists and media workers killed while performing their professional duties.
- 1.3. Furthermore, according to IFEX, in nine out of ten cases, the perpetrators of these crimes are never prosecuted. Impunity, which may be understood as the failure to bring perpetrators of human rights violations to justice, perpetuates the cycle of violence against journalists and must be addressed.
- 1.4. 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.
- 1.5. Without freedom of expression, and particularly freedom of the press, an informed, active and engaged citizenry is impossible. In a climate where journalists are safe, citizens find it easier to access quality information and many objectives become possible as a result: democratic

¹ Barry James in Press Freedom: Safety of Journalists and Impunity. UNESCO Publications: 2002

governance and poverty reduction; conservation of the environment; gender equality and the empowerment of women; justice and a culture of human rights, to name a few. Hence, while the problem of impunity is not restricted to the failure to investigate the murders of journalists and media workers, the curtailment of their expression deprives society as a whole of their journalistic contribution and results in a wider impact on press freedom where a climate of intimidation and violence leads to self censorship. In such a climate societies suffer because they lack the information needed to fully realize their potential. Efforts to end impunity with respect to crimes against journalists must be associated with the defence and protection of human rights defenders, more generally. In addition, the protection of journalists should not be limited to those formally recognised as journalists, but should cover others, including community media workers and citizen journalists and others who may be using new media as a means of reaching their audiences.

- 1.6. Promoting the safety of journalists and fighting impunity must not be constrained to after-the-fact action. Instead, it requires prevention mechanisms and actions to address some of the root causes of violence against journalists and of impunity. This implies the need to deal with issues such as corruption, organized crime and an effective framework for the rule of law in order to respond to negative elements. In addition, the existence of laws that curtail freedom of expression (e.g. overly restrictive defamation laws), must be addressed. The media industry also must deal with low wages and improving journalistic skills. To whatever extent possible, the public must be made aware of these challenges in the public and private spheres and the consequences from a failure to act. The protection of journalists should adapt to the local realities affecting journalists. Journalists reporting on corruption and organized crime, for example, are increasingly targeted by organized crime groups and parallel powers. Approaches that are tailored to local needs should be encouraged.
- 1.7. In light of the above, a number of measures have been adopted by the United Nations (UN) to strengthen legal frameworks and enforcement mechanisms designed to ensure the safety of journalists in both conflict and non-conflict areas. The UN's strengths and opportunities lie in the areas of building free, independent and pluralistic media as well as the legal frameworks and democratic institutions to support it.
- 1.8. At the international level, the UN Security Council adopted *Resolution S/RES/1738* in 2006, which established a coherent, action-oriented approach to the safety of journalists in armed conflicts. Since then, the UN Secretary-General has presented an annual report to the General Assembly on the implementation of this Resolution.
- 1.9. Additionally, the Office of the High Commissioner for Human Rights (OHCHR) plays an important role in raising awareness regarding the issue, including through its reports to the Human Rights Council (HRC). It works in close cooperation with the United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression and Opinion and is mandated to: gather information relating to violations of freedom of expression; seek, receive and respond to relevant information from governments, NGOs and other parties; and make recommendations on how best to promote freedom of expression. A number of other Special Rapporteurs, including the Special Rapporteur on Extra-judicial, Summary or Arbitrary Execution; the Special Rapporteur on Violence against Women; the Special Rapporteur on Torture and the Working Groups on Forced Disappearances and Arbitrary Detentions are also all relevant in this regard.

- 1.10. As the United Nations specialized agency with a mandate to ‘promote the free flow of ideas by word and image’², the United Nations Educational, Scientific and Cultural Organization (UNESCO) has been an important player in the defence of freedom of expression through the promotion of the safety of journalists and the fight against impunity. Often in collaboration with other organizations, UNESCO has taken a number of decisive actions in this field. For example, it has been working together with Reporters Sans Frontières (RSF) to publish a regularly updated practical guide for journalists working in conflict zones, now available in ten languages. In 2008, UNESCO co-authored a UN Charter for the Safety of Journalists Working in War Zones or Dangerous Areas, which includes a commitment by the media, public authorities and journalists to systematically seek ways to reduce the risks involved. It has also supported a number of organizations to provide safety and risk awareness training for journalists and media workers.
- 1.11. In addition to these practical steps, UNESCO has undertaken a number of activities designed to raise awareness about journalists’ safety and the issue of impunity. Among UNESCO’s flagship activities in this area are *World Press Freedom Day*, celebrated every year on May 3rd, and the *Guillermo Cano/UNESCO World Press Freedom Prize*, intended to honour the work of an individual or an organization defending or promoting freedom of expression anywhere in the world, especially in dangerous conditions. The importance of this issue was further highlighted by the *Medellin Declaration*³ of 2007, which specifically focuses on securing the safety of journalists and combating impunity in both conflict and non-conflict situations, and the *Belgrade Declaration* of 2004, which focused on supporting media in violent conflict-zones and countries in transition. In line with Resolution 29, of the 29th session of UNESCO’s General Conference, the Director General has, since 1997, publicly condemned the killing of individual journalists and media workers, as well as massive and repetitive violations of press freedom and urged the competent authorities to discharge their duty of preventing, investigating and punishing such crimes. Finally, the *International Programme for the Development of Communication* (IPDC) plays a crucial role in promoting the safety of journalists and combating impunity. As well as developing projects to address this issue 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.
- 1.12. International legal instruments represent one of the key tools that the international community, including the United Nations (UN), has at its disposal in the struggle for the safety of journalists and against impunity. These are internationally recognized and often legally binding. Relevant conventions, declarations and resolutions include the *Universal Declaration of Human Rights*; the *Geneva Conventions*; the *International Covenant on Civil and Political Rights*; *UN Commission on Human Rights Resolution 2005/81*; the *UN Security Council Resolution 1738 (2006)*.
- 1.13. Regional systems in the human rights context are also essential, instituted within the framework of regional and sub-regional organisations such as the Organization of American States (OAS) and the Union of South American Nations (UNASUR); the African Union (AU); the Association of South East Asian Nations (ASEAN), the League of Arab States, the Council of Europe (CoE) and the Organisation for Security and Cooperation in Europe

² UNESCO Constitution 1945, Article 1

³ Read Medellin Declaration at <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000/medellin-declaration/>

(OSCE). Whilst there are many international legal instruments addressing human rights in general, only a small number are specifically concerned with the situation of journalists and their safety.

- 1.14. Some of the regional systems are also reinforced by monitoring bodies which observe the level of state compliance with their commitments, and call attention to violations when necessary. These include the Office of the Special Rapporteur for Freedom of Expression within the Inter-American Commission of Human Rights (IACHR), the Special Rapporteur on the Freedom of Expression and Access to Information within the African Commission on Human and Peoples' Rights in Africa, and the Special Representative on Freedom of the Media in the OSCE.
- 1.15. At the national level, many agencies, funds and programmes of the UN system are also working toward an approach which promotes the safety of journalists and addresses the issue of impunity. This is relevant to the UN strategic discussions and joint programming within the Delivering as One framework.
- 1.16. While recognizing that investigating crimes against journalists remains the responsibility of Member States, the acts of violence and intimidation (including murder, abduction, hostage-taking, harassment, intimidation and illegal arrest and detention) are becoming ever more frequent in a variety of contexts. Notably, the threat posed by non-state actors such as terrorist organizations and criminal enterprises is growing. This merits a careful, context-sensitive consideration of the differing needs of journalists in conflict and non-conflict zones, as well as of the different legal instruments available to ensure their protection. It also necessitates an investigation into how the dangers faced by journalists in situations that do not qualify as armed conflicts in the strictest sense (such as sustained confrontation between organized crime groups) may be dealt with.
- 1.17. Female journalists also face increasing dangers, highlighting the need for a gender-sensitive approach. In carrying out their professional duties, they often risk sexual assault, whether in the form of a targeted sexual violation, often in reprisal for their work; mob-related sexual violence aimed against journalists covering public events; or the sexual abuse of journalists in detention or captivity. Furthermore, many of these crimes are not reported as a result of powerful cultural and professional stigmas.⁴
- 1.18. There is a pressing need for the various UN agencies, funds and programmes to develop a single, strategic and harmonized approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them. In light of this, in March 2010, the Intergovernmental Council of the IPDC⁵ called on the Director-General of UNESCO "to consult with Member States on the feasibility of convening an inter-agency meeting of all relevant UN agencies, funds and programmes in order to design a joint UN strategy on the Safety of Journalists and the Issue to Impunity." On the basis of the responses received following this consultation, the UNESCO Director-General decided to organize a *UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity* in September 2011. The conclusions drawn from this meeting will be articulated in a Plan of Action, which will formulate a **comprehensive, coherent, and action-oriented UN-wide approach to the safety of journalists and the issue of impunity.**

⁴ Lauren James, 'The Silencing Crime: Sexual Violence Against Journalists'. Committee to Protect Journalists: 2011,

⁵ IPDC Decision on the Safety of Journalist and the Issue of Impunity, Available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf

2. Justification

2.1. This Plan of Action is needed to uphold the fundamental right of freedom of expression and, in so doing, to ensure that citizens are well informed and actively participate in society at large. The United Nations agencies, funds and programmes are collectively well-placed to address this issue. They possess long-established platforms through which to voice concerns and propose solutions and a vital network of partner organizations and UN offices in the field. In addition, as intergovernmental organizations they can encourage Member State cooperation and sharing of best practices, as well as exercise “quiet diplomacy” with Member States when necessary.

3. Principles

The proposed Action plan is based on the following principles:

- 3.1. Joint action in the spirit of enhancing system-wide efficiency and coherence;
- 3.2. Building on the strengths of different agencies to foster synergies and to avoid duplication;
- 3.3. A results-based approach, prioritizing actions and interventions for maximum impact;
- 3.4. A human rights-based approach;
- 3.5. A gender-sensitive approach;
- 3.6. A disability-sensitive approach;
- 3.7. Incorporation of the safety of journalists and the struggle against impunity into the United Nation’s broader developmental objectives;
- 3.8. Implementation of the principles of the February 2005 *Paris Declaration on Aid Effectiveness* (ownership, alignment, harmonisation, results and mutual accountability);
- 3.9. Strategic partnerships beyond the UN system, harnessing the initiatives of various international, regional and local organizations dedicated to the safety of journalists and media workers;
- 3.10. A context-sensitive, multi-disciplinary approach to the root causes of threats to journalists and impunity;
- 3.11. Robust mechanisms (indicators) for monitoring and evaluating the impact of interventions and strategies reflecting the UN’s core values.

4. Objective

4.1. Working toward the creation of a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide.

5. Proposed Actions

Strengthening UN Mechanisms

- 5.1. Identify the role of UN agencies, funds and programmes in combating impunity surrounding attacks against journalists and its wider causes with a view toward establishing focal points in order to strengthen the specific contribution of each relevant UN actor by creating effective forms of intervention to achieve the goals set out in the Plan of Action beginning with regular inter-agency meetings, for example;
- 5.2. In order to enhance UN system-wide coherence, establish a coordinated inter-agency mechanism for follow-up and evaluating matters of concern on the issue of the safety of journalists and impunity, including regular reviews of progress at the national and international level and continuing to address the issue by supporting a joint message on the occasion of World Press Freedom Day on the situation of media freedom around the world, for example;
- 5.3. Incorporate the issues of the safety of journalists and of the impunity of attacks against them into UN strategies at country level. This would mean, for example, encouraging the inclusion of an indicator on the safety of journalists based on the UNESCO Media Development Indicators in country analysis and taking the findings into consideration in programming;
- 5.4. More generally, promote the inclusion of freedom of expression and media development goals, in particular the safety of journalists and impunity, within the wider UN development agenda;
- 5.5. Work toward strengthening the office of the UN High Commissioner for Human Rights, as well as the mandate and resources of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, and of the Special Rapporteurs on Extra-judicial Summary or Arbitrary Executions, Violence against Women and Torture.

Cooperating with Member States

- 5.6. Assist Member States to develop legislation and mechanisms guaranteeing freedom of expression and information, including, for example, requirements that States effectively investigate and prosecute crimes against freedom of expression;
- 5.7. Assist Member States to fully implement existing international rules and principles, as well as to improve, where needed, national legislation on safeguarding journalists, media professionals and associated personnel in conflict and non-conflict situations;
- 5.8. Encourage Member States to take an active role in the prevention of attacks against journalists, and take prompt action in response to attacks by establishing national emergency mechanisms, which different stakeholders can adopt, for example;
- 5.9. Encourage Member States to comply fully with UNESCO General Conference *Resolution 29*⁶, entitled 'Condemnation of Violence against Journalists,' which calls upon Member States to adopt the principle that there should be no statute of limitations on persons guilty of crimes against freedom of expression; to refine and promote legislation in this field and to ensure that defamation becomes a civil, not a criminal action;

⁶ Adopted by the UNESCO's General Conference on 12 November 1997

- 5.10. Encourage Member States to comply with the IPDC's Decisions on *the Safety of Journalists and the Issue of Impunity*, and submit information on the actions taken to prevent impunity for killings of journalists, and on the status of the judicial inquiries conducted on each of the killings condemned by UNESCO;
- 5.11. Encourage Member States to explore ways of broadening the scope of Security Council Resolution 1738, to include the promotion of the safety of journalists and the fight against impunity in non-conflict situations as well.

Partnering with Other Organizations and Institutions

- 5.12. Reinforce collaboration between UN agencies and other intergovernmental organizations, at both international and regional levels, and encourage the incorporation of media development programmes, in particular on the safety of journalists, into their strategies;
- 5.13. Strengthen partnerships between the UN and civil society organizations and professional associations dedicated to monitoring the safety of journalists and media workers at national, regional and international levels. This could include sharing up-to-date information and best practices with partner organizations and field offices and conducting joint missions and investigations into particular cases;
- 5.14. Whereas corruption can affect all sectors of society, in line with the principles of the UN Convention against Corruption, work with journalist organisations to develop good practices on reporting on corruption and jointly participate at the International Anti-Corruption Day (9 December).

Raising Awareness

- 5.15. Sensitize Member States on the importance of freedom of expression and the dangers that impunity for crimes against media professionals represents for freedom and democracy;
- 5.16. Sensitize journalists, media owners and policy-makers on existing international instruments and conventions, as well as various existing practical guides on the safety of journalists;
- 5.17. Sensitize news organizations, media owners, editors and journalists on the dangers confronting their staff, particularly those faced by local journalists;
- 5.18. Sensitize all the above parties to the growing dangers posed by all actors and work against hostage-taking, sexual violence, kidnapping, wrongful arrest and other forms of punishment and other emerging threats to media professionals, including non-state actors;
- 5.19. Sensitize the general public on the importance of the safety of journalists and the fight against impunity, through promoting global awareness campaigns, such as UNESCO's World Press Freedom Day;
- 5.20. Encourage journalism education institutions in developing curricula, which include material relevant to the safety of journalists and impunity;
- 5.21. Disseminate best practices on the safety of journalists and counteracting impunity.

Fostering Safety Initiatives

- 5.22. Urge all stakeholders, and in particular the media industry and its professional associations, to establish general safety provisions for journalists, including but not limited to safety training courses, health care and life insurance, access to social protection and adequate remuneration for free-lance and full-time employees;
- 5.23. Develop accessible, real-time emergency response mechanisms for groups and media organizations, including contacting and engaging available UN resources and missions and other groups working in the field;
- 5.24. Strengthen provisions for the safety of journalists in conflict zones, for example by encouraging the creation of so-called 'media corridors' in close cooperation with UN staff on the ground.

6. Follow-up Mechanisms

- 6.1. Establishment of a network of focal points on issues about the safety of journalists in all relevant UN agencies, funds and programmes in order to develop effective measures to promote the safety of journalists and combat impunity, coordinate actions and exchange information and whenever possible also to publicize it;
- 6.2. Scheduling meetings of relevant UN agencies, funds and programmes on a regular basis, at international level and also at national level in cooperation with the UN Country Teams (UNCT), with participation of relevant professional associations, NGOs and other stakeholders;
- 6.3. Entrust overall coordination of UN efforts on the safety of journalists to UNESCO, in cooperation with other UN agencies, in particular with the Office of the High Commissioner for Human Rights (OHCHR) and the UN Secretariat in New York;
- 6.4. Present a finalised UN Plan of Action to the IPDC Council at its next session in March 2012, as well as the High Level Committee on Programmes (HLCP) and the Chief Executive Board (CEB) at their next meetings.