



## San Jose Declaration

### Safe to Speak: Securing Freedom of Expression in all Media

**We, participants at the UNESCO conference on the Safety of Journalists and the Issue of Impunity, meeting in San Jose, Costa Rica, on World Press Freedom Day, 2-4 May 2013,**

*Welcoming* the 20<sup>th</sup> anniversary of World Press Freedom Day which was inspired by the Windhoek Declaration adopted in 1991, and recognising that the right to press freedom flourishes in an environment that is safe and conducive to free, independent and pluralistic print, broadcast and online media;

*Further recognising* that press freedom, including the safety of journalists, is essential for sustainable development and innovation, democracy, peace, respect of human rights, and the building of inclusive Knowledge Societies;

*Taking into account* the World Summit on the Information Society decisions and in particular its mandate to UNESCO on freedom of expression and media, and ongoing review processes in which issues of digital safety have emerged;

*Noting* that, as underlined by the Human Rights Committee and the UN Special Rapporteur on Freedom of Expression<sup>1</sup>, contemporary professional journalism goes beyond the traditional media institutions, thereby broadening the scope of practitioners of journalism for whom safety is a concern;

*Reaffirming* that press freedom must also necessarily extend to new media, and that Internet universality, meaning an open, accessible, free and rights-based Internet, nurtured in a multi-stakeholder environment, is a precondition in this arena for press freedom and the digital safety of journalists;

*Affirming* that universal principles of freedom of expression under Article 19 of the Universal Declaration of Human Rights, apply on the Internet, as they do to traditional media, and therefore that any restrictions on freedom of expression should conform to international standards, including by being provided for by law, and being necessary to serve a legitimate purpose, and in accordance with democratic standards.

*Deeply concerned* by attacks on freedom of expression and especially on those who practice journalism, including murders, abductions, hostage-taking, harassment, intimidation, illegal arrests, detentions, illegitimate electronic surveillance and cyber-attacks, as well as the specific pressures brought against women journalists

*Recognizing* impunity as a prevailing contributor to the vicious circle of the murders of journalists;

*Noting* that the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, endorsed in April 2012 by the UN Chief Executives Board, is a major development for international cooperation on free and safe environments for journalists;

*Recalling* the Joint Declaration of 22 June 2012 on crimes against freedom of expression and the Joint Declaration of 1 June 2011 on freedom of expression and the Internet, by the United Nations (UN) Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States Special Rapporteur on Freedom of Expression and the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information;

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<sup>1</sup> Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 4 June 2012, UN General Assembly, Document A/HRC/20/17; Human Rights Committee, in its general comment, No. 34, para. 44, 12 January 2010, U.N. Doc. CCPR/C/GC/34/CRP.2 (2010).

*Recalling* Article 19 of the Universal Declaration of Human Rights, Resolution 29 on “Condemnation of violence against journalists” of the UNESCO General Conference adopted on 12 November 1997, and Resolution 1738 of the UN Security Council adopted on 23 December 2006;

*Recalling* the UN Human Rights Council’s Resolution of 27 September 2012 calling for “States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference”;

#### **Call on UNESCO Member States:**

1. To create a safe legal and institutional environment for journalists to report, and to put in place measures to safeguard those who are likely to be targeted for their work; and particularly ensure that crimes against journalists or media outlets are subject to independent, speedy and effective investigations and prosecutions;
2. To speak out strongly against all acts of violence in which journalists are victims;
3. To provide comprehensive and timely responses to the call by the UNESCO Director-General for information about investigations into killings of journalists in line with the decisions of the Organisation’s International Programme for the Development of Communication;
4. To support implementation of the UN Plan of Action on The Safety of Journalists and the Issue of Impunity, and to engage in inter-state co-operation on these issues;
5. To consider release of those journalists in custody solely for having exercised their profession, and, in line with international standards, to decriminalize the exercise of expression on issues of reputation, beliefs and political opinions;
6. To raise awareness in armed forces, police forces, prosecutors and the judiciary of the societal importance of the work of journalists, to protect them against intimidation and attacks and more generally to ensure that journalists may work in full security and independence without fear of retribution;
7. To recommend that development aid agencies and programmes take cognisance of the situation of recipient countries as regards effective safeguards for the exercise of press freedom, and to support activities to promote press freedom and safety of journalists;
8. To undertake actions to ensure the freedom of expression of all those who use digital media platforms, including bloggers and social media producers, and safeguard against intimidation, physical and cyber-attacks, and attempts on their lives.

#### **Call on Regional Intergovernmental Organisations**

1. To publicly endorse the goals of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity and undertake actions in support of the Implementation Strategy of the Plan;
2. To engage with the UN’s Inter-Agency Working Group on sharing information about their work on safety of journalists as appropriate.

#### **Call on journalists, professional and support associations, media outlets, internet intermediaries and social media practitioners:**

1. To engage with the UN Plan on the Safety of Journalists and the Issue of Impunity with complementary or joint actions, and to enhance cooperation with each other;
2. To ensure widespread awareness on the dangers faced by journalists, including foreign correspondents, international and local staff, and freelancers in covering issues such as crime, corruption, disasters, demonstrations and armed conflicts;
3. To urge media outlets and professional associations to develop and sustain safety provisions, including, but not limited to security training courses, legal counsel, gender-sensitive training on safety, digital security training, health and life insurance, access to protection systems, both for freelance employees and regular staffers;
4. To provide widespread publicity on crimes against journalists, particularly when these go unpunished, and to consider undertaking investigations on individual cases of impunity;
5. To recognize that professional journalistic standards and practices are an important defence against attacks on press freedom, and should also apply to journalistic information on social networks and similar digital platforms;
6. To encourage and facilitate journalism schools and other media training institutions to include in their curricula the study of press freedom issues, including journalism safety and legal rights of journalists;
7. In the case of Internet intermediaries, to adhere to international standards on freedom of expression in their work.

**Call on UNESCO:**

1. To encourage the Director General of UNESCO in cooperation with relevant stakeholders, including Member States, to continue monitoring safety of journalists and submit reports to Member States on a regular basis;
2. To sensitize governments to the importance of freedom of expression and against threats that impunity for crimes against media practitioners represent, particularly by implementing the UN inter-agency Plan of Action on The Safety of Journalists and the Issue of Impunity;
3. To encourage UN agencies to help implement the UN Plan of Action, including integrating the issues of safety and impunity into media training initiatives;
4. To promote good practices, that include safety measures, in professional reporting on crime and corruption;
5. To facilitate dialogue among Member States and other stakeholders on the freedom of expression implications of social networks and new media, including the issues of privacy, and personal data protection;
6. To support the principle of Internet universality, understood as meaning an open, accessible, free and rights-based Internet nurtured in multi-stakeholder environment, as a precondition for free expression online;
7. To ensure that the inclusion of press freedom, safety of journalists, the issue of impunity and safety on-line are integrated in the international development agenda, especially for the post 2015 Development Agenda; and to facilitate discussion and a coordinated approach on these matters among UN agencies and other relevant stakeholders;
8. To make this Declaration widely available to Member States and to other international and regional organizations;
9. To endorse and use this Declaration as a reference for UNESCO's activities in the field of freedom of expression and safety of journalists and to use it to promote the development of free, pluralistic and independent journalism on all media platforms.