



IPDC THE INTERNATIONAL PROGRAMME FOR THE DEVELOPMENT OF COMMUNICATION

CONCEPT NOTE

UN Inter-Agency Meeting on the Safety of Journalist and the Issue of Impunity

13-14 September 2011, UNESCO HQ Paris, Room X-XIV, Bonvin Building

Background

Over the last ten years alone, more than 500 journalists and media workers¹ have been killed worldwide² with many more wounded or injured while carrying out their professional responsibilities. The majority of these attacks did not occur during situations of active conflict, and were often perpetrated by police and security personnel and militia as well as by non-state actors such as organized crime groups. Most abuses against journalists and media workers remain uninvestigated and unpunished. Attacks on journalists include murder, abductions, hostage-taking, harassment, intimidation, and the illegal arrest and detention of journalists, media professionals and associated personnel as a result of their professional activities. Sexual attacks are also used as a weapon for silencing female journalists.

"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"³. According to a report released by the Committee to Protect Journalists (CPJ)⁴, these crimes are rarely reported due to "broad cultural stigmas and a lack of faith that authorities would act upon complaints". But journalists also cited professional considerations as playing a key role in their reluctance to disclose assaults to editors, for fear of being "perceived as vulnerable and denied future assignments".

The question of the safety of media workers and how to combat impunity is a fundamental prerequisite for achieving freedom of expression and democracy and must be addressed.

UNESCO is the only United Nations specialized agency with a mandate to defend and promote freedom of expression and its corollary press freedom. UNESCO's Constitution explicitly

¹ *Recommendation 4* of 3 May 1996 of the Committee of Ministers of the Council of Europe defines journalists as "all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff such as drivers and interpreters".

² According to the *Committee to Protect Journalists (CPJ)*, 516 journalists and media workers were killed between 2000-2010.

³ Barry James in *Press Freedom: Safety of Journalist and Impunity*. UNESCO Publication 2002.

⁴ See *The Silencing Crime: Sexual Violence and Journalists. A Special Report by The Committee to Protect Journalists*. Committee to Protect Journalists

states that the Organization's mission is "to promote the free flow of ideas by word and image"⁵. Among its flagship activities in this area is the World Press Freedom Day celebration. The United Nations General Assembly declared 3 May World Press Freedom Day in 1993 and UNESCO has since taken the lead in celebrating the event every year on this date. On the occasion of the 2007 World Press Freedom Day, the main international media professionals associations and non-governmental organizations dedicated to the defence of press freedom adopting the *Medellin Declaration*⁶ which specifically focuses on securing the safety of journalists and combating impunity in both conflict and non-conflict situations. Furthermore, for many years, UNESCO has been supporting safety training courses and workshops for journalists and media workers worldwide, creating awareness-raising campaigns and advocating with Member States to end impunity on crimes against journalists and media workers.

In 1997, in line with Resolution 29, which was adopted by UNESCO's General Conference, UNESCO's Director-General began condemning the killings of journalists and media workers⁷, and urging the competent authorities to discharge their duty of preventing, investigating and punishing crimes which are perpetrated to prevent freedom of expression and the right to receive information, and remedying the consequences of such crimes. In the same year, UNESCO's Executive Board also created the UNESCO/Guillermo Cano Press Freedom Prize to honour the work of an individual or an organization defending or promoting freedom of expression anywhere in the world, particularly if this action puts the individual's life at risk.

In 2008, the governing bodies of the International Programme for the Development of Communication (IPDC)⁸ elected by the 193 member states of the UNESCO General Conference adopted the first *Decision on the Safety of Journalists and the Issue of Impunity*⁹, which urges Member States "to inform the Director-General of UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify her/him of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO". The Decision also requests the Director-General of UNESCO to provide an analytical report on the basis of the responses received from Member States concerned. Since then, once every two years, the Director-General of UNESCO submits to the IPDC Council a report on the *Safety of Journalists and the Danger of Impunity* as a monitoring tool for follow-up actions by Member States. Individual country information from the report is used in the UNESCO's submission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) within the framework of the *Universal Periodic Review*¹⁰ beginning in early 2011.

In March 2010, the Intergovernmental Council of the IPDC adopted a second Decision¹¹ to reaffirm the earlier Decision and to call on the Director-General of UNESCO to consult with Member States on the feasibility of the convening a *UN Inter-Agency Meeting on Safety of*

⁵ UNESCO Constitution 1945, Article 1

⁶ 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/>

⁷ The Director-General of UNESCO had issued condemnations of killings of journalists prior to the 1997's Resolution but as a specific response to isolated cases.

⁸ The International Programme for the Development of Communication (IPDC) is the only multilateral forum in the UN system designed to mobilize the international community to discuss and promote media development in developing countries. It is governed by a 39-member Intergovernmental Council which meets annually.

http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2008_decision_safety_of_journalists.pdf

¹⁰ Further information on the *Universal Periodic Review* is available at <http://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx>

¹¹ 27th IPDC Intergovernmental Council Decision on the Safety of Journalist and Impunity. Available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf

Journalist and the Issue of Impunity, involving all the relevant UN agencies, with a view to formulating a comprehensive, coherent, and action-oriented approach to the safety of journalists and the issue of impunity. On the basis of the responses received following this consultation, the UNESCO Director-General decided to organize such a *UN Inter-Agency Meeting* 13 and 14 September 2011.

As a first step towards to the UN Inter-Agency Meeting in September 2011, a meeting entitled *Safety and Protection for Journalists: A Responsibility for the World* was organized in June 2011 by the Initiative on Impunity and the Rule of Law, a joint project between the City University's (London) Centre for Law, Justice & Journalism (CLJJ), and the University of Sheffield's Centre for Freedom of the Media (CFOM). The aim of this initiative is to lead a joint action with NGOs, governments and other international bodies to end impunity for those responsible for killing, threatening or suppressing the work of journalists. The conclusions drawn from this meeting will be presented at the UN Inter-Agency Meeting.

Working with non-UN organizations

UNESCO has been working with various international, regional, and local organizations dedicated to the issue of the safety of journalists and media workers. They are the Organization's strategic partners on the issue thanks to their dedicated pool of human resources, well-established networks of local correspondents, and in-depth knowledge of the local socio-political landscapes which greatly complement UNESCO's work in this area. To name but a few examples of collaboration, UNESCO and the *International News Safety Institute* (INSI) regularly conduct safety trainings courses and workshops for journalists and media workers in conflict areas. The *International Committee for the Red Cross* (ICRC) provides a 24-hour hotline for journalists working in conflict zones¹². *Reporters sans frontières* (RSF), the Paris-based agency, has often collaborated with UNESCO, including in the production of practical safety guides for journalists and media workers in multiple languages. UNESCO also plays a major role in awareness-raising and sensitization campaigns involving international groups such as the *World Association of Newspapers* (WAN) as well as regional and local associations.

Furthermore, UNESCO is a founding member of the information sharing network, *International Freedom of Expression Exchange* (IFEX) which monitors freedom of expression worldwide and issues alerts to its members when there is an attack on journalists and media workers. UNESCO has also assisted in the drafting of a *Charter for the Safety of Journalists Working in War Zones or Dangerous Areas*, a Charter which makes a number of useful proposals in the form of eight principles, representing the commitment by the media, public authorities and journalists to systematically seek ways to reduce the risks involved. In addition, UNESCO collaborates on a regular basis with other major international agencies including the *Committee to Protect Journalists* (CPJ), the *International Press Institute* (IPI), the *International Federation of Journalists* (IFJ), *Freedom House*, *Inter American Press Association* (IAPA), and *International Media Support* (IMS). Such information on the types of assistance and work carried out by the members of this global partnership could be made more readily available to all UN Agencies and the collective field presence.

International Legal Instruments

The United Nations and its family of agencies have at their disposal tools and instruments which can be readily employed to address the issue of the safety of journalists and to combat impunity. These instruments draw their strength from being internationally recognized as well as being a moral compass and obligation for States. These instruments include international humanitarian laws (IHL), universal human rights laws (UHL), covenants, declarations, and resolutions, such as:

¹² ICRC HOTLINE: Assistance for journalists on dangerous assignments, call + 41 79 217 32 85

- The **Universal Declaration of Human Rights**¹³ (UDHR, 10 December 1948). Specifically, Article 19 which states that “*everyone has 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*” and also Article 3 which secures the “*right to life, liberty and security of person*”, Article 5 and 9 which affirms the right not to be subjected to “*torture or to cruel, inhuman or degrading treatment or punishment*” or “*arbitrary arrest*”, and Article 8 which maintains that we have the right to an effective remedy for violations of one's rights.
- **The Geneva Conventions** of 12 August 1949 and the **Additional Protocol I**¹⁴ which concerns the treatment of civilians, including journalists, and of persons not or no longer taking direct part in hostilities. **Article 79** of Protocol I specifically states that “journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians” and thus be protected as such under the Conventions.
- **International Covenant on Civil and Political Rights**¹⁵ (ICCPR, 16 December 1966) which is the binding agreement with all its signatories corresponding to the UDHR. Specifically, the ICCPR clarifies that the State must “*undertake the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized*” in the Covenant.
- **UNESCO**, through the **Resolution 29** entitled “*Condemnation of violence against journalists*” which was adopted unanimously by the 29th General Conference on 12 November 1997, condemns violence against journalists and calls on its Member States to uphold their obligations to prevent, investigate, and punish crimes against journalists.
- **UN Commission on Human Rights Resolution 2005/81**¹⁶, and previous Resolutions on Impunity¹⁷, which calls on all States to put an end to impunity and to prosecute or extradite, in accordance with their obligations under international law.
- The **UN Security Council** adopted **Resolution 1738 (2006)**¹⁸ to condemn attacks against journalists in conflict situations. It emphasizes “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” and “that “journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered civilians, to be respected and protected as such”.
- **Human Rights Council Resolution 12/16 on Freedom of opinion and expression**¹⁹ which expresses deep concern “*that violations of the right to freedom of opinion and expression continue to occur, including increased attacks directed against, and killings of, journalists and media workers, and stressing the need to ensure greater protection for all media professionals and for journalistic sources*” and calls upon all states to “*take all necessary measures to put an end to violations of these rights and to create the*

¹³ See <http://www.un.org/en/documents/udhr/index.shtml>

¹⁴ Geneva Conventions available at <http://www.hrweb.org/legal/geneva1.html>

¹⁵ ICCPR available at <http://www.hrweb.org/legal/cpr.html>

¹⁶ See <http://www.unhcr.org/refworld/category,LEGAL,UNCHR,,45377c930,0.html>

¹⁷ See http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc_resolution_29.pdf

¹⁸ See <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N06/681/60/PDF/N0668160.pdf?OpenElement>

¹⁹ See [http://daccess-dds-](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G09/166/89/PDF/G0916689.pdf?OpenElement)

[ny.un.org/doc/RESOLUTION/GEN/G09/166/89/PDF/G0916689.pdf?OpenElement](http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G09/166/89/PDF/G0916689.pdf?OpenElement)

conditions to prevent such violations, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented".

- Several Declarations have been introduced in conjunction with the World Press Freedom Day, including the **Belgrade Declaration**²⁰ on *Assistance to media in Conflict Areas and Countries in Transition* in 2007 and the **Medellin Declaration**²¹ which was adopted in 2007 and focuses on *Securing the Safety of Journalists and Combating Impunity*. These important documents inform the direction of programming and funding strategies for the activities that are carried out by UNESCO in this field. They also serve as a moral compass to the Member States and call on them to investigate all acts of violence of which journalists are victim, to release detained journalists, and to sign and “comply with the commitments of UNESCO Resolution 29 to promote legislation with the intention of investigating and prosecuting the killers of journalists and to combat impunity”.

Declarations have proven useful in the specific case of combating impunity as noted in the study, *Impunity and the Rule of Law*²², which found that the "success of conventions for special categories (children, women, minorities, disabled) or rights (protection against torture, non-discrimination) confirms that they consolidate the guarantees in general instruments, and attach particular stigma to violations".

However, there remains a need to further clarify the distinction between journalists and media workers working in conflict and non-conflict situations. In the case of a conflict situation, international humanitarian laws (IHL) must be abided by the States. In short, IHL distinguishes combatants from civilians in conflict situations and also provides clarification regarding the treatment and protection of civilians who are in conflict situations. IHL makes it clear that journalists, including embedded journalists, are civilians and must therefore be protected as such. Prominent IHL includes the Geneva Conventions and their Additional Protocols as well as the UN Security Council Resolution 1738. Putting pressure on governments to abide by IHL is also one of the ways the international community can contribute to the safety of journalist and media workers. It is noteworthy that the UN Security Council Resolution 1738 applies specifically to situations of "armed conflict" where an aggression towards a journalist equals to an attack on a civilian in a war and thus constitutes as "war crime". However, this leaves unresolved the problem of attacks against journalists which occur during peacetime or in countries that are not in an active armed conflict situation and where in fact the majority of cases are happening nowadays. In the case of non-conflict situations, other mechanisms could come into play, including Universal Human Rights Laws (UHL), which is a set of universal or *common standards of achievements for all peoples and all nations*²³. The most frequently cited UHL include the Universal Declaration of Human Rights (UDHR) and the legally binding International Covenant on Civil and Political Rights (ICCPR).

²⁰ Belgrade Declaration. Available at <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000000/belgrade-declaration/>

²¹ Medellin Declaration. Available at <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/previous-celebrations/worldpressfreedomday2009000/medellin-declaration>

²² *Impunity and the Rule of Law: The Initiative for an International Framework to Protect Journalists from Violence and Counter Impunity*. This study was presented at the Conference on “Safety and Protection of Journalists: A Responsibility for the World” held at City University London on 1 June 2011 and is available at http://www.cfom.org.uk/wp-content/uploads/2011/05/Impunity_report_30thMay.pdf

²³ Universal Declaration of Human Rights. Available at <http://www.ohchr.org/EN/UDHR/Pages/Introduction.aspx>

Challenges to the United Nations and its Agencies

Traditionally, the issue of the safety of journalists has largely been a legal issue and therefore the main goal of many organizations such as UNESCO is to ensure that Member States abide by international laws and standards concerning the protection of journalists and media workers. While the State continues to occupy the principal role in ensuring the safety of journalists and media workers, the issue has now expanded. Many acts of violence against journalists and media workers are perpetrated by non-state actors including organized crime syndicates, drug cartels, security forces, and militia. Local governments are often either unwilling to or incapable of carrying out legal investigations to bring justice to the victims. This creates the phenomenon of impunity and ultimately leads to the emergence of a vicious circle of escalating crime and fear, where the perpetrators are emboldened to continue to commit more violence and attacks due to a lack of punishment and justice. Impunity poses a challenge to the United Nations and its family of agencies, in their attempts to effectively tackle an issue with two disparate causes.

The United Nations and Its Agencies Current Efforts [This should also include contributions from other UN Agencies]

In addition to international legal instruments, the United Nations and its various agencies have certain comparative advantages, which include having an established platform to voice their concerns. For example:

- UNESCO condemns publicly and systematically cases where a journalist or media worker is killed. UNESCO's Director General had been condemning the killings of journalists and media workers since 1997, in line with Resolution 29 adopted by its General Conference. In 2010, the Director-General made 62 public condemnations of killings of journalists.
- UNESCO's annual World Press Freedom Day Celebration and the Guillermo Cano Press Freedom Prize which began in 1997 are high profile global campaigns that create awareness on press freedom including issues of safety and combating impunity.
- UNESCO Director-General submitted the report on the Safety of Journalists and the Danger of Impunity to the International Programme for the Development of Communication (IPDC) Council²⁴ on 17 March 2010. The IPDC Council is the main through which UNESCO calls on the Member States to follow-up and pursue cases of impunity.
- As an intergovernmental organization, UNESCO and other UN agencies have a range of diplomatic options including the exercising of "quiet diplomacy" or discrete diplomacy with Member States in which the safety of journalists and the issue of impunity are problematic.

Suggested Objectives and Topics of Discussion of the Interagency Meeting

- In the spirit of *Delivering as One*, the various UN agencies should explore ways of enhancing their cooperation in a coherent manner to tackle the issue of the safety of journalists and combat the impunity of perpetrators of crimes against journalists. Capitalizing on the strengths and comparative advantages of the various members of the

²⁴ See

http://portal.unesco.org/ci/en/files/29600/12690062213safety_of_journalists_27_session.pdf/safety_of_journalists_27_session.pdf

UN family would increase the UN system's ability to tackle the widespread abuses committed against media professionals.

- In order to maximise its effectiveness, UN agencies should formulate a comprehensive, coherent, and action-oriented approach towards the safety of journalists and the issue of impunity by developing a coordinated information-sharing mechanism, an early warning system, a clear strategy and a set of best-practices to deal with the pressing issue of safety of journalists and combating impunity. A first step towards combating the issue of impunity could be to further analyse and elaborate on the term 'impunity' and identify specific triggers or indicators.
- To identify the specific contribution of intergovernmental agencies, and especially the UN agencies, in combating impunity ;
- To establish ways in which UN Agencies could work effectively with specialized non-governmental organizations (NGOs), dedicated to safety of journalists and media workers, such as the *International News Safety Institute* (INSI), *Reporters sans frontières* (RSF), the *Committee to Protect Journalists* (CPJ), Inter American Press Association (IAPA), the International Committee of the Red Cross (ICRC) as well as highly established international alert systems such as the *International Freedom of Expression Exchange* (IFEX). This could include providing up-to-date information to all the partnering agencies and field presences of this important global partnership and each partner's relevant field of expertise and the type of assistance offered to journalists.
- To determine how best to raise awareness and sensitize journalists, media owners, and policy makers of the existing international instruments and conventions, as well as the various practical guides on the safety of journalists which have already been produced.
- To act in favour of measures to better ensure the application of the rules and principles of a humanitarian nature relating to the protection of journalists, media professionals and associated personnel in situations of armed conflict, and to promote the security of the persons concerned;
- To work against the emergence of new threats to journalists and media staff, including hostage-taking and kidnapping;
- To encourage mechanisms which incorporate media development in programmes aimed at improving the social, economic and political aspects of societies in the process of development, political transition or emerging from the crisis of social conflict;
- To sensitize governments on the importance of freedom of expression and the threat that impunity for crimes against media professionals represents to this freedom;
- To take resolute action for the safety of journalists in situations of risk and to ensure respect for their professional independence;
- To sensitize news organizations, editors and managers about the dangers surrounding their staff when covering hazardous stories, and in particular the dangers faced by local journalists;
- To urge news associations to develop and sustain safety provisions that work regardless of whether their staff are covering domestic stories such as crime and corruption, demonstrations, environmental and health issues or international armed conflict;

- To promote actions which secure the safety of journalists, including safety training for journalists, safety codes, healthcare and life insurance, and equal access to social protection for free-lance employees and full-time staff;
- To coordinate widespread publicity campaigns on unpunished crimes against journalists and other acts of violence in order to bring about news coverage of all violations of press freedom;
- To encourage journalism schools and mass communication departments to include in their curricula studies on the impact that crimes against journalists – and subsequent impunity – have on democratic societies. In addition, to promote the inclusion within the curricula of subjects or specific courses on press freedom and to coordinate activities, such as safety training, among press freedom associations, news media and journalism schools;
- To further encourage collaboration amongst journalists, media owners, educators, press freedom groups and appropriate development agencies, at national and global level, in order to ensure the inclusion of media development activities in social and economic development programmes.