Safety of journalists and media workers

Why should journalists be protected?

Independent journalism is vital in any democratic society. It drives the right to hold and express opinions and the right to seek, receive and impart information and ideas, as defined in Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. It contributes to ensuring transparency and accountability in the conduct of public affairs and other matters of public interest, and it enables individuals to participate fully, actively and meaningfully in all aspects of society.

Journalists often are, and increasingly have become, the target of harassment, intimidation and violence. Such attacks include threats to them and members of their families, expulsion, unlawful or arbitrary arrest and detention, abduction, torture, sexual violence and murder. Harassment is also frequent, where journalists are tried on false grounds of espionage, subversion, threat to national security or terrorism, or where slander, libel and defamation laws are used inappropriately. The purpose of such attacks is often to silence journalists who investigate, document and report on sensitive issues, such as human rights violations and abuses, environmental degradation, corruption, organized crime, drug trafficking, public crises or protests. Journalists are at risk both in and outside the context of armed conflict, and both State and non-State actors commit attacks on journalists and media workers.

Attacks on journalists are not only an attack on the individuals concerned, but also on freedom of expression and democracy. It is because of their important role that specific protection is needed.

Upward trends in attacks, and impunity

Recent reports, including from the Secretary-General (A/69/268), UNESCO and civil society organizations, paint a bleak picture when it comes to the safety of journalists and media workers. They show an upward trend in the number of journalists killed, with recent years being the most deadly. They also demonstrate how politically motivated killings of journalists are endemic, and how in addition to print, television and radio journalists, 'citizen journalism' and Internet publishing have become a target. Local journalists covering local stories make up a substantial part of those suffering attacks. Reports also point at the increased number of journalists and media workers being detained.

The vast majority of attacks against journalists and media workers is committed with impunity. UNESCO has concluded that less than one in ten killings of journalists between 2007 and 2012 have led to a conviction. Research also indicates that a climate of impunity engenders further violence. Therefore, accountability is key for prevention.

Civil society organizations, such as the Committee to Protect Journalists, Reporters Without Borders and the International Federation of Journalists, track attacks against journalists and media workers and regularly issue updated numbers and analyses on their websites.

Who is a journalist?

States sometimes contest who can be considered a "journalist". The UN High Commissioner for Human Rights pointed out in this regard that: *"all individuals are entitled to the full protection of their human rights, whether the State recognizes them as 'journalist' or not; whether they are professional reporters or 'citizen journalists'; whether or not they have a degree in journalism; whether they report online or offline"* (A/HRC/27/35, para. 9). The Human Rights Committee took the same point of view, when it defined journalism as "a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere" (General Comment nr. 34).

In UN resolutions and in the Secretary-General report on the safety of journalists, reference is usually made to "journalists and media workers", whereby the latter term covers those who often accompany journalists and are equally at risk, such as camera persons and sound technicians.

Normative framework

International human rights law and international humanitarian law include norms and standards that provide adequate protection for journalists and media workers. However, enforcement of these norms is critical for strengthening the protection of journalists.

In addition to undermining freedom of expression, attacks against journalists violate various other human rights norms. Journalists and media workers experience violations of the right to life,

the right to liberty and security of person, the right to a fair trial, the right to equality before the law, the right to recognition before the law, and rights to privacy, family and home. Attacks against journalists can also violate fundamental prohibitions against torture, cruel, inhuman or degrading treatment or punishment and enforced disappearance. In addition to constituting human rights violations, certain conduct can also amount to international crimes.

Under international humanitarian law, journalists are entitled to all the protections afforded to civilians in times of conflict.

States are under an obligation to investigate allegations of violations of international human rights and humanitarian law effectively, promptly, thoroughly, independently and impartially, and if appropriate, to prosecute those responsible. Victims also have a right to an effective remedy.

United Nations and other initiatives

A number of UN resolutions have focused on the safety of journalists, including Security Council resolution 1738 (2006) and General Assembly resolution 68/163 (2013). In 2014, the Secretary-General presented a report on the safety of journalists and the issue of impunity to the General Assembly (A/69/268).

The Human Rights Council (HRC) adopted resolution 21/12 and requested OHCHR to prepare a compilation of good practices for the protection of journalists, the prevention of attacks committed against journalists and the fight against impunity for such attacks. This report was presented to the Council (A/HRC/24/23) and its findings discussed at a panel discussion in June 2014 (A/HRC/27/35). The HRC subsequently adopted resolution 27/5, specifically focusing on the issue of impunity.

The issue has also been addressed by several special procedure mandate holders, including the Special Rapporteurs on the promotion and protection of the right to freedom of opinion and expression (A/HRC/20/17), on extrajudicial, summary and arbitrary executions (A/HRC/20/22), and on the situation of human rights defenders (A/HRC/25/55).

UNESCO has undertaken several initiatives to strengthen the protection of journalists, including by spearheading the 2013 UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The plan includes measures such as the establishment of an inter-agency mechanism to strengthen the contribution of each UN actor and enhance UN-wide coherence; cooperation with States to develop legislation and other mechanisms for safeguarding the freedom of expression and information as well as the safety of journalists; and the establishment of partnerships, awareness-raising and fostering initiatives. UNESCO started to implement the plan in Iraq, Nepal, Pakistan, South Sudan and Tunisia. UNESCO also developed Journalist Safety Indicators, allowing for a comprehensive assessment and gathering of baseline data on safety and impunity. The Indicators are piloted in Guatemala, Honduras and Pakistan.

Also regional organizations have contributed to standard-setting and awareness-raising, and have established specific mechanisms tasked with promoting and protecting the right to freedom of expression, with the safety of journalists as a main concern. These include the African Union, African Commission on Human and Peoples' Rights, Council of Europe, European Union, the Organization for Security and Cooperation in Europe, and the Organization of American States.

Good practices for protecting journalists

The aforementioned OHCHR report (A/HRC/24/23) identified several good practices to ensure the safety of journalists. These include:
- Unequivocal political commitment;
- Domestic legal framework offering robust protection for freedom of expression and press freedom;
- Early warning and rapid response mechanisms that give journalists immediate access to authorities and protective measures when threatened;
- Combatting impunity, including through special investigative units, independent commissions, specialized prosecutors, specific protocols and methods of investigation and prosecution, and training of prosecutors and judiciary.

Normative standards and further reading

- Human Rights Council resolutions 21/12 (2012) and 27/5 (2014) on the safety of journalists;
- General Assembly resolution 68/163 (2013) on the safety of journalists and the issue of impunity;
- Security Council resolution 1738 (2006) on the protection of civilians in armed conflict;
- Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/HRC/20/17;
- OHCHR report on good practices on the safety of journalists, A/HRC/24/23;
- OHCHR summary report of the Human Rights Council panel discussion on the safety of journalists, A/HRC/27/35;
- Secretary-General report on the safety of journalists and the issue of impunity, A/69/268;
- UN Plan of Action on the Safety of Journalists and the Issue of Impunity;
- UNESCO World Trends in Freedom of Expression and Media Development Report, Paris, 2014;
- UNESCO Director-General's Report on the safety of journalists and the danger of impunity, Paris, 2014.