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## Human Rights Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## The safety of journalists

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 21/12, in which the Council requested the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to prepare a compilation of good practices in the protection of journalists, the prevention of attacks and the fight against impunity for attacks committed against journalists. The report contains an overview of the situation facing journalists, applicable law and initiatives taken by Member States, United Nations agencies and other organizations for the safety of journalists, then identifies good practices that could assist in creating a safe and enabling environment in which journalists are able to exercise freely their profession.

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## I. Introduction

1. In its resolution 21/12, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, to prepare, working in consultation with States and other relevant stakeholders, a compilation of good practices in the protection of journalists, the prevention of attacks and the fight against impunity for attacks committed against journalists, and to present the compilation in a report to the Council at its twenty-fourth session. The present report was prepared pursuant to that request.

## II. Current situation

2. In keeping the general public informed, journalists and other media professionals play an essential role by ensuring transparency and accountability in the conduct of public affairs and other matters of public interest. It is precisely as a result of this crucial role, however, that journalists are frequently subject to violations of their most fundamental human rights, including abduction, arbitrary detention, enforced disappearance, expulsion, harassment, killing, surveillance, search and seizure, torture and threats and acts of other forms of violence. Female journalists face additional risks, including being subjected to forms of sexual violence while covering public events or when in detention.<sup>1</sup>

3. Such threats and attacks are committed by both State and non-State actors, often to silence journalists documenting and disseminating information or opinions perceived by these actors as sensitive, such as in relation to human rights violations, environmental issues, corruption, organized crime, drug trafficking, public crises, emergencies or public demonstrations.<sup>2</sup>

4. Given that acts of violence undermine the free flow of information, they have a profound impact on the ability of citizens to contribute to democratic processes by means of informed decisions on a wide range of issues. In this regard, therefore, threats and attacks against journalists also violate the fundamental right to freedom of opinion and expression.

5. Trends in threats and attacks against journalists and other media professionals paint a very troubling picture. Reports indicate that, since 1992, approximately 984 journalists have been killed and 232 imprisoned in the exercise of their profession.<sup>3</sup> According to other sources, since the start of 2013, 19 journalists have been killed and 177 have been imprisoned.<sup>4</sup> In 2012, 90 journalists were killed, the worst figure recorded since 1995.<sup>5</sup> In 2012 alone, 879 journalists were arrested, 1,993 were threatened or physically attacked and 38 were kidnapped. Some 73 journalists fled their country as a consequence of attacks or threats of attack.<sup>3</sup>

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<sup>1</sup> A/HRC/20/17, para. 52. See also Committee to Protect Journalists, “The silencing crime: sexual violence and journalists”, 7 June 2011 (available from <http://cpj.org/reports/2011/06/silencing-crime-sexual-violence-journalists.php>).

<sup>2</sup> A/HRC/20/17, para. 51.

<sup>3</sup> See website of the Committee to Protect Journalists ([www.cpj.org](http://www.cpj.org)).

<sup>4</sup> See website of Reporters Without Borders (<http://en.rsf.org>).

<sup>5</sup> See Reporters Without Borders, 2012 Roundup in Numbers (available from <http://en.rsf.org/IMG/pdf/bilanannuelgb.pdf>).

6. Some of the most dangerous countries for journalists are those that are or have been in situations of armed conflict.<sup>6</sup> Indeed, since 1992, 185 journalists have been killed in such situations.<sup>7</sup> The very large majority of violence and attacks against journalists occur, however, outside armed conflict. Moreover, while the death or injury of foreign journalists often captures the attention of the international community, most of those who are victims of threats and attacks are local journalists covering local issues. One organization estimated that, since 1992, 88 per cent of the journalists who have been killed worldwide were local.<sup>3</sup> Furthermore, approximately 42 per cent of the journalists killed were reporting on political issues, 35 per cent on war, 20 per cent on corruption, 16 per cent on human rights and 15 per cent on crime.

7. Impunity for attacks against journalists is a serious and pervasive problem, and it is one – if not the main – challenge to strengthening the protection of journalists.<sup>8</sup> For example, there is near total impunity in cases of violations of the right to life of journalists. According to one source, perpetrators go unpunished in nine out of 10 cases; at 16 May 2013, those responsible for the murder of 594 journalists in countries around the world since 1992 had not been held accountable.<sup>9</sup>

8. In many countries, the offences of slander, libel and defamation are treated as criminal offences. The existence and use of such criminal laws against journalists and other media professionals deters reporting on issues of public interest.<sup>10</sup> The conviction of journalists for such offences often results in imprisonment, heavy fines or the suspension of media licenses, which in turn deter criticism of public figures and can significantly compound a climate of intimidation.<sup>11</sup> The impact of counter-terrorism legislation on journalists and other media professionals raises concern, given that the use of broader police and intelligence service powers for combating terrorism are also used to unduly restrict freedom of expression.<sup>15</sup>

9. The Internet and other digital media sources have become an essential medium for disseminating news. There is an increasing number of “online journalists”, both professionals and “citizen journalists”, who are untrained yet still play an important role in documenting and disseminating information.<sup>12</sup> In its general comment No. 34, the Human Rights Committee 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.”<sup>13</sup> As the number of online journalists has increased, so have attacks against them, such as illegal hacking of their accounts, monitoring of their online activities, arbitrary arrest and detention, and the blocking of websites that contain information critical of the authorities.

### III. Applicable international law

10. International human rights law and international humanitarian law establish an array of norms and standards that provide effective normative protection to journalists and other media professionals, both in their exercise of the right of freedom of expression and from

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<sup>6</sup> See [www.cpj.org/killed/](http://www.cpj.org/killed/).

<sup>7</sup> See [www.cpj.org/killed/in-combat.php](http://www.cpj.org/killed/in-combat.php).

<sup>8</sup> See for example A/65/284, para. 28, A/HRC/14/23, para. 94 and A/HRC/20/17, para. 65.

<sup>9</sup> See [www.cpj.org/killed/impunity.php](http://www.cpj.org/killed/impunity.php).

<sup>10</sup> A/HRC/20/17, para. 79.

<sup>11</sup> A/HRC/4/27, para. 51.

<sup>12</sup> A/HRC/20/17, para. 61. See also A/65/284.

<sup>13</sup> CCPR/C/GC/34, para. 44. See also A/HRC/20/17, paras. 4-5, and A/HRC/20/22, para. 26.

threats and attacks. The enforcement of existing legislation is critical for strengthening the protection of journalists.<sup>14</sup>

## A. International human rights law

11. Threats and attacks against journalists violate a wide range of human rights norms established in both treaty law and customary international law.<sup>15</sup> Specifically, journalists and other media professionals experience violations of the right to life,<sup>16</sup> the right to liberty and security of person,<sup>17</sup> the right to a fair trial,<sup>18</sup> the right to equality before the law,<sup>19</sup> the right to recognition before the law<sup>20</sup> and rights to privacy, family and home.<sup>21</sup> Attacks against journalists also violate fundamental prohibitions against torture, cruel, inhuman or degrading treatment or punishment<sup>22</sup> and enforced disappearance.<sup>23</sup> In addition to constituting human rights violations, certain conduct can amount to international crimes, including killing, torture and cruel, inhuman or degrading treatment, and enforced disappearance.

12. The right to freedom of expression, an individual right and a collective right held by society as a whole, may also be severely undermined.<sup>24</sup> Together with the freedom of opinion, the right to freedom of expression is a prerequisite for every free and democratic

<sup>14</sup> See for example A/HRC/20/17, para. 56.

<sup>15</sup> Rights set out in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights are recognized as having the status of customary international law. See for example Human Rights Committee general comments Nos. 24 (CCPR/C/21/Rev.1/Add.6) and 29 (CCPR/C/21/Rev.1/Add.11).

<sup>16</sup> Universal Declaration of Human Rights, art. 3; International Covenant on Civil and Political Rights, art. 6; African Charter on Human and Peoples' Rights, art. 4; American Convention on Human Rights, art. 4; Arab Charter on Human Rights, art. 5; European Convention on Human Rights, art. 2(2). See also A/HRC/17/28.

<sup>17</sup> Universal Declaration of Human Rights, arts. 3, 9; International Covenant on Civil and Political Rights, art. 9; African Charter on Human and Peoples' Rights, art. 6; American Convention on Human Rights, art. 7; Arab Charter on Human Rights, art. 14; European Convention on Human Rights, art. 5.

<sup>18</sup> Universal Declaration of Human Rights, arts. 10, 11; International Covenant on Civil and Political Rights, art. 14; African Charter on Human and Peoples' Rights, art. 7; American Convention on Human Rights, art. 8; Arab Charter on Human Rights, art. 13; European Convention on Human Rights, art. 6.

<sup>19</sup> Universal Declaration of Human Rights, art. 7; International Covenant on Civil and Political Rights, art. 26; African Charter on Human and Peoples' Rights, art. 7; American Convention on Human Rights, art. 24; Arab Charter on Human Rights, art. 11; Protocol 12 to the European Convention on Human Rights.

<sup>20</sup> Universal Declaration of Human Rights, art. 6; International Covenant on Civil and Political Rights, art. 16; African Charter on Human and Peoples' Rights, art. 5; American Convention on Human Rights, art. 3; Arab Charter on Human Rights, art. 22.

<sup>21</sup> Universal Declaration of Human Rights, art. 12; International Covenant on Civil and Political Rights, art. 17; African Charter on Human and Peoples' Rights, art. 18; American Convention on Human Rights, art. 11; Arab Charter on Human Rights, art. 21; European Convention on Human Rights, art. 8.

<sup>22</sup> Universal Declaration of Human Rights, art. 5; International Covenant on Civil and Political Rights, art. 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; African Charter on Human and Peoples' Rights, art. 5; American Convention on Human Rights, art. 5; Arab Charter on Human Rights, art. 8; European Convention on Human Rights, art. 3.

<sup>23</sup> International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>24</sup> Universal Declaration of Human Rights, art. 19; International Covenant on Civil and Political Rights, art. 19; A/HRC/14/23, paras. 29 and 105; CCPR/C/GC/34, paras. 11-12.

society. Indeed, without respect for this freedom, an informed, active and engaged citizenry is impossible. In this respect, while the right to freedom of expression is not absolute, it may only be derogated from in the exceptional circumstances provided for in article 4 of the International Covenant on Civil and Political Rights, or subject to the specific restrictions set down in article 19(3) of the same covenant. The Human Rights Committee categorically stated in its general comment that article 19(3) could never be invoked as a justification for muzzling advocacy of multiparty democracy, democratic tenets or human rights, nor, in any circumstance, could an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19.<sup>25</sup>

13. The obligation to respect and to ensure respect of the human rights of journalists and other media professionals rests on the State as a whole. It encompasses a positive duty of States to ensure that persons are protected from any act that would impair the enjoyment of their rights, including by taking effective measures or exercising due diligence to prevent any harm caused by private persons or entities. This obligation to protect is particularly important in the case of threats and attacks made against journalists by non-State actors.

## **B. International humanitarian law**

14. Under international humanitarian law, journalists are entitled to all the protections afforded to civilians in times of conflict. An intentional attack against civilians, including journalists, constitutes a war crime.<sup>26</sup> Journalists will lose this protection if they directly participate in hostilities for as long as they take direct part. Participation does not include such activities as conducting interviews with civilians or combatants, taking still or moving pictures, making audio recordings or any of the other usual tasks involved in journalistic practice. The dissemination of propaganda by a journalist does not amount to direct participation.<sup>27</sup>

15. In situations of international armed conflict, war correspondents who are accredited to and accompany armed forces qualify for prisoner of war status should they be captured.<sup>28</sup> In non-international armed conflicts, international humanitarian law makes no distinction between war correspondents and other journalists, and journalists have the same protection as other civilians.

## **C. Accountability under international human rights law and international humanitarian law**

16. When violations of international human rights law or international humanitarian law have been allegedly committed, States are obliged to investigate the allegations effectively,

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<sup>25</sup> CCPR/C/GC/34, para. 23. See also A/65/284, paras. 35-36.

<sup>26</sup> Rome Statute of the International Criminal Court, arts. 8(2)(a)(i), (2)(b)(i), (2)(c)(i) and (2)(e)(i); Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, art. 50; Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, art. 51; Geneva Convention relative to the Treatment of Prisoners of War, art. 130; Geneva Convention relative to the Protection of Civilian Persons in Times of War 1949, art. 147; Additional Protocol I, art. 85.

<sup>27</sup> A/HRC/20/22, para. 67. See also Final Report to the Prosecutor by Committee Established to Review the NATO Bombing Campaign against the Federal Republic of Yugoslavia, 13 June 2000. Available from [www.icty.org/sid/10052](http://www.icty.org/sid/10052).

<sup>28</sup> Third Geneva Convention, art. 4A.

promptly, thoroughly, independently and impartially and, if appropriate, to prosecute those responsible.<sup>29</sup> Failure to do so could give rise to independent violations of the International Covenant on Civil and Political Rights.<sup>30</sup> Furthermore, violations of international human rights law and international humanitarian law give rise to a right of the victim to an effective remedy, which includes the right to equal and effective access to justice and adequate, effective and prompt reparation for the harm suffered.<sup>31</sup> Reparation encompasses compensation, restitution, rehabilitation, satisfaction and guarantees of non-recurrence.

## IV. Initiatives relating to the safety of journalists

### A. States

17. In their responses to the note verbale dated 11 January 2013 addressed to them by OHCHR,<sup>32</sup> States documented a wide range of legislative measures, as well as a variety of policies and practices, that aim to protect the right to freedom of expression or freedom of information and, more specifically, to ensure the safety of journalists.

#### 1. Legislative initiatives

18. Many States noted that freedom of expression and the right to information were protected by their Constitution. States also referred to national legislation that aims to give effect to the right to freedom of expression. Other States noted laws that provide that, when determining the penalty, offences committed in response to the exercise of freedom of expression would be considered an aggravating circumstance.

19. According to the responses, several States had either recently conducted or were currently conducting a legislative review to strengthen mechanisms for ensuring freedom of

<sup>29</sup> See International Covenant on Civil and Political Rights, art. 2(3); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 4, 5, 7, 12 and 13; International Convention for the Protection of All Persons from Enforced Disappearance, art. 3; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (General Assembly resolution 60/147), principle 3; the updated set of principles for the protection and promotion of human rights through action to combat impunity, principles 1 and 9; Human Rights Committee general comment No. 31 (CCPR/C/21/Rev.1/Add.13), para. 8.

<sup>30</sup> CCPR/C/21/Rev.1/Add.13, paras. 15 and 18.

<sup>31</sup> Universal Declaration of Human Rights, art. 8; International Covenant on Civil and Political Rights, art. 2(3); Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, art. 14; International Convention for the Protection of All Persons from Enforced Disappearance, arts. 8 and 20; International Convention on the Elimination of All Forms of Racial Discrimination, art. 6; American Convention on Human Rights, art. 25; Arab Charter on Human Rights, art. 23; European Convention on Human Rights, art. 13; Regulations annexed to the Convention with respect to the Laws and Customs of War on Land (1907), art. 3; fourth Geneva Convention, art. 148; Additional Protocol I, art. 91; Rome Statute of the International Criminal Court, arts. 68 and 75; Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Principle 11; Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, Principle 34; HRC, General Comment No. 31, paras. 8, 15-19.

<sup>32</sup> Responses were received from Austria, Bulgaria, Colombia, the Czech Republic, Denmark, Georgia, Grenada, Jordan, Kazakhstan, Lithuania, Mexico, Mongolia, Montenegro, Poland, the Republic of Moldova, the Russian Federation, Serbia, Slovenia, Sweden, the Syrian Arab Republic, Trinidad and Tobago, Tunisia, Turkmenistan, Ukraine and Uruguay.

expression and freedom of information in accordance with international standards; for example, Grenada, Mexico, Montenegro, the Republic of Moldova, the Russian Federation, Serbia, and Uruguay reportedly recently decriminalized acts of slander, defamation, contempt or libel.

20. In addition, some States made reference to plans of action for addressing issues relating to freedom of information. The Republic of Moldova, for instance, recently amended its national human rights plan of action (2011-2014) to include activities relating to the independence of the mass media and freedom of expression following recommendations made during the universal periodic review of the Human Rights Council. In Mongolia, the strategic plan of the national human rights commission for 2012-2014 reportedly includes monitoring the implementation of, and raising public awareness about, laws on information transparency and the right to information.

21. More specifically, States referred to constitutional and legislative measures intended to address the protection of journalists; for example, Mexico indicated that, following a recent constitutional amendment, crimes committed against journalists had become federal offences. In Colombia, article 73 of the Constitution specifically provides that “journalism will enjoy such protection as necessary to guarantee its freedom and professional independence”.

22. Other examples include the Audiovisual Code in the Republic of Moldova, which requires that public authorities ensure the protection of journalists if they are subject to pressure or threats that might restrict them in carrying out their professional duties. Serbia pointed out that a recent amendment made to the Criminal Code criminalizes threats against journalists performing their professional duties by including journalists in a group of persons significant in the field of public information. Similarly, the Russian Federation stated that amendments made in 2011 to its Criminal Code included establishing criminal liability for obstructing the professional activities of journalists by violence or threats of violence. The Press Law in Poland reportedly provides for the same sanctions to be imposed against those who use violence against journalists as those who use violence against public officials.

## **2. Combating impunity initiatives**

23. Other States discussed mechanisms to ensure the investigation and prosecution of attacks against journalists and other media professionals. For instance, Colombia stated that the Public Prosecutor’s Office had a special subunit that conducted investigations into crimes committed against journalists. In Mexico, the Special Prosecutor for Crimes against Freedom of Expression reportedly has the authority to direct, coordinate and supervise investigations and, where appropriate, the prosecution of crimes committed against journalists. It is also involved in the systematization of information regarding attacks on journalists.

24. Serbia reported that, in January 2012, a national commission had been created to review the investigations of the killing of Dada Vujasinović, Slavko Ćuruvija and Milan Pantić, three prominent journalists, in the 1990s, and to make recommendations to improve future investigations. Sweden stated that it monitored and responded to assaults against journalists, bloggers and human rights defenders, and that the Swedish Union of Journalists provided legal advice and protection for professional journalistic practices.

## **3. Protection initiatives**

25. The measures to strengthen the protection of journalists reported included the Protection Programme for Journalists and Social Communicators, established in Colombia in 2000, together with the Programme for the Protection of Human Rights Defenders,



which aims to protect journalists and media professionals facing threats of violence. As part of the programme, civil society organizations monitor threats against journalists and present cases to the Risk Evaluation and Regulation Committee, an inter-institutional committee that determines the protection measures to be implemented. Colombia also established a national unit for the protection of journalists to provide equipment and assistance constituting material measures of protection to journalists, such as mobile phones, bulletproof vehicles and emergency evacuations and transfers to other regions of the country or abroad under witness protection programmes. This initiative brings together previously separate protection programmes in Colombia for the protection of judges, prosecutors, witnesses, human rights defenders, journalists and others.

26. Mexico stated that the Law on the Protection of Human Rights Defenders and Journalists of 2012 created mechanisms to increase cooperation between federal and State agencies and civil society to implement measures to protect human rights defenders and journalists. The Law also established a fund for the protection of human rights defenders and journalists, which provides funding for the implementation and operation of urgent and preventive measures to protect human rights defenders and journalists. An early warning system has the purpose of providing journalists with immediate access to the authorities if threatened.

27. In its response, Montenegro stated that the police performed risk assessments for all media employees or their family members who had been subjected to threats, after which protective measures, including police protection, may be provided. In addition, checks were reportedly conducted of persons registered as having committed assaults against journalists.

28. Georgia noted in its response that, in cooperation with United States Agency for Development and the Organization for Security and Cooperation in Europe (OSCE), it gave training to media professionals and the police to enhance the safety of journalists, including during public demonstrations. In Denmark, the curriculum for students of journalism includes “risk reporting”, which provides students with knowledge on operating safely in areas of crisis or conflict. In Montenegro, the Centre for Education of Agents of the Administration of Justice reportedly has an annual training programme for judges that includes sessions on freedom of expression. The Russian Federation reported the holding of several training sessions on journalistic practices, with the participation of government entities and media organizations.

29. Other States, including Denmark, Grenada and Trinidad and Tobago, noted that public condemnations of attacks against journalists were an important protection measure.

#### **4. Advocacy and awareness-raising initiatives**

30. The responses received from States showed that they had adopted a broad spectrum of initiatives for drawing attention to the issues of freedom of expression and the safety of journalists. The initiatives included prizes for contributions to the freedom of expression, and special observance days to highlight the vital role that journalists and a free press played in democratic societies. Regarding the latter, examples included the “Freedom of Expression of Thought Day” (20 September) and “National Day of Press Freedom” (23 October) in Uruguay, and the “Imprisoned Writers’ Day” (15 November) in Sweden. States also pointed out that awareness-raising had been conducted by means of conferences and meetings held at the national, regional and international levels on the issues of freedom of expression and the -protection of journalists. For example, in June 2012, Trinidad and Tobago hosted the International Press Institute World Congress on the theme, “Media in a challenging world: a 360 degree perspective”, which included a focus on protection of journalists. Sweden reported that it had created a website that hosted information on a range of human rights, including the right to freedom of expression.

31. Moreover, States noted initiatives aimed at strengthening the protection of journalists through the sharing of practices. For instance, in November 2012, the Inter-American Press Association held a meeting in Honduras that brought together officials from Honduras and Mexico to share relevant practices.

## **B. United Nations bodies**

32. The issue of safety of journalists has been addressed by United Nations organs and agencies through a variety of initiatives.<sup>33</sup>

### **1. Security Council and General Assembly**

33. The General Assembly has emphasized the need for States to ensure the respect for and protection of journalists while working in situations of armed conflict.<sup>34</sup> In its resolution 1738 (2006), the Security Council condemned attacks against journalists, media professionals and associated personnel in situations of armed conflict, recalling, *inter alia*, that such persons should be considered civilians and thus respected and protected as such. The Council urged States and other parties to armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel. It also called for an end to attacks, and emphasized the responsibility of States to ensure accountability for serious violations of international humanitarian law. In its resolution, the Council also decided to address the issue of protection of journalists under the agenda item on the protection of civilians in armed conflict, and requested the Secretary-General to include, as a subitem in his reports on protection of civilians in armed conflict, the issue of safety and security of journalists, media professionals and associated personnel.<sup>35</sup>

34. In his latest report on protection of civilians, the Secretary-General highlighted the dangers for journalists working in the Syrian Arab Republic and during the conflict in Libya, reminding States of their obligation to prevent attacks against journalists and to prosecute those responsible for such attacks. The Secretary-General also welcomed the initiatives being pursued in the Human Rights Council by the Government of Austria and some human rights special procedures mandate holders to ensure better protection of journalists.<sup>36</sup>

### **2. Human Rights Council**

35. Since its establishment in 2006, the Human Rights Council has regularly addressed the issue of safety of journalists in the context of the right to freedom of expression and opinion.<sup>37</sup> Resolution 21/12 was the first Council resolution to have a specific focus on safety of journalists.<sup>38</sup> In that resolution, the Council expressed, *inter alia*, its concern

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<sup>33</sup> In response to a note verbale sent to United Nations agencies, programmes and funds, and other international and regional organizations, as well as a request for information sent to a large number of non-governmental organizations, responses were received from the Centre for Freedom of the Media, the International Committee of the Red Cross, the International Federation of Journalists and the International Labour Organization.

<sup>34</sup> See for example General Assembly resolutions 2673 (XXV), 2854 (XXVI) and 3500 (XXX) .

<sup>35</sup> See also Security Council resolutions 1973 (2011), 2096 (2013) and 2093 (2013).

<sup>36</sup> S/2012/376, paras 14-15. See also S/2010/579 and S/2009/277.

<sup>37</sup> See Human Rights Council resolutions 7/36, 12/16, 16/4, 19/35 and 21/12. See also Commission on Human Rights resolution 1993/45.

<sup>38</sup> See also Human Rights Council resolution 13/24 on the protection of journalists in situations of armed conflict.

regarding ongoing violations of the right to freedom of opinion and expression, condemned in the strongest terms all attacks and violence against journalists and stressed the need to ensure greater protection for all media professionals and for journalistic sources. It also expressed its concern that attacks against journalists often occurred with impunity, and called upon States to ensure accountability, as well as to promote a safe and enabling environment for journalists to perform their work independently and without undue interference.

36. The safety of journalists has also been explicitly addressed by international commissions of inquiry recently mandated by the Human Rights Council and supported by OHCHR. For example, the international commission of inquiry on the situation of human rights in the Syrian Arab Republic documented in a recent report the targeting of journalists, as well as specific incidents of local and international journalists being arbitrarily detained, held hostage, and killed in the context of the continuing hostilities, in violation of both parties' obligations under international humanitarian law.<sup>39</sup> Similarly, in 2011, the International Commission of Inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya highlighted incidents of serious attacks on journalists and other media professionals, including arbitrary arrest, torture, ill-treatment, harassment, intimidation and enforced disappearances, as well as, in some cases, targeted attacks.<sup>40</sup>

### C. Special procedures and treaty bodies

37. The issue of safety of journalists and other media professionals is also of concern to special procedures and the Human Rights Committee. Several mandate holders have paid it significant attention in their reports, awareness-raising and advocacy-related activities (such as participating in expert consultations and conferences, and issuing press statements), and direct interventions with Governments on individual cases through the communications procedure.<sup>41</sup> The issue has been a particularly important focus of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,<sup>42</sup> the Special Rapporteur on extrajudicial, summary or arbitrary executions<sup>43</sup> and the Special Rapporteur on the situation of human rights defenders.<sup>44</sup> The said mandate holders have highlighted the detrimental impact of attacks on journalists on the full realization of the human rights on which they are mandated to report and advise, and have made important recommendations aimed at ensuring greater protection for journalists and other media professionals. The Working Group on Arbitrary Detention<sup>45</sup> and the Working Group on Enforced or Involuntary Disappearances<sup>46</sup> have addressed, through individual or joint communications, cases concerning journalists that fall within the scope of their mandates. The issue of attacks on journalists, impunity for those attacks and the subsequent impact on

<sup>39</sup> A/HRC/22/59, paras. 46-54, 139, annex XII, para. 2.

<sup>40</sup> A/HRC/17/44, paras. 117, 144-154, 248 and 254.

<sup>41</sup> For example, in the first 11 months of 2012, the Special Rapporteur on extrajudicial, summary or arbitrary executions sent at least 15 communications related to attacks on the right to life of journalists and other media workers.

<sup>42</sup> See E/CN.4/2005/64, E/CN.4/2006/55, A/HRC/4/27, A/HRC/7/14, A/HRC/11/4, A/HRC/14/23 and Add.2, and A/HRC/20/17.

<sup>43</sup> See A/HRC/20/22.

<sup>44</sup> See A/HRC/13/22 and A/HRC/19/55.

<sup>45</sup> Since 2000, more than 20 opinions of the Working Group have addressed allegations of arbitrary detention of journalists.

<sup>46</sup> See A/HRC/16/48, para. 441; A/HRC/19/58/Rev.1, annex I, paras. 159, 160, 335, 444-448, 520 and 549; and A/HRC/22/45 and Corr.1, paras. 140-143 and 414.

rights has also been dealt with by the Human Rights Committee, most particularly in its general comment No. 34 on article 19 of the International Covenant on Civil and Political Rights.<sup>47</sup>

#### **D. United Nations Educational, Scientific and Cultural Organization**

38. Among its other activities, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has undertaken a number of significant initiatives to strengthen the protection of journalists as part of its mandate to defend freedom of expression and press freedom. It convened two United Nations inter-agency meetings on the safety of journalists and the issue of impunity in Paris (September 2011) and Vienna (November 2012), which brought together United Nations bodies and non-governmental and intergovernmental organizations, independent experts, media groups and professional associations to formulate a strategy to address safety of journalists and impunity at the global and national levels.

39. The above-mentioned meetings culminated in the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, developed by UNESCO in collaboration with OHCHR and other United Nations agencies. The objective of the Plan is to create a free and safe environment for journalists and media professionals in both conflict and non-conflict situations, and to combat impunity for attacks on journalists. Its measures include the establishment of an inter-agency mechanism to strengthen the contribution of each United Nations actor to the issue of safety of journalists and enhance Organization-wide coherence on this issue, as well as cooperation with Member States, to develop legislation and other mechanisms for safeguarding journalists, establishing partnerships, awareness-raising and fostering initiatives.

40. It is also noteworthy that, in 1993, the General Assembly followed the recommendation of the UNESCO General Conference by proclaiming 3 May as World Press Freedom Day. The day is a reminder of the importance of freedom of the press, draws attention to threats to that freedom around the world, including through attacks on journalists, and encourages initiatives to strengthen press freedom. Furthermore, since 1997, UNESCO has advocated for and monitored the issue of the safety of journalists and impunity for attacks on journalists.<sup>48</sup> In a biannual report on the safety of journalists and the danger of impunity, the Director-General of UNESCO documented the killing of journalists and the responses of State to inquiries thereon.

#### **E. Other organizations**

41. Many other governmental and non-governmental organizations and civil society actors are engaged in the issues of promotion of freedom of expression and the protection of journalists.

42. Regional mechanisms tasked with promoting and protecting freedom of expression include protection of journalists as a main concern.<sup>49</sup> In 1997, the Organization of American

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<sup>47</sup> CCPR/C/GC/34, paras. 13, 23. See also paras. 30, 38, 39-49. See also *Njaru v Cameroon*, Communication No. 1353/2005 (CCPR/C/89/D/1353/2005) and *Marques de Morais v. Angola*, Communication No. 1128/2002 (CCPR/C/83/D/1128/2002).

<sup>48</sup> See resolution 29 of the UNESCO General Conference, November 1997.

<sup>49</sup> See the joint declaration of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and regional special rapporteurs on freedom of expression made

States established an office of the Special Rapporteur on Freedom of Expression, which, inter alia, advises the Inter-American Court of Human Rights in the evaluation of individual petitions, prepares country and annual reports in which it makes recommendations to Member States on addressing violence against journalists,<sup>50</sup> conducts on-site visits and undertakes awareness-raising activities, such as publicly condemning attacks against journalists. Also in 1997, OSCE established the mandate of Representative on Freedom of the Media to provide early warnings on violations of freedom of expression and to advocate full compliance with OSCE principles and commitments regarding freedom of expression and the media. In 2011, it issued the OSCE Safety of Journalists Guidebook, which sets out good practices for addressing the safety of journalists. In 2004, the African Commission on Human and Peoples' Rights established the mandate of Special Rapporteur on Freedom of Expression and Access to Information in Africa.

43. The Inter-American Court of Human Rights and the European Court of Human Rights have found that attacks on journalists violate the right to freedom of expression and many other rights, and that there are positive obligations on States to protect journalists, and to carry out effective investigations into alleged attacks.<sup>51</sup> In September 2012, the Inter-American Court issued its most extensive ruling yet on State obligations regarding violence against journalists in the *Vélez Restrepo* case,<sup>52</sup> ordering the State to provide a wide range of reparations to the victim and his family, including ongoing protection, the payment of medical costs, an effective investigation into events, damages, and training for the armed forces on the right to freedom of thought and expression and the role of journalists and social commentators.

44. The International Committee of the Red Cross (ICRC) plays a significant role in the protection of journalists and other media professionals in situations of armed conflict. As noted in its response, since 1985, ICRC has operated a hotline for journalists deployed in dangerous situations by which journalists who are wounded, detained or missing, their families and media organizations can request assistance from ICRC. ICRC also conducts, often in cooperation with other organizations, training on international humanitarian law and first aid for media professionals. In November 2011, the 31st International Conference of the Red Cross and Red Crescent adopted the Four-Year Action Plan for the Implementation of International Humanitarian Law, in which the importance of journalists was reaffirmed and recommendations aimed at the protection of journalists in situations of armed conflict were made.

45. Non-governmental organizations and civil society actors also play an important role in documenting violence against journalists, raising awareness, reporting, assisting in legislative and policy development related to protection of journalists, training and taking steps to address violence, including by providing direct assistance.

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annually since 1999, in which they consistently highlight the issue of the safety of journalists as a key challenge to freedom of expression.

<sup>50</sup> See the Annual Report of the Inter-American Commission on Human Rights 2012: Report of the Special Rapporteur for Freedom of Expression (available from [www.oas.org/en/iachr/expression/docs/reports/annual/Annual%20Report%202012.pdf](http://www.oas.org/en/iachr/expression/docs/reports/annual/Annual%20Report%202012.pdf)), p. 248.

<sup>51</sup> See jurisprudence of the European Court of Human Rights, for example, *Dink el al. v. Turkey*, application Nos. 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, judgement, 14 September 2010, and *Kiliç v. Turkey*, application No. 22492/93, judgement, 28 March 2000. See also jurisprudence of the Inter-American Court of Human Rights, for example, *Fontevicchia and D'Amico v. Argentina*, judgement of 29 November 2011, and *Uzcátegui et al. v. Venezuela*, judgement of 3 September 2012.

<sup>52</sup> Inter-American Court of Human Rights, *Vélez Restrepo and Family v Colombia*, judgement of 3 September 2012.

46. As described in its response, the International Federation of Journalists has developed a database that acts as an early warning system by providing information about potential acts and threats of violence against journalists. Moreover, a network of regional and country-specific unions facilitates the exchange of information and coordination of action. The Federation also pointed out that it worked with journalists and Governments to help to relocate and protect journalists. It could provide immediate financial relief to journalists and their families who have been victims of violence or received threats of violence, through the International Safety Fund. With regard to awareness-raising, it has developed handbooks on international law and humanitarian law for journalists, and has a practice of making public statements when journalists are attacked or when a Government fails to respond a threat or an attack. The Federation is also involved in bringing cases before regional mechanisms where national authorities are unwilling to undertake the necessary investigations and prosecutions.

## **V. Good practices for the safety of journalists**

47. Ensuring that journalists and other media professionals can effectively carry out their work requires the prevention of threats and attacks against them and ensuring accountability, as well as creating an environment in which independent, free and pluralistic media can operate.

48. The good practices for the safety of journalists described below were identified through a thorough review of State practices, including those provided in response to the note verbale dated 11 January 2013 addressed by OHCHR to States, recommendations made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and those made by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the situation of human rights defenders, as well as the good practices previously highlighted by international, regional and non-governmental organizations and other civil society actors.

49. The good practices indicate that an effective approach to the protection of journalists depends on political commitment supported by clear and effective legislative and practical safeguards to prevent threats and attacks against journalists and to ensure accountability. The exact nature of each given system for protection may differ, as each system must be tailored to address the varying causes of the violence that exist in each context and to meet local needs, including the needs of the journalists affected and other media professionals.

### **A. Political commitment**

50. Unequivocal political commitment to ensuring that journalists can carry out their work safely is a critical prerequisite to any system of protection. In this regard, a clear public position should be taken at the highest levels of government regarding the important role of journalists in society and the need to ensure their full protection from violations of their rights. States should also support and facilitate the work of media organizations and civil society groups that are concerned with the protection of journalists and freedom of expression.

51. Policies for ensuring the safety of journalists and other media professionals, zero tolerance of any form of violence against journalists, and full accountability for any such violence should be comprehensively integrated into all levels of government at the local, national, regional and international levels. States should ensure that a gender-sensitive approach is taken when formulating and implementing such policies.

## **B. Legislative measures**

52. Political commitment must also be translated into the design, promulgation and full implementation of laws for the protection of journalists in accordance with States' international human rights obligations.

53. National laws must provide special protection for journalists in due recognition of their public function through, for example, amendments to civil and criminal codes. Consideration may be given to incorporating, by law, journalists and other media professionals into any existing legal framework for the protection of human rights defenders.

54. Progressive laws protecting the right to freedom of opinion and expression are essential. Any restriction on the right must be provided by law, only imposed for one of the grounds set out article 19(3) of the International Covenant on Civil and Political Rights, and be necessary and proportionate. Any restriction should also be formulated with sufficient precision to enable an individual to adjust his or her conduct accordingly, and be easily accessible to the public. Measures criminalizing any form of freedom of expression should be revoked, except insofar as they constitute permissible and legitimate restrictions. States should also ensure that legislative measures, such as counter-terrorism or national security laws, cannot be used to threaten or undermine the safety of journalists.

## **C. Combating impunity measures**

55. Ensuring accountability for attacks against journalists is a key element in preventing future attacks; failure to do so could violate a State's human rights obligations and contribute to the culture of impunity that perpetuates violence. It may also be interpreted as tolerance of or acquiescence to violence on the part of the State. As such, the investigation and prosecution of all attacks against journalists through an effective and functioning domestic criminal justice system and the provision of remedies to the victims are imperative.

56. Investigations into suspected attacks should be carried out by a special investigative unit or an independent national mechanism, particularly in countries where there is a high incidence of reported attacks against journalists. Such a unit or mechanism should be established by law and empowered to monitor and carry out investigations into cases and issues related to the protection of journalists and other media professionals. It may also be empowered to coordinate policy and action between different government authorities, and have the competency to make recommendations to the Government. The unit or mechanism must be sufficiently resourced and staff should be appropriately trained to ensure that it operates independently and effectively. Journalists and civil society organizations should be able to participate in the design, functioning and evaluation of such a body.

57. Investigations into suspected attacks against journalists should be conducted effectively, promptly, thoroughly, independently and impartially. This can be facilitated through the development of protocols and methods by police and prosecutors. During investigations, any link between the suspected attack and the journalist's professional activities should be considered. Where the evidence requires, the person allegedly responsible for the attack must be prosecuted.

58. Information-gathering mechanisms, such as databases, should be established to permit the gathering of verified information about threats and attacks against journalists. The information collected should not only inform policy development and the assessment of necessary protective measures, but also contribute to prosecutions. Where civil society groups have established such information-gathering mechanisms, cooperation between

them and the State to facilitate the use of information to strengthen accountability processes is strongly encouraged.

59. States should also cooperate with any regional accountability mechanisms, including human rights courts, addressing cases of attacks on journalists.

#### **D. Protection measures**

60. There is a wide range of initiatives that the State can adopt to protect journalists and other media professionals through prevention, as well as reducing the impact of attacks. The issuing of immediate and unequivocal public condemnations of any attacks against journalists and other media professionals is an important measure.

61. Training is a key aspect of prevention. As a matter of standard procedure, training should be provided to law enforcement personnel and the military, prosecutors and the judiciary regarding their obligations under international human rights law and international humanitarian law, and how to ensure effective fulfilment of those obligations. Such training may also focus on dealing with particular areas of risk for journalists, such as protests and public events, in accordance with international human rights standards.

62. Training should also be provided to members of the armed forces and journalist and media organizations regarding international human rights and international humanitarian law obligations applicable during armed conflict, the legitimacy of the presence of journalists during situations of armed conflict, and practices and procedures to minimize risks to journalists. Collaboration with international and regional organizations and civil society in providing such training could greatly enhance their effectiveness.

63. State authorities should investigate promptly and thoroughly all reports of threats against journalists, and take any necessary and appropriate steps to ensure that the individual is protected from further threats and/or physical attack. In this respect, the protection of journalists can be significantly strengthened through the establishment of an early warning and rapid response mechanism to give journalists and other media professionals, if threatened, immediate access to the authorities and protective measures. The mechanism should be an official State entity with high-level recognition and be sufficiently funded to function effectively. It should be established in consultation with journalists and other media professionals and organizations, and have the confidence of the media community. Once established, the mechanism should be composed of representatives from relevant State organs concerned with law enforcement and human rights, together with representatives from civil society, including journalist and media organizations.

64. Access to the mechanism should be available to all journalists and other media professionals, and particularly those working on high-risk issues, such as corruption and organized crime. Following any determination that an individual needs protection, the mechanism should be able to provide material measures of protection, including mobile telephones and bulletproof vests, as well as establish safe havens and emergency evacuation or relocation to safe parts of the country or other countries through a protection programme. Such programmes, including witness protection programmes, must operate efficiently and on a rapid-response basis, and should not be used in such a way as to unduly restrict the work of journalists and other media professionals. In countries where attacks against journalists are of particular concern, States should seriously consider establishing special protection programmes in consultation with journalists and civil society.

65. Where early warning systems, such as hotlines or 24-hour emergency contact points, have been established by media organizations or civil society, States should facilitate immediate assistance for individuals identified at risk and their families.



66. Where attacks have been committed, States should take steps to mitigate their impact, including by providing such services as free medical care, psychological support and legal services, as well as assistance in relocating journalists and their families. States may also establish or contribute to funds or other mechanisms that provide support to families of journalists who have been killed, including financial support, education grants, and medical and psychological treatment.

## **E. Awareness-raising measures**

67. Initiatives for raising public awareness about the issue of safety of journalists and a zero-tolerance approach to violence against journalists should be implemented at the local and national levels, including by incorporating the issue of safety of journalists in formal public education programmes. Such activities could also include establishing national observance days to highlight the role of, and dangers faced by, journalists, and publicly promoting World Press Freedom Day.

68. States should also promote the issue of the safety of journalists within intergovernmental organizations, including the Human Rights Council, and regional and international organizations, as well as through regional and international conferences and meetings. States may also consider providing support to awareness-raising and information-sharing activities carried out by international and regional organizations and civil society groups.

## **VI. Conclusions and recommendations**

**69. In all societies, journalists and other media professionals play a critical role, which is, however, seriously undermined by the violence that many journalists experience in the course of carrying out their professional duties. The threats and attacks against them constitute violations, including gross violations, of fundamental human rights; they also function to intimidate and silence journalists and other media professionals with a significant and highly troubling impact on the right to freedom of expression and opinion.**

**70. It is incumbent on States to ensure the safety of journalists through the implementation and enforcement of existing norms and standards. As such, first and foremost, States should implement their obligations under international human rights law and international humanitarian law to ensure the rights of journalists and other media professionals, including through the full respect of the right to freedom of opinion and expression, as well as the other fundamental rights of all journalists and other media professionals.**

**71. The good practices described in the present report include key elements of a framework for a safe and enabling environment in which journalists and other media professionals may carry out their work unhindered. The exact nature of each given system for protection may differ among States. Essential components include a firm political commitment that translates into clear and effective legislative measures to prevent threats and attacks against journalists and other media professionals, and accountability in all cases of attack.**

**72. Ending the prevailing impunity that surrounds violence and attacks against journalists is a challenge that must be addressed actively to guarantee the protection of journalists and other media professionals. States must ensure that investigations into threats and attacks are conducted effectively, promptly, thoroughly, independently and impartially, and that prosecutions are brought where there is the**

evidence to do so. It must also provide remedies to the victims, in accordance with international law. Unless actual and potential perpetrators and perpetrators know that there will be legal consequences for any threat or attack against a journalist or other media professional, the protection of journalists will remain a serious issue.

73. States are also encouraged to continue to develop good practices for the safety of journalists by sharing initiatives undertaken to protect journalists in their national reports submitted during the second cycle of the universal periodic review, as well as in other regional and international forums and initiatives. States are also encouraged to continue to promote the issue of safety of journalists in the work of the Human Rights Council and related panel discussions and side events.

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