

*Concept note*

## **Strengthening Judiciary system and African Courts to protect Safety of Journalists and End Impunity**

### **International Day to End Impunity for Crimes against Journalists**

*10 September, Arusha, Tanzania*

*The United Nations General Assembly adopted Resolution A/RES/68/163 at its 68th session in 2013, which proclaimed 2 November as the 'International Day to End Impunity for Crimes against Journalists' (IDEI). The Resolution urged Member States to implement definite measures countering the present culture of impunity. UNESCO has been requested in the Resolution to facilitate the implementation of the IDEI.*

#### **Overview**

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Impunity towards crimes against journalists is considered one of the main factors fuelling the cycle of violence against the exercise of freedom of expression and human rights more broadly. The operators of judicial systems (judges, prosecutors, lawyers, investigative police) are crucial to address the issue of impunity. Deepening and sharing experience and jurisprudence of International Courts, as well as national references in regard to High Courts, can be an important tool in fighting impunity, and is also important to raise knowledge about international standards and international law.

The role of jurisprudence coming from International Courts is especially important within this context. That is why it is particularly relevant that the project takes the opportunity to commemorate the 2016 International Day to End Impunity for Crimes against Journalists, organized with the African Court of Justice on Human and Peoples' Rights (African Court), in conjunction with the 42<sup>nd</sup> ordinary session, on 10 September in Arusha, Tanzania. Holding the event before 2 November, provides an advanced global and regional signal about the immanent International Day Against Impunity for Crimes Against Journalists. It will also prepare for activity on the actual day when the outcomes will be widely circulated.

UNESCO and the African Court will organize an inter-regional dialogue to foster dialogue among African judges on international standards on safety of journalists and ending impunity. This will include sharing knowledge of African mechanisms (African Court, ECOWAS Community Court of Justice, African Commission on Human and Peoples' Rights), other Inter-regional courts of justice (i.e. Inter-American Court of Human Rights, European Court of Human Rights) and ways to promote the issues at regional and national levels (i.e. Supreme courts). Representatives of European Court of Human Rights/Council of

Europe and the Inter-American Court of Human Rights will also be invited to attend the event in Arusha, fostering a dialogue and knowledge sharing between them, Africans, and inter-regional courts of justice.

The objective of the present project is to promote freedom of expression, freedom of press, safety of journalists and fight impunity in Africa. This project enters within the framework of the implementation of the [UN Plan of Action on The Safety of Journalists and the Issue of Impunity](#) and UN resolutions and UNESCO Decisions on safety of journalists. By increasing the safety of journalists, reinforcing the fight against impunity and raising awareness for the decriminalization of defamation, the project will contribute to fostering peace and security, good governance, democracy and the rule of law in Africa. Furthermore, the project will contribute to the Sustainable Development Goals, in particular 16.10, which recognizes the need for public access to information. In addition, it is worth mentioning that 2016 has been declared the [African Year of Human Rights](#).

It is important to recall that the rate of impunity for crimes against journalists remains extremely high in the world (with less than 7% of cases solved through judicial systems since 2006). According to UNESCO statistics, on the 103 journalists killed in Africa between 2006 and 2015, only one case has been judicially resolved.

This project specifically aims to build cooperation strategies with the African Court on Human and Peoples' Rights and other relevant players in this field in order to raise awareness and share good practices among judges on key international and regional standards regarding freedom of expression, particularly those related to the safety of journalists and the fight against impunity. This will contribute to increase knowledge of judicial actors on international standards of freedom of expression and on the specific importance of safety of journalists, and ending impunity; to reinforce regional legal mechanisms in Africa in decision-making at national level; and to increase the number of African countries allowing their citizens to present their cases to the African Court.

The seminar will also be an opportunity to exchange knowledge on the issue of decriminalization of defamation, notably on the latest decision of the African Court<sup>1</sup>. Criminal defamation can be used as a significant tool to silence journalists and should be addressed when fighting impunity. The continued existence of criminal defamation in Africa has been a primary enabler of journalistic imprisonment in the region. Reinforcing the knowledge and awareness on the African juridical mechanisms and decisions to protect safety of journalists and to end impunity will reinforce the role of the African Court to end impunity for crimes against journalists, and introduce other African judges to the decisions that have been taken recently on this, and ultimately strengthen the rule of law in Africa.

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<sup>1</sup> <http://www.mediadefence.org/case-study/landmark-victory-paves-way-press-freedom>