

**COMMENTS FOR UNESCO ON
“PLAN ON SAFETY OF JOURNALISTS AND COMBATING IMPUNITY”**

August 2012

An international NGO that has been drawing attention to violations of freedom of information and threats to news providers for more than 25 years, Reporters Without Borders is very worried by the level of harassment and violence to which journalists and bloggers are currently exposed. It therefore welcomes UNESCO's interest in adopting a *Plan on Safety of Journalists and Combating Impunity* with the aim of reinforcing efforts to protect journalists, promote their safety and combat impunity for those responsible for crimes of violence against them.

In repressive countries or countries at war, professional and citizen journalists are often the only sources of first-hand information about human rights violations by governments, warlords, religious extremists and others. By covering the plight of their fellow citizens and reporting abuses by leading officials, they expose themselves to the possibility of very violent reprisals. On the basis of its experience, Reporters Without Borders thinks that certain changes should be made to this action plan in order to better reflect the reality and the needs of news providers in the field.

Our recommendations

- 1. Extend member states' obligations to non-professional "news providers"*
- 2. Extend member states' obligations beyond war situations*
- 3. Establish effective monitoring of respect for state obligations*
- 4. Take account of the situation of news providers who are forced to flee abroad*
- 5. Develop a differentiated approach to cooperation with member states*

1. Extend member states' obligations to non-professional "news providers"

Professional journalists are not the only sources of news and information available to the public. When governments do not like the truth and try to impose a news blackout by censoring local professional journalists and blocking visits by foreign reporters, citizen journalists and netizens often step up to denounce human rights violations. The first images of the protests after the announcement of the presidential election results in Iran in June 2009 were filmed by participants with their mobile phones. When ordinary citizens assume the role of reporters, they share the risks inherent to journalism and expose themselves to the same violence. A total of 26 citizen journalists have been killed since the start of the conflict in Syria.

Reporters Without Borders therefore asks UNESCO to:

- *Seek the adoption by the United Nations of a resolution enshrining the obligation of member states to protect all news providers, both professional and non-professional, on the lines of UN Security Council Resolution 1738.*
- *Adopt a declaration enshrining the need for member states to work for the protection and safety of citizen journalists and netizens and to combat impunity for those responsible for abuses against them.*

2. Extend member states' obligations beyond war situations

As the special rapporteur for freedom of expression, Frank La Rue, said in his report to the United Nations Human Rights Council in June 2012, "the majority of human rights violations against journalists take place outside of armed conflict situations." Since the start of 2012, a total of 37 journalists have been killed in the course of their work. But only nine of them died in an armed conflict situation, specifically Syria. Extending the range of member states' obligations is vital.

Reporters Without Borders therefore asks UNESCO to:

- *Seek the UN's adoption of a resolution under which the obligation of member states to protect all news providers – enshrined so far as wartime is concerned by UN Security Council Resolution 1738 – is extended to situations of unrest, internal tension, public danger and peacetime.*

3. Establish effective monitoring of respect for state obligations

Resolution 1738, which the UN Security Council adopted in 2006, requires states to protect journalists and combat impunity for those responsible for physical attacks against journalists. The Medellin Declaration, adopted by UNESCO in May 2007, reiterates these principles and reaffirms the need to protect journalists in dangerous areas. More broadly, the Geneva Conventions prohibit deliberate attacks by state or non-state agents against civilians, in effect protecting all "news providers" including bloggers and netizens.

So the problem is not a legal void but the lack of any verification of respect by member states for their obligations.

Reporters Without Borders therefore asks UNESCO to:

- *Seek the creation of a group of independent experts tasked with monitoring respect for UN Security Council Resolution 1738 by member states and presenting its findings during UNESCO general conferences. This group would also be tasked with informing, helping and advising the UN secretary-general on the drafting of the section on the safety of journalists in his next reports on the protection of civilians during armed conflicts. The possibility of individual news providers who have been the victims of violence eventually being able to refer their cases to the group should also be encouraged by UNESCO.*
- *Call on member states to investigate all acts of violence or fatal incidents in which journalists, media workers and related personnel are the victims, both those that take place on their territory and those that take place abroad when their armed forces or security forces may be involved.*
- *Request clarification of the legal status of journalists who are "embedded" with military units in wartime in order to clearly establish whether, in the event of capture by the opposing party, they can benefit from the status envisaged in article 4.A.4 of the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war, or if they just benefit from civilian status, it being understood that they may*

under no circumstances be treated as combatants.

- *Call on states, in accordance with Common Articles 49, 50, 129 and 146 of the 1949 Geneva Conventions, to arrest persons accused of perpetrating or ordering crimes of violence against news providers, regardless of their nationality, and to either prosecute them or hand them over to states that have brought sufficient charges against them.*
- *Seek an amendment to Article 8 of the International Criminal Court's statute that would define deliberate attacks on news providers as war crimes*
- *Point out that, even when used for propaganda purposes, news media cannot be regarded as military targets, as defined in article 52 § 2 of Protocol Additional 1 to the 1949 Geneva Conventions, and must therefore not be the targets of attacks or reprisals, unless they are being used for military purposes or to perpetrate or incite acts of genocide, crime against humanity, or grave violations of international humanitarian law.*

4. Take account of the situation of news providers who are forced to flee abroad

Many news providers flee abroad every year because they are unable to obtain adequate protection in their country. More than 70 journalists fled into exile in 2011. But even when abroad, these refugees are not always safe. If they wrote by-lined articles and were on radio and TV, their names, voices and faces are known. They remain at the mercy of their persecutors because the country where they find initial refuge and register with UNHCR is usually near their own. So far there is no appropriate protection mechanism for professional journalists, citizen journalists and other human rights defenders in exile. Too many western governments just refer to overall refugee quotas, although more than 260 journalists have been killed in connection with their work in the past five years and nearly 300 news providers are currently in prison.

Reporters Without Borders therefore asks UNESCO to:

- *Adopt a declaration enshrining the need for member states to try to ensure the protection and safety of citizen journalists and netizens seeking refuge in their country.*
- *Take a public stand on the inadequacy of UN procedures for protecting and resettling refugees and on the need for their reform. UNESCO must call on member states to address these inadequacies and to establish procedures for the admission and resettlement of human rights defenders who are in danger in transit countries.*

5. Develop a differentiated approach to cooperation with member states

Aware of UNESCO's fundamental role in encouraging reform and helping member states to implement and respect international instruments concerning freedom of expression, Reporters Without Borders would like UNESCO to encourage all states that have not yet done so to sign and ratify Protocols Additional 1 and 2 to the Geneva Conventions, the Statute of the International Criminal Court, and other relevant instruments of international humanitarian law and international human rights law, and to adopt the appropriate legislative, judicial and administrative measures for internal implementation of the required standards. Account clearly needs to be taken of the heterogeneity of the situation of freedom of information within member states.

Reporters Without Borders therefore asks UNESCO to:

- *Establish a differentiated approach, so that priority is given to reforms and to promotion of respect for international standards within states in which the situation of freedom of expression is the most worrying. The world press freedom index that Reporters Without Borders publishes every year could be*

useful in identifying the priority states. Civil society organizations must be involved in decisions.

- *Ensure that civil society organizations are involved in UNESCO-led efforts to promote and disseminate good practices.*
- *Request that member states report on the reforms and efforts they undertake to promote and respect freedom of expression, and that these reports should be delivered regularly and publicly during the UNESCO general conference in the presence of:*
 - *the special rapporteur for freedom of expression*
 - *the special rapporteur on extrajudicial, summary or arbitrary executions*
 - *the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*
 - *the special representative of the Secretary-General on the situation of human rights defenders*
 - *the special country rapporteurs*
 - *Civil society organizations with UNESCO consultative status.*
- *Seek the reinforcement of the "Human Rights Bureaux" of local UN missions so that they are able to offer rapid, adequate protection to news providers who are under threat because of their activities.*
- *Encourage and support governmental or civil society initiatives aimed at developing the capacities of news providers in security matters and in monitoring, alerting and directly supporting civil society members who are under threat, especially in priority states.*
- *Create a fund for financing training for journalists going to war zones and for facilitating compensation in cases of physical injury, detention or hostage-taking involving a journalist or media worker.*

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47 rue Vivienne, 75002 Paris, France - Tel: 33 1 4483-8484 - Fax: 33 1 4523-1151 - Website: www.rsf.org - Email: rsf@rsf.org - Ambroise Pierre, Africa Desk: afrique@rsf.org - Benoit Hervieu, Americas Desk: ameriques@rsf.org - Benjamin Ismaïl, Asia Desk: asie@rsf.org - Johann Bihl, Europe Desk: europe@rsf.org - Soazig Dollet, Middle East Desk: moyen-orient@rsf.org - Lucie Morillon, Internet Desk: internet@rsf.org - Martial Tourneur, Assistance Desk: assistance@rsf.org - Legal Committee: justice@rsf.org - Press contact: presse@rsf.org

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