

**PLAN OF ACTION FOR
UN INTER-AGENCY MEETING ON SAFETY OF JOURNALISTS AND IMPUNITY
September 13 and 14, 2011
UNESCO, Paris**

**UNESCO Draft
CPJ Comments**

The Committee to Protect Journalists is grateful to UNESCO for convening the upcoming UN Inter-agency Meeting on Safety of Journalists and the Issue of Impunity and appreciate the opportunity to provide comment to your office's proposed UN plan of action.

We recognize that there has been substantial attention given to the protection of journalists among the international community, especially within UNESCO. The international system has already put in place mechanisms and legal frameworks addressing journalists' safety and impunity. CPJ is concerned, however, that the existing tools are not properly enforced due to lack of means or, in some cases, lack of will as well as the corruption and complicity of a number of state authorities and the reckless brutality of increasingly powerful so-called non-state actors.

There is a clear and urgent need for a better way of monitoring and enforcement, with backing on all levels from the secretary-general and throughout all levels of the UN agencies. We support the principles and aims laid out in UNESCO's Plan of Action while proposing the following six points as attainable priorities:

1. Support and Develop Protection Programs

UN agencies should make protection of journalists under threat a priority. Our research indicates that more than 40 percent of journalists murdered in countries with high levels of violence against journalists and ongoing impunity were threatened prior to attack.¹

There is a need for further support to assist existing protection programs in countries of concern as well as the development of such programs where there are none. These efforts should be made in consultation with governments in countries of concern and with NGOs active in this area.

CPJ has seen lives of journalists saved when, acting on concerns CPJ raised with contacts within the UN SG's office, the UN mission in the Ivory Coast relocated 11 journalists under attack in Abidjan earlier this year. The development of an accessible emergency response mechanism for groups and media organizations to contact and engage available UN resources and missions working in all countries where journalists are facing imminent threats would serve as a valuable lifeline for journalists at high risk.

We recommend the development of UN activities in these areas, in addition to UNESCO's proposal points calling for support for safety training and promotion of safety awareness among media stakeholders and journalism schools.

2. Improve implementation of the 2008 UNESCO IPDC Decision on the Safety of Journalists and the Issue of Impunity

While the 2008 UNESCO IPDC Decision on the Safety of Journalists and the Issue of Impunity indicates that UNESCO's member states recognize the dire need to combat impunity in violence

¹ Getting Away With Murder, CPJ's 2011 Impunity Index <http://www.cpj.org/reports/2011/06/2011-impunity-index-getting-away-murder.php>

against journalists and safeguard the important role media plays in developing and maintaining a healthy civil society, there is a strong need to improve compliance with the decision.

For example, out of 28 countries and territories concerned by the killings of journalists condemned by the director-general in the 2006 through 2007, only 15 provided information on judicial follow-up. What is more than just a half-rate of response is unacceptable and the countries that chose not to respond include ones with long-standing impunity in the murders of journalists and repeat of violence such as Pakistan, Sri Lanka, and Mexico.²

According to the information provided in the director-general's report to the intergovernmental council of the IPDC in March 2010, the country responses in many cases failed to demonstrate any commitment to end impunity, often noting simply that a case is open or under investigation. There appears to be no mechanism to follow up or request additional information from individual states or seek greater compliance on the issue of impunity.

As point 4.6 of UNESCO's action plan states, steps should be taken to encourage greater compliance. We would suggest the report make strong note of countries that do not reply and of those responses that do not demonstrate a firm commitment to justice by providing inadequate information or lack of effective remedy.

Member states are currently "invited" to respond voluntarily to inquiries by the director-general. Participation should be obligatory among member states that signed up to the Council's 2008 decision.

The review process should take place more regularly than every two years. Because most victims are threatened before they are killed and in order to reinforce protective measures, the report should include serious cases of assault, threats, and kidnapping, and the report should be issued more swiftly following the period.

The review should also look at the input of NGOs, victims' families, and representatives of the national or international media.

3. Steps to Enhance Impact of Security Council Resolution 1738

The 2006 resolution calls on states to fulfill their obligations in conflict zones to protect "journalists, media professionals, and associated personnel." It also "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."

The resolution represents a significant high-level international statement of concern over this issue, but in practice there is little compliance and very little improvement on the ground. In 2011 alone, at least 25 journalists were killed in the line of duty, 15 of whom died in active conflict zones or countries with high-level civil unrest.

The secretary-general includes an assessment of the implementation of this Resolution to the General Assembly but on the whole it is given short, broad treatment, without references to specific cases or incidents. For example, the most recent report from November 2010 simply notes: "During 2009 and 2010, journalists were reportedly killed in Afghanistan, Colombia, the Democratic Republic of the Congo, Iraq, Israel, Lebanon, Pakistan, the occupied Palestinian territories, Somalia, Sri Lanka and Yemen."³

² Report by the director-general to the Intergovernmental Council of the IPDC, March 2010

³ <http://www.un.org/Docs/sc/sgrep10.htm>

In order to enhance the impact of this Resolution, the secretary-general's annual report to the Security Council should be more extensive in its review of compliance and include a specific list of violations to the resolution. UN agencies, in addition to UNESCO and including field and humanitarian missions and specialized agencies, should commit themselves to publicly reporting incidents of press freedom abuses. This step would promote principle 3.1 of the draft action plan calling for "*Delivering as One*."

The Security Council should also consider reforms to the resolution that would promote protection and end impunity in situations that are not defined as traditional conflict and ensure attacks and threats against local journalists covering armed conflicts are responded to appropriately. It should establish a process to receive reviews and recommendations at least annually from NGOs in compliance with 1738 and acts of violence against the media that do not fall under 1738's current mandate.

4. Creation of a permanent observer function

There is a need for systemized monitoring and accountability on the issue of safety of journalists. We agree with part 4.4 of UNESCO's action plan calling for effective national and international oversight mechanisms to monitor implementation to existing related international rules, principles, and conventions. However, we would like to see, in addition to these or included, the development of a permanent observer function by an appropriate UN agency such as the UN High Commissioner for Human Rights or in-country missions to more actively monitor trial proceedings and investigations on cases of concern in countries with high levels of impunity.

This would help ensure that prosecutions are conducted according to international standards of effective investigation and swift trial. Some examples show that international monitors have a positive impact. The Turkish government expanded its investigation and set up a special committee for the Hrant Dink trial in Istanbul⁴ following observations by International Bar Association representatives from Belgium and France. Freedom of expression activists believe the presence of a team from the International Jurists Commission at the trial of JS Tissainayagam⁵ in Sri Lanka played an important factor in his release on bail and eventual pardon.

5. Strengthening the special rapporteurs

In the interest of strengthening existing UN areas that work to promote freedom of expression and combat impunity, CPJ also calls upon the UN to reinforce the special rapporteurs on freedom of expression and the rapporteur on extra-judicial, summary, or arbitrary executions. They are often politically isolated and underfunded although they have a positive record. The UN should increase their financial resources and enhance their prerogatives and status.

6. Integrating Impunity and Journalist Safety Records into Millennium Development Goals

All UN institutions, as we already underlined, should be engaged in fighting for freedom of expression and against impunity. Inclusive and sustainable development, along with human rights and accountability, are two priority areas for the Secretary General. As UN Special Rapporteur for Freedom of Expression Frank LaRue rightly points out in his most recent report to the UN Human Rights Council's 17th Session, freedom of expression is "as much a fundamental right of its own accord as it is an 'enabler' of other rights."

⁴ Paris and Brussels mobilize for Hrant Dink murder trial [<http://cpj.org/blog/2011/02/paris-and-brussels-mobilize-for-hrant-dink-murder.php>]

⁵ <http://asiapacific.ifj.org/en/pages/free-tissainayagam>

CPJ research shows that 872 journalists have been killed since we began keeping track in 1992, 39 percent of whom were reporting on politics and 21 percent on corruption. Considering the vital role of journalists in exposing politically inconvenient issues, many related to governance, service delivery, and human rights violations, we believe that the UNDP, as the agency working on the Millennium Development Goals, should play a more active role in ensuring that journalists can report on these abuses without fear of reprisal.

The UNDP has done commendable work in exploring and highlighting the various ways that media interacts with and impacts the MDGs (toolkits for journalists as catalysts in reporting on HIV/AIDS, trainings for journalists reporting on corruption, among other activities). These initiatives should be taken a step further to ensure that a free press can contribute to the monitoring and fulfilment of the MDGs.

Concretely, we propose that the UNDP consider incorporating new variables into its Human Development Index to reflect the impact of freedom of the press and protection of journalists on social and economic development. Such an initiative would strongly proclaim that freedom is at the basis of the human development paradigm.

The UNDP could also include journalist safety as a condition to properly track the MDGs and make protection of journalists an integral part of its Internet and communication development.

It could also incorporate the safety of journalists and impunity into its general reports on security, like the one it is working on in Latin America.

We hope these comments, which we have developed with the goal of providing constructive input and outlining feasible steps, will be given due consideration alongside those of our colleagues from other organizations. While CPJ must maintain its role as watchdog, we are ready to participate in further consultations and are open to cooperation in new and existing UN initiatives.

For questions or follow-up to the recommendations in this document, please contact:

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