

INTERNATIONAL DECLARATION ON THE PROTECTION OF JOURNALISTS

The following document aims at highlighting core principles related to the protection of journalists, taking into account the respective responsibilities of different actors, including states and state institutions, inter-governmental organisations, non-governmental organisations, media houses and journalists themselves.

It includes two parts:

1. The Declaration summarises international principles related to the protection of journalists covering dangerous environments and victims of human rights violations. It focuses on the responsibilities of states and relevant institutions in this area, including law enforcement and security forces, and the judiciary.

It is based on existing international human rights and humanitarian law and norms – including resolutions, declarations, treaties, conventions, general comments and other statements by IGOs – related to the protection of journalists.

The Declaration does not develop new principles, but is rather solely based on the principles stated in existing instruments.

2. The Media Organisations' Best Practices highlight steps and remedies that news media organisations and journalists should consider on a voluntary basis in order to strive for greater safety.

It is based on existing principles adopted by news organisations and journalists' organisations related to journalists' safety, as well as recommendations by experts.

The Guidelines can be endorsed by media houses that want to demonstrate publicly that they are taking a stand to protect their journalists.

The purpose of the Guidelines is to encourage best practices within the news media industry. The existence of these Guidelines in no way diminishes or takes away from the obligation of States to create a safe and enabling environment for journalists to do their work independently and without interference.

DECLARATION

The undersigned media institutions and international organisations, Affirming the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with Article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights and that the safety of journalists is essential to the civil, political, economic, social and cultural rights of all individuals, as well as to the right to development,

Recognising that all members of the international community shall fulfil, jointly and separately, their solemn obligation to promote and encourage respect for human rights and fundamental freedoms for all, including

freedom of expression and media freedom, without distinction of any kind, including distinctions based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and reaffirming the particular importance of achieving international cooperation to fulfil this obligation according to the UN Charter,

Considering the importance of the debates that took place in the UN Security Council in 2013 and 2015; in the UN General Assembly in 2014; and in the UN Human Rights Council on the protection of journalists in armed conflict (A/HRC/15/54) and on the safety of journalists (A/HRC/27/35); and considering also the reports presented by several special procedures of the UN Commission on Human Rights (E/CN.4/2003/67 - E/CN.4/2004/62) and of the UN Human Rights Council (A/HRC/7/14 - A/HRC/20/17 - A/HRC/20/22),

Acknowledging the value of cooperation between state institutions and media organisations in promoting media freedom and the protection of journalists; in creating a safe and enabling environment for journalists to perform their work independently and without undue interference; in guaranteeing freedom of expression and access to information; in addressing serious violations of journalists' rights and media freedom in general; in effectively ending impunity and lack of legal accountability for crimes against journalists; in offering proper reparations and redress for victims and their families; and in protecting journalists' sources from violence and retaliation,

Recognising that the lack of security for journalists resulting from armed conflicts, internal disturbances and political crises is no justification for forfeiting the duties and responsibilities of protection incumbent upon states through their commitment to international instruments such as relevant U.N. General Assembly (68/163) and (69/185) and Security Council resolutions (2222/2015 and 1738/2006), the International Covenant on Civil and Political Rights (ICCPR), UNESCO's declarations related to journalists' safety, joint declarations of the U.N., OAS, OSCE and AU special rapporteurs in this area, and the U.N. plan of action on safety of journalists and the issue of impunity,

Further recognising regional guidelines and documents such as the Vilnius Recommendations on Safety of Journalists and the Recommendations following the conference Journalists' Safety, Media Freedom and Pluralism in Times of Conflict of the OSCE; the Resolution of the ACHPR on the Safety of Journalists and Media Practitioners in Africa; and Violence against journalists and media workers: Inter-American standards and national practices on prevention, protection and prosecution of perpetrators,

Stressing the complementary nature of this Declaration to existing instruments, such as those developed as part of the U.N. Plan of Action on the Safety of Journalists and the Issue of Impunity, and the Global Safety Principles and Practices related to the protection of freelance journalists,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists, including through killing, torture, enforced disappearance, arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence and recalling that media equipment and installations shall not be the object of attack or of reprisal,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the main challenges to strengthening the protection of journalists, and emphasising that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks, and

Affirming that the ability of journalists to safely engage in journalism is essential to ensuring public access to information and protecting fundamental freedoms, which the international community has explicitly recognised in Goal 16 of the Sustainable Development Goals as being necessary to promote just, peaceful and inclusive societies,

We declare:

Item (1)

States shall fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations. The protection and promotion of human rights and fundamental freedoms is the first responsibility of States.

States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as of individuals within their territory as provided for by relevant international law.

All journalists, media professionals and associated personnel have the right to the full enjoyment of the rights enshrined in international human rights law and international humanitarian law while exercising their right to seek, receive and impart information and ideas, regardless of frontiers.

Item (2)

All journalists, media professionals and associated personnel have the right to life

All journalists, media professionals and associated personnel have the right to protection from all human rights violations and abuses, including through killing, torture, enforced disappearance, arbitrary arrest and detention, expulsion, intimidation, harassment, threats and acts of other forms of violence, de facto or de jure adverse discrimination against themselves and their family members, or any other arbitrary action that results from the exercise of the rights referred to in this Declaration, including unlawful or arbitrary surveillance or interception of communications in violation of their rights to privacy and freedom of expression.

Journalists, media professionals and associated personnel whose fundamental rights and freedoms have been violated must be granted legal, medical and psychological aid in case such violations occur. Perpetrators of such violations should be brought to justice and denied impunity.

Item (3)

Parties to an armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians, including those who exercise their right to freedom of expression by seeking, receiving and disseminating information by different means, online as well as offline, in accordance with Article 19 of the International Covenant on Civil and Political Rights;

All journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention. Journalists shall not be prevented from interviewing civilians and combatants, taking pictures, filming and making audio recordings in times of conflict for the purpose of publication.

Item (4)

States shall promote a safe and enabling environment for journalists to perform their work independently and without undue interference;

States shall take appropriate steps to prevent violence, threats and attacks against journalists and media workers and shall ensure accountability for crimes committed against journalists, media professionals and associated personnel. In particular, all states should adopt, adequately fund and ensure the successful functioning of specific mechanisms to guarantee the safety of journalists working within their borders;

Through the conduct of impartial, speedy, thorough, independent and effective investigations into all alleged or threats of violence falling within their jurisdiction, states shall bring perpetrators including, inter alia, those who command, conspire to commit, aid and abet or cover up such crimes, to justice. States shall ensure that victims and their families have access to appropriate remedies;

States and state representatives shall refrain from any action that, under the circumstances, could be seen as instigating or promoting violence against journalists. State representatives shall refrain from stigmatising or contributing to the stigmatisation of journalists and other media professionals.

Item (5)

States shall protect and promote the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights adopted by the General Assembly in 1948 and in Article 19 of the International Covenant on Civil and Political Rights adopted by the General Assembly in 1966. Any restrictions thereon shall only be such as provided by law and necessary on the grounds set out in paragraph 3 of Article 19 of the ICCPR;

States shall strengthen mechanisms that ensure freedom of expression and freedom of information in accordance with international standards in this area, and shall enforce legislation aimed at promoting media freedom and access to information. (*)

Journalists and other media professionals are not to be subjected to any unlawful or arbitrary limitations while seeking, imparting or receiving information and ideas.

Item (6)

As part of promoting a safe and enabling environment for journalists to perform their work independently and without undue interference, states shall adopt and implement appropriate relevant legislative measures and mechanisms; raise awareness in the judiciary and among law enforcement officers and military personnel, as well as among journalists themselves and in civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; monitor and report attacks against journalists; publicly condemn any such attacks; and dedicate the resources necessary to investigate and prosecute them.

All journalists have the right to access information and documents related to the status of investigations into attacks against journalists, and to hold authorities accountable for any failure to bring the perpetrators of crimes against journalists to justice.

Item (7)

States shall reflect their commitment to media freedom and the safety of journalists in their foreign and aid policies and make use of bilateral and multilateral fora to pressure counterparts that do not meet their international obligations in terms of ensuring the safety of all journalists, media professionals and associated personnel working within their borders or of prosecuting those responsible for any attack on the media that occur on their territory.

MEDIA ORGANISATIONS' BEST PRACTICES

Item (8)

Media institutions are to spare no effort in adopting the best safety protocols for their journalists and should allocate an appropriate portion of their budget to this purpose, each according to its resources, but in full awareness of the fact that the lack of financial resources does not justify the failure of news organisations to do everything in their power to protect journalists and their rights.

Media institutions should undertake to do everything that is reasonably possible according to professional and institutional standards to provide for a colleague and his or her immediate family in the case of death or imprisonment.

Item (9)

General safety training for all journalists, including elements related to digital safety, emotional and psychological well-being and environmental hazards, as well as specific training for journalists who cover dangerous assignments or operate in a dangerous environment greatly increases safety awareness and reduces risk. Media companies should do everything possible to make such training available to their journalists at an affordable cost or at no cost. Media companies should strive to ensure adequate safety and security equipment and practical support during assignments. Training must always be of an appropriately high quality and recognised as such.

Item (10)

Media institutions should develop and implement procedures and tools aimed at ensuring the physical and psychological safety as well as the digital security of journalists.

Item (11)

Journalists should be informed about their rights and duties under international laws as well as the national laws of the countries in which they operate. They should also be aware of international human rights standards and principles, as well as international humanitarian law, so as to strengthen their ability to cover and expose human rights violations and breaches of international humanitarian law.

Journalists should not be obliged against their will to cover dangerous assignments that involve serious recognisable risk.

Item (12)

In addition to the safety hazards affecting all journalists, women journalists are confronted with gender-specific safety concerns, which require dedicated attention and appropriate measures.

Item (13)

Public support for journalism and journalists contributes to the latter's safety. Conversely, the lack of such support often fuels attacks against journalists and reduces pressure on governments to end impunity for such attacks. In many cases, the lack of public support is a consequence of political or other tensions and verbal attacks in the public discourse. Credibility and independence of the media and the practice of ethical journalistic standards contribute to attracting public support and should be valued. Occasional breaches in the professional behaviour of journalists should never be used to justify attacks.

Item (14)

Solidarity among journalists is vital when members of the profession are confronted with threats and attacks. Cooperation among media organisations in exposing crimes against journalists and creating a global campaign against attacks on journalists can be effective tools. An attack on a journalist anywhere

is an attack on journalism everywhere. Moreover, an attack on journalists or journalism is an attack on the public's right to be informed and to govern itself democratically.

Item (15)

Media organisations in all regions should consider signing on to the Global Safety Principles and Practices related to the protection of freelance journalists, which are complementary to this Declaration, and give these principles and practices effect.

Item (16)

Nothing in this document may be interpreted as permitting states to support, promote or justify activities of individuals, groups, institutions or organisations that are incompatible with their international commitments or with the charter of the United Nations.

The existence of these Guidelines and their voluntary adoption, at any time, by media houses and media organisations in no way and to no degree releases States from their obligation to create and preserve a safe environment for journalists to do their work independently and without interference.

() Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/24/23,(14 June 2013)*