

*Check against delivery*

**Expert Consultation on  
‘Safety of Journalists: Towards a more effective international protection  
framework’**

Introductory remarks by  
Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary  
executions on

‘Protecting the right to life of journalists’

**Vienna, 23 November 2011**

Your Excellencies, Ladies and Gentlemen,

We are clearly dealing with a very important topic from the point of view of the right to life. The figure often provided is that around 1,000 journalists have been killed in the course of their duties during the last decade, and two a week are currently being killed. The importance of the topic, however, is also enhanced by the special role that journalists play in our society.

Anyone who has watched action movies on TV would have heard the phrase ‘Calling all units – Officer down’, spoken by a police officer into the mobile radio linking members of the police force, where a colleague has been shot. The next thing you see are cars coming in from all around with blue lights flashing, stopping with screeching brakes, and officers with drawn guns descending on the scene. This is seen as a priority situation, not because the particular police officer is more important than other people, but because an attack against a police officer places the entire system of law enforcement at risk.

I would argue that journalists play a similar role in respect of democracy and human rights. We will be unable to make informed decisions in our complex world, and engage in a meaningful exchange of ideas, without the work of the printed and the electronic media, as well as those who engage in ‘new journalism’. Democracy itself – the process whereby people decide how they want to be governed – depends on freedom of the media. The same applies to human rights, transparency, the rule of law and the fight against corruption and other crimes.

While no one will argue that the media always gets the story right or that sections of the media do not reflect specific interests and are at times biased or misinformed; it is equally clear that the on-going process whereby different members of the media each take a shot at presenting the story, and of reacting to each other’s versions, is the best hope we have as a starting point to engage with our world in a meaningful way.

By way of introduction to our discussion, I want to make a general comment on the issue of the safety of journalists, and then say something briefly about the role of each of the main players involved.

The first general comment is that we cannot try to address the killing of journalists in an isolated fashion. The problem is not confined to the loss of lives of the individuals concerned, important as that is – it is also the threats, explicit and implied, to the physical integrity of journalists, those who work with them (such as their drivers) and their loved ones. All of this adds up to an atmosphere of fear, a situation where people do not feel free to speak their minds, and where young people hesitate to consider journalism as a profession.

Also, the safety of journalists is dependent on the room for free expression in a particular society. If the media is made out by the Government, for example to be the enemy, and its voice needs to be silenced, the oxygen is provided for those who want to act against journalists, causing a chilling effect that leads to self-censorship. But even in societies where the Government may be in favour of free expression, other forces may be at work, for example organised crime, which can through a few targeted attacks terrorise the entire profession.

The underlying causes of attacks on the media also need to be identified – it could, for example, be a desire on behalf of the Government to hide corruption, abuse of power, or to cover up a failure to perform its functions. Likewise those engaged in organised (or for that matter disorganised) crime, such as drug trafficking, may want to avoid the spotlight being shown on them. Unless these underlying problems are addressed, it is unlikely that much headway will be made to secure the safety of those who investigate these matters.

Investigative journalism is in many instances by its very nature a dangerous enterprise, and we will probably never get to a situation where safety is no longer a concern. But by looking at it in a holistic fashion, it can be made safer.

1) This brings us to the different role players. This first responsibility lies on the State. What is the nature of the obligation on the State in respect of journalists? The point was made earlier that in view of the role that they play, there is an enhanced obligation on the State to secure the safety of journalists. This takes the familiar form of a duty to respect the rights in question, which entails that the state and its agents should not threaten the rights in question itself, either directly (by physically assaulting journalists) or indirectly (by creating an environment in which this is likely to happen). The State also has the duty to exercise due diligence to protect journalists against attacks by other, non-state actors. Fulfilling these

duties should take the form of prevention of violations as well as ensuring accountability where violations occur.

As with all citizens and people within its jurisdiction, the State has a general duty to protect journalists. There are a number of ways in which Governments can discharge their enhanced duty towards journalists, should it become clear that they are under special threat. I am sure we will discuss a wide range of these measures, but let me venture to suggest that they include special protection programmes, as is available for example in Colombia (for journalists and others), as well as special prosecutorial teams whose task it is to prosecute perpetrators, and interdicts and restraining orders issued by courts.

Governments also have an obligation to engage with the international mechanisms. One of the frustrations of being part of the special procedures is to see how often Governments simply do not respond to our communications, and it is a challenge to find ways to address this situation.

2) We also need to think of ways to assist journalists to better protect themselves. The statistics show that the people who are most at risk are the local journalists who work for the printed media. They do not have the support of the international agencies or the benefit of global exposure. How does one enable them to take better care of their own safety?

A number of options are already available, although not all that well-known. This includes the helpline of the ICRC, and Safety Codes. But perhaps it is also time to develop, in different languages, something similar to the ‘Security in the field’ programme of the United Nations for journalists. All of us are required, when we go on missions, to conduct such an on-line course, which you can do behind your desk. It contains valuable safety tips, but perhaps even more importantly, it causes you to think in terms of safety, and to be more alert. I would be keen to work with anyone who wants to explore this possibility.

First-aid training certainly is also important.

One of the main – although by no means fool-proof – defences of journalists is the professionalism of their work. This is the basis on which they are able to solicit support nationally as well as internationally for their efforts to ‘speak truth to power’.

Considerations such as the above should however not be understood or used to imply that their safety is in the first place the responsibility of the journalists themselves – the primary responsibility lies with the States. However, an added layer of protection can be created through self-protection.

3) Civil society, including NGOs and professional organisations plays a hugely important role in terms of awareness, information, keeping track of individual cases, sharing best practices, showing trends and follow-up. Let me cite one example where I think more can be done. UNESCO each year publishes an impressive account of communications with States in respect of accountability about specific cases where journalists have been killed. There is an exceptionally high level of responses by States to these communications, and in many instances extensive information is given on prosecutions. Judging by these responses, many of the statistics about accountability may be overly pessimistic. It may therefore be useful if media organisations do some follow-up – investigative journalism, one could call it – in respect of these specific cases, to make sure where the discrepancies lie and to establish to what extent reliance can be played on the respective accounts.

4) News organisations also play a central role, in terms of the people affiliated with them, in terms of information and training, as well as practical arrangements such as insurance. It should be remembered, however, that in many cases the most journalists are the ones who fall outside this protective net.

5) Regional human rights systems have become active and powerful players in this field. This includes the European, Inter-American as well as the African human rights systems, who may in specific cases for example issue provisional measures. The Inter-American system has a Special Rapporteur on Freedom of Expression, as is the case with the African system. The OSCE has its own Representative on Freedom of the Media, who is playing an active role.

My own contention will be that regional systems in general should also where possible have Special Procedures on extrajudicial executions – certainly in the case of Africa it should not be difficult to revive this mandate.

6) On the United Nations level the various protective mechanisms, treaty-based as well as Charter-based, are well known. Let me focus on less well-known ones. Security Council Resolution 1738 has shown high level concern with the situation of journalists, media professionals and associated personnel in armed conflict, but it is not well known. The fifth anniversary of the resolution is on 23 December 2011, and some statement by the Secretary-General or the High Commissioner for Human Rights may not be out of place – and neither will be op-eds from people sitting around this table. It may also be a good opportunity to call for the expansion of the scope covered by the resolution, to also cover non-armed conflict situations.

UNESCO plays a leading role on this topic, which is not always fully appreciated. This avenue should be strengthened and expanded.

A number of questions remain on the agenda, and I do hope we will get to them. This includes the question what is the definition of a journalist. The difficulties associated with definitions are often used to stifle progress, and we should not fall into such a trap, but it is useful to consider the issue, also in view of the large number of people who are engaged, for example, in blogging and crowdsourcing. Where legal mechanisms are at stake, this becomes a particularly relevant issue.

In general, it is not my impression that we need much development in terms of new legal standards. The issue is implementation. One of the main challenges will be to raise the level of attention paid to threats aimed at journalists to a higher level.

We will know that we have made significant progress in securing the safety of journalists the day when we are sure that, if a local journalist on the way to the office is shot by a gunman on the back of a motorcycle in a country with a dictatorial government, there will be an international outcry. Or let me rephrase that: We will have made significant progress if the motorcycle riders decide that it is just not worth the trouble shooting journalists, because everyone in the world who cares about democracy and human rights will say ‘officer down – calling all units’.