



# General Assembly

Distr.: General  
30 August 2013

English only

---

## Human Rights Council

Twenty-fourth session

Agenda item 2

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

### **Written statement\* submitted by the Press Emblem Campaign, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2013]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Protection of journalists: The actual good practices are not sufficient, nor effective enough in combating impunity**

### **I. Introduction**

The report presented by the Office of the High commissioner for human rights (A/HRC/24/23) rightly underlines the essential role journalists and other media professionals play by ensuring transparency and accountability in the conduct of public affairs. It also points out that, in the last two decades, in less than 10% of the cases perpetrators of crimes against journalists, have been brought to justice, convicted and sentenced for their crime.

One can have a different opinion on the situations in which journalists have been murdered. In a large number of cases, journalist's murder are related to coverage of territorial disputes, be it political disputes -at the national or international level- or economic – opposing minorities or social movements to their central government or to transnational corporations-, they often culminate in violent clashes or longstanding low intensity conflicts.

Many analysts have recently proved and the international community has admitted, in most of the cases, that the demarcation line between revolutionary/liberation/opposition armed movements and organized criminal structures can be intangible; sometimes the criminal activities are carried out by those movements in order to finance themselves.

From this perspective, political issues, crime and corruption cases may be included very often in the category of “war” (against terrorism, against crime, over disputed territories); consequently one can consider that the majority of the murder of journalists occurs in situation of war, political instability, civil unrest or economic war.

### **II. Applicable international law**

As correctly highlighted in the above mentioned report, international human rights law and international humanitarian law establish an array of norms and standards that provide normative protection to journalists and other media professional (par.10). Considering the insignificant rate of cases of journalists' murder solved in the past twenty years, it must be admitted that, as of today, the said protection is ineffective and not sufficient.

An accurate analysis of the cases permits to realize that in a great number of cases states are directly or indirectly involved in the crimes and consequently it would be surprisingly if the judiciary would be able to promptly, thoroughly, independently and impartially investigate. Although the obligation to protect journalists and other media professional rests on the State, it would be advisable for those cases to be investigated by an independent international mechanism.

If it can be considered that attacks against journalists in times of conflict constitutes a war crime, in practice, neither the cases of murder of journalists in time of conflict have been deferred to the International Criminal Court, nor has the Prosecutor General taken the initiative to investigate into them. Moreover, as illustrated in the introductory part, a great number of journalists' murder occurs in situations that are not covered by the international humanitarian law, thus precluding today any possible independent investigation.

It must also be noted that for the protection to be more efficient, the right to effective remedy (notably the right to truth and compensation) should be extended to the families of the victims when journalists and media professionals are killed.

### **III. Initiatives relating to the safety of journalists**

The above mentioned report cites a very limited number of initiatives taken by a handful number of countries, which demonstrate that the political commitment leading to a clear and effective legislative and practical safeguard to prevent threats and attacks against journalists and to ensure accountability is limited at the national level.

At the regional level, the initiatives taken by the Inter-American Court of Human Rights as well as by the OSCE are certainly valuable, but they have a geographical limited effect and, even if prevention is part of the protection of journalists and media professionals, it cannot be considered as sufficient.

The steps taken in the 21st century at the international level, notably in the framework of the UN, including the Human Rights Council, the Human Rights Committee, the Security Council and UNESCO, plead in favour of further work in this context by continuing reflection in order to achieve effective protection of journalists and media professional worldwide.

In his report to the Human Rights Council (A/HRC/20/22) the Special Rapporteur on extrajudicial, summary or arbitrary executions « invites States and relevant United Nations bodies and agencies, in consultation with all relevant stakeholders, to explore the need for a specific United Nations instrument... ».

### **IV. Conclusions**

The PEC considers the adoption of resolution 21/12 by the Human Rights Council as an important step in the realization of an effective protection of journalists and media workers which should lead to the promotion of a safe and enabling environment for journalists allowing them to perform their work independently and without undue interference.

The PEC considers that, in order to guarantee freedom and protection for the media, an international instrument mechanism should be adopted so that an international early warning and rapid response mechanism could effectively participate at the implementation of a “zero tolerance” culture towards any form of violence against journalists. A special international investigative unit should be set up as a mean to efficiently combat impunity, which is the main cause behind the large number of the journalists and media workers killed around the world.

---