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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention  
of Discrimination and  
Protection of Minorities  
Forty-second session  
Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE  
SUB-COMMISSION HAS BEEN CONCERNED

Written statement submitted by Human Rights Advocates, a  
non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which  
is circulated in accordance with Economic and Social Council  
resolution 1296 (XLIV).

[17 August 1990]

Protection of journalists

1. Human Rights Advocates (HRA), in consultation with article 19, Centre on  
Censorship, commends Mr. Sadi for his excellent report on protection of  
journalists (E/CN.4/Sub.2/1990/17). We take this opportunity to offer  
suggestions for further study as well as additional information on the dangers  
to which journalists who attempt to report gross violations are subjected.

2. HRA and article 19 endorse Mr. Sadi's conclusions that: (1) journalists  
play an important role in exposing human rights violations around the world;  
(2) journalists engaged in such activity are particularly at risk;  
(3) intergovernmental organizations have devoted inadequate attention to  
protecting journalists; (4) the United Nations human rights bodies should  
endeavour to extend protection to journalists and media workers; and (5) the  
Sub-Commission is well-placed to assume a leading role in such an endeavour.

3. HRA and article 19 believe that the most useful action the Sub-Commission could take would be to ask Mr. Sadi to collect information on instances of persecution of journalists, particularly those engaged in human rights reporting. A further step would be to invite him to address questions to Governments concerning reliable reports of such instances.

4. An important initial step would be to invite the Special Rapporteur to propose the kinds of persecution that would fall within his mandate. At a minimum such acts presumably would include all cases of murder, disappearance, attack, threatened attack, abduction, and detention, not only by Governments but also by irregular armed groups and drug traffickers (see Commission on Human Rights resolution 1990/75 of 7 March 1990, para. 2).

5. Journalists may also be pressured into refraining from human rights reporting by other, somewhat more subtle, though often as effective measures. These include: restrictions on movement; for non-nationals, expulsion from the country or denial of entry; revocation or denial of a licence; and job harassment, such as dismissal or demotion if a government employee, and measures aimed at forcing dismissal or resignation if a private employee. Journalists may also be punished or pressured by acts directed at the media outlet that employs them, such as: closure or seizure of a newspaper, radio or television office; confiscation of publications; seizure or destruction of property; and revocation or non-renewal of a radio or television licence.

6. Another important question for the Rapporteur to address is whether all journalists should be subject to his mandate or only those who allegedly have been persecuted for their human rights reporting. We recommend that, if called on to address the question, the Rapporteur should assume that any alleged persecution is motivated by the journalist's efforts to engage in human rights reporting unless the Government produces convincing evidence to the contrary.

7. HRA and article 19 further recommend that the Rapporteur be requested to identify patterns of abuse. Information collected by non-governmental organizations suggests that journalists are at particular risk when they (1) report on armed conflict situations; (2) report information or write an opinion piece that supports one side of a contentious issue; or (3) report on corruption of, or human rights abuses committed by the Government or a government agency such as a police department, an irregular armed group, or drug traffickers.

8. Identifying such patterns will be of use in formulating international standards, perhaps in the form of a declaration, on special protections to which journalists are entitled.

9. Finally, the Rapporteur could be asked to identify the protections Governments should be required to afford journalists. Some of these protections will be ones that Governments are obliged to provide all persons within their jurisdictions. The most important such obligation may be the duty to investigate attacks and threatened attacks, and to prosecute and punish fully those identified as bearing responsibility. It appears that many of the most serious attacks on journalists - namely, murders and disappearances - are not committed by the Government but rather by irregular armed groups or drug traffickers. Nonetheless, government failure to conduct

rigorous investigations serves to undermine journalists' rights to life and security of the person as surely as does direct government commission of violations.

10. Governments furthermore may owe a special duty to journalists to permit them to enter conflict zones. This duty, if it were to be articulated, might be based on the importance of human rights reporting as a means of monitoring, and thus discouraging, abuses during periods when abuses are particularly likely to be committed. This duty would, of course, include the duty not to harass journalists found within or seeking entry into conflict zones, such as by confiscating their equipment, detaining them, or interrogating them.

11. Another interest of journalists that Governments may be obliged to respect is the right not to reveal the identity of their sources save in extraordinary circumstances. The right is necessary, particularly if reporters are to be able to gather information on corruption and abuses by Governments and armed groups, since without recognition of such a right, sources are likely not to disclose information out of fear of intimidation or attack.

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