



## **INTERNATIONAL CONVENTION ON THE SAFETY AND INDEPENDENCE OF JOURNALISTS AND OTHER MEDIA PROFESSIONALS**

### **PREAMBLE**

*The States Parties to the present Convention,*

1. *Reaffirming* the commitment undertaken in Article 19 of the International Covenant on Civil and Political Rights to protect everyone's freedom of opinion and expression and to create the conditions for its effective exercise, and *mindful* that this right is an essential prerequisite for the progress and development of a democratic society, governed by the rule of law and respect for human rights,
2. *Recognizing* the essential contributions made by journalists and other media professionals to the circulation of information and ideas and *acknowledging* that the work of a free, independent and impartial press constitutes one of the basic foundations of a democratic society,
3. *Mindful of* the importance for a free press of securing for all media professionals the right to life, the right to personal liberty and physical integrity, the right to protection against ill-treatment, the right to freedom of expression, and the right to an effective remedy where a breach of their rights has occurred,
4. *Lamenting* the impact of attacks against media professionals on everyone's right to receive information and *deeply concerned* that such attacks, especially when perpetrated with impunity, have a chilling effect on all media professionals and the right of all persons to enjoy their right to freedom of opinion and expression,
5. *Bearing in mind* that ensuring accountability for all forms of violence against journalists and media professionals is a key element in preventing future attacks,



6. *Stressing* the need to provide greater protection for all media professionals and for journalistic sources and to ensure that national security, including counter-terrorism, is not invoked to unjustifiably or arbitrarily restrict the right to freedom of opinion and expression,
7. *Acknowledging* the specific risks faced by women journalists and media professionals in the conduct of their work, especially when reporting from conflict zones, and *underlining* the importance of a gender-sensitive approach to the consideration of measures to address the safety of journalists,
8. *Emphasizing* the obligation under international humanitarian law, reiterated in UN Security Council Resolution 1738 (2006) and UN Human Rights Council Resolution 27/5 of 25 September 2014 on the safety of journalists, to consider journalists and media professionals engaged in dangerous professional missions in areas of armed conflict as civilians and to respect and protect them as such,
9. *Recalling* the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977, and in particular Article 79 of Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict, and *emphasizing* the obligations of parties to an armed conflict to discriminate civilians from legitimate military targets and to refrain from attacks intentionally directed against civilians or likely to result in excessive collateral damage,
10. *Recalling* that the work of journalists and other media professionals often puts them at specific risk of intimidation, harassment and violence, as recognized in UN Security Council Resolution 2222 (2015), UN Human Rights Council Resolution 33/2 of 29 September 2016, and UN General Assembly Resolution 70/162 of 17 December 2015 on the safety of journalists and the issue of impunity, and *emphasizing* that those resolutions call on States to implement measures to address those risks,
11. *Further recalling* UNESCO Resolution 29 “Condemnation of violence against journalists” of 12 November 1997 and the Medellin Declaration “Securing the Safety of Journalists and Combating Impunity” proclaimed by UNESCO on 4 May 2007, UN Human Rights Council Resolution 12/16 “Freedom of opinion and expression” of 30 September 2009 and Resolution 21/12 of 27 September 2012 on the safety of journalists,



as well as UN General Assembly Resolutions 68/163 of 18 December 2013 and 69/185 of 18 December 2014 on the safety of journalists and the issue of impunity,

12. *Deeply concerned* that, despite these various instruments and undertakings, media professionals continue to face barriers in the exercise of their professional role because of their investigative work, opinions and reporting, including killing, torture, violent attacks, forced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment and threats of violence,
13. *Recalling* the commitment of UN Member States and agencies to work towards a free and safe environment for journalists and media professionals in both conflict and non-conflict situations through the UN Action Plan on Safety of Journalists, endorsed by the UN System Chief Executives Board for Coordination on 12 April 2012,
14. *Highlighting* the need to review, and where necessary, to amend laws, policies and practices that limit the ability of journalists to perform their work independently and without undue interference and to conform these laws, policies and practices with States' obligations under international law,
15. *Recognizing* the importance of a comprehensive codification of the obligations pertaining to the protection of media professionals established under international human rights and humanitarian law with a view to enhancing their effective implementation,
16. *Taking into account* the good practices recommended in the Report of the Office of the UN High Commissioner for Human Rights on "The safety of journalists" of 1 July 2013 for the creation of a safe and enabling environment in which journalists and other media professionals may carry out their work unhindered,

*Have agreed as follows:*

## **PART 1: MEASURES OF PROTECTION**

### **Article 1 – Purpose of the present Convention**

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The purpose of the present Convention is to promote, protect and ensure the safety of journalists and other media professionals in times of peace and during armed conflict, and to safeguard their ability to exercise their profession freely and independently in an enabling environment, without facing harassment, intimidation or attacks against their physical integrity.

### **Article 2 – Use of terms**

For the purposes of the present Convention, the terms “journalist” and “media professional” apply to persons who are regularly or professionally engaged in the collection, processing and dissemination of information to the public via any means of mass communication, including cameramen and photographers, technical supporting staff, drivers and interpreters, editors, translators, publishers, broadcasters, printers and distributors.

### **Article 3 – Right to life and protection against ill-treatment**

1. The States Parties undertake to adopt all practicable measures to prevent threats, violence and attacks on the life and physical integrity of journalists and other media professionals. These shall include the adoption of criminal legislation and the training of law-enforcement personnel on the safety of journalists.
2. The States Parties shall incorporate in their laws and practices specific measures with a view to combating gender-based violence against women journalists and media professionals.
3. The States Parties shall adopt measures to protect journalists and other media professionals facing an imminent threat through the establishment of an information-gathering mechanism permitting the collection and swift dissemination of information about threats and attacks against journalists amongst law-enforcement agencies.
4. States undertake to establish an effectively funded early warning and rapid response mechanism in consultation with media organizations, with responsibility for providing journalists and media professionals, when threatened, immediate access to the relevant State authorities and protective measures. Following any determination that an individual



needs protection, the mechanism shall provide material measures of protection, including mobile telephones and bulletproof vests, as well as establishing safe havens and emergency evacuation or relocation to safe parts of the country or other countries through a protection programme. Such programmes shall not be used in such a way as to unduly restrict the work of journalists and other media professionals.

5. Where physical attacks against journalists or other media professionals have been committed, States shall take any necessary and appropriate steps to ensure that the individual affected is protected from further threats and/or physical attack. States shall also take steps to mitigate the impact of such attacks, including by providing such services as free medical care, psychological support and legal services, as well as assistance in relocating journalists and their families.

#### **Article 4 – Right to liberty**

1. The States Parties undertake to adopt all practicable measures to prevent the unlawful deprivation of liberty of journalists and other media professionals. These shall include the training of prosecutors, the judiciary and law-enforcement personnel.
2. The States Parties shall ensure that counter-terrorism or national security laws cannot be used to arbitrarily and unduly hinder the work and safety of journalists and media professionals, including through arbitrary arrest or detention, or the threat thereof.
3. The States Parties shall take effective steps to protect journalists and other media professionals against forced disappearances and kidnapping.

#### **Article 5 – Freedom of expression**

1. States shall bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law so that they do not limit the ability of journalists and other media professionals to perform their work independently, without undue interference.

2. Any restriction on the right to freedom of expression of media professionals must be provided by law, it may only imposed for one of the grounds set out in Article 19 (3) of the International Covenant on Civil and Political Rights, namely the respect of the rights or reputations of others, the protection of national security or of public order (ordre public), or public health or morals, and it must be necessary and proportionate. Any restriction shall be formulated with sufficient precision to enable an individual to adjust his or her conduct accordingly, and be easily accessible to the public.
3. Measures criminalizing any form of freedom of expression shall be revoked, except insofar as they constitute permissible and legitimate restrictions according to the second paragraph of this article.
4. The States Parties undertake to protect, in law and in practice, the confidentiality of journalists' sources, in acknowledgement of the essential role of the media in fostering government accountability, subject only to limited and clearly identified exceptions set down by law in accordance with paragraph 2 of this article.

#### **Article 6 – Effective investigation and redress**

1. The States Parties shall take appropriate steps to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all reports of threats and attacks against journalists and media professionals falling within their jurisdiction, and to bring all perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to adequate remedies.
2. States shall develop and implement strategies for combating impunity for those committing violence against journalists and other media professionals. In particular, investigations into suspected attacks shall be carried out by a special investigative unit or an independent national mechanism, established by law to monitor and carry out investigations into cases and issues related to the protection of journalists and other media professionals, empowered to coordinate policy and action between different government authorities, and having the competence to make recommendations to the relevant State authorities. The unit or mechanism shall be sufficiently resourced and staff shall be appropriately trained to ensure that it operates independently and effectively.



Journalists and civil society organizations shall be enabled to participate in the design, functioning and evaluation of such a body.

3. States shall dedicate the resources necessary to prosecute attacks against journalists or other media professionals through the development of specific protocols by prosecutors or the appointment of a specialised prosecutor.
4. In criminal proceedings relating to attacks against journalists or other media professionals, any link between the attack and the victim's professional activities shall be duly taken into account and treated as an aggravating circumstance.

#### **Article 7 – Protection during elections and public demonstrations**

The States Parties shall pay particular attention to the safety of journalists and other media professionals during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly, taking into account their specific role, exposure and vulnerability.

#### **Article 8 – Protection as civilians during armed conflict**

1. The States Parties shall treat journalists and other media professionals engaged in dangerous professional missions in areas of armed conflict as civilians, and respect and protect them as such, unless and for such time as they take a direct part in hostilities. This is without prejudice to the right of war correspondents accredited to the armed forces to be granted the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention.
2. Any State involved in an armed conflict shall fully comply with the obligations applicable to them under international law related to the protection of civilians, including journalists and other media professionals, in armed conflict.
3. Media equipment and installations shall be treated as civilian objects and shall not be subjected to attack or reprisal, unless there is clear evidence that they are being used for military operations.



4. States Parties involved in situations of armed conflict shall respect the professional independence and rights of journalists and other media professionals.
5. States involved in situations of armed conflict shall create and maintain, in law and in practice, a safe and enabling environment for journalists and other media professionals to perform their work without undue interference from third parties.
6. All parties to armed conflict shall do their utmost to prevent violations of international humanitarian law against journalists and other media professionals in their capacity as civilians.
7. States shall take all practicable measures to ensure the release of journalists and other media professionals who have been kidnapped or taken hostage in situations of armed conflict on territories over which they exercise jurisdiction.
8. All parties to armed conflict shall make appropriate efforts to bring to an end any violations and abuses committed against journalists and other media professionals.
9. The States Parties shall take all necessary steps to ensure accountability for crimes committed against journalists and media professionals in situations of armed conflict. In particular, they shall search for persons alleged to have committed, or to have ordered the commission of, a grave breach of the Geneva Conventions, and they shall conduct impartial, independent and effective investigations in respect of alleged crimes committed within their jurisdiction. States parties shall prosecute those responsible for serious violations of international humanitarian law in their own courts, regardless of their nationality, or hand them over for trial to another concerned State, provided that this State has made out a prima facie case against the said persons.
10. States Parties shall take appropriate steps to provide education and training to the armed forces in international humanitarian law with a view to halting and preventing attacks against civilians affected by armed conflict, including journalists and other media professionals.

#### **Article 9 – Awareness-raising measures**



1. An immediate and unequivocal public condemnation of any form of violence against journalists and other media professionals shall be issued at the highest levels of government, whether the attack was perpetrated by a private individual or a person acting in an official capacity.
2. Training shall be provided by States to law-enforcement personnel, the military, prosecutors and the judiciary regarding their obligations under international human rights law and international humanitarian law and the effective fulfilment of those obligations. Such training shall include dealing with particular areas of risk for journalists and other media professionals, such as protests and public events, the legitimacy of the presence of journalists during situations of armed conflict, and practices and procedures to minimize risks to journalists.
3. Initiatives for raising public awareness about the issue of safety of journalists and a zero-tolerance approach to violence against journalists shall be implemented at local and national level, including by incorporating the issue of safety of journalists in formal public education programmes. Such activities shall include the public promotion of the World Press Freedom Day.
4. Training shall be made available to journalists and other media professionals as well as to media organizations regarding their rights under international human rights law and international humanitarian law.

## **PART II: COMMITTEE ON THE SAFETY OF JOURNALISTS**

### **Article 10 – Establishment of the Committee on the Safety of Journalists**

There shall be established a Committee on the Safety of Journalists (hereafter referred to as “the Committee”). It shall consist of fifteen members who shall be elected by the States Parties for a four-year renewable term by secret ballot from a list of persons nominated by the States Parties for this purpose. The members of the Committee shall serve in their personal capacity.

### **Article 11 – Criteria for office**

The Committee shall be composed of nationals of the States Parties to the present Convention who shall be persons of high moral character and recognized competence in the field of international human rights law and international humanitarian law. The Committee may not include more than one national of the same State.

### **Article 12 – Individual communications procedure**

A State Party to the present Convention recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the Convention.

### **Article 13 – Admissibility criteria**

The Committee shall consider an individual communication inadmissible if:

- (a) The communication is anonymous;
- (b) The communication constitutes an abuse of the right of submission of such communications or is incompatible with the provisions of the Convention;
- (c) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;
- (d) All available domestic remedies have not been exhausted. This shall not be the rule where the application of the remedies is unreasonably prolonged or unlikely to bring effective relief;
- (e) It is manifestly ill-founded or not sufficiently substantiated; or when
- (f) The facts that are the subject of the communication occurred prior to the entry into force of the present Convention for the State Party concerned, unless those facts continued after that date.

### **Article 14 – Examination of an individual communication**



1. The Committee shall bring any communications submitted to it to the attention of the State Party alleged to have violated any provision of the Convention. Within six months of receipt of the Committee's notification, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
2. The Committee shall consider communications received in the light of all written information made available to it by the alleged victim or victims and by the State Party concerned. If need be, the Committee shall undertake an investigation, for the effective conduct of which the States Parties concerned shall furnish all necessary facilities.

#### **Article 15 – Interim measures**

1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.
2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

#### **Article 16 – Outcome of individual communications**

After examining a communication, the Committee shall determine whether there has been a violation of any provision of the present Convention and shall forward its suggestions and recommendations, if any, to the State Party concerned and to the author or authors of the communication.

#### **Article 17 – Procedure for grave or systematic violations**



1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the present Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

#### **Article 18 – Annual report to the General Assembly**

The Committee shall report annually to the General Assembly of the United Nations and summarise its activities in relation to individual communications and investigations into reports of grave or systematic violations.

### **PART III: FINAL CLAUSES**

#### **Article 19 – Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.
2. Reservations may be withdrawn at any time.

### **Article 20 – Signature, ratification and accession**

1. The present Convention is open for signature by any State Member of the United Nations or of any of its specialized agencies. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
2. The present Convention shall be open to accession by any State referred to in paragraph 1 of this article.
3. The Secretary-General of the United Nations shall inform all States which have signed this Convention or acceded to it of the deposit of each instrument of ratification or accession.

### **Article 21 – Entry into force**

1. The present Convention shall enter into force thirty days after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

### **Article 22 – Denunciation**

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

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