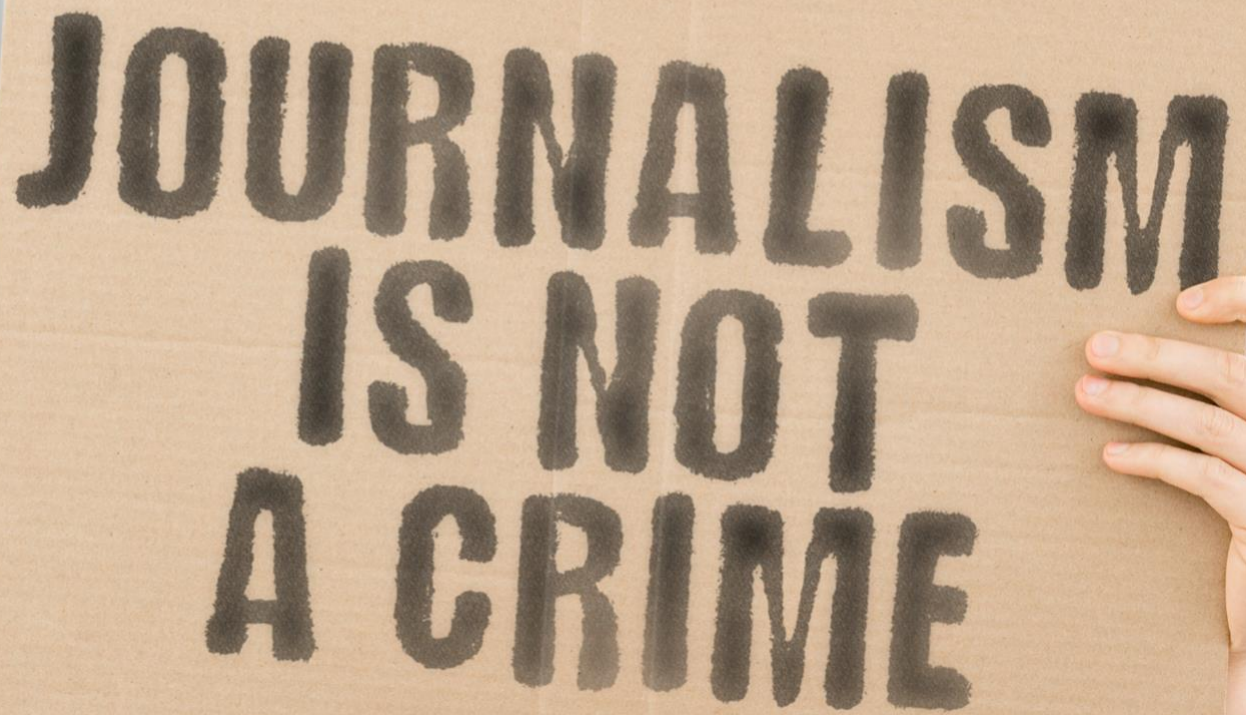




Community
of Democracies



**JOURNALISM
IS NOT
A CRIME**

Toolkit

On the Safety of Journalists for the Personnel of
the Diplomatic Missions

October 2023

Disclaimer

This Toolkit was originally developed in 2017 and updated by the Permanent Secretariat of the Community of Democracies in cooperation with the Office of the High Commissioner for Human Rights (UN Human Rights) in October 2023. The Toolkit does not necessarily reflect the positions of the governments of the individual Member States of the Community of Democracies's Governing Council.

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Further information about the Community of Democracies can be found at www.community-democracies.org.

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The Toolkit was updated in cooperation with the Office of the High Commissioner for Human Rights (UN Human Rights), which is the leading United Nations entity on human rights. Established by the United Nations General Assembly in 1993 along with the post of the High Commissioner for Human Rights, UN Human Rights has a threefold mandate. It promotes and protects all human rights by speaking out objectively in the face of human rights violations and elaborating the standards that are used to evaluate human rights progress worldwide. It helps empower people through research, education, and advocacy activities. It supports governments through field presences and technical assistance.

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“A free, uncensored, and unhindered press or other media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.”ⁱ

1. Introduction

It is impossible to overstate the role played by independent journalists and media actors in the globalized world. Their work is crucial to informing the public about global human rights struggles. Without their work, an informed, active and engaged citizenry, and democracy, is impossible. Journalists are special ‘users’ and promoters of the right to freedom of opinion and expressionⁱⁱ as enshrined in Articles 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).

It is exactly because of this work and its importance that journalists often face the same risks as human rights defenders and can become targets of State agents and non-State actors alike. In increasingly authoritarian contexts, their work to confront oppressive, discriminatory structures and to address human rights violations and abuses subjects them to threats, attacks and violence. There is disquieting evidence that journalists and other media actors around the world are increasingly subjected to threats, harassment, intimidation, assault, torture, and even murder because of their investigative work, opinions, or reporting.ⁱⁱⁱ

This alarming situation is not limited to areas affected by armed conflict, nor to professional journalists and other traditional media actors, but also, *“as a result of new forms of media in the digital age”*, is experienced by *“others who contribute to public debate and who perform journalistic activities or fulfil public watchdog functions”^{iv}*. In line with the most frequently quoted^v definition provided in the UN Human Rights Committee General Comment No. 34(2011)^{vi}, journalism is *“a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere,”* while the Special Rapporteur on extrajudicial, summary or arbitrary executions highlights that *“the term ‘journalist’ means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication. Reporters and photographers and those who directly support their work – stringers and drivers – are potentially vulnerable, because they fulfil a crucial function they are deserving of special protection. This includes the – new media – citizen and online journalists.”^{vii}*

Many States and the broader international community recognize and acknowledge the lack of sufficient protection for journalists. The efforts of this community are geared towards embodying a solution in international documents relevant to the safety of journalists as broadly understood, such as the United Nations Plan of Action on The Safety of Journalists and the Issue of Impunity and the Council of Europe Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (see Annex 1), as well as relevant international obligations and commitments.

Although the problem has been recognized, not enough has been done to eliminate it. While there are many international legal instruments addressing human rights, and even a number of guidelines on the protection of human rights defenders, only a small number specifically address journalist safety. The majority of these guidelines focus on how states should address impunity, or

how civil society organizations (CSOs) and other actors can support efforts to provide training and safety.

Few provide any specific guidance for diplomatic mission personnel should they come into contact with journalists in distress. The issue is raised by the Council of Europe in its Guidelines (para.12) which *“urges states to develop protocols and training programmes for all State authorities who are responsible for fulfilling State obligations concerning the protection of journalists and other media actors”*, which might be reviewed with a view to developing guidelines for other States agency personnel in an effort to ensure greater protections.

The guidance recommended by the UN experts is limited in scope. For example, the Special Rapporteur on extrajudicial, summary or arbitrary executions in the 2012 report on “Protection of the right to life of journalists” points out that the “Governments can use diplomatic channels and diplomatic protection to address the plight of their nationals in other countries”^{viii} and goes on to stress that **“Diplomatic channels should be used to their full potential where the life of journalists is at stake, when journalists from a particular country are in State custody in a foreign country.”**^{ix}

Yet, for numerous reasons, states do not maintain diplomatic missions in all countries with which they have diplomatic relations, let alone in those countries where diplomatic relations have not been established. Unlike in the case of diplomats, at times of peace, there are no special protections that cover journalists. Thus, the same rules that govern the protection of civilians/country’s own citizens apply to journalists, whose status is no different than any other citizen of that country.

During the few interviews carried out during the initial development of this toolkit, some of the journalists indicated that based on their experience and/or image of how diplomatic representations work, their own country or even more so – other country representations – were the last on the list of institutions to be approached for help in case they were in distress. They stressed that in situations of distress what is needed (and often lacking) are sufficient financial resources, the ability to communicate with a safe contact, the possibility to secure the temporary travel documents (e.g., temporary passport) and/or the journalist ID in case the documents were lost, stolen or destroyed, and to be transported safely out of a country. Journalists have expressed doubts in diplomatic missions’ personnel’s willingness to help.

This Toolkit aims to provide guidance to diplomatic mission personnel on what support they can provide should they be in position to do so, and how they can build more trusting relationships with the journalist community. The Toolkit, by its very nature, does not impose new obligations. It is meant to provide an overview of the current status quo and suggest actions that – should the context and national legislation allow – could be undertaken by the diplomatic missions personnel to enhance the safety of journalists. Guidelines included in the Toolkit are intended to serve as a checklist, they should not be considered mutually exclusive and should be used in conjunction with other approaches.

Additionally, given the fact that “since some journalists are human rights defenders and some human rights defenders are journalists,” and these two categories – while not being identical – are overlapping^{xi}. In some cases, it would be justified for the diplomatic personnel to use the guidance concerning human rights defenders to guide their action with respect to journalists. For these reasons, Annex 2 provides a list of relevant guidance documents that can be of use for the diplomatic personnel.

1.1. Objective of the Toolkit

The Toolkit is intended to provide guidance on the safety of journalists for officials and diplomatic personnel abroad and at home who might come into contact with journalists, and in particular journalists in distress. This Toolkit aims to:

- provide guidance to diplomatic personnel on what to do when they are approached for help by a journalist in distress. This includes how to respond in a careful and sensitive way to their needs and what are different legal instruments available to ensure journalist protection;
- develop/promote a common approach that provides more effective protection for journalists;
- create specific approaches to provide efficient and systemic support for journalists in distress.

The ultimate goal of the Toolkit is to ensure that adequate support and effective protection from harm is provided to journalists around the world. As the local contexts as well as needs of individual journalists vary, the Toolkit – while providing a common approach – should not be treated as one-size-fits-all guidance, but rather as a resource of tailorable options and solutions that diplomatic personnel can utilize to develop an approach based on local contexts and needs.

2. Actions to support and ensure safety of journalists

2.1. Role of the foreign ministries (“capital”)

2.1.1. Bilateral relations and Multilateral fora

States can contribute to ensuring a safe and secure working environment for journalists, as well as maintaining respect for freedom of opinion and expression in both bilateral and multilateral dealings with other states. They can use the tools offered by the multilateral bodies such as the UN Human Rights Council (HRC), the Universal Periodic Review (UPR), the United Nations Special Procedures, and regional human rights institutions to assist with setting standards, monitoring conditions and encouraging and supporting states to meet their human rights obligations and commitments. States can use these forums to:

- improve human rights promotion, protection, freedom of opinion and expression (FOE), and the safety of journalists in particular;
- seek areas for collaboration, including with non-governmental actors to improve the working environment and develop more effective protection mechanisms aimed at journalists;
- utilize the UPR and other international mechanisms processes¹ to highlight concerns regarding FOE and journalist safety as well as urge the protection and promotion of FOE and accountability for human rights violations and abuses committed against journalists;
- request information from other states on how they meet their commitments made under these instruments.

Bilateral relations provide opportunities for increasing journalist safety in other ways, such as formal human rights dialogues, quiet diplomacy, or informal dialogue. For example, when representatives of a government or parliament are visiting another country, they can raise individual cases with their interlocutors where appropriate. They can also undertake efforts to bring cases or issues to the attention of local authorities and try to engage in informal dialogue. Quiet diplomacy also covers other strong actions such as issuing a demarche (written document delivered to a representative of the third country government that raises issue(s) of concern), in situations when journalists are at immediate or serious risk.

The Ministry in charge of foreign affairs, in collaboration with local missions, should be in a position to advise the minister for foreign affairs, other government officials, relevant politicians, or other institutions. This advice can be about specific situations regarding quiet diplomacy, a public statement, engagement on multilateral fora, or another form of engagement. It would depend on which of these is the most useful and likely to achieve the goal of ensuring the safety of an individual journalist. The Ministry should be able to indicate which authorities in the third country are responsible or in a position to take action in the given case, what arguments (legal, other) or questions could/should be used, and what arguments could be most effective.

¹ See below, p. 10.

Case Study: Culture of Impunity

British reporter, Syed Taalay Ahmed, was working for the London-based Muslim Television Ahmadiyya International (MTA) when he was killed in August 2021. He was murdered during an armed robbery while he was working on a documentary in Ghana. He is the 11th journalist murdered in Africa in less than a year between January – September 2021. The African Freedom of Expression Exchange (AFEX) has stated that a “culture of impunity is thriving” because of a lack of governments speaking out and taking investigative action on crimes against journalist across the African continent. Ahmed’s murder as well as that of other local and foreign journalists has highlighted the chilling trend of increased risk against freedom of the press and expression. The lack of bringing these crimes to justice has put the work of journalists and overall public information in serious danger.

Sources: African Freedom of Expression Exchange (AFEX), 12 October 2021, <https://ifex.org/11-journalists-killed-in-9-months-on-african-continent/>

2.1.2. Developing the relevant / adequate procedures for emergency situations

When a journalist is at risk and in need of support or rescue, time is of the essence. Often, when a diplomatic mission seeks approval from the capital to provide assistance to a journalist in distress, instead of being directed to a special, dedicated emergency team, the case is passed between various departments in the ministry or other overseeing body. Because of the lack of advance guidance or a clear decision-making process, there is a high risk that the window of time to help a journalist can close.

Establishing procedures for emergency situations involving journalists can avoid delay and increase the chances that a journalist will receive timely assistance. Such procedures should be regularized and training provided to mission personnel. In the event of personnel turnover, the proper steps can still be followed and onboarding of new staff should include this training.

2.1.3. Visa policy / Asylum

While each state has the sovereign right to decide which foreign nationals it allows to enter its territory, states should consider introducing special procedures for people at risk, including journalists and human rights defenders. If the mission has difficulty verifying the credibility and degree of risk to the journalist, state officials can obtain additional information and advice via trusted civil society organizations, like FrontLine or the Committee for the Protection of Journalists.

A journalist seeking to urgently leave a home country temporarily will typically seek refuge in a third country. In case she/he would like to enter a third country for which she/he does not hold a valid visa and of which she/he is not a citizen or permanent resident, officials should consult with the mission's visa section or contact the relevant office in the capital.

Journalists seeking refugee status in a third country should be advised to register with the UN High Commissioner for Refugees (UNHCR) which can identify what measures, including protection and possible resettlement, might be available. Once the UNHCR becomes involved, the country's relevant body can assess the case under its rules. Diplomatic missions can be instrumental in issuing note verbales to UNHCR highlighting the need to urgently recognize a journalist in distress as a refugee. This will enable UNHCR to urgently act.

States should develop expedited visa processing mechanisms to minimize the time a journalist remains at risk in his/her home country.

2.2. Role of the Diplomatic representation/ foreign mission

A mission is recommended to undertake an overview of the situation for journalists in the country where the mission is located, as this can provide a good basis for the mission understanding and efforts aimed at providing support to journalists.

Missions should establish the following:

1. The identity of the journalists. They can be both organizations and individuals who might be subject to intimidation. Are they part of a national or international network of human rights defenders?
2. The conditions and general climate for journalists' work, including any restrictions by the authorities, any reprisals against journalists, and any restrictive legislation limiting the freedom of opinion and expression, including the right to seek, receive, and impart information but also limitations on freedom of association and assembly.
4. The authorities' efforts to ensure a safe environment for journalists, including their ability and willingness to investigate attacks against journalists (degree of impunity).
5. The extent to which local UN offices, international and regional organizations, and other countries' missions are working on this issue. This includes assessing actions that may have been taken by international human rights mechanisms, such as Special Procedures and Treaty Bodies.

Missions, particularly those operating in non-democratic or less stable countries, could ask journalists to volunteer this contact information to be used in emergency situations. For example, if a journalist is kidnapped and the mission is involved in or coordinates the emergency action, it is advisable to contact the local journalist community with a request that no individual actions are undertaken that could harm rescue operations and instead all information of relevance should be shared with the mission. Missions should also reach out to member organizations of the *Journalists in Distress Network* where international assistance from NGOs is coordinated. It should be stressed that should such list of journalists be created, missions should undertake extra steps to ensure that this information is safe and secure, including from hacking, in order not to put journalists in jeopardy.

2.2.1. Information-gathering and reporting

Journalists play a key role in providing information about situations around the globe and in documenting human rights violations and abuses. In some locations, diplomatic missions organize regular meetings with journalists, both foreign and local, to source more accurate information about situation on the ground in the country of their location or countries affected by armed conflict, where it is difficult to source information via other channels.

Thus, it is in the interest of the missions to provide support to journalists' work by ensuring that the applicable legal framework does not change to the detriment of journalists and media actors.

It is therefore encouraged that missions contact journalists at regular intervals and engage in

dialogue with journalists and journalists' associations, as well as relevant members of civil society working to advance freedom of expression and opinion. There does not need to be a direct link between the journalists and the state of the representation.

Missions are encouraged to report regularly on relevant developments concerning freedom of opinion and expression and situation of journalists and media in general in their countries of accreditation. This information should be maintained in a manner that respects confidentiality, so it neither adds to the risks faced by journalists nor diminishes state ability to provide support.

The United Nations Office of the High Commissioner for Human Rights (UN Human Rights) and the United Nations Education Scientific and Cultural Organization (UNESCO), as well as international non-governmental organizations such as Reporters Sans Frontiers (RSF) or the Committee to Protect Journalists, often carry out monitoring of media freedom and safety of journalists at a global scale. UN Human Rights and UNESCO, in particular, co-chair the UN Network of Focal Points on the Safety of Journalists and the Issue of Impunity set up in 2017 by the UN Secretary-General with a view to implement the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The UN Focal Points Network is comprised of focal points from 14 UN agencies and departments (UN Human Rights, UNESCO; UNHCR; UN/DPKO and UN/DPA (now UN/DPPA); DPI/DGC; UN/DOCO OCHA; UNODC; UNDP; UNHCR; UN Women; ILO; WHO; and WFP). The Network aims at furthering UN-coordinated information gathering and actions for the protection of journalists.

Given that there are often many missions in a given country, they can set up a task force from among themselves to collate all information gathered by their different entities, or alternatively they can establish channels for sharing this information with UN Human Rights and UNESCO, or a local/international journalists' organization that is engaged in monitoring media freedom and the safety of journalists.

2.2.2. Contact with the relevant authorities in the country

Missions' representatives should build and maintain relationships with local authorities with influence or those with the authority to make decisions affecting rights of journalists. These may include, for example, host government ministers and their staff, national human rights institutions, ombudspersons, partisan or public service officials, legislators, regional leaders, and municipal leaders.

Both formal and informal channels to discuss issues of concern with local authorities on an ongoing basis should be maintained. Established mechanisms and relationships built on trust can create opportunities for collaboration and can facilitate the resolution of difficult issues, either via formal quiet diplomacy efforts or through informal dialogue.

In cases where journalists are at acute risk, it is often fruitful to engage local authorities discreetly through such established networks and mechanisms. In many cases, informal outreach can help to resolve emerging crises in their early stages. Approaches can be made at senior levels as necessary. For example, approaches can be a part of meetings between ministers and the Head of Mission.

Similarly, formal diplomatic mechanisms can be engaged when informal mechanisms have been exhausted or are inappropriate. Formal mechanisms can include, for example, démarches or notes verbales, and can be coordinated with other diplomatic missions. In very serious cases, firmer diplomatic measures may be required.

2.2.3. Cooperation with local offices of the international bodies, representatives of other states, national and international NGOs

Cooperation with and support for regional and international bodies and mechanisms present in the country of mission's location provides another opportunity for ensuring adequate support to journalists at risk. Apart from regular exchanges of information, a coordination of action on the ground can thus be facilitated.

Regarding cooperation with international human rights mechanisms, Foreign missions can also play a great role in supporting journalists to report to and cooperate with international human rights mechanisms.

There are two kinds of international human rights mechanisms: the "Charter-based bodies" and the "Treaty-based bodies." The first are provided under the United Nations Charter. They comprise the Special Procedures of the Human Rights Council and the Universal Periodic Review. The second, commonly known as "Treaty Bodies," are independent organs of independent experts provided in and set up pursuant to international human rights treaties.

[Special Procedures](#) are independent experts, appointed for a once-renewable three-year mandate by the Human Rights Council. As of July 2023, there were 45 thematic and 14 country mandates. Among thematic mandates, that of specific interest for journalists is the [Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#). Diplomatic missions can help journalists, including by putting them in contact with UN Human Rights, to make submissions to Special Procedures. Diplomatic missions can also liaise directly with Special Procedures by highlighting to them the issues that journalists face in their host countries. They can also encourage host governments to issue invitations to Special Procedures to visit their countries.

The [Universal Periodic Review](#) (UPR) is a peer review process established by the Human Rights Council, pursuant to which, every 4.5 years, the 193 Member States of the United Nations must report on the implementation of their human rights obligations. Member States are reviewed by a working group composed of the 47 Member States of the Human Rights Council, assisted by a group of three States (known as "troikas") who serve as rapporteurs. Diplomatic missions can help journalists to participate in the UPR process of their host countries by, prior to the review, encouraging journalists' associations and civil society organizations to send submissions to UN Human Rights highlighting the situation of media freedom in the concerned countries. During the review, they can, in coordination with journalists, journalists' associations or civil society organizations, prepare questions on media freedom and the safety of journalists that their colleagues based in Geneva could ask to the concerned states. They can also sponsor journalists to attend UPR sessions. After the review, they can follow up with host governments on the recommendations related to media freedom and the safety of journalists contained in the outcome report adopted by the Human Rights Council.

[Treaty Bodies](#) are committees, each composed of 10 to 25 independent experts. They monitor state

parties' compliance with the norms contained in the nine core international human rights treaties. The most relevant Treaty Body for journalists is the [Human Rights Committee](#), which monitors the implementation of the International Covenant on Civil and Political Rights. The Human Rights Committee can receive and consider individual complaints, from or on behalf of a person or group of persons – for instance a journalist, a journalists' association or a civil society organization defending the rights of journalists. Diplomatic missions can assist journalists, including through contact with UN Human Rights, to make such submissions to the Human Rights Committee.

2.2.4. Direct contact with journalists

Regular contact with journalists is important in order to understand their situation and develop a relationship of mutual trust where it is natural and appropriate to share information and contacts. This can also give useful insight into the society, the political situation and other local issues. Furthermore, attendance at seminars and meetings devoted to media freedom, FOE, and fighting impunity can raise the profile of those issues and turn attention of the local actors to those issues, while reaffirming the mission's position on it.

2.2.4.1. Information exchanges with journalists

It is important, wherever possible, to maintain consensual contact with journalists operating locally in order to keep up-to-date on their circumstances and preferences on any assistance they might be seeking. In some cases, contact with diplomatic missions (e.g. being invited to events organized by diplomatic mission in the speaker or participant capacity), can be advantageous to an individual journalists or media house as it can dissuade authorities from taking action against them or journalists could be seen as an agent of the mission. In other cases, contact with foreign entities can increase the risk for them. In situations when no direct contact is recommended yet information needs to be exchanged, intermediation can be provided via a third civil society organization or other body.

One diplomat noted that missions may inadvertently increase the risk of harm to a journalist simply by meeting with him or her. He noted that his mission adopted a "do no harm" approach to interacting with journalists – if it was likely that the authorities would detain, arrest, or imprison a journalist for meeting with mission representatives, the mission would not request the meeting. The diplomatic mission should consider if they are putting the journalist at risk before requesting a meeting with a journalist.

2.2.4.2. Economic and training support

In some countries, independent media do not have sufficient economic resources for their work and it may be appropriate to provide funding for them. Grants may be awarded on application to support specific projects or funds can be provided for organization of seminars and capacity building workshops, security trainings, legal aid, etc. Core support and unrestricted funding to support independent media organizations should also be considered.

Missions should be encouraged to make use of the opportunities available under the various budget items to support journalists, both professional and non-professional, including through the organization of training courses on human rights standards and protection mechanisms. UN Human Rights and UNESCO can assist diplomatic missions in organizing such training courses.

2.2.4.3. Public statements, interviews in local media, press releases

In certain situations, public interventions can be an effective tool to support journalists who are at risk or have been detained. They can bolster efforts by local and international actors to pressure a government to take positive steps. Public interventions can include open letters, op-eds, news releases, news conferences, and social media postings published by missions. Such interventions typically have greater impact when made in coordination with other concerned countries.

Public interventions are most effective when the government in question is called upon to meet its own standards and commitments as well as international human rights obligations.^{xiii} Common public appeals include urging authorities to conduct prompt and impartial investigations of acts of violence vis-à-vis journalists, and to take all necessary measures to ensure the protection of all people against violence, threats, retaliation, discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of their rights.

Drawing publicity to a case can sometimes make diplomatic efforts more difficult. The journalist in question, or their representative, should be consulted wherever possible, as public statements by foreign governments can lead to reprisals against the journalist, their families or against other human rights defenders. Special care needs to be taken whenever missions are unable to make contact, and must take into account the best interests of the individual. Experts should be consulted before a decision to undertake a public intervention is made on a given case.

2.2.5. Direct contact with journalists in distress

2.2.5.1. Providing direct 24/7 contact for journalists in distress

A key issue for journalists is the possibility to contact the diplomatic personnel, and to notify the mission to seek support when in danger. Missions should ensure that a safe way of contacting the mission is in place (e.g. hotline, emergency number) in case of emergency. Having an adequate system in place is vital if the journalist is detained in the evening and has a single chance to call someone, as the presence of the consul or other diplomatic personnel member makes a difference and journalists interviewed have highlighted the importance of the diplomatic missions' representatives' presence.

Procedures should be set out in advance so that when a journalist is in a dangerous situation—is kidnapped or detained in the course of their work—there is no time wasted going back and forth between different departments to determine which should take action and lead. By the time a decision is taken, which can last up to a week, the person whose whereabouts have been known at the beginning, might be moved, thus significantly reducing the chances of release.

While some countries have established procedures and special teams for such situations, others choose to act on a case-by-case basis. The latter could prove insufficient at the time of crisis. It is recommended that in case no special unit or task force exists, clear procedures should be in place that minimize the time between notification about the journalist in danger and the action taken.

2.2.5.2. Trials and hearings monitoring

Missions' personnel should undertake efforts to attend court cases involving journalists, in order to observe directly whether minimum fair trial guarantees are respected.

While not all local authorities allow foreign diplomats to attend trials, where this is possible, attendance by mission officials at trials or hearings involving journalists is a strong signal and a clear and visible expression of concern. It should be strongly considered. Trial monitoring is also helpful in tracking legal proceedings and ensuring up-to-date information on cases of particular interest. Similarly, sharing information about missions' attendance at trials with international press freedom groups advocating for a specific case can bolster the impact of such monitoring.

Where several diplomatic missions are following a case, or where a trial is held in a remote or difficult-to-access area, it can be helpful to establish a roster to ensure there is always a foreign diplomatic missions' representative attending the trial and to share information on trial-related developments. For example, in countries where there is an EU mission present, it can take the lead and establish rotation routines for trial observation on behalf of the local Presidency or EU troika.

Additionally, it is important to ensure the presence of an independent observer at the trial. This observer would provide a report to be shared and used by the diplomatic personnel both to document the case and subsequently raise the issue with the local government.

Importantly, in the case of a trial, the mission should issue a press release on the trial, informing media that observers from the diplomatic community have been actively monitoring the case.

Case Study: An American Journalist in Russia

On 29 March 2023, The Wall Street Journal's Evan Gershkovich was detained in Russia while on a reporting trip and has since been accused of espionage. The Wall Street Journal and the US government have both denied these charges. This accusation has made Gershkovich the first American journalist detained in Russia on espionage charges since the Cold War.

Gershkovich has had his pre-trial detention extended twice since March with both of his appeals being denied by the Moscow City Court. The most recent denial was on 19 September 2023, ensuring that Gershkovich will be detained until at least 30 November 2023 in Lefortovo prison – notorious for its harsh and isolated conditions. He is facing up to 20 years in prison if he is convicted.

The US State Department has declared that Gershkovich has been wrongfully detained and the Biden administration is looking at avenues to secure his release, possibly through a prisoner exchange. The US ambassador to Russia, Lynne M. Tracy, has been present at his hearings in an attempt to appeal to leaders and the UN to secure his release and continue to monitor the case. As of yet, no trial date has been set. The Moscow City Court has continued to decline to hear Gershkovich's appeal, citing unspecified procedural violations.

Sources: "Russia Extends Pretrial Detention of Evan Gershkovich," 24 August 2023, <https://www.nytimes.com/2023/08/24/world/europe/evan-gershkovich-wsj-reporter-detained-russia>

2.2.5.3. Visiting detained journalists

Governments can seek access to their detained nationals, including journalists, as a matter of customary international law, codified by Article 36 of the Vienna Convention on Consular Relations; certain bilateral agreements also address consular notification and access rights. Such access can be sought through diplomatic channels.^{xiv} Diplomatic channels should be used to their full potential where the life of journalists is at stake or when journalists from a particular country are in State custody in a foreign country^{xv}.

Seeking to visit journalists detained by local authorities or placed under house arrest as a result of their work can also, in some instances, be a helpful means of showing support. The well-being of the individual and the potential impact on the mission should be weighed with particular care before action is taken. One has to bear in mind that restrictions on visiting journalists in detention are very common, yet even if that is the case, requesting permission to visit or attend the trial can nevertheless demonstrate continued international interest in the case.

With regards to human rights defenders, it may also be appropriate to visit the family of imprisoned journalists.

2.2.5.4. Emergency assistance

In emergency situations, missions should, as appropriate, consider providing support or assisting journalists at risk/in distress in obtaining support that could take the form of:

- financial Support (for example to enable the person concerned to move to another part of the country or even another country in the region);
- emergency removal from the country;
- in-country safe haven placement;
- support in obtaining temporary travel documents/visas.

In certain cases, missions may wish to put journalists facing an acute risk/threat in contact with a civil society organization that specializes in providing emergency assistance in such cases, such as the Journalists in Distress Network, which is comprised of 18 organizations which coordinate assistance across funding mechanisms (see Annex 3). This assistance can include legal support, temporary shelter, and funding to cover living costs and personal protection. These specialized organizations can offer assistance in situations where a journalist feels it necessary to leave their home country temporarily in order to carry out their work without fear.

As a general rule, it is recommended to contact the office of the UN High Commissioner for Refugees (UNHCR). UNHCR can assist with emergency evacuation and long-term protection. In exceptional cases, however, missions might need to consider cooperating with the capital to help a journalist obtain, within the framework of applicable immigration law, the necessary travel

documents to enter their country. It is also recommended to bring the matter to the attention of the UN Resident Coordinator, and, if applicable, to the country presences of UN Human Rights and UNESCO.

2.2.5.5. Temporary protection

If the journalist is in acute/imminent danger, the policy in place at the missions should allow explicitly for his/her protection in critical situations. There should exist the possibility for the diplomatic mission with the approval of the country MFA to provide temporary shelter for the journalists in danger. While the premises of a mission must not be used in a way that is incompatible with the functions of the mission, in emergency and very serious situations missions should consider providing temporary protection at their premises to journalists at risk to prevent events from occurring that could otherwise result in the death or injury to the journalist.

At other times it may be enough to provide a short-term protection in a safe house or a refuge. In such cases it is often advantageous to cooperate with regional networks of human rights defenders and journalist-focused organizations as well as with diplomatic missions of like-minded countries.

For countries with International Visitor programs that do not require lengthy preparations and applications with several months' notice, placing a journalist who needs to temporarily be removed from a risky situation on such a program may also be a good option.

Daphne Caruana Galizia's case^{xvii}

Daphne Caruana Galizia was a Maltese journalist who was active in investigative journalism for more than 30 years in Malta. She was killed in 2017 by a car bomb placed near her home. For two decades, even before her revelations with the Panama Papers, Galizia had been intimidated and harassed for her reporting, particularly regarding her blog, Running Commentary. Her blog would regularly report on corruption in the government, particularly of the Prime Minister at the time, Joseph Muscat. A public inquiry, with active support from the EU Parliament, completed in 2021 concluded that the Maltese state failed to provide any adequate protections to Galizia from threats on her life. In 2022, the Council of Europe's Commissioner for Human Rights urged the Prime Minister, Robert Abela, to strengthen the protection of media and access to information in line with current international standards.

2.2.5.6. Conveying information

In situations where a mission is approached by the journalist, who is in possession of information/documentation that potentially could serve as evidence in cases of human rights violations or abuses or related crimes, and that s/he would have difficulty safely conveying or sending this information out of the country, consideration should be given to assisting the transport/transmission of such information out of the country.

2.2.5.7. Journalists' Physical Safety and Personal Protective Equipment

Protective gear is crucial for journalists to stay safe in a conflict zone or a place where violent protests could erupt. It is, however, difficult for journalists to access the necessary personal protective equipment (PPE) such as helmets, body armor, and gas masks, because it is expensive and some governments impose restrictions on its importation. Though restrictions may not have been put in place to intentionally prevent journalists from safely doing their work, their imposition on foreign and local reporters puts them in dangerous situations. Mission personnel should work to inform local governments about the need for appropriate physical protection while covering dangerous assignments, and to ultimately lift restrictions on PPE for journalists and media professionals.^{xviii}

Additional information and official recommendations on PPE are available in CPJ's 2017 special report "Best Defense", which is available at <https://cpj.org/reports/2017/02/Best-Defense-Threats-Safety-Journalists-Freelance-Emergencies-Attack-Digital.php>

3. Conclusions

No single template can be applied when taking action to support journalists in distress and/or at risk. These guidelines should therefore be interpreted in the context of local circumstances and conditions on the ground.

The various tools for intervention described in these guidelines should not be considered mutually exclusive and should be used in conjunction with other approaches. They are intended to serve as a checklist to ensure that key steps are considered and that appropriate officials are kept informed in a timely manner.

Representatives abroad are encouraged to maintain networks of contacts among groups and individuals advocating on behalf of the protection and promotion of human rights. These networks provide essential resources to support journalists at risk, including vital information, advice, and access to sources of influence. They may also provide added credibility in dealing with local authorities, the public, and human rights defenders as well as journalists.

ANNEX 1: INTERNATIONAL LAW AND OTHER RESOURCES

Universal Declaration of Human Rights

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.

International Covenant on Civil and Political Rights (1966)

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

European Convention on Human Rights

Article 10

1. Everyone has the right to freedom of expression. this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

American Convention on Human Rights, Costa Rica (1968)

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:
 - a. respect for the rights or reputations of others; or
 - b. the protection of national security, public order, or public health or morals.
3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.
4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.
5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

African Charter on Human and Peoples' Rights (1981)

Article 9.

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Arab Charter on Human Rights (1994)

Article 26.

Everyone has a guaranteed right to freedom of belief, thought and opinion.

ASEAN Human Rights Declaration (2009)

There is no established regional human rights body for Asia. However, the ten countries of the Association of Southeast Asian Nations (ASEAN) formally established the ASEAN Intergovernmental Commission on Human Rights (AICHR) on 23 October 2009, during the 15th ASEAN Summit. The group also adopted a Human Rights Declaration, which guarantees freedom of expression as follows:

Article 23.

Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or through any other medium of that person's choice.

International Humanitarian Law: (1949)

- **International armed conflicts: Article 79 of Protocol I** (concerning treatment of civilians, including journalists, and of persons not or no longer taking direct part in hostilities). ***The Geneva Conventions of 12 August 1949*** states that "journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians" and thus be protected as such under the Conventions.^{xix}
- **Non-international armed conflict:** While the Additional Protocol II does not contain any specific provision on civilian journalists, they are entitled to the same protections against as civilians unless and for such time as they take a direct part in hostilities^{xx}.

INTERNATIONAL AND REGIONAL MECHANISMS & TOOLS OF RELEVANCE FOR THE PROTECTION OF JOURNALISTS / MEDIA

- UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression>.
- UN Special Rapporteur for freedom of peaceful assembly and of association: <https://www.ohchr.org/en/special-procedures/sr-freedom-of-assembly-and-association>.
- UN Special Rapporteur on human rights defenders: <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders>.
- UN Special Rapporteur on the Right to Privacy: <https://www.ohchr.org/en/special-procedures/sr-privacy>.
- OSCE Special Representative on Freedom of the Media: <http://www.osce.org/FOM>
- Council of Europe Platform to promote the protection of journalism and safety of journalists - <https://www.coe.int/en/web/media-freedom>
- UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.
- Special Rapporteur on Freedom of Expression and Access to Information of the African Union Commission
- Special Rapporteur for Freedom of Expression of the Organization of American States

OTHER RESOURCES

- UN Human Rights Council, General Assembly, and Security Council resolutions on the safety of journalists: <https://www.ohchr.org/en/safety-of-journalists/resolutions>.
- UN Plan of Action on the Safety of Journalists and the Issue of Impunity (endorsed by the United Nations Chief Executives Board on 13 April 2012) (<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/un-plan-of-action/>)
- UNESCO Resolutions, Decisions, and Declarations on Safety of Journalists: <https://www.unesco.org/en/safety-journalists/basic-texts>.

GUIDANCE PROVIDED BY TREATY BODIES AND SPECIAL MECHANISMS

- The Human Rights Committee General Comment No. 34 (2011) on the freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011

- HRC has explicitly addressed the safety of journalists
<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>.

¹ SC Resolution emphasizes "the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law" and that "journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered civilians, to be respected and protected as such".

- Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Protection of the right to life of journalists (2012), A/HRC/20/22, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22_en.pdf
 - Paragraph 86 – “Diplomatic channels: Governments can use diplomatic channels and diplomatic protection to address the plight of their nationals in other countries”.
- Report of the Special Rapporteur on the situation of human rights defenders (21 December 2011), A/HRC/19/55, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/19/55
 - In chapter III, the Special Rapporteur focuses on the specific risks and challenges faced by selected groups of defenders, including journalists and media workers. Regional overviews is also provided. Additionally, recommendations are provided in Conclusions & Recommendations Chapter.²

² Chapter IV. Conclusions & Recommendations:

A. Journalists and media workers:

118. Journalists and media workers monitoring demonstrations and shedding light on violations and abuses often risk their lives. In most regions, they seem to be targeted by the same State actors that they investigate, except for the Americas where non-State actors and unknown groups emerge as the main perpetrators.
119. The monitoring role of journalists and media workers during demonstrations is essential, as it can provide an impartial and objective account of the conduct of both participants and law enforcement officials. States should grant media access to public assemblies to facilitate independent coverage.
120. Restrictions on media and press freedom, and impunity around violations against journalists and media workers defending human rights can foster a climate of intimidation, stigmatization, violence and self-censorship that can have a chilling effect on their work. States should publically recognize the role of these defenders and ensure prompt and impartial investigations and the prosecution of those responsible for violations against them.
121. If journalists or media workers violate an administrative provision, a solution should be found within the administrative civil framework. Criminal law should only be applied when strictly necessary. States should refrain from the persistent use of legislative

frameworks to silence legitimate dissent on human rights issues.

122. The protection of journalists and media workers active on human rights issues should not be limited to those formally recognized as such, but should include other relevant actors, such as community media workers, bloggers and those monitoring demonstrations.

ANNEX 2: RELEVANT EXISTING GUIDELINES AND RESOURCES

EXISTING GUIDELINES ON THE SAFETY OF JOURNALISTS AND FREEDOM OF EXPRESSION:

- Recommendation by the Council of Europe (2016) on the protection of journalism and safety of journalists and other media actors - https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#globalcontainer
- OSCE, Office of the Representing on Freedom of the Media: Safety of Journalists Guidebook, 2nd edition, 2014 - <http://www.osce.org/fom/118052>
- EU Human Rights Guidelines on Freedom of Expression Online and Offline, Council of the European Union, 12 May 2014 - <https://eeas.europa.eu/sites/eeas/files/142549.pdf>

EXISTING GUIDELINES ON THE PROTECTION OF HUMAN RIGHTS DEFENDERS OF RELEVANCE TO JOURNALISTS:

- “Ensuring Protection – European Union Guidelines on Human Rights Defenders: <https://www.consilium.europa.eu/en/uedocs/cmsupload/guidelinesdefenders.pdf>
- Swiss Guidelines on the Protection of Human Rights Defenders: https://www.eda.admin.ch/dam/eda/en/documents/publications/MenschenrechtehumantaerePolitikundMigration/Leitlinien-zum-Schutz-von-HRD_en
- Norway’s efforts to support human rights defenders: https://www.regeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/veiledningmrf_orkjengelskfin.pdf

ADDITIONAL RESOURCES

- [UN Human Rights Handbook “Working with the United Nations Human Rights Programme: A Handbook for Civil Society”](https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_ENG.pdf): https://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_ENG.pdf
- UN Human Rights Fact Sheet No. 27 on Seventeen Frequently Asked Questions about United Nations Special Rapporteurs: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-27-seventeen-frequently-asked-questions-about-united-nations>
- [Article 19, Communications of the UN Special Procedures: An](#)

[advocacy guide for civil society organizations:](https://www.article19.org/wp-content/uploads/2022/05/A19-Guidelines-on-Communications-to-UNSPs-P4-spreads.pdf)

<https://www.article19.org/wp-content/uploads/2022/05/A19-Guidelines-on-Communications-to-UNSPs-P4-spreads.pdf>

- UN Human Rights, Universal Periodic Review: A Guide for Civil Society for the Fourth Cycle: <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>.
- UNESCO, The Universal Periodic Review and its potential to foster freedom of expression, access to information and safety of journalists: guidelines for civil society organizations: <https://www.unesco.org/en/safety-journalists/universal-periodical-review>
- UN Human Rights Fact Sheet 30 rev. 1 on The United Nations Human Rights Treaty System: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-30-rev-1-united-nations-human-rights-treaty-system>.
- UN Human Rights Fact Sheet No.15 rev. 1 on Civil and Political Rights: The Human Rights Committee: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-15-rev-1-civil-and-political-rights-human-rights-committee>.
- UN Human Rights Fact Sheet No.7 rev.2 on Individual Complaint Procedures under the United Nations Human Rights Treaties: <https://www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-07-rev-2-individual-complaints-procedures-under-united>.
- Committee to Protect Journalists, Journalists Safety and Emergencies Guide: <https://www.cpj.org/reports/2012/04/journalist-security-guide.php>
- Reporters Without Borders, Safety Guide for Journalists (https://rsf.org/sites/default/files/guide_journaliste_rsf_2015_en_0.pdf)
- CIFE's Resource Centre (<http://www.cife.org/resourcecentre>)
- 'A Culture of Safety' (ACOS) Alliance (<http://www.acosalliance.org/the-principles>)
 - stands for and promotes the *Freelance Journalist Safety Principles*
- *Safety Net Manual*: Part 2 "Reporting under pressure", Part 3 "Essential principles of ethical and objective journalism" - <http://www.journalismfund.eu/sites/default/files/u8/Safety%20Net%20Manual.pdf>

- *Investigative Reporting in Emerging Democracies: Models, Challenges, and Lessons Learned* (Not guidelines per se, but of relevance) - <http://www.cima.ned.org/resource/investigative-reporting-in-emerging-democracies-models-challenges-and-lessons-learned/>

ANNEX 3: EMERGENCY ASSISTANCE PROGRAMS

- **The Journalists in Distress (JID) Network** is a global forum to coordinate assistance to journalists at risk. The network is made up 20 international organizations with similar assistance mandates—including the Committee to Protect Journalists, PEN International, the Rory Peck Trust, Reporters Without Borders, the Frontline Club, and Freedom House. The JID network has helped more than 1,000 journalists under threat.

- **Committee on the Protection of Journalists: Emergencies Response Team**

The Committee to Protect Journalists (CPJ) is an independent, non-profit organization that promotes press freedom worldwide. CPJ defends the right of journalists to report the news without fear of reprisal. The CPJ's Emergencies Response Team provides comprehensive, life-saving support to frontline journalists and media support staff working around the world to make sure that they are aware of safety and security issues before entering a conflict zone. The CPJ's Emergencies Response Team works to prevent deaths, detentions, kidnappings, and other dangers through information sharing and practical guidance. It provides also on-the-ground advocacy and rapid response assistance to journalists at risk who are injured, imprisoned, or forced to flee because of their work. The CPJ's ERT also dispenses emergency grants to journalists in distress through CPJ's Gene Roberts Emergency Fund and coordinates with the Journalists in Distress (JID) Network.

Contact: info@cpj.org

Website: <https://www.cpj.org/>

- **Canadian Journalists for Free Expression: Journalists in Distress Fund**

Canadian Journalists for Free Expression (CJFE) is a Canadian organization which works to defend and protect the right to free expression in Canada and around the world. The **CJFE's Journalists in Distress program** provides humanitarian assistance to journalists around the world whose lives and well-being are threatened because of their work. The CJFE's program offers **grants from \$500 to \$1500 CAD** for legal fees, medical expenses, transportation costs to flee, financial support for the families and resettlement costs within first year of arriving in a final safe country.

Contact: cjfe@cjfe.org

Website: <http://www.cjfe.org/>

- **Digital Defenders Partnership**

The mission of the Digital Defenders Partnership (DDP) is to coordinate emergency support and build emergency response capacity for the internet's critical users, such as bloggers, cyber activists, journalists, human rights defenders, and other civil society activists, whenever and wherever they are under threat through grant making, Rapid Response and the Digital Integrity Fellowship.

Contact: ddp@hivos.org

Website: <https://www.digitaldefenders.org/>

- **Free Press Unlimited**

The Foundation Free Press Unlimited based in Amsterdam, has a team of 50 professionals working in 39 countries around the world, supports local journalists in conflict areas and war zones to provide their audience with reliable news and information. Its **emergency funding** for the media called **Reporters Respond** helps journalists who have been confronted with vandalism or intimidations. FPU provides also knowledge and resources which help to circumvent censorship and communicate safely and securely, safety and security courses and quick and concrete solutions in case of emergency.

Contact: info@freepressunlimited.org

Website: <https://www.freepressunlimited.org/en>

- **Freedom House**

Freedom House (FH) is an international independent watchdog organization dedicated to the expansion of freedom and democracy around the world. Freedom House offers **emergency assistance to** organizations and individuals including **journalists who are under threat** because of their human rights work and it also **assists activists in recovering from digital attacks**.

Contact: info@freedomhouse.org

Website: <https://freedomhouse.org/>

- **Front Line Defenders (incl. HRD protection mechanism)**

Front Line Defenders (FLD) is a charity based in Dublin and Brussels which has regionally- based field staff in the Americas, Asia, Africa and the Middle East. Front Line Defenders provides international advocacy on behalf of human rights defenders, including journalists at risk. It provides also an **emergency 24-hour phone line** operating in Arabic, English, French, Russian and Spanish, offers **grants** to pay for the practical security needs of human rights defender trainings and resource materials on security and protection, including digital security. Front Line Defenders also works in collaboration with the **European Union Human Rights Defenders mechanism** that provides to human rights defenders at risk, including journalists: emergency support, support to local organizations, temporary relocation, training and information, monitoring and advocacy.

Contact: info@frontlinedefenders.org / euoffice@frontlinedefenders.org

Website: <https://www.frontlinedefenders.org/en>

- **Human Rights Watch**

Human Rights Watch (HRW) is an international nonprofit known for its accurate fact-finding, impartial reporting, effective use of media and targeted advocacy and is often in partnership with local human rights groups. The NGO publishes reports and briefing on human rights condition in some 90 countries. HRW supports writers who are being persecuted for their work around the world and who need **financial assistance**. HRW provides financial assistance through Hellam and Hammett grants.

Website: <https://www.hrw.org/>

- **International Cities of Refuge Network**

The International Cities of Refuge Network (ICORN) is an independent organization of cities and regions offering shelter to writers and artists at risk. ICORN advances freedom of expression, defends democratic values and promotes international solidarity. More than 60 cities around the world have joined the network and 170 writers and artists have found shelter. ICORN enables the writers and artists to continue express themselves freely in a place where they are safe, but not silent.

Contact: icorn@icorn.org

Website: <http://www.icorn.org/>

- **International Committee of the Red Cross Hotline**

The International Committee of the Red Cross (ICRC) is an independent, neutral organization ensuring human protection and assistance for victims of armed conflict and other situations

of violence. The ICRC prevents suffering by promoting and strengthening humanitarian law and universal humanitarian principles. The ICRC also operates a **hotline** enabling journalists, their families and the media organizations to request assistance if they are wounded, detained or missing.

Contact : webmaster@icrc.org

Website: <https://www.icrc.org/en>

- **International Federation of Journalists – The Safety Fund**

The International Federation of Journalists (IFJ) is the world's largest organization of journalists. The IFJ promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists. It is also the organization that speaks for journalists within the United Nations system and within the international trade union movement. The IFJ' work includes casework, protests, campaigns, provision of information and production of various publications. In 1992, the IFJ **Safety Fund** was established and has become internationally recognized as an important and crucial source of support for journalists under threat. The IFJ Safety Fund provides assistance for journalists and media staff who are injured in cases where the media employing the journalist or media staffer are unable to cover the costs. This assistance can be in the form of travel, medical or subsistence costs. It can also assist in legal fees and provides immediate assistance for the families of journalists and media staff.

Contact: ifj@ifj.org

Website: <http://www.ifj.org>

- **International Media Support – The Safety Fund**

The International Media Support (IMS) is non-profit organization who works to support local media in countries affected by armed conflict, human insecurity and political transition. It helps to promote press freedom, strengthen professional journalism and ensure that media can operate in challenging circumstances. IMS manages for the Danish Union of Journalists a **Safety Fund** which provides support for journalists victimized as a direct result of their journalistic work.

Contact: info@mediasupport.org

Website: <https://www.mediasupport.org/>

- **International Service for Human Rights**

The International Service for Human Rights (ISHR) is an independent NGO dedicated to promote and protect human rights. They strengthen human rights systems and support human rights defenders including journalists. To achieve it, the ISHR has developed a **Model National Law on the Recognition and Protection of Human Rights Defenders** which provides legal and technical guidance, obligations for States and public authorities to protect and enable the work of defenders and to prevent, investigate, and remedy violations against them.

Contact: ishr@ishrny.org

Website: <http://www.ishr.ch/>

- **International Women’s Media Foundation – IWMF Emergency Fund**

The IWMF is a Washington D.C based international foundation that works to elevate the status of women in the media. The foundation develops programs to help women in the media developing practical solutions to the obstacles they face in their career and lives. The IWMF **Safety Fund** provides women journalists with a lifeline of support in times of crisis. It provides them **small grants** for psychological and medical care for incidents directly related to threats and crises caused by one's work as a journalist, **3 months or temporary relocation assistance** in the event of crisis or threat, **legal aid** to counter threats of imprisonment or censorship and **non-financial assistance** in the form of information about additional access to resources.

Contact: info@iwmf.org

Website: <https://www.iwmf.org/>

- **Lifeline Embattled CSO Assistance Fund**

Lifeline Embattled CSO Assistance Fund IS is a consortium of 7 international NGOs supported by a Donor Steering Committee (DSC) of 18 governments and 2 foundations. Lifeline support over 879 CSOs in 97 countries with **emergency assistance** and **rapid response advocacy grants**. Through Freedom House and Front Line Defenders, Lifeline provides **small and short-term emergency grants** to CSOs and to journalists too threatened because of their human rights work. Its grants can address security, medical expenses, legal representation, prison visits, trial monitoring, temporary relocation, equipment replacement, and other urgently needed expenses.

Contact: info@csolifeline.org

Website: <https://www.csolifeline.org/>

- **Media Legal Defense Initiative**

Founded by the OSI Media Program and the Open Society Justice, the Media Legal Defence Initiative (MLDI), based in London provides **legal defense** to journalists, bloggers and independent media across the world. MLDI has the capacity to defend headline-grabbing media freedom cases and to respond to the constant barrage of law suits many independent media are faced with.

Contact: info@mediadefence.org

Website: <http://www.mediadefence.org/>

- **PEN International – Emergency Fund**

PEN International promotes literature and freedom of expression and is the world's leading associations of writers. The PEN Writers' Emergency Fund is aimed to provide **financial support** for published or produced professional writers in acute, emergency financial crisis. The Fund gives **grants of up to \$2,000**.

Contact: info@pen-international.org

Website: <http://www.pen-international.org/>

- **Prisoners of Conscience**

Founded in 1962, as the relief arm of Amnesty International, PoC is a separate charity and the only agency in the United-Kingdom making **grants specifically to prisoners of conscience** – individuals who have been persecuted for their conscientiously – held beliefs, provided that they have not used or advocated violence. Its grants are provided to political prisoners, human rights defenders, lawyers, environmental activists, teachers and academics. The PoC distributes money to help them and/or their families rehabilitate themselves during and after their ordeal. **Financial grants** cover general hardship relief, furniture, medicines, travel costs, family reunion costs, education, requalification, resettlement costs, medical treatment and counselling after torture.

Contact: info@prisonersofconscience.org

Website: <http://www.prisonersofconscience.org/>

- **Reporters Without Borders**

RWB is an international non-profit NGO based in Paris which promotes and defends freedom of information and freedom of press. It promotes the reinforcement of international regulations governing the safety of journalists. RWB focuses on Internet censorship and the new media and **provides material, financial and psychological assistance to journalists assigned to dangerous areas**. It denounces and monitors attacks on freedom of information, **assists journalists and their families morally and financially** and **offers material assistance to war correspondents** in order to enhance their safety.

Contact: assistance@rsf.org

Website: <https://rsf.org/en>

- **Rory Peck Trust**

The Rory Peck Trust, based in London, is the only organization dedicated to the support, safety and welfare of freelance newsgatherers around the world. The organization provides **practical assistance and support through assistance grants, training bursaries and ongoing practical advice and information**. The Rory Peck Trust aims to freelance newsgatherers and their families worldwide, to raise their profile, promote their welfare and safety, and to support their right to report freely and without fear.

Contact: info@rorypecktrust.org

Website: <https://rorypecktrust.org/>

- **Scholar Rescue Fund**

In 2002, the Scholar Rescue Fund was established by the Institute of International Education which is an independent non-profit organization and which **participates in the rescue of persecuted scholars**. The IIE-SRF preserves the lives, voices and ideas of scholars around the world. The IIE-SRF selects outstanding professors, researchers and public intellectuals for **fellowship support** and arranges visiting academic positions with partnering institutions of higher learning and research. It **enables scholars** to pursue their academic **work in safety** and to continue to share their knowledge with students, colleagues and the community. IIE- SRF has provided life-saving support to nearly 700 scholars from more than 56 countries.

Contact: srf@iie.org

Website: <http://www.scholarrescuefund.org/>

Notes.

ⁱ See communication No. 1128/2002, *Marques v. Angola*, Views adopted on 29 March 2005

ⁱⁱ Expression can take all forms including spoken, written and sign language as well as nonverbal expression such as images and objects of art, all of which are protected. Means of expression can include books, newspapers, pamphlets, posters and banners as well as all forms of audio-visual, electronic and internet-based modes of expression.

ⁱⁱⁱ UN Plan of Action on the Safety of Journalists and the Issue of Impunity, CI-12/CONF.202/6, para. 1.1. See also: OHCHR News, Human Rights Council holds panel discussion on the safety of journalists, 11 June 2014, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14680&>

^{iv} Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (Adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies), paragraph 4 states: *"many intergovernmental bodies have recognised, including the United Nations in its Plan of Action on the Safety of Journalists and the Issue of Impunity and the Human Rights Committee in its General Comment No. 34, the definition of media actors has expanded as a result of new forms of media in the digital age. It therefore includes others who contribute to public debate and who perform journalistic activities or fulfil public watchdog functions"*.

Additionally, the Committee of Ministers, under the terms of the Article 15.b of the Statute of the Council of Europe recommends that member states: *"adopt a new, broad notion of media which encompasses all actors involved in the production and dissemination, to potentially large numbers of people, of content (for example information, analysis, comment, opinion, education, culture, art and entertainment in text, audio, visual, audiovisual or other form) and applications which are designed to facilitate interactive mass communication (for example social networks) or other content-based large-scale interactive experiences (for example online games), while retaining (in all these cases) editorial control or oversight of the contents"* (CM/Rec(2011)7. Recommendation on a new notion of media of the Committee of Ministers, 21 September 2011, Paragraph 6, available at https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cc2c0).

^v This definition is also included in the Recommendation of the Committee of Ministers on the protection of journalism and safety of journalists in 2016, CM/Rec(2016)4, Recommendation of the Committee of Ministers to members states on the protection of journalism and safety of journalists and other media actors, 13 April 2016, Paragraph 10 : *"The UN Human Rights Committee has similarly stated that "journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere"."*, para 2, available online at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016806415d9#_ftn1

Similar definitions can be also found in:

- the paragraph 9 of the Report of the Office of the United Nations High Commissioner for Human Rights in 2013 (A/HRC/24/23, http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official_documents/HRC_Safety_of_Journalists_A-HRC-24-23_en.pdf),
- in the paragraph 5 of the Report of the Special Rapporteur to the Human Rights Council on the protection of journalists and media freedom in 2012 (A/HRC/20/17, 4 June 2012,

available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf)

in the OSCE Safety of Journalists Guidebook, *second edition*, OSCE Representative on Freedom of the Media, 2014, p.9: *“And in the age of the Internet the function of journalism is no longer restricted to full-time media professionals but is recognized as being shared by a wide range of actors, including bloggers and others who self-publish on the Internet, in print or through some other medium”*.

^{vi} CCPR/C/CG/34, General Comment No.34 on the freedoms of opinion and expression by the Human Rights Committee, 12 September 2011, available online at <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>, para. 44.

vii UN General Assembly. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/20/22, 10 April 2012, Paragraph 26.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22_en.pdf

viii Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Protection of the right to life of journalists (2012), A/HRC/20/22, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/128/73/PDF/G1212873.pdf?OpenElement>. Its paragraph 86 states: “Diplomatic channels: Governments can use diplomatic channels and diplomatic protection to address the plight of their nationals in other countries”.

ix *Idem.*, Chapter V, Paragraph 117.

x In certain cases, citizens of a specific country that has no representation in a third country, can seek support and diplomatic/consular protection also of another state’s representation. It is possible in situations when states that have no representation in a given third country have arranged on bilateral basis with another country having presence there, to provide support and consular services to its citizens. Additionally, a special regime concerning protection of the EU citizens is in place in the EU. In accordance with point (c) of Article 20(2) TFEU and Article 23 TFEU, Member States should provide consular protection to unrepresented citizens on the same conditions as to their own nationals.^x Thus any EU citizen in a non-EU country where his/her own national state has no representation is entitled to protection by the diplomatic or consular authorities of any other EU state under the same conditions as the nationals of that country. The same is valid for any journalist who would find him/herself in situation requiring protection. When an EU citizen in such a situation seeks help from the embassy or consulate of another EU country, he/she must produce a passport or identity card as proof of nationality. If these documents have been stolen or lost, the embassy may accept any other proof.

This does not provide solution however in situations when a journalist finds himself in situation of distress in a country where there is neither his/her country representation, nor there is any special arrangement with representations of another country present there.

xi UN General Assembly. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, A/HRC/20/22, 10 April 2012, Paragraph 27, available online at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22_en.pdf.

xii <https://cpj.org/killed/2015/ananta-bijoy-das.php>

xiii Most states have ratified at least some of the UN Core International Human Rights Instruments. In so doing, these states have taken on certain obligations, including agreeing to submit to regular reviews by committees (“treaty bodies”) set up under these agreements, including on issues like FOE. These UN human rights treaty bodies make observations and recommendations to improve the implementation of the human rights obligations. It is also possible to make reference to the Universal Declaration of Human Rights of 1948, parts of which are considered to have the status of the customary law. It can also be useful to make specific reference and recommendations to states on human rights and protection of journalists by using the Universal Periodic Review process.

xiv UN General Assembly, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A/HRC/20/22, April 10th, 2012, Chapter III, Paragraph 86. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/128/73/PDF/G1212873.pdf?OpenElement>

xv UN General Assembly, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, A/HRC/20/22, April 10th, 2012, Chapter V, Paragraph 117 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G12/128/73/PDF/G1212873.pdf?OpenElement>

^{xvi} Article 41 (3) of the Vienna Convention

^{xvii} Council of Europe Commissioner for Human Rights, Letter to Mr Robert Abela Prime Minister of Malta, 23 September 2022. <https://rm.coe.int/letter-to-mr-robert-abela-prime-minister-of-malta-by-dunja-mijatovic-c/1680a836f8>, See also press coverage: *The Guardian*, October 19, 2017 “Daphne Caruana Galizia: Establishment was out to get her, says family” <https://www.theguardian.com/world/2017/oct/19/daphne-caruana-galizia-establishment-was-out-to-get-her-says-family>

^{xviii} Additional information and official recommendations on PPE are available in CPJ's 2017 special report "Best Defense", which is available at <https://cpj.org/reports/2017/02/Best-Defense-Threats-Safety-Journalists-Freelance-Emergencies-Attack-Digital.php>

^{xix} Additional Protocol I, Article 79 (adopted by consensus) (cited in Vol. II, Ch. 10, § 1). This rule is set forth in numerous military manuals and is also supported by official statements and reported practice, including that of States not party to Additional Protocol I.

^{xx} See: “Rule 6. Civilians are protected against attack, unless and for such time as they take a direct part in hostilities.”, available online at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule6. This conclusion is borne out by practice, even before the adoption of the Additional Protocols. Brazil in 1971 and the Federal Republic of Germany in 1973 stated before the Third Committee of the UN General Assembly that journalists were protected as civilians under the principle of distinction. The UN Commission on the Truth for El Salvador considered the murder of four Dutch journalists, accompanied by members of the FMLN, who were ambushed by a patrol of the Salvadoran armed forces, to be in violation of international humanitarian law, “which stipulates that civilians shall not be the object of attacks”. This principle is also recognized in the Article 79(2) of Additional Protocol I (adopted by consensus), which grants protection to civilian journalists “provided that they take no action adversely affecting their status”. This also implies that journalists, like any other person entering a foreign country, must respect that country’s domestic regulations concerning access to its territory. Journalists may lose their right to reside and work in a foreign country if they have entered illegally. In other words, the protection granted to journalists under international humanitarian law in no way changes the rules applicable to access to territory.

In 1996, the Committee of Ministers of the Council of Europe reaffirmed the importance of Article 79 of Additional Protocol I, “which provides that journalists shall be considered as civilians and shall be protected as such” and stressed that “this obligation also applies with respect to non-international armed conflicts”, Council of Europe, Committee of Ministers, Rec. R (96) 4.