

Institute of Commonwealth Studies' Conference
The most fundamental threat to human rights?
CHALLENGES TO MEDIA FREEDOM ACROSS THE COMMONWEALTH
4-5 April 2017

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A note to journalists: it's safer to be dumb...



‘Journalism is not a crime’ demonstration during BBC & CFOM Safety of Journalists Symposium, 7 April 2014
40 media organisations issue ‘joint statement’



CFOM hands 'London Statement' by news media representatives to UNESCO deputy director-general Janis Karklins, Vienna, 2012



Commonwealth Journalists Association (CJA)

Engagement with Media and Freedom, CJA Congress, April 2016

- Pakistan: Daniel Pearl kidnapped and killed, 2004; Hamid Mir shot in 2014
- Sri Lanka: Lasantha Wickremetunge, Sri Lanka *Sunday Leader* posthumous editorial, Jan 2009: 'Murder has become the primary tool whereby the state seeks to control the organs of liberty. Today it is the journalists, tomorrow it will be the judges... When finally I am killed, it will be the government that kills me.'
- Windhoek Declaration, 1991: African journalists for 'free, independent and pluralistic media' in face of violence and pressure against journalists in Africa (liberation of Namibia, end of Cold War); World Press Freedom Day established, 1993
- CJA Media Freedom Committee and CJA Executive Committee lead initiative on Media and Governance in Commonwealth

Commonwealth Member States: Killings of journalists and rates of impunity

- **UNESCO Director-General's Report on Safety of Journalists and Impunity, 2016:**
- **Journalists killed in Commonwealth countries, 2006-15**
- **Bangladesh 9– all unresolved**
- **India 23 – all unresolved, 21 'no information'**
- **Nigeria 7 – all unresolved**
- **Pakistan 51 – all unresolved (more than 30 'no information')**
- **Sri Lanka 9 – all unresolved**
- **Uganda 4 – all unresolved**

- **CPJ (Committee to Protect Journalists) Impunity Index 2016**
- **Commonwealth states are 4 out of 12 states on the Index: Pakistan, Bangladesh, Nigeria and India**

Commonwealth engagement with United Nations programmes? ‘An open door invitation’

- **UN Action Plan on Safety of Journalists and Impunity:**
- **“Partnering with Other Organizations”:**
- ***Reinforce collaboration between UN agencies and other intergovernmental organizations, at both international and regional levels, and encourage the incorporation of media development programmes, in particular on the safety of journalists, into their strategies***

- **UN SDG Goal 16 [access to justice; build accountable and inclusive institutions]**
- **16.10.1 [Indicator] *Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months***

UN General Assembly Resolution 68/163, 2013

- **6. Calls on States to ‘promote a safe and enabling environment for journalists to perform their work independently and without undue interference’ through**
- **(a) legislative measures; (b) awareness-raising in the judiciary and among law enforcement officers and military personnel, as well as among journalists and in civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) monitoring and reporting of attacks against journalists; (d) publicly condemning attacks; and (e) dedicating the resources necessary to investigate and prosecute such attacks;**
- **Proclaims International Day to End Impunity for Crimes against Journalists: 2 November**
- **(commemorates deaths of two French radio journalists in Mali, 2013)**

Landmark judgements on protection of journalists in Africa

- ***Lohe Issa Konate v Burkina Faso*, African Court judgement, 2014: prison for defamation is violation; legal precedent**
- ***Hydara v Gambia*: ECOWAS Court judgement, 2014, violation over murder of editor Deyda Hydara...**
- **State ‘contributed to death by tolerating climate of impunity through systematic failure to effectively investigate and secure convictions’; no enforcement**
- **African Court on Human and Peoples Rights: 24 of 54 African states ratify Protocol and deposit Declaration for individuals and NGOs to present cases directly to Court**
- **2014-[2016]...: Inter-regional Dialogue on strengthening international framework of protection for journalists in Strasbourg, Costa Rica, Arusha (UNESCO, CFOM et al.)**

New policy directions for the Commonwealth?

- Media freedom and governance become integral to Commonwealth agenda
- Draft Commonwealth Principles on Media and Governance (CJA and others) are adopted alongside Latimer House Principles
- Commonwealth is partner in UN Plan of Action on Safety of Journalists and Impunity (2017 review of UN Plan)
- Commonwealth champions UN 2030 Sustainable Development Goals including monitoring and reporting of attacks on media and human rights defenders
- Political and cultural shift: more open to civil society initiatives
- Reform colonial-era laws: sedition, criminal defamation, national security
- Benchmarks and mechanisms promote consistency with agreed Principles on Media and Governance

How others do it

- 57-nation Organization for Security and Cooperation in Europe: commitments on media freedom; independent Representative on Freedom of the Media
- Council of Europe (COE): Online 'Platform' for Alerts on threats to media freedom www.coe.int/fom
- COE Recommendation 2016(4) on protection of journalism and the safety of journalists: 'review of laws and practices'
- United Nations Plan of Action: multi-stakeholders' 2017 review and re-launch
- Commonwealth Summit in 2018 (?)

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JOURNALISM SAFETY RESEARCH NETWORK: <http://jsrn.shef.ac.uk/>
With support of UNESCO

