

DRAFT

CALL FOR ACTION FOR IMPROVING THE IMPLEMENTATION OF THE UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY¹

Recommendations from civil society

VIENNA, 3-4 NOVEMBER, 2022

INTRODUCTION

On the occasion of the 10-year anniversary of the launch of the UN Plan of Action on the Safety of Journalists² and Issue of Impunity (UNPA), the International Civil Society Coalition on the Safety of Journalists (SoJ Coalition) welcomes the intention of UN actors and member states to reaffirm their support for the Plan and recommit to its implementation.

However, we note with urgent concern that in the past 10 years we have seen an increase in the frequency and types of attacks faced by journalists and media workers globally. Similarly, the rate of impunity for such attacks remains unacceptably high, with approximately 9 out of 10 cases still going unpunished, and the masterminds of such attacks rarely held accountable. Growing digital threats, conflicts and crises have increased the threats to the safety of journalists, with women and groups in vulnerable contexts, facing unique and disproportionate impacts.

Although the UNPA has helped to improve the global response, bringing greater resources, attention, and coordination, this has so far been insufficient to meet the gravity of the challenge or to significantly improve the safety and freedom of the environment in which journalists work. Given this context and looking ahead to the High-Level Ministerial Conference to be held in Vienna on 4 November 2022, ***we call on States and on the United Nations to:***

A. ADDRESSING GENDER-BASED ATTACKS AGAINST JOURNALISTS

- 1. Ensure that gender equality is at the forefront of all actions to implement the UNPA.** Further ensure the full participation of women and all journalists in the

¹ This draft Call for Action is based on the result of several regional consultations undertaken by UNESCO, thematic consultations facilitated by civil organizations, global research and the consultations having taken place on 3 November 2022 at the Conference on the 10th anniversary of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity in Vienna

² This Call for Action uses a functional definition of journalists, as per the UN Human Rights Committee General Comment 34: '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'.

implementation of the UNPA, and that their voices, experiences, needs, and human rights are fully integrated into these actions. These should take into account multiple overlapping and reinforcing forms of structural discrimination, such as those based on gender identity/expression, race, ethnicity, caste, ability, age, class, sexual orientation, sex characteristics and religious beliefs, among others.

2. **Increase capacity building on non-discrimination, gender-based violence, and the human rights of women and all groups in vulnerable contexts, both online and offline**, among key actors implementing the UNPA, including policy-makers, the judiciary, the military, and law enforcement personnel.
3. **Mainstream a gender and intersectional approach into the design, budgeting and implementation of all policies, protocols, mechanisms**, on the safety of journalists, acknowledging the different risks faced by women journalists and those from vulnerable contexts. This should include increased budget allocation for relocation within and outside a country, and legal and psychosocial support.
4. **Ensure that documentation, research, training, technical assistance, and advocacy initiatives on the safety of journalists are designed to respond to the specific needs** identified by women and those in vulnerable contexts.
5. **Sign and ratify ILO Convention No. 190 concerning the elimination of violence and harassment in the world of work** which recognises the right of everyone to work free from violence and harassment, including gender-based violence and harassment, and its domestication into national law. As part of this, States must consider the challenges and violence that women and others in vulnerable contexts face in private and public life and how these affect their profession. This will be fundamental to ensure the creation of gender-responsive holistic newsroom policies and collective agreements, such as addressing discrimination, sexual harassment, equal pay, and psychological and physical violence.
6. **Impunity for crimes against journalists should be addressed through strategies that consider the different manifestations of gender-based violence** resulting from exercising the right to freedom of expression, along with the barriers women journalists and those from groups in vulnerable contexts in accessing justice.
7. **The UN human rights system should adopt an authoritative definition of online gender-based violence**, in line with international human rights law. This definition should be harmonized amongst UN agencies, and promoted through support and collaboration with relevant expert and civil society stakeholders for contextualized guidance, so that gendered online attacks are not disregarded, normalized, or rendered invisible.
8. **States should consider introducing guidelines to restrain elected representatives, their staff, along with other political actors, including member states' representatives of intergovernmental organizations, who engage in gendered online violence** (including gendered disinformation) against women

and/or LGBTQI+ journalists, with punitive measures attached, and ensure prosecution of those who have been found to have perpetrated attacks, in line with international human rights law.

B. STRENGTHENING SUPPORT FOR MONITORING ATTACKS

- 1. Support the establishment and operation of independent, civil society-led national, regional, and global reporting and monitoring platforms** to collect and disseminate information about attacks against journalists and on press freedom in an accessible, easy to use and standardised manner. These mechanisms should allow civil society to bring data on violations to the attention of state authorities and other duty-bearers in order to ensure proper response and accountability.
- 2. Ensure that state bodies take action to effectively and promptly respond to and address alerts raised through monitoring and reporting mechanisms on the safety of journalists.**
- 3. Support the sustainability of independent CSOs engaged in efforts to identify, verify, document, and categorise new and old forms of attacks against journalists both on and offline and press freedom violations.** Support should include helping to provide independent CSOs with access to publicly held information and making public funds available to support monitoring work and for their use in preparing Voluntary National Reports on the achievement of the Sustainable Development Goal 16.10.1, and quality reports for the UPR cycle and other multilateral mechanisms.
- 4. Support training, knowledge and skills exchange, as well as the communities of practice for CSOs specialised in identifying, verifying, documenting, and disseminating information about attacks against journalists and press freedom violations,** including on issues with a gender and intersectional approach, and in particular in countries and regions where such attacks are under-reported. This should include the timely provision of visas to allow civil society representatives to participate in such exchanges or to protect those at risk.
- 5. Repeal existing legislation and refrain from passing new laws limiting the work of or endangering monitoring CSOs and their staff,** including with onerous registration and reporting requirements. When adopting legislation that impacts the work of CSOs, ensure these laws are drafted in full consultation with affected stakeholders.
- 6. In recognition of civil society organizations as human rights defenders, ensure that organizations and their staff carrying out press freedom monitoring can benefit from special protection systems for civil society organisations.**
- 7. Establish or effectively implement existing mechanisms for regular and open dialogue, cooperation and exchange with CSOs** to ensure coordinated action on reported cases of attacks on journalists and restrictions on media freedom.

C. BOLSTERING NATIONAL SAFETY MECHANISMS

- 1. Where national safety mechanisms exist**, provide appropriate support to them, which is comprehensive, strategic, and long-term, including for their operational work, i.e., funding and training, and to ensure that relevant stakeholders, including official actors where relevant, remain engaged over time;
- 2. Where national safety mechanisms do not exist**, provide appropriate support to help develop them, where relevant, including by facilitating discussions among relevant stakeholders and by promoting a multi-stakeholder approach, including by engaging local civil society organisations; by promoting the ability of natural leaders, potentially such as national human rights institutions, to play a key role in anchoring the mechanism; by ensuring that funding for development activities is made available; by providing technical support as needed; and by providing training and other forms of capacity building;
- 3. Support the development of good practices and expertise on journalists' safety mechanisms** and make this information and expertise available, as needed, at the country level in support of national protection mechanisms;
- 4. UN Country Teams and members of the international community who are committed to media freedom (such as the Media Freedom Coalition) should play an active role** in the activities outlined above, including by remaining engaged over time and by playing a key facilitating role in fostering new mechanisms and ensuring that existing mechanisms remain active;
- 5. Diplomatic networks and UN teams should work together with international civil society to coordinate efforts**, providing immediate responses to crisis situations, bringing together key expertise and human resources from the country of origin to develop a safety response for exile media in host countries, and providing assistance to host states with expertise and resources to help exiled media workers;
- 6. Recognise that precarious working conditions, including inadequate remuneration and benefits, contribute to a lack of independence, security and safety for journalists**, and ensure that policies and actions which are designed to enhance safety take into account the need to ensure as a minimum all appropriate ILO international labour standards, including health and safety at work as a fundamental right.

D. TACKLING IMPUNITY FOR CRIMES AGAINST JOURNALISTS

- 1. Ensure that all actors which form part of the administration of justice are able to secure appropriate convictions where attacks do take place**, including through undertaking prompt, independent, impartial, effective, thorough and transparent investigations of allegations of attacks, making appropriate, independent prosecutorial decisions and conducting transparent and independent trials; and by safeguarding the physical and mental integrity of witnesses through effective witness protection programs;
- 2. Provide appropriate capacity building and develop effective structures for all relevant administration of justice actors**, where appropriate by providing international technical expertise and training, by allocating sufficient funding and by creating dedicated units, for example within the police, to undertake these tasks. The Minnesota Protocol, IAP and UNESCO Guidelines for prosecuting crimes against journalists can function as a starting point in providing technical assistance. When states are unable or unwilling to investigate civil society actors can provide technical assistance to safeguard and document evidence for future legal use, to that end protocols and memorandums of understanding should be established between relevant stakeholders to ensure the legal admissibility of evidence gathered by such investigations carried out by civil society actors and journalists.
- 3. Ensure the independence of prosecutorial actors and the judiciary**, and put in place robust systems of transparency which provide appropriate and up-to-date information to relatives and the public regarding investigations and judicial processes regarding attacks on journalists, in line with international obligations governing the right to access information and victims' right to an effective remedy; civil society can promote transparency through prompt monitoring of the investigation;
- 4. Investigate crimes against journalists with the priority that they deserve as attacks on the right to freedom of expression of everyone as well as the crimes that they represent**, including by assuming that such attacks are in retaliation for their journalistic activities unless and until the contrary is shown;
- 5. Significantly reinforce coordinated and effective actions taken to address impunity** within the UN focal points network for issues related to the safety of journalists, including by UNESCO, the Office of the High Commissioner for Human Rights, relevant UN special rapporteurs and special procedures, the General Assembly, the Security Council and other relevant UN bodies, by giving increased political weight and centralizing the efforts of the network of focal points for issues related to the safety of journalists;

6. **All stakeholders should work together to increase public awareness about the problem of attacks on journalists carried out with impunity in order to create a culture of impunity.** Impunity cannot be addressed only by focusing on the legal system, there is a need for awareness raising, and bringing to light the evolving risks, threats, and power dynamics. Furthermore, recognising the special role of the media to create public awareness based on both the duty of care it has towards the journalists it employs and its key societal function of informing the public and ensuring access to reliable information.
7. **Increase prevention and protection measures in relation to attacks,** with a view to significantly reducing the actual incidence of these crimes, including by allocating sufficient attention and resources to these activities and involving all relevant stakeholders, such as civil society, media actors, journalists and their associations and the police in these efforts;

E. TECH AND SAFETY

1. **All Member States should impose meaningful transparency and accountability requirements on tech platforms,** which should require them to make their practices, policies and procedures appropriately accessible to everyone and to put in place systems to enable external researchers sufficient access to their operational information so that they can gain a better understanding of how their systems, including online violence against journalists, and especially gender-based violence, work and make proposals which can lead to improved responses and remedies. Journalists and other civil society actors should be included in the process to design such mechanisms.
2. **Require tech companies to implement human rights due diligence and risk assessments,** in line with standards outlined in the UN Guiding Principles on Business and Human Rights, including to identify and prevent or mitigate impacts on the work of women journalists.
3. **Impose a moratorium on the use, sale, transfer, and acquisition of surveillance technology** on countries that have not adopted domestic legislation that creates safeguards against human rights violations and abuses through digital surveillance, in line with international human rights law and put in place systems which provide effective remedies to victims of surveillance and human rights abuses associated with surveillance.
4. **States should stop making illegal and abusive requests to social media platforms that do not comply with international human rights standards,** including targeting journalist users for their journalistic activities, especially when such requests could endanger the safety of journalists or their sources.
5. **States should stop utilising platform weaknesses for state-sponsored trolling, disinformation campaigns and other online attacks with the intention of silencing journalists.**

6. **Work to create a multi-stakeholder, research-informed ‘early warning system’** along with escalation channels - also efficient in local languages - **prompting interventions** (including from UN Special Rapporteurs), in cases where there is a significant and/or repeated risk to the journalist under attack online, including a specific focus on gender-based online violence.

F. MAKING THE UN PLAN MORE EFFECTIVE

1. **UN actors, as well as States which are committed to media freedom**, should make a substantially greater contribution to implementation of the UNPA including by increasing the level of effort and funding they allocate to this, by coordinating efforts in this area more effectively, by maintaining their efforts over time, even as the individuals responsible change, and by engaging with all relevant stakeholders who can effect change in this area.
2. **The UNPA should create a multistakeholder advisory body** to oversee its effective multi-stakeholder coordination and implementation, including gender experts to ensure an intersectional gender-responsive approach to its implementation;
3. **The UN should take on a more active and coordinating role in the implementation of the UNPA at the local level** which should include designating a specific UN focal point to lead on this issue in relevant countries and increasing technical assistance for its effective implementation;
4. **The UN should streamline the reporting on safety of journalists to UN mechanisms and strengthen the systematisation and sharing of inputs on the safety of journalists**, including from civil society, to avoid duplication and to reinforce the effective monitoring of the UNPA implementation;
5. **Diplomatic networks and embassies/donors with a strong commitment to media freedom should coordinate their efforts** and ensure alignment with UN efforts and with efforts initiated by national media and civil society organisations.