There is a worldwide increase in attacks against journalists. In most cases, these are a direct response to critical reporting, in particular on issues like organised crime, drug trafficking, environmental questions, human rights violations and corruption. Local journalists are particularly vulnerable to attacks. Many are threatened, detained or forced to leave their country, but it is the increase in targeted killings of journalists that is of particular concern. According to the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 81% of journalists who lost their life while on duty are victims of targeted killings. While there are particular risks for journalists reporting in conflict zones, a high percentage of targeted killings occurs outside of the context of conflicts. The Special Rapporteur highlighted in his 2010 report to the General Assembly, for instance, the Philippines, Somalia, Iraq, Pakistan, Mexico and the Russian Federation as countries with the highest number of casualties.

International Protection Framework

It is widely acknowledged that there is no legal gap for the protection of journalists at the international level. There are, however, serious shortcomings in the implementation of universally accepted international standards and norms, in particular at the national level. Experts, and journalists themselves, caution against the qualification of journalists as a „vulnerable group“ and against granting a specific status to journalists (such as that, e.g., of refugees). Measures such as stricter requirements for formality, status (e.g. registration) and visibility (e.g. specific symbols) could compromise their protection. In addition to human rights norms, which apply in all situations, journalists in armed conflicts enjoy the full protection of international humanitarian law, as they are considered civilians.

From both a human rights perspective as well as a democratic and rule of law point of view, attacks against journalists are an especially deplorable form of violence. Independent reporting of journalists is an essential requirement for the freedom of the media, which is considered a corner-stone of any democratic state based on the rule of law. Each state has a clear duty to protect journalists, which includes a guarantee to enable them to exercise their work independently without any interference, as well as to ensure access to information. This obligation applies in conflict as well as in times of peace. Measures to limit the freedom of the press can only be taken in strict accordance with human rights standards.

Efforts to improve the protection of journalists are presently ongoing in various international as well as regional fora. The OSCE, in particular, is currently preparing a draft Decision on the safety of journalists to be adopted by the Ministerial Council.

Impunity

Impunity for those responsible for attacks constitutes the biggest obstacle for the effective protection of journalists. 94% of reported cases of abuse remain unresolved.
Moreover, the situation of freelance journalists is especially problematic, because they usually lack institutional backing.

It is important to continue to call for swift and independent investigations into attacks in accordance with international standards. To put an end to impunity is the most effective way to guarantee the safety of journalists. The Human Rights Council and its mechanisms play an essential role in this respect. International criminal courts and tribunals, such as the ICC, also have a responsibility in this context.

**Prevention**

The overarching goal is the prevention of attacks against journalists. At the national level it is crucial to raise awareness for the protection of journalists, in particular in training programmes of the police and the military. This also includes the question of how to deal with non-state actors. The prevention of violations must also include the establishment of early warning mechanisms. Existing models for protection schemes for human rights defenders can be used in this respect. In order to prevent violations against journalists it is important to call on states to amend laws which unduly limit freedom of expression and the media. The development of „model legislations“ in the area of press freedom would contribute to greater coherence in the implementation of international obligations.

Effective protection of journalists can only be ensured in a sustainable way through democratic institutions and adherence to the rule of law. Technical assistance in the development of these institutions is essential, and so is support for civil society, especially through development assistance.

**Self-Protection and strengthening the existing legal framework**

Physical attacks against media professionals are never justified. Professional standards and ethics such as the Principles for the Conduct of Journalists, are designed to guide journalists in their work with a view to preventing and dissipating hostilities. In cases of conflict situations, adequate preparation through specific training by media companies themselves is of highest importance. However, limited resources and capacities can become a problem for the implementation of such standards, particularly in the context of less developed countries. A number of media companies have also developed guidelines to strengthen the protection of journalists in conflict situations. Consolidation of existing standards and guidelines, as well as concrete measures to promote them, may be necessary. Many open questions remain with regard to the protection for what is generally referred to as „citizen journalists“, which are not affiliated with any media company. Discussions should explore the options how best to approach this issue in the international context.

**The Protection of Journalists and the United Nations System**

Security Council Resolution 1738 lays out a set of measures to protect journalists in armed conflict situations. The Council’s call on states and other parties to a conflict to prevent attacks against journalists and to prosecute those responsible for these attacks has to be more vigorously enforced. The UN Secretary-General reports on the protection of journalists in the framework of his regular reports on the protection of civilians. In his latest report of November 2010, he highlighted the important role
the Human Rights Council and its mechanisms have to play in strengthening the protection of journalists.

The protection of journalists is of concern to a number of special procedures of the Human Rights Council. The work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is particularly relevant: States should pay high attention to his recommendations on how the protection of journalists can be enhanced. In particular, his recommendation to develop UN guidelines for the protection of journalists should be pursued further. In addition, coordination within the UN system has to be further strengthened. The Office of the High Commissioner for Human Rights should play a more pivotal role in this respect.

The protection of journalists is a key element in the work of UNESCO, where important initiatives have been introduced and implemented (e.g. the Medellin Declaration, and regular public statements by the Director General of UNESCO on individual cases). Overall, synergies between the human rights component of the UN, its field presences and the work of UNESCO need to be harnessed more effectively.

The Protection of Journalists: A concern for Austria

In the framework of its membership in the UN Human Rights Council 2011-2014, Austria intends to pursue these issues together with partners from civil society, governments, and international organizations, taking into account experiences of journalists and media representatives.

In order to move this agenda forward, Austria is planning a one day expert consultation in Vienna towards the end of November 2011. This workshop aims at gathering a number of eminent experts to discuss the international and regional legal framework guiding the protection of journalists and its implementation at national level. Topics to be addressed shall include the fight against impunity, preventive measures, the role of citizen journalists and successful best practice examples.

Participants will be independent experts, representatives of UN organizations (e.g. UNESCO, OHCHR), regional organizations and bodies (Council of Europe, OSCE, European Union Fundamental Rights Agency) as well as a of a number of states and civil society organizations representing journalists and / or paying particular attention to the issue of press freedom and the protection of journalists.

As a result, we expect operational recommendations on how the protection of journalists can be strengthened. Particular attention shall be given to the mechanisms of the Human Rights Council. Subsequently, the results will be introduced into activities in the framework of the Human Rights Council as well as into the UN system as a whole.

Vienna, September 2011