Written evidence from Dr Carmen Draghici, Reader in Law at City, University of London, author of the International Federation of Journalists’ International Convention on the Safety and Independence of Journalists and Other Media Professionals (GMF0031)

Executive summary

- The current international approach to media freedom is piecemeal, non-transparent and largely non-mandatory. There are no treaty provisions on the protection of journalists’ rights. Standards of conduct are contained in several morally authoritative but non-binding resolutions of UNESCO, the UN General Assembly, the UN Human Rights Council, regional bodies. Media-specific legal guarantees (e.g. respect for the confidentiality of journalistic sources, obligations of effective investigation and punishment of private acts of harassment against journalists etc.) have been developed by (quasi-) judicial treaty bodies interpreting general freedom of expression clauses. Case-law based obligations are less evident and, while States parties to human-rights treaties recognised the interpretative competence of monitoring bodies and are bound by legal tenets crystallised in cases concerning other States, they never explicitly subscribed to such obligations. A clear and coherent legal framework is a prerequisite for enforcement.

- The International Convention on the Safety and Independence of Journalists and Other Media Professionals addresses these shortcomings in the international legal framework in that (1) it transposes soft law into binding norms, fostering accountability for breaches; (2) it spells out the precise scope of media-relevant obligations emerging from the jurisprudence, a less accessible source of law; and (3) it consolidates multiple instruments in one treaty, assisting national authorities in understanding their obligations and facilitating international oversight on compliance. It provides a definition of “journalists” based on international practice and recognises them as a category facing specific risks in the fulfilment of professional duties, thereby requiring a targeted response.

- The Draft Convention includes a dedicated enforcement mechanism, an independent Committee for the Safety of Journalists whose members are jurists acting in an individual capacity and without taking instructions from their governments. The Committee receives individual complaints and makes a legally reasoned determination as to whether or not a violation has occurred and the applicant is entitled to redress. Where necessary to prevent irreparable damage to the alleged victim, it may order provisional measures before forming a final view. The Committee can also act upon denunciations of grave or systematic violations by persons other than the victim, a procedure addressing self-censorship due to intimidation. The Committee’s reports to the UN General Assembly, including cases of violation and failure to offer redress, are likely to induce compliance, as States seek to avoid reputational damage. This mechanism focuses the attention on violations of journalists’ rights and offers an expedited remedy.

- As a prominent international actor, the UK can assume a leading role in the fight against violations of journalists’ rights and the prevailing climate of impunity. It can work towards placing the adoption of the Convention on the UN agenda, thereby urging the international community to treat safety of journalists and press freedom as priorities. Since the efficacy of international law relies on peer pressure, a treaty raising the profile of press freedom would send an important message, attaching particular stigma to violations of journalists’ rights and increasing States’ accountability.
1. Reasons for submitting evidence.
This submission follows up on the oral evidence given on May 21st, 2019 by Michelle Stanistreet, Secretary General of the National Union of Journalists (NUJ). It is written in my personal capacity as an international human rights law academic and the author of the International Convention on the Safety and Independence of Journalists and Other Media Professionals commissioned by the International Federation of Journalists (IFJ) (text in Appendix). The NUJ has invited me to address queries on the Draft Convention raised during the aforesaid oral evidence session. The Committee’s Questions, as numbered in the House of Commons transcript HC 1920, are referenced parenthetically.

2. Should the Foreign Office focus its efforts on a new treaty or getting existing laws applied? (Q60, Q62)
Framing the question as a binary choice between a new treaty and the enforcement of current norms does not capture the reality of the current legal framework. To be enforceable, international norms must be unequivocally enshrined in a binding legal instrument; this is not the case. General human rights treaties, such as the International Covenant for Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR) and other regional conventions, contain a brief provision guaranteeing everyone’s right to freedom of expression, without detailing the scope of State obligations. Obligations relative to media freedom can only be grasped by examining the interpretation given by the treaty-based monitoring bodies, such as regional courts in judgments and decisions and the UN Human Rights Committee in its reports on individual communications under the First Optional Protocol to the ICCPR and General Comments.

3. Examples of norms based on international case-law include: the obligation to protect the confidentiality of journalistic sources; the obligation to refrain from hindering the work of journalists through arbitrary detention (i.a. on national security grounds or for refusal to reveal sources); the positive obligation to deter attacks on journalists’ life, forced disappearances, violence and intimidation campaigns, whether by state agents or private actors, by adopting appropriate criminal legislation; the duty to conduct an effective investigation into crimes against journalists, capable of bringing the perpetrators to justice, including the moral authors of crimes, etc.

4. A treaty codifying such obligations would assist with their enforcement. States Parties to human-rights treaties have accepted the interpretative competence of monitoring bodies, which extends to clarifications of the law in cases brought against other States; however, they never explicitly subscribed to these obligations, nor is there any written catalogue of case-law obligations available for consultation.

5. Are the standards established by the Draft Convention different or does it repeat existing laws? (Q61)
The Draft Convention starts from the codification of existing norms, by synthesising the principles established in secondary sources (e.g. judgments) and making them immediately accessible. Additionally, it includes provisions based on morally authoritative, but not legally binding, recommendatory instruments on journalists’ rights, in particular resolutions of UNESCO, UN General Assembly and UN Human Rights Council (see the Preamble to the Convention for references).
6. International case-law has been more protective of journalistic speech than of other forms of expression, in recognition of the vital role a free press plays in a democracy, and of the impact of interferences with press freedom on society. However, treaty law on media rights has not moved on for half a century, since general human-rights instruments were adopted (ICCPR in 1966, ECHR in 1950, Inter-American Convention on Human Rights in 1969). Under humanitarian law, there is one reference to “war correspondents” in Article 4A(4) of the Third Geneva Convention conferring them “prisoner of war” status, and Article 79 of Protocol I to the Geneva Conventions recognises journalists as civilians. Indeed, at present the only legal instruments dedicated to media freedom are soft-law instruments, which are unenforceable. Transposing soft law into legally binding treaty obligations is a fundamental step towards achieving effective implementation of what are currently recommendatory standards.

7. Examples of soft-law obligations include: the obligation, following attacks against journalists, to take any necessary steps to ensure that the individuals affected are protected from further threats and to mitigate the impact by providing free medical care, psychological support and legal services, as well as assistance in relocating journalists and their families; the obligation to adopt measures to combat gender-based violence against women journalists; the obligation to take appropriate steps to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into reports of threats/attacks against journalists and to bring all perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, etc.

8. In addition to case-law obligations and norms emerging from international soft law, the Convention includes provisions based on good practices recommended by the Office of the UN High Commissioner for Human Rights. One example is the obligation to establish, and adequately fund, an early warning and rapid response mechanism to address attacks against journalists.

9. The Draft Convention thus reflects widely accepted standards of the international community, which confers legitimacy to the text and should facilitate its acceptance as a starting point for negotiation in an intergovernmental forum. A new catalogue of rights disconnected from the practice of international bodies would diminish the prospects of the draft articles becoming law.

10. Why is there a need to single out journalists as opposed to anyone exercising free speech? (Q71)
Current international law does not recognise the specific risks associated with the journalistic profession. There are no binding norms to establish safeguards for journalists, and freedom of expression provisions in general human-rights treaties do not reflect journalists’ constant exposure to risks of attacks on account of their profession. The professional media’s ability to reach mass audiences and the public’s reliance on their outputs as the main and most credible sources of information result in the deliberate targeting of journalists by those who wish to silence unfavourable press. International law ought to provide a tailored response to the challenges facing journalists.

11. Moreover, in armed conflict, humanitarian law fails to acknowledge journalists’ distinctiveness; unlike other civilians, journalists do not seek refuge away from conflict areas, on the contrary, they remain close to the battlefield in order to be able to report. In addition, journalists are often targeted in order to prevent scrutiny over the hostilities, and indeed they are sometimes treated by the
belligerents as the enemy. The norms applicable to other civilians simply do not cater for the particular situation of journalists reporting from conflict zones.

12. Is it possible to define journalists and does the Draft Convention address the problem of classification? (Q68, Q69, Q71, Q73, Q74, Q75, Q77)

Legal definitions tend to be challenging, but they are not stumbling blocks. The Convention provides a clear and comprehensive definition: “For the purposes of the present Convention, the terms “journalist” and “media professional” apply to persons who are regularly or professionally engaged in the collection, processing and dissemination of information to the public via any means of mass communication, including cameramen and photographers, technical supporting staff, drivers and interpreters, editors, translators, publishers, broadcasters, printers and distributors.” (Article 2).

13. This definition is based on convergent international practice, e.g. a report of the UN Special rapporteur on extra-judicial killings, decisions of the Inter-American Court of Human Rights, a resolution of the Committee of Ministers of the Council of Europe.

14. Citizen-generated content shared via social media is different from professional media content actively sought out by mass audiences and regarded as the “official news”, i.e. as credible sources, governed by professional ethical standards.

15. Does the Convention have the effect of removing any rights from other citizens who participate in content-sharing? (Q81, Q82, Q84)

No. Occasional bloggers and citizens witnessing events and sharing images or comments on social media platforms remain protected under general freedom of expression guarantees. The Draft Convention is concerned with professional journalism (including free-lance activity), i.e. with those who are systematically involved in the collection and dissemination of information, because this is the category routinely exposed to risks of violent censorship on account of their work.

16. International human-rights courts have singled out journalistic speech as a distinctive form of freedom of expression, and the UN Security Council has recognised that journalists face specific challenges because of their work. Dedicated safeguards aiming to counter those challenges do not diminish the existing protection for persons other than journalists under general human rights law. The Draft Convention is simply not relevant to the situation of other individuals.

17. Does the Draft Convention have an enforcement mechanism? (Q85)

Yes. The Draft Convention sets up a Committee for the Safety of Journalists, a body of independent experts who do not represent national interests and do not take instructions from their governments. The Committee is modelled after several existing treaty-based monitoring bodies, such as the UN Human Rights Committee established under the ICCPR, Committee Against Torture, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities. States are more reluctant to submit to the competence of courts, whereas quasi-judicial bodies have been more readily accepted and have operated successfully.

18. According to the Draft Convention, the Committee for the Safety of Journalists has mandatory competence to receive individual complaints against Member States; it examines the parties’ submissions, conducts inquiries where appropriate, and issues reasoned decisions as to whether or
not a violation has occurred and the applicant is entitled to redress. The Committee can request provisional measures between the filing of the application and its determination, in order to avoid irreparable damage to the alleged victim. The Convention thus creates an expedited procedure in case of violations; indeed, international (quasi-)judicial bodies with general human-rights competence face significant backlogs. It also increases international supervision, discouraging the toleration of crimes against journalists and the misuse of admissible restrictions on media freedom (e.g. on national security grounds).

19. The Committee may also act upon the denunciation of grave or systematic violations of the Convention by persons other than the direct victims. This procedure was introduced to address the problem of self-censorship due to intimidation and to recognise the societal impact of attacks on the press.

20. The Convention includes provisions drawing on humanitarian law, a body of law with no enforcement mechanism; breaches of humanitarian law in respect of journalists are thus brought within the purview of an international monitoring body. For instance, the Convention requires States to treat media equipment and installations as civilian objects and not subject them to attack or reprisal (unless there is clear evidence that they are being used for military operations); to provide training to the armed forces in international humanitarian law with a view to halting and preventing attacks against media professionals; to ensure accountability for crimes committed against journalists in situations of armed conflict, in particular, to search for persons alleged to have committed, or ordered the commission of, a grave breach of the Geneva Conventions, and conduct impartial, independent and effective investigations.

21. The publicity of the Committee’s annual reports to the UN General Assembly would incentivise both the implementation of the Convention and compliance with the Committee’s decisions.

22. Is an international mechanism necessary when States fail to protect, and are the Committee’s powers efficient? (Q67, Q85)
In cases where the victims are not afforded an effective remedy at domestic level or where crimes are committed with the connivance of State officials, an international supervisory mechanism is the only viable solution. The Committee for the Safety of Journalists is a quasi-judicial body; just like courts, it is composed of independent jurists (not diplomats representing their States) and it applies legal norms and legal reasoning in reaching a conclusion. The Committee’s pronouncement on a case is not a judgment, but it is an authoritative determination by an independent expert body with that specific mandate; States Parties commit to cooperate with the Committee in good faith, to put an end to any violations ascertained by the Committee, and to offer reparation to the victims.

23. There is, in general, a high rate of compliance with the (technically non-binding) decisions of quasi-judicial treaty-based monitoring bodies in charge of individual communications procedures. In fact, States ordinarily seek to avoid the negative publicity ensuing from Committee reports to the UN General Assembly, given the repercussions of reputational damage on the conduct of diplomatic relations.

24. Enforcing binding court judgments is equally difficult in international law. Compliance with judgments also relies on peer pressure (i.e. States viewing compliance as politically convenient in international relations) rather than an actual enforcement machinery. The only straightforward
recourse of the other parties, namely expulsion from the relevant treaty system/ regional organization, is counter-productive, as it further alienates the offending State.

25. **Recommendation for action by the Government.**

Notwithstanding general human-rights provisions on freedom of expression and soft-law initiatives on journalists’ rights, the number of victims amongst journalists continues to spiral. According to UNESCO statistics, in the past decade 700 journalists have been killed for reporting the news, and 9 out of 10 cases go unpunished ([http://www.unesco.org/new/en/int-day-impunity-against-journalists](http://www.unesco.org/new/en/int-day-impunity-against-journalists)). It is time to consider developing the legal framework for the protection of journalists rather than focusing on the implementation of non-specific treaty provisions and unenforceable soft law.

26. If the Draft Convention becomes law, the international community will have the first binding, comprehensive and accessible instrument for the protection of journalists, in times of peace and in conflict situations. By adopting a dedicated treaty, the international community will make a solemn political statement, recognising journalists’ vulnerability as a category exposed to risks due to their profession and attaching particular stigma to violations of their rights. Not only will the parties commit to detailed obligations vis-à-vis media workers, but victims will have an effective avenue for redress, and domestic authorities will be pressurised into compliance.

27. The campaign for the adoption of the Convention, launched by the IFJ in January 2018, has gained vast support from the media industry and NGOs. The IFJ has also convened successful meetings with State representatives, including in October 2018 at the UN headquarters in New York and in March 2019 at the UN Human Rights Council in Geneva. Several States have expressed interest in enshrining the Draft Convention into law.

28. The UK is an important international player and could take a leading role in placing the adoption of the Convention on the agenda of the UN General Assembly or the UN Human Rights Council, or indeed any other intergovernmental forum. International law can contribute to a safer environment for journalists, as long as there are clear binding norms, effective monitoring mechanisms to detect breaches, and peer pressure on States to comply.

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APPENDIX:

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

PREAMBLE

The States Parties to the present Convention,

1. Reaffirming the commitment undertaken in Article 19 of the International Covenant on Civil and Political Rights to protect everyone’s freedom of opinion and expression and to create the conditions for its effective exercise, and mindful that this right is an essential prerequisite for the progress and development of a democratic society, governed by the rule of law and respect for human rights,

2. Recognizing the essential contributions made by journalists and other media professionals to the circulation of information and ideas and acknowledging that the work of a free, independent and impartial press constitutes one of the basic foundations of a democratic society,

3. Mindful of the importance for a free press of securing for all media professionals the right to life, the right to personal liberty and physical integrity, the right to protection against ill-treatment, the right to freedom of expression, and the right to an effective remedy where a breach of their rights has occurred,

4. Lamenting the impact of attacks against media professionals on everyone’s right to receive information and deeply concerned that such attacks, especially when perpetrated with impunity, have a chilling effect on all media professionals and the right of all persons to enjoy their right to freedom of opinion and expression,

5. Bearing in mind that ensuring accountability for all forms of violence against journalists and media professionals is a key element in preventing future attacks,

6. Stressing the need to provide greater protection for all media professionals and for journalistic sources and to ensure that national security, including counter-terrorism, is not invoked to unjustifiably or arbitrarily restrict the right to freedom of opinion and expression,

7. Acknowledging the specific risks faced by women journalists and media professionals in the conduct of their work, especially when reporting from conflict zones, and underlining the importance of a gender-sensitive approach to the consideration of measures to address the safety of journalists,

September 2014 on the safety of journalists, to consider journalists and media professionals engaged in dangerous professional missions in areas of armed conflict as civilians and to respect and protect them as such,

9. Recalling the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977, and in particular Article 79 of Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict, and emphasizing the obligations of parties to an armed conflict to discriminate civilians from legitimate military targets and to refrain from attacks intentionally directed against civilians or likely to result in excessive collateral damage,

10. Recalling that the work of journalists and other media professionals often puts them at specific risk of intimidation, harassment and violence, as recognized in UN Security Council Resolution 2222 (2015), UN Human Rights Council Resolution 33/2 of 29 September 2016, and UN General Assembly Resolution 70/162 of 17 December 2015 on the safety of journalists and the issue of impunity, and emphasizing that those resolutions call on States to implement measures to address those risks,


12. Deeply concerned that, despite these various instruments and undertakings, media professionals continue to face barriers in the exercise of their professional role because of their investigative work, opinions and reporting, including killing, torture, violent attacks, forced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment and threats of violence,

13. Recalling the commitment of UN Member States and agencies to work towards a free and safe environment for journalists and media professionals in both conflict and non-conflict situations through the UN Action Plan on Safety of Journalists, endorsed by the UN System Chief Executives Board for Coordination on 12 April 2012,

14. Highlighting the need to review, and where necessary, to amend laws, policies and practices that limit the ability of journalists to perform their work independently and without undue interference and to conform these laws, policies and practices with States’ obligations under international law,

15. Recognizing the importance of a comprehensive codification of the obligations pertaining to the protection of media professionals established under international human rights and humanitarian law with a view to enhancing their effective implementation,
16. Taking into account the good practices recommended in the Report of the Office of the UN High Commissioner for Human Rights on “The safety of journalists” of 1 July 2013 for the creation of a safe and enabling environment in which journalists and other media professionals may carry out their work unhindered,

Have agreed as follows:

PART 1:
MEASURES OF PROTECTION

Article 1 – Purpose of the present Convention

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

Article 2 – Use of terms

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

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

1. The States Parties undertake to adopt all practicable measures to prevent threats, violence and attacks on the life and physical integrity of journalists and other media professionals. These shall include the adoption of criminal legislation and the training of law-enforcement personnel on the safety of journalists.

2. The States Parties shall incorporate in their laws and practices specific measures with a view to combating gender-based violence against women journalists and media professionals.

3. The States Parties shall adopt measures to protect journalists and other media professionals facing an imminent threat through the establishment of an information-gathering mechanism permitting the collection and swift dissemination of information about threats and attacks against journalists amongst law-enforcement agencies.
4. States undertake to establish an effectively funded early warning and rapid response mechanism in consultation with media organizations, with responsibility for providing journalists and media professionals, when threatened, immediate access to the relevant State authorities and protective measures. Following any determination that an individual needs protection, the mechanism shall provide material measures of protection, including mobile telephones and bulletproof vests, as well as establishing safe havens and emergency evacuation or relocation to safe parts of the country or other countries through a protection programme. Such programmes shall not be used in such a way as to unduly restrict the work of journalists and other media professionals.

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

**Article 4 – Right to liberty**

1. The States Parties undertake to adopt all practicable measures to prevent the unlawful deprivation of liberty of journalists and other media professionals. These shall include the training of prosecutors, the judiciary and law-enforcement personnel.

2. The States Parties shall ensure that counter-terrorism or national security laws cannot be used to arbitrarily and unduly hinder the work and safety of journalists and media professionals, including through arbitrary arrest or detention, or the threat thereof.

3. The States Parties shall take effective steps to protect journalists and other media professionals against forced disappearances and kidnapping.

**Article 5 – Freedom of expression**

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

2. Any restriction on the right to freedom of expression of media professionals must be provided by law, it may only imposed for one of the grounds set out in Article 19 (3) of the International Covenant on Civil and Political Rights, namely the respect of the rights or reputations of others, the protection of national security or of public order (ordre public), or public health or morals, and it must be necessary and proportionate. Any restriction shall be formulated with sufficient precision to enable an individual to adjust his or her conduct accordingly, and be easily accessible to the public.
3. Measures criminalizing any form of freedom of expression shall be revoked, except insofar as they constitute permissible and legitimate restrictions according to the second paragraph of this article.

4. The States Parties undertake to protect, in law and in practice, the confidentiality of journalists’ sources, in acknowledgement of the essential role of the media in fostering government accountability, subject only to limited and clearly identified exceptions set down by law in accordance with paragraph 2 of this article.

**Article 6 – Effective investigation and redress**

1. The States Parties shall take appropriate steps to ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all reports of threats and attacks against journalists and media professionals falling within their jurisdiction, and to bring all perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to adequate remedies.

2. States shall develop and implement strategies for combating impunity for those committing violence against journalists and other media professionals. In particular, investigations into suspected attacks shall be carried out by a special investigative unit or an independent national mechanism, established by law to monitor and carry out investigations into cases and issues related to the protection of journalists and other media professionals, empowered to coordinate policy and action between different government authorities, and having the competence to make recommendations to the relevant State authorities. The unit or mechanism shall be sufficiently resourced and staff shall be appropriately trained to ensure that it operates independently and effectively. Journalists and civil society organizations shall be enabled to participate in the design, functioning and evaluation of such a body.

3. States shall dedicate the resources necessary to prosecute attacks against journalists or other media professionals through the development of specific protocols by prosecutors or the appointment of a specialised prosecutor.

4. In criminal proceedings relating to attacks against journalists or other media professionals, any link between the attack and the victim’s professional activities shall be duly taken into account and treated as an aggravating circumstance.

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

The States Parties shall pay particular attention to the safety of journalists and other media professionals during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly, taking into account their specific role, exposure and vulnerability.
Article 8 – Protection as civilians during armed conflict

1. The States Parties shall treat journalists and other media professionals engaged in dangerous professional missions in areas of armed conflict as civilians, and respect and protect them as such, unless and for such time as they take a direct part in hostilities. This is without prejudice to the right of war correspondents accredited to the armed forces to be granted the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention.

2. Any State involved in an armed conflict shall fully comply with the obligations applicable to them under international law related to the protection of civilians, including journalists and other media professionals, in armed conflict.

3. Media equipment and installations shall be treated as civilian objects and shall not be subjected to attack or reprisal, unless there is clear evidence that they are being used for military operations.

4. States Parties involved in situations of armed conflict shall respect the professional independence and rights of journalists and other media professionals.

5. States involved in situations of armed conflict shall create and maintain, in law and in practice, a safe and enabling environment for journalists and other media professionals to perform their work without undue interference from third parties.

6. All parties to armed conflict shall do their utmost to prevent violations of international humanitarian law against journalists and other media professionals in their capacity as civilians.

7. States shall take all practicable measures to ensure the release of journalists and other media professionals who have been kidnapped or taken hostage in situations of armed conflict on territories over which they exercise jurisdiction.

8. All parties to armed conflict shall make appropriate efforts to bring to an end any violations and abuses committed against journalists and other media professionals.

9. The States Parties shall take all necessary steps to ensure accountability for crimes committed against journalists and media professionals in situations of armed conflict. In particular, they shall search for persons alleged to have committed, or to have ordered the commission of, a grave breach of the Geneva Conventions, and they shall conduct impartial, independent and effective investigations in respect of alleged crimes committed within their jurisdiction. States parties shall prosecute those responsible for serious violations of international humanitarian law in their own courts, regardless of their nationality, or hand them over for trial to another concerned State, provided that this State has made out a prima facie case against the said persons.
10. States Parties shall take appropriate steps to provide education and training to the armed forces in international humanitarian law with a view to halting and preventing attacks against civilians affected by armed conflict, including journalists and other media professionals.

**Article 9 – Awareness-raising measures**

1. An immediate and unequivocal public condemnation of any form of violence against journalists and other media professionals shall be issued at the highest levels of government, whether the attack was perpetrated by a private individual or a person acting in an official capacity.

2. Training shall be provided by States to law-enforcement personnel, the military, prosecutors and the judiciary regarding their obligations under international human rights law and international humanitarian law and the effective fulfilment of those obligations. Such training shall include dealing with particular areas of risk for journalists and other media professionals, such as protests and public events, the legitimacy of the presence of journalists during situations of armed conflict, and practices and procedures to minimize risks to journalists.

3. Initiatives for raising public awareness about the issue of safety of journalists and a zero-tolerance approach to violence against journalists shall be implemented at local and national level, including by incorporating the issue of safety of journalists in formal public education programmes. Such activities shall include the public promotion of the World Press Freedom Day.

4. Training shall be made available to journalists and other media professionals as well as to media organizations regarding their rights under international human rights law and international humanitarian law.

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

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

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

**Article 11 – Criteria for office**
The Committee shall be composed of nationals of the States Parties to the present Convention who shall be persons of high moral character and recognized competence in the field of international human rights law and international humanitarian law. The Committee may not include more than one national of the same State.

Article 12 – Individual communications procedure

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

Article 13 – Admissibility criteria

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

Article 14 – Examination of an individual communication

1. The Committee shall bring any communications submitted to it to the attention of the State Party alleged to have violated any provision of the Convention. Within six months of receipt of the Committee’s notification, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. The Committee shall consider communications received in the light of all written information made available to it by the alleged victim or victims and by the State Party concerned. If need be, the Committee shall undertake an investigation, for the effective conduct of which the States Parties concerned shall furnish all necessary facilities.

Article 15 – Interim measures
1. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

2. Where the Committee exercises its discretion under paragraph 1 of this article, this does not imply a determination on admissibility or on the merits of the communication.

**Article 16 – Outcome of individual communications**

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

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

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the present Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned.

2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.

3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

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

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

**PART III: FINAL CLAUSES**
Article 19 – Reservations

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

Article 20 – Signature, ratification and accession

1. The present Convention is open for signature by any State Member of the United Nations or of any of its specialized agencies. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

2. The present Convention shall be open to accession by any State referred to in paragraph 1 of this article.

3. The Secretary-General of the United Nations shall inform all States which have signed this Convention or acceded to it of the deposit of each instrument of ratification or accession.

Article 21 – Entry into force

1. The present Convention shall enter into force thirty days after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the present Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

Article 22 – Denunciation

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