

ARTICLE 19

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Written Replies to Questions for the Political Aspects Study of the Initiative on Impunity and the Rule of Law, 27/5/2011

Highlighted in bold are passages cited in the Political Aspects Study

1. How do you assess the overall extent of the damage to the free and legitimate activities of journalists and news media, in affected countries and regions, done by violent attacks on media workers, and the documented patterns of impunity from prosecution for those responsible?

A19 works in several regions (Latin America, Europe and Central Asia, West and East Africa and Asia) and each region has its own specifics and challenges. I would summarize commonalities as follows:

Despite official recognition in many countries that the safety of journalists and poor situation of freedom of media, the reality is that even when the potential for media reform occurs, measures to protect journalists and media workers remain neglected. Such was the case recently in Somalia when both the existing and proposed amendments on a revision of the media law did not include reference to protection of media workers against violence.

The lack of public solidarity with media, as they are often perceived as partisan, or self-censored at best. Without public solidarity and trust, independent journalists become even more isolated.

The absence of a conducive and supportive environment combined with punitive pressures and physical intimidation leaves many journalists with little other options than to resort to self-censorship, abandon their profession or to flee their countries. As a consequence, the societies of which they are part are left with a vastly controlled media, one that lacks the credibility, protection and participation of the audiences it wants to reach, as it is unable to provide the public with independent and plural views on vital issues that determine their development and future.

2. How do you summarise Article 19's strategy and priorities in carrying out its activities – visits, statements, advocacy, cooperation with governments etc – to counter those trends and to raise public and media awareness of the issues? Please describe Article 19's experience of making representations to any national government (e.g. Turkey over the Hrant Dink murder or the recent spate of criminal prosecutions of journalists, Russia over the Anna Polikovskaya murder, Ukraine over the Georgiy Gongadze murder etc). How satisfied or dissatisfied are you with the responses?

A19 19 approach consists of:

- Organizing campaigns for protection of journalists (including online ones) and human rights defenders who are prosecuted in relation to legitimate speech;
- Support legal cases relating to FOE (high courts in target countries);
- Build capacity of journalists;
- Monitor violations of the right to freedom of expression of journalists, opposition politicians and their supporters and other citizens in and advocate and campaign against such practices,

- Campaign for the release of persons held for exercise of their right to freedom of expression;
- Support media pluralism by review of existing laws, advocacy campaign and support to cases
- Review existing laws and policies and advocate for adoption of progressive framework on community radio and equality and diversity in frequency allocations;

3. How do you assess the track record of Western governments (USA, UK, France, Germany etc), in speaking out publicly against targeted assaults and murders of journalists wherever they occur? Is the level and tone of such criticisms and protests adequate or inadequate, in your view? Is it consistent? Also, how much positive impact do you think is achieved by representations made to national governments on these issues by UN agencies, by the OSCE, the Council of Europe, the EU , the OAS or other inter-regional bodies, concerning individual cases, or alleged negligence or severe failures by states to protect journalists' safety and legitimate rights? In other words, how effective are such statements and protests?

A19 does not have any comprehensive monitoring of this issue.

4. Globally, how adequate or otherwise are the current authorities, mandates and procedures available to, and used by, the international community to pursue those goals – such as mechanisms used by UNESCO, the Human Rights Council and other UN bodies, judgements given by the European Court of Human Rights, soft laws through the Council of Europe etc? And can you identify any particular legal or political mechanism which you think should be strengthened or newly established to counter the alarming trends?

We believe that the current mechanisms insufficiently address the responsibility of non-state actors and focus extensively on the violations conducted by the state (and not on investigation into and the lack of responsiveness of non-state actors). A19 believes this is a great problems since in many parts of Central America and in some African countries, organised crime groups have emerged as main violators of the right to freedom of expression, including freedom of the media, through often extremely violent tactics. In addition, MNCs [Multinational Corporations] are also directly or indirectly perpetrators, either through their explicit or tacit support to authoritarian regimes or through their own activities.

5. Can you identify particular successful examples of “naming and shaming” or other forms of political pressure exerted by governments, which have led to the release of jailed journalists, or effective prosecution of perpetrators of violent assaults on journalists, or other kinds of measurable improvement?

The recent campaign of A19 to release imprisoned journalist, Enulla Fatullayev in Azerbaijan.

6. How could, or should, the voices of stakeholders --representative media & human rights groups, civil society etc -- be given a greater role or standing within national or international bodies, as part of efforts to achieve better compliance with commitments, so as to counter the trends towards more targeted violence as well as the growth of climates of impunity in some jurisdictions?

One concrete issue – explore possibility of giving civil society standing in the criminal proceedings – especially in cases when there are no relatives willing to engage in complaints for killings and intervene in the criminal proceedings.

7.. How to you respond to and interpret the dissenting view voiced by certain governments and state authorities, which argue that persistent criticisms of governments which are identified by Article 19 and others as hostile to media freedom and freedom of expression on account of their laws, use or abuse of executive power, or alleged lack of transparency and of judicial independence, are unfounded, or are mere expressions of prejudice or hostility?

- Consistently refer to their obligations under the international law and treaties,
 - point out to the various resources that document the violations independently from each other
 - better use of peer review mechanisms on international and regional level
- (ends)