

Institution: City University London
Unit of Assessment: 20 Law
Title of case study: Impunity and the Rule of Law: the Safety of Journalists
<p>1. Summary of the impact</p> <p>The Initiative on Impunity and the Rule of Law, a joint project of the Centre for Law, Justice and Journalism, City University London and the Centre for Freedom of the Media, University of Sheffield, has played an agenda-setting role in a campaign involving several non-governmental and inter-governmental bodies. It influenced international legislation and NGO practices concerning human rights, freedom of information and protection of journalists, most notably through the adoption of the United Nations <i>Plan of Action on the Safety of Journalists and the Issue of Impunity</i> and its accompanying Implementation Strategy 2013-2014, both published in 2012.</p> <p>Academic staff in The City Law School at City University London contributed to the campaign through their research expertise and the production of new material which enabled the identification of lacunae in the international standards of protection of journalists; and by making the case directly to United Nations decision-makers for additional safeguards.</p> <p>The Initiative has achieved impact on public engagement, policy-making and civil society by: (i) shedding light on the problem of crimes against journalists by contributing detailed evidence on the number of human rights violations in different countries; (ii) campaigning to safeguard the personal and professional integrity of journalists worldwide; (iii) providing expert advice to governments, NGOs and international organisations to define legislation and understanding to prevent crimes against media freedom; and (iv) creating an international platform of academic and legal expertise for combatting violence against journalists.</p>
<p>2. Underpinning research</p> <p>The Initiative on Impunity and the Rule of Law was established in 2010 as a joint project of City University London's Centre for Law, Justice and Journalism (CLJJ) and the University of Sheffield's Centre for Freedom of the Media (CFOM), under the leadership of Professors Tumber (Journalism, since 1988) and Woods (Law, 2008-2013) from City and Horsley and Harrison from Sheffield. It was funded by the Open Society Foundations following a successful competitive bid [7]. The Initiative provides an independent platform to assess the effectiveness of existing legal, political and institutional safeguards against violence directed at journalists and to present the case for more effective international mechanisms to counter such crimes and end impunity. Underpinning the Initiative are monographs, research papers (including [2-6]), desk-based research, a database, a conference and collaborative consultations among academics, legal experts and national and inter-governmental organisations.</p> <p>Dr Draghici (Law, at City since 2009) and Woods used their expertise in international human rights law and media law respectively in research aimed at identifying the root of the phenomenon of impunity for violations of journalists' rights and possible courses of action. Their work drew on earlier research undertaken at City by Woods on freedom of expression and the media [2] [3]. They produced a Legal Instruments Study entitled <i>Safety and Protection of Journalists: A Responsibility for the World</i>. This was presented at the Working Conference on the same topic hosted by City on 1st June 2011 and published as a free-standing pamphlet [1] on the websites of CFOM and CLJJ and via the Social Sciences Research Network. The research was supported by Dr Xenos (Research Assistant in The City Law School until 2012) who conducted a systematic review of existing human rights and international legislation (see www.city.ac.uk/centre-for-law-justice-and-journalism/publications) which informed the study. The Initiative also presented several reports providing material for collaborative consultation with members of The Open Society Foundation, Norwegian PEN (part of International PEN - the worldwide association of writers) and UNESCO. The legal work is complemented by sociological work by Tumber <i>et al.</i> since 2004 and by a</p>

Political Aspects Study produced by Horsley (CFOM) in May 2011, also presented at the June 2011 Conference. A comprehensive database detailing key organisations in the protection of human rights, freedom of information and safety of journalists was also compiled by Dr Dinardi (Research Officer at City since 2009) to inform the Conference.

The research rested on a mapping of international instruments for the protection of journalists with a view to identifying normative and implementation lacunae and possible solutions thereto. It provided evidence that the rights at stake (life, personal liberty and integrity, freedom from inhuman treatment, freedom of expression and effective remedy) are guaranteed in all general human rights instruments and have been interpreted broadly by international monitoring bodies to include positive obligations such as investigation and punishment of perpetrators. Further, in times of war, journalists are entitled to protection as civilians and benefit from the belligerent parties' obligations to discriminate them from legitimate military targets. Notwithstanding this multiplicity of normative systems, there are no binding instruments specifically concerned with the risks facing journalists and states are reluctant to accept supra-national monitoring institutions due to concerns over erosion of state sovereignty. A lack of resources also affects the implementation of positive obligations (e.g., effective police and judicial systems) as well as the functioning of relevant international bodies. The report formulated a series of proposals to enhance the enforcement of journalists' rights, including a specific instrument for the protection of journalists as a vulnerable category and as holders of a public role, given the impact of attacks against them upon the public's right to information and democratic control over ruling elites.

3. References to the research

[1] Draghici C. & Woods L. (2011). *Legal Instruments Study for the Initiative on Impunity and the Rule of Law Research*. London: CLJJ, City University London.

The Initiative on Impunity and the Rule of Law: A Policy Research and Advocacy Project of the Centre for Law, Justice and Journalism (CLJJ) at City University London and the Centre for Freedom of the Media (CFOM) at the University of Sheffield "Safety and Protection of Journalists: A Responsibility for the World". Research and Recommendations from the Working Conference held at City University London on 1st June 2011. Published by CLJJ, City University London; CFOM, University of Sheffield 2011 and the Social Science Research Network: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2241802

[2] Woods, L. (2009). Regulation and Extra-Legal Regulation of the Media Sector. In D. Goldberg, G. Sutter & I. Walden (Eds.) *Media Law and Practice* (pp. 335-3372). Oxford, UK: OUP. ISBN 9780199559367

[3] Amos M., Harrison J. & Woods, L. (Eds.) (2012). *Freedom of expression and the media: the application of legal standards to journalistic practice*. Nijhoff Law Specials, vol. 79. Leiden, The Netherlands; Boston, USA: Brill Martinus Nijhoff. ISBN 9789004207745

[4] Tumber H. & Palmer J. (2004). *Media at War: the Iraq Crisis*. London, UK: Sage Publications. ISBN 9781412901826

[5] Tumber H. & Webster F. (2006). *Journalists under Fire: Information War and Journalistic Practices*. London, UK: Sage Publications. ISBN 9781412924061

[6] Tumber H. (2006). The Fear of Living Dangerously: Journalists who report on Conflict. *Journal of International Relations*, 20(4), 439-451 [10.1177/0047117806069405](https://doi.org/10.1177/0047117806069405)

The work is published by academic publishers who are well recognised for the quality of their publications and in a peer-reviewed journal. The report has become a recognised point of reference. For example it has been cited in UNESCO's Concept Note on the 1st UN Inter-agency Meeting on Safety of Journalists and the Issue of Impunity (13th -14th September 2011, Paris) (see [10] in sources to corroborate).

Research Grant

[7] The academic merits of the concept and methodology of the research project, which fills a gap

in the existing literature, were confirmed by the award in 2010 of a highly competitive grant by the Open Society Institute (OSI, now Open Society Foundations), aimed at supporting research activities that promote the consolidation of the rule of law, respect for human rights, diversity of opinions, and the role of the civil society (www.opensocietyfoundations.org). The proposal attracted an OSI grant of £15,703, which helped to finance the initial research phase and the organisation of the 2011 Working Conference. The Conference also benefited from sponsorship from the Norwegian PEN Centre and the Swedish National Commission for UNESCO.

4. Details of the impact

The Initiative on Impunity and the Rule of Law produced a positive impact on public engagement, policy-making and civil society and influenced international legislation and NGO practices concerning human rights, freedom of information and protection of journalists. This was visible during the June 2011 'Working Conference of the Initiative on Impunity and the Rule of Law', held at City, which was attended by many stakeholders including: senior members of international and intergovernmental organisations such as UNESCO, the Organization for Security and Cooperation in Europe (OSCE) and the Inter-American Committee on Human Rights; and journalists' federations and expert NGOs such as Amnesty, Article 19, Journalistes en Danger, Reporters without Borders and the Red Cross. Participants included the Assistant Director-General of UNESCO, Janis Karklins and the Director of Human Rights of the UK Foreign Office, Susan Hyland. UNESCO considered the conference to be a major international and interdisciplinary event aimed at developing new global initiatives intended to protect journalists and end the impunity of those who threaten, assault or murder them. UNESCO stated on its website (2011) that the Initiative 'has already received the backing of Archbishop Desmond Tutu, a long-time advocate for the worldwide protection of journalists' rights'. Archbishop Tutu also sent a special message to the conference. The conference marked the launch of a topical report by the New York-based NGO, Committee to Protect Journalists (CPJ) which revealed that 13 countries around the world had five or more unsolved cases of murdered journalists committed during the past decade. The conference attracted the sponsorship described in section 3.

UNESCO made use of the Initiative's London Conference as a preparatory meeting for its Inter-Agency Meeting in Paris and stated on its website: 'As a first step towards this event [the UN Inter-Agency meeting], a meeting entitled "Safety and Protection for Journalists: A Responsibility for the World" was organised in June 2011 by the Initiative on Impunity and the Rule of Law. The conclusions drawn from this meeting will be presented at the UN Inter-Agency Meeting in Paris.' Research and policy proposals prepared by the City research team became reference materials for this meeting. Archbishop Tutu's speech at the conference raised awareness about violence against media workers throughout society and appealed to world governments for urgent intervention. Draghici and Woods delivered proposals based on previous research (the scoping exercise) carried out by Xenos, to strengthen existing UN mechanisms for increasing co-operation and preventing attacks against journalists.

The Initiative produced a valuable impact on public engagement by creating an international platform of academic and legal expertise comprising governmental and non-governmental experts from organisations (including International Bar Associations, Index on Censorship, OSCE, Columbia Law School, Saferworld, the UK House of Lords, The Salzburg Global Seminar and UN, Media Legal Defence Initiative and International News Safety Institute) to seek acceptance for fighting violence against journalists and the right of citizens to be informed. A list of relevant resources and working papers is accessible on the Initiative website.

The City Law School (represented by Draghici) was subsequently invited to participate in the Paris conference at UNESCO Headquarters in September 2011, an invitation-only policy-making event. The Legal Instruments Study reached a significantly wider number of beneficiaries in this context, including state delegations from all geopolitical areas of the world, global and regional inter-governmental organisations and representatives of cross-border civil society. City's research, by filling a gap in the legal resources available, drew the attention of international organisations to the deficit in implementation measures. It further supported the priorities of the UN Plan of Action, aimed *inter alia* at assisting countries in the development of legislation and mechanisms compliant with international rules and essential for the creation of a free and safe environment for journalists

and media workers in conflict and non-conflict zones. This is promoted by UNESCO as one of its Communication and Information Themes [8]. The participation of academics in the consultation process of inter-governmental organisation is exceptional and indicative of the impact of this research. Woods was also contacted by Mr Ian White on behalf of UNESCO UK in August 2013 to comment on the draft response by the UK National Commission for UNESCO to the proposed UN Plan of Action for the Safety of Journalists.

Draghici subsequently received further invitations to comment on and contribute to the UN inter-agency implementation plan. She took part in the 2nd Inter-Agency Meeting on 'The Safety of Journalists and the Issue of Impunity' held in Vienna in November 2012, where she provided information on the main streams of City's work on safety of journalists and on media rights. She also raised awareness of the CLJJ interdisciplinary conference designed to celebrate World Press Freedom Day, which took place on 3rd May 2013 [9]. This conference, entitled 'Obstacles to Free Speech and the Safety of Journalists', was an activity which formed part of and is specifically referenced in the UNESCO Implementation Strategy 2013-2014 [10]. At the conference, Draghici shared the results of further research carried out with Woods since the 2011 report in a presentation entitled 'Individual Torts and Collective Victims: The Societal Impact of Crimes Against Journalists in International Law'.

The legal study also provided a useful tool in shaping the advocacy strategy of international non-governmental organisations. By invitation of Mr Jim Boumelha, the President of the International Federation of Journalists (IFJ), Woods gave a presentation on 26th October 2012 on the research findings at a one-day Summit in Nuremberg on the safety of journalism aimed at discussing the IFJ future strategy, which gathered *inter alia* IFJ members and representatives of UNESCO and the International Red Cross. Mr Boumelha subsequently responded to City's invitation to take part in the May 2013 conference, indicating the interest of rights campaigners in continuing the exchange of information and expertise with The City Law School.

The consultation proved crucial to shaping policy interventions and the coordination of inter-agency mechanisms. It suggested high-level expert consultations for the Austrian government at the UN Human Rights Council and informed the final UN Action Plan to combat violence against journalists on how to monitor progress at both national and international levels. This Action Plan, prepared during the first UN Inter-Agency Meeting on 'The Safety of Journalists and the Issue of Impunity', will establish an inter-agency mechanism to monitor progress and assist countries in the development of legislation favouring freedom of expression. Evidence of the City contribution can be identified in the UNESCO Implementation Strategy 2013-2014) [10].

5. Sources to corroborate the impact

- [8] www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/
- [9] <http://lawjusticejournalism.org/2013/04/16/conference-3-may-2013-obstacles-to-free-speech-and-the-safety-of-journalists/>
- [10] www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/official_documents/Implementation_Strategy_2013-2014_REV8march.pdf (see p17 and p28)

Beneficiaries who could be contacted by the REF team for corroboration

- European Lawyers for Democracy and Human Rights – President/Chair of the International Steering Group at European Human Rights Advocacy Centre/Bar Human Rights Committee of England and Wales - Executive Committee Member/Advisory Council at EU-Russia Centre/Barrister at Field Court Chambers/Birkbeck College, University of London - Professor of Law and Director of the LLM/MA in Human Rights.
- Secrétaire général, Réseau des Chaires UNESCO en Communication (ORBICOM).
- President, International Federation of Journalists
- Senior Communications and Research Officer, UK National Commission for UNESCO