



**Organization for Security and Co-operation in Europe
Office of the Representative on Freedom of the Media**

**SPECIAL REPORT ON THE THIRD ROUNDTABLE OF
THE SAFETY OF JOURNALISTS PROJECT**

***SAFETY OF JOURNALISTS
IN CONFLICT SITUATIONS***

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Foreword

In November 2018, the Ministerial Council of the Organization for Security and Co-operation in Europe (OSCE) adopted Decision 3/18 on the Safety of Journalists. In this landmark document, the participating States committed themselves to improve the safety of journalists on different inter-related aspects, including physical, legal, economic and online threats and attacks, with a special focus on the distinct risks faced by women journalists. In 2022, the year in which we marked the 25th anniversary of the Mandate of the OSCE Representative on Freedom of the Media (RFoM), the current RFoM Teresa Ribeiro decided to devote special attention to the topic of safety of journalists and launched a new project.

The project consists of seven roundtables, each covering another aspect of the topic of safety of journalists: (1) data collection, analysis and reporting on attacks and violence against journalists and promotion of journalistic work; (2) secure working conditions; (3) safety of journalists in conflict situations; (4) intersectional perspectives; (5) digital safety; (6) legal harassment; (7) police prevention and fight against impunity.

The third roundtable took place on 1 February 2023, with the participation of six distinguished experts: Ilaria Viarengo, Professor of International Law at University of Milan; Christian Trippe, Head of the Eastern European Desk of Deutsche Welle; Ernest Sagaga, Head of Human Rights and Safety Department at the International Federation of Journalists; Yana Lyushnevskaya, Senior Journalist at the Kyiv Bureau of BBC Monitoring; Abeer Saady, Media Development Consultant and Trainer Specialized in Conflict and Crisis Zones; Penelope Winterhager, Managing Director at JX Fund, European Fund for Journalism.

This report is a reflection of the contributions and discussions from the third roundtable, with additional information from supporting material and literature. It does not suggest to be complete in its coverage, but rather aims to provide guidance to the participating States in their endeavour to further journalists' safety.



I. Introduction

“Safety of media in conflict starts on a personal level, but responsibility is also with media organizations and States. For journalists in exile, long-term support is key to continue their important work.”

Journalists reporting from conflict-ridden zones are undeniably engaged in one of the most dangerous professions in the world. This vividly correlates with the notion that ‘the first casualty of war is truth’ – a notion that has unfortunately been observed in past and present conflicts in the OSCE region and beyond.

While each conflict is confronted with its own specific challenges, peculiarities, and threats, journalists encounter a set of shared risks and difficulties while covering conflicts, regardless of the location. Their presence in the conflict zone exposes them to constant and countless dangers, uncertainties and obstacles. The ongoing war of the Russian Federation against Ukraine is a clear illustration of the vulnerability of journalists reporting from conflict areas, as it has claimed the lives of at least eight journalists and media workers, both national and international, and has left many more injured while covering the conflict on the ground.

Risks are more pronounced for local and freelance journalists, fixers, translators, drivers, and camera operators, as they often do not have access to the same safety resources that regular staff have, or those working for bigger news outlets. This makes them particularly vulnerable and exposes them to heightened risk of being killed or injured while on duty.

In addition, women journalists face additional risks, including sexual and gender-based attacks and threats, while reporting on the ground compared to their male counterparts – but also increasingly online – as armed conflict continues to be perceived as a predominately male domain. While women’s contribution to building peace in conflict has been recognized internationally, the recognition of and support for women journalists reporting from conflict zones is lagging behind.

It is clear that in conflict situations journalism serves a fundamental public interest role. It does not only provide first-hand reports on the conflict situation and developments on the ground, journalism also allows for the collection and documentation of facts concerning potential violations of international human rights and humanitarian law, which might lead to evidence used later to be presented to accountability mechanisms and courts. Without ensuring adequate protection for journalists to freely and safely report on the reality of the

conflict, the public's right to know and to make informed decisions is increasingly jeopardized, which in conflict contexts can have a negative impact on their personal safety.

Another aspect of safety of journalists that this report looks into is the situation of journalists in exile. There are several push factors that force journalists to leave their home countries and move into exile. In addition to armed conflict, many journalists are driven into exile because of persecution and repression from authoritarian regimes, as well as political groups and organized crime. However, even in exile, journalists often face daunting challenges, especially in finding durable solutions in securing their jobs and livelihoods in the long-term, as well as enhancing protection from continued security threats.

II. Implementation gaps and needs

Under international humanitarian and human rights law, journalists in conflict situations are protected by a comprehensive set of provisions. Specifically, in international humanitarian law, journalists and 'war correspondents' accredited with the armed forces are recognized as civilians, and as such, are not to be attacked. This means that they may not be deliberately targeted and must be protected and allowed to conduct their journalistic work. Intentionally directing attacks against journalists constitutes a war crime under the Rome Statute of the International Criminal Court.

It is worth noting that protections afforded to journalists under international humanitarian law are recognized as a norm of customary international law, which was substantiated in the comprehensive *Study on International Customary Humanitarian Law* by the International Committee of the Red Cross (ICRC). Unlike treaty laws that bind only those States that have ratified them, rules of customary international law bind all warring parties without the need for formal adherence.

Unfortunately, when it comes to the implementation of these international legal rules, the reality in practice differs greatly. Ample evidence from past and present armed conflicts show several visible gaps in implementation, with journalists often being subjected to deliberate fatal attacks, kidnapping, mistreatment and torture. Journalists' safety is further threatened by the prevailing lack of effective and systematic investigations, prosecutions and punishment of those responsible for such violations and abuses.

According to the UNESCO observatory of killed journalists worldwide, in almost nine out of ten cases (both in conflict and non-conflict situations) the perpetrators are never brought to



justice. To further promote and strengthen journalists' safety in conflict situations, the UN Security Council adopted two ground-breaking resolutions, 1738 (2006) and 2222 (2015). These resolutions specifically call for an end to deliberate attacks against journalists and urge authorities to respect their obligations under international humanitarian and human rights law, to end impunity and to prosecute those responsible for crimes committed against journalists. It is good to note that these UN Security Council resolutions were recalled by all 57 OSCE participating States in the landmark 2018 OSCE MC Decision on Safety of Journalists, in which they all further pledged, *inter alia*, to condemn publicly and unequivocally all attacks and violence against journalists, including in conflict situations.

In an effort to mitigate the dangers and reduce targeted attacks, as well as to ensure accountability for crimes against journalists, a legal expert at the roundtable recommended to amend the Rome Statute of the International Criminal Court in line with its Article 121, by adding a new provision that would explicitly define and criminalize different manifestations of violence against journalists as war crimes. Suggested amendments include listing distinct war crimes such as 'intentionally directing attacks against journalists', 'targeted killings of journalists' or 'arbitrary arrest of journalists'. In addition, it was recommended to all OSCE participating States to introduce specific crimes into their national criminal legislation.

Journalists in exile

Although generally in a safer environment, journalists in exile face many difficulties. These concern administrative and financial issues such as obtaining visas, residency and work permits, accessing adequate and affordable housing and healthcare, as well as schools for children, but also professional matters such as setting up editorial office spaces or accessing work studios, financial resources and professional training to help them sustain their journalistic profession and livelihood. The experts noted that one of the primary reasons for this is the lack of awareness among hosting authorities about their situation and their specific protection needs. To address this issue, experts recommended that participating States receiving exiled journalists adopt adequate legislative measures tailored to their needs, to enable their safe arrival and stay in the host country. One of the proposals was to clarify their status in the national legislation and to provide for quick and easy access to residency and asylum procedures.



III. Enhancing protection avenues

It is evident that journalists reporting from conflict zones face a significant number of challenges on the ground, including dangers to their personal security and their basic physical needs. To that end, the experts at the roundtable emphasized that all stakeholders, including States and media organizations, need to step up efforts to further enhance the protection avenues for journalists covering conflict to ensure their safety on the ground. The same was underscored for journalists in exile.

As a starting point, several experts highlighted the need to create a culture of safety among the journalistic community and within editorial offices, with mandatory safety trainings focusing on crisis management as well as thorough risk assessments before going to the war zone. Employers/media outlets need to take their duty of care seriously. In order to prepare journalists in advance, the inclusion of safety related courses in journalism schools and universities was also recommended.

To the most immediate needs of journalists on the ground, the experts identified personal protective gears, first aid kits, access to digital equipment and access to power devices, to be able to stay online during power outages, as well as shelter and safe work spaces. It was therefore recommended that journalists and media workers are supported with sourcing and accessing these essential items and facilities in times of conflict.

Furthermore, all experts underscored the importance of health insurance as an essential component of the duty of care that should be provided by the media employers as mandatory for all journalists and media workers who are embarking in dangerous missions, regardless of their employment status, be it freelancers, locals or regular staff. While States are advised to ensure compliance with this rule through proper checks and follow-up. Next, the experts underlined the need for quick and transparent access to accreditation for reporters covering conflicts. As freelancers often work for more than one news organization, accreditation should not be bound to one particular media outlet in order to facilitate their work on the ground.

Accessing timely and accurate information on the accreditation process, travel rules, curfews and other matters affecting the work of journalists in conflict zones is crucial. The experts recommended that the OSCE participating States set up emergency hotlines for countries at war, which journalists can contact for immediate support and for establishing necessary liaisons with the local authorities. Likewise, media outlets dispatching journalists to conflict zones should have some sort of a helpline in place in case of an emergency.



The viability of the media sector in conflict situations was also discussed during the discussions, noting the tremendous economic strain that many media outlets face as they struggle to survive in an extremely volatile environment. The situation of the media in Ukraine was mentioned, where the advertising market is barely surviving, and the need to build new sustainable business models is needed now more than ever.

Journalists in exile

One of the greatest challenges that journalists in exile face, is the possibility to continue their journalistic profession from abroad. Several difficulties were discussed, such as lack of information on and/or access to residency and work permits; language barriers, which are often too high to find work in established media; lack of job opportunities and networks with other journalists and media organizations in exile; and lack of locally specific expertise.

Occasionally, exiled journalists are able to continue working in their own language at existing media. The example was mentioned during the discussion of some media outlets in Poland, the Czech Republic and the Baltic states, which have set up editorial offices in Ukrainian, Russian and Belarusian languages for journalists in exile that are accessible in their home countries.

It is clear that journalists in exile must be able to continue their important work, as they are oftentimes the only source of independent information. In order to provide the necessary support in due time, enhanced co-ordination across donors and across States is needed. When creating such support, it is essential that this is flexible and quickly available, in order for journalists in exile to rebuild their audiences and re-establish media outlets as soon as possible. This entails expedited access to visa/residency permit procedures, adequate housing, health insurance, grants/donations and fellowships opportunities, psychosocial support and legal counselling.

The experts agreed that continuing to work journalistically from exile in the long-term requires long-time support. This can include professional training and assistance on how to develop new sustainable business models and generate sustainable funding.

A last issue that was raised was the ongoing persecution and the safety risks some journalists face while in exile. These include threats of extradition on criminal charges, surveillance and physical attacks as well as threats to family members back home. Therefore, it was advised that the OSCE participating States hosting exiled journalists should provide special protection and preventative measures against serious threats to their safety including unjustified requests for extradition.