

Points for keynote speech by Guy Berger,

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## **THREATENED JOURNALISTS, ATTACKERS UNPUNISHED IN ITALY AND IN THE WORLD**

International conference under the patronage of UNESCO

Senato della Repubblica – Sala Koch, Roma

Monday 22 October 2018 (h 9,30-13-30)

Greetings and acknowledgements to all who are here today, in particular: Pietro Grasso, senator and former president of the Senate; Vito Crimi and Luigi Gaetti who are vice-secretaries in government, and Angelo Marcello Cardani, the president of communications regulatory body AGCOM.

1. Congratulations on Italy hosting one of the first events in Europe in the build-up to 2 November, which the UN General Assembly has declared as the International Day to end Impunity for Crimes Against Journalists.
2. The date for this day was chosen because it is the anniversary of the murders of French journalists Claude Verlon and Ghislaine Dupont. Unfortunately, they were not the last journalists to be killed. In fact, the global situation has become worse in many respects since then.
3. Italy fortunately has not seen journalists murdered in recent years. This is a credit to the substantial work of prevention and protection, undertaken by an exemplary cooperation among the judiciary, the security forces, the Ministry of interior and the representatives from the media and the civil society. I'm aware that this model last week was presented in Vienna by the Italian Chief Anti-mafia and anti-terrorism Prosecutor, Mr Cafiero De Raho, at the conference of parties of the UN Convention against organised crime. I am also aware that last April, Reporters Without Borders hailed the Italian authorities for preventing an attack against investigative reporter Paolo Borrometti. The very fact that we are in this solemn building of the Senate is showing the engagement of democratic elected representatives to guarantee a free and safe press as a universal prerequisite, beyond the current political debates and different points of views. Safety for journalists is and must be an issue where there is basic political consensus.
4. But the spectre of killing journalists is on the march around the world, sparing no countries from South to North. According to UNESCO's figures, in 2017, of 80 murders of journalists recorded by

UNESCO, more were outside of conflict zones than those in areas experiencing armed conflict. We all know the cases of the three journalists killed right here in Europe in the recent past – Daphne Caruana Galizia, Jan Kuciak and Viktoria Marinova. It is a price that we cannot afford to pay.



5. Killings of journalists are of course the worst kind of crime against media workers. But we should always keep in mind the many other crimes against them. For example, in many countries – including in Europe – although most journalists are not actually murdered, very many are subjected to all kinds of illegal attacks – ranging from assault through to emotional terror. Women journalists are especially the subjects of hate-filled harassment that is intended to bully them into self-censorship.

6. The main message of Impunity Day is to call for justice. States as duty-bearers have to do better in upholding the rule of law in the case of journalists who were killed or subjected to other kinds of attacks. We can see the need for performance improvement by States in the figures in the current [report of UNESCO's Director General](#) to a committee of Member States at UNESCO that is called the International Programme for the Development of Communication.

7. This Report shows that between 2006 and 2017, a total of 1010 journalists have lost their lives for bringing information and opinion to the public. Since then, more than 80 have already been killed already in 2018. On average, this constitutes one unnatural death every four days. With only 11% of cases considered resolved (115 out of 1010), impunity for these crimes is alarmingly high. Different to the threats that are credibly monitored in Italy by Ossigeno, we at UNESCO do not have global statistics on impunity for non-fatal attacks on journalists. But there seems to be no reason to believe that there would be a big difference as compared to impunity for the fatal attacks. The point is that

States have the obligation to end impunity in cases of killings of journalists as well as in regard to other illegal acts against the media, and they need to give much, much greater attention to this.

6. To fulfil their obligations, States need information about the range of attacks and impunity in their jurisdiction. Relevant to this is that how safety is integrated into government's policy visions for developing their societies. It is significant that all countries have helped to shape, and have committed to the UN's Sustainable Development Goals. Further significant is that the agreed universal goals include: reducing all forms of violence and related deaths, promoting the rule of law, and ensuring public access to information and fundamental freedoms.

7. The UN has agreed as one of the indicators to measure progress in regard to "public access and fundamental freedoms", the following: whether there is a reduction in the number of cases of killing, kidnapping, enforced disappearance, arbitrary detention, torture and other harmful acts against journalists and associated media personnel.

8. Just last month, the Human Rights Council in resolution 39/6 urged States to strengthen national data collection, analysis and reporting on this indicator. In December, UNESCO's 195 Member States called on each other to carry out "national monitoring of Sustainable Development Goal indicator 16.10.1 on the safety of journalists, in the context of the implementation of the 2030 Agenda for Sustainable Development". Counting and recording the attacks is essential.



9. Indeed, it is only through serious and sustainable monitoring of attacks on journalists that we can grasp the magnitude, character and causes of the problem, and what can be done. Countries need to get a grip on measuring and understanding the problem. It is a matter of knowledge needed for protecting human rights and fundamental freedoms. It is a matter of assessing how violent censorship is diminishing "public access to information".

10. Societies that do not monitor or understand crimes against journalists, will find that they lack the means to stop these attacks. This is why the Ossigeno monitoring is important, the AGCOM survey of journalists is important, and why the Council of Europe monitoring platform is important. Can more be done in your monitoring, analysis and action based on results? Such a question is best answered in a participative manner and among right-holders (media professionals and advocates in civil society) and the duty-bearers (various part of the State: the executive power, the independent judiciary and the legislators).

11. What is clear, however, is that if States fail to halt attacks on journalists, including by failing to send the signal that attackers are indeed being tracked down and punished, then the situation will worsen.

12. We have to underline the common interest across political and other divides that when journalists are attacked, everyone loses. In particular, we lose information that is vital to have accountable democracy and corruption-free development. The attacks, whether physical, psychological or digital, create a national spiral of silence. When there is a vacuum in verifiable facts and evidence-based argument as a result of silencing and intimidation of journalists, then lies, cover-ups, rumour and propaganda rush in. The garden of information becomes overwhelmed with the weeds of disinformation and misinformation. All this is why safety of journalists and an end to impunity is more important today than ever.

13. It is well known that for journalists to practice their profession safely, societies need to mobilise the 3 “Ps” – prevention, protection, and prosecution.

13. Prevention is about fostering a climate in which there are social norms that respect the right to freedom of expression, and in particular the journalistic exercise of freedom of expression. We know that Prevention is about pre-empting problems rather than having to be on the back-foot of dealing with their consequences – hence it is vitally important.

Three points can be made about Prevention: the global climate; the national climate, and the national legal situation.

First, in terms of the global normative climate, we can look at the UN resolutions on the topic of safety. According to UNESCO’s report on World Trends in Freedom of Expression and Media Development, 11 resolutions were passed in UN bodies in New York, Geneva and Paris from 2012 up to the end of 2017. Commendably, your country has co-sponsored all those resolutions where Italy has been represented in the applicable decision-making bodies.

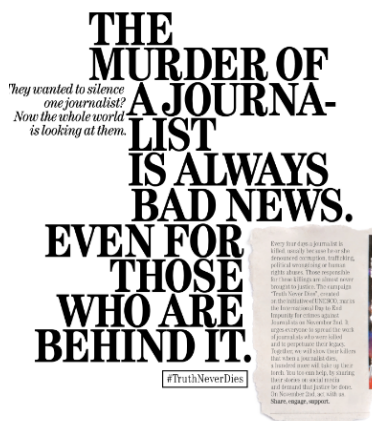
Second, prevention is also about the national climate and public opinion makers. While the press is never above criticism, harsh political rhetoric against journalists carries the risk of lowering the threshold for thugs and other elements to decide to commit actual crimes against journalists – ranging from death threats against individuals and their families, through to bombings, abductions, and murders.

The recent UN Human Rights Council resolution acknowledged alarm at “instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism.” The resolution appealed for restraint by political actors as regards their rhetoric.

Third, the legal situation is implicated in Prevention – how journalism is considered in terms of the law. When a society has defamation as a criminal offence, as opposed to being a civil law matter, the risk is to cast journalistic expression as potentially being in the same category as basic criminality – indeed, lumped together with those who commit violent crimes against journalists. It is evident that where there are cases of defamation that lack the defence of truth and public interest, there also exist many redress measures possible which are alternatives to criminalisation.

14. After Prevention, the second P is about Protection. When a society has the information and the political will to keep safety of journalists on the agenda, it is possible to set up protection mechanisms. Threats, including those sent on email or social media for instance, can be a prelude to spilling over into the physical realm. Journalists need to know that there are responsive agencies in existence which they can call upon for protection against the range of threats.

15. The third P is about Prosecution. No journalist, and indeed no person, should have to live with threats, let alone actual physical attacks. Even politicians who detest the press can accept a bottom line that harassment and violence are a step beyond the boundaries of civilised behaviour. This is why societies need to have dedicated mechanisms to investigate both threats and actual attacks, and to bring court cases against the perpetrators.



16. It is possible that we can also add a fourth P – which we can use to refer to People – the role of active agency pushing back against the onslaught. This is partly a call to media actors themselves. They have a huge, but often unfulfilled, role to play in promoting a climate of Prevention – which includes reporting on attacks and impunity, as well as promoting the highest standards of journalism such the public really cherish the role they play. They are also key in advancing Protection issues, and in pressing for Prosecution. Other actors – like politicians, judges, NGOs, academics – also have a key part to play as part of this fourth P, i.e. the People factor.

17. The package of Prevention, Protection, Prosecution and People is ambitious and extensive, but this is what it takes to create a world that is safe for journalists to inform us on issues which may be unpopular with some actors – for example, issues such as lies and disinformation campaigns, corruption, domestic violence, racism and xenophobia.

18. From UNESCO, this year for Impunity Day focuses on the role of People in a particular way. Usually, when journalists are killed, so too are their stories. But it is important to send a message to the attackers that their efforts are futile. With the hashtag #truthneverdies, UNESCO is encouraging people, that is the public, journalists and politicians alike, to keep alive the project and the memory of assassinated or intimidated reporters. The undercuts the original incentive of those committing attacks. We commend in this regard the strong support of Italian journalists for the “forbidden stories” project which seeks to continue the work of Daphne Caruana Galizia.

Truth cannot be allowed to die, but when leaders are silent in the face of attacks on journalists, this can be taken as consent by those committing such atrocities – and simply reinforces the perpetrator’s objective of creating oblivion. Saliently, the recent Human Rights Council resolution calls on governments: “publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers”. It is imperative that political leaders

condemn in the strongest terms all attacks on journalists, indicating as well that crimes like these will not be successful in achieving their censorship objective.

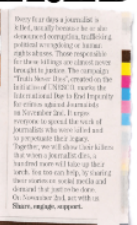
19. In closing, and taking note of our venue, and the city in which we have this important event, let me propose a wider perspective on the issue of safety. Let us recall the battles for free speech by philosophers in the ancient Rome, sometimes at the cost of their lives. Journalism is one of the most valuable components of human heritage. Like other heritage, we need to protect and defend it. But journalism is endangered when criminals – in order to cover up their crimes, are emboldened to commit further crimes directly against media practitioners. Journalism is doubly endangered when these crimes are committed with impunity. No society can let this be tolerated. Hence the importance of awareness raising around Impunity Day, and around the value of a climate conducive to journalism practice that is free from fear. And to go further, strong institutional action is needed for systematic monitoring and response mechanisms which ensure effective protection and prosecution. People pushing back against the purpose of attacks by pursuing the stories of those who were silenced, by speaking out strongly, as well as by pursuing justice for the victims, will help secure journalism to play its societal role. This is why we need People to stand up and push back, right now.

**WHEN  
A JOURNALIST IS  
MURDERED,  
WE CAN  
HAVE  
A MOMENT  
OF SILENCE.**

*Share their stories with your network,  
shout them from your rooftop.  
Whatever you do, don't stay silent.*

**OR MAKE  
A LOT  
OF NOISE.**

[#TruthNeverDies](#)



The newspaper clipping text reads: 'Every time a journalist is killed, the world loses a voice of conscience, a watchdog, a person who speaks to human rights abuses. These reporters do not always get their stories brought to justice. The committee that has been set up to investigate the killing of a journalist in November 2014, it says, cannot ignore the work of journalists who were killed and to prosecute their cases. Together, we will show the killers that we won't let them go. We will show the world that we will keep up the fight with the media help to bring our common world media and demand for justice here. On November 24, join with us. Share, engage, support.'

