

Concept note

Strengthening Judiciary Systems and African Courts to protect Safety of Journalists and End Impunity

In preparation of the

International Day to End Impunity for Crimes against Journalists

10 September, Arusha, Tanzania

The United Nations General Assembly adopted Resolution A/RES/68/163 at its 68th session in 2013, which proclaimed 2 November as the 'International Day to End Impunity for Crimes against Journalists' (IDEI). The Resolution urged Member States to implement definite measures to counter the present culture of impunity. UNESCO has been requested in the Resolution to facilitate the implementation of the IDEI.

Overview

Impunity for crimes against journalists is considered one of the main factors fuelling the cycle of violence against the exercise of freedom of expression. The operators of judicial systems (judges, prosecutors, lawyers, investigative police) are crucial in addressing the issue of impunity. Deepening and sharing experiences and jurisprudences of regional Courts, as well as decisions from national High Courts, can be an important tool in fighting impunity by raising knowledge about international standards and international law.

The role of jurisprudence coming from regional Courts is especially important within this context. That is why it is particularly relevant to commemorate the 2016 International Day to End Impunity for Crimes against Journalists, which will be organized jointly by UNESCO and the African Court on Human and Peoples' Rights (African Court), in conjunction with its 42nd ordinary session, on September 10th in Arusha, Tanzania. This event will prepare the planned activities for November 2nd and notably the launch of the [UNESCO Director General Biannual Report on Safety of Journalists and the Danger of Impunity](#).

UNESCO and the African Court will organize an inter-regional dialogue to foster discussion among African judges on international standards on safety of journalists and ending impunity. This will include sharing knowledge of African mechanisms (African Court, ECOWAS Community Court of Justice, African Commission on Human and Peoples' Rights), other Inter-regional courts of justice (i.e. Inter-American Court of Human Rights, European Court of Human Rights) and ways to promote these issues at regional and national levels (e.g. Supreme courts). Representatives of the European Court of Human Rights/Council

of Europe and the Inter-American Court of Human Rights will also be invited to attend the event in Arusha, encouraging further global dialogue.

The objective of the present project is to promote freedom of expression, freedom of press, safety of journalists and to fight impunity notably in Africa. This project falls under the framework of the implementation of the [UN Plan of Action on The Safety of Journalists and the Issue of Impunity](#), UN Resolutions and UNESCO Decisions on safety of journalists. By increasing the safety of journalists, reinforcing the fight against impunity and raising awareness about the decriminalization of defamation, the project will contribute to fostering peace and security, good governance, democracy and the rule of law in Africa. Furthermore, the project will contribute to the Sustainable Development Goals, in particular 16.10, which recognizes the need to ensure public access to information and protect fundamental freedoms. In addition, it is worth mentioning that 2016 has been declared the [African Year of Human Rights](#).

It is important to recall that the rate of impunity for crimes against journalists remains extremely high in the world (with less than 7% of cases solved through judicial systems since 2006). According to UNESCO statistics, of the 103 journalists killed in Africa between 2006 and 2015, only one case has been judicially resolved.

This project specifically aims to build cooperation strategies with the African Court on Human and Peoples' Rights and other relevant players in this field, in order to raise awareness and share good practices among judges on international and regional standards regarding freedom of expression, particularly those related to the safety of journalists and the fight against impunity. This seminar will contribute: to increase knowledge and capacities of judicial actors on international standards of freedom of expression; to reinforce regional legal mechanisms in Africa in decision-making at national level; and to reinforce strategies to increase the number of African countries ratifying the Protocol to be part of the African Court. To this day, 30 States (of 54 States) of the African Union have ratified the Protocol to be part of the African Court and eight have deposited the Declaration 34(6) allowing their citizens to directly present their cases to the African Court.

The seminar will also be an opportunity to exchange knowledge on the issue of decriminalization of defamation, notably on the latest decision of the African Court¹. Criminal defamation can be used as a significant tool to silence journalists and should be addressed when fighting impunity. The continued existence of criminal defamation in Africa has often been an enabler of journalistic imprisonment. Reinforcing the knowledge and awareness of the African juridical mechanisms and decisions to protect safety of journalists and to end impunity will reinforce the role of the African Court to end impunity for crimes against journalists, and introduce other African judges to the decisions that have recently been taken, and will ultimately strengthen the rule of law in Africa.

¹ <http://www.mediadefence.org/case-study/landmark-victory-paves-way-press-freedom>