

<b>Institution:</b> City, University of London		
<b>Unit of Assessment:</b> 18: Law		
<b>Title of case study:</b> International Convention on the Safety and Independence of Journalists		
<b>Period when the underpinning research was undertaken:</b> September 2011 – August 2018		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Dr Carmen Draghici	Reader in Law	Sept 2009 – current
<b>Period when the claimed impact occurred:</b> 2014 – ongoing		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>Dr Draghici's research has shaped and supported the lobbying agenda of international media NGOs on the protection of journalists. Her work (1) raised awareness of the legal gaps in the global protection of journalists and (2) crystallised the need for a treaty with its own enforcement machinery. Campaigning for such an instrument became a priority for the International Federation of Journalists (IFJ). IFJ and other NGOs have <u>adopted Dr Draghici's research and draft treaty as the core of their global campaign</u>. By refocusing the international community's attention on journalists' rights, Dr Draghici's work has the additional effect of <u>raising awareness of rights of journalists and reducing harassment/violence towards them</u>.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>Protecting journalists from violence continues to be an issue of international concern. A 2010 report of the Human Rights Council to the United Nations' General Assembly concluded that, despite the disparate protections available at the time, "[there is an] absence of measures of protection for journalists". By 2010, international policymakers had reached an impasse: there was insufficient knowledge of the present state of national/international laws protecting journalists.</p> <p>In light of this, Dr Draghici (City, University of London) and Prof Lorna Woods (the University of Essex) oversaw, in 2010-11, a comprehensive review of national and international laws covering the protection of journalists (the Legal Instruments Study). The data they collected covered both global (e.g. UN human rights protections) and regional (e.g. the African Human Rights System) systems. Along with detailed analysis, their findings were published as a working paper in June 2011 following a conference entitled 'The Initiative on Impunity and the Rule of Law' [3.1]. The 36-page report (1) mapped the international standards of protection of journalists, (2) identified gaps and made the case for additional safeguards and (3) discussed proposals to strengthen existing legal instruments. This research led to the drafting of a specific convention for the protection of journalists: a single, high-level treaty to clarify and enshrine in binding law the multitude of existing sources of legal obligations, making them available to domestic decision-makers.</p> <p>Draghici and Woods took the research further by testing the consistency of international jurisprudence and doctrinal thinking on the subject. This led to an in-depth scholarly piece, engaging with international jurisprudence and doctrinal literature. Building on previous research, it put forward elaborated arguments and detailed proposals for change. A key publication that captures years of underpinning work is the comprehensive journal article</p>		

“Killing Journalists is Not Media Regulation: Private Rights, Collective Wrongs and the Impact of Impunity” [3.2]. Other journals such as the *Journal of Transnational Law and Policy* and *Penn State Journal of Law and International Affairs* also extended offers for publication, which speaks to the quality and topicality of the piece. The article concludes with suggestions for a new instrument, demonstrating why it would ensure better safeguards for journalists and societal interests in the media.

The underpinning research found that (1) international law fails to recognise the specific risks associated with the journalistic profession, and (2) the fragmented, non-binding and unenforceable initiatives on journalists’ rights adopted to date have proven ineffective. It made the case for a dedicated international treaty, targeting the harassment of, and violence against, journalists. This position is supported by the research findings highlighting the weaknesses in UN and regional human rights instruments and interpretive jurisprudence, as well as loopholes in humanitarian law.

The underlying research, disseminated through several papers presented at media NGO conferences [3.3],[3.4-3.6], has successfully made the case that the international community ought to develop the legal framework for the specific protection of journalists rather than merely focusing on the implementation of the current non-specific treaty provisions and unenforceable soft law.

### 3. References to the research (indicative maximum of six references)

3.1 Woods L, Draghici C “Safety and Protection of Journalists: A Responsibility for the World” part of 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 (2011/05). Available at [https://www.city.ac.uk/data/assets/pdf\\_file/0017/106424/CLJJ-Impunity-Report.pdf](https://www.city.ac.uk/data/assets/pdf_file/0017/106424/CLJJ-Impunity-Report.pdf)

Accessed 04.12.2020

3.2 Draghici C, Woods L “Killing Journalists is Not Media Regulation: Private Rights, Collective Wrongs and the Impact of Impunity”, *Transnational Law and Contemporary Problems* (2019). Available at <https://openaccess.city.ac.uk/id/eprint/20223/>

3.3 Draghici C. “International law is inadequate when it comes to protecting journalists from savagery”, *The Conversation* (2014) <https://theconversation.com/international-law-is-inadequate-when-it-comes-to-protecting-journalists-from-savagery-30748>; also available at <https://openaccess.city.ac.uk/id/eprint/5260>

Accessed 04.12.2020

3.4 “Impunity and the rule of law: The initiative for an international framework to protect journalists from violence and counter impunity. Legal aspects study”, presentation at the Working conference on “The safety and protection of journalists: a responsibility for the world” organised by the Centre for Freedom of the Media (Sheffield) and Centre for Law, Justice and Journalism (City) (London, June 2011), based on the homonymous report co-authored with Lorna Woods, available at

[http://www.cfom.org.uk/wp-content/uploads/2011/09/Impunity\\_report\\_9th\\_FINAL-August.pdf](http://www.cfom.org.uk/wp-content/uploads/2011/09/Impunity_report_9th_FINAL-August.pdf).

Accessed 04.12.2020

3.5 “Individual Torts and Collective Victims. The Societal Impact of Crimes Against Journalists in International Law”, paper delivered at the one-day interdisciplinary conference *Obstacles to Free Speech and the Safety of Journalists* (May 2013, City, University of London).

3.6 “Countering Impunity for Attacks on Press Freedom: The Need for Renewed International Commitment”, presentation at the Doha World Conference on the Defence of Freedom of Expression organised by the International Federation of Journalists, National Union of

Journalists, National Committee of Human Rights of Qatar (Doha [videoconference], July 2017)

#### 4. Details of the impact (indicative maximum 750 words)

The underpinning research had immediate impact with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the leading mouthpiece on the matter of safeguarding journalists, sustaining pressure on governments and non-governmental organisations to condemn acts of violence against them since 1997. The June 2011 paper immediately impelled a renewed effort by UNESCO to clarify their policy position on the protection of journalists. In a September 2011 press release, UNESCO cited City's Initiative on Impunity as the "first step" towards three annual inter-agency meetings entitled UN-Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity. These meetings produced a full report entitled UN Plan of Action on the Safety of Journalists and the Issue of Immunity, which details implementation objectives for 2013-14. These recommendations were officially adopted by the UN Chief Executives Board in March 2012. The impact can be seen in the final product of this effort, which was a revised procedure (2015) to determine how vulnerable journalists are in any particular jurisdiction [5.1]. This report, which has since been used to quantify journalist safety in Afghanistan, Guatemala, Iraq, Kenya, Nepal and Pakistan [5.2], specifically lists the Legal Instruments Study as a key piece of underpinning research.

The IFJ reports that, as initially set out in the Legal Instruments Study, Dr Draghici's focus was on creating a binding convention: "*Dr Carmen Draghici, a legal expert who reviewed the existing international legal framework on the protection of journalists, recommended a comprehensive codification of all provisions relevant to their protection [...]. The new instrument, in the form of a binding convention, or declaration, on the safety of journalist would [...] help national governments understand their obligations.*" [5.3] The impact of Dr Draghici's work was such that not only did IFJ adopt the issue as a key policy advocacy objective, they also used the text of her keynote speech to produce the 2018 Briefing paper accompanying the text of the Draft Convention [5.4]. The then IFJ President described the impact of her presentation: "*Her detailed presentation and fresh ideas [had] a momentous impact [...] and convinced [the IFJ] to seek an immediate partnership to develop her arguments into a fully-fledged Convention.*" [5.5].

Based on Dr Draghici's research, the IFJ commissioned her to write the Draft Convention for the Protection of Journalists – a trans-national instrument to be made available to all states. It prompted a key change in international lobbying, galvanised around the Draft Convention, which was endorsed by the IFJ and then gathered support from further national/international NGOs. The ability to present the text of the treaty envisaged gave a tangible and credible expression to IFJ's claim for legal codification and secured support from other stakeholders [5.4]. When this draft was published in late 2017 there was a cascade of responses from journalism organisations: both in the UK (e.g. the London-based News Media Association) and internationally (e.g. Australia's MEAA trade union, South Africa's 190 member SANEF collective and Germany's 18,000 publisher strong WAN-IFRA). The progress of the draft as it gained endorsement from key stakeholders was widely reported in media across the world (from Pakistan's newspaper of record to the USA's longest running weekly) [5.6].

The IFJ, having adopted the Convention as its official policy, launched in January 2018 a global campaign for its adoption; it also translated it into French, Spanish, Russian and Arabic. In October 2018 the Draft Convention was brought to the attention of the UK Parliament by an Early Day Motion tabled by Plaid Cymru's MP for Dwyfor Meirionnydd. Following a 32-signature tally, which comprised MPs from all parties and corners of the United Kingdom [5.7], the Convention was discussed at a Westminster Hall Debate on 9 January 2019, attracting detailed comments from over 20 MPs including the now Home Secretary [5.8]. This debate brought the matter to the attention of the Foreign Affairs Committee, which quickly requested written submissions from four experts: the Minister of the Foreign and Commonwealth Office (FCO), representatives of Reporters Without Borders and the National Union of Journalists

(NUJ), and two academics (including Dr Draghici). The conclusions of the select committee were published on 4 September of the same year. They oblige the FCO both to tighten the UK's stance on prosecuting violence against journalists and consider supporting an international mechanism for protecting them [5.9]. NUJ, on behalf of whom Dr Draghici provided expert testimony, has been very complimentary of the research and the impact the Convention has had in advancing the issue, not just in policy circles but also in the public's eye: "*The impact of a better-informed public, which the Convention seeks to ensure, cannot be discounted, especially in the context of combating global issues, such as corruption, misinformation and humanitarian or health crises*" [5.10]. The Convention and its promotion campaign at UN level gained significant state support. By September 2020 it had the support of Argentina, Austria, Canada, Greece, Ireland, Italy, Jordan, Kuwait, Mexico, Morocco, Oman, Pakistan, Palestine, Peru, Russia, Tunisia, United Arab Emirates, and Uruguay.

In October 2018, Dr Draghici joined the IFJ delegation at a meeting held at the UN headquarters in New York with State representatives from Europe, the Middle East, North Africa, Latin America, Asia and North America, where she made the case for its adoption, highlighting the advantages of a category-specific human rights treaty [5.11]. In March 2019, Dr Draghici as part of an IFJ delegation presented the Convention at a UN Human Rights Council meeting in Geneva [5.11]. Several States have expressed interest in enshrining the Convention into law: Austria, Italy, Mexico, Morocco (which, as chair of the African group at the UN, raised the Convention at a recent meeting, gaining the group's agreement to support it, and has committed to keeping the issue on the agenda and seeking formal support when appropriate), Pakistan, Palestine (which has the presidency of the Group of 77 and expressed its commitment to motivating the 134 governments affiliated to the coalition), Peru, Russia, and Tunisia. A group of willing States can place the adoption of the Convention on the agenda of the UN General Assembly/Human Rights Council.

#### 5. Sources to corroborate the impact (indicative maximum of 10 references)

5.1 UNESCO's Journalists' Safety Indicators: National Level, 28th July 2015.

5.2 The national reports are published on the UNESCO web pages:  
<https://en.unesco.org/themes/safety-of-journalists/journalists-safety-indicators> Accessed 04.12.2020.

5.3 IFJ Special seminar 2016, including references to Dr Draghici and IFJ's call for codification of protection measures <https://www.ifj.org/media-centre/news/detail/category/press-freedom/article/ifj-conference-on-impunity-for-crimes-against-journalists-calls-for-codification-of-protection-measu.html> Accessed 04.12.2020.

5.4 IFJ launch of its campaign for the Draft Convention, including the downloadable Briefing paper, which relies heavily on Dr Draghici's work and acknowledges her authorship of the Convention <https://www.ifj.org/actions/ifj-campaigns/end-impunity-for-a-un-convention-to-protect-journalists.html> Accessed 04.12.2020.

5.5 Letter of Support – IFJ President

5.6 List of supporting coverage including:

- MEAA - 22 November 2017. See the press release here: <https://www.meaa.org/news/un-convention-to-protect-journalists/> Accessed 04.12.2020.

- SANEF's report on the Draft Convention: <https://sanef.org.za/international-convention-on-the-safety-and-independence-of-journalists/> Accessed 04.12.2020.

- WAN-IFRA's endorsement coverage e.g. in the UK's inPublishing.co.uk online magazine <https://www.inpublishing.co.uk/articles/wanifra-joins-call-for-un-convention-to-protect-journalists-271> Accessed 04.12.2020.

- The Karachi based Dawn newspaper coverage: <https://www.dawn.com/news/1440862>

- New York City's The Nation article: <https://www.thenation.com/article/archive/journalism-press-freedom-khashoggi/> Accessed 04.12.2020.

5.7 Early Day Motion 1747, including names of sponsors and signatures of support. <https://edm.parliament.uk/early-day-motion/52219/international-convention-on-the-protection-of-journalists-and-media-professionals> Accessed 04.12.2020.

5.8 Hansard – House of Commons - Journalists: International Protection - Volume 652: debated on Wednesday 9 January 2019  
<https://hansard.parliament.uk/commons/2019-01-09/debates/CA69B239-4204-4091-921A-718A393223A9/JournalistsInternationalProtection> Accessed 04.12.2020.

5.9 Commons Select Committee on Foreign Affairs Committee: “Media freedom is under attack”: The FCO’s defence of an endangered liberty. Twenty-First Report of Session 2017–19. Report, together with formal minutes relating to the report:  
<https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1920/1920.pdf> Accessed 04.12.2020.

Details from expert deposition (published 9 September 2019) are available:  
<https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1920/192004.htm>

5.10 Letter of Support – NUJ general secretary

5.11

- WAN-IFRA coverage of the 2018 meeting at the UN General Assembly headquarters, promoting the Draft Convention  
<http://www.newsmediauk.org/latest/wan-ifra-joins-call-for-un-convention-on-the-protection-of-media-professionals> Accessed 04.12.2020.

- IFJ coverage of the 2019 meeting in Geneva at the UN Human Rights Council, promoting the Draft Convention  
<https://www.ifj.org/media-centre/news/detail/article/global-media-back-call-for-un-to-adopt-convention-on-safety-of-journalists.html> Accessed 04.12.2020.