

## **Journalism in situations of conflict and aggression**

### **Principles extracted from the relevant Council of Europe and other international standards**

Member states should recognise the democratic value of journalism and the media in times of conflict and aggression. The work of a free, independent and impartial media constitutes one of the essential foundations of a democratic society, and thereby can contribute to the protection of civilians and conflict prevention, as well as bring to the attention of the international community the horrors and reality of conflict. International instruments represent one of the key tools that the international community has at its disposal in the struggle for the safety of journalists and against impunity. These are internationally recognised and often legally binding. The principles set out below are based on the relevant conventions, recommendations and guidelines of the Council of Europe, including the [European Convention on Human Rights](#) and relevant case-law of the European Court of Human Rights, [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors](#); [Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis](#) (adopted by the Committee of Ministers on 26 September 2007 at the 1005th meeting of the Ministers' Deputies), and [Recommendation No. R \(96\) 4 of the Committee of Ministers to member states on the protection of journalists in situations of conflict and tension adopted on 3 May 1996](#). They are also based on relevant conventions, declarations and resolutions of the United Nations which include the [Universal Declaration of Human Rights](#); the [Geneva Conventions](#); the [International Covenant on Civil and Political Rights](#); [UN Commission on Human Rights Resolution 2005/81](#); the [UN Security Council Resolution 1738 \(2006\)](#), and the [UN Security Council Resolution 2222 \(2015\)](#).

#### **I. Responsibilities of member states**

##### ***Guarantee of safety***

In conflict situations, member states should comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists and other media actors (hereinafter “journalists”).

Member states should assure to the maximum possible extent the safety of both national and foreign journalists. They should instruct their military and police forces to give necessary and reasonable protection and assistance to journalists when so requested and treat them as civilians, provided that they take no action adversely affecting their status as civilians. The need to protect journalists should not be used as a pretext to restrict their rights.

Member states should take appropriate steps to ensure that the killings and other attacks on journalists are effectively investigated and those responsible brought to justice.

##### ***Freedom of movement and access to information***

Member states should guarantee freedom of movement and access to information to journalists, including cross-border movement and access to conflict zones. This includes issuing visas and other necessary documents, as well as facilitating the import and export of professional equipment.

Member states should not restrict the public’s access to information beyond the limitations allowed by Article 10 of the European Convention on Human Rights.

### ***Provision of information to the media***

Military and civilian authorities should provide regular information to journalists and the media – on equal basis and without discrimination – through briefings, press conferences, press tours or other means. If possible, secure information centres with appropriate equipment should be set up for the media.

### ***Protection of journalists' sources of information and journalistic material***

Journalists should not be required to disclose their sources of information or to hand over information and material gathered while covering conflict situations. Any exception to this principle should be in accordance with Article 10 of the European Convention on Human Rights and other relevant Council of Europe standards.<sup>1</sup>

### ***Guarantees against undue limitations on freedom of expression***

Member states should use concrete and clearly defined terms when imposing restrictions of freedom of expression and information in conflict situations, notably regarding incitement to violence and public disorder.

Member states should not misuse libel and defamation legislation to limit freedom of expression and should refrain from intimidating journalists by lawsuits or disproportionate sanctions.

### ***Accreditation***

Systems for the accreditation of journalists should be introduced only to the extent necessary and should facilitate the exercise of journalism in situations of conflict and tension. If required by national law, accreditation should be given to all media professionals without discrimination according to clear and fast procedures free of administrative obstacles. Furthermore, the exercise of journalism and journalistic freedoms should not be made dependent on accreditation.

States should refrain from taking restrictive measures against journalists, such as withdrawal of accreditation or expulsion, on account of the exercise of their professional activities or the content of their reports.

### ***War correspondents / Embedded journalists***

Journalists who accompany the armed forces of a State without being members thereof are recognised the status of “war correspondents” or “embedded journalists”. They are civilians and may not be made the object of attack; they are entitled to prisoner-of-war status upon capture.

### ***Derogations under Article 15 of the European Convention on Human Rights***

In situations of war or other public emergency threatening the life of the nation, measures derogating from the state's obligation to secure these rights and freedoms are allowed to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law and meet the requirements of lawfulness, legitimate aims, necessity and proportionality.

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<sup>1</sup> Notably the relevant case law of European Court of Human Rights and [Recommendation No. R \(2000\) 7 of the Committee of Ministers to member states on the right of journalists not to disclose their sources of information](#).

## **II. Responsibilities of journalists**

### ***Adherence to professional and ethical standards***

Journalists need to adhere to the highest professional and ethical standards in order to provide to the public timely, accurate and comprehensive information. Self-regulatory bodies as the most appropriate mechanism for ensuring responsible and professional reporting should continue performing their important role during conflict situations.

### ***Countering the spread of propaganda and disinformation***

Journalists should exercise vigilance in covering conflict situations where objective and quality journalism and reporting are key tools in countering propaganda and disinformation.

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## **III. Responsibilities of media organisations**

### ***Deploying journalists to conflict zones***

Media organisations should adopt in-house guidelines and procedures for the deployment of both salaried and freelance journalists on difficult or dangerous assignments, such as conflict zones. Such deployment should be voluntary and informed. Journalists should receive adequate information on the risks involved and training in all matters of safety, digital security and privacy.

### ***Adequate working conditions***

Media organisations should take appropriate preventive measures contributing to the protection of the physical safety of journalists working in conflict zones. They should adequately prepare dangerous missions in situations of conflict and tension by providing practical information and training to all journalists, whether staff or freelance, widely distributing “survival guides” and advisories as well as information on the availability of appropriate protection equipment.

Media organisations should provide life insurance as well as health and travel insurance to the journalists deployed to conflict zones. Their institutional responsibilities additionally include, as relevant, the provision of legal support and representation and trauma counselling on return from assignments.

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## **IV. Responsibilities of civil society**

### ***Safety training***

Journalism schools and professional associations are encouraged to provide as appropriate general and specialised safety training for media professionals.

### ***Insurance for freelance journalists***

International organisations of journalists are encouraged to facilitate the establishment of an insurance system for freelance media professionals covering conflict situations.

***Legal and practical support***

Non-governmental organisations are encouraged to contribute to the safeguarding of freedom of expression and information by:

- maintaining helplines for consultation and for reporting harassment of journalists and other alleged violations of the right to freedom of expression;
- offering support, including in appropriate cases free legal assistance, to journalists facing lawsuits or problems with public authorities related to their professional activities;
- co-operating with the Council of Europe and other relevant organisations to facilitate exchange of information and to effectively monitor possible violations.