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Freedom of Expression and the Safety of Foreign Correspondents

Trends, Challenges and Responses

In the series:

World Trends in Freedom of Expression and Media Development

Key trends:

- Foreign correspondents have become more diverse, with more local, freelance and women journalists and fewer expatriates
- Complex cross-border investigations and new reporting methods uphold journalism's mission to inform the public about crime, corruption and injustice.
- There is a worldwide increase in hostility against journalists who report for external audiences, which especially impedes reporting from conflict areas and on important social and political matters.
- Some political leaders have sought to discredit and delegitimize both journalists from abroad and locals doing foreign correspondence, by branding them as threats to state security or spreaders of false information.
- When taking arbitrary actions and applying disproportionate restrictions on journalists reporting for external media, state authorities are breaching their obligations under international law.
- Mobilizations to strengthen protections for journalists' safety and stamp out impunity have won increased support from governments, the legal community and other stakeholders; but the importance of protecting foreign correspondents merits more international attention.

Foreign correspondents: key news providers in a rapidly-changing environment

In an ever-more interdependent world, people need knowledge and understanding of what is happening beyond their borders. Journalism produced for external audiences helps fulfil this need. What can be called “foreign correspondence” seeks to provide professionally verified news and informed analysis that answers the questions of domestic audiences, and raises their awareness of key external developments.

The journalists who produce this special content can be vital for humanity to act on common interests in, for example, solidarity over natural disasters, climate change mitigation, ensuring global vaccinations against new viruses, managing population migration, and addressing issues of war and peace.

Previously, the image of foreign correspondents was one of foreign nationals reporting to a foreign audience. Today, there is a much wider range of journalists performing these functions, and there are much wider direct and indirect audiences. Foreign correspondents - who increasingly include local journalists serving external media outlets and audiences - continue the service of almost 200 years as key witnesses to world-changing events.

These journalists have played, and continue to play a central role in the development of the modern media and global markets for news. They identify what they believe is relevant to external audiences and they craft content to be understandable to people at a remote distance and with limited background knowledge. The presence of foreign correspondence at the scene of unfolding events gives them special authenticity. In many cases, their journalism has set a gold standard of integrity and trustworthiness. Often interacting with key decision-makers and operating far away from a standard office, they must be highly skilled to gather and transmit the news with accuracy and speed. The stories they uncover not only serve the world’s urgent need to know, but can also often alert local stakeholders to matters of vital domestic importance.

Renowned figures have established foreign correspondents as writers of the ‘first draft of history’ and international guardians against censorship and propaganda. Ernest Hemingway reporting on the Spanish Civil War; Clare Hollingworth on the Polish-German border breaking the first news that World War Two had begun; the work of war photographer Robert Capa; TV cameraman Mohammed Amin’s footage of the 1984 Ethiopian famine; Colombian journalist and Nobel Prize in Literature laureate Gabriel García Márquez, and Marie Colvin who paid with her life for her reporting from the front line of the Syrian conflict. The UNESCO/Guillermo Cano Prize winner Maria Ressa has won an outstanding reputation for her investigative journalism in the Asia-Pacific region.

“Journalists who travel abroad to cover wars and expose corruption, environmental crimes and abuses of human rights speak truth to power and challenge the people in power; many of them are at risk and suffer the consequences. . . . They are a vital part of our ecology of democracy and mutual respect for and commitment to the rule of law.”

- **Baroness Helena Kennedy QC,**¹

¹ Director of the International Bar Association’s Human Rights Institute and member of the High Level Panel of Legal Experts on Media Freedom, speaking at the Global Conference for Media Freedom, 16 November 2020

Assassinations of foreign news reporters can wake the conscience of governments in defence of journalists' vital work. The kidnap and murder of US journalist Daniel Pearl in Pakistan in 2002 later inspired the [US Daniel Pearl Freedom of the Press Act](#) which requires the US Department of State to expand its scrutiny of news media intimidation and freedom of the press restrictions.

Unfortunately, today it is all too common that many journalists – foreign correspondents included - are forced to live in fear of violent attack, abduction, or arbitrary arrest and mistreatment because of their professional activities. Women journalists are especially vulnerable to vicious and misogynistic harassment and threats. Numerous studies show that self-censorship among journalists has become a serious barrier to free expression and media freedom. When intimidation and reprisal become “normal” anywhere, the chilling effect is also felt by those doing the work of foreign correspondence. Whether host-country nationals serving as foreign correspondents, or those who do the job as foreign nationals, they may all face serious risks from state or non-state actors.

It should not be like this. In 1948, the world's countries pledged to protect free expression and media freedom in a universal system of human rights protection. One goal was to prevent totalitarian control of the media by those who might seek to indoctrinate populations for war and aggression. The Universal Declaration of Human Rights enshrined the right of everyone to “seek, receive and impart information and ideas [...] regardless of frontiers” (Article 19). This international standard has evident resonance for the role foreign correspondents and the external media they supply.

The standard is complemented by other standards specific to situations of armed conflict. Thus, in accordance with the 1977 Additional Protocols I and II to the Geneva Conventions, state authorities and armed forces should protect media professionals and associated personnel as civilians, and respect their professional independence and rights. [UN Security Council Resolution 2222](#) explicitly recognizes that civilians include journalists, media professionals, and associated personnel. It emphasizes that there are “existing prohibitions under international humanitarian law against attacks intentionally directed against civilians, as such, which in situations of armed conflict constitute war crimes”. It calls on Member States to “create and maintain, in law and in practice, a safe and enabling environment for journalists, media professionals and associated personnel to perform their work independently and without undue interference in situations of armed conflict.”

National and international tribunals, together with regional treaty-based human rights organizations such as the African Union, the Organization of American States and the Council of Europe, have created a robust body of jurisprudence providing for legal protections to prevent attacks and serious abuses against journalists in general, which are also applicable to those serving as foreign correspondents. These standards also set out how states should fulfil their obligations to bring those responsible to justice when journalists are victims of targeted killings or abuses.²

Still, the risks of working as a journalist have continued to escalate. In the decade between 2010 and 2019, UNESCO registered 894 killings of journalists, of whom 65 were foreign nationals. Leading international press freedom organizations have characterised the past several years as a time when journalists have been exposed at alarming levels to physical and legal attacks, deprivations of liberty, and other forms of interference.³ Expulsions of foreign correspondents who are foreign nationals are increasingly happening (see below). However, like the case of nationals who are foreign correspondents, there are numerous cases of their

2 See for example: Report on the Seminar “Strengthening Judiciary Systems and African Courts to protect Safety of Journalists and End Impunity”, UNESCO, 2016 https://en.unesco.org/sites/default/files/report_on_seminar_arusha.pdf; Annual Report of the Inter-American Commission on Human Rights 2019 <http://www.oas.org/en/iachr/expression/reports/ENGIA2019.pdf> [p10 on precautionary measures]; Annual Report of the Secretary General of the Council of Europe, 2020 [Freedom of expression p 22-23] 020 <https://rm.coe.int/multilateralism-2020-annual-report-of-the-secretary-general/16809ef144>

3 See <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral> and <https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>

detention and imprisonment as well. In 2020, [the Committee to Protect Journalists \(CPJ\) reported that a record 274 journalists were imprisoned around the world](#), of whom 7 were foreign nationals. [International lawyers declared at the end of 2020](#) that the ongoing global assault on the safety of journalists, including foreign correspondents, is a symptom that “human rights protection in the international system is broken”. [The High Level Panel of Legal Experts on Media Freedom](#) called for the authority of the global legal community to support fresh mobilization to enhance mechanisms of protections for journalists reporting both within states and across borders, to ensure that these systems are really effective.

Global challenges including international tensions and conflicts, climate change, mass migration, tax evasion and systemic corruption, all require effective guarantees for press freedom and the free flow of information across borders. When a deadly virus emerges somewhere in the world, every country needs to know about it. Breaking news reported from one part of the globe can have immediate and dramatic consequences in faraway places. When major human rights abuses occur, or when money is secretly laundered across several different jurisdictions, journalism without borders has a critical role to bring such wrongdoings to light. But in many cases, [governments have instead sought to tighten their control of information flows](#) in attempts to present themselves in a favourable light, both domestically and internationally.

In 2020, [United Nations Secretary-General António Guterres issued a special call for journalists](#) to be protected in times like these:

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“If we do not protect journalists, our ability to remain informed and make evidence-based decisions is severely hampered. When journalists cannot do their jobs in safety, we lose an important defence against the pandemic of misinformation and disinformation that has spread online.”

The [UNESCO Director General Audrey Azoulay](#) has [expressed similar concern](#):

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“In 2020, we witnessed in a possibly unprecedented way, the relevance of journalism to our democracies and to the protection of human rights. However, the pandemic was also a ‘perfect storm’ affecting press freedom worldwide. (...) I call on the world to stand up for information as a public good. Protecting journalism is protecting the truth.”



In October 2020, UN Member States adopted by consensus a [Human Rights Council Resolution](#) that expressed alarm in particular about acts of intimidation and reprisal by political leaders and officials against foreign journalists; as well as arbitrary obstructions directed against them and the extraterritorial targeting of journalists and media workers across international borders.

Challenges and threats to the foreign correspondent role

Multiple pressures force a re-make of the foreign correspondent model

The role of foreign correspondents is being transformed by shifting economic and technological realities, new demands from news consumers, and narratives from powerful actors, including politicians, aiming to attack journalism. Authoritarian trends have re-shaped the geopolitical landscape, leading to heightened threats to the security and safety of foreign correspondents and others whose activities is essential to open and informed debate. Since the outbreak of the COVID-19 pandemic, many governments have imposed a further array of [intrusive constraints on all journalists' working conditions and freedom to report](#).⁴

The digital revolution and rise of companies offering mass-participation social media platforms and self-publishing have brought drastic changes in newsgathering practices and threatened the survival of traditional models of funding foreign correspondence. While these changes have unleashed a plethora of varied content to Internet users across borders, the delivery of editorial content generated by news providers has largely passed into the hands of intermediaries driven by commercial motives. The consequences include the uneven quality and uncertain provenance of much of the content in circulation, and the danger that sensational material or “clickbait” drowns out news which is professionally sifted and checked, including reporting which is produced by foreign correspondents and tailored for external audiences. These powerful tech companies are also able to use big data analysis of millions of users to sell micro-targeted advertising that undercuts the revenues of news organizations. Yet it is these latter organizations that bear the high costs of collecting information at source, and editing and publishing it through processes designed to ensure factual verification and journalistic standards. In short, the digital communications companies have impacted audiences and revenues for professional media, and lowered the market value of skill-intensive and high-cost news and information that can be trusted.

War reporter Janine di Giovanni sees far-reaching consequences:



“Without a solid base in deeply reported, well-sourced facts from around the globe as a counterweight to the social media-driven flood of narratives, opinion and disinformation, it becomes ever more difficult to have an informed public debate about foreign-policy choices.”

Economic and technological pressures have obliged leading media organizations to scale down their networks of foreign bureaus with expatriate journalists and rely instead on local journalists and freelancers who may be paid less and have precarious employment contracts. There is also a gray category where journalists are used as live information sources for international organizations, although they are not per se foreign correspondents. While this contributes to the coverage, there are sometimes issues of quality and there are cases of repercussions where such persons are harassed for having spoken to foreign media.

⁴ See also: “UNESCO, 2020. Issue brief: Journalism, press freedom and COVID-19” <https://unesdoc.unesco.org/ark:/48223/pf0000373573.locale=fr>

Alongside these trends, there has also been a rise of new state-owned and state-subsidised global media such as the Gulf-based Al Jazeera, China Global Television Network (CGTN) and RT (formerly Russia Today). They have emerged with distinctive editorial perspectives, while they also underline common interests with other media companies such as the safety and space allowed to journalists serving as their foreign correspondents. There has also been the emergence of online players such as VICE News, as well as non-traditional producers of journalistic content for international consumption such as the NGO BellingCat, fact-checkers exposing international disinformation campaigns, human rights groups documenting war crimes, and civil society journalistic initiatives such as Global Voices. Adding to the mix are various amateur and citizen journalists who report, for example, on YouTube's video-sharing platform, often providing the first images and first-hand messages on newsworthy events, but with varying respect for the professional standards of journalism, and seldom with institutional back-up that can help to guarantee quality control. New forms of 'networked journalism' and the new digital and mobile media ecology can provide only partial answers to the acute challenges facing fact-based journalism.

Despite unevennesses, the increased diversity in foreign correspondence has gone some way to assuaging concerns about what has been seen by some as the alleged hegemony of Western media and perspectives dominating international news flows.⁵ Now internationally-known media outlets in Europe and the United States are effectively in competition with readers and viewers everywhere, in the original language or in translation. In addition, people in Kenya can instantly read what the Nairobi correspondent of the New York Times writes, and a resident in New York can read how Kenya's Daily Nation online is editorializing on developments at the United Nations General Assembly. Such indirect audiences of foreign correspondence can benefit from this access, even if they are external to the primary targets for whom the content is customised. However it also means some audiences are now faced with the output of media from different cultural contexts who also are expected to uphold high quality professional journalistic standards, which presents new challenges.

Foreign correspondents as political targets of hostility

The 2020 UN Human Rights Council Resolution on journalists' safety warned that threats against journalists increase the risk of actual violence.

Harsh rhetoric is not restricted to foreign correspondents, although it bears on them as well. Generalised attacks that incite harassment have been documented in regions ranging from Europe and North America to the Asia-Pacific region, Latin America and the Caribbean, where [Reporters Without Borders \(RSF\) has documented physical and verbal violence against journalists could be traced to anti-media speeches by political figures](#). Former US President Donald Trump's repeated attacks on leading national media as "fake news" and his encouragement of the intimidation of journalists at rallies [prompted the UN Human Rights Commissioner Zeid Ra'ad al-Hussein to warn](#) that such language could be seen as inciting others to attack journalists. [Targeted disinformation and smear campaigns have become regular tools of some state and non-state actors](#) who wish to persecute and silence journalists. A widespread feature of some state-led attempts to avert embarrassing questions and stifle criticism involves the [misuse of state-run or other "captive" media to smear or demonise critical or independent journalists](#).

In this context, reporters doing foreign correspondence have been thrust into the frontline of a new struggle for freedom of expression, caught up in attempts by some governments in several parts of the world to dictate national news agendas, and in some

5 Foreign News as Cultural Expression: Media, Perspective, and Consciousness, Takuya Sakurai, SHS Web Conf. 33 00014 (2017), DOI: 10.1051/shsconf/20173300014

cases to evade media scrutiny and suppress dissenting voices. At times of tension or external criticism, some senior government figures have sought to delegitimize foreign correspondents by branding them as enemies, mouthpieces for outside powers, foreign spies or collaborators with anti-state forces. The journalists concerned have been the targets of public expressions of hostility and arbitrary reprisals, including [criminal prosecutions and imprisonment for criticizing or questioning governments](#).

Another growing trend has been restrictions on the representatives of external media operating within particular countries, including through blocking journalist accreditation and visas, which has in some cases led to tit-for-tat visa restrictions between countries, with press freedom as the overall victim.

Journalists across the world now depend on digital means to communicate, and extensive NGO monitoring shows that they [experience increasingly frequent harassment and intimidation online, regardless of their location](#). This is particularly relevant for women journalists, as [an UNESCO-ICFJ survey](#), results of which were published [during the World Press Freedom Conference 2020](#) has underlined. Various states have legislated to [force certain foreign media and journalists to register as “foreign agents”](#), making them liable to public suspicion and harsh administrative restrictions. The Representative on Media Freedom of the 57-nation [Organization for Security and Cooperation in Europe](#) has called this [“a disproportionate interference in the freedom of expression”](#). See [page 11](#) for more analysis of this dimension.

The High Level Panel of Legal Experts on Media Freedom Legal Panel has called on governments all over the world to protect journalists at risk by implementing targeted sanctions as a tool to enforce compliance with international human rights law, including the right to a free press.

Women as foreign correspondents and in the field

The global representation of women as foreign correspondents has grown substantially in recent years. Among the world’s leading international broadcasting organisations, women correspondents are well represented, and many are among the most acclaimed on-air figures.

BBC correspondent Caroline Wyatt found [being a woman journalist has particular advantages reporting in a society in conflict](#):



“We were welcomed into homes which no foreign male correspondent was allowed into, and we were privileged to hear and film the stories of women in the north [of Afghanistan] in a way none of our male colleagues could.”⁶

Across the world, however, opportunities for women as foreign correspondents are limited. In many newsrooms, [women are held back by prejudice with respect to gender issues](#), and [relatively few women rise to top editorial positions](#). Almost universally, media organizations pay women journalists less than men, and gender-based discrimination results in fewer career opportunities. [Dubravka Šimonovic, the UN Special Rapporteur on violence against women, has voiced deep concern](#) that in the media world, women “still operate within unequal power relationships between men and women”. Women journalists, she said, are targeted, especially when they are seen as breaking “the rules of gender inequity and stereotypes.”

6 No woman’s land, ed Hannah Storm and Helena Williams, INSI and UN Women, 2012 p 8

[Lara Logan, the American journalist who was attacked by a mob while covering protests in Tahrir Square, Egypt, in 2012](#), said her assault was a deliberate attempt to silence women

Whether they work for local or external media, women journalists are particularly targeted by gender-based intimidation, both in person and online. Online attacks take many forms including harassment, death or rape threats, trolling, and malicious disclosure of personal details (doxxing), and can lead to physical and sexual assault. UNESCO and the International Center for Journalists' [2020 Global survey on Online Violence against Women Journalists](#), which was conducted with over 1200 respondents, found that 73 percent of women journalists who responded had experienced online violence in the course of their work, and [20 percent reported being attacked offline in connection with online violence they had experienced](#). [Malicious actors typically target women in highly sexualized and derogatory terms](#).

Gender-sensitive policies and practices are essential to counter all forms of discrimination and fulfil employers' duty of care to all they employ, including freelancers. As with many issues facing journalists in general, these dimensions have resonance with those doing foreign correspondence work in particular.

Local journalists: the 'indispensable link' for foreign correspondents' reporting

Foreign correspondents, whether domestic or foreign nationals, rely on local networks to do their job. These encompass a range of para-journalists and media workers such as fixers, as well as local journalists who may share news tips, contacts and content with them.

Local journalists account for over 90 percent of all the journalists killed in recent years. They must take the most extreme risks to report on corruption, injustices, and serious human rights abuses in their own country. Local hires and freelancers have also been called the 'often invisible but indispensable link'⁷ behind the stories that appear in leading international media outlets. One only has to think of figures like Cambodian journalist and New York Times interpreter Dith Pran, immortalised in the 1984 film *The Killing Fields*, or Mexican journalist Regina Martinez, one of dozens assassinated in Latin America and the Caribbean for reporting on drug trafficking and corruption.

In some of the world's most dangerous countries and regions, [native journalists are the only ones who can expose the truth about extrajudicial killings](#), intimidation of local communities by powerful corporations or organized crime gangs, and officials' involvement in networks of corruption. The words of the UN Secretary-General are relevant to both local and foreign journalists in regard to his [call on governments and the international community](#) to protect "journalists...on the front lines, sounding the alarm, questioning official accounts, looking into difficult and dangerous issues."

International collaborations

Innovative cross-border collaborations exploiting troves of leaked data and using advanced data journalism have revealed stories of worldwide significance, creating a new dimension to international reporting. Among the most impactful was the 2016 "Panama Papers" revelations about the misuse of offshore tax havens by rich and powerful elites. That sensational exposé revealed formerly hidden information about transnational tax avoidance schemes across countries around the globe, something that media relying only on in-house resources and foreign bureaus could not do (see section on multiple trans-national threats on [page 10](#)).

⁷ David McGraw, Deputy Chief Legal Counsel for the New York Times, speaking at the event hosted by the High Level Panel of Legal Experts on Media Freedom on 23 November 2020

Targeted violence and intimidation against foreign correspondents

Journalists' killings in armed conflict zones and attacked in political contexts

On 2 November 2013, French radio journalists Ghislaine Dupont and Claude Verlon were killed by armed rebels in Mali. The next year, US journalists James Foley and Stephen Sotloff, were beheaded by jihadi captors in Syria who recorded the murders on video. The Japanese freelance journalist Kenji Goto was killed in 2015.

A wave of abductions and forced disappearances of foreign journalists reached a peak in rebel-held parts of Syria and Iraq. Militant Islamist groups spread propaganda messages on the Internet identifying foreign journalists as targets for assassination. In some cases, their freedom was bargained for ransom payments. In December 2020, [RSF reported that 54 journalists and media workers, including four foreign nationals, were being held hostage worldwide.](#)

“In all too many places, we are no longer just taking calculated risks to report on the front line. We are the frontline. Unresolved murders, kidnappings for ransom, beheadings, are now happening at an alarming rate. Now, all too often, we are also the story.”⁸

Lyse Doucet, the BBC's Chief International Correspondent

[Seven leading international broadcasters gave public warning in late 2013 that they could no longer fulfil their responsibilities to global audiences](#) because it was too dangerous to send staff to areas of armed conflict where frontlines were unclear and other lawless places. Those territories became virtual “no-go areas” for international media, even when using local reporters. In war zones and locations held by rebel armed forces, news media have frequently been obliged to rely on local people, who are themselves at high risk, for information.

Although the death toll of all journalists (including those serving as foreign correspondents) killed in armed conflicts has declined somewhat in 2019-2020 (See statistics box on [page 16](#)), the safety risks to those who report on corruption, crime and politics has risen sharply in the past decade. Each year since 2017, fatal assaults against journalists, from state and non-state actors, have taken place in more than 20 different countries. And in each of those years more journalists were killed worldwide in non-conflict areas than in countries experiencing war.

In 2018, for example, [a journalistic team of three Ecuadorians](#) (one journalist, one photographer and a driver) [were killed in Colombia](#) reporting on international drugs trafficking and [related violence in Latin America and the Caribbean.](#)

Away from war zones or recognized trouble-spots, foreign correspondents, like all journalists, also face real dangers and risks covering protests and elections. [UNESCO has reported the alarming risks faced by journalists reporting on protests](#) in a special report released in 2020, many of them were also foreign correspondents. More recently [the UN Secretary General, addressing the Security Council, has underlined that “journalists must be allowed to work free of fear and harassment.”](#)

⁸ See INSI 2015b, cited in Reporting Dangerously, S.Cottle, R.Sambrook and N.Mosdell, Palgrave Macmillan 2016, p 2

Freelance journalists at extra risk

Freelance journalists and photographers face especially high risks to their personal safety in conflict zones and on other dangerous assignments, because they often put themselves in close proximity to known dangers and many lack access to the training, safety equipment and organizational support which should be provided by media employers for their staff and other contributors. Statistics kept by UNESCO show that in 2017 to 2020 over one in six of killed journalists (64 of 395) were freelancers; and ten of those (15 percent) were classified as foreign (killed outside their own country). (See statistics box on [page 16](#))

Case Study

[Former war reporter Tom Peter explained why freelancers like himself are willing to take such risks:](#)



“That’s because a cash-strapped news media has created an unofficial business model that supports independent reporting by leaning on freelancers willing to eat their own costs and effectively pay for the privilege of working – all while risking their lives... In the wake of ISIS’s executions of Steven Sotloff and James Foley, both freelance reporters, it’s time for the media to re-consider that model.”

Impunity and political obstacles to justice for journalists

Just six weeks after journalists Ghislaine Dupont and Claude Verlon were killed, the UN General Assembly proclaimed 2 November [International Day to End Impunity for Crimes against Journalists](#). The resolution urged Member States to do their utmost to prevent violence against journalists and media workers and bring to justice perpetrators of crimes against journalists.

More efforts are needed to this end. Within the framework of its monitoring for the [2020 UNESCO Director General Report on the Safety of Journalists and the Issue of Impunity](#), UNESCO sent requests for information on the status of judicial enquiries to 63 states on 992 cases of killings of journalists, out of the 1167 killings the Organization has recorded between 2006 and 2019⁹. Based on the information provided by UNESCO Member States, the percentage of resolved cases worldwide was measured at 13% in 2020, which represents a slight increase compared to 11% two years prior. Out of those 1167 killings recorded by UNESCO between 2006 and 2019, the Organization has been informed that investigations have been launched into 801 of these cases, while States have not provided information on the 366 remaining ones.

⁹ The remaining cases are those that UNESCO has categorized as resolved or archived

The Director General of UNESCO described the pernicious effects of persistent patterns of impunity:



“This impunity emboldens the perpetrators of the crimes and at the same time has a chilling effect on society including journalists themselves. So impunity breeds impunity and feeds into a vicious cycle.”

Nadim Houry, a member of [the High Level Panel of Legal Experts on Media Freedom](#), researched why so few judicial investigations into journalists’ killings worldwide end with successful prosecutions. A lack of states’ capacity to gather the necessary evidence was found to be one factor. But in cases where the suspects include influential individuals, Houry said ‘powerful interests seek to block the investigation and any prosecution every step of the way.’¹⁰

Political obstacles also continue to impede attempts by families of journalists killed in armed conflicts to bring those responsible to justice. However, [significant efforts are under way to gather evidence and explore potential avenues for prosecuting the killing of Marie Colvin in Syria](#), for instance, and potentially others.

Multiple trans-national threats

[A 2020 UNHRC Resolution](#) voiced concern about extraterritorial targeting of journalists through harassment, surveillance and arbitrary deprivation of life.

Cross-border threats linked to crime, corruption and political reporting

A wave of cross-national, collaborative reporting into networks of corruption has generated an unprecedented stream of news stories with wide international repercussions. [The “Panama Papers” in 2016](#) led to political resignations, criminal investigations, changes in the law, and a backlash against journalists who worked on the original project and did follow-up reporting. Since organized crime and corruption networks operate with little regard for national borders, journalists pursuing a story in one jurisdiction may face deadly threats from beyond its borders. Jan Kuciak, a Slovak journalist murdered in his home country in February 2018, was assassinated after reporting on links between officials and the mafia. Maltese journalist Daphne Caruana Galizia was murdered in 2017 after exposing the involvement of powerful figures in a global money laundering network.

On the positive side, international collaborations can not only generate invaluable news of global and national importance; they may provide some protection to the journalists involved, as well as a disincentive to the attackers. In the wake of the murder of Caruana Galizia, international journalists came together in the “Daphne Project” coordinated by Forbidden Stories, a non-profit organization which aims to ensure that “killing the journalist won’t kill the story”. The initiative develops networks of journalists whose mission is to continue and publish the work of other journalists facing threats, prison or murder.

¹⁰ Presentation of “Advice on promoting more effective investigations into abuses against journalists” report at the High Level Legal Panel Event on 25 November 2020.

Legal and physical threats impede journalistic investigations

Online attacks by surveillance, trolling, hacking and doxxing (exposing a person's private information) can lead to self-censorship, fear, and journalists curtailing their work or even quitting journalism. They may also be [linked to physical dangers and attacks](#). Journalists specializing in crime and corruption are among the most vulnerable to vexatious or meritless legal threats, from abroad or from within their country of residence or temporary assignment.

A [2020 survey by the UK's Foreign Policy Centre and the Organized Crime and Corruption Reporting Project](#) questioned [63 crime and corruption reporters in 41 countries](#). Over half of respondents said they had been harassed by cease and desist letters or other civil legal threats. By gender, the data showed women journalists reported experiencing more threats from questioning by law-enforcement and verbal threats; and men journalists reported being harassed most by surveillance and smear campaigns.

[Strategic Lawsuits Against Public Participation \(SLAPPs\) inhibit the information](#) available to foreign correspondents and the participation of local journalists in international investigations.¹¹ Research found that following the “Panama Papers” revelations, reprisals in the form of administrative restrictions, threats and firings were reportedly taken against the journalists involved in about 15 of 88 countries jurisdictions covered. [Positive reforms in laws and practices regarding transparency and the freedom to report were seen in a fifth of them](#). Bastian Obermayer, one of the lead reporters on the project, reported that some companies whose activities were exposed hired law firms to warn the journalist off. [The most significant threats came from politicians who publicly named and threatened journalists involved. Several were dismissed from their jobs.](#)

National border barriers and extraterritorial threats to journalists

Border barriers to journalists' freedom to report

A [UN Human Rights Council Resolution of 2020](#) expressed Member States' alarm at acts of intimidation and reprisal against foreign journalists and media workers through “the arbitrary denial of accreditations or visas in connection with their journalistic work”.

Yet, in recent years, some [governments have resorted to blocking the entry of foreign correspondents](#) or expelling them to deter scrutiny of elections, public protests, and issues around the COVID-19 pandemic. [During the COVID-19 health crisis, many governments around the world imposed harsh measures on foreign and local media to control public narratives.](#)

11 See also <https://www.indexoncensorship.org/european-vexatious-legal-threats-actions-research-project/>

Journalists at risk seek refuge beyond national borders

Certain foreign correspondence work is a result of enforced exile on account of safety fears. National reporters may thus be compelled to base themselves abroad and report back into their home countries. Scores of such journalists who report on corruption or official abuses in their own country have to leave their home country every year because they fear that the hostility of state authorities or others determined to silence them will lead to their arrest, torture or assassination. Many more cannot get out because they face arbitrary criminal investigations or charges at home, or they lack pathways to obtain safe refuge abroad. [Many remain trapped in circumstances of acute personal danger because of long delays in acquiring visas.](#)

The [High Level Panel of Legal Experts on Media Freedom has called on all states to create a new category of emergency journalists' visas](#) to enable journalists at risk, and if necessary family members, to have safe refuge abroad for as long as the threat persists. In urgent emergency cases, they say states should process applications within 48 hours.

Extraterritorial threats

Even when journalists achieve safe refuge abroad, they may continue to be the target of hostile actions by their home state, such as through the revocation of passports or Interpol Red Notices for their arrest.

The [High Level Panel of Legal Experts on Media Freedom, citing Interpol's rules that preclude interventions of a political nature, has called for strict protective safeguards in Interpol's assessments](#) of the validity of any notice involving a journalist.



In 2020, five UN Special Rapporteurs commenting on a specific case involving foreign correspondents, warned that harassment, surveillance and death threats against journalists both within and outside domestic boundaries violate international human rights law, and they called on the states where affected journalists were living to protect the journalists and their families. (See statistics box on page 16).¹²

Urgent need to strengthen diplomatic protection for journalists detained abroad

Home States' consular support for journalists abroad

Foreign correspondents often have to operate alone or with scant local backup in states that lack the same legal and judicial standards as their countries of citizenship.

12 See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25706&LangID=E>

As their work involves seeking out and reporting embarrassing truths, they can be especially vulnerable to arbitrary official harassment or detention.

The High Level Panel of Legal Experts on Media Freedom is outspokenly critical of what it calls an outdated but common model of consular support that allows home states to ‘abdicate their obligations’ to provide robust consular support to journalists abroad. The Panel has proposed a [new Charter of Rights for journalists detained abroad](#), backed by a Code of Conduct for governments that clearly lays out their obligations to provide full consular protection to their citizens. It must include access to legal advice and due process, prison visits and trial monitoring. The Panel affirms that ‘the rights of a journalist working abroad should never be subject to the political whims, allegiances or alliances that exist between the home state and the host state’.

That Recommendation is relevant in the light of regional relations as well. [An in-depth study based on interviews with journalists at risk across Europe](#), heard powerful appeals from several who had been arbitrarily jailed in their home state. Their message is that political leaders who proclaim their devotion to press freedom have failed to assist them in their time of need, and that is “not brave enough” to defend its principles.

Good practices and recommended actions to protect foreign journalists and others

UN Member States can show their commitment by specific actions

Amal Clooney, the Deputy Chair of the High Level Panel of Legal Experts on Media Freedom has [called on all UN Member States to translate public pledges to protect media freedom and the rule of law into meaningful actions](#):



“The aim is not to change the rules but to have real life consequences attached to breaking them, so that promises made by governments actually mean something to a journalist whose life is in danger.”

The Panel has called on the more than 40 States that have committed themselves to [the principles of the Global Media Freedom Coalition](#) to act as public “champions” for the goals outlined and to report back on detailed actions they have taken to implement their pledge.

A core demand of the Legal Panel is that States must defend media freedom and the fundamental rights of their own journalists abroad, even at the risk of upsetting their diplomatic relations with other states that fail to comply with international standards of protection.

The panel calls on States to demonstrate political will by promoting implementation of the Panel’s Enforcement Reports, including a standing investigative Task Force for effective investigations into abuses against journalists; emergency journalists’ visas to provide safe refuge for those at serious risk; [a Charter of Rights for Detained Journalists](#)

[covering host states and home states alike](#); and the use of targeted sanctions to protect journalists.

The [Council of the European Union adopted the EU Human Rights Guidelines on Freedom of Expression Online and Offline in 2014](#). The Guidelines state that the Union will publicly condemn attacks against media outlets and individuals exercising their right to freedom of expression; and urge the removal of laws and practices that penalise the exercise of the right to freedom of expression or the dissemination of information.

States prioritize implementation of international norms and standards, including:

[International standards](#): There should be no arbitrary restrictions on journalists, and this applies to those in a country doing foreign correspondence. This means that any restrictions have to meet the standards of being in law, necessary and proportionate, and for legitimate purpose. Specific measures such as detention of a foreign correspondent, or premature visa termination for those who are also foreign nationals, would need to be justifiable in terms of whether such steps are indeed necessary to achieve a legitimate purpose such as protection of the rights of others, public safety, etc.

The UN Special Rapporteur on Freedom of Opinion and Expression issued a set of recommendations to States in his 2016 Report to the UN General Assembly, based on a survey of his communications to UN Member States on issues related to limitations on freedom of expression. They include :

[Review and, where necessary, revise national laws](#), including removal of overly broad definitions of key terms such as terrorism, national security, extremism and hate speech, and ensure judicial or independent and public oversight.

[Media criticism](#): States should remove restrictions on reporting and research seen as critical of governments; they should not impose arbitrary or disproportionate penalties through defamation laws and intermediate liability. They should not impose obstacles such as accreditation procedures that undermine independent media.

[Monitoring mechanisms](#): States should collaborate with the UN, regional bodies and civil society to develop independent monitoring mechanisms based on international standards to support freedom of expression, especially in regions such as the Middle East, North Africa and Asia which still lack such an inter-governmental system of regional monitoring bodies and human rights courts.¹³

[Deter and punish targeted attacks against women journalists](#): As stated in [the 2020 UNHRC Resolution](#), States should take legal and policy measures to prevent violence, threats, abuse and harassment against women journalists -- by encouraging the reporting of such actions, providing adequate support and remedy, eliminating gender inequality, and prohibiting incitement to hatred of women journalists online and offline.

Media organizations and journalists

Cross-border journalistic and media collaborations like those of the [International Consortium of Investigative Journalists](#), the Forbidden Stories project and the International Organized Crime and Corruption Reporting Project (OCCRP), are [examples of projects of important public interest that provide professional support, networking and investigative reporting](#).

¹³ See also <https://safetyofjournalistsinafrica.africa/>

Solidarity matters. [A survey of press freedom in central and eastern Europe by the Reuters Institute for the Study of Journalism](#) showed that journalists working in countries where they are routinely harassed or intimidated by authorities highly value public shows of support from other journalists and representative journalists' and media associations.

Data collection and documentation about attacks on the press is vital. [The Council of Europe's online Platform for media freedom alerts](#) is the first continent-wide mechanism for recording serious cases reported in the Council's 47 Member States. It creates a direct dialogue with Member States where suspected violations have occurred through constructive cooperation between a treaty-based regional human rights organisation and representative NGOs and journalists' organizations. In early 2021, the African Union, with UNESCO and representative African journalists' organizations, launched a [Digital Platform for the Safety of Journalists in Africa](#).

Journalists' organizations should publicly uphold their ethical principles against state and other external pressures. In 2016, Russian and Ukrainian journalists, meeting under the auspices of the Organization for Security and Cooperation in Europe (OSCE), set an example by [jointly condemning any media participation in sponsoring aggressive nationalism](#). They called for self-regulatory action to tackle "the unprofessional activities of media members who disregard principles of truthful and balanced reporting."

News consumers, civil society and publics

Everyone should value and seek to defend the universal right to seek, receive and impart information and opinions regardless of borders, and the work of foreign correspondents, journalists and self-publishers who gather information and report truthfully on matters of public interest. People can contribute to a diverse, free and informed public debate by advancing their own media and information literacy, and supporting the creation of a favourable environment for press freedom and freedom of expression against arbitrary restrictions, censorship and mis- and disinformation.



Over 170 UN Member States have ratified the [International Covenant on Civil and Political Rights](#), which sets out the norms and standards which are binding on states party in international law. The Covenant requires states party to put in place effective protections for journalists known to be under threat, to limit interferences with the right of freedom of express to the minimum necessary in a democratic society, and to conduct effective investigations into all abuses directed against journalists and writers. The ICCPR states: "The freedoms of opinion and expression form a basis for the full enjoyment of a wide range of other human rights. For instance, freedom of expression is integral to the enjoyment of the rights to freedom of assembly and association, and the exercise of the right to vote."

Conclusion

Trends in recent years show increasing pressures on journalists in general, and those conducting foreign correspondence in particular. In some cases, there has been a spiral of retaliation between states restricting journalists reporting for external media. Especially – but not only - where foreign nationals have been affected, leading to a net reduction of coverage of mutual disadvantage.

The public's right to know, and to enjoy a pluralism of choice about foreign news, is constricted. In the vacuum, falsehoods and conspiracy theories can flourish, including through orchestrated disinformation operations.

All this points to a strong need for international dialogue to end the current downward cycle, and its corresponding disruption to international relations. Such dialogue should keep focus on the Sustainable Development Goals, which unequivocally uphold the need for “public access to information and fundamental freedoms” (SDG target 16.10) as an integral component of the interdependent package of aspirations for global progress.

A positive outcome of such dialogue would resonate with the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which marks its 10th anniversary in 2022. It is evident that the protection of foreign correspondents – whether they are nationals or foreigners – requires closer monitoring and vigilance. It also merits determined actions by UN Member States and other stakeholders in order to secure the upholding of commitments made in United Nations Resolutions and States' obligations in national and international law. The current erosions need to be replaced with a consensus to strengthen the free flow of journalism across borders.

Statistics based on UNESCO's data

- During the five years from 2015 to 2019, a total of 454 journalists were killed worldwide
- Foreign journalists accounted for 65 of 894 (7 percent) of journalists killed in the decade 2010-2019. In 2020, one foreign journalist was among the total of 62 killed.
- In 2018, women journalists accounted for 7 percent of all the media workers who were victims of fatal attacks, and for 9 percent in 2019. In 2020, women journalists accounted for 6 percent (4 of 62) journalists killed.
- Of 156 killings of journalists recorded by UNESCO in 2018 and 2019, the largest number occurred in Latin America and the Caribbean, followed by the Asia Pacific region.
- In the 2018-2019 period, TV journalists accounted for 30 percent of the fatalities (47), radio journalists 24 percent (38 killed) and print media 21 percent (33 killed).





with support from
UNESCO Multi-Donor Programme on Freedom of
Expression and Safety of Journalists (MDP)

About this brief

This brief comes as part of the UNESCO series [World Trends in Freedom of Expression and Media Development](#). The brief analyses the increasing pressures in recent years on journalists conducting foreign correspondence and suggests recommendations to UN Member States and other stakeholders in order to protect foreign journalists and secure the upholding of commitments made in United Nations Resolutions and States' obligations in national and international law.

For more resources, visit: [World Trends in Freedom of Expression and Media Development](#).

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