Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1438 (2005)[1]

Freedom of the press and the working conditions of journalists in conflict zones

Parliamentary Assembly

1. The Parliamentary Assembly of the Council of Europe recalls the importance of freedom of expression and information in the media for democratic societies and for each individual. It constitutes a core value guaranteed throughout Europe by the European Convention on Human Rights. Situations of war or conflict do not make the adequate provision of information through the media any less important ; on the contrary, they enhance its relevance.

2. Journalists reporting from dangerous places, such as war zones, conflict areas or lawless areas, are often faced with difficult and dangerous working conditions and sometimes even with widespread and systematic targeting by terrorist groups in search of media attention, as is the case at present in Iraq. Freedom of expression and information may, depending on the individual circumstances, be weighed against other fundamental considerations, in particular the rights to life, liberty and security of journalists. These other rights must not be compromised by growing market pressure for more reports directly from dangerous places and a supposedly increasing public demand for sensational reporting.

3. The Assembly deplores the great number of murders, kidnappings and disappearances of journalists working in conflict areas or on dangerous subjects and regards these as grave acts of aggression against freedom of expression and information in the media. Widespread publicity and the fulfilment of terrorists' demands, such as paying large ransoms to kidnappers, considerably increase the risks run by journalists working in dangerous areas and thus reduce the possibility for the public to receive valuable information.

4. Concerned about the state of freedom of expression and information in the media in Iraq, the Assembly deplores the numerous deaths and disappearances of journalists there and the continued detention as hostages of Florence Aubenas, Hussein Hanoun al-Saadi, Sorin Dumitru Miscoci, Marie-Jeanne Ion and Eduard Ovidiu Ohanesian. It calls for the immediate release of those held hostage.

5. The Assembly pays tribute to non-governmental organisations such as the International News Safety Institute, the International Press Institute, Reporters Without Borders, the International Federation of Journalists, Article 19 and the Institute for War & Peace Reporting for providing help and advice to journalists working in dangerous situations and conflict areas.

6. Welcoming the Charter for the Safety of Journalists Working in War Zones or Dangerous Areas drawn up by the organisation Reporters Without Borders, the Assembly recalls the importance of employing only experienced and well trained journalists, who volunteer to take up such tasks, and of providing them with adequate safety, communication and first-aid equipment, psychological counselling after their return and with insurance for illness, injury, repatriation, disability and loss of life.

7. The Assembly recalls and reaffirms that journalists must be considered civilians under Article 79 of Protocol I to the Geneva Conventions of 1949, provided that they take no action adversely affecting their status as civilians, and without prejudice to the right of war correspondents, who are accredited to the armed forces and accompany them without actually being members thereof, to the status of prisoner of war under Article 4.A.4 of Geneva Convention III once fallen into the power of the enemy.

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1. Assembly debate on 28 April 2005 (14th Sitting) (see Doc. 10521, report of the Committee on Culture, Science and Education, rapporteur : Mr Jarab). Text adopted by the Assembly on 28 April 2005 (14th Sitting).

8. Recalling the Committee of Ministers' Declaration and Recommendation No. R (96) 4 on the protection of journalists in situations of conflict and tension, the Assembly calls on all member and Observer states to comply fully with them, in particular to :

respect the right to freedom of expression and information ;

refrain from restricting the use of communication equipment, such as fixed and mobile telephones, satellite telephones and radio communication devices ;

instruct their military and police forces to give protection and assistance to journalists ;

facilitate access to the territory of destination by issuing necessary visas and other travel documents to journalists ;

respect the confidentiality of journalists' sources.

9. All Council of Europe member and Observer states are called upon :

to ensure that journalists can work safely on their territories ;

to investigate all acts of violence or lethal incidents involving journalists which occur on their territories as well as those occurring abroad in which their armed or security forces may have been involved, including those due to friendly fire.

10. Furthermore, the Assembly calls on Council of Europe member and Observer states to set up compulsory training and information programmes for war correspondents embedded in military forces, to be provided prior to departure.

11. Media should indicate clearly to the public which reports are from war correspondents embedded in military or security forces.

12. The Assembly stresses that, if, for reasons of their own personal safety, journalists embedded in the military or security forces may only work in certain areas, restrictions on their reporting must be limited to the absolute minimum required to prevent the disclosure of confidential information which might endanger ongoing military operations.

13. Journalists' employers, and professional organisations should organise training courses to prepare journalists for the risks of working in conflict areas. The media should declare publicly that no financial payments or political concessions will be made to kidnappers and that political statements made by kidnapped journalists are made under coercion and are hence without any value.

14. All journalists and their employers are encouraged to adhere to the Charter for the Safety of Journalists Working in War Zones or Dangerous Areas drawn up by the organisation Reporters Without Borders.

15. With reference to the Committee of Ministers' Declaration of 3 May 1996 on the protection of journalists in situations of conflict and tension, the Assembly asks the Secretary General of the Council of Europe to pay particular attention to the fate of journalists in situations of conflict and tension and to regularly follow cases of journalists who are missing, detained or have been wounded or killed in the exercise of their profession in member or Observer states or in connection with military or peace-keeping operations conducted by Council of Europe member or Observer states abroad.