

**Remarks of Professor Can Yeginsu**  
**Launch of the High Level Panel of Legal Experts on Media Freedom Report on**  
**Providing Safe Refuge to Journalists at Risk**  
**23 November 2020**

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Baroness Kennedy, thank you very much indeed. Let me start with where we stand now. Barack Obama was right to say last week that it will take more than one election to stop “truth decay” in the United States. He said that the task will require both structural change and **people listening to one another**. We’ve been here before.

President’s Obama’s words evoke Clement Atlee’s speech on the founding of UNESCO, 75 years ago last week. Atlee said then:

**Today, the peoples of the world are islands shouting at each other over seas of misunderstanding. They do not understand each other’s history, each other’s ways of living, each other’s way of thinking.**

**The better they understand each other,... the more they will realise how much they have in common and why and how they differ...and the less prone they will be to take arms up against each other.**

How current those words and concerns feel today, 75 years on. And how important the role of UNESCO in addressing them; UNESCO is, of course, a vital pillar to the media freedom initiative that brings us all together today.

Misunderstanding is, of course, fomented by misinformation. In its reverberations today, the problem of truth decay is urgent, and it concerns, not only the United States, but all of us everywhere. Authoritarian regimes around the world have been making every effort to suppress the free flow of information: their aim is a simple one – they want to control what constitutes “the truth”. Their primary target has, unsurprisingly therefore, been the truth tellers, and chief among them - independent journalists and independent media outlets.

Those regimes have been assisted in recent years by the attacks on the independent media and journalists that we have been witnessed in the most established of democracies – by the rhetoric of “*fake news*” and casting journalists as “*enemies of the people*.” So as established democracies ask themselves how to fight the alarming spread of truth decay; I think there is, at least on one level, a simple answer...protect the truth tellers.

And that is principal focus of the Report that the High-Level Panel has published today on Providing Safe Refuge to Journalists at Risk.

**Why did we look at this issue**

Every year, scores of journalists are **forced** to leave their countries to escape threats to their safety.

Those are threats that have only arisen because they have performed their duties, as journalists, to report the truth and to inform the public. I say “**forced**” deliberately. Seeking safety abroad is all too often the only way for these journalists to avoid a number of very serious harms: kidnapping, forced disappearance, arbitrary detention, violence, or even assassination. But that is only half the picture. Because for the scores of journalists able to seek safe refuge abroad, there are many many more who cannot. And more often than not that is simply because they cannot move to safety in time. Their inability to do so can, and has, come at an appalling cost to them and their families – our report

documents very chilling instances of journalists being subject to harassment, torture, death. Sometimes all three. These are not “rare” instances or exceptional cases. Democracies need to face up to an ugly reality. UNESCO itself has reported that between 2016 and 2018, the % of journalists killed working in conflict zones was lower than % of journalists killed working outside of conflict zones.

The reason journalists cannot move and avoid these harms is the system – the international framework for safe refuge and how it operates today:

- First, the pathways to safety open to journalists at risk are just too few in number;
- But then, even the pathways that *do* exist are too slow, burdensome and difficult to navigate.

We examined all of them in this report, (which I am afraid accounts for its great length)

We’ve analysed conventional visas (work permits, visas for study, teaching, scholarship), as well as the short term humanitarian visas & public-private sponsorship programmes (offered by a small scattering of States). We have also considered international protection, diplomatic asylum.

We identified in the Report some key problems which are specific to each of these pathways. We have explained why that pathway, in its current state, does not and cannot offer a practical and effective route to safety.

But we have also identified two formidable hurdles are common to all pathways:

- Firstly, the delay: the journalist at risk does not have the luxury of months or years to find safe refuge. But that is the general speed with which the current system operates. (Exceptions can and are for high-profile journalists with eminent counsel – but that cannot offer a principled way forward in this area).
- Second: the journalists who find themselves targeted for their work often find themselves the subject of criminal investigation or indictment. The fact alone of that investigation or charge can bring with it enormous difficulties in a visa application: as the receiving State needs then to consider whether it can grant a visa for someone who has been criminally investigated, charged or convicted. What is termed Character or security issues.

Of course, the risks don’t end even when a journalist has lawfully relocated abroad:

- Journalists who have moved often find themselves subject to a range of measures from their home state: passports are revoked, extradition requests are made, or INTERPOL Red Notices are issued.
- And then there are their families. Journalists who have successfully relocated may find that their families become the subjects of reprisals in the home State.

## **The Solution**

We have made nine recommendations in the Report. Tonight, I want to focus on five – the others are no less important but go more to tweaking in the existing framework, and one recommendation is directed to INTERPOL.

- 1. Our first recommendation: States should introduce a journalist-specific emergency visa: we consider this would be the most effective (and principled) way to proceed.**
  - a. The visa would not be dissimilar to type of humanitarian visa offered by a scattering of states including the United States, Germany, Switzerland and Norway.
  - b. The proposed emergency visa should be granted to those journalists who present an ‘**arguable claim**’ of exposure to a real risk of serious harm or a well-founded fear of persecution.

- c. We provide detailed proposals in the Report as to how such a visa would operate and applications would be processed; we set out some of the steps that States introducing such a visa could take to ensure that the visa would be safe to apply for and effective for today's journalist at risk.
  - d. The emergency visa is the Panel's headline recommendation, but it is not enough.
2. Our second recommendation is for States to commit to the expedited processing of visa applications received from journalists who are determined to be at risk. A journalist seeking a bureau transfer in an international media organisation in the face of risk or a year's fellowship at an NGO or University should not have to wait many months to have their applications processed. Nor should they need to apply for a journalist specific emergency visa where there is, in principle, an existing pathway open to them.
  3. Our third and related recommendation is this: States should provide an opportunity for journalists at risk making visa applications to provide information on issues of character and security that may arise (as often do for journalists subject to criminal investigation or charges for their work), and **States should ensure that such visa applications are assessed fairly and accurately in the light of that, and other available, information.** We provide detailed proposals again on how States can fortify their assessment procedures to respond to difficult and challenging applications.
  4. States should commit to granting visas to immediate family members/dependents of journalists at risk who are granted visas. That recommendation speaks for itself.
  5. Our fifth recommendation: States should issue travel documents to relocated journalists at risk if their home countries move to revoke or cancel their passports. We have identified this as a step that a State can take after it has provided safe refuge and is intended to keep the journalist safe and secure at their new home and able to travel.

We have consulted widely, and we speak with one voice on this issue. Our recommendations have been formally endorsed by:

- the UN Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, Ms Irene Khan
- Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights, Professor Villareal; as well as
- The International Bar Association's Human Rights Institute and every major non-governmental organisation working to promote media freedom worldwide.

Now, we say, it is the turn of the States, including those that form the Media Freedom Coalition. And I note with cautious optimism that the Provision of Safe Refuge for Journalists at Risk was the first bullet point in the first Ministerial Communique published by the Coalition last Monday.

If democracies are to fight the spread of truth decay, they will need to work together in coalition, but do more than reaffirm their existing commitments to media freedom in speeches or expressions of concern. They must set an example to the world through their actions. Today we offer them another mechanism for taking action that could have an enormous impact, through the creation of an emergency visa for journalists at risk. What better way of protecting the truth than by opening your doors to those who risk their lives to inform us. Thank you.