

## The High Level Panel of Legal Experts on Media Freedom

### Statement at the Second Ministerial Meeting of the Media Freedom Coalition

16:00-19:00, 9 February 2022, Black Box Hall, Tallinn, Estonia

Attending: Catherine Amirfar, Helena Kennedy QC, Can Yeginsu and Zara Iqbal

#### Statement delivered by Catherine Amirfar

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Excellencies, ladies and gentlemen, thank you very much for inviting me on behalf of the **High Level Panel of Legal Experts on Media Freedom**, to address you today.

We gather together today—in person thankfully—because media freedom is under threat as never before. 2021 marked the 15th consecutive year of decline in global freedom according to **Freedom House**, and we are entering into the third year of a pandemic that has only increased opportunities for Governments to threaten journalists and media workers under the guise of dealing with a global health crisis.

We are all here today, in Tallinn, at the **Third Global Conference on Media Freedom**, because we agree that the challenges to media freedom are urgent and because these challenges endanger the global rule of law and success of democracy. We are all here today because the **Media Freedom Coalition of States** has extraordinary potential in its convening power to change the status quo and reverse the deepening democratic recession.

I have the privilege of serving as the new Deputy Chair of the High Level Panel, along with Professor Can Yeginsu, a leading barrister and international legal expert with broad experience representing journalists and free speech and media organisations. I lead the public international law practice at the international law firm of Debevoise & Plimpton, where I've spent the past 20 years appearing before international courts and tribunals, with a focus especially of promoting the rule of law around media freedom. I served as Counselor on International Law to the Legal Adviser at the U.S. State Department during the Administration of President Obama, and I currently serve as President of the American Society of International Law.

Both Professor Yeginsu and I have the benefit of working with our esteemed Chair of the Panel, Lord David Neuberger, the former President of the UK Supreme Court.

I will use my time today to address you all, including new member states, to address who we are, what we have done thus far, and how we as the High Level Panel can work with you, the Media Freedom Coalition.

#### **So, *who* is the High Level Panel?**

The High Level Panel is the **independent advisory body of the Media Freedom Coalition**. Established in July 2019 at the request of the Coalition's inaugural Co-Chairs, Canada and the United Kingdom and by the Chair, former President of the UK Supreme Court, Lord David Neuberger, the High Level Panel is composed of leading experts in the field of international law.

Put simply, **our remit is to provide legal advice and recommendations** to you, the Media Freedom Coalition and your partners, for the purposes of promoting and protecting a vibrant, free, and independent media.

We **also provide individual States with legal advice in the form of legal opinions on draft legislation** where media freedoms are engaged, as well as **amicus curiae opinions** at the request of international courts.

Our Secretariat is the **International Bar Association's Human Rights Institute**, providing us with operational, technical, and legal assistance and our work is supported by the **Global Media Defence Fund**, administered by **UNESCO**.

### **What has the High Level Panel worked on thus far?**

In its first two years of existence, the High Level Panel **produced a series of four advisory reports** that recommend a number of actions that states can take to improve the protection to journalists and the media in four key areas.

- *First*, the establishment of a system of **emergency visas** for journalists at risk of arbitrary arrest or violence in their home countries who need to seek refuge abroad. **Notably, if only 10 states on the Media Freedom Coalition offered just 50 visas then that would cover more than the number of journalists currently believed to be detained for their work.**
- *Second*, the development of a robust system of **consular support** for journalists facing arrest, prosecution, and detention overseas.
- *Third*, the use of **targeted travel and financial sanctions** against individuals responsible for abuses against journalists
- *Finally*, the building of capacity to **properly investigate** abuses in order to ensure greater accountability, including through the creation of **an Independent Investigative Task Force**.

### **Finally, how can we, the High Level Panel, work with you?**

In each of these four areas, the Panel has identified a concrete body of recommendations, a range of easily enforceable advice up to long-term aspirational targets, all aimed at working towards sustainable and concrete change. While some of the Panel's recommendations demand multilateral action over the course of many years, others can be accomplished by individual member States acting on their own in a relatively short time frame. We stand ready, willing and able to connect with members of the Coalition on a bilateral basis about the definitive steps you can take now in order to ensure the ultimate fulfilment of those goals.

### **We now need to work together and move from communiqués to action.**

Today is an opportunity for renewed commitment. I look forward to addressing you all at the fourth Global Media Freedom Conference where I hope we look back at our collective progress and concrete results.