



Human Rights  
Institute

## High Level Panel of Legal Experts on Media Freedom: Terms of Reference

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A High Level Panel of Legal Experts on Media Freedom is being established and will begin its work on 10 July 2019. Its members are listed in Annex A to this document.

The Terms of Reference for the Panel will be agreed and adopted by Panel members following consultation with the governments of the United Kingdom and Canada.

### Background

The Panel will support a Global Campaign to deliver international action on media freedom and protection for journalists. The campaign aims to:

- a. Promote the need for stronger protection and safety of journalists, so that, over time, there is a reduction in the number of attacks on journalists and state restrictions on freedom of media and expression are eased;
- b. Mobilise a global spotlight on media freedom and increase the costs to governments and others who are suppressing media freedom.

The vision is for a five-year campaign with a different country leading each year. The government of the UK will lead the campaign in 2019, while Canada will lead the campaign in 2020.

### Role & Purpose of the Panel

The High Level Panel of Legal Experts will provide specialist advice and recommendations for legal and other mechanisms that protect and encourage the functioning of a free media and prevent and reverse abuses or violations of media freedom. To do this, the panel will:

1. Propose legal and other initiatives that can be taken by governments to ensure existing international obligations relating to media freedom are enforced and advise on any new international commitments by governments that would help to prevent and reverse media abuses.
2. Disseminate elements for model legislation to promote and protect a vibrant free press.
3. Offer support to governments that want to strengthen legislation or legal mechanisms to improve media freedom, including by:
  - a. working with relevant state bodies and other organisations to advise on repealing legislation that is outdated or which restricts media freedom,
  - b. identifying and sharing relevant existing international and regional guidelines and reporting platforms and
  - c. offering legal support to governments seeking to implement national action plans on the safety and protection of journalists.
4. Add value to inter-governmental efforts by reporting on means of raising the cost to those governments or others who target journalists for their work, including potentially through sanctions, investigatory mechanisms and other legal tools to increase compliance.

The Panel will be independent. It will organise its schedule of work and publish reports relating to its mandate either on its own initiative or in response to a specific inquiry or request. Although its advice may be prompted by individual cases, it would be inappropriate for the Panel to pursue or assess individual cases. (Individual members may however still pursue individual cases as part of their separate and independent legal practice).

The Panel will identify opportunities for how its work might complement the objectives of the Global Campaign for Media Freedom, as stated in the background above, where appropriate.

### **Membership and Appointments**

The Chair of the Panel will be Lord (David) Neuberger, who recently stepped down as President of the United Kingdom Supreme Court. The Deputy-Chair of the Panel will be Ms. Amal Clooney. The other panel members have been invited to join the panel by Lord Neuberger, after consultation with the governments of the United Kingdom, Canada and the International Bar Association's Human Rights Institute.

Each member will be asked to commit to serving on the panel until 31 December 2020, or else to commit to a minimum term of one year as a member of the panel. Renewal as of 1 January 2021 is discretionary.

Members of the panel will be appointed on the basis of merit, and are expected to be senior legal figures, with proven experience of international law, human rights and/or media freedom. They will be appointed in a personal capacity, and not as a representative of their organisations or governments. Although the UK Foreign Secretary's Special Envoy on Media Freedom will consult the UK and Canadian Governments over the parameters for the Panel's terms of reference and composition, the final selection on the composition of the panel for 2019-2020, and the appointment of a Co-Chairperson (if any), will be made by the panel Chair.

The panel will have a broad geographical spread of members and gender balance.

The panel will have approximately 15 members. Its work will be supported by a number of advisors or consultants, including sitting judges, representatives of the journalistic profession, relevant multilateral bodies (International Bar Association, UNESCO, OSCE, Council of Europe), judges, legal experts, UN officials and academic partners.

## **Requirements**

Members of the panel will be asked to:

Participate in quarterly meetings, normally lasting for 1-2 hours each, with the first taking place in London on 10 July 2019. Attendance may be virtual if appropriate.

Be available to advise from time to time on an ad hoc basis (via email or telephone).

Nominate others from their networks, when requested, to be considered for advisory roles on more specific individual issues.

Complete a short form declaring their independence and impartiality and specifying actual or potential conflicts of interest and update this if there is a relevant change in circumstances.

Determine whether there are any conflicts of interest and resolve any such conflicts as they deem appropriate.

## **Communications and reporting**

Panel members will be publicly identified and general information about meetings, as well as reports and recommendations of the panel, will be publicised. To ensure full

and frank exchanges during the meetings and communications between panel members, individual contributions will be treated as confidential and will not be attributed or quoted, unless cleared first with that individual.

## **Remuneration**

Appointment to the Panel is on an honorary basis. Essential expenses (in line with the UK government's global expenditure guide) will be covered where a panel member is unable to cover these. Such expenses that arise between July 2019 – December 2020 will be covered by a Global Media Defence Fund operated by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the International Bar Association Human Rights Institute (IBAHRI).

## **Secretariat**

The Secretariat to the panel will also be funded by voluntary donations to a Global Media Defence Fund, administered by the UNESCO. The Secretariat will provide legal, technical and logistics support to the panel, as well as coordination with academic centres, civil society and media organisations.

# ANNEX A

## Members of the Panel

The Rt. Hon. Lord Neuberger of Abbotsbury, UK (Chair)  
Ms. Amal Clooney, UK (Deputy-Chair)  
Ms. Catherine Anite, Uganda  
Ms. Galina Arapova, Russia  
Justice Manuel José Cepeda Espinosa, Colombia  
Professor Sarah Cleveland, US  
The Honourable Irwin Cotler, PC, OC, OQ, Canada  
Mr. Nadim Houry, Lebanon  
Ms. Hina Jilani, Pakistan  
Baroness Kennedy of The Shaws, QC, UK  
Professor Dario Milo, South Africa  
Ms. Karuna Nundy, India  
Professor Kyung-Sin Park, South Korea  
Baroness Françoise Tulkens, Belgium  
Mr. Can Yeğinsu, Turkey/UK

## Adviser to the Panel

Judge Robert D. Sack, US