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MEDIA FOR DEMOCRACY**

Reporting on Human Rights in Africa

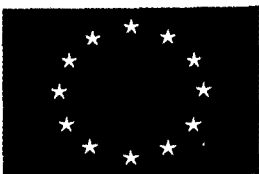


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**A MEDIA FOR DEMOCRACY
PROGRAMME IN AFRICA**

WITH THE SUPPORT OF
THE COMMISSION
OF THE EUROPEAN UNION



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Preface

M*edia for Democracy* was conceived by the IFJ as a practical programme of action for Africa to combat censorship, to defend independence in media and to strive for social and professional improvement of journalists.

It could not have been launched at a more critical time. African media operate in a twilight world of journalism where political transition has not eliminated the core problems of professional standards, obsolete technology and social deprivation.

The programme highlights the importance to democracy of media, which are professional, pluralist and editorially independent. Activities focus on issues at the heart of the struggle for press freedom and democracy in Africa: the importance of independent media in the process of free and fair elections, for instance, and the vital role media can play in promoting mutual understanding at a time of increasing communal conflict.

At the beginning of 1999 *Media for Democracy* completed its fourth year of activity. Thousands of African journalists have participated in the work and dozens of media outlets have benefited from a programme which seeks to establish a framework for the exercise of journalism in safe, professional conditions free from government influence, intimidation and social neglect.

The programme has created a dynamic approach to examining the role of media at a time of dramatic political change around the world. The programme has inspired similar initiatives in other continents.

As journalists in Africa strive for the recognition of their rights and the creation of a democratic media culture, the key principles of the *Media for Democracy* programme remain as important as ever:

- THAT public and media scrutiny of the exercise of political power is essential in democratic society;
- THAT law related to the operation of media should be consistent with international standards and only elaborated after the fullest consultation with journalists; and
- THAT journalists and media owners have a duty to work to the highest standards and should accept responsibility to set up structures for effective self-regulation.

Although many governments, in Africa and elsewhere, have still to open their minds to freedom of expression, the *Media for Democracy* programme tries to break down obstacles to dialogue. It supports the notion that journalists, governments and representative groups of civil society must establish structures to discuss questions related to media.

The *Media for Democracy* programme has operated during very difficult times for African journalists. Nearly every day of the year we learn of journalists being arrested, sued or condemned to heavy fines or prison terms. We learn of censorship or suspension of publications.

Freedom of expression is targeted because it is one of the most fundamental of all human rights without which it is nearly impossible to advance and protect other

rights. Journalists have an essential role to play in defending human rights if they want to be the watchdog of government.

The aim of the *Reporting Human Rights in Africa* handbook is to identify the importance of human rights, the purpose in reporting about the uses and abuses, and some of the challenges for journalists, editors and publishers.

At the back of this book are the full texts of the *Universal Declaration of Human Rights* and of the *African Charter on Human and People's Rights*. These important texts are often referred to. Every journalist would benefit from reading them occasionally to refresh their sense of the comprehensive nature of the rights they are trying to defend.

The *Media for Democracy* programme has published handbooks for journalists on other issues such as *Freedom of Information*, *Reporting Ethnic Conflict or Corruption and the Media*.

These handbooks are above all intended as practical tools for journalists: to assist in their daily reporting, to serve as background material for training seminars or to be used to generate debate in the newsroom and within the local journalists' union or association.

They will not provide all the answers but they will help to raise awareness among media professionals on key issues such as reporting ethnic diversity and they may assist in improving the quality of journalism and generating open debate among journalists and civil society.

The test of any democracy is the quality of public debate, transparency and tolerance in society. It is to media that people look for variety of opinion, ideas and thoughts which exist in every community and which provide the raw material for democratic debate.

Journalism can be a catalyst for social change, but media require improved conditions to be able to make a contribution

to the process: a sound legal framework, a fair allocation of public resources, improved training facilities, safer work places, a more tolerant society.

The *Media for Democracy* programme assists this process by trying to strengthen the professional work of media. It is a high-minded endeavour, but a vital one. If democracy fails, the results, as recent events in Europe and Africa have shown, can be tragic and devastating.

Bettina Peters

*Director,
IFJ Project Division*

How to use this handbook?

Reflected in this handbook are the main views of many contributors to conferences jointly organised by the IFJ Media for Democracy in Africa programme and regional organisations. Other voices have been drawn on to supplement these views.

Notably, the material drawn on includes contributions to a seminar Reporting Human Rights in Africa jointly organised by the International Federation of Journalists and the School of Journalism at the University of Nairobi, held in Nairobi in March 1995. Material has also been drawn from other seminars held under the Media for Democracy in Africa Programme, including a series of seminars on Reporting Ethnic Conflict. It also includes some of the material used in a previous IFJ Human Rights Handbook prepared by Neal Swancott.

Jean-Paul Marthoz, a former foreign editor for the Belgian *Le Soir* and former Director of the Media for Democracy in Africa Programme, prepared material for this manual, mostly about the practical challenges to human rights reporting, and how the reporter can best understand a situation and substantiate their stories. Jean-Paul Marthoz is now European Press Director for Human Rights Watch, the New York based human rights organisation.

The aim of this handbook is to identify the importance of human rights, the purpose in reporting about the uses and abuses and some of the challenges for journalists, editors and publishers.

At the back of this book you will find the full texts of the Universal Declaration of Human Rights, and of the African Charter on Human and People's Rights as well as the text of the Windhoek Declaration. These important texts are often referred to. Every journalist would benefit from reading them through every now and then, to refresh their sense of the broad range and comprehensive nature of the rights they are trying to defend.

This is intended as a practical handbook and includes a series of questions after each section which can be used to promote good practice. These can become the subject of a discussion within the newsroom or at a media meeting, or can simply be a focus for a journalist to reflect on his or her work and the work of colleagues.

Trainers organising training courses, individuals and organisations can use the handbook as a way of opening debate on the issues, with the aim of developing working practices and promoting mutual support between journalists and others who seek to defend human rights. All those using this manual should also be aware that two companion volumes have been published by the IFJ on reporting ethnic conflict and on information policies and access to information. There is some overlap between the three volumes but each has unique material which may also be of use. Some other suggestions for reading around human rights can be found in the appendix.

Your journalists' union or association can devise their own resource lists of contacts who can help journalists who try to work to a human rights agenda. Members of the communities you are reporting on could be invited to offer suggestions of people they have found supportive as they press for their rights.

This booklet should be used to start discussion inside individual media organisations, to raise the issues through local trade unions and press clubs, and to open up discussions with local communities that will improve the quality of reporting, diversity of coverage and safety of journalists.

Finally, this manual could usefully be read by politicians for an insight into why journalists take press freedom so seriously and for an understanding why good political leadership which wants to endure, should encourage diversity of media and a spirit of freedom and adventure amongst journalists.

Introduction

Human rights reporting is just reporting at its best. The stakes are higher however than in most journalistic assignments since in the most violent countries it often means endangering your life as well as other peoples' lives. It also puts you up in arms against very touchy governments that will spare neither time nor resources to question the validity of your claims.

Human rights indeed have become a major factor in international politics and even the most brutal regimes or rebel organisations will try to hide their abuses and project their best profile to the outside world. International assistance and protection from costly and embarrassing sanctions or embargoes often depend on how a country behaves in terms of human rights. Or better said on how it is perceived. The media are a key factor in the creation of such perceptions. In that battle for the truth journalists have been killed, harassed, sued and fired. There are indeed cases of top journalists being demoted by prestigious media after a governmental campaign impugning the validity of reports of massacres involving the armed forces of friendly governments.

Remember also that in recent years some of the biggest blunders of international journalism have also taken place in the realm of human rights reporting. There was the massive Timisoara manipulation when in 1989 most media reported with outrage the supposed existence of mass graves in that Romanian town at the time of the overthrow of

President Ceaucescu. There was the hoax organised by an American public relations agency at the time of the Iraqi invasion of Kuwait inventing very creatively the killing of tens of babies taken away from their incubators in a Kuwaiti hospital.

Journalists are rightfully afraid of "missing" the big story and even more, of missing the existence of large-scale violations of human rights. The temptation, when confronted with a brutal regime, is to imply the worst and to jump to the wrong conclusions. Distortion and misrepresentation of facts, however well-intentioned, may have dire consequences by triggering actions based on erroneous information.

News about mass murders nearly always makes headlines. The pressure to feed the information beast with new and dramatic stories, as well as the dizzying imperatives of "real-time" journalism, have created increased vulnerabilities to manipulation and extrapolations. There is less and less time to check the reality of a story or the accuracy of a figure. These factors aggravate the "herd mentality" that has proven so detrimental to good reporting. The fear to be alone in the wrong or even to be the only one telling the truth is compelling. It should be resisted at all cost.

Human rights journalism requires therefore a lot a self-control and an obsessive adherence to the highest standards of the profession. Dogged fact-digging and scepticism towards all offi-

cial and non-governmental statements are essential. Even criminals and mass murderers have a right of reply and they might even have one part of the truth... The facts are sacred and choosing the side of the victims does not mean adopting their leaders' agenda.

Be careful not to confuse "committed journalism" with partial or biased reporting. The "journalism of attachment" does not sweep away the necessary attachment to fact-seeking and truth-telling. The "good guys" (if you can identify them) may turn nasty and short-tempered. In any event many are ready to manipulate you. They could as well fall victims to their own delusions and unwillingly feed you with incorrect information. If you share the values and support the policies of an organisation, – especially if you share an organisation's value and policies – you should never forget your own journalistic reflexes and critical distance.

Some humanitarian groups have been known to exaggerate the gravity of particular emergencies by miscalculation or, worse, in order to whip up public support and accelerate donors' reactions. This is their agenda but it should not be any journalist's agenda. Try also to keep your distance physically from any group or faction. Some journalists may lose vital access to government sources or other groups if they stay with "like-minded" friends that happen to be opponents or human rights activists.

A final introductory remark: human rights reporting should not be only about violations and abuses. It should also cover the promotion of human rights. Campaigns for the establishment of the International Criminal Court (ICC) or against the use of child soldiers, positive actions taken by governments, activities of NGOs, are legitimate and often great journalistic subjects. They should be approached, however, with the same professional standards as any other story. Do-goodism or boosterism can breed bad journalism.

Human rights reporting is also about a whole spectrum of abuses and not only about mass graves or war crimes. The use of child labour, sexual discrimination in export-processing zones, censorship, discrimination against religious beliefs, are less dramatic, sometimes more difficult to document, but they open a fascinating territory for human rights reporters.

By Jean-Paul Marthoz

Jean-Paul Marthoz, is a former foreign editor of Le Soir, Belgium, and former Director of the Media for Democracy in Africa Programme for the International Federation of Journalists. He is currently European Press Director for the international New-York based human rights organisation Human Rights Watch.

1. *Why freedom of speech is fundamental to Human Rights*

When bank robbers burst into a bank brandishing their weapons and demanding that cashiers fill their bags with money, the first thing they do is to demand that bystanders lie down and keep their faces to the ground.

To the criminal fear of being observed is almost as acute as fear of being challenged by an armed guard, and the testimony of a witness is something they take pains to prevent, by concealment where possible, and by eliminating the witness where necessary.

In the wider context the journalist who takes an interest in people's human rights is the witness, or stands up for the witness. The journalist is not usually on hand when those rights are abused: those who breach human rights are often in a position to keep journalists at arm's length. But the job of the journalist is to shine a light in the dark corners where people would prefer them not to look. When the journalist is not present his or her job is to find the people who were there, and to record their eye-witness testimony.

And people whose human rights have been trampled do want to talk. They want to tell the world what has happened. Again and again witnesses to massacres, eviction, arbitrary arrests or violence, look into the eye of a camera and say: «People must know what has happened here.»

The Universal Declaration of Human Rights (UDHR), the most comprehensive modern attempt to chronicle people's

most elemental rights, is based on this understanding that what cannot be prevented must at least be said aloud; that those who use their power to dehumanise and to kill, must at least have their crimes recorded.

The Universal Declaration of Human Rights was promulgated in December 1948 three years after the gates to the concentration camps of the Holocaust were opened and the truth about them began to be told in public. The second paragraph of the preamble sets the Declaration in the context where: «disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind». The preamble also names freedom of speech and belief as the first «highest aspiration of the common people», even before «freedom from fear and want». Indeed at its first session in 1946, the General Assembly of the UN stated that freedom of information was a cornerstone of all freedoms to which the United Nations was consecrated.

Clearly there are human rights which are more fundamental to the individual, notably the right to life and safety. However, the preamble puts the right to speak out centre stage, because without it abuses of human rights go unheard and those who abused them can pretend that they never happened.

«Upholding these rights», says the UN, «is the foundation of freedom, justice and peace in the world». It follows therefore that wherever there is a lack of

freedom, or there is injustice and conflict human rights have been breached.

Since these things are widespread and common, it is obvious that human rights are breached every day, not only in Africa, but also in Europe, in Asia, in the Pacific and in the Americas. Given the world we live in, human rights should be a reporter's daily bread and butter. And although much of the state owned, state controlled or state sympathetic media in Africa is passive or ineffectual when it comes to defending human rights, there are many brave journalists in Africa who take this obligation seriously.

Jean-Paul Marthoz, who was then Project Director of Media for Democracy in Africa, pointed out in an IFJ publication on Reporting Human Rights in Africa: «For many years Africa's independent journalists, editors and publishers have played a central role in the promotion of democracy, often putting their life or their freedom at risk in order to assert the people's right to know. Nearly every day of the year we learn of journalists being arrested, sued or condemned to heavy fines or prison terms. We learn of censorship or suspension of publications.

Freedom of expression is targeted because it is one of the most fundamental of all human rights without which it is nearly impossible to advance and protect other rights. Journalists, editors and publishers have an essential role to play in defending human rights if they want to be the citizens' watchdog.

Human rights reporting should therefore be a priority assignment for independent journalism. By exposing governments' or other groups' excesses journalists can help decrease such violations by putting public pressure on the perpetrators. Journalists are also a necessary source of information for national, regional and international human rights

organisations that fight to restrain arbitrary and violent behaviour.»

Martin Ocholi, East African Co-ordinator of Media for Democracy in Africa, says: «Where these rights are abused and/or denied it would be naïve to hope to find democracy being practised. It should be recognised that journalists are on the frontline in uncovering cases of human rights abuse. Through their reports, communities, local as well as international, are mobilised in protest against these atrocities.»

1.1 EDUCATION

If human rights are to be enforced journalists and the public have to know something about them. How many journalists could name, without looking them up, half a dozen rights supported by The Universal Declaration of Human Rights or by the African Charter on Human and People's Rights?

If these rights were reported in a way that related them to human beings, they would become more widely known. The African Charter could be given much more publicity so that people were aware of its provisions. People need to know what this home grown Charter says, how it could protect them and that they can petition the African Commission on Human and People's Rights.

They also need an opportunity to celebrate human rights achievements and successes. The media has an important role in reporting examples of tolerance, peace and harmony where people's human rights are respected, as well as reporting on conflict and strife.

1.2 HUMAN RIGHTS REPORTING COVERS A WIDE AREA

The Universal Declaration of Human Rights was far from comprehensive. For example, the rights of disabled people and the rights of people to their own sexual orientation were not at that time

recognised. However, it did clearly assert the rights of women to equality, the rights of children to free education, the right of adults to a job with a fair rate of pay, the right to adequate leisure and the right to an adequate standard of living. Living free of poverty, with the potential to work to improve the health and standard of living of the community is itself a human right. The journalist who investigates the daily lives of the community has a human rights agenda.

It is often said that human rights reporting can become the judging of one society by the standards of another, and that focusing on political freedoms available in Western liberal democracies neglects the restrictions on freedom that comes with debt and poverty.

There is some justice in this charge. Yet it is clear that there is scope under the banner of human rights reporting to investigate the causes of poverty and deprivation, to examine the burden of debt on developing countries and to report and record the conditions under which many people live. Moreover the abuse of one set of human rights is no way to set about protecting another set.

Kivutha Kibwana, Associate Professor and Dean in the Law Faculty at Nairobi University, dealt with this argument at a Media for Democracy in Africa seminar. He said: «Some African leaders have argued that human rights – and even democracy – have an African flavour or that they are distinguishable from Western-type human rights or democracy. (These) rights are desired by every individual: black, white or yellow. Human rights are colour blind.

Journalists must be aware of this ploy and conspiracy. We must be wary of the relativist argument. All human beings are equal, the core of human rights is universal and desired by all human beings.

The degree of human rights observance within a country can define the quality of political leadership. Strict human rights observance will guarantee the longevity of a political system. Citizen support of a human rights sensitive regime will be abundant. Such a regime will be legitimate in the eye of citizens.

Human rights standards should not threaten political leaders. Instead, adherence to human rights will provide the requisite environment for political systems to be durable, stable and sustainable. Above all, adherence to human rights will improve the quality of the citizens' life.»

2. *What are Human Rights?*

The Universal Declaration of Human Rights has 30 articles; the African Charter on Human and People's Rights, which was adopted in 1981 by the Organisation of African Unity, has 26 articles. Each covers a wide area of rights which the United Nations declared to stem from «the inherent dignity and of the equal and inalienable rights of all members of the human family».

They range from «the right to life, liberty and security of person», to equality before the law; and from protection from arbitrary arrest or imprisonment, to privacy at home. They include freedom of movement, the right to marriage, the right to own property, freedom of religion, freedom of opinion and expression, the right to peaceful assembly, the right to join a trade union. They also include the right to a job and a fair wage, the right to rest and leisure, the right to holidays with pay, the right to an adequate standard of living, the right to free primary education, and cultural rights.

Kivutha Kibwana, Associate Professor and Dean in the Faculty of Law at Nairobi University, points out that human dignity is a basic need:

«Human rights are values, standards or claims which define enhance and protect human dignity. Human rights are therefore standards which define and concretise citizenship and personhood; a human being devoid of human rights is a shell, a zombie. Human rights then are those rights that are fundamental in terms of defining and re-affirming citizenship and humanness.»

Professor Kibwana divides these into first, second, and third generation rights:

In the first category, he puts civil rights, political rights and fundamental freedoms, and in particular: «life, personal liberty, freedom from slavery and forced labour, protection from inhuman treatment, property, protection against arbitrary searches or entry into one's premises, secure protection of the law, freedoms of conscience, expression, assembly and association and movement and protection against discrimination».

This layer of human rights emphasises what the state and government should not do against an individual.

Second generation rights Professor Kibwana counts as those rights which a state has to actively promote.

«Think of a people's self-determination, right to own and to dispose of natural wealth and resources, equality of men and women, right to work, right to form and join a trade union, right to social security, protection of the family, food shelter, right to adequate standard of living, right to physical and mental health, right to education, right to legal aid, right to participate in cultural life and minority rights. These are human rights described as economic, social and cultural rights or second-generation rights.

These are viewed as positive rights in that the state must spend money before they can be realised. For these rights, it is often argued that they may not be re-

alisable where a state does not have resources to invest in their actualisation.»

Third generation rights, promoted especially in developing countries, he cites as: «the right to development, freedom from onerous national debt, the right to peace and the right to a healthy environment».

Professor Kibwana also says:

«The three species of rights that I have described are interlinked. All of them together constitute human rights. They are parts of one indivisible whole.»

Christopher Mulei, lecturer in law at Nairobi University, also divides the human rights into three categories, but with different dividing lines.

The first category he calls substantive rights or political rights and liberties. These include the right to life, the right to liberty, freedom of belief and expression, the right to freedom of association and assembly and the right to own property.

The second category he calls procedural rights to protect the integrity of the person. He includes the rule of law, the right to a fair trial and the right to know exactly what one is accused of.

The third category are social and economic rights which include the right to a job, a reasonable standard of living etc. He says:

«In a democratic state, freedom should be the rule and compulsion the exception. Human rights exist in order to remind democratic States of this idea, particularly democratic States who forget this whilst pursuing their public policy.»

In 1966, the division between civil and political rights and economic and social rights was formally recognised by the UN which devised two separate documents: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social

and Cultural Rights. Both are legal treaties binding on States which sign up to them. The reason why human rights are separated into two covenants is partly bound up with Cold War politics. Western liberal democracies stressed political and civil rights, while Soviet countries and their allies emphasised economic and social rights. This meant that many states were beating the drum for one set of rights, while steadfastly ignoring or abusing another set.

It is clear that the United Nations and the Organisation of Africa Unity intended their declarations on human rights to be binding in all respects. It is also clear that national Governments “cherry pick” the clauses they favour, and tend to draw a veil over those they might be accused of breaching.

The original Universal Declaration has, as we have seen, a broad definition, but the boundaries of Human Rights have been widened still further over the years. Among the conventions and declarations that have made additions are:

- Convention on Political Rights of Women (1953);
- Convention Concerning Indigenous and Tribal Populations (ILO – 1957);
- International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- International Convention on Suppression and Punishment of the Crime of Apartheid (1973);
- Declaration on Rights of Disabled Persons (1975);
- Convention on the Elimination of All Forms of Discrimination Against Women (1979);
- Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief (1981);
- Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1984);

- The Convention on the Rights of the Child (1989);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

This is a lengthy list even leaving out such "optional" rights as the abolition of the death penalty. It means that a journalist who has a human rights approach can tackle social and economic issues as well as discrimination on a number of fronts.

News organisations tend to have their own unofficial pecking order of human rights, which corresponds to the dramatic nature of abuse. Killings, torture, uprooting communities and jailing people without trial are understandably abuses that attract most attention.

Other human rights tend to get less attention from journalists. The right to a standard of living "adequate for health and well-being" is not so dramatic, but in the long run may be just as vital to the survival of a community.

GOOD PRACTICE QUESTIONS

Are the people you write about safe? Do they have "life, liberty and security of person"?

Are people arrested without cause and imprisoned without trial and the protection of the courts? Do you report these cases?

Do women have the freedom to marry who they wish (and not to marry when they don't wish)?

Do minorities have the right to worship according to their religion?

Do people have access to a reasonable standard of living? If not, why not?

Do children have the rights to grow up free from hunger, disease and fear as outlined in the Convention on the Rights of the Child?

Is the education to which they are entitled worth having? Is it equally available to girls and boys? Who drops out of school? Why?

Do people with disabilities have the opportunity to work? Is this a right, or charity?

3. *How should journalists approach Human Rights reporting?*

Human rights reporting is usually about exposing and explaining the impact of arbitrary or unjust action by the powerful on people who are relatively powerless. Human rights reporting helps to even up that imbalance of power.

Whatever path the reporter sets out on, the task is to get away from the language of Declarations and Charters and to relate the rights to the lives of real people. These conventions are not about the conference chambers in which they were debated. They are about the people who need them to go about their daily lives in safety and without fear. Reporting on them is not something that should be left to political or diplomatic reporters, but is the job of every reporter.

Journalists will of course report the speeches of Government Ministers about human rights, but this has little value unless journalists test the speeches by going to see how the rights are implemented in people's daily reality.

Governments and other powerful groups never declare that it is their policy to infringe people's human rights. They justify what they do by suggesting that if people exercise certain rights, then this will lead to communal conflict, or a breakdown in law and order, of "divisiveness" or sedition. They dehumanise people by presenting them as stereotypes, or by labelling them as subversives, or disrupters. One of the first duties of the journalist is to show the human effect of these infringements. By

writing and talking about people, the journalist helps to give them back their humanity, and brings human rights issues to life. Nor is this a matter of being oppositional for the sake of it. Even if the Government is right – some people are divisive and do cause dissent – how Governments deal with them must come under close scrutiny. Human rights are not reserved just for those with whom you are in political sympathy. The acid test is whether the state – and the media – protect the human rights of those with whom they profoundly disagree.

3.1 POSITIVE COVERAGE

Reporting on human rights is not only about highlighting injustice and abuses. People are not passive objects of human rights, but active participants in achieving them. The reporter who writes about street children setting up self-help organisations to promote their safety, health and education is writing about children achieving human rights. Women in rural areas who set up co-operatives to press and sell oil, while making arrangements to care for each other's children are improving human rights for themselves and their children. Communities with different ethnic groups who find ways to live in harmony should become cause for human rights celebrations. Through genuine (not government planted) success stories, the media can help to build the self-confidence of communities to take action on their own behalf.

GOOD PRACTICE QUESTIONS

What are the major human rights issues facing people in your country?

How are these addressed by your publication?

Are you free to suggest ideas to investigate or chronicle human rights abuses?

How can you raise the profile of human rights issues in your news organisation?

When human rights are reported in your publication or broadcast organisation, is this always in relation to a few well known individuals?

Are human rights abuses only by Governments? What other organisations abuse human rights in your country?

Are you reporting human rights successes as well as abuses?

Human rights are expressed in practice

Human rights are not merely articulated through the law. They are expressed by peoples' practices as well as the law. To discover whether human rights are respected and honoured, one has to examine how people in society lead their individual lives, the nature of family life, civil society groupings and life in society in general.

Human rights observance is a culture, a way of life. It is a socio-cultural affair as much as it is a legal and political affair.

In Africa, countries usually ratify or adopt international and regional law without necessarily intending to be bound by it. Unfortunately the citizens do not press for compliance from their states.

It must be understood that human rights are a developing category. New human rights can emerge from time to time. New constitutions are recognising that human rights not specifically recognised by the law do exist and courts can declare and enforce those new rights.

Journalists must endeavour to report correctly and truthfully the human rights condition in their countries and other countries for comparative purposes. Exposure of States and government and other actors in the human rights field guarantees human rights observance significantly.

The media must also become an instrument for generalised human rights education. An enlightened citizenry is the best protector of its human rights.

It is also important for journalists to isolate special species of human rights for emphasis in reporting. Some of these are, for example, women's rights, children's rights, youth rights, minority rights, the rights of the disabled, animal rights etc.

The journalist must appreciate that it is not only States and government which violate human rights. A community can for example violate the rights of a girl when it subjects her to genital mutilation or denies her succession rights. A husband and male parent can negate the family rights of his wife and children by exposing them to violence and authoritarianism.

Professor Kivutha Kibwana

*Reporting Human Rights in Africa seminar
Nairobi, 1995*

**Can your rights be negated,
if you offend other people?**

In 1996 Joyce Mujuru, Minister of Information, opened a Media for Democracy Conference in Harare, on the Right to Know. In welcoming delegates, she spoke about press freedoms, and about the duty of the press to focus on areas such as health, education, culture, agriculture and the economy. But she made a detour to comment on a controversy that was going on in Zimbabwe over the rights of the Gays and Lesbians Association of Zimbabwe. Minister Mujuru made it clear that campaigning on this issue was not accepted by her Government as a human right.

«The heart of the matter is that the cultural values of the majority do not accept homosexuality. By going public, homosexuals are imposing their immoral activities on the majority that has tolerated them. They are, in fact, disturbing the existing social equilibrium and violating the rights of the majority. Ladies and gentlemen, I need not over-emphasise that Zimbabwe has a right to protect and promote the majority cultural values that constitute the Zimbabwean nation. We will enter the global village only with our Zimbabwean culture, identity and dignity, and homosexuality is not part of that.»

GOOD PRACTICE QUESTIONS

If “majority cultural values” dictate what people may and may not do, can minority cultural human rights be protected?

How would you approach a story about the human rights of gays?

4. *Freedom of the Press*

How does freedom of the Press fit into this mosaic of Human Rights? Article 19 of the Declaration of Human Rights says:

«Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, and regardless of frontiers.»

Clause 9 of the African Charter on Human and Peoples' Rights says:

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

The essential point to grasp about the Declaration and the Charter is that they do not award any special rights to journalists.

The rights to freedom of speech and expression asserted in Clause 19 of the UDHR and in Clause 9 of the African Charter on Human and People's Rights are rights for the individual. Neither code includes freedom of the press as a right, and the UDHR only mentions the media as a facilitator in Article 19.

The journalist is in a similar position to the lawyer. The Universal Declaration of Human Rights stresses people's right to equality under the law, and the lawyer has a duty to protect and provide these rights, but the lawyer does not possess any special human rights. In the same way the journalist has a duty to help people realise the right to freedom of

speech and expression, but does not have any extra human rights for being a journalist.

This is important, because it grounds the argument for freedom of the press and the rights of journalists in the human rights of ordinary people. The journalist may need extra protection to carry out those duties, but freedom to report and to publish is not a privilege conferred on journalists because of our position in society, or because the media is powerful. If the journalist has privileges it is only in so far as he or she helps other people to achieve their human rights.

4.1 THE DECLARATION OF WINDHOEK

It is also important that the right to a free press be explicitly stated, as this helps journalists to carry out their duties without harassment. The International Federation of Journalists (IFJ) co-operated with the United Nations and UNESCO in organising regional seminars to promote an independent and pluralistic media. In May 1991 a regional conference for Africa was held in Windhoek, Namibia.

The Declaration of Windhoek was adopted by the IFJ at its World Congress in Montreal in June, 1992. It stated that «consistent with Article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation, and for economic development».

The Declaration defined "independent" as meaning that editorial content should not only be free of overt or covert Government control, but should not be influenced by the commercial interests of the owner. As the multi national media groups buy up more titles in Africa the threat to independent journalism will increasingly come from commercial interests.

The Declaration defined "pluralistic" as meaning "the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community".

The Declaration called for constitutional guarantees of freedom of the press and freedom of association. It said that the establishment of truly independent, trade unions of journalists and associations of editors and publishers was a priority where such bodies do not exist.

The Declaration also called for the immediate release of journalists jailed for their professional activities and for journalists who had to leave their countries to be free to return to resume work.

One conclusion was that the UN General Assembly was asked to consider declaring censorship a gross violation of human rights. If this had been done people would now be able to prosecute governments for imposing or tolerating censorship.

4.2 MANIFESTO FOR A DEMOCRATIC MEDIA CULTURE

At the IFJ World Congress in June, 1992, representatives of journalists from 64 countries adopted the Manifesto for a Democratic Media Culture. This opened with a reaffirmation of the IFJ's belief that professional journalists, organised in free and independent trade unions, play a key role in the creation and maintenance of a democratic media culture.

The IFJ believes that democracy depends upon the extension of freedom of expression and social justice worldwide. Democracy is fully-respected when there is an understanding of the special and particular role of the media in a democratic society. The treatment of news and information as a commodity must not override or interfere with the duty of journalists to inform their audiences.

The IFJ defines press freedom as «that freedom of restraint which is essential to enable journalists, editors and publishers to advance the public interest by publishing, broadcasting or circulating facts and opinions without which a democratic electorate cannot make responsible judgements».

4.3 MEDIA FOR DEMOCRACY IN AFRICA

Part of the process of campaigning for press freedom was also the establishment of the Media for Democracy in Africa Programme. The main aims are:

1. To establish media networks and monitoring centres and to defend journalists and media organisations who are threatened.
2. To encourage professional solidarity among journalists, media organisations and human rights groups, in defence of fundamental democratic freedoms.
3. To provide opportunities for journalists and media professionals to acquire and expand vocational skills through training and specialist programmes dealing with equality, ethics of journalism and professional duties.
4. To promote discussions and debate within communities about the importance of free and independent media.
5. To encourage governments to ensure openness in the administration of public affairs including freedom of information laws and to promote regu-

lations and standards which will guarantee professional independence in public broadcasting and other publicly funded media enterprises.

4.4 WHAT RESTRICTIONS ARE PERMISSIBLE ON PRESS FREEDOMS?

In practice even countries which say they accept the Universal Declaration or the African Charter limit press freedom. Some limitations are accepted in the UDHR. Article 29 says that limitation by law can only be applied «for the purpose of securing due recognition and respect for the rights and freedoms of others, and of meeting the just requirements of morality, public order and the general welfare in a democratic society».

The International Convention on Civil and Political Rights in Article 19 says that the right to free expression may be legally qualified to protect the rights and reputation of others, national security, public order or public health or morals.

Article 20 prohibits propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

The International Convention on the Elimination of all Forms of Discrimination (1965) condemns propaganda based on ideas of the superiority of one race or ethnic group over another, and encourages states to prohibit this by law.

These restrictions, which should not in reality inhibit human rights reporting since they are aimed at hate speech, can be used by states and Governments as cover to clamp down on a wide variety of human rights reporting.

GOOD PRACTICE QUESTIONS

Whose rights are we asserting when we call for a free press?

Has your Government signed up to the African Charter on Human and Peoples' Rights?

What exceptions or restrictions are placed on press freedom in your country, both legally and in practice?

In what way does the media in your country use its freedoms to promote human rights?

In what ways are the media in your country restricted from promoting human rights?

Who are the voices in your country who speak up for freedom of the press?

Human rights go unreported

Those in Power in this country do not want the people of Kenya to be told the truth about anything. Even if there are riots in the city and some people are shot dead by the police, you can bet that this piece of news will not be broadcast on the Kenya Broadcasting Corporation which contemporaneously will dwell on some Harambee meeting where so and so gave so much money, a statement by a PC justifying police brutality, or a church service attended by notable political figures notwithstanding the fact that worship is really a personal matter – and so forth.

Christopher Mulei
Lecturer in Law
University of Nairobi

5. *Are Human Rights enforceable?*

5.1 ARE THEY LEGALLY ENFORCEABLE?

Neither the Universal Declaration of Human Rights nor the African Charter on Human and People's Rights are strictly speaking enforceable. They are not treaties and they do not have the force of law. However they have become a commonly recognised standard and are regarded as customary international law, taken seriously in the courts of many countries. The International Covenant on Civil and Political Rights and the International Convention on Economic, Social and Cultural Rights are treaties, and these are binding on states which sign up to them. Nevertheless, to be enforceable, human rights require a domestic legal system based on the rule of law.

Direct reference to the UDHR is made in the constitutions of many nations that achieved independence after the document was adopted. Prime ministers, presidents, legislators, judges, lawyers, legal scholars, human rights activists and ordinary people throughout the world have accepted the Universal Declaration as an essential legal code. Dozens of legally binding international treaties are based on the principles set forth in the UDHR, and the document has been cited as moral and legal justification for numerous United Nations actions, including action by the Security Council, against violators of human rights.

The African Commission on Human and People's Rights is charged with upholding the African Charter and investigating abuses.

Nelson Mandela has said that he regarded the existence of these Human Rights charters while he was in prison as "a ray of hope".

Using the courts to overturn laws against human rights

The Hon Mr Justice James Mwalusanya, a High Court judge from Tanzania, told a seminar on Reporting Ethnic Conflict that most national laws which seek to limit human rights are "paper tigers" which could be challenged in court.

«The international human rights standards are norms that have already entered the domestic law of many African countries. They demand that prescribed laws that restrict the basic human rights must meet four conditions.

First, that law must be in the public interest for a pressing social need, which implies compatibility with the rule of law in a broad sense.

Secondly, the law should have adequate safeguards and effective control against arbitrary decisions that may be made by those entrusted with the enforcement of that law.

Thirdly, the prescribed law must meet the proportionality test, such that the restriction imposed on the basic human right is so framed as not to limit the right in question more than is necessary to achieve a legitimate objective.

Fourthly, the prescribed law must embrace the principles of natural justice e.g. right to be heard and right to reasons for a decision by public officer.

Most of our press laws do not meet these four conditions and so the restrictions they impose on press freedom are unconstitutional.

Thus in Tanzania many press laws gagging the press can have its offending provisions declared unconstitutional. The same applies to the press laws of many African countries. Of course, provided we have an independent judiciary and lawyers alert to the demands of the international human rights standards and norms.»

5.2 CAN THEY BE ENFORCED BY INTERNATIONAL AGENCIES?

UN agencies and the African Commission on Human and People's Rights do have some obligation to try to enforce human rights.

National journalists' unions, if necessary in conjunction with international bodies such as the IFJ, can petition UNESCO in Paris about violations to the freedom of the press.

National journalists' unions can petition the African Commission on Human and People's Rights. However, decisions are made in private at meetings of heads of states. The address is in the Appendix.

National journalists' unions can petition the UN Human Rights Committee, if a country has ratified the option protocol to the International Covenant on Civil and Political Rights. In Africa, these include Algeria, Cameroon, Central African Republic, Congo, Equatorial Guinea, Gambia, Madagascar, Libya, Somalia, Mauritius, Niger, Senegal, Togo, the former Zaire and Zambia.

Individuals and trade unions can also appeal to human rights organisations, who may in turn attract the attention of the international media.

5.3 CAN THEY BE SUPPORTED BY JOURNALISTS' ASSOCIATION AND TRADE UNIONS?

Although petitions to international bodies can be made by individuals, the

challenge is likely to be taken more seriously if it has the backing of a journalists' association or trade union. It will also have the effect of alerting journalists within a country that this is not just an issue affecting one individual but an issue affecting journalists or the public collectively.

The primary role of trade unions is advancing the wages and conditions of its members, but in the case of journalists' trade unions, defending the freedom of the press and the ethics of journalists has equal status.

The establishment of truly independent, representative associations, syndicates or trade unions of journalists and associations of editors and publishers, was regarded by participants at the 1991 UN/UNESCO Windhoek seminar as a matter of priority in all countries where such bodies do not exist.

The IFJ Manifesto for a Democratic Media Culture, adopted in June, 1992, demands full and universal recognition of the right of freedom of association and of the right of journalists' unions to bargain collectively on behalf of their members.

The International Labour Organisation, a specialised agency within the United Nations system, has adopted a number of conventions to protect the right of workers to organise in trade unions and their right to engage in collective bargaining.

The two basic conventions are the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

The first of these conventions has been ratified by 99 States, the second by 115 States. They apply to workers in general, and consequently, also to journalists.

The ILO states:

«Freedom of association has a unique place among the basic human rights and freedoms of concern to the ILO. It is an essential prerequisite for progress towards social justice; it enables the workers to give expression to their aspirations; it strengthens their position in collective bargaining, by re-establishing a balance in the strength of the parties; it constitutes a healthy counterweight to the power of the State, by enabling labour to participate in the framing and carrying out of economic and social policies...»

Convention No. 87 aims to protect freedom of association against possible incursion by the State. It guarantees to all workers and employers the right to establish and join organisations of their own choosing.

These organisations must have the right to draw up their own constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes without interference from the public authorities. They must have the right to form federations and confederations, and to affiliate with international organisations of workers and employers.

In exercising their rights, workers and employers and their organisations must respect the law of the land, but in turn the law of the land must not be such as to impair the guarantees provided for in the Convention.

Convention No. 98 is directed more to questions concerning the employer-employee relationship. It protects workers against acts of anti-union discrimination and stipulates that workers' organisations shall enjoy adequate protection against interference by employers. The rights of public servants engaged in the administration of the State are covered

in the Labour Relations (Public Service) Convention, 1978 – Convention No. 151 – which aims to protect their right to organise.

Resolutions of the ILO Conference, unlike Conventions (which need to be ratified by governments) do not create binding obligations, but have influence.

One important resolution adopted in 1970, recognises that the rights conferred on workers' and employers' organisations must be based on respect for civil liberties, particularly those set out in the Universal Declaration of Human Rights and in the International Convention on Civil and Political Rights.

The ILO says:

«A system of democracy is fundamental for the free exercise of trade union right... A free and independent trade union movement can develop only in a society that guarantees and respects the right to personal safety and human life and is free from violence, pressure or threats of any kind against trade unionists».

When a trade union promotes human rights it ceases to become an issue for one media organisation, and becomes the business of all journalists. It makes sense to forge even broader alliances. Is there a lawyers' association in your country committed to human rights? Is it possible to organise joint meetings to discuss protection of journalists and lawyers who take up these issues?

The journalists' union can also make contact with and hold joint meetings with other human rights organisations including NGOs, and with other trade unions where human rights have become an issue.

In doing so journalists strengthen their campaign work, and also help to make useful contacts for the individual journalists who are undertaking this work.

GOOD PRACTICE QUESTIONS

Has your government ratified ILO Conventions 87, 98 and 151? If not, should you plan a campaign in favour of ratification? How would you structure that campaign?

What actions have your trade union taken in defence of human rights?

How can those actions be strengthened?

What joint meetings have been held with legal associations, other trade unions or human rights organisations? Is there scope for more collaboration?

6. *Human Rights in the workplace*

Organisations which defend human rights, including media organisations and trade unions, must practice what they preach. If the equality of men and women is a human right, then how is this applied in your own profession?

Convention N^{os} 111 and 156, and Recommendation N^{os} 111 and 165 of the International Labour Organisation give a starting point for campaigns by national unions of journalists on equal opportunities.

Convention N^o 111 (1960) requires governments which ratify it to:

«Declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any (such) discrimination».

This convention defines "discrimination" as:

«Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.»

Recommendation N^o 111 (Discrimination (Employment and Occupation), 1958) of the ILO says that member states which have ratified the Convention should formulate a national policy for the prevention of discrimination in employment and occupation.

GOOD PRACTICE QUESTIONS

Does your union have an equal opportunities' policy? If not, what policy would you recommend? How should your union go about a) determining its policy and b) implementing the policy?

Do women have an equal chance of recruitment, are they given equal opportunity at all kinds of assignments, and are their rights championed by your journalists' association?

Has your union carried out a survey of female members to uncover and itemise areas of discrimination?

How are minority ethnic groups reflected in your profession?

Do they have equal access to protection by the union?

Has your Government ratified Convention N^o 111? Does it apply the principles of Recommendation N^o 111? Can you organise a lobby in favour of ratification?

Convention N^o 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities came into force in 1983. The convention obliges member states who ratify it to make national policy,

«to enable persons with family responsibilities who are engaged or who wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the ex-

tent possible, without conflict between their employment and family responsibilities».

Recommendation N° 165 suggests that, for a transitional period, measures aimed at achieving effective equality between men and women workers should not be regarded as discriminatory. It calls for the needs of parents to be recognised at work, including the provision of private or public child-care.

Recommendation 165 also seeks to protect part-time workers, temporary workers and home workers, many of whom have family responsibilities. It also says that either parent should have the possibility, within a period immediately following maternity leave, of obtaining leave of absence (parental leave), without relinquishing employment and with rights resulting from employment being safeguarded.

It should also be possible for a worker – man or woman – with family responsibilities to obtain leave of absence in the case of illness of a dependent child, or of another member of the worker's immediate family who needs that worker's care or support.

This may seem a long distance from the basic human rights which are most commonly cited, but these rights help journalists to work effectively, and they also give the child a right to have access to his or her parents. Journalists who exercise their rights at work are more likely to be sensitive to the human rights of others.

7. *Editorial independence*

One of the main benefits of strong journalists' trade unions is to press for guarantees of editorial independence

The IFJ *Manifesto for a Democratic Media Culture* says that the professional integrity and independent role of journalism have to be respected to ensure a democratic and pluralistic press.

The IFJ seeks endorsement of the IFJ Code of Principles on the Conduct of Journalism, which forms the basis for universal standards of ethical conduct for the practice of professional journalism.

The Manifesto also calls for dialogue for journalists and management to reach agreement on the independence of journalists, through editorial statutes adopted by the board of directors or through collective agreements.

The IFJ's Collective Bargaining Handbook contains suggested clauses to secure editorial independence for journalists. The IFJ recommends that journalists' unions should make as a minimum claim the following:

«In recognition of the special and particular work of journalists, the Employer undertakes to encourage journalists to join and remain members of the Union, and further undertakes to respect their right to participate in Union affairs. This undertaking is given in accordance with the following agreed principles:

1. Journalists are free to act, write and speak in accordance with their conscience, without being inhibited by the threat of dismissal or disciplinary action;
2. the Chief Editor is free to accept or reject any contribution of any journalists notwithstanding the views of the management, advertisers, or the Union/s; provided that if the Union/s believes that this freedom is or has been abused, it/they may notify a grievance and invoke the dispute settlement procedure...»

Journalists' unions should also insist that no journalist can be directed to do anything that the journalist believes would breach the Declaration of Principles of the Conduct of Journalists of the International Federation of Journalists and/or the code of ethics of the Union, and that no journalist may be disciplined for asserting these rights.

Collective agreements should give some practical recognition to the moral rights of journalists over their work. Specifically, journalists must have the right:

- i to insist that their work be by-lined;
- ii to withhold their by-lines from works they have been instructed to prepare, or works the publication of which could endanger their physical safety;
- iii to withhold their material from publication until they are satisfied of its integrity;
- iv to object to and to prevent any mutilation, distortion or alteration to their works where they believe their honour or reputation would be prejudiced.

GOOD PRACTICE QUESTIONS?

Who makes the editorial decisions in your media organisation?

Are editorial decisions made independently of political or commercial interests?

Do journalists have some input into the editorial line of the media organisation?

Do journalists have the right to decide the "angle" of their story and to prevent wholesale change during the editing process?

Has your union developed a policy on "editorial democracy"? What policy do you think is appropriate for your circumstances?

Do you have a copy of your national copyright law? Are you aware of your rights under the law as an author?

What policy should your union adopt on moral rights for journalists?

To what extent is self-censorship a problem in your country? How can this problem be tackled in your workplace?

8. *Journalists need training*

If journalists are to carry out their duties, then they need training. Given the globalisation of world affairs and the growing importance of ethical standards in political, social and economic life a thorough knowledge of human rights is essential for modern journalism to be effective.

A knowledge of human rights laws and conventions will assist journalists and media to be more comprehensive and effective in their coverage, to hold political leaders accountable for their international obligations and to reinforce the value of journalism to society.

Media professionals need to be well-informed, not just about the events and local issues, but about the context in which these events take place. Journalists need to know the precise responsibilities of the authorities, the established rights of citizens, and how the events and activities of everyday life fit into the global human rights standards.

These are not issues which journalists or media observe from a distance, but are at the heart of the process of democratic exchange and need to be embedded in journalistic training and development. Training should emphasise the need for reporters to go and look for themselves, and the need to talk to primary sources, rather than accepting second hand stories rooted in head office. This is the only way to get away from the uncertainties of endless claim and counter-claim.

The need for Training and Research

TRAINING

Human rights reporting implies a basic knowledge of humanitarian and human rights law.

Before digging for the facts you need to understand the legal landscape and the legal jargon. As human rights is a recurrent issue in international reporting, and increasingly in national reporting, most journalists should get acquainted with the fundamental human rights instruments and organisations.

Ask your editor to organise short workshops for the news team in co-operation with lawyers' associations or human rights NGOs. Training also means being able to recognise physical evidence of abuses. Forensic doctors should be involved at some stage in the training process, as well as human rights specialists from UN investigative teams that might teach you how to recognise the sites of massive human rights violations and how not to be fooled by your official or rebel escorts. Investigative journalism of the kind practised by crime or dirty tricks reporters is one of the best tools of human rights journalism. If you have been bred in the rather straightforward atmosphere of war correspondence or foreign affairs journalism talk to your most seasoned and hard-nosed colleagues on the police beat to get to know how they plan their interviews, keep track of unanswered questions and corroborate facts.

As many of the most serious human rights violations take place in isolated and not eas-

ily accessible places make sure that you have the necessary physical qualities to sustain long and exhausting expeditions under the worst health and weather conditions.

RESEARCH

The human rights field is a crowded one. You should know how the most important international human rights organisations operate, understand their different mandates, their methodology. But you should also get to know the local human rights community and identify which ones are legitimate, which ones are fronting for the government or the opposition.

Before leaving for a foreign assignment try to know who represents the interests of that particular country in your own country. Lobbies, lawyers, international public relations companies, are on torturers' payroll to deflect any human rights accusations or to drown the impact of human rights reporting in the middle of booster articles and puff pieces. More and more media resort to human rights organisations with a track record of impeccable research to help them get and organise the story. Most of these human rights organisations have well-trained and seasoned researchers and investigators that can make a huge difference between a real mass grave and a "set-up" and check the credibility of witnesses, victims and perpetrators..

One of the first steps therefore is to consult the websites of these organisations. By compiling data and comparing them a clearer picture will emerge that will save a lot of time and give you the context of the story.

Jean-Paul Marthoz
*European Press Director
 for Human Rights Watch*

Training from the High Commission for Human Rights

The High Commissioner/Centre for Human Rights (HC/CHR), through its programme of technical co-operation, has been involved for many years in training various professions in all areas of human rights.

Rather than assembling panels composed of professors and theorists, the HC/CHR opts for practitioners in the relevant field. In the experience of the HC/CHR, more can be accomplished through the collegial approach of, for example, journalists discussing with journalists, than could be gained by a professor-student model of training. At the same time, expert staff of the HC/CHR ensure that the substance of the United Nations standards are fully and consistently reflected in the course.

National participants in the HC/CHR's courses are selected with the understanding that their responsibilities continue after the training exercises. Course participants are expected to continue learning about this subject after returning to the workplace.

Courses developed by the HC/CHR include creative, interactive teaching methods, which include working groups, case studies, brain storming, role-play and field trips. Reciting principles of general applicability offers little hope of affecting behaviour and so, training is directly targeted to the particular audience, be they journalists, health care workers, students, lawyers, or others.

The training aims to help the journalist:

- develop knowledge about human rights and humanitarian standards;
- acquire or reinforce skills;
- to become sensitised to human rights and (for example) to examine gender or race bias in their own attitudes.

9. *Human Rights reporting: practical tips*

Human rights should not become a corner of the page, or the job of one person in the office. Human rights should be integrated with everybody's reporting, including home news, crime, agriculture, women's issues, children, sport (freedom to travel, free selection of teams, integration of people from different backgrounds and cultures, the elimination of racism) or travel (tourism and human rights abuses are never on the same postcard, but they take place close together).

Jean-Paul Marthoz, European Press Director for Human Rights Watch, and a former Director of the Media for Democracy in Africa Programme, has a number of tips for those who are putting human rights at the centre of their reporting.

9.1 INVESTIGATION

You will have to document human rights violations. And you'll have to "contextualize" it. So do not read only reports by the UN or international and local human rights NGOs. Learn about the history of the country and about its "power tree". Study its economic, social, agrarian, religious, ethnic policies as well as the pattern of its international relations.

- Do not talk only with "professional" human rights defenders.
- Meet with trade unionists, businessmen and even travel guides.
- Assess always the reliability of the information.

Journalists have a broader mandate

and more freedom than most human rights organisations. They can provide the facts AND the deep-rooted origins of the violations. For factual reporting the basic techniques of journalism are relevant. Attention to details is a must, double-checking information an imperative. You should therefore map out clearly what you absolutely need to know before going public.

Beware of secondary sources. Although usually reliable sources have to be cultivated among local NGOs, diplomats, churches and fellow journalists, you should do as much as you can to get the story yourself. In most countries you will have to hire translators. Make sure you can trust not only their competence but also their integrity. Some might be too close to the authorities or to the rebels.

The search for the truth has a corollary, the respect for the dignity of the victims. Be compassionate in your dealing with them. Learn how to conduct interviews and film in a way which does not humiliate the victims. Journalism is also about minimising harm.

Computer-assisted investigative reporting can also help you get a better story and a broader picture. If for example you are able to compare the violations of human rights in a particular region with the presence of specific military units in that area your story takes on a completely different meaning. If you can link these violations to the presence of particular army units equipped with weapons provided by a particular

country you also have a totally new story.

Who was responsible is as important a question as identifying the victims. Some of the most fruitful human rights journalism is practised not in jungles or war zones but in public libraries or in front of computer terminals tracking arms transfers, military training programmes or private security contracts. Human rights journalism is not only about the victims but also about perpetrators. Therefore the investigation should also extend behind the facts of the violation and track down the whole spectre of responsibilities. If you cover human rights violations find who gave the orders, try to describe the networks of complicity between, for instance, armed forces, paramilitary groups, guerrillas or mafia organisations. Try to meet with perpetrators, learn how to win their confidence and tape their confessions. And make sure you know the quickest escape route.

9.2 THE FIGURES

Human rights violations often take place in the context of massive attacks against villages and communities. Being able to have the most accurate figures of casualties is paramount. The credibility of the media, and their subsequent capacity to inform and mobilise public opinion, very often depends on how they deal with estimates and projections.

When confronted with difficulty of access into the areas where a humanitarian drama is thought to be unfolding many humanitarian NGOs use projections to assess the scope of a catastrophe or a massacre. This is "routine statistical extrapolation" based on experience. They are also tempted to dramatise their figures in order to shock public opinion and decision-makers and trigger their generosity or their intervention. In times of absolute stress and of real-time

live news coverage in the context of increased competition between the media for audience and among NGOs for media attention, an absolutely strict discipline should be adhered to by reporters.

Any statement by humanitarian organisations should be dutifully put into context. The first question should be about the methodology used by these humanitarian organisations to present figures about the extent of an emergency. Any qualification, assumption or conditionalization should be clearly reported and dutifully relayed through all the media gatekeepers, sub-editors and headline writers up to the final audience. The role of editors is therefore as important as the one expected from journalists on the ground.

Facts should be presented as facts and extrapolations as extrapolations. That also means a lot of self-control, fortitude and courage. Journalists are at risk of being sucked into conforming with the growing consensus of their colleagues. Do not be afraid to be seen as a lone wolf or as the "odd person" out. Truth is the best companion of compassion.

9.3 INFORMATION MANAGEMENT

In most countries government officials and the military have been trained in information management. Many have followed courses at home or abroad in psy-ops (psychological operations), in disinformation and news manipulation and they will go to great lengths to discredit adverse information on their human rights record. They may even contrive events in order to push the media to err.

One of their tricks is to organise information scarcity by barring access to war zones. This tactic puts a premium on every item of news and increases the value of projection and even rumour. In the fiercely competitive environment of live television the media may be tempt-

ed to pick any “fact” that fits their own prejudices or conforms to their expectations. This is how some huge mistakes can happen, like the confusion on the scope of massacres in Eastern Congo in 1996. The objective of this kind of disinformation is not only to hide what is really happening but also on a longer-term perspective to destabilise the media and to discredit them in the eyes of public opinion and the international community.

9.4 WRITING THE STORY

Human rights journalism lends itself easily to human interest journalism, to personalization and dramatisation. Beware however of the “inflation of outrage”. It can quickly lead to compassion fatigue and to the banalization of evil. Human rights journalism should not limit itself to the dramatisation of individual cases. The context of the human rights violations should be given ample space. It is no longer sufficient to describe appalling human rights violations. The “system” should be dissected and exposed. Under the terms of “proposition” or “solutions” journalism, recommendations and policies carried out by human rights activists or other actors should be part of the story.

9.5 PUBLISHING THE STORY

In some countries human rights stories are too hot and are constantly liable to pressures from government or “non-state” actors that could persuade your publisher to spike your report. Do not give up easily because a human rights story is more than just a journalistic assignment. Exposing abuses is a duty and information should get out as quickly as possible. Contact human rights organisations, safe embassies or other news organisations. Make sure that the story will be told somewhere. It will rebound and come back with a vengeance to haunt your own censors especially if it is

posted on a website or relayed by international radio stations or satellite TV.

If you have misgivings on your possibility of publishing the story make tentative approaches soon enough towards foreign colleagues or local and international human rights organisations. Remember the adage: «You don’t kill a story by killing the journalist». Competition is part of the game in journalism but the need of getting the story out might mean sometimes that you share it with colleagues.

GOOD PRACTICE QUESTIONS

Who are the most reliable sources on human rights issues in your country?

Can you and your colleagues compile a contact sheet of human rights experts and sources who can help check and verify stories?

Do these sources cover the full range of human rights, including state sponsored terror, rights of women, rights of the child, rights of disabled people?

10. *Safety of journalists*

For the journalist to play a positive role in the protection of human rights, their own rights also have to be protected. The journalist needs a range of approaches to safety: from training in human rights reporting, protection by Government and employers, protection through their own media associations and links with human rights organisations inside and outside a country.

The IFJ position is that national governments have a responsibility to provide the environment in which attacks on journalists are regarded by citizens as direct attacks on them.

IFJ unions also believe that employers have significant responsibilities in creating a safe working environment for journalists.

The employer's responsibility

In October, 1992, Asian affiliates of the IFJ, meeting in Malaysia, concluded that it was the responsibility of the employer to provide a safe working environment both within and outside the office. This included the provision of adequate insurance coverage and the right of journalists to refuse dangerous assignments.

The conference also concluded that it was the employers' responsibility to provide economic security for journalists, including job security, insurance provisions, pension and gratuity schemes, etc. Employers also had a responsibility to provide adequate and safe equipment for journalists, photographers and broadcasters, and to provide training of

safety issues. Employers also had a responsibility to respect labour conventions, legislation and regulations.

The conference recommended:

- to improve regional and international networks by supporting the creation of regional crisis centres linked with the IFJ for monitoring and providing assistance to victimised journalists;
- to urge the United Nations and other international organisations to focus on human rights abuses of journalists;
- to raise awareness among journalists of safety issues through training and publications;
- to call upon governments to take press freedom and the practice of journalism seriously and to provide a legal framework of protection of journalists;
- to ask the IFJ to send committees of inquiry to trouble spots to investigate attacks on and violence against journalists and to implement follow-up actions through the machinery of IFJ Safety Programmes.

In your own country your union can press for free and prompt legal services to be made available to journalists at risk of legal danger.

In times of armed conflict, the journalist is especially at risk. Article 79 of the Geneva Convention states that: Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians.

Collective action by journalist can sometimes reduce the risks under which they are working. When attacks on jour-

nalists in South Africa increased dramatically in 1992, the South African Union of Journalists convened a seminar involving the major political organisations in the country. As a result, the Declaration of Respect for the Rights of Working Journalists was signed by the African National Congress, the Congress of South African Trade Unions, the Democratic Party, the Inkatha Freedom Party, the National Party, the Pan African Congress, and the South African Communist Party. It put the rights of journalists into the political arena and provided a point of reference if journalists ran into trouble.

Safety for you

Human rights stories are often violent stories. Perpetrators (paramilitaries, government forces, guerrillas) usually do not want that story to be told. Journalists have been killed in many conflicts while trying to investigate cases of murder or massacres. Intimidation is the rule. Therefore strict security measures should be followed.

Reporters should travel in teams, or together with recognised personalities or human rights investigators.

Always assume that your phone is tapped and that you are being tailed.

Carry with you the necessary documentation establishing your credentials as a bona fide journalist. National press cards are not enough since they can be forged. Use the IFJ press card and bring with you some of your articles so they see you are not a spy.

Leave all that "at home" if you know that your qualification as a journalist will endanger you.

Safety for your contacts

Safety for the interviewees is a vital commitment for any reporter. It is an integral part of journalists' insistence on keeping their

sources confidential. In too many cases however people have been arrested or even murdered after talking to reporters, either because they have been seen talking to reporters, or because they have been betrayed by neighbours, or the reporters' notes have been seized by security forces or the interviewees have been recognised on TV.

Ensure that your communications are safe. Protecting your sources begins "at home" when you prepare your trip. A phone call, a fax, even an email message to potential sources or intermediaries may already compromise their anonymity.

Encryption of interviews is one of the best alternatives. Information can be immediately sent to headquarters and written notes can be disposed of. If not possible make sure to hand over your notes to a trusted colleague or diplomat before driving to the border. Most human rights investigators and journalists are submitted to searches at the airport.

You should not carry notebooks with easily identifiable names, locations, etc.

The names of contacts should be disguised or coded.

Use your memory to note phone numbers or addresses.

Foreign reporters or human rights investigators are not likely to be questioned brutally but they often have their notes confiscated and photocopied.

This obsession with source protection should continue until the end. Make sure that details of location, date, description (job, age, physical appearance of the interviewee) do not betray the identity of your contacts.

Be extremely careful when asked, even by colleagues, to give the names of these anonymous sources.

Jean-Paul Marthoz
 European Press Director
 Human Rights Watch

GOOD PRACTICE QUESTIONS?

Does the national Constitution of your country guarantee freedom of expression and freedom of the press? To what extent are these rights qualified by law?

What action does your Government take to protect journalists?

To what extent can journalists in your country, through collective agreements with employers, protect the safety of journalists? Are there legal ways of forcing employers to negotiate on this issue?

What is the level and source of danger to the safety of journalists in your country? How can journalists, acting together, work to reduce or eliminate these threats?

How can you help the public and participants in conflict understand the importance of the journalist doing his or her job in safety?

Appendices

Appendice A

Human Rights: Conventions and Declarations

Appendice B

Universal Declaration of Human Rights

Appendice C

African Charter on Human and Peoples' Rights, 1981

Appendice D

Declaration of Windhoek

Appendice E

**IFJ Declaration of Principles
on the Conduct of Journalists**

Appendice F

**Bibliography for Information on Human
Rights Law and Practice**

Human Rights: Conventions and Declarations

- Universal Declaration of Human Rights
- African Charter on Human and People's Rights, 1981 (OAU)
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social, and Cultural Rights, 1966
- Optional Protocol to the International Covenant on Civil and Political Rights, 1966
- Declaration on the Elimination of Discrimination against Women
- Convention on the Elimination of all Forms of Discrimination against Women, 1979
- Convention on the Rights of the Child, 1989
- United Nations Declaration on the Elimination of all Forms of Racial Discrimination
- International Convention on the Elimination of all Forms of Racial Discrimination, 1966
- Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
- Vienna Declaration and Programme of Action, 1993
- Human Rights Committee General Comments Nos 10, 11, 13, 15, 16, 17, 18, 20, 22, 23, 24
- Committee on Economic, Social and Cultural Rights, General Comments Nos 5 and 6
- Committee on the Elimination of Discrimination against Women, General Recommendations Nos 14, 19, 21

UNESCO

- UNESCO Declarations on Independent and Pluralistic Media:
 - Declaration of Windhoek
 - Declaration of Alma Ata
 - Declaration of Santiago
 - Declaration of Sana'a
 - Declaration of Sofia
- UNESCO Toronto Platform for Action
- UNESCO Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism
- International Labour Organisation
- Freedom of Association and Protection of the Right to Organize Convention, 1948
- Right to Organize and Collective Bargaining Convention, 1949

OTHER

- United Nations List of Ratifications
- List of Special Rapporteurs

ADDRESSES OF

- UN
- UN Centre for Human Rights
- UNESCO

Universal Declaration of Human Rights

On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in

mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

ARTICLE 3

Everyone has the right to life, liberty and security of person.

ARTICLE 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

ARTICLE 21

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including

food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE 29

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law

solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

African Charter on Human and Peoples' Rights, 1981

PREAMBLE

The African States members of the Organisation of African Unity, parties to the present convention entitled *African Charter on Human and Peoples' Rights*,

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of «a preliminary draft on an African Charter on Human and Peoples' Rights providing inter alia for the establishment of bodies to promote and protect human and peoples' rights»;

Considering the Charter of the Organisation of African Unity, which stipulates that «freedom, equality, justice and legitimate aspirations of the African peoples»;

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a better life for the peoples' of Africa and to promote international co-operation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;

Taking into consideration the virtues of their historical tradition and the values of African civilisation which should inspire and characterise their reflection on the concept of human and peoples' rights;

Recognising on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from eco-

nomie, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism neo-colonialism apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organisation of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

ARTICLE 1

The Member States of the Organisation of African Unity parties to the present Charter shall recognise the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

ARTICLE 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

ARTICLE 3

(1) Every individual shall be equal before the law.

(2) Every individual shall be entitled to equal protection of the law.

ARTICLE 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

ARTICLE 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

ARTICLE 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

ARTICLE 7

(1) Every individual shall have the right to have his cause heard.

This comprises:

- (a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognised and guaranteed by conventions, laws, regulations and customs in force;
 - (b) the right to be presumed innocent until proved guilty by a competent court or tribunal;
 - (c) the right to defence, including the right to be defended by counsel of his choice;
 - (d) the right to be tried within a reasonable time by an impartial court or tribunal.
- (2) No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

ARTICLE 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed.

No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

ARTICLE 9

(1) Every individual shall have the right to receive information.

(2) Every individual shall have the right to express and disseminate his opinions within the law.

ARTICLE 10

(1) Every individual shall have the right to free association provided that he abides by the law.

(2) Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

ARTICLE 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

ARTICLE 12

(1) Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

(2) Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

(3) Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the law of those countries and international conventions.

(4) A non-national legally admitted in a territory of a State Party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

(5) The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

ARTICLE 13

(1) Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

(2) Every citizen shall have the right of equal access to the public service of his country.

(3) Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

ARTICLE 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

ARTICLE 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

ARTICLE 16

(1) Every individual shall have the right to enjoy the best attainable state of physical and mental health.

(2) States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

ARTICLE 17

(1) Every individual shall have the right to education.

(2) Every individual may freely, take part in the cultural life of his community.

(3) The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State.

ARTICLE 18

(1) The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.

(2) The State shall have the duty to assist the family which is the custodian of morals and traditional values recognised by the community.

(3) The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of

the woman and the child as stipulated in international declarations and conventions.

(4) The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

ARTICLE 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

ARTICLE 20

(1) All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

(2) Colonised or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognised by the international community

(3) All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

ARTICLE 21

(1) All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

(2) In case of spoliation the dispossessed people shall have right to the lawful recovery of its property as well as to an adequate compensation.

(3) The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic co-operation based on mutual respect, equitable exchange and the principles of international law.

(4) States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

(5) States Parties to the present Charter shall undertake to eliminate all forms of

foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

ARTICLE 22

(1) All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

(2) States shall have the duty, individually or collectively to ensure the exercise of the right to development.

ARTICLE 23

(1) All peoples shall have the right to national and international peace and security. The principle of solidarity and friendly relations implicitly affirmed by the charter of the United Nation and reaffirmed by that of the Organisation of African Unity govern relations between states.

(2) For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that.

(a) any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;

(b) their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

ARTICLE 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

ARTICLE 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

ARTICLE 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.



Declaration of Windhoek on Promoting an Independent and Pluralistic African Press

We the participants in the United Nations/ United Nations Educational, Scientific and Cultural Organisation Seminar on Promoting an Independent and Pluralistic African Press, held in Windhoek, Namibia, from 29 April to 3 May 1991,

Recalling the Universal Declaration of Human Rights,

Recalling General Assembly resolution 59(1) of 14 December 1946 stating that freedom of information is a fundamental human right, and General Assembly resolution 45/76 A of 11 December 1990 on information in service of humanity,

Recalling resolution 25 C/104 of the General Conference of UNESCO of 1989 in which the main focus is the promotion of «the free flow of ideas by word and image among nations and within each nation»,

Noting with appreciation the statements made by the United Nations Under Secretary General for Public Information and the Assistant Director-General for Communication, Information and Informatics of UNESCO at the opening of the Seminar,

Expressing our sincere appreciation to the United Nations and UNESCO for organising the Seminar,

Expressing also our sincere appreciation to all the intergovernmental, governmental and non-governmental bodies and organisations, in particular the United Nations Development Programme (UNDP), which contributed to the United Nations/UNESCO effort to organise the Seminar,

Expressing our gratitude to the Government and people of the Republic of Namibia for their kind hospitality which facilitated the success of the Seminar,

Declare that:

(1) Consistent with article 19 of the Universal Declaration of Human Rights the establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development and mainte-

nance of democracy in a nation, and for economic development.

(2) By an independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals,

(3) By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community.

(4) The welcome changes that an increasing number of African States are now undergoing towards multi-party democracies provide the climate in which an independent and pluralistic press can emerge.

(5) The world-wide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfilment of human aspirations.

(6) In Africa today, despite the positive developments in some countries, in many countries journalists, editors and publishers are victims of repression—they are murdered, arrested, detained and censored, and are restricted by economic political pressures such as restrictions on newsprint, licensing systems which restrict the opportunity to publish, visa restrictions which prevent the free movement of Journalists, restrictions on the exchange of news and information, and limitations on the circulation of newspapers within countries and across national borders. In some countries, one-party States control the totality of information.

(7) Today, at least 17 journalists, editors or publishers are in African prisons, and 48 African journalists were killed in the exercise of their profession between 1969 and 1990.

(8) The General Assembly of the United Nations should include in the agenda of its

next session an item on the declaration of censorship as a grave violation of human rights falling within the purview of the Commission on Human Rights.

(9) African States should be encouraged to provide constitutional guarantees of freedom of the press and freedom of association.

(10) To encourage and consolidate the positive changes taking place in Africa, and to counter the negative ones, the international community – specifically, international organisations (governmental as well as non-governmental), development agencies and professional associations – should as a matter of priority direct funding support towards the development and establishment of non-governmental newspapers, magazines and periodicals that reflect the society as a whole and the different points of view within the communities they serve.

(11) All funding should aim to encourage pluralism as well as independence. As a consequence, the public media should be funded only where authorities guarantee a constitutional and effective freedom of information and expression and the independence of the press.

(12) To assist in the preservation of the freedoms enumerated above, the establishment of truly independent, representative associations, syndicates or trade unions of journalists, and associations of editors and publishers, is a matter of priority in all the countries of Africa where such bodies do not now exist.

(13) The national media and labour relations laws of African countries should be drafted in such away as to ensure that such representative associations can exist and fulfil their important tasks in defence of press freedom.

(14) As a sign of good faith, African governments that have jailed journalists for their professional activities should free them immediately. Journalists who have had to leave their countries should be free to return to resume their professional activities.

(15) Co-operation between publishers within Africa, and between publishers of the North and South (for example through the principle of twinning), should be encouraged and supported.

(16) As a matter of urgency, the United Nations and UNESCO, and particularly the International Programme for the Development of Communication (IPDC), should initiate detailed research, in co-operation with governmental (especially UNDP) and non governmental donor agencies, relevant non-governmental organisations and professional associations, into the following specific areas:

(i) identification of economic barriers to the establishment of new media outlets, including restrictive import duties, tariffs and quotas for such things as newsprint, printing equipment, and typesetting and word processing machinery, and taxes on the sale of newspapers, as a prelude to their removal;

(ii) training of journalists and managers and the availability of professional training institutions and courses;

(iii) legal barriers to the recognition and effective operation of trade unions or associations of journalists, editors and publishers;

(iv) a register of available funding from development and other agencies, the conditions attaching to the release of such funds, and methods of applying for them;

(v) the state of press freedom, country by country, in Africa.

(17) In view of the importance of radio and television in the field of news and information, the United Nations and UNESCO are invited to recommend to the General Assembly and the General Conference the convening of a similar seminar of journalists and managers of radio and television services in Africa, to explore the possibility of applying similar concepts of independence and pluralism to these media.

(18) The international community should contribute to the achievement and implementation of the initiatives and projects set out in the annex to this Declaration.

(19) This Declaration should be presented by the Secretary-General of the United Nations to the United Nations General Assembly, and by the Director-General of UNESCO to the General Conference of UNESCO.

IFJ Declaration of Principles on the Conduct of Journalists

The Second World Congress of the International Federation of Journalists, at Bordeaux, April 25-28, 1954, adopted the following declaration; which was amended by the 18th World Congress, Helsingor, June 2-6, 1986.

This international Declaration is proclaimed as a standard of professional conduct for journalists engaged in gathering, transmitting, disseminating and commenting on news and information in describing events.

(1) Respect for truth and for the right of the public to truth is the first duty of the journalist.

(2) In pursuance of this duty, the journalist shall at all times defend the principles of freedom in the honest collection and publication of news, and of the right of fair comment and criticism.

(3) The journalist shall report only in accordance with facts of which he/she knows the origin. The journalist shall not suppress essential information or falsify documents.

(4) The journalist shall use only fair methods to obtain news, photographs and documents.

(5) The journalist shall do the utmost to rectify any published information which is found to be harmfully inaccurate.

(6) The journalist shall observe professional secrecy regarding the source of information obtained in confidence.

(7) The journalist shall be aware of the danger of discrimination being furthered by the media, and shall do the utmost to avoid facilitating such discrimination based on, among other things, race, sex, sexual orientation, language, religion, political or other opinions, and national or social origins.

(9) The journalist shall regard as grave professional offences the following:

- plagiarism;
- malicious misrepresentation;

- calumny, slander, libel, unfounded accusations;
- the acceptance of a bribe in any form in consideration of either publication or suppression.

(9) Journalists worthy of the name shall deem it their duty to observe faithfully the principles stated above. Within the general law of each country the journalist shall recognise in professional matters the jurisdiction of colleagues only, to the exclusion of every kind of interference by governments or others.

Bibliography for Information on Human Rights Law and Practice

The International Law of Human Rights,
Paul Sieghart, Clarendon Press, 1983.

Encyclopedia of Human Rights,
second edition, Edward Lawson, 1996.

Encyclopedia of Public International Law,
Published under the Auspices of the Max Planck Institute for Comparative Public Law and International Law under the Direction of Rudolf Bernhardt, North-Holland.

The Law of International Organisation,
N D White, Melland Schill,
Studies in International Law.

Guide to International Human Rights Practice,
second edition, Edited by Hurst Hannum.

Basic Documents on Human Rights,
Third Edition, Ian Brownlie.

Press Law and Practice, A Comparative Study of Press Freedom in European and Other Democracies,
Article 19 for UNESCO, March 1993.

The Article 19 Freedom of Expression Manual, International and Comparative Law, Standards and Procedures,
August 1993.

The Human Rights Handbook, A Practical Guide to Monitoring Human Rights,
Kathryn English and Adam Stapleton,
Human Rights Centre, University of Essex,
1995.

Reporting Human Rights and Humanitarian Stories: A Journalists' Handbook,
Produced by Jo-Anne Veln in association with Human Rights Internet and the International Centre for Humanitarian Reporting.

Useful Human Rights Websites

Australian Human Rights Information Centre,

<http://www.austlii.edu.au/au/other/ahric/abahric.html>

University of Minnesota Human Rights Library,

<http://www.umn.edu/humanrts/>
<http://www1.umn.edu/humanrts/africa/comision.html>

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