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**Human Rights Council****Fifty-sixth session**

18 June–12 July 2024

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Journalists in exile****Report of the Special Rapporteur on the promotion and protection of  
the right to freedom of opinion and expression, Irene Khan***Summary*

In the present report, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression focuses on journalists in exile who face a variety of physical, digital and legal threats. She analyses the responses of States and companies to these threats and challenges. She finds that international human rights and refugee law provide a strong framework to protect journalists in exile; however, the security and safety of journalists in exile remain precarious, because of the failure of States to uphold their international obligations. She makes recommendations to States, digital and media companies, international organizations and civil society to strengthen the safety of journalists and enhance the viability of independent media in exile.



## I. Introduction

1. Journalists in exile is not a new phenomenon, but it has gained momentum in recent years, because of the severe pressure on public interest media in many countries around the world and the growing possibilities, created by digital technology, for journalists to operate from abroad when they are no longer able to do so safely from home. Free, independent, diverse and pluralistic media play a vital role in supporting democracy, informing the public and holding the powerful to account. It is either absent or severely constrained in over a third of the countries in the world, where more than two thirds of the world's population live.<sup>1</sup> The space for independent and critical media is shrinking in democratic States where authoritarian trends are gaining ground, leaving many journalists with no option but to leave their home countries.

2. Armed conflicts have long been a major cause for journalists to seek refuge abroad. In recent years, political repression has become the predominant factor forcing thousands of journalists to leave their countries. Some have been expelled by their Governments. Many have fled their home country to save their lives or to escape detention and imprisonment on trumped up charges. Most have left their countries so that they can investigate and report freely without fear or favour. In some countries, not only have individual journalists left, but entire media outlets, and even complete independent media sectors, have moved out.<sup>2</sup>

3. The precise scale of the problem is difficult to assess, in the absence of data from receiving States. Most estimates are based on the numbers of cases of exiled journalists to whom international non-governmental organizations, press freedom groups and media development organizations have provided financial and material assistance in recent years.<sup>3</sup> While such data do not capture the full scale of the problem, they point to a clear upward trend of journalists in exile that tracks the rise in authoritarianism and political repression worldwide.

4. Exiled journalists fulfil a vital need for public interest news for audiences at home as well as around the world. They are often an important alternative for, and possibly the sole independent source of, information about events in conflict zones or in countries where freedom of expression is severely restricted. With their deep knowledge of the country, broad networks and distinct sources, they provide diverse perspectives, challenge official narratives and counter disinformation, which may be difficult for foreign media and dangerous for local media to do. In the absence of exiled media, there would be informational black holes and zones of silence on issues of concern to global and national communities.<sup>4</sup>

5. For some journalists in exile, their work is also a way to preserve the struggle for truth, justice and democracy in beleaguered societies. According to one journalist, "I saw my people suffering, being killed, being forcefully disappeared. I wanted to be their voice. I wanted to bring their stories to the world."<sup>5</sup>

6. Exiled journalists often find themselves in precarious situations, vulnerable to physical, digital and legal threats against them and their families from their home State, and without assured legal status or adequate support to continue their profession in their country of refuge. Female journalists removed from their families and with no legal status are at increased risk of sexual abuse and exploitation, with no channels for redress.<sup>6</sup>

7. Fearing for their own safety or that of their families back home and struggling to survive financially and overcome the many challenges of living in a foreign country, many

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<sup>1</sup> A total of 72 per cent of the world's population live under authoritarian rule according to Varieties of Democracy Institute, *Democracy Report 2023: Defiance in the Face of Autocratization* (2023), p. 6.

<sup>2</sup> Submission from Inter-American Press Association.

<sup>3</sup> As an example, according to the submission from the Committee to Protect Journalists, its support to exiled journalists jumped 227 per cent between 2020 and 2022.

<sup>4</sup> Submission from United Nations Educational, Scientific and Cultural Organization (UNESCO).

<sup>5</sup> Jessica White, Grady Vaughan and Yana Gorokhovskaia, "A light that cannot be extinguished: exiled journalism and transnational repression" (Freedom House, 2023), p. 9.

<sup>6</sup> Submission from International Media Support.

journalists eventually abandon their profession. Exile thus becomes yet another way to silence critical voices – another form of press censorship.

8. Journalists are not above the law, but by virtue of their function and the public interest in disclosure, they are entitled to specific legal protection, whether at home or in exile. The international community needs to invest much more in protecting and supporting exiled journalists and journalism. The United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted in 2012, does not even mention exiled journalists.<sup>7</sup> It was only in 2022 that the United Nations Educational, Scientific and Cultural Organization (UNESCO) established the Safe Spaces project to support displaced journalists and journalists in diaspora and keep public interest journalism alive in crisis situations.<sup>8</sup>

9. The objective of the present report is to throw light on a category of journalists who deserve better protection and support, both for their own sake and in the broader interests of human rights, media freedom, peace and democracy. Building on her previous report on reinforcing media freedom and the safety of journalists in the digital age,<sup>9</sup> the Special Rapporteur analyses the problems, challenges and threats that journalists in exile face, as well as the relevant laws, policies and practices of States and companies that aggravate or seek to resolve them. She notes some good policies and practices and makes recommendations to States, digital and media companies, international organizations and civil society to strengthen the safety of journalists and enhance the viability of independent media in exile.

10. The Special Rapporteur is grateful for the submissions received from 10 Governments, 36 civil society organizations and one international organization and for the consultations held with experts and other stakeholders, which informed the report.

## II. International legal framework

11. The international legal framework for media freedom and the safety of journalists was covered by the Special Rapporteur in her previous report.<sup>10</sup> In the paragraphs below, she underlines some points of specific relevance to journalists in exile.

12. Who is a journalist in exile? The Human Rights Committee has recognized journalism as a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the Internet or elsewhere.<sup>11</sup> In the context of exiled media, exiled freelancers, independent bloggers and journalists running their Telegram channels or online websites play as significant a role as journalists and media workers employed by media outlets. The term “journalists in exile” in the present report covers this varied group, and the Special Rapporteur uses the term “journalist” to include both journalists and media workers, unless specified otherwise.

13. It is important at the outset to acknowledge that journalists are in exile because their human rights, in particular their right to freedom of opinion and expression, are endangered in their own country. By protecting exiled journalists (and other exiles), the international legal framework provides a pragmatic response to the human rights failures in the country of origin.

14. Under international law, no one should be forcefully displaced or sent into exile or be compelled to flee their home country, and all persons have the right to leave and return to their countries of origin freely and to fully enjoy all human rights guaranteed under international law.<sup>12</sup> Most journalists regard their exile as a temporary state of affairs and wish to return home or at least to be able to move freely to and from their country of origin. They

<sup>7</sup> See <https://www.ohchr.org/en/safety-of-journalists/un-plan-action-safety-journalists-and-issue-impunity>.

<sup>8</sup> Submission from UNESCO.

<sup>9</sup> [A/HRC/50/29](#).

<sup>10</sup> *Ibid.*, paras. 10–23.

<sup>11</sup> Human Rights Committee, general comment No. 34 (2011), para 44; and [A/HRC/50/29](#), paras. 15 and 16.

<sup>12</sup> Article 12 of the International Covenant on Civil and Political Rights.

are often not permitted to do so by their Governments or cannot do so safely.<sup>13</sup> Some journalists have also been banned or temporarily prevented from leaving their countries.<sup>14</sup>

15. Article 2 (1) of the International Covenant on Civil and Political Rights and article 2 (2) of the International Covenant on Economic, Social and Cultural Rights make it clear that the rights in the Covenants apply to all persons without discrimination of any kind. Thus, journalists in exile enjoy the same human rights as nationals and other journalists in the receiving countries. All States are obliged to uphold this principle. It is important to note that international law places a positive obligation on States to protect all persons, including exiled journalists, within their jurisdiction, which requires them to not be complicit in violations committed by foreign agents on their territory. It also requires States to investigate and prosecute fully, promptly and effectively all crimes committed against journalists, no matter who is responsible.<sup>15</sup>

16. The right to freedom of opinion and expression provides the international legal basis for uncensored and unhindered news media and the right of journalists to work safely and without fear, whether they do so in their home country or elsewhere. Article 19 of the International Covenant on Civil and Political Rights explicitly states that everyone is entitled to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media of their choice. The phrase “regardless of frontiers” both anticipates technologies that enable data to cross borders in an instant and also affirms the right of journalists in exile to seek, receive and share information, ideas and images without hindrance or restrictions, except as laid out in article 19 (3). Exile itself is an unlawful restriction of freedom of expression insofar as it hinders the right of journalists to exercise their right to access to and disseminate information and share their views freely in their own country.<sup>16</sup>

17. According to article 19 (3), freedom of expression can only be restricted by law in precise and clear terms and must be strictly necessary, proportionate and directly relevant to achieving the legitimate objective of respecting the rights and reputations of others or protecting national security, public order, public health or public morals. Restrictions must be construed narrowly, using the least intrusive measure possible.<sup>17</sup>

18. The principle of necessity and proportionality deems that journalists should not be prevented from or prosecuted for disseminating information that is of public interest. Journalists in exile often report on sensitive issues that are of public interest, such as corruption, human rights violations or elections. Their reporting may be critical of the policies or activities of the Governments in their home or host countries or could be perceived as having a negative impact on bilateral relations between the receiving and home States. Those considerations are not valid grounds under international law for States to restrict public interest reporting by exiled journalists or retaliate against them, for instance, by expelling them.<sup>18</sup> The banning of outlets or websites of exiled media may violate the principle of necessity and proportionality.

19. Too often States use laws ostensibly adopted to protect national security, public order or public morals to restrict information that is of public interest or to stifle criticism of the Government. Such practices contravene international standards and obligations. Even when seeking to protect national security, States must show in “specific and individualized fashion” the precise nature of the threat and the necessity and proportionality of any restriction, in particular by establishing a direct and immediate connection between the journalistic activities and the threat.<sup>19</sup>

<sup>13</sup> Submissions from Committee to Protect Journalists and Inter-American Press Association.

<sup>14</sup> See communication TKM 1/2023. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>; see also submission from Inter-American Press Association.

<sup>15</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law and UNESCO Guidelines for Prosecutors on Cases of Crimes Against Journalists.

<sup>16</sup> Submission from Ecuador.

<sup>17</sup> Human Rights Committee, general comment No. 34 (2011), paras. 21–36.

<sup>18</sup> TTO 1/2017.

<sup>19</sup> Human Rights Committee, general comment No. 34 (2011), para. 35.

20. States are obliged not only to refrain from arbitrary restraints, but also to put in place legislative and regulatory measures in line with international human rights standards to enable journalists to carry out their work safely and without hindrance. That applies to all journalists, national or non-national.

21. In line with the principle that rights offline must be protected online, courts have held that journalists must not be subjected to online surveillance without independent judicial oversight.<sup>20</sup> Journalistic privilege is deemed to allow for journalists to refuse to reveal their confidential sources of information.

22. Journalists enjoy protection as civilians under international humanitarian law during armed conflict.<sup>21</sup> They are also entitled to protection under international refugee law after they leave their country, including from refoulement,<sup>22</sup> extradition and expulsion,<sup>23</sup> if they have a well-founded fear of persecution on grounds of race, religion, nationality, political opinion or membership of a social group, regardless of whether or not they formally apply for asylum. By specifically noting the persecution of “political opinion” as a ground for granting refugee status and prohibiting expulsion, international refugee law acknowledges the importance of freedom of expression in exile. Even where journalists do not qualify for refugee status, they are protected under international law against forcible return to a territory where they are likely to face torture or ill-treatment.<sup>24</sup>

23. The problems for exiled journalists lie not in the international legal framework but in the failure of States to respect their obligations under international law.

### III. Transnational repression

24. Hundreds of journalists have fled in recent years from Afghanistan, Belarus, China, Ethiopia, Iran (Islamic Republic of), Myanmar, Nicaragua, the Russian Federation, the Sudan, Somalia, Türkiye and Ukraine, in addition to smaller numbers from a range of other countries, including Burundi, Guatemala, India, Pakistan and Tajikistan, to name just a few.<sup>25</sup> However, exile does not always provide safety.

25. The term “transnational repression” has been used by some organizations to denote human rights violations committed by States outside their own territorial jurisdiction in order to intimidate and silence dissent among the diaspora and exiles.<sup>26</sup> It includes physical, legal and digital threats, ranging from physical violence, murder, extradition, renditions and legal prosecution in absentia to online violence, digital surveillance, hacking or the blocking of websites and the disruption of Internet connections. Online attacks can have offline consequences. The full extent of transnational repression is not known, as many incidents are not reported or cannot be verified, and there is no comprehensive system for gathering such data. However, anecdotal evidence, including first-hand testimony from victims, scholarly research and the experience of civil society organizations, suggests a high prevalence among exiled journalists and media outlets.

<sup>20</sup> European Court of Human Rights, *Big Brother Watch and Others v. the United Kingdom*, Application Nos. 58170/13, 62322/14 and 24960/15, Judgment, 13 September 2018.

<sup>21</sup> [A/77/288](#), para. 48.

<sup>22</sup> Article 33 of the Convention relating to the Status of Refugees, which describes refoulement as the expulsion or forcible return of a refugee or asylum to a territory where their life or freedom may be threatened on grounds of race, religion, nationality, political opinion or membership of a social group.

<sup>23</sup> Article 32 of the Convention relating to the Status of Refugees.

<sup>24</sup> Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>25</sup> As examples, the International Federation of Journalists estimates that up to 1,000 journalists left Afghanistan in the aftermath of the Taliban takeover while *Agresiones a la Libertad de Prensa de Periodistas y Comunicadores Independientes* de Nicaragua estimates at least 242 journalists have left Nicaragua since 2018.

<sup>26</sup> Submission from Freedom House; and White, Vaughan and Gorokhovskaia, “A light that cannot be extinguished”. See also “‘We will find you’: a global look at how States repress nationals abroad” (Human Rights Watch, 2024).

26. The aim of transnational repression is to kill and chill journalism in exile. It induces a climate of physical, mental, digital and legal insecurity, hampering the ability of journalists to report, travel, communicate with their sources, investigate sensitive issues or even live with their families in safety and security. Transnational repression also significantly reduces media freedom by pushing journalists and media workers towards self-censorship.<sup>27</sup>

27. In the sections below, the Special Rapporteur analyses the various threats to the safety and security of journalists in exile, with a particular focus on the role and responsibilities of the home State.

## A. Physical violence: assassination, assault and abduction

28. Targeting journalists on foreign soil violates human rights principles as well as the cardinal principle of international law that States are obliged to respect each other's territorial sovereignty. The butchering of exiled Saudi journalist, Jamal Khashoggi, in the Consulate of Saudi Arabia in Istanbul was an outrageous, audacious act of transnational repression. The enforced disappearance and State-sanctioned killing violated international human rights law, international customary law and the Charter of the United Nations, and Saudi Arabia has never been held to account.<sup>28</sup>

29. In June 2023 the Parliamentary Assembly of the Council of Europe adopted a resolution condemning transnational repression as a growing threat to the rule of law and human rights. Citing Azerbaijan, Belarus, the Russian Federation and Türkiye as countries of particular concern, it stated that transnational repression violated international obligations under the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).<sup>29</sup>

30. The Working Group on Enforced or Involuntary Disappearances found that the Government of Türkiye had engaged in the systematic practice of State-sponsored extraterritorial abductions and forcible returns to Türkiye of at least 100 Turkish nationals, which included journalists, from multiple States. It expressed concern that the Government of Türkiye had continued to resort to the use of enforced disappearance in the context of transnational transfers, using such transfers as a pretext for an effective means to combat terrorism.<sup>30</sup>

31. In communications to the Islamic Republic of Iran, special procedures, including this mandate, have raised grave concerns regarding the targeting of exiled Iranian journalists and exiled media outlets as well as Iranian and Iranian-origin journalists and media workers working for the BBC Persian-language service and some other international media outlets.<sup>31</sup> The allegations include violence, threats, harassment, online gender-based violence, smear campaigns and surveillance, as well as criminal investigations, defamation suits and judicial action to confiscate property and assets in the Islamic Republic of Iran. In February 2020, a prominent exiled Iranian woman journalist, Rana Rahimpour, received death threats against herself, her children, her husband and her elderly parents.<sup>32</sup> Iran International TV, an Iranian

<sup>27</sup> See <https://mediafreedomcoalition.org/joint-statement/2023/transnational-repression/>.

<sup>28</sup> See <https://www.ohchr.org/en/special-procedures/sr-executions/inquiry-killing-mr-jamal-kashoggi>. A/HRC/41/36 cites the Vienna Convention on Consular Relations and the prohibition against the extraterritorial use of force in time of peace (in accordance with customary law and the Charter of the United Nations). Article 2, paragraph 4, of the Charter of the United Nations says that all members shall refrain "from the threat or use of force against the territorial integrity or political independence of any state".

<sup>29</sup> Parliamentary Assembly of the Council of Europe, Transnational repression as a growing threat to the rule of law and human rights, resolution 2509 (2023), available at <https://pace.coe.int/en/files/32999/html>.

<sup>30</sup> A/HRC/51/31, para. 78.

<sup>31</sup> IRN 10/2022, IRN 4/2020 and IRN 29/2017.

<sup>32</sup> See <https://www.ohchr.org/en/press-releases/2020/03/iran-targeting-journalists-threatens-freedom-press-say-un-experts?LangID=E&NewsID=25706>.

exiled outlet operating from the United Kingdom of Great Britain and Northern Ireland, has received so many threats that it has been provided with secure police protection by the authorities of the United Kingdom.<sup>33</sup>

32. There have also been reports of Russian journalists in exile being subjected to targeted attacks, including two suspected cases of poisoning.<sup>34</sup>

33. Abduction and rendition to the home country, followed by prosecution and imprisonment, are palpable risks for exiled journalists, especially those without proper legal status in neighbouring countries. The world witnessed a blatant example of forced abduction in May 2021 when the Belarusian authorities, defying international law and air travel protocols, used a false bomb threat to intercept and divert a commercial airliner on which Raman Protasevich, a Belarusian exiled media worker and activist, was travelling from Greece to Lithuania. He was taken off the plane, arrested, charged, convicted and sentenced to eight years in prison and later pardoned.<sup>35</sup>

## **B. Digital threats: online violence, surveillance and disruption**

34. Digital transnational repression has been described as the use of digital tools by the home State or its agents to silence and coerce activists and dissidents living abroad.<sup>36</sup> In the case of journalists, the objective is to intimidate and silence them and their sources and encourage self-censorship more broadly, making it more dangerous and difficult for exiled media to gather and disseminate information. As it is often not possible to identify and prosecute who is behind the digital threats, impunity prevails, emboldening the perpetrators.

35. The heavy reliance of exiled journalists and newsrooms on social media and digital tools to gather and publish news makes them particularly vulnerable to cyberattacks by their home Governments or their proxies and, occasionally, the authorities in the country of exile. The tools of digital transnational repression are plentiful and cheap. Common practices include recruiting armies of trolls and bots to amplify vicious personal attacks on individual journalists to discredit them and their reporting, blocking exiled news sites or jamming broadcasts and targeted digital surveillance.

36. Online attacks, death threats, rape threats, doxing (release of personal information, such as addresses, email details and phone numbers), smear campaigns with sexualized, misogynistic or defamatory elements and impersonations have skyrocketed in the past 10 years, especially against women journalists.<sup>37</sup> Women journalists in exile claim to have been targeted by coordinated defamation campaigns of a gendered nature on State and/or State-aligned media outlets as well as social media.<sup>38</sup> Social media companies must do more to combat online gender-based violence and gendered disinformation, including against women journalists.<sup>39</sup>

37. The targeted digital surveillance of exiled journalists has surged over the past decade, as intrusive communications software (spyware) has become available, permitting the authorities to access journalists' phones and work devices without their knowledge. Once infected, the devices yield a trove of information on journalists' movements, contacts, interactions with sources and the subject matter of their investigations, which can have devastating implications for the safety and security of exiled journalists, their media outlets and sources in their home countries.<sup>40</sup> Because it is difficult to detect spyware or even prove it was ever installed, the mere suspicion of spyware can lead to caution and fear, hindering

<sup>33</sup> Submission from the United Kingdom.

<sup>34</sup> Submission from Reporters without Borders. See also JX Fund, "Sustaining independence: current state of Russian media in exile" (2023), p. 26.

<sup>35</sup> See <https://www.ohchr.org/en/press-releases/2021/06/belarus-black-hole-media-freedoms-after-egregious-attacks-say-un-experts>; and Working Group on Arbitrary Detention, Opinion No. 50/2021.

<sup>36</sup> Joint submission by Access Now and Meduza.

<sup>37</sup> Julie Posetti and others, *The Chilling: Global Trends in Online Violence against Women Journalists* (UNESCO, 2021).

<sup>38</sup> Submission from Tahrir Institute for Middle East Policy.

<sup>39</sup> See [A/78/288](#) and [A/HRC/44/52](#).

<sup>40</sup> [A/HRC/50/29](#) and [A/HRC/41/35](#).



journalists' ability to communicate safely with sources, especially in their home countries, and making sources wary of speaking to journalists.<sup>41</sup>

38. Illegal surveillance by Governments, combined with online harassment and other repressive legal measures, has forced many journalists to flee their countries in search of safety elsewhere. In early 2022, several journalists from El Salvador fled to Costa Rica, Mexico and other countries soon after civil society investigations unearthed 35 cases of hacking of the devices of human rights defenders, activists and journalists through use of Pegasus spyware.<sup>42</sup> Some of the journalists reported that they felt their ability to work and maintain the trust of their sources was impaired after the hacking.<sup>43</sup> One outlet, El Faro, which was also the target of legal harassment, found that 22 of its staff members had had their devices infected with Pegasus spyware, and it moved its headquarters to Costa Rica in an effort to protect itself.

39. The effect of targeted digital surveillance can be particularly harmful for women journalists. Not only are they induced to leave their country out of fear for their safety, large volumes of data on their personal and intimate lives are weaponized by bad actors to harass and harm their reputations. In the words of an Arab woman journalist, now living in exile, because we live in such a conservative society, the easiest way to symbolically kill a woman is by killing her reputation.<sup>44</sup>

40. Civil society investigations have uncovered several cases of journalists who have been subjected to digital surveillance during their exile.<sup>45</sup> Surveillance has often preceded or followed threats, arrests or killings. Forensic investigations by civil society entities discovered the Pegasus spyware on the devices of some 10 people connected with slain Saudi journalist, Jamal Khashoggi, including his fiancée.<sup>46</sup> In September 2023, it was reported that the telephone of Galina Timchenko, head of Meduza, the Russian language online news website based in Latvia, had been infected with Pegasus spyware shortly after the Prosecutor General of the Russian Federation had designated Meduza as an "undesirable" organization, and banned it from operating in the Russian Federation.<sup>47</sup> In October 2023, Lê Trung Khoa, editor-in-chief of the Berlin-based Vietnamese news site *Thoibao.de* was targeted with Predator spyware through the social media platform X, formerly Twitter.<sup>48</sup> His website is blocked in Viet Nam, and his Facebook and YouTube pages are frequently targeted by hackers.

41. The Special Rapporteur has endorsed the calls by her predecessor and the United Nations High Commissioner for Human Rights for a moratorium on the sale, trade and use of spyware until proper safeguards can be put in place.<sup>49</sup> The Government of the United States of America has restricted the use of commercial spyware,<sup>50</sup> but it continues to be used by many other countries in the world.<sup>51</sup>

<sup>41</sup> [A/HRC/50/29](#).

<sup>42</sup> John Scott-Railton and others, "Project Torogoz: extensive hacking of media & civil society in El Salvador with Pegasus spyware", Citizen Lab Research Report, No. 148 (University of Toronto, 2022).

<sup>43</sup> Joint submission from Access Now and Meduza.

<sup>44</sup> Submission from Tahrir Institute for Middle East Policy.

<sup>45</sup> Joint submission from Access Now and Meduza.

<sup>46</sup> See <https://forbiddenstories.org/about-the-pegasus-project/>; and <https://www.ohchr.org/en/special-procedures/sr-executions/inquiry-killing-mr-jamal-kashoggi>.

<sup>47</sup> Joint submission from Access Now and Meduza.

<sup>48</sup> See <https://www.amnesty.org/en/latest/news/2023/10/global-predator-files-spyware-scandal-reveals-brazen-targeting-of-civil-society-politicians-and-officials/>.

<sup>49</sup> See <https://www.ohchr.org/en/press-releases/2021/08/spyware-scandal-un-experts-call-moratorium-sale-life-threatening>; see also [A/HRC/48/31](#) and [A/HRC/51/17](#).

<sup>50</sup> Executive Order 14093 of 27 March 2023.

<sup>51</sup> According to the European Parliament Committee of Inquiry 14 Member States and 22 entities of the European Union use Pegasus; see <https://www.europarl.europa.eu/committees/en/pega/home/highlights>.



### C. Legal threats: prosecution, extradition and retaliation

42. Exiled journalists often find themselves facing two major legal hazards from their home State: investigation, prosecution and punishment in absentia and the pursuit of their extradition on trumped up criminal charges.

43. Journalism is not a crime. Nevertheless, some Governments use vague, loosely drafted laws on national security, counter-terrorism, criminal libel or “fake news” to investigate, prosecute and punish journalists, including those in exile.<sup>52</sup> For instance, the National Security Law of Hong Kong, augmented by the recently adopted Safeguarding National Security Ordinance, criminalizes secession, subversion, terrorism and “collusion with foreign organizations” in sweeping terms and with extraterritorial reach. The Ordinance has framed the offences so broadly that collaboration with international entities such as the United Nations human rights system could also be affected.<sup>53</sup> The Law has been used extensively against independent journalists and media outlets in Hong Kong, many of whom have either been imprisoned or banned or have fled abroad. It has also led many journalists in exile to self-censor and hampered their ability to work safely with contacts and sources in their home country.

44. Following the invasion of Ukraine in February 2022, the Russian Federation introduced draconian laws to severely punish anyone who “discredits” the armed forces or disseminates “false information” regarding the armed conflict.<sup>54</sup> The enactment of the laws led independent media outlets in the Russian Federation to self-censor and shut down or leave the country. Using these laws, Russian courts have issued sentences in absentia against several exiled journalists. The law banning “undesirable organizations”, adopted in 2015, has been used to outlaw several Russian media outlets operating from abroad.<sup>55</sup> Such action not only bans them from operating in the Russian Federation but also makes it a crime for anyone in the Russian Federation to collaborate with or contribute to their work or even post material created by them on social media. As a result, the outlets are no longer able to work openly with correspondents, sources and speakers or engage effectively with audiences in the Russian Federation.<sup>56</sup>

45. Although the deprivation of nationality is prohibited in international law, some Governments use it as a retaliatory measure against independent journalists. Belarus adopted a law in 2022 that covers 34 crimes applicable only to those in exile, for which they can be convicted in absentia and deprived of their nationality as well as their assets.<sup>57</sup> Furthermore, Belarus has prosecuted journalists as well as dissidents and human rights defenders in absentia and doled out heavy sentences. For instance, the court sentenced exiled journalists Stsypan Putsila and Yan Rudzik in absentia to 20 years and 19 years in prison, respectively, in 2022.

46. Nicaragua forcibly deported several dozen journalists, as well as human rights defenders and political activists, and stripped them of their citizenship.<sup>58</sup> Carlos Fernando Chamorro, one of the most prominent journalists in Nicaragua who has been in exile in Costa Rica since 2021, was deemed guilty of spreading false news and conspiracy to undermine national integrity and stripped of his citizenship in February 2023.<sup>59</sup>

<sup>52</sup> A/HRC/50/29.

<sup>53</sup> CHN 3/2022 and CHN 5/2024. See also International Federation of Journalists, “Journalists in exile: a survey of media workers in the Hong Kong diaspora” (2023).

<sup>54</sup> A/HRC/50/29, para. 61.

<sup>55</sup> See <https://cpj.org/2023/06/russia-bans-independent-outlet-novaya-gazeta-europe-adds-to-undesirable-list/>; <https://cpj.org/2023/07/russia-bans-exiled-outlet-dozhd-tv-as-undesirable/>; and <https://theins.ru/en/news/253183>.

<sup>56</sup> Submission from International Press Institute.

<sup>57</sup> BLR 9/2022.

<sup>58</sup> See <https://100noticias.com.ni/nacionales/121979-periodistas-despojo-nacionalidad-nicaragua/>; and Human Rights Council resolution 52/2.

<sup>59</sup> See <https://cpj.org/2021/08/nicaraguan-authorities-charge-journalist-carlos-fernando-chamorro-with-financial-crimes/>.

47. In Kyrgyzstan, Bolot Temirov, an investigative journalist and human rights defender, was charged with various trumped up criminal offences, of which he was acquitted by the courts but was nevertheless stripped of his nationality by a judicial decision and expelled to the Russian Federation. The facts of the case suggest that the criminalization and expulsion were in retaliation for his reporting on the corruption of State authorities.<sup>60</sup>

48. In Myanmar, over 200 journalists, including exiled journalists, journalists working for exiled outlets and exiled journalists captured while returning home, have been prosecuted by the military junta with no due process, with harsh sentences meted out.<sup>61</sup> The Myanmar military has also banned 14 outlets operating outside Myanmar, the objective being to punish their associates inside Myanmar and prevent them from collaborating with exiled media.

49. These cases are examples of the way in which States are weaponizing the legal and judicial systems to silence journalists in exile. As part of this strategy, some States have sought to bring criminal charges against exiled journalists and requested their arrest through the International Criminal Police Organization (INTERPOL), using its Red Notice system, so that they can then seek their extradition from the host country.<sup>62</sup> Gobeze Sisay, a journalist in exile in Djibouti, was arrested with the assistance of INTERPOL in 2023.<sup>63</sup> After Can Dündar, former editor-in-chief of the Turkish daily, *Cumhuriyet*, fled to Germany, the Government of Türkiye requested a Red Notice for his arrest on espionage charges, but it was refused by INTERPOL.<sup>64</sup>

50. Although INTERPOL has taken steps to tighten oversight of the Red Notice system, it needs to carry out further improvements, as some States continue to abuse the rules by using the Stolen and Lost Passport Database to seek the arrest of journalists.<sup>65</sup>

#### D. Repression by proxy: targeting family members

51. Reprisals against family members, friends and sources have been used by some States as a means to intimidate and retaliate against journalists, activists and human rights defenders. Such actions take a heavy personal toll on exiled journalists who may feel compelled to cut off their ties with loved ones or with sources in the home country in order to protect them. Some journalists have quit their jobs, avoided certain stories or worked anonymously to shield their families from harm.

52. According to a survey of Iranian journalists in the United Kingdom, 60 per cent of those surveyed reported the targeting of their relatives, friends and colleagues in Iran (Islamic Republic of).<sup>66</sup> There are reports of at least four cases of family members of Bangladeshi journalists in exile who have been threatened and attacked, including with physical violence.<sup>67</sup> Some journalists from India living abroad have reported that the harassment of family members at home has led them to self-censor or desist from applying for asylum.<sup>68</sup>

53. Those reporting for the exiled independent Belarusian outlet, Zerkalo, are so fearful for their own safety and that of their families at home that they author content anonymously.<sup>69</sup> The pressure tactics used by the Tajik authorities against relatives of exiled journalists have included the confiscation of property and passports as well as interrogations, house arrests

<sup>60</sup> KGZ 3/2022.

<sup>61</sup> Submission from International Center for Not-for-Profit Law.

<sup>62</sup> UKR 3/2021.

<sup>63</sup> Submission from Committee to Protect Journalists.

<sup>64</sup> High-Level Panel of Legal Experts on Media Freedom, *Report on Providing Safe Refuge to Journalists at Risk* (International Bar Association Human Rights Institute, 2020), p. 21; Marilyn Clark and William Horsley, *A Mission to Inform: Journalists at Risk Speak Out* (Council of Europe, 2020); and A/HRC/35/22/Add.3, para. 34.

<sup>65</sup> Parliamentary Assembly of the Council of Europe, resolution 2509 (2023).

<sup>66</sup> Submission from Reporters without Borders.

<sup>67</sup> Submission from Committee to Protect Journalists.

<sup>68</sup> Submission from South Asia Justice Campaign.

<sup>69</sup> Submission from International Press Institute.

and threats of criminal charges, contrary to the country's international human rights obligations.<sup>70</sup>

#### IV. Protection in exile

54. Often exile is not a single move often but a multiple-stage process in which journalists may first relocate within their home country, then move to a neighbouring country and later, still further abroad. Some try to wait it out in neighbouring countries in the hope that the environment at home will change and allow them to return or because proximity to their home country makes it easier to retain contact with their sources and continue their journalism. Many do not feel safe in countries bordering their homeland and seek to move further away but may be stymied in their efforts by a lack of relocation opportunities.

55. Each stage of exile is marked by multiple challenges, affecting the journalists' physical and digital safety and security, their freedom of movement and their ability to continue to work in the field of journalism. Political considerations often colour the response of receiving countries. In addition to their various professional and personal challenges, exiled journalists must manoeuvre the political context carefully to avoid being caught in the cross hairs of geopolitics or bilateral relations and to preserve their safety as well as their independence, professionalism and integrity.

56. Policies and practices of digital and media companies can also present challenges for exiled journalists, particularly when the corporate actors themselves come under pressure from Governments to act against exiled media.

57. In this section, the Special Rapporteur considers the responses – or lack thereof – of host countries and companies to the threats and challenges faced by exiled journalists and media outlets. She also notes some good practices from States and civil society organizations to support journalists in exile.

##### A. Legal status: emergency visas and residence permits

58. Exile is not a choice but usually an act of last resort in the face of imminent danger. Journalists whose lives are in danger need emergency short-term visas for themselves and their families to enter another country as well as longer term residence permits to work and travel freely during their exile. Both are in short supply.

59. In an in-depth report, the High-Level Panel of Legal Experts on Media Freedom examined the various kinds of visas available to journalists in distress – from conventional visas for work or study abroad to short-term humanitarian visas and permanent resettlement programmes for those recognized as refugees – and found that almost all options were limited in number and beset with difficulties, long delays and bureaucratic obstacles.<sup>71</sup> As a result, many journalists use tourist visas to leave their country or move in the first instance to countries that do not require visas from them for a short-term visit, and then overstay those visas when they cannot find a way to relocate elsewhere. Many others enter a neighbouring country illegally, risking arrest and possible deportation back to their home countries.<sup>72</sup> Anxiety about the lack of proper legal papers and fear of deportation can induce exiled journalists to self-censor or lead them to quit journalism.

60. Only a few countries, such as Germany, Norway, Switzerland and the United States, offer humanitarian visas on urgent grounds to journalists. A number of States members of the European Union have introduced flexible visa policies for human rights defenders that can be applied also to journalists. Such arrangements have been in response to crisis situations and limited to certain nationalities rather than available to all journalists in need. As ad hoc arrangements, another weakness of such visas is that they are dependent on the

<sup>70</sup> Submissions from Foundation of Intercultural Integration and AZDA TV.

<sup>71</sup> High-Level Panel of Legal Experts on Media Freedom, *Report on Providing Safe Refuge to Journalists at Risk*. The High-Level Panel recommended a journalist-specific emergency visa.

<sup>72</sup> [TUR 5/2021](#).

political will of particular Governments. Ireland provided several hundred humanitarian visas to Afghan human rights defenders, including some journalists, in 2022, while Czechia, Latvia and Lithuania have issued humanitarian visas to several hundred independent journalists, media workers and their family members from Belarus and the Russian Federation.<sup>73</sup>

61. Journalists who meet the criteria for refugee status are entitled to asylum in their first country of refuge, if it is a party to the Convention relating to the Status of Refugees, or they may be eligible for resettlement in a third country. Canada has launched a dedicated refugee stream for the resettlement of human rights defenders, including journalists.<sup>74</sup> Costa Rica provides asylum to journalists and human rights defenders from Nicaragua.<sup>75</sup> The problem is that many countries are either not a party to the Convention or do not uphold its provisions. Even in the case of States parties that respect the Convention, journalists must join the same queue as other asylum-seekers. Processing asylum applications can take a long time and, during that period, journalists are left in a precarious position, an easy target of transnational repression, and unable to travel, work or gain access to the social services available to recognized refugees.

62. Treating journalists as part of the general refugee community can be problematic, as it overlooks the specific threats and challenges that journalists face as a result of their work, such as targeted surveillance and other digital threats, attacks from the country of origin, collusion in renditions by the host country or tensions between exiled media and authorities in host countries. The distinct and urgent protection needs of exiled journalists who are refugees require more tailored responses. The Special Rapporteur encourages the United Nations High Commissioner for Refugees to give more attention to the specific concerns of this group of refugees.<sup>76</sup>

63. Fellowships and study programmes at educational institutions, work assignments at foreign news organizations' hubs, funding from foundations, specific programmes set up by press freedom groups and other organizations are important means by which journalists often find a way to leave their countries safely and survive legally abroad. The downside is that such arrangements are usually few and short-term, while increasingly, exile is becoming longer-term, as the conditions that forced journalists to leave their home countries show no sign of amelioration.

64. Despite the growing awareness and positive responses of some States, the overall picture on the legal status of exiled journalists remains grim. Demand far outstrips the supply of emergency humanitarian visas and longer-term relocation opportunities, straining the goodwill and resources of developing countries to which journalists have fled. Among the thousand or so Afghan journalists who left after the Taliban takeover in August 2021, only a small proportion found refuge in Europe or North America. Most made their way to neighbouring Pakistan, where they overstayed their short transit visas and are living in hiding, with no possibility of residence there or relocation elsewhere, unable to work and at risk of deportation.<sup>77</sup> Many Sudanese journalists who sought refuge in Egypt, Kenya or Uganda find themselves in a similar situation, without legal status or permission to work or travel and facing possible deportation as overstayers.<sup>78</sup> Hundreds of journalists as well as human rights defenders and activists from Myanmar live without formal legal status in Thailand, vulnerable to abduction and attacks from agents of the military regime from across the border.<sup>79</sup>

65. Thanks to the advocacy of civil society, the efforts of the Media Freedom Coalition and the experience gained from the protection available to human rights defenders, there is growing awareness of the need to provide more creative, comprehensive and coordinated support to journalists in distress. The Hannah Arendt Initiative was set up by the Government

<sup>73</sup> Am Mokkhasen, "Safe refuge for journalists: recent progress from MFC members", Media Freedom Coalition, 1 November 2022.

<sup>74</sup> Media Freedom Coalition, "Media Freedom Coalition: 2022 activity report" (2023), p. 8.

<sup>75</sup> Submission from the Inter-American Press Association.

<sup>76</sup> Submission from Freedom Press Unlimited.

<sup>77</sup> Submission from Committee to Protect Journalists.

<sup>78</sup> Submission from Sudanese Journalists Syndicate.

<sup>79</sup> Submission from International Center for Not-for-Profit Law.

of Germany in 2022 to support journalists and free speech defenders in their home countries or as close to them as possible but, if need be, also through temporary protection in Germany. The programme, initially limited to Afghanistan, Belarus and the Russian Federation, has been subsequently expanded to include Myanmar.

66. Another example is the Shelter City project, a global movement that offers safe and inspiring spaces to human rights defenders at risk where they can re-energize, receive tailor-made support and engage with allies in order to reinforce their local actions for change. Shelter cities have also hosted journalists that need support and protection as a result of their reporting on human rights issues.

67. Related to visas and residence permits is the need for journalists to possess a valid passport – a precondition for travel, which is an essential part of most journalists’ jobs. Some countries, e.g. Belarus and Egypt,<sup>80</sup> have introduced decrees requiring their nationals living abroad to return home to renew their passports, which has left some journalists without a valid travel document, further endangering their precarious legal situation. In some cases, home States have revoked the passports of journalists in exile.<sup>81</sup>

## **B. Safety and security: role and responsibilities of host States**

68. There are many positive and concrete examples of law enforcement authorities of host countries responding rapidly and effectively to provide protection, including armed police protection or other security assistance, to exiled journalists and media. Some large international media outlets also provide guidance and support to exiled journalists among their staff, including legal assistance and digital training, as do some non-governmental organizations.<sup>82</sup>

69. An upsurge of physical, legal and digital threats requires stronger, more consistent responses from host countries. It is incumbent on States to prevent and protect all journalists on their territory, and investigate and prosecute crimes committed against them, both to ensure justice and accountability to the victim and to deter potential perpetrators, whether in the country or abroad. However, only just over one out of every 10 cases of killings of all journalists worldwide are ever resolved,<sup>83</sup> a statistic that bodes ill for the safety of exiled journalists. As an example, the investigation into the murder of Arshad Sharif, a Pakistani journalist who was killed in Kenya in October 2022, has yet to be completed, despite pressure from the judiciary in Pakistan.<sup>84</sup>

70. Safety and security are doubly in peril when the authorities in the host country become an enabler of transnational repression, for instance, by colluding in abductions instigated by the home State. Vietnamese journalist Truong Duy Nhat of Radio Free Asia’s Vietnamese-language service was abducted from Thailand to Viet Nam in January 2019. The following year he was sentenced to 10 years in prison for “abusing his position and power while on duty” as a reporter. The Working Group on Arbitrary Detention concluded that Mr. Nhat had been seized and handed over by the Thai authorities to Vietnamese State agents clandestinely without a fair and public extradition hearing in Thailand.<sup>85</sup>

71. International law places an obligation on States to ensure that journalists are not deported, expelled or extradited to a territory where their life or freedom could be threatened.<sup>86</sup> Thousands of journalists, human rights defenders and activists from Myanmar who fled to Thailand after the military takeover in 2022 entered without a visa, have not been able to regularize their stay and therefore have no legal status. Those who are arrested by the

<sup>80</sup> Submissions from International Press Institute and Tahrir Institute for Middle East Policy.

<sup>81</sup> Submission from AZDA TV.

<sup>82</sup> See, for instance, submissions from Reporters without Borders and the Committee to Protect Journalists.

<sup>83</sup> UNESCO, Observatory of Killed Journalists, available at <https://www.unesco.org/en/safety-journalists/observatory/statistics>.

<sup>84</sup> KEN 2/2023.

<sup>85</sup> VNM 4/2020; A/HRC/WGAD/2020/42; and THA 8/2020.

<sup>86</sup> Convention relating to the Status of Refugees, arts. 32 and 33; and SWE 1/2013.

Thai authorities for illegal entry risk being deported to Myanmar – with dire consequences there.<sup>87</sup> Iranian journalists in Türkiye face similar risks of deportation for illegal entry.<sup>88</sup>

72. Even where refugee-related concerns are not present, the extradition of a journalist to face serious criminal charges in relation to their professional functions is fundamentally at odds with the right to freedom of expression and media freedom. The Special Rapporteur has raised serious concerns regarding the possible extradition of Julian Assange from the United Kingdom to the United States to stand trial under the Espionage Act, because, if he were to be extradited, he would not be allowed to employ the defence of “disclosure in the public interest” that is available to journalists, he would be subjected to disproportionately harsh punishment and it could have a broader chilling effect on other journalists and publishers.<sup>89</sup>

73. The weaponization of the legal and judicial system by the country of origin against an exiled journalists can worsen their precarious situation in their host countries. An accusation of criminality or terrorism, even if it does not lead to formal charges, extradition, deportation or prosecution, marks out the journalist as a security threat to the host country authorities and raises the suspicions of law enforcement agencies abroad, slowing down or undermining applications for visas, asylum or resettlement, making it more difficult to open a bank account or transfer funds and impeding freedom of movement, which may be necessary for journalistic purposes.

74. Although transnational digital repression is growing, digital threats to the safety and security of journalists are often not addressed by law enforcement in host countries because of gaps in criminal law or their inability or unwillingness to identify the perpetrators. Despite credible evidence of spyware attacks in four specific cases in the European Union, neither Germany nor Latvia, where the attacks appear to have occurred, nor any other State member of the European Union, appear to have carried out investigations or, if they did, to have published the findings.<sup>90</sup>

75. Political pressure from host countries can be an existential threat to exiled media. For instance, citing national security, Latvia suspended the licence of independent Russian television station, *TV Rain*, under circumstances that indicate disagreements over the outlet’s reporting on the armed conflict in Ukraine.<sup>91</sup> The decision to suspend the outlet’s licence appears to be an unnecessary and disproportionate restriction of freedom of expression, contrary to article 19 (3) of the International Covenant on Civil and Political Rights.

### C. Digital technology: companies’ responsibility for human rights

76. In line with the Guiding Principles on Business and Human Rights, companies have the responsibility to respect human rights. At a minimum, they are required to conduct due diligence to identify and assess the human rights risks associated with their activities, establish clear policies on how to address them, publish transparency reports on the risks that they encounter and how they are being addressed and provide for remedies in case of violations.

77. Digital technology plays a significant enabling role for exiled journalism, but it also presents challenges and threats that companies are failing to address adequately.

<sup>87</sup> THA 3/2021.

<sup>88</sup> TUR 5/2021.

<sup>89</sup> See <https://www.ohchr.org/en/press-releases/2024/03/ukus-time-end-prosecution-julian-assange-un-expert-says>.

<sup>90</sup> According to the joint submission from Access Now and Meduza, Citizen Lab investigations found that the Apple devices of a Latvian journalist, Evgeniy Pavlov, and exiled Russian journalists, Evgeniy Erlich and Maria Epifanova, as well as that of Galina Timchenko, the head of Meduza, all of whom are based in Latvia, had been hacked and concluded that the attacks could have come either from the Russian Federation, one of its allies or a State member of the European Union.

<sup>91</sup> Submission from European Center for Press and Media Freedom. TV Rain was able to obtain a licence to operate in the Netherlands, which allows it to reach audiences in the European Union, including Latvia.



78. Connectivity is essential for exiled journalists and outlets. Many exiled media outlets have sought to stay connected to their audiences in their home countries, using a range of digital tools and apps. Location-cloaking virtual private networks (VPNs), censorship circumvention software and mirroring techniques for news outlets are increasingly popular and effective tools for circumventing online restrictions.

79. Despite the greater use of VPNs, connectivity remains a challenge for exiled media and journalists in closed societies. For instance, following the invasion of Ukraine by the Russian Federation in February 2022, several companies took action to disable essential digital services for Russian and Belarusian users for fear of violating the escalating sanctions against individuals and institutions in those countries. Their overzealous compliance with the sanctions restricted the ability of exiled independent media to report on events in Belarus and the Russian Federation, provide news to users in those countries and monetize their content.

80. Some Governments have manipulated social media platforms' policies to get them to block or take down the journalistic material of exiled media. When companies receive an orchestrated flood of proxy complaints about inappropriate content or copyright infringements, they react by blocking or deleting it without examining the context and determining whether the content is in the public interest, in effect, censoring the content.<sup>92</sup>

81. Journalists have complained that their appeals against unjustified content removal or blockage are ignored by companies. Exiled news sites have also found that they have limited audience reach on popular social media platforms, as potentially divisive or political content is down-ranked by social media algorithms. Journalists facing State-directed hacking attempts and cyberharassment campaigns have found the safety tools developed by some social media platforms to be insufficient. Exiled journalists and media outlets invest significant time and resources in self-protection, adopting various digital hygiene practices and precautions. Some major platforms have offered journalists ways to flag abuse or protect their accounts, but it is not possible for overburdened, underresourced outlets and journalists to mitigate the threat from well-funded, State-directed cyberharassment.

82. "By placing the responsibility on targeted journalists to track online abuse and follow a complicated set of protocols to mitigate it, companies reinforce the power imbalance between the perpetrator Governments and their targets."<sup>93</sup>

#### **D. Journalism in exile: challenges and good practices**

83. Sustaining journalism as a profession in exile is challenging. At the individual level, although most journalists leave their country in order to continue their work, many drop out of the profession once abroad. More than two thirds of Afghan journalists who left the country are no longer working in the media.<sup>94</sup> A survey of Hong Kongese journalists and media workers also found that two thirds of respondents had left the media sector after moving abroad.<sup>95</sup> According to one survey, about a third of journalists who had fled Belarus and the Russian Federation in the past three years had given up journalism after going into exile.<sup>96</sup>

84. The reasons for journalists to leave their profession are manifold, from lack of personal safety and fear of reprisals against their family in the home country to lack of knowledge of the local language and culture in the host country. For some, the skills and knowledge for which they were hired in their home country are no longer relevant in their new country. For others, the bureaucratic and administrative requirements, such as notarial certification of diplomas or journalistic accreditation from their home countries, may be impossible to fulfil.<sup>97</sup>

<sup>92</sup> Submission from Reporters without Borders.

<sup>93</sup> White, Vaughan and Gorokhovskaia, "A light that cannot be extinguished".

<sup>94</sup> Submission from International Media Support.

<sup>95</sup> International Federation of Journalists, "Journalists in exile: a survey of media workers in the Hong Kong diaspora".

<sup>96</sup> Submission from Justice for Journalists Foundation.

<sup>97</sup> Submission from Fundación por la Libertad de Expresión y Democracia.

85. Lack of work permits is a big problem. Many countries where journalists in exile find themselves do not provide residence permits, and, without them, they cannot obtain a work permit. Without a work permit, journalists cannot find work in the local media sector. According to one survey of 120 Afghan journalists who are now in Western countries, almost a third did not have work permits.<sup>98</sup>

86. The human cost of exile is also a factor driving journalists away from journalism in exile. The trauma of armed conflict or repression in the home country, fears about safety and surveillance in exile, anxiety about possible retaliation against family and sources back home, uncertainty about visas, residence permits, jobs, income and the future, separation from loved ones and the challenges of integration in the new surroundings can have serious detrimental effects on the physical and mental health of exiled journalists.<sup>99</sup> The need for psychosocial support and care is high but insufficiently met.

87. At the level of media outlets, financial viability is a key challenge. Exiled media organizations struggle to achieve financial sustainability, with only limited opportunities to develop viable commercial revenue. Revenue from online advertising and donations or subscriptions from their home countries are often cut off by legal prohibitions or other measures introduced by the home State. International sanctions may prevent exiled outlets from monetizing news content. In some least developed countries where Internet penetration is low and radio is the main source of news, exiled media cannot rely on the Internet or seek subscriptions from audiences.

88. At the same time, the outlets must contend with high operating expenses because of the need to invest in keeping their staff and digital infrastructure safe from cyberattacks and physical and legal threats and to find the technical methods to deliver content to domestic audiences who are actively prevented from accessing online independent news outlets.

89. Another challenge is that the outlets are cut off from their audiences, subscribers, sponsors and private donors in their home country but must nevertheless ensure that they carry out credible audience research and stay engaged and relevant to their audiences in an environment where access to information is challenging because of State control and censorship. “In sum, outlets are forced to spend money they do not have to continue to deliver information to audiences who cannot pay.”<sup>100</sup>

90. Few exiled media outlets have a sustainable financing model, and most are dependent on civil society funding and philanthropy and likely to remain so for some time.<sup>101</sup> On the other hand, donor strategies are geared largely towards providing short-term funding for acute crises. However, thanks to civil society advocacy and efforts, there is growing awareness of the need for longer term and sustained investment from donors and examples of innovative programming. Despite the many problems that exiled outlets face, good practices are emerging, highlighting the resilience, creativity, energy and courage of journalists in exile and the civil society organizations working with them.

91. In an effort to overcome the funding challenges and operational obstacles, exiled journalists have come together in loose networks to share knowledge and problems. One such group is the Network of Exiled Media Organizations.<sup>102</sup> Members share experiences and tips on a range of issues, from censorship circumnavigation software to donor cultivation

<sup>98</sup> European Fund for Journalists in Exile, “Professional situation and needs of Afghan journalists in exile: an exploratory study (Berlin, Germany, 2023).

<sup>99</sup> Submissions from Inter-American Press Association and Committee to Protect Journalists.

<sup>100</sup> White, Vaughan and Gorokhovskaia, “A light that cannot be extinguished”, p. 8.

<sup>101</sup> Submission from International Media Support, which estimates that exiled groups it helps generate only 3–7 per cent of their revenue from commercial sources.

<sup>102</sup> See <https://www.exiled.media>. Founded in 2022 by Nicaraguan outlet *Confidencial*, based in Costa Rica, Meydan TV of Azerbaijan, based in Berlin, and Zamaneh Media of Iran (Islamic Republic of), which operates out of Amsterdam. The group was later joined by Meduza from Latvia and the Democratic Voice of Burma based in Thailand.

strategies, and strengthen the understanding of why audiences, donors, policymakers and civil society should support exiled media.<sup>103</sup>

92. Another interesting initiative is the European Fund for Journalism in Exile, which acts as a clearing-house that bundles offers of help and directs resources where they are best needed, enabling media workers quickly and flexibly to continue their work in exile.<sup>104</sup>

93. There are also some “good news” stories from exiled media. For instance, Syrian media outlets have turned challenges into opportunities by using the freedom provided by exile to practise ethical journalism, cover issues that were taboo in the home country and develop new approaches to investigative journalism.<sup>105</sup> Another example is that of City Dog, originally from Belarus, which has reworked its vision and mission, going from “multiplatform distribution to becoming a multiplatform media brand”, creating and recreating content for each platform.<sup>106</sup>

## V. Road ahead: conclusions and recommendations

94. **Journalists, like human rights defenders, are on the front line of the effort to hold the powerful to account, and for that they pay a heavy price, personally and professionally. Exiled journalists are a reminder, on the one hand, of the relentless onslaught on human rights in parts of the world and, on the other, of the human cost of violence and repression.**

95. **International human rights and refugee law provide a strong framework to protect journalists in exile. In practice, however, the individuals remain highly vulnerable because of the failure of States to uphold their international obligations. Home States use various methods, from extraterritorial attacks to prosecution in absentia, to pursue and silence journalists. Host States are either unwilling for political reasons or unable for lack of capacity or resources to protect and support journalists in exile. There is no international legal gap, but there is a dangerous protection gap.**

96. **Political and ideological considerations and bilateral relations heavily influence the ways in which States respond to the plight of journalists in exile. Journalists should not be treated as political pawns but as human beings in distress who, at great cost to themselves, serve a critical social purpose – fulfilling people’s right to be informed of issues that affect their lives. Regardless of where the journalists are coming from or where they find refuge, the Special Rapporteur urges States to take a rights-based, human-centred approach to resolving their plight.**

97. **Most journalists want to go home once it is safe for them to do so. However, with authoritarianism and attacks on independent media on the rise in many countries, what once seemed a temporary state of displacement is increasingly becoming a semi-permanent affair. More and more, journalists are facing the prospect that they may not be able to return home for a long time. International and national responses to journalists in exile must adjust to this new reality.**

98. **The needs of journalists in exile are stark. Exiled journalists need the receiving Governments to proactively facilitate the issuing of visas and work permits and their resettlement. They need better protection from physical and online attacks in their new homes. They need coordinated, long-term support from funders, civil society and press freedom groups to enable them to develop sustainable business models and strengthen their capacity in exile. They need companies to ensure that the technologies that are essential to practise journalism are not disrupted or weaponized against them.**

99. **The overarching concern of exiled journalists is safety and security. Transnational repression, online and offline, has become the predominant threat**

<sup>103</sup> Ayodeji Rotinwa, “Q&A: Cinthia Membreño on the global network helping journalists in exile”, *Columbia Journalism Review*, 29 November 2023.

<sup>104</sup> See <https://jx-fund.org>.

<sup>105</sup> Submission from International Media Support.

<sup>106</sup> *Ibid.*

against those who raise their voices in exile. It must be condemned by the international community and by States as a form of censorship and a violation of the fundamental principles of international law, human rights and democracy. Neither impunity nor collusion should be tolerated.

100. In the digital age, fighting transnational repression is a responsibility not only of States but also companies. Exiled media and journalists need a free and open Internet and digital security. Corporate actors in the digital sector must step up to the challenge.

101. Journalists in exile share many of the same problems of human rights defenders who have been forced to leave their countries. When designing protection strategies and tools for human rights defenders, States should keep exiled journalists in mind. There is also considerable overlap between refugees and journalists in exile, and in the normative framework applicable to them, but also some distinct protection needs that only journalists have because of the work that they do. That may require adjusting refugee systems and procedures to respond to the distinct needs of journalists in exile. UNESCO, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and Office of the United Nations High Commissioner for Refugees (UNHCR) should develop responses that address the specificities as well as similarities between exiled journalists and refugees.

102. The high numbers of journalists who are leaving the profession and exiled outlets that are shutting down should be a wake-up call for donors. Exiled media need increased, targeted and sustained funding.

103. Data on exiled journalism is patchy. More systematic, reliable data-gathering and research is essential to better understand the issues and find effective responses.

104. States should:

(a) Publicly acknowledge the valuable role of independent public service media, including exiled journalists, in promoting democracy, development and human rights;

(b) Establish clear legal pathways for journalists at risk to leave their countries and reside abroad with the right to work until they can return home safely. Emergency humanitarian visas should be provided through accelerated procedures to journalists at risk, regardless of their nationality, and their family members to enable them to depart their country of origin safely and rapidly;

(c) Ensure that all journalists in their jurisdiction, regardless of their legal status, are protected from violence, threats and harassment, as well as refoulement or extradition on criminal charges related to their work;

(d) Refrain from committing, co-opting or condoning acts of transnational repression, online or offline, and ensure that all acts of transnational repression on their territory are investigated and prosecuted promptly, fully and effectively;

(e) Where applicable, review and revise national laws or adopt new laws to allow for the prosecution of the perpetrators and facilitators of transnational repression. Foreign State immunity laws should also be revised to enable individuals affected by transnational repression to seek legal remedies in national courts;

(f) Acknowledge that exiled journalists who qualify for refugee status may face specific risks due to the nature of their work and ensure that they can receive appropriate protection and support and access asylum and resettlement procedures in an expedited manner;

(g) Take all measures to facilitate exiled media outlets to operate freely and on a non-discriminatory basis and support civil society initiatives to enable exiled journalists and media.

105. Social media platforms should:

(a) Establish accessible “escalation channels” that allow exiled journalists and media outlets to easily report online violence, deplatforming and other digital

threats and ensure that complaints are handled promptly with the involvement of humans who have the relevant contextual knowledge, language skills and understanding of the public interest role of journalists;

(b) Undertake due diligence to identify risks of digital transnational threats against exiled media and journalists, with input from exiled media, and enhance safety tools and other measures to mitigate them;

(c) Publicly identify the perpetrators, methods and scale of transnational digital repression.

106. Civil society is encouraged:

(a) To work in collaboration with exiled media to develop innovative programmes to strengthen the capacity, safety and longer-term viability of exiled media;

(b) To enhance social, medical and psychosocial care and support services for exiled journalists and their families;

(c) To provide concrete support for the capacity and development of exiled media;

(d) To encourage, develop and invest in networks that connect exiled journalists to enhance funding, learning and support, including with the media in their country of refuge and international outlets.

107. OHCHR, UNESCO and UNHCR should:

(a) Strengthen their collaboration among themselves and with other stakeholders in countries and regions where exiled journalists are most at risk;

(b) Ensure that the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity is applied to combating impunity for crimes against exiled journalists, including transnational repression;

(c) Coordinate, under the guidance of UNESCO and in cooperation with States, the systematic collection and dissemination of reliable data, learning and research on issues relating to exiled journalists and media outlets.

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