



BBC's draft Editorial Guidelines consultation

19 December 2024

I am grateful for the opportunity of providing a few brief comments on draft provision 12.2.3.

It reads: “Content makers should take account of the Geneva Convention on Human Rights 1949, particularly as it applies to the treatment of prisoners of war. Where the provisions of the Convention have been disregarded, any use of humiliating and degrading footage of prisoners of war and hostages that disregards their right to human dignity should be considered carefully.”

First and foremost, I think this is an important and necessary new provision.

I would like to suggest adding 'detainees' to 'prisoners of war and hostages'. This is because 'prisoners of war' are generally combatants who have fallen into enemy hands during an armed conflict. On the other hand, 'detainee' would generally be the accurate legal classification for a civilian who has been detained by a party to a conflict. I might also clarify here that under international law, the main difference between a detainee and a hostage, is that a hostage is held specifically in order to compel a third party to do or to abstain from an act in exchange for the release or safety of the hostage or others threatened.

The ICRC website is an excellent reference point for elaboration on any of the points above.

Finally, I might suggest that the provision uses a slightly more precise and complete description of the relevant international legal treaties: “the four Geneva Conventions of 1949 and their two Additional Protocols of 1977”.

A suggested updated draft of the provision 12.2.3 in light of the above would read as follows:

“Content makers should take account of the [four Geneva Conventions of 1949 and their two Additional Protocols of 1977](#), particularly as it applies to the treatment of prisoners of war. Where the provisions of the Convention have been disregarded, any use of humiliating and degrading footage of prisoners of war, [hostages and detainees](#) that disregards their right to human dignity should be considered carefully.”

Thank you again for this opportunity.

With kind regards,

Tareq Shrourou

Director and Principal Lawyer
Lawyers for Palestinian Human Rights