



ODUMUNC 2014 Issue Brief for the Human Rights Council



Promoting the Safety of Journalists

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Introduction

Today, it's not just what happens, but what gets noticed, that matters. Journalism plays an extraordinary role around the world, shaping the international agenda by recording events and bringing them to global attention. Not surprisingly, journalism has never been more controversial. Many governments are very sensitive to journalism, monitoring and restricting reporters, sometimes censoring their reports. Virtually all governments restrict the freedom of journalism, although they differ widely on when and to what degree. Journalists often do not have free access to the events they want to cover. They also face danger from groups and individuals threatened by their work, including: ethnic groups, gangs, non-state actors, political parties, private companies, religious groups, etc..

It is not only war zones in which reporters have to be careful where they tread. While conflict-torn environments carry the threat of bullets and landmines, normal society also hides threats from organized crime, political parties, sectarian groups and others trying to suppress certain stories. And since certain countries are notorious for their lack of prosecution in cases involving anti-press crime, more and more journalists face threat or bodily harm because criminals assume the government will not attempt to arrest them, or worse – they are already agents of said government. The UN has found protecting the rights of these journalists increasingly difficult, though it has made important progress both through working with government agencies and by creating programs that benefit the journalists themselves.

The role of the United Nations is itself highly contested, with sharp differences between the member states. While the principles of media freedom are widely accepted—but not universal—media responsibilities are sharply disputed, as are obligations to protect news media. While most governments agree on the ideals of media protection, they differ sharply on the conditions under which these principles apply, who they apply to, and the responsibilities of journalists in exchange. The UN Human Rights Council has emerged as the decisive forum where member states look for reconciliation of these issues.

Background

Governments are often sensitive to journalistic freedoms; some see journalists as potential dangers to national unity and official power. In the past decade, over 500 journalists were killed, the majority not foreign correspondents covering armed conflict, but local journalists killed in attacks to protect threatened economic or political interests. Reporters put more than their lives at risk when they choose to cover a story – abduction, threats of violence, unlawful imprisonment, hostage-taking, harassment, and intimidation are all possible risks they accept when they enter the warzone of journalism in countries that have either a history of repressing freedom of speech or do not discriminate between soldiers and civilians during times of war. Women journalists are

ODUMUNC 2014 Issue Brief for HRC

subject to the additional fear of sexual assault and rape – many cases of which go unreported due to cultural stigmas in these countries.

2012 was the most dangerous year for journalism to date, with over one hundred journalists killed and two hundred imprisoned worldwide. Previously, 2006 held that title, prompting the UN to create World Press Freedom day to help bring violence against journalists into the public agenda. Of these crimes, nine out of ten go unprosecuted. The efforts of NGOs and inter-governmental organizations are sometimes the only reason these cases are ever brought to the courtroom. In 2006, out of twenty nine states concerned about the rampant increase in anti-press crime, only fifteen provided details about judicial follow-up.

Since 2006, deaths of journalists have not only significantly increase, but the targets involved have changed as well. Eighty percent of the victims during the year 2008 were specifically targeted, as opposed to casualties of war-time violence, the majority of them being local news reporters covering local stories. The majority of these perpetrators were suspected to be non-state actors, such as terrorist organizations, political activists, and crime syndicates; and in 48 percent of cases, victims were kidnapped and tortured before they were murdered in order to send a political message. In one third of these cases, government involvement is suspected.

Twenty percent of the journalists killed were reporting on corruption involved in national and local governments, while another thirty percent were killed because of political reporting.

Figure 1. Media murder in Myanmar (Burma)



Japanese photographer Kenji Nagai falls to the ground after being shot and killed in Rangoon in 2007 while covering an anti-government demonstration. Japan claims footage shows he was shot deliberately.
Photograph: Reuters

Current Situation

Many NGO's around the world have placed the safety of journalists on their docket of human rights goals, in part because of the public outcry against these violations of human rights through media outlets such as Facebook and YouTube, where government censorship is still struggling to gain a foot hole. An important source rating journalistic liberty is Freedom House, a New York-

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based non-governmental organization.¹ Another important global evaluation is produced by Reports Without Borders, in Paris.²

The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has been the leader of seeking justice for anti-press violence and protecting journalists since its creation in 1945. A division of UNESCO, the International Programme for the Development of Communications (IPDC), is entirely focused on the discussion of encouraging and promoting media development in foreign countries, particularly those that lack sufficient government resources. With 39 member states, IPDC attempts to create a safe environment for journalists by focusing on the development of secure media sources at the ground level, modernizing existing agencies, providing training that prepares professionals for the dangers encountered in their field, and creating independent media outlets. Within recent years, they have also made it one of their special objectives to monitor countries guilty of decades worth of human rights violations against journalists and document how each proficient each government is at prosecuting anti-press crimes.

Another major player, the Committee to Protect Journalists (CPJ), created the CPJ Impunity index in 2003, a yearly updated index to calculate the number of unsolved murders and unprosecuted violence against journalists in foreign countries. It has become possible through their work to observe trends in what countries continue to be dangerous for journalists, what countries have improved, and so on. Ten out of the twelve countries on the Impunity index have been listed there ever since the lists' creation and this has caused these countries to become the center of focus of larger organizations such as the UN. In addition, they actively work to open cold cases of anti-press murder with central governments, strive to formalize anti-press crime, and assist journalists in fleeing from countries with historically stringent policies against journalists, particularly Syria, Iraq, and Somalia.

Other organizations include the Inter American Press Association (IAPA), reports Without Borders (Reporters Sans Frontières, RSF), the International News Safety Institute (INSI), and the International Freedom of Expression Exchange (IFEX).

Syria is currently the most deadly place for reporters, though previously it was in other war torn countries such as Afghanistan and Iraq. Iraq has the largest number of unsolved murders (ninety three in the last decade). Iran is the second highest jailor of journalists, ever since the disputed presidential election of 2009. Eritrea and Ethiopia are Africa's top jailors, as well as countries that have some of the highest risks of journalists fleeing from their borders. Colombia and Mexico are afflicted with serious levels of crime against the media. Unlike the previous states mentioned, the majority of fatalities in Mexico occur due to organized crime violence; in the words of one media-advocate, "journalists did not die because of landmines; they die merely for being journalists"³

Role of the United Nations and Major Resolutions:

The member states of the UN broadly agreed on basic principles, but differ greatly on the responsibilities of journalists and how those principles are to be implemented.

¹ [Freedom of the Press: 2013 Freedom of the Press Data](#) (New York: Freedom House, 2013).

² [2013 World Press Freedom Index: Dashed hopes after spring](#) (Paris: Reported Without Borders, 2013).

³ UN. ["World Press Freedom Day Observance."](#)

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UN resolutions—from the General Assembly, Human Rights Council and Security Council to UNESCO—have established that the safety of the individual reporters subjected to violence is a violation of their human rights. They also show concern with the bigger picture: when journalists live in a constant state of fear for their freedom or their lives, their stories go unheard. The people of these countries then do not have access to reliable, accurate news casting, and they do not hear the stories that are needed to ensure a well-informed populace - stories of government scandal and corruption, of brutality against innocent people, stories that highlight the oppressive society in which they live. Freedom of expression is one of the rights guaranteed by the founding document of the UN. A better informed public facilitates the building of democracy, and that is one of the corner stones of the UN journalism and media protection agenda. Major milestones relevant to any resolution include:

- Resolution 59(I) of the United General Assembly in 1946 stated that freedom of information is a fundamental human right.
- The laws put forth by the third Geneva Convention of 1949 were amended in 1977 to provide amnesty for journalists working in areas of armed conflict.
- In 1948, the UN General Assembly stated in the Universal Declaration of Human Rights Article 19 that “everyone has the right to freedom of opinion and expression.”⁴ This freedom, the document goes on to explain, extends to media, and that all people should be able to broadcast and receive media regardless of where state lines lie.
- In 1997, the UNESCO General Conference adopted Resolution 29, “Condemnation of Violence Against Journalists,” which exhorted Member States to abolish statute of limitations on anti-press crimes as well as reconstruct their current legislation in order to make prosecution of the perpetrators of these crimes possible. It also suggested that Member States make defamation, a common charge that journalists are unjustly faced with, a civil matter, instead of a criminal offense.
- In 2006, the UN Security Council adopted Resolution S/RES/1738 which established a more active approach to the safety of journalists in armed conflicts. It reaffirmed their status as civilians during times of war, and thus served as a reminder to offending states that their safety was guaranteed under the Geneva Convention. Since then, the Secretary-General has presented an annual report to the General Assembly on how this act has been implemented.

With Pakistan at its focus, the UN plans to stunt violence journalist by strengthening journalist safety programs in the most dangerous countries for journalists and assisting member states in developing ways to prosecute perpetrators of anti-press crime. They also launched a survey concerning violence against female journalists last year.

In 2012 during the first UN Inter-Agency meeting on the issue of safety of journalists, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity was endorsed by the UN Chief Executives Board. It created an inter-agency mechanism to govern issues concerning the safety of journalists and began an initiative to help countries develop legislation and frameworks that supported freedom of information and expression so that they could

⁴ UN. [“The Universal Declaration of Human Rights.”](#)

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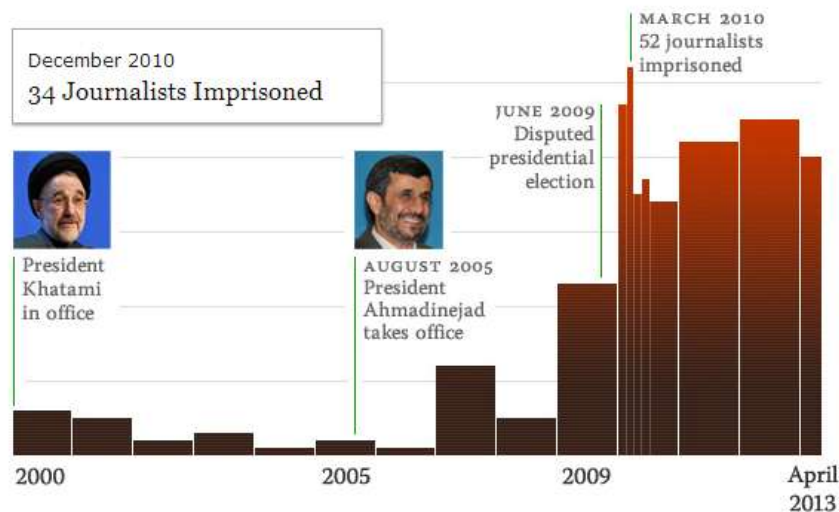
successfully follow existing international rules. With this plan, the UN intends to cooperate with local and national governments, media houses, professional associations and NGOs to raise awareness about the growing threats posed to journalists, as well as create practical guides for journalists on how to stay safe. However, its motions to assist countries in providing access to health provisions, safety protection, and the creation of “media corridors” – or conflict free zones – in areas torn by war fell through the cracks.

UNESCO plays a major role implement UN mandates. UNESCOs plan of action involves dealing with organized crime, corruption at both the national and local level of government, and overly-restrictive laws against defamation, which are all main causes of violence and unjust imprisonment of journalists. As such, these are the discussion topics UNESCO attempts to create with countries that are routinely found guilty of anti-press crime.

UNESCO has been working with RPF to publish regularly updated practical guides to journalists operating in war zones in the hopes of reducing war-time casualties. They have worked with Myanmar, Egypt, and Tunisia to enact reform to increase the number and quality of journalist education programs and media freedom in these countries.

Another subset of the UN, the IPDC, has spent over one million dollars in the last year towards programs that help journalists. These programs include training programs that deal with the unique hazards female journalists face, and the development of a curriculum for media and communication classes that teach journalists how to operate in their dangerous environment. The IPDC has also strengthened the freedom of the press in Nigeria and Sierra Leone by improving the capacity of local radio stations to stimulate an international dialogue.

Figure 2. Media prosecution in Iran



Country Positions:

Deliberations about freedom of the press in international debates often pit European countries—where the news media is assured wide liberties—against countries from the Non-Aligned

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Movement. Increasingly, regional lines have become more complex, often with rights advocates from Latin American governments pressing more restrictive governments in Asia and the Middle East. The United States is typical of many countries that demand protection for journalists elsewhere but refuse to sign agreements giving them greater liberties and protection.

China, with its long history of censorship and government oppression, is not coincidentally another huge offender of the rights of journalists, and anti-press crime is on the rise. In 2012, China had its first expulsion of a foreign reporter since 1998. Internet censorship has led to a spike in prosecution of bloggers for speaking out against the government. Laws prohibit “subversive action,” but fail to clearly define what those actions might be, have led to the arrest of at least thirty four journalists since 2012. The most common infraction of this law involves exposing government corruption. Both Chinese and foreign reporters have been the target of violence by Chinese police. The majority of these cases go unprosecuted, as the journalists are often charged with robbery or disturbing the peace to validate the necessity police violence.

Iran and Pakistan are typical of many Non-Aligned Movement (NAM) countries where journalists’ liberties are restricted to protect specific interests, and sometimes threatened by non-state actors such as insurgent movements and terrorism. In both countries, the governments are among the main perpetrators of intimidation against journalists. Forty journalists were imprisoned before the June election in Iran in 2013, and that number grew after President Mahmoud Ahmadinejad took office in 2005. In 2013, nine hundred journalists were arrested as membership in what the government called an “anti-state network”.

Pakistan’s Evin Prison is a famous destination for anti-press prosecution. Its population consists nearly 65 percent of journalists, held on charges ranging from spreading propaganda to atheism or waging war on God. In Pakistan, police and law officials have been intimidated by the government or powerful political parties to avoid prosecuting criminals that attack journalists. Witnesses to alleged crimes against journalists have been killed, making it difficult to prosecute these crimes.

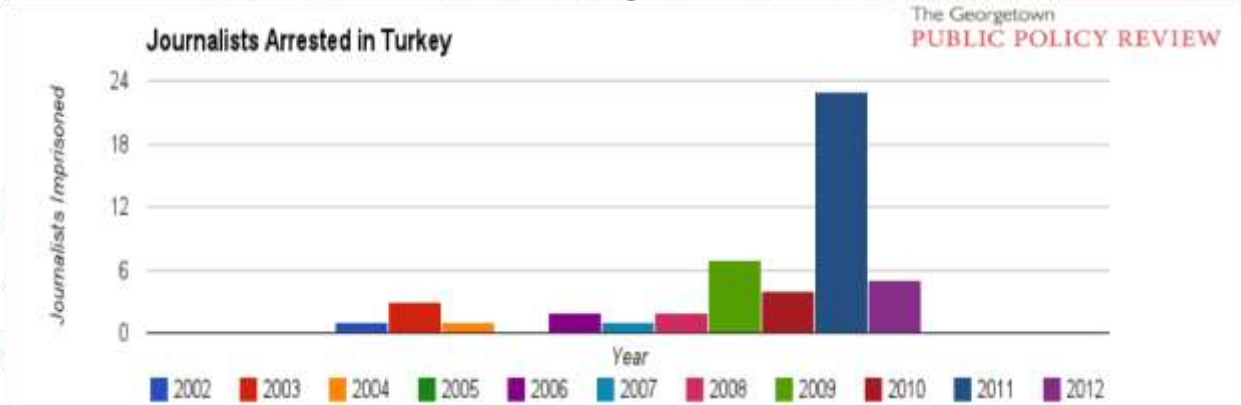
Russia has a heavy history of not prosecuting offenders when it comes to case of anti-press cases. Currently it rates number nine in CPJ Impunity Index, and according to this organization, Russia has “one of the world’s most deeply entrenched cultures of impunity.”⁵ However, in the past few years, Russia has seen a decline in deadly press violence and a few prosecutions of prominent journalist murderers.

In the United States traditions of media liberty often clash with national security. Especially in conflict regions, the U.S. Government delegates media policy to its individual armed services, who often restrict reporters or deny access to controversial events and situations. Because of American federalism, local provinces (states) and communities also can restrict media access to report on specific events. Criminal intimidation and killing of journalists is far from unknown there as well.

⁵ Committee to Protect Journalists. ["Getting Away With Murder."](#)

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Figure 3.



Source: [Georgetown Public Policy Review](#), 26 June 2013

Bibliography

“Burma video shows shooting of Japanese journalist”, The Guardian, 28 September 2007.
<http://www.theguardian.com/world/2007/sep/28/burma.marktran1>

Committee to Protect Journalists. "Getting Away With Murder."
<http://cpj.org/reports/2013/05/impunity-index-getting-away-with-murder.php>

Committee to Protect Journalists. "Journalists in exile 2013 Somalis, Syrians flee violence; Iran crackdown deepens." <http://cpj.org/reports/2013/06/journalists-in-exile-2013.php#more>

“China.” Human Rights Watch. <http://www.hrw.org/world-report/2013/country-chapters/china?page=1>

China: Media Censorship in China (New York: Council on Foreign Relations, 2013).
<http://www.cfr.org/china/media-censorship-china/p11515>

Freedom of the Press: 2013 Freedom of the Press Data (New York: Freedom House, 2013).
<http://www.freedomhouse.org/report-types/freedom-press>

“Russia: Silencing Activists, Journalists ahead of Sochi Games”, Human Rights Watch, 7 August 2013. <http://www.hrw.org/news/2013/08/07/russia-silencing-activists-journalists-ahead-sochi-games>

“Russian journalists - and newspaper owners - face death and intimidation”, The Guardian, 8 November 2010. <http://www.theguardian.com/media/greenslade/2010/nov/08/press-freedom-russia>

ODUMUNC 2014
Issue Brief for HRC

“2013 World Press Freedom Index: Dashed hopes after spring” (Paris: Reported Without Borders, 2013). <http://en.rsf.org/press-freedom-index-2013,1054.html>

UN. "World Press Freedom Day Observance ", (New York: UN, 2 May 2013).
<http://www.un.org/News/Press/docs/2013/obv1214.doc.htm>

UN. “The Universal Declaration of Human Rights.” <http://www.un.org/en/documents/udhr/>

UNESCO. "The Safety of Journalists and the Danger of Impunity."
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2008_safety_of_journalists_report.pdf

UNESCO. “Decisions of the 57th Meeting of the IPDC Bureau.” (Paris: IPDC, 23 Mar 2013).
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc57_bureau_final_decisions.pdf

UNESCO. "International Programme for the Development of Communication: Collection of Basic Texts."
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_collection_of_basic_texts.pdf

UN Resolution: Security Council. "Resolution 1738 (2006)", Security Council Resolution S/RES/1738 (New York: Security Council, 23 Dec 2006).
<http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Civilians%20SRES1738.pdf>