



Protecting the Professional Freedom of Journalists

by Summer Peebles
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Introduction

The international community generally supports the importance of journalistic freedom, as a foundation of democracy and citizen awareness. But UN Member States are not agreed on the responsibilities of states to protect journalism. Some states maintain journalists are servants of the state and obliged to accept its oversight. Increasingly, journalists are vulnerable to attack by nationalists, religious extremists and organized crime. In some countries they face threats from their governments. Managing these tensions is one of the difficult issues facing the UN Human Rights Council.

According to the non-governmental Committee to Protect Journalists, 1,206 journalists have been murdered since 1992. These attacks take place in both conflict and non-conflict situations by organized crime groups, militia, and local police, making local journalists and media reporters the most vulnerable. Attacks include harassment, torture, imprisonment, abductions, murder, illegal arrests, and intimidation. These attacks often go uninvestigated and the abusers often go punished, which in turn perpetuates the cycle of violence against journalists, media workers, and citizen journalists. The result of this cycle of violence is limited press freedom and self-censorship. Professor Mikhail Fedotov, Chairman of the Council of the President of the Russian Federation on Development of Civil Society and Human Rights, has described the main components of journalists' safety to be the following: physical safety, legal safety,

information safety, economic safety, and psychological safety.¹

Journalists can play a vital role in the democratic process and are valuable in countries that have non-democratic governments. Journalists are watchdogs, reporting on corruption and should be trusted sources of reliable and factual information that citizens can access. The killing of journalists and its impunity directly challenge the United Nations human rights efforts and the efforts of the Geneva Conventions to promote peace, security, and sustainable development. Whether and how the Human Rights Council can come to their aid requires consideration and debate.

¹ Mijatovic, Dunja. "Protection of Journalists from Violence." Council of Europe: Commissioner of Human Rights. Strasbourg, 4 October 2011.



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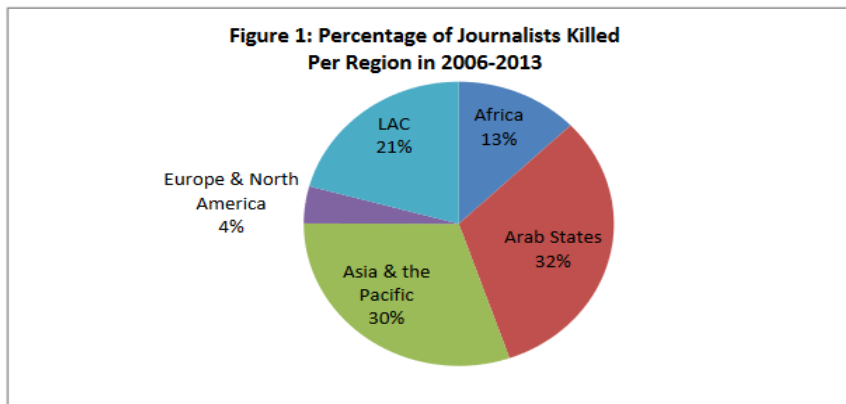
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a. Number of journalists killed per region

Table 3: Number of journalists killed per region

Year	Africa	Arab States	Asia & the Pacific	Europe & North America	LAC ⁷	Total
2006	3	32	21	3	11	70
2007	8	35	11	0	5	59
2008	4	12	17	9	4	46
2009	11	5	44	3	14	77
2010	8	8	25	5	19	65
2011	3	17	15	2	25	62
2012	25	51	26	1	20	123
2013	14	30	20	2	25	91
Total	76	190	179	25	123	593

Figure 1: Percentage of Journalists Killed Per Region in 2006-2013



Background

In 2014, the Committee to Protect Journalists found that at least 221 journalists were jailed worldwide, compared to 81 in 2000. Harassment, editorial control and physical threats are increasingly common as well. Threats can be as simple as verbal attacks, the most common form of intimidation in much of the world.

More explicitly physical threats by targets of journalism, their sympathizers, organized crime or extremists are a growing problem too.

Governments can be part of the problem. Journalists are increasingly threatened across the globe by both their governments and non-state actors. Intimidation and imprisonment are the most effective forms of abuse against journalists. In June 2016, three Al Jazeera journalists were

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sentenced to serve between seven and ten years in prison on charges of smearing Egypt's reputation and helping the Muslim Brotherhood, labeled by the Egyptian government as a terrorist organization.² In 2014 Saudi Arabia levied ten years in prison and 1,000 lashes on Raif Badawi, a Saudi activist blogger, for insulting Islam on an online forum.³

Murders and violence against journalists and media workers are often not investigated leaving the perpetrators unprosecuted. Numerous journalists have died under Vladimir Putin's presidency in Russia, often without repercussion. Anna Politkovskaya, a Russian journalist, was shot to death on October 7, 2006 in her apartment building in Moscow.⁴ She was writing a book exposing Putin's political corruption and multiple Chechen war crimes committed by the FSP. To this day, her murder remains unsolved.

Natalya Estemirova, who worked with



Paper roses at a vigil for murdered journalist Anna Politkovskaya

Source: "Impunity Casts Shadow over Russian Media"
Committee to Protect Journalists

³ Ibid.

⁴ Ibid.

Politkovskaya and was a frequent contributor to *Novaya Gazeta*, a Russian newspaper, was abducted from her home in Chechnya on July 15, 2009.⁵ Witness reports state that four unidentified assailants pushed Estemirova into a car. Her body was found with bullet wounds in her head and chest. She was the fifth *Novaya Gazeta* journalist killed since 2000. Non-state actors are also responsible for the murders of journalists as well. *ABC Color* reporter Pablo Medina Velazquez and his assistant were killed after reporting on drug trafficking along Paraguay's border.⁶ Vilmar Acosta Margques, mayor of the border town Ypehu, is linked to Medina's death after threats surfaced that he had threatened Medina in 2010 after writing articles linking the mayor to cocaine trafficking.

Mass government surveillance also hinders journalists' ability to report true findings and opinions. In 2013, Edward Snowden leaked classified information from the U.S. National Security Agency (NSA), which revealed documents detailing global surveillance and recordings of phone conversations, email archives, cell-site locations, metadata, online activity, and GPS tracking⁷. To guarantee the anonymity of their sources, reporters must now use countermeasures such as encryption tools and clandestine meetings because anonymity is not guaranteed to their sources.

Current Situation

The non-governmental Committee to Protect Journalists (CPJ) and Reporters without Borders (RSF) are the biggest advocates that have been pushing the United Nations to urge its member states to protect press freedom and freedom of expression and opinion. The CPJ is a non-profit NGO, with headquarters in New York, and is

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

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comprised of 40 experts from around the world who report and document hundreds of attacks and violations in repressive countries, conflict zones, and established democracies.⁸ RSF is a non-profit NGO with its headquarters in Paris, France, with the mandated mission to defend press and online freedom, protect journalistic sources, condemn abuses, and collect reports and statistics for dissemination.⁹ RSF has consultant status with the United Nations. Neither receives funding from the UN, although support could be requested by the Human Rights Council

Other prominent non-governmental organizations that work with media freedom issues include:

- Amnesty International
- Article 19
- The Association of European Journalists
- The Centre for Journalism in Extreme Situations
- The European Publishers Association
- The Freedom House
- The International Federation of Journalists
- The International Press Institute
- The South East Europe Media Organization¹⁰

There are five major issues journalists face around the world when working:

1. Impunity- The current lack of prosecution of the abusers of journalists perpetuates the cycle of violence against journalists. Criminals typically are not prosecuted; therefore, it sends the

message that it is acceptable to silence journalists.

2. Press Freedom- True and reliable sources are crucial for a journalists' reputation. In order to combat corruption and maintain the role of whistleblowers in public affairs, journalists and media workers need access to public information and records from the government.
3. Defamation laws- There are no distinctions between imprisoning journalists because of their opinions and imprisoning them because of their professional activities. NGOs have been calling for countries to decriminalize defamation, which they believe limits press freedom because of the implementation of harsh sanctions such as prison sentences, fines and the right to practice journalism.¹¹
4. Government surveillance and state security- Governments often come into conflict with journalists if their reports and opinions affect national security or the power of the majority party. Government surveillance can affect journalists and their ability to be impartial and unbiased. This is evident when a country's population does not have wide access to the internet and press media is state controlled. This in turn can cause journalists to self-censor what they report on, affecting press freedom. Additionally, government surveillance can affect journalists and their sources. Emails, text messages and phone calls can be hacked, showing that

⁸ Committee to Protect Journalists. "Why We Protect Journalists". Accessed August 5, 2016.

⁹ Reporters Without Borders: For Freedom of Information. "Our Actions". Accessed August 5, 2016.

¹⁰ Mijatovic, Dunja. "Protection of Journalists from Violence."

¹¹Article 19. "Criminal Defamation" Defending Freedom of Expression and Information. Accessed August 11, 2016.

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digital security can be just as much of a threat as physical security.

5. Ethical Journalism- Ethical journalism has been a recent solution to combat bad practices in journalism. Media owners are beginning to pay more attention to the safety of their journalists, such as training their journalists and informing them of legal aid and risk assessments about the locations they are being sent to, regardless of whether they are areas of armed or unarmed conflict.¹² This also extends to female journalists who receive more physical threats than male journalists and are targeted more because of their sex.

Role of the United Nations

The Human Rights Council is the leading UN body responsible for these issues. But it is not alone.

UNESCO has been actively involved in this issue since 1997 when the UNESCO Director-General condemned the killing of journalists and created the Report on the Safety of Journalists and the Danger of Impunity to the International Programme for Development of Communication Council.¹³ The Office of Special Procedures oversees cooperation and oversight of plans of action of each sub-unit. This includes the UN Rapporteur on Freedom of Opinion and Expression, UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, and regional Rapporteurs such as the Special Rapporteur on Freedom of Expression and Access to Information in Africa (AUC), the

Special Rapporteur for Freedom of Expression, the Organization of the American States (OAS), and the Representative on Freedom of the Media for the Organization for Security and Cooperation in Europe (OSCE).¹⁴

Landmark UN resolutions

On 18 December 2013, the UN General Assembly adopted its first resolution concerning the safety of journalists and the issue of impunity. The resolution condemns all attacks on journalists unequivocally, including killings, torture, harassment and intimidation in both conflict and non-conflict areas.¹⁵ The resolution also urges member states to break the cycle of violence against journalists by ensuring that all alleged investigations under their jurisdiction are given fair, speedy, and impartial trials, and that the perpetrators of these attacks are brought to justice.¹⁶ In this resolution, November 2 is declared International Day to End Impunity for Crimes Against Journalists.

¹² International News Safety Institute. *Journalist Safety: Threats to Media Workers and Measures to Protect Them*. Accessed 10 August 2016.

¹³ United Nations Educational, Scientific and Cultural Organization. "Safety of Journalists and Impunity". Accessed August, 2016.

¹⁴ Ibid.

¹⁵ General Assembly resolution 68/163. *The safety of journalists and the issue of impunity*, A/RES/68/163 (18 December 2013), available from undocs.org/A/RES/68/163.

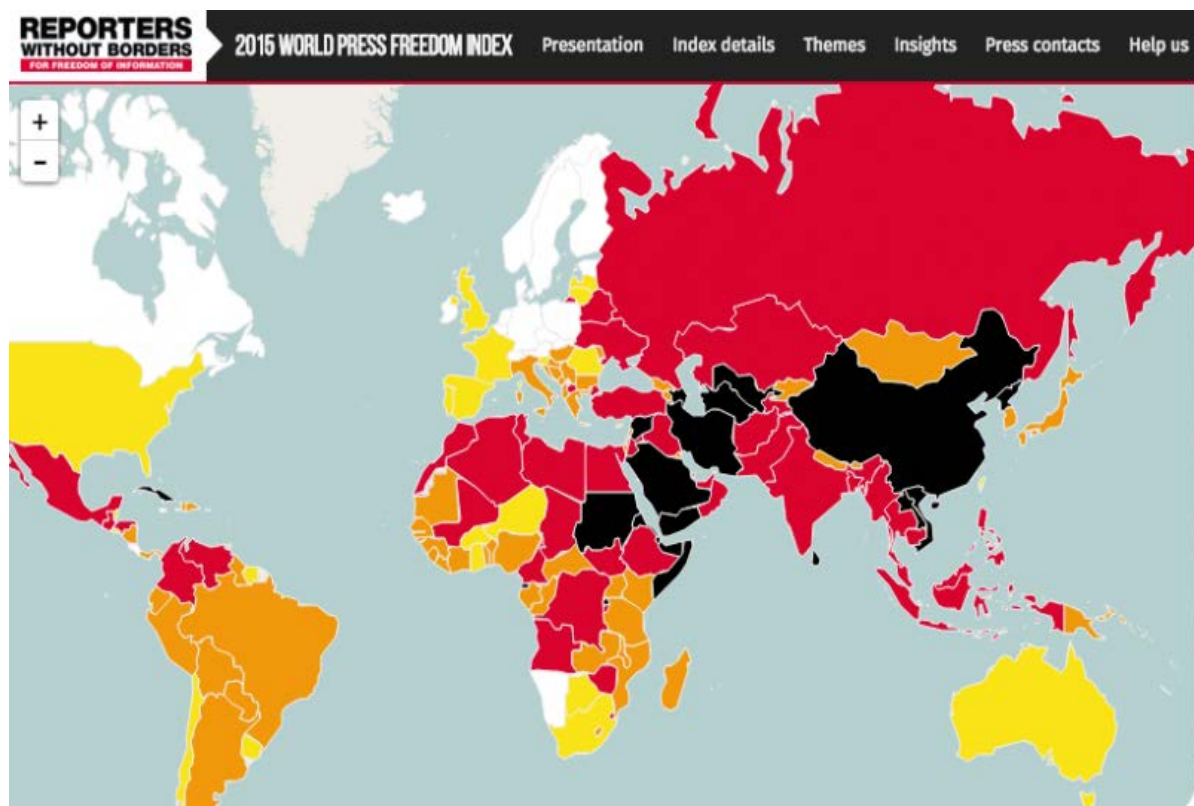
¹⁶ Ibid.

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In May 2012, the Committee to Protect Journalists applied for the special UN consultative status, but the UN NGO committee denied their application.¹⁷ In July 2016, the UN Economic and Social Council overturned this vote to grant the CPJ UN consultative status, with the United States the forefront leader in

Bangladesh, Burkina Faso, India, Pakistan, and Uganda abstained.¹⁹

Figure 1.3 2015 World Press Freedom Index



request for a revote.¹⁸ Out of the 54-member body of ECOSOC, 40 countries voted in favor. China, Russia, Rwanda, Zimbabwe, and Vietnam voted against, while Algeria,

¹⁷ AFP, "UN overturns decision to keep out press freedom watchdog." The Indian Express. Published July 26 2016.

¹⁸ Ibid.

¹⁹ Ibid.



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Country and Bloc Positions

There is great tension between Member States. While some advocate complete freedom for journalism, others see journalist as a servant of the state requiring some degree of oversight or control. Some countries protect journalism in their domestic laws. While others specifically require journalist to be overseen by government of ruling party officials. The Human Right Council is the awkward position of having to negotiate a path through these conflicting attitudes.

Party- controlled media silences independent journalists and muckrakers trying to expose the truth about government corruption. The most censored country in the world is North Korea, where there are no independent journalists, radio, newspapers or television shows. Everything broadcasted or printed requires state approval. Libya similarly lacks independent broadcast of print media. Countries such as Uzbekistan, Eritrea, Guinea, Belarus, and Cuba take a zero tolerance stance on negative media, and have severely cracked down against journalists that voice opposing opinion of the government. Since many is its members are fractured over this issue, there is no official stance from the Non-Aligned Movement.

China has substantial freedom of the press, except on political matters, where the State and nationalists in the public expect adherence to core themes. Media laws outlining journalists' rights and responsibilities are ambiguous and not clearly defined. This leaves the interpretation of media laws to the discretion of the government. Journalists accused of spreading antigovernment opinions are jailed and forced to accept their

sentence or pay a fine to go on probation, the terms of which are that they are not allowed to continue their work. In the United Nations, China assiduously protects its own sovereignty over its internal affairs and works to defend the principle of state sovereignty from anything that could weaken it. Consequently is usually opposes human rights initiatives that would challenge the authority of the state. But there are situations where China will speak up in favor human rights and journalists, especially when in tis overall strategic interests.

The European Union (EU) is a global leader on freedom of journalists, EU states usually elevate the rights of journalists above the power of states. Some EU Member States act under a dual sovereignty doctrine, acknowledging the sovereignty of the state, but also the sovereignty of the individual, including journalists. The EU accepts the principle that free journalist is essential to good governance. It was the first to ratify a binding treaty protecting access to official documents in June 2009, and made it a requirement for accession for non-member states.²⁰ Balkan member states such as Serbia and Bulgaria have been improving their protection of journalists threatened in their line of work.

The Non-Aligned Movement (NAM) is the UN's largest voting bloc, but it is divided on this issue. Many NAM Member States, especially those in Africa and Latin America strongly believe in the value of freedom of information and the importance of journalists. There are exceptions

²⁰ "Details of Treaty No. 205: Council of Europe Convention on Access to Official Documents."

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such as Cuba, Nicaragua and Venezuela. Asian Member States are more cautious. Several, especially in Central Asia, are not friends of an uncontrolled press, and prefer to permit mechanisms that allow states to assure their control over the flow of information. Again, there are exceptions, such as India, Pakistan and Sri Lanka, where freedom of the press is usually respected.

The United States has advocated for press freedom protection in the UN for years. However, since Edward Snowden leaked information to the public about worldwide government surveillance, the greatest concern is how accessible government records are to the public and protecting sensitive sources of information.

Essential Issues and Questions

- “National Security” “Extremist activity”: Clear definitions of these terms so that they are not just a rejection of criticism.
- Self-regulation: To counter balance state interference, there needs to be a strong body to self-regulate the media.²¹ Journalists must play an active role in the body or at least adhere to its regulations in order for the body to be effective.
- Defamation: Are journalists imprisoned because of their words or their professional activities?²²
- The role of journalist’s organizations and the owners of media industries: How can these groups and organizations better prepare and protect their journalists who are reporting in conflict

areas or on topics where they could face personal threats?

- Lack of verification among member states: There is a lack of verification to ensure that member states are following their obligation to protect journalists by investigating all attacks of violence and prosecuting the offenders.²³
- Funding: Assistance programs in member states that train journalists and monitor press freedoms are often underfunded, thus, leading to a lack of verification.
- Social Media and protection of non-professional media workers: protection needs to extend to citizens that are reporting what they see and to non-professional news providers outside of armed conflict situations.²⁴

²¹ Mijatovic, Dunja. “Protection of Journalists from Violence.” Council of Europe: Commissioner of Human Rights. Strasbourg, 4 October 2011.

²² Ibid.

²³ “UN General Assembly adopts resolution on journalists’ safety” Reporters Without Borders. Updated 25 January 2016.

²⁴ Ibid.



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