



Reaffirming International Protection of Journalists

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Introduction

How important is freedom of the media for the international community? Is media freedom essential to societies around the globe? Is it crucial to an atmosphere of transparency and accountability for government authorities, religious authorities and public figures? Or is it something to be carefully monitored and controlled, a threat to the strength and unity of nations and states?

Liberal societies, which prize openness and rule of law, stress the important work that journalists perform daily, their work and their lives are at risk and threatened everyday as they attempt to report and inform the public of the harsh truths of our communities. Less liberal or authoritarian states view journalism as a service to strengthen the state and its policies and can suppress journalism that might weaken their interests. Both kinds of states are member of the United Nations. And some Member States seem uncertain which way to go.



Kenji Nagai, a Japanese photographer covering a demonstration, is shot and killed by a soldier in Rangoon, Myanmar, in 2007. Photo: Reuters

There is widespread agreement among the 193 Member States of the UN on the importance of protecting journalists. Where Member States part company is the question of which journalists to protect, especially the problem of whether to protect the work and personal security of journalists whose work challenges or undermines the power or legitimacy of the government. While states protect journalists who serve their interests and interests of powerful interests, they may suppress the work of opposition journalists. In many countries their personal safety is threatened.

The United Nations passed a series of resolutions in which its Member States agreed to ensure the human rights of every human being generally, and journalists specifically. The UN created this connection between itself and the rights of humankind with the **Universal Declaration of Human Rights** (UDoHR) by its Member States in 1948. From the UDoHR, the UN created more specific treaties addressing a wide range of issues such as the Convention on the Rights of the Child, the Convention Relating to the Status of Refugees, and the Convention on the Rights of Persons with Disabilities. These treaties created strong precedents for international responsibility to protect individuals against oppression. And they raise an important question: what other groups of people need further protection, often from the governments of UN Member States themselves?

One group that is often nominated as needing specific protection is the international journalist community. Foreign journalists are especially vulnerable; often lacking legal protection, they can be persecuted or made to leave the country they are working in. International journalists are



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vulnerable to being attacked by those who view their reporting as threats. Journalists have gone missing while working on a story.

To their advocates, foreign journalists are the crucial link in the global reporting system, making problems known that would otherwise be missed, overlooked, or unreported. Others see the issue as a vehicle for spreading Western values, changing their societies, and challenging their governments. They believe that the rights of journalists should be conditional, based primarily on their loyalty to their culture, their people, and their government. Managing the tensions between these two positions is a difficult one for the international community.

A Little History

With the invention of the printing press in the 15th Century, the idea of press being free and those reporting the press should also be free became a more common opinion. While some governments moved quickly to protect journalists and their reporting, others found independent journalism challenging to their rule and threatening to political and religious institutions, causing for them to suppress the right to freely publish independent articles and think pieces, especially those critical to the government or religious authority in the region. This carries to modern times as many countries have their journalist and foreign journalist on short leashes, ensuring that whatever they discover or publish does not critique their government and practices.

¹ Cunningham, John M. 'A Brief History of Press Freedom', *Encyclopædia Britannica*, n.d., <https://www.britannica.com/story/250-years-of-press-freedom>

² Ibid.

³ UN News. '62 Journalists Killed in 2020, Just for Doing Their Jobs: UNESCO', *United Nations*, 1

The protection of journalist freedom can be traced back to a law passed by the Swedish Parliament in December of 1766. This was the first law passed that supported the freedom of the press and of information.¹ *The Freedom of the Press Act* prohibited the Swedish government from censoring printed material and allowed for governmental activities to be made public; this law set a precedent for other governments that citizens of the state should be able to express and spread information without the fear of retaliation.²

Current Issues

The threats that journalists face today can be tremendous. They are often subject to harassment, intimidation, torture, kidnapping, and at times they are assassinated for doing their job. Threats come from powerful interests they challenge, nationalists infuriated when the righteousness of their country is questioned, criminals desperate to avoid publicity, and above all from governments struggling to stay in power.

In 2020, 62 journalists were killed.³ At least 24 journalists were killed. 18 others died in circumstances 'too murky to determine whether they were specific targets.'⁴ 293 journalists were known to be imprisoned around the world. UN Secretary-General António Guterres responded that 'crimes against journalists have an enormous impact on society as a whole...'⁵

When journalists are faced with threats just for reporting on crimes, corruption, or violations of human rights, this creates an atmosphere of fear

November 2021, <https://news.un.org/en/story/2021/11/1104622>

⁴ CPJ. Committee to Protect Journalists. *Committee to Protect Journalists*, 2021, <https://cpj.org/data/>

⁵ UN News, op. cit.



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for other journalists and citizens. That's the goal; to intimidate and suppress them from speaking out. Threatening journalists and trying to censor and silence them can also cause distrust in media; if journalists are being punished and those who threaten them are saying that their reports are false, who are people going to believe?



Hong Kong publisher Jimmy Lai is arrested under China's new national security law, 10 August 2021. He has not been heard from since.

China was the top jailer of journalists for the third year in a row, with 50 locked up. Myanmar moved up to second place after a military coup in February 2021 and the media crackdown that followed. Belarus, Egypt, Saudi Arabia, Turkey and Vietnam also lead imprisonment of journalists.⁶

⁶ CPJ, op. cit.

⁷ CPJ. 'Hong Kong Authorities File New Charges against Jimmy Lai and Six Other Apple Daily Executives in Fresh Media Crackdown', *Committee to Protect Journalists*, 29 December 2021, <https://cpj.org/2021/12/hong-kong-authorities-file-new-charges-against-jimmy-lai-and-six-other-apple-daily-executives-in-fresh-media-crackdown/>

⁸ Wang, Vivian, and Chris Buckley. 'Jimmy Lai, Media Mogul, Is Charged under Hong Kong's Security Law', *The New York Times*, 11 December

In mainland China, journalists face an array of charges such as 'picking quarrels and provoking trouble,' which is what the journalist Zhang Zhan was accused of and jailed for when she criticized China's response to Covid-19. In Turkey, insulting the president is a crime; in Russia, a favorite weapon against journalists and media outlets is to label them 'foreign agents.'

China's attacks on press freedom have been well-publicized. In April 2021, Hong Kong officials arrested numerous media workers who worked for independent news stations such as Next Digital and Apple Daily.⁷ These arrests come after a new national security law was enforced in Hong Kong which has been accused of restricting the freedom of expression; authorities in Hong Kong and China do not agree with this and state that it is to strengthen national security and bring about more stability to the state.^{8,9}

Jimmy Lai, one of those arrested, is founder of Next Digital and Apple Daily. He was charged with sedition under China's new national security law, for publishing critiques of the government of China and the newly restrictive government of Hong Kong.¹⁰ Lai was accused of colluding with foreign governments and attempting to incite a rebellion by publishing pro-democracy work and for being one the most prominent activists in the protests in Hong Kong in 2019.¹¹ The arrest of Lai and his colleagues has been labeled an '... assault on independent media', as Beijing limits free expression.¹²

2020,

<https://www.nytimes.com/2020/12/11/world/asia/china-hong-kong-jimmy-lai.html>

⁹ Tsoi, Grace, and Lam Cho Wai. 'Hong Kong Security Law: What Is It and Is It Worrying?' *BBC News*, 30 June 2020,

<https://www.bbc.com/news/world-asia-china-52765838>

¹⁰ Wang, Vivian, and Chris Buckley, op. cit.

¹¹ Tsoi, Grace, and Lam Cho Wai, op. cit.

¹² CPJ, 'Hong Kong authorities', op. cit.



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Most times journalists go missing while on the job, fingers are pointed at violent groups or the government of the state who wishes to silence them. This was the case for Ham Jin Woo, abducted in 2017 near the border between China and North Korea.¹³ Woo defected from North Korea in 2011 and was working as a journalist in South Korea reporting news on North Korea. It is suspected that Woo was taken by North Korean officials after he published articles exposing conditions in North Korea. Woo has not been seen or heard from since.

The United States generally does not jail journalists, but it has displayed highest level ambivalence. President Donald Trump went much further than China or Russia, calling some news outlets the ‘enemy of the people.’ The Biden’s administration reversed its predecessor’s efforts to suppress critical journalism, ending efforts by federal prosecutors under President Trump to secretly obtain phone and email records of journalists. Showing that journalism can be problematic everywhere, though, in 2021 a British court ruled that Julian Assange, the founder of WikiLeaks, could be extradited to the United States to face charges under the Espionage Act. Did Assange’s publication of hundreds of thousands of classified official US documents, stolen by Chelsea Manning in 2010, make him a media hero or a criminal?¹⁴

Should journalists who expose governments and their actions within their own borders and in the borders of other states be subject to criminal charges even if what they are releasing is the truth? This is the biggest question raised by the case of Julian Assange.¹⁵ Those who support

Assange believe that this is a violation of freedom of speech and press as Assange is being criminally punished for publishing documents that shed light on the truth of the wars in Iraq and Afghanistan which showed the United States violating various international laws such as human rights laws and war crimes.¹⁶ They fear that if Assange is indicted, this could set a dangerous precedent in the United States and around the world to punish journalists for releasing articles on government secrets and government documents.



WikiLeaks founder Julian Assange holds in a U.N. report on his case while speaking with journalists in London in 2016. Photo: Niklas Halle'n/AFP/Getty Images.

Those who oppose Assange and his actions call the leaking of the classified documents a threat to national security and lives. Defenders argue his work revealed secrets of an immoral war and saved lives. Nevertheless, the question remains, what types of media should be protected? Should journalists face reprisal for publishing the truth? Should they face reprisal for publishing secrets?

¹³ ‘Ham Jin Woo’, *Committee to Protect Journalists*, 2018, <https://cpj.org/data/people/ham-jin-woo/>

¹⁴ Barry, Eloise. ‘Julian Assange Extradition Appeal Case: What to Know’, *Time*, 29 October 2021, <https://time.com/6111765/julian-assange-extradition-appeal-case/>

¹⁵ Ibid.

¹⁶ RSF. ‘RSF condemns the UK high court's decision allowing for Julian Assange's extradition to the us, and calls for his immediate release: Reporters Without Borders,’ *RSF*, 10 Dec. 2021, <https://rsf.org/en/news/rsf-condemns-uk-high-courts-decision-allowing-julian-assanges-extradition-us-and-calls-his-immediate>



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UN Action

Although the principles on which international action to protect journalists were agreed in 1948 in the Universal declaration of Human Rights, this document is general and does not mention journalists per se. Instead, it was in 2012 that the UN agreed to take up action on the issue. Much of the UN activity has been within its specialized agencies and bodies, especially UNESCO and the Human Rights Council.

The catalyst for action in 2012 was a report of recommendations created at the urging of then-UN Secretary-General Ban Ki-moon, *The UN Plan of Action on the Safety of Journalists*. This was undertaken by the **UN Educational, Scientific, and Cultural Organization** (UNESCO). The document, largely the work of Member State diplomats and experts from the European Union and United States, led to extensive action by UNESCO, including training of almost 23,000 judges, prosecutors, and lawyers in order to protect journalists who are attacked.¹⁷ The Director General of UNESCO stated that when there are attacks against journalists and the attackers go unpunished, the legal system has failed everyone. It is important to protect journalists, no matter the circumstance, something integral to a just legal system.¹⁸

The **Office of the United Nations High Commissioner for Human Rights** (OHCHR) is specifically mandated to observe and report threats to human rights globally. OHCHR promotes the rights of journalists and works with other UN bodies to do so. The OHCHR

assists implementation of General Assembly and Human Rights Council mandates on the safety of journalists, implementing the UN Plan of Action, monitoring and reporting violations, and raising awareness through public statements and engagement with Member States and other organizations.¹⁹

In the past few years various United Nations bodies have passed resolutions on the safety of journalists and how to better protect journalists around the globe. In 2015, the **Security Council** passed Resolution S/RES/2222.²⁰ This emphasizes that journalists are to be considered civilians and to be treated as such with respect and to be protected from conflict. The resolution also calls upon Member States to protect journalists within their borders and to pursue legal action and prosecute those who commit crimes against journalist and other media workers.

In its most recent activity on the issue, the **Human Rights Council** passed HRC Resolution 45/18, *The safety of journalists*, on 6 October 2020. This resolution condemns violence against journalists and the impunity that helps those who commit a violent crime against a journalist.²¹

The HRC resolution stated that allowing for the perpetrators of the crime to go unpunished allows the crime to reoccur and puts journalist at further risks. The Human Rights Council called for Member States to conduct thorough impartial investigations of crimes against journalists, to ensure just and fair due process and prosecution. Specifically, the resolutions states:

¹⁷ ‘62 Journalists Killed in 2020, Just for Doing Their Jobs: UNESCO’, *United Nation News*, 1 November 2021, <https://news.un.org/en/story/2021/11/1104622>

¹⁸ Ibid.

¹⁹ “OHCHR and the Safety of Journalists and the Issue of Impunity.” *OHCHR*, 2019, <https://www.ohchr.org/EN/Issues/SafetyOfJournalists/Pages/index.aspx>

²⁰ *United Nations Security Council Resolution S/RES/2222*, New York: United Nations, 2015, [https://undocs.org/en/S/RES/2222\(2015\)](https://undocs.org/en/S/RES/2222(2015))

²¹ HRC. *The safety of journalists. Resolution adopted by the Human Rights Council on 6 October 2020, 45/18*. Geneva: Human Rights Council, 12 October 2020, <https://right-docs.uwazi.io/en/entity/ookhvqckhw?page=1>



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Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights...

Alarmed at threats against, and arrests and involuntary disappearances, as well as disproportionate and undue restrictions on access to information or censorship, freedom of movement or accreditation of journalists and media workers linked to their reporting on the pandemic...

Deeply alarmed at the specific risks faced by women journalists in relation to their work...

1. Condemns unequivocally all attacks, reprisals and violence against journalists and media workers, such as killings, torture, enforced disappearances, arbitrary arrest and arbitrary detention, expulsion, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets in both conflict and non-conflict situations...

The Third Committee of the UN General Assembly also has been active.²² It's most recent statement on the topic is its 2019 resolution, passed by acclamation (unanimously). This is the obvious model for this ODUMUNC simulation. In this resolution, *The safety of journalists and the issue of impunity*, A/RES/74/157, the Member States agreed that:

Recognizing the importance of freedom of expression and of free, independent, plural and diverse media and access to information, online as well as offline, in building inclusive

and peaceful knowledge societies and democracies and in fostering intercultural dialogue, peace and good governance, as well as understanding and cooperation...

1. Condemns unequivocally all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances, arbitrary arrest and arbitrary detention, expulsion, intimidation, threats and online and offline harassment, including through attacks on, or the forced closure of, their offices and media outlets, in both conflict and non-conflict situations;

2. Also condemns unequivocally the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination and violence, including online and offline sexual harassment, intimidation and incitement to hatred against women journalists,

11. Calls upon States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, taking into account the gender dimensions thereof...

Country and Bloc Positions

Among the 193 UN Member States, there is a wide spectrum of views on issues relating to press freedom. Liberal values about media independence are widely accepted by the international community, especially in principle. There is less agreement on how to ensure respectful treatment of journalists, especially journalists critical of Member State governments

²² UN, 2020. *Resolution adopted by the General Assembly on 18 December 2019, A/RES/74/157*. New

York: United Nations, 23 January 2020, <https://www.ohchr.org/EN/Issues/SafetyOfJournalists/Pages/resolutions.aspx>



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and their interests. Thus the UN finds it relatively easy to pass resolution on general principles, but struggles with how to implement those principles.

China: has come under special criticism for arresting journalists, most visibly journalists reporting the reducing of human rights in Hong Kong.²³ China insists its actions are legal because China is a sovereign state, with unique and complete authority over its domestic affairs. China rejects the criticism of other states, noting most ignore their own shortcomings and abuses, especially Europe and the United States. Chinese authorities stress the rights of the press, but also note reciprocal responsibilities of journalists to report with fairness the positions of the government and Chinese Communist Party, and not abuse their positions by misleading the public or undermining the authority of national authorities.

China votes in favor of UN resolutions supporting the rights of journalists, but insists that implementation must be the responsibility of each Member State alone. China is willing to work with powerful foreign countries on a case-by-case basis. It has agreed to allow foreign journalists some freedom, for example. The key is it always insists on the control of the state and the Chinese Communist Party in each individual case.²⁴

European Union: The 27 Member States of the EU generally are highly supportive of liberal values of journalistic independence and freedom. The EU supports media freedom

around the world. It finances independent journalism in many countries, and hosts conference where foreign governments are invited to cooperate on projects to strengthen media independence. There are exceptions. In Hungary and Poland, authoritarian rulers and political parties have worked to suppress journalistic independence. These governments have turned to wealthy supporters to buy out and close critical news sources.



Indian journalist Gauri Lankesh, murdered in Bangalore in 2017. No one has been charged for her killing.

Non-Aligned Movement (NAM): The 137 Member States of the UN's largest voting bloc are not unified on the issue of press freedom. Several NAM leaders, such as Algeria, Cuba, Egypt, Iran, Saudi Arabia and Zimbabwe believe the rights of journalists are conditional.²⁵ The common theme is their rights to report and publish do not allow them to undermine the unity and security of each country and its people.

²³ Sevastopulo, Demetri, 2021. 'US slams China over treatment of foreign journalists', *Financial Times*, 30 July 2021, <https://www.ft.com/content/b23f099f-b689-4e1f-944d-3bade3ad6127>

²⁴ Shear, Michael D., 2021, 'Washington and Beijing ease policies for reporters', *New York Times*, 16 November 2021, <https://www.nytimes.com/2021/11/16/us/politics/us-china-journalists.html>

²⁵ NYT, 2021. 'Editorial: Record number of journalists jailed', *New York Times*, 18 December 2021, <https://www.nytimes.com/2021/12/18/opinion/free-press-journalists-jailed.html> ; El-Naggar, Mona and Lara Jakes, 2021. 'Mixed reaction moves Egypt on human rights', *New York Times*, 16 September 2021, <https://www.nytimes.com/2021/09/16/world/middleeast/egypt-human-rights.html>



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Other NAM leaders, such as Brazil, Indonesia, Mexico, Nigeria and South Africa strongly support the independence of the news media and the right of reporters to pursue investigations and publish their findings without fear of official interference, or intimidation by others.

In between are countries like Ethiopia and India, where the law protects journalists, but strong public and official nationalism makes it dangerous for reports to take on government officials or supporters. Intimidated by threats of imprisonment, violent attacks by nationalists, and criticism by national leaders, the media has become less critical and more supportive of official policy.

NAM countries generally support UN resolutions on media freedom, but often demand the right to interpret and enforce such principles themselves.

Russia: Under President Vladimir Putin, Russia has eliminated most protection for journalists unless they explicitly support official policy. Critical and investigative journalists have been assassinated, violently intimidated and arrested. Independent media outlets have been eliminated. Russia works aggressively in the UN to block consideration of topics related to journalism. When unable to stop such deliberations, Russia tries to dilute and weaken resolutions supporting the rights of journalists.

United States: Like the European Union and other allied countries such as Australia, Canada, Japan and South Korea, the United States leads effort to raise issues of media independence and safety of journalists. The United States recognizes there are limits to journalistic freedom, most graphically revealed in the

prosecution of Julian Assange for publicizing official secrets.²⁶

Proposals for Action

Journalists often have a tough, dangerous, and controversial job. That is well known and understood by everyone in the profession. Journalists are killed, imprisoned unfairly, and abducted every year, but none of these hazards are new to the world. Many of the hazards they face come from Member States of the United Nations, or supporters of those governments. This creates tensions for journalism, states and the international community as governments attempt to protect their rule and while journalists publish information to keep the public knowledgeable of what is going on nationally and internationally.

The General Assembly has many possible paths for action. A few possibilities:

Establish a global observatory of media independence and freedom to monitor journalists' freedom to work and publish. The observatory would require extensive funding, including staff and facilities. Many Member States may support it only if they are confident they can regulate it or control its staff appointments, to ensure friendly views within the new agency. Others will want funding to be ensured by a neutral foundation and staff to be chosen without interference from any Member States government. The UN would have to decide how the observatory reports its findings; annually elevating all 193 UN Member States, dealing with specific countries, reporting on emergency situations? And what happens when

²⁶ RSF. 'RSF condemns the UK high court's decision allowing for Julian Assange's extradition to the us, and calls for his immediate release: Reporters Without Borders,' *RSF*, 10 Dec. 2021,

<https://rsf.org/en/news/rsf-condemns-uk-high-courts-decision-allowing-julian-assanges-extradition-us-and-calls-his-immediate>



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it reports? Do its reports lead to any kind of action?

Establish universal standards for specific rights of journalists. The General Assembly's Member States can create a list of basic principles to guide every state and ensure protection of journalists' rights. A major question will be enforcement of these protects. Is that left entirely up to each Member States, according to its own law? That would be most popular, in large part because it would not bind the Member States. Or do global standards apply

to implementation and enforcement as well? That would be more divisive, but arguably more effective.

Focus on specific Member States for their treatment or mistreatment of journalists. The United States might want to criticize China for its arrests and Russia for its assassinations, while many countries will want to criticize the United States for prosecution of Julian Assange. Arab League states will focus on the freedom of Palestinian journalists in Israel and the Occupied Palestinian Territories

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