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**Human Rights Council (HRC)**

**“Establishing Mechanisms to Ensure Freedom of the Media”**

## **Introduction**

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the UN system, which is made up of 47 states and responsible for strengthening the promotion and protection of human rights around the globe. The council was created by the UN General Assembly on 15 March 2006, with the main purpose of addressing situations of human rights violations.

One year after holding its first meeting, on 18 June 2007, the council adopted its "Institution-building Package," which outlines guidelines for its work. Among these is the new Universal Periodic Review Mechanism, which assesses the human rights situations in all 192 UN Member States. Other features include a new advisory committee, which serves as the council's "think tank," providing it with expertise and advice on thematic human rights issues as well as the revised Complaints Procedure Mechanism, which allows individuals and organizations to bring complaints about human rights violations to the attention of the council.

The UNHRC has appointed Mr. Frank La Rue as current Special Rapporteur on the promotion and protection on the right to freedom and expression. The protection of journalists is of concern to a number of special procedures of the UNHRC. The work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is particularly relevant: states should pay high attention to his recommendations on how the protection of journalists can be enhanced. In particular, his recommendation to develop UN guidelines for the protection of journalists should be pursued further.

## **Important NGOs**

There are certain NGOs such as Reporters Without Borders (RWB), a French-based international non-governmental organization, that advocate freedom of the press and freedom of information. RWB has consultant status at the United Nations. The Committee to Protect Journalists (CPJ) is an independent nonprofit organization based in New York City that also promotes press freedom and defends the rights of journalists. It has been called "Journalism Red Cross" for their actions in the field. There are several other important NGOs and institutions such as the OSCE Representative on Freedom of the Media, which focus on the topic of protecting reporters and ensuring freedom of the media. They are listed under further readings.

## **"Establishing Mechanisms to ensure Freedom of the Media"**

At this year's VIMUN, the UNHRC debates the issue of "establishing mechanisms to ensure freedom of the media." The aim of the simulation is to come up with a comprehensive document that addresses the various areas where right of freedom of expression and security of reporters and journalists might be infringed and to find adequate and durable solutions for those challenges.

Building upon the experience gathered by the various countries, the resolution should address the following questions:

- How do governments violate the right of freedom of expression and how do they deal with censorship violations?
- The role of social media and the internet as communication tools, especially in regions where the right of freedom of expression is mostly violated.
- What are the possible measures the UNHRC can take to protect reporters and journalists worldwide?
- What are the roles of governments, international, regional, and national organizations as well as civil society in ensuring the effective protection of journalists?
- How can the UNHRC ensure better implementation of existing standards for the protection of journalists?

## **General Overview**

The Universal Declaration of Human Rights states: "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers." Although freedom of the press or freedom of the media is one of the fundamental human rights, it is very often violated in many countries around the world. In fact, according to RWB, more than a third of the world's people still live in countries where there is no press freedom. In these overwhelmingly non-democratic countries, the state often interferes and uses all different kinds of direct and indirect sources of pressure against the free press.

Moreover, for most non-democratic systems of government, strict control of access to information is crucial for their existence and their associated control systems and security apparatus. Hence, most non-democratic governments employ state-run news organizations to promote their political propaganda and often use police or military force and intelligence agencies to suppress any attempts by the media or individual journalists to challenge the approved government line on controversial issues. As a result, journalists challenging the state monopoly on the media in such countries often become subject to considerable intimidation by agents of the state. This can range from simple threats to their professional careers such as firing or professional blacklisting to death threats, kidnapping, torture, or assassination.

RWB reports that in 2003, 42 journalists lost their lives pursuing their profession and that in the same year at least 130 journalists were in prison as a result of their occupational activities. In 2005, 63 journalists and 5 media assistants were killed worldwide. In 2010, the countries where press was the most free were Finland, Iceland, Netherlands, Norway and Sweden. Among the countries with the least degree of press freedom were Eritrea, followed by North Korea, Turkmenistan, Iran and Myanmar. Furthermore, some regions including Chechnya (Russia), Myanmar, Ogaden (Ethiopia), Jammu and Kashmir (India), Waziristan (Pakistan), Agadez (Niger), or North Korea are completely closed for foreign reporters.

Ensuring freedom of the press is absolutely critical for the independence and education of people and thus for fighting corrupt, oppressive, and authoritarian regimes worldwide. Most of the time, however, it is not enough to simply establish legal frameworks and rules of law to assure freedom of the press, for the enforcement of these laws is in the hands of the state, which at the same time is most often also the perpetrator. Hence, the goal of the UNHRC will be to establish certain sustainable international mechanisms to help journalists worldwide to express their opinions more freely and to assure freedom of the media in all countries.

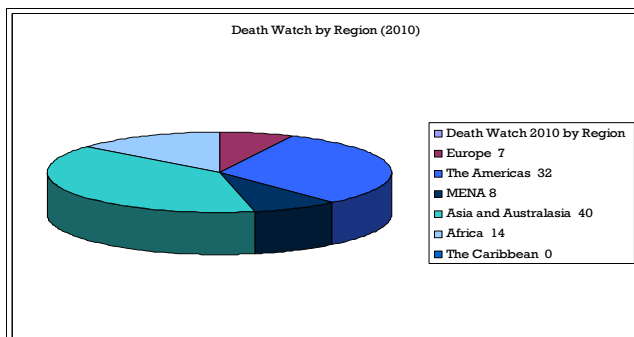
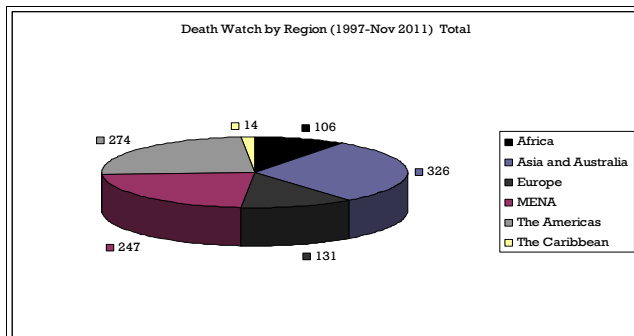
### **Safety of Journalists**

There is an increase in attacks against journalists worldwide. In most cases, these attacks are a direct response to critical reporting, in particular on issues such as organized crime, drug trafficking, environmental questions, human rights violations, or corruption. Local journalists are particularly vulnerable to attacks.

In the last year, the main concerns for the safety of journalists were closely connected to the developments of the "Arab Spring." In fact, freedom of information has never been so closely associated with democracy. Moreover, journalists have never vexed the enemies of freedom through their reporting so much, and acts of censorship and physical attacks on journalists have never been so numerous than during the "Arab Spring". The explanation is quite simple: the absence or suppression of civil liberties ultimately leads to the suppression of media freedom. Dictatorships fear and ban information, especially when it threatens to undermine their authority and control.

It is not only regular journalists who face big personal risk in their daily business but also independent bloggers who report about their country and their local governments. Earlier this year, the Committee to Protect Journalists reported that Burma is the worst place in the world for bloggers. They stated that "bloggers are at the vanguard of the information revolution and their numbers are expanding rapidly, but governments are quickly learning how to turn technology against bloggers by censoring and filtering the Internet, restricting online access and mining personal data; when all else fails, the authorities simply jail a few bloggers to intimidate the rest of the online community into silence or self-censorship."

Data Compiled by the International Press Institute



[www.freemedia.at/our-activities/death-watch.html](http://www.freemedia.at/our-activities/death-watch.html)

It is widely acknowledged that there is no legal gap for the protection of journalists at the international level. There are, however, serious shortcomings in the implementation of universally accepted international standards and norms, especially at the national level. Experts and journalists themselves, caution against the qualification of journalists as a „vulnerable group“ and against granting a specific status to journalists (such as that of refugees). Measures such as stricter requirements for formality, status (e.g. registration) and visibility (e.g.: specific symbols) could improve their protection.

The goal of the UNHRC at this year's VIMUN is not only to strengthen the protection of regular journalists, but also to find a way to protect people who use social media to report from unstable regions and inform the entire world about the terrible situation and conditions. Every state has to balance the right of personal security and the prevention of threats of terror attacks within the country against the human right of freedom of expression.

Impunity for the perpetrators constitutes the biggest obstacle for the effective protection of journalists. 94% of reported cases of abuse remain unresolved. Moreover, the situation of freelance journalists is especially problematic because they usually lack institutional backing. It is important to continue to call for swift and independent investigations of attacks in accordance with international standards. To put an end to impunity is the most effective way to guarantee the safety of journalists. The UNHRC and its mechanisms play an essential role in this respect. International criminal courts and tribunals, such as the ICC, also have a responsibility in this context.

The overarching goal is the prevention of attacks against journalists. At the national level, it is crucial to raise awareness for the protection of journalists, in particular in training programs of the police and the military. This also includes the question of how to deal with non-state actors. The prevention of violations must also include the establishment of early warning mechanisms. Existing models for protection schemes for human rights defenders can be used in this respect. In order to prevent violations against journalists, it is important

to call on states to amend laws that unduly limit freedom of expression and the media. The development of “model legislations” in the area of press freedom would contribute to greater coherence in the implementation of international obligations.

Effective protection of journalists can only be ensured in a sustainable way through democratic institutions and adherence to the rule of law. Technical assistance in the development of these institutions is essential and so is support for civil society, especially through development assistance.

Physical attacks against media professionals are never justified. Professional standards and ethics such as the Principles for the Conduct of Journalists are designed to guide journalists in their work with the goal of preventing and dissipating hostilities. In cases of conflict situations, adequate preparation through specific training by media companies themselves is of highest importance. However, limited resources and capacities can become a problem for the implementation of such standards, particularly in the context of less developed countries. A number of media companies have also developed guidelines to strengthen the protection of journalists in conflict situations. Consolidation of existing standards and guidelines as well as concrete measures to promote them may be necessary. Many open questions remain regarding the protection of so-called “citizen journalists”, which are not affiliated with any media company. Discussions should explore the options of how best to approach this issue in the international context.

### **Further Readings**

- UNHRC (<http://www.ohchr.org>)
- Reporters without Borders (<http://en.rsf.org/>)
- Special Rapporteur on the promotion and protection of the right to freedom and expression (<http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>)
- Press Freedom NGOs  
<http://www.freedomhouse.org/> , <http://www.mediafreedominternational.org/>
- Committee to protect Journalists (lots of statistics)  
<http://www.cpj.org/statements/>
- OSCE Representative on Freedom of Media  
<http://www.osce.org/fom>
- Article by the CPJ on blogging  
<http://cpj.org/reports/2009/04/10-worst-countries-to-be-a-blogger.php>
- Press freedom Index 2011  
<http://en.rsf.org/press-freedom-index-2011-2012,1043.html>