

ARTICLE 19

UN HRC: Resolution on Safety of Journalists

Special Report 2016

Introduction

The UN Human Rights Council (HRC) has adopted a ground-breaking resolution on the safety of journalists, setting out its most comprehensive agenda yet for states to end impunity for attacks.

For the first time, the UN's highest human rights body urges all states to release arbitrarily detained journalists, reform laws that are abused to obstruct their work, and to not interfere with the use of encryption and digital security tools that enable anonymity. It also addresses gender-based attacks against women journalists, the forced closure of media outlets, and the right of journalists to protect their confidential sources.

The resolution strives to ensure greater complementarity between existing UN agencies and mechanisms tasked with ensuring the safety of journalists, which will be a key indicator for measuring Goal 16 in the 2030 Agenda for Sustainable Development.

“Violence against journalists and impunity for crimes against them remains one of the greatest challenge to freedom of expression worldwide,” said Thomas Hughes, Executive Director of ARTICLE 19. *“This is an unequivocal commitment from states to ensure that these crimes do not go unpunished and to prevent their recurrence.”*

“By calling for the immediate release of all arbitrarily detained journalists, and for the repeal of abusive laws that facilitate judicial harassment, states are sending a clear message that journalism is not a crime. The commitments to protect journalists’ digital security, including to protect their confidential sources, shows that states are finally acknowledging the need to act on the increasingly diverse range of threats facing journalists and freedom of expression,” Hughes added.

The resolution (A/HRC/33/L.6) is an initiative of Austria together with Brazil, France, Greece, Morocco, Qatar and Tunisia. The UN Human Rights Council, which consists of 47 States from across all regions, adopted the resolution by consensus (i.e. without a state calling for a vote) on 29 September 2016 at its 33rd Session. To date, more than 87 states have officially joined the resolution as cosponsors, showing significant support for the initiative.¹

The situation for the safety of journalists in most parts of the world is not improving. In 2015, UNESCO reported 114 killings of journalists, bloggers and media workers across all regions of the world and warned that impunity is the predominant trend, with convictions only in 10% of cases. This is the tip of the iceberg, with incidences of torture, enforced disappearance, intimidation, threats and harassment much higher.

“Behind each statistic is an individual journalist with a name and a story that they were seeking to uncover. By doing their work, in particular in dangerous circumstances, journalists defend the public’s right to know and are therefore human rights defenders,” Thomas Hughes said. *“For each journalist that is killed or attacked, countless other journalists are intimidated to self-censor and entire societies are deprived of important information. States must act to end this tragedy,”* he added.

National action is needed to close the implementation gap

Ahead of the adoption of the resolution at the Human Rights Council, Ambassador Thomas Hajnoczi, the Permanent Representative of Austria to the UN in Geneva, warned that UN resolutions mean little “unless they are matched with national action to ensure the effective implementation” of the commitments they contain. In adopting the resolution, the Ambassador told states “ending impunity for crimes against journalists will require political will, and it will require adequate resources.”

With this goal in mind, ARTICLE 19’s nine regional and national offices are working closely with international, national and local partners to promote the resolution and ensure the creation of effective safety mechanisms and strong legal environments in numerous countries worldwide.

The resolution reiterates in emphatic terms existing HRC commitments on the safety of journalists (HRC resolution 27/5, September 2014), including concrete legal and policy measures that are yet to be effectively implemented in countries where impunity is most endemic. This include calls on states to:

- Publicly, unequivocally and systematically condemn violence and attacks against journalists;
- Ensure impartial, speedy, thorough, independent and effective investigations, that also seek to bring masterminds behind attacks to justice, and to ensure victims and their families have access to appropriate remedies;
- Create special investigative units and specialised prosecutors, and adopt specific protocols and methods of investigation and prosecution, as well as trainings for key actors in the investigative and prosecutorial processes;
- Systematically collect data to inform policy making on safety of journalists; and,
- Establish protection mechanisms, including early warning and rapid response systems.

We have raised concerns that in spite of positive efforts to implement these standards in Mexico, the creation of new institutional structures or new protocols by themselves have not been sufficient to improve the safety of journalists. We are also concerned that the safety of social communicators continues to deteriorate in Brazil.

International standards which break new ground

The new resolution goes into greater detail than its predecessors to recognise that the safety of journalists cannot be guaranteed without comprehensive protections for the right to freedom of opinion and expression, and related rights, including the right to privacy.

This requires a political and legal environment in which the work and independence of journalists is valued and respected, especially where they criticise powerful interests, uncover wrongdoing or human rights violations, or express minority viewpoints.

Release detained journalists and reform abusive laws

Significantly, the new resolution commits states to immediately and unconditionally release arbitrarily arrested detained journalists.

Arbitrary arrests and detention are a priority concern for journalists' safety. UNESCO estimates at least 221 such cases worldwide in 2014 alone, with the UN Assistance Mission in Somalia recording 120 cases in the country between January 2014 and July 2016. In Turkey, at least 88 journalists have been arbitrarily arrested since emergency powers were introduced following the failed coup in June 2015, bringing the estimated number of journalists in detention to 121, mostly on terrorism related charges. In Iran, at least 32 journalists are in prison.

The new resolution further calls on states to review and where necessary amend laws that limit the ability of journalists to do their work independently and without undue interference, in particular to ensure that counter-terrorism, national security and public order measures comply with international law and aren't use to arbitrarily arrest or detain journalists.

ARTICLE 19 has long advocated at the HRC that journalists cannot rely on authorities to keep them safe if those same authorities apply abusive laws to silence voices they disagree with by putting them in prison. The resolution therefore recognises that comprehensively ensuring journalists' safety requires dismantling legal apparatuses of censorship, entailing the repeal of criminal insult and defamation laws, in particular where they give heightened protections to public figures, the criminalisation of "extremism", provisions on "disseminating false news", as well as prohibitions on blasphemy and sedition.

Digital Security: encryption, anonymity, and source protection

The new resolution also integrates strong language on protecting digital security, making clear that trust in technology and the confidentiality of communications is key to journalists and their confidential sources of information staying safe. It recognises anonymity and encryption tools as "vital" for journalists, and calls on states to:

- Not interfere with the use of digital security tools for anonymity or encryption;
- Protect in law and in practice the confidentiality of journalists' sources;
- Ensure any exceptions to protecting the confidentiality of journalists' sources are limited and clearly defined in national legal frameworks, and include judicial authorisation.

The new elements in the resolution on digital security draw heavily upon recent standard-setting reports of [the UN Special Rapporteur on freedom of opinion and expression](#), David Kaye, in particular on [anonymity and encryption](#), and [on protecting whistleblowers and sources](#).

Safety of Women Journalists

The new resolution condemns specific attacks on women journalists, including sexual and gender-based discrimination and violence, recognising also that intimidation and harassment against women journalists takes place online and offline. With this in mind, the resolution underlines the need for states to take a gender-sensitive approach to designing and implementing measures to address the safety of journalists.

This increased attention reflects concerns on the [growing safety threat to female journalists online](#) raised by Dunja Mijatović, the Representative on Freedom of the Media for the Organization for Security and Co-operation in Europe (OSCE).

Elections, protests, and forced closure of media outlets

The resolution again calls on States to pay particular attention to the safety of journalists covering protests, and extends this to journalists during periods of elections.

The UN Special Rapporteur on freedom of opinion or expression's 2012 report to the HRC addressed [media freedom in the context of elections](#), raising concerns that attacks against journalists increase during these periods. Similarly, [the March 2016 joint report](#) of the UN Special Rapporteurs on freedom of peaceful assembly and on extrajudicial executions include recommendations to ensure the safety of journalists covering protests.

Building upon this, the new resolution also condemns unequivocally the forced closure of and attacks against journalists' offices and media outlets. This has particular relevance in the digital context, where the blocking of online media outlets can cut them off from their entire readership. Whether done through the courts or extrajudicially, measures to force the closure of media outlets online or offline are a flagrantly disproportionate violation of the right to freedom of expression under international law.

Next steps: international mechanisms delivering impact

The resolution tasks the Office of the UN High Commissioner for Human Rights (OHCHR) to prepare a report analysing the effectiveness of existing international and regional prevention, protection, monitoring and complaint mechanisms relating to the safety of journalists. This will be presented at the 39th HRC Session in September 2018.

Enhanced coordination between UN mechanisms and agencies will be essential to ensure the commitments made in the HRC are implemented, and that states failing to meet those commitments are held accountable. These will include UNESCO and OHCHR, the special procedures and Universal Periodic Review, and the treaty bodies, together with their regional counterparts, in particular in the context of delivering Goal 16 of the 2030 Agenda for Sustainable Development.

The International Day to End Impunity for Crimes against Journalists, on 2 November 2016, is an important opportunity for States to demonstrate the necessary political will and dedicate the required resources to ensure the safety of journalists and end impunity. This new UN Human Rights Council resolution sets the minimum standard for the actions required from states at the national level.

Downloads

Draft resolution [A/HRC/33/L.6](#) on the safety of journalists.

The officially adopted resolution, which will be recorded as HRC Resolution 33/2, will be available in due course in all UN languages [here](#).

ⁱ This includes: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Central African Republic, Chile, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Djibouti, Egypt, Estonia, Finland, the Former Yugoslav Republic of Macedonia, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Mali, Madagascar, Maldives, Malta, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Moldova, Republic of Korea, Romania, Russian Federation, Senegal, Serbia, Slovakia, Slovenia, Spain, State of Palestine, Sudan, Sweden, Switzerland, Timor-Leste, Togo, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen. Other states may join as co-sponsors until two weeks after the 33rd HRC Session closes on 30 September 2016, and will be reflected in the HRC Annual Report.