

THE EUROPEAN INTERNATIONAL MODEL UNITED NATIONS 2019

United Nations Human Rights Council



Assuring the Safety of Journalists in a Globalising World

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Welcome Letter

On behalf of the European International Model United Nations, we would like to welcome you to the Human Rights Council. We look forward to being your chairs and ensuring that your Model United Nations experience is valuable and, most importantly, enjoyable!

The Human rights challenges that exist in today's world are often complex and pervasive, as a result, the task of addressing them is certainly not an easy one; Nevertheless, a rewarding self-developmental week is guaranteed to those who are willing to put their mind to the area at hand. As a delegate, you will have the opportunity to grow and expand your knowledge of the topics selected for this year's TEIMUN Human rights Council, whilst also being able to engage in social activities, building contacts and friendships.

The Human Rights Council, founded in 2006 with its total of 47 United Nations Member States, has since been responsible for directing the discourse of the international community in regards to pressing and current human rights problems. As such, the sessions will include intensive discussions that will make it necessary for all delegates to consider solutions for real international human rights issues in the light of the country they have been selected to represent in the council. Owing to the variety of values held by the nations of the world in relation to human rights, the main difficulty will be in the unifying of these positions. Therefore, as a delegate, you will have to be mindful of more than just your country's stance on the topics, but also of the opinion of the other nations that your fellow delegates will represent in the week's discussion. Additionally, it is necessary that you remain mindful of the rules of procedure that allow for productive and organised debate.

We hope that you are looking forward to TEIMUN as much as we are and are sure you will have an experience that is as rewarding as it is fun!

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Historical Background

The importance of the media and press has long since been established as an essential pillar of a free and democratic society. The freedom of the press is a principle that can be found in the constitution of nations around the world such as the USA¹, Germany² and Greece³; with the USA's constitutional protection for free press dating back to 1791. With this comes the implication that Journalists who provide this essential service to the media should be afforded the protection they need to carry out their job safely and securely, regardless of whether they are in their home country or abroad.

The first document case concerning the protection of the rights of members of the media occurred in 1733 when the trial of John P. Zenger saw the first iterations of the rights of the press⁴. The case clarified that Mr. Zenger could publish articles that spoke negatively about the government as long as those statements were true, thus giving the modern legal system the foundations for proper libel laws. The following years have seen the rights of the media expand far beyond the realm of the ability to criticize the government under certain situations.

Indeed, since the publication of the Universal declaration of human rights, there has been a plethora of international instruments that not only guarantees the rights of the press to freely report, but may also provide specific protection for those journalists who report in dangerous environments such as war zones or areas of natural disasters. For example, article 79 Additional Protocol I of the Geneva convention sets forth the protections that should be afforded to civilian journalists when reporting in an active conflict⁵. The article dictates that the journalists, providing that they do not adversely affect their status as civilians, must under no account be fired upon or shown any hostile action. Moreover, the International Covenant on Civil and Political Rights (ICCPR) which entered into force in March on

¹The Constitution of the United States. amend I.

²The Basic Law of the Federal Republic of Germany, art. 5, § 1.

³ The Constitution of Greece, art. 14, § 2.

⁴"The Trial Of John Peter Zenger [Ushistory.Org]". 2019. *Ushistory.Org*. <http://www.ushistory.org/us/7c.asp>.

⁵"Customary IHL - Rule 34. Journalists". 2019. *Ihl-Databases.Icrc.Org*. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule34.

1976, give protection to journalists and those seeking information from news outlets under Article 19 of the ICCPR.⁶ General Comment No. 34 by the Human Rights gave further clarification to the extent of protection that Article 19 ICCPR affords to the media⁷.

More recently, the General Assembly adopted a number of resolutions titled "The safety of journalist and the issue of impunity" between 2012 and 2015, calling for all members of the United Nations to ensure the safety of journalist in their own territory regardless of their employer or nationality⁸. These were particularly significant as it brought the issue to the forefront of international humanitarian law and human rights law. As can be seen, provision 3 of the above-titled resolution adopted in 2015 calls for States to implement effective measures for the protection of journalists by means of a legal framework and even enforcement mechanisms⁹. In 2016, the Human Rights Council adopted its own resolutions calling for further protection of journalists, reiterating many of the points made in the previous General Assembly resolutions. Provision 3 of the resolution condemns the impunity for the attacks and acts of violence that have been carried out against journalists¹⁰.

Despite all of the international instruments and condemnations of international organisations regarding the topic, the issue still remains pervasive to this day. The argument could be made the incidents where acts of extreme violence were carried out against journalist are worse now than they were twenty years ago. The Committee to protect Journalists have been collecting data on the issue since 1992. Between 1992 and 2018, there have been 1,857 murders of journalists, and compared with the figures denoting these killings in the 1990s, 2000s and 2010s

⁶ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, art. 19, available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 22 February 2019]

⁷ UN Human Rights Committee (HRC), *General comment no. 34, Article 19, Freedoms of opinion and expression*, 12 September 2011, CCPR/C/GC/34, available at: <https://www.refworld.org/docid/4ed34b562.html> [accessed 22 February 2019]

⁸ "Basic Texts Related To The Safety Of Journalists". 2019. UNESCO. <https://en.unesco.org/themes/safety-journalists/basic-texts>.

⁹ UN General Assembly, *The safety of journalists and the issue of impunity : resolution / adopted by the General Assembly*, 21 February 2014, A/RES/68/163, available at: <https://www.refworld.org/docid/53a7fab74.html> [accessed 22 February 2019]

¹⁰ UN General Assembly, *The safety of journalists and the issue of impunity : resolution / adopted by the General Assembly*, 21 February 2014, Prov. 3 A/RES/68/163, available at: <https://www.refworld.org/docid/53a7fab74.html> [accessed 22 February 2019]

have seen a far higher rate in these acts in recent decades¹¹. Despite all the action taken by the UN and the international community as a whole, it is clear that not enough has been done in protecting the men and women who bring the world's populous vital information on the most pressing stories around the globe.

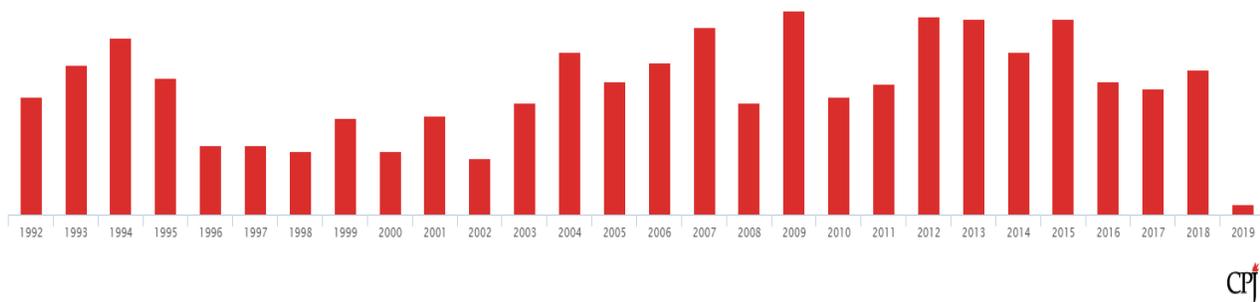
Therefore, it is evident that further action needs to be taken by the UNHRC on this issue.

The Issue

12

Journalists Killed

between 1992 and 2019 / Motive Confirmed



The status quo

The issue of journalist safety around the world has been seen as an essential element of the dissemination of information which, in turn, is a necessity for all free and democratic nations. The freedom of the press is put at risk when those who serve this principle are put in mortal danger when reporting on the most important stories of the day. Not only has the issue persisted to this day, but the majority of

¹¹ "Explore CPJ's Database Of Attacks On The Press". 2019. *Cpj.Org*.
https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&start_year=1992&end_year=2019&group_by=year.

¹² "Explore CPJ's Database Of Attacks On The Press". 2019. *Cpj.Org*.
<https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=>

the statistics that have been collected in this area indicate that it has only increased in severity in the recent decade¹³.

Killings of journalists across the world are not the only issue affecting journalist safety; for example, the imprisonment of journalists remains a prevalent topic of international concern. According to the data provided by the Committee to Protect Journalists, a number of nations have repeatedly incarcerated reporters and members of the press with no charge being attributed, judicially or otherwise, as justification for the punishment in question. Eritrea, China and Saudi Arabia are amongst the worst offenders of this miscarriage of justice in 2018, with Eritrea committing 16 journalists to a criminal institution without any judicial conviction being given in that year alone¹⁴. These figures become worst when the data takes into account the number of reporters who were imprisoned for publishing anti-state material. In 2018, Turkey sentenced 68 journalists for reporting anti-state material to prison time, while China, Egypt and Vietnam convicted 32, 24 and 11 journalists respectively for the same crime¹⁵. The implementation of anti-state convictions by these nation states are significantly damaging due to their effect on the freedom of the press as well as putting into to doubt the rule of law and legal certainty. Indeed, the majority of nation-states have not achieved total freedom of press when it comes to looking at the idea in practice. In 2018, a study was published that revealed that a mere 44.1% of states have full freedom of the press. Of those

¹³"Explore CPJ's Database Of Attacks On The Press". 2019. *Cpj.Org*.
https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&motiveUnconfirmed%5B%5D=Unconfirmed&type%5B%5D=Journalist&start_year=1992&end_year=2019&group_by=year.

¹⁴"Explore CPJ's Database Of Attacks On The Press". 2019. *Cpj.Org*.
https://cpj.org/data/imprisoned/2018/?status=Imprisoned&charges%5B%5D=Anti-State&start_year=2018&end_year=2018&group_by=location."

¹⁵"Explore CPJ's Database Of Attacks On The Press". 2019. *Cpj.Org*.
https://cpj.org/data/imprisoned/2018/?status=Imprisoned&charges%5B%5D=Anti-State&start_year=2018&end_year=2018&group_by=location.

who don't have total freedom, 30.3% have only partial freedom and 25.6% have no freedom of the press at all¹⁶

These figures are further evidence that more extensive discussion is required relating to the implementation of genuine international protection as it seems many states are unable or unwilling to give such protection.

It is all too easy to regard the issue with an impersonal eye when presented with pure data and figures. In order to understand the true tragedy of the situation it must be borne in mind that the staggering figure 1,875 represents the loss of human life while in the course of fulfilling their role as an agent of truth in an effort to shed some light

on the dark

stories of modern

times. In

December of

2017, the

Organization for

Security and

Cooperation in

Europe (OSCE)

published the list

of names of

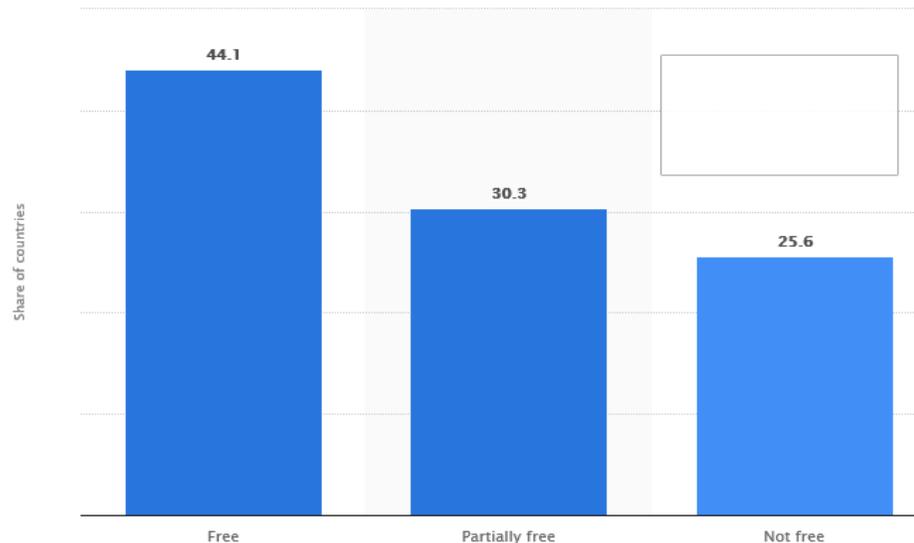
journalists who

have been killed between 1992 and 2017, along with the status of the investigation

regarding their deaths¹⁷. Among these are Gundars Matiss¹⁸, a crime reporter in

Latvia who was working for the Kurzeme Vards in 2001 when he was attacked by

assailants on his way home and was later pronounced dead in hospital. Matis's case



¹⁶ 2018, Degree. 2019. "Degree Of Press Freedom Worldwide 2018 | Statista". *Statista*. <https://www.statista.com/statistics/263143/degree-of-press-freedom-worldwide/>.

¹⁷"List Of Killed Journalists In The OSCE Region 1992-2017 | OSCE". 2019. *Osce.Org*. <https://www.osce.org/fom/363446>.

¹⁸ Committee to Protect Journalists, *Journalists Killed in 2001 - Motive Confirmed: Gundars Matiss*, January 2002, available at: <https://www.refworld.org/docid/4e64956023.html> [accessed 16 April 2019]

is among those precious few who have been solved by the local authorities, the vast majority of the case's on the list remain unsolved to this day.

How has modernity affected journalist safety

There are major factors affecting journalist safety in the modern world that extend far beyond state restriction and traditional combat injury. These new factors relate to the way modern warfare is conducted, and the way contemporary news is reported. Advancements in military grade weapons mean that the original distinction existing between combatants and civilians has become blurred. War is now fought with the use of long-range weaponry, automated technology and statistical analysis. As the popularity of these impersonal styles of waging war increase, so too does the level of collateral damage. Bilal Abdul Kareem, an American citizen and reporter based primarily in Syria, has been attacked on no less than 5 occasions by US drones strikes. It was later discovered that Mr. Kareem had been added to a classified "drone kill list" by the US government¹⁹. Issues such as this are birthed from this new age of warfare and as such demand some addressing.

Secondly, there is a growing trend resulting from new age media. Owing to the sheer amount of content that is expected from news outlets regarding information on the world's most important stories as they are happening, many have turned to the use of Freelancers or "Stingers" instead of using fully trained and established journalists²⁰. Much of the reason for this can be reduced to costs stemming from the insurance a fully qualified journalist needs that are often extensive due to the level of coverage. The main issue that comes with the use of stingers over journalists is that, due to their lower level of experience and training, they are more likely to come to harm when reporting on the more dangerous stories. While there is no doubt that many of these freelancers have good intentions in wanting to bring the truth to the public, the fact remains that the unregulated

¹⁹"Journalists Challenge Their Inclusion On A US Drone 'Kill List'". 2019. *Middle East Monitor*.
<https://www.middleeastmonitor.com/20180501-journalists-challenge-their-inclusion-on-a-us-drone-kill-list/>.

²⁰"In Today's World, Journalists Face Greater Dangers". 2019. *Ilo.Org*.
https://www.ilo.org/global/publications/world-of-work-magazine/articles/WCMS_081327/lang--en/index.htm.

use of these individuals have involved putting young and less experienced people in serious danger.

Involved Parties and stance of the international community

Owing to the global nature of journalist safety, the vast majority of nation-states have an involved interest in taking part in the discussions surrounding the issue in order to create viable solutions. As nearly all members of the international community have functioning media services either state- or privately owned, they likely have the desire to take every necessary step in order to protect the press and their ability to report on the most important stories of the day, both domestically and internationally. Examples of states speaking out against the violent attacks and false imprisonment that journalist suffer every year are plenty. One of many is the case of Daniel Pearl who was murdered in 2002 by Al Qaeda operatives in Pakistan²¹; the former president G.W. Bush called upon the Pakistani government for immediate action. It is essential that those states who have the highest levels of incidents where a journalist was imprisoned, wounded or killed are involved in the debate surrounding journalist safety so an effective and long term solution can be reached.

The clarity of the position and involvement of international organisation like the United Nations is seen in the numerous declarations and regulation of the primary organs of the organisation. As seen elsewhere in the paper, the series of resolutions adopted between 2012 and 2017 with the title of 'The safety of journalist and the issue of impunity' demonstrates that parties like the UN have involved themselves in the betterment of protection of journalists around the world.

In very recent years, certain members of the international community have begun to give the issue less of a priority when it comes to international matters. While formally it has been countries that lost many of their own journalists in foreign territory that showed the greatest attention to placing protections, with the

²¹Simon, Joel. 2019. "Why Were So Many Journalists Murdered In 2018?". *The New Republic*. <https://newrepublic.com/article/152676/many-journalists-murdered-2018>.

new administration of Donald Trump significant attitude changes can be identified. Given the recent killing of Jamal Khashoggi in Saudi Arabia²², President Trump was slow to respond to the matter, and when he did, there was a general failure to acknowledge that the killings might have had anything to do with the Saudi government²³. Such a timid approach to such a serious matter is unlikely to yield any positive results. It is essential that all nations are active rather than passive in this area so that genuine change can occur; both nations with higher levels of journalist deaths and violence, and nations whose position may be harmed by speaking out against it must endeavor to engage themselves in the conversation and reflect upon the actions of their own government in order to search for a resolution that could benefit all involved.

Implications of the Issue

In May 2016, The Atlantic published an article with statistics revealing that The Washington Post published around 500 articles a day, with other popular U.S. publications averaging 230 per day²⁴. The sheer amount of news stories that are written each day is a direct indication of the wide and persisting demand for them; people, all around the world, require information on a variety of different issues by reputable sources. The need for this information originates from many different areas, all of these however come from the same idea. One's access to information is a determining factor in ensuring and maintaining one's freedom of consciousness and self. This ideal was touched upon previously in the paper but is best summarised by the words of Bruce Coville who stated that "Withholding information is the essence of tyranny"²⁵. It is true that while the deaths of these journalists are rarely the active effort of states, any in-action in this matter is to

²²"The Jamal Khashoggi Story So Far". 2019. *BBC News*. <https://www.bbc.com/news/world-europe-45812399>.

²³Simon, Joel. 2019. "Why Were So Many Journalists Murdered In 2018?". *The New Republic*. <https://newrepublic.com/article/152676/many-journalists-murdered-2018>.

²⁴Meyer, Robinson. 2019. "How Many Stories Do Newspapers Publish Per Day?". *The Atlantic*. <https://www.theatlantic.com/technology/archive/2016/05/how-many-stories-do-newspapers-publish-per-day/483845/>.

²⁵Henry Anatole Grunwald, former editor in chief of Time, Inc.

allow the continuation of violence against journalists. As a result, for there to be no measures taken by the international community as a whole or its individual members, these nations will be contributing to the restriction of information on some of the worlds most important issues.

The journalists lost through killings and imprisonments may not be the only disruption to the number of journalist world wide. If it becomes apparent that little protection can be offered by the nations of the world, then it is likely that many may elect not to take up the all important mantel of field journalism.

The resulting negative effects that an outcome such as this would create are both manifest and multifaceted; however, examining a specific example may help to bring about a greater understanding of its implications. The now global concern of so-called "fake news"²⁶ has done substantial harm to good faith media outlets. It can be argued that individuals should indeed be skeptical of news that is reported by areas of the media that have been shown to report inaccurately and in bad faith. However, it is to the general detriment of society if such mistrust is extended to reputable news stations²⁷. Never before has good faith reporting been so important, and it is journalists who are on the front line of battling fake news. Michelle Ciulla Lipkin, executive director of the National Association for Media Literacy Education, suggested that all platforms should have at least one editorial team focused on assessing the quality of all information gathered on a story²⁸. Methods like these that help ensure important events are reported accurately are dependant on the journalists who gather the primary information. The fight against fake news is just one example of an important modern role that journalists fulfill, therefore the protection of these individuals is of principle concern.

²⁶"The (Almost) Complete History Of 'Fake News'". 2019. *BBC News*. <https://www.bbc.com/news/blogs-trending-42724320>.

²⁷"The Term 'Fake News' Is Doing Great Harm". 2019. *The Conversation*. <http://theconversation.com/the-term-fake-news-is-doing-great-harm-100406>.

²⁸"How Journalists Are Battling Fake News". 2019. *NAB Show New York*. <https://www.nabshowny.com/why-new-york/how-journalists-are-battling-fake-news>.

Conclusion

"Journalism can never be silent: that is its greatest virtue and greatest fault. It must speak, and speak immediately, while the echoes of wonder, the claims of triumph and the signs of horror are still in the air" - Henry Grunwald

The value of journalism is not in the intrigue it creates amongst its readers, nor is it the entertainment it provides; rather, journalism provides the essential and vital service facilitating the dissemination of information around the world. The response to the events by journalists sets the structure to which the most important stories are perceived. When confusion surrounds a particular element of the news, it is these agents of the media that provide clarity.

With all this displayed and understood, the protection of these journalists should be of paramount importance not just in defense of their basic human rights, but also to ensure that the service they provide is not restricted in any way. It is the case that the issues regarding journalist safety, from killings to imprisonments, are all preventable just so long as there is collaboration in the matter overall. Whether it is solved from an international or national standpoint is also a question of integral importance that must be decided upon. Considering this, the delegates must examine the importance of the issue and how best to come to a sustainable and effective conclusion in assuring journalist safety in a globalising world.

Questions a Resolution Must Answer (QARMAs)

1. What is the definition of free, unbiased press, and what would be a violation of it?
2. How can the UNHRC regulate the free passage of journalists?
3. How can the UNHRC ensure a prosecution of crimes against the free press?
4. In what way can the UNHRC support unbiased press?
5. Can there be an international approach to regulating satirical press?
6. Should every member state have to fulfill a certain standard of free press?

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Henry Anatole Grunwald, former editor in chief of Time, Inc.