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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Reporters Without Borders International, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Protection gaps for journalists and all newsproviders

Reporters Without Borders (RWB) is extremely concerned about the level of harassment and violence to which journalists and bloggers are currently exposed.

In oppressive states, countries at war and areas exposed to public danger, situations of internal disturbances and tensions, including riots, isolated and sporadic acts of violence and other threats of a similar nature, professional and citizen-journalists are often the only source of first-hand information. However, by covering the plight of their fellow citizens and by reporting abuses, they put themselves at risk of harsh reprisals.

RWB therefore welcomes a new report by the United Nations High Commissioner for Human Rights on “The safety of journalists” that draws attention to this alarming situation. The number of initiatives compiled in the report and its recommendations are indicative of the urgency of the issue as well as the extent of the need for effective precautionary measures.

Based on its experience<sup>1</sup> and on the direct support it offers news providers<sup>2</sup>, Reporters Without Borders proposes the four additional recommendations in particular, whose importance is made clear by the High Commissioner’s report.

1. Establish monitoring of states’ respect for their obligations
2. Extend member states’ obligations to non-professional “news providers”
3. Extend member states’ obligations beyond war situations
4. Take into account of the situation of news providers who are forced to flee abroad

The following are some references and proposals for the effective monitoring of states’ adherence to their obligations.

UN Human Rights Council Resolution A/HRC/RES/21/12 on the Safety of Journalists adopted in 2012 and UN Security Council Resolution 1738 (UNSC 1738), adopted in 2006, require states to protect journalists and combat impunity for those responsible for physical attacks against journalists. The United Nations Plan of Action on the Safety of Journalists, drafted by UNESCO, reiterates these principles and reaffirms the need to protect journalists in dangerous areas. More broadly, the Geneva Conventions, their additional Protocols I and II and customary international humanitarian law prohibit deliberate attacks by state or non-state agents against civilians, in effect protecting all “news providers” including bloggers and netizens.

The High Commissioner’s report on the Safety of Journalists notes:

“The obligation to respect and to ensure respect of the human rights of journalists and other media professionals rests on the State as a whole. It encompasses a positive duty of States to ensure that persons are protected from any act that would

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<sup>1</sup> From 2003 to late 2006, Reporters Without Borders helped the UN Security Council finalize Resolution 1738 on protecting journalists in war zones (see “Résolution 1738 : La consécration par le Conseil de sécurité de la protection des journalistes et des médias en période de conflit armé,” Alexandre Balguy-Gallois, in “Mélanges en hommage au Professeur Paul Tavernier – L’homme dans la société internationale,” Bruxelles, éd. Bruylant Larcier, juillet 2013, pp.1111-1131.)

<sup>2</sup> Among other support activities, RWB helps to protect journalists by providing insurance policies covering war risks, bullet-proof vests and helmets, a free “Press SOS” hotline for journalists in trouble, a Handbook for Journalists drafted in cooperation with UNESCO and an online survival kit: <https://www.wefightcensorship.org/online-survival-kithtml.html>.

impair the enjoyment of their rights.” (§13) It also says: “When violations of international human rights law or international humanitarian law have been allegedly committed, States are obliged to investigate the allegations effectively, promptly, thoroughly, independently and impartially and, if appropriate, to prosecute those responsible.” (§16)

**Lack of verification of states’ implementation of their obligations** is one of the main problems

**RWB recommends:**

- that the Human Rights Council and its mechanisms, in particular the UPR, remind states to systematically and promptly investigate all acts of violence of which journalists, media workers and related personnel are victims. This should include attacks that take place on their territory and those that take place abroad when their armed or security forces may be involved
- that the Human Rights Council seek the creation of a group of independent experts tasked with monitoring member states’ implementation of their international obligations to protect news providers. This group could also provide assistance and advice to the UN secretary-general in drafting the section dealing with the safety of journalists for his next reports on civilian protection during armed conflicts, as required by UNSC Resolution 1738. If the creation of such a group of independent experts proves too difficult in the short term, a “monitoring group” composed of relevant NGOs and UN special procedures could be considered.

**The extension of states’ obligations to ‘news providers’ is increasingly urgent**

Professional journalists are not the only sources of news and information available to the public. The High Commissioner’s report points out that “There is an increasing number of ‘online journalists,’ both professionals and ‘citizen-journalists,’ who are untrained yet still play an important role in documenting and disseminating information (...) As the number of online journalists has increased, so have attacks against them, such as illegal hacking of their accounts, monitoring of their online activities, arbitrary arrest and detention, and the blocking of websites that contain information critical of the authorities.” (§9)

When governments try to impose media blackout by censoring local professional journalists and blocking visits by foreign reporters, the gap is filled by citizen-journalists, netizens and press freedom advocates, notably NGOs. When ordinary citizens assume the role of reporters, they also share the risks inherent to the profession, exposing themselves to the same abuses. A total of 47 netizens were killed in 2012, compared with five in 2011. A total of 26 citizen-journalists have been killed since the start of the conflict in Syria.

**RWB proposes:**

The introduction of the issue of surveillance technologies and online security in the debate on the safety of journalists and citizen-journalists.

The adoption by the Human Rights Council of a resolution establishing the obligation of member states to protect all news providers, not only professional journalists as in HRC Resolution 21/12. This resolution should emphasize the need for member states to work for the protection and safety of citizen-journalists and netizens and to combat impunity for those responsible of abuses and violence against them.

**States’ obligations to protect need to go beyond armed conflicts**

As the High Commissioner’s report notes, “the very large majority of violence and attacks against journalists occur (...) outside armed conflicts. Moreover, while the death or injury of

foreign journalists often captures the attention of the international community, most of those who are victims of threats and attacks are local journalists covering local issues.”

The fate of journalists covering uprisings, riots or demonstrations is of serious concern. Media coverage of demonstrations and public gatherings is one of the main causes of abuses and violence against news providers. In the last three months (June-August 2013), RWB has reported acts of violence, arrests, intimidation and assaults of journalists, as well as the destruction or confiscation of equipment, in such situations in Turkey, Egypt, Bulgaria, Brazil and Sri Lanka<sup>3</sup> among others. It is not overstated to say that the key role the media plays in peaceful protests is under threat throughout the world.

#### **RWB calls for an extension of the range of states’ obligations**

- A resolution should be adopted under which the obligation of member states to protect all news providers – established for wartime situations under the UN Security Council Resolution 1738 – is extended to situations of unrest, internal disturbances and tensions and public danger in peacetime.
- Member state must adopt effective national measures and an adequate legal framework to protect news providers during demonstrations and protests<sup>4</sup>.
- The Special Rapporteurs on the right to freedom of assembly and of association and on the promotion and protection of the right to freedom of opinion and expression must jointly address the issue of the safety of journalists during demonstrations. The Human Rights Council should mandate them to report on the matter and produce joint recommendations.
- Regional and national UN human rights offices and UN peace-keeping missions must be able to offer rapid and adequate protection to news providers and media freedom advocates that are under threat because of their work<sup>5</sup>.

#### **News providers forced to flee abroad often need special assistance**

Many of them flee abroad every year because they are unable to obtain adequate protection in their own country. More than 70 journalists fled into exile in 2012. These refugees are not always safe. If they wrote by-lined articles and appeared on radio and TV shows, their names, voices and faces can be recognized. The countries where they find initial refuge and register with UNHCR are usually near their own and they often remain vulnerable. So far there is no appropriate protection mechanism for professional journalists, citizen-journalists and other human rights defenders in exile.

Although the High Commissioner for Human Rights points out in her report that since the start of 2013 “some 73 journalists fled their country as a consequence of attacks or threats of attack,” the report fails to mention any protective action or make any recommendations.

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<sup>3</sup> <http://en.rsfs.org/turquie-mounting-police-violence-against-17-06-2013,44808.html>, <http://en.rsfs.org/turkey-occupy-gezi-protests-lead-to-wave-06-06-2013,44732.html>, <http://en.rsfs.org/turkey-at-least-14-journalists-injured-by-04-06-2013,44718.html>, <http://en.rsfs.org/egypt-journalists-and-media-ensnared-in-22-07-2013,44956.html>, <http://en.rsfs.org/bulgarie-police-attack-journalists-covering-26-07-2013,44980.html>, <http://en.rsfs.org/brazil-police-abuses-against-journalists-24-07-2013,44971.html>, <http://en.rsfs.org/sri-lanka-soldiers-attack-journalists-05-08-2013,45019.html>

<sup>4</sup> <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.28.pdf>

<sup>5</sup> Recommended in a joint letter that Reporters Without Borders, FIDH and other NGOs sent to all UN Security Council members on 17 July 2013: <http://www.fidh.org/open-letter-to-the-un-security-council-on-the-protection-of-journalists-13675>

**It is therefore urgent to ensure that:**

- Member states assume the protection of professional and citizen-journalists who seek refuge on their territory;
  - and that the Human rights Council, with the assistance of the relevant UN agencies, address the inadequacy of human rights protection procedures in dealing with news providers in exile and establish effective protection procedures for the admission and resettlement of news providers and other human rights defenders who remain at risk in transit countries.
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