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A special representative of the UN secretary-general for the safety of journalists

In the past decade, various UN bodies have adopted a series of resolutions on protecting journalists and combatting impunity for those responsible for crimes of violence against them. They include Security Council Resolutions 1738 in 2006 and 2222 in 2015, and General Assembly Resolutions 68/163 in 2013 and 69/185 in 2014. These legal advances have not been translated into action if we are to judge by the number of journalists killed each year. Reporters Without Borders is therefore presenting recommendations for improving the mechanisms that protect journalists and for reminding governments that they have primary responsibility for their safety.

Atrocities against journalists have increased in recent years, especially in war zones such as Syria, where 15 journalists were killed in 2014. In 2013 and 2014, 14 journalists were killed in Iraq and 11 were killed in Somalia. Violence affecting journalists has also increased in countries that are not war zones such as Egypt, Brazil and Pakistan.

Despite the resolutions adopted by the United Nations, the fight against impunity for those responsible for crimes of violence against journalists has seen no significant progress either.

The international community must provide journalists with more effective protection and, to this end, the tools available must be strengthened. As stated in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted under UNESCO's aegis in 2012: "There is a pressing need for the various UN agencies, funds and programmes to develop a single, strategic and harmonized approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them."

A special representative for the safety of journalists

International humanitarian law and the 1949 Geneva conventions prohibit deliberate attacks on civilians by state and non-state actors. This has the effect of protecting such “information providers” as bloggers and online activists. Journalists covering armed conflicts are protected by article 79 of Protocol I additional to the Geneva Conventions. Under this article, which codifies a norm of customary international law, any journalist carrying out a dangerous mission in a war zone must be regarded as a civilian as defined in article 50 (1) and, as such, enjoys all the protection that the entire body of international humanitarian law accords to civilians.

UN Security Council Resolution 1738, adopted in 2006 and entitled “Protection of civilians in armed conflicts,” reaffirmed these fundamental rules of international humanitarian law, guaranteeing the protection of journalists and news media in armed conflicts. While it contained no legal innovations, it had the merit of recalling that journalists are civilians, that they must be protected as such, and that any deliberately targeted attacks against them constitute war crimes.

Resolution 1738 did not however establish any mechanism for monitoring respect by states for the obligations stemming from it. Improving the fate of journalists nonetheless requires better monitoring of implementation of the existing rules that apply to all armed conflicts.

Resolution 2222, adopted by the UN Security Council on 27 May 2015 with the aim of extending and strengthening Resolution 1738 of 2006, reminds all parties to an armed conflict – both state and non-state actors – of their obligations not only to respect and protect journalists, media professionals and associated personnel but also to prevent violence, combat impunity and protect media installations and equipment.

This resolution introduces new elements that were not in Resolution 1738: it refers for the first time to article 19 of the Universal Declaration of Human Rights and to freedom of expression; it stresses the role that journalists can play in protecting civilians during armed conflicts; it calls for the safety of journalists to be taken into account in the mandates of peacekeeping operations; and it refers to the role that the ICC can play.

The UN General Assembly also addressed the issue of the safety of journalists. Resolution 68/163, which the General Assembly adopted in December 2013, says: “Journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such.” It condemns violence against journalists, whether in a situation of armed conflict or not, calls on member states to prevent violence against journalists and media workers, and asks them to create the security conditions that allow journalists to work in an independent manner without being subjected to pressure. Resolution 69/185 of 18 December 2014 reaffirms these principles.

In the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, the entire United Nations system agreed in 2012 that there should be better coordination among UN agencies and bodies on the protection of journalists.

The issue in this regard is not that there is a legal gap with respect to member states’ obligations but rather a lack of means of ensuring compliance.

Resolution 2222 asks states to “do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel” but does not specify a way of monitoring compliance with this request.

At a UN Human Rights Council panel on the safety of journalists in June 2014, Getachew Engida, UNESCO’s deputy director, Dunja Mijatovic, the OSCE’s representative for media freedom, and Frank La Rue, the UN special rapporteur on freedom of opinion and expression, all agreed that governments had

failed to respect their obligations. Effective procedures for monitoring Resolution 2222 are therefore necessary.

Reporters Without Borders' recommendations:

- Create the mandate of a **Special representative of the UN secretary-general for the protection of journalists**, with the task of monitoring compliance by member states with their obligations under UN Security Council Resolution 2222. The Special representative's mandate could, for example, be **modelled on that of the secretary-general's special representative for children and armed conflict**.

The creation of such a mandate would have the advantage of establishing a permanent and central structure in the UN system, one capable of verifying compliance with Resolution 2222, referring relevant cases to the Security Council and recommending actions.

Giving the special representative this central position, linked to both the Human Rights Council and Security Council under the secretary-general's aegis, would moreover help to implement the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which calls on the United Nations to establish "a network of focal points on issues about the safety of journalists in all relevant UN agencies, funds and programmes" and to coordinate all UN efforts.

- Appointed and mandated by the secretary-general, the special representative responsibilities would include:
 - Gathering all information, especially within the UN system, about violations of the safety of journalists during armed conflicts
 - Acting as a rapid alert mechanism for the secretary-general and, through him, the Security Council, by drawing their attention to any abuses affecting news providers.
 - Drafting recommendations for the Security Council, via the secretary-general.
 - Liaising with the UN system as regards the prevention of attacks against journalists in armed conflicts and trying to improve the UN's capacity to analyse and manage all information about such crimes.
 - Undertaking investigations into acts of violence against journalists, media professionals and associated personnel in the event that no investigation has been carried out by the relevant member state.
 - Informing, helping and advising the secretary-general on the drafting of the section on the safety of journalists and related personnel in his reports on the protection of civilians during armed conflicts (in line with Resolution 2222).
- The possibility of individual news providers who have been the victims of violence eventually being able to refer their cases to the special representative should also be encouraged.