

Forum: Human Rights Commission

Issue: Protecting journalists from unfair prosecution

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Introduction

Freedom of the press is the protection of journalists' rights to report, write, publish and express their opinions in order to inform the public in a country. If the press is not free in a country, there is no democracy there. Unfortunately, in recent years, the fundamental role of journalists in protecting democratic values and informing the public has become dangerous in many countries that are members of the UN. The frequency of unfair prosecutions against journalists has increased at an alarming rate on a global scale, and the imperative need to strengthen press freedom has increased. Prosecutions against journalists often occur through tactics aimed at suppressing journalistic activities, arbitrary detentions and baseless legal accusations. These actions threaten individual journalists and cast a shadow over accurate and transparent reporting on a global scale.

Protecting journalists goes far beyond individual rights. Because journalists are the public's primary source of information; suppressing their voices is a "public" issue in that it results in consequences that undermine democratic processes and the accountability of the government. For all these reasons, protecting journalists from unfair prosecutions is of vital importance for the maintenance of an order based on international law.

This issue is in line with RCIMUN's theme for this year: "Enhancing Cooperation": "Cracks in the Rules-Based International Order". Protecting journalists requires strong international cooperation and the rigorous implementation of legal standards to uphold the rule of law and ensure accountability for violations. Addressing the safety of journalists is essential to strengthening the legal and ethical frameworks that underpin the universal rules-based international order. The Committee is therefore called upon to increase cooperation and develop effective measures to ensure that journalists worldwide can operate freely and safely. It should not be forgotten that protecting journalists is fundamentally about protecting the public.

Definition of Key Terms

Journalist: A journalist is a person who collects, processes and disseminates news and information about current events, trends, issues and people. The term generally includes reporters, editors and

other media personnel who contribute to the content presented to the public ("Journalist" Encyclopædia Britannica).

Prosecution: Prosecution means the conduct of legal proceedings against a person on a criminal charge. It includes the formal charge and subsequent legal proceedings to establish the guilt or innocence of the accused person or group ("Prosecution" Black's Law Dictionary).

Freedom of the Press: Freedom of the press is the right to share ideas in print without government censorship (Article 19, *Universal Declaration of Human Rights*). This right is universally recognized as an essential foundation of a democratic society and is a right that protects the publication of news and opinions

Judicial Harassment: Judicial harassment refers to the abuse of judicial systems and legal procedures to pressure or intimidate individuals, often to deter them from exercising their rights or taking action ("Judicial Harassment" *Human Rights Watch*). It is typically used to target individuals or organizations that oppose governments' interests.

Transparency: Transparency is knowing who, why, what, how, and how much ("Transparency" *Transparency International*). A transparent government should be open to public scrutiny and accessible to the public to ensure that the actions and decisions are made openly and implemented fairly. This principle helps hold public officials accountable and combat corruption.

Rule of Law: The rule of law indicates that everyone accepts the rules of law in a country and that every individual in society is equal before the law. Freedom of expression, freedom of assembly, and the right to a fair trial are the most important elements of the rule of law ("Rule of Law" *United Nations*).

General Overview

The Issue of Unfair Prosecution of Journalists: The unjust prosecution of journalists is recognized worldwide as a major human rights violation that affects democratic integrity (International Federation of Journalists). Governments often resort to legal means to silence journalists who question authority and expose wrongdoing and corruption, thereby threatening democratic governance and freedom of expression.

Historical Context and Evolution: In today's world, where a digital revolution is taking place, we are faced with the great reality that the risks of pressure and legal sanctions against journalists are increasing as the ability and speed of journalists to disseminate information increases. The misuse of "fake news" laws and other legal tools to criminalize journalism under the guise of national security is a growing concern (Amnesty International).

Implications for Democratic Governance: Unfair legal suppression of journalistic activities, restricting press freedom, and fostering a climate of fear among journalists undermines the essential role of the press in democratic societies. This suppression leads to reduced transparency and accountability of governments, undermining public trust in government institutions and corporations (Human Rights Watch).

Global Variability and Scope: The level of threat to journalists varies by region. Some journalists face threats such as death, physical assault, or severe legal penalties (Council of Europe).

Necessity for an International Response: Strong international awareness, action, and even intervention is essential to protect journalists and promote press freedom. This includes strengthening legal protections for journalists and holding those who persecute journalists accountable through international law and cooperation policies (United Nations Human Rights Council).

Major Parties Involved and Their Views

Specific Governments and Their Policies on Press Freedom:

- **United States:** The United States faces challenges such as media polarization and social divisions even though it supports freedom of the press under the First Amendment (Reporters Without Borders).
- **Russia and China:** Both countries are known for their tight control of the media and censorship. Russia's approach comprises laws against "foreign agents" targeting journalists. And China's approach restricted press freedoms after the introduction of the National Security Law in Hong Kong (Reporters Without Borders).
- **Myanmar and Hong Kong:** These regions have suffered significant declines in press freedom due to political upheavals. The military coup in Myanmar and the "national security" law in Hong Kong led to the closing of media outlets and the arrest of journalists (Reporters Without Borders).

International Organizations:

- **UNESCO:** UNESCO mandates to promote "the free flow of ideas through word and image" and views freedom of expression as an inalienable human right as set out in Article 19 of the Universal Declaration of Human Rights. UNESCO works to promote press freedom, as well as the safety of journalists, and to combat impunity (UNESCO).

Non-Governmental Organizations (NGOs):

- **Reporters Without Borders (RSF):** This organization aims to ensure the safety of

independent journalists online and offline (Reporters Without Borders). They provide a detailed World Press Freedom Index, in which they assess the state of journalism, media polarization, fake news, and the challenges faced by journalists worldwide due to government controls and legal threats.

Timeline of Events

3 May 1991	<p>The Windhoek Declaration for Promoting an Independent and Pluralistic African Press is adopted. “The Windhoek Declaration is considered a benchmark for ensuring press freedom around the world” (UNESCO).</p>
7 October 2006	<p>Russian journalist, writer, and human rights activist Anna Politkovskaya was shot dead in central Moscow. She was known for her opposition to the Second Chechen War and criticism of Russian President Vladimir Putin. This event highlighted the risks journalists face and press freedom in Russia (Committee to Protect Journalists; The Guardian).</p>
2 November 2013	<p>The United Nations declares 2 November as the International Day to End Impunity for Crimes against Journalists. Furthermore emphasizes the need for accountability in crimes against media professionals (A/RES/68/163).</p>
16 April 2018	<p>The murder of Slovak journalist Ján Kuciak, who reported on political corruption and investigated issues of tax fraud crisis in Slovakia (UNESCO).</p>
1 February 2021	<p>After the military coup, the junta quickly issued a list of media outlets that were banned for being outspoken, including</p>

	the Democratic Voice of Burma, a media emblematic of the fight for press freedom (Reporters sans Frontières).
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UN Involvement

United Nations Educational, Scientific and Cultural Organization (UNESCO): UNESCO is an organization that promotes freedom of expression and freedom of the press globally, protects journalists and combats impunity for those who attack them. It leads the global coordination of the UN Plan of Action on the Safety of Journalists and the Problem of Impunity, which aims to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations (Media Freedom Coalition). It also celebrates World Press Freedom Day every 3 May. It also monitors violence against journalists. Despite UNESCO's efforts, the UN has faced criticism for violations of press freedom.

Relevant UN Documents

Promotion and protection of the right to freedom of opinion and expression - Note by the Secretary-General (2 September 2012, A/67/357)

This report addresses the ongoing challenges of protecting and promoting freedom of thought and expression. It concludes with recommendations to effectively combat hate speech without excessively restricting the right to freedom of thought and expression.

Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (16 May 2011, A/HRC/17/27)

This report investigates the challenges to the right of all individuals to seek, receive, and impart information and ideas of all kinds through the Internet. In particular, Section IV outlines some of how the States are increasingly censoring information online.

The Right to Privacy in the Digital Age - Report of the Office of the United Nations High Commissioner for Human Rights (30 June 2014, A/HRC/27/37)

This report was written in accordance with the request of the General Assembly in its decision numbered 68/167 to submit a report on the protection and promotion of the right to privacy.

Resolution 1738 (2006) Adopted by the Security Council (23 December 2006, S/RES/1738)

This resolution addresses the risks journalists face in conflict zones, recognizing them as civilians and calling for their protection under international humanitarian law.

Treaties and Events

Universal Declaration of Human Rights (10 December 1948, A/RES/217(III))

The Universal Declaration of Human Rights established freedom of expression as a fundamental human right in Article 19. This document lays the foundation for international human rights norms, including press freedom. It emphasizes that everyone has the right to freedom of opinion and expression, which includes the right to seek, receive, and impart information regardless of frontiers (Universal Declaration of Human Rights, 10 December 1948, A/RES/217(III)).

International Covenant on Civil and Political Rights (16 December 1966, A/RES/2200A(XXI))

This treaty expands on the rights outlined in the Universal Declaration. Specifically, Article 19 guarantees the right to hold opinions without interference and the freedom to seek, receive, and impart information. It holds ratified states accountable for ensuring these freedoms. (International Covenant on Civil and Political Rights, 16 December 1966, A/RES/2200A(XXI), [https://undocs.org/en/A/RES/2200A\(XXI\)](https://undocs.org/en/A/RES/2200A(XXI))).

Windhoek Declaration on Promoting an Independent and Pluralistic African Press (3 May 1991)

“The Windhoek Declaration is considered a benchmark for ensuring press freedom around the world” (UNESCO). It led to the UN General Assembly proclaiming May 3rd as World Press Freedom Day. (Windhoek Declaration, 3 May 1991, <https://www.europarl.europa.eu/document/activities/cont/201104/20110429ATT18422/20110429ATT18422EN.pdf>).

UN Plan of Action on Safety of Journalists and the Issue of Impunity - Resolution adopted by the Security Council (12 April 2012, S/RES/1738)

This plan of action resolution aims to create a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, to strengthen peace, democracy, and development worldwide. (Safety of Journalists and the Issue of Impunity, 23 December 2006, S/RES/1738, [https://undocs.org/S/RES/1738\(2006\)](https://undocs.org/S/RES/1738(2006))).

Evaluation of Previous Attempts to Resolve the Issue

Previous efforts to address journalist safety and press freedom have had limited success due to structural and implementation challenges. Advocacy efforts, such as World Press Freedom Day, have raised awareness but have not been sufficiently reflected in concrete policy changes in areas where press freedom is restricted. Security Council Resolution S/RES/1738 (2006) recognized journalists as civilians under international humanitarian law, but has failed to effectively protect media personnel in conflict zones due to weak accountability mechanisms, as seen in Syria and Yemen. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity (2012) aimed to strengthen judicial systems, but has been largely unsuccessful due to inadequate national implementation and political oversight, particularly in authoritarian states. Advocacy efforts, such as World Press Freedom Day, have raised awareness but have not been sufficiently reflected in concrete policy changes in areas where press freedom is restricted. Regional initiatives have similarly faced similar obstacles, with

changing political climates and lack of integration into local law. The main reasons for these shortcomings include the non-binding nature of many resolutions, weak implementation and monitoring mechanisms, political resistance, resource constraints, and a persistent culture of impunity.

Possible Solutions

Establishment of a Global Monitoring Mechanism: Encourage member states to create an independent, UN-led global monitoring body to document, investigate, and report on threats, attacks, and crimes against journalists. This body would regularly report to the Human Rights Council and provide recommendations for sanctions against states that fail to protect journalists.

Development of National Protection Frameworks: Urge all member states to adopt and implement national legal frameworks that explicitly protect journalists and their rights. The HRC could provide technical assistance and capacity-building programs for member states.

Funding and Support for Independent Media: Call on member states and international organizations to create a dedicated fund to support independent media outlets, particularly in countries with high risks to press freedom.

Notes from the Chair

I urge all delegates to consider the implications of this report seriously and collaborate effectively to create a safer environment for journalists globally.

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