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

Afghanistan, Albania,* Argentina, Armenia, Australia, Austria, Belgium,* Brazil, Bulgaria, Canada,* Chile, Croatia,* Cyprus,* Czechia, Denmark, Dominican Republic,* Ecuador,* Estonia,* Finland,* France,* Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Marshall Islands, Mexico, Monaco,* Montenegro,* Morocco,* Namibia, Netherlands, North Macedonia,* Norway,* Paraguay,* Peru, Philippines, Poland, Portugal,* Qatar, Republic of Korea, Romania,* San Marino,* Sierra Leone,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland,* Tunisia,* Ukraine, United Kingdom of Great Britain and Northern Ireland,* and Uruguay: draft resolution

45/... The safety of journalists

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention for the Protection of All Persons from Enforced Disappearance, and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977,

Recalling all General Assembly and Human Rights Council resolutions on the safety of journalists, in particular Assembly resolution 74/157 of 18 December 2019 and Council resolution 39/6 of 5 October 2018, as well as Council resolution 44/12 of 16 July 2020 on freedom of opinion and expression and Security Council resolutions 1738 (2006) of 23 December 2006 and 2222 (2015) of 27 May 2015, on the protection of civilians in armed conflict,

Recalling also the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and the important role of the network of focal points throughout the United Nations system in enhancing the safety of journalists and media workers,

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, including its role in monitoring developments in this area, awareness-raising and capacity-building,

* State not a member of the Human Rights Council.



Welcoming also the initiatives taken by States, media organization and civil society relevant to the safety of journalists, noting in this regard the establishment of the Media Freedom Coalition, the Freelance Journalist Safety Principles, and the International Declaration on the Protection of Journalists, presented at the World Congress of the International Press Institute, held in March 2016 in Doha,

Mindful that the right to freedom of opinion and expression is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that it constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and development,

Recalling that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

Recognizing the importance of freedom of expression and of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive societies and democracies, an informed citizenry, the rule of law and participation in public affairs, in holding public institutions and officials accountable, including by exposing corruption,

Underlining that the right to freedom of opinion and expression, in accordance with article 19 of the International Covenant on Civil and Political Rights, includes the right to seek, receive and impart information held by public authorities, subject only to any restrictions that fully comply with international law, and stressing the importance of freedom of access to information to the work of journalists and media workers, and that they themselves also play a critical role in the enjoyment of this right,

Underlining also that any measure or restriction introduced under emergency measures must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law, and that the right to seek, receive and impart information requires that media freedom and the safety of journalists is protected during a state of emergency, including in the context of protests,

Underlining further that journalists and media workers serve a crucial function in times of crisis, and that States must take active measures to ensure that individuals and communities are fully informed about the full scope that any threat poses to their lives and health in order to make appropriate personal choices and decisions,

Recognizing the importance of public trust in and the credibility of journalism, and in particular the challenges of maintaining media professionalism in an environment where new forms of media are constantly evolving and where targeted disinformation and smear campaigns to discredit the work of journalists are increasing,

Recognizing also the importance of investigative journalism and that the ability of media to investigate and to publish the results of their investigations, including on the Internet, without fear of reprisals, plays an important role in societies, including in contributing to holding public institutions and officials accountable or detecting cases of corruption, and revealing human rights abuses by business enterprises,

Underlining the importance of voluntary professional principles and ethics developed and observed by the media,

Alarmed at instances in which political leaders, public officials and/or authorities denigrate, intimidate or threaten the media, including individual journalists, which increases the risk of threats and violence against journalists and undermines public trust in the credibility of journalism,

Alarmed also at acts of intimidation and reprisal directed against foreign journalists and media workers, especially by political leaders, public officials and/or authorities through, inter alia, the arbitrary and unwarranted denial of accreditation or visas in connection with their journalistic work,

Recognizing the crucial role of journalists and media workers in the context of elections, including to inform the public about candidates, their platforms and ongoing debates, and expressing serious concern that attacks against journalists and media workers increase during election periods,

Deeply concerned that the work of journalists and media workers often puts them at specific risk of human rights violations and abuses, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, arbitrary expulsion, physical and sexual violence, as well as intimidation, threats and harassment of all kinds, including by the targeting of their family members or arbitrarily raiding and searching their residency, which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Equally concerned about incidences of extraterritorial targeting of journalists and media workers, including harassment, surveillance and arbitrary deprivation of life,

Deeply concerned about all attempts to silence journalists and media workers, including by legislation that can be used to criminalize journalism, by the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation, when not in conformity with international human rights standards, and by business entities and individuals using strategic lawsuits against public participation to exercise pressure on journalists and stop them from critical and/or investigative reporting,

Deeply concerned also that the coronavirus disease (COVID-19) crisis has significant implications for the work, health and safety of journalists and media workers, and in this regard concerned about the consequences of the economic impact of the pandemic, which increases the vulnerability of journalists and weakens media sustainability, independence and pluralism and worsens the risks of misinformation and disinformation spreading by limiting access to a wide range of reliable information and opinions,

Alarmed at threats against, and arrests and involuntary disappearances, as well as disproportionate and undue restrictions on access to information or censorship, freedom of movement or accreditation, of journalists and media workers linked to their reporting on the pandemic,

Deeply alarmed at the specific risks faced by women journalists in relation to their work, and underlining in this context the importance of taking a gender-responsive approach when considering measures to address the safety of journalists, including in the online sphere, in particular to effectively tackle gender-based discrimination, including sexual and gender-based violence, threats, including threats of rape, intimidation, harassment, online gender-based harassment and abuse, including blackmailing with private content, inequality and gender-based stereotypes, to enable women to enter and remain in journalism on terms of equality and non-discrimination while ensuring their greatest possible safety, and to ensure that the experiences and concerns of women journalists are effectively addressed,

Taking into account that journalists may face specific risks in relation to their work due to various forms of discrimination, such as but not limited to sex, race, religion, ethnicity, minority status, disability or political affiliation,

Welcoming the work of the Special Rapporteur on violence against women, its causes and consequences, and taking note of her report on combating violence against women journalists,¹

Expressing serious concern at attacks and violence against journalists and media workers, and at the specific risk faced by women journalists in relation to their work in situations of armed conflict, and recalling in this regard that journalists and media workers engaged in dangerous professional missions in areas of armed conflict are civilians under international humanitarian law and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

¹ A/HRC/44/52.

Expressing deep concern at the growing threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations,

Emphasizing the particular risks with regard to the safety of journalists in the digital age, including the particular vulnerability of journalists to becoming targets of unlawful or arbitrary surveillance and/or the interception of communications, hacking, including government-sponsored hacking, and denial of service attacks to force the shutdown of particular media websites or services, in violation of their rights to privacy and to freedom of expression,

Emphasizing also that, in the digital age, encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources,

Recognizing that national legal frameworks consistent with States' international human rights obligations and commitments are an essential condition for a safe and enabling environment for journalists, and expressing deep concern about the misuse of national laws, policies and practices to hinder or limit the ability of journalists to perform their work independently and without undue interference,

Recognizing also the important role that national human rights institutions can play in promoting and protecting human rights, including the right to freedom of expression, and in addressing human rights violations against journalists through monitoring, educating and awareness-raising activities, as well as through the examination of complaints, and recognizing further the contribution that national mechanisms for reporting and follow-up can play in the prevention of human rights violations against journalists,

Emphasizing the role of international cooperation in support of national efforts to prevent attacks and violence against journalists and in raising the capacities of States in the field of human rights, including in preventing attacks and violence against journalists, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned,

Bearing in mind that impunity for attacks and violence against journalists constitutes one of the greatest challenges to the safety of journalists, and that ensuring accountability for crimes committed against journalists is a key element in preventing future attacks,

Stressing the need to conduct impartial, prompt, thorough, independent and effective investigations into human rights violations and abuses against journalists and media workers, including effective investigations into whether those violations or abuses were connected with the journalistic work of the victim,

Stressing also the need for greater emphasis on prevention measures and the creation of enabling national legal frameworks consistent with the State's international human rights obligations and commitments to ensure a safe and enabling environment for journalists and media workers,

1. *Condemns unequivocally* all attacks, reprisals and violence against journalists and media workers, such as killings, torture, enforced disappearances, arbitrary arrest and arbitrary detention, expulsion, intimidation, threats and harassment, online and offline, including through attacks on or the forced closure of their offices and media outlets in both conflict and non-conflict situations;

2. *Also condemns unequivocally* the specific attacks on women journalists and media workers in relation to their work, such as gender-based discrimination, including sexual and gender-based violence, threats, intimidation and harassment, online and offline;

3. *Strongly condemns* the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes;

4. *Condemns unequivocally* measures in violation of international human rights law aiming to or that intentionally prevent or disrupt access to or dissemination of information online and offline, which undermine the work of journalists in informing the

public, including through practices such as Internet shutdowns or measures to unlawfully or arbitrarily block or take down media websites, such as denial of service attacks, and calls upon all States to cease and refrain from these measures, which cause irreparable harm to efforts at building inclusive and peaceful knowledge societies and democracies;

5. *Expresses concern* about the spread of disinformation and propaganda, including on the Internet, which can be designed and implemented so as to mislead, to violate human rights, including the right to privacy and to freedom of expression, to spread hatred, racism, xenophobia, negative stereotyping or stigmatization, and to incite violence, discrimination and hostility and emphasizes the important contribution by journalists in countering this trend;

6. *Stresses* the importance of the full respect for the right to seek, receive and impart information, as included in the right to freedom of opinion and expression, and in this regard for the freedom of journalists to have access to information held by public authorities and the right of the general public to receive media output, and that the safety of journalists and media workers is indispensable to ensure these rights;

7. *Urges* political leaders, public officials and/or authorities to refrain from denigrating, intimidating or threatening the media, including individual journalists, or using misogynist or any discriminatory language towards women journalists, thereby undermining trust in the credibility of journalists and respect for the importance of independent journalism;

8. *Urges* the immediate and unconditional release of journalists and media workers who have been arbitrarily arrested or arbitrarily detained, taken hostage or who have become victims of enforced disappearance;

9. *Underlines* the importance of providing for an enabling environment for the work of civil society organizations, as they play a vital role in enhancing the safety and security of journalists and media workers;

10. *Calls upon* States:

(a) To bring their laws, policies and practices fully into compliance with their obligations and commitments under international human rights law, and to review and where necessary repeal or amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

(b) To establish prevention mechanisms, such as an early warning and rapid response mechanism, to give journalists and media workers, when threatened, immediate access to authorities competent and adequately resourced to provide effective protective measures;

(c) To develop and implement strategies for combating impunity for attacks and violence against journalists, including by, inter alia, (i) creating special investigative units or independent commissions; (ii) appointing a specialized prosecutor; and (iii) adopting specific protocols and methods of investigation and prosecution;

(d) To ensure accountability through the conduct of impartial, prompt, thorough, independent and effective investigations into all alleged violence, threats and attacks against journalists and media workers falling within their jurisdiction, to bring perpetrators, including those who command, conspire to commit, aid and abet or cover up such crimes to justice, and to ensure that victims and their families have access to appropriate restitution, compensation and assistance;

(e) To ensure that measures to combat terrorism and preserve national security, public order or health are in compliance with their obligations under international law and do not arbitrarily or unduly hinder the work and safety of journalists, including through arbitrary arrest or detention, or the threat thereof;

(f) To support capacity-building, training and awareness-raising in the judiciary and among law enforcement officers and military and security personnel, as well as among media organizations, journalists and civil society, regarding States' international human rights and international humanitarian law obligations and commitments relating to the safety of journalists;

(g) To take into account the specific role, exposure and vulnerability of journalists and media workers observing, monitoring, recording and reporting protests and assemblies, and to protect their safety;

(h) To ensure that defamation and libel laws are not misused, in particular through excessive criminal sanctions, to illegitimately or arbitrarily censor journalists and interfere with their mission of informing the public, and where necessary to revise and repeal such laws, in compliance with States' obligations under international human rights law;

(i) To protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided for in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

(j) To adopt and implement transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities, including online, and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations that comply with international human rights law;

(k) To refrain from interference with the use of technologies such as encryption and anonymity tools, and from employing unlawful or arbitrary surveillance techniques, including through hacking;

(l) To ensure that targeted surveillance technologies are only used in accordance with the human rights principles of lawfulness, legitimacy, necessity and proportionality, and that legal mechanisms of redress and effective remedies are available for victims of surveillance-related violations and abuses;

(m) To promote the availability and accessibility of the broadest possible diversity of media content and the representation of the whole diversity of society in the media, and in this regard to do their utmost to reduce the economic vulnerability of journalists;

(n) To cooperate with journalists, the media and civil society organizations to assess the damage that the COVID-19 pandemic is inflicting on the provision of vital information to the public and the sustainability of media environments, and to consider, wherever possible, devising appropriate mechanisms to provide financial support to the media, including local journalism and investigative reporting, and to ensure that support is given without compromising editorial independence;

(o) To take measures to prevent sexual harassment and other forms of sexual and gender-based violence, including threats, threats of rape, intimidation and harassment against women journalists, to encourage the reporting of harassment or violence by providing gender-sensitive investigative procedures, to provide adequate support, remedy, reparations and compensation for victims, including psychological support as part of broader efforts to promote and protect the human rights of women, to eliminate gender inequality and to tackle gender-based stereotypes in society, and to prohibit incitement to hatred against women journalists, online and offline, and other forms of abuse and harassment through relevant policy and legal measures that comply with international human rights law;

(p) To give full support for and to raise public awareness of the importance of independent, plural and diverse media, online as well as offline, inter alia by government representatives publicly, unequivocally and systematically condemning violence, intimidation, threats and attacks against journalists and media workers and refraining from verbally attacking journalists, inciting hatred against them or distrust towards independent journalists;

(q) To establish or enhance information-gathering and monitoring mechanisms, such as databases, to permit the collection, analysis and reporting of concrete quantitative and qualitative disaggregated data on threats, attacks or violence against journalists, and to do their utmost to make data, in accordance with Sustainable Development Goal indicator 16.10.1, available to relevant entities, in particular the Office of the United Nations High

Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization;

(r) To provide for an enabling environment for civil society organizations to contribute to monitor and report cases of violence against the media and other infringements of freedom of expression, to provide assistance to journalists and media workers against wrongful prosecutions, and to advocate for crimes against them to be properly investigated and, where appropriate, for improvement of legal frameworks governing the enabling environment for journalists and media workers;

(s) To integrate the issue of the safety of journalists and media freedom and access to information into national development frameworks under the 2030 Agenda for Sustainable Development;

(t) To ensure better internal coordination and sharing of information, in particular within and between relevant ministries, law enforcement and the judiciary at the local and national levels;

(u) To sign, ratify and implement more effectively the international and regional human rights instruments relevant to the safety of journalists and media workers, and to implement relevant resolutions adopted by United Nations bodies and regional intergovernmental organizations and the recommendations made by treaty bodies, the special procedures and in the context of the universal periodic review relating to the safety of journalists;

11. *Recognizes* the important contribution of the promotion and protection of the safety of journalists in the realization of Sustainable Development Goal target 16.10;

12. *Emphasizes* the important role that media organizations can play in providing adequate safety, risk awareness, digital security and self-protection training and guidance to journalists and media workers, in particular for journalists on dangerous assignments, together with protective equipment and insurances, where necessary;

13. *Stresses* the need to ensure better cooperation and coordination at the international level, including through technical assistance and capacity-building, with regard to ensuring the safety of journalists, and encourages national, subregional, regional and international human rights mechanisms and bodies, including the relevant special procedures of the Human Rights Council, treaty bodies and national human rights institutions, in the framework of their mandates, to continue to address the relevant aspects of the safety of journalists in their work;

14. *Invites* United Nations agencies, funds and programmes, other international and regional organizations, Member States and all relevant stakeholders, when applicable and in the scope of their mandates, to cooperate further in promoting awareness of and implementing the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, and to this end calls upon States to cooperate with relevant United Nations entities, in particular the United Nations Educational, Scientific and Cultural Organization, relevant special procedures of the Human Rights Council and international and regional human rights mechanisms;

15. *Invites* all relevant special procedure mandate holders of the Human Rights Council to continue and strengthen their work and cooperation relating to the issue of the safety of journalist and impunity;

16. *Invites* States to share information on a voluntary basis on the status of investigations into attacks and violence against journalists, including in response to requests by the United Nations Educational, Scientific and Cultural Organization through the mechanism operated by its International Programme for the Development of Communication;

17. *Encourages* States to continue to address the issue of the safety of journalists through the process of the universal periodic review;

18. *Requests* the High Commissioner to present to the Human Rights Council at its forty-eighth session a report on the impact and repercussions of measures taken by

Governments in response to the COVID-19 pandemic on the safety and work of journalists and media workers, integrating a gender perspective, and to identify trends and collect good practices, in particular on how the Office of the High Commissioner, within its mandate and working with other relevant United Nations entities, can assist, when requested, in the development of national approaches to protect journalists;

19. *Encourages* States and all other relevant stakeholders to take the opportunity of the proclamation of 2 November as the International Day to End Impunity for Crimes against Journalists to raise awareness regarding the issue of the safety of journalists and to launch concrete initiatives in this regard;

20. *Decides* to continue its consideration of the safety of journalists in accordance with its programme of work.
