

# **DPS MUN 2025**

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## **JODHPUR CHAPTER VIII**



**Carpe Diem  
Carpe Noctem**

# **BACKGROUND GUIDE UNHRC**

**PROMOTING AND PROTECTING FREEDOM OF  
THE PRESS AND THE SAFETY OF JOURNALISTS  
AMID RISING AUTHORITARIANISM**

**DPSMUN 2025**

# Letter from the Executive Board

Greetings!

With immense pleasure to serve as your Executive Board, we welcome you to the stimulation of the United Nations Human Rights Council, which will be held at Delhi Public School, Pal Road, Jodhpur, the eighth edition of Delhi Public School Model United Nations Jodhpur 2025.

Our committee shall discuss a dynamic agenda:

"Promoting and Protecting Freedom of the Press and the safety of Journalists amid rising  
Authortarianism."

The major aim of this document is to serve as a course of your understanding and further researches, but it is not restricting the creation of new horizons and expanding the scope of the debate. This agenda seeks theoretical as well as logical attention and we request you to sincerely read the document so that all delegates at least have common grounds of understanding. Further we request you all not to treat this guide as a source of citations in the committee as the guide is a mixture of arguments and facts at times constructed to ease up the understanding.

In the times of the conflict, through their cooperation and advisory services, the United Nations and regional organizations seek to assist States to ensure that duty-bearers uphold their human rights obligations. They support States' efforts to ensure that national legislation, policies, programs and institutions comply with international human rights standards; to ratify international and regional human rights treaties and review reservations; to establish functioning and compliant national and regional protection systems and accountability mechanisms to monitor, investigate and redress human rights violations; and to build or strengthen mechanisms that enable rights-holders, in particular women and groups subject to discrimination, to claim their rights.

At the international level, OHCHR assists States to meet their obligations by supporting their engagement with international human rights mechanisms and bodies, in association with other United Nations entities and, pertinent, regional organizations. The cooperation and ordered practices are meant to strategically simplify the effects of conflicts including the popular practices of 'healing function'. We request you to kindly take a look over various aspects of near related terminology considering that with minute differences there are possibilities that the meanings of certain arguments may change.

For your own advancement and profit, but also to ensure a successful and enjoyable working atmosphere in the committee, let us kindly suggest you to:

1. ... be prepared: Read through this background guide and take it as a point of departure for your own research into the position your countries take on the issues on the agenda.
2. ... stay in character: Learn about your country and try to capture the mentality of its representatives. You do not need to know the answer to every question that might come up. But set some basic goals that are appropriate for your country and try to act according to them. Find allies that your country would side with in reality too.
3. ... act diplomatically: Be respectful towards your fellow delegates and follow the Rules of Procedure. Be diplomatic rather than demanding and try to win over opposition instead of forcing your opinion on others.
4. ... have fun: Simulating diplomacy should never be taken so seriously that cooperative fun turns into sour competition. Enjoy the debate, get to know new people and don't forget: The conference doesn't end when the meeting is suspended.

We duly understand the agenda might seem a bit tricky and for this purpose,  
or whatsapp with respect to your doubts. Just remember one thing, searching only over Google won't  
feel free to contact us via emails

fetch you good material, you have to put in your reasoning efforts Happy researching and Good Luck  
Delegates!!!

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## About the Human Rights Council

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva, Switzerland and the current 19th cycle is headed by Mr. Jurg Lauber.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

The Council was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. Its first session took place from 19 to 30 June 2006. One year later, the Council adopted its "Institution-building package" to guide its work and set up its procedures and mechanisms. Among them were the Universal Periodic Review mechanism which serves to assess the human rights situations in all United Nations Member States, the Advisory Committee which serves as the Council's "think tank" providing it with expertise and advice on thematic human rights issues and the Complaint Procedure which allows individuals and organizations to bring human rights violations to the attention of the Council.

The Human Rights Council also works with the UN Special Procedures established by the former Commission on Human Rights and now assumed by the Council. These are made up of special reporters, special representatives, independent experts and working groups that monitor, examine, advise and publicly report on thematic issues or human rights situations in specific countries.

## Sources of Evidence

With due respect to the debate course, we acknowledge the clash of ideas in forms of records or substantive quotes and in this occurrence we, as the Executive Board, generally ask for evidences. Below given are FEW sources which are generally accepted yet the dominion of delegate over the source lies.

1. Reuters
2. State operated New Agencies
3. Government Reports
  - Government Websites
  - Multilateral Organizations
4. UN and its Subsidiaries Reports
5. Aljazeera
6. Rand.Org

The usage of reports stands in manner that may vary from situation to situation and report to report. Delegates are advised to support their researches with evident proofs. Further, it is requested that you should not quote Wikipedia ([www.wikipedia.org](http://www.wikipedia.org)) or use any variant of AI as an evidence considering its editable nature and websites like Amnesty International (<http://www.amnesty.org/>), Human Rights Watch (<http://www.hrw.org>) should be used only for understanding the basics of the agenda and yet not again to produce as a proof.

## Chapter 1: Introduction

The following topic (INTRODUCTION) consists of these sub-issues:

- (a) How to understand Human Rights?
- (b) Is notion of Human Rights different in Some States?
- (c) Difference between International Human Rights Law and Humanitarian Law.
- (d) What is International Law?

### (a) HOW TO UNDERSTAND HUMAN RIGHTS?

Human rights are in the basic sense those moral and legal entitlements over having or doing something in response to the fact that we are born as human beings. Now if we try to understand what exactly human rights are, we need to take a quick-sip of the historic overview and concept over how actually human rights emerged. Some people take it into accounts the “Social Contract Theory” of three great theorists, Thomas Hobbes, John Locke and Jean-Jacques Rousseau, we’ll realise that the talk started to formulate certain assurances of people to each other and in the Age of Enlightenment, people realised the value of life.

With this realisation of the value of life, few political scientists and theorists refer that the emergence of rights took place with the idea of right to life and all rights emerge out of them. So basic tenets of every type of rights granted to a person are just a moral entitlement of that person, to a quality of life desired in the situation, backed by legal claims legitimized by the general will. Now if you try to understand the meaning of the last sentence, in essence it simply wants to reflect the idea that there exists a moral idea which looks forth for what is a desirable life. In attempt to answer that, there are several entitlements that a human can make until his entitlement are not conflicting with others.

There are the entitlements and assurances which can be called out as going in the direction desired of a quality life. These are the 12 human rights measured by the Human Rights Measurement Initiative (HRMI) project during its pilot stage. The UN’s Universal Declaration of Human Rights (UDHR) defines 30 human rights. These 30 human rights mentioned in the UDHR consider the multi-dimensional requirements of different humans under different condition and yet it goes fine with large masses of population diverse in nature. To understand human rights, it is important for us to find how important a life of a human being is. For instance, a group of non-state actors, in an area of escalated violence, wouldn’t mind slaughtering people of the opposite mindset and hence, they don’t really have a notion of human rights. On the comparative part, a head of the community, to whom everyone is equal, he shall be adjudicating similar practices and make entitlements to every member and henceforth respect their lives as well.

From this we can build a notion that the understanding of the origin and characteristic of human rights is pretty easy to figure and decipher from blurry past but when it comes to area of understanding that shall be granted what rights and to what extent, here it starts off with a technical understanding of the human rights. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

There are three main types of rights:

Absolute rights cannot be interfered with or limited in any way. Examples of absolute rights are prohibition of torture (Article 3, European Convention on Human Rights) or Prohibition of slavery and forced labor (Article 4, European Convention on Human Rights).

Limited rights can be limited in specific circumstances, as set out in the Human Rights Act 1998.

An example of a limited right is the right to liberty (Article 5, European Convention on Human Rights), which can be limited in certain cases, for example, where someone has been convicted of a crime by a court or is being detained because of mental health problems.

Qualified rights can be interfered with in order to protect the rights of other individuals or the public interest.

The majority of rights in the Human Rights Act are qualified rights. Any interference with a qualified right must be:

- In pursuit of a legitimate aim, for example, to protect the rights of others or for the wider good
- Lawful
- Necessary
- Proportionate (appropriate and not excessive in the circumstances).
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Examples of qualified rights are Right to respect for private and family life (Article 8, European Convention on Human Rights), Freedom of thought, conscience and religion (Article 9, European Convention on Human Rights) and Freedom of assembly and association (Article 11, European Convention on Human Rights).

Now a basic question arises concerning who actually has responsibilities for people's rights? The responsibility for upholding human rights lies with the state. Human rights provide minimum standards below which states cannot go. States have a responsibility to ensure that everyone's rights are protected and fulfilled. However, human rights are also about the relationships between all of us and when we all respect each others' rights, it helps everyone to get along and live together. If someone does not allow another person to exercise their human rights, they do not forfeit their own rights. For example, if a child is excluded from school because they have seriously hurt another child, they still have a right to an education.

The fact that we all have human rights does not mean they are not sometimes denied. Human rights abuses continue to occur all over the world, including in the UK. In order to make sure that human rights are made a reality in people's lives, those with rights need to know what they are and how to claim them. Those who are responsible for protecting and respecting people's rights need to know what their responsibilities are and uphold them.

### (b) IS NOTION OF HUMAN RIGHTS DIFFERENT IN SOME STATES?

The Human Rights Council is another UN body that works to protect the freedom of religion worldwide. It receives reports by countries on what they are doing to protect this right. And in 2007, the Council adopted resolution 6/37 on the "Elimination of all forms of intolerance and of discrimination based on religion or belief." The United Nations Special Rapporteur on freedom of religion or belief takes the leading role on protecting the right to freedom of religion or belief at the national, regional, and international levels, the Rapporteur visits countries accused of violating this right and report findings to the Human Rights Council and the General Assembly. In 2012, Special Rapporteur, Heiner Bielefeldt spoke to the General Assembly about religious conversions, saying that "the right of conversion and the right not to be forced to convert or reconvert belong to the internal dimension of a person's religious or belief-related conviction, which is unconditionally protected under international human rights law." In addition to the United Nations, non-governmental organizations play an important role in protecting the freedom of religion or belief worldwide. Freedom House is "an independent watchdog organization dedicated to the expansion of freedom around the world" that analyzes and reports on the freedoms of people around the world, including their freedom of religion. Another NGO, the International Religious Liberty Association, is the "oldest association dedicated to freedom of conscience for all people" that advocates for the freedom of religion among governments and at the United Nations. Possible Solutions Despite the work of the UN and NGOs, the human right to freedom of religion or belief is still being violated in countries around the world. There are many areas in which this committee can develop possible solutions to protect and promote the freedom of religion or belief. But there are several issues in particular that the UN has focused on in recent years:

- **Eliminating Intolerance:** Dozens of countries are being investigated for allegations of violating the rights of their citizens to practice the freedom of religion or belief.<sup>vi</sup> In 2010, the Special Rapporteur on freedom of religion or belief released a report on the promotion and protection of freedom of religion or belief as a human right, describing what violations were taking place.<sup>vii</sup> But how can the international community better protect those whose rights are being violated? Can the international community work with governments that are accused of these human rights violations?
- **School Education:** In 2011, the Special Rapporteur on freedom or religion or belief released a report about school education, including how religion and belief is being taught in schools, and how schools can promote the freedom of religion or belief. But the report cautioned that "Freedom of religion or belief and school education require very careful handling. The main reason is that the school, besides providing a place of learning and social development, is also a place in which authority is exercised. Should the international community approach schools as a platform for promoting the freedom of education or belief, especially among the youth? Will governments agree with this approach?

- Right of Conversions: In 2012, the Special Rapporteur on freedom or religion or belief released a report on the right of conversion as part of the freedom of religion or belief. He identified four main subcategories: “the right to conversion, in the sense of changing one’s own religion or belief; the right not to be forced to convert; the right to try to convert others by means of no coercive persuasion; and the rights of the child and of his or her parents in this regard. This is a potentially sensitive and controversial issue, as one person’s right of conversion might infringe on another person’s right to freedom of religion or belief – and potentially create situations of insecurity or violence. The freedom of religion or belief is an important human rights issue that affects nearly every life on the planet. Different perspectives on religion and belief have led to tensions, conflict, violence, and war. It is an issue that the UN and the international community must continue to address.

### (c) DIFFERENCE BETWEEN INTERNATIONAL HUMAN RIGHTS LAW AND HUMANITARIAN LAW

International human rights law is a system of international norms designed to protect and promote the human rights of all persons. These rights, which are inherent in all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status, are interrelated, interdependent and indivisible. They are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and soft law. Human rights entail both rights and obligations. International human rights law lays down the obligations of States to act in certain ways or to refrain from certain acts, in order to promote and protect the human rights and fundamental freedoms of individuals or groups.

International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities, and restricts the means and methods of warfare. Its scope is, therefore, limited ratione materiae to situations of armed conflict. International humanitarian law is part of ius in bello (the law on how force may be used), which has to be distinguished and separated from ius ad bellum (the law on the legitimacy of the use of force). The use of force is prohibited under the Charter of the United Nations. Nevertheless, international humanitarian law has to be applied equally by all sides to every armed conflict, regardless of whether their cause is justified. This equality between the belligerents also crucially distinguishes an armed conflict, to which international humanitarian law applies, from a crime, to which only criminal law and the rules of human rights law on law enforcement apply.

For years, it was held that the difference between international human rights law and international humanitarian law was that the former applied in times of peace and the latter in situations of armed conflict. Modern international law, however, recognizes that this distinction is inaccurate. Indeed, it is widely recognised nowadays by the international community that since human rights obligations derive from the recognition of inherent rights of all human beings and that these rights could be affected both in times of peace and in times of war, international human rights law continues to apply in situations of armed conflict. Moreover, nothing in human rights treaties indicates that they would not be applicable in times of armed conflict. As a result, the two bodies of law—international human rights law and international humanitarian law—are considered to be complementary sources of obligations in situations of armed conflict. For example, the Human Rights Committee, in its general comments Nos. 29 (2001) and 31 (2004), recalled that the International Covenant on Civil and Political Rights applied also in situations of armed conflict to which the rules of international humanitarian law were applicable.<sup>1</sup> The Human Rights Council, in its resolution 9/9, further acknowledged that human rights law and international humanitarian law were complementary and mutually reinforcing. The Council considered that all human rights required protection equally and that the protection provided by human rights law continued in armed conflict, taking into account when international humanitarian law applied as lex specialis. The Council also reiterated that effective measures to guarantee and monitor the implementation of human rights should be taken in respect of civilian populations in situations of armed conflict, including people under foreign occupation, and that effective protection against violations of their human rights should be provided, in accordance with international human rights law and applicable international humanitarian law.

### (d) WHAT IS INTERNATIONAL LAW?

International law defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries. Its domain encompasses a wide range of issues of international concern, such as human rights, disarmament, international crime, refugees, migration, problems of nationality, the treatment of prisoners, the use of force, and the conduct of war, among others. It also regulates the global commons, such as the environment and sustainable development, international waters, outer space, global communications and world trade.

## Chapter 2:

The following topic (Promoting and Protecting Freedom of the Press and the safety of Journalists amid rising Authoritarianism) consists of these sub-issues explained briefly but not fully ☺

1. JOURNALISM – AN ESSENTIAL BUT DANGEROUS PROFESSION
2. PRESS FREEDOM'S DARK HORIZON
3. SAFETY OF JOURNALISTS – THE MISSING VITAMIN
4. THE IMPUNITY
5. FREE SPEECH AND FREEDOM OF PRESS & ISSUES OF SOVEREIGNTY
6. HOBBLING A CHAMP OF GLOBAL PRESS FREEDOM
7. STILL STRONG BUT IN DECLINE
8. WEAPONIZING THE LAW – LEGAL ATTACKS ON MEDIA FREEDOM
9. UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY
10. IMPACT OF THE UN PLAN OF ACTION IN LAST YEARS
11. THE UNITED NATIONS – COMMITTED TO PROTECTING JOURNALISTS
12. CONCLUSION
13. RECOMMENDATIONS



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**"Stop targeting truth and truth-tellers. As journalists stand up for the truth, the world stands with them."**

## 1. THE JOURNALISM – AN ESSENTIAL BUT DANGEROUS PROFESSION:

Journalism has, since the 16th century, seen the best and worst of humanity. It has been there for our greatest triumphs and our darkest hours. Countless individuals place themselves in danger in order to give a voice to the people, the downtrodden and the powerless. Journalists play an integral role in the power dynamics between a government and its people.

Journalism is fundamental for sustainable development, human rights protection and democratic consolidation, but remains a dangerous and too often deadly profession - and nine times out of ten, the murder of a journalist is unresolved.

Journalists have long been under siege. From war reporting on the frontlines to covering natural disasters, to keeping pace with the COVID-19 pandemic – journalists have frequently risked their own lives in the interests of others. The mission to inform and empower can be as dangerous as it is critical. These threats are no longer circumstantial. For years, the deliberate targeting and silencing of journalists by those invested in controlling the free flow of information has been surging. In an era defined by converging global crises, journalists who hold power to account are increasingly making enemies of the powerful.

Recently, however, the tactics have turned. As information becomes an ever more valuable currency, efforts to control it have taken on new and alarming forms. The systematic extinction of free speech now depends upon an arsenal of weapons aimed at the many rather than the few; a global tidal wave of legal threats against journalists, designed to stifle unwanted narratives and public debate.

According to the United Nations Educational, Scientific and Cultural Organization's UNESCO Observatory of Killed Journalists, more than 1,804 journalists have been killed since 1992. This means that it is reasonably certain the journalists were targeted because of their work.

Recently, OHCHR has observed a decline of media freedom in all regions. Various factors demonstrate this decline, including persisting attacks on journalists, on-line and offline, particularly of women journalists; increasing detention of journalists; the use of defamation laws and laws to curb on-line expression; the use of Strategic Lawsuits Against Public Participation Laws (SLAPPS) against journalists; and the targeting of journalists by surveillance technologies

In 2025 alone YTD, 41 journalists were murdered and more than 118 caught in the crossfire of the conflict they were reporting on. Outside of conflict zones, journalists are often targeted by organized crime groups, militias, security personnel, and even the police. The Committee to Protect Journalists (CPJ) has found that in Mexico at least nine journalists were killed due to their work in the past year. In addition, CPJ has found that journalists covering politics are more at risk than journalists covering war. Yet the journalists most at risk are local, not foreign correspondents because foreign reporters often enjoy some protection by their native governments. Other threats against journalists, online and off-line, continue to grow, especially in non-conflict zones. Journalist imprisonment is at a record high, while online violence - particularly against women journalists - and harassment spurs on self-censorship and, in some cases, physical attacks. Numerous reports and studies confirm that threats inordinately affect women journalists and those who represent minority groups.

This weaponization of the law – amplified by recent events such as the pandemic and the invasion of Ukraine – is being used in myriad ways and by different players, but with the same desired outcome: the criminalization of media practitioners to suppress scrutiny and to seize power. Designed to ensnare and cripple journalists, widespread abuses of the law range from the introduction of new legislation purporting to be in the interests of national security, to the rise in unjust lawsuits by powerful individuals that threaten financial ruin.

There are many players invested in a thriving media ecosystem, representing different sectors and geographies; all are attempting to grapple with these new threats. But in mounting a collaborative and coordinated defense, we must first understand the nature and scale of the attack. Up until now, individual cases have been well documented, but data-led research that would build a clearer picture of these global trends has been missing.

Inspired by the many journalists who have been trained by, and worked with, the world bodies, it is hoped that this resource empowers all those fighting to protect strong, free and independent media. Our goal is also to unite those at the forefront of addressing this common goal. The future of the profession – and of our

fundamental civil liberties – is at stake.

Egregious examples include Katsiaryna Andreyeva, a correspondent for Belsat in Belarus, who was found guilty of ‘state treason’ in 2022, and sentenced to eight years in prison. Andreyeva was already serving a two-year sentence for allegedly organizing an illegal protest because she had livestreamed a November 2020 demonstration against President Alexander Lukashenko’s disputed reelection.

In Vietnam, in 2021, Pham Doan Trang was convicted and sentenced to nine years in prison after a one-day trial for spreading anti-state propaganda. The charges came in retaliation for her work covering human rights and democracy in Vietnam for the Luat Khoa legal magazine, which she founded.

Journalist Mohamed Mouloudj, arrested in Algeria in September 2021, spent 13 months in pre-trial detention on terrorism charges for requesting an interview with a member of the Movement for the Self-Determination of Kabylie (MAK), an opposition group declared a terrorist organization by the government. He initially faced the death penalty, though was eventually sentenced to one year in prison.

One of Brazil’s richest men has filed at least 37 lawsuits, many alleging defamation, against journalists and media organizations that have exposed his close ties to the former Bolsonaro administration. In the last couple of years in the United States, journalists and media organizations have faced civil defamation suits with wildly inflated damage claims brought by former President Donald Trump and his political allies. This includes former Congressman Devin Nunes, who sued CNN for \$435 million over an article published in 2019 that alleged Nunes had met with a former Ukrainian official in Austria. The suit was dismissed by a federal judge in February 2021, a decision later affirmed by the US federal appeals court.

## 2. PRESS FREEDOM’S DARK HORIZON:

Among the many and wide-ranging threats to media freedom that have proliferated in recent years is the mounting number of legal attacks on journalists and journalism, often used to silence public interest reporting and exert control. An array of sweeping and repressive legislative, regulatory, and other legal threats to journalists are stifling their ability to operate freely and independently, with grave repercussions for the journalists themselves and for the audiences they serve.

Media freedom organizations have documented record numbers of imprisoned reporters worldwide. A staggering 533 were jailed at the end of 2022, according to the CPJ.

While only a handful of countries jail journalists in large numbers, legal attacks are happening everywhere, including in the world’s leading democracies. These threats range from simple harassment to “lawfare” – systematic legal action intended to stifle critical reporting and suppress fundamental rights. In many instances, governments themselves use the legal system to undermine the work of the press, but private actors – including politicians, businesspeople, celebrities, and even alleged leaders of criminal organizations – have also found creative ways to use the law as a cudgel.

Global press freedom declined to its lowest point in 2024 amid unprecedented threats to journalists and media outlets in major democracies and new moves by authoritarian states to control the media, including beyond their borders. Only 13 percent of the world’s population enjoys a Free press—that is, a media environment where coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures.

Forty-five percent of the population lives in countries where the media environment is Not Free. The world’s 10 worst-rated countries and territories were Azerbaijan, Crimea, Cuba, Equatorial Guinea, Eritrea, Iran, North Korea, Syria, Turkmenistan, and Uzbekistan.

Politicians in democracies such as Poland and Hungary shaped news coverage by undermining traditional media outlets, exerting their influence over public broadcasters, and raising the profile of friendly private outlets. United States President Donald Trump disparaged the press, rejecting the news media’s role in holding governments to account for their words and actions.

Officials in more authoritarian settings such as Turkey, Ethiopia, and Venezuela used political or social unrest as a pretext for new crackdowns on independent or opposition-oriented outlets. Authorities in several countries in sub-Saharan Africa, the Middle East, and Asia extended restrictive laws to online speech, or simply shut down telecommunications services at crucial moments, such as before elections or during protests. Among the countries that suffered the largest declines were Poland, Turkey, Burundi, Hungary, Bolivia, Serbia, and the Democratic Republic of Congo.

### **3. SAFETY OF JOURNALISTS – THE MISSING VITAMIN:**

An ‘unacceptable’ scale of threats and violence. In May 2012, the Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media (RFoM), the Organization of American States Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples Rights Special Rapporteur on Freedom of Expression and Access to Information emphasized that incidences of killings, death threats, disappearances, abductions, prosecutions, imprisonments, torture, harassment and other crimes against those exercising their right to freedom of expression are unacceptable.

The Joint Declaration stressed that crimes against freedom of expression, if committed by State authorities, are particularly serious, and expressed concern about the particular challenges and dangers faced by women journalists. The Joint Declaration lays out a set of principles for State authorities to observe threats; and its Guidelines relate to States’ obligations to prevent and prohibit crimes against freedom of expression, to protect international standards, to conduct effective investigations to bring perpetrators and instigators to justice, and to provide redress for victims. It also underlines the role of other stakeholders. The crisis for journalists’ right to report was recognized again in 2018 in a ground-breaking Ministerial Council Decision adopted by all OSCE participating States through consensus.

The deaths of investigative journalists Pavel Sheremet, murdered in a car explosion in July 2016 in Ukraine; Daphne Caruana Galizia in October 2017, murdered in a remote-controlled car bomb explosion in Malta; and Ján Kuciak, shot dead with his fiancée Martina Kušnírová in Slovakia in February 2018, are among the targeted killings of journalists that exemplify the dangers faced by investigative journalists and the failure by the authorities to effectively resolve violent crimes against journalists. The acute threat to media freedom caused by these and many other targeted murders of journalists stem not only from the cold-blooded, pre-meditated nature of the crimes, but also from the absence of prompt progress in the ensuing investigations to identify and prosecute those who instigated or commissioned them

Journalists and human rights organizations expressed their concerns in a letter to the President of the European Commission about what they called a “climate of impunity” surrounding the killings in Slovakia and Malta. They questioned whether the police investigations were genuinely “full, thorough and independent”, and underlined that “a climate in which impunity prevails and in which journalists are only respected when they serve the interests of those in power, paves the way for violence”

In view of the international attention paid to the problems with the investigatory and judicial follow-ups after previous killings of journalists – including, for example, those of Elmar Huseynov in Azerbaijan in 2005, Anna Politkovskaya in Russia in 2006, and Hrant Dink in Turkey in 2007 – states should be fully aware of their domestic and international obligations. The standards of investigations and prosecutions must be consistent with OSCE principles, commitments made in OSCE decisions and United Nations resolutions, and obligations under international law, such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

The persistence of high rates of impunity – over 85 per cent in cases when journalists have been the victims of murder in OSCE participating States – has an additional chilling effect on journalists and undermines public trust in the judicial systems and other institutions of government. Impunity undermines commitment to journalists’ safety as well as the rule of law in the state concerned.

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### **4. THE IMPUNITY:**

The issue of impunity is pressing when it comes to these statistics. Impunity stems from corruption. In fact, from 2006-2009, there was a total 245 cases dealing with the murder of journalists. Only nine led to a conviction. So long as there is still impunity for killers, the cycle of violence will continue. Impunity undermines public confidence in the law and allows for fear and intimidation to rule. As the United Nations works towards their Sustainable Development Goals, the protection of journalists is a top concern Goal 16 deals specifically with advancing freedom of information within societies and communities. Journalists are integral to providing factual and verified information. Without information, people cannot make knowledgeable, autonomous decisions, like in political elections. With technological advancements, press freedom has become more difficult due to growing threats from government surveillance. UNESCO estimates that roughly every 5 days, a media worker is killed for doing their job. In order to reach Goal 16, press freedom must be protected and the United Nations must take the lead in working to improve protections for journalists.

Article 19 of the Universal Declaration of Human Rights states, “everyone has the right...to seek, receive and impart information through any media and regardless of frontiers.” Even with the help of the United Nations and several NGOs such as CPJ, several nations still severely restrict the freedom of information, often at the

cost of individual journalist's safety. Without proper action, journalists will continue to be threatened for giving a voice to the people.

## 5. FREE SPEECH AND FREEDOM OF PRESS & ISSUES OF SOVEREIGNTY:

Violations of freedom of speech and freedom of press are issues that are intertwined with the safety of journalists. Several of Mexico's top opposition leaders, journalists, and human rights advocates were targeted by advanced spyware sold exclusively to governments. The spyware, Pegasus, was originally intended to target terrorists and other threats, such as drug cartels. However, the software was found on the phones of several of the government's top critics. One of the victims, Juan E. Pardinas has stated, "We are the new enemies of the state...Ours is a society where democracy has been eroded." This struggle raises several legal and ethical questions. Several cyber-experts leave little doubt that the attacks were made by people outside of Mexico's government. Without proper regulation and clear-cut guidelines, governments will continue to impede press freedoms. As seen with Mexico, attacks made by governments have become highly personalized and sophisticated. In what ways can journalists protect themselves and their sources against highly advanced software attacks? At what point do government's protections infringe upon press freedoms and freedom of speech?

In Bangladesh, the death of two children due to reckless driving sparked a wave of massive, peaceful student protests. However, police crackdowns on the protests, as well as vigilante actions made by pro-government groups have led to the injuries of hundreds. In an effort to stop the protests, the Bangladeshi government blocked 3G and 4G internet services. A photojournalist, Shahidul Alam, was arrested by at least 20 plain clothes officers following comments Alam made in media interviews about the protests. Amnesty International has demanded his release, stating, "There is no justification whatsoever for detaining anyone for solely peacefully expressing their views. His arrest marks a dangerous escalation of a crackdown by the government that has seen the police and vigilantes unleash violence against student protesters." Governments will continue to try to use technology to stifle dissent of the people and journalists who criticize them.

## 6. HOBLING A CHAMP OF GLOBAL PRESS FREEDOM:

Press freedom globally has declined to its lowest levels in 13 years, thanks both to new threats to journalists and media outlets in major democracies, and to further crackdowns on independent media in authoritarian countries like Russia and China.

But it is the far-reaching attacks on the news media and their place in a democratic society by Donald Trump, first as a candidate and now as president of the United States, that fuel predictions of further setbacks in the years to come.

No U.S. president in recent memory has shown greater contempt for the press than Trump in his first months in office. He has repeatedly ridiculed reporters as dishonest purveyors of "fake news" and corrupt betrayers of the national interest. Borrowing a term popularized by Soviet leader Joseph Stalin, Trump has labeled the news media as "enemies of the people." His senior White House adviser described journalists as "the opposition party."

## 7. STILL STRONG BUT IN DECLINE:

The United States remains one of the most press-friendly countries in the world. It enjoys lively, aggressive, and diverse media, and some of the strongest legal protections for reporting and expression anywhere in the world. With a handful of exceptions in recent years, reporters in the United States—in contrast to counterparts in some other countries—have been able to pursue their profession without fear of physical violence. But press freedom has been on a modest decline in the United States, owing to a variety of factors that predate the Trump presidency. The rise of the internet weakened the financial underpinnings of long-established media organizations; the lack of a new, sustainable business model has diminished coverage of local news, and made in-depth investigative reporting harder to support. The polarization of media into outlets that pursue openly partisan agendas has accelerated, reducing public trust. And the ability of a billionaire (Peter Thiel) to use a privacy lawsuit to help bankrupt a media company (Gawker) last year made publishers and editors uneasy.

## 8. WEAPONIZING THE LAW – LEGAL ATTACKS ON MEDIA FREEDOM:

### Defamation and Insult

Defamation laws protect individuals, including officials, against false statements that are harmful to their reputation. Defamation can be either criminal or civil. Insult laws protect the “honor and dignity” of individuals, including officials, regardless of the truthfulness of the statement. Criminal sanctions may include imprisonment, fines, and prohibitions on writing. Defamation laws exist almost everywhere, but terms and sanctions vary tremendously. . Often, they use broad and ambiguous terms to penalize expressions characterized as libel, slander, insult or injury. The retaliatory use of civil defamation laws by public figures is increasingly common and highly problematic. Civil suits can be costly and financial sanctions may be high and disproportionate.

The use of defamation and insult to silence journalists is not new. However, in the last five years an increasing number of states have enacted or amended laws to expand and increase penalties. The gradual progress towards the decriminalization of defamation has slowed in tandem in all regions except Africa, where momentum remains strong. According to UNESCO , at least 160 countries still have criminal defamation laws on the books, down from 166 in 2015. International and regional human rights bodies have recognized that the mere existence of criminal defamation legislation can have a profound chilling effect on press freedom.<sup>4</sup> Under these laws, journalists face the “constant threat of being arrested, held in pretrial detention, subjected to expensive trials, fines and imprisonment, as well as the social stigma associated with having a criminal record.”

Between 2000 and 2010, there was an international consensus around decriminalizing defamation laws. But that trend is now being reversed. For instance, Russia decriminalized defamation in 2010, then recriminalized it in 2012. It has since enacted several harsh reforms – the most recent, in 2020, explicitly criminalized and provided for higher penalties (including imprisonment) for slanderous statements made using unregistered media and the internet.

Cuba’s new criminal code, approved by the Legislative Assembly in 2022, retained criminal defamation laws (defamation, injury and slander) and explicitly included the use of social media to commit these crimes as an aggravating factor.

In 2022, Japan heightened the penalties in its defamation laws, introducing fines of up to 300,000 yen (USD\$2,220) and a one-year prison sentence for “online insults.”

In 2019 Burkina Faso amended its Penal Code to criminalize expressions against military forces and increase penalties for insults made “via an electronic means of communication,” which are punishable by a sentence of up to five years imprisonment.

Indonesia’s proposed new criminal code criminalizes insulting the president or vice president.

In Azerbaijan, according to human rights experts, between 2017 and 2019 journalists, bloggers, media workers and media editorial staff were charged 72 times with libel, insult, and reputational damage . In 2016, Azerbaijan amended its Criminal Code to introduce a new offense (article 148-1) establishing criminal liability for defamation or insult that is carried out on the internet anonymously or by using a “fake name.”

### SLAPPS

## Carpe Noctem

Known as “Strategic Lawsuits Against Public Participation,” SLAPPS are generally civil actions on behalf of private individuals or entities, sometimes acting with government support. SLAPPS have long been used to silence journalists, but cases have increased substantially since 2015. While the use of SLAPPS is growing in Europe, a recent report from partner organizations of the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists identified SLAPPS as a global phenomenon. The specific legal claims and procedures vary, but often involve allegations of civil or criminal defamation, breach of privacy or data protection laws, or infringement of intellectual property. For this reason, a few of the experts consulted noted that SLAPPs could be considered a legal tactic rather than their own category of legal threat. However, the majority of experts considered SLAPPs to be a distinct legal threat. SLAPPs are, by definition, unfounded and lack merit. Plaintiffs do not generally seek to prevail and find redress, but rather to harass journalists into silence. Corporations and wealthy individuals often spend vast sums to turn the judicial system against journalists, burying them in legal filings that are costly and time consuming to address.

SLAPPS are increasingly a threat to journalists across all continents. A recent report by UNESCO, titled “The misuse of the judicial system to attack freedom of expression,” documents a rise in SLAPPS “by powerful actors that want to silence critical voices and undermine scrutiny.” SLAPPs are

present in authoritarian regimes, backsliding democracies, and democratic states. Legal experts and journalists point out the shocking murder of Maltese investigative journalist Daphne Caruana Galizia, in 2017, as an inflection point in terms of the perception of SLAPPs. Caruana Galizia was battling 47 civil and criminal defamation lawsuits filed by businesspeople and politicians at the time of her murder via car bomb. SLAPPs are a common practice in Latin America, with Patricia Campos Mello and the newspaper Folha de S.Paulo in Brazil battling abusive defamation and false news civil suits. These were filed by Brazilian businessman Luciano Hang in response to a story alleging he was part of a group that financed a campaign against the then opposition Workers Party via WhatsApp. In Thailand, the company Thammakaset Co. Ltd has targeted human rights defenders, journalists and academics for reporting on working conditions at a poultry farm they operate. The company filed at least six criminal defamation complaints against those who had merely shared information on social media

#### Espionage, Treason & Foreign Influence

“Espionage,” “treason,” “revealing state secrets,” “collusion against the state,” and “collaboration with foreign entities,” are just some of the national security laws used to sanction freedom of expression and curtail media freedom. While laws protecting national security serve a legitimate purpose and are expressly permitted under international legal standards, the drafting language is often both sweeping and vague, allowing governments to silence and harass journalists reporting on sensitive topics such as organized crime, corruption, terrorist attacks, human rights issues, military conflict, and insurgency and counterinsurgency. National security laws are often used to suppress domestic political dissent. For example, China routinely imprisons journalists for alleged violations of national security laws. This includes Zhang Haitao, political commentator for Radio Free Asia and Voice of America, who was convicted in 2016 and sentenced to 19 years in prison for “disclosing state secrets abroad” because she criticized the Beijing regime on social media and in interviews with foreign media

When it comes to the use of espionage laws to silence the media, China and Russia are two of the world’s worst offenders. But these are not isolated cases. Nicaragua recently declared 94 prominent dissidents, including journalists, as traitors and cancelled their citizenships. In Belarus, the government of Alexander Lukashenko launched a massive crackdown on independent media following protests prompted by a disputed 2020 presidential election, with several journalists and activists charged and convicted of treason. Bangladeshi journalists have been accused of treason and espionage in recent years, which has led to selfcensorship. And in Iran, two female reporters who broke the story of Mahsa Amini, whose 2022 death in the custody of Iran’s morality police sparked massive protests, were accused of being CIA spies.

#### Cyber Libel and other cybercrime provisions

Cybercrimes have become a much-abused catch-all offense, enacted and enforced in authoritarian regimes and backsliding democracies. One egregious example is Pakistan, where the Prevention of Electronic Crimes Act (PECA) has been used to target the press, with several journalists having been charged or summoned by the authorities under defamation offenses. In Nicaragua, another striking example, the Special Cybercrime Law, adopted in October 2021, punishes with up to four years in prison those who make “accusations against honor or prestige, discloses secrets, to the detriment of an individual or an entity he/she represents or in which he/she has an interest,” as stipulated in Article 28. Egypt’s Anti-Cyber and Information Technology Crimes Law, adopted in 2018, legalizes the blocking of websites and surveillance. Mali’s 2019 Law n° 2019-056 on the Suppression of Cybercrime also includes vague and overly broad provisions punishing insults made through an information system (Article 21) with penalties ranging from six months to 10 years imprisonment or high fines, or both. The Palestinian Cybercrime Law of 2018 criminalizes the establishment or administration of a website that publishes news deemed to endanger the “integrity of the Palestinian state, the public order or the internal or external security of the state.”

#### Counter-terrorism and anti-extremism laws

Counter-terrorism provisions are perhaps the most punitive and repressive of all national security laws. They often conflate legitimate terrorist threats with broader issues of national security and public order. Offenses frequently used against journalists include “praising or glorifying terrorism,” “spreading terrorist ideas or terrorist propaganda,” or “supporting/ communicating with/harboring terrorist organizations.” Adopted globally in most countries following the September 11, 2001 attacks on the United States and onset of the “War on Terror,” these laws have undergone constant reform.

Anti-extremism laws are a mix of anti-hate speech and national security/public order laws. They

penalize arousing racial, national, religious, or other social hostility or strife on the grounds of racial, national, religious, linguistic, or other social affiliation, as well as the production, storage, and dissemination of “extremist materials,” or making calls for extremist activity. Criminal provisions aimed at preventing “cyberterrorism” and other uses of the internet and digital technologies for terrorist purposes are also widespread. These laws generally punish the use of the internet to: incite, advertise, and glorify terrorism; engage in fundraising for, and financing of, terrorism; provide training for terrorism; and recruit for terrorism. They also restrict the use of anonymity and encryption programs in the transfer and storage of data – technologies that journalists often rely on to protect their sources.

In the last few years, many countries have increased penalties and created new vaguely worded terrorism or extremism offenses that are used to crack down on dissent. For instance, Belarus adopted new legislation that introduces the death penalty for “attempts to carry out acts of terrorism.” Particularly at risk are journalists covering mass prodemocracy or separatist movements involving ethnic minorities. Some countries have adopted legislation to counter “extremism” in addition to anti-terrorism laws, though “extremism” is often poorly defined. In Russia, these laws have been used to harass political opponents, journalists, human rights groups, demonstrators and some religious groups and, more recently, to label as extremists those individuals who have participated in anti-government protests or criticized Russia’s invasion of Ukraine. In March 2022, the radio station Ekho Moskvy was ordered off the air for supposedly issuing “information calling for extremist activity” and “deliberately false information” about the Russian military. India, Myanmar, Pakistan, Cameroon, Mozambique, Egypt, Algeria, and Saudi Arabia are other countries where anti-terror laws are currently in place and used to target critical journalists. Under Ethiopia’s state of emergency, the imprisonment of journalists has become the norm. Particularly targeted are journalists covering the ethnic conflict in the Oromo region who interview political figures, dissidents, and members of armed groups. Speech advocates reported that in 2022, 40 journalists were imprisoned in Ethiopia, many of them under charges of terrorism. Turkey, the largest jailer of journalists in Europe, often relies on anti-terror laws. “On a global scale, Turkey still has one of the highest number of journalists in prison. The violation of the right to fair trial continues, as well as the judges’ unconstitutional practices which are also in contradiction with international legal standards,” said Veysel Ok, co-founder, lawyer, and coordinator of the Turkish legal defense group Media and Law Studies Association. “(Judges) convict anyone who writes news on topics the ruling party does not want. This is confirmation that there is no press freedom in Turkey.”

#### Financial crimes (Tax evasion, extortion and money laundering)

Authorities have long used tax investigations and audits to punish critical journalists and media outlets and to silence future reporting. However, several prominent cases in recent years have raised alarm. One of them is the prosecutions of Indian reporter Rana Ayyub, who is battling charges of money laundering and tax evasion, false accusations that have been used to stifle her critical investigations.

The adoption of financial and tax laws to exert undue pressure and retaliate against journalists and media has become a pattern, with several flagrant cases in recent years. The Philippines is the starker example of this trend, as shown by the relentless harassment by the government of journalist and Nobel laureate Maria Ressa and Rappler Holdings Corporation (RHC), involving seven tax-related investigations launched in 2018. Arresting, charging and convicting journalists of “tax evasion” has become one of Belarus’s preferred legal tools to crack down on the media in the aftermath of the 2020 pro-democracy protests. Russia, Vietnam, India, El Salvador, Nicaragua, Guatemala, Tanzania, and Morocco are also on the list of countries that have recently seen several high-profile journalists and critics accused or convicted under fabricated financial crimes as a pretext to silence them.

#### Lese Majeste, Desacato laws and Seditious Libel

Lese majeste, desacato (contempt, in Spanish), and seditious libel generally punish defaming, insulting or offending public officials and state institutions, often using broad and vague terms and allowing for higher penalties than defamation or insult directed at ordinary citizens. In many cases, such laws specifically punish criticizing the president and other high-ranking officials, foreign leaders, and other branches of power, such as the judiciary. Lese majeste punishes defaming or insulting the monarchy or the reigning sovereign. While such laws may be present in backsliding democracies, they are more likely to be enforced in authoritarian regimes.

Seditious libel, another anachronistic offense, usually criminalizes incitement against the state, broadly defined in many countries as to include speech that “brings into hatred or contempt, or excites disaffection,” against the government and/or the monarchy. Seditious libel has been employed to prosecute and imprison journalists in authoritarian regimes or backsliding democracies.

such as India

Though such laws are generally viewed as archaic, some countries, such as Cambodia (2018) and Morocco (2016) have enacted or reintroduced lese majeste laws that punish insulting the monarchy. Saudi Arabia (2017) criminalized insulting the king as part of the anti-terrorism and national security legislation. Desacato laws are on the books in several Latin American countries, and such laws have been recently enforced in Cuba and El Salvador. In 2022, Russia amended the Criminal Code to penalize criticism of government officials and limit coverage of Russia's invasion of Ukraine by introducing a provision that sanctions the "discrediting" of the Russian Armed Forces and its operations, with imprisonment of up to five years. Seditious libel is being used in Hong Kong, Malaysia, India and Thailand to silence the media and crackdown on peaceful dissent. In Turkey, President Recep Tayyip Erdogan has dramatically increased the use of laws that punish 'insulting the president' (Art. 299 of Turkey's Penal Code), which come with a penalty of up to four years imprisonment. Tunisian authorities have increased prosecutions against journalists for public criticism of President Kais Saied and other officials. In 2021 Selim Jebali, a social media commentator, was sentenced to six months in prison by a military court for "insulting the president," "defaming the army," and "accusing public officials of crimes related to their jobs without furnishing proof of guilt." In April 2022, Amer Ayed, a television host, was sentenced by military court to four months in prison for "insulting the president." In May 2022, a military court confirmed a six-month prison sentence against journalist Amina Mansour. She was convicted of "insulting the president" for satirical comments posted on Facebook in 2021 that criticized President Saied and his close associates.

## 9. UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY:

Aiming to create a free and safe environment for journalists and media workers, in 2012, the United Nations developed in a participative and multi-stakeholder manner the first-ever systematic global strategy to protect journalists, which brings together UN bodies, national authorities, media, and civil society organizations. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity addresses the fundamental aspects of prevention, protection, and prosecution.

The Plan was the result of a process that began in 2010 upon the request of UNESCO's Intergovernmental Programme for the Development of Communication (IPDC). It was then endorsed by the Chief Executive Board of the United Nations and launched in Vienna at the 2nd UN Inter-Agency Meeting on the Safety of Journalists in November 2012. The Plan calls for a coalition-based and holistic approach to its implementation, which is coordinated by UNESCO, as the UN specialized agency in the field of the promotion of free flow of information. It includes six areas: raising awareness; standard setting and policy making; monitoring and reporting; capacity-building and research. Thousands of activities at the global and country level have taken place to implement this Plan, as reflected in the dedicated newsletters.

OHCHR is mandated to promote and protect the effective enjoyment by all of all human rights. This includes the right to freedom of expression, including media freedom, and other rights of journalists and media workers. OHCHR's work on these issues includes the following

Implementing General Assembly and Human Rights Council mandates on the safety of journalists;

Implementing, jointly with the UNESCO and via a wide consultation process, the UN Plan of Action on the safety of journalists and the issue of impunity, as well as co-chairing with UNESCO the United Nations Network of Focal Points on the safety of journalists and the issue of impunity;

Monitoring and reporting on violations against journalists;

Raising awareness, including through public statements and letters, on individual cases and on media clampdowns;

Engaging with Member States, international and regional organizations and civil society organizations on media freedom and safety of journalists;

Organizing and participating in conferences, roundtables and events related to media freedom and safety of journalists, including the World Press Freedom Day and the International Day to End Impunity for Crimes against Journalists;

Training journalists, journalists' associations, civil society organizations, government officials, law practitioners, and security forces on international standards applicable to media freedom and the safety of journalists;

Providing technical advice, including through OHCHR country and regional presences, on setting up and operating specific protection mechanisms for journalists;

Engaging with relevant Human Rights Council special procedure mandates and human rights treaty bodies on media freedom and the safety of journalists;

Reporting under SDG indicator 16.10.1 as custodian agency.

## 10. IMPACT OF THE UN PLAN OF ACTION IN LAST YEARS:

### Prevention

- 1,300 advocacy events organized on the safety of journalists since 2012
- 6 Global Campaigns on the occasion of the International Day to End Impunity for Crimes against Journalists
- An SDG indicator (16.10.1) in Agenda 2030 on the safety of journalists

### Protection

- Creation of the UNESCO Observatory on Killed Journalists
- At least 50 National Protection Mechanisms for the safety of journalists established since 2012
- Two regional digital platforms in Europe and Africa to monitor attacks against journalists and over half a dozen of national ones

### Prosecution

- Impunity rate down by 9 percentage points from 95% to 86% in ten years
- More than 30,000 judicial operators from 150 countries and more than 11,500 security forces from 160 countries trained on safety of journalists and freedom of expression
- 500 lawyers trained in 30 countries and 1,000 cases of legal assistance provided to journalists in distress over 2020 and 2021, funded by the support of the Global Media Defense Fund

## 11. THE UNITED NATIONS – COMMITTED TO PROTECTING JOURNALISTS:

The UN is actively working to protect journalists. This is evidenced by an increasing number of declarations, resolutions and other normative texts, the UN Secretary-General's latest report on the safety of journalists and impunity, and his Call to Action for Human Rights. Protecting journalists is also part of the 2030 Agenda for Sustainable Development.

The Office of the UN High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the effective enjoyment by all of all human rights, including the rights of journalists and media workers. OHCHR works to implement General Assembly and Human Rights Council mandates on the safety of journalists. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is also advocate for the safety of journalists.

As the UN agency with a specific mandate to promote “the free flow of ideas by word and image,” UNESCO works to promote the safety of journalists and combat impunity for those who attack them. This includes the training of judicial actors and security forces on international standards in freedom of expression, access to information and the safety of journalists.

One of the main goals of the UN Plan of Action is to raise awareness on the importance of independent and professional journalism. International Days, such as World Press Freedom Day (3 May) and the International Day to End Impunity for Crimes against Journalists (2 November) encourage discussion and analysis and promote initiatives related to freedom of press, the safety of journalists and the issue of impunity.

## 12. CONCLUSION:

Journalists around the world are facing an extensive array of legal threats that are deployed as a tactic to intimidate and censor unwanted scrutiny and truth-telling. The sanctions are criminal, regulatory, and administrative; taken together, they are thwarting the ability of journalists and the media to operate freely.

The legal threats described in this report suggest that many states across the globe are undertaking a concerted effort to criminalize criticism and social unrest, with journalists being a leading target.

Defamation and insult laws are among the most prominent legal threats to journalists globally, in part because of their pervasiveness in all regions and in all types of regimes. Their perceived legitimacy provides the perfect cover for governments seeking to hide their repression behind a democratic facade. Meanwhile, in genuine democracies – particularly in Europe – SLAPPs have become the preferred strategy and a primary legal threat. SLAPPs, which are often pursued by private actors, lack merit, making conviction unlikely. But this is not the point. SLAPPs are intended to bury their targets in legal fees and sap their energy through their endless hearings and filings. SLAPPs can also be part of a “clubbing” strategy, in which officials bombard a journalist or media organization with multiple legal actions targeting a single instance of expression – as occurred with Gaceta Wyborcza in Poland – and creating a legal juggernaut that even the best-resourced organizations are hard pressed to withstand. They can also be deployed alongside criminal prosecutions, as was the case with elPeriódico and José Rubén Zamora Marroquín in Guatemala.

In the handful of authoritarian countries that imprison journalists in large numbers – places such as Russia, China, Egypt, Belarus, Turkey and Vietnam – “catch-all” national security and public order offenses are often used to achieve their repressive goals. Cybercrimes, meanwhile, provide cover for a range of the invented offenses that reinforce and often overlap with defamation laws already on the books. In some instances – most notably in the case of Rappler in the Philippines – cybercrimes are combined with other offenses, including alleged financial crimes and tax laws violations, demonstrating that authorities are increasingly prosecuting and convicting journalists for non-speech related crimes. These charges not only create legal risk. They damage reputations and compromise the effectiveness of journalists reporting on issues of public interest.

The rule of law is a precious resource that protects free expression, press freedom, and the rights of journalists around the world. But when the law is abused, it becomes a weapon to sublimate and undermine those very same rights, putting journalists at risk and in some cases behind bars. This muffling of journalists has drastic consequences for the media ecosystem, and democracy more broadly. By understanding the global trends emerging, advocacy groups, the legal community, democratic governments, intergovernmental organizations, and journalists themselves, can confront these legal threats through systematic and sustained efforts.

### 13. RECOMMENDATIONS:

#### Expand research and increase visibility of legal threats

These scenarios provide a global overview of the weaponization of the law as a threat to media freedom. Further research is needed to develop a more forensic understanding of the scope of these legal threats and how they impact journalists and the media ecosystem, as well as to develop responses and strategies that are country specific and attuned to local realities. Journalists and editors on the frontlines need to be engaged in designing legal solutions that cater to their needs and take gender and diversity considerations into account.

#### Fund legal support and advocacy

Funders should significantly increase support for media defense organizations that provide and facilitate access to legal support for journalists, conduct legal research, train judges and legal advocates on media freedom principles, and engage in strategic litigation. Funders involved in media development should proactively assess the risks around how their investment might create legal challenges for the grantee and build in both mitigation strategies and support for legal defense.

#### Expand legal protection and defense for journalists

International donors, intergovernmental organizations, and democratic governments should ensure that journalists and media organizations facing the threat of legal action have access to legal defense funds and legal representation, in their own countries and before international bodies. This will need to include a scaling up of the legal support currently being offered through media defense organizations and will likely require the establishment of new legal service providers where the legal threats are most acute. This should also cover preventive legal support for journalists to mitigate the risk of legal threats materializing in relation to their content, including expanding access to pre-publication legal review, as well as other forms of preventive legal guidance and education for at-risk journalists and media outlets, such as due diligence guidance relating to data protection policies and foreign funding.

## Build robust legal capacity and expertise

Specialized media lawyers along with other legal professionals with expertise should expand their capacity to combat the increasing array of traditional and non-traditional threats faced by journalists and media outlets. This will need to include responding to newer and often complex legal threats, including prosecutions under cybercrime and financial crime legislation. Training and capacity-building are essential to develop and empower local communities of lawyers to represent journalists and media organizations.

## Leverage strategic litigation to generate change

We have seen that strategic litigation can be used as a powerful tool to trigger legislative reform and set a positive precedent for how laws should be interpreted in compliance with freedom of speech principles. Civil society advocates, supported by donors and governments, should use strategic litigation to expedite the provision of protection and remedies and improve the legal environment in which the media operates. Amicus briefs and trial monitoring should also be utilized by civil society actors to further highlight freedom of speech principles.

## Adopt Anti-SLAPPs procedural safeguards

States should provide for the necessary safeguards to protect journalists against abusive litigation in civil courts. This may include procedural measures such as instituting early dismissal provisions, capping the cost of legal defense, or imposing compensatory and punitive damages on SLAPP filers. International and regional organizations should support governments seeking to adopt these legal reforms by engaging with relevant officials and legislators, providing technical assistance and facilitating the consultative processes. Donors should also strengthen support to civil society organizations and media groups so that they can continue, and scale up, efforts to track and respond to SLAPPs.

## Decriminalize defamation

The ongoing abuse of these laws against journalists should serve to reinvigorate global efforts to decriminalize defamation, which have floundered. Governments, intergovernmental organizations, and the legal and human rights communities must refocus and re-engage with such initiatives, which can help delegitimize criminal prosecutions for defamation. Civil defamation laws, while not an inherent violation of international law, can also be misused, as is shown.

## Confront the abusers

Democratic governments, intergovernmental organizations, and most notably the Media Freedom Coalition, should boldly confront governments that are abusing the law in order to curtail media freedom and censor critical debate. The credibility of democratic governments with the media community rests on their willingness to speak out publicly when violations occur, particularly in the case of authoritarian countries with which they maintain strategic relationships. The defense of media freedom must be an essential principle.

## Support journalists in exile

Legal threats and prosecutions are forcing journalists in some instances to choose exile over jail. The international community should support journalists forced to flee their countries because of legal harassment with emergency visas, resettlement support, and resources where appropriate to continue legal action before national, regional and international bodies.

## Collaborate and coordinate to maximize impact

Siloed action is not sufficient to reverse the increasing weaponization of the law. National and global collaboration and coordination among media defense organizations and legal service providers, between local and international lawyers providing services, and between media law and non-media law specialists, is essential to protect journalists' rights. Coordinated responses, such as the Legal Network for Journalists at Risk, will also be critical in streamlining entry points for journalists to access legal support.