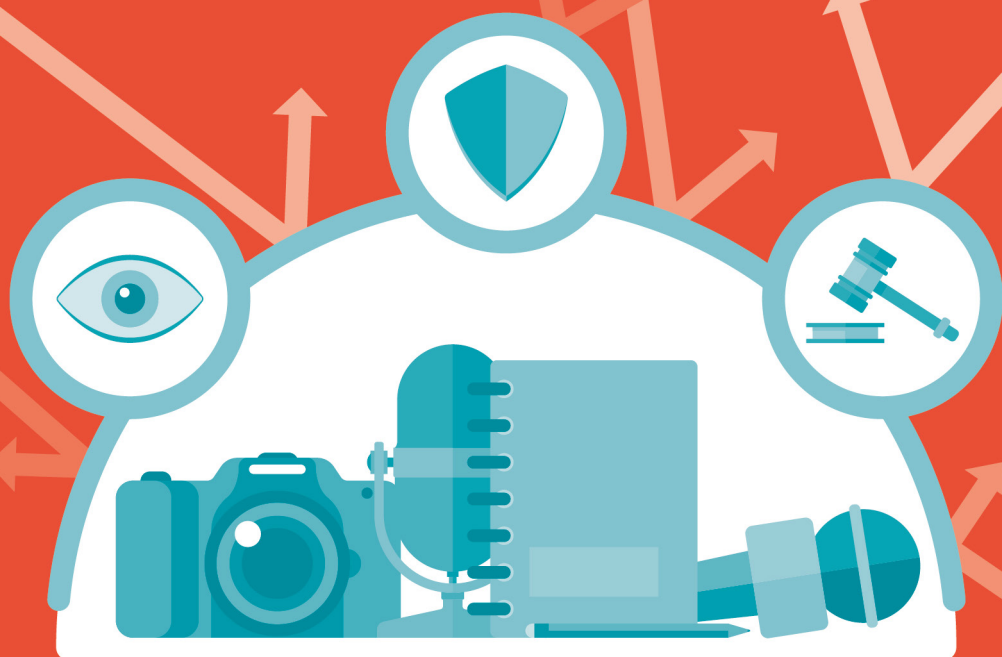


ARTICLE 19



PREVENT – PROTECT – PROSECUTE

Acting on UN Human Rights Council Resolution 33/2
2017

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The background of the entire page is a solid teal color. Overlaid on this are numerous white lines of varying thicknesses, some straight and some jagged, creating a complex, abstract pattern. Interspersed among these lines are several white arrows of different sizes, pointing in various directions, which adds a sense of movement and direction to the design.

INTRODUCTION

**Violence against journalists
and impunity for these crimes remains
one of the greatest challenges
to freedom of expression worldwide.**

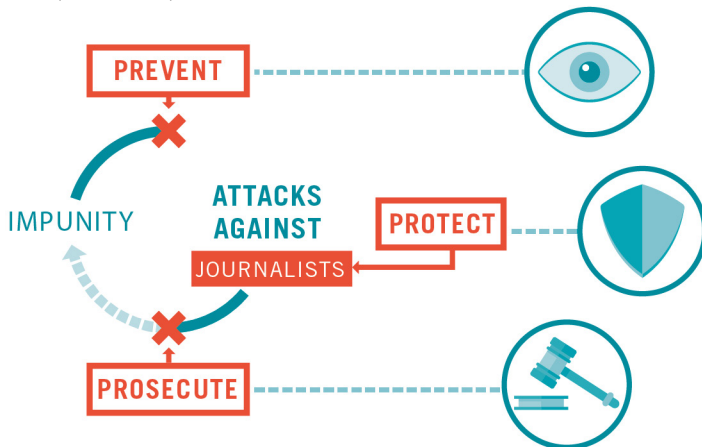
In September 2016, the UN Human Rights Council (HRC) broke new ground with the unanimous adoption of HRC Resolution 33/2 on the safety of journalists. The HRC is the world's highest human rights body and its resolutions are a strong collective commitment from States to act on priority human rights violations and abuses. On paper, the Resolution is the most ambitious global agenda yet to act on the safety of journalists.

However, the reality for journalists facing daily threats and attacks remains dire.

UNESCO reported that 114 journalists, bloggers and media workers were killed in 2015 alone. This is just the tip of the iceberg: incidents of torture, enforced disappearance, arrest, detention, intimidation and harassment are much greater. In the digital age, surveillance, attempts to circumvent protection of sources and attacks on anonymity and encryption all increase the variety of threats facing journalists.

For each journalist killed, attacked, threatened or detained, countless others are intimidated to self-censor and entire societies are deprived of important information. Impunity for crimes against journalists drives a cycle of violence: a failure of justice and lack of accountability encourages further murders and attacks.

This important UN resolution must be met with action from States if it is going to ensure safety for journalists and end impunity for crimes against them. To break the cycle of violence, HRC Resolution 33/2 commits States to act on three fronts to: **PREVENT**, **PROTECT**, and **PROSECUTE**.

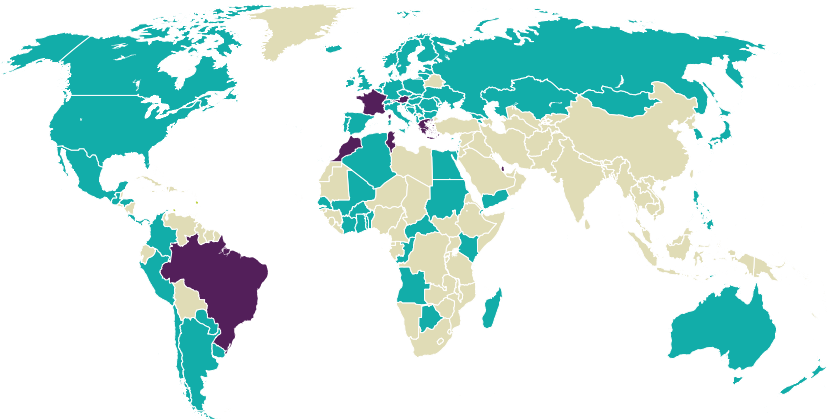


WHICH STATES SUPPORTED HRC RESOLUTION 33/2?

In part, HRC Resolution 33/2 derives its significance from the broad support it received from States. It was adopted unanimously (i.e. without a vote) by the 47-member HRC on 29 September 2016.

The Resolution was led by Austria, with **Brazil, France, Greece, Morocco, Qatar** and **Tunisia**. The following states expressed their support for the Resolution as cosponsors:

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Belgium, Benin, Bosnia and Herzegovina, Bulgaria, Canada, the Central African Republic, Chile, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Egypt, Estonia, Finland, the Former Yugoslav Republic of Macedonia, Georgia, Germany, Ghana, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Maldives, Mali, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Serbia, Slovakia, Slovenia, Spain, State of Palestine, Sudan, Sweden, Switzerland, Timor-Leste, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.



IS HRC RESOLUTION 33/2 LEGALLY BINDING?

No. The HRC is a political body constituted by States (rather than by international judges or independent experts), and its resolutions constitute political commitments.

Nevertheless, HRC Resolution 33/2 is a significant commitment by States to take action. It is rooted in their international human rights law obligations, and gives an insight into how States view their legal obligations relating to the safety of journalists.



THREATS TO THE SAFETY OF JOURNALISTS

**UN Human Rights Council Resolution 33/2
commits States to address a range of threats
to the safety of journalists.**



The Resolution highlights the **gender-specific threats faced by women journalists**, including **sexual and gender-based violence and discrimination**, **intimidation and harassment**, **online and offline**.

The Resolution recognises **heightened threats** in the context of **election periods** and for **journalists covering protests**, as well as for journalists covering **armed conflicts**.

Though the Resolution is clear that **state actors are often responsible** for attacks on journalists, it also recognises that other powerful non-state actors, including **terrorist groups and criminal organisations**, are also perpetrators.

The Resolution highlights that the **masterminds who order attacks often evade justice**. It identifies that **impunity** for human rights violations and abuses against journalists compounds threats and contributes to their recurrence.

ADDRESSING GENDER-SPECIFIC THREATS AGAINST WOMEN JOURNALISTS

HRC Resolution 33/2 explicitly highlights the need to address the gender-specific threats faced by women journalists. Understanding how female journalists experience some threats to their safety differently from male colleagues, and the different types of threats they face, is essential to tailor effective prevention, protection and prosecution efforts.

GENDER-SPECIFIC THREATS AGAINST WOMEN JOURNALISTS should be interpreted to include all threats or attacks that are:

BIAS-MOTIVATED, meaning threats or attacks where the perpetrator was motivated wholly or in part by the mere fact of a journalist being a woman.

DISPROPORTIONATELY EXPERIENCED BY WOMEN JOURNALISTS, IN PARTICULAR SEXUAL AND GENDER-BASED THREATS. This includes rape and sexual assault, the risks of which increase when reporting on armed-conflicts and large-scale public events (e.g. protests), or when in detention or captivity. It also includes abuse, threats, harassment, and intimidation, in particular online, which are frequently gender-based.

THE WAY IN WHICH THREATS ARE USED TO SILENCE WOMEN JOURNALISTS

cannot be separated from the contexts of structural discrimination in which they occur. Socially ingrained prejudices against women create environments that enable threats, and can make the impacts of those threats distinct or more severe:

REACTIONS TO WOMEN JOURNALISTS ARE OFTEN MORE HOSTILE, with perpetrators commonly seeking to “shame” or stigmatise them for acting against apparent “gender norms”, to discredit, marginalise or ostracise them in public debates, and even to incite violence against them;

CERTAIN THREATS ARE OFTEN PARTICULAR TO WOMEN JOURNALISTS ONLINE, such as doxing, privacy violations, stalking, and abuse. Online attacks have serious impacts in themselves, but are also often a continuation of or precursor to offline attacks.

STRUCTURAL DISCRIMINATION can also limit women journalists' access to prevention and protection measures, both from the State and from employers, as well as access to justice:

LEGAL DISCRIMINATION OFTEN EXPOSES WOMEN TO PROTECTION GAPS, with no provision for or formal barriers to accessing redress for gender-specific threats, which may include the absence of workplace protections against discrimination and harassment;

INSTITUTIONALISED DISCRIMINATION CREATES BARRIERS TO PROTECTION AND ACCESS TO JUSTICE, including, *inter alia*, where threats against women journalists (in particular online threats) are downplayed or ignored, including by law enforcement authorities, with systematic failures to implement gender-sensitive approaches to prevention, protection and prosecution.

These factors lead to **a higher incidence of self-censorship among women journalists**, the under-reporting of threats, and the denial of effective prevention, protection and prosecution, further contributing to a climate of impunity for gender-specific threats.



END IMPUNITY

**HRC Resolution 33/2 sets out,
based on existing international human rights law,
the actions that States must take to ensure
the safety of journalists.**

HRC Resolution 33/2 commits States to act to:

PREVENT

PROTECT

PROSECUTE

1. Prevent



HRC Resolution 33/2 commits States to take the following actions to ensure the safety of journalists through the following preventative measures:

CREATE AND MAINTAIN AN ENABLING ENVIRONMENT FOR JOURNALISTS

States must protect the right to freedom of expression in law, policy, and practice, to ensure a safe and enabling environment for journalists to carry out their work independently and without undue interference.

WHO IS A JOURNALIST?

International human rights law does not define who a journalist is, and nor does HRC Resolution 33/2. This avoids unnecessarily limiting the scope of the commitments it contains.

The Human Rights Committee [described journalism](#) as a function: it can be undertaken by a professional working full-time for a print newspaper, or by a blogger publishing their own content online. It basically covers anyone regularly engaged in the collection and dissemination of information to the public - regardless of whether they are formally recognised as a “journalist” by their government.

ENSURE NATIONAL LAWS DO NOT INTERFERE WITH JOURNALISTS' INDEPENDENCE

States must ensure that national laws are reviewed and, where necessary, reformed to bring them into compliance with international human rights law, with particular attention to laws on national security, public order and counter-terrorism. The misuse and abuse of laws to prevent journalists from doing their work independently and free of interference must stop.

RELEASE ARBITRARILY ARRESTED OR DETAINED JOURNALISTS

States must stop abusing legal frameworks to arbitrarily arrest or detain journalists, and release those in detention. Journalists are not safe if they face the threat of imprisonment for their reporting, and the risk of torture, which includes sexual and gender-based violence, whilst in detention. States must also secure the release of journalists taken hostage or subject to enforced disappearance.

DO NOT SPY ON JOURNALISTS OR INTERCEPT THEIR COMMUNICATIONS

Surveillance and the interception of communications must comply with States' international human rights law obligations on the rights to privacy and to freedom of expression. This means that surveillance or interception should not target journalists in a way that is unlawful or arbitrary.

ALLOW ENCRYPTION AND ANONYMITY

States must not interfere with digital security technologies, including anonymity and encryption technologies. Anonymity and encryption technologies are vital to secure journalists' communications and protect the confidentiality of sources. Any restrictions on their use must comply with international human rights law.

WHY ANONYMITY AND ENCRYPTION?

Unless people have trust in the security of their technology, they will not express themselves freely through it. The UN Special Rapporteur on freedom of expression has [unpacked in detail](#) why States should give robust protections to anonymity and encryption.

PROTECT JOURNALISTS' CONFIDENTIAL SOURCES

The confidentiality of journalists' sources must be protected in law and in practice, and subject only to clearly defined exceptions set out in national law, applied only with judicial authorisation and in compliance with international human rights law.

WHY SOURCE PROTECTION?

When journalists can offer potential sources confidentiality, people feel safer coming forward with important information. Source protection maximises the public's right to know, ensuring wrongdoing doesn't remain in the dark. The UN Special Rapporteur on freedom of expression has [explained in detail](#)⁶ the strict requirements any exception to this principle must meet.

TRAIN KEY STAKEHOLDERS

Judges, law enforcement, the military, journalists, and civil society should be trained on States' international legal obligations and commitments on the safety of journalists. These should explicitly address gender-specific threats to women journalists to ensure these are taken seriously and to tackle any institutionalised discrimination.

2. Protect



HRC Resolution 33/2 commits States to take the following actions to ensure the safety of journalists through the following protective measures:

**PUBLICLY, UNEQUIVOCALLY,
AND SYSTEMATICALLY CONDEMN VIOLENCE AND ATTACKS**

Public officials must respond to any violence against journalists, including gender-based attacks, by making clear and public statements at the highest levels that such acts are reprehensible and that perpetrators will be held accountable. Silence from public officials may signal tacit endorsement of violence against journalists and embolden perpetrators. Journalists should never be blamed for placing themselves “in harm’s way” for doing their jobs.

ESTABLISH EARLY WARNING AND RAPID RESPONSE MECHANISMS

Journalists who are threatened should have immediate access to authorities (for example, to appropriate law enforcement authorities or specialised protection mechanisms), and to concrete protection measures. Such mechanisms should be responsive to the particular circumstances and identity of individuals at risk.

REGULARLY MONITOR AND REPORT ON ATTACKS AGAINST JOURNALISTS

The establishment of mechanisms to gather information on threats and attacks against journalists is crucial to ensure prevention and protection efforts are well informed and properly targeted. Disaggregating data, including on the basis of gender, should inform further research into the prevalence of gender-specific threats, and potential reasons for under-reporting.

PROTECT JOURNALISTS COVERING PROTESTS AND ELECTIONS

Journalists must be protected from violence and attacks, including from the use of force by authorities and sexual assault, when reporting on elections and covering protests.

HRC GUIDANCE ON PROTESTS AND ELECTIONS

The UN Special Rapporteur on freedom of expression has addressed [media freedom in the context of elections](#), noting the increase in attacks against journalists in this period.

The UN Special Rapporteurs on freedom of peaceful assembly and on extrajudicial executions have also [issued recommendations](#) relevant to ensuring the safety of journalists covering protests.

PROTECT MEDIA OUTLETS AGAINST ATTACK AND FORCED CLOSURE

The safety of journalists is compromised where their offices are physically attacked, or where the organisations within which they work are forced to close (for example, a court order forcing a media outlet to cease operations, or an online media website to shut down).

“THE SAME RIGHTS THAT PEOPLE HAVE OFFLINE MUST BE PROTECTED ONLINE”

This principle from HRC Resolution 20/8 (2011) is particularly significant for journalists, especially for those who publish online, including bloggers. In June 2016, in [HRC Resolution 32/13](#) on the Internet and Human Rights, states committed to desist and refrain from taking “measures to intentionally prevent or disrupt access to or dissemination of information online.” The condemnation in HRC Resolution 33/2 of attacks on, and forced closures of, media outlets should be interpreted as applying to the blocking of online news sites.

PROTECT JOURNALISTS IN ARMED CONFLICTS AS CIVILIANS

Journalists must be recognised and protected as civilians in armed conflicts, in so far as they take no action adverse to this status under international humanitarian law.

RECOGNISE THE ROLE OF MEDIA ORGANISATIONS IN ADVANCING SAFETY

Media organisations’ own initiatives to advance the safety of journalists should be recognised and encouraged. Such initiatives include trainings on safety, risk awareness, digital security, and self-protection, and the provision of protective equipment and insurance, tailored to individuals’ needs. Protections should be in place against workplace harassment and discrimination, including on the basis of gender, and identity-based perceptions of a journalist’s “vulnerabilities” should never prevent them taking assignments.

3. Prosecute



HRC Resolution 33/2 commits States to take the following actions to ensure the safety of journalists through the following measures, aimed at ensuring access to judicial and non-judicial remedies:

ADOPT STRATEGIES TO COMBAT IMPUNITY

States should develop and implement strategies to combat pervasive impunity for crimes against journalists based on good practices, integrating all aspects of the Prevent, Protect and Prosecute framework, and ensuring a consistent gender-sensitive approach.

WHAT ARE GOOD PRACTICES ON SAFETY OF JOURNALISTS?

The Resolution draws on various UN reports identifying good practices on the safety of journalists, including from the [UN Secretary General](#), the UN special rapporteurs on [freedom of expression](#) and on [executions](#), and from the UN High Commissioner for Human Rights ([OHCHR](#)). UNESCO also has [extensive resources](#) on good practice.

INVESTIGATE

States must ensure accountability for all violence, threats and attacks against journalists through impartial, prompt, thorough, independent and effective investigations. Special investigative units on crimes against journalists should be created and specific investigation protocols adopted, recognising and taking seriously gender-specific attacks on women journalists.

PROSECUTE

States must bring perpetrators of crimes against journalists to justice, including those who command, conspire to commit, aid and abet, or cover up such crimes. This requires the appointment of specialised prosecutors and the adoption of specific prosecution protocols, together with gender-sensitive trainings for prosecutors and the judiciary.

THE JOINT DECLARATION ON CRIMES AGAINST FREEDOM OF EXPRESSION

In 2012, the four international and regional mandates on freedom of expression gave [detailed guidance on what independent and effective investigations should look like](#), including that:

INDEPENDENCE requires investigating authorities to be entirely independent from any individual or public body implicated in the crime.

EFFECTIVENESS requires establishing a connection between a perpetrator's motive and the journalists' work early on, and looking to hold instigators, as well as direct perpetrators, accountable.

REMEDY

States must ensure victims of crimes against journalists and their families have access to appropriate remedies (for example, compensation or socio-economic support, emergency and long-term physical and psychosocial healthcare). Recognising that pursuing judicial remedies may not always be the priority or preference of journalists who have experienced violations or abuse, in particular for survivors of sexual violence, access to such remedies should not be contingent on the filing of criminal complaints.

POLITICAL WILL AND ADEQUATE RESOURCES

States must reinvigorate their efforts to effectively implement the international human rights framework on the safety of journalists. Enforcement mechanisms must have the capacity to systematically pay attention to the issue. This requires dedicating the resources necessary to investigate, prosecute, punish, and remedy attacks of all kinds, including gender-specific attacks.

The background is a solid teal color. Overlaid on this are several white geometric lines and arrows. The lines form a series of interconnected, elongated triangles and polygons, creating a sense of movement and structure. Some of these lines have arrowheads pointing in various directions, including upwards, downwards, and to the left. The overall effect is a modern, abstract design that suggests a network or a process.

ADVOCATING ACTION THROUGH THE UN

A number of UN agencies and human rights mechanisms are tasked with ensuring that States implement their human rights obligations and commitments on the safety of journalists.

For freedom of expression advocates, it is important to know what international mechanisms are available, what they do, and how they can be used to turn the commitments in HRC Resolution 33/2 into action.

UNESCO

UNESCO is the lead UN agency on the safety of journalists, implementing [the UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#) in various states. [The Journalists' Safety Indicators](#), a tool within the Plan of Action, is a useful research instrument.

UNESCO publishes [verified information on murders of journalists](#), compiled in the Director-General's [biannual report on safety of journalists and the danger of impunity](#) (annual updates also feature in the [World Trends on Freedom of Expression and Media Development](#) reports). As part of an important follow-up mechanism, States are invited to provide information on the status of judicial enquiries into killings to UNESCO's [International Programme for the Development of Communication](#)(IPDC). Though the rate of responses has improved in recent years, they remain low.

HRC Resolution 33/2 invites States to cooperate with UNESCO in raising awareness of the Plan of Action, and also stresses the importance of States responding to requests for information on the status of judicial enquiries into killings.

INDEPENDENT EXPERTS OF THE UN HUMAN RIGHTS COUNCIL

The UN Human Rights Council appoints a range of independent experts, known together as “[Special Procedures](#)” (Special Rapporteurs, Independent Experts, and Working Groups), to report and advise on specific human rights issues from a thematic or country perspective.

[The UN Special Rapporteur on freedom of opinion and expression](#) is tasked with protecting and promoting the human right to freedom of expression, including for journalists, through:

Receiving [individual complaints](#) from civil society organisations, governments or other parties on alleged human rights violations and abuses, including on the safety of journalists. Any person can [submit complaints](#) to the Special Rapporteur, who will then seek answers and action from States. States’ responses to these communications can be [searched online](#), providing a useful tool for civil society to follow-up on complaints;

Conducting fact-finding [country missions](#), during which they meet national civil society and activists; and,

[Annual reports](#) making recommendations to States on emerging and persistent threats to freedom of expression, many directly relevant to the safety of journalists.

Other relevant thematic special procedures, who often work jointly with the Special Rapporteur on freedom of expression, include the Special Rapporteurs on [extrajudicial executions](#), on [human rights defenders](#), and on [violence against women](#), as well as the Working Groups on [enforced disappearance](#), on [discrimination against women](#), and on [arbitrary detention](#). The [OHCHR submissions platform](#) can be used to send information to all of these special procedures. Alleged violations relating to the safety of journalists can also be raised with relevant [country-specific special procedures](#).

Complaints can also be raised through the freedom of expression mandates for regional human rights mechanisms in [Europe and Central Asia \(OSCE\)](#), [the Americas \(OAS\)](#), and [Africa \(ACHPR\)](#), which [often collaborate with UN special procedures](#). There are no equivalent mechanisms for other regions.

To deliver on their mandates, the UN and regional experts rely extensively on input from civil society organisations and individuals.

UNIVERSAL PERIODIC REVIEW

Every five years, the human rights records of all UN Member States are scrutinised through the [Universal Periodic Review](#) (UPR) mechanism of the HRC. The third cycle of reviews began in 2017, and many States' progress on the safety of journalists will be assessed against recommendations they accepted from other States during their previous reviews.

Between UPR cycles, States should be working to implement the recommendations they have accepted collaboratively with all stakeholders. For many States, this includes recommendations on the safety of journalists. Interested civil society should leverage these recommendations to initiate or advance national advocacy efforts on the safety of journalists, monitor their implementation, and may report back to the HRC on progress.

Prior to the review itself, civil society can [submit](#) information on the safety of journalists to the OHCHR. Civil society can also lobby States ahead of the session to make recommendations. Recommendations are made more powerful if connected to the commitments States have made on the international stage, including in HRC Resolution 33/2.

2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

[Goal 16 of the 2030 Agenda for Sustainable Development](#) (the SDGs) is to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

The SDGs expressly recognise ensuring public access to information and reducing violence as part of the targets for measuring their implementation. An indicator of progress towards Goal 16 is the number of verified killings, kidnapping, enforced disappearances, arbitrary detentions and the torture of journalists and media workers ([indicator 16.10.1](#)). The OHCHR is tasked with monitoring this indicator, in close consultation with UNESCO and the International Labour Organisation (ILO), drawing upon information collected through other mechanisms.

HRC Resolution 33/2 expressly recognises the connection between ensuring the safety of journalists and achieving the SDGs.

UN TREATY BODIES

Treaty bodies are tasked with measuring the progress of States parties' implementation of international human rights treaties. They assess States' reports on their implementation efforts, as well as supplementary information from other stakeholders, which can be submitted ahead of State reviews. Civil society is also able to meet with committee experts directly ahead of state reviews to raise concerns about journalists' safety. Where the respective treaty gives them the competence to do so, treaty bodies also receive and make decisions on [individual complaints](#) regarding violations of the treaty.

These periodic reports and individual complaints provide an opportunity to raise violations and abuses of journalists' rights. The most relevant treaty bodies in this respect are:

- [The UN Human Rights Committee](#)
- [The UN Committee Against Torture](#)
- [The UN Committee on Elimination of Discrimination against Women](#)
- [The UN Committee on Enforced Disappearances](#)



Enhancing UN coordination

HRC Resolution 33/2 stresses the need to ensure better cooperation with, and coordination between, the various human rights mechanisms relevant to the safety of journalists, specifying each of those listed above.

With enhancing coordination in mind, the Resolution requests the OHCHR to prepare a report with an overview of these mechanisms and an analysis of their effectiveness. All stakeholders will be invited to participate in this process, which will conclude with the presentation of the report to the HRC in September 2018, at its 39th Session.

RESOLUTION 33/2 ON THE SAFETY OF JOURNALISTS



**General Assembly**

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Human Rights Council
Thirty-third session
Agenda item 3

**Resolution adopted by the Human Rights
Council on 29 september 2016**

33/2. 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 resolutions on the safety of journalists and the issue of impunity, including resolutions 68/163 of 18 December 2013, in which the Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists, and 70/162 of 17 December 2015, 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 Human Rights Council resolutions 21/12 of 27 September 2012 and 27/5 of 25 September 2014, on the safety of journalists, Council decision 24/116 of 26 September 2013, on a panel discussion on the safety of journalists, and all other relevant resolutions of the Commission on Human

Rights and the Council, in particular Council resolution 12/16 of 2 October 2009 and all other resolutions on the right to freedom of opinion and expression, Council resolution 13/24 of 26 March 2010, on the protection of journalists in situations of armed conflict, Council resolution 28/16 of 26 March 2015, on the right to privacy in the digital age, and Council resolutions 26/13 of 26 June 2014 and 32/13 of 1 July 2016, on the promotion, protection and enjoyment of human rights on the Internet,

Welcoming the latest report of the Secretary-General on the safety of journalists and the issue of impunity, and recalling his previous report thereon,

Recalling all relevant reports of the special procedures of the Human Rights Council on the safety of journalists, in particular the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary executions, presented to the Council at its twentieth session, and the interactive dialogue thereon,

Recalling also the report of the Office of the United Nations High Commissioner for Human Rights on good practices in the safety of journalists, the panel discussion of the Human Rights Council on the issue of the safety of journalists, held on 11 June 2014, and the summary report of the Office of the High Commissioner thereon,

Welcoming the important work of the United Nations Educational, Scientific and Cultural Organization for the safety of journalists, and taking note with appreciation of its 2015 publications entitled *World Trends in Freedom of Expression and Media Development* and *Building Digital Safety for Journalism*,

Taking note with appreciation of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity, endorsed by the United Nations System Chief Executives Board for Coordination on 12 April 2012, in which United Nations agencies, funds and programmes were invited to work with Member States towards a free and safe environment for journalists and media workers in both conflict and non-conflict situations with a view to strengthening peace, democracy and development worldwide,

Welcoming the adoption of the 2030 Agenda for Sustainable Development and the commitments therein to, inter alia, promote peaceful and inclusive societies for sustainable development, including by ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements, and therefore recognizing the important contribution of the promotion and protection of the safety of journalists in this regard,

Welcoming also the initiatives taken by States, media organization and civil society relevant to the safety of journalists, and taking note in this regard of 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,

Recognizing that the work of journalists often puts them at specific risk of intimidation, harassment and violence, the presence of which often deters journalists from continuing their work or encourages self-censorship, consequently depriving society of important information,

Deeply concerned by all human rights violations and abuses committed in relation to the safety of journalists and media workers, including killing, torture, enforced disappearance, arbitrary arrest and arbitrary detention, expulsion, intimidation, harassment, threats and acts of other forms of violence,

Expressing deep concern at the increased number of journalists and media workers who have been killed, tortured, arrested or detained in recent years as a direct result of their profession,

Expressing further serious concern at attacks and violence against journalists and media workers 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 shall be considered civilians and shall be protected as such, provided that they take no action adversely affecting their status as civilians,

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

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,

Acknowledging the specific risks faced by women journalists in the exercise of their work, and underlining in this context the importance of taking a gender-sensitive approach when considering measures to address the safety of journalists,

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 interception of communications, in violation of their rights to privacy and to freedom of expression,

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 periods of elections,

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,

1. *Condemns unequivocally* all attacks and violence against journalists and media workers, such as torture, killings, enforced disappearances, arbitrary arrest and arbitrary detention, intimidation, threats and harassment, 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 in the exercise of their work, including sexual and gender-based discrimination and violence, 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. *Urges* States to do their utmost to prevent violence, threats and attacks against journalists and media workers, 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 remedies;

5. *Calls upon* States to create and maintain, in law and in practice, a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) supporting the judiciary in considering training and awareness-raising and supporting training and awareness-raising among law enforcement officers and military personnel, as well as among journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the regular monitoring and reporting of attacks against journalists; (d) publicly, unequivocally and systematically condemning violence and attacks; and (e) dedicating the resources necessary to investigate and prosecute such attacks;

6. *Also calls upon* States to develop and implement strategies for combating impunity for attacks and violence against journalists, including by using, where appropriate, good practices such as those identified during the panel discussion held on 11 June 2014 and/or compiled in the report of the Office of the United Nations High Commissioner for Human Rights,⁴ *inter alia*:

- (a) The creation of special investigative units or independent commissions;
- (b) The appointment of a specialized prosecutor;
- (c) The adoption of specific protocols and methods of investigation and prosecution;
- (d) The training of prosecutors and the judiciary on the safety of journalists;
- (e) The establishment of information-gathering mechanisms, such as databases, to permit the gathering of verified information about threats and attacks against journalists;
- (f) The establishment of an early warning and rapid response mechanism to give journalists, when threatened, immediate access to the authorities and protective measures;

7. *Further calls upon* States to implement more effectively the applicable legal framework for the protection of journalists and media workers in order to combat pervasive impunity, including through enforcement mechanisms with the capacity to pay systematic attention to their safety;

8. *Urges* States 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, amend them so that they do not limit the ability of journalists and media workers to perform their work independently and without undue interference;

9. *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 disappearances;

10. *Calls upon* all States to pay particular attention to the safety of journalists during periods of elections and while covering events in which persons are exercising their rights to peaceful assembly and freedom of expression, taking into account their specific role, exposure and vulnerability;

11. *Calls upon* States to ensure that measures to combat terrorism and preserve national security or public order 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;

12. *Also calls upon* States to protect in law and in practice the confidentiality of journalists' sources, in acknowledgement of the essential role of journalists in fostering government accountability and an inclusive and peaceful society, subject only to limited and clearly defined exceptions provided in national legal frameworks, including judicial authorization, in compliance with States' obligations under international human rights law;

13. *Emphasizes* 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, and calls upon States not to interfere with the use of such technologies, with any restrictions thereon complying with States' obligations under international human rights law;

14. *Also 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, together with protective equipment and insurances, where necessary;

15. *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;

16. *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;

17. *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;

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

19. *Requests* the High Commissioner to prepare a report with an overview of available mechanisms concerned with ensuring the safety of journalists, including existing international and regional prevention, protection, monitoring and complaint mechanisms, with a view to providing an analysis of their effectiveness, in consultation with States, the mechanisms themselves and all other relevant stakeholders, and to submit it to the Human Rights Council at its thirty-ninth session;

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

*38th meeting
29 September 2016*

[Adopted without a vote.]



DEFENDING FREEDOM OF EXPRESSION AND INFORMATION

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