

## A Special Representative of the UN Secretary-General for the Safety of Journalists

April 2021

### A vital need

- Ensuring the safety of journalists is essential to safeguard the public's access to information that is freely reported, independent, pluralistic and reliable. This is as true in peacetime as it is in wartime or during a pandemic. Nonetheless, journalism is now badly obstructed or restricted in no fewer than 132 countries, according to the 2021 World Press Freedom Index compiled by Reporters Without Borders (RSF).
- Although more attention is being paid to combating impunity for crimes of violence against journalists, the impunity and abuses keep on growing.

At least 1,059 journalists have been murdered in the past ten years, and 387 were arbitrarily detained at the end of 2020, according to RSF. The rate of impunity for crimes of violence against journalists is still around 90%. Threats and hate speech against journalists are flourishing online, as well as disinformation. And women journalists are being targeted both as journalists and as women.

- The United Nations' mechanisms for addressing this issue are inadequate and a political will to take concrete action is conspicuous by its absence in many States.

The UN's creation of a network of focal points is not sufficient. We are still waiting for the "single, strategic and harmonised approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them" proposed in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, that was adopted in 2012. The UN's programmes and agencies lack the coordination, resources and authority needed to promote actions proportionate to the gravity of the situation. The obvious goodwill demonstrated by the relevant specialised bodies and mandate holders is not enough.

### A proportionate response

- **RSF's campaign for the creation of a Special Representative of the UN Secretary-General for the Safety of Journalists (SRSJ) aims to challenge this status quo and finally raise the cost of crimes against journalists.** This new position will help to improve the impact, transparency and efficacy of UN actions in defence of journalists. It will demonstrate its effectiveness by helping to get journalists released, establish protective measures and contribute to the administration of independent justice against perpetrators.

### **Strong support yet to be concretized**

- In February 2016, Irina Bokova, then Director-General of UNESCO, was one of the first to lend her support to this initiative. During an official meeting with RSF in February 2017, UN Secretary-General Antonio Guterres undertook to appoint an SRSJ. At the UN General Assembly in September 2017, French President Emmanuel Macron specifically called for “the appointment of a special representative of the United Nations Secretary-General for the protection of journalists throughout the world.”<sup>1</sup> The German parliament backed RSF’s initiative in June 2017.<sup>2</sup> European Commission Vice-President Frans Timmermans expressed his support for the creation of such as position in December 2017<sup>3</sup>, as did European Commission President Jean-Claude Juncker in May 2018.<sup>4</sup> An Independent High-level Panel Of Legal Experts on Media Freedom, which had been initiated by the UK and Canadian governments, recommended creating a Special Representative for the safety of journalists in its November 2020 report entitled “Advice on promoting more effective investigations into violence and other crimes against journalists”<sup>5</sup>. The German foreign ministry confirmed its support for this campaign in December 2020. Many international press freedom and human rights NGOs also support this demand.

### **RSF’s appeal to States committed to the safety of journalists:**

RSF calls on those States that support the Special Representative proposal to:

- make provision for the position’s creation in the UN General Assembly biennial resolution on the safety of journalists, which will be considered during the GA’s 76th session in December 2021;
- bring this request to the UN Secretary-General’s immediate attention;
- undertake efforts within different international forums to promote the creation of a Special Representative of the Secretary-General;
- set an example by undertaking to contribute financially to the SRSJ’s budget.

## **The UN / multilateral system is failing to rein in violence and crimes against journalists**

### **1. The many resolutions adopted are still proving ineffective in reducing the threats to the safety of journalists**

- In the past decade, various UN bodies have passed many resolutions with the aim of protecting journalists and combating the impunity of those responsible for violence against them. They include two resolutions adopted unanimously by the

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<sup>1</sup> <https://rsf.org/en/news/french-president-calls-un-special-representative-journalists-safety>

<sup>2</sup>

<https://rsf.org/en/news/german-parliament-supports-rsf-initiative-un-special-representative-safety-journalists>

<sup>3</sup> <https://rsf.org/en/news/eus-frans-timmermans-backs-call-un-special-representative>

<sup>4</sup> <https://rsf.org/en/news/juncker-backs-creation-un-special-representative-safety-journalists>

<sup>5</sup> [ibanet.org/Investigations-report-launch-2020.aspx](https://ibanet.org/Investigations-report-launch-2020.aspx)

Security Council (2222 in 2015 and 1738 in 2006) and a number of General Assembly resolutions (74/157 in 2019, 72/175 in 2017, 70/162 in 2015, 69/185 in 2014 and 68/163 in 2013). The General Assembly's adoption of a biennial resolution has a symbolic dimension but no concrete impact on the ground.

- RSF has meanwhile registered an alarming total of 1,059 journalists murdered in the past ten years, while at least 387 journalists were in prison at the end of 2020. Despite some fluctuations, a large number of journalists continue to be killed, physically attacked or subjected to other forms of aggression every year. Women journalists are doubly targeted, both as journalists and as women. Threats and hate speech against journalists as well as disinformation are rampant on social media, which have become a breeding ground for acts of physical violence against them.
- The fight against the impunity of perpetrators of crimes against journalists has made no significant progress either, despite all the resolutions adopted by the UN and regional organisations. Nine out of ten crimes against journalists still go unpunished.

There is an urgent need for a concrete, comprehensive and authoritative mechanism for applying international standards with regard to the protection and safety of journalists and the fight against impunity for crimes of violence against them.

## **2. The safety of journalists lacks specialisation in the UN system**

- Several UN entities and mechanisms, including UNESCO, the Office of the High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the promotion and protection of freedom of opinion and expression, have competence with regard to the defence and protection of journalists.
- However, none of them has a mandate or team specialized in this subject.  
Example 1: The Special Rapporteur on the promotion and protection of freedom of opinion and expression examines the situation in a given country or a specific issue related to freedom expression and submits a report to the Human Rights Council. The Special Rapporteur's mandate is broader than the safety of journalists. The subjects covered by the Rapporteur's latest reports have included the surveillance industry, encryption and anonymity, the right of the child to freedom of expression, and freedom of expression during elections. Like other Human Rights Council special procedures, the special rapporteur suffers from a major lack of resources  
Example 2: The Human Rights Committee was established to monitor compliance with the 1966 International Covenant on Civil and Political Rights (ICCPR), of which article 19 protects the right to freedom of expression. The Human Rights Committee makes recommendations solely to the States parties to the ICCPR and can receive individual complaints solely about alleged violations by States parties to the ICCPR's First Optional Protocol. The SRSJ would complement the actions of the Human Rights Committee by ensuring that countries respect their obligations in connection with the safety of journalists, thereby filling a void.

### **3. More coordination for more impact**

- To address the lack of coordination between the many actors and mandates, the UN Plan of Action drafted by UNESCO in 2012 called for the “Establishment of a network of focal points on issues about the safety of journalists in all relevant UN agencies, funds and programmes in order to develop effective measures to promote the safety of journalists and combat impunity, coordinate actions and exchange information and whenever possible also to publicize it.”
- The UN Plan of Action also insisted on the “pressing need for the various UN agencies, funds and programmes to develop a single, strategic and harmonised approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them.”

→ The designation of focal points dedicated to the safety of journalists in the main UN agencies and programmes is certainly a first step towards resolving the impasse. Nonetheless, the framework established has met with obstacles that have resulted in an inadequate response to abuses against journalists and in growing impunity:

- Lack of transparency about the composition of the focal points, resources deployed and actions taken;
- No evaluation of the impact of the protection provided in cases raised by NGOs;
- No clear way of alerting the UN;
- Insufficient coordination and lack of political impetus at the centre of the network of focal points.

### **4. Monitoring compliance with international standards remains a puzzle’s missing piece**

- At the national level, many governments have not respected their obligations because of a lack of political will. In these circumstances, there is currently no mechanism with the required authority to ensure that Member States respect their obligations under the existing legal framework on the safety of journalists resulting from UNGA, UNESCO, HRC and UNSC resolutions and Human Rights Committee recommendations on this subject.

## **Responsibilities of the Special Representative of the UN Secretary-General for the Safety of Journalists (SRSJ)**

The creation of the post of Special Representative of the UN Secretary-General for the Safety of Journalists (SRSJ) will have the advantage of placing **a lasting structure in a central position in the UN system, one able to significantly reinforce actions** taken by UNESCO, the special rapporteurs (under the special procedures), the UN Security Council (UNSC) and the General Assembly (UNGA). It will also be a way to reinforce actions and mechanisms developed at the regional and national level.

Appointed and mandated by the UN Secretary-General (UNSG), the SRSJ would be tasked with:

1. **Collecting information about threats to the safety of media workers**, especially information from within the UN system and from specialised non-governmental organisations.
2. **Acting as a rapid and systematic alert mechanism for the UN Secretary-General** by drawing his/her attention to the most serious violations affecting journalists and media, regardless of whether or not they involve armed conflict situations. This will enable the UN Secretary-General to react as quickly as possible, especially when journalists are threatened, including by means of the creation of direct official or informal diplomatic mechanisms with the Member States concerned.
3. **Implementing the UN Plan of Action, which envisages “accessible, real-time emergency response mechanisms for groups and media organizations.” The SRSJ will be able to:**
  - a. urge all competent UN agencies to take protective measures.
  - b. coordinate inter-agency assistance to countries with drafting legislation and support their efforts to implement existing international rules and principles.
  - c. draft and encourage the adoption of a harmonised strategy for all UN agencies, funds and programmes on the issue of the safety of journalists and the impunity of perpetrators of crimes against them.
4. **Serving, through the UN Secretary-General, as an alert mechanism for the UN Security Council (UNSC), enabling the rapid adoption of tools available to the UNSC:** creating mediation mechanisms, ordering a fact-finding mission, creating an international commission of enquiry – thereby offering rapid solutions in emergencies.
5. **Investigating acts of violence against journalists, media professionals and associated personnel.** Conducting visits in situ and meeting victims and witnesses. The SRSJ can contact local assistance missions, peacekeeping missions and UN special envoys and work with them in a given country. He/she can request a special mandate from the UNSC and, when so appointed, directly and personally undertake on-site investigations.
6. **Monitoring respect by Member States for relevant UN Security Council resolutions**, and providing the UNSC with an annual report on the monitoring's

findings. UNSC resolutions 1738 and 2222 created no mechanism for ensuring compliance. The UN Plan of Action also provides no mechanism for monitoring respect by States for their obligation, and the existing mechanisms – the Human Rights Council, the special rapporteurs and the Human Rights Committee – do not provide for monitoring compliance with UNSC resolutions.

7. **Supporting implementation by Member States of General Assembly resolutions** and informing, assisting and advising the Secretary-General on the drafting of the section on the safety of journalists, media professionals and associated personnel in his/her future reports on the protection of civilians in armed conflict (in accordance with resolution 2222).
8. **Supporting the efforts of the Special Rapporteur for freedom of opinion and expression** by echoing his/her recommendations, reports, appeals to Member States and requests for country visits involving the safety of journalists, directly through the UN Secretary-General and through the network of focal points in all the relevant UN agencies, funds and programmes.
9. **Reinforcing the Plan of Action coordinated by UNESCO**, in particular in his/her role as an inter-agency mechanism for helping Member States to develop legislation and mechanisms that benefit freedom of expression and information in accordance with international rules and principles.
10. **Complementing the actions of the Human Rights Committee and other treaty bodies**, with a mandate more specifically focussed on the safety of journalists, by ensuring respect by Member States for their obligations.
11. **Drafting and encouraging adoption by the various UN agencies, funds and programmes of a single, strategic and harmonised approach** to the issue of the safety of journalists and the impunity of perpetrators of crimes against them. The Plan of Action insists on the urgency of adopting such an approach.
12. **Centralising the actions of the network of focal points for issues related to the safety of journalists**, the impact of which has so far been very hard to measure.
13. **Carrying out all cooperative initiatives** that may be necessary for the implementation of his/her mandate.
14. **Reporting** to the Security Council, General Assembly and Human Rights Council and, through the Secretary-General, **referring any** appropriate situation falling within his/her competence to the Security Council.

In general, the SRSJ's role will also serve to reinforce the rule of law and promote respect for human rights as spelled out in **Goal No. 16.10 of the Sustainable Development Goals**, in particular, by monitoring achievement of indicators 16.10.1 and 16.10.2.

## A mandate modelled on the Special Representative of the Secretary-General for Children and Armed Conflict

The Special Representative of the Secretary-General for Children and Armed Conflict is a **joint mechanism of the Security Council, General Assembly and Human Rights Council**, and his/her reports are submitted to all three.

- The position was created by a UNGA resolution in 1997, which asked the Secretary-General to appoint a Special Representative to report to the UNGA and the HRC. This resolution (A/Res/51/77) asked the UNSG to “ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate,” urged the relevant UN agencies, funds and programmes “to provide support to the Special Representative” and called on the “States and institutions concerned to provide voluntary contributions for that purpose.”
- In 1999, the UNSC decided to incorporate this mandate and endorse the resolution creating it. As a result, the Special Representative now submits reports and makes recommendations to the UNGA, UNSC and HRC.

→ The model of the Special Representative for Children and Armed Conflict, because of his/her central position in the UN system, is the one that is best able to simultaneously meet the needs for sustainability, effectiveness and responsiveness.

→ Since 1997, the Special Representative for Children and Armed Conflict has helped to raise global awareness of the seriousness of this issue and has made possible the implementation of concrete action, including the adoption of a series of UNSC resolutions on specific matters linked to this issue, and the drafting a protocol to the Convention on the Rights of the Child that was adopted by the UNGA in 2000 and has so far been ratified by 156 States. The Special Representative has also successfully promoted the adoption and effective implementation of national legislation.