



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



How international human rights standards and mechanisms help protect journalists

— WHO IS A JOURNALIST?

The term “journalist” refers to a wide range of actors, including professional full-time reporters and analysts, media workers and support staff, as well as citizen journalists, bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.

The professional designation of an individual as a journalist is less relevant than the acts of journalism, which consist in documenting events, analysing issues, gathering facts, and processing data, to inform society on matters of public interest.

Human Rights Committee General Comment No. 34.

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“Journalists strive to hold governments accountable and, in doing so, they help protect our fundamental rights. Democratic, just, and peaceful societies simply cannot exist without them”,

Volker Türk,
United Nations High Commissioner
for Human Rights

— WHAT ARE THE THREATS FACED BY JOURNALISTS NOWADAYS?

In recent years, media freedom has continued to decline with, [according to UNESCO](#), 85 per cent of the world's population indicating that they have experienced such a decline in their country. The number of journalists being **killed** worldwide remains high with [117 journalist assassinated between 2020 and 2021](#). More concerning, **impunity** for these crimes is widespread, with [only 14 per cent of cases of killed journalists over the past two decades considered judicially resolved](#).

Detention of journalists has increased, reaching a record high of [302 journalists in prison at the end of 2021](#) as compared to 193 in 2010. The **safety of women journalists** has particularly taken a worrying turn, with a [2020 UNESCO/ICFI survey](#) finding that 73 per cent of the 635 women journalists surveyed reporting experience of some form of online violence. Further, 20 per cent of respondents reported having been attacked or abused off-line in connection with the online violence they had experienced.

The combination of old defamation laws and a raft of new laws curb online expression in a flagrant misalignment with international human rights standards. **Strategic Lawsuits Against Public Participation Laws** (SLAPPs) are increasingly used against journalists, especially investigative journalists, with a view to obstructing their work. Moreover, an increasing number of reports of States' unlawful use of **targeted surveillance technologies** against journalists has emerged. [Revelations in July 2021 of abuses of Pegasus spyware](#) are just the tip of the iceberg. These practices pose not only a grave threat to the safety of journalists around the world, but also to journalists' sources, colleagues, friends, and family.

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“No profession should carry with it the risk of being attacked, intimidated, or killed with impunity – yet this is the case for many journalists”,

Volker Türk,
United Nations High Commissioner for Human Rights.



— HOW JOURNALISTS ARE PROTECTED UNDER INTERNATIONAL HUMAN RIGHTS LAW?

The right to freedom of expression is protected under **Articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights**. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) requires that States guarantee everyone the right to freedom of expression, which includes the **“freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”**. As such, the freedom of expression encompasses, on one hand, the right of the public to receive a wide variety of information provided by the media; and, on the other hand, the journalists' right to seek and convey information, as well as access information on public affairs.

Article 19 (3) of the ICCPR provides for **restriction** to freedom of expression to the extent that such restriction be **provided by law**, pursue a **legitimate aim**, such as the protection of the rights or reputations of others, such as the protection of national security, public order or public health or morals; and be **necessary and proportionate**.

The ICCPR contains a number of other obligations relevant to the safety of journalists, including the **right to life** (Article 6) and the **freedom from torture** (Article 7). States are also obliged to guarantee individuals' **freedom from arbitrary detention** (Article 9) and ensure the **right to a fair trial** (Article 14). The ICCPR

also requires States to guarantee **freedom from “arbitrary or unlawful” interference in one’s privacy** (article 17), of particular importance for protecting journalists’ private communications, their access and use of anonymity and encryption tools. Moreover, it sets out the **right of all people to equality and non-discrimination** (Article 2), further developed by the Convention on the Elimination of Discrimination against Women that creates specific obligations for States to end discrimination against women. Other binding treaties, such as the **International Convention on the protection of all persons from enforced disappearance**, sets out specific obligations that can address the increasing enforced disappearances of journalists in reprisal for their work.

— WHAT CONSTITUTES A VIOLATION OF THE RIGHTS OF JOURNALISTS UNDER INTERNATIONAL HUMAN RIGHTS LAW?

By becoming parties to international treaties, such as the International Covenant on Civil and Political Rights, States assume the duties under international law to respect, to protect and to fulfil human rights. The **obligation to respect** means that States must refrain from interfering with or curtailing the enjoyment of human rights. The **obligation to protect** requires States to protect individuals and groups against human rights abuses. The **obligation to fulfil** means that States must take positive action to facilitate the enjoyment of basic human rights. A state commits human rights violations, either directly

or indirectly, when one or several of its officials fail to abide by to these duties.

In this respect, there is a violation of the rights of journalists under international human rights law when State officials take actions that curtail those rights, be it the freedom of expression or another right. This can happen, for instance, when a government unlawfully detains a journalist or decides to enact a law that limits the freedom of the media. Violations of the rights of journalists occur as well when States fail to protect journalists from abuses – for example, when they do not launch investigations and prosecution when a journalist has suffered abuse. Additionally, States violate the rights of journalists when they do not ensure a safe and enabling environment for journalists to conduct their activities.

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Each and every threat to a journalist is a threat to your right, my right and everyone’s right to freedom of information, opinion and expression”,

Volker Türk,
United Nations High Commissioner for Human Rights.

— HOW TO ADDRESS VIOLATIONS OF JOURNALISTS’ RIGHTS THROUGH INTERNATIONAL HUMAN RIGHTS MECHANISMS?

Overview of the international human rights mechanisms:

There are two kinds of international human rights mechanisms: the **“Charter-based bodies”** and the **“Treaty-based bodies”**. The first ones are provided under the United Nations Charter. They comprise the **Special Procedures** of the Human Rights Council and the **Universal Periodic Review**. The second, commonly known as **“Treaty Bodies”**, are independent organs of independent experts provided in and set up pursuant to international human rights treaties, such as the International Covenant on Civil and Political Rights.



SPECIAL PROCEDURES

ROLE AND MANDATE

They are independent experts, appointed for a once-renewable three-year mandate by the [Human Rights Council](#).

As of December 2022, there are [45 thematic](#) and [13 country mandates](#).

Among thematic mandates, those of specific interest for journalists are the:

- [Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#);
- [Special Rapporteur on the rights to freedom of peaceful assembly and of association](#);
- [Special Rapporteur on the situation of human rights defenders](#);
- [Special Rapporteur on the right to privacy](#);
- [Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism](#);
- [Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment](#);
- [Special Rapporteur on violence against women and girls, its causes and consequences](#).

ACTIVITIES

The main activities of Special Procedures consist in:

- Conducting **advocacy** activities, including in partnership with other mandate holders;
- Conducting **country visits** twice a year in average;
- Drafting **thematic reports** and presenting them to the Human Rights Council;
- For many of them, receiving **individual complaints** and follow up with States through communications.

UNIVERSAL PERIODIC REVIEW

ROLE AND MANDATE

The [Universal Periodic Review](#) is a peer review process established by the Human Rights Council, pursuant to which, every 4.5 years, the 193 Member States of the United Nations must report on the implementation of their human rights obligations. Member States are reviewed by a working group composed of the 47 Member States of the Human Rights Council, assisted by a group of three States (known as "troikas") who serve as rapporteurs.

ROLE AND MANDATE

The Universal Periodic Review process began in 2006 and has held three cycles since then. The fourth cycle started in October 2022. A detailed calendar of Universal Periodic Review sessions is available at [this link](#):

ACTIVITIES

To review the human rights situation of Member States, Universal Periodic Review Working Groups examine [three reports](#):

- a **national report** produced by the State under review;
- a **United Nations compilation report** prepared by the Office of the High Commissioner for Human Rights (OHCHR) with information contained in United Nations reports;
- a **stakeholders' report** prepared by OHCHR that summarises information provided by civil society organizations, national human rights institutions and regional organizations.

During the review, Member States ask questions to the State under review and propose recommendations, which are then included in an "**Outcome document**". The State under review may accept or reject recommendations, simply note them, or provide explanations. The **final report** is subsequently adopted at a plenary session of the Human Rights Council some three months after the review.

A study conducted by UNESCO has shown that, over the last three Universal Periodic Review cycles, around four per cent of the recommendations made had covered freedom of expression.

TREATY BODIES

ACTIVITIES

Treaty Bodies are committees, each composed of 10 to 25 independent experts. They monitor State parties' compliance with the norms contained in the nine core international treaties.

Out of ten Treaty Bodies, those of specific interest for journalists are:

- [The Human Rights Committee](#);
- [The Committee on Economic, Social and Cultural Rights](#);
- [The Committee on the Elimination of Discrimination against Women](#);
- [The Committee against Torture](#);
- [The Subcommittee on the Prevention of Torture](#);
- [The Committee on Enforced Disappearances](#).

The main activities of Treaty Bodies consist in:

- Examining on a periodic basis reports presented by States parties on their state of implementation of the treaties concerned;
- Make **recommendations to States parties**, summarised in "**concluding observations**";
- Issue [General Comments](#) explaining the content of the provisions contained in the treaties they are covering;
- Consider [individual complaints](#) and undertake inquiries in some cases.

ACTIVITIES



“We are committed to strengthening our efforts, with the support of the whole United Nations system, to operationalize the recommendations of human rights mechanisms, including those related to safety of journalists”,

Nada Al-Nashif,
United Nations Deputy High Commissioner

HOW CAN JOURNALISTS MAKE USE OF INTERNATIONAL HUMAN RIGHTS MECHANISMS?

Journalists, journalists’ associations and civil society organizations defending media freedom can make use of international human rights mechanisms mainly in two ways:

FOR ADVOCACY PURPOSES:

Journalists, journalists’ associations and civil society organizations can use international human rights mechanisms to advocate for the safety of journalists globally and in specific countries. They can do so by:

- **Meeting with Special Procedures mandate holders when they do country visits or sending contributions to inform their reports and recommendations**, be it country visit reports or thematic reports. For example, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, like other mandate holders, publishes calls for inputs before drafting thematic reports. Thus, she issued a call for inputs to gather information for her last report on “reinforcing media freedom and safety of journalists in the digital age” ([A/HRC/50/29](#));
- **Contributing to “stakeholders’ reports” prepared by OHCHR before States’ universal periodic review** in order to inform the Human Rights Council about the situation of media freedom and the safety of journalists in countries under review. For further information on how to submit a contribution, see the [technical guidelines for stakeholder’s submissions for the Universal Periodic review Fourth cycle](#) issued by OHCHR.

- Accredited civil society organizations can also [attend the Universal Periodic review sessions](#). They can also **make oral statements during the regular sessions of the Human Rights Council when the outcomes of the State reviews are considered.**

- **Submitting information to Treaty Bodies and attending their sessions.** Such participation is often facilitated by civil society organizations familiar with and active in the reporting system of the Treaty Bodies. Yet, the modalities for the interaction of civil society actors vary from one Treaty Body to another. These are set out in the Annex to chapter IV of OHCHR’s publication “[Working with the United Nations Human Rights Programme: A Handbook for Civil Society](#)”.

- Using the recommendations contained in Special Procedures’ reports, Universal Periodic Review final reports (especially those accepted by the concerned States), and Treaty Bodies concluding observations to develop **advocacy messages** with national authorities.

FOR PROTECTION PURPOSE:

Complaints mechanisms of the Special Procedures and the Treaty Bodies can play a protection role by ensuring that violations against journalists are documented, raised and followed up with concerned national authorities.

• Individual complaints to Special Procedures:

Any individual, group, civil society organization, inter-governmental entity or national human rights body can submit information about human rights violations to the Special Procedures. To do so, there is an [online form](#).

The conditions for a **submission** to be accepted are the following:

- the communication should not be manifestly unfounded or politically motivated;
- the communication should contain a factual description of the alleged violations of human rights;
- the language in the communication should not be abusive;
- the communication should be submitted on the basis of credible and detailed information;
- the communication should not be exclusively based on reports disseminated by mass media.



On the basis of the submissions received, Special Procedures mandate holders can decide to send **communications** to concerned Governments and others, such as intergovernmental organizations, businesses, military or security companies. Cases may be taken up within 24 hours of their submission. However, it may take longer, particularly when sufficient information is not available in the submission.

In their communications, Special Procedures mandate holders identify the facts of the allegation, the applicable international human rights norms and standards, raise concerns and ask questions, and request for follow-up action. [Compilations of communications](#) sent by experts and responses received are published in a report prepared for each session of the Human Rights Council.

• **Individual complaints to Treaty Bodies:**

Currently, eight of the human rights treaty bodies can, under certain conditions, receive and consider individual complaints or communications from individuals. The procedure varies from one Treaty Body to another (see for further details the [OHCHR Fact Sheet on Individual Complaints Procedures under the United Nations Human Rights Treaties](#)).

The most relevant Treaty Body for journalists is the **Human Rights Committee**, which monitors the implementation of the International Covenant on Civil and Political Rights.

The Human Rights Committee can receive and consider individual complaints, from or on behalf of a person or group of persons – for instance a journalist, a journal-

ists' association or a civil society organisation defending the rights of journalists – proving that:

- the State party concerned must have recognized the Committee's competence by ratifying the Optional Protocol to the International Covenant on Civil and Political Rights ([see the list of countries concerned](#));
- the alleged victim is personally and directly affected by the law, policy, practice, act or omission of the State party which constitutes the object of the complaint;
- the alleged violation relates to a right actually protected by the International Covenant on Civil and Political Rights;
- the complaint is sufficiently substantiated;
- the complainant has exhausted all relevant remedies that are available in the State party before bringing a claim to the Committee. There is no time limit to submit complaints to the Committee. However, in order to prevent possible abuse in this respect, the Committee has considered that there might be abuse when the complaint is submitted after five years from the exhaustion of domestic remedies or, where applicable, after three years from the conclusion of another procedure of international investigation or settlement, unless there are reasons justifying the delay taking into account all the circumstances of the case.



Complaints and communications should be sent, preferably by email in Word format, to ohchr-petitions@un.org. Complaints are then referred to the Committee's **Special Rapporteur on New Communications and Interim Measures**, who decides whether the case should be registered and transmitted to the State party for observations. Given the large number of complaints submitted to the Committee, there may however be a delay of several years between the initial submission and the Committee's final decision.

When a complaint is submitted, the Human Rights Committee may sometimes request the State party concerned to take what are called **"interim measures"** to avoid irreparable damage to the alleged victim while the complaint is being considered.

If a committee concludes that a violation of a treaty has taken place, the State is invited to provide information, within 180 days, on the steps it has taken to implement the recommendations. If the State party fails to take appropriate action, the committee keeps the case under consideration under the **"follow-up procedure"**. A dialogue is thus pursued with the State party and the case remains open until satisfactory measures are taken.

USEFUL BIBLIOGRAPHY:

- [OHCHR Handbook "Working with the United Nations Human Rights Programme: A Handbook for Civil Society"](#)
- [OHCHR Fact Sheet No. 27 on Seventeen Frequently Asked Questions about United Nations Special Rapporteurs.](#)
- [Article 19, Communications of the UN Special Procedures: An advocacy guide for civil society organizations](#)
- [OHCHR, Universal Periodic Review: A Guide for Civil Society for the Fourth Cycle.](#)
- [UNESCO, The Universal Periodic Review and its potential to foster freedom of expression, access to information and safety of journalists: guidelines for civil society organizations.](#)
- [UNESCO, The Universal Periodic Review \(UPR\) and its potential to foster freedom of expression, access to information and safety of journalists: factsheet on smart recommendations for civil society organizations.](#)
- [OHCHR Fact Sheet 30 rev. 1 on The United Nations Human Rights Treaty System.](#)
- [OHCHR Fact Sheet No.15 rev. 1 on Civil and Political Rights: The Human Rights Committee.](#)
- [OHCHR Fact Sheet No.7 rev.2 on Individual Complaint Procedures under the United Nations Human Rights Treaties.](#)





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