



SOFIMUN
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COMMITTEE:
HUMAN RIGHTS COUNCIL

CHAIRPERSON:
MIHNEA STOICA & MARTINA
BOYUKLIEVA

TOPIC: (B)
VIOLENCE AGAINST JOURNALISTS AND
HUMAN RIGHTS DEFENDERS

UNITED NATIONS HUMAN RIGHTS COUNCIL (HRC)



The United Nations Human Rights Council is created in March, 2006 and is the successor to the United Nations Commission on Human Rights, which was often criticized for the high-profile positions it gave to member states that did not guarantee the human rights of their own citizens. The Council is considered an international body within the United Nations System and its purpose is to address human rights violations.

The Council assumes all the mechanisms, mandates, functions and responsibilities of the Commission for Human Rights. At the same time, it is tasked with the review, rationalization and improvement of these. This makes up the bulk of the Council's work in its first year.

"Special procedures" is the name given to the mechanisms established by the former United Nations Commission on Human Rights and continued by the Human Rights Council to monitor human rights violations in specific countries or examine global human rights issues. Special procedures can be either individuals who are leading experts in a particular area of human rights, or working groups usually composed of five members. In order to preserve their independence they do not receive pay for their work.

More at: www.un.org/rights



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Topic B: Violence against journalists and human rights defenders - SUMMARY

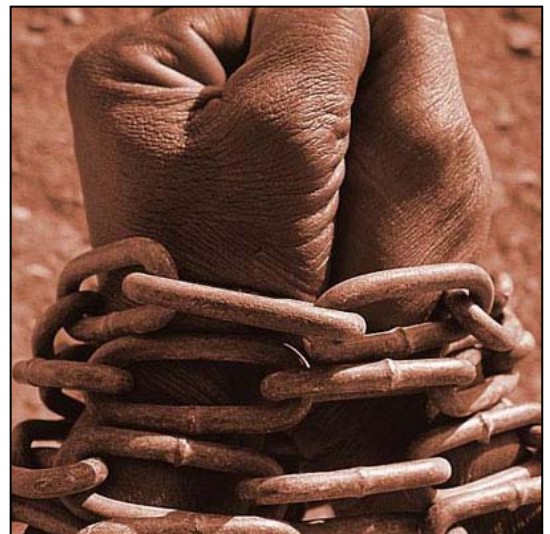


A human rights defender can be anyone who is working to promote or protect human rights. Violence against human rights defenders remains a serious issue of concern as many of them have been threatened, harassed, tortured or even assassinated. A particular group of human rights defenders are journalists. They play an important role in society and in the protection of human rights. The nature of their work however also makes them extra vulnerable for targeted violence.

The SOFIMUN 2010 Human Rights Council is requested to address violence against human rights defenders in a comprehensive manner. Specific attention should be given to journalists. What needs to be done to ensure the protection of these groups against violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of their actions to defend human rights?

1. INTRODUCTION

The number of intentional attacks on journalists and human rights defenders is still significant, not only in areas of armed conflict. Urgent protection is needed for journalists and human rights defenders. Failing to do so creates a feeling of voiceless and invisibility within a society and human rights perpetrators can only benefit from this silence. Moreover, mass media are of great importance for establishing well-informed societies. Violations against journalists cause a self-censorship among them, something that is inadmissible for any democratic country. The last report on this issue by the Director General of UNESCO to the Intergovernmental Council of the International Programme for the Development of Communication also emphasized that 'the safety of journalists is essential to protect the right of all citizens to reliable information and the right of journalists to provide it without fearing for their security.'



For clarity it's important to define what is meant with 'journalists' and 'human rights defenders'. Journalists are part of 'human rights defenders' but have often also been addressed



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separately in conventions, declarations and resolutions for aforementioned reasons. As such they are specifically mentioned here.



Journalists: Journalists are people, who are engaged in "collecting, writing, editing, and presenting of news or news articles in newspapers, magazines, radio and television broadcasts or other media."

Human rights defenders: There is no single definition of human rights defenders although a commonly accepted definition is given in 'Declaration of Human Rights Defenders.' Human rights defenders are "people who individually or in groups act to protect and promote human rights, including civil, political, economic and social rights."

There are two main groups of human rights defenders. Firstly those whose daily work involves the protection of human rights. They might be referred to as 'human rights activists' or they might work for national and international non-governmental organizations (NGOs). Thus, the first group of people works in a professional capacity as human rights defenders and they get paid for that or sometimes work on voluntarily basis. The second group of human rights defenders, though, consists of people, who protect human rights outside any employment context. Both groups are equally important.

Human rights defenders deal with all kind of abuses against human rights, including torture, threats, rapes, assaults, or murders. Additionally, they often address issues such as race and gender discrimination, free access to health and education, free access to food and water. Human rights defenders are present everywhere in the world, irrespective if the countries where they operate are in armed conflict or stable; developed or underdeveloped; democratic or non-democratic. Human rights defenders work to support victims of human rights violation, aim for better governmental policies, and encourage states to implement treaties concerning human rights. Human rights defenders can also operate on local, national, or international level.

What both journalists and human rights defenders are seeking for is consideration of their investigations and raising awareness in the community. Thus, most often the violence they encounter is due to unwillingness of any other parties to make public certain types of information.



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2. Facts and trends of violence against human rights defenders and journalists



Violence against human rights defenders and journalists is certainly not a new issue, nor is the fact that it happens all around the world. Violence can appear in different forms, ranging from insults, intimidation, threats to actual assaults, harassment, detention, arrest and murders. Below a number of recent examples to illustrate this issue¹ :

- August 10, 2009 (Russian Federation) – the murder of a Chechen NGO activist and her husband. In the same year, two other journalists were killed in January, and one more in July.
- August 11, 2009 (Russian Federation) – the murder of another prominent human rights defender, Abduhmalik Akhmedilov, the deputy editor of daily newspaper and monthly political publication in Russian Federation
- September 25, 2009 (Peru) - numerous threats against the President of the Truth and Reconciliation Commission and the president of the Institute for Democracy and Human Rights, being an important figure in the field of human rights abuses
- February 6, 2010 (Kyrgyzstan) – a brutal murder of the journalist Gennadi Pavluk. The opposition in Kyrgyzstan claims that since 2006 there are more than 60 journalists and human rights defenders that have been threatened, kidnapped, or murdered.
- February 7, 2010 (Nepal) – the murder of head of satellite TV station Channel Nepal
- February 16, 2010 (Mexico) – the murder of a crime reporter
- February 17, 2010 (Pakistan) – the killing of a reporter for a private television channel
- March 1, 2010 (Nepal) – a prominent journalist, named Arun Singhiya, was killed
- Since the beginning of 2010, 3 journalists have been killed, 12 were killed in 2009 and 60 since 2000 in Mexico
- March 14 and March 26, 2010 (Honduras) – killing of two radio journalists, shot by men in military uniform in Eastern Honduras. With their killings, the number of journalists killed only for the month March 2010 in Central America is five

¹ Human Rights First



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- April 5, 2010 and April 8th 2010 (Democratic Republic of Congo) - killing of two journalists in eastern DR Congo, which brings the number of journalists, being killed in Democratic Republic of Congo to 6 since 2005.
- April 24, 2010 (Cameroon) – an imprisoned journalist died in Cameroon from high blood pressure. Media groups argue that he had been denied medical help.

Human rights defenders²

Human rights defenders face a number of challenges to their security situation, which impede their work. In the most recent report by the Special Rapporteur on the Situation of Human Rights Defenders, several crucial issues were outlined. One of them is human rights defenders' 'stigmatization', which involves the characterization of more and more human rights defenders as "terrorists" or "political opponents", thus making their peaceful work appear as delegitimized. Another issue is the 'unlawful prosecution of defenders' whereby many human rights defenders have been prosecuted or imprisoned on the base of false charges. Additionally, ambiguous laws have been used by states to detain and arrest human rights defenders, even without any charges. Often, their rights for a fair trial have been denied and instead of federal authorities securing the defenders' right for a fair trial, they themselves impede those rights. Another important aspect that has to be taken into consideration is gender-based violence against defenders (women are more often subjected to some forms of violence, including rape and sexual harassment).



3. Efforts to address the issue

Violence against journalists has been addressed in several conventions, resolutions and other documents. The situation of human rights defenders is addressed with the 'Declaration of Human Rights Defenders.' An overview is given below.

Human Rights Defenders

UN General Assembly Declaration of the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration of Human Rights Defenders) (Resolution 53/144 GA) 1998

² Report of the Special Rapporteur on the Situation of Human Rights Defenders, General Assembly, 30 Dec 2009



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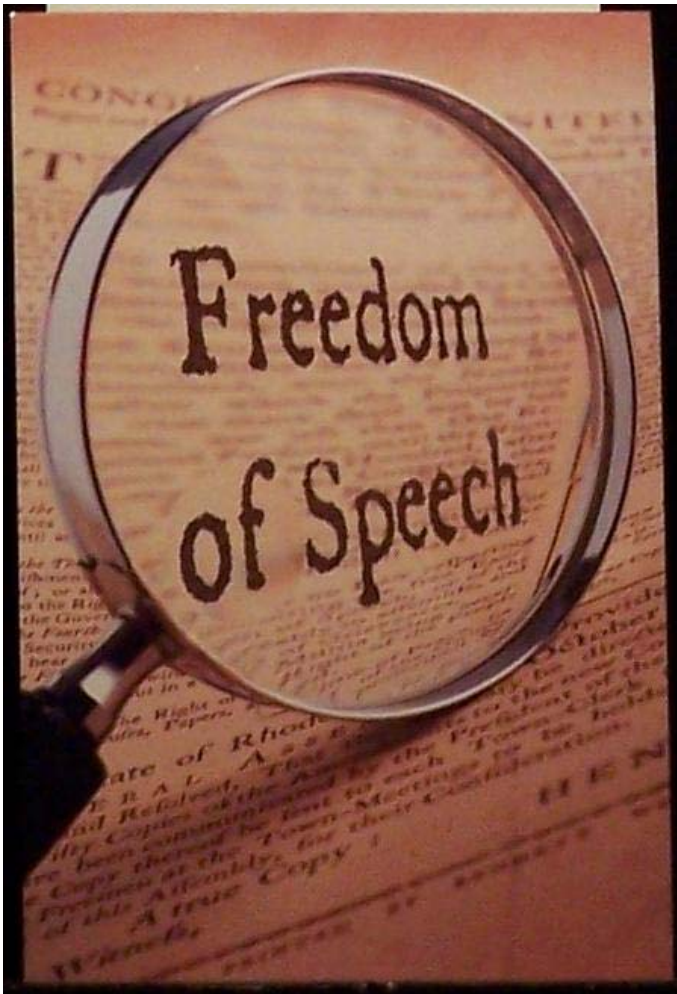
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This declaration points to the basic rights that an individual has with regards to promoting and protecting human rights.

Other efforts are also made in order to ensure better protection. In the last report of the Special Rapporteur on the situation of Human Rights Defenders, several important efforts are mentioned.³



Journalists:

1) Article 13 of the Hague Regulations , part of the 4th Hague Convention 1907 & Article 4A of the Third Convention of 1949 under International humanitarian law

According to Article 13 of the Hague Regulations, reporters who go with the military army, but do not belong to it, shall be treated as prisoners of war. The only condition for this treatment to be fulfilled is the possession of a reporter's authorization document, issued by the military authorities.

Article A4 not only required an analogous treatment, but also gave reporters the status of prisoners of war. Reporters are defined as people, who can accompany the military army without actually being member of it.⁴

2) Article 79 of the Additional Protocol I 1977 to the Geneva Convention 1949

Article 79 aims to protect the rights of journalists and rapporteurs in areas of armed

conflict. Accordingly, journalists in areas of armed conflict shall be considered as civilians and shall have the same rights to protection as civilians.⁵

3) Resolution 29, Condemnation of violence against journalists

³ Report of the Special Rapporteur on the Situation of Human Rights Defenders, General Assembly, 30 Dec 2009

⁴ International Humanitarian law, Protocol additional to the Geneva Convention (<http://www.icrc.org/ihl.nsf/COM/470-750102?OpenDocument>)

⁵ Article 79 "Measures for protection of journalists"



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(General Conference 29th Session, Paris, 1997)

According to this resolution, any crime against journalists shall be considered as a crime against society since it curtails the freedom of speech within a society. Also, it calls on Member States to implement certain measures in order to implement legislation that allows the prosecution of individuals that instigate attacks toward journalists.⁶

4) Commission on Human Rights, Resolution 61/2000

It calls for the appointment of a Special Rapporteur on the situation of human rights defenders by the UN Secretary-General for the purpose of ensuring protection of human rights defenders within countries; to ensure a better cooperation with governments for the protection of human rights defenders and to examine and respond to information regarding the situation of human rights defenders within countries.⁷



5) Resolution 1738 of the Security Council (2006)

Security Council Condemns Attacks against Journalists in Conflict Situations

It urges all Member States to prevent journalists from any violence and condemns any intentional attacks towards them. Also, the resolution recalls that journalists in armed conflicts have the status of civilians and shall be treated and protected as such under international humanitarian law.

6) Medellin Declaration (2007)

The document, among others, emphasizes the need to investigate all crimes committed to journalists and reporters as well as to ensure appropriate prevention.⁸

7) Declaration on the Safety of Journalists on the 4th World Electronic Media Forum in Mexico city, 13 November 2009

The participants of the forum called for international action and strong cooperation between nations in order to address properly the increasing murders of journalists and reporters around the world. They reminded everyone that a society cannot be completely free if the freedom of expression is not guaranteed. Governments are the main arbiters, which must protect the lives of

⁶ Resolution 29, Condemnation of violence against journalists

⁷ Commission on Human Rights, Human Rights Defenders Resolution 2000/61

⁸ Medellin Declaration, UNESCO, 2007



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their citizens, including journalists, protect their rights and ensure the lawful prosecution of any individual(s) who violate those rights.⁹

All in all and as mentioned above, the legal framework used for addressing the issue of human rights defenders is very limited and further development might strengthen it and ensure better protection of their rights. Furthermore, all the relevant conventions regarding journalists have not managed to strongly influence and reduce the overall number of the violations committed against them. Thus, a new effort needs to be made in this direction also.

Other efforts to address the issue:

UNESCO → UNESCO is another international agency, addressing the problem of human rights defenders and journalists. This is an agency of United Nations that has a mandate to protect the freedom of expression. The agency aims at collaboration on an international level for the promotion of mass media, mass communication, freedom of opinion and of ideas, and freedom of expression.

Some of the well-known non-governmental organizations, dealing especially with the protection of journalists are listed below:

The International Federation of Journalists → It focuses on threatened journalists and provides them with legislation and material. The organization has established a "Safety Fund" that publishes a safety manual.

The Committee to Protect Journalists → This organization maintains a special "impunity index" for all countries that have shown inability to react on numerous murders of journalists, reporters etc. for the past ten years.

Reporters without Borders → On its website the organization maintains a "press freedom barometers" that shows the number of killed journalists as well as number of journalists, being held in jail. Also, the organization has uploaded a special map that marks countries where there is a threat against mass media and freedom of expression.

The International Press Institute → The organization deals with cases of murdered journalists and cases of journalists that face denial of justice.



⁹ WEMF4 Declaration on the safety of Journalists, 2009



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The International Freedom of Expression Exchange → This is a network of 88 regional and national organizations all over the world, which work for the promotion and protection of freedom of expression.

4. QUESTIONS A RESOLUTION SHOULD ANSWER



The SOFIMUN 2010 Human Rights Council is requested to address violence against human rights defenders in a comprehensive manner. The questions below are intended to provide guidance.

- How can the issue of violence against human rights defenders be addressed in a comprehensive manner?
- How can existing efforts be strengthened?
- At what level can violence be addressed most effectively; local – national – international?
- What are the mechanisms that can ensure the non-stigmatization of human rights defenders' work?
- What are the measures that can provide support to human rights defenders and limit unlawful imprisonment/prosecution?
- How can more awareness be raised within countries and on an international level for both journalists and human rights defenders?
- Is it possible for protection programs to be developed for both journalists and human rights defenders? What should these protection programs consist of?

Suggested Reading and Additional Sources

Topic B: Violence against journalists and human rights defenders

For a better understanding of the issue, the following sources should be consulted, but they are not exhaustive, therefore it is recommended that the delegates research the topic on their own, both through academic sources, as well as informal channels.



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Mandatory

The following materials should be read by the participants in order to gain an in-depth view on the issue.

1. [Protecting Human Rights Defenders, Analysis of the newly adopted Declaration on Human Rights Defenders](#)
2. [Resolution 29, "Condemnation of violence against journalists"](#)
3. [More and More Journalists Targetted Warns UNESCO Report](#)
4. [Report of the Special Rapporteur, December 2009](#)
5. [Main organizations for the defence of journalists](#)
6. [Declaration on Human Rights Defenders](#)
7. [Security Council Resolution 1738 \(2006\)](#)
8. [Article 79, regarding journalists, of the Additional Protocol I of 1977 to the Geneva Convention 1949](#)
9. [International Humanitarian law](#)
10. [Medellin Declaration](#)
11. [UN General Assembly Declaration 1999](#)
12. [The Safety of Journalists and the Danger of Impunity, PDF Report 2008-2009](#)
13. [Press Freedom: Safety of Journalists and Impunity PDF Report](#)
14. [Commissioner for Human Rights – Council of Europe](#)
15. [Declaration on Human Rights Defenders](#)
16. [World Journalism](#)

Suggested

For information on the topic these links might be useful. Also search the sites for additional articles on the subject.

17. Check the information provided by the national authority of the state which you represent or the cooperation with the NGO which you represent.
18. Any other relative materials.