

[Unofficial translation provided by Reporters Without Borders]

Motion of the Parliamentary Groups of the CDU/CSU and SPD

Establishing a United Nations Special Representative for the Safety of Journalists

The Bundestag is requested to adopt the following motion:

I. The German Bundestag has ascertained as follows:

A free press and free broadcasting media are of particular importance to the functioning of a democratic state and a democratic society. The contribution made by the media to all areas of life shapes the forming of both individual and public opinion. Accordingly, the civil liberties of individuals and organizations engaged in the press and broadcasting must be protected, their safety guaranteed, and their institutional autonomy ensured. The protection of the freedom of the press and broadcasting freedom encompasses the whole sphere of journalistic activities, from the gathering of information to the dissemination of news, including the protection of journalists themselves. A free and independent media sector that is not controlled by the state or subject to censorship is a fundamental element of a liberal state and, as such, is a constituent part of an open and democratic society.

Freedom of the press is not unlimited, as is made clear by Article 5 of the German constitution. These boundaries are set “by the provisions of the general laws, the provisions of law for the protection of youth and by the right to inviolability of personal honour” (Paragraph 2). In addition, press freedoms are now not only based on national legislation, but increasingly on European and international legal sources, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, the United Nations Universal Declaration of Human Rights, and the Charter of Fundamental Rights of the European Union. Freedom of expression and information is protected by the Universal Declaration of Human Rights (Article 19), the International Covenant on Civil and Political Rights, and the European Convention of Human Rights (ECHR). This right not only refers to the entitlement to information and the right to freedom of expression, but also includes the reception and gathering of information. The human right to freedom of information and expression pertains to all types of media and also applies to the use of the Internet. In accordance with Article 10 of the ECHR, freedom of communication is guaranteed. The scope of protection includes a variety of types of communication. In addition to the general freedom of expression, there are also guarantees pertaining to the freedom of the press, freedom of information, broadcasting freedom, and the freedom of the arts and sciences.

Independent and critical journalism is a cornerstone of any democratic society. Journalists, as well as other media professionals, increasingly find themselves under attack worldwide, facing hostility on account of their reporting and being forcibly hindered from engaging in their professional activities. Their security and physical integrity are endangered and they are prevented from reporting in a free and unimpeded manner or from freely expressing their opinions. In all parts of the world, the spaces for the free exercise of journalism are presently on the decrease. In

certain countries of the European Union, there are considerable limits to press and broadcasting freedoms and to free and independent reporting. Even in Germany, journalists reporting on the fringes of demonstrations by predominantly right-wing populist movements have recently been repeatedly attacked and been subject to attempts at intimidation.

According to the non-governmental organization Reporters Without Borders, at least 74 media professionals were murdered worldwide in 2016. In addition, 348 journalists were in prison at the end of the same year on account of their occupation, while 52 were held hostage. Journalists also get killed outside of war zones, because they have reported on such topics as organized crime, corruption, the abuse of power, and human rights violations. In Turkey alone, there are currently some 150 journalists in prison. Female journalists are subject to additional risks, such as sexual violence. In 2013, the United Nations General Assembly proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists.

Against the backdrop of phenomena such as deliberate false news and disinformation, as well as the growing significance of social media for the dissemination and reception of information, the demands and risks faced by journalists have also been increased by the internet.

Attacks against journalists are not only attacks against individual persons, but also pose a danger to freedom of communication in democratically constituted societies. In concrete terms, they can entail infringements on a diverse range of human rights, such as the right to life, the right to freedom and security, the right to a fair trial, the right to freedom of speech, as well as the right to privacy. In addition, some of the violence against journalists contravenes the United Nations Convention against Torture and the International Convention against Enforced Disappearance.

On the international level as well, Germany attaches great importance to the upholding of freedom of speech, freedom of information, and freedom of the press, including ensuring the personal safety of journalists, and has shown its commitment in a variety of ways.

Over the course of many decades, freedom of communication and, in particular, freedom of the press and of broadcasting have successfully been enshrined in numerous European and international agreements, thus reinforcing the importance attached to the idea of freedoms of communication. In addition to the regulations already mentioned, these include the existing regulations aimed to protect human rights, democracy, and freedom of communication, such as:

- UN Security Council Resolution S/RES/2222 (2015) on the protection of journalists in armed conflict,
- UN General Assembly Resolutions A/RES/68/163 (2014), A/RES/69/185 (2015), and A/RES/70/162 (2016) on the safety of journalists and the issue of impunity (2014),
- addressing the issues of protection of journalists and the fight against impunity within various UN bodies and organizations, where they are treated as cross-sectional issues in multilateral forums, including by the UN Secretary General (see the Report of the Secretary General on the Safety of Journalists and the issue of Impunity, A/69/268),
- the activities of various Special Rapporteurs of the UN Human Rights Council, such as the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (see Report A/HRC/20/17) or the UN Special Rapporteur on the Situation of Human Rights Defenders, both of whom have addressed the protection of journalists in their reports,

- the UN Plan of Action on the Safety of Journalists and the Issue of Impunity (2012), which the United Nations Educational, Scientific and Cultural Organization (UNESCO) took a leading role in developing. The Plan of Action defines, among other things, legal parameters for the status of journalists, works towards the decriminalization of critical journalism, and towards effective prosecution in cases of attacks on journalists, as well as promoting training courses for journalists. The implementation of the Plan of Action should involve all UN specialized agencies within the scope of their respective competencies.

These legal measures, however, have not yet succeeded in achieving adequate results in the real world. Ensuring compliance with the existing framework of international law remains a major challenge. This requires a concrete mechanism to enforce international law.

In order to advance the cause of protecting of journalists worldwide from violent crimes and of combatting the increasing limitations on reporting and freedom of the press in many countries, Reporters Without Borders advocates that the United Nations establish the position of a Special Representative of the UN Secretary General for the Safety of Journalists. To date, this initiative is supported by some 25 states, as well as by a worldwide coalition of non-governmental organizations, media organizations, journalists, and renowned personalities.

The Special Representative should work towards achieving compliance by UN member states in fulfilling their international legal obligations with respect to the safety of journalists, which have been established by the relevant resolutions of the UN General Assembly, the Security Council, and the Human Rights Council (UNHRC), as well as other United Nations bodies. The Special Representative would coordinate the activities of the UN with respect to the safety of journalists and provide strong political weight to these efforts.

II. The German Bundestag calls upon the German government:

- 1) to support a UN initiative on the safety of journalists and against impunity, and to promote the establishment of a Special Representative who would oversee compliance by UN member states with their international legal obligations to provide security for journalists and who would report directly to the Secretary General,
- 2) to look into an appropriate delimitation from the duties and responsibilities of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression and of the UN Special Rapporteur on the Situation of Human Rights Defenders in order to determine the concrete duties and mandate of the future UN Special Representative for the Safety of Journalists accordingly. A duplication of other mandates should thereby be avoided.
- 3) to present options to finance the mandate,
- 4) to solicit the approval and participation of other states,
- 5) to make an increased commitment at the national, European, and international levels to protecting freedoms of communication and the safety of journalists, as well as to denounce limitations of press and broadcasting freedoms and attacks on journalists, wherever they may take place,
- 6) to strengthen the commitment to fully implement the resolutions and conventions on the protection of freedoms of communication and the safety of journalists,

7) to clarify that the protection of freedoms of communication comprises the personal safety of journalists and the whole sphere of journalistic activities, including the gathering of information, the protection of sources, and the dissemination of news, and that this protection must be safeguarded by means of the rule of law.

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