

**Forum:** Second Human Rights Council  
**Issue:** Protecting the rights of whistleblowers  
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## Introduction

Currently, important information is conveyed through different mediums of print and digital media. This news is generally formatted and delivered by journalists, who have the crucial job of delivering relevant data to the public. A whistleblower, on the other hand, is one who exposes intelligence or any activity that is illegal, immoral, or incorrect, be it through public or private organizations. This information is paramount for judicial institutions when it comes to shutting down criminal activity or otherwise. Those who fall under either category are crucial to transparency in society, as whistleblowers help recover important intelligence, and journalists report these findings to raise awareness about the same ongoings to the public.

This important role is not without its perils; this year alone, 44 journalists were murdered globally. Approximately 1,300 reporters have allegedly been killed since 1990. Over the past two decades, 232 whistleblowers have been ostensibly killed. The cost of relaying critical information to the masses and relevant institutions puts one in grave danger. According to similar records of Article 19 in the United Declaration of Human Rights and the International Covenant on Civil and Political Rights, ‘receiving and providing information/ideas by the means of any media and without any boundaries or obstacles’ is a fundamental human right. Despite this, the dangers revolving around these professions are threatening. They have the crucial task of providing essential information to the citizenry or relevant institutions, but certain exposed persons may try to attack them to control how much of the truth is exposed. Often, these may include government officials or criminals, and thus the power of information is taken away from the public. This is truly frightening, as the pillars of democracy could essentially crumble if important information is withheld.

With increasing mortality rates and monetary insecurity, these jobs have seen a steady decline, which is concerning as these occupations are required for the flow of legitimate, crucial information. Despite this realistic hypothesis of what could happen if they are not protected, insufficient valid information could imbalance the very basis of how society functions, especially with the amount of fake news at present. Therefore, the protection of whistleblowers is of utmost importance.

## Definition of Key Terms

### Whistleblower

A whistleblower is one who discloses any kind of intelligence or activity which could be illegal, unprincipled, or incorrect within either private or public organizations. For example, an employee of any type of institution could submit a 'good faith report,' in the case of suspected corruption, fraud, embezzlement, immoral government activity, etc.

### Journalism

Journalism is a profession that involves the creation and distribution of reports either in print or digital media. A journalist is one who participates in the profession above and educates the common public regarding issues and events that may affect one's life. Through this process, they may touch upon sensitive material that puts them in danger, as they research the means of expert sources and public records (to name a few).

### Protected Activity

This term refers to the act of reporting, refusing, or opposing to partake in the violation of laws. "Protected activity" allows a particular set of benefits for the whistleblower, as they are entitled to protection measures in federal institutions and monetary provisions. Not everyone who opposes criminal activity is entitled to those as mentioned earlier due to differing regulations in states.

## Background

As mentioned above, whistleblowers are individuals who are crucial in uncovering fraud, corruption, and illegal activities, as well as delivering truth and knowledge to the general public. Thus, to maintain order and balance in society, these individuals must have the utmost freedom and protection to fulfill their roles without facing unjust treatment and personal danger.

### Protecting those in combat regions

Like any other setting, journalists in combat zones serve as crucial carriers of valuable information. According to casebook law studies, "the general trend is towards the deterioration of the working conditions of journalists in periods of armed conflict." Aside from the traditional hazards of armed conflict, journalists in war zones today face the dangers of explosives, targeted assaults, and sophisticated yet unpredictable behavior by armed militants. These factors are making journalism in war-torn regions more and more hazardous for these individuals. According to Reporters Without Borders, they have trained and prepared their staff, and yet the jeopardization of their safety is inevitable. With that being said, it is crucial that steps must be taken to ensure the safety of these individuals. For example, the Syrian Journalist Association estimates that around 150 war correspondents have been killed as a result of their professions in media. The alarmingly high number of these journalist casualties is partly due to the deliberate targeting of these media personnel in occupied territories. While this number does account for the lives lost unintentionally in conflict, the majority of fallen journalists are associated with unwanted coverage of certain topics that addressed sensitive topics for certain parties. The protection of whistleblowers from aggravated

assault must also be addressed, as these individuals should have the freedom to expose injustice without facing the threat of targeted violence. The deliberate assault of journalists has been condemned by the international community, and the UN has deemed it despicable and initiated with malicious intent.

### Freedom of speech and legal protection for whistleblowers

It is absolutely necessary for whistleblowers to uncover and disperse the truth without having to face grave danger. Press censorship in several nations has been implemented to secure governmental stability, promote an authoritarian regime, or hide certain information and knowledge from the public. This, however, highly jeopardizes certain whistleblowers who criticize the fraud and corruption in the government, among other things. The repercussions of full media coverage have often been death or purge from society. An example of this was on October 2 in 2018. The US-based journalist Jamal Khashoggi, known for his criticism of the Saudi government, was brutally murdered by Saudi government affiliates in Istanbul, Turkey. In the most recent development, the United Nations states "that Khashoggi was the victim of a deliberate, premeditated execution, an extrajudicial killing for which the state of Saudi Arabia is responsible." Khashoggi was known for Saudi media coverage of a wide variety of topics and had even served as a Saudi government advisor until he began to propose arguments against the regime. It is speculated that the motive was to completely rid of Khashoggi's opposing views against the regime, including the use of brutal force. Khashoggi is just one of many media personnel who has faced the brutal repercussions of exposing regimes and governments.

### Protecting honest journalism in the digital age

According to a recent publication from UNESCO, the recent development of digital technology and sharing platforms in the past decade questions the confidentiality of whistleblowers, sources, and general anonymity. With rapidly emerging digital techniques, not only is confidentiality questioned, but the safety of these individuals are threatened as well. With this development, it is evident that to keep journalism true, and of high quality and accuracy, there must be a further development on this issue.

## Major Parties Involved

### Whistleblowing International Network

This is a global network of NGOs and civilian congregations that work in fields related to protecting whistleblower protection and gives a medium for members to share relevant legal expertise, create democratic replies to whistleblowing at global and domestic levels, and assist in safeguarding whistleblowers around the world. They mostly focus on whistleblowing in the armed forces, providing monetary aid and temporary safeguarded houses in case they are in danger. Additionally, it called for states in the EU to adopt a similar system as their non-profit to protect their whistleblowers. This organization has been very effective in protecting whistleblowers on a privatized level (as it is not a federal institution), but it has not made a lot of headway for the legalization of similar systems in other countries, which would be a pivotal step towards protecting whistleblowers.

### Committee to Protect Journalists (CPJ)

The CPJ is an independent organization initiated through UNESCO. It is mainly involved in collecting data and researching in areas of allegedly killed journalists, those threatened, etc., providing stats that go back to 1992. They have established Service Response teams and Safety Advisories in the United States, and some select parts of Europe and Asia. Additionally, they release articles every week to propagate awareness regarding the killings over the past years. They have an extensive advocacy center that has helped impart information around the topic, but concrete action has yet to be taken by the organization, as the response teams or advisories have not yet been deployed. Awareness is only the first step towards alleviating stagnation in concrete measures. Considering the amount of attention a journalist might get when they provide crucial information, better safety procedures are required.

### United States of America

Whistleblowing is mainly beneficial to companies in the US, considering the size of the federal democracy, scams, and potential discrepancies are imminent. The government, however, has set up many precedents for protecting them. Many institutions that are part of the institution have principles designed to protect those who reveal and impart crucial yet sensitive information, like whistleblowers. One example is the Sarbanes Oxley Act and the No FEAR act, which reinforces that any retaliation towards the aforementioned is illegal. Comparatively, acts such as the Whistleblower Protection Act and the Llyod -La Follette Act have played a more significant role in insulating whistleblowers from violence. However, these measures do little to combat the rising rate of whistleblower deaths in the US. Almost 43 whistleblowers were killed for their work as of 2018, sourced from the Committee to Protect Journalists. Allegedly, 15 other journalists have been killed as well, though their deaths have not been officially linked to their nature of work. Statistics of whistleblower deaths in the United States remain undisclosed.

### The Kingdom of Saudi Arabia

The Saudi government and the country's Crown Prince Mohammad Bin Salman were accused (as of late 2018) for the brutal murder of Jamal Khashoggi, a Saudi journalist working for the Washington Post. He was quite vocal about his controversial views on the Saudi monarchy, and his scathing views on Prince Mohammad were a known fact. After he was murdered, different Saudi officials gave extremely conflicting statements regarding the nature of his death. Killed in a consulate in Turkey, one claimed that he died in a fistfight, while some said it was a rogue Saudi operation. The latter was claimed by the Crown Prince as well; however, many member states of the UN posed sanctions on the nation, and countries like France and Germany banned all Saudi suspects from their country. A report by a specialized journalist Agnes Callamard further suggested that the Prince had ordered this killing, considering the kingdom had put 11 people on trial without following general procedure and keeping the whole process under wraps. Khashoggi's murder by the Saudi government sparked the worldwide conversation and UN's attention on the topic of protecting those who impart valuable information to the public.

### Timeline of Events

Date	Description of event
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<b>1989</b>	The Whistleblower Protection Act was ratified by the US federal government, which protects federal whistleblowers working on behalf of the government, reporting occurrences of corruption, bribery, or other implicit illegal activities. The reinforcement of this regulation brought attention to the plausible danger that comes with this field of work.
<b>February 2002</b>	Daniel Pearl, a Wall Street Journal reporter, was killed in Pakistan and was kidnapped in Pakistan, and his captors demanded better conditions for captives at Guantanamo Bay.
<b>November 22, 2012</b>	James Foley, a freelance war correspondent, working in Iraq, Syria, and Libya was killed by ISIS gunmen for sharing scrutinizing posts on the workings on ISIS through the US-based news outlet, GlobalPost during the Syrian Civil War.
<b>October 2, 2018</b>	Jamal Khashoggi, a Saudi journalist, working at the Washington Post, was killed at a Saudi consulate in Istanbul by a team of Saudi Arabian government agents. He was allegedly killed as he supported Saudi progressives and did not support the monarchist regime.
<b>November 6, 2018</b>	UNESCO established the Observatory of Killed Journalists, depicting revealing stats regarding journalist murders, as well as those already persecuted for those crimes.

## Previous Attempts to Resolve the Issue

As of 2017, the issue was not even discussed in any major organizations, as there was always an air of secrecy around whistleblower causality protection due to the amount of controversy that surrounds those they expose. Until Jamaal Khashoggi's death on October 2, 2018, the topic had not even been breached. Kashoggi was killed by his government, in response to his clear antagonistic views on Saudi Arabia's absolute monarchy. His gruesome murder brought forth a flurry of discussion around global media, questioning the morality of the killing, the protection of basic human rights like that of imparting information, and the alleged orders executed on the command of the Crown Prince. The discussion is underway and with scarce solutions implemented, they have been ineffective in tackling the issue at its crux. A number of these solutions are fundamentally sound, but require to be amplified to meet the necessity of whistleblower protection.

UNESCO launched the Observatory of Killed Journalists in 2018, 6 days after Khashoggi's death. It tracks actions to incriminate actions against media practitioners. The Director-General Audrey Azoulay published a report on the "The Safety of Journalists and the Danger of Impunity," which indicated an average of 1 person is killed amongst four whistleblowers. Additionally, UNESCO statistics indicate 89% of perpetrators involved in brutality against whistleblowers go unpunished. It provides intelligence with the report on judicial inquiries, and create country profiles to allow insight into killing for each country. It has the mandate to promote freedom of imparting and receiving information and expression. While this has been effective in expediting and raise awareness about the threat that whistleblowers face. However, there needs to be more federal action in different states, as well as a joint system

that provides a quick response. This system is only practical to inform the public about this issue, but the action is lacking.

Transparency International, an international organization, is a global movement that tries to bring attention to the corruption in whistleblowing. It engages in international advocacy, mass awareness, and propagates their Advocacy and Legal Advice Centres in almost 50 countries, working with legal experts and whistleblowers to enhance protections and fundamental human regulations. They additionally created global principles for whistleblower legislation and administered whistleblower laws in 10 central European countries for areas of improvement. While the principles created are now being used in the UNESCO Observatory as guidelines, concrete action needs to be taken as federal backing is still missing. To protect whistleblowers worldwide, a proper system needs to be established, which will only happen with mutual agreement and cooperation to maintain the utmost secrecy and security of those involved.

Therefore, while the current solutions attempt to tackle the solutions by offering menial support, a better foundation of global networks needs to be created that consists of sufficient protection measures for those threatened.

Below are relevant UN resolutions and reports that have been enacted or enforced in an attempt to solve the issue.

- Report of the Special Rapporteur to the General Assembly on the Protection of Sources and Whistleblowers, 2015.
- Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; An in-depth legislative document involving suggestions to preserve the freedom of speech and the freedom to impart information, involving measures such as cooperatives for journalist safety, reenactment of the Convention for Whistleblowers; November 13, 2017 (A/C.3/72/L.35/Rev.1)
- Review of whistleblower policies and practices in the United Nations system organizations, consisting of 23 'retaliation' policy reviews and the breakdown of a comprehensive criteria for evaluating risk and level of protection required for whistleblowers; April 2018 (JIU/REP/2018/4)
- Highlighting the Safety of Journalists, a detailed assessment of privacy and security laws for the same, then correlating the same with the steep curve of journalists deaths in past years; October 5, 2018 (A/HRC/RES/39/6)

## Possible Solutions

Creating realistic and effective solutions in resolutions is critical to ensure quality debate and remedy to the imminent issue of protecting whistleblowers. Thereby here are open-ended solutions that could be addressed when creating resolutions to assist delegates to create innovative and creative solutions.

The prominent difficulty is the protection of all imminently threatened whistleblowers, as they are often targeted by those exposed (ranging from government officials, cartel workers, criminals, to name a few). Since this

is a wide range of people, a single system cannot be entrusted with their safety, which is why a joint unbiased and secure system needs to be established. An independent think tank could be established that provides safety response teams as well as surveillance and protection services if required. This system should ideally be non-biased towards any whistleblowers of any decree, and establish a hotline in case one is seeking services. A system of thoroughly investigated and non-biased officials could be appointed to monitor the aforementioned.

To enforce safety for those endangered at the very first signs of danger, a common network propagated by the UN between the CPJ and an international whistleblowing network could be created; this could focus on safeguarding and providing aid to whistleblowers considering that monetary incentive plays a significant role to maintain these positions, there could be a proposed common set salary for whistleblowers operating at different levels, in addition to a constant surplus salary granted every designated period.

Another important issue is that of animosity of whistleblowers who desire to keep their name undercover. A UN-funded program could provide safe houses for 6-month freeze periods where the aforementioned stay until safer times. One way this can be tackled is to train officers through UN-funded programs by providing them with proper training and situations wherein whistleblowers need to be protected. This will signify that corruption will be negated, and that issue will no longer be present. This can help by placing several cameras in safehouses for the analyzation groups to watch, and react immediately where problems reside. Maintaining a steady influx of pay for officials is essential to guarantee they will not be attracted by money

Additionally, communications between states need to be improved drastically, as this is a crucial step when tackling protection issues. This problem was barely talked about before the death of Jamal Kashoggi, after which nations began encouraging the topic of journalist safety. Those with an incentive to keep pivotal information a secret from the public have no care for boundaries to silence those who have the intelligence. Because of the same, it is crucial to establish proper international communication; since these occur in predicted areas [like in residences of the victims], surrounding nations need to develop tangible ways to communicate data, which could prove to be significant in tackling the problem. This could be executed by publishing monthly reports sent to a regional protection team to analyze in order to be investigated and dissected to comprehend for further actions.

In consideration of the safety of whistleblowers employed by private and public corporations, an independent think tank could be created that is acquiesced with these companies in making arrangements for safety measures and response teams. This think tank would constitute of representatives from each member state to overview its functioning, either chosen by merits or on a volunteer basis. Those employed could consist of Human Resource workers from the aforementioned corporations. To ensure that these services are justly provided, a document consisting of binding regulations should be signed, compelling help to be provided to any whistleblower seeking the same.

The annihilation of whistleblowers could potentially distort news received and could plausibly inhibit the influx of crucial information in the near future. As a result, creative and ingenious solutions are the way to go, for a better future where those impacted can continue their pivotal occupations without fear, and the public remains aware of all important intelligence. To do this, delegates are strongly recommended to come up with their solutions as well as refer to the aforementioned ideas. Depth and quality are necessary, as these need to be modeled to be practical and efficient. Solutions should not be limited to those given above.

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