Research Report

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Forum: *Human Rights Council*
Issue: *Freedom of Press*

Position: *Deputy Chair*

Introduction

Freedom of the press is regarded as fundamental to individual rights, the maintenance of an ongoing free society as well as a democratic self-government. The freedom of press is part of the freedom of speech and therefore offers protection for both people with a point of view that is seen as accepted, as well as people with a point of view that can be experienced as shocking, painful and/or worrisome. Freedom of the press should not be viewed solely as the freedom of journalists to report and comment. It is strongly correlated with the public's right of access to knowledge and information. Communication often acts as a catalyst for the development of civil society and the full exercise of free expression enables all parts of society to exchange views and find solutions to social, economic and political problems. Free media play a crucial role in building consensus and sharing information, both essential to democratic decision-making and to social development. The United Nations' 1948 Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers" However, there are established limits to freedom of press including the utilization of the press in situations which might prevent the government of a country from protecting an important interest. Our human rights have been defined and imposed in policies and conventions after World War II. Since then, a government is allowed to limit the utilization of the press in its country in situations that would create a potential danger of initiating serious consequences in relation to some significant interest that the government has a right or duty to protect. The most clear examples of this limitation can be found during times of war when the press is limited in its capacity to share information which may prevent the government from being able to protect the national interest and security. Other important limits on the freedom of press are the defamation of a person, false accusations or the exposure of someone to hatred, ridicule, or economic loss. Yet, more than a third of the world's people live in a country where there is no press freedom. Overwhelmingly, these people live in countries where there is no system of democracy or where there are serious deficiencies in the democratic process. Freedom of the press is an extremely problematic concept for most non-democratic systems of government, since, in the modern age, strict control of access to information is critical to the existence of most non-democratic governments and their associated control systems and security apparatus. In such countries, journalists operating on the fringe of what is deemed to be acceptable will very often find themselves the subject of considerable intimidation by agents of the state. This can range from simple threats to their professional careers to death threats, kidnapping, torture, and assassination.

Definition of Key Terms

Media polarization

When the media reinforces the contradiction between parties or communities, on subjects such as politics, religion and belief, creating groups in society.

Self-censorship

To control of what you say or do in order to avoid annoying or offending others, but without being told officially that such control is necessary.

General Overview

Limitations to the freedom of press

The press has a great influence on all societies. Nowadays, it uses a lot of new forms of information and communication, such as websites. This has created new benefits to society, but it has also brought along challenges.

It is the special role of the press that demands it to have special qualities. It should remain objective, truthful and fair, respect justice and dignity of all individuals without any discrimination.

As we all know, freedom is an indispensable human right. However, in society, freedom of one person often interferes with the freedom of another person. So setting clear limits for individual freedom is necessary, but not yet decided upon.

The press plays a big role in protecting human rights and pushing ahead social progress. However, the line of freedom of the press is really thin. Sometimes, while trying to discover the truth, a journalist unintentionally walks into a "prohibited" area. For example, the journalist has dug deeply into someone's history and written something about that person or he has cited a speech of the responsible individuals in a certain event, when the information is yet to be verified in full. This could cause damage to the individuals. Particularly issues concerning nationality or religion could affect the freedom of another.

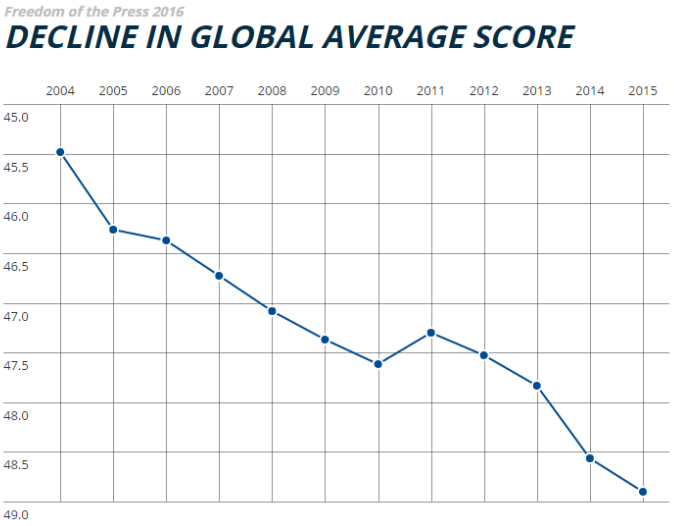
No freedom of press

Not every country has freedom of press. Research has shown that only 13 percent of the world's population enjoys a free press—that is, where coverage of political news is robust, the safety of journalists is guaranteed, state intrusion in media affairs is minimal, and the press is not subject to onerous legal or economic pressures. This is shocking, because this means that 87 percent of all people cannot use the freedom it should have according to the Universal Declaration of Human Rights. In 2015, press freedom declined to its lowest point in 12 years, as political, criminal, and terrorist forces sought to co-opt or silence the media in their broader struggle for power. Among the countries that suffered the largest declines in 2015 were Bangladesh, Turkey, Burundi, France, Serbia, Yemen, Egypt, Macedonia, and Zimbabwe.

Conditions for media freedom in countries, such as Turkey, continued to deteriorate in 2014 after several years of decline. New laws were enacted by the government that expanded the state's power to block websites and the surveillance capability of national intelligence organs.

Journalists in these countries face unprecedented legal obstacles as the courts restrict reporting on corruption and national security issues. Verbal attacks on journalists by senior politicians are often followed by harassment and even death threats against the targeted journalists on social media. Meanwhile, the governments continue to use the financial and other leverage they hold over media owners to influence coverage of politically sensitive issues. Several dozen Turkish journalists, including prominent Turkish columnists, lost their jobs as a result of such pressure during the year. Those who remained had to operate in a climate of increasing self-censorship and media polarization.

There are two main factors for the steep declines worldwide: the degree of extralegal intimidation and physical violence faced by journalists and heightened partisanship and polarization in a country's media environment. These problems can be found most in the Middle East, where governments and militias increasingly pressured journalists and media outlets to take sides, creating a "with us or against us" climate and demonizing those who refused to be cowed. At the same time, the Islamic State (IS) and other extremist groups continued their violent attacks on the media and disseminated powerful alternate narratives through their own networks, reaching vast audiences without the need to rely on journalists or traditional news outlets.



Groups such as the Islamic State make journalists from the much more open media environments of Europe also face unusual levels of pressure. In a year that began with the shocking murder of eight cartoonists and editors at the Paris offices of the satirical magazine Charlie Hebdo, media freedom in the region was threatened by violence, new surveillance and antiterrorism laws, and verbal attacks or interference from politicians and government officials. Journalists and bloggers have however shown resilience. Often at great risk to their lives, they strive to transmit information to their communities and the outside world, and circulate views that contradict those promoted by governments or extremist groups. As a result, media freedom in some of the world's strongest democracies is under pressure of security-minded governments and populist politicians. To conclude, freedom of press is not only in danger in developing countries, but also in western countries. Ensuring this freedom in every country is only possible when all designated journalists live in conditions free of corruption, poverty and fear, so that their freedom to publish is not endangered.

Of the 50 countries and territories designated as Not Free in Freedom of the Press 2016, the following 10 have the worst total scores:

North Korea
Press Freedom Score = 97
Turkmenistan
Press Freedom Score = 96
Uzbekistan
Press Freedom Score = 95
Crimea
Press Freedom Score = 94
Eritrea
Press Freedom Score = 94
Cuba
Press Freedom Score = 91
Belarus
Press Freedom Score = 91
Equatorial Guinea
Press Freedom Score = 91
Iran
Press Freedom Score = 90
Syria
Press Freedom Score = 90

Major Parties Involved

North-Korea

With a score of 97 (100 being the worst), North-Korea has the least amount of press freedom in the world. The North Korean media continue their propaganda efforts to secure national unity around Kim Jong-un, who took over the country's leadership after the death of his father.

Norway

Norway plays a leading role in trying to promote free and independent media on an international scale, particularly in conflict areas and countries where democracy is under pressure.

IS

Terrorist groups like the IS endanger the freedom of press, because, due to their actions, governments commence to become security-minded and lay restrictions for journalists in order to protect the safety of their citizens.

Human Rights Watch

From their earliest days, when they were called The Fund for Free Expression, the HRW has fought against all forms of repression of speech, in all media, around the globe.

UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

In 1993, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Annually, the Special Rapporteur is required to submit a report to the Commission covering the activities concerning right to freedom, containing recommendations to the Commission and providing suggestions on better ways and means to promote and protect the right to freedom of opinion and expression in all its manifestations.

Reporters without borders

Reporters Without Borders has two primary spheres of activity: one focusses on Internet Censorship and the New Media, and the other on providing material, financial and psychological assistance to journalists assigned to dangerous areas.

Timeline of Events

1945 The end of WWII

1977 Court allows the publication of a juvenile's identity

1980 The Supreme Court of the United States asserts that the public and the press have a First Amendment right to observe criminal trials

1993 World Press Freedom Day is proclaimed by the UN General Assembly

2002 Nigerian journalist Isioma Daniel incenses Muslims by writing about the Prophet Mohammed and Miss World, provoking riots which leave more than 200 dead

2004 American reporter is convicted for refusing to give identity of a source

2006 Azerbaijan suspends the license of the country's first private television and radio station, forcing it off the air

2007 Police officials from Zimbabwe bar journalists from marching to commemorate World Press Freedom Day

2008 The Malaysian government shuts down a prominent and outspoken newspaper catering to ethnic minority Indians

2009 European officials give Turkey new warnings on threats to freedom of expression in the country

9 journalists in Gambia on bail pending their trial on sedition charges because of a statement criticizing the country's lack of press freedom

2012 The Turkish newspaper 'Taraf' comes under attack after it begins criticizing the government

2013 Ankara mayor accuses Turkish BBC correspondent of "treachery to her nation."

At least 59 journalists lose their jobs for coverage of Gezi protests

2014 IS persecutes 21 journalists in Iraq and threatens to execute them

2015 Press freedom declines to its lowest point in 12 years

2016 Pentagon Revamps Law of War Manual to Protect Journalists

Previous Attempts to solve the issue

Since its creation in 1945, UNESCO has been called upon to "promote the free flow of ideas by word and image". Amidst the growing recognition of the importance of press freedom for democracy and development, the United Nations General Assembly proclaimed in 1993 that the 3rd of May is "World Press Freedom Day". Throughout the world, this Day serves as an occasion to celebrate press freedom, raise awareness of violations against the right to freedom of expression and draw attention to the work of all journalists forced to brave death or jail to bring people their daily news. It is also on World Press Freedom Day that UNESCO awards the annual UNESCO/Guillermo Cano World Press Freedom Prize to a journalist who excels in the fight for press freedom. By doing this, UNESCO promotes freedom of press and encourages others to do so too.

In 2014, a platform called: 'Mapping Media Freedom Platform', was formed. According to this platform, it is not always just the law, it is also the interpretation of the law and its implementation by the judiciary and the police that are the problematic. Mapping Media Freedom encourages training and reviews of the legislative framework to ensure that all journalists have the necessary knowledge of law. In this way, journalists tend to avoid writing about the "sensitive" cases that could be offending/harmful, and the chance of a prosecution is smaller.

There have been improvements in the protection of journalists' sources. In November 2012, Ukraine has implemented a new Code on Criminal Proceedings. The New Code introduces far-reaching changes to the procedural framework for beginning criminal proceedings and for pre-trial investigations and trials. Due to this New Code, it is almost impossible for corrupt governments to imprison journalists based on false accusations. Since this new Code on Criminal Proceedings was introduced, there have been no reports of police pressuring journalists to disclose their sources. Luckily, Ukraine is not the only country that has implemented a new Code, as countries like India, Serbia and France have also made the needed changes to their Code. Despite this progress, reality shows us that journalists who work for Internet media are still vulnerable.

Possible Solutions

Firstly, journalists and other media workers often lack basic legal and social protection of their rights and when trade unions are weak, it is hardly possible for them to stand up for their rights. By ensuring a written contract for a journalist, he or she is seen more as a part of a company and less as an individual. In this way, there is a smaller chance of an attack on the individual journalist, because it is most likely that the company as a whole is attacked.

Secondly, by supporting a training for both journalists, government officials and politicians about what independent media means, freedom of press is promoted. Trainings about what protection of sources means and what conditions are required for journalists to do their job in the region, can help bring both parties closer to each other and improve the situation in the country.

Thirdly, a European Parliament conference entitled 'Media freedom under threat: National problems, European solutions' was organised by the Socialists & Democrats group. At this

conference, Members of the European Parliament (MEP's) introduced the idea of an early-warning system for infringements of press freedom in the European Union. If the European Parliament is warned at an earlier stage, it is much easier to see the mistakes that are made in such a country and the changes that are needed.

Fourthly, governments could adopt and implement laws and policies that protect the provision of technical measures, products and services that improve freedom of press. They must ensure legislative, policymaking and other relevant norm-setting processes concerning rights and restrictions on the Internet in order to provide the private sector, civil society, the technical community and academia meaningful opportunities for input and participation. In this way, the freedom of press is promoted and infringements of the law are highlighted.

Fifthly, among the most important steps that private actors should take, is the development and implementation of transparent human rights assessment procedures. They should develop and implement policies that take into account their potential impact on human rights. Such assessments should critically review the wide range of private sector activities in which they are engaged, such as the formulation and enforcement of terms of service and community standards on users' freedom of expression and press.

Useful documents

Reports on press freedom per country
https://freedomhouse.org/reports

Annual reports on Freedom of Opinion and Expression
http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx

UN Plan of Action on the Safety of Journalists and the Issue of Impunity
http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/un-plan-of-action/

UN Human Rights Council resolution on the safety of journalists of September 2014
http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/27/L.7