

**Forum:** Special Conference 1 - Communications in a Globalised World

**Issue:** Ensuring press freedom

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## Introduction

To first understand press freedom, there has to be clear understanding of freedom of expression, which is (or should be) the pillar for every press related institution. The government of The Netherland defines freedom of expression as “an essential part of a properly functioning democracy and a free society. People should be free to express themselves both online and offline. But in many parts of the world freedom of expression is under threat”.

The idea of freedom of expression became fundamental after World War 2 and the establishment of the Declaration of Human Rights in 1948. Many democracies and member states have followed this declaration when drafting their own legislations. However, it came to notice that in some cases, total press freedom could put in danger the continuation of their governments, which has lead to forms of censorship in the press.

Press freedom or freedom of the press has been a topic for debate in recent years due to Donald Trump’s accusations on journalism and the press. Countries with extreme low ranking on the “2018 World Press Freedom Index”, such as China or North Korea, also contribute to an urgent search for ways to ensure press freedom.

## Definition of Key Terms

### Press freedom/freedom of the press

Freedom of the press refers to the circulation and publication of materials in newspapers, magazines and other formats such as social or electronic media platforms without restrictions implemented by governments. It is still necessary for the press to obey legislation regarding libel, obscenity and copyright, however.

### Press

Newspapers and magazines, and those parts of television and radio that broadcast news, or reporters and photographers who work for them

### Censorship

The suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable, or a threat to security.

### Freedom of information

The right to gather, transmit, and publish news anywhere and everywhere without letters. As such it is an essential factor in any serious effort to promote the peace and progress in the world. (UN A/RES/59(I))

## Background Information

### Human Rights

#### *Freedom of expression and information*

Article 11 of the European Union Charter of Fundamental Rights states:

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. 2. The freedom and pluralism of the media shall be respected.” This is applied to all member states of the European Union. This sets an example to other countries and reinforces the importance of this issue.

#### *Freedom of speech*

Article 19 of the 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 to seek, receive and impart information and ideas through any media and regardless of frontiers.”

### The United States of America

#### *The First Amendment*

The First Amendment was drafted in 1787 as part of the United States' Constitution. It reads: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the

press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances”.

Legal Information Institute adds the following: “The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference. It prohibits any laws that establish a national religion, impede the free exercise of religion, abridge the freedom of speech, infringe upon the freedom of the press, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances. It was adopted into the Bill of Rights in 1791. The Supreme Court interprets the extent of the protection afforded to these rights. The First Amendment has been interpreted by the Court as applying to the entire federal government even though it is only expressly applicable to Congress. Furthermore, the Court has interpreted the Due Process Clause of the Fourteenth Amendment as protecting the rights in the First Amendment from interference by state governments.”

### **Donald Trump**

Donald Trump’s statements and attacks towards the press and journalists have had effects in the Reporters Without Borders’ annual World press freedom index for the United States, dropping two spots in the world ranking.

During the presidential elections period in the U.S, Trump affiliated media outlets like Fox News restricted press freedom by ignoring stories that brought a negative image on Donald Trump. This action has been constantly repeated throughout his presidency. An example of this would be Facebook’s scandal involving the selling of users’ personal information to Cambridge Analytica, to later be used the Trump Campaign to influence voters’ decision. Instead of reporting on Trump’s campaign manipulation, the focus was put on Facebook.

### **Pakistan and Middle East**

Ever since the general elections in Pakistan, media censorship has increased as well as the missing of persons. This shows a clear lack of press freedom in the country and possible corruption in the government. Transparency in governments is important when affronting media censorship as corrupt governments which are known for eliminating

opposition cause fear of being targeted and eliminated in its population, leading to self-censorship.

Press freedom in countries in conflict is very fragile as governments are usually either unstable or corrupt. As a means to preserve order over the country, governments may take control of the media to avoid the population from knowing certain information which they would find unsettling and cause them to turn against the government. This is not correct as it limits the freedom of information and expression of the people. Many express this need for freedom through social media, however many others restrain from expressing due to fear of what the government may do. Social media, being of an international nature, is a means that can be used to know how needed the population of a country is for freedom of expression and information.

### People's Republic of China

The case in the People's Republic of China (PRC) is very interesting to investigate. What happens in the PRC is that the government is in control of the press, and censors certain topics that should not be mentioned because they would cause political disruption mainly. This is the most popularised point of view of press censorship in China. Events such as the censorship of the Tiananmen Protests and the actions defending the muslim population in China by the government show the government's worries and actions towards preventing government opposition in the country, and truth be told, it is managed through the control of the press. Press censorship goes from banning media to imprisoning those who dare go against the government's requests. Reporters Without Borders states that there are currently over 50 journalists and bloggers detained in conditions that pose threats to their lives. There is also the fact that media users can be detained for commenting, posting or sharing content through a messaging service or social network under tough internet regulations.

The government of the PRC censors information by controlling all media capable of reaching a wide audience, such as literature, films, television, print media, radio, film, theatre, messaging, video games and the Internet.

However, the reasons for censorship go further than political. For example, porn is limited and so are films, in the sense that extreme porn is banned and so is violence in films, for moral reasons. Moreover, the banning of foreign films and TV shows can be seen as an

attempt to protect Chinese culture. It could also be so as to protect the internal market for domestic entertainment. Economic reasons also justify the obstacles imposed to foreign enterprises wishing to enter the Chinese market as a means to give an advantage to domestic products.

### Types of censorship

In order to propose solutions for censorship, it is important to understand that there are different types of censorship. The most common one is “prior restraint”, which censors the story before it is published. Such action is taken by most governments. In places where the fear of potential punishment is so great, a self censorship of a “chilling effect” is imposed.

### Problems with complete press freedom

Although the main objective for democracies is to ensure press freedom fully, in action this is not the case. News may be able to compromise state security by publishing data which would, for example, allow the enemy at war to know the moves and positions of the country. The publishing of classified information could also compromise the security of the government and country.

### The Khashoggi case

Jamal Khashoggi was a Saudi Arabian, well-known, writer and journalist. He was close to the Saudi royal family and served even as an advisor to the government. However, he exiled himself to the USA last year, where he wrote a monthly columns for the Washington Post criticising policies of the Crown Prince Mohammed bin Salman, known as MBS.

He was killed on October 2, 2018, in the Saudi consulate in Istanbul, where he was filing a divorce so that he could remarry. Turkish officials claim they have evidence that he was killed by Saudi officials and US senators at Congress point their fingers at MBS, who they believe has ordered the killing. Yet, President Trump remains a defender of the country’s relation with Saudi Arabia, “a key trading partner in the region”. Moreover, many European nations have cancelled arms deals with Saudi Arabia since the killing. Whereas Canada, UK, France and the US have all imposed sanctions against 18 Saudis allegedly linked to the killing.

Saudi Arabia has denied the allegations against MBS and has detained 21 Saudi nationals and dismissed two senior officials suspected to be linked to the murder. Eleven have been charged, yet the identities of these remain unidentified.

The murder of Khashoggi is a clear example of lack of press freedom. Even though MBS has not yet been proven to have given the order of his murder, he does have a motif for doing so, which is the criticism Khashoggi directed towards the Prince's policies. Murder and incarceration are common ways governments use to censor journalists, even more if this person is well-known and has power in his words.

## Major Countries and Organizations Involved

### Reporters Without Borders (RSF)

It is an international non-profit organization based in France founded in 1985. Since its establishment, the RSF has committed itself to ensure press freedom around the world, this is why it runs the World Press Freedom Index, which puts in evidence the countries that are lacking press freedom, forcing and encouraging governments to implement solutions to such issue.

### European Convention on Human Rights

It is an international convention that protects human rights and political freedoms in Europe. Among its 18 articles, Article 11 emphasizes on the right of freedom of expression and information. Given the impactful role of Europe in the international community, said convention is key when analysing the present issue.

### United Nations

United Nations established the declaration of human rights in 1948 and that has been a pillar for ensuring press freedom in countries and democracies. This entity has been actively seized on the matter by working thoroughly since its establishment to promote freedom of expression and freedom of the press through its numerous organizations and resolutions.

### United Nations Educational, Scientific, Cultural Organization (UNESCO)

UNESCO is a fierce defender of freedom of information and freedom of the press as fundamental rights. It established the World Press Freedom Day to award those who have

enforced their right to express themselves despite the risks imposed by those willing to silence them, which often involve death.

### Association of Southeast Asian Nations (ASEAN)

Composed by Indonesia, Thailand, Cambodia, Singapore, Malaysia, Philippines, Myanmar, Vietnam, Brunei and Laos, ASEAN member countries have all resulted in the bottom half of the 2017 RSF World Press Freedom Index. Vietnam and Laos are classified as media black spots (L. Hunt, the Diplomat: *Where is ASEAN On Press Freedom?*), both in 175th and 170th position in the World Index respectively. The region composing this association is extremely concerning as it does not appear to make any progress in improving the safety in which citizens can express themselves, many leading to self-censorship as a response to fear.

### The Netherlands

The Netherlands remains loyal to traditional media, with legislation which protects journalists. However, as political scenarios tighten in Europe, so do press freedom violations against journalists resulting in physical and legal threats, as well as trolling and vicious abuse on social media. (RSF, 2018)

### People's Republic of China

China is considered to have one of the most restrictive environments regarding media and the most sophisticated means of censorship. The state managed system allows the blocking of websites, removal of apps from the domestic market and any accounts that touch any banned political, social and economic topic. (Freedom House, 2017)

### North Korea

North Korea was the last country in the whole list of the RSF World Press Freedom Index of 2017, and is considered extremely repressive as the government is in control of all media and communications, and citizens can be taken to concentration camps for viewing, listening or listening to media outlet provided by a media outlet based outside the country. (RSF, 2016)

### Pakistan

Pakistan is a worrying case given the hostile environment through which press freedom is restricted. People can be penalized for defamation and blasphemy, and the new

legislation on the Prevention of Electronic Crimes Bill (PECB) allows authorities to censor online content under in the name of preserving national security, which is vaguely explained. (Freedom House, 2017)

### United States of America

Press freedom in the USA is largely supported. However, if some information is compromising to the country's security or damages someone's right to privacy whatsoever, an exception should be made by requesting the inhabitants not to post such information.

### Saudi Arabia

According to Reporters Without Borders, Saudi Arabia permits no independent media and tolerates no independent political parties, unions, or human rights groups. The only place where people independently express themselves is the internet. However, citizen journalists are also closely observed. One critical comment can lead to an arrest under the country's terrorism or cyber-crime laws. Anything that insults religion, incites chaos, endangers national unity, or insults the crown can be used to justify an arrest without trial, mistreatment during detention and punishment. This also means a huge rate of self-censorship among the population of this country. Along with Khashoggi's murder, Saudi Arabia is low in the RSF 2018 World Press Freedom Index.

### Iran

Conditions for the media in Iran are highly repressive. Certain topics — including criticism of the supreme leader, Ayatollah Ali Khamenei — are subject to long-standing redlines, enforced in part through harsh online and offline censorship. Journalists are silenced and forced into self-censorship through harassment, arbitrary detention, and prison sentences for vaguely defined offenses. (Freedom House, 2017)

## Timeline of Events

<b>Date</b>	<b>Description of Event</b>
1787	U.S Constitution establishes on their first amendment freedom of speech
1946	Resolution "Calling of an International Conference on Freedom of Information" by the UN General Assembly
1948	Declaration of Human Rights



1985	Foundation of Reporters Without Borders
1993	Proclamation of World Press Freedom Day by the UN General Assembly
1997	Creation of the UNESCO/Guillermo Cano World Press Freedom Prize
2017	Drafting of “The safety of journalist and the issue of impunity” resolution at the United Nations Third Committee

## Relevant UN Treaties and Events

- UN's World Press Freedom Day (3 May)
- The United Nations' 1948 Universal Declaration of Human Rights:
  - "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas through any media regardless of frontiers".
- “The safety of journalist and the issue of impunity”, 13 November 2017 (A/C.3/72/L.35/Rev.1)
- “Calling of an International Conference on Freedom of Information”, 14 December 1946

## Previous Attempts to solve the Issue

In The Netherlands, the government may not interfere with what people say or write. Provided they do not break the law, everyone can say and write whatever they want. However, defamation and inciting to hatred and discrimination, for example, are forbidden. The court decides after the event whether someone has broken the law.

The United States has made a recent attempt to solve the issue by trying to pass a bill at the U.S Congress regarding the protection of journalists (Journalist Protection Act). This included the protection of the information as well as the physical integrity of journalists. However, this bill did not pass but it is still an indicator that the issue at hand is gaining importance in the country and shows us an example of possible solutions other countries could implement.

The United Nations' 1948 Universal Declaration of Human Rights established in Article 19 the right of freedom of expression, which has been a pillar for democracies and member states. This entity has also been in charge of drafting resolutions that would ensure press freedom for member states, such as *A/C.3/72/L.35/Rev.1*. Said resolution, despite including precise ways to tackle the issue, it does not include key countries that have not been coherent with press freedom, like the United States of America or People's Republic of China. Nevertheless, it has been drafted fairly recently so concrete action is still to be seen coming from this resolution.

## Possible Solutions

Protection of journalists to report freely through legislation on countries threatened by lack of press freedom.

Stop or reduce censorship of the press by intervening in the culture of a country and its legislations. This can be achieved by educating the population on the importance of press freedom in schools. However, in countries with governments which censor information through education and other means, for example China, may pose an obstacle to this solution.

Given the government's involvement and intervention on media outlets and newspapers in some countries ranked lower on the press freedom index, a possible solution would be to reduce this form of intervention and allow other political perspectives and ideologies for media companies. This would also reduce the risk to journalists' lives as well as a reduction to "prior restraint" censorship, since more liberties would be granted to journalists.

It is important that countries collaborate into protecting press freedom at an international level so as to prevent oppressive countries from silencing people outside their own borders even, such as the Khashoggi case.

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