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World Press
Freedom Day

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

World Press Freedom Day 2013 Concept Note

Safe to Speak: Securing Freedom of Expression in All Media

Jointly Organized by
UNESCO and the Government of Costa Rica

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Overview

World Press Freedom Day (WPDF) celebrates its 20th anniversary in 2013. It was first officially proclaimed during the United Nations General Assembly in 1993. Ever since then, UNESCO as the UN agency with the mandate to promote freedom of expression and its corollary, freedom of the press, has been promoting these fundamental rights in every region of the world. The UNESCO Constitution states a commitment to foster the “free exchange of ideas and knowledge” and the “free flow of ideas by word and image”. To advance these lofty goals, the WPDF has been commemorated worldwide by many stakeholders each year on 3 May, and has emerged as an effective way to raise awareness of the importance of freedom of expression and press freedom.¹

The call for the international calendar to observe the importance of press freedom was originally made at a meeting in Namibia of African journalists convened by UNESCO in 1991. It is a central part of the Windhoek Declaration which was adopted at the meeting, and which was also endorsed by the UNESCO General Assembly in the same year. The Declaration spelt out that the precondition for press freedom is a **free, independent, and pluralistic media environment**. The Windhoek Declaration described a media landscape that is *free* from governmental, political or economic control, including freedom as regards the infrastructure essential for doing journalism. *Independent* designated the importance of professional standards and public interest as the sole determinant of media content. The Declaration also elaborated on a *pluralistic* media environment. This referred to the absence of media monopolies (whether state or private), and the alternative of the greatest possible number of media platforms (which includes recognition of community media). Pluralism is about providing maximum choice and participation in news and views.

The Windhoek perspective applies equally today to broadcasting and digital media platforms. Indeed, increasingly mobile phones, Internet and satellite are becoming more central to all communications. The same applies to the application to these platforms of the **international standards** set out in the Universal Declaration of Human Rights; the Geneva Conventions; the International Covenant on Civil and Political Rights; UN Commission on Human Rights Resolution 2005/81; the UN Security Council Resolution 1738 (2006). Cognisance of all these principles needs to be taken into account on these burgeoning platforms by the range of actors involved, whether State bodies, private sector intermediaries², the media, civil society and individual users. Meanwhile, threats to press freedom nowadays emanate not only from some of these

¹ See <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/homepage/>

² These range from search engines and internet-service providers, through to online social networks, and including media houses which provide user-generated content such as comments, blogs or citizen-journalism posts.

agencies which fail to respect rights, but also from organized crime and extremist organizations.

It is furthermore clear today that building a culture to support press freedom is generally a lengthy process, while what has been won for press freedom can also be lost in a matter of months when negative forces gain control of a country. But the potential for progress has become possible in many cases through changes such as in countries touched by the Arab Spring as well as in Myanmar and South Sudan. Decades of political regimes that were not conducive for press freedom are making way for a new environment that holds great promise. The international community is working closely with the authorities and the citizenry in these and other countries to ensure that positive developments can translate into long-lasting safeguards for freedom of expression and press freedom.

One major development in this international co-operation on press freedom is the ***UN Plan of Action on the Safety of Journalists and the Issue of Impunity***, which was endorsed last year by the chief executives of all component UN bodies. Securing the **safety** of journalists continues to be a challenge due to an upward trend in the killings of journalists, media workers, and social media producers. In 2012 alone, UNESCO's Director-General condemned the killings of 121 journalists, almost double the annual figures of 2011 and 2010. In addition, there continues to be widespread harassment, intimidation, arbitrary arrest and online attacks on journalists in many parts of the world. To compound the problem, the rate of **impunity** for crimes against journalists, media workers and social media producers remains extremely high.

Responding to this overall context of press freedom, WPF 2013 focuses on the theme of **"Safe to Speak: Securing Freedom of Expression in All Media"** and puts the spotlight in particular on the issues of **safety of journalists, combating impunity for crimes against freedom of expression**, and securing a **free and open Internet as the precondition for safety online**.

This focus builds upon principles set out in the Medellin Declaration on "Securing the Safety of Journalists and Combating Impunity" which was adopted by the participants of the WPF held in Colombia in 2007. The Medellin Declaration urges States to comply with the commitments of Resolution 29 adopted by UNESCO's General Conference in 1997 to combat impunity of crimes against journalists and to comply with Resolution 1738, adopted the year before by the United Nations Security Council, regarding the status of journalists during war. It further calls on news associations to promote actions that secure the safety of journalists. The issue was again highlighted in the Carthage

Declaration of WPFDF 2012³, and gained further impetus in key reports by two UN Special Rapporteurs⁴ as well as in other reports from the regional Special Rapporteurs⁵. Also last year, the United Nations Human Rights Council unanimously adopted a resolution on Safety of Journalists calling for "States to promote a safe and enabling environment for journalists to perform their work independently and without undue interference". It condemned in the strongest terms all attacks and violence against journalists, and expressed its concern at the growing threat to the safety of journalists posed by non-State actors⁶.

These developments coincide with the growing awareness that ensuring freedom of expression must also necessarily extend to **safety online**. This adds to the importance of online media which has been recognized in recent WPFDF celebrations. The "freedom to connect" was highlighted in WPFDF 2011 (Washington DC) where new media, including blog and other social media, were highlighted as agents of change. At WPFDF 2012 (Tunis), the societal aspect of this freedom was highlighted especially within the context of the Arab Spring movement. This year, we build further on this topic by highlighting the need to promote an open and free environment online for the safe exercise of press freedom in this arena.

The three subthemes of WPFDF 2013 are elaborated below.

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### ***Sub-theme 1: Ensuring the Safety of Journalists and Media Workers***

A free, independent and pluralistic media environment, online and offline, must be one in which journalists, media workers, and social media producers can work safely and independently without the fear of being threatened or even killed. It needs to be an environment where attacks, intimidations, harassments, abductions, arbitrary imprisonments, and threats are the exceptions and not the norm. Journalists (as well as citizen journalists), editors, publishers and online intermediaries alike should not be subjected to political or financial coercion and manipulation. They should especially be protected from threats to the security of themselves and their families.

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<sup>3</sup> [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFDF/carthage\\_declaration\\_2012\\_en.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFDF/carthage_declaration_2012_en.pdf)

<sup>4</sup> Reports of *UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression* as well as the *UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions*,

<sup>5</sup> Namely, the Special Rapporteur on Freedom of Expression of the Organization of American States (OAS), OSCE Representative on Freedom of the Media, and the Special Rapporteur on Freedom of Expression and Access to Information for the African Commission on Human and People's Rights.

<sup>6</sup> Human Right Council Resolution A/HRC/RES/21/12 adopted at its 21<sup>st</sup> Session on 27 September 2012.

Securing the safety of journalists and media workers is an urgent matter. More than 600 journalists and media workers had been killed in the last ten years. In other words, every week a journalist loses his or her life for bringing news and information to the public. These statistics highlight the relevance of the *UN Plan of Action on the Safety of Journalists and the Issue of Impunity*, and its specific goal of mobilizing the UN family of agencies as well as other stakeholders including UN Member States, regional human rights bodies, NGO, and media houses to collaborate in creating a safer environment for journalists. There is enormous potential in the *UN Plan of Action* in bringing the full weight of the UN to bear on the challenges, and in being a point of reference for others who share the concern to turn the tide. Already we are seeing the various UN mechanisms moving in the direction that contributes to the *UN Plan of Action*. In addition to the aforementioned United Nations Human Rights Council resolution in 2012, the 2nd UN Inter-Agency Meeting in Vienna, Austria last year, adopted a concrete global, regional, and national level implementation strategy was adopted for the *UN Plan of Action*. Four countries (South Sudan, Iraq, Nepal and Pakistan) were identified to be amongst other interested countries where alignment of stakeholders could make a difference. Latin America was specifically acknowledged as a region where good work could be done under auspices of the *UN Plan*, and where lessons could be shared internationally.

As the *UN Plan* recognises, promoting the safety of journalists must not be constrained to after-the-fact action. Much more must be done for preventive mechanisms and for actions to address the root causes of violence against journalists and of impunity. This implies the need to deal with issues such as corruption, organized crime and an effective framework for the rule of law. In addition, the existence of laws that can criminalise legitimate journalism (e.g. overly restrictive defamation laws or overly broad national security laws) must be addressed. The challenge is to promote respect for international standards for freedom of expression as well as resolutions such as UN Security Council Resolution 1738 (2006).

Fundamental to the *UN Plan* is the insight that the experiences in one country or region can be useful for others trying to improve the safety of journalists. Compilation and sharing of up-to-date information and best practices and conducting international missions and investigations into particular cases can be highly beneficial. However, much work is still needed to achieve an optimum level of information exchange and joint learning, and in adapting good practices to different regional and national contexts.

***Points for reflection***

- What are the biggest opportunities and threats to the *UN Plan of Action*?
- How do threats to press freedom differ from region to region?

- How can various strategies to improve safety be replicated in different regions?
- What are the preventive mechanisms to prevent journalists from being harmed in the first place?
- How do we ensure that international standards for safety of journalists and combating impunity are respected and adopted in the country context?
- How can public awareness be developed to ensure that press freedom is widely cherished and that public opinion at all levels will not tolerate attacks on journalists?

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Sub-theme 2: Combating Impunity of Crimes against Press Freedom

“Impunity means the impossibility, de jure or de facto, of bringing the perpetrators of violations to account - whether in criminal, civil, administrative or disciplinary proceedings - since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims”⁷.

On average, in past years, only about one-in-ten cases of crimes against journalists, media workers, and social media producers has led to a conviction⁸. This level of impunity is not just bad in principle in terms of flouting the rule of law, in terms of which every State has a duty to protect its citizens in general. Of even greater concern, because of the visibility involved, impunity for attacks on journalists in particular sends a signal to the wider public to keep quiet about corruption, environmental damage or human rights violations. The result is self-censorship across a society and an erosion of public faith in the judicial system. In this way, impunity also feeds a vicious cycle. Those who threaten or use violence against journalists are emboldened when they see that it is possible to disregard any prospect of punishment. “When impunity becomes pervasive, it activates a self-propelling, re-energizing cycle with every additional infringement that the low risk of punishment inspires”⁹.

However, while recognizing that investigating crimes against journalists remains the responsibility of Member States, the acts of violence and intimidation (including murder, abduction, hostage taking, harassment, intimidation and illegal arrest and detention) are becoming ever more frequent in a variety of contexts. Notably, the threat posed by non-state actors such as extremist organizations and criminal enterprises is growing. This

⁷ Set of principles for the protection and promotion of human rights through action to combat impunity. United Nations Economic and Social Council /CN.4/2005/102/Add.1

⁸ Based on the information provided by the Member States provided to the 2012 *UNESCO Director-General's Report on Safety of Journalists and to Combat Impunity*.

⁹ Impunity in Nepal: An exploratory Study (2009). Asia Foundation. Available at <http://asiafoundation.org/resources/pdfs/nepalimpunity.pdf>

merits a careful, context-sensitive consideration of the differing needs of journalists in conflict and non-conflict zones, as well as of the different legal instruments available to ensure their protection. It also necessitates an investigation into how the dangers faced by journalists in situations that do not qualify as armed conflicts in the strictest sense (such as sustained confrontation between organized crime groups) may be dealt with. At the same time, the scourge of impunity needs to be analysed in terms of the chain of actors involved in judicial proceedings, ranging from political will of the executive and the legislature, through to the legal framework, the institutional design of protective, investigative and prosecution agencies, and the backlog of courts.

Various countries and organizations have been working on reducing impunity independently or in close cooperation. The Committee to Protect Journalists (CPJ) issues an annual index on impunity tracking some of the highest rates of impunity around the world. The International Federation of Journalists (IFJ) and Inter American Press Association (IAPA) have regular programmes and reports on impunity. IFEX has led the process in the promotion of the International Day to End Impunity on 23 November as a global awareness raising campaign. What are some of the more effective measures taken globally to reduce impunity? And can they be replicated elsewhere? What are the lessons to be learnt?

Points for reflection

- What is the extent of impunity in your country and how best to address it?
- What is the state of impunity globally?
- How to improve research into the extent, visibility and consequences of impunity?
- What are some of the good practices of to fight impunity that could be replicated elsewhere?
- Is the legal justice chain adequately designed and equipped to handle crimes against freedom of expression?
- What are the challenges of investigating crimes against press freedom when these are committed by non-state actors including extremist organizations or criminal enterprises?

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### **Sub-theme 3: Online Safety**

The traditional concept of the term 'journalist' has evolved. According to the description of the UN Special Rapporteur on the protection and promotion of the right to freedom of expression and opinion, journalists are individuals who observe and describe events, document and analyse events, statements, policies, and any propositions that can affect

society, with the purpose of systemizing such information and gathering of facts and analyses to inform sector of society or society as a whole. Such a definition of journalists, according to the same report, includes all media workers and support staff, as well as community media workers and so-called “citizen journalists” when they play that role. Furthermore, as affirmed by the resolution A/HRC/RES/20/8 adopted by the Human Rights Council on 16 July 2012 on the promotion, protection and enjoyment of human rights on the Internet, “the same rights that people have offline must also be protected online, in particular freedom of expression.”

The digitalization of the media landscape reinforces the global trend of freelancing by further expanding journalism beyond the ranks of employees in media institutions. Included in the supply of news today are citizen reporters and individual bloggers. While they may lack established forms of institutional gate-keeping, it is in society’s interests that they receive the same protection as professional journalists.

Digitalization also means that more and more information is transmitted and stored online. In consequence, it is now necessary for journalists to be equipped to better protect their electronic information records, including the identities of their sources. Journalists have had their mobile phones and computer equipment confiscated, and their email accounts subjected to illegitimate surveillance and hacking. A number of media websites have been disabled by attacks or maliciously infected with “Trojan” viruses. Journalists increasingly need to know how to protect important and sensitive data.

The issue of safety online also concern more than just the individual blogger or professional journalist. With the rise of institutions playing a mediating role on the Internet between authors of content and audiences, they need to understand international standards and their implications. Any limitation to freedom of expression must be imposed as a truly exceptional measure, must be provided by law, and in the pursue of legitimate purpose and be proven as necessary and the least restrictive means possible<sup>10</sup>. Accordingly, awareness and sharing of best practice is needed to ensure that intermediaries can provide principled responses if they are to protect freedom of expression in the face of mounting pressures to disclose user identities, conduct surveillance operations or take down content when there is an objection.

All this resonates with the evolution of the Internet as a platform that to date has attracted less restriction than other media platforms. The free and open character of the Internet, which is a precondition for online safety, is underpinned by a multi-stakeholder

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<sup>10</sup> Article 19, Paragraph 3, International Covenant on Civil and Political Rights.

model of governance as confirmed by the resolutions of the World Summit of the Information Society.

### ***Points for reflection***

- How well do reporters understand the risks of using digital technology?
- How do these dangers or potential of digital technology differ from region to region?
- What emerging and possible new threats endanger the safety of journalists, bloggers, citizen journalists and others expressing themselves in the digital realm?
- How aware are journalists of these threats, and how do they respond?
- What are common misperceptions surrounding digital safety?
- What systems exist amongst intermediaries, and how prevalent are they across the world?
- What role can governments, international organizations, civil society, the media and other private sector actors play in ensuring journalists' digital safety?
- How can Internet freedom and its multi-stakeholder basis be reinforced?

### **In summary**

Two decades back ago, the world was experiencing the aftermath of the Cold War with new democracies and more open media landscapes. Twenty years later, we find broad similarities in the shape of new democracies and a much changed media landscape. However, cutting through the different geographic or technological differences, there is a core trend that is universal. When freedom of expression and press freedom are muffled and suppressed, people tend to seek out alternative outlets. It is part of being human to speak out, to share news, to unearth truths, and to voice concerns and aspirations. And there should not be a price to pay in the form of a lack of safety, especially for those who serve society through practicing journalism.

There should always be places for people to find reliable information, and where they can voice their opinions freely. The best foundation for a public sphere wherein citizens can make optimum decisions is a free, independent, and pluralistic media. In turn, this requires that the safety of its practitioners, whether online or offline, must be secured. Where attacks do occur, they must be investigated swiftly and the perpetrator be brought swiftly to justice to avoid a vicious cycle of impunity from developing. WPFDD 2013 is an opportunity to take us closer to these fundamentals.