

BIGMUN 2023
GA 6: Legal

Research Report:

Topic 1: Working towards freedom of speech in journalism



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Introduction:

Freedom of Speech in Journalism, otherwise known as the Freedom of Press in general. Is recognized as the right by journalists to be able to publish or to present their ideas, content and opinions without the fear of being censored by the government¹. This is important to know as in current times, there are impediments being practiced around the world that prohibit the right for the media to publish certain facts, beliefs, or other informational/persuasive content from being released without governmental supervision.

Definition of Key Terms:

Publisher - person or company who prepare and issue books, or other forms of content.

Self-Publishing: if a publisher/s has been denied to issue a book or some form of content by an author, then the author must publish it themselves – self-publishing

Background Information:

Freedom of the press or freedom of the media is the fundamental principle that communication and expression through various media, including printed and electronic media, especially published materials, that should be considered a right to be exercised freely. The preservation of this right may be sought through constitution, as is the case for many countries, or through other legal and security measures.

It is in opposition to paid press, where communities, police organizations, and governments are paid for their copyrights.

This belief is usually accompanied by some form of legislation that ensures various degrees of the freedom of scientific research, the publishing, and the press. The concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment to spoken and published expression, making these terms often interchangeable. Freedom of the press was formally established in Great Britain with the Licensing Act in 1695².

Freedom of the press is not construed as an absence of interference by outside entities, such as a government or religious organization, but rather as a right for authors to have their works published by other people. "Freedom of the press is guaranteed only to those who own one"; said by 20th Century journalist A. J. Why, proposing that - Freedom of the press gives the printer or publisher exclusive control over what the publisher chooses to publish, including the right to refuse to print anything for any reason³. If the author cannot reach a voluntary agreement with a publisher to produce the author's work, then the author must turn to self-publishing

Media freedom and access to information feed into the wider development objective of empowering people. Empowerment is a multi-dimensional social and political process that

helps people gain control over their own lives. This can only be achieved through access to accurate, fair, and unbiased information, representing a plurality of opinions, and the means to actively communicate vertically and horizontally, thereby participating in the active life of the community.

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- 1) Wikimedia Foundation. (2023, January 5). *Freedom of the press*. Wikipedia. Retrieved January 16, 2023, from https://en.wikipedia.org/wiki/Freedom_of_the_press#:~:text=The%20United%20Nations%201948%20Universal%20media%20regardless%20of%20frontiers%22.
 - 2) *1695: Locke and the end of the Licensing Act*. Free Speech History. (2019, March 15). Retrieved January 16, 2023, from <http://www.freespeechhistory.com/timeline/1695-end-of-the-licensing-act/#:~:text=The%20Licensing%20Act%20expires%20in,role%20lobbying%20against%20the%20law>.
 - 3) *Ensuring Media Freedom and safety of journalists requires urgent concrete action backed by political will: Un expert*. OHCHR. (2022, June 24). Retrieved January 16, 2023, from <https://www.ohchr.org/en/press-releases/2022/06/ensuring-media-freedom-and-safety-journalists-requires-urgent-concrete>

However, to make freedom of speech a reality, there must be:

- a legal and regulatory environment that allows for an open and pluralistic media sector to emerge.
- a political will to support the sector and rule of law to protect it.
- laws ensuring access to information, especially information in the public domain.
- the necessary media literacy skills among news consumers to critically analyse and synthesize the information they receive to use it in their daily lives and to hold the media accountable for its actions.⁴

These elements, along with media professionals adhering to the highest ethical and professional standards designed by practitioners and politicians, serve as the fundamental infrastructure on which freedom of speech can prevail. On this basis - media serves as a watchdog, civil-society engages with authorities and decision-makers, information flows through and between communities.

Freedom of press does not apply to social media companies - as the licensing behind these platforms is private rather than public, social media platforms are free to regulate their media as they see fit. As such, if a publisher or author publishes any form of media that is not up to the terms and conditions of the platform, then the content can be subjugated accordingly.

Major Countries and Organizations Involved:

United States of America:

In the United States, the right to free speech, press, and assembly are guaranteed by the First Amendment of the Constitution.

Scandinavia (Norway, Sweden, Denmark)

Sweden was the first country in the world to adopt freedom of the press into its constitution with the *Freedom of the Press* act of 1766. In general, the Scandinavian countries

(Sweden, Norway, and Denmark) all rank highly on the Press Freedom Index⁵, which indicates that the freedom of speech in media is scarcely under effect by governmental supervision - publishers in Scandinavia have little-to-no risk of being shutdown by their governments.

Relevant UN Resolutions – Previous attempts at a solution*:

*Universal Bill of Rights by the UN Article 19 states that: 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 frontiers⁷

4) *UN Human Rights Council resolution on safety of journalists welcomes the windhoek+30 declaration.*

UNESCO.org. (2022, October 13). Retrieved January 16, 2023, from <https://www.unesco.org/en/articles/un-human-rights-council-resolution-safety-journalists-welcomes-windhoek30-declaration>

5) *RSF's 2022 World Press Freedom index : A new era of Polarisation.* RSF. (n.d.). Retrieved January 16, 2023, from <https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation-0>

6) United Nations. (n.d.). *Background.* United Nations. Retrieved January 16, 2023, from

<https://www.un.org/en/observances/press-freedom-day/background#:~:text=Everyone%20has%20the%20right%20to,media%20and%20regardless%20of%20frontiers,%22>

HRC44: UN Resolution - passed on June 16th 2020, co-sponsored by 50 countries amongst the UN, led by Brazil, Canada, Fiji, Namibia, Netherlands and Sweden. The resolution contains sound language on the right to information. It calls on States to “take all necessary efforts to ensure easy, prompt, effective and practical access to government information of public interest, including online, and encouraging the proactive disclosure of information held by public entities in the broadest possible terms, including on grave violations and abuses of human rights”⁷.

UN General Assembly 18th December 2013: A/RES/68/133 - the assembly was aimed to protect and preserve the safety of journalists around the world.

Bearing in mind that impunity for attacks against journalists constitutes one of the main challenges to strengthening the protection of journalists.

Expressing concern at the threat to the safety of journalists posed by non-State actors, including terrorist groups and criminal organizations^{8&9}.

Possible Solutions:

Some possible solutions in regards to the freedom of press for publishers and journalists around the world would be for the regions specific to having been the most harmful for the health, safety and the freedom of journalists around the world to be under

supervision by the UN - this can be enacted upon by providing regulators that make sure the media and content (for its purpose) being sent out in these nations is by no method under government censorship for whatever reason, be it religious or politics.

Furthermore, the freedom of speech must also extend to provide for the safety of journalists as they are working; during civil unrest, journalists must be treated as civilians - meaning no harm must occur to them by the security forces of the distinct lands they are working in.

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- 7) *HRC44: UN resolution on freedom of opinion and expression*. ARTICLE 19. (2020, July 24). Retrieved January 16, 2023, from <https://www.article19.org/resources/hrc44-un-resolution-on-freedom-of-expression/>
 - 8) *Resolutions*. OHCHR. (n.d.). Retrieved January 16, 2023, from <https://www.ohchr.org/en/safety-of-journalists/resolutions>
 - 9) *ODS - Sédoc - Documents-DDS-Ny.un.org*. (n.d.). Retrieved January 16, 2023, from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/449/23/PDF/N1344923.pdf?OpenElement>

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- 3) *Ensuring Media Freedom and safety of journalists requires urgent concrete action backed by political will: Un expert*. OHCHR. (2022, June 24). Retrieved January 16, 2023, from <https://www.ohchr.org/en/press-releases/2022/06/ensuring-media-freedom-and-safety-journalists-requires-urgent-concrete>
- 4) *UN Human Rights Council resolution on safety of journalists welcomes the windhoek+30 declaration*. UNESCO.org. (2022, October 13). Retrieved January 16, 2023, from <https://www.unesco.org/en/articles/un-human-rights-council-resolution-safety-journalists-welcomes-windhoek30-declaration>
- 5) *RSF's 2022 World Press Freedom index : A new era of Polarisation*. RSF. (n.d.). Retrieved January 16, 2023, from <https://rsf.org/en/rsf-s-2022-world-press-freedom-index-new-era-polarisation-0>
- 6) United Nations. (n.d.). *Background*. United Nations. Retrieved January 16, 2023, from <https://www.un.org/en/observances/press-freedom-day/background#:~:text=Everyone%20has%20the%20right%20to,media%20and%20regardless%20of%20frontiers.%22>
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- 9) *ODS - Sédoc - Documents-DDS-Ny.un.org*. (n.d.). Retrieved January 16, 2023, from <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/449/23/PDF/N1344923.pdf?OpenElement>