WORLD PRESS FREEDOM DAY

2017

Critical Minds for Critical Times:
Media's role in advancing peaceful, just and inclusive societies

CONCEPT NOTE

UNESCO

United Nations
Educational, Scientific and
Cultural Organization

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After declining audiences for traditional media, sliding profits and claims of a growing disconnect between the media and their public, the proliferation of fake news as exemplified in the coverage of several major political events in 2016 is the latest challenge to affect the media sector. As Financial Times journalist John Lloyd recently observed, "the decline of newspapers in physical form and their passing on to the internet puts them on all fours with the vast flows of information, fantasy, leaks, conspiracy theories, expressions of benevolence and hatred." [1]

However, every challenge contains within it the seeds of opportunity. Jim Rutenberg from the New York Times has suggested that the explosion in fake news in 2016 may serve to raise the value of real news, concluding: "If so, it will be great journalism that saves journalism." [2] Original, critical, and well-researched journalism is perhaps needed more today than ever before.

Such journalism can thrive only in an environment that is enabling towards free, independent and pluralistic media. When these conditions are in place, the media have an enormous potential to advance peace, just and inclusive societies. Sri Lankan journalist Lasantha Wickrematunghe, who was assassinated in 2009, described free media as "a mirror in which the public can see itself sans mascara and styling gel", adding: "From [them] you learn the state of your nation, and especially its management by the people you elected to give your children a better future". [3]

Media's contribution to good governance and development has been recognized in the 2030 Agenda for Sustainable Development, adopted by the 193 Member States of the United Nations in September 2015. While the Millennium Development Goals (MDGs) that guided the international community's development efforts between 2000 and 2015 made no explicit mention of the media's role, the Sustainable Development Goals (SDGs) recognize the importance of public access to information and fundamental freedoms, which includes freedom of expression. This is under SDG 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable

[1] 'Social media alone understood the Donald Trump story', Financial Times, 10 November 2016: https://www.ft.com/content/827b2548-a6a6-11e6-8898-79a99e2a4de6

[2] 'Media's Next Challenge: Overcoming the Threat of Fake News', New York Times, 6 November 2016: http://www.nytimes.com/2016/11/07/business/media/medias-next-challenge-overcoming-the-threat-of-fake-news.html

[3] 'And Then They Came For Me', the Sunday Leader, 11 January 2009: http://www.thesundayleader.lk/20090111/editorial-.htm

and inclusive institutions at all levels). This recognition is of great significance since the SDGs will guide countries' actions, in the 15 years to come, to address the most pressing challenges facing societies, ranging from ending poverty and fighting inequalities to tackling climate change.

However, as Faith Pansy Tlakula, Special Rapporteur on Freedom of Expression and Access to Information of the African Commission on Human and Peoples' Rights, reminds us: "It takes strong commitment to ensure that freedom of expression and access to information become reality, not just words on paper".[4] For UNESCO, the effective implementation of the SDGs will depend on building inclusive knowledge societies with the potential to achieve lasting, positive impacts on the whole range of SDGs, promoting access to education, economic prosperity, social inclusion, environmental protection, and peace. In all this, the role of free, pluralistic and independent journalism is key.

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In this context, the 2017 World Press Freedom Day is focused on why it is vital to strengthen free and quality journalism to enable the media to effectively contribute to the achievement of SDG 16. Specifically, the interrelationships between freedom of expression, justice for all and the rule of law, peace, and inclusiveness will be explored.

1 JUSTICE FOR ALL AS A PREREQUISITE FOR FREEDOM OF EXPRESSION AND SUSTAINABLE DEVELOPMENT

The rule of law forms an integral part of a democratic and inclusive society. It protects fundamental freedoms and applies universally to each individual and entity. It is the process through which every actor in society can be held accountable for their actions. Weak institutions, a weak judiciary, and lack of access to justice greatly impede sustainable development. Without a well-functioning legal and regulatory environment, the public loses confidence in the democratic process and no longer invests in its sustainable future. It is with this understanding that the 2030 Development Agenda includes SDG target 16.3, which promotes "the rule of law at the national and international levels and [...] equal access to justice for all". [5]

[4] 'Resolutions to Reality', Windhoek Declaration 25th Anniversary, 11 April 2016: http://whk25.misa.org/resolutions-to-reality/
[5] See the full description of Sustainable Development Goal 16 and its associated targets at: https://sustainabledevelopment.un.org/sdg16.

Only when media are free, independent and pluralistic can they ensure that the rule of law is applied and respected in full. Investigative journalism has a crucial role to play in this respect, by uncovering political and economic corruption and other wrongdoing. Conversely, only a legal framework that safeguards freedom of expression and freedom of information allows for such a media sector to emerge. Free media and an independent, effective judiciary play a mutually reinforcing role as pillars of democracy. This interconnectivity, together with journalistic actors adhering to ethical and professional standards, serves as the fundamental infrastructure on which freedom of expression and its corollaries can thrive.

Journalists are not only major users of the cherished right to freedom of expression but also symbols of the extent to which a society tolerates and/or promotes freedom of expression. Do journalists work in a legal environment that allows them to report in an independent manner and cover even sensitive topics? Are journalists targeted for exercising their profession? What protection mechanisms exist for journalists? How effectively are attacks and violations against journalists investigated? The current state of safety of journalists worldwide is discouraging: according to the 2016 UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity, over the course of the last decade 827 journalists and media workers have been killed. Even more alarming is the fact that only 8% of these cases have been resolved. [6]

Impunity for crimes committed against journalists and media professionals is a major obstacle to ensuring the safety of journalists and freedom of expression as a whole. The lack of due legal course affects every member of society, as it perpetuates a cycle of violence and creates a chilling effect through self-censorship. Critical voices on issues of public interest are silenced and informed debate is stifled.

Championed by UNESCO since 2012, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity serves as the holistic multi-stakeholder platform on which these complex issues are tackled. Major progress has been made on the global normative front: the political will to support the protection of journalists – and to ensure public access to information – has become prominent at all levels, most notably on international and regional fora, as evidenced by the multitude of resolutions on this issue adopted in recent years. Digital safety for journalists, encryption and protection of confidential sources in the digital age have become prominent matters, including in journalism schools. Another example of the increased attention to journalists' safety by the international community is the inclusion in the 2030 Development Agenda of an indicator that looks at cases of attacks and violations against journalists and media workers (as well as human rights activists and trade unionists) to evaluate progress towards SDG Target 16.10, which seeks to "ensure public access to

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[6] Consult the full 2016 UNESCO Director-General Report on Safety of Journalists and the Danger of Impunity as well as its highlights here.
[7] Ibid.

information and protect fundamental freedoms, in accordance with national legislation and international agreements". [7]

Respect for the rule of law dovetails with access to justice for all, where the right to freedom of expression acts as both the overseer and the beneficiary. The unacceptably high rate of impunity for cases of crimes against journalists calls for a closer cooperation with legal actors, especially at the national level. The global standards and policies set forth by intergovernmental bodies act as the compass by which national legislations can be established. An emerging trend is the setting up of nationally-owned protection, prevention and monitoring mechanisms to prevent attacks against journalists and counter impunity.

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Judicial systems worldwide need to be strengthened with a key focus on protecting freedom of expression and the safety of journalists. The call of the 2030 Development Agenda for universal justice is relevant to all elements of the three "P" approach in ensuring a safe media environment: Prevention of violence against media; Protection of journalists in danger; and Prosecution of perpetrators of crimes committed against media professionals. Only when the rule of law is respected and justice for all is guaranteed, can further progress be made towards a better and sustainable future for all.

POINTS TO PONDER

- How can we ensure the protection of fundamental freedoms when the rule of law is not respected?

- What are the stumbling blocks for the protection of fundamental freedoms in societies and achieving justice for all?

- How can national mechanisms specifically focusing on the safety of journalists be encouraged?

- How can greater cooperation be fostered between governments, civil society organizations, the judiciary, and media organizations in tackling the issue of journalists' safety and especially the problem of impunity?

- What capacity building on freedom of expression issues is needed for the judiciary?

- How do we guarantee that adopted measures are effectively enacted?

2 PROMOTING THE MEDIA'S POTENTIAL AS A CATALYZER OF PEACE AND MUTUAL UNDERSTANDING

The Sustainable Development Goals (SDGs) aim to significantly reduce all forms of violence, and involve governments and communities in finding lasting solutions to conflict and insecurity. Peace, stability, respect for human rights and effective and transparent governance based on the rule of law are important enablers of sustainable development. Armed conflict, violence and insecurity seriously undermine many countries' efforts to achieve their development goals on poverty, health and education. In areas of conflict, it is difficult to lay the foundations of durable peace and economic growth.

The maintenance of international peace and security is the very reason for which the United Nations was created in 1945, following the devastation of the Second World War. Similarly, the purpose of UNESCO, as defined by its Constitution, is to "contribute to peace and security by promoting collaboration among nations through education, science culture and in order to further universal respect for justice, for the rule of law and for (...) human rights and fundamental freedoms." [8]

According to the World Bank, two billion people currently live in countries where development outcomes are affected by fragility, conflict and violence. [9] The consequences of war extend far beyond the direct casualties killed in battle. As a result of conflict and persecution, it is estimated that 60 million people have fled their homes either as refugees (19.5 million), internally displaced persons (38.2 million), or asylum seekers. [10] Armed conflict also leads to the destruction of infrastructure, disruption of economic activity, problems in the distribution of food and other resources, weakening of social, political, and economic institutions, and uncertainty.

The media often play a central role in conflict and crisis situations. Independent, objective, neutral media can help defuse tension, promote dialogue, and contain conflicts. Conversely, biased and untrue reporting can exacerbate violence. When misused for propaganda purposes, the media can contribute to inciting hatred and spreading rumours.

This points to the importance of promoting ethical and professional standards in journalism, in particular in conflict situations. UNESCO has for many years been promoting conflict-sensitive reporting, which requires greater analytical depth and skills to identify the root causes of a conflict; unearth myths that may be fueling it; remove mutual misperceptions of the contending parties; explain their respective legitimate concerns; and promote mutual understanding that can help foster reconciliation.

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[8] The full UNESCO Constitution is available here.
[9] World Bank : http://www.worldbank.org/en/topic/fragilityconflictviolence/overview
[10] World Bank : http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/forced-displacement. This estimate was published in December 2015.

Moreover, in conflict and crisis situations, the risks faced by journalists are significantly multiplied. Some are caught in crossfire, others are deliberately targeted. In the last decade, the UNESCO Director-General has condemned the killings of 827 journalists. Almost 60% of the journalists killed in 2014-2015 died in areas of armed conflict. Addressing the risks journalists are exposed to in conflict situations is one of the objectives of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted in 2012. [11] This is important to protect both journalists and the access they provide to society as a whole to reliable and lifesaving information in times of crisis and conflict.

> *Independent, objective, neutral media can help defuse tension, promote dialogue, and contain conflicts*

Alongside wars, the spread of violent extremism catalyzed by terrorist and extremist groups such as Islamic State in Iraq and the Levant (ISIL), Al-Qaida, and Boko Haram poses a serious threat to peace and security, human rights, and justice. These groups have used social media as a tool for the global and real-time communication of messages of intolerance, whether religious, cultural or social.

The digital era has enhanced opportunities for access to information, the creation and sharing of knowledge, facilitating exchange as well as intercultural dialogue. However, the rise of online hate speech [12] shows that digital technologies also carry with them a number of challenges. One of these is striking the right balance between freedom of expression online and respect for equality and human dignity. It implies taking into account the specific characteristics of online speech, which involves dynamics such as digital permanence, itinerancy, anonymity and trans-border communication which crosses legal jurisdictions.

Countering hate speech and violent extremism online requires more than just repressive measures such as banning or blocking content; it calls for a holistic approach that addresses the root causes of tension and division within societies. In line with the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, the media have a key role to play in this respect. [13] The media can provide a platform for a multitude of voices and perspectives that can help strengthen tolerance, dialogue and critical thinking. They can also offer counter narratives to challenge the ideas promoted in violent extremism

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[11] Coordinated by UNESCO, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity is the first concerted effort between all stakeholders to create a free, safe, and enabling media environment around the world.

[12] The proliferation of online hate speech was highlighted in the 2015 report by the UN Special Rapporteur on Minority Issues to the UN General Assembly: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Pages/ListReports.aspx

[13] The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence was adopted in October 2012 by the UN Office of the High Commissioner for Human Rights (OHCHR) and provides recommendations for States in terms of legislation, jurisprudence, and policy to achieve a free and open environment which promotes inclusion and respects diversity.

narratives. Any strategy aimed at countering violent extremism must also tackle directly the problem of gender-based online attacks and harassment, frequently directed against women journalists, politicians and personalities.

Finally, countering extremist narratives comes hand in hand with empowering media users with the skills needed to navigate the Internet, and interpret, reject and react to hateful and inciting messages. Strengthening Media and Information Literacy (MIL) in society should therefore be a key objective of all States in their efforts to achieve the 2030 Development Agenda.

POINTS TO PONDER

- How can the media's potential for concretizing a culture of peace be catalyzed?

- How can the risks of media playing the opposite role, i.e. of fuelling conflict, be avoided?

- In a context of counter-terrorism measures, how does one ensure proportionately of responses from governments?

- What is the appropriate mix of legal and non-legal measures to be applied when countering online hate speech?

- How can Media and Information Literacy empower users to understand and exercise freedom of expression, both online and offline?

3 FREEDOM OF EXPRESSION AND FREEDOM OF INFORMATION FOSTER MORE INCLUSIVE SOCIETIES

With the advent of digital technology, the flow of information has increased in large measures. As the world progresses through the 21st century, its reliance on ICTs has allowed for a greater participation of the public in the media. Open debates fueled by online sharing applications and news content producers distributing via social media are only a couple of the many examples of reinforced seeking, receiving, and imparting of information.

Enabled by digital technologies, public participation in the media has allowed for a democratization of narrative and intercultural dialogue. ICTs imbue inclusiveness by their

global reach and give a voice to everyone with a working internet connection. However, the increased demand for more information has laid bare the role of internet intermediaries, the compromise of the confidentiality of sources, the risks in terms of digital safety faced by journalists, in addition to the rise of online hate speech mentioned above. There is a growing need to consider the right to information along with the value of transparency, in terms of an appropriate balance with the right to impart information and the right to informational privacy.

Media are important actors in promoting social inclusion. Their potential to promote dialogue, reflect the diversity of opinions and perspectives [...]should be encouraged

In addition, efforts are needed to overcome inequalities in terms of access to information, both online and offline, and ensure that marginalized populations are part of the move towards knowledge societies. The large discrepancy of access to information both between and within countries, as well as between men and women, demonstrates that the Information Age duly supplied the tools but not the envisioned fully connected world. In order for freedom of expression to be universally applied and for sustainable development to thrive, information must become available to all without restrictions. Digital illiteracy is another obstacle which needs to be addressed in full before significant strides can be made.

The 2030 Development Agenda aims towards "responsive, inclusive, participatory and representative decision-making at all levels", which can be attained once there is universal access to information. [14] Only a well-informed and inclusive society can take its destiny in hand, participate in the democratic functioning of its institutions, and work towards enduring peace and a better future.

By enabling the empowerment of citizens, freedom of information is a cornerstone of participatory democracy. It also plays an essential role in promoting accountable and effective institutions which support the rule of law. It ensures that citizens can hold public institutions accountable through public scrutiny. Better information flows can also enhance those institutions' efficiency and responsiveness, while strengthening citizens' trust in those who govern them.

Ensuring inclusiveness also entails empowering those who have traditionally been marginalized or excluded from participating in and shaping public discourse. Progress towards the achievement of the SDGs will only be complete when equal opportunities are available to all people, regardless of their age, gender, race, ethnicity, sexual orientation, disabilities, culture, language, or economic or social background. Everyone should be given the means to fully participate in all aspects of life. Media are important actors in

promoting social inclusion. Their potential to promote dialogue, reflect the diversity of opinions and perspectives in society, and challenge stereotypes and misrepresentations, should be encouraged. Supporting pluralism and gender equality in the media is central to this process. Women continue to be significantly under- or misrepresented in the media in many countries, both concerning their presence within media outlets and their representation in media content. Greater opportunities should also be provided for the participation of young people, ethnic and linguistic minorities, persons with disabilities and vulnerable groups.

The increase in citizens' access to information has sometimes been met with efforts to encroach and curb the public's right to freely express itself. Journalists and bloggers around the world continuously face a multitude of challenges when uncovering a story, and have often paid with their lives to bring information to the public. [15] Freedom of expression and freedom of information serve as conditions for a well-functioning democracy and are conducive to sustainable development. Communication and information are the drivers of positive change and journalists are the living embodiment of these freedoms.

UNESCO's concept of Internet Universality proposes four principles for an inclusive Internet that can contribute to the development of Knowledge Societies as foundations for sustainable development. As much of life integrates with the Internet, it becomes increasingly important that Internet governance is guided by the principles of Human Rights, Openness, Accessibility and Multi-stakeholder participation.

The 2030 Sustainable Development Agenda envisions an end to poverty, protecting the planet, and ensuring prosperity for all. It is a universal agenda, applicable and of paramount importance to each and every one of us. Only an inclusive society, facilitated by independent and pluralistic media and a safe media environment where the free flow of information is fostered, provides the necessary conditions to achieve a better future for all.

POINTS TO PONDER

- How can the general public be included in a significant manner in the efforts to achieve the 2030 Development Agenda?

- What inclusive strategies can be developed to ensure that the right to seek and receive information is strengthened and used by the media as well as all groups in society?

- What role do effective, accountable and inclusive institutions have to play in the realization of the Sustainable Development Goals?

- Institutional capacity building is needed to safeguard fundamental freedoms. What are the entry points and how do we consolidate this capacity building?

CONCLUSION

As the world embarks on a new journey towards Sustainable Development, the 2017 edition of World Press Freedom Day (WPFD) provides a unique opportunity to highlight the central role of freedom of expression and the right to information in the realization of the SDGs. These fundamental freedoms should be seen both as means towards and as goals of sustainable development.

WPFD should serve as a platform to remind us of the importance of preserving strong journalism at a time when it is facing increasing challenges. It should also serve as an opportunity to call upon each and every Member State to integrate free, independent and pluralistic media, as well as universal access to information, within their policies in order to achieve the 2030 Agenda for Sustainable Development.

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