



United Nations
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Cultural Organization



Freedom of Expression Toolkit

A Guide for Students



Freedom of Expression Toolkit

a guide for students

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Article 19 of the 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 and regardless of frontiers”

Article I The Constitution of UNESCO

“Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image”

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Foreword

We know that freedom of expression is a crucial element in democracy, development and dialogue—without which none of these would function or flourish. Freedom of expression is a universal right to be enjoyed by all. 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 as declared in Universal Declaration of Human Rights.

UNESCO is the United Nations agency with the specialized mandate to promote freedom of expression and its corollary freedom of the press and freedom of information. Over the decades, UNESCO has labored to promote these fundamental human rights across the globe, amongst practicing media professionals, policy makers, politicians, governments, non-governmental organizations, academia, and more. The Freedom of Expression Toolkit: A Guide to the Concepts and Issues is a continuation of this ongoing effort.

Everyone should have all the necessary tools and mechanism to allow the free flow of information. Much has been written about freedom of expression, indeed it is one of the most debated concepts and issues of our times. However, few such publications are written with youth as the main target readers, especially for young women and men still in high schools and pre-university level. This Toolkit is one such tool targeted at high schools and pre-university students. Young women and men must be empowered and literate in the issues and concepts of freedom of expression in order to become a discerning citizen in a democracy.

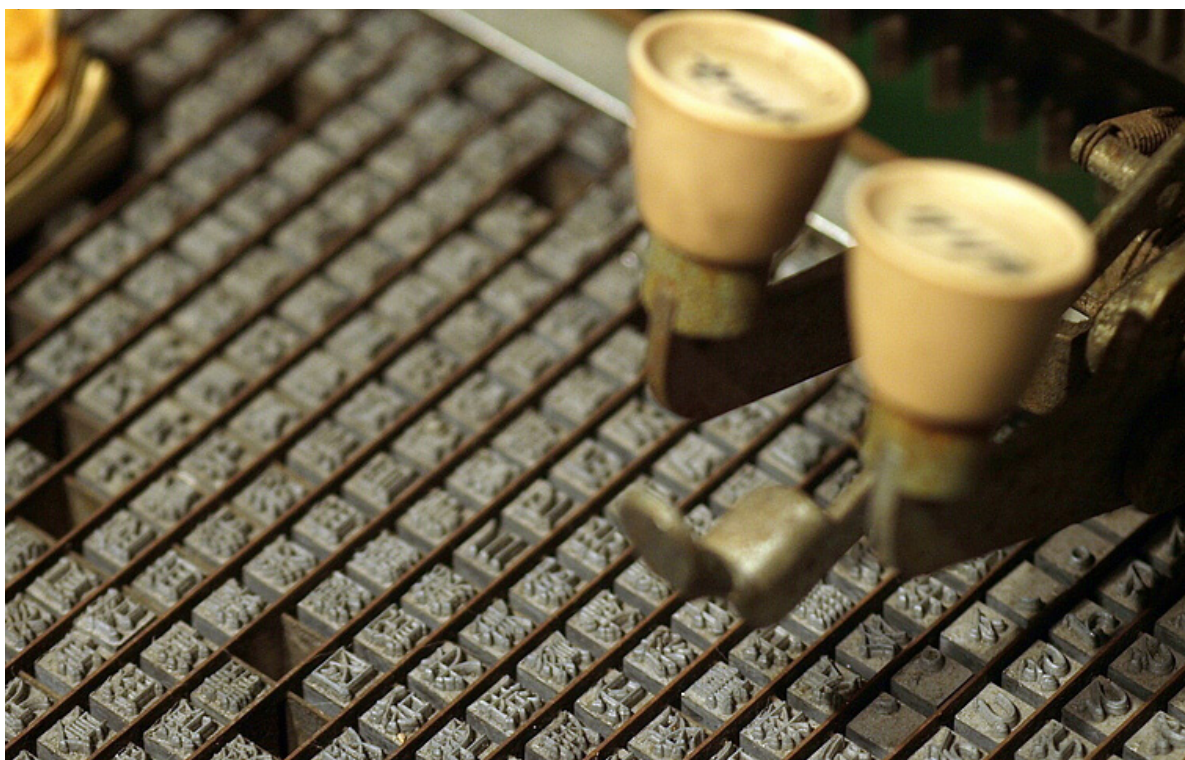
- Why does freedom of expression matter?
- When is freedom of expression at risk?
- What are the conditions needed for freedom of expression to flourish?
- What are the special roles of journalist in freedom of expression?
- What about freedom of expression online?
- What can we do?
- What are the limitations?

These are some of the questions the Toolkit tries to answer through an easy and engaging manner. They are arranged into seven “tool boxes”, each with a different focus. The first toolbox discusses about the concept and explains the importance of freedom of expression. The second toolbox highlights the issues that threaten freedom of expression including controlled media, intimidations, and obstacles in access to information, restrictive laws and regulations. In the third toolbox, readers are sensitized to the conditions needed for freedom of expression to flourish such as the rule of law and having free, independent and pluralistic media in addition to an active civil society.

A special section is devoted to addressing the role of press and of journalists in freedom of expression in the fourth toolbox. In addition to traditional media such as print, radio and broadcasting, the fifth toolbox also brings in discussion on the recent development in social media and networking especially their uses in freedom of expression. The sixth part of the Toolkit is designed to enable readers to bring theory into practices through a wide variety of exercises, projects, and thought-provoking questions including activities such as celebrating the annual World Press Freedom Day or setting up Media Monitoring site. Lastly, the final toolbox discusses about the dilemmas of freedom of expression and its limitations. In addition to the seven toolboxes, there is a “bonus material” section based on the case study of the fictional country called Zangara which is an amalgamation of real world events allowing readers to further explore the concepts and issues in greater depth.

We thank all who have been involved in this process.

Jānis Kārklīņš
Assistant Director-General
Communication and Information UNESCO



Introduction: The idea behind creating a Freedom of **Expression** Toolkit

Many have written on the topic of freedom of expression and from a variety of perspectives. There are literally hundreds of books and thousands of articles, monographs, and statements dedicated to this very important and controversial topic. However, not many are written with high school students as their target audience, and even fewer include practical activities designed to further engage the readers in the issues.

I am not truly free if I am taking away someone else's freedom, just as surely as I am not free when my freedom is taken from me.

Nelson Mandela
South Africa's first post-apartheid President,
1993 Nobel Peace Prize Laureate

The Freedom of Expression Toolkit is UNESCO's contribution to freedom of expression and it is written with upper high school students in mind. The Toolkit covers the major concepts and issues and it is written in an easy to understand, conversational manner.

UNESCO is the only United Nations agency with the mandate to promote freedom of expression and to defend its corollary, freedom of the press. In other words, UNESCO is the lead agency in promoting, defending, monitoring, and advocating freedom of expression and freedom of the press as a basic human right within the United Nations system. UNESCO highlights media independence and pluralism as a fundamental component in the process of democracy. It also provides advisory services on media legislation and policy-making to governments who are members of UNESCO¹ (also known as Member States). This helps make governments, parliamentarians and other decision-makers aware of the need to guarantee the freedom of expression. One of UNESCO's flagship activities in advocating and campaigning for this issue is the World Press Freedom Day Celebration on 3 May of each year. In 1993, the United Nations General Assembly proclaimed that a World Press Freedom Day is to be celebrated every year on 3 May following a recommendation by UNESCO's General Conference² and since then, the World Press Freedom Day has been celebrated globally every year on 3 May. Furthermore, in 1997 a UNESCO/Guillermo Cano World Press Freedom Prize was established to honour a person, organization or institution that has made an outstanding contribution to the defence and/or promotion of press freedom anywhere in the world, and especially when this has been achieved in the face of danger.

The Freedom of Expression Toolkit builds on the premise that freedom of expression, as well as press freedom and freedom of information, are indispensable elements in the attainment of all human rights. We hold true to Article 19 of the Universal Declaration of Human Rights (UDHR), which 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 frontiers" (Article 19, UDHR). Therefore, throughout this Toolkit, there will be an emphasis on the four key elements of Article 19, namely, the right to hold opinions without interference, the right to seek information, the right to receive information and the right to impart information to others.

How to use this Toolkit

There is no one particular way of utilizing the Toolkit. It could be used as a reference or a starting point on the concepts and issues related to freedom of expression or it could be used as a source of ideas for activities and projects to promote freedom of expression.

The Toolkit also contains extensive lists of other resources related to freedom of expression including websites, directories, etc. Instructors, students or other users may choose to follow the Toolkit as it is structured; beginning with an overview of the concept, then identifying the conditions where freedom of expression would flourish or flounder, followed by two chapters which explain the role of journalism and the Internet in freedom of expression, which are finally followed by a section which emphasizes the practical activities one could carry out. The last segment of the Toolkit consists of a section dedicated to case studies. Alternatively, the

users may choose to leverage the Toolkit with a different approach depending on what they want to achieve. Each section or chapter could be used as a standalone resource or as part of a series.

Overall, the Toolkit consists of four major elements:

- Understanding freedom of expression definitions, concepts, and issues.
- Identifying threats to freedom of expression.
- Identifying conditions favourable to freedom of expression.
- Doing one's part in promoting and defending freedom of expression through practical activities.

Throughout the Toolkit, readers are urged to develop the following skills:

- Be able to understand the basic concepts and issues. This is done through

an introduction of concepts, definitions, and overview of basic issues.

- Be knowledgeable of the current issues on freedom of expression that are presented and discussed in this Toolkit.
- Be able to identify the core issues. This is done through the use of case studies, detailed explanations, or with questions designed to draw out ideas and answers from the readers themselves.
- Be able to defend and to promote certain principles (in this case, freedom of expression's ideals and principles). This is done through encouraging readers to participate in a series of recommended hands-on activities.
- Be empowered to provide one's own input on freedom of expression issues and controversies as opposed to remaining a bystander or an end-user. Readers are highly encouraged to experiment and form their own conclusions and explanations.

Toolbox I



Toolbox I: What is freedom of **Expression** and why does it matter?

It is always good to start a discussion with some common understanding or definition of the main concepts. Freedom of expression is broadly understood as the notion that every person has the natural right to freely express themselves through any media and frontier without outside interference, such as censorship, and without fear of reprisal, such as threats and persecutions.

Key Concepts:
Freedom of expression
Freedom of speech
Freedom of the press

I want freedom for the full expression of my personality

Mahatma Gandhi
(1869-1948)

Political and spiritual leader of India

1. What is freedom of expression?

Freedom of expression is sometimes known as freedom of speech. The two concepts are usually interchangeable. Freedom of expression is closely related to another concept called freedom of the press. The former covers a wider range of expression, including freedom of expression through oral speech, print or audiovisual materials, as well as cultural, artistic, or political expression. The latter places an emphasis on the print and broadcast media, especially those related to journalism and journalists.

Freedom of expression is a complex right. This is because freedom of expression is not absolute and carries with it special duties and responsibilities and thus it may “be subject to certain restrictions, but these shall only be such as are provided by law and are necessary”³. It is complex also because “it protects both the right of the speaker and the right of the listener”⁴. These two sides of the same right may sometimes be opposing and making difficult to be reconciled. These two rights sometimes are at a tension because it is not always easy to find a right balance between rights to dignity, safety, and privacy. Most limits are based on these tensions.

The term “freedom of expression” itself had existed since ancient times, dating back at least to the Greek Athenian era more than 2400 years ago! However, this particular form of freedom of expression was actually very limited and reserved to a very small group of the population. Since then, the term “freedom of expression” has been so widely used and conceptualised (and reconceptualised) by different groups – including scholars, politicians, activists, and laypersons – that it can mean

“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”.

different things to different people, which may differ again according to the time and place. Nevertheless, the following are some of the most commonly agreed upon definitions of freedom of expression that are considered as valid international standards:

“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”. (Article 19, Universal Declaration of Human Rights, 1948)

“Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” (Article 19, International Covenant on Civil and Political Rights, 1966)

“Freedom of expression, which encompasses the right to ‘seek, receive and impart information and ideas of all kinds’, includes both the right to impart or express information and ideas, and the right to access information “ (International Society of Human Rights)

2. Why does freedom of expression matter?

There are many reasons why proponents of freedom of expression care so much about it. While there are myriad of opinions concerning freedom of expression, at the core of the matter there is a consensus that countries and their people can only truly progress and develop if there are free and open outlets of expression. Also, on a psychological level, it has been argued that need to express ourselves is a universal human condition—and we humans have been expressing ourselves for a very long time.

Quick Question:

Do you think you have freedom of expression? When was the last time you exercised your freedom of expression?

In general, freedom of expression matters in four important ways⁵. First, freedom of expression is “essential as a mean of assuring individual self-fulfilment”, and for individuals to reach their full potential. The second is the search for truth and the advancement of knowledge; in other words, “an individual who seeks knowledge and truth must hear all sides of the question, consider all the alternatives, test his judgment by exposing it to opposition, and make full use of different minds”. Third, freedom of expression is important for people to be able to participate in the decision-making process, especially in the political arena. Finally, freedom of expression enables a society (and country) to achieve stability and adaptability. Short term suppression of the freedom of expression can ultimately be secured by brute force, but such actions

Freedom of expression issues are multi-faceted and complex.

breed instability because the society becomes rigid and unable to adapt to changes.

Freedom of expression issues are multi-faceted and complex. On the one hand, there are situations that are easy to define and categorize. An example is where the dominant group

What does it mean?

Article 19 of the UDHR means that you have the right to have your own opinions, and also to express them. You should be able to share your opinions with others through any ways or format, including people from other countries.

As we move through the Toolkit, we will come back to these definitions from time to time to see how they can be applied to actual cases of freedom of expression.

in a society bans public expression of certain views by enacting laws or by intimidation, simply because those views go against the norm of the powerful. On the other hand, there are situations that are subtle and nuanced, so subtle in fact; that even the oppressed group may not know they are being denied their freedom of expression. We will discuss these scenarios and many others with real examples as we continue through the Toolkit.

At present, most individuals exercise freedom of expression to varying degrees. You experience freedom of expression when you express your preference for a cup of coffee instead of a cup of tea. You may even openly criticize the drink as much as you want in most cases—for being too sweet, too cold, too bitter, too bland, etc. Likewise, you express your artistic freedom when you draw a picture of a flower in your garden. These are relatively innocuous expressions which very few people, if any, would be troubled by.

Things change, however, when you express your preference for one politician over another, or when you criticize the legitimacy of a particular religion. You may even get into a lot of trouble for painting the picture of certain racist symbols or religious figures and start uploading them to your webpage or blog. In fact, people have been reprimanded, attacked, sued, jailed, and even killed for expressing such things.

What is the difference between the different types of expressions?

The consequences between drawing a picture of a flower and a picture of a religious figure are different because we as people assign different values to them⁶.

The drawing of a flower is regarded, understood, and valued differently from the draw-

ing of a revered political or religious figure and subsequently they are treated differently. Each community often assigns a different value to different objects, individuals, and even ideas.

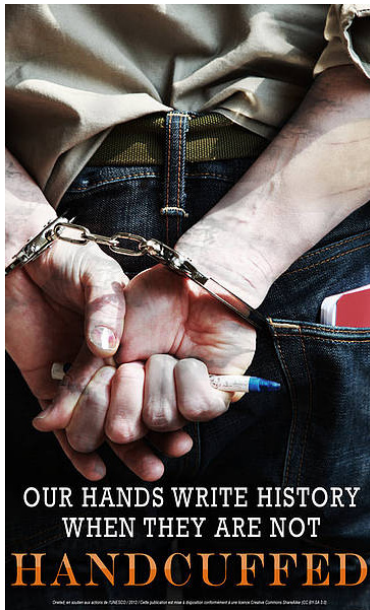
Although the Toolkit is about freedom of expression in general, the majority of the examples and case studies are concerned with freedom of expression in the context of politics, religion, culture, and the press. This does not necessarily mean that the freedom to paint a picture of a flower is less important than the freedom to talk about religion or politics, but simply that religious or political issues attract far more scrutiny and threats than criticizing one's artistic rendition of flora, or a poorly brewed cup of coffee. This Toolkit aims to enhance our understanding of freedom of expression on critical and sensitive issues, and also in identifying the right conditions or the enabling environment for the promotion of freedom of expression as well as potential threats to the very same freedom.

Toolbox I Summary

How would you define freedom of expression? Create your own definition of freedom of expression.

How often do you think about your own freedom of expression? When was the last time you exercised your freedom of expression?

What are some of the interchangeable terms/phrases for freedom of expression?



Posters from eYeka competition in support of World Press Freedom Day 2012

Toolbox II: When is freedom of expression at risk?

Imagine if you want to stop someone from saying or publishing something, what can you do? Can you think of the different ways to stop the information from being produced, disseminated, and received? We ask you these questions not to encourage you to silence ideas, but to let you be aware of the various tactics commonly employed to stifle freedom of expression.

Key Concepts:

- When a license to publish or to broadcast is being denied
- When there are physical or emotional intimidations
- When access to information is being unduly denied or limited
- When defamation, libel, or slander suits are being abused
- When there are restrictive laws and regulations

*I disapprove of what you say,
but I will defend to the death your right to say it.*

Voltaire
(1694-1778)

French Enlightenment writer and philosopher

How would we know when freedom of expression is being threatened? One way is when certain actions are being taken by those in power against the media or certain groups because of conflicting political stands or beliefs. The following are some of the most commonly employed tactics to “silence” voices.

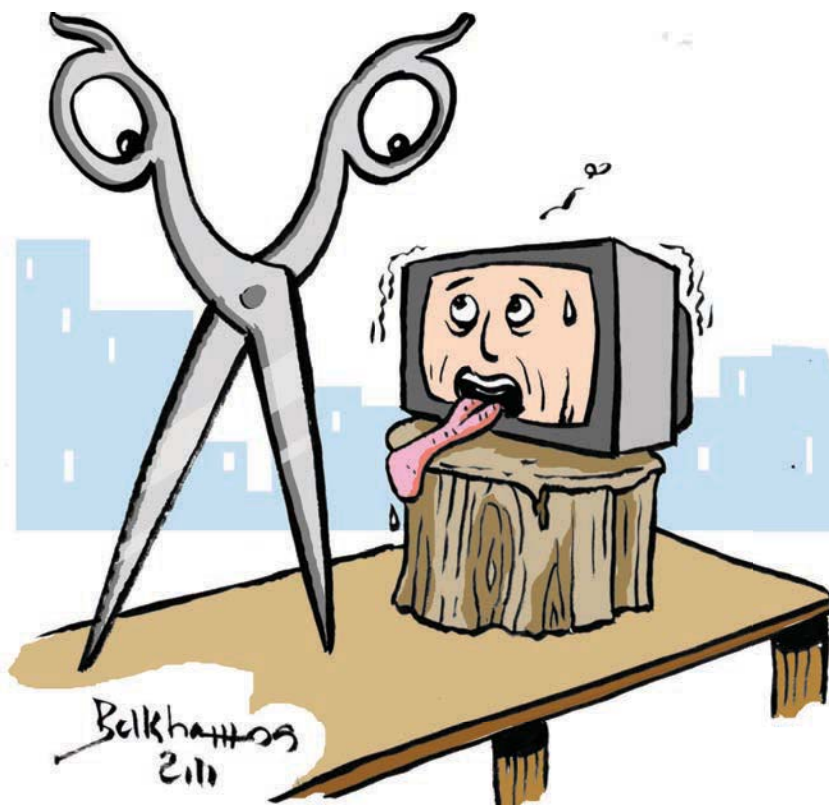
1. When a license to publish or to broadcast is being denied

One of the earliest media to be regulated through licensing was print. Almost 500 years ago, Queen Mary of England put in place a Royal Charter, which was a set of rules designed to prevent ordinary people from exercising the art of printing unless they were members of a special organization called the Company of Stationers, which comprised of printers, book binders and book

sellors⁷. Offenders who printed without permission were imprisoned and fined. Incidentally, the idea of copyright also developed in tandem with the development of print license. Nowadays, a declining number of countries still practice the historical tradition of licensing print. In other words, you cannot start to print and sell your own newspaper unless you have obtained a printing license. The issuance of printing licenses becomes a problem when the dominant political group, in an attempt to control the flow of information, deliberately makes it difficult for opposing political groups to obtain a printing license. This is part of the reason (political) opposition groups are often forced to publish only on the Internet⁸.

In most countries, a license is also required before you can start broadcasting, whether it is radio or television. However, unlike print, licensing for broadcasting historically started due to technological limitations. Radios and televisions are broadcast through certain frequencies, and each

radio station or television channel is given a unique frequency. For example, when you turn the dial on the radio, you are changing the radio channels by changing the frequency through which you are receiving broadcast. Furthermore, when two channels broadcast at the same frequency in the same area, they effectively interfere out each other and create “noise”. This is the main reason why radio and television stations are given different frequencies and channels. Since there is a limited supply of viable frequencies available for (unlimited demand of) commercial stations and non-commercial stations, a licensing system was de-



veloped as a way to rationalize frequency use. This also relates to the notion of “public good” or “public common” where certain resources are meant to be used and shared by everyone in the community or society and not to be monopolized by anyone entity. This is the origin of broadcast license.

However, it soon became apparent that licensing is also an effective way of controlling who can publish or broadcast, and by extension, what can be published or broadcasted. Essentially, the authorities could decide to award licenses only to people or companies that obey the official doctrine. In contrast, people or companies that openly disagree with the authorities and their policies are punished by being denied a license or having their license revoked if they do not comply with the wishes of the authorities.

2. When there are physical or emotional intimidations

One of the most common threats to freedom of expression comes in the form of physical and emotional intimidation. People with opposing views or reporters investigating sensitive issues may receive death threats against themselves and their families. Often, dissenters and dissidents are held for long hours of interrogation that are designed to “break” them. Some of these long interrogations are conducted under the pretext of “assisting in official investigation”. Anonymous threats, either by mail or phone, are also common. Sometimes, these threats are combined with physical attacks that result in the loss of life. The murder of people who have dissenting voices, including journalists, is the most diabolical form of silencing the freedom of expression (Please read the section of Safety of Journalists for more information on this issue).

3. When access to information is being unduly denied or limited

Remember the four elements of the freedom of expression as stated in Article 19 of UDHR: the freedom to hold opinions, the freedom to seek, the freedom to receive, and the freedom to impart information? One of the ways that freedom could be limited is by restricting or denying the freedom to seek and to receive information,

otherwise known as access to information.

Again, there are various ways in which the access to information can be denied. The government, for example, could charge high fees, therefore effectively blocking access by certain groups facing economic hurdles. Access to information may also be denied when the communication technology itself cannot be accessed by the users. For example, if the connection to the internet is simply “switched off” in the most extreme cases.

To be sure, some sensitive information is justifiably restricted from the public for a certain period of time. For example, information concerning individual’s medical records or the whereabouts of military personnel or the locations of weapon storage facilities should not be easily accessible to the public. These materials are sometimes restricted under the broad term of “national security”. However, it is important that “national security” be clearly defined by law and be proportionate to the real risk or danger. It must not be used as a blanket term that covers almost anything and everything. Such ambiguity can lead to abuse of the law and also erode the trust of the people in their government.

4. When defamation, libel, or slander suits are being abused

Sometimes, brute force, such as physical intimidation, is not necessary to silence freedom of expression. The misuse of legal apparatuses such as filing defamation suits which demand millions in compensation along with the legal fees required to defend against a suit can effectively bankrupt the people being sued.

Think About:

The old adage ‘too much of a good thing can be bad for you’ applies to the over-use of libel suit as well. In some countries, like the United Kingdom that has such a high number of successful libel suits in favour of the plaintiffs, it has prompted the so-called ‘libel tourism’ where plaintiffs from different countries would bring the libel charges to a British court!⁹

Defamation occurs when false and malicious accusations are made against someone. There are usually two kinds of defamation: libel, which is the printed false and malicious accusation and slander, which is verbal. There is nothing inherently illegal about suing someone or an organization for defaming you. Indeed, it is part of your legal right to do so if you feel you have been wrongly accused. However, we must take note that in some countries, the judicial systems, procedures, and judges, are not always impartial and independent. Often, politics strongly influence the outcomes and final rulings of the court cases. In a declining number of countries, defamation is also a criminal matter where the State acts as a prosecutor rather than the issue being a civil one between individuals who may decide to go to court or not. Misuse of defamations laws can have a chilling (not to mention silencing) effect on freedom of expression.

Food for Thought:

The rule of law is a condition for guaranteeing freedom of expression, and obeying the law is how modern democracy functions. Sometimes there are laws and regulations which are simply outdated or worded so vaguely that they can be manipulated to suit the need of a certain group of people against the rights of others. In such cases, these laws which are supposed to protect every citizen must be amended or overhauled to better reflect their true spirit.

5. When there are restrictive laws and regulations

Yet another obstacle to freedom of expression is the existence of unfair laws and regulations that serve to protect the status quo and silence dissent. These unjust laws and regulations have the dual effect of stifling freedom of expression and creating a faux legal justification to silence “inconvenient voices”.

There are many names to these kinds of laws. Vaguely worded “sedition laws” are common examples. Because they are vaguely worded, they can be manipulated and interpreted to cover a broad spectrum of speech and publication. “Internal security laws”, “national security laws”, or even “public order laws” also have a tendency to be overly broad to the extent that criticizing the current government could be conceived as a punishable offence. Various forms of “official secret acts” also hinder the free flow of information. Misuse of “official secret acts” breeds secrecy, the abuse of power, and corruption because it prevents the public from scrutinizing the government.

Unfair or unjust laws and regulations are formidable obstructions because laws are difficult to abolish or even to amend. Furthermore, the people who actually have the power to amend or to abolish such laws tend to be unwilling to challenge the status quo for a variety of reasons. For example, they might have financial interest maintaining the law or a repeal of the law would necessarily result in revealing embarrassing and potentially illegal information about them. Yet, it is possible to abolish unjust laws. We have seen it happened in many different parts of the world through the hard work and perseverance of ordinary people and civil society groups.

Toolbox II Summary

When is freedom of expression at risk?

When a license to publish or to broadcast is being denied.

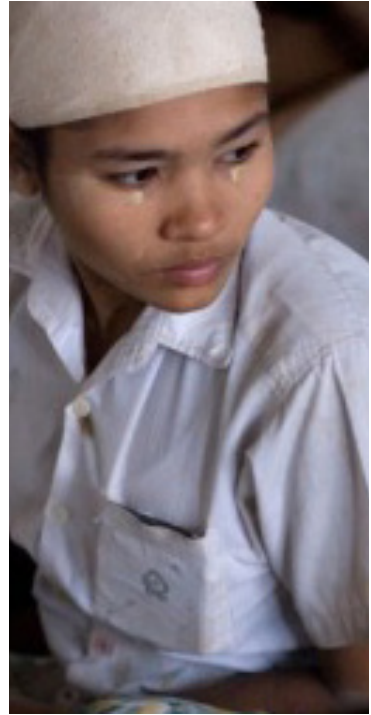
When there are physical or emotional intimidations.

When access to information is being unduly denied or limited.

When defamation, libel, or slander suits are being abused.

When there are unfair laws and regulations

Toolbox III



Toolbox III: What are the conditions needed for freedom of **expression** to flourish?

Now that we have established that freedom of expression is an important and necessary component in democracy and peace, we need also to identify and understand the conditions needed for it to flourish. Once we know what these conditions are, we can then work towards defending and promoting these conditions.

Key Concepts:

Rule of Law
Freedom of Information
Free, Independent &
Pluralistic Media
Active Civil Society

Believe it or not: Do you believe that the rule of law exists in your country? In other words, is there a well-established set of laws, a judicial system, and judges who are not influenced by political parties or private entities in their judgments?

1. The rule of law

The rule of law is fundamental to the stability of society. Only when the rule of law is respected can citizens have confidence in the democratic process over the long term and invest in the development of their society.

When the rule of law is not respected, arbitrariness and impunity dominate the political scene. The rule of law depends greatly on the development of an independent and impartial judiciary and the will of any particular government to restrain itself and show respect before the law. The rule of law is best seen not as the given state of affairs, but as an ideal requiring constant vigilance.

The media have a crucial function as one of the sectors of society most capable of promoting vigilance against abuses of the law. This is especially through fostering investigative journalism, the transparency of court, legislative and administrative proceedings, and access to officials and public documents. The government has a key role here in protecting the independence and pluralism of the media, especially during critical moments in the growth and development of these mechanisms.

Identify and Understand Your Rights

In several nations, the freedom of expression and its corollaries, freedom of the press and freedom of information, are enshrined in the country's constitution. The constitution is the highest law in the land and it is the law which lays the foundation of other rules and principles for a government and its citizens. But examine these constitutional guarantees closely, scratch the surface, and see if you can identify what they really mean and what limitations they may have.



Nelson Mandela fought for freedom of expression for all in South Africa. Image courtesy of WAN-IFRA.

The following is an example of the part of constitution which deals with freedom of expression. This example is taken from Article 16 of the Constitution of the Republic of South Africa which came into effect in 1996 after the end of the apartheid regime:

Notice the South African Constitution states very clearly that “everyone has the right to freedom of expression”. In addition, the constitution also emphasizes the freedom of “press” and “media”, “to receive or impart information or ideas”, as well as “artistic creativity”. The South African constitution even included “academic freedom” and “scientific research”, which is less commonly found in constitutions. However, the constitution also put in place limitations on the freedom of expression which exclude “propaganda for war”, incitement, and the calling for violence and hatred.

What do you think about this particular example of a constitution?

- Do you think it is broad enough to give protection to different kinds of freedom of expression?
- Are the limitations reasonable?
- Do you think these guarantees are vulnerable to possible manipulation which could actually be stifling to freedom of expression?

No substantial famine has ever occurred in any country with a relatively free press

Amartya Sen
1998 Nobel Prize
Laureate in Economics

Constitution of South Africa

Article 16

Freedom of expression

16.1 Everyone has the right to freedom of expression, which includes-

- a) freedom of the press and other media;
- b) freedom to receive or impart information or ideas;
- c) freedom of artistic creativity; and
- d) academic freedom and freedom of scientific research.

16.2 The right in subsection (1) does not extend to-

- a) propaganda for war;
- b) incitement of imminent violence; or
- c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Challenge Yourself:

If you have access to the Internet, try and search for your country's constitution (using keywords such as Constitution + Your Country's Name) and try to examine what it says about freedom of expression. If you do not have access to the Internet, try the local library; ask the librarian if he or she could help you locate a copy of the Constitution. If you are able to do that, try to compare your country's constitution with the constitutions of other countries, specifically the sections regarding freedom of expression.

Activities:

- Identify the part of the Constitution which protects freedom of expression.
- Identify the caveats, exceptions or limitations to the freedom of expression in your country, as stated in the Constitution.
- Do you agree or disagree with these limitations? Why?
- How different or similar are constitutions of other countries as compared to your own country's constitution?
- Does your country's constitution match up to the realities of your own day-to-day life? Do you feel that what is written in the Constitution reflects the level of freedom of expression in your country?

Think About:

- How many media outlets are there in your country?
Are they private, state-owned or public media outlets?
If they are private, who are the owners?
Are the owners closely linked to the political institutions?
How about the editorial independence of the
media outlets?
Are they being influenced by political pressure?*

2. Flourishing free, independent and pluralistic media

During a UNESCO 3 May conference in 1991, the participants arrived at a consensus on the meaning of “an independent and pluralistic press” and stated it in the Windhoek Declaration:

By independent press, we mean a press independent from governmental, political or economic control or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals. By a pluralistic press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within the community (adapted from Windhoek Declaration 3 May 1991, which also gave us the annual World Press Freedom Day, celebrated each year on 3 May)

There are several types of media (ownership) including private, community, state, and public. By private, we mean for-profit, commercial-based and privately-owned media. This is probably the most predominant type of media. Their main revenues come from advertisements, commercial or subscription, and their programmes are designed to attract the most number of viewers or listeners (customers) as possible.

Media can also be community-based, which means they are programmed and operated by people for the benefit of the community rather than making of profits. While not exclusively, many community media are located in the more rural parts of the country where access to other source of information is limited.

The third is state-owned media. This media type is usually part of the government, normally under the purview of the Ministry of Information or sim-

ilar ministries. These outlets are often accountable for the government and the information they provide is almost always pro-establishment.

Finally, we have public media or usually referred to as public service broadcasting (PSB). PSB is broadcasting that is made, financed and controlled by the public, and for the benefit of the public. It is neither commercial entity nor state broadcasting, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy¹⁰.

Consider the contrary situation where there is only one newspaper or broadcasting station in your neighbourhood or area. That station or newspaper would likely be the only source of information for many people. If the only source of information somehow published the wrong information, many people would be misinformed. Alternatively, if the newspaper or the television station were directed or forced to publish false information, many people would be lied to. Therefore, common sense would tell us that having multiple media sources would decrease the likelihood of being misinformed or misled because the readers or the audience could verify the information through other newspapers or stations.

Nevertheless, simply having many newspapers, television or radio stations is not enough. Multiplicity is not diversity. Concentration of media ownership or may undermine a varied and vibrant media landscape because in the end of the day large media conglomerates answer mostly to the profit-margin. In these situations, reporting and coverage may tend to favour “news that sells” or what suits the owner’s interests rather than quality, independent news per se.

If we don't believe in freedom of expression for people we despise, we don't believe in it at all.

Noam Chomsky
American educator, linguist,
pioneer of modern linguistics

TRY THIS! Answer the Following Twenty Questions About Your Country:

Who is the largest shareholder of the largest TV station?	So, is it a private, public, or state-run TV station?	In your opinion, is it a neutral or biased TV station?	Have there been incidences of political pressure on the TV content?
Who is the largest shareholder of the largest newspaper?	So, is it a private, public, or state-run newspaper?	In your opinion, is it a neutral or biased newspaper?	Have there been incidences of political pressure on the newspaper content?
Who is the largest shareholder of the largest radio station?	So, is it a private, public, or state-run radio station?	In your opinion, is it a neutral or biased radio station?	Have there been incidences of political pressure on the radio content?
Who is the largest shareholder of the largest Internet service provider?	So, is it a private, public, or state-run Internet service provider?	In your opinion, is it a neutral or biased Internet service provider?	Have there been incidences of political pressure on the Internet service provider?
Who is the largest shareholder of the largest telecom company?	So, is it a private, public, or state-run telecom company?	In your opinion, is it a neutral or biased telecom company?	Have there been incidences of political pressure on the telecom company?

Imagine if the radio, television, newspaper, magazines, and movies are all owned by the same company with the same policy. Would the news be truly diverse, accurate, and balanced? This is why media outlets must be financially and editorially independent from each other. It would be very difficult for media to claim independence if they were linked by the same owners, or influenced by the same political agendas. As the Windhoek Declaration highlighted, the media should represent the “widest possible range of opinions”.

3. Freedom of information: Access to public information

What is freedom of information?

An important development in recent years in the area of freedom of expression is the increase in the number of freedom of information (FOI) laws, also known as right to information (RTI) laws. These laws facilitate people’s access to information held by public bodies or state agencies. There is a false perception that information held by state agencies or public agencies is confidential and should not be accessible to individuals. However, the truth is that public or state agencies are merely the custodian, and not the owner, of public information in a democracy. In other words, the public has the right to request public information and the request must be promptly processed. Indeed, such information should be automatically and regularly published and made easily available even without request.

Information is becoming more and more important in our lives. The ability to seek, to receive, and to impart information accurately and speedily has tremendous influence on the health of the freedom of expression and democracy. Freedom of information can be interpreted as the right to access information held by public bodies. The notion of freedom of information was recognized by the United Nations as early as in 1946,¹¹ and has long been enshrined as one of the crucial elements of basic human rights. Currently, more than 90 countries have introduced some kind of freedom of information laws into their respective legal frameworks.

Information has often been described as the “oxygen of democracy”. Freedom of information can contribute to government transparency and accountability, and therefore help prevent abuse of power and combat corruption. It is also

Information is becoming more and more important in our lives. The ability to seek, to receive, and to impart information accurately and speedily has tremendous influence on the health of the freedom of expression and democracy

linked to empowerment of the people and to development in general.

The following is a list of countries and the year in which they introduced FOI, RTI, or similar laws - as of 2010¹²

Exercise:

Is your country one of the countries that have introduced a freedom of information law which allows its citizens to access information held by public offices?

- Is information easily and readily made available for the public?
- What is the procedure in obtaining information held by public bodies? Is the procedure clearly stated and straightforward? How long is the response time?
- Try to request for information. Think of a piece of information that is important for you or your community (such as your school). For example, request the budget for a state funded or municipal local construction project for a school, or a bus-stop near your home, etc. Try and find out if the information is readily or easily available and the procedure for obtaining the information. Ask your teacher to help you with the drafting of the letter.

Albania (1999)	Guatemala (2008)	Pakistan (2002)
Angola (2002)	Guinea (2011)	Panama (2002)
Antigua/Barbuda (2004)	Guyana (2011)	Peru (2002)
Armenia (2003)	Honduras (2006)	Philippines (1987)
Australia (1982)	Hungary (1992)	Poland (2001)
Austria (1987)	Iceland (1969)	Portugal (1993)
Azerbaijan (2005)	India (2002)	Romania (2001)
Belgium (1994)	Indonesia (2008)	Russia (2009)
Belize (1994)	Ireland (1997)	Serbia (2004)
Bosnia & Herzegovina (2000)	Israel (1998)	Slovakia (2000)
Bulgaria (2000)	Italy (1990)	Slovenia (2003)
Canada (1982)	Jamaica (2002)	South Africa (2000)
Cayman Islands (2007)	Japan (1999)	South Korea (1996)
Chile (2008)	Jordan (2007)	Sweden (1766)
China (2007)	Kazakhstan (1993)	Switzerland (2004)
Colombia (1888)	Kosovo (2003)	Taiwan (2005)
Cook Islands (2008)	Kyrgyzstan (2007)	Tajikistan (2002)
Croatia (2003)	Latvia (1998)	Thailand (1997)
Czech Republic (1999)	Liberia (2011)	Trinidad & Tobago (1999)
Denmark (1970)	Liechtenstein (1999)	Turkey (2003)
Dominican Republic (2004)	Lithuania (1996)	Uganda (2005)
Ecuador (2004)	Macedonia (2006)	Ukraine (1992)
El Salvador (2011)	Mexico (2002)	United Kingdom (2000)
Estonia (2000)	Moldova (2000)	United States (1966)
Finland (1951)	Mongolia (2011)	Uzbekistan (1997)
France (1978)	Montenegro (2005)	St Vincent & Grenadines (2003)
Georgia (1999)	Nepal (2007)	Yemen (2012)
Germany (2005)	Netherlands (1978)	Zimbabwe (2002)
Greece (1986)	New Zealand (1982)	
	Nicaragua (2007)	
	Nigeria (2011)	
	Norway (1970)	

Countries with a Freedom of Information Act or Similar Legislations

*The year in parentheses indicates the year FOI or RTI or similar laws were introduced in the country. This may or may not be the same year in which the laws came into effect.

4. Active and vibrant civil society

Civil society generally refers to the various groups of people, both men and women, who come together freely and voluntarily with a purpose in the public sphere. They are usually non-governmental and not-for-profit. Although members of civil society are not part of the state, they may be working on state issues, or with the state. Civil society groups as such are usually initiated by the people themselves at the grass-roots level and not planned by the state. Civil society fulfils a crucial function in public discussions, filling the gap between the individual citizen and the state or the government.

Civil society organizations work on a variety of issues. There are many that work on health issues such as HIV/AIDS, on reducing hunger and poverty, on having better schools, better parks around the neighbourhood, clean water supply, beautifying the downtown area, promoting organic food, encouraging people to do more exercise, etc. There are certainly a lot of civil

Challenge:
Reflect on this Toolbox. What other conditions could you think of that can help make freedom of information stronger in your country or community? (You may want to consider the unique situation in your own country)

society groups! A vibrant civil society is considered to be one of the benchmarks of a healthy democracy and a healthy state of freedom of expression. This is because the very existence of a vibrant civil society denotes the ability of people to freely and voluntarily gather or associate to hold, seek, receive and impart ideas and opinions. For example, in India, the freedom of information act was first introduced and promoted by the local civil society organization, making it a good case of grassroots-initiated and bottom-up process.



MEXICO CITY - Members of a social organization lie beneath Angel de la Independencia Monument in Mexico City, on 6 February 2010, to protest against gang violence in Ciudad Juarez. The T-shirt reads "Drug trafficker, shoot here." AFP Photo. Alfredo Estrella provided by World Association of Newspapers and News Publishers (WAN-IFRA), which provides other materials for newspapers worldwide to use on World Press Freedom Day at www.worldpressfreedomday.org

Toolbox III Activity

What can you do?

Familiarize yourself with the freedom of expression laws of your country, beginning with the Constitution.

Write a formal letter to your local government representative, municipality, mayor's office, etc. requesting information.

Identify the conditions that could help make freedom of expression stronger in your country or community.

Identify the media outlets in your country or region.

Based on the 4 basic conditions needed for freedom of expression to flourish discussed in this Toolbox, identify which is the strongest in your country and which is the weakest.

Toolbox III Summary

The basic conditions needed for freedom of expression to flourish.

There exists a strong rule of law where the laws uphold freedom of expression, and where the judicial system, including the judges, is independent from external influences such as the ruling government or private interests.

There exists a strong freedom of information which allows for easy and unhindered access to public information.

There exists an environment which enables the flourishing of independent and pluralistic media.

There exists an active civil society including non-profit organizations, non-governmental organizations, advocacy groups, etc.



These cartoons were drawn in Tunis, Tunisia by local cartoonist Belkhamsa Chedly during UNESCO's main celebration of World Press Freedom Day 2011.

Toolbox IV: The special role of journalism and journalists in freedom of **expression**

When we talk about freedom of expression, we also have to talk about the special role of journalism and journalists in freedom of expression. Essentially, journalists are the most common link between what is happening in the world and the newspaper readers, television viewers, radio listeners, or online news readers. Good journalism provides factual reports and also insightful analysis to aid the readers in understanding current affairs and decision making.

Key Concepts:

- Watchdog for the people
- Freedom of the press
- Safety of journalists
- Issue of impunity
- Press council

Journalism and journalists are also known as the fourth estate after the executive, judiciary and legislative branches of the government. The term fourth estate is often attributed to Sir Edmund Burke, 18th century British political philosopher and statesman, who purportedly said in 1841 “there were three Estates in Parliament, but in the Reporters Gallery yonder, there sat a fourth Estate more important than they”¹³. The fourth estate is the check and balance in the system. Being the “check and balance” means they are supposed to ask tough questions, expose any wrong doings, and help keep the people in power honest.

1. Watchdogs vs. Lapdogs

Because of the check and balance function of journalists, they are sometimes called the “watchdog for the people”. They are expected to keep an eye on the ones who have the power in the government and in the society. Nevertheless, journalists and journalism in general sometimes fail to uphold this special role. We know this is happening when, for example, journalists would report only on the “good” stories, highlighting exclusively success and achievements, such as the building of a new bridge, a new road, or a new water treatment plant. Or perhaps the journalists would give too much column space for politicians and their campaign slogans and claims. While it is important to report on these news items, it is not good journalism to report only on these news items. Another sign the journalists are not doing their job properly is over reliance on official statements, sometimes to the extent of being almost verbatim or word for word, without providing alternative sources of information, without fact-checking, without investigation, and without questioning. In general, quality journalism should always present at least two different and credible sources of information.

2. Free Press

In order of journalists to perform their function as the “check and balance”, the “watchdog for the people” or the “fourth estate”, they must have freedom of the press. This means they are allowed to print and publish news reports without outside (political or financial) interference or fear of reprisal or persecution. They must also have access to information in order to obtain material for their report or to verify their

report. However, the matter of simply “reporting the truth” is not simple at all. In many countries, reporters are constantly under threat for doing their job. The following are excerpts of what some journalists, academics, and human rights activists have to say about press freedom:

“A free press is like a tornado that uproots the roots of corruption, collusion, and nepotism, which have taken firm hold in Indonesia. This very same tornado has also blown away 30 years of authoritarian rule by Soeharto...that is why a free press makes authoritarian regimes afraid”

(Lukas Luwarso, former chairperson of the Alliance of Independent Journalists, Indonesia)¹⁴

“A free press is the cornerstone upon which all other freedoms rest. It is the key underpinning of democracy... without a free press, who is to check on government? And without a press free to inform, how is a citizen to make intelligent political judgment?”

(Louis D. Boccardi, former President & Chief Executive Officer of Associated Press)¹⁵

“Press freedom means to me more than anything else. Without press freedom, there can be no peace in the world. Freedom of expression means no fear and threats from governments, monopolies, proprietors, and advertisers. A tall order—but it must be achieved”

(Peter Galliner, former director of International Press Institute)¹⁶

“I have a thought that if a press is free, the development of a country is also free and smooth, it also helps people feel free. The free press is a kind of mirror in which people look at themselves to know what the national public opinion thinks of those who rule their country”

(Florent Sogni Zaou, Journalist and Undersecretary General for the Congolese Observatory for Freedom of Press)¹⁷

3. Safety of Journalists

The safety of female and male journalists and media workers is increasingly being threatened around the world. In 2009, the Committee to Protect Journalists (CPJ), reported 74 journalists who were murdered because of their work, making it the highest number of deaths in a single year since the publication of the records in 1992. Overall, more than 500 journalists and media workers have been killed in the past decade. The number is very high when you consider that the journalists are simply doing their job—being the link between what is happening on the ground and the public. Journalists are an important part of freedom of expression. In addition, many more journalists, both male and female journalists, are put in prisons without following proper legal procedure, simply because they were reporting on “sensitive issues”. There is also an increasing number of sexual attacks carried out especially to intimidate female journalists.

The safety of journalists is a basic prerequisite for press freedom and freedom of expression. Journalism is the oxygen of democracy and killing a journalist is the ultimate form of censorship. If there is no safety for journalists, there will be no sustainable journalism and ultimately no viable democracy. The safety of journalists is an issue that affects us all. Every aggression against a journalist is an attack on one of our most fun-

damental freedoms. Press freedom and freedom of expression cannot be enjoyed without basic security for journalists.

The Director-General of UNESCO issues official condemnations to the killings of journalists and unjustified imprisonments of journalists. UNESCO condemns the killings of journalists and media workers because journalism has a special role in our society and in the development of a country and this role must be given the protection it deserves.

As we have discussed in the previous sections, journalists, investigative journalists are especially likely to face dangers during the course of their work. Sometimes, they are harassed and intimidated by government officials, beaten or murdered by drug cartels and organized criminal gangs, or threatened by local politicians.

FAST FACTS: On 23 November 2009, thirty two journalists and media workers were killed in a single day in Ampatuan, Philippines while covering the local election. It was the worst single day attack on journalists on record¹⁸

“The failure to prevent the killing of journalists and attacks on the media means that governments and authorities around the world are depriving you, me and everyone else of a fundamental right guaranteed to us by the Universal Declaration of Human Rights - that of freely receiving and imparting information and ideas.”



The number of journalists killed or imprisoned worldwide (2000-2011)¹⁹

Year	Killed	Imprisoned
2000	24	81
2001	37	118
2002	21	139
2003	42	138
2004	60	122
2005	48	125
2006	57	134
2007	67	127
2008	42	125
2009	74	136
2010	62	145
2011	46	179

Impunity happens when acts of violence against journalists are not investigated and the perpetrators are not brought to justice. This creates a vicious cycle where the perpetrators become emboldened to use violence and intimidation against journalists because they know there will be no consequences. Over time, the journalists, editors, and news outlet would self-censor more and more because of the real danger to their own lives and the lives of their loved ones.

What is Impunity?

“The failure to prevent the killing of journalists and attacks on the media means that governments and authorities around the world are depriving you, me and everyone else of a fundamental right guaranteed to us by the Universal Declaration of Human Rights - that of freely receiving and imparting information and ideas.”²⁰

4. Self-regulation of the media

Sometimes news, articles, columns, reports in the media written, in broadcast, print online can be inaccurate. For example, a news article has the wrong spelling of the name of a person, or the dates and location wrong. Sometimes it could be a more serious negligence such claiming something had happened or claiming someone did something when in reality it did not happen. It is certainly not a good trend for quality journalism and the public if information in the press system or other media system is always wrong or inaccurate. In the long run, this would mean that the press could lose its credibility and people will have a hard time deciding on what to believe in and to trust in the media. This would have a chain-effect in the overall freedom of expression, press freedom, and functioning of a healthy democracy.

There are several ways of “correcting the system”. One way would be to have laws enacted by law-makers. Most countries have some form of media laws especially concerning licensing of broadcasting, privacy issues, intellectual property rights, etc. It is also possible to take the legal route and bring matters to the court, which could be very expensive and lengthy.

Another alternative that is gaining wider acceptance and popularity is “media self-regulation”, which as the name suggests is about regulation of the media by the media itself²¹. Self-regulation could take the form of an in-house Ombudsman²² who is someone appointed by the media organization to be a neutral ‘referee’ who will review complaints from readers, listeners etc. An Ombudsman is usually someone who is highly-respected in the society such as a retired judge or academic professor. Another possibility is self-regulation through a Press Council.

Press Council is the most common form for a self-regulatory body in the media system. Mainly composed of media professionals, Press Councils should be independent of political power. Their main task is to deal with complaints about the work of the media, through collective decision-making of the council members. “By doing this, they offer guarantees to the public about the quality of information it receives, demonstrate that media professionals are responsible, and show that extended state regulation of the media is not needed. Each established press council is unique, the result of its country’s particular history and media environment.”²³ Some Press

Councils may confine themselves to hearing complaints, while others may also play a more proactive role, monitoring the state of journalism, lobbying for an enabling environment for the media, and offering training.

Ideally, a Press Council is established through the efforts of the media practitioners, NGOs and the members of the public with minimal interference from the government. This is to maintain the independence of the council from political influence and their “moral authority”. Sometimes, press councils receive funding from the government but it does not mean the government could dictate the policy of the council.

The Press Council gives its opinion on a complaint and publishes its decision. This could be done through a website or a professional magazine for journalists. In addition, the press council should also widely circulate its decisions by sending them to the national news agency and to several other media in order to be published or broadcast.

Toolbox IV Activities:

What can you do?

Follow up on cases of killed journalists and media workers in your country.

Find out if there had been incidents where journalists and media workers in your country were attacked. Go to websites dedicated to the safety of journalists, such as:

- The Committee to Protect Journalists (CPJ)²⁴,
- Reporters sans frontières (RSF)²⁵,
- UNESCO Condemns Killing of Journalists²⁶

Follow up on what has happened to those cases. Had the cases been resolved? Had the perpetrators been apprehended? Had the cases been presented to the courts? What are the international reactions to these cases? What are the local reactions to these cases?

Form your own Model Press Council

By now you have learned that journalism is the oxygen of democracy as well as the cornerstone of freedom of expression. But do you know how to ensure that journalists practice quality journalism? When a dispute arises from what is printed on newspaper, how can it be resolved amicably? Actually, these are some of the questions that could be resolved through an independent Press Council.

How to get it started?

Gather a group of people to form the council members (no more than 8-15 people, and making sure that there is a good gender balance). The council members are the ones who will decide on media disputes. The Model Press Council should be represented by three interest group—media owners, journalists, reporters, editors, etc. and also the public which may include well-respected citizens.

Remember:

A press council does not really have the power to force anyone to do anything and therefore its efficiency depends on the cooperation of all groups involved.



What is needed to form a Model Press Council?

A Model Press Council, just like a real council, must have a set of responsibilities and a set of journalistic ethical standards or code of ethics²⁷ which will be the guiding principles for the council, especially in its deliberations and decision-makings. It is important to remember that the code of ethics and set of responsibilities differ from country to country and also depend on the human resources, financial resources, and the socio-historical context of the country as well as political will.

Scenarios of Media Disputes/Complaint:

[You may find it helpful to search for actual examples of local print articles and radio or television programmes that could be used in Press Council deliberation]²⁸.

The following are fictional scenarios of common complaints and dispute brought to the Press Council of an imaginary country called Zangara. The details may be different, but the problems are similar:

The national labour union has brought a complaint to the Press Council about a Zangara Times news-

paper article on 20 December 2011 that had published inaccurate information about the union. The newspaper had mistakenly published a report claiming that the labour union will go on a strike.

The Ministry of Information has brought a complaint against the ZANGARA TV²⁹, a local television station, for airing a special series which reports on the corruption in the government. The Ministry argues that the program embarrassed and defamed several high-ranking officials and demands that the television station issued an apology and stop future broadcast of the programme. ZANGARA TV defends the programme and the accuracy of the facts.

A prominent business man has complained to the Press Council about a front-page article in the Zangara Times on 14 January 2012. He claims that various assertions, including the headlines and a caption under an accompanying photograph which was taken many years ago and out-of-context, failed to meet journalistic standards of accuracy.

Similar to the real Press Council, the decisions made by the Model Press Council should also be widely distributed. For example, they could be made available in the school newspaper or the school common bulletin board.

Toolbox IV Summary

Journalism and journalists are also known as the fourth estate which provides a check and balance of those in power.

Journalists are sometimes called the watchdog for the people.

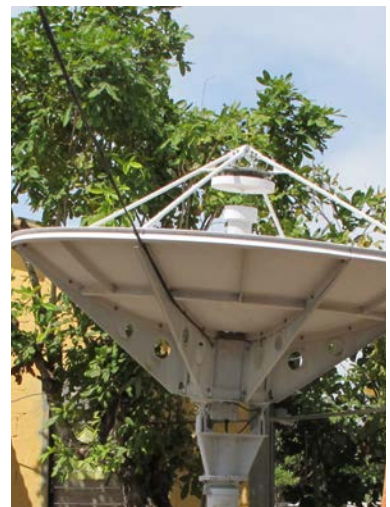
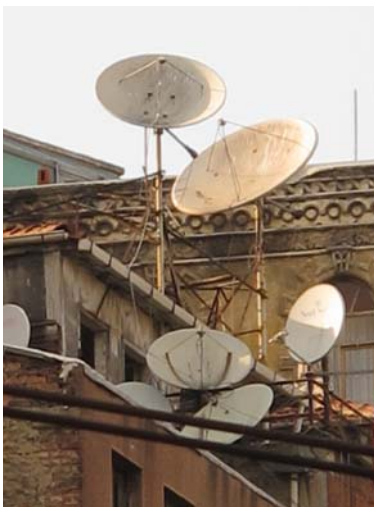
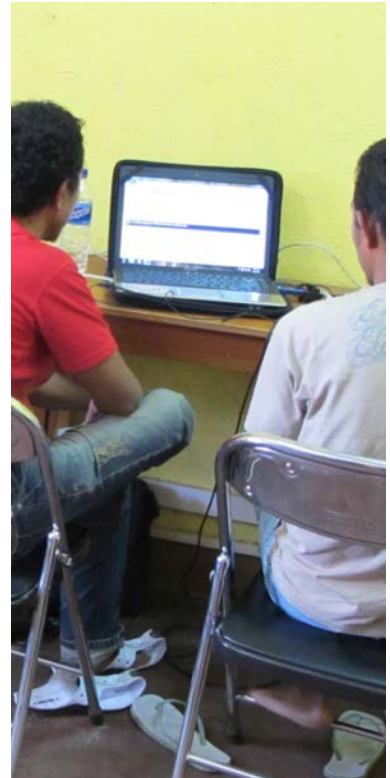
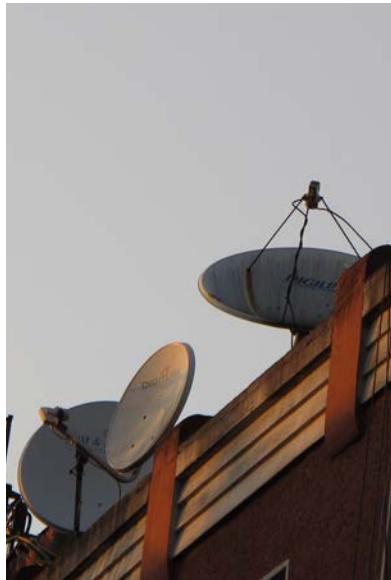
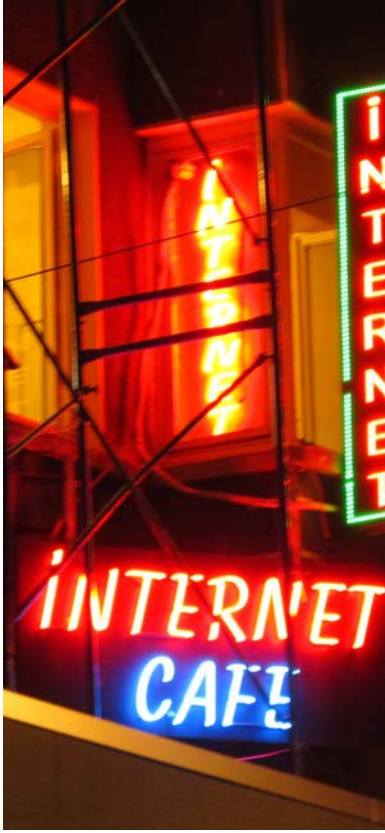
Journalists must have freedom of the press in order to perform their function of “check and balance”, the “watchdog for the people” or the “fourth estate”.

The safety of journalists is increasingly being threatened around the world.

The safety of journalists is a basic prerequisite for press freedom and freedom of expression.

Impunity happens when attacks against journalists are not investigated and the perpetrators are not brought to justice.

Press council is the most common form for a media self-regulatory body.



Toolbox V: What about freedom of expression online?

The advent of the Internet and the World Wide Web gave great hope to advocates of freedom of expression. Many believed that with the new technology, people can truly experience the full range of freedom of expression, from simple speech to artistic expression to political and religious debates.

Key Concepts:

Samizdat & audio-cassette tapes
Web 2.0 and social media
YouTube, Twitter, & Blogs
Citizen reporters

A free press can be good or bad, but, most certainly, without freedom a press will never be anything but bad

Albert Camus
(1913-1960) French philosopher, journalist,
1957 Nobel Laureate for Literature

Developments in the Middle East and Northern Africa region, where the citizens are tapping into the power of social media to mobilize collective efforts, seem to suggest that repressive regimes will soon be taken over by “people power” and a great age of democracy will blossom. This is true to a certain extent; however, this excitement needs necessarily be tempered by some reality-checks. The reality in many countries is that the vast majority of society still does not have Internet access or in fact access to any kind of communication tools, including broadcasting and telephone. Even among the connected group there are countries where the Internet connection is filtered and controlled, thus preventing a more meaningful development of freedom of expression. Despite the limitations, the Internet with its participatory capabilities has already enabled some amazing progress in freedom of expression and this trend is most likely to continue in the future. In this section, we will look a little bit at the historical relationship between technology and freedom of expression. We will also see how web 2.0 or social media such as blogging and video-sharing sites have contributed to freedom of expression.

1. Samizdat and audio-cassette tapes

For some of us, it is hard to imagine now but before the Internet there were actually very limited number of ways in which people with alternative points of view could disseminate their opinions in a way that could reach a lot of people simultaneously. In late 1970s and through 1980s, people who wanted to express themselves but were not allowed to do so in the former Soviet Union resorted to printing leaflets of the so-called “censored materials” by themselves and distributing them by hand, from one person to another person. This was called samizdat (literally, self-published in the Russian language). The people who published samizdat were taking a great risk as the pun-

ishment for publishing these “illegal publications” was severe but self-publication was the only way for most to disseminate information at the time. Other forms of underground publications existed when oppression and repression prevented people from expressing their ideas and opinions. For example, audio cassette tapes containing speeches made by an exiled Iranian leader called Ruhollah Khomeini were produced in neighbouring countries and smuggled back into Iran and distributed underground. These ubiquitous audio recordings sowed the seed of the Iranian Revolution in the late 1970s.

2. Web 2.0

With the popularization of the Internet and especially with users becoming more savvy about how to circumvent official filtering systems set up by governments, seeking and sharing information has become easier and often with less risk for the producer of the information. With samizdat, there was the difficulty of hiding the bulky reprography machine and the stacks of pamphlets during an official raid. With cassette tapes, you also had the problem with smuggling in the actual physical tapes across the borders. However, the Internet eliminated some of these problems. You no longer have to buy reams upon reams of papers and raise suspicion in the process. More importantly, the latest Internet technology allows one to seek and receive information, as well as to produce and impart the information.

This has been dubbed the “Web 2.0 phenomenon”. It simply refers to the proliferation of the newer generation of Internet applications (you may already be using them such as Facebook, YouTube, Tumblr, various types of blogs, etc). They are also known as social networking sites. These differ from the earlier generation of Internet applications because they allow users to generate their own content fairly easily. For example, a user can write his or her own opinion piece on any subject and blog about it, report on an

incident which happened in the local community (before a big media company even knows about it), upload a video of an earthquake or hurricane, or even just a funny picture of a kitten.

This development has shifted the role for many Internet users from being a mere consumer of information to a producer of information as well. The term “producer” was coined to characterize this development. Therefore users now have the simple means to not only “seek” and “receive” information but also to “impart” information. And in many cases, by using social-networking media, they could even hold discussion of opinions without interference.

While Web 2.0 applications have given users an unprecedented amount of freedom to express themselves, they are not without their limitations. The Committee to Protect Journalists (CPJ) noted that in 2008 for the first time in history, more online journalists have been imprisoned or killed than traditional journalists. Various countries are also developing ever more efficient ways of monitoring and filtering the Internet and interpreting pre-existing media laws so they could be applied to the Internet as well.

3. Emergence of citizen reporters

With the advent of new media that is rich with user-generated content including blogs, social-networking sites, and video-sharing sites; another form of “news reporting” has taken root. These cases are generally referred to as citizen reporting or sometimes citizen journalism and even street journalism which means they have the semblance of traditional journalism but often lacking in a set of professional standards and tools. Using new media (also known as Web 2.0), common people have been able to upload their own reporting and opinions on the Internet. Citizen reporters have been influential in affecting change in many different countries



around the world.

Quick Questions:
What do you think of citizen reporting? Do you think those who do it should be considered as journalists? What is your argument for or against?

4. Blogs, YouTube, & Twitter

Weblogs or blogs and other new media including video-sharing sites such as YouTube or Tudou, and social-networking sites such as Facebook, Badoo, or Renren, collectively known as Web 2.0, have become a cultural phenomenon in many parts of the world. Many blogs are filled with fun and light-hearted jottings of everyday life. And if you ever used a video-sharing site, you are likely to have viewed video clips of people or animals doing silly and often funny things. These are the whimsical sides of Web 2.0 but there are also many cases of it being used for socio-political commentaries, to break news that big media could not break, to disseminate contentious messages and to mobilize the grassroots to demonstrate in the streets. For various reasons, some governments have taken a very confrontational stance against these bloggers, video-loggers, Twitterer, and Facebookers for their dissensions and contentious writings.

Does your country filter or block certain websites?

- Identify the websites that cannot be accessed in your country (doing a little research into international reports from press freedom agencies or news report is good starting point).
- Identify the reasons for these websites to be blocked.
- Do you agree or disagree with the reasoning? Why?

Without freedom of expression, good taste means nothing

Neil Young
Canadian singer-songwriter,
musician and film director

Challenge:
Did you know there are some websites that cannot be accessed in some countries? Are there any websites in your country which you cannot access?

The international organization, Reporters Sans Frontières (RSF) observed in their 2007 Annual Worldwide Press Freedom Index that “more and more governments have realised that the Internet can play a key role in the fight for democracy and they are establishing new methods of censoring it” and that “the governments of repressive countries are now targeting bloggers and online journalists as forcefully as journalists in the traditional media.” Events from around the world offer tantalizing examples of how dissidents/citizens in these countries have embraced these new media to promote their cause.

In Egypt, a revolution took place in early 2011, which resulted in the overthrow of the Hosni Mubarak regime that had been in power since 1981. The revolution often touted as the “social media revolution”³⁰ was in fact the result of various factors that had been causing resentment and simmering anger amongst many of the population, including corruption, lack of economic opportunities, wide-spread torture practices that were exposed online and lack of political self-expression for decades. But it was the wide-spread use and availability of social media that helped give a final push in favour of the Egyptian people.

Yet, this has not been an easy journey. Over the last few years, there has been an increase in the arrests of various bloggers and social media users without a legal cause in Egypt. According to the OpenArab.net³¹, “bloggers are always kidnapped by non-uniformed security forces during covering or participating in certain activities or political demonstrations or during covering some tribunals” in Egypt³². It also estimated that “the number of bloggers who faced kidnapping or arresting was bigger” even than that of political activists and journalists and “they are targeted just for being bloggers”. For example, a 24-year old named Abdel Kareem Nabil Suleiman, better known as blogger Kareem Amer was sentenced to four years in prison for blog posts criticizing President Hosni Mubarak and the Islamist control of the country’s universities³³. In another case, a female Egyptian blogger who writes on a blog called Eman Republic, was ordered to “willingly close down” her blog after she wrote a critical piece about Col. Gaddafi who at the time still ruled neighbouring Libya³⁴. Usually, Egyptians have been able to “voice out” their dissatisfactions against the Government as long as they are not acted out. Fahmy Howeidy, an Egyptian writer who has often criticized the government, calls it the “freedom to scream” because “you can say what you want but you cannot act”³⁵. The authorities have interpreted the publication of one’s thoughts on a blog as an actual act against the Government which would explain the increasingly frequent arrests of bloggers.

These examples show that the new media, specifically those which enable users to directly upload their own writings, pictures, and sounds are being used as a tool to allow them to express themselves in ways which would otherwise be impossible with more traditional forms of media. This is a development that is closely watched by governments, by activists, by commercial companies, and indeed by everyone.

Toolbox V Summary

The use of new media technology in promoting freedom of expression is not new; Samizdat and audio-cassette tapes are examples of such use.

The advent of new media that is rich with user-generated content including blogs, social-networking sites, and video-sharing sites has given rise to citizen reporting

Not every political establishment agrees or allows the unfettered use of online media for political expression. This has resulted in harassments, detentions, and other attacks on some political users of media.

Social media are powerful tools in disseminating and obtaining information



Toolbox VI: Doing your part: Monitor, defend and promote freedom of expression

Why should we do our part? Apathy, which is the state of being indifferent or simply not caring about what goes on around you, is a dangerous thing. Everyone has a part and every contribution helps. Many changes in the world were sparked by efforts of individuals.

Key Lessons:

- Start Publishing
- Start Monitoring
- Start Celebrating
- Start Networking

Everything that is really great and inspiring is created by the individual who can labor in freedom.

Albert Einstein
(1879-1955)
Physicist,
1921 Nobel Prize Laureate in Physics

What can we do?

There is actually plenty we can do. There are various activities we can do to help monitor, defend, and promote freedom of expression. They can be done on a small scale community level or on a national level. Some require a little technological know-how, some do not. Most of the activities require getting to know the people involved in the promotion and protection of freedom of expression. Most importantly, they require being aware and being sensitive to what is happening around us.

How to get started?

Find out what kind of resources are at your disposal, the kinds of resources you could access differ from person-to-person, from community-to-community, and from country-to-country, but you have resources. Experiment with what you have, find out the limitations and build on your strengths.

1. Put Your Thoughts Down: Publish your own newsletter

The invention of the printing press was a significant development in the history of freedom of expression. The very notion of press freedom would not exist without the invention of the printing press machine in the first place. Prior to mass-printing, ideas and knowledge could only be shared verbally or through painstakingly hand-copied manuscripts.

Even after the printing technology became more widely available, the authorities attempted to control the flow of information by issuing printing licenses. In other words, only certain materials could be printed by certain people who

were able to obtain a printing licence. The right to print and to distribute information is at the heart of the fight for freedom of expression. You can be part of this long tradition by publishing your own newsletter, simple pamphlet, or brochure to be distributed.

Find a niche. You may wish to consider specializing in certain topics that interest you and your group. Perhaps you are more interested in promoting access of information about the environment, or perhaps the level of doping in sports, or the development of educational facilities in your city. The topic you choose could be varied but the underlying philosophy is unchanging, that is, you can exercise the right to publish your thoughts.



Remember:
R It is okay to experiment. There is no right or wrong way of producing your publication. Every environment presents its own challenges and opportunities. Find out what works best for you and your team.

Share:
S It helps to share your ideas and innovations, as well as your frustrations in the process of producing your own publication. Share with others around the world.

Checklist for Setting Up a Monitoring Blog:

Resources	Comment
Do you have Internet access (read the section on setting up a Monitoring Blog)?	
Will this be a multi-platform project, using not just this blog but social-networking sites, micro-blogging, video-sharing site, etc?	
Do you have access to a computer, typewriter, or some kind of word-processor?	
Do you have access to printing equipment and supplies?	
Do you have someone to help you with the writing and editing?	
How many people are willing to work on the project?	
How will you divide the responsibilities? Do you want to follow the standard journalistic format with an editor-in-chief, followed by editors, and journalists, or a more horizontal model? There is no right or wrong with any one type, both styles have been employed successfully in different parts of the world.	
What is your specialty or interest? Will the content be about health issues, politics, or youth activities, or a mix?	

2. Monitor Freedom of Expression in Your Country

Setting up a freedom of expression monitoring blog

If you have access to the Internet, try to create a blog which monitors the development of freedom of expression in your country. A blog is the shortened form of the words, “web” and “log” (weblog) which allows the user to upload text, photos, and videos to their own blog site through the Internet. Unlike traditional media, the user (or blogger) has a high control over the content that appears on his or her blog. The blogger is in fact the writer, the editor, and the owner of the publication. A blog is usually available free-of-charge on blog hosting sites such as www.Blogger.com, www.Wordpress.com or any other blog hosting sites you are familiar with or have access to.

Why should we monitor freedom of expression?

Documenting one’s surrounding is as old as humankind. Cave paintings are a form of documenting the surroundings. By keeping a record of what has been happening in your life, you contribute to the better understanding of this particular time in history. The monitoring of freedom of expression, be it through a pen-and-paper diary or an electronic blog provides all of us with another perspective of the issue which can be extremely helpful in promotion of freedom of expression.

What to Monitor:

- Incidences of freedom of expression being suppressed. For example, the closing down of TV and radio stations, newspapers, or the arrests of street protestors or people who expressed certain views.
- The enactment of media-related laws.
- The establishment of new local agencies or organizations related to freedom of expression.
- Freedom of expression events, conferences, activities which took place in your country, including events in your school.



Questions to Ask Yourself: A Basic Checklist:

- What was the information/event/issue/etc?
- Who said it/ who was involved?
- When was it said/ when did it happen?
- How was the information obtained/ what is the source? (you have to decide if it is alright to reveal the source)
- What triggered the issue/ How did it happen/ How was it resolved (if there was a resolution)?

You can find out about these developments by reading the newspapers, searching the Internet, listening to the radio, watching the news on television, or by the word of mouth. Remember to note down where you obtain the information. Write down the name of the websites, radio, TV station or the name of the newspaper. This is a part of the practice of good reporting.

We also suggest that you include details such as the date of the event, location, maybe a map

of the place, the number of people participating, who was involved in the incident, the reason the incident happened, etc. You could also add your own assessment of the incident such as the significance of the incident to you and your peers.

Remember: One of the strengths of local reporting or citizen journalism is the first-person account of a particular incident. Being physically close to the incident gives power to the reporting. Include the tangibles (facts such as how many people, where did the incident take place, when, who, etc) and also the intangibles (what was the atmosphere like, how did it make you feel, etc).

Freedom of the press is not just important to democracy, it is democracy

Walter Cronkite
(1916-2009)

American broadcast journalist

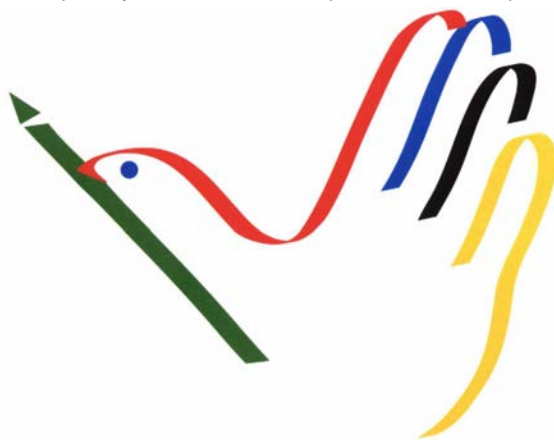
Did You Know? Many important incidents where freedom of expression was suppressed became known to the entire world through local reporting by individuals using nothing more than blogs or SMS (short messaging system) through mobile phones.

You could also monitor the state of freedom of expression in your neighbouring country, your surrounding region, all the entire world if you so choose to. Perhaps you could monitor the development of freedom of expression over a longer period. There are organizations such as Freedom House (since 1941), the Committee to Protect Journalists (CPJ; since 1981), Reporters without Borders (since 1985), and the International Freedom of Expression Exchange (IFEX; since 1981) which have been monitoring the global state of freedom of expression for decades!

3. Celebrate World Press Freedom Day!

The United Nations General Assembly declared 3 May to be World Press Freedom Day (WPF) in 1993 and UNESCO has taken the lead in celebrating the event every year on 3 May³⁶. In addition, UNESCO created the UNESCO/Guillermo Cano Press Freedom Prize in 1997, to honour the work of an individual or an organization defending or promoting freedom of expression anywhere in the world, especially if this action puts the individual's life at risk. Every year hundreds of events take place around the world to commemorate and to create awareness about the

importance of press freedom which is a cornerstone of freedom of expression. Indeed, more and more individuals, schools, and organizations are celebrating and becoming aware of the significance of the World Press Freedom Day. Use this event as an occasion to start advocacy work with your peers and within your community!



World Press Freedom Day Symbol

What can you do?

Start your own World Press Freedom Day celebration at your school!

Plan Ahead:

- WPF always takes place on 3 May of each year. UNESCO always has a main global event and a theme for the year's celebration.
- Find out what is the year's WPF theme and develop a list of activities related to the theme.
- Contact your teacher or your school administration to express your desire to plan an event/ activity in conjunction with WPF.
- You could also contact one of the 53 UNESCO offices³⁷ around the world for more ideas and support.
- Or you could contact an organization that is working on freedom of expression as listed in the previous section for guidance.



The German newspaper association, BDZV, runs a contest for 18- to 27-year-olds to create a freedom of expression ad. This one is by Eva Hasel, winner in 2011.



This poster emerged from a World Association of Newspapers and News Publishers workshop for 200 Colombian teachers.



Jordan's Center for Defending the Freedom of Journalists featured skits during its 2011 World Press Freedom Day celebration

Did You Know?

There are many agencies and organizations that monitor, defend, and promote freedom of expression. They offer support and advice in matters related to freedom of expression. You can often subscribe to their publications, join their workshops or even apply for internships. Is there one in your country?

4. Start networking

Do you know if independent media outlets exist in your neighbourhood, town, city or country? Independent media outlets could be a regular newsletter, community radio, TV, blogs, online podcast or video-cast, etc. They could be working on any number of issues from promotion of press freedom to promotion of a traditional art form. Linking up with them helps you familiarize with the work of the direct stakeholders in press freedom.

How to get started?

- Identify as many as you can of the independent media outlets working in your country. List them down, including the contact information and the type of messages there are trying to spread.
- Once you have identified the outlets, try to get in touch with them, create for yourself a network of independent media outlets in your area. Make a collection of their publications available in your school library.
- Create a contact list, put the list online or in your newsletter, and initiate a gathering, a workshop, or a seminar with them!

Freedom of Expression Agencies and Organizations around the World

[* this is not an exhaustive list, indeed there are many more organizations out there working on similar issues]

- Accuracy in Media**
(<http://www.aim.org>)
- Adil Soz**
(<http://www.adilsoz.kz>)
- Afrobarometer**
(<http://www.afrobarometer.org>)
- Arab Archives Institute**
(<http://www.alarcheef.com>)
- Arab Barometer**
(<http://arabbarometer.org>)
- Article 19**
(<http://www.article19.org>)
- Asian Barometer**
(<http://www.asianbarometer.org>)
- Association of Independent Electronic Media**
(<http://www.anem.org>)
- Cairo Institute for Human Rights Studies** (<http://www.cihrs.org>)
- Canadian Committee for World Press Freedom**
(<http://www.ccwfp-cclpm.ca>)
- Canadian Journalists for Free Expression** (<http://www.cjfe.org>)
- Cartoonists Rights Network International**
(<http://cartoonistrights.com>)
- Center for Defending the Freedom of Journalists**
(<http://www.cdfj.org>)
- Center for Journalism in Extreme Situations** (<http://www.cjes.ru>)
- Center for Social Communication**
(<http://cencos.org>)
- Committee to Protect Bloggers**
(<http://committeetoprotectbloggers.org>)
- Committee to Protect Journalists**
(<http://www.cpj.org>)
- Common Dreams**
(<http://www.commondreams.org>)
- Doha Centre for Media Freedom**
(<http://www.dohacentre.org>)
- Economic Freedom Network Asia**
(<http://www.efnasia.org>)
- Economic Intelligence Unit**
(<http://www.eiu.com/>)
- Fédération Professionnelle des Journalistes du Québec**
(<http://www.fpqj.org>)
- Electronic Frontier Foundation**
(<http://www.eff.org>)
- First Amendment Center**
(<http://www.firstamendmentcenter.org>)
- Fraser Institute**
(<http://www.fraserinstitute.org>)
- Freedom House**
(<http://www.freedomhouse.org>)
- Freedom of Expression Institute**
(<http://www.fxio.org.za>)
- Frontline**
(<http://frontlinedefenders.org>)
- Global Journalist**
(<http://www.globaljournalist.org>)
- Global Voices**
(<http://globalvoicesonline.org>)
- Greek Helsinki Monitor**
(<http://cm.greekhelsinki.gr>)
- Honest Reporting**
(<http://www.honestreporting.com>)
- Index of Economic Freedom**
(<http://www.heritage.org/Index>)
- Index on Censorship for Free Expression**(<http://www.index-oncensorship.org>)
- Information Warfare Monitor**
(<http://www.infowar-monitor.net>)
- Institute for Press and Society**
(<http://www.ipys.org>)
- International Federation of Journalists** (<http://www.ifj.org>)
- International Freedom of Expression Exchange, IFEX**
(<http://www.ifex.org>)
- International Pen**
(<http://www.internationalpen.org.uk>)
- International Press Institute**
(<http://www.freemedia.at>)
- International Research and Exchanges Board**
(<http://www.irex.org>)
- Journaliste en danger**
(<http://www.jed-afrique.org/en>)
- Latinobarómetro**
(<http://www.latinobarometro.org>)
- Media 21**
(<http://www.media21geneva.org/>)
- New Europe Barometer**
(<http://www.abdn.ac.uk>)
- Office of the High Commissioner for Human Rights (OHCHR)**
(<http://www.ohchr.org>)
- OSCE Representative on Freedom of the Media**
(<http://www.osce.org/fom>)
- PEN Canada for Freedom of expression** (<http://www.pencanada.ca>)
- Pew Research Center's Project for Excellence in Journalism**
(<http://www.journalism.org>)
- Privacy International**
(<http://www.privacyinternational.org>)
- Project Censored**
(<http://www.projectcensored.org>)
- Reporters Committee for the Freedom of the Press**
(<http://www.rcfp.org>)
- Reporters without Borders**
(<http://www.rsf.org>)
- SOJRA** (<http://www.sojra.org>)
- Southeast Asian Press Alliance**
(<http://www.seapabkk.org>)
- The Alliance of Independent Journalists** (<http://ajiindonesia.org>)
- The Freedom Forum**
(<http://www.freedomforum.org>)
- The International Free Press Soc.**
(<http://www.internationalfreepress-society.org>)
- The Media Diversity Institute**
(<http://www.media-diversity.org>)
- The Media Institute of Southern Africa** (<http://www.misa.org>)
- The Open Rights Group**
(<http://www.openrightsgroup.org>)
- The Reporters Committee for Freedom of the Press**
(<http://www.rcfp.org>)
- Transparency International**
(<http://www.transparency.org>)
- West African Journalists Association**
(<http://www.ujaowaja.org>)
- World Association of Community Radio Broadcasters AMARC**
(<http://www.amarc.org>)
- World Association of Newspapers and News Publishers** (<http://www.wan-ifra.org>)
- World Audit Publisher**
(<http://www.worldaudit.org/publisher.htm>)
- World Press Freedom Committee**
(<http://www.wpfc.org>)

Identify your sources of information

To know what you can express, sometimes it is necessary to know where your information comes from as well. Knowing your information and where they are from will help you make better judgment. Where are you getting your information from? Also, where are your parents or friends getting their information?

Who's Your Source?

- Family
- Friends
- Teachers
- The Internet
- Books and Magazines
- Newspapers
- Television
- Movies
- Music
- Radio
- Advertisements in the streets
- Theatres, plays, other performances
- Your own observations and your thoughts?

Information permeates our everyday life in increasing amount. There are terms that describe this increase of the quantity of information such

as “information overload”, “information super-highway”, or staying connected everyway any-time”. All these mean that we have more information than we can process.

Tracing your “Information Tree”

One of the ways you could visualize your sources of information is by creating an “information tree”. Imagine the information you have or know are the leaves on a tree. The leaves (or information) come from the branches, and the branches grew from the trunk and the trunk from the roots of the tree. Similarly, information must have come from somewhere. Use an “information tree” to trace the information you have been receiving. How did you get your information? Was it from a friend? How did he or she get that information? Was it from his or her parents or from another friend? But where did the parent get their information? Was it from the newspapers? But where did the newspapers get their information? Was it from their own reporters who were on the scene, from government officials, from public data published? What is the “root” of the information? You will decide how far back you wish to trace the information.



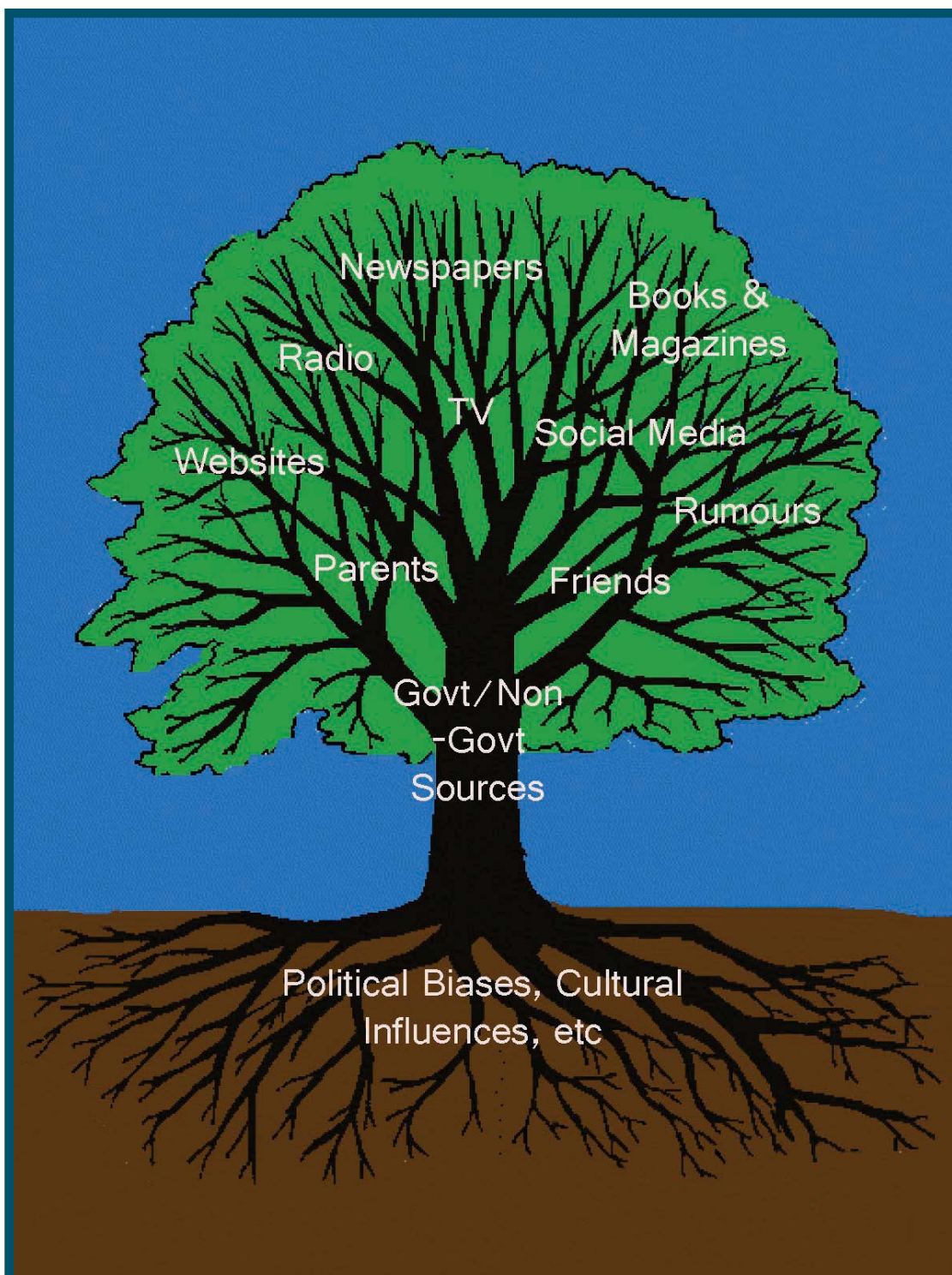


Figure 2: “The Information Tree”

The Information Tree represents the way your information is formed or has flowed. The leaves represent the most obvious part of the information flow including the TV programs you watch, the newspapers you read, etc. The branches represent the most immediate source of the information such as the news agencies, your parents, and friends. The trunk of the tree represents the more legalistic aspect of the information because governmental policies practises and national laws greatly influence what kind of information you can or cannot receive.

What is your plan of action? What will you do to monitor, defend, or promote freedom of expression?

Monitoring...

Defending...

Promoting...

Toolbox VI Activity

What can you do?

Monitor the state of freedom of expression in your country

Celebrate World Press Freedom Day each year

Start networking with local organizations

Learn to identify your sources of information

Trace your “Information Tree”

Toolbox VI Summary

Apathy is a dangerous thing.

Everyone has a part and every contribution helps.

Toolbox VII: “I can say whatever I want because it’s my freedom of expression!”

Limitations of freedom of expression

As with most things, there are limitations and boundaries even with the right to freedom of expression. Therefore it is rather inaccurate to argue that “I can say whatever I want because it’s my freedom of expression!” In a classic example, while you may have the right to shout “Fire!” in an open field, you cannot and should not shout “Fire!” in a crowded cinema if there is no actual fire. Commonsense tells us that if you were to falsely shout “Fire!” in a crowded movie cinema, you are likely to cause panic and actually get people hurt in the rush to get to safety.





Some Caveats!

While we can agree that absolute or unchecked freedom is not possible or in fact desirable, it is not our intention to support unjustified restrictions on freedom of expression. This is an important difference. Indeed, in the overwhelming majority of cases, more freedom of expression is preferred over more restrictions which could easily be turned into oppression and suppression.

In practical terms, having complete freedom of expression for one person will necessarily be infringing on the freedom of expression of another person. To illustrate this point, we could imagine two people talking at the same time, each trying to win the argument. Almost immediately, we will realize that two people simply cannot talk at the same time and expect a coherent and civil conversation to take place. If left to their own, their interaction will degenerate into a shouting match, each trying to talk louder than the other person. All that is left will be noise and not speech. The freedom of expression is then denied to both of the speakers. In other words, we need some kind of system or mechanism to ensure freedom of expression is properly served.

Also, logistically it is simply impossible for everyone to have their say on everything. It may be possible for everyone in a small group of people

to take turns to give an opinion, but it would be impossible for a million people to do the same. It would take many years or decades before the last person has a chance to give his or her opinion. Despite the latest technology it is not possible for every single person to give their opinion on every issue in the same place.

Therefore, some compromises have to be made. For example, a time limit is usually imposed for political speech. A candidate is only allowed to speak for a limited time during a political debate. And the campaigning period is also limited to a certain number of days.

It is not only logistically impossible to have so-called unlimited freedom of expression due to time constraint and similar limitations, it may also be philosophically impossible. When a weak argument is confronted with a strong argument, the weaker one loses. This outcome has very little to do with the “loudest” of the speaker. For example, the argument to promote child pornography would be a weak argument because it is universally regarded as something that is detrimental to one of the most vulnerable group (children) in the community. Any argument to promote it would be out-reasoned and defeated fairly easily. Another example could be hate speech, specifically speech that is meant to incite violence, physical harm, and killing of a targeted group. Strict limitations are placed on these particular expressions because for a variety of reasons, they do not stand up to scrutiny.



Limitations to Freedom of Expression: Hate Speech

Background

In 1994, one of the national radios in Rwanda broadcasted a call for the extermination of the Tutsi—a minority group in the country. What follows was one of the darkest events in recent memory. Over the course of about 100 days, more than a million Rwandans³⁸, most of them Tutsi, were systematically murdered. In other words, up to 10,000 people were killed every day. In addition, two millions fled to neighbouring countries.

This genocide was appalling on many levels. First the international community failed to act swiftly against it and second was the use of radio to broadcast hate speech to incite one group of human beings to murder another group of fellow human beings. For the purpose of this discussion, we will focus on the use of broadcast media to spread hate speech with very fatal consequences.

Since this is a Toolkit on freedom of expression, we will discuss the event in relation to freedom of expression especially its limitations. Hate speech are words intended to cause real harm to the targeted person.

A large number of Rwandans are illiterate so the printed media's influence is limited in the country. Television is comparatively an expensive gadget. Therefore, in the context of Rwanda, the radio was the most common way the average Rwandan received information.

“In March 1992, Radio Rwanda was first used in directly promoting the killing of Tutsi in a place called Bugesera, south of the national capital. On 3 March, the radio repeatedly broadcast a communiqué supposedly sent by a human rights group based in Nairobi warning that Hutu in Bugesera would be attacked by Tutsi. Local officials built on the radio announcement to convince Hutu that they needed to protect themselves by attacking first. Led by soldiers from a nearby military base, Hutu civilians, members of the Interahamwe, a militia attached to the MRND party, and local Hutu civilians attacked and killed hundreds of Tutsi” (International Commission 1993: 13-14).

The Rwanda Genocide is an extreme but a very real event where the media was used as a tool to spread hatred and it shows that hate speech cannot be justified by freedom of expression. Hate speech that incite violence against

Imagine: Scenario One

You are the principal of the school. A group of students wants to protest against the gay, lesbian, and transgendered club in your school. The group of students proposed to have banners, signing of petitions, anti-gay speeches in front of the school. What would you do as the principal of the school?

Imagine: Scenario Two

You are the mayor of the town, a group of people is planning a march through the busiest part of the town in protest of the growing immigrant population in the town. The organizer had publically announced the planned march several weeks earlier including the exact location, date, time, and duration. They also promised that it will be a peaceful march. What would you do as the mayor of the town?

others is not protected under the international standards for freedom of expression.

Nevertheless, this is a slippery slope that could easily be manipulated to silence unwanted ideas. The following scenarios in the “Imagine” dialogue boxes are some examples of “offensive speech” which is different from hate speech. What would you do?

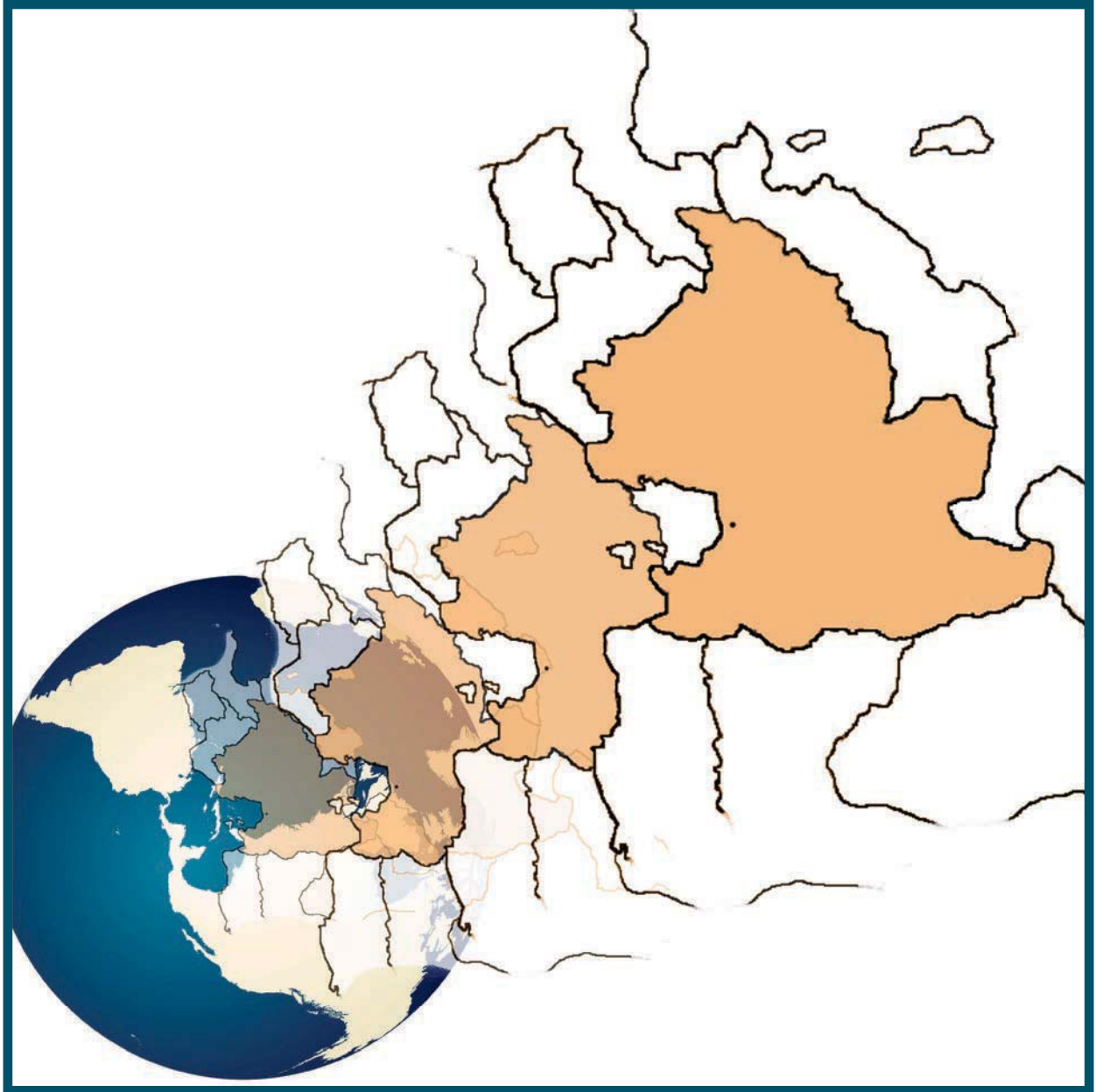
When two equally valid and reasonable arguments are put forward on a particular freedom of expression issue, the outcome becomes much less clear-cut. Each side seems to have a valid reasoning and valid points. When this happens a dilemma is produced. Dilemmas are a particularly vexing situation in freedom of expression because there can both be right at the same time (we will examine some case studies of dilemmas in freedom of expression in the subsequent Toolbox of case studies).

Toolbox VII Summary

There are limitations in regards to freedom of expression.

Legitimate limitations to freedom of expression CANNOT be used as an easy excuse to limit legitimate freedom of expression

Hate speech and child pornography are not protected under freedom of expression.



Democratic Republic of Zangara

Case Study

Case studies of dilemmas in the field of freedom of expression are one of the most illustrative ways to understand the challenges and constraints of freedom of expression. Freedom of expression is fraught with various dilemmas. You are likely to encounter much of these as you continue to work on the issue of freedom of expression.

The following is a case study of dilemmas faced by proponents of freedom of expression in the fictional country called Zangara. The dilemmas are based on actual incidents that had happened around the world. Often the decisions taken are not clear-cut and the outcomes debatable. Also, don't forget the four elements found in Article 19 of the Universal Declaration of Human Rights when going through these cases:

The right to hold opinions without interference,
The freedom to seek information,
The freedom to receive information,
The freedom to impart information

Zangara Times

Published in Zangara

Issue No.#01234567

Country Profile: Democratic Republic of Zangara

The Democratic Republic of Zangara was founded in 1952. Currently, the population is 22 million people according to the last census conducted in 2010 (or roughly the same as Yemen, Romania or Sri Lanka). The country is about 550,000 square kilometers (bigger than France but smaller than Kenya). On the north-east of Zangara lies the North Sea and to its west is the Gulf of Zangara. The capital city of Zangara is Za.

Between the 1850s-1880s, there was a huge influx of immigrants from surrounding countries into Zangara which sharply increased the population and also altered the traditional demographic and created a pluralistic society. These early immigrants had by-and-large assimilated into the local customs and language, including changing their names to local language. At the same time they had maintained their own religion and many of their native cultural traits. Accurate census data are not available for that period of time but roughly half of Zangara's population arrived during this first wave of immigration. Thus, Zangara demographic had remained until the last two decades when the country started developing at a faster pace than its neighbouring countries. This has attracted a second-wave of immigrants who are in the country seeking better employment. However, these second-wave of immigrants have steadfastly

maintained a separate identity and many hope to return to their home countries after a few years.

Currently, Zangara can be considered as a multilingual and multicultural country with 55 percent of the population speaking the native language Zangarian. The rest speaks a mix of different languages. The official religion is practice by the majority of the country as well as several of the neighbouring countries.

Its economy has traditionally been agricultural but moving towards a mix of industrial-based and technology-based economy, which was further boosted by the discovery of the petroleum reserve about 20 years ago in the Gulf of Zangara. Furthermore, due to the government's policy of development information and communication technology (ICT), Zangara now boasts a vibrant community of tech-savvy young middle class citizenry. This group of youth is well-connected with the global issues and is vocal about their opinions on the Internet, through a variety of social networking sites. While the older generation prefers to obtain news from the state broadcaster Zangara TV, the younger



Map of Zangara

tech-savvy generation is increasingly turning to the Internet and social media for information.

1. Case of Freedom of Expression vs. Religious Sensitivities

Background

In late 2008, a Zangarian writer had trouble finding an illustrator for a children's book about the life of a Zangarian Prophet. Illustrators turned down the job because they feared repercussions from the raising fundamentalists, as depicting the Zangarian Holy Prophet pictorially is considered blasphemy in Zangarian religion. In other incidents, translators of a critical book on the Zangarian religion did not want their names to appear on the book cover, a gallery withdrew an installation by an avant-garde artist inspired by the religion. The editor for the leading Zangarian newspaper, Zangara Times, felt that there were examples of self-censorship and considered them negative development in the freedom of expression.

What Actually Happened?

The editor of Zangara Times, in response to what he viewed as a negative development in freedom of expression, wrote to members of the association of Zangarian illustrators asking them to draw the Holy Prophet as you see him. Half of the members responded to the invitation. The illustrations were subsequently published in the newspaper on 25 September 2009. These illustrations caricatured the Holy Prophet in various drawing styles but they typically poked fun at the common stereotypes of the religion. One illustration in particular caused a lot of anger among the religious community for a connotation of terrorism.

These illustrations created an unprecedented controversy and uproar that some called the worst crisis in Zangara in recent years. A few weeks after the publication, several neighbouring countries formally complained in writing to the Prime Minister of Zangara. The matter was then brought up again couple of months later in December of the same year during a meeting at the Group of Nations which has members from 19 countries with similar linguistic and religious background. Now the issue escalated to an international

level. The following is a snapshot of what had taken place since:

- 29 Dec 2009: The Foreign Ministers of the Groups of Nations issued a statement criticizing the publications and the inaction from the Zangara government
- 26 Jan 2010: Kingdom of Zusha recalled their ambassador and started to boycott the Zangara goods
- 29 Jan 2010: Editor of the Zangara Times appeared on TV Zangara network to explain his position
- 31 Jan 2010: Zangara Times apologized for the conflict and tension caused by the cartoons but not for the publication of the cartoons itself.
- 1 Feb 2010: Newspapers in France, Germany, Italy, and Spain reprinted illustrations in solidarity with Zangara Times
- 5 Feb 2010: Demonstrators set the Zangara embassy on fire in Zanadu. Zanadu Minister of Interior resigned

The "Holy Prophet Illustration Incident" has given a lot of food for thought on the debate between freedom of expression and press freedom and the issue of cultural sensitivity or respect for others' customs and beliefs. Both sides have valid arguments. On the one hand, some in the religious world were displeased that religious sensitivities were ignored by the so-called "liberal" press who blindly upheld their right to freedom of expression. On the other hand, Zangara Times and several liberal newspapers argued that the increase in self-censorship due to fear of retaliation by religious extremists is threatening freedom of expression and by extension the very core of modern democratic system. Many people were hurt, physically and emotionally by the incident. It was a very precarious and complicated situation indeed!

Points to consider:

You know that depicting the Holy Prophet pictorially is not allowed in the religion but you are also an editor of a major newspaper that is supposed to be defending and promoting freedom of expression and free press. What would you do if you were the editor-in-chief of the newspaper? Would you have published them?

What would you have done? Would you have done it differently? If you were to become the editor of a newspaper, the producer of television station or a radio station, what will you do when you are faced with similar problem?

How To Begin:

Identify the core issue: What is the core issue(s) you are facing? In the case of Zangara Times's editor, he felt that freedom of expression in his country is under threat. He had two options, to publish or not to publish something about it. He chose to publish something about it. Now, he has to face the problem of what to publish.

Identify your dilemmas: What are the dilemmas facing the editor of the newspaper? He knew about the taboo of visualizing the Holy Prophet but he also felt it was an important part of press freedom and freedom of expression to effectively convey a message. That was Zangara Times editor's dilemma.

- What is your company or organization's official policy on the core issue and dilemma?
- What is your personal principle in the matter?
- What are the actions that you would have taken?

Going The Extra Step:

If you are intrigued by this case study, try to look up the following real cases which grapple with the dilemma between freedom of expression and cultural or religious sensitivities. What are the similarities and differences in the cases?

- The ban on Nazi-related and Ku Klux Klan (KKK) items for sale on Internet website eBay.
- Germany blocked websites promoting white-supremacist ideology and Nazi propaganda.

2. Case of Freedom of Expression vs. Abiding by the Local Law

Search Engines Giving Up User Information

Background

More and more information is becoming available on the Internet now. In order to access information online we are relying more and more on Internet search engines such as Google.com, Yahoo.com and others. These search engines find and list the most relevant websites in relation to the keywords you have provided, according to a predetermined algorithm or formula.

Imagine:

If the search engine filters or restricts all websites with the word "green" from the search results. You will not be able to find websites regarding green energy, rain forest, green T-shirts. How about if the search engines were to refuse its users access to websites that contain the words "censorship", "hate", "uprising", "petrol prices", "corruption", etc in them?

As such, Internet search engines have become very important in our lives. Over time, they have also taken on the function of being the gatekeeper of information. A gatekeeper is a metaphor for anybody who has the power to decide what information could be allowed to "flow through" and what is not allowed. In other words, an Internet search engine provides online information for its users but also has the capability of restricting online information.

Many countries demand search engines companies and Internet Service Providers (ISP) censor or block certain websites. An ISP is usually a local company which connects a local user's computer or network to the global Internet for a fee. A search engine company could be located anywhere in the world.

The attempts to block a website could be politically motivated or based on a socio-cultural precept. The aim is to control the flow of information in the country and restricting the kind of information the local users may access. The OpenNet Initiative (<http://opennet.net>) based in Canada estimates that more than 40 countries filter the Internet to varying degrees.

Zangara's government is much divided regarding what kind of information could be made available to the local users. On the one hand, there are politicians who argue for more control to avoid people using the Internet as a way to incite hatred and violence. On the other hand, they are those who argue that the Internet should be as free as possible. This policy affects the local ISPs as well as international and local search engines. Search engines that do not filter and exclude certain keywords are not allowed to continue to operate in the country.

Recently, a Zangara's court demanded a popular search engine to block certain sites that were deemed too controversial in Zangara's multiethnic, multireligion and multilingual society. In fact, the Zangara authorities also demanded that the

search engine turn over personal details of certain users in order to identify the person who uploaded sensitive materials to the Internet.

Zangara authorities argue that it is only reasonable to ask companies (foreign and domestic) to obey local laws and customs which include not providing links to topics deemed too sensitive on the Internet. However, Zangara also represents an extremely lucrative market for Internet companies because it is the fastest growing market in the region.

Furthermore, the problem is further compounded by the differences in law systems in different countries. While we hold true to the Universal Declaration of Human Rights and believe it to be applicable universally, it is also true that every United Nations member state is a sovereign state and hence the United Nations cannot forcefully impose legislation upon its members.

3. Case of Freedom of Expression & Videogames

Massively Multiplayer Online Role Playing Games

Background

Imagine that you have been playing a wildly popular videogame. It is a massively multiplayer online role playing game (MMORPG) with players forming small groups or communities in order to increase their chances of winning the game. For you, the game is entertaining and you also appreciate the online socializing which you are able to do with other players in the community. After all, these players are real people living somewhere in the real world—sometimes it could be a friend in your school or it could be someone living on another continent. Players play the game through avatars. Avatars are the virtual representations of the real players; they only exist in the game environment. Avatars could be in the image of a human being, in the shape of an animal, or a representation

of a legendary and mythical being. Players often customize the appearance of their avatars—changing the colour of the hair, the clothing, the weapons, the voice, etc.

One day you observe that the avatars of a community in the game decided to wear the swastika signs and other Nazi paraphernalia, and even their usernames sounded racist. Even though it is just a game and the avatars do not really exist you are uncomfortable because the players who play through the avatars are real people and do exist somewhere. Furthermore, the racist symbols and the connotations which they represent are especially offensive. If a

real person overtly displays the support for Nazi propaganda in the same manner in the real world, he or she would probably get into a lot of trouble in many countries. But on the other hand, this is a “game”.

Videogames, including games that could be played on game consoles such as a PlayStation™ or an Xbox™ and games that could be played on a computer, are becoming ever

more popular. More varieties and game genre are available now than ever before. Users also have more control over the game through customizations or modifications (mods). At the same time some videogame producers have created extremely violent or pornographic games which have been criticized in some highly publicized court cases³⁹.

Dilemma:
What do you feel about this case? Should the moderator of the game ban these pro-Nazi players from playing? Should the moderator allow the right of freedom of expression for the pro-Nazi players in the virtual game environment?

Imagine:

If you are the CEO of the largest search engine at the time and you want to invest a lot of resources in a country but the condition is that you must censor certain words and websites. Would you have complied with the demand? Would it be okay to self-censor in this instance?

What would you do if you were the moderator? Kick the group out of the game, issue a warning to them, stop playing the game, or ignore the pro-Nazi group?

In these cases, there were argument that the perpetrator was influenced by playing too much violent videogames which increased their tendencies towards violence. The connection between violent behavior and playing violent videogames has not been proven and would in most likelihood be one of the many factors rather than the sole cause to violent behaviors.

Nevertheless, aside from the argument concerning violent behaviors, the issue of players asserting their individualities in a game is happening in the virtual world as you read this. Our example in the beginning of the section is actually true. In a more traditional setting, games producer have almost complete control over the structure and the appearance of a videogame. Players in past times were simply end-users with almost no say in how the game is built. But nowadays, with users being able to write modifications into the game environment, many things could happen that was not thought of by the original creators.

Video games including PC-based games and console-based games continue to grow and expand. The estimated worldwide sales of games in 2009 amounted to US 57 billion dollars⁴⁰. In comparison, worldwide movie ticket sales of the same year were only about US 30 billion dollars⁴¹. This is one of the newest areas of contention in the discussion of the very old question of freedom of expression. The outcome of this discussion could be shaped by you and your friends.

Challenge!
Identify the Internet Service Provider (ISP) to your school and your home. Which is the most popular ISP in your country? List the top 3 search engines that you and your family use.

Challenge!
What other freedom of expression related dilemmas could you think of that comes up in the virtual gaming world? As you play videogames, online or offline, keep an eye out for issues related to freedom of expression as we have discussed throughout this Toolkit. Make a list, share it, and explore it

Write your own Case Study!

Based on what you have learned and discussed, write a case study concerning freedom of expression or press freedom in your own country with local examples, facts, observations, etc. Share this case study with us!

In my country...



Resources

Electronic Frontier Foundation (Bloggers' Legal Guide) <http://www.eff.org/issues/bloggers/legal/join>

Freedom of Expression and Broadcasting Regulation. CI Debates Series No. 8- February 2011 ISSN 2176-3224, UNESCO.

Handbook for Bloggers and Cyber-dissidents (If you are interested in blogging to express yourself, this maybe a helpful guide for you) http://www.rsf.org/IMG/pdf/handbook_bloggers_cyberdissidents-GB.pdf

Media Development Indicators: A Framework for Assessing Media Development <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>

Media and Information Literacy Curriculum for Teachers (2011). Edited by Carolyn Wilson, Alton Grizzle, Ramon Tuazon, Kwame Akyempong, and Chi-Kim Cheung, UNESCO

Model Curricula for Journalism Education. (2007). UNESCO Series on Journalism Education <http://unesdoc.unesco.org/images/0015/001512/151209E.pdf>

Self Regulate or Perish: The History of the Media Council of Tanzania up to 2009. (2010). Media Council of Tanzania.

The Media Self-Regulation Guidebook: All Questions and Answers. (2008). Organization for Security and Co-Operation in Europe

What a Free Press Means to Me: Voices of Freedom 2000. (2000). UNESCO World Press Freedom Committee.

Speak Up, Speak Out: A Toolkit for Reporting on Human Rights Issues (2012). Internews

Glossary

Chilling effect

a term used to refer to the condition where journalists or people in general become afraid to voice out their opinion.

Civil society

the section of the society which forms groups or organizations that is usually non-governmental

Censorship

the deliberate and unjustifiable attempt to prevent certain text or audio-visual material from being published, broadcasted or otherwise distributed.

Defendant

the person(s) who are required to answer the charges brought against him or her by the plaintiff in court (see Plaintiff)

Editorial Independence

the freedom of editors (print, web or broadcasting) to make decisions without interference from the political forces, owners of a publication, or other interests.

Executive branch

The branch of government charged with the execution and enforcement of laws and policies and the administration of public affairs.

Fourth estate

a term commonly used to refer to the journalist and the press in general.

Freedom of expression

the notion that every person has the natural right to express themselves including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless frontiers and without fear of reprisal.

Freedom of speech

this has traditionally been about actual speech but has come to be used almost interchangeably with freedom of expression. (see Freedom of expression)

Freedom of the press

the notion that the print media, although it also include other forms of media, especially the news media has the right to exercise their craft without outside interference or fear of reprisal.

Impunity

the lack or non-existence of punishment or re-primation against person(s) who have committed a crime.

Journalistic ethics

a moral standard or set of professional principles and best-practices used as a guideline in the practice of journalism usually written by journalists themselves.

Judiciary branch

the section of a country's government that is responsible for dispensing justice as prescribed by law.

Legislative branch

the section of a country's government that is responsible for writing and passing laws and policies.

Libel

a false and malicious published statement that damages somebody's reputation.

Libel tourism

the phenomenon where (libel) lawsuits are brought to a particular country because the judicial system favours one side over the other (see Libel, Plaintiff, and Defendant).

Media diversity

the existence of various means of mass communications including print, broadcasting, Internet and others (used interchangeably with media plurality).

Media plurality

see Media diversity

Media responsibility

the notion that all media (with emphasis on commercial media) has a duty or responsibility, towards the society in which it operates.

Non-statutory

not laid down in laws or enforced by the law. It usually refers to a voluntary system of regulation administered by its own group of members. (as opposed to "Statutory").

Plaintiff

the person(s) who begins a lawsuit against somebody else in a civil court (see Defendant).

Self-censorship

the act of censoring oneself despite the apparent lack of outside interferences, pressure, or threats. Self-censorship is usually caused by a fear of possible reprisal (see Censorship).

Statutory

statutory law or statute law is written law or law enacted by the legislative branch of government, as distinguished from case law or common law (see Non-statutory).

Annex I

Universal Declaration of Human Rights

(This declaration had been translated into more than 250 languages; you could probably find one in your own language)

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international

law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

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.

Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Annex II

The Constitution of UNESCO, signed on 16 November 1945

[Preamble and Article 1]

Constitution of the United Nations Educational, Scientific and Cultural Organization

Adopted in London on 16 November 1945 and amended by the General Conference at its 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 15th, 17th, 19th, 20th, 21st, 24th, 25th, 26th, 27th, 28th, 29th and 31st sessions.

The Governments of the States Parties to this Constitution on behalf of their peoples declare:

That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

That ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication be-

tween their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organization for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established and which its Charter proclaims.

Article I

Purposes and functions

1. The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realize this purpose the Organization will:
(a) Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) Give fresh impulse to popular education and to the spread of culture:

By collaborating with Members, at their request, in the development of educational activities;

By instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

By suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) Maintain, increase and diffuse knowledge:

By assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

By encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

By initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of the Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

Annex III

Sample Code of Ethics for Press Council

[This non-exhaustive list has been adapted from various codes of ethics from several countries and from different regions. Each Press Council should adapt and adopt a set of code with consideration of unique local characteristics]

- Protect and promote press freedom: The freedom of expression being a basic right of the citizen, journalists and media will always remain firm, vigilant and alert in its protection and promotion
- Safeguard and enforce the right to information: Always remain active and dedicated to safeguarding the right of people to be well-informed
- Imparting true and factual information: Journalists media should impart true, factual, balanced information that is faithfully objective, citing sources and also setting out the basis for such information
- Editorial freedom and accountability: As per the universally accepted principle of editorial freedom, the final responsibility and authority for the production and dissemination of material produced-published-broadcast by media lies with the editor. Media should guarantee editorial independence within itself
- Never plagiarize. One shall not publish, broadcast or distribute the same again without citing the original source. While citing the original source the permission of the original source is generally required.
- A victim may file a complaint with the Press Council against any journalist or media within the time-limit, accompanied by factual evidence showing violation of the point(s) mentioned in this Code of Ethics. If such a complaint is filed and the Council thinks, upon holding a general inquiry, that any act has been perpetrated in violation of this Code of Ethics, the Council shall send summons, accompanied by a copy of the complaint, to the accused party, requiring that party to make an appearance along with evidence, if any, showing innocence
- Duty not to falsify pictures or to use them in a misleading fashion
- Duty to distinguish between facts, opinions and conjectures
- Duty not to divulge confidential sources
- Duty not to use dishonest means to obtain information
- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- The press will refrain from inappropriately sensational portrayal of violence, brutality and suffering. The press shall respect the protection of young men and women.
- Duty to make clear what is factual information and what is commentary

Endnote

- 1 UNESCO has 195 Members and eight Associate Members as of 31 October 2011.
- 2 The General Conference is the highest decision making body in UNESCO. It consists of the representatives of the States Members of the Organization, meets every two years, and determines the policies and the main lines of work of the Organization.
- 3 Article 19 of International Covenant on Civil and Political Rights. Adopted in 1966.
- 4 Toby Mendel and Eve Salomon, in Freedom of Expression and Broadcasting Regulation. CI Debates Series No. 8- February 2011 ISSN 2176-3224, UNESCO.
- 5 Unless otherwise stated, these four premises are adapted from Thomas Emerson's The System of Freedom of Expression (1970).
- 6 More more in-depth discussion please see for example Freedom of Expression and Categories of Expression (1979) by T.M. Scanlon Jr. University of Pittsburgh Law Review, (40)519-550
- 7 See for example, David J. Brennan's article Printing in England and broadcasting in Australia: A Comparative study of regulatory impulse. In Adelaide Law Review (2002) (22) 63-86.
- 8 Other reasons include the high financial cost of printing actual newspapers and the demographic of the targeted readers.
- 9 For examples of libel tourism, see <http://www.article19.org/data/files/pdfs/publications/uk-libel-tourism.pdf> or <http://www.economist.com/node/12903058>
- 10 See UNESCO's website on Public Service Broadcasting at http://portal.unesco.org/ci/en/ev.php-URL_ID=1525&URL_DO=DO_TOPIC&URL_SECTION=201.html
- 11 See Declaration 59 (1), adopted during the first session of the UN's General Assembly, on 14 December 1946. "Freedom of information is a fundamental human right and[...] the touchstone of all the freedoms to which the United Nations is consecrated."
- 12 The list of countries is adapted from Roger Vleugels (2010) Overview of all 90 FOIA countries & territories.
- 13 See Thomas Carlye's Hero-worship: And the heroic in history (1901)
- 14 What a Free Press Means to Me: Voices of Freedom 2000. World Press Freedom Committee.
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 UNESCO's Director General, publicly condemned this attack on journalists, calling it a "monstrous crime" and urged the government for a full and swift investigation. For more details see <http://portal.unesco.org/ci>
- 19 Based on information from Committee to Protect Journalists (CPJ). Available at <http://www.cpj.org>
- 20 Barry James in Press Freedom: Safety of Journalists and Impunity. 2007 UNESCO Publication
- 21 For more explanation see for example The Media Self-regulation Guidebook by OSCE; Asia-Pacific Institute for Broadcasting Development (AIBD)'s website <http://www.aibd.org.my> , or UNESCO's website www.unesco.org/ci
- 22 The word "ombudsman" is likely to have originated from the Old Norse word "umbodhsmadr" which means a "trustworthy manager". See for example, The American Heritage Dictionary of the English Language 2009 Edition.
- 23 Ognian Zlatev, The Media Self-regulation Guidebook, OSCE, 2008: 44. Refer to UNESCO's website for further information at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/africa/press-councilsmedia-ombudsman>
- 24 <http://www.cpj.org>
- 25 <http://en.rsf.org>
- 26 <http://www.unesco.org/webworld/condemnation>
- 27 Please refer to the Annex for a non-exhaustive list of journalistic codes of ethics.

- 28 Share these actual examples with other Toolkit users around the world. See CONTACT INFORMATION on the back cover.
- 29 Fictional television station. See chapter on Case Study for more examples
- 30 It has also been called ‘twitter revolution’ or the ‘facebook revolution’
- 31 According to their official website at <http://www.openarab.net/en/node/528>, Open Arab Internet is an initiative by the Arabic Network for Human Rights Information (Anhri) to advocate the free use of the Internet without censorship, blocking or spying. In this context, the initiative seeks to provide international and Arab information and Internet related documents. The initiative also defends Internet users, web-designers, and writers by organizing legal and media campaigns and highlighting practices restricting Internet freedom.
- 32 Electronic press and blogs. (2007). Freedom of opinion & expression in Egypt annual report 2007 Retrieved 28 October, 2008, from <http://www.openarab.net/en/node/281>
- 33 Two years for a blog : that’s enough ! Reporters Without Borders calls for release of blogger Kareem Amer. (2008). Retrieved 20 December, 2008, from http://www.rsf.org/article.php3?id_article=29192
- 34 The blog, Eman Republic is no longer accessible to the public. Further information concerning Eman Republic could be read from another blog, Egyptian Chronicles (<http://egyptianchronicles.blogspot.com/2007/05/fall-of-eman-republic.html>)
- 35 See Slackman, M. (2009, Feb 17). Egypt’s critics have a voice, but never the last word Retrieved 17 February, 2009, from <http://www.nytimes.com/2009/02/18/world/middleeast/18egypt.html?ref=middleeast>
- 36 For more information please go to <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/homepage>
- 37 See UNESCO website for the full list of its offices around the world <http://www.unesco.org/new/en/bfc/all-offices/>
- 38 The latest official figure put the total number of Rwandan killed during the genocide to be around 1,074,000 people.
- 39 James v. Meow Media, Inc (United States, 2002); Wilson v. Midway Games, Inc (United States, 2002)
- 40 Industry revenue \$57 billion in 2009, says DFC. Available at <http://www.gamesindustry.biz/articles/industry-revenue-57-billion-in-2009-says-dfc>
- 41 Global Box-Office Sales Rise to \$29.9 Billion in 2009. Available at <http://www.businessweek.com/news/2010-03-10/global-box-office-sales-rose-to-a-record-29-9-billion-in-2009.html>

Freedom of Expression Toolkit A Guide for Students

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