

GA6: Legal CIMUN

Topic 2: Protecting the freedom of press in member states

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Introduction

Over the years the ability to disseminate information has increased exponentially. In a perfect democracy the view is generally held that information and ideas should be accessible to all, and individuals should be free to express their views and opinions, even if they go against cultural and political norms. Freedom of speech arguably allows the individual to challenge those in power, expose their flaws and hold them to account. It also arguably allows us to develop as a society by questioning moral standards of the day. However, in reality, those in power often seek to control the spread of information to influence and control governed populations. They seek to suppress information which challenges their legitimacy and propagate information (even if it is false) to support their agenda. Why? Because knowledge is power. Information (even false or inaccurate information) can be targeted and controlled from its inception. Filters and false ideas have been pushed by people in power ever since information has been disseminated to large audiences as a way to influence people. There is also an argument against freedom of speech. Suppression of freedom of speech and control of information can be legitimised by arguing that it can help safeguard the eroding of traditional/moral values, protect the people from unrest and disorder, and guiding them to a simpler/happier life (an “ignorance is bliss” approach). Those nations which defend freedom of speech have laws in place to protect individuals and the press from censorship by the government. All are held accountable to these laws, including the government itself, by an independent judiciary. Conversely, those nations which seek to control information and suppress freedom of speech generally have more powerful governments which control the laws and the judiciary to the point that they lack true independence (i.e. there is not a true separation of power).

Key Terms

Protecting (legal terms) - Placement of laws and other official measures intended to protect people's rights and freedoms.

<https://www.collinsdictionary.com/dictionary/english/legal-protection>

Freedom of press - The right of newspapers, magazines, etc., to report news without being controlled by the government.

<https://www.merriam-webster.com/dictionary/freedom%20of%20the%20press>

Member states - A country/countries that belong to a political, economic, or trade organization such as the European Union or United Nations.

<https://dictionary.cambridge.org/dictionary/english/member-state>

Background Information

With the invention of mechanised printing in the 15th century, the press became more easily accessible as it allowed news and ideas to spread faster and farther than ever before. This was revolutionary. However some political and religious authorities actively suppressed and censored

publications that they deemed subversive as a way to control people and protect their dominance. In other terms the possibility to bring free speech and knowledge to people in the beginning was very much controlled and subjected to censorship. Thus for a long time press content has been controlled and used not purely as a tool to inform people but also to disseminate information to advance the agenda of some. The strongest legal opposition to this universal fact is what is now recognized as the world's first law supporting the freedom of the press and freedom of information being implemented on December 2, 1766, by the Swedish parliament. This, in short, removed the Swedish government's role as censor of printed material. This in effect, allows the official activities of the government to become public. The law codified the principle—which has since become a cornerstone of democracies throughout the world—that individual citizens of a state should be able to express and disseminate information without fear of reprisal. Consecutively, twenty-five years after the Freedom of the Press Act came into force in Sweden, the framers of the U.S. Constitution enshrined the same principle in the document's First Amendment: "Congress shall make no law...abridging the freedom of speech, or the press." In 1948 the United Nations Universal Declaration of Human Rights stated: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas through any media regardless of frontiers".

Major countries and organizations involved

While many countries have come to the conclusion that freedom of expression as a common good—indeed, as it is stated to be one of the rights enumerated in the Universal Declaration of Human Rights—state censorship and regulation of the press have not entirely disappeared. The international organization Reporters Without Borders (RSF) monitors conditions for journalists around the world and ranks countries by their degree of media freedom. Countries that rank toward the bottom of RSF's list include those that maintain various forms of state media and impose restrictions on independent outlets, such as China, Russia, and North Korea.

Relevant UN Reports or Resolutions

<https://news.un.org/en/story/2020/12/1080802>

This is an article written by the UN to bring attention to the unfair circumstances journalists across the globe have been facing.

Previous attempts at solving the issue

In the past, numerous laws have been put up to allow journalists and news companies to publish without fear of repercussions. For example, The United States of America in 1791 passed the

First Amendment to their constitution which guarantees the freedom of speech and the freedom of press to circulate opinion without any censorship from the Congress or any other governmental authority.

Additionally, media freedom is also a fundamental right in the EU and all EU member states are required to give their citizens the freedom of press. Additionally, through the EU enlargement process (the process in which new states are able to join the European Union), guaranteeing media freedom is considered a “key indicator of a country's readiness to become part of the EU¹”

Possible Solutions

One solution to this problem would be to press economic sanctions against countries that refuse to give their journalists freedom of press. With this, authoritarian regimes would have to pay a hefty penalty for their violations of the human rights as defined in the UN Charter. Another possible solution to this problem could be to pass a law which states that countries are not allowed to ban social media apps. This is because social media apps allow its users to publish their opinions freely. However, this has its drawbacks, since according to MIT University, false information is 70% more likely to spread than verified information and at a 6x speed². Hence, if this solution was put into place, it would be vital to teach children how to identify false information. Another drawback for this solution is that companies that own social medias could gain too much power; as they could push certain content to virality, over others. As a result, there must be transparency about their moderation policies and algorithms between the owners of social media companies and the government.

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¹https://web.archive.org/web/20160124161814/http://ec.europa.eu/enlargement/policy/policy-highlights/media-freedom/index_en.htm

²<https://mitsloan.mit.edu/ideas-made-to-matter/study-false-news-spreads-faster-truth>

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