

# JoMUN XVII

**Forum:** General Assembly 3

**Issue:** Protecting freedom of press and judiciary as a means of defending democracy

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## INTRODUCTION

Democratic states hold elections in order to vote for a leader of the state, and like in any democratic country the press is a vital factor in informing citizens about who they are voting for and the policies that candidate stands for. The [Press Freedom Index](#) ranks Norway as the freest state for the press, the first African state is Ghana ranked 23<sup>rd</sup>, while the United States ranks 45<sup>th</sup> out of 180 countries (North Korea holds the 180<sup>th</sup> spot). South Africa has the freest press out of all the BRICS countries. Free press is needed in order for a well-functioning democracy in which people are informed about



issues and are thus enabled to participate in the democracy. Freedom of expression, including freedom of the press is written within the United Nations Declaration of Human Rights. The UN recognizes and celebrates World Press Freedom Day on May 3<sup>rd</sup>, as they believe that the press is an important factor and tool to empower people. However, there are many states and governments who do not fulfil their duties to protect the press and provide their citizens with the necessary information and freedom. Freedom of expression has fallen to its lowest point in 13 years. According to the Freedom House, only 13% of the world's population lives in a country where the press is free, leaving 45% of the population to live in areas where the media is not free.

## DEFINITION OF KEY TERMS

**Freedom of Speech:** Freedom of speech is the right to seek, receive and impart information and ideas of all kinds, by any means. (["What Is Freedom"](#))

**Judiciary:** The part of a country's government that is responsible for its legal system, including all the judges in the country's courts. (["Judiciary"](#))

**Democracy:** A government in which the supreme power is vested in the people and exercised by them directly or indirectly through a system of representation usually involving periodically held free elections. (["Definition of Democracy"](#))

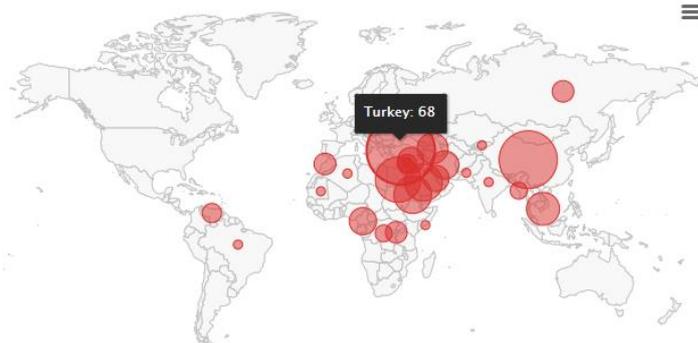
**Freedom of Press:** The right to publish and disseminate information, thoughts, and opinions without restraint or censorship as guaranteed under the First Amendment to the U.S. Constitution. (["Freedom of the Press"](#))

**Independent Press:** A press that is independent from governmental, political or economic control as well as control of materials or infrastructure necessary for the production of printed media. (["Declaration of Windhoek"](#))

## BACKGROUND ON THE ISSUE

Democracies have existed since ancient Athens, and one of its necessary and vital pillars is a free press. The press plays a vital role in informing citizens about issues and thus allowing them to make more informed decisions. In cases such as democratic government elections, this is very important as citizens can refer to the press and media in order to better

251 Journalists Imprisoned  
in 2018



understand whether presidential candidates stand for the same principals and policies that they do. In recent years however, the number of journalists jailed has been on the rise and in 2018, 251 journalists have been imprisoned, Turkey being the country with the most journalists

jailed, followed by China and Egypt. The majority of those who have been detained have been facing anti-state charges. Eritrea imprisoned the most journalists out of any other Sub-Saharan African country, jailing 16 journalists and ranking 5<sup>th</sup>. The United Nations states

that in order for freedom of expression to be a reality there must be a legal and regulatory setting which allows for different media and opinions to be said without consequences. Furthermore, it is critical to have laws enforcing



the protection and security of the press, as well as ensuring that access to public information is available and not restricted. Lastly, the citizens must have the necessary skills in order to critically analyse information that they read from the media. Judicial independence plays a critical role in the protection of press freedom. The importance of the judiciary is determining if there are limitations to freedom of expression that can be prosecuted. For example, the case of South African satirical artist, Zapiro, in his case against Jacob Zuma. Zapiro was sued by the then South African President in 2012, over the cartoon "Lady Justice". The court ruled in favour of Zapiro, and thus in favour of freedom of speech. After the court ruling Zapiro said, "It's a great victory for freedom of expression and for satire and for comment,". In this case the judiciary ruled that it was Zapiro's constitutional right to freedom of expression and thus was not charged for defamation, as Zuma had sued him for.

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### **Freedom of the Press Foundation:**

The Freedom of the Press Foundation (FPF) is a non-profit organization with the goal to protect and empower journalists in the 21st century. Based in the US the organization is continuously working on strengthening the First and Fourth Amendments in the US constitution. The organization aims to protect the freedom of the press in the United States

as well as abroad. They acts as an advocator providing articles illustrating cases in which this human right has been taken away and thus aim to raise awareness about the issue. One of their major forms of funding comes from crowdfunding.

**Freedom House:**

The Freedom House creates an annual report assessing the degree of print, broadcast, and digital media freedom across the world. The foundation helps provide reliable information and data ultimately to help policymakers, and international institutions as well as raise awareness worldwide.

**United Nations Human Rights Commission:**

The HRC is heavily involved in protecting the freedom of the press as it is a Human Right that has been written in the UN Declaration of Human Rights. In this view, recently the HRC has sent through a resolution protecting the freedom of the press. Unfortunately, the case will always be whether the states implement the provisions of these documents.

**Reporters without Borders:**

Reporters without Borders (RSF) is a non-governmental organization that has consultative status with the UN, UNESCO, the Council of Europe (COE) and the International Organization of the Francophonie (OIF). The organization aims to protect and promote freedom of information. Some of the work they have previously done is organizing protests during the 2008 Olympics held in Beijing, creating the only independent radio station that broadcasted to Eritreans in 2009 or most recently providing training to journalists and bloggers in Syria. Furthermore, the RSF creates press releases informing about the state of freedom of information around the world.

**Committee to Protect Journalists:**

This is a New York based organization with experts located across the world. The organization creates a network of correspondents in order to report on freedom violations as well as help the journalists who have been targeted.

## TIMELINE OF KEY EVENTS

<b>December 2, 1766</b>	Swedish parliament passed legislation of the first law that supported the freedom of the press and the freedom of information.
<b>December 15, 1791</b>	The First Amendment, was adopted as part of the Bill of Rights. This amendment protects the freedom of the press.
<b>December 1948</b>	The United Nations Declaration of Human Rights was written of which article 19 states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”
<b>April 29 – May 3 1991</b>	The Windhoek Declaration is created. This declaration was created at the UNESCO Seminar and calls for the freedom of the press, insisting that it is a vital pillar for democracy.
<b>October 2012</b>	Zapiro, South African artist, wins lawsuit over then President of South Africa Jacob Zuma. This win is a sign of freedom of expression being protected.
<b>October 2<sup>nd</sup> 2018</b>	Jamal Khashoggi, was a Washington Post columnist from Saudi Arabia, who in many TV interviews spoke sternly against the current Saudi Arabian leader, Mohammad bin Salman, and his policies. Khashoggi was killed inside the Saudi Consulate in Turkey. There is a presumption that he was killed due to his critical comments towards the Saudi Arabian royal family, however this has not been proven.

## RELEVANT UN RESOLUTIONS, TREATIES, AND EVENTS

### **Resolution 7/36: Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Signatories - Angola, Azerbaijan, Bangladesh, Bolivia, Brazil, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, India, Indonesia, Jordan, Madagascar, Malaysia, Mali, Mauritius, Mexico, Nicaragua, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka, Uruguay, Zambia

### **A/HRC/RES/6/37: Elimination of all forms of intolerance and of discrimination based on religion or belief, 2007**

Signatories - Angola, Bolivia, Bosnia and Herzegovina, Brazil, Canada, Cuba, France, Germany, Ghana, Guatemala, India, Italy, Japan, Madagascar, Mauritius, Mexico, Netherlands, Nicaragua, Peru, Philippines, Republic of Korea, Romania, Russian Federation, Slovenia, Switzerland, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

### **A/C.3/72/L.35/Rev.1: Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; The safety of journalists and the issue of impunity, 2017**

Signatories - Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Cabo Verde, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Dominican Republic, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Japan, Jordan, Latvia, Lebanon, Libya, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Mongolia, Montenegro, Netherlands, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tunisia and United Kingdom of Great Britain and Northern Ireland

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

As aforementioned, Reporters without Borders, The Freedom House and other organizations have been actively working to spread awareness about the issue through various modes, such as their press releases, reports and through social media.

### **UN Plan of Action on the Safety of Journalists and the Issue of Impunity**

The aim of this project is to create an environment where journalists and other media workers can work that is both safe and free. The program recommends for journalists to work in collaboration with the governments, NGO's and other professional associations in order to raise awareness about both the issues that the journalists are working on as well as the threat that they are being faced with.

### **UNESCO Efforts**

UNESCO works closely with journalists in order to protect them as the organization recognizes the need for media and the importance of the freedom of the press. To help combat this issue UNESCO has not only been advocating for the freedom of information but has also held professional training conferences and provided governments with information on how they can help the fight for freedom of the press.

### **The War Zone Freelance Exhibition**

This Exhibition displays photographs of journalists who have covered stories in conflict areas. The aim of the project is to provoke debate on the dangers of journalism by highlighting the struggles of working in such conflict areas.

## POSSIBLE SOLUTIONS

### **Defend Democracy // Stop Corruption**

If steps are taken to stop corruption, then courts and juries may be more objective and independent in their sentencing. This will help protect the freedom of the press and the freedom of expression as courts must acknowledge the journalist's human rights. There needs to be a proper democratic system in order to guarantee freedom of press. For example, if states commit to having annual screenings made by Transparency International that would help control and limit corruption.

### **Outside Press**

The UN, with the help of sub-committees such as UNESCO and neighbouring countries must have an independent news outlet, for citizens in the country where the freedom of the press is not protected can stay up to date on news. The more awareness there is within the country that they are not being objectively informed about world issues may put pressure on the government to change their policies.

### **Annual Censorship Award**

This award would go out to a country who in the past year rather than promoting freedom of the press, independence of judiciary and displays democratic values has censored media and jailed journalists. As such 'winning' this award would worsen the reputation of the country. This could persuade other states to stop trading with this state and could lead to the demotion of the state in various intergovernmental organizations.

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## APPENDIX OR APPENDICES

<http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/unesco-partners-in-the-field-of-the-safety-of-journalists/> - This site may be helpful to show what organizations your country may be a part of, or may be supporting. You can also look into what these organizations have done as a way to think of ideas for your resolution.

<https://www.dw.com/en/pressing-for-media-freedom-25-years-after-windhoek-declaration/a-19201228> - This site is helpful as it outlines the challenges that journalists face when they are victims of repression. This detailed article may help you draft ideas that are specific for your resolution.