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Forum: GC5

Issue: The question of the freedom of press

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Introduction

Humans are free to do anything they want-unless it does not overlap with someone else's privacy. Who determines what overlaps with what, and is this profound-looking hollow statement open for any misuse and manipulation? In today's globalised world, people are more eager to learn what takes place around them than ever. With the involvement of mass media and additional boost by global internet, this curiosity does not recognise its limit to thing happening around, but rather across all continents. Today, we are just couple of clicks away from learning about things taking place thousands of kilometers away, which indicates the reach of media in today's civilization.

Coming to the first question, due to fact that media holds such power and influence in its hands, governments and leaders tend to control the media in a biased way. Sometimes, a platform created to spread clear information turns into clear propaganda, and in other cases gets closed for doing its job properly. For centuries, media has been targeted by authorities in order to maintain control over their citizens. Today, this issue does not discriminate between developed or undeveloped nations-it is seen in governing bodies across the globe. Media integrating itself into the daily life just put this issue under spotlight. People are shocked to face filtered & biased information when they simply come to get informed upon what is going on. Even worse, some individuals consume media content without a second-thought, which in some cases leads to a case called "brainwashing". Today, people are more afraid than ever-there are millions of stories across nations due to globalized communication and millions of sources self-promoting to be unbiased when most of them don't match to each other. In this chair report, we will handle the issue of how an informative platform is distorted into a mass reaching machine for people and parties with authority, otherwise can be stated as the question of the freedom of press.

Definition of Key Terms

Censorship: The suppression or prohibition of media outlets that are seen politically inappropriate.

Fact: Something that is known or was proven to be correct.

Freedom of Press: The principle that pertains to the circulation of opinions in the press without any restrictions.



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Hate speech: Speech that attacks individuals on the base of their sex, religion, race, ethnicity, culture, disability, sexual orientation, or gender identity.

Libel: Defamation with regards to an individual or an institution. Categorized as a crime mostly in the context of the state, government officials, and prominent individuals.

New media: Mass communication using the Internet.

Propaganda: A series of devised messages to influence the thoughts and behavior of masses.

Restriction: A limiting condition or measure, especially a legal one.

Background Information

Press is an invention that has entered our lives later in the history of the human civilization than many other inventions. Its freedom, on top of it, is younger than the Industrial Revolution. However, the press and its freedom have been affected by many developments throughout the course of human history. As events keep shaping our world and thus the press, and technology becomes a more and more integral part of the media, building an understanding of the development of press and its freedom from the past, to the present day and into the future is necessary in order to best understand the issue at hand.

History of the Press and the Freedom of Press:

The invention of mechanized printing by Johann Gutenberg in the 15th century enabled the spread of information at an unseen rate, and this development can also be attributed to the development of a concept of media. However, this concept was deemed potentially subversive and dangerous for many power structures, namely the Catholic Church and kingdoms back then. This matter of fact can be considered as the inception of censorship in its modern sense.

John Milton, the renowned British poet, made a defense of the freedom of press in his 1644 pamphlet 'Areopagitica'. This pamphlet was written after a law passed by the British Parliament that required government approval for any and all publications, which also had implications on Milton, an outspoken critic of the government. Milton, renowned by his statement "As good almost kill a man as kill a good book.", argued that "Truth and understanding are not such wares to be monopolized and traded by tickets and statutes and standards." (The Holinshed Project) The main idea behind Milton's philosophy was that the press was a medium between the commoners and the truth and free opinion, and under no circumstance should they be taken captive by or used in the special interests of any entity." This notion also underlies the concept of press freedom in the modern world.

One of the most important developments in press freedom occurred in colonial America, in 1733. John Peter Zenger, a newspaper publisher, was acquitted following his trial due to his



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criticism of the then-Governor of New York. Legal recognition with regards to the freedom of press was first on behalf of Sweden. On 2 December 1766 Sweden was the first country ever to introduce freedom of press into its laws (Official Site of Sweden). The Swedish Freedom of the Press Act, in its official name, was also groundbreaking in the context of civilian access to public documents. The United States also followed suit with the Bill of Rights, which later became part of the US Constitution in 1791. The freedom of press was enshrined in the very First Amendment, as “Congress shall make no law...abridging the freedom of speech, or the press.” (Cunningham, John M.)

John Stuart Mill is another renowned Briton, as one of the most influential philosophers of all time. In his 1869 book ‘On Liberty’, Mill emphasizes under his utilitarian approach, that an individual cannot be deprived of their right to freedom of expression unless they are of harm to others, and that the deprivation of individuals from their rights of expression will be detrimental for the truth. Therefore, the freedom of expression and of press are fundamental for societal well-being.

In the last century, many countries, especially the developed, have amended their legislations for the enshrinement of the freedom of speech. However, this does not indicate that the status of the freedom of speech is all fair and square, with abundant censorship and other restrictions of the press occurring around the world.

Freedom of Press by Definition and its Extent:

Freedom of press can be defined as the right of the press to publish information, as well as ideas and opinions, through all means, with the least restrictions possible to maintain integrity but not to impede the expanse of the organs in their scopes. This concept has been elaborated in developing countries as one that exempts any and all forms of expression on the media from restriction unless hate speech, child pornography or libel are committed. However, some countries go further in their extent of restricting press freedom, as expressions that are deemed as potentially dangerous for national security, the stability of the government, or socially divisive, can be outlawed.

The Pentagon Papers:

In 1967, the then-US Secretary of State Robert McNamara commissioned papers on United States’ military involvement in Indochina (present-day Vietnam, Cambodia and Laos) between the end of the Second World War and the May of 1968. The project consisted of a 47-volume history, with approximately 3,000 pages of narrative and 4,000 pages of documents added to the end. The work took 18 months. However, Daniel Ellsberg, a senior



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research associate at the Massachusetts Institute of Technology's Center for International Studies, an individual who fervently supported initial US military involvement in Vietnam, felt compelled to leak some of these documents after he discovered the true nature of the involvement during his work in the project and became opposed to it.

The New York Times then went on to publish a series of consecutive articles on these documents, which was classified as "Top Secret". However, after the third installment, the U.S. Department of Justice issued temporary restraining order against further publication of the classified material, deciding that the continued distribution of the material would immediately and irreparably harm U.S. national defense interests. The New York Times and The Washington Post tried to repeal the order for the next 15 days. On June 30, 1971, in one of the most important prior-restraint cases in history, the U.S. Supreme Court ruled 6-3 in favor of the newspapers, and held that the government was unsuccessful in its justification for restraint of publication (Encyclopedia Britannica).

Freedom of Press in the 21st Century:

The status of the freedom of press was solidified as the world entered the 21st century. However, the PATRIOT Act of the United States, a series of precautionary policies intended to enhance the power of the country to collect information during its War on Terror after the 9/11 attacks, was thought to be seriously compromising for the rights and freedoms of the journalists. The Act contained chapters that allowed government officials to access and seize the notes of journalists (Gale, Thompson).

As the world proceeds later into the 21st century, a trend of deterioration can be observed in press freedoms around the world. According to Article 19, a non-profit organization that advocates for freedom of expression around the world, the status of freedom of press was the worst in 2017 over the entire century. In countries like Turkey, Brazil, Venezuela and Poland, freedom of press has only shrunk. The rise of autocratic regimes like those in Venezuela and Poland, as well as paradigm shifts in the entire landscape, as in Turkey, are the main reasons why freedom of press is in decline. The United Kingdom is also an interesting example where the country has descended to the 40th rank globally, after the enactment of the Investigatory Powers Act, "one of the most draconian surveillance legislation" per The Guardian (Ruddick, Graham). The European Court of Human Rights had ruled for the stopping of the execution of the act, as of September 2018.

The Republic of Turkey has also experienced a decline in its degree of freedom. Over the course of the last three years, 152 Turkish journalists were in prison in 2017, and more than



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170 media organizations have been shut down (Ruddick, Graham). Freedom House has decreased the rating of Turkish press from ‘partly free’ in 2013 to ‘not free’ in 2018.

A New Approach to Hate Speech:

Hate speech, as defined in the key terms, is speech attacking an individual with regards to their distinctive features. Hate speech has usually been observed as one of the very few exceptions to the freedom of speech, and this concept has been left relatively open-ended in some legal texts. And even not outlawed in most cases, such as that of the United States.

However, recent opinion illustrates a shift of opinion towards hate speech. It is advocated by some people that not only should hate speech be illegal, but the exposure of people to hate speech from which they can be offended must be prevented as much as possible. As sensible this might sound, such a change would require strict definitions on what hate speech is and what isn't, and very strict inspections on content. Reporting mechanisms on some platforms such as social media can be effective, yet people are rightfully concerned that such practices may also be employed to suppress certain opinions, most importantly controversial ones. The existence of such measures might create a constant concern among the journalist committee, possibly leading them to refrain from expressing the truth.

With all these factors in mind, it is most appropriate that hate speech is outlawed in very specific instances. Karl Popper's Paradox of Tolerance might be a guide in the quest for optimally free and benevolent speech in the media. This paradox indicates that tolerance for intolerance, might bring the end of tolerance. Combining this principle with Mill's utilitarianism sets a path for a media environment where all opinions tolerant of other opinions and the freedom of press and expression can in fact be tolerated. However, this topic is entirely upon the ideas and thinking of the international community, and these statements are just as relative food for thought.

Freedom of Press in the Digital Age:

Freedom of press today should not be restricted only to conventional sources of media. New media, or internet based media, has grown dramatically over the last few years. New media, over this time period, has expanded to such an extent that many famous newspapers like the New York Times have started paid subscriptions to their online website, and The Independent has gone to the extent of completely ending their paper issue and publishing fully online.

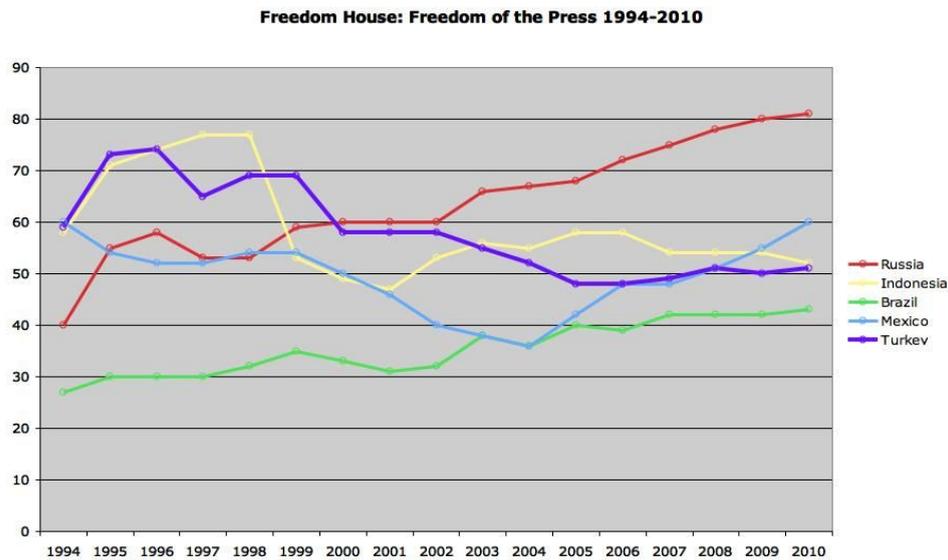
The Internet, as a whole new platform, also brings its challenges, with relatively less common news sources also gaining prominence and expanding access to information. This poses a



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threat to the authenticity of the news published by all press organs, and some politicians like Donald Trump go to the extent of calling press organs ‘fake news’. This question regarding the authenticity of published information has also been addressed by social media networks like Facebook and Twitter, due to the abundance of false or unverified information.

The Internet has also provided the opportunity for autocratic regimes to further exert their control over the media. Countries like People’s Republic of China and the Russian Federation have blocked access to hundreds of websites, restricting both the rights of the press and the rights of the people.



***Picture 1.1:** Represents the changes of freedom of press in certain countries.

Timeline of Major Events

15th century	The Gutenberg print
1644	Milton’s Areopagitica



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1733	John Peter Zenger acquitted from charges of libel against a colonial governor
December 1766	The introduction of the first press freedom act in Sweden, The Swedish Freedom of the Press Act
1791	The American Bill of Rights
June 1917	The US Congress enacts The Espionage Act, which outlaws the release of information that can constitute a threat to American national security
1933-1945	Strict restrictions on press freedom by fascist regimes in Germany, Italy and Spain
December 1948	The Universal Declaration of Human Rights enacted in Paris, direct reference to “the freedom of opinion and expression”
June 1971	Pentagon Papers published, Supreme Court hearing in favor of publishers
1919-1991	Restrictions on the freedom of press by the USSR and other socialist countries
October 2001	The PATRIOT Act passes from Congress
April 2006	UN General Assembly Resolution 60/251
April 2013	Nicolas Maduro becomes President of Venezuela, puts restrictions on over 100 radio stations and various other news outlets over the course of six years.

Major Countries and Organizations Involved

The Republic of Turkey:

After the Erdoğan regime, the Republic of Turkey has taken a negatively revolutionary view upon the issue. According to Stockholm Center for Freedom, 122



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journalists received jail sentence in the year 2018 alone. After 15 July coup attempt in 2016, 231 journalists was aimed to prisons across Turkey.

The European Union:

The EU has been significantly efficient regarding the issue, with many establishments such as the EU Code of Conduct. Furthermore, the European Court of Human Rights (ECHR) has been securing the rights of many journalists who faced oppression and even jail sentence in their homeland. An example for ECHR's work would be when two Turkish journalists named Mehmet Altan and Şahit Alpay appealed to the European Court, conclusion included the government's violation of 5, 10, 17, and 18.

The United States of America:

Under the First Amendment, the freedom of press was secured in the United States and the interference of American government into the sharing and distribution of information was inhibited. The Reporters Without Borders and their Press Freedom Index has placed the United States behind top western nations but above all Asian states, counting the US as 45th in the world. With radical changes in the White House, this score has seen fluctuation. Indeed, the table below explains the score United States was placed in.

Year of conduction	The score of US given by RWB
2009	20
2010	20
2012	47
2013	32
2014	46
2015	49
2016	41
2017	43
2018	45



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After Donald J. Trump's takeover of the office in 2016, the US fell down by the score of 4, which is heavily criticized by both American journalists and the American population. After Trump's influence, the political influence over media channels have been clearer, with main parties such as Fox News becoming clear supporters of Republicans.

The Russian Federation:

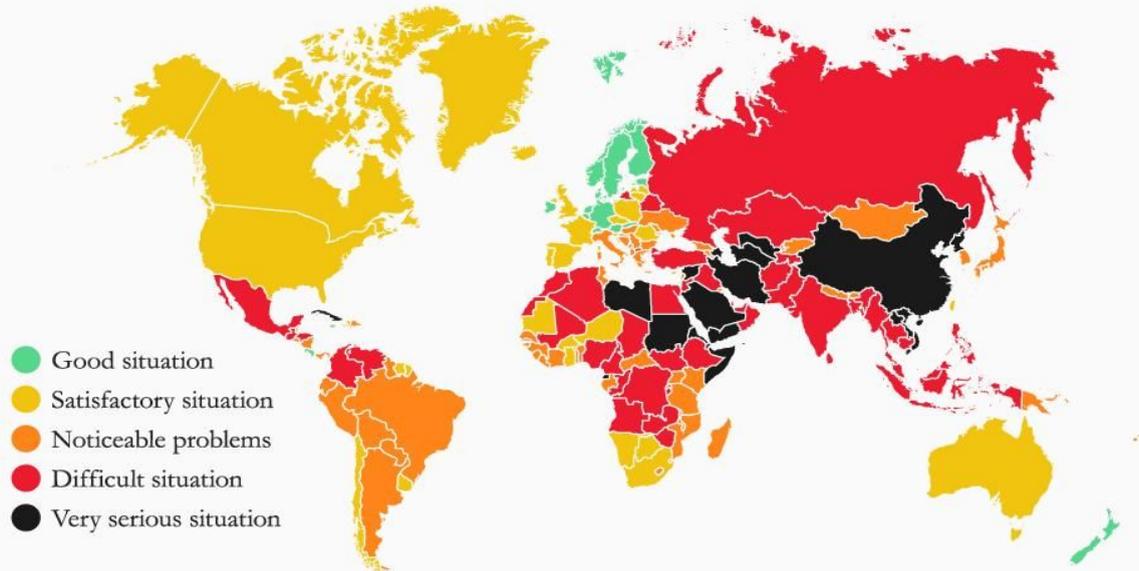
Being one of the most developed countries across the globe, the Russian government has been counted as "one of the most strict" when it comes to national publications and sharing of information. Indeed, the Russian government is known to be at the very bottoms of freedom of press indexes, i.e. being placed just 4 points under South Sudan, in 148. The federation has been considered as "Not Free" by the Reporters Without Borders since 2017 and has been exposed and accused of many killings of journalists that took opposing stances to the government, i.e. the killing of Anna Politkovskaya, famous journalist that openly criticized Russian government for their actions in Chechnya, in 7 October 2006. Ombudsman of Russian Federation represents the nation's population by the context of human rights and life quality. While less than a half of the Federation's 83 administrative regions restrained from electing one, in 2006, Russian Ombudsman Vladimir Lukin has stated that "suggesting that freedom of speech is non-existent in Russia would be an exaggeration, the constitutional right for speech freedom is basically observed, as well as that there was no institutionalised censorship (Wikipedia)".



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World press freedom visualised

Countries ranked by level of press freedom in 2016



Sources: Reporters Without Borders,
World Press Freedom Index



INDEPENDENT

statista

*** Picture 1.2: Represents the color-coded world countries by the world press freedom index.**

Previous Attempts to Solve the Issue

Although each nation had established their national legislation upon the issue to some extent (i.e. the First Amendment of the US), they have not been successful enough to fully implement it. This fact reveals that the main problem is not the absence of law, but rather the corruption of the government within the implementation of the legislation. Additionally, while lacking the implementation, politically backed-up criminal organizations have been one of the major parties that has harmed the security of journalists. Indeed, journalists are still assassinated until this day which indicates that existing establishments such as the European Court of Human Rights has not done anything but fining countries. The issue is considered as tackled for every nation with their legislation i.e. the Russian Federation, but countries continue to score high levels of distrust in their interference in information publication. Adding up to that, many top-class superpowers such as China and the US have been placed in really hostile lists regarding the issue, such as the Reporters Without Borders' Enemies of the Internet index.



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Possible Solutions

The creation of definitive guidelines on the classification of expression as different forms of hate speech

Further elaboration on the processing mechanisms of social media networks regarding sources of information and potentially vulgar opinions, with the help of the international community

Creation of guidelines compatible with Internet-based newspapers

Useful Links For Further Research

http://www.aejmc.org/home/wp-content/uploads/2013/08/AEJMC_Summit_Report.pdf

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