



ODUMUNC 39

Human Rights Council

Reaffirming the Right to Freedom of the Press

By: Felicia Fisher



Issue Brief for the Human Rights Council

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Old Dominion University Model United Nations Society

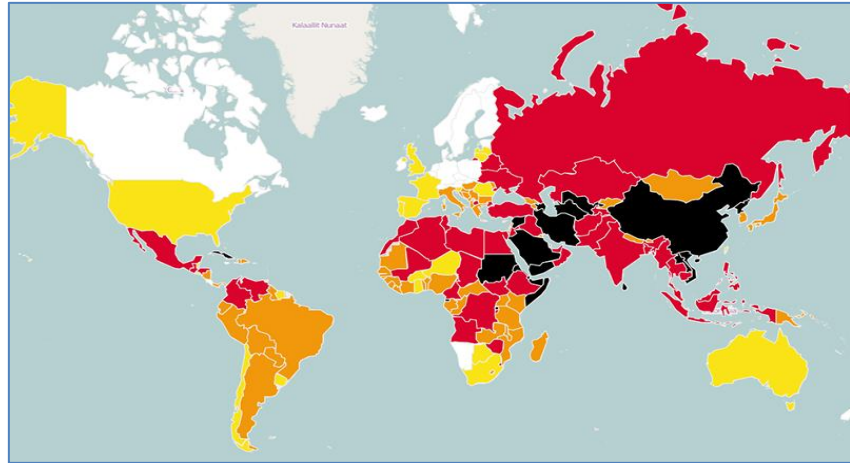
Introduction

The Human Rights Council is one of the more controversial bodies of the United Nations (UN). Current member states represent a wide array of political and religious structures from the Netherlands to Vietnam and Morocco. The diversity that exists within the Human Rights Council (HRC) equally symbolizes a major issue within the structure of human rights. Accountability and responsibility are subjective ideals in many sovereign states as a result of violations against human rights. Over the past decade specifically, more journalists or exercisers of freedom of the press have been kidnapped, imprisoned, and even murdered. Political leverage and human life are at stake, particularly in the international arena.

Freedom of the press as a human right has historically been a consent for much of the Western world. The evolution of technology within the last century has changed the dynamic of freedom of the press; press is no longer restricted to newspapers but now radio, television, social media, the internet, mobile devices, and a host of other platforms are available to the public. Less constraint on media particularly in the content and censorship arenas liberates populations all across the world. As a consequence of press freedom conflicts with religious and political institutions often arise.

Throughout the past century, communication in journalism/press has flourished with collaboration in the public and with higher institutions. Freedom of the press has the potential to increase the education and the perception of a state's environment, because

it provides information with concentration. Sovereignty is a bigger challenge under the human right to freedom of the press. Ultimately, the UN and the HRC play the role of a middle



man that cannot police the execution of laws or rights within a particular state. Neutrality cannot continue to dominate legal practices extending consequences to states that neglect freedom of the press.

Figure 1.

Press Freedom Index

Current Situation

In many instances the issues surrounding freedom of the press are not mainstreamed in the media unless actions violate international law and doctrine. The United Nations, in an effort to spread awareness about freedom of the press, established “World Press Freedom Day,” celebrated annually on May 3rd. This day is symbolic of the effort to reconstruct the implementation of press freedom.¹ Alongside the HRC, the Non-Governmental organization (NGO) Reporters

¹UN Media Centre. “On World Press Freedom Day, UN says free expression vital for global sustainability.” United Nations. May 3, 2015.



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without Borders advocates for freedom of the press as a powerful tool for sustainability.

Figure 2.

Actors like the United States and France have almost been forced to react to the negligence of freedom of the press because of mainstream internal conflicts, especially involving their citizens overseas (journalists particularly). Infamously, the Charlie Hebdo editorial's contribution to the press in Paris, France ignited more controversy over press freedom. This time the printed Charlie Hebdo comics illustrated an image of Mohammed, sacred to the Muslim world, involved in what was seen as terrorism. Charlie Hebdo reminded the world of how crucial the ramifications of protecting the freedom of the press are, and how content in public press can affect international relations/security. The unfamiliar happy medium in freedom of the press is to reach a sense of tolerable censorship and appeal to a consequential system of retaliation.

The United States over the past couple

of years has faced backlash from the African American community specifically because of restrictions on press freedom. Numerous journalists and press photographers in Ferguson, Missouri were arrested for covering the Mike Brown story which quickly escalated into furious protests and riots.² Arrests surrounding first amendment rights are controversial in this context specifically because there was no harm committed by the journalists. Violation lies in institutional interests to remove relevant resources like journalists from the masses, limiting their exposure to reality. Censorship in this case is to solely benefit the police and disciplinarians not the populations watching at home or protesting citizens exercising their rights. A distinction of the parameters of enforcing regulations to freedom of the press must be outlined in documentation moving forward.

Another instance of press freedom gone wrong involves Turkey and a few VICE reporters for supposedly recruiting members to terrorist groups. According to CNN, "Jake Hanrahan and Philip Pendlebury, the two British reporters"³ were at the center of "inappropriate"





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interviews and research that took place in Turkey with Kurdish groups. Considering the political and religious interests in Turkey, it is very ideal that press freedom is at the discretion of an institution. The sensitivity and censorship surrounding communication with terror groups in this case was seen as a complete violation of the rights and responsibilities of reporters/journalists. Now lies the principle of subjective unjust discipline against innocent reporters, that according to the Turkish government is justified because the content of the incident. The role of the British government in seeking justice for these reporters across Turkish borders is another concern. Sovereignty is a great burden in this instance, it can either free or capture the essence of basic rights.

United Nations Actions, Role, & Resolutions

The foundation of the HRC's principle of press freedom stems from the United Nations Universal Declaration of Human Rights. Inducted into the UN in 1948, the Universal Declaration of Human Rights states in article nineteen, "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."⁴ The need to enforce human rights has always been a vital aspect of international legislature and has to be upheld regardless of changes in politics, actors, and interests.

Within the past five years the HRC has put forth two major resolutions, one in 2012 and another in 2014 known as HRC Resolution



Figure 3.

21/12 and HRC Resolution 27/L.7 respectively. Both resolutions are recommendations for securing international journalists. Each resolution is an example of how the structure of the HRC is designed to be passive aggressive in valuing accountability.⁵ Responsibilities within the United Nations Human Rights Council need reform which creates a bigger obstacle for states seeking reaffirmation of the press.

Another active participant in tackling freedom of the press is the United Nations Educational, Scientific, and Cultural Organization (UNESCO). One of UNESCO's major focuses within press freedom is protection of the freedom of expression.⁶ Journalism safety is at the forefront of UNESCO's information and debate, but the organization is collectively more efficient in resolving press freedom conflict than it is in the protection of actual people instead of

⁴United Nations. *The Universal Declaration of Human Rights*. <http://www.un.org/en/documents/udhr/history.shtml> and <http://www.un.org/en/documents/udhr/> September 2015.

⁵UNHRC. "Human Rights Council Resolution 21/12." [Securitycouncilreport.org](http://www.securitycouncilreport.org). October 9, 2012. 15 UNHRC. "Human Rights Council Resolution 27/L.7." UN News Center. September 19, 2014.

⁶UNESCO. *Communication and Information: Press Freedom*. UNESCO.



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collections of ideas. Though UNESCO means well, regulations and documentation are more often generalized, uniformed stipulations backed by international law. In order to effectively gain leverage in manipulating a state's interest, the risks have to be more detrimental and interrupting of social, political, and legal order. The largest UN body, the General Assembly, is also in a consent roadblock, and that is protecting press /freedom through journalists' safety. Resolution 68/163 in 2013 illustrates "impunity" as an overlooked dynamic of journalist safety and freedom of the press.

Issues Facing the Body & Key Arguments

A major issue facing the UNHRC is bloc politics and acting in accordance to state and regional interest solely. Generally African and Asian states have a larger presence, conflicting with the reality of major actors globally in the international arena.⁷ The United States, European Union, and Russia are less inclined to delineate policy complimentary to African politics for instance. Outside of regional and political blocs all other countries act non-cohesively which makes the HRC more ineffective.

Ineffectiveness within the HRC also extends from a lack of efficiency or priority when discussing the vitality of all human rights. China, for instance, has many human rights restrictions due to the prevalence of political authority and a different social structure from western thought, which may not involve reaffirming freedom of the press. Conflict driven states also face challenges when

organizing which human rights to prioritize and which to dismiss. The UN as an institution does not collectively utilize its resources as having the membership of 193 full member states (and two observers) to stabilize tension. Ultimately, the UN walks a fine line between being overbearing in state policy or being too passive aggressive initiating diplomacy.

Country Positions

The European Union:

The European Union is a major actor in international relations and human rights, specifically freedom of the press as something they cohesively advocate. In the Charter of Fundamental Rights of the European Union, Article 11 concisely voices freedom of expression and information pertaining to the press.⁸ The EU understands press freedom as a natural human right granted under several political and legal documents. Contributing to uncensored press and media communication/expression the EU practices a more Western, democratic system. As a way to reaffirm freedom of the press globally the European Union could favorably reach out to its ally the International Criminal Court. The ICC can act as the legal counterpart to intervene in violations of the rights to freedom of the press.

China:

China's political practice in isolationism creates a divergence when tackling ways of resolving the rights to freedom of the press. The Chinese Communist Party's interference with media and press output has completely censored mainstream audiences in the public of

⁷United Nations Human Rights Council. September 2015. <http://www.ohchr.org/EN/HRBodies/HRC/Pages/CurentMembers.aspx>

⁸EU. *Charter of Fundamental Rights of the European Union*. European Parliament. December 12, 2000.



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maintaining a bias view of China internally. Press and journalists who are unprotected in China will face some of the more cruel consequences when exercising their press freedom. A Central Propaganda Department also exists under the Chinese Communist Party which is another body China has as leverage to ignore the interests of natives but all people using their rights. Therefore Chinese institutions do not look favorably upon the reaffirmation of absolute freedom of the press, because it completely conflicts with their authoritative system.⁹

media because of violence against journalists and reporters having communication to terrorist groups, etc. A change in the blueprint of how these states enforce freedom of expression rights needs to be ratified. Subjective means for punishing outsiders (journalists, reporters, photojournalists) will not sustain if more of the offenders don't belong to the aggressive state.

The United States of America:

The United States of America is one of the more liberal states when it comes to human rights under the US Constitution, the First Amendment specifically. Freedom of the press is one of the core rights outlined, but with national security facing bigger risks the United States, the country might need to reshape the dynamics of press freedom. Transparency, specifically, has become a major factor in the policy of American press freedom internally and abroad. Aggressive judicial harassment is a conditioned behavior under certain branches of the US government when it comes to protecting the rights of its citizens and disciplining perpetrators.

The Arab League,

The Middle Eastern bloc of states typically believe that press freedom is stated as an exercised right under state constitutions and international law, but are often contested.

¹⁰Frequently this region of the world is in the

⁹Freedom Press. "China 2015". Freedom of the Press 2015. January 1, 2015

¹⁰CNN. "Government positions on Press Freedom in the Middle East." October 1, 2013.

<http://www.cnn.com/2013/09/27/world/meast/mideast-press-freedom-government-response/>



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