

Implementation of Press Freedom under Article 19 of the Universal Declaration of Human Rights among Selected United Nations Member States: SWOT Analysis

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ABSTRACT

The Universal Declaration of Human Rights adopted by the United Nations in 1948 in its 19th article stipulates 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. The implementation of this article pushed the UN to attribute to the United Nations Educational, Scientific, and Cultural Organization (UNESCO) a specific mandate which is to foster freedom of expression, and its corollaries, press freedom and freedom of information. In addition, many countries recognize the press freedom in their constitutions and laws to allow journalists and people to access and disseminate information. However, we noticed that the implementation of press freedom is not smoothly done in member States of the UN. Thus, this SWOT Analysis aims at providing the current situation of press freedom and the suggestions that should help to improve its implementation in the world.

Key words: *Press Freedom, Human Rights, United Nations*

INTRODUCTION

Freedom of the press or freedom of the media is the freedom of communication and expression through mediums including various electronic media and published materials. While such freedom mostly implies the absence of interference from an overreaching state, its preservation may be sought through constitutional or other legal protections (Wikipedia, 2017). For UNESCO (2014) (<https://en.unesco.org/themes/press-freedom-all-platforms>), press freedom is a corollary of the general right to freedom of expression. Since 1991, the year of the seminal Windhoek Declaration, which was endorsed by UN Member States,

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UNESCO has understood press freedom as designating the conditions of media freedom, pluralism, and independence, as well as the safety of journalists. This freedom of press derives its legitimacy from the 19th Article of the Universal Declaration on Human Rights which stipulates 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”.

The implementation of this Article pushed the United Nations to attribute to UNESCO a specific mandate which is to foster freedom of expression and its corollaries, press freedom, and freedom of information. UNESCO sees these rights as crucial foundations of democracy, development and dialogue, and as preconditions for protecting and promoting all other human rights (UNESCO, 2017) (<https://en.unesco.org/events/presentation-world-trends-freedom-expression-and-media-development-global-report-2017/2018>).

In this framework of supporting press freedom and strengthening professional standards and developing cross-disciplinary knowledge amongst media professionals, many countries all over the world recognize the freedom of media and access to information in their laws. However, we noticed that there are many reports which confirm that the implementation of press freedom all over the world faces many challenges. Thus, in the following lines, we are going to discuss strengths, weaknesses, opportunities, and threats of the implementation of press freedom among the United Nations’ member States.

Strengths of the implementation of Press Freedom

The first strength of the implementation of press freedom is the existence of treaties and laws that support press freedom. Besides the human rights documents promulgated by the UN in 1948, the right to freedom of speech and the right to freedom of the press are also protected by many international and regional organizations. On the global scale, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) is always in the forefront in pushing ahead the freedom of speech and the freedom of the press; protecting the interests of the journalists. The European Convention on Human Rights (Article 10), the American Convention on Human Rights (Clause 13) of the African Charter on Human Rights, and the rights of nations (Article 9) have acknowledged the rights to freedom of speech and of the press. The Human Rights Charter of Asian

approved by the Association of Asian Parliaments for Peace (AAPP) in Pataya (Thailand) in November 2005, in Article 12, says: “The freedom of opinion and the freedom of speech” provide quite concretely the right to freedom of speech, similar to the content already provided in the UN human rights (Đang and Chu, 2017). Additional to the international treaties, many countries recognize the freedom of press and access to information. For instance, the 38th Article of the Rwandan Constitution modified in December 2015 through referendum emphasizes the freedom of press, of expression, and of access to information. It stipulates that:

Freedom of press, of expression, and of access to information are recognized and guaranteed by the State. Freedom of expression and freedom of access to information shall not prejudice public order, good morals, the protection of the youth and children, the right of every citizen to honour and dignity, and protection of personal and family privacy (http://minijust.gov.rw/fileadmin/Law_and_Regulations/Official_Gazette_no_Special_of_24.12.2015__2__1_.pdf).

According to The International Federation of Library Associations and Institutions (IFLA), there are also many organizations that fight for the freedom of press, among them are Reporters Without Borders, Amnesty International, (Named after Article 19 of the Universal Declaration of Human Rights, the organisation works worldwide to combat censorship by promoting freedom of expression and access to official information), Committee to Protect Journalists, (A non-profit organization founded to promote press freedom worldwide by defending the rights of journalists to report the news without fear of reprisal), Derechos Human Rights (An Internet based human rights organization working for the promotion and respect of human rights all over the world, for the right to privacy and against impunity for human rights violators). Some others include Electronic Frontier Foundation (A non-profit, non-partisan organization working in the public interest to protect fundamental civil liberties, including privacy and freedom of expression in the area of computers and the Internet), Global Internet Liberty Campaign (A coalition of civil liberties and human rights organizations fighting censorship and advocating the freedom of expression and other human rights on the Internet and in online communication), Human Rights Internet (HRI is dedicated to the empowerment of human rights activists and organizations, and to the education of governmental and intergovernmental agencies and officials and other actors in the public and private sphere, on human rights issues and the role of civil society).

Human Rights Watch (Human Rights Watch is dedicated to protecting the human rights of people around the world supporting victims and activists, investigating and exposing violations, holding abusers accountable and challenging governments to respect international human rights law, International Federation of Journalists (It promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists) IFLA (2017). Furthermore some journalists are very committed to being professional and to respecting their profession so much so that many of them died fighting for the freedom of press. Both professional commitment and job security are considered among the significant factors for the success of any profession. For instance, in Pakistan, Bashir (2013) indicates that 60.2% of journalists were found showing professional commitment, as they expressed that they would not leave the journalism profession even if they got an offer for a better job. And it was similar with American and Chinese journalists who also planned to remain in the field.

Weaknesses of the implementation of the Press Freedom in the world

United Nations, UNESCO, the United States and many other nations have recognized the importance of freedom of expression and freedom of press or media, as well as freedom to safeguard democracy and grow as nations. However, this does not mean all the contents that are stipulated in the treaties and countries' laws are respected so that the implementation of press freedom is done smoothly without challenges. Thus, those challenges are always pointed out by different organizations which fight for freedom of press. For instance, UNESCO, in its reports published in 2016, indicates that across the world, journalism is under fire and emphasizes that while more individuals have access to content than ever before, the combination of political polarization and technological change has facilitated the rapid spread of hate speech, misogyny, and unverified 'fake news', often leading to disproportionate restrictions on freedom of expression. In an ever-growing number of countries, journalists face physical and verbal attacks that threaten their ability to report news and information to the public.

Reporters Without Borders (RWB), or Reporters Sans Frontières (RSF) which is an international non-profit, non-governmental organization that promotes and defends freedom of information and freedom of the press, confirms the concern of UNESCO where RWB reveals on its website that 62 journalists, 9 citizens journalists and 8 media assistants have been killed in 2016. Reporters

Without Borders specifies that that number concerns only journalists for whom RWB was able to clearly establish that they were killed or imprisoned in connection with their journalistic work. It does not include those who were killed or imprisoned for reasons unrelated to their work or for whom the link with their work has not yet been confirmed (RWB, 2017). As seen above, the first weakness or challenge that the implementation of the press freedom faces is that some people do not respect the treaties and the laws established to guarantee and protect press freedom so that they kill professional journalists.

Another weakness or challenge is that unprofessional journalists do not respect professional criteria of journalism, the ethics, and deontology of journalism. For example Rush (2017) indicates:

“even some members of our establishment, even some in the Republican establishment, in the conservative media who are standoffish to the media cause they consider themselves to be part of it and friends with other members are commenting on how the media today has reached a new low, literally the bottom of the barrel, literally so low that when they look up they see the gutter.”

The third weakness or challenge is the poverty of the media and the journalists. Many media outlets all over the world do not have sufficient financial means to fulfil their professional tasks so that their managers solicit help from sponsors with many conditions related to their own interests. Others look for advertisements in order to run their media. In this framework, the political–economic theory finds its real place because the media outlets become unable to publish information that are against the interests of their sponsors or their advertisers. For instance, in Rwanda, Mobile Telephone Network (MTN) advertises their products and services via many media outlets and collaborates with them so that one of the employees of MTN, Yvonne Manzi Makolo, the communication officer, in June 2012 said that Rwandan media and journalists are major players in MTN’s. Thus, even though MTN has some services that do not satisfy the clients, yet the media often talks negatively about MTN Rwanda.

Additionally, in Rwanda, some journalists receive the “brown envelope”. Transparency International Rwanda (2015) indicates that when it comes to forms of corruption, bribes (cash transfers) and nepotism rank highest. Favouritism and sex-based corruption are also found as frequent occurrences. Gift giving and extortion are least frequently reported, nevertheless present. The amounts of corrupt transactions are reportedly very significant. The perceptions from media

professionals put an average monetary volume of a bribe at 10.155.000 Rwf, equivalent to 13.540 USD. When analysing concrete channels of corruption in media, accessing adverts emerged as the area most prone to corruption according to media professionals perception (45.1%) and stakeholder's perception (34.4%). It has been reported that it is common practice that advert contracts with private companies usually contain a clause which prohibits publishing anything that can tarnish their image. A special area in this regard is promotion of artists. *Gutanga hit* is a commonly used expression meaning that artistes are obliged to tip journalists in one way or another in order to be regularly invited for TV shows or for their masterpieces to be aired on radio, TV, or online (Transparency International Rwanda, 2015).

Transparency International Rwanda (2015) also indicates that the most frequent reasons for making a corrupt transaction, reported by both media professionals and stakeholders, is publishing information. Winning an advertisement, hiring a relative, censoring of information or musician promotion are other frequently cited reasons for entering corruption transactions.

In terms of institutions prone to indulge media in corruption, private sector institutions emerge as most likely to indulge media in corruption. Public institutions come in the second position, followed by local governments. Community service organizations stand as least likely to encourage corruption in media. In this connection, 35.1% and 28.8% of media practitioners and stakeholders respectively reported a challenge accessing information (Transparency International Rwanda, 2015).

Despite the robust Access to Information Law, some institutions do not comply or do not provide information to the journalists unless they report favourably. A specific form of corruption is referred to as *Giti*. This practice referred to as *Imyanzuroy'inama* (decisions of the meeting), is a situation where after every meeting or event, journalists approach the staff in charge of finance asking for money or transportation fare. If *Giti* is not provided, the angle or manner of reporting a story is maliciously changed. This practice is of course against article 2 of the media code of ethics which states: "Journalists and any other media professional shall abhor lies. They have the obligation to respect facts and search for truth, keeping in mind the public right to true information". However, this conduct is still entrenched when dealing with media professionals (Transparency International Rwanda, 2015).

In Pakistan, the privatization of the media is not a guarantee of journalistic freedom, particularly political pressures (Volcic and Erjavec, 2012).

Rather it is said that, the group that is perceived to have increased their influence the most is media owners (Stromback and Karlsson, 2011). They (media owners) interfere with the work of journalists and explain how journalists can report politics as inferred by Volcic and Erjavec (2012). The media owners also decide budgets, set editorial guidelines and policies, and appoint editors and staff, and thus influence the news production processes albeit not necessarily individual news stories (Stromback and Karlsson, 2011). Therefore, the influence of media owners on content is an essential concern in the news media. And it is rather supposed as an ominous one when the media ownership is concentrated in fewer and fewer hands (Jung and Kim, 2011). One such negative consequence of media ownership's concentration in few hands is exemplified by Tyree, Byerly, and Hamilton (2011) while citing Campbell (2005) as follows: "American's media system is primarily owned and controlled by Whites, and media representations of African-Americans, especially men, often come under criticism for being stereotypical or uncharacteristic" (Campbell, 2005). Further political organizations, interest groups, corporations and other source organizations have also increased their efforts to manage news, particularly by pressurizing weak organizations to accept news subsidies as cited by Stromback and Karlsson (2011).

Opportunities for the implementation of Press Freedom in the world

According to the discussion held with some professional journalists in Rwanda, as time goes by, traditional media slowly loses importance in the dissemination of information and news due to the proliferation of social media platforms and that is the reason why citizen journalism is growing quickly. Even if some countries censor some websites and blogs, it is not easy to censor social media platforms such as WhatsApp, Facebook, Twitter among others. Internet censorship is the control or suppression of what can be accessed, published, or viewed on the internet, effected either by regulators or by media companies themselves. Individuals and organizations may engage in self-censorship for moral, religious, or business reasons; to conform to societal norms, due to intimidation, or out of fear of legal or other consequences.

The extent of internet censorship varies on a country-to-country basis. While most democratic countries have moderate internet censorship, other countries go as far as limiting access to information such as news, and suppressing discussion among citizens. Internet censorship also occurs in response to or in

anticipation of events such as elections, protests, and riots. An example is the increased censorship due to the events of the Arab Spring. Other areas of censorship include copyrights, defamation, harassment, and obscene material. Support for and opposition to internet censorship also varies. In a 2012 Internet Society survey, 71% of respondents agreed that “censorship should exist in some form on the Internet”. In the same survey 83% agreed that “access to the internet should be considered a basic human right” and 86% agreed that “freedom of expression should be guaranteed on the internet”. According to Global Web Index, over 400 million people use virtual private networks to circumvent censorship or for increased level of privacy (Wikipedia, 2017).

Therefore the first opportunity for the implementation of press freedom in the world is the improvement in communications technology and internet which boosted social media because as digitalization of media changed, so did the media environment and working conditions of journalists. Thus, those who fight against press freedom will eventually grow weary of gate-keeping all traditional and social media, so that they will be obliged to change their attitudes and behaviours by allowing journalists benefit from freedom of press, because with the existence of “social journalists”, the public get needed information from social networks.

The second opportunity is that many people have noticed that journalism and journalists have many challenges so that journalists in some countries around the world have become public relations officers of authorities or powerful people and organizations. Thus, since it is a social problem, the society will be obliged to find adequate solutions to it.

The third opportunity is that many people all over the world are studying journalism not only at undergraduate level to become reporters but at postgraduate level so that currently many people have post-doctorate degrees in Journalism. According to the online source (www.study.com), Journalism doctoral programs primarily consist of theory classes and offer a more in-depth look at topics introduced in undergraduate programs. Required courses and elements include media communications teaching, mass media research, freedom of expression theory and a dissertation. This high level of study of journalism should facilitate the undertaking of researches that should find adequate solution to the implementation of press freedom in the UN member States.

Threats to the implementation of Press Freedom

The implementation of press freedom faces self-censoring practices, which are

mainly the result of the pressure that state authorities, economic and social pressure groups and illegal organizations, have imposed on media companies and journalists (Riva- Palacio, 2006; Hayes, Scheufele, and Hüge, 2006). These pressure groups do not leave a way out to journalists. In other words, journalists, either have to censor the information and the facts they have gathered which will harm the interests of these groups or bear the consequence which is either death or getting fired. The owners of media companies are also threatened like journalists. More so, their companies are not allowed to get advertisement contracts from government or private sectors. As a result of this, media owners put more pressure on the journalists and editors to cut any information which will bother any of the pressure groups. For this reason, journalists have no other choice but to choose self-censoring (Tay, 2013). After practicing self-censoring for years, journalists and editors become like automatic self-censor machines. Consequently, journalists who are supposed to inform the public about events happening around, carry out investigations into problematic issues, and write news stories for their readers in detail, act like well-behaved kids by following the orders of pressure groups, and thus censor any information they are directed to cut out, and do not research into any sensitive issues which they cannot write the truth about (Ingram, 2004; Tapsell, 2012).

Self-censorship, as it was mentioned above, can be said to cause significant loss of credibility not only for the media companies but the journalists as well. Worse yet, the future of journalism is being jeopardized. Unsurprisingly, the biggest loser is the society which is deprived of the right to get information about events happening around.

Changing this situation will not be easy because in accordance with what is stipulated in the political-economic theory of media, many authorities and rich people will continue to mount pressure journalists, editors, and owners of media organizations to publish what they want otherwise, they could set up their own strong media outfits that will disseminate only the information that appeals to them. Such media outfits will certainly overwhelm the existing traditional and social media. After all said and done, rich people, rich organizations, and rich countries will continue to manipulate media through sponsorship and advertisements.

Due to wild capitalism which fuels the quest for money and richness, journalists will continue to ignore professional criteria, ethics, and deontology of journalism in order to publish the news preferred by sponsors and moral corrupters.

CONCLUSION

Press freedom today is not guaranteed, and if no appropriate measures are taken by all stakeholders, the situation will get worse. Therefore, the UN and its agency, UNESCO, should examine the situation deeply in order to identify appropriate solutions to the problem. They should set up an international organization like FIFA for football that will guide and control the journalism profession. That Organization will finance all media companies and will give press cards to journalists all over the world. It will control their attitude and behaviour in the course of their practice of the profession. All funds for media and advertisement should pass through that Organisation.

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