

## Resources

Electronic Frontier Foundation (Bloggers' Legal Guide) <http://www.eff.org/issues/bloggers/legal/join>

Freedom of Expression and Broadcasting Regulation. CI Debates Series No. 8- February 2011 ISSN 2176-3224, UNESCO.

Handbook for Bloggers and Cyber-dissidents (If you are interested in blogging to express yourself, this maybe a helpful guide for you) [http://www.rsf.org/IMG/pdf/handbook\\_bloggers\\_cyberdissidents-GB.pdf](http://www.rsf.org/IMG/pdf/handbook_bloggers_cyberdissidents-GB.pdf)

Media Development Indicators: A Framework for Assessing Media Development <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>

Media and Information Literacy Curriculum for Teachers (2011). Edited by Carolyn Wilson, Alton Grizzle, Ramon Tuazon, Kwame Akyempong, and Chi-Kim Cheung, UNESCO

Model Curricula for Journalism Education. (2007). UNESCO Series on Journalism Education <http://unesdoc.unesco.org/images/0015/001512/151209E.pdf>

Self Regulate or Perish: The History of the Media Council of Tanzania up to 2009. (2010). Media Council of Tanzania.

The Media Self-Regulation Guidebook: All Questions and Answers. (2008). Organization for Security and Co-Operation in Europe

What a Free Press Means to Me: Voices of Freedom 2000. (2000). UNESCO World Press Freedom Committee.

Speak Up, Speak Out: A Toolkit for Reporting on Human Rights Issues (2012). Internews

## Glossary

### Chilling effect

a term used to refer to the condition where journalists or people in general become afraid to voice out their opinion.

### Civil society

the section of the society which forms groups or organizations that is usually non-governmental

### Censorship

the deliberate and unjustifiable attempt to prevent certain text or audio-visual material from being published, broadcasted or otherwise distributed.

### Defendant

the person(s) who are required to answer the charges brought against him or her by the plaintiff in court (see Plaintiff)

### Editorial Independence

the freedom of editors (print, web or broadcasting) to make decisions without interference from the political forces, owners of a publication, or other interests.

### Executive branch

The branch of government charged with the execution and enforcement of laws and policies and the administration of public affairs.

### Fourth estate

a term commonly used to refer to the journalist and the press in general.

### Freedom of expression

the notion that every person has the natural right to express themselves including the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless frontiers and without fear of reprisal.

### Freedom of speech

this has traditionally been about actual speech but has come to be used almost interchangeably with freedom of expression. (see Freedom of expression)

### Freedom of the press

the notion that the print media, although it also include other forms of media, especially the news media has the right to exercise their craft without outside interference or fear of reprisal.

### Impunity

the lack or non-existence of punishment or re- crimination against person(s) who have committed a crime.

### Journalistic ethics

a moral standard or set of professional principles and best-practices used as a guideline in the practice of journalism usually written by journalists themselves.

### Judiciary branch

the section of a country's government that is responsible for dispensing justice as prescribed by law.

### Legislative branch

the section of a country's government that is responsible for writing and passing laws and policies.

### Libel

a false and malicious published statement that damages somebody's reputation.

### Libel tourism

the phenomenon where (libel) lawsuits are brought to a particular country because the judicial system favours one side over the other (see Libel, Plaintiff, and Defendant).

### Media diversity

the existence of various means of mass communications including print, broadcasting, Internet and others (used interchangeably with media plurality).

### Media plurality

see Media diversity

### Media responsibility

the notion that all media (with emphasis on commercial media) has a duty or responsibility, towards the society in which it operates.

### Non-statutory

not laid down in laws or enforced by the law. It usually refers to a voluntary system of regulation administered by its own group of members. (as opposed to "Statutory").

### Plaintiff

the person(s) who begins a lawsuit against somebody else in a civil court (see Defendant).

### Self-censorship

the act of censoring oneself despite the apparent lack of outside interferences, pressure, or threats. Self-censorship is usually caused by a fear of possible reprisal (see Censorship).

### Statutory

statutory law or statute law is written law or law enacted by the legislative branch of government, as distinguished from case law or common law (see Non-statutory).

## Annex I

### Universal Declaration of Human Rights

(This declaration had been translated into more than 250 languages; you could probably find one in your own language)

#### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### Article 3

Everyone has the right to life, liberty and security of person.

#### Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

#### Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 6

Everyone has the right to recognition everywhere as a person before the law.

#### Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

#### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

#### Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### Article 11

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international

law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

#### Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

#### Article 13

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

#### Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### Article 15

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

#### Article 16

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### Article 17

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

#### Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### Article 19

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.

#### Article 20

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

#### Article 21

Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. Everyone has the right of equal access to public service in his country. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

#### Article 23

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

#### Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

#### Article 25

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

**Article 26**

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

**Article 27**

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

**Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

**Article 29**

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## Annex II

### The Constitution of UNESCO, signed on 16 November 1945

## [Preamble and Article 1]

Constitution of the United Nations Educational, Scientific and Cultural Organization

Adopted in London on 16 November 1945 and amended by the General Conference at its 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, 15th, 17th, 19th, 20th, 21st, 24th, 25th, 26th, 27th, 28th, 29th and 31st sessions.

The Governments of the States Parties to this Constitution on behalf of their peoples declare:

That since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

That ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

That the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern;

That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication be-

tween their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organization for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organization was established and which its Charter proclaims.

**Article I****Purposes and functions**

1. The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realize this purpose the Organization will:

(a) Collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) Give fresh impulse to popular education and to the spread of culture:

By collaborating with Members, at their request, in the development of educational activities;

By instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

By suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) Maintain, increase and diffuse knowledge:

By assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

By encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

By initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of the Organization, the Organization is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

## Annex III

### Sample Code of Ethics for Press Council

[This non-exhaustive list has been adapted from various codes of ethics from several countries and from different regions. Each Press Council should adapt and adopt a set of code with consideration of unique local characteristics]

- Protect and promote press freedom: The freedom of expression being a basic right of the citizen, journalists and media will always remain firm, vigilant and alert in its protection and promotion
- Safeguard and enforce the right to information: Always remain active and dedicated to safeguarding the right of people to be well-informed
- Imparting true and factual information: Journalists media should impart true, factual, balanced information that is faithfully objective, citing sources and also setting out the basis for such information
- Editorial freedom and accountability: As per the universally accepted principle of editorial freedom, the final responsibility and authority for the production and dissemination of material produced-published-broadcast by media lies with the editor. Media should guarantee editorial independence within itself
- Never plagiarize. One shall not publish, broadcast or distribute the same again without citing the original source. While citing the original source the permission of the original source is generally required.
- A victim may file a complaint with the Press Council against any journalist or media within the time-limit, accompanied by factual evidence showing violation of the point(s) mentioned in this Code of Ethics. If such a complaint is filed and the Council thinks, upon holding a general inquiry, that any act has been perpetrated in violation of this Code of Ethics, the Council shall send summons, accompanied by a copy of the complaint, to the accused party, requiring that party to make an appearance along with evidence, if any, showing innocence
- Duty not to falsify pictures or to use them in a misleading fashion
- Duty to distinguish between facts, opinions and conjectures
- Duty not to divulge confidential sources
- Duty not to use dishonest means to obtain information
- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- The press will refrain from inappropriately sensational portrayal of violence, brutality and suffering. The press shall respect the protection of young men and women.
- Duty to make clear what is factual information and what is commentary

## Endnote

- 1 UNESCO has 195 Members and eight Associate Members as of 31 October 2011.
- 2 The General Conference is the highest decision making body in UNESCO. It consists of the representatives of the States Members of the Organization, meets every two years, and determines the policies and the main lines of work of the Organization.
- 3 Article 19 of International Covenant on Civil and Political Rights. Adopted in 1966.
- 4 Toby Mendel and Eve Salomon, in Freedom of Expression and Broadcasting Regulation. CI Debates Series No. 8- February 2011 ISSN 2176-3224, UNESCO.
- 5 Unless otherwise stated, these four premises are adapted from Thomas Emerson's The System of Freedom of Expression (1970).
- 6 More in-depth discussion please see for example Freedom of Expression and Categories of Expression (1979) by T.M. Scanlon Jr. University of Pittsburgh Law Review, (40)519-550
- 7 See for example, David J. Brennan's article Printing in England and broadcasting in Australia: A Comparative study of regulatory impulse. In Adelaide Law Review (2002) (22) 63-86.
- 8 Other reasons include the high financial cost of printing actual newspapers and the demographic of the targeted readers.
- 9 For examples of libel tourism, see <http://www.article19.org/data/files/pdfs/publications/uk-libel-tourism.pdf> or <http://www.economist.com/node/12903058>
- 10 See UNESCO's website on Public Service Broadcasting at [http://portal.unesco.org/ci/en/ev.php-URL\\_ID=1525&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/ci/en/ev.php-URL_ID=1525&URL_DO=DO_TOPIC&URL_SECTION=201.html)
- 11 See Declaration 59 (1), adopted during the first session of the UN's General Assembly, on 14 December 1946. "Freedom of information is a fundamental human right and [...] the touchstone of all the freedoms to which the United Nations is consecrated."
- 12 The list of countries is adapted from Roger Vleugels (2010) Overview of all 90 FOIA countries & territories.
- 13 See Thomas Carlye's Hero-worship: And the heroic in history (1901)
- 14 What a Free Press Means to Me: Voices of Freedom 2000. World Press Freedom Committee.
- 15 Ibid.
- 16 Ibid.
- 17 Ibid.
- 18 UNESCO's Director General, publicly condemned this attack on journalists, calling it a "monstrous crime" and urged the government for a full and swift investigation. For more details see <http://portal.unesco.org/ci>
- 19 Based on information from Committee to Protect Journalists (CPJ). Available at <http://www.cpj.org>
- 20 Barry James in Press Freedom: Safety of Journalists and Impunity. 2007 UNESCO Publication
- 21 For more explanation see for example The Media Self-regulation Guidebook by OSCE; Asia-Pacific Institute for Broadcasting Development (AIBD)'s website <http://www.aibd.org.my>, or UNESCO's website [www.unesco.org/ci](http://www.unesco.org/ci)
- 22 The word "ombudsman" is likely to have originated from the Old Norse word "um-bodhsmdhr" which means a "trustworthy manager". See for example, The American Heritage Dictionary of the English Language 2009 Edition.
- 23 Ognian Zlatev, The Media Self-regulation Guidebook, OSCE, 2008: 44. Refer to UNESCO's website for further information at <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/professional-journalistic-standards-and-code-of-ethics/africa/press-councilsmedia-ombudsman>
- 24 <http://www.cpj.org>
- 25 <http://en.rsf.org>
- 26 <http://www.unesco.org/webworld/con-demnation>
- 27 Please refer to the Annex for a non-exhaustive list of journalistic codes of ethics.

- 28 Share these actual examples with other Toolkit users around the world. See CONTACT INFORMATION on the back cover.
- 29 Fictional television station. See chapter on Case Study for more examples
- 30 It has also been called 'twitter revolution' or the 'facebook revolution'
- 31 According to their official website at <http://www.openarab.net/en/node/528>, Open Arab Internet is an initiative by the Arabic Network for Human Rights Information (Anhri) to advocate the free use of the Internet without censorship, blocking or spying. In this context, the initiative seeks to provide international and Arab information and Internet related documents. The initiative also defends Internet users, web-designers, and writers by organizing legal and media campaigns and highlighting practices restricting Internet freedom.
- 32 Electronic press and blogs. (2007). Freedom of opinion & expression in Egypt annual report 2007 Retrieved 28 October, 2008, from <http://www.openarab.net/en/node/281>
- 33 Two years for a blog : that's enough ! Reporters Without Borders calls for release of blogger Kareem Amer. (2008). Retrieved 20 December, 2008, from [http://www.rsf.org/article.php3?id\\_article=29192](http://www.rsf.org/article.php3?id_article=29192)
- 34 The blog, Eman Republic is no longer accessible to the public. Further information concerning Eman Republic could be read from another blog, Egyptian Chronicles (<http://egyptianchronicles.blogspot.com/2007/05/fall-of-eman-republic.html>)
- 35 See Slackman, M. (2009, Feb 17). Egypt's critics have a voice, but never the last word Retrieved 17 February, 2009, from <http://www.nytimes.com/2009/02/18/world/middleeast/18egypt.html?ref=middleeast>
- 36 For more information please go to <http://www.unesco.org/new/en/communication-and-information/flagship-project-activities/world-press-freedom-day/homepage>
- 37 See UNESCO website for the full list of its offices around the world <http://www.unesco.org/new/en/bfc/all-offices/>
- 38 The latest official figure put the total number of Rwandan killed during the genocide to be around 1,074,000 people.
- 39 James v. Meow Media, Inc (United States, 2002); Wilson v. Midway Games, Inc (United States, 2002)
- 40 Industry revenue \$57 billion in 2009, says DFC. Available at <http://www.gamesindustry.biz/articles/industry-revenue-57-billion-in-2009-says-dfc>
- 41 Global Box-Office Sales Rise to \$29.9 Billion in 2009. Available at <http://www.businessweek.com/news/2010-03-10/global-box-office-sales-rose-to-a-record-29-9-billion-in-2009.html>

Notes...

# **Freedom of Expression Toolkit**

## **A Guide for Students**

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