



## **Thematic report of the Special Rapporteur on Freedom of Opinion and Expression to the UN Human Rights Council: “Freedom of Opinion and Expression and Sustainable Development - Why Voice Matters”**

### **UNESCO CONTRIBUTION**

#### **Executive Summary:**

In 2015, UN Member States of the United Nations committed themselves to the 2030 Agenda for Sustainable Development by clearly expressing their resolve to back the implementation of the SDGs with robust, voluntary, effective, participatory, transparent, integrated reviews of progress, starting at the national level, which underpins a framework that also encompasses global and regional reviews. Freedom of expression and media pluralism are not only key for the achievement of SDG Goal 16, but are also key enablers for all SDGs.

Following the approval of the Sustainable Development Goals framework by the UN General Assembly, UNESCO, as the only UN Agency with a mandate to promote free, pluralistic, and independent media, was designated as the custodian agency for SDG Indicator 16.10.2 on public access to information. In addition, UNESCO provides information for Indicator 16.10.1 on the safety of journalists, through the monitoring of killings of journalists and the follow-up on judicial proceedings. For this exercise, UNESCO collects data on [impunity for killings of journalists](#), positive measures taken by relevant stakeholders in the framework of the [UN Plan of Action on the Safety of Journalists and the Issue of Impunity](#), and situation analyses and recommendations to Member States through UNESCO’s contribution to the Human Rights Council’s [Universal Periodic Review \(UPR\)](#). This contribution will further explore the link between freedom of expression and sustainable development and provide information about UNESCO’s work to promote freedom of expression and the safety of journalists for the achievement of the 2030 Agenda.

Paving the way for the discussions leading to the Agenda 2030 and the including of SDG16.10, UNESCO had organized multistakeholder discussions, for instance, showing the connections between Press Freedom and Good Governance (see, for example, [Dakar Declaration](#), World Press Freedom Day, 2005) and Press Freedom and Poverty Eradication (see, for example, [Colombo Declaration](#), World Press Freedom Day, 2006).

#### **I. UNESCO’s as a contributing agency of SDG 16**

Sustainable Development Goal (SDG) Indicator 16.10.1 looks at “the number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates [...]”. UNESCO monitors the killings of journalists and judicial follow-up of each registered case through its [Observatory of Killed Journalists](#) and through condemnations of these killings by the UNESCO Director-General. Since 2008, the Director-General has delivered to the Intergovernmental Council of the IPDC a biannual analytical [Report on the Safety of Journalists and the Danger of Impunity](#). Information compiled through this mechanism then informs reporting on Indicator 16.10.1 and the Universal Periodic Review at the UN Human Rights Council. In

addition, UNESCO provides support at national and regional levels to assist Member States in setting up or reinforcing monitoring and reporting mechanisms on the safety of journalists, including through its [Multi-Donor Programme on Freedom of Expression and Safety of Journalists and the Global Media Defence Fund](#).

At its 33<sup>rd</sup> session in November 2022, the International Council of the International Programme for the Development of Communication (IPDC) adopted a [decision](#) welcoming the Director-General's Report on the Safety of Journalists and the Danger of Impunity, acknowledging UNESCO's leadership of the UN Plan, appreciating its overall coordination role in the organization of the 10<sup>th</sup> anniversary of the UN Plan conference in Vienna, Austria; and recommending that the Director-General provides in her report, more information on non-lethal attacks against journalists, in line with the synergies of the UPR methodology and the reporting on SDG 16.10.1.

On the other hand, SDG Indicator 16.10.2 looks at “the number of countries that have adopted and implemented constitutional, statutory and/or policy guarantees for public access to Information.” In line with its role as the UN custodian agency for this SDG Indicator, UNESCO has been mandated by its Member States to monitor and report progress on this indicator worldwide. For this purpose, UNESCO conducts [regular surveys](#) offering Member States the chance to report national progress on access to information. The objective of the surveys is to collect global data on the adoption of legal guarantees on access to information, as well as to map main trends in the implementation of these guarantees. Using this method, in 2021, UNESCO collected information from 102 countries and territories. The data show a correlation between having a specialized Access to Information oversight institution and the implementation and enforcement of the access to information law in the country in questions. This is evident in the pattern of the higher scores obtained by countries that have such a specialized body.

While the 2030 Agenda is not a legally binding instrument, the human rights obligations on which Member States must report through the UPR process are binding. Hence why working to comply with UPR recommendations that have been accepted by reviewed States can be a smoother entry point to improvement in development goals, especially on issues deemed sensitive for many actors. The 2030 Agenda commitment to “Leave no one behind” is rooted in a basic premise of equality and non-discrimination and its achievement depends heavily on citizens' ability to be informed and to participate in national affairs in a safe and meaningful way. There is thus a strong correlation between the human rights issues that emerge in a UPR exercise and the ongoing work of Member States to progress towards the achievement of the agreed SDGs.

In 2021, UNESCO launched a multi-stakeholder initiative to promote a stronger presence of recommendations related to freedom of expression, access to information and safety of journalists in the UPR process, and to enhance the capacities of each actor before, during and after the review. From the outset, this initiative aims at making stronger links between reporting mechanisms, such as the UPR and the SDGs Voluntary National Review (VNR), through which countries assess and present progress made in achieving the global goals and the pledge to leave no one behind. Since reporting within the VNR and implementation of the UPR recommendations reinforce each other, UNESCO has published specific guidance for [UNCTs](#), [NHRIs](#), [Civil Society organizations](#), [Information Commissioners](#) and [Member States](#) to harvest the full potential of these two exercises and freedom of expression, access to information and the safety of journalists (available in all 6 UN languages). More information about UNESCO's UPR initiative and links with the 2030 Agenda can be found [here](#).

In 2022, on the occasion of the 10<sup>th</sup> anniversary of the UNESCO-coordinated UN Plan of Action on Safety of Journalists and the Issue of Impunity, UNESCO has been spearheading a multistakeholder consultation process which culminated in a High-level Multistakeholder Conference on the safety of journalists hosted in Vienna by Austria (on 3-4 November 2022), with the support of UNESCO and the OHCHR. The conference fostered the multistakeholder approach, bringing together more than 380 participants, including 65 high-level state delegations, representatives of civil society, UN agencies and IGOs. Pledges for policy and financial support of over USD 100 million on safety of journalists related issues were made, as well as a Political Declaration subscribed by over 50 member states, and a CSO's Call to Action for Improving the Implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity.

In previous years, particularly during the High Level Political Forum, [UNESCO has underlined](#) the strong links between SDG16.3 (Rule of Law) and SDG16.10 (Fundamental Freedoms), specially by [emphasizing](#) the role of judicial operators in protecting fundamental freedoms – including freedom of expression and access for information – and fostering more transparent judiciary, prosecution services and law enforcement bodies. UNESCO has already engaged in different capacity building activities more than 24000 judicial operators (judges, prosecutors and other actors) and 11500 policemen and policewomen, from 160 countries.

**II. Are there restrictions or other challenges to freedom of expression or access to information that affect the delivery of public services and achievement of economic, social and cultural rights in your country? Which groups of people are most affected by these restrictions and in what ways? What measures would you recommend to address their problems?**

Work to improve gender equality in the media forms an important component of efforts around SDG 5, as it is to empower citizens to understand the functions of media and other information providers, to critically evaluate their content, and to make informed decisions as users and producers of content under SDG 4.

➤ **The safety of women journalists:**

UNESCO and the International Center for Journalists have conducted the most comprehensive study on gendered online violence against journalists. The research project [“The Chilling”](#) found that women journalists around the world are affected by gendered online violence, in some cases leading them to self-censor online. Out of the women journalists surveyed by UNESCO/ICFJ, 30% reported engaging in some form of self-censorship. This shows the links between freedom of expression, particularly online, and gender equality as an element of sustainable development, as enshrined in SDG 5.

UNESCO and ICFJ have also published [recommendations on how to effectively counter gender-based online violence against journalists](#). The recommendations address different stakeholder groups and stipulate that actors should “facilitate and encourage coordinated, global multi-stakeholder cooperation and exchange of good practice between States, internet companies and news organizations in the interests of effective implementation of holistic measures.” Additionally, as a cross-cutting measure, they also recommend to “Encourage and aid women journalists to report online violence to the social media companies, their employers, and law enforcement where appropriate, while also recognizing the priority need to emphasize preventative and protective responses that do not rely on the targets of abuse to manage the problem”.

➤ **Universal access to Information:**

Challenges that affect the right to information of marginalized or vulnerable groups are best served by introducing special clauses to the access to information (ATI) legislation. The importance of the right to information (RTI) as an internationally recognized human right has long been acknowledged. However, the realization of this right for women remains elusive. To support women in overcoming the challenges faced in exercising the RTI, international mechanisms must engage more intentionally on the issue and national laws and policies developed and reviewed through a gendered lens. argues another UNESCO report [Promoting Gender Equity in the Right of Access to Information](#). In particular, the report provides practical recommendations regarding the promotion of gender equity in the right of access to information. It argues that a concerted effort from international organizations and national governments is needed to achieve it.

As per persons living with disabilities, it is important that ATI laws acknowledge the importance of accessibility to information by persons with disabilities. UNESCO research found that based on an analysis for the 127 countries with ATI laws in 2020, only 37 countries explicitly refer to persons with disabilities and their rights, to varying degrees. The common themes in these legislations relate to placing a request for access to information, forms in which access is provided, conditions for delivery of accessible formats, and provision of further assistance to persons with disabilities. These and other shortfalls of national provisions on ATI and disability issues could be found in the UNESCO report [ATI and disability rights](#).

**III. How can information and communication technology companies better engage with governments and communities to promote sustainable development?**

Democratization of political systems, evolving norms favoring transparency and new technological possibilities to digitize the public domain have brought a global upsurge of access to information laws in the past 30 years. Forty years ago, only ten countries had laws that specifically guaranteed the rights of citizens to access government information. In 2022, according to [UNESCO data](#), this number reached 135 laws adopted worldwide. Making access to information part of the Agenda 2030 by including SDG 16.10 indicator 2 (*number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information*) gave an extra impetus for strengthening national legal frameworks, which guarantee the right to information.

Next to the upsurge of laws, implementation of legal guarantees remained the key challenge for the Member States. Some of the good implementation practices are listed by the [Tashkent Declaration on Universal Access to Information](#), adopted by the participants of the International Day of Universal Access to Information, held by UNESCO in Tashkent, Uzbekistan in 2022. Among other points, the Declaration emphasizes essentials which are to provide for implementation of ATI laws, such as (i) provision for an effective system of oversight, including by independent administrative bodies; (ii) application of the RTI to all information and data held by public authorities including the executive, legislative and judicial branches; (iii) provision for a limited regime of exceptions which only protects legitimate interests, and includes a public interest override; and (iv) provision for expansive proactive disclosure of information, taking full advantage of digital technologies.

On the other hand, digital platforms have also been used as vectors for disinformation, hate speech, conspiracy theories and other content potentially harmful to democracy and human rights. Unfortunately, some approaches to regulation have (inadvertently or deliberately) led to suppressing freedom of expression or have simply proved ineffective in dealing with damaging content. This is why, taking forward

the [Windhoek+30 Declaration](#) on Information as a Public Good, UNESCO will host “Internet for Trust” a global conference gathering ministers, regulators, judicial actors, the private sector, the UN family, civil society, academia, intergovernmental organizations and the technical community from around the world to shape digital platform regulation. The guidelines will be debated at the Internet for Trust global conference, which will take place from 21 to 23 February 2023 at UNESCO Headquarters. The first draft, based on multi-stakeholder consultations, can be accessed [here](#).

The main aim of the guidelines for regulation is to:

- ✓ Act as a guide to regulators, governments, legislatures, and companies around the world when they are developing, enforcing or implementing regulation to manage content online.
- ✓ Serve as a tool for civil society for holding governments and companies accountable to their commitments and for advocating for a regulatory system that safeguards freedom of expression.
- ✓ Take forward the Windhoek+30 Declaration on Information as a Public Good, which has been endorsed by 41<sup>st</sup> UNESCO General Conference in 2021.

#### **IV. What laws, policies and other institutional measures exist in your country to protect investigative journalism and whistleblowing? How effective are they and what further measures should be taken to protect journalists and whistleblowers?**

Whistleblowers, whether they go to the media directly, or in cases in which they prefer to go before authorities, must have guarantees that their actions do not lead to negative consequences, such as financial sanctions, job dismissals, undermining their family members or circles of friends, or threats of arbitrary arrest. An essential guarantee is assuring a whistleblower that their identity will be protected if they share information with a journalist. In these cases, regulations to protect journalists’ sources is critical and possibly the strongest link between the relationship between the press and whistleblowers. More information about this topic can be found in UNESCO’s report [Protecting journalism sources in the digital age \(2017\)](#).

UNESCO’s new issue brief on [Journalism and Whistleblowing \(2022\)](#), launched during WPF2022, examines the relationship between journalism and whistleblowers as mutually beneficial and an important tool to protect human rights, fight corruption, and strengthen democracy. The paper provides a survey for legal definitions and protections for whistleblowers in jurisdictions around the world. It concludes with good practices and recommendations for strengthening protection of whistleblowing by strengthening laws, regulations, technologies, and trainings

For whistleblowers to be able to exercise their right to express themselves freely in the public interest, as guaranteed by all international human rights treaties, conditions must exist for them to do so without fear of reprisals. Among those conditions are:

- Guaranteed legal anonymity when the whistleblower so wishes.
- Availability of legal and other advice so the whistleblower knows the consequences or benefits of providing information.
- Legislation that prevents consequences for the whistleblower for their statements.
- Anonymity of the whistleblower: it would be important to promote international regulations such as the [European Directive 2019/1937](#) and domestic law and practice that protect the sources of information of journalists

- Advice to the whistleblower: In many cases, the whistleblower may find him or herself with questions about the consequences of their actions, or even if they can express freely without fear of reprisals or if the anonymity of their sources can be preserved.
- Legislation that protects the whistleblower from adverse consequences: according to a report of the [Committee to Protect Journalists \(CPJ\)](#), a strategy by authorities to disincentive whistleblowers was not to prosecute journalists but, instead, to prosecute leakers. A good practice to counteract actions such as those, reported by CPJ, is the decision of the European Union to approve Directive 2019/1937. However, care must be taken to ensure that European Union member states adopt internal legislation that is in accordance with the Directive.
- Training journalists to advise whistleblowers and that there is a need for an increased dialogue between journalism groups and whistleblowers' defenders to understand better their roles, responsibilities, and ways to strengthen democracy and the rule of law. Journalists should receive, even in journalism schools, proper training to advise a whistleblower before they receive a testimony. A valuable resource here is [The Perugia Principles for Journalists Working with Whistleblowers in the Digital Age](#).