

**Contribution by Reporters Without Borders
to the report on opportunities, challenges and threats to media in
the digital age of the UN Special Rapporteur on the promotion and
protection of the right to freedom of opinion and expression**

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Reporters Without Borders (RSF) is an international non-profit organisation working to defend and promote free, pluralistic and independent journalism. Working for more than 30 years, RSF has fourteen bureaux worldwide, a network of correspondents in 130 countries and consultative status with the United Nations, the Council of Europe, the *Organisation Internationale de la Francophonie* and the African Commission on Human and Peoples' Rights.

RSF has been reporting for many years on the challenges faced by journalists in the digital sphere and on the worrying implications on their rights and safety. The impunity often enjoyed by both perpetrators and instigators gives a free hand to those who want to silence critical voices, and creates a climate of fear among journalists. The world is faced with a downward spiral of disinformation as well as a worrying degradation of the safety of journalists. In that context, RSF insists on the need to introduce strong safeguards to guarantee respect for the right to freedom of opinion and expression online, the creation of mechanisms for promoting the reliability of news and information online; and to this end, promote trustworthy information.

States and international actors must re-assert the primacy of freedom of opinion, expression and freedom of the media against any temptation by the authorities or any other actor to control the public debate, and against violation of these freedoms on digital platforms.

I. RSF's RESPONSES

1.

a. What are the key trends, threats or challenges to the freedom, independence, pluralism and diversity of media and the safety of journalists in your country, region, or globally in your view?

The 2021 World Press Freedom Index compiled by Reporters Without Borders (RSF) shows that journalism, the main vaccine against disinformation, is completely or partly blocked in 73% of the 180 countries ranked by the organisation.

The Index data reflect a dramatic deterioration in people's access to information and an increase in obstacles to news coverage. The coronavirus pandemic has been used as grounds to block journalists' access to information sources and reporting in the field.

The data shows that journalists are finding it increasingly hard to investigate and report sensitive stories, especially in Asia, the Middle East and Europe.

The 2021 Edelman Trust barometer reveals a disturbing level of public mistrust of journalists, with 59% of respondents in 28 countries saying that journalists deliberately try to mislead the public by reporting information they know to be false. In reality, journalistic pluralism and rigorous reporting serve to combat disinformation and "infodemics", including false and misleading information.

For example, President Jair Bolsonaro of Brazil and President Nicolás Maduro of Venezuela promoted medically unproven Covid-19 remedies. Their false claims were debunked by investigative journalists at media outlets such as Brazil's *Agência Pública* and in-depth reporting by Venezuela's few remaining independent publications. In Iran, the authorities tightened their control over news coverage and stepped up trials of journalists in order to weaken the media's ability to scrutinise the country's Covid-19 death toll. In Egypt, President Abdel Fattah Al-Sisi's government simply banned the publication of any pandemic statistics that didn't come from the Ministry of Health. In Zimbabwe, the investigative reporter Hopewell Chin'ono was arrested shortly after helping to expose the overbilling practices of a medical equipment supply company.

Another major concern for the safety of journalists in the digital age is of course secretive cyber surveillance. Last July, it was revealed that at least 180 journalists in 20 countries have been targeted by the clients of Israeli spyware company NSO from 2016 to June 2021. NSO Group's clients include both authoritarian governments such as those of Saudi Arabia, Morocco and Bahrain, and democracies, such as Mexico and India. All regions of the world are concerned, from Hungary, Turkey and Azerbaijan in Europe, to Togo and Rwanda in Africa.

RSF began sounding the alarm about this spyware in 2017, notably after it was used to spy on Mexican journalists. We subsequently denounced its use against journalists in Saudi Arabia, India, Morocco and Azerbaijan.

Enabling governments to install spyware that is used in practice to monitor hundreds of journalists and their sources throughout the world poses a major democratic problem, and one of the biggest threats for journalism practice. Now, governments should place an immediate moratorium on the sale of surveillance technology until safeguards have been established to prevent its oppressive use.

Additionally, there is a need for the international community to develop international standards on law enforcement, intelligence, and security force oversight that include domestic safeguards against disproportionate and arbitrary infringements of the rights to privacy and freedom of expression, including press freedom.

b. To what extent have these trends, threats and challenges emerged, or have been aggravated, because of the policies and practices of digital and social media platforms?

In recent years, the focus has shifted on the negative implications of the digital sphere on press freedom and freedom of opinion and expression. Modern societies are being sorely tested by disinformation on social media, online hate speech and the use of bots and fake accounts in an attempt to manipulate opinion. Safeguarding a free, open and pluralistic public debate capable of playing its essential role in a democratic society poses a major challenge in the digital environment.

Digital platforms companies are no longer simple technical intermediaries, transporters or hosts, neutral and without impact on the public space. They have become gate-keepers and, more broadly, 'structuring entities' that define the norms of the public space, decide on the censorship of content, and decide on the hierarchy of media and information. Algorithms hierarchize content according to the platforms' interests and even favor sponsored content .

Online intermediaries, such as search engines, social networks, content aggregators, should be seen as structuring entities, able to structure and control our information space. They shape and influence the way people consume information through indexing and filtering content.

Nowadays large companies have the power of parliaments and courts to organize the online public space as they see fit. As "code is law" and the terms of use are non-negotiable, they define the framework and rules of the public debate, a role formerly (and normally) assigned to our legislators. But they are not subject to the procedures, checks and balances, and transparency obligations that are imposed on the laws and machinery of democratic states.

They have an enormous impact on our societies, our freedoms and on everyone's basic ability to distinguish true from false without, for the most part, being accountable.

c. Please highlight the gender dimensions of the trends and their consequences for the equality and safety of women journalists as well as media freedom.

Around the world, both in the field and in the newsroom, women journalists are exposed to a variety of safety risks and dangers in the context of their work. The threats they encounter are of a psychological nature, such as cyber threats, online harassment, sexism and discrimination. They are also of a physical nature, including assault, sexual assault, rape, imprisonment, and even murder. The abuse women journalists face is twofold, targeting them on the basis of both their work as journalists, as well as their gender.

Female journalists are particularly likely to be targeted when reporting on certain “taboo” subjects, such as women’s rights and gender issues, politics, sports and video games . In fact, those who specialise in covering women’s rights – mostly female yet also male journalists – are particularly exposed to violence. They include Nouf Abdulaziz al-Jerawi, a Saudi journalist who was tortured, subjected to electric shocks and sexually molested during detention after being arrested for denouncing the system of male guardianship that women must endure in her country. In 2016 and 2017, RSF registered more than 60 cases in more than 20 countries of the rights of journalists being violated in connection with reporting on the condition of women.

Today, cyber-harassment has become the most common form of abuse suffered by women journalists. What characterizes cyber-harassment against women journalists is the fact that it is almost systematically associated with rape threats, misogynist insults and attacks on their reputation.

Such gendered disinformation - online attacks or spread of deceptive information which aim at undermining the targets on the basis of their gender – is mainly used to deter women from participating in the public sphere and silence women who raise their voices on social media. This phenomenon has been exacerbated by the Covid-19 crisis as the global internet use exploded since the beginning of the pandemic in early 2020 creating an unprecedented reliance on online journalism. While the digital era has allowed journalists to provide critical reporting during a global pandemic, it has also left them dangerously exposed to online attacks and disinformation.

Prosecuting crimes against women journalists, particularly as it relates to online harassment, remains challenging as legal remedies and law enforcement resources are often insufficient to handle cases of online harassment. In the same time, the failure to address the impact of gendered attacks represent a great threat for media freedom

A growing exposure coupled with total impunity put the safety of women journalists at great risk. For instance, early on 1st January 2022, an app pretending to “auction” prominent Muslim women including journalists was posted online in India¹. No one was charged and no one was arrested. This complicit lack of reaction from the authorities encourages those responsible for the harassment.

¹ <https://rsf.org/en/news/indian-women-journalists-auctioned-sexist-and-discriminatory-website>

Besides, those trends not only endanger journalists' safety but also jeopardize the general public's right to information. In the online sphere, cyber harassment can have dramatic consequences: victims RSF spoke to said they had ended up censoring themselves in response to the torrents of online abuse. The failure to address and reprehend online threats can be deadly, as is demonstrated by numerous attacks and murders of women journalists, which were preceded by online hate campaigns and threats. In 2021, four women journalists were killed among which three afghan journalists working for local TV channel Enekaas TV. The three journalists were killed in March 2021 in two targeted attacks in the eastern city of Jalalabad². In this instance, Afghanistan's national intelligence agency had been made aware of the threats to the women journalists, but no further action was taken to ensure their safety.

This abuse can interfere with the women journalists' ability and right to work, to fulfill their role of imparting information and to express themselves on issues of public interest. This in turn leads to less diversity in reporting, by omitting women's perspectives, particularly when it comes to issues that are traditionally male-dominated, such as politics, government or economics.

In some countries, cultural norms may pressure women to limit their reporting to traditionally "female-interest" topics, while avoiding the broader gambit of issues important to women. Such biases in reporting inevitably lead to gaps in public knowledge, and have an inevitably negative impact on citizens' right to information as a whole.

2. What legislative, administrative, policy, regulatory or other measures have Governments taken to promote press/media freedom, including media independence, pluralism, viability and ownership issues? What has been the impact of these measures? What changes or additional measures would you recommend?

While RSF stresses the worrying and global tendency of abusing restrictive laws and hostile decisions by regulatory authorities in an effort to further restrain public discourse³, RSF also reports positive initiatives to promote press freedom.

Some countries illustrate themselves with appropriate regulation in favour of the freedom of expression. The Scandinavian countries – which occupy the top ranks of RSF Press Freedom Index for several years – demonstrate a strong attachment to freedom of press. For instance, in 2020, the government proposed legislation intended to protect media and journalists from the consequences of online hate speech. Also, Norway implemented a new media responsibility law in 2020, which defines journalists' freedoms and responsibilities. This law is universally regarded as a major achievement for press freedom. Where there is proper political will, historical advancements for press freedom are being made. No country is exempt from challenges regarding the freedom of expression especially in the digital era

² <https://rsf.org/en/news/three-young-women-tv-workers-gunned-down-jalalabad>

³ Like Singapore, Benin has established a new law that is supposedly intended to combat disinformation and cyber-crime but is liable to be used to arbitrarily restrict the freedom to inform. (<https://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus>)

but Governments must foster protective regulations instead of implementing a restrictive agenda that ultimately does more harm to trustworthy journalism than to desinformation.

Other countries have taken important steps to depenalise press offenses such as Sierra Leone in 2020 or Togo in 2015. Yet, those measures must be balanced with the heavy fines associated with press offenses or even the multiple exceptions in the texts – such as Togo’s press law which excludes social media from the protection against custodial sentences in cases of press offenses.

RSF advocates for strong anti-SLAPP measures that should consist of a combination of ambitious non legislative and legislative measures. At the same time, international actors need to bring more awareness to the issue. In fact, despite some anti-SLAPP legislations, the misconceptions on the practice and on its widespread use often lead judges to misjudge the grave implications of such lawsuits. Thus, the laws put in place to protect journalists go unheeded due the judicial authority shortcomings.

Nevertheless, RSF acknowledges the initiatives of the European Union in its effort to face the multitude of challenges for the cultural, media and audiovisual ecosystem:

- Digital Service Act (DSA) : aims to provide an harmonised framework of rules for online services, mainly on moderation of illegal content and transparency of service.
- European Media Freedom Act : will aim to safeguard the pluralism and independence of the media in the EU internal market.

Those initiatives represent unique opportunities to impose democratic guarantees in the information and communication space. They undoubtedly represent progress, but the current state of these texts is not up to the overall challenge.

In that respect, RSF stresses the need to strengthen or add elements to combat infodemia while preserving the reliability of information and the freedom of opinion and expression. RSF notably urges international and European actors to introduce strong requirements for the transparency of platforms and the auditability of their algorithms as well as the introduction of guarantees that the content moderation meets international standards of freedom of expression. RSF also recommends the introduction of an obligation to promote reliable information and citizen’s right to information. Further details on RSF’s recommendations on this matter will be added to our contribution.

3. What measures are Governments taking to support public service media? What has been the impact of such measures? What changes or additional measures would you recommend?

Appropriate measures and legislation must be implemented on the matter in order to avoid the transformation of those media into propaganda machines for ruling parties as it can be observed in China, Hungary, Poland. Recently some countries, notably in Nepal, have used public media to spread anti-media rhetoric. These maneuvers are a crucial reminder that State support for public service media must be monitored and adequately regulated.

In that respect, RSF urges States to put in place measures ensuring the full transparency of the Government's support to public media. While State support to public service media is paramount in protecting pluralism and press freedom, the financial support must be safe, sufficient and transparent. Furthermore, regulation regarding the editorial independence from political interference must be enforced.

4. What measures have a) Governments b) social media companies c) media companies taken to promote the safety of journalists? What has been the impact of these measures? What more can/should be done and by whom? Please also mention any specific laws or measures to address online violence, threats and harassment and what result they have produced.

Some countries implemented protection mechanisms as a response to an environment of systemic violence against journalists. Those mechanisms are designed to receive complaints from victims and implement measures to safeguard their safety. Such programs ensuring the protection of journalists have been adopted for instance in Brazil with the National Program for the Protection of Human Rights Defenders (PPDDH)⁴ and in Mexico with the National Coordination Protocol – pursuant to the Protection Law –. Although it can be viewed as encouraging initiatives, the actual functioning of those entities are utterly disappointing. Many failures are reported such as: flawed legal framework, inadequate protection measures and delays in implementation. They are too often understaffed and under-funded.

Additionally, in Mexico the Protection Law is not binding for states and municipalities. Despite the implementation of the National Coordination Protocol in 2017, only 12 out of 32 states have created a Protection Unit aimed at integrating the federal protection mechanism. Brazil faces the same issue since nothing compels the Brazilian States to implement the PPDDH adopted in 2007. The bill 4575/2009, which would create this obligation, is already considered insufficient and obsolete by the Brazilian Committee of Human Rights Defenders.

Regarding social media and media companies, RSF does not report any outstanding nor concrete measures taken to promote the safety of journalists. Instead, RSF denounces the “deceptive commercial practices” of such platforms. In a complaint filed with the public prosecutor in Paris in March 2021, RSF accuses Facebook of “deceptive commercial practices” on the grounds that the social media company's promises to provide a “safe” and “error-free” online environment are contradicted by the large-scale proliferation of hate speech and false information on its networks⁵.

Such unsafe online environment jeopardize the safety of journalists in general as they are more exposed to online attacks and desinformation which could encourage physical retributions or other assaults. Online and field safety, in a digital era, are intertwined and

⁴ Programa Nacional de Proteção aos Defensores de Direitos Humanos (PPDDH)

⁵ <https://rsf.org/en/news/rsf-files-complaint-france-accusing-facebook-deceptive-commercial-practices>

therefore the failure of platforms to protect the former may have grave consequences on the latter.

In RSF's view, a keystone to foster more adequate measures promoting the safety of journalists, is to create the post of Special Representative to the UN secretary-general for the safety of journalists (SRSJ) – this proposition is further detailed in question 5.b : an authoritative voice to impulse fresh and renewed international cooperation for the safety of journalists on a case-by-case basis as much as to address situations (measures and practices) as a whole

Given the clear failure of States to implement concrete mechanisms to protect the safety of journalists, this representative would help ensure that Member States comply with their obligations with the existing legal framework with regard to the safety of journalists, resulting from UNGA, UNSC and HRC resolutions, as well as with recommendations from UN special procedures and the Human Rights Committee on the subject.

5.

- a. What measures have Governments taken to investigate and prosecute attacks against journalists, including online violence and harassment against female journalists? What are the barriers to fighting impunity? What changes would you recommend?**

Unfortunately, not many governments have taken measures to investigate and prosecute attacks against journalists.

In Europe, justice still hasn't been served for most murdered journalists: despite the Greek government's promise to act in a "swift and expedited" manner following the murder of Greek crime reporter Giorgos Karaivaz, who was gunned down in broad daylight in Athens on 9 April, the investigation has not progressed. In Slovakia, the accused instigator of Slovak investigative journalist Jan Kuciak's murder in February 2018 has still not been convicted, the Slovak supreme court having only recently overturned businessman Marian Kocner's acquittal on a charge of ordering the hit. And in Malta, only one of the several people suspected of ordering and carrying out the 2017 car-bomb killing of Daphne Caruana Galizia has so far been convicted. Yorgen Fenech, a businessman accused of ordering her murder, is currently detained pending trial.

In France, despite the death of assailants Cherif and Said Kouachi in shootout with the police, the Prosecutor sought long sentences (from 5 years to life imprisonment) for the many suspected accomplices accused of providing varying degrees of logistical support to Charlie Hebdo killers. On 16 December, all 14 suspects on trial received guilty verdicts for helping brothers Said and Cherif Kouachi and Amedy Coulibaly plan and carry out attacks targeting Charlie Hebdo and a Jewish supermarket between 7-9 January (joint case).

At the EU-level, following a wide consultation with media support groups, the European Commission has adopted a recommendation on ensuring safety of journalists in the European Union in September 2021, in order to "set out a targeted approach to counter the

most worrying trends identified recently in the EU”, namely the murders of Jan Kuciak, Daphne Caruana Galizia, Giorgos Karaivaz and Peter R. de Vries.

In some of the most dangerous countries for journalists, such as in Mexico, Colombia, Brazil and Honduras, which account for 80 percent of the murders of journalists in Latin America in the last decade, authorities have established mechanisms for the protection of journalists.

In Mexico, the drug cartels are often blamed for disappearances, but the families of victims also often suspect that state agents are involved. In both kinds of cases, the complaints filed by the families produce no results and investigations eventually grind to a halt, including those carried out at the federal level by the Special Prosecutor’s Office for Crimes against Freedom of Expression (FEADLE).

In an attempt to address this problem, the Mexican government created a Special Prosecutor’s Office for Investigating Crimes of Enforced Disappearance on 16 February 2018. Its stated mission is to “prevent, investigate, punish and eradicate the crimes of enforced disappearance of persons and enforced disappearances committed by individuals.” But this initiative has not been accompanied by any concrete, strategic plan of action and the impunity rate remains extremely high despite justice being served in two important cases.

Impunity for attacks against journalists is also high when it comes specifically to women journalists, as is shown in RSF’s 2021 report ‘Sexism’s toll on journalism’ that reveals the extent of the dangers of sexist and sexual violence for women journalists, and its impact on journalism.

According to RSF’s data, when a complaint was filed for gender-based violence (incl. discrimination, insults, sexual harassment, unwanted touching, verbal and physical sexual assaults, threats of rape and even rape itself), in 43% out of 112 cases, the police registered the complaint but did not take any action. In 14% of cases, the police refused to register the complaint ; in 14% of the cases, a trial was held but did not result in an appropriate sentence ; in 11% a trial was held and the perpetrator was convicted ; and in 10% a trial is still to be held.

Barriers to fighting impunity

Barriers to fighting impunity are diverse and numerous. At the national level, we often deplore lengthy and insufficient judicial proceedings, which give the impression that it is acceptable to attack a journalist with impunity and that justice has not been done, and which therefore do not dissuade the perpetrator from taking action.

In some countries, such as in Mexico, the lack of will in investigating crimes against journalists and the non-resolution of cases has been attributed to suspected involvement of state agents, given that those journalists were covering stories linked to local politics, corruption or public security.

In some of the deadliest countries for journalists, the absence of a proper protection mechanism or/and of a Special Prosecutor dedicated to attacks against journalists can contribute to the cycle of impunity. However, even in countries where such a mechanism has been implemented, these efforts have proved inefficient if they don't come with adequate resources.

In Mexico, RSF has observed a serious deficiency in the number of staff in the mechanism for the protection of journalists. There is an evident work overload, with around 50 officials responsible for nearly 1,500 cases of persons under protection, 470 of which are journalists. A lack of adequate accompaniment and delays in the implementation of protection measures often cost lives. But the mechanism cannot be understood as an isolated gear: it is essential that public protection policies effectively involve governmental bodies and institutions of each state and also the local level.

In Mexico, impunity is close to total: in 95 to 99 percent of journalists' murders the mastermind goes unpunished, and none of recent years' cases of disappeared journalists has ever been solved.

Last december, the Federal Mechanism for the Protection of Human Rights Defenders and Journalists within the Interior Ministry (SEGOB) promised improvements in the coming year: the 2022 budgets shall be raised to 388 million Pesos, all analysts shall be certified and a national communication campaign (which had already been planned for 2019) shall be launched to raise awareness.

At the international level, it is our firm view that the global trends and challenges concerning the safety of journalists have demonstrated that the issue of impunity for crimes against journalists is too grave to be dealt with by the UN Special Rapporteur on Freedom of Expression on his/her own (given his/her broad mandate). In the absence of a real prevention mechanism and a rapid alert mechanism, impunity will prevail.

Changes

In countries with dedicated mechanisms, the fight against impunity will require providing more resources to the agency that is supposed to protect journalists, and reinforcing the justice ministry units that are responsible for investigating threats and crimes of violence against the media.

Elsewhere, RSF encourages States to create independent national committees for the safety of journalists that include representatives from the justice department, police and journalist associations in order to verify that all attacks and threats are properly investigated, improve procedures if necessary, propose protective measures if necessary, and take preventive actions to strengthen the safety of journalists. These committees will publish an annual report on threats and attacks on journalists and prosecutions by authorities, and will present their annual reports to their parliaments and governments.

We also encourage States to establish, at the governmental level, a rapid alert mechanism for press freedom violations and for the protection of journalists, and for a commissioner to be named as point person for this mechanism.

We also believe that States should press for the creation of the post of Special Representative to the UN Secretary General on the safety of journalists.

b. The UN Plan of Action on the Safety of Journalists and the Issue of Immunity will mark its 20th anniversary in 2022. How do you assess its results and what suggestions would you make to improve it? How can it be more relevant to gender concerns and to the threats posed by digital technology?

Despite the adoption of binding texts by international bodies, exactions against journalists have not decreased. While RSF acknowledges the key steps undertaken in the past decade on the basis of the UN Plan of Action on the Safety of Journalists – notably the rapid designation of focal points dedicated to the safety of journalists in the main UN agencies and programs – , no concrete impact has been reflected on the ground. In fact, the fight against impunity for those responsible for crimes of violence against journalists has seen no significant progress.

This is all the more reason for the international community to provide journalists with more effective protection and, to this end, the tools available must be strengthened. The growing pressure on the safety of journalists is a token of the need for a single, strategic and harmonized approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them.

At the international level, RSF urges for the creation of the post of Special Representative to the UN secretary-general for the safety of journalists (SRSJ) notably in charge of combating impunity for crimes of violence against them, a post with the political weight, capacity for rapid action and legitimacy necessary to coordinate all UN bodies and bring about a real change. The SRSJ would be appointed and mandated by the United Nations Secretary General (UNSG).

Firstly, the SRSJ would act as a prevention mechanism and a rapid alert mechanism. He/she will have the capacity to create a unique and harmonized strategy as he/she will be the central focal point, the coordinator of the focal points network, and the one to organize a coordinated response.

Finally, the SRSJ will assess the progress made by the Member States in his/her annual report to the Security Council and in its recommendation to the Secretary General on the drafting of his annual report to the General Assembly.

The point is not to overshadow the work of the Special Rapporteur on freedom of expression (SRFE) but rather to complement and strengthen its action.

The global trends and challenges concerning the safety of journalists – notably aggravated by the health crisis and the growing disregard for press freedom – shed light on the difficulties for the SRFE to take on such a grave issue on its own. Given its broad mandate, the SRFE can not properly tackle this critical issue and fully address its profound implications on democratic processes.

With a central and permanent position under the UN Secretary General aegis, the SRSJ will strengthen the impact of the work of the Special Rapporteur by relaying his/her recommendations, reports, appeals to Members States, demands to visit Members States related to the safety of journalists directly to the UNSG and to the network of focal points in all relevant UN agencies, funds and programs. Both offices will collaborate to prepare the annual reports to the Human Rights Council and to the General Assembly.

6. What do you believe has been the impact of digital and social platforms on press/media freedom, independence, viability and safety of journalists? What specific recommendations would you make to a) Governments and b) the companies to address or mitigate the detrimental impact ?

With the shift towards IP-delivery, Internet-connected devices, and an increasing use of online intermediary services, the media industry has grown into a complex system of distribution and consumption, where search, discovery and ranking functions are powerful determinants of access to content. Digital platforms are no longer simple technical intermediaries, transporters or hosts, neutral and without impact on the public space. They have become gate-keepers and, more broadly, 'structuring entities' that define the norms of the public space, decide on the censorship of content, and decide on the hierarchy of media and information. Online intermediaries, such as search engines, social networks, content aggregators, should be seen as structuring entities, able to structure and control our information space. They shape and influence the way people consume information through indexing and filtering content. Such wide-ranging powers and their impact might have implications for media pluralism, intended as internal and external pluralism, and, eventually, potentially undermining democracy.

In fact, platforms censor online content on their own terms even though it comes under the basic right to freedom of expression and may have significant public interest value, whether from an artistic, historic, journalistic or judicial viewpoint. Platforms should therefore never be allowed to delete or block access to such content without justification, transparency and accountability.

The organisation of public deliberation has been delegated to these digital platforms and social networks, without imposing any specific obligations on them as 'structuring entities'.

In that context, it is essential to re-introduce democratic safeguards, to guarantee respect for the right to freedom of opinion and expression, and to impose the creation of mechanisms for promoting reliable news and information; and to this end, obtain targeted action favouring authoritative news sources and trustworthy information.

To achieve this, RSF proposes to overhaul digital platforms regulation, by providing States with a historic opportunity to impose democratic safeguards in the digital information and communication space and to establish the foundations of a sustainable ecosystem for a media industry in crisis, as envisaged in **the Information and Democracy Initiative** launched by RSF.

The international initiative on information and democracy is a structural response to the global information chaos that is threatening democracy, universal freedoms and the pursuit of the Sustainable Development Goals (SDGs).

The Initiative has led to two main outcomes:

- The endorsement of **the International Partnership on Information and Democracy** by 45 countries which defines the principles of the global communication and information space and calls structuring platforms to implement them. The Partnership was based on the International Declaration on Information & Democracy, initiated by RSF and adopted in November 2018 by an international civil society commission.
- The creation of **the Forum on Information and Democracy** – a non-profit entity – by 11 organisations from civil society to expand these principles and issue concrete recommendations for regulation and self-regulation. This forum gathers 4 different groups of stakeholders : States, civil society, platforms and journalists/media.

Fruit of a very innovative collaboration between civil society and democratic States around the world, this new international entity provides research-based recommendations to address the information disorder.

Since its creation the Forum published two reports, the first one *How to End Infodemics* (Nov 2020) and the second *A New Deal for Journalism* (June 2021). These recommendations were discussed during the first annual Summit⁶ for Information and Democracy held on 24 September 2021 on the margins of the UN General Assembly.

The Forum has also announced the creation of the International Observatory⁷ on Information and Democracy, an equivalent of the IPCC for the information space. A prefiguration group, co-chaired by Shoshana Zuboff and Angel Gurría, has been created to further develop the methodology, objectives and resources of the Observatory.

Secondly, RSF proposes the creation of a self regulatory model for trustworthy information media to compensate unfair competition they suffer from the platforms. This proposition is embodied by the **“The Journalism Trust initiative” (JTI)** which is further described in Question 7 below.

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<https://informationdemocracy.org/2021/09/24/new-york-summit-sees-launch-of-the-international-observatory-on-information-and-democracy/>

7

<https://informationdemocracy.org/2021/11/13/8-international-figures-join-angel-gurria-shoshana-zuboff-to-create-the-observatory-on-information-and-democracy/>

7. What policies, procedures or other measures have the media (broadcast, print and digital) sector taken to promote press/media freedom, independence, pluralism, diversity and viability? What has been most successful? What additional measures would you suggest? What steps should the media sector take to promote gender equality?

Journalism worthy of its name must be clearly distinguishable, by humans and by algorithms. That is why, in an effort to encourage respect for journalistic ethics and methods and reinforce the right to information, RSF launched “ The Journalism Trust Initiative” (JTI), a collaborative process of standardization.

JTI is translating existing journalistic professional norms into machine-readable code. At the manufacturing level of journalism, benchmarks of quality and independence must be transparent and verifiable to reinstate trust. To that end, JTI provides indicators for media outlets to self-assess and comply with – and for citizens, advertisers, regulators and public funding agencies to reward it.

In that respect, JTI is a normative instrument to turn accountability and transparency of news media into a competitive advantage and thus, incentivize compliance with ethical norms in journalism. As a means of actively rewarding trustworthiness in the digital information space, the JTI aims at fighting disinformation by driving out the bad with the good. The advantages will be gained in algorithmic indexation by search engines and social networks, more advertising income, favourable decisions by independent authorities and public funding.

The JTI Standard’s adoption will thereby allow for the promotion and improvement of the visibility of sources of news and information that can be regarded as reliable, by providing a set of criteria for algorithmic indexation that were developed in a self-regulatory process under the CEN’s aegis and in cooperation with journalists and media from all over the world, and are implemented in a transparent and verifiable manner.

Examples of media outlets already using the JTI tools include France Télévisions, Swiss Public Broadcasting, CBC/Radio-Canada, the Schibsted Group and DER SPIEGEL, in the U.S. the Associated Press, the Agency for Global Media (Radio Free Europe, Radio Liberty) and Colorado Public Radio are leading by example in using the JTI as well.

8. Do you see any major gaps in the international human rights legal framework? Are there any specific recommendations that you would suggest to address such gaps or to improve implementation of existing standards?

In RSF’s view the issue of journalists safety is not rooted mainly in gaps in the international human rights legal framework but rather in its ineffective enforcement.

In fact, various UN bodies have adopted resolutions in the past decade with the aim of protecting journalists and combating impunity for those responsible for violence against

journalists. This progress at the legal level has not been reflected in the reality on the ground.

For instance, the UNSC Resolutions 1738 and 2222 do not create any mechanism to ensure compliance. Furthermore, the UN Plan of Action does not establish a mechanism to monitor compliance by Member States of their obligations. Existing mechanisms do not have the role of ensuring compliance with UNSC resolutions.

Without effective protection of journalists, the right to information cannot be guaranteed. While digital technology offers new ways to spread propaganda, the fight against violent extremism cannot be led without information collected from journalists acting in a safe environment.

In that respect, RSF urges the implementation of concrete mechanisms to enforce international law regarding the safety of journalists. That is why RSF is strongly committed to the appointment of a Special Representative of the UN Secretary General for the safety of journalists in charge of ensuring the implementation of international standards aimed at protecting journalists both on the field and online.

9. The Special Rapporteur would welcome examples of good practice by Governments, companies, the media sector, civil society and other stakeholders, and your recommendations on how best to address the challenges and threats to press/media freedom, independence, diversity, pluralism, and safety of journalists. Please share any relevant documents, reports, news or academic articles that you believe should be considered in the preparation of her report.

More detailed information regarding the JTI initiative, the reports of the Working Group of the Information and Democracy initiative and our recommendations on the UN Secretary General for the safety of journalists will be attached to our contribution.