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# UN Educational, Scientific and Cultural Organization Background Guide 2024

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# NATIONAL MODEL UNITED NATIONS



# NATIONAL MODEL UNITED NATIONS

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Dear Delegates,

Welcome to the 2024 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce to you our committee, the United Nations Educational, Scientific and Cultural Organization (UNESCO). Your committee's work is facilitated by volunteer staffers. This year's committee staff are: Director Sebastian Hieke and Assistant Director Saki Takeshita (Session 1), and Director Kieran Leigh and Assistant Director Hana Matsushita (Session 2). Sebastian holds an M.A. in Near and Middle Eastern Studies. He is currently working with the Austrian Federal Ministry of Defence based in Vienna. Saki Takeshita is a six-year student at Nara Medical University majoring in Medicine. She has a strong interest in Public Health and studies Epidemiology and Health Policy. Kieran studied Politics and International Relations at the University of Nottingham and the University of South Florida. He currently works for a Member of Parliament and is an elected Town Councillor. Hana Matsushita studies International Relations at Kobe City University of Foreign Studies and is currently working as an intern in India at an educational company. The preparation of these materials was supported by Under-Secretaries-General Vikram Sakkia (Session 1) and Christopher Duggan (Session 2).

The topics on the agenda for this committee are:

1. Promoting Restitution or the Return of Cultural Property to its Country of Origin
2. Promoting Freedom of Expression and Access to Information

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the bibliography to further your knowledge on these topics. In preparation for the conference, each delegation should submit a Position Paper by 11:59 p.m. ET on 1 March 2023 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers website](#).

Two resources, available to download from the NMUN website, serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

- The [NMUN Delegate Preparation Guide](#), which explains each step in the delegate process, from pre-conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions.
- The [NMUN Rules of Procedure](#), which includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for this committee, please contact the Deputy Secretaries-General at [dsg.ny@nmun.org](mailto:dsg.ny@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Sebastian Hieke, Director  
Saki Takeshita, Assistant Director  
Session 1

Kieran Leigh, Director  
Hana Matsushita, Assistant Director  
Session 2



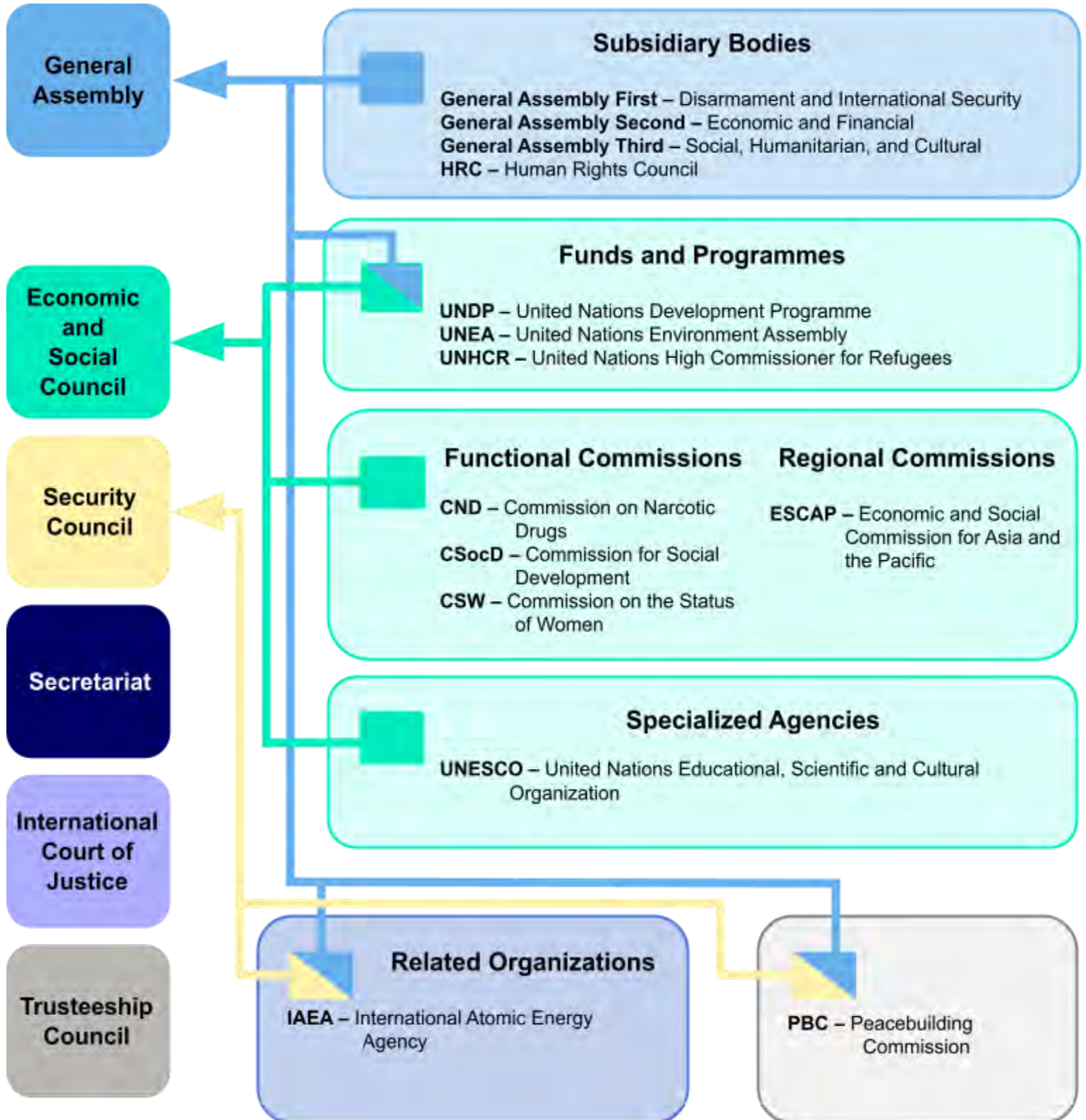
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## United Nations System at NMUN·NY

This diagram illustrates the United Nations system simulated at NMUN·NY. It shows where each committee “sits” within the system to demonstrate the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee’s position, purpose, and powers within the United Nations system.





## Committee Overview

### Introduction

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency that coordinates with the United Nations through the Economic and Social Council (ECOSOC).<sup>1</sup> Although it is financially and structurally independent from the United Nations, UNESCO works closely with several United Nations entities to promote common goals, including peace and security and social and economic development.<sup>2</sup> Per its mandate, UNESCO has coordinated and produced several international standards for the promotion of peace through collaboration in the fields of education, intercultural dialogue, and communication and information.<sup>3</sup> Among these are the *Convention Against Discrimination in Education* (1960), the *Declaration on Race and Racial Prejudice* (1978), the *ICT Competency Framework for Teachers* (2018), the *Global Convention on the Recognition of Qualifications concerning Higher Education* (2019), and the *Recommendation on the Ethics of Artificial Intelligence* (2022).<sup>4</sup>

### Mandate, Functions, and Powers

UNESCO's mandate is derived from article 1, paragraph 3 of the *Charter of the United Nations* (1945), and is fully defined by the *UNESCO Constitution* (1945).<sup>5</sup> UNESCO is tasked to promote collaboration among Member States in the fields of education, science, and culture to develop and maintain peace, the rule of law, and mutual respect.<sup>6</sup> Additionally, UNESCO is responsible for coordinating and supporting the development of knowledge and culture for "economic stability, political security, and general well-being of the peoples of the world."<sup>7</sup> UNESCO plays a significant role in coordinating international conventions and setting standards in the areas of education, culture, and science.<sup>8</sup>

Whilst the following list is not exhaustive, the mandate of UNESCO can be summarized as:

- UNESCO **will generally**: make policy recommendations to other bodies and Member States in the fields within its mandate; hold international conferences to deliberate issues and set standards; provide expert research and consultation to the primary organs of the United Nations system and synergize its work with other United Nations bodies through ECOSOC; work with other entities and organizations to implement programs in matters related to education, science, culture, communication, and information; maintain international standards and records of cultural, natural, and intangible heritage; provide support to Member States in protecting items of cultural significance, improving their education systems, and collaborating in scientific fields.<sup>9</sup>
- UNESCO **will not generally**: set norms and standards in fields other than education, science, and culture; demand action from Member States and other entities on policy

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<sup>1</sup> New Zealand Ministry of Foreign Affairs and Trade. *United Nations Handbook 2023-24*. 2023.

<sup>2</sup> United Nations Conference on International Organization. *Charter of the United Nations*. 1945. art. 63.

<sup>3</sup> United Nations Educational, Scientific and Cultural Organization. *Basic Texts: 2016 edition*. 2016.

<sup>4</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO (ERI/2010/WS/2)*. 2010. p. 37; United Nations Educational, Scientific and Cultural Organization. *Recommendation on the Ethics of Artificial Intelligence*. 2022; United Nations Educational, Scientific and Cultural Organization. *Global Convention of Higher Education*. N.d.

<sup>5</sup> United Nations Conference on International Organization. *Charter of the United Nations*. 1945. art. 1; United Nations Educational, Scientific and Cultural Organization. *Constitution of the United Nations Educational, Scientific and Cultural Organization*. 1945. p. 5.

<sup>6</sup> *Ibid.* art. V, art. I, para. 1.

<sup>7</sup> Conference of Allied Ministers of Education. *Conference for the Establishment of UNESCO (ECO/CONF./29)*. 1945. p. 1.

<sup>8</sup> United Nations Educational, Scientific and Cultural Organization. *Implementation of standard-setting instruments*. 2015.

<sup>9</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO (ERI/2010/WS/2)*. 2010. p. 32.



development and implementation, typically encouraging and helping facilitate partnerships with organizations instead; request specific action from Member States and other entities on the promotion of access to education, cultural heritage, and scientific programs but instead provide frameworks and policy recommendations.<sup>10</sup>

Outlined in its *Medium-Term Strategy 2022-2029*, UNESCO further serves as: an international forum for ideas, innovation, and policy advice in education, science, culture, and communication and information; a global center for policy analysis, monitoring, benchmarking, and the development and analysis of data and statistics; a standard-setter that supports their implementation; a facilitator and catalyst for international and regional cooperation.<sup>11</sup> UNESCO also plays a significant strategic oversight role with respect to the implementation of Sustainable Development Goal 4 (quality education) of the *2030 Agenda for Sustainable Development*.<sup>12</sup>

### **Governance, Structure, and Membership**

UNESCO is a legally independent agency that entered a relationship with the United Nations in 1945.<sup>13</sup> UNESCO is governed by its own set of rules, membership independent from that of the United Nations, organizational structure, and budget.<sup>14</sup> UNESCO currently has 194 Member States and 12 Associate Members.<sup>15</sup> Two major bodies, the General Conference and Executive Board, govern the work of UNESCO.<sup>16</sup>

The General Conference, consisting of all UNESCO Member States, meets every two years.<sup>17</sup> The General Conference is primarily responsible for: electing the 58 members of the Executive Board, who serve four-year terms; deliberating on and approving recommendations from the Executive Board; summoning international conferences; considering reports from Member States; and advising United Nations organizations on matters of education, science, and culture.<sup>18</sup> The General Conference may also establish special and technical committees, create subsidiary organs, and invite observers on the recommendation of the Executive Board.<sup>19</sup> Every two years, the Executive Board: prepares the biennial agenda for, submits policy recommendations to, and implements decisions adopted by the General Conference; recommends the admission of new Members; nominates the Director-General; and reviews the budget.<sup>20</sup> Additionally, the Executive Board may advise the primary organs of the United Nations on issues relevant to its mandate, consult with representatives of intergovernmental organizations (IGOs) and independent experts, and request advisory opinions from the International Court of Justice.<sup>21</sup> At its 2021 session, UNESCO reaffirmed its commitment to addressing global issues in accordance with the 2030 Agenda by renewing its *Medium-Term Strategy* for the time period 2022-2029.<sup>22</sup>

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<sup>10</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO in brief*. N.d.

<sup>11</sup> United Nations Educational, Scientific and Cultural Organization. *Medium-Term Strategy 2022-2029 (41 C/4)*. 2022.

<sup>12</sup> Ibid.

<sup>13</sup> United Nations, General Assembly. *Agreements with Specialized Agencies (A/RES/50(I))*. 1945.

<sup>14</sup> Ibid.

<sup>15</sup> United Nations Educational, Scientific and Cultural Organization. *Member States*. N.d.

<sup>16</sup> New Zealand Ministry of Foreign Affairs and Trade. *United Nations Handbook 2023-24*. 2023.

<sup>17</sup> Ibid.

<sup>18</sup> United Nations Educational, Scientific and Cultural Organization. *Constitution of the United Nations Educational, Scientific and Cultural Organization*. 1945. arts. III-VI.

<sup>19</sup> Ibid. arts. III-VI.

<sup>20</sup> Ibid. 1945. art. V; United Nations Educational, Scientific and Cultural Organization. *Executive Board in Brief*. N.d.

<sup>21</sup> United Nations Educational, Scientific and Cultural Organization. *Constitution of the United Nations Educational, Scientific and Cultural Organization*. 1945. art. V.

<sup>22</sup> United Nations Educational, Scientific and Cultural Organization. General Conference: 41st Session - 9-24 November 2021. 2021.



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## 1. Promoting Restitution or the Return of Cultural Property to its Country of Origin

*“The subject encompasses questions of identity, memory, sovereignty, which are not only legal but also diplomatic, political, historical, philosophical and ethical. To trace these seized, looted, displaced works is to trace the world’s violent history.”<sup>23</sup>*

### **Introduction**

Preserving cultural expressions and objects is essential to keeping cultural heritage intact for Member States and their people.<sup>24</sup> Member States have become increasingly aware of how the protection of cultural heritage contributes to sustainable development, as defined in the *2030 Agenda for Sustainable Development* (2030 Agenda) (2015).<sup>25</sup> Cities can be more inclusive and resilient by conserving cultural structures in urban planning to preserve the heritage of the initial inhabitants.<sup>26</sup> Culturally sensitive approaches for quality education, as well as sustainable production and consumption benefit local communities with different cultural needs and expressions.<sup>27</sup> However, the illicit trafficking of cultural goods forms a major threat to preservation.<sup>28</sup> The *UBS Global Art Market Report* amounts the volume of global art sales at over \$50 billion, 5% of which are estimated to take place in illegal markets.<sup>29</sup> More and more items of illicit archaeological excavations get seized, making it the biggest category of all illicit activities in 2020 compared to previous years.<sup>30</sup> This positive trend is exacerbated by the fact that many cultural goods of high value were prone to theft during the COVID-19 pandemic, partly due to reduced surveillance activities by authorities.<sup>31</sup>

Cultural property is defined as including both movable and immovable objects important to secular and religious cultural heritage, including buildings, works of art, written documents, library materials, and archaeological and natural heritage sites.<sup>32</sup> Further specifications on intangible practices, expressions, and traditions were also included later in the definition of cultural property.<sup>33</sup> Member States are engaged in the identification, documentation, and revitalization of this kind of heritage.<sup>34</sup> The question of original ownership of cultural property arises in cases of restitution.<sup>35</sup> The report *Restitution of African Cultural Heritage: Toward a New Relational Ethics* (Savoy-Sarr report) (2018) defines restitution as the return of an object to its legitimate owner and the recognition of the illegitimate possession of that object.<sup>36</sup> Restitution in this context also means to place the objects in question into social spaces within receiving

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<sup>23</sup> United Nations Educational, Scientific and Cultural Organization. *International Conference of leaders and thinkers examines new perspectives for displaced heritage*. 2018.

<sup>24</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO World Conference on Cultural Policies and Sustainable Development - MONDIACULT 2022: Final Declaration*. 2022.

<sup>25</sup> United Nations Educational, Scientific and Cultural Organization. *Culture in the 2030 Agenda*. 2023.

<sup>26</sup> Hosagrahar. *The UNESCO Courier. Culture: at the heart of SDGs*. 2017.

<sup>27</sup> Ibid.

<sup>28</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970. p. 2.

<sup>29</sup> Shone et al. Euronews. *Art and Crime - The Dark Side of Antiquities Trade*. 2022.

<sup>30</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property*. 2020. p. 14.

<sup>31</sup> International Criminal Police Organization. *Cultural property crime thrives throughout pandemic says new INTERPOL survey*. 2021.

<sup>32</sup> United Nations Educational, Scientific and Cultural Organization. *Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention*. 1954. p. 3.

<sup>33</sup> United Nations Educational, Scientific and Cultural Organization. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2022.

<sup>34</sup> Ibid. pp. 5-6.

<sup>35</sup> Sarr et al. *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*. 2018.

<sup>36</sup> Ibid. p. 29.



Member States and institute new ways of preservation.<sup>37</sup> For example, the National Museum in Mali regularly lends cultural objects of importance for ritual practices to local communities, emphasizing the social function of cultural property of African heritage.<sup>38</sup>

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is the principal United Nations organization concerned with the identification, protection, and preservation of cultural heritage.<sup>39</sup> UNESCO advocates for the framework instruments it helped establish, but the international community continues to face challenges relating to inadequate regulation of restitution cases and the criminalization of illicit actions involving cultural property.<sup>40</sup>

### ***International and Regional Framework***

The *Universal Declaration on Human Rights* (UDHR) (1947) specifies the need for cultural preservation in article 27, while article 15 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) first stipulated the positive right to freely enjoy the cultural life of communities.<sup>41</sup> UNESCO spearheaded the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954 Hague Convention) (1954) and the *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property* (1970 Convention) (1970).<sup>42</sup> Signatories to the 1970 Convention pledged to combat illegal export and theft of cultural property.<sup>43</sup> The 1970 Convention describes the illicit transfer of cultural property, proposes concrete measures to counter it, and rules out the possibility of legally possessing cultural property illegally acquired.<sup>44</sup> The Subsidiary Committee of the Meeting of States Parties to the 1970 Convention monitors its implementation.<sup>45</sup> The committee acts as a focal point between the UNESCO General Conference and additional advisory bodies engaged in heritage protection, such as the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM).<sup>46</sup>

However, the 1970 Convention did not establish a mechanism to deal with cases of “good faith” acquisitions.<sup>47</sup> When the receiving party acquires cultural goods and presumes no clandestine provenance, it is considered a “good faith” acquisition.<sup>48</sup> For such disputed acquisitions, various legal questions have to be addressed, for example, issues related to property law on how to compensate

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<sup>37</sup> Ibid. p. 32.

<sup>38</sup> Ibid. p. 32.

<sup>39</sup> United Nations Educational, Scientific and Cultural Organization. *World Heritage*. 2023.

<sup>40</sup> International Institute for the Unification of Private Law. *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects - States Parties*. 2021; United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. States Parties*. 2023.

<sup>41</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948. pp. 76; United Nations, General Assembly. *International Covenant on Economic, Social, and Cultural Rights (A/RES/2200A (XXI))*. 1966. p. 51.

<sup>42</sup> United Nations Educational, Scientific and Cultural Organization. *Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention*. 1954; United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970.

<sup>43</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970. p. 10.

<sup>44</sup> United Nations Educational, Scientific and Cultural Organization. *About 1970 Convention*. 2021.

<sup>45</sup> United Nations Educational, Scientific and Cultural Organization. *Fight illicit trafficking (Convention 1970): Subsidiary Committee & Sessions*. 2023.

<sup>46</sup> Ibid.; International Centre for the Study of the Preservation and Restoration of Cultural Property. *Celebrating 50 years of the World Heritage Convention*. 2022.

<sup>47</sup> International Institute for the Unification of Private Law. *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: Explanatory Report*. 2001. pp. 480-482.

<sup>48</sup> Ibid.



Member States claiming the traded object.<sup>49</sup> UNESCO requested the International Institute for the Unification of Private Law (UNIDROIT) to establish provisions in that regard, subsequently codified in the *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects* (1995 Convention) (1995).<sup>50</sup>

Several legal frameworks set the protection of cultural property and culture into a broader legal context.<sup>51</sup> The *Convention Concerning the Protection of the World's Cultural and Natural Heritage* (1972 Convention) (1972) defines rules to conserve natural features and sites, hence integrating the protection of natural heritage into the international regime of culture protection.<sup>52</sup> The *Convention on the Protection of Underwater Heritage* (2001 Convention) (2001) regulates the protection of all natural, archaeological, or historical objects or sites below sea.<sup>53</sup> The *Convention for the Safeguarding of the Intangible Cultural Heritage* (2003 Convention) (2003) defines inherited traditions, living expressions, rituals, and practices to be key parts to cultural heritage worldwide.<sup>54</sup> As indigenous peoples play a crucial part in conserving intangible heritage, the 2003 Convention emphasizes community-based measures, such as teaching locals indigenous readings to protect indigenous heritage.<sup>55</sup>

With the adoption of the 2030 Agenda, the protection of cultural heritage became more prevalent in the sustainable development agenda.<sup>56</sup> This is the case for Sustainable Development Goal (SDG) 16 (peace, justice, and strong institutions) and its target 16.4 on illicit financial and arms flows, recovery and return of stolen assets, and the combat against all forms of organized crime.<sup>57</sup> In 2021, the United Nations Congress on Crime Prevention and Criminal Justice adopted the *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development* (Kyoto Declaration).<sup>58</sup> This political agreement addresses criminal offenses related to cultural property in line with the foundational United Nations Office on Drugs and Crime (UNODC) *Convention against Transnational Organized Crime* (2000).<sup>59</sup>

### **Role of the International System**

The *Medium-Term Strategy for 2022-2029*, published at the 41st session of the UNESCO General Conference, states that UNESCO is responsible for monitoring cultural and natural heritage, in accordance of achieving SDG 11 (sustainable cities and communities) indicator 11.4.1, in partnership with the International Union for Conservation of Nature and Natural Resources (IUCN).<sup>60</sup> Furthermore, the recent UNESCO World Conference on Cultural Policies and Sustainable Development (MONDIACULT 2022) underscored the interdependencies between cultural heritage protection and the achievement of

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<sup>49</sup> Ibid.

<sup>50</sup> International Institute for the Unification of Private Law. *1995 Convention: UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*. 1995.

<sup>51</sup> United Nations Educational, Scientific and Cultural Organization. *Legal affairs: Conventions*. 2023.

<sup>52</sup> United Nations Educational, Scientific and Cultural Organization. *Convention concerning the Protection of the World Cultural and Natural Heritage*. 1972.

<sup>53</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Protection of the Underwater Cultural Heritage*. 2001.

<sup>54</sup> United Nations Educational, Scientific and Cultural Organization. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage*. 2022.

<sup>55</sup> United Nations Educational, Scientific and Cultural Organization. *Living Heritage and Indigenous Peoples*. 2023.

<sup>56</sup> United Nations Educational, Scientific and Cultural Organization. *Culture. 2030 Indicators*. 2019.

<sup>57</sup> Ibid. p. 13.

<sup>58</sup> United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021.

<sup>59</sup> United Nations Office on Drugs and Crime. *United Nations Convention against Transnational Organized Crime and the Protocols thereto*. 2004; United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021. p. 16.

<sup>60</sup> United Nations Educational, Scientific and Cultural Organization. *Medium-Term Strategy for 2022-2029*. 2022. pp. 13-14.



the SDGs on a global scale.<sup>61</sup> The final declaration recognizes culture as a global public good, awarding cultural policies a more central role beyond in the 2030 Agenda and beyond.<sup>62</sup> The State parties to MONDIACULT 2022 called upon the Secretary-General to integrate it as a specific goal in its own right in the development agenda beyond 2030.<sup>63</sup>

The UNESCO Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (ICPRCP) is a permanent intergovernmental body responsible for finding ways to facilitate bilateral negotiations for the return or restitution of cultural property and may submit proposals to Member States for mediation or conciliation.<sup>64</sup> It is composed of 22 Member States elected to four-year terms by UNESCO's General Conference and records information on restitution requests and agreements.<sup>65</sup>

In addition to ICPRCP, intergovernmental bodies such as UNODC and the International Criminal Police Organization (INTERPOL) cooperate with UNESCO to support Member States in law enforcement.<sup>66</sup> They offer technical assistance for the prosecution of trafficking of cultural property.<sup>67</sup> UNODC calls for the ratification and implementation of relevant international instruments, such as the *Convention against Transnational Organized Crime* (2000).<sup>68</sup> In practice, UNODC has been addressing the issue of cultural property trafficking by enhancing data collection and promoting unique tools for information management by utilizing technology to provide aggregated information, such as the *United Evaluations*.<sup>69</sup> Regarding cross-border protection of cultural property, INTERPOL assists Member States in protecting their cultural heritage and property with a particular focus on assisting law enforcement and national data collection, since many Member States do not possess police units specialized in cultural property or cannot sufficiently capture data on trafficking cases.<sup>70</sup> INTERPOL offers training on how to fight the trafficking of cultural property and employs tools to ensure data analysis.<sup>71</sup> INTERPOL published the report *Assessing Crimes Against Cultural Property* (2020) summarizing its surveys on crimes against cultural property to help better understand the illicit trafficking of cultural property.<sup>72</sup>

Two independent intergovernmental bodies, the World Customs Organization (WCO) and UNIDROIT, facilitate the protection of cultural properties by intervening with legal measures in cases of restitution, in accordance with the 1995 Convention.<sup>73</sup> 48 Member States have adopted the convention and make use

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<sup>61</sup> United Nations Educational, Scientific and Cultural Organization. *MONDIACULT 2022*. 2022.

<sup>62</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO World Conference on Cultural Policies and Sustainable Development - MONDIACULT 2022: Final Declaration*. 2022.

<sup>63</sup> Ibid.

<sup>64</sup> United Nations Educational, Scientific and Cultural Organization. *"Return & Restitution" Intergovernmental Committee*. 2021.

<sup>65</sup> United Nations Educational, Scientific and Cultural Organization. *Sessions of the Committee "Return and Restitution"*. 2021.

<sup>66</sup> United Nations Office on Drugs and Crime. *Cooperation with partners*. N.d.

<sup>67</sup> Ibid.

<sup>68</sup> United Nations Office on Drugs and Crime. *Trafficking in Cultural Property*. N.d.; Conference of Parties to the United Nations Convention against Transnational Organized Crime. *Combating transnational organized crime against cultural property*. 2006.

<sup>69</sup> United Nations Office on Drugs and Crime. *The Independent Evaluation Section*. N.d.; United Nations Office on Drugs and Crime. *Trafficking in Cultural Property*. N.d.

<sup>70</sup> International Criminal Police Organization. *How we fight cultural heritage crime*. 2023.

<sup>71</sup> Ibid.

<sup>72</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property*. 2020. p. 4.

<sup>73</sup> The International Institute for the Unification of Private Law (UNIDROIT). *1995 Convention: UNIDROIT Convention On Stolen or Illegally Exported Cultural Objects*. 1995.



of its legal framework in cases of restitution claims.<sup>74</sup> However, only a few Western Member States have ratified the convention, therefore its relevance for effective restitution cooperation has been limited.<sup>75</sup>

Regionally, UNESCO and the European Union (EU) have hosted the project "Inter-regional and cross-cutting action aiming to strengthen the fight against the illicit trafficking of cultural property" until 2023.<sup>76</sup> It offers capacity building for a diversity of professionals.<sup>77</sup> In addition to EU Member States, countries in the Western Balkans and partner countries of the European Neighbourhood Instrument (ENI) South were invited to participate.<sup>78</sup> In 2018, the African Union (AU) established the *AU Model Law on the Protection of Cultural Property and Heritage* (Model Law), which aims to assist its Member States in strengthening and improving national legislation on the protection of cultural property and heritage.<sup>79</sup>

Non-governmental organizations, such as the International Council of Museums (ICOM) and the International Council on Monuments and Sites (ICOMOS) collaborate with UNESCO as official partners of the UNESCO World Heritage Centre to promote and protect cultural heritage.<sup>80</sup> In addition, ICCROM works as an advisory board of the 1972 Convention, which promotes the conservation of all forms of cultural heritage.<sup>81</sup> Also, the International Committee of the Red Cross (ICRC) protects cultural property during armed conflict based on the principle that damage to cultural property of any people means "damage to the cultural heritage of all mankind," as stated in the 1954 Hague Convention.<sup>82</sup>

### **Addressing Illicit International Trafficking of Cultural Property**

Trafficking in cultural property involves several acts that may ultimately result in the loss, destruction, removal, or theft of irreplaceable items.<sup>83</sup> It is typically classified into one of three categories: theft, looting, or forgery.<sup>84</sup> Theft implies the robbing of original cultural property from their owners or caretakers.<sup>85</sup> Whereas, looting is the removal of ancient relics from archaeological sites or old buildings.<sup>86</sup> Forgery is defined as the illegal imitation of cultural property for some form of benefit.<sup>87</sup> While INTERPOL emphasizes illicit trafficking of cultural property as a threat to preserve historical knowledge for the future, it can also be a result of oppression and persecution and has been ruled as a war crime by the International Criminal Court (ICC).<sup>88</sup>

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<sup>74</sup> International Institute for the Unification of Private Law. *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects - States Parties*. 2021.

<sup>75</sup> Ibid.

<sup>76</sup> United Nations Educational, Scientific and Cultural Organization. *Illicit Trafficking: UNESCO's Cooperation with the European Union to Fight Illicit Trafficking of Cultural Property*. 2021.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> African Union. *The African Union Model Law*. N.d.

<sup>80</sup> International Council on Monuments and Sites. *ICOMOS and World Heritage*. 2023; United Nations Educational, Scientific and Cultural Organization World Heritage Centre. *World Heritage Convention: Our Partners*. 2023.

<sup>81</sup> International Centre for the Study of the Preservation and Restoration of Cultural Property. *What is ICCROM*. 2023.

<sup>82</sup> United Nations Educational, Scientific and Cultural Organization. *The Hague Convention: Partnerships*. 2021.

<sup>83</sup> United Nations Office on Drugs and Crime. *Trafficking in Cultural Property*. N.d.

<sup>84</sup> European Union, European Police Office. *Cultural Goods Crime*. 2022.

<sup>85</sup> Ibid.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property*. 2020. p. 6.



Trafficking of cultural property is typically planned and carried out by organized crime.<sup>89</sup> The trafficking of drugs has been heavily criminalized, but there is a lack of prosecution of felonies regarding the trafficking of stolen goods.<sup>90</sup> As political instability and armed conflict provoke legal vacuums, cause a lack of law enforcement presence and surveillance, and impede prosecution efforts, organized crime and other entities find profitable environments to loot or destroy cultural heritage in war zones.<sup>91</sup> Furthermore, the illicit trafficking of cultural property from conflict zones has been linked to the financing of terrorist activities, which threaten international peace and security.<sup>92</sup> For example, the Council of the EU highlighted that terrorist groups generate income from trade and illicit trafficking of cultural property, and encouraged its Member States to cooperate with INTERPOL to track down terrorist groups.<sup>93</sup> Member States have committed to strengthening national and international responses to trafficking of cultural objects and other crimes targeting cultural property.<sup>94</sup> Member States also recognize the need to uncover financing means of organized crime and terrorism, for example through money laundering.<sup>95</sup> Estimations by the NETwork and digital platform for Cultural Heritage Enhancing and Rebuilding project suggest the size of the global illicit cultural property market is somewhere between \$3 and \$15 billion.<sup>96</sup>

According to the INTERPOL report *Assessing Crimes Against Cultural Property (2020)*, the characteristics of illicit trafficking of cultural property greatly vary across regions.<sup>97</sup> The majority of the stolen objects in 2020 were reported from Member States in Europe and Africa, with 35% of them being coins.<sup>98</sup> In Asia, archaeological items were reported to be the most vulnerable items.<sup>99</sup> Not only the different object types but also the targeted locations differ across regions.<sup>100</sup> In Africa, Member States reported that the majority of crimes against cultural property were committed in antique shops (18%) and private homes (16%).<sup>101</sup> On the other hand, in Asia, more than a quarter of cultural heritage crimes occur at archaeological sites (26%).<sup>102</sup> With some Member States in Asia suffering from armed conflict, criminals may pursue illegal excavations on unsurveyed and unprotected archaeological sites.<sup>103</sup>

UNESCO's law enforcement partners, such as INTERPOL and WCO, play essential roles in strengthening measures to effectively mitigate the theft and trafficking of cultural property.<sup>104</sup> Together with INTERPOL, WCO, UNODC, and ICOM, UNESCO hosted a regional workshop on the fight against illicit

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<sup>89</sup> United Nations Educational, Scientific and Cultural Organization. *The UNESCO Courier. 50 years of the fight against the illicit trafficking of cultural goods.* 2020. p. 15.

<sup>90</sup> Ibid.

<sup>91</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property.* 2020. p. 6.

<sup>92</sup> Ibid.

<sup>93</sup> European Union, Council of the European Union. *Council conclusions on EU External Action on Preventing and Countering Terrorism and Violent Extremism.* 2020. p. 8.

<sup>94</sup> United Nations, General Assembly. *International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences (A/RES/69/196).* 2015; United Nations, General Assembly. *Return of Restitution of Cultural Property to the Countries of Origin (A/RES/76/16).* 2021. p. 3.

<sup>95</sup> Ibid.

<sup>96</sup> NETwork and social platform for Cultural Heritage Enhancing and Rebuilding. *Illegal trafficking of cultural goods in countries in conflict.* 2020.

<sup>97</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property.* 2020. p. 13.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid. p. 20.

<sup>102</sup> Ibid. p. 20.

<sup>103</sup> Ibid. p. 16.

<sup>104</sup> The International Institute for the Unification of Private Law. *1995 Convention: UNIDROIT Convention On Stolen or Illegally Exported Cultural Objects.* 1995; World Customs Organization. *Cultural Heritage Programme.* N.d.



trafficking of cultural property in Uzbekistan in June 2023.<sup>105</sup> Law enforcement professionals, judicial actors, and officials from the Ministries of Culture from seven Member States in Central Asia participated to exchange best practices at the national level.<sup>106</sup> They also explored the practical application of international standards and opportunities of regional cooperation.<sup>107</sup> The workshop served to reinforce the network of professionals across Central Asia and the implementation of the 1970 Convention.<sup>108</sup>

As a mean to fight illicit trafficking through the support of international civil society, INTERPOL developed the mobile application “ID-Art”, which gives mobile access to its “Stolen Works of Art Database” that lists 52,000 certified police records of stolen and missing art objects.<sup>109</sup> ID-Art has been contributing to identifying stolen cultural property and thus, increasing the chances for recovery.<sup>110</sup> For example, the Spanish National Police using ID-Art recovered three gold coins dating back to the Roman Empire and arrested two individuals trying to sell one of the coins.<sup>111</sup> They had been stolen in Switzerland in 2012 and were worth up to €200,000 on the black market.<sup>112</sup> Also, ICOM has been publishing “red lists” since 2000 to counter illicit trafficking.<sup>113</sup> In addition, the provision of capacity-building measures for Member States helps them evaluate and reform national legislation in accordance with UNIDROIT’s 1995 Convention.<sup>114</sup> Though multiple organizations have worked on countering illicit trafficking of cultural property over decades, there are still challenges that the international community should address, such as sufficient legislation, prosecution, and international peace and security to effectively address the issue.<sup>115</sup>

### **Safeguarding Cultural Heritage in the Context of Decolonization**

In 1987, then Director-General of UNESCO Amadou-Mahtar M’Bow issued a plea for the return of irreplaceable cultural heritage to those who created it.<sup>116</sup> He called on all stakeholders to make efforts for the restitution of art treasures and to take note of the fact that people have been dispossessed of their collective memory.<sup>117</sup> The preamble of the 1970 Convention already highlighted the moral obligation to respect the cultural heritage of Member States.<sup>118</sup> These moral prerogatives seldomly led Member States to return cultural property.<sup>119</sup> For example, more than nine out of 10 objects are still situated outside their origin states in Sub-Saharan Africa due to colonial exploitation.<sup>120</sup> Almost 400,000 objects in question are kept in the Musée Royal de l’Afrique Centrale in Belgium, the Humboldt Forum Berlin, the Musée du quai Branly-Jacques Chirac, and the British Museum.<sup>121</sup>

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<sup>105</sup> United Nations Educational, Scientific and Cultural Organization. *UNESCO workshop supports the fight against illicit trafficking in Central Asia and Afghanistan*. 2023.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> International Criminal Police Organization. *ID-Art mobile app*. 2023.

<sup>110</sup> International Criminal Police Organization. *ID-Art: Success Stories*. 2023.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> International Council of Museums. *Red Lists*. N.d.

<sup>114</sup> International Institute for the Unification of Private Law. *1995 Convention: UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects*. 1995.

<sup>115</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property*. 2020. p. 6; International Criminal Police Organization. *ID-Art mobile app*. 2023; World Customs Organization. *Cultural Heritage Programme*. N.d.

<sup>116</sup> M’Bow. The UNESCO Courier. *A Plea for the return of an irreplaceable cultural heritage to those who created it: an appeal by Mr. Amadou-Mahtar M’Bow, Director-General of UNESCO*. 1978.

<sup>117</sup> Ibid. pp. 4-5.

<sup>118</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970. p. 2.

<sup>119</sup> Sarr et al. *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*. 2018. p. 3.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid. p. 15.



The colonial build-up of vast collections of foreign cultural property reached a first peak at the end of the 19th century as conquered through the pillaging of conquered territory during war, explorations by scientific institutions, and appropriations through the art market.<sup>122</sup> Discourses about decolonization today revolve around these past events and especially seek to address long-term psychological effects on local communities.<sup>123</sup> These effects result when people are refused cultural property that has shaped their heritage.<sup>124</sup> To decolonize, hence, is to address issues of political and economic inequality and questions of cultural identity in formerly colonized states.<sup>125</sup> International actors are trying to overcome these inequalities by restituting cultural objects and protecting intangible heritage.<sup>126</sup>

Legal agreements between Member States to return cultural property bear significant symbolic value, in that the returnee is no longer denying affected communities the initial possession of the cultural property.<sup>127</sup> Nevertheless, tracing the original ownership of cultural property presents a challenge for authorities, making legal claims by collections or museums oftentimes doubtful.<sup>128</sup> In an effort to expose the history of cultural property, the British Museum recently sketched out the documentation of some objects from Africa, Asia, and the Americas acquired in the colonial era.<sup>129</sup> Although the acquisition was by way of purchase or through bequeathing, other ways of morally clandestine purchase exist, namely exploration missions and appropriation efforts from economically dependent peoples.<sup>130</sup>

It was not until the adoption of the 1970 Convention that Member States delimited the categories of legal possession of cultural property in general.<sup>131</sup> These include the creation or excavation within state territory, as well as results of bilateral exchanges with the consent of authorities.<sup>132</sup> The delimitation of rightful ownership led Member States to question their cultural possessions and increasingly engage in requests for restitution.<sup>133</sup> Member States usually handle requests from before 1970 bilaterally.<sup>134</sup> This was the case when Italy in 1998 returned cultural property that had been pillaged from its former colony Libya.<sup>135</sup> ICPRCP is the main body to advise in such bilateral negotiations.<sup>136</sup> ICPRCP helps standardize restitution requests with its guidelines for negotiations, the *Rules of Procedure for Mediation and Conciliation in accordance with Article 4, paragraph 1, of the Statutes of the ICPRCP* (2010).<sup>137</sup>

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<sup>122</sup> Ibid. p. 11.

<sup>123</sup> Kohn et al. The Stanford Encyclopedia of Philosophy. *Colonialism*. 2023.

<sup>124</sup> Sarr et al. *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*. 2018. p. 31.

<sup>125</sup> Kohn et al. The Stanford Encyclopedia of Philosophy. *Colonialism*. 2023.

<sup>126</sup> Ibid.; United Nations Educational, Scientific and Cultural Organization. *Working towards an African Renaissance through Culture and History*. 2023.

<sup>127</sup> Sarr et al. *The Restitution of African Cultural Heritage: Toward a New Relational Ethics*. 2018. p. 29.

<sup>128</sup> International Council of Museums. *ICOM Code of Ethics for Museums*. 2001. pp. 8-9.

<sup>129</sup> The British Museum. *Collecting and empire*. 2020.

<sup>130</sup> Ibid.

<sup>131</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970. p. 6.

<sup>132</sup> Ibid.

<sup>133</sup> Noce. The Art Newspaper. *France's long-awaited restitution policy is finally here*. 2023.

<sup>134</sup> United Nations Educational, Scientific and Cultural Organization. "Return & Restitution" *Intergovernmental Committee*. 2021.

<sup>135</sup> Négri. The UNESCO Courier. *The 1970 Convention: Cultural Diversity before the Letter of the Law*. 2020.

<sup>136</sup> United Nations Educational, Scientific and Cultural Organization. "Return & Restitution" *Intergovernmental Committee*. 2021.

<sup>137</sup> United Nations Educational, Scientific and Cultural Organization. *Standard Form concerning Requests for Return or Restitution*. 1986; United Nations Educational, Scientific and Cultural Organization. *Rules of Procedure for Mediation and Conciliation in accordance with Article 4, paragraph 1, of the Statutes of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation*. 2010.





ICOM represents practitioners and museum specialists in the annual general conference and consults UNESCO with operational standards for museums.<sup>138</sup> For example, the *ICOM Code of Ethics for Museums* (2001) sets moral principles for acquisition, documentation, and interaction with constituent communities in the promotion of their cultural heritage.<sup>139</sup> Challenges of a legal nature however remain unanswered not only in relation to the difficulty of clear documentation of ownership throughout time but also concerning the lack of binding principles for the negotiation of restitution cases whose acquisitions go back further than 1970.<sup>140</sup>

### **Conclusion**

The fight against illicit trafficking and its regulation forms a priority in international documents promoting the return of cultural property to its country of origin.<sup>141</sup> The 1970 Convention and the 1995 Convention set standards for the restitution of cultural objects and for the criminalization of their theft.<sup>142</sup> Member States currently struggle to effectively prosecute the trafficking of cultural property and trace its profit to organized crime and terrorism organizations.<sup>143</sup> In contrast, restitution requests by Member States seek to resolve potential unlawful possession in the aftermath of colonial exploitation.<sup>144</sup> Negotiations between Member States that reclaim cultural property predominantly take place bilaterally.<sup>145</sup> As a mediator, UNESCO's sub-committee ICPRCP acts to promote bilateral dialogue but still has no widely accepted set of guidelines to base its negotiations off.<sup>146</sup>

### **Further Research**

As delegates conduct further research and consider how to address this topic, they should ask: What international cooperation exists between UNESCO and other organizations to preserve cultural heritage? Which categories of trafficking of cultural objects are most prevalent in Member States? Are there best practices in use to mitigate the theft and illegal cross-border transfer of cultural property? What instruments can international organizations use to further the restitution of cultural property to its country of origin? How can auction houses, art dealers, museums, or private collectors contribute to resolving the issue? Which national authorities can share expertise on cultural policies and work together?

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<sup>138</sup> International Council of Museums. *Missions and objectives*. N.d.

<sup>139</sup> International Council of Museums. *ICOM Code of Ethics for Museums*. 2001.

<sup>140</sup> Négri. *The UNESCO Courier. The 1970 Convention: Cultural Diversity before the Letter of the Law*. 2020.

<sup>141</sup> United Nations, General Assembly. *Return or Restitution of Cultural Property to the Countries of Origin (A/RES/76/16)*. 2021.

<sup>142</sup> United Nations Educational, Scientific and Cultural Organization. *Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property*. 1970; International Institute for the Unification of Private Law. *UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects: Explanatory Report*. 2001.

<sup>143</sup> International Criminal Police Organization. *2020 Assessing Crimes Against Cultural Property*. 2020. p. 6; International Criminal Police Organization. *ID-Art mobile app*. 2023; World Customs Organization. *Cultural Heritage Programme*. N.d.

<sup>144</sup> United Nations Educational, Scientific and Cultural Organization. *"Return & Restitution" Intergovernmental Committee*. 2021.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*



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## 2. Promoting Freedom of Expression and Access to Information

### Introduction

The United Nations Educational, Scientific and Cultural Organization (UNESCO) has sought to contribute to peace and security by promoting the “free flow of ideas by word and image” among states through education, science, and culture since its establishment in 1945.<sup>147</sup> Freedom of expression (FoE) is enshrined in the *Universal Declaration of Human Rights* (UDHR) (1948) and is the right of all people to hold and share opinions as well as to discover and distribute information in any format, with minimal barriers.<sup>148</sup> The right to have access to information (ATI) is a fundamental component of FoE and refers to a person's entitlement to locate and obtain information easily, primarily if it is held by a public authority.<sup>149</sup> UNESCO has often used the terms freedom of information (FOI) and right to information (RTI) interchangeably with ATI.<sup>150</sup>

The information that we receive through media forms the basis of our opinions, and well-informed societies that are free to express themselves are empowered to hold those in power accountable.<sup>151</sup> For this reason, gaining control of the media is often the first priority for political forces seeking to undermine democracy and human rights.<sup>152</sup> Since the *Rio Declaration on Environment and Development* (1992), ATI has been regarded as a cornerstone of sustainable development as it increases transparency in society and promotes democratic values.<sup>153</sup> This was reaffirmed in the *2030 Agenda for Sustainable Development* (2030 Agenda) (2015), forming part of Sustainable Development Goal (SDG) 16 (peace, justice, and strong institutions).<sup>154</sup> The Human Rights Council (HRC) defines media freedom as the ability of journalists to operate free from political interference and for citizens to have easy access to a wide range of media across different platforms.<sup>155</sup>

Despite long-standing efforts to promote FoE and ATI, UNESCO reported in 2021 that in the five years prior, 85% of the world's population had seen a decline in media freedom.<sup>156</sup> UNESCO recognizes the importance of journalists in facilitating ATI and works to protect them, mindful that the term “journalist” can apply to a spectrum of actors, from full-time accredited reporters to self-publishing bloggers.<sup>157</sup> In 2022, crimes committed against journalists had an impunity rate of 86%, with most of the journalist killings occurring in Asia and the Pacific as well as Latin America and the Caribbean of which the majority occur in countries not currently experiencing armed conflict.<sup>158</sup> This trend has suppressed FoE and is often accompanied by targeted digital surveillance or even physical violence, disproportionately and

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<sup>147</sup> United Nations Educational, Scientific and Cultural Organization. *Legal Affairs: Constitution of the United Nations Educational, Scientific and Cultural Organization*. 2023.

<sup>148</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>149</sup> United Nations Educational, Scientific and Cultural Organization. *To Recovery and Beyond*. 1945.

<sup>150</sup> United Nations Educational, Scientific and Cultural Organization. *Media and Information Literate Citizens. Think Critically, Click Wisely!* 2021. p. 70.

<sup>151</sup> *Ibid.* pp. 7-9.

<sup>152</sup> Office of the United Nations High Commissioner for Human Rights. *Expert Seminar on the Links Between Articles 19 and 20 of the International Covenant on Civil and Political Rights*. 2008. pp. 7-8.

<sup>153</sup> *Ibid.* pp. 8-9.

<sup>154</sup> United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

<sup>155</sup> United Nations, General Assembly. *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age (A/HRC/50/29)*. 2022. pp. 5-6.

<sup>156</sup> United Nations Educational, Scientific and Cultural Organization. *World Trends in Freedom of Expression and Media Development: Global Report 2021/2022*. 2022. p. 2.

<sup>157</sup> United Nations, Human Rights Committee. *International Covenant on Civil and Political Rights. General Comment No.34, Article 19: Freedom of Expression and Opinion (CCPR/C/GC/34)*. 2011. p.11.

<sup>158</sup> United Nations Educational, Scientific and Cultural Organization. *Knowing the truth is protecting the truth: Highlights of the UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity published on the occasion of the International Day to End Impunity for Crimes Against Journalists 2022*. 2022. pp. 2-7.



increasingly affecting women journalists, reflecting misogyny in the offline world.<sup>159</sup> Another development affecting FoE and ATI is the digital transformation, as it changed the way people access information.<sup>160</sup> The digital transformation led to many news-producing organizations that traditionally relied upon print newspaper sales having difficulties adapting, making independent media less financially viable.<sup>161</sup> UNESCO has also identified education as a vital tool for promoting media and information literacy (MIL), equipping citizens with critical thinking skills to face the digital world and counter the spread of mis- and disinformation.<sup>162</sup> Between 2015 and 2020, public authority requests for the removal of content from Google, Meta, and X, formerly known as Twitter, doubled to 117,000.<sup>163</sup> Since 2016, at least 57 new laws in 44 countries have been adopted despite containing unclear language or harsh penalties for spreading false information online.<sup>164</sup> A significant focus for UNESCO is ensuring that FoE and ATI are upheld online as well as offline and thus continues to spearhead global efforts to regulate the internet to promote human rights.<sup>165</sup>

### ***International and Regional Framework***

Following the Second World War, there were calls for an international human rights entity centered around FoE to protect human dignity.<sup>166</sup> Accordingly, the United Nations General Assembly adopted the *UDHR* in 1948.<sup>167</sup> Article 19 enshrined the right of all people to FoE and recognized that not only is FoE linked to the right to ATI, it is inseparable from it.<sup>168</sup> These rights were reaffirmed in 1966 through Article 19 of the *International Covenant on Civil and Political Rights* (ICCPR), which made the principles of the *UDHR* legally binding for signatories and acknowledged that FoE and ATI are not absolute.<sup>169</sup> Article 19(3) provided necessary limitations to FoE to uphold public order and public health and prevent defamatory speech.<sup>170</sup> Article 20 places a duty on governments to prohibit war propaganda and the promotion of hatred likely to incite the discriminatory treatment of people or violence toward them.<sup>171</sup> Thus, international law recognizes the balance between rights like FoE and responsibilities stemming from them, and that any restrictions on FoE must be permitted by national law while being limited to what is necessary to uphold other human rights.<sup>172</sup>

In 1991, African journalists came together at a conference in Namibia to create the *Windhoek Declaration on Promoting an Independent and Pluralistic African Press* (Windhoek Declaration), affirming that journalism facilitates FoE and ATI.<sup>173</sup> UNESCO fully endorsed this journalist-led declaration, which stimulated similar, regionally-focused declarations such as the 1992 *Alma Ata Declaration* for Asia, the 1994 *Santiago Declaration* for Latin America, the 1996 *Sana'a Declaration* for Arab nations, and the 1997

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<sup>159</sup> Posetti et al. United Nations Educational, Scientific and Cultural Organization. *The Chilling: Global trends in online violence against women journalists*. 2021. p. 90.

<sup>160</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

<sup>163</sup> United Nations Educational, Scientific and Cultural Organization. *World Trends in Freedom of Expression and Media Development: Global Report 2021/2022*. 2022. p. 52.

<sup>164</sup> Ibid. p. 49.

<sup>165</sup> United Nations Educational, Scientific and Cultural Organization. *Internet for Trust: Consultation Process*. N.d.

<sup>166</sup> Office of the United Nations High Commissioner for Human Rights. *Expert Seminar on the Links Between Articles 19 and 20 of the International Covenant on Civil and Political Rights*. 2008. pp. 7-8.

<sup>167</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>168</sup> Ibid.

<sup>169</sup> United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> United Nations Educational, Scientific and Cultural Organization. *Declaration of Windhoek on Promoting an Independent and Pluralistic African Press*. 1991. p. 1.





*Sofia Declaration* for European media.<sup>174</sup> Three decades after the Windhoek Declaration, the *Windhoek+30 Declaration* (2021) upheld the principles of its predecessor and further recognized new challenges, including growing hostility towards journalists, an urgent need to equip citizens with MIL skills so that they can evaluate online information, the difficult economic conditions for independent news media, and a call to address the lack of transparency from private companies who run digital platforms that have significant influence over the information and media citizens consume.<sup>175</sup>

The 2030 Agenda has motivated action to improve flows of information for the advancement of democratic values.<sup>176</sup> SDG 9 (industry, innovation, and infrastructure) focuses on building resilient infrastructure for inclusive development, with target SDG 9.c focusing on increasing access to information in least-developed countries through affordable internet access.<sup>177</sup> SDG 16 (peace, justice, and strong institutions) aims to increase safeguards to enable governmental accountability through stable and effective institutions.<sup>178</sup> Target 10 of SDG 16 is particularly relevant to UNESCO's mandate because it recognizes that ATI is an enabling right necessary to guarantee all other human rights.<sup>179</sup> UNESCO is the primary agency responsible for SDG indicator 16.10.2 and monitors the implementation of laws and policies that affirm the right of the public to access information.<sup>180</sup>

The right to FoE and ATI has also been acknowledged and promoted on the regional level. In 1950, *The European Convention on Human Rights* enshrined the UDHR concepts of FoE and ATI into European law more than a decade before the ICCPR.<sup>181</sup> Since then, other regional bodies have affirmed the right of people to exchange information with the Organization of American States adopting the *American Convention on Human Rights* in 1969, the predecessor of the African Union ratifying the *African (Banjul) Charter on Human and Peoples' Rights* in 1981, and the Association of Southeast Asian Nations (ASEAN) adopting the *ASEAN Human Rights Declaration* in 2012.<sup>182</sup> The European Union was the first intergovernmental organization to pass legislation regulating technology for the promotion of FoE and ATI with the *Digital Services Act* in 2022.<sup>183</sup> The legislation holds companies accountable for their influence over public access to information online, forcing them to be transparent about their recommendation algorithms, proactive in removing disinformation, and cooperative in times of crisis.<sup>184</sup>

### **Role of the International System**

In 1993, the General Assembly established May 3 as World Press Freedom Day and has since used the occasion to convene Member States, media professionals, and human rights advocates to address

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<sup>174</sup> United Nations Educational, Scientific and Cultural Organization. *30th Anniversary of the Windhoek Declaration*. 2023.

<sup>175</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021. pp 1-4.

<sup>176</sup> United Nations General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> United Nations Educational, Scientific and Cultural Organization. *A Steady Path Forward UNESCO 2022 Report on Public Access to Information (SDG 16.10.2)*. p. 9.

<sup>180</sup> United Nations Educational, Scientific and Cultural Organization. *Powering Sustainable Development with Access to Information: Highlights from the 2019 UNESCO Monitoring and Reporting of SDG Indicator 16.10.2 - Access to Information*. 2019. p. 2.

<sup>181</sup> European Union, European Court of Human Rights. *European Convention on Human Rights*. 1950. p. 12.

<sup>182</sup> Organization of American States. *American Convention on Human Rights*. 1969; Organization of African Unity. *African (Banjul) Charter on Human and Peoples' Rights*. 1981; Association of Southeast Asian Nations. *ASEAN Human Rights Declaration*. 2012.

<sup>183</sup> European Union, European Commission. *The Digital Services Act: ensuring a safe and accountable online environment*. 2022.

<sup>184</sup> Ibid.



threats to FoE, each year focusing on a different theme.<sup>185</sup> World Press Freedom Day in 2023 focused on the advancement of human rights through FoE and in 2022, digital technology and its misuse to undermine access to reliable information was discussed.<sup>186</sup> Working with UNESCO, HRC created the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression to improve global FoE and ATI by passing resolution 52/9.<sup>187</sup> In addition to releasing regular thematic and country-specific reports, the Special Rapporteur helps guide international measures to improve FoE.<sup>188</sup>

UNESCO fulfills its mandate to promote FoE and ATI by raising awareness for them and threats to them.<sup>189</sup> In 1980, UNESCO established the International Programme for the Development of Communication (IPDC) as a single intergovernmental program to specifically support media development in developing countries and those in transition, conflict, and post-conflict situations.<sup>190</sup> In the 1990s, when the rapid development of digital communication made the world highly interdependent, the concern grew that developing countries were falling behind in the area of information and communication technology (ICT) and that this led to an information gap.<sup>191</sup> The General Assembly began to highlight the necessity of reducing disparities in the access to information and communication between developed, leading to the adoption of resolution 45/21 on “Questions relating to information” in 2000.<sup>192</sup> At the high-level segment of that year, the ministerial declaration 2000 on “Development and international cooperation in the twenty-first century: the role of information technology in the context of a knowledge-based global economy” concluded that information can enhance economic and social development, while information gaps rather lead to disparity among developed and developing countries.<sup>193</sup>

In 2022, the *Seoul Declaration on Media and Information Literacy for Everyone and by Everyone* called for the recognition of MIL as a mean against the spread of false information online and for international support to focus on disadvantaged groups.<sup>194</sup> It led to the *Abuja Declaration on Global Financing for Media and Information Literacy* in 2023 that aims to fund MIL projects, including a central database of MIL resources.<sup>195</sup> UNESCO’s commitment to ATI was reaffirmed by the *Tashkent Declaration on Universal Access to Information* (2023), urging Member States, private companies, and civil society to collaborate to avoid ATI being harmed by digitalization.<sup>196</sup>

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<sup>185</sup> United Nations, Department of Global Communication. *World Press Freedom Day*. N.d.

<sup>186</sup> United Nations Educational, Scientific and Cultural Organization. *World Press Freedom Day 2023, Shaping a Future of Rights: Freedom of expression as a driver for all other human rights*. 2023; Shahid. United Nations Educational, Scientific and Cultural Organization. *Joint Statement on the Safety of Journalists on the occasion of the World Press Freedom Day 2022*. 2022.

<sup>187</sup> United Nations, General Assembly. *Freedom of Opinion and Expression: Mandate of Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (A/HRC/RES/52/9)*. 2023.

<sup>188</sup> Office of the High Commissioner for Human Rights. *Special Rapporteur on Freedom of Opinion and Expression*. 2023.

<sup>189</sup> United Nations Educational, Scientific and Cultural Organization. *Legal Affairs: Constitution of the United Nations Educational, Scientific and Cultural Organization*. 2023.

<sup>190</sup> United Nations Educational, Scientific and Cultural Organization. *Report of the Intergovernmental Council of the International Programme for the Development of Communication (IPDC) on its Activities in 2018-2019*. 2019.

<sup>191</sup> United Nations, General Assembly. *Report of the Committee on Information (A/45/21)*. 1990.

<sup>192</sup> United Nations, General Assembly. *Information in Service of Humanity (A/45/76A)*. 1990.

<sup>193</sup> United Nations, Economic and Social Council. *Ministerial declaration of the high-level segment submitted by the President of the Council: Development and International Cooperation in the Twenty-First Century: the Role of Information Technology in the Context of a Knowledge-Based Global Economy (E/DCL/2000)*. 2000.

<sup>194</sup> United Nations Educational, Scientific and Cultural Organization. *The Seoul Declaration on Media and Information Literacy for Everyone and by Everyone*. 2022.

<sup>195</sup> United Nations Educational, Scientific and Cultural Organization. *The Abuja Declaration on Global Financing for Media and Information Literacy*. 2023.

<sup>196</sup> United Nations Educational, Scientific and Cultural Organization. *The Tashkent Declaration on Universal Access to Information*. 2022.



Despite these efforts, observing cases of journalist assassination, UNESCO recognizes that the killing of journalists does not just lead to the loss of lives but represents a restriction on freedom of speech, which consequently imposes limitations on the freedom and rights of society as a whole, as expressed in resolution 29 on “Condemnation of Violence against Journalists” (1997).<sup>197</sup> The UNESCO Director-General provides a biennial Report on the Safety of Journalists and the Danger of Impunity and has recorded information on the killing of journalists since 1993.<sup>198</sup> Additionally, IPDC requested the launch of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity to pursue the freedom and safety of journalists in both conflict and non-conflict situations.<sup>199</sup> The plan of action involves five focus areas: strengthening international mechanisms, cooperation with Member States, partnership with other organizations and institutions, awareness raising, and safety initiatives.<sup>200</sup>

Recognizing the growing role of technology in society, Strategic Objective 3 of UNESCO’s *Medium-Term Strategy for 2022-2029* focuses on building just, peaceful, and inclusive societies by facilitating FoE.<sup>201</sup> Thus, UNESCO promotes freedom of expression, the right to information, and measures to combat discrimination, hate speech, and the use of stereotypes.<sup>202</sup> Similarly, Strategic Objective 4 seeks to foster a world in which technology is used in service of all of humankind by ensuring equitable access to knowledge, skills, and ethical standards.<sup>203</sup> To address the challenges to FoE posed by an increasingly digital world, digital skill development and the creation of ethical standards are a requirement.<sup>204</sup>

The International Telecommunications Union (ITU) aims to mobilize the material, human, and financial resources necessary to implement telecommunication and access to information as established in the *Constitution of the International Telecommunications Union* (1992).<sup>205</sup> ITU helps connect people worldwide by facilitating SDG 9.c to increase ATI and ICT accessibility, measured among others by mobile network coverage.<sup>206</sup> Acknowledging that digital transformation can accelerate progress towards achieving the SDGs, the United Nations Development Programme (UNDP) is promoting the development of digital public infrastructure, for example, by increasing access to broadband.<sup>207</sup> UNDP also collaborates with UNESCO to combat disinformation and, in 2020, launched a free massive online open course to build media capacity by training over 9,000 participants to combat COVID-19 disinformation.<sup>208</sup>

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<sup>197</sup> United Nations Educational, Scientific and Cultural Organization. *Resolution 29 "Condemnation of violence against journalists"*. 1997.

<sup>198</sup> United Nations Educational, Scientific and Cultural Organization. *Observatory of Killed Journalists: Monitoring the killing of journalists and media workers across the globe*. N.d

<sup>199</sup> International Programme for the Development of Communication, Intergovernmental Council. United Nations Educational, Scientific and Cultural Organization. *The UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. 2012. p. 5.

<sup>200</sup> International Programme for the Development of Communication, Intergovernmental Council. United Nations Educational, Scientific and Cultural Organization. *The UN Plan of Action on the Safety of Journalists and the Issue of Impunity*. 2012. p. 5.

<sup>201</sup> United Nations Educational, Scientific and Cultural Organization. *Medium-Term Strategy for 2022-2029 (41 C/4)*. 2022. p. 27.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid. p. 31.

<sup>204</sup> Ibid. p. 31.

<sup>205</sup> International Telecommunications Union. *Constitution of the International Telecommunications Union*. 1992.

<sup>206</sup> International Telecommunications Union. *ICTs, LDCs and the SDGs - Achieving Universal and Affordable Internet in the Least Developed Countries*. 2018. pp. 1-2.

<sup>207</sup> United Nations Development Programme. *United Nations Development Programme: Annual Report 2022*. 2023. p. 35.

<sup>208</sup> United Nations Development Programme. *Uruguay’s Information Integrity COVID-19 Initiatives*. 2023.



## **Journalistic Safety: Technology and Gender-Based Violence**

Journalists play an essential role in a democratic society by empowering citizens to make informed decisions and hold those with power accountable.<sup>209</sup> However, journalists and media workers are increasingly facing threats to their safety, both offline and online, in the form of arbitrary arrests, physical violence, kidnappings, killings, and harassment.<sup>210</sup> Political actors employ these methods to suppress unfavorable information from reaching the public, using intimidation and punishment to create a climate of fear.<sup>211</sup> This encourages self-censorship and discourages critical reports by other journalists, curtailing FoE by undermining media independence.<sup>212</sup> As identified by HRC, there are three major threats to the safe and free practice of journalism in the digital age: a lack of accountability for crimes committed against journalists, the application of new technologies for the surveillance of media workers, and growing and disproportionate abuse targeted at female journalists.<sup>213</sup>

Since 2006, UNESCO has actively monitored and documented cases of journalists killed because of their profession, highlighting the scale of the problem and creating a benchmark for progress.<sup>214</sup> Between 2016 and 2021, the Observatory of Killed Journalists recorded 455 journalist fatalities.<sup>215</sup> Although UNESCO noted a 3% decrease in the global impunity rate for crimes committed against journalists between 2018 and 2021, 86% of crimes still went unpunished.<sup>216</sup> Since 2006, UNESCO has monitored the judicial status of crimes committed against journalists and has condemned 1,284 murders, with only 185 cases reaching some form of a resolution.<sup>217</sup> To ensure crimes against journalists are appropriately resolved within the legal system, UNESCO's Director-General requested information from 65 states on the judicial status of unresolved or ongoing cases of journalist killings in 2021.<sup>218</sup> Only 65% of states responded, with 55% providing the requested information.<sup>219</sup> This represents a 9% decrease in state responsiveness since 2017.<sup>220</sup> Of the 42 states that responded, only 38% confirmed taking specific actions to protect women journalists, suggesting that some governments do not take the particular threats women journalists face seriously.<sup>221</sup> As of October 2023, UNESCO is monitoring 738 unresolved cases of attacks on journalists.<sup>222</sup>

Digital technology has improved ATI by making journalism more accessible with lowered barriers of entry such as a lower cost for publication, enabling new methods of investigative reporting based on big data

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<sup>209</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021. p. 1.

<sup>210</sup> United Nations Educational, Scientific and Cultural Organization. *Threats that Silence: Trends in the Safety of Journalists*. 2021. p. 9.

<sup>211</sup> United Nations, General Assembly. *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age (A/HRC/50/29)*. 2022. p. 11.

<sup>212</sup> Human Rights Council. *The Safety of Journalists (A/HRC/51/L.14)*. 2022. pp. 2-5.

<sup>213</sup> United Nations, Human Rights Council. *Reinforcing Media Freedom and Safety of Journalists in the Digital Age - Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (A/HRC/50/29)*. 2022. p. 7.

<sup>214</sup> United Nations Educational, Scientific and Cultural Organization. *Observatory of Killed Journalists: Monitoring the killing of journalists and media workers across the globe*. N.d.

<sup>215</sup> Ibid.

<sup>216</sup> United Nations Educational, Scientific and Cultural Organization. *Knowing the truth is protecting the truth: Highlights of the UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity published on the occasion of the International Day to End Impunity for Crimes Against Journalists 2022*. 2022. pp. 2, 7.

<sup>217</sup> Ibid. p.11.

<sup>218</sup> Ibid. pp. 8-9.

<sup>219</sup> Ibid. pp. 10-11.

<sup>220</sup> Ibid. pp. 10-11.

<sup>221</sup> Ibid. p. 2.

<sup>222</sup> Ibid. p. 11.



availability, and improving the speed and accuracy of fact-checking.<sup>223</sup> However, it has also created new threats to journalism by facilitating surveillance that can lead to self-censorship and creating the possibility to undermine the anonymity of journalistic sources and, in turn, investigative journalism through data-retention laws.<sup>224</sup> The use of digital surveillance also enables states to influence FoE outside their jurisdiction by remotely targeting critical journalists, which can impede global investigative reporting.<sup>225</sup> Recognizing this, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression recommended in 2022 that Member States prohibit the use or export of surveillance technology developed by the private sector unless comprehensive measures prevent human rights abuses by third parties and technology being used to target journalists.<sup>226</sup>

While there are clear public benefits from fast access to credible healthcare information, it became clear during the COVID-19 pandemic that social media can be both helpful and harmful, as the world also witnessed a “disinfodemic” in which knowingly false information detrimental to public health spread rapidly.<sup>227</sup> Therefore, Member States had a legitimate interest in limiting FoE for reasons of public health.<sup>228</sup> This led to up to two-thirds of countries implementing policies that violated normal democratic standards at the height of the pandemic.<sup>229</sup>

The Global Media Monitoring Project reported in 2020 that only 25% of global media coverage involved women, either as journalists or primary sources.<sup>230</sup> Although there is notable regional variation,<sup>231</sup> For example, 33% of news media coverage in North America originates from women compared to 17% in the Middle East.<sup>232</sup> This inequality stems from deep-rooted gender-based stereotypes that limit a woman's vocational options by denying them education, work, and, in some cases, the right to travel.<sup>233</sup> In 2020, almost one in four women journalists had experienced online violence as a direct consequence of their work, including hateful messages, reputational threats, threats of physical violence such as sexual violence, surveillance, and abusive imagery.<sup>234</sup> Women who are part of another disadvantaged group, such as religious or ethnic minorities, face even greater abuse.<sup>235</sup> Online gender-based violence seeks to exploit existing misogyny and instill fear in the hope of discouraging journalists from contributing to public discourse.<sup>236</sup> Following online attacks, 40% of women journalists have avoided reporting on sensitive

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<sup>223</sup> United Nations, General Assembly. *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age (A/HRC/50/29)*. 2022. pp. 3-5.

<sup>224</sup> Posetti. United Nations Educational, Scientific and Cultural Organization. *Protecting Journalism Sources in the Digital Age*. 2017. pp. 11-12.

<sup>225</sup> United Nations, Human Rights Council. *Reinforcing Media Freedom and the Safety of Journalists in the Digital Age (A/HRC/50/29)*. 2022. pp. 9-11.

<sup>226</sup> United Nations, General Assembly. *Surveillance and Human Rights (A/HRC/41/35)*. 2019.

<sup>227</sup> Posetti et al. United Nations Educational, Scientific and Cultural Organization. *Disinfodemic: Deciphering COVID-19 disinformation*. 2020. pp. 2-3.

<sup>228</sup> Ibid. p. 9.

<sup>229</sup> Kolvani et al. *Pandemic Backsliding: A Year of Violations and Advances in Response to Covid-19*. 2021. p. 5.

<sup>230</sup> United Nations Entity for Gender Equality and the Empowerment of Women. *Who Makes the News? 6th Global Media Monitoring Project*. 2020. pp. 1-4.

<sup>231</sup> Ibid. p. 21.

<sup>232</sup> Ibid. p. 21.

<sup>233</sup> United Nations, General Assembly. *The Safety of Journalists and the Issue of Impunity (A/72/290)*. 2017. pp 4, 6.

<sup>234</sup> United Nations Educational, Scientific and Cultural Organization. *Online Violence Against Women Journalists: a Global Snapshot of Incidence and Impacts*. 2020. pp. 5, 6.

<sup>235</sup> Posetti et al. United Nations Educational, Scientific and Cultural Organization. *The Chilling: Global trends in online violence against women journalists*. 2021. p.23.

<sup>236</sup> Ibid. p. 6.



topics, 30% have self-censored, 17% have withdrawn from online communities, and 4% quit their job.<sup>237</sup> UNESCO's Multi-Donor Programme on Freedom of Expression and Safety of Journalists has funded research by the International Center for Journalists (ICFJ) to improve the safety of women journalists by gathering data on the unique threats that they face to inform solutions.<sup>238</sup> According to a UNESCO-ICFJ survey, there is rising evidence that online attacks can turn into offline violence.<sup>239</sup>

### Facilitating Access to Reliable Information Online

The information that people receive forms the basis of their opinions and influences their behavior.<sup>240</sup> The COVID-19 pandemic brought to the forefront the importance of having timely, trustworthy, and independent journalism informing the public - it was a matter of life and death.<sup>241</sup> Consumption of news through print, radio, and television continues to decline worldwide in favor of online content, particularly content provided on social media platforms.<sup>242</sup> As of 2022, 66% of the global population had internet access, 75% when considering global youth (15-24 years).<sup>243</sup> Internet access remains unevenly distributed with only 36% of people in least developed countries (LDCs) having access, although the digital gap is narrowing rapidly as technological innovation increases coverage and reduces costs.<sup>244</sup> As the world becomes more connected, what happens online is increasingly relevant to what happens offline.<sup>245</sup>

The Windhoek Declaration catalyzed the protection of FoE by declaring a “free, independent, and pluralistic” media essential for democratic development and the protection of human rights.<sup>246</sup> News media should be editorially independent, resilient to pressure from governments or other actors, and pluralistic in that there should be a wide range of formats and viewpoints.<sup>247</sup> In 2021, UNESCO reaffirmed these principles in the *Windhoek+30 Declaration* and established additional goals to address emerging challenges.<sup>248</sup> These included the need to improve MIL to counteract disinformation, the financial viability of independent journalism, and the accountability of digital platforms.<sup>249</sup>

UNESCO recognizes that improvements in MIL are necessary to fully realize the benefits of a digital society and protect against the spread of false information, which can undermine sustainable

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<sup>237</sup> Ferrier. International Women's Media Foundation. *Attacks and Harassment: The Impact on Female Journalists and Their Reporting*. 2018. p.7; Posetti et al. United Nations Educational, Scientific and Cultural Organization. *Online Violence Against Women Journalists: A Global Snapshot of Incidence and Impacts*. 2020. pp. 11-13.

<sup>238</sup> Posetti et al. United Nations Educational, Scientific and Cultural Organization. *The Chilling: Global trends in online violence against women journalists*. 2021.

<sup>239</sup> Posetti et al. The International Center for Journalists. *Online Attacks on Women Journalists Leading to 'Real World' Violence, New Research Shows*. 2020.

<sup>240</sup> Pillich-Loeb et al. Plos One. *Examining the Effect of Information Channel on COVID-19 Vaccine Acceptance*. 2021.

<sup>241</sup> Kilman. United Nations Educational, Scientific and Cultural Organization. *After the pandemic, building back a stronger media: Inspiring initiatives in ensuring media viability*. 2022. p. 7.

<sup>242</sup> Newman et al. Reuters Institute for the Study of Journalism. *Reuters Institute Digital News Report 2023*. 2023.

<sup>243</sup> International Telecommunications Union. *Measuring Digital Development: Facts and Figures, Focus on Least Developed Countries*. 2022. pp. 1-3.

<sup>244</sup> Ibid. pp. 1-3.

<sup>245</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021. p. 1.

<sup>246</sup> United Nations, Department of Global Communications. *Seminar on Promoting and Independent and Pluralistic African Press*. 1991.

<sup>247</sup> Ibid. p. 1.

<sup>248</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021.

<sup>249</sup> Ibid. pp. 3-4.



development.<sup>250</sup> To raise awareness and inspire action to improve MIL, the General Assembly declared 24-31 October of each year to be the Global Media and Information Literacy Week.<sup>251</sup> In 2023, The Abuja Declaration affirmed the need for all stakeholders to implement policies and programs to improve MIL.<sup>252</sup>

Viable media companies require access to predictable, long-term funding.<sup>253</sup> When surveyed by the Reuters Institute, 67% of 165 news media organizations across middle-income countries identified advertising as a significant source of income, and 38% even declared it as their primary source of income.<sup>254</sup> Thus, many news media organizations are vulnerable to changes in the advertising industry, such as the shift toward online advertising.<sup>255</sup> Some organizations, such as the New York Times, use subscriptions to finance public interest journalism.<sup>256</sup> However, this creates an ATI barrier for those unable to pay.<sup>257</sup> The IPDC recognizes that there is no universal solution to improve media sustainability but has suggested tax relieves on newspaper subscriptions, public subsidies for journalists reporting on issues of public interest, and contributions from social media companies to finance independent media as possible policy interventions.<sup>258</sup>

In 2023, the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression joined regional colleagues in emphasizing that private companies controlling information exchange online are important enablers of democratic values, FoE, ATI, and all human rights.<sup>259</sup> Digital platforms such as Facebook, YouTube, TikTok, and X gather user data and monetize it through advertising, using algorithms to curate content and maximize the amount of time users spend on their platforms.<sup>260</sup> This “attention economics” is prone to the production of dynamic and controversial content.<sup>261</sup> This can lead to misogyny, racism, holocaust denialism, xenophobia, and factually wrong information on climate change and public health easily spreading and potentially having real-world impacts, ranging from vaccine hesitancy to nurturing genocide.<sup>262</sup> While the sharing of false information can be accidental (misinformation), hostile actors intentionally spread material that is false, misleading, decontextualized, fraudulently altered, or fabricated (disinformation) to influence public opinion.<sup>263</sup>

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<sup>250</sup> United Nations Educational, Scientific and Cultural Organization. *Abuja Declaration on Global Financing for Media and Information Literacy: An imperative to fight against disinformation and build trust*. 2023.

<sup>251</sup> United Nations, General Assembly. *Global Media and Information Literacy Week (A/RES/75/267)*. 2021. p. 11.

<sup>252</sup> United Nations Educational, Scientific and Cultural Organization. *Abuja Declaration on Global Financing for Media and Information Literacy: An imperative to fight against disinformation and build trust*. 2023.

<sup>253</sup> United Nations Educational, Scientific and Cultural Organization. *Finding the funds for journalism to thrive: Policy options to support media viability*. 2022. p.1.

<sup>254</sup> Nielsen et al. *Few winners, many losers: the COVID-19 pandemic’s dramatic and unequal impact on independent news media*. 2020.

<sup>255</sup> United Nations Educational, Scientific and Cultural Organization. *Finding the funds for journalism to thrive: Policy options to support media viability*. 2022. p. 4.

<sup>256</sup> United Nations Educational, Scientific and Cultural Organization. *Breaking news: the economic impact of Covid-19 on the global news media industry*. 2022. p 11.

<sup>257</sup> Ibid.

<sup>258</sup> United Nations Educational, Scientific and Cultural Organization. *Finding the funds for journalism to thrive: Policy options to support media viability*. 2022. pp. 13-16.

<sup>259</sup> United Nations, Special Rapporteur for Freedom of Opinion and Expression et al. *Joint Declaration on Freedom and Democracy*. 2023. pp. 1, 7.

<sup>260</sup> Puddephatt. United Nations Educational, Scientific and Cultural Organization. *Letting the Sun Shine in: Transparency and Accountability in the Digital Age*. 2021. pp. 4-5.

<sup>261</sup> United Nations Educational, Scientific and Cultural Organization. *Platform Problems and Regulatory Solutions: Findings from a Comprehensive Review of Existing Literature*. 2023. p. 4.

<sup>262</sup> Ibid. pp. 2-3.

<sup>263</sup> Bontcheta et al. United Nations Educational, Scientific and Cultural Organization. *Balancing Act: Countering Digital Disinformation While Respecting Freedom of Expression*. 2020. pp. 24, 124-125.



FoE and ATI are not absolute rights and should be balanced against the rights of others.<sup>264</sup> The ICCPR allows for limitations in article 19(3) to uphold public order, public health, and protection against libel, and article 20 prohibits war propaganda and incitement of hatred.<sup>265</sup> As part of its mandate and to uphold this balance, UNESCO hosted the Internet for Trust Global Conference and drafted guidelines for the regulation of digital platforms in 2023.<sup>266</sup> UNESCO determined that regulations should uphold human rights, have a legitimate aim, focus on algorithms used to curate content, and be informed by evidence from diverse communities.<sup>267</sup>

### **Conclusion**

UNESCO is a custodian of the fundamental human rights of FoI, FoE, and ATI and has effectively adapted to the unprecedented new challenges created by an increasingly digital world.<sup>268</sup> The COVID-19 pandemic exposed the fragility of news ecosystems around the world.<sup>269</sup> At a time when independently fact-checked information was much needed, the decline of professional journalism viability gained pace.<sup>270</sup> Journalists themselves are increasingly under attack and face a climate of impunity for crimes committed against them, including violence and targeted digital surveillance, all designed to silence truth.<sup>271</sup> In addition, women journalists face significant challenges, such as a disproportionate risk of violence due to their vocational choice resulting from deep-rooted misogyny.<sup>272</sup> Alert to the critical role of digital platforms in facilitating access to reliable information, UNESCO continues to assist Member States to ensure they have viable news media organizations and transparent digital platforms and improve MIL around the world.<sup>273</sup>

### **Further Research**

As delegates conduct further research and consider how to address this topic, they should ask themselves: What is the relationship between freedom of expression, access to information, media freedom, and sustainable development? How can the United Nations help protect journalists from unlawful, state-sponsored surveillance? How can a safeguard regime compliant with human rights when it comes to surveillance tools be established? How can the disproportionate impact of online violence on already marginalized communities be addressed? How can UNESCO support free, independent, pluralistic media in the digital age? Why is MIL critical to freedom of expression?

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<sup>264</sup> United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

<sup>265</sup> Ibid.

<sup>266</sup> United Nations Educational, Scientific and Cultural Organization. *Safeguarding freedom of expression and access to information: guidelines for a multistakeholder approach in the context of regulating digital platforms*. 2023. p. 2.

<sup>267</sup> United Nations Educational, Scientific and Cultural Organization. *Internet for Trust: Consultation Process*. N.d.

<sup>268</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021.

<sup>269</sup> Kilman. United Nations Educational, Scientific and Cultural Organization. *After the pandemic, building back a stronger media: Inspiring initiatives in ensuring media viability*. 2022. p. 7.

<sup>270</sup> Ibid.

<sup>271</sup> Posetti et al. United Nations Educational, Scientific and Cultural Organization. *The Chilling: Global trends in online violence against women journalists*. 2021. p. 6.

<sup>272</sup> Ibid.

<sup>273</sup> United Nations Educational, Scientific and Cultural Organization. *Windhoek + 30 Declaration: Information as a Public Good*. 2021.





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