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Truthkeeping through Protecting Journalism

Julia Strandquist, Michele Castrezzati, Fabian Wiek, Persiana Aksentieva, Mirjam Vallström

EXECUTIVE STATEMENT

As the digital age has stretched the limits of truth, journalists represent the front line in defending our democracies. Democracy relies on a certain degree of collective understanding about what is true or false about our shared "reality", without which a community becomes just a collection of disengaged individuals. As participants of the International Youth Conference 2020, held by the International Youth Think Tank (IYTT) in Gothenburg, we developed preliminary policy proposals based on the belief that journalistic integrity and the safety of journalists are foundational components for ensuring well-functioning democratic societies because they seek out basic factual truths and facilitate the public's understanding. We proposed forceful global institutions that must be implemented to ensure journalist's invaluable contributions to democracy.

As IYTT Youth Fellows, we have further developed these ideas into this policy brief. We offer three recommendations to the UN: the establishment of a global agency for truth-keeping within the UN, immunity status for journalists, and automatic and mandatory sanctions for any violations of journalistic immunity. These recommendations address the urgent need to ensure the vital democratic roles played by journalists and by press freedom, without which democracy is not guaranteed. We must protect journalism at an international level, as we do to protect and seek peace.

A society that hopes to overcome global challenges must be an informed society. It is only through information and awareness that citizens, democratically elected governments, business corporations, and civil society organizations can address climate change and combat social inequalities. But we live in a world where the voices that need to be heard are not heard, such as those of oppressed journalists reporting on human rights violations, or unheard voices of socially and politically marginalized citizens. The limited information that makes it through the filter might not be reliable.

We call this a truth crisis. The symptoms are all around us. The spread of fake news and conspiracy theories, political polarization, and the lack of trust in governmental, academic and other institutions. Truth is under siege, which by definition threatens democracy. As we have seen with the Corona pandemic during 2020 and 2021, reliable news can be a matter of life and death, such as when people are presented with conflicting stories about vaccines, the nature of the virus, or the suitable political response. Reliable news on the pandemic can also be a matter of life and death of democratic processes and the rule of law.

We strongly advocate for the implementation of journalistic immunity to address the issue of the truth crisis. This policy brief is based on the International Youth Conference 2020 (IYC2020) proposal "Global Charter for Truth" and further develops the IYC2020 Conference Report *Empowering People in Challenging Times* on 16-19 November 2020, and the IYTT Working paper 2. June 2021, *A Global Charter for Truth: Social Epistemology for the Internet Age* by IYTT Research Fellow Joshua Habgood-Coote. Two other layers of knowledge that have informed the policy brief are views from the IYTT's own barometer the European Youth Panel, and an IYTT Citizens' Panel organized on May 16 with an engaged community group in Lövgärdet, a neighborhood in northeast Gothenburg.

To put it in the words of the legendary American political scientist Robert A. Dahl, “enlightened understanding” is one principle of an ideal democracy. We can therefore say that the truth crisis is a threat to the quality of our democracies.

The COVID-19 pandemic has intensified the issue of journalistic integrity. Several journalists in European countries have been detained and arrested for covering governments’ responses to the pandemic (Habgood-Coote, 2021:37). Some governments have taken advantage of the urgency of the pandemic by implementing censorship laws and laws limiting independent journalism to silence reporters from accurately covering and reporting the government’s response to COVID-19. As a result of increased polarization and populist politics discrediting the media and the simultaneous growth of conspiracy theories and anti-press sentiment, journalists are facing more threats, harassment, and unfavorable working conditions (International Press Institute, 2021).

There has been a rise in targeted violence against journalists, which includes journalists covering protests and mass gatherings. Additionally, the increasing level of threats and undermining of the media have resulted in more attacks against individual journalists (Dad & Kahn, 2020). The aggression against journalists was further noticeable in the US during the Black Lives Matter protests that began in Spring 2020 following the murder of George Floyd by a police officer. While journalists covered the protests all over the US, several journalists were met with aggression from law enforcement officials and self-announced militia groups (Reporters without Borders, 2021). The journalists faced rubber bullets and chemical sprays as well as harassment and verbal threats.

The increased threat against journalists, especially journalists covering gang violence, corruption, and human rights and democratic government abuses, does not only impact the individual journalists, but democracy as a whole suffers when journalists cannot perform their work. Ensuring the safety of journalists is critical to maintaining an informed and democratic society.

Just recently in Europe, we have witnessed the Belarusian government becoming increasingly violent against democratic activists and journalists. At the moment of writing this policy brief, Roman Protasevich is still in captivity in Belarus, after the Belarusian government hijacked a plane to Lithuania on May 23. After the arrest of Protasevich, there was an international call for the end of captivity that Amnesty International called “arbitrary and unlawful” (Amnesty International UK, 2021).

Besides the case of Roman Protasevich, news feeds are crammed with stories of journalists being threatened, harassed or jailed while pursuing the truth. In 2018, the dissident Saudi and US-based journalist Jamal Khashoggi was lured to the Saudi Consulate in Istanbul where he was assassinated for his anti-state reporting. While several countries condemned the action, the Saudi government has not faced adequate strong consequences in terms of economic sanctions. In the face of less serious consequences when attacking the freedom of the press, governments are becoming increasingly bold in cracking down on journalistic activity. This phenomenon is evident in the Chinese government’s attack on independent journalists and newspapers in Hong Kong, depriving Hong Kong's citizens of one of their most essential weapons: information. Information is the first thing non-democratic governments restrict, manipulate, and use to their advantage to suppress dissenting voices. The most recent attack in the early hours of 17 June 2021 was against Apple Daily, a Hong Kong tabloid that offers sensational crime stories, celebrity gossip and investigations into government scandals and corruption. Due to the controversial content published, Hong Kong’s police accused the tabloid of creating hatred and carried out raids on its newsroom and several journalists’ homes. In the process, five of the tabloid’s executives were arrested and called “perpetrators” and “criminals” who “used journalistic work as a tool to endanger national security” by Hong Kong’s security chief John Lee. After the event, Apple Daily commented on the shocking events by writing to readers “This is the worst of times in Hong Kong”.

All of these cases and the overall situation for journalists in the light of the COVID-19 pandemic demonstrate the need for stronger mechanisms to protect journalists globally. While journalists face other threats from individual and independent groups, state governments account for most of the obstacles journalists face in their pursuit of truth.

This policy brief is informed by a three-fold process consisting of a research overview, consulting citizens and an analysis of the most recent indexes. The research overview was carried out by IYTT research fellow Joshua Habgood-Coote at the University of Bristol. Feedback and consultation have taken place in line with the IYTT Bottom-Up Policy Advice Loop: the Lövgärdet Citizens' Panel and the European Youth Panel were asked for their independent perspectives. The analysis of indexes of press freedom and journalistic safety combines three different organizations' investigations of free press rights, including Reporters without Borders, Committee to Protect Journalists, and International Federation of Journalists.

Research Overview

Journalism is a crucial part of a democratic society, as journalists provide citizens with information to allow them to hold politicians and people in power accountable. However, there are several challenges facing journalism today, and this brief focuses on journalistic safety. Since journalists often work across borders and have an agnostic relationship with governments, the need for an international solution to protect them becomes increasingly important.

Habgood-Coote identifies three solutions for improving the protection of journalists. First, he addresses the proposal of journalistic immunity brought up by the International Youth Think Tank Conference 2020. According to Habgood-Coote, the solution of establishing journalistic immunity similar to diplomatic immunity is a complex issue, which he demonstrates through an examination of diplomatic immunity.

Therefore, Habgood-Coote suggests special protection for journalists who are registered with a professional body. Second, Habgood-Coote supports IYTT2020's suggestion of establishing a global regulatory body, which could address journalists working internationally and take action against governments limiting the freedom of the press. Habgood-Coote argues that an international body could prevent governments from limiting journalists. Third, Habgood-Coote suggests a special representative to the UN, based on the proposal from Reporters without Borders (Habgood-Coote, 2021:39). By appointing a special representative to the UN, it would, according to Habgood-Coote, increase the awareness and focus on issues related to journalistic safety.

The Panels' Perspective

The two panels, the Lövgärdet Citizens' Panel and the European Youth Panel, offered some valuable perspectives on the importance of journalists and the importance of truth. When the Lövgärdet Citizens' Panel discussed journalistic integrity and journalistic immunity, participants argued that “if no information is available, no problem can be solved” and that “without journalists, there is no power to the people”.

Furthermore, according to the European Youth Panel, 91.3% believe the internet makes it easier to access reliable news, but several of the respondents emphasized that “it requires more attention to distinguish good sources from those fake”. Regarding whether it is indispensable for democracy that citizens share a common set of “truths”, 60.9% of the respondents believe it is indispensable for democracy that citizens agree on basic factual statements about the world.

Overview of Indexes

According to Reporters Without Borders (RSF), of the 50 journalists who were killed in 2020, 84% were deliberately targeted, as compared to 63% in 2019. The deadliest countries for journalists were Mexico, India, the Philippines and Honduras. These are all countries that are considered (at least nominally) at peace. In fact, only 32% of journalists' deaths occurred in at-war countries, while the remaining 68% took place in geopolitically more stable areas, a trend that has been increasing since 2016.

As of December 3, 2020, 235 journalists were being held prisoner, according to the International Federation of Journalists' White Paper on Global Journalism. A fourth of them were detained in Turkey, followed by Egypt, China, Eritrea, Saudi Arabia and Belarus. This fact highlights that journalistic safety is a global issue.

Comparing different datasets provided by the Committee to Protect Journalists, we found that 184 out of 274 (67%) journalists imprisoned in 2020 were charged for being anti-state. Therefore, national authorities represent the most dangerous enemy for journalists, who as a result need to be further protected at the inter-governmental level. But why are the states cracking down on journalists' activities? The Committee to Protect Journalists reports that of the 184 journalists charged as anti-state, 123 were reporting on human rights. This finding leads us to believe that the crisis of truth, if solved, could shed light on new, hidden human rights violations.

Within the truth crisis, as in every crisis, lies the possibility of change. Crisis itself means "decision" in its greek language root. If decisions can save us, then we must opt for radical decisions. Therefore, based on the findings and arguments made by Habgood-Coote (2021), the perspectives brought in by the panels and the data from the three different organizations covering free press rights, the IYTT2020 advocates for journalistic immunity which can be achieved in three different steps.

1 Establishing a global agency within the UN

As already highlighted, national governments represent the greatest threat for journalists all over the globe, which is precisely why the truth crisis can only be addressed at the inter-governmental level. Just like other global challenges, such as the climate crisis, no state can successfully act alone, which is why the UN established the Intergovernmental Panel on Climate Change (IPCC). Moreover, with the Non-Proliferation Treaty, the United Nations has asked signatory countries to allow experts to report on their national nuclear activity. In the context of the protection of journalists, a new treaty could be signed, in which signatory countries allow UN officials to inspect their respect of freedom of speech.

The UN, thus, already works actively to address global challenges, which is why the UN should extend its workings to include journalistic immunity. We believe journalistic immunity should be guaranteed by a global agency, instituted within the United Nations on the model of the IPCC, made up of different professional profiles (lawyers, journalists, politicians). This international body would have the professional legitimacy to review the applications of journalists from all around the world and provide selected candidates with the immunity status. This body could go under the name of IPT, the International Panel for Truth.

While we recognize the difficulties of including the UN to work with this global issue, we strongly believe that it is the UN's duty and responsibility to address it and work to ensure the independence of journalists. The UN already works with concrete peace-keeping efforts within national territories to help fragile countries navigate from conflict to peace. It is time to task the UN with concrete truth-keeping efforts to ensure democracy and protect informed societies, through establishing a body to monitor journalistic integrity and certify journalistic immunity status.

2 Immunity status for journalists

In several democratic countries, journalists obtain “journalistic privilege”, which aims to provide journalists with some level of protection against lawsuits for disclosing confidential information and the right to not testify. However, as recent cases of threats and harassment towards journalists show, journalistic privilege is not enough to protect journalists today. With more than 300 journalists in captivity, the journalistic privilege does not provide them with the safety they need when reporting and covering people in power.

Therefore, we urge the United Nations to agree to implement an immunity status for journalists. This mechanism would be closely linked to the establishment of the IPT as this body would be in charge of reviewing and distributing journalistic immunity.

To specify the immunity status further, we propose for it to have two levels. The first level, called the "IPT journalistic certificate", will be granted to every journalist with recognized experience or affiliation with a media company, after an active and thorough review by the IPT. This certificate does not provide active protection but signals the status of an IPT certified journalist who has the right to call upon protection and immunity if needed.

The second level of immunity, called the "IPT journalist immunity", will be granted to journalists that are in acute danger or where it is evident that this journalist will conduct research in a region where he/she has a high probability of facing persecution. This status can be issued swiftly by the executive of the IPT in response to emerging threats, but is only temporary until the threat has passed.

By providing the "IPT journalist immunity" only to journalists in proven danger, and for a limited time, we want to make sure that this privilege will not be abused. The multi-level mechanism of journalistic immunity will also grant the IPT and therefore the UN a tool to signal states that their conduct with journalists is being watched and this statement itself will draw attention to oppression and misconduct. This may therefore incentivize states to improve their standards to the point where safety for journalists would be such that "level 2" immunity could be revoked.

As a positive side product, the introduction of the "IPT journalistic certification" may motivate journalists to produce high-quality reports on urgent and conflicting topics, in order to be granted immunity status. This will benefit democracy globally.

3 Automatic and mandatory sanctions

After the arrest of Roman Prostachevich in May 2021, the European Union had to meet and agree on sanctions against Belarus. While we applaud the EU for implementing sanctions on Belarus, most of the time, such as in the case of Jamal Khashoggi, no retaliatory actions are taken.

The establishment of the IPT and the introduction of the two-level immunity mechanisms will produce a clear framework and protocol for the implementation of sanctions. If a state attacks a journalist who has been granted "IPT journalistic immunity" the IPT will be in charge of producing a robust sanction scheme, appropriate to the misconduct. These sanctions, executed by all the other UN member states will be automatic and mandatory.

Establishing automatic and mandatory sanctions against countries breaching the immunity status would allow for the journalistic immunity to be truly binding, dissuading countries from suppressing the freedom of the press.

CONCLUSION

This policy brief proposes three recommendations that aim to ensure the protection of journalists and encourage an informed society. These recommendations constitute the first pillar included in our suggestion for the establishment of a Global Charter for Truth, a proposal that was developed in the IYC2020 Conference Report. This policy brief is only the first of three policy proposals as a response to the truth crisis with the other cornerstones of the Global Charter for Truth being a proposal to hold social media platforms accountable for the content they spread, and another proposal addressing the issue of data protection.

The first steps towards journalistic immunity and global protection of press freedom can be achieved through the implementation of these three recommendations in the UN. We believe that these changes could pave the way to a more informed, and thus a more democratic society. We urge the UN to implement our three recommendations and we hope that the UN, alongside activists and democracy-advocates from all over the world, will join our call to fight for journalistic safety and democracy.

THE IYTT

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The International Youth Think Tank is a Gothenburg-based initiative mobilizing youth from diverse backgrounds across Europe with the aim of promoting a democracy movement based on open society values. Activities center around annual youth conferences in which participants develop and present policy proposals for strengthening an open and democratic society, while being brought together variously with executives from industry, academia, culture, politics, and civil society. Participants publish their proposals in a conference report and, engaged afterward as Youth Fellows, develop them further into policy briefs through the "IYTT Bottom-Up Policy Advise Loop", an infrastructure for policy proposal development, involving open deliberations with decision-makers, scholars, peers in the IYTT European Youth Panel, and engaged community groups in Citizens' Panels.

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