



THESSISMUN

THESSALONIKI INTERNATIONAL STUDENT
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**Committee of Ministers
Council of Europe**

***Topic area B: "Protecting the freedom of
expression and information in the
information society and of media freedoms"***



**UNIVERSITY OF MACEDONIA
THESSALONIKI, GREECE**

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Topic Area B: Protecting the freedom of expression and information in the information society and of media freedoms

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1. Welcoming letter by the Board Members

Distinguished delegates,

We warmly welcome you to ThessISMUN 2019, which will be held from the 1st until the 5th of May in the beautiful city of Thessaloniki. We are more than confident that each and every one of you as part of the council will meet our expectations through the equal work, the preparation and the cooperation during the debates. In order to ensure the best experience for all of you, we will provide you with all the necessary guidelines.

The present Study Guide will be the basis of your preparation in order to become more efficient and easy until the beginning of the conference. However, we strongly encourage you to conduct your own research prior to the conference. We would like to point out your duty to be aware of your country's policy regarding both topics will be discussed in the agenda. Both topics are of great importance, and they constitute a priority for the international community. This means that you need to study in-depth the issues so that you can prepare yourself for the upcoming debates.

Do not hesitate to contact us at any time and we will willingly assist you regarding every query you may have. Last but not least, we need to remind you that punctuality is an essential requirement so as to fulfill your diplomatic duties. We hope that you will respect the deadlines. We promise to make this MUN experience unforgettable for you. Once again, we welcome you to the Committee of Ministers of the Council of Europe of ThessISMUN 2019!

Kind regards,

Dimitris Nikolaidis – President

Christine Tolika – Vice President

Danai Vouziou – Secretary General

2. Introduction to the Council of Europe/ Committee of Ministers

The Council of Europe is an international organization, which was founded in 1949 by the Treaty of London. It is based in Strasbourg, France and it consists of 47 permanent members. 28 of these countries belong to the European Union and 6 of them are observers. The Council's constitution has three main goals. First of all, it advocates the *protection of Human Rights, the pluralistic democracy and the principles of the Rule of Law*. The second goal concerns the promotion of the cultural identity and diversity between the European States. As far as the third goal is concerned, Council make significant efforts in order to strengthen democratic stability by supporting political, judicial and constitutional reforms¹. With the aim of achieving all the above, states have to be united through common actions, debates and agreements. At this point it has to be mentioned that all the European states have the opportunity of the enjoyment of the Council, only if they adhere the principles of the Rule of Law and only if they fully respect Human Rights and Fundamental Freedoms.

At this part is considered extremely necessary to present the structure of the Council. According the Chapter III, Article 10 of the Statute of the Council of Europe 5 the structure is formed by two organs. The first one is the Committee of Ministers which constitutes the statutory decision-making body and is composed by the Ministers of Foreign Affairs of each member-state.

The second one is the Parliamentary Assembly which is the deliberative organ of the Council of Europe and it consists by 324 members of the parliament from the 47 states. Last but not least it has to be noted that Council of Europe has special agencies like the European Committee on Crime Problems, the European Commission of Human Rights, the European Court of Human Rights, which are responsible for the preservation of the Council's principles on several and exceptional issues².

To sum up, Council of Europe has successfully achieve to deal with a majority of issues of human rights violations such as the abolition of the death penalty, the strengthening of human rights, the fight against racism, the upholding freedom of expression, the preservation of gender equality and the establishment of child's rights.

1 Anon, (2018). *Council of Europe*. [online] Available at: <https://www.coe.int/en/web/portal> [Accessed 24 Nov. 2018].

2 Anon, (2018). *Council of Europe*. [online] Available at: <https://www.coe.int/en/web/portal> [Accessed 24 Nov. 2018].

3. Introduction to the Topic Area

Human rights are the dominant principal and, at the same time, a great idea for the human being, around which conflicts and disagreements have developed between countries with different cultures and moral codes. Human rights are and always remain a controversial issue. One such issue is the right to freedom of expression and free access to information.

There have been many abuses in the information society and the media every now and then, and it is time to take important steps to safeguard the rights of freedom of expression and information.

Freedom of expression is recognized as a fundamental human right under article 19 of the Universal Declaration of Human rights (UDHR)³ and the International Covenant on Civil and Political Rights (ICCPR).⁴ This right shall include the freedom of expression and the exchange of information and ideas without interference by public authority and regardless of borders. Freedom of expression is an imperative human right which is fundamental for all democratic states. It empowers the free exchange of thoughts, estimates, and information and in this way enables citizens to hold their very own opinions on matters of significance. Moreover, freedom of expression serves open discussion and supports a free and autonomous press, educated citizenship and the functioning of the state mechanism.⁵

Freedom of information additionally alludes to the protection of the privilege of freedom of expression as to the Internet and information technology. This kind of freedom may also concern restriction in an information technology context, i.e. the capacity to access Web content, without restriction or limitation⁶.

3 Un.org. (2018). Universal Declaration of Human Rights. Available from: <http://www.un.org/en/universal-declaration-human-rights/>.

4 OHCHR, “*International Covenant on Civil and Political Rights*”. Available from: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

5 UNESCO Series on Internet freedom, “*Privacy, free expression and transparency*”. Available from: https://www.rug.nl/research/portal/files/49428000/Privacy_free_expression_and_transparency.pdf.

6 Klang Mathias, Murray Andrew (2005), “*Human Rights in the Digital Ages*”, GlassHouse Publishing

Media freedom is free to access different sorts of media and sources of communication to operate in political and civil society. The term media freedom expands the common idea of the freedom of the press to electronic media, for example as radio, television, and the Internet. Media freedom is commonly held to be vital for fair democratic societies. Citizens can not receive information on their own in order to rely on well-founded sources on key and topical issues, so that they depend on the media for information.

As mentioned above, freedom of expression and the right to information are fundamental human rights and equal to the right to life. They must be examined by the European Union as cornerstones of democracy in any society so that each society respects and promotes the basic human rights within and outside of it. The Council of Europe should address this phenomenon in its work to protect and promote freedom of expression and free access to information and all media freedoms, in order to ensure in all EU Member States that they will respect and protect these important rights of a free state.

4. Key Terms & Definitions

- Freedom of speech: the right to seek, receive and impart information and ideas. Even though governments have an obligation to prohibit hate speech and incitement, restrictions can be justified if they protect the specific public interest or the rights and reputations of others. Such restrictions on freedom of speech and freedom of expression must be set out in laws that must be clear and concise so everyone can understand them.⁷
- Freedom of expression: It is very similar to the freedom of speech and along with the freedom of opinion it is guaranteed by the Universal Declaration of Human Rights that defines it in its 19th article as the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The right to express one's ideas and opinions freely through speech, writing, and other forms of communication to the point that there is no harm to others' character or reputation by false or misleading statements. Freedom of the press is included in the freedom of expression.⁸

⁷ Amnesty International UK “*What is Freedom of Speech*”. Available from: <https://www.amnesty.org.uk/free-speech-freedom-expression-human-right>.

⁸ Business Dictionary, definition of freedom of expression. Available from: <http://www.businessdictionary.com/definition/freedom-of-expression.html>.

- Information society: We use this term to refer to our modern society, a society in which the creation, distribution, and manipulation of information have become the most significant economic and cultural activity. A society characterized by a high level of information intensity in the everyday life of most citizens, by the use of common or compatible technology for a wide range “*personal, social, educational and business activities and by the ability to transmit, receive and exchange digital data rapidly. An Information Society may be contrasted with societies in which the economic underpinning is primarily Industrial or Agrarian.*”⁹
- Freedom of information: In Techopedia, Freedom of information refers to “*a citizen's right to access information that is held by the state. In many countries, this freedom is supported as a constitutional right.*”¹⁰
- Media: Communication channels that disseminate news, data, education, entertainment, promotional messages. Media includes every broadcasting and a narrowcasting medium such as newspapers, magazines, TV, radio, billboards, direct mail, telephone, fax, and internet.¹¹
- Press: news media and agencies collectively, especially the newspapers.¹²
- Radio: According to the Collins Dictionary, “*Radio is the broadcasting of programmes for the public to listen to, by sending out signals from a transmitter. You can refer to the programmes broadcast by radio stations as the radio.*”¹³
- Television channels: a television station and its programmes.

9 WhatIs.com, definition of information society. Available from: <https://whatis.techtarget.com/definition/Information-Society>.

10 Techopedia, definition of freedom of information. Available from: https://www.techopedia.com/definition/24976/freedom-of-information_

11 Business Dictionary, definition of media. Available from: <http://www.businessdictionary.com/definition/media.html>.

12 Collins Dictionary, definition of press. Available from: https://www.collinsdictionary.com/dictionary/english/the-press_

13 Collins Dictionary, definition of radio. Available from: https://www.collinsdictionary.com/dictionary/english/radio_1.

- Social Media: internet applications through which users are able to create their own content and interact with each other.¹⁴
- Hate speech : According to the official website of the Council of Europe, *“Hate speech covers many forms of expressions which spread, incite, promote or justify hatred, violence and discrimination against a person or group of persons for a variety of reasons.”*¹⁵
- Independent Media: a kind of media which is independent of the influence of governments, political parties and business corporations on financial and editorial matters of the operation with a non-profit perspective.¹⁶
- Media freedom: *“The term media freedom extends the traditional idea of the freedom of the press to electronic media, such as [radio](#), [television](#), and the [Internet](#).”*¹⁷ as the Encyclopedia Britannica mentions.
- Freedom of the press: one’s right to publish newspapers or magazines without governmental restriction and subject only to the laws of libel, sedition, etc.¹⁸
- Censorship: As defined in the Oxford Dictionary, censorship is *“the suppression or prohibition of any parts of books, films, news, etc. that are considered obscene, politically unacceptable, or a threat to security.”*¹⁹

14 Techopedia, definition of social-media. Available from:
https://www.techopedia.com/definition/4837/social-media_

15 CoE official website, Hate Speech and Violence. Available from:
<https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hate-speech-and-violence>.

16 Anatraklock, definition of independent media. Available from:
https://anatraklock.wordpress.com/2016/08/31/definition-of-independent-media/#_ftn6_

17 Encyclopedia Britannica, “Media freedom”. Available from:
https://www.britannica.com/topic/media-freedom_

18 Dictionary.com, definition of the freedom of press. Available from:
<https://www.dictionary.com/browse/freedom-of-the-press>.

19 Oxford Dictionaries, definition of censorship. Available from:
https://en.oxforddictionaries.com/definition/censorship_

- The right of privacy: the right of a person to be protected by publicity concerning personal matters.²⁰

5. Historical Background

Freedom of speech is a democratic ideal that dates back to the ancient time. Specifically, the ancient Greeks pioneered free speech as a democratic principle, necessary for the constitution of direct democracy. The ancient Greek word “*parrhesia*” means “*free speech*,” or “*to speak candidly*.” It was the first time that freedom of speech appeared as a human right, even though only men could exercise it.²¹ However, it was not until the seventeenth century that the freedom of speech was introduced as a concept of human rights when John Locke argued in his *Two Treatises of Government* that the state should be able to ensure the human rights of its people in order for it to be functioning properly.

One of the greatest accomplishments in the history of the freedom of speech and the human rights, in general, was the *French Declaration of the Rights of Man and of the Citizen*, the outcome of the French Revolution. It was passed on August 26, 1789, and it declared: “*No one shall be disquieted on account of his opinions, including his religious views, provided their manifestation does not disturb the public order established by law. The free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law.*”²² Meanwhile, the Freedom of the Press, included in the Freedom of Speech, appeared as well in the social and political scene.

One of the darkest pages of Modern History that affected the Freedom of the Press was the years 1933-1945 in Nazi Germany. Adolf Hitler violated the freedom of the press through Joseph Goebbels' Ministry of Public Enlightenment and Propaganda. The Ministry acted as a central control point for all media, issuing orders as to what news could be run and what news would be suppressed. Given all of the above, there is no question that the information society has confronted many challenges regarding

20 Merriam Webster, definition of right of privacy. Available from: <https://www.merriam-webster.com/legal/right%20of%20privacy>.

21 History Editors “*Freedom of speech*”, [online] December 31, 2018. Available from: <https://www.history.com/topics/united-states-constitution/freedom-of-speech>

22 New World Encyclopedia, “*Freedom of speech*”, [online] May 11, 2017. Available from: http://www.newworldencyclopedia.org/entry/Freedom_of_Speech

the protection of media freedoms as well as the personal freedoms of expression and information that could be later on regulated through a legal framework.

6. Legal Framework

6.1 International Framework

As already mentioned, the freedom of opinion and expression are universally protected by the Universal Declaration of Human Rights (article 19).²³ The Declaration was proclaimed by the United Nations General Assembly (Resolution 217 A) in Paris, on 10 December 1948 and until today it is considered as the basis of the human rights protection. The fact that the freedom of expression is included, indicates the importance of this fundamental right for every well-functioned democracy. The freedom of expression is also included in the International Covenant on Civil and Political Rights,²⁴ another multilateral treaty adopted by the United Nations General Assembly through GA. Resolution 2200A (XXI) on 16 December 1966, and entered in force from 23 March 1976. In its 19th article not only does it define once more the freedom of expression but it also refers to its restriction by law when necessary. Such cases where the interference is not considered illegal are:

*“(a) For respect of the rights or reputations of others
(b) For the protection of national security or of public order (order public), or of public health or morals”.*

Additionally, in 1993, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression²⁵ and later on, the UN Human Rights Council, replacing the Commission on Human Rights, has been extending the mandate of the Special Rapporteur with the last extension taking place on 21 March 2017. The Special Rapporteur is mandated by HRC resolution 7/36 to gather all information relating to violations of the right to freedom of opinion and expression *“as a matter*

23 Un.org. (2018). Universal Declaration of Human Rights. Available from: <http://www.un.org/en/universal-declaration-human-rights/>.

24 OHCHR, *“International Covenant on Civil and Political Rights”*. Available from: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

25 OHCHR, *“Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression”*. Available from: <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>.

of high priority, against journalists or other professionals in the field of information” , “to make recommendations and provide suggestions on ways and means to better promote and protect the right to freedom of opinion and expression in all its manifestations” and to assist the Office of the United Nations High Commissioner for Human Rights on the protection of freedom of opinion and expression. Last but not least, the United Nations, including the United Nations Educational, Scientific and Cultural Organization (UNESCO)²⁶ and the Office of the High Commissioner for Human Rights (OHCHR) have been also concerned about the fundamental human right of Freedom of Information, which was recognized by Resolution 59 of the UN General Assembly adopted in 1946.²⁷

6.2 Regional framework

Alongside the international framework, the freedom of expression is protected on a European level as well. More specifically, the European Convention on Human Rights (formally the Convention for the Protection of Human Rights and Fundamental Freedoms)²⁸ as amended by Protocols No. 11 and No. 14, which was Drafted by the Council of Europe, and entered into force on 3 September 1953, regulates in its 10th article the freedom of expression by defining it and by mentioning the cases of its restrictions by law:

- “-in the interests of national security, territorial integrity or public safety,*
- for the prevention of disorder or crime,*
- for the protection of health or morals,*
- for the protection of the reputation or rights of others,*
- for preventing the disclosure of information received in confidence,*
- or for maintaining the authority and impartiality of the judiciary.”*

It is also clarified that the freedom of expression should not be considered to be limited by the States if they require the licensing of broadcasting, television or cinema enterprises.

26 Unesco, *“Communication and Information, Freedom of Information”*. Available from: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/freedom-of-information/>

27 Un.org *“Calling of an International Conference of Freedom of Information”*. Available from: [http://www.un.org/french/documents/view_doc.asp?symbol=A/RES/59\(I\)&TYPE=&referer=/english/&Lang=E](http://www.un.org/french/documents/view_doc.asp?symbol=A/RES/59(I)&TYPE=&referer=/english/&Lang=E).

28 European Court of Human Rights, *“European Convention for the Protection of Human Rights and Fundamental Freedoms”*. Available from: <https://www.echr.coe.int/Pages/home.aspx?p=basictexts&c>.

In addition, the Council of Europe has taken further action in the field of freedom of expression and media freedoms regarding the minorities as well through the European Charter for Regional or Minority Languages²⁹ and the Framework Convention for the Protection of National Minorities.³⁰ Firstly, the European Charter for Regional or Minority Languages was adopted in 1992 and in its 11th article, the Parties are obliged to guarantee the freedom and pluralism of the media by encouraging or facilitating the creation of radio stations or programs, television channels or programs, and newspapers in the regional or minority languages.

Secondly, the Framework Convention for the Protection of National Minorities came into effect in 1998 and in its 9th article the freedom of expression is recognized to every person belonging to a national minority in order to eliminate the discrimination against their access to the media and to guarantee the possibility of creating and using their own media. These treaties point out the public service mission of media that make all citizens' access to it necessary.

Apart from the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) has also taken some measures to ensure the freedom of expression and free media through the Representative on Freedom of the Media.³¹ More specifically, the Representative encourages the [decriminalization of defamation](#), fights against hate speech, promotes media freedom on the internet, media pluralism and self-regulation and of course tries to ensure the safety of journalists. Lastly but definitely not least, one of the most recent regulations is the EU General Data Protection Regulation (GDPR),³² which was approved by the EU Parliament on 14 April 2016 and it was enforced on 25 May 2018. The EU General Data Protection Regulation (GDPR) replaces the Data Protection Directive 95/46/EC and according to the cyber education portal dedicated to the GDPR regulation, its goal is to “*harmonize data privacy laws across Europe, protect and empower all EU citizens' data privacy and reshape the way organizations across the region approach data privacy.*” The EU GDPR regulation has been the most significant change in the domain of data

29 Council of Europe, “*The European Charter for Regional or Minority Languages*”. Available from: <https://www.coe.int/en/web/european-charter-regional-or-minority-languages>.

30 Council of Europe, “*The Framework Convention of the Protection of National Minorities*”, Available from: <https://www.coe.int/en/web/minorities/home>.

31 OSCE, “*OSCE Representative on Freedom of the Media*” . Available from: <https://www.osce.org/representative-on-freedom-of-media>.

32 EU GDPR.org . “*The EU General Data Protection Regulation (GDPR) is the most important change in data privacy regulation in 20 years.*” Available from: <https://eugdpr.org/>.

privacy for the last 20 years. Indeed, it has affected the media domain a lot, given that companies and organizations that intervene personal data privacy and are not compliant with the regulation could now face heavy fines, creating a clash of rights between the freedom of press and the freedom of information on the one hand and the right to privacy on the other hand.

7. Topic Analysis

7.1 Freedom of Speech and Expression

Freedom of speech and expression has a long history that predates modern international human rights organizations. References of freedom of speech can be found in early human rights documents.

Freedom of expression is the cornerstone of democracy. The Council of Europe is mandated to protect and promote freedom of expression, both online and offline. It calls on the Member States to advance common knowledge and comprehension between people groups through the *"free stream of ideas by word and picture."*

Freedom of expression is a basic human right embodied in Article 19 of the Universal Declaration of Human Rights.³³ Alongside its results of freedom of information and press freedom, freedom of expression fills in as an empowering agent of every other right. The Committee recognizes that human rights apply similarly online and offline. Therefore, the Council of Europe is occupied by looking at issues of freedom of expression and privacy, access, and morals on the Internet.

The privilege of the freedom of speech and expression is firmly identified with different rights and may be restricted while clashing with different rights. It is similarly privileged to a reasonable preliminary and court continuation which may restrict access to the search of information or decide the chance and means in which the freedom of expression is shown in court proceedings. As a general rule, the freedom of expression may not restrict the privilege of security, and the respect and notoriety of others. Anyway more noteworthy scope is given when the analysis of open figures is included.

Freedom of expression is especially important for media, who are committed to communicating the value of free expression to all citizens. However, right of the press does not really empower the right to speak freely. Judith Lichtenberg has described

33 Un.org. (2018). Universal Declaration of Human Rights. Available from: <http://www.un.org/en/universal-declaration-human-rights/>.

the conditions in which the press may violate the right to freedom of expression, for example when the media collect data or deny the dignified variety of opinions inherent in the right to speak freely. Lichtenberg contends that the opportunity of the press is essentially a type of property right summed up by the rule "no money, no voice".³⁴

Legitimate frameworks occasionally perceive certain breaking points on the right of free expression, especially when the right to speak freely clashes with different rights and freedoms, for example, in the instances of defamation, criticism, pornography, obscenity, fighting words and protect innovation. In Europe, "blasphemy" is an impediment to free speech.³⁵ Restrictions to the right to speak freely may happen through lawful endorse or social dissatisfaction, or both. Certain open foundations may likewise sanction approaches limiting freedom of speech, for example, specific speech codes at state schools.³⁶

7.2 Freedom of information in the information society

Freedom of information is an expansion of the freedom of expression, an essential human right perceived in universal law, which is today seen all the more by and large as the right to speak freely in any medium, be it orally, in writing, print, through the Internet.³⁷ This implies the insurance of the freedom of expression and speech as a privilege incorporates the substance, as well as the methods for expression. Freedom of information likewise alludes to one side to protection in the substance of the Internet and data innovation. As with the privilege to speak freely, the right to privacy is a perceived human right and right to access in information, goes about as an augmentation to this right.³⁸

34 Sanders, Karen "*Ethics And Journalism*", (2003), Universidad de Navarra, Spain

35 Dictorate-General for internal policies, Policy Department, "Citizens Rights and Constitutional Affairs". Available from: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462467/IPOL-LIBE_ET\(2012\)462467_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462467/IPOL-LIBE_ET(2012)462467_EN.pdf).

36 Berkely Law, "The Challenge of free speech on Campus". Available from: <https://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=4027&context=facpubs>.

37 Clobal trends in NGO Laws, "The Right to Freedom of Expression: Restrictions on a Foundational Right". Available from: <http://www.icnl.org/research/trends/trends6-1.pdf>.

38 Privacy International, "Privacy and Freedom of expression in the age of artificial intelligence". Available from: <https://www.article19.org/wp-content/uploads/2018/04/Privacy-and-Freedom-of-Expression-In-the-Age-of-Artificial-Intelligence-1.pdf>.

Lastly, freedom of information can incorporate resistance to licenses, restriction to copyrights or restriction to protected innovation in general. The International and United States Pirate Party³⁹ have built up political stages dependent on freedom of information issues.

Access to information was progressively perceived as an essential for transparency and responsibility of governments, as encouraging consumers' capacity to settle on informed decisions, and as shielding citizens against bungle and corruption. This has driven an expanding number of nations to institute to freedom of information legislation the previous 10 years.⁴⁰ As of late, private bodies have begun to perform capacities which were recently done by open bodies. Privatization and de-direction saw banks, media communications organizations, healing centers, and colleges being controlled by private substances, prompting requests for the augmentation of freedom to information legislation to cover private bodies.

In 1983 the United Nations Commission on Transnational Corporations received the United Nations Guidelines for Consumer Protection⁴¹ stipulating eight consumer rights, including *"purchaser access to satisfactory information to empower settling on informed decisions as per singular wishes and needs"*. Access to information moved toward becoming viewed as a fundamental purchaser right, and preventive revelation, i.e. the disclosure of information on threats to human lives, well-being, and security, started to be pointed.

As mentioned above, freedom information likewise alludes to the security of the privilege to speak freely with respect to the Internet and information innovation. The right to information may likewise concern control in an information innovation setting, i.e. the capacity to get to web content, without control or limitations.

Governments and private associations may participate in restriction. It happens in a wide range of media, including discourse, books, music, films, and different expressions, the press, radio, TV, and the Internet for an assortment of guaranteed reasons including national security, to control foulness, child pornography, and hate speech, to ensure kids or other vulnerable groups, to advance or confine political or religious perspectives, and to avoid defamation and slander.

39 Wikipedia, *"United States Pirate Party"*. Available from: https://en.wikipedia.org/wiki/United_States_Pirate_Party.

40 Mazhar Siraj (2010). "Exclusion of Private Sector from Freedom of Information Laws: Implications from a Human Rights Perspective"

41 UNCTAD, *"United Nations Guidelines for Consumer Protection"*. [online] New York and Geneva 2016. Available from: https://unctad.org/en/PublicationsLibrary/ditccplpmisc2016d1_en.pdf.

7.3 Freedom of Media or/and Press

The media and the press have uncommon rights, freedoms and obligations since they have an exceptional capacity as a "watchdog" in a vote based society.

The media are responsible for a critical job: to educate society about issues that are vital to it and make a stage for open discussion, reflection, and examination. Due to this job, independent and subjective media are viewed as the "watchdog" of each vote based society.

The media work to serve the entire society in keeping the general population educated and ensuring the general population can investigate crafted by the government, lawmakers and other individuals who assume a vital job in the public arena.⁴² This infers media and press duty and responsibility. In the event that free media will satisfy their crucial capacities, general society needs affirmation that the media are looking for the truth and acting to protect the general population interest. Government directions on media look to guarantee that media demonstration inside the parameters of open intrigue. In any case, many contend that all or numerous administration controls meddle with media freedom and abuse the general population's entitlement to pick and claim media sources. Then again, government directions might be important to control corporate news sources that rule the community to information.⁴³

New types of media, especially the Internet, make more issues in media opportunity. Many believe that these new, unregulated outlets for open exchange are democratizing free to media and expanding cooperation out in the open discussion.⁴⁴ Others stress that unregulated channels of correspondence do not expose to publication survey will increment false information and conceivably skew public opinion. Further, numerous new types of media are worldwide in character and outside the ability to control any one political society.

The United Nations' 1948 Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and to seek, receive, and impart information and ideas

42 Sheila S. Coronel, "The role of Media in Deepening Democracy". Available from: <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010194.pdf>.

43 Diana Owen, "The New Media's Role in Politics". Available from: <https://www.bbvaopenmind.com/en/articles/the-new-media-s-role-in-politics/>.

44 Shayne Bowman and Chris Willis, "We Media: How audiences are shaping the future of news and information". Available from: http://www.hypergene.net/wemedia/download/we_media.pdf.

through any media regardless of frontiers".⁴⁵ This rationality is normally joined by enactment guaranteeing different degrees of the opportunity of logical research (known as a logical opportunity), distributing, and press. The profundity to which these laws are dug in a nation's legitimate framework can go as far down as its constitution. The idea of the right to speak freely is regularly secured by indistinguishable laws from the opportunity of the press, in this manner giving equivalent treatment to talked and distributed expression.

7.4 Right of Privacy

The right to privacy alludes to the concept that one's personal data is shielded from public security. Shielding essential rights in today's information society is a key issue for the EU and progressively for Fundamental Rights Agency (FRA)⁴⁶ as an ever-increasing number of individuals use information and communication technologies (ICT) in their day by day inhabits work and at home.

In any case, the developing utilization of ICT causes basic difficulties on rights. These range from worries about security and the potential abuse of individual information online to the dangers presented by cybercrime or extensive scale observation activities. Subsequently, every EU resident may, sooner or later, confront infringement of their essential rights, for example, their entitlement to privacy and freedom of expression. In accordance with the positions taken by global associations, for example, the United Nations and the Council of Europe, FRA bolsters the view that, regardless of the explicit difficulties presented by the expanding utilization of digital innovations, it is essential to guarantee that key rights are advanced and secured online similarly and to indistinguishable degree from in the offline world.⁴⁷

According to the EU Code of Rights of the European Union, the European Commission stressed that "the basic rights and opportunities of people as enshrined in the Charter of Fundamental Rights of the European Union, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the general standards of EU Law will be regarded in this specific situation."

45 Un.org. (2018). Universal Declaration of Human Rights. Available from: <http://www.un.org/en/universal-declaration-human-rights/>.

46 Fundamental Right Agency. Available from: <https://fra.europa.eu/en/about-fra>.

47 Eric Schmidt, Jared Cohen, "The new Digital Age, Reshaping the future of people nations and business". Available from: https://edisciplinas.usp.br/pluginfile.php/851999/mod_folder/content/0/SCHMIDT%3B%20COHEN.%20The%20new%20digital%20age%20resha.pdf?forcedownload=1.

In such a manner, one of FRA's objectives is to encourage the EU and its Member States to locate the correct harmony between the difficulties connected to security and regard of key rights.

Data protection is an essential right revered in Article 8 of the EU Charter of Fundamental Rights,⁴⁸ which is unmistakable from regard for private and family life contained in Article 7 of the Charter. These capabilities the EU Charter separated from other significant human rights archives which, generally, treat the security of individual information as an augmentation of the privilege of protection. Truly, the EU has assumed an essential job in driving the advancement and presentation of national information insurance law in various legitimate frameworks where such enactment was not beforehand set up. A 1995 EU mandate on the insurance of people in regards to the handling of individual information and the free development of such information was a crucial instrument in this regard. In May 2016, the EU's reconsidered information insurance rules went into power and will apply at the national dimension from May 2018.

8. Recent Developments

In 2014, the Council of Europe received the EU Human Rights Guidelines on Freedom of Expression Online and Offline⁴⁹ which spell out how the fundamental rights should be incorporated in strengthening democracy in EU member states around the world. The EU deliberately raises the issue of Freedom of Expression at various dimensions of political discourse, incorporating into its human rights debates and conferences with accomplice nations. The EU Special Representative (EUSR) for Human Rights raises issues identified with freedom of expression and freedom of the media amid authority visits to accomplice nations and in human rights discoursed.

Moreover, the EU underpins monetarily ventures and exercises in this field including preparing, limit building and assurance of columnists, bloggers, human rights protectors, media controllers and so forth and support to legitimate and managerial changes in the media area and in addition advancement of access to data and creation of impartial media programs. These exercises are financed both by the geographic projects and instruments and by topical instruments of the EU improvement

48 European Commission "EU Charter for Fundamental Rights". Available from: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en.

49 Council of Europe, "EU Human Rights Guidelines on Freedom of Expression Online and Offline". Brussels 12 May 2014. Available from: https://eeas.europa.eu/sites/eeas/files/eu_human_rights_guidelines_on_freedom_of_expression_online_and_offline_en.pdf.

participation. Exceptional notice ought to be given to the European Instrument for Democracy and Human Rights (EIDHR)⁵⁰ which has financed the biggest number of tasks identified freedom of expression.

The Organization for Security and Co-operation in Europe (OSCE) monitors media improvements in its participating States for infringement of expression.⁵¹ This incorporates checking and requesting responsibility for homicides, assaults, and badgering of writers and arraignment of columnists and individuals from the media for their specialized knowledge auditing legislation that can influence free expression and legislation directing the media.

9. Conclusion

Freedom of expression, information, and all media freedoms are mainstays of a vital and free democratic society and for social and financial development, taking into account the free stream of ideas, quite important for innovation and reinforcing responsibility and transparency.

However, the path to freedom is long and backbreaking. People must have the right to choose. Also, states must make sure that freedom of expression, information, and media freedoms can work efficiently and without limitation, or other effects.

It has to be guaranteed that the values above mentioned must continue being active. It needs to be ensured, that the privilege to speak freely will remain free of any movement that works against the treaties signed the previous years. Freedom of expression and information and all media freedoms is a topic that can have much of debate

Council of Europe sets freedom of expression and information in high priority. Freedom of speech and expression is one of the main weapons that the human being can use in order to inform and participate in society, to shape trends and opinions about a social formation. It is good to believe that the human race will continue to progress and to move towards a better, fairer, more free life. But is there anything guaranteed about progress? Only by constant discussion and debate it can be

50 European Commission “International Cooperation and Development”. Available from: https://ec.europa.eu/europeaid/how/finance/eidhr_en.htm_en.

51 OSCE Representative on Freedom of Media, “*Media Freedom and Development*”. Available from: <https://www.osce.org/representative-on-freedom-of-media>.

discerned the path forward. And to that end, freedom of speech and expression is essential.

10. Points to be addressed

- Why is the freedom of speech an important right and why is it essential to protect every kind of speech?
- Why should the access to the online information be free for everyone?
- Is there a possibility for a better protection system of the freedom of expression and information?
- What “tools” can be used in order to protect the independent media in the information society?
- Why are free and independent media essential for democracy and cooperation among the countries?
- What measures should be taken in order to promote the respect of Articles 10 and 19?
- How can Articles 11 and 9 be furthermore implemented in order to protect the minorities’ freedom of expression?
- How could the General Data Protection Regulation be strengthened in order to prevent governmental restrictions regarding the access to information?
- In what way should the free access to information be controlled?
- When might the government draw reasonable limits to the freedom of speech, and why?
- What is the co-relation between the freedom of information and the right of privacy and what measures should the Council of Europe take in order to strengthen the right of privacy?
- What are the limits of hate speech? Is hate speech a form of expression or should it be restricted?
- Should the media freedoms be implemented in the field of social media as well?

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