



CalsMUN 2020
Historical Influences



Research Report

Forum: GA6 Legal

Issue: Freedom of speech and press in an age of modern media

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Personal Introduction

Sam de Jong

Dear delegates, my name is Sam. I'm 16 years old and I live in Apeldoorn. I'm currently in my final year of the Gymnasium Apeldoorn, after which I will go to the University College in The Hague. One day I want to become an officer of justice for the Dutch 'Openbaar Ministerie' or join the United Nations. For now, MUN is what keeps me busy. In my school, I'm the head of the delegation. We organize meetings and workshops and we go to conferences together. One day we hope to host our own conference. I have done about 5 MUN's as a delegate, and this is my third time chairing a commission.

MUN for me is the highlight of my school career. I love the social aspect of it, meeting people from all over the world. It introduces you to interesting places and people. Also, I feel like MUN gives the youth a change to speak up and think about realistic solutions for real-life problems. I love seeing students come up with creative ideas, as a chair it is so much fun to guide them through that process. Another great thing about MUN is the whole side of fun and games, like the gossip box!

Anyhow, I am very much looking forward to the conference. You can e-mail me with any questions or ask them at the conference. Especially for first timers it might be a little hard to keep up, but we will do our bests to keep everyone active within debate. Lastly, I urge you to come well prepared. Knowing a little more about the issue adds so much to the experience of the conference. Good luck everyone, we will see you at CalsMUN 2020!



Friso van Raalte

Dear delegates, I am Friso, 15 years old and I'm from Haarlem. I go to the Stedelijk Gymnasium Haarlem and I'll be in my final year next year. After this, I hope to study law and maybe work as an attorney or something alike. Besides politics and law, I really enjoy music. I have been participating in MUN conferences for over 4 years now, starting as an admin on our very own HMUN conference. I have done 10 conferences as a delegate and I am in the secretariat of HMUN, as Deputy Secretary-General of Development of HMUN. My tasks include building an HMUN app, making our conference more sustainable and helping with the organization of activities for our own delegation. Although I have quite some experience as a delegate, this is my first time chairing. I am really looking forward to the conference, since I'll have the opportunity to be on the other side of the debate. I waited 10 conferences before finally applying as chair, simply because I have been really busy with HMUN and I absolutely loved being a delegate.

The thing I love most about MUN is getting to meet new people. I have made a lot of friends from all around the world.

One of the highlights of my MUN career is becoming DSGD at HMUN. It is really an honor to be fulfilling this position at such a great conference. This is the first time they have introduced my position as a secretariat position. It is so much fun, because I have a lot of freedom in my position. I don't have concrete tasks and I can mold this position into something that completely suits me. MUN has really helped me in my personal development as well. I used to have trouble speaking in public and I was a very shy person, but MUN has really given me the confidence to speak in public. I am really looking forward to meeting all of you at the CALSMUN conference and I wish you good luck with your research!





Introduction to the topic

In an age of modern media, people are looking for limits of their rights. Media in our day and age is wider, more present and more significant than ever. Also, the internet allows for unlimited contact and anonymity. As a result of that anonymity, people reach limits. They say things they wouldn't say to other peoples' faces. Another problem that occurs is how fraud, especially identity fraud becomes easier and more widely 'available'. Internet hackers can access personal accounts of others and can use this information for serious blackmailing. Swindling and catfishing become bigger problems as the internet evolves and become more present in the lives of the people. With the convenience and possibilities that the internet offers, the risks and dangers of it also become more and more significant.

For this discussion however, we are focussing on the freedom of speech and press in the age of modern media. Because the internet allows people to stay anonymous, they have less trouble crossing the borders of what we see as normal. Is that justified? The things people say, should they get accepted? Like racism, sexism, and other forms of discrimination? How much of these things can we allow? Did the internet and the evolvement of our media-platforms change the way we look at freedom of speech?

On one hand, people have the constitutional right of speech in most member states. However, in some of the states, the public is restricted in this freedom. Certain subject cannot be covered in public settings, or in some cases not even in private settings. Freedom of speech is, by many people and governments, seen as a human right. Should we thus be able to say everything we want? Can we discriminate? Can we bully? Can we make sexual comments? Does this intimidate people? Does the right of safety and protection of one overthrow the right of freedom of speech of others? What do member states find more important?

On the other hand, the press gets a bigger role in our lives. With the newer versions of media, press becomes freer and bigger every day. The public is affected by an addiction to news. The media therefore is forced to create a constant flow of information and news. How much of this must be true? There simply is not always news available. Does the press have the freedom to make up news? What can and can they not say? Can they take a stance? Do they have to be objective? Can they proclaim personal opinions as facts? Is it their goal to inform the public, or to persuade the public? Do governments need to limit the press, or is that an unacceptable form of censorship? Should governments protect the public, or can the public protect itself? The risk of overpowering of the government lurks.

What can the United Nations do to solve these questions? How do they suggest that countries regulate the freedom of speech? Do we need new laws as the media evolves? And what should those laws look like?



Introduction to the Committee

The United Nations have a total of 7 General Assemblies, 1 through 7. Each one has their own speciality, but as the name suggest, they consider rather general issues. To be eligible to join the real GA's, you'll need a high school diploma, be 18 years or older and have language proficiency in English and/or possibly other languages. Another thing the UN requires is work experience, for GA1 no experience is required. However, GA2 requires 2 years of working experience, GA3 requires 3, etc. GA6 requires 6 years of experience and is therefore a more advanced committee.

The General Assemblies together are rather powerful within the UN. They have various tasks, like considering the other councils reports, assigning delegates, making recommendations on international peace operations and setting standards for laws within member-states. To put all the separate knowledge of each committee together, the GA's are joining each other in a plenary session.

At MUN, the GA's are with their own committee most of the conference. Like other committees, they use this time to write their resolution and try to pass at least one resolution per agenda-topic. The thing that makes GA's different is their plenary session. At the end of the conference, all the assemblies come together to discuss all the resolutions. Only if a resolution passes through plenary, it can be applied. The discussion in plenary is a lot less detailed and long, because there are some serious time restraints. No amendments will be allowed, just some points of information. A resolution passes when the bigger part of the house votes in favour.

GA6 is the Legal committee. They're specifically set up to make law standards. It is a rather advanced committee, since it requires delegates to have at least 6 years of experience. Within MUN it is a lot less pressurized, but still, we require dedication from our delegates.

You will be asked to solve issues surrounding the euthanasia discussion, as well as the discussion of freedom of speech and the justified limits. If a resolution passes, it will have to be defended in the plenary session too, usually by the main submitter.



Definition of Key Terms

Censorship

When the government limits, suppresses or forbids the publishing of written word or the out speaking of spoken word, especially on ground of political situation.

Discrimination

The unjust or prejudicial treatment of people, especially on the grounds of race, age, or sex.

Fake news

The publishing or proclaiming of news that is not based on facts, for the bigger public.

Freedom of speech

The legal and practical ability to freely express feelings and opinions without restraints, censorship or legal penalties.

Media

The main streams of mass communication to the collective public (e.g. broadcasting, publishing and the Internet).

Press

In this case, it refers to the people that collect and share news and information from the higher powers to the collective public.

Sedition Act

1918 Act passed by the American Congress, expanding the 1917 Espionage Act. This act further limits the freedom of speech, especially the expressions that criticise the American government, Congress and President.



General Overview

In the period of colonialism and expansion, new countries had new laws to develop. The governors were not always as nice as they should be, which pushed some inhabitants to their limits. At the same time, technology developed more and more. Different, new ways of communication evolved. Sharing opinions and statements started becoming easier and more accessible. Media came to a growth spurt. People thankfully used these opportunities to express their hatred towards the governors. This sparked the light for a vibrant discussion. Those in power wanted to protect themselves, so in many cases freedom of speech was grandly limited. Mostly expressing negatively about the governments was illegalised, with grand charges against those who disobeyed the law. Governors abused their power to apply censorship over their inhabitants.

Of course, freedom of speech should partially be limited. In many cases, certain expressions can simply not be justified. An international law that often conflicts with that of free speech is that against discrimination. Especially extremists in politics and journalism feel the need to express very negative statements towards minorities. The first article of the Universal Declaration of Human Rights, however, notes that everyone is born equally and with that does not allow discrimination on any ground. These two rights contradict in some cases. This question has, over the years, gotten a bigger importance. With the evolving of media and technology, anonymity makes people reckless.

In an age of modern media, a lot is to be considered when changing any laws. Firstly, when a national or international governmental organ limits freedom in media, it is considered censorship. This term has a very negative tone, since people these days are very attached to their freedom. Therefore, when limiting freedom, we have to be very careful. It is extremely complicated to effectively imply regulation in media, but we have to try. A second problem is that of the conflicting rights. Both the right of equality as well as that of freedom of speech are highly appreciated by the bigger part of inhabitants. This makes it very hard to judge either one more valuable than the other or allow one to overthrow the other. Lastly, should we only limit the bigger public, but allow press and politics to speak completely freely. Or shouldn't these influential parties be able to negatively express statements towards certain groups. On one hand, politicians have to represent the inhabitants' opinions. This might be a reason to give them complete freedom of speech.

What is the limit? Many countries set a limit to the freedom of speech. Hate sowing, offending and blasphemy are quite common limits to this freedom. Some countries specifically do not allow homophobia, others do not. Freedom of press is handled differently everywhere. Inform yourself on this, as it can cause some strong debate between specific countries that have strict censorship! Privacy laws can also limit the freedom of speech, especially within modern media, since personal information seems so easy to be gain and share. Also, a discussion around the sharing of other peoples' information, pictures or other private concepts. Another freedom limiting statement is the right of governments to keep secrets from their inhabitants, especially surrounding security. Rights of authors also limit speech, since you cannot copy other peoples' words just like that. Pornography is allowed in some European countries, with the exception of child pornography.

How can we limit freedom of speech to make it more suitable for modern media?



Major Parties Involved

Organisations

European Union

The Universal Declaration of Human Rights includes an article about freedom of speech/expression. The European Declaration of Human Rights includes the following article as article 10, retrieved from <https://www.equalityhumanrights.com/en/y-ddeddf-hawliau-dynol/article-10-freedom-expression> ;

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television and cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

United Nations

The United Nations put together article 19 and 7 in article 19 of the Universal Declaration of Human Rights. The right for freedom of expression was merged with the right for protection against hate speech. It is similar to article 10 of the EDHR. There are some articles that may clash with article 19. Examples are: Article 2 (Ban on discrimination), Article 7 (Equality before the law) and Article 8 (Right to effective judiciary), Article 12 (Right to privacy) and Article 18 (Right to freedom of thought and religion), but also Article 22 through 26 (Right to social security, work, rest, adequate standard of living and education). For every Article, a hypothetical situation can be made in which it clashed with Article 19.

Countries

China

This country is commonly known for its very strict censorship. Almost all filtering in Open Nets is labelled as a very serious situation, and the freedom of press and index are rated extremely low. In November 2012 the Chinese government blocked national access to Google, the biggest searching engine of the internet. Earlier, in May 2009 YouTube was banned and in July that year Facebook was banned too. Press is also seriously limited in China. Suggested reading: 'How Censorship in China Allows Government Criticism but Silences Collective Expression'.



Iran

In 2018 the censorship in Iran got to a climax. The people took to the streets to demonstrate against the government. In a response, the government shut down access to some of the countries' most used media platforms, for example Instagram. It was a temporary measure, unless the platforms didn't block anti-regime channels. Telegrams CEO responded by saying they would rather get blocked than limiting the freedom of speech. This discussion is yet to be solved.

Saudi Arabia

January 2019, Saudi Arabia blocked an episode of a popular show on Netflix, an international movies and series platform. Mohammed bin Salman, the Crown Prince, was critically spoken about in the satirical show 'Patriot Act'. The show is known to be critical of the authorities. However, this episode crossed the line, according to the government. Netflix complied to the legal request to delete the episode, but said to 'strongly support artistic freedom worldwide. Suggested reading: Saudi Arabia Freedom Report by Freedom House (Freedom House, 2018)

Syria

In 1970, Hafez Alassad seized power in Syria. He limited the public opinion by allow three papers to publish: Baath, which was directly led by the national authorities, Teshreen and Althawra, which were dominated by security control and followed the government. The OMD (Only Media Directed- policy) allows the General Corporation for the Distribution of Publications to adjust and ban certain magazines and limit their distribution. When the national activists noticed the globally growing importance of media, they started making their own platforms as alternatives to the Syrian official media. Suggested reading: Freedom of expression and access to information in Syria today. (Charaf, 2014)

Others

Many other countries have very strict and complicated situations surrounding freedom of speech. Here, I have only considered the countries with a critical situation. Some countries have a way freer approach, with the pros and cons of that. Look into your own countries' procedure and try to find some allies within the committee.



Timeline of Key Events (example USA toward freedom of speech)

Date	Description of Event
<i>Aug 5, 1735</i>	A New York journalist publishes a critical view on a colonial governor. John Peter Zenger was brought to court. His attorney, Andrew Hamilton, defended Zenger by noting how the statements in his article were in fact true. He found it unjust to punish someone for speaking out about the truth. Zenger was dismissed and a series of trials surrounding the question of freedom of speech started.
<i>1781</i>	New York's state legislature passes a sedition act, which makes it a serious crime to state, anywhere, that the king has power of the state of New York.
<i>June 21, 1788</i>	Several states ask for the act to be added to the Constitution as a Bill of Rights. They wanted this to pass as soon as possible.
<i>Dec 15, 1791</i>	The First Amendment passes. 'Congress shall make no law...abridging the freedom of speech, or of the press.'
<i>July 14, 1798</i>	The Congress passes a Sedition Act making it illegal to in any way share false or negative information about people in power, like the President, government and House of Congress.
<i>1800</i>	Tunis Wortman, a Republican, publishes the 'A Treatise Concerning Political Inquiry and the Liberty of the Press' as a reaction to the Sedition Act. He argues for a very broad right of free speech, as it allows individuals to "reflect and communicate their sentiments upon every topic".
<i>Mar 3, 1919</i>	The Court holds that speech is not protected if "the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about... substantive evils."
<i>Nov 10, 1919</i>	Critique arises on the 1798 Sedition Act, which protects the government from negative media. 'The Congress certainly cannot forbid all effort to change the mind of the country'.
<i>Jun 28, 1940</i>	The Congress passes the Smith Act, making it illegal to express speech in any way that is aimed to overthrow or destroy the US government. At this time war in Europe also break through. Terminiello speeches in Chicago about the breach of peace. He is convicted, as the court says his speech contradicts the First Amendment. He 'stirs the public to anger' 'creates a disturbance'.
<i>1957-1980</i>	In these years, more and more things are added to the list of laws about freedom of speech. Excluding advocacy from speech limiting laws, allowing pornography, limiting violence and negative media and the discussion surrounding school students.
<i>Jun 25, 2007</i>	"BONG HITS 4 JESUS" banner on a school makes the students issue arise again.



Possible Solutions

For the topic that we will discuss, solutions can be very broad. Some countries might think it is best that the government controls media and publishing, whereas others want to rely on the peoples' moral compass. Think of decent limitations, what can and can you not ask from governors? Who controls the media?

Do you agree with article 19 of the UDHR? If you do, repeat it in your resolution and mention that you want to keep this. If you don't, make an alternative and think of why that is better.

Represent your country rather than your own opinions. Having a different opinion than the other countries allows for a more exciting debate.

In case you need inspiration for specific solutions, e-mail s.amdejong@outlook.com .



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