

# **Summary of Main Points and Recommendations:** ***How serious is the Commonwealth about media freedom?***

Tuesday, 21 January 2020, 6pm, Wilson Room, PCH

**Organisers:** The Institute of Commonwealth Studies (ICWS), the Commonwealth Journalists Association (CJA), the All-Party Parliamentary Human Rights Group (PHRG), the All-Party Parliamentary Media Freedom Group, and the British Group of the Inter-Parliamentary Union (BGIPU)

**Chair:** Rt Hon John Whittingdale MP – Chair, Media Freedom APPG and BGIPU

## **Objectives:**

- to explore the track record of the Commonwealth (CW) on media freedom (MF), and clarify the scale of the challenge in Commonwealth Member States (MSs);
- to generate consensus on the need for key stakeholders to adopt strategic approaches to address core issues and obstacles, particularly in the run-up to the Kigali Commonwealth Heads of Government Meeting (CHOGM) in June;
- to contribute to strengthening media freedom and protection for journalists in the CW, in line with international norms and standards, and in conjunction with the UK and Canada's on-going Global Media Freedom campaign; and
- to highlight the specific contribution to be made by Parliament(s) and/or Parliamentarians, in line with recommendations put forward at the BGIPU's follow-up International Parliamentary Seminar on Media Freedom.

## **Speakers:**

- ❖ **Amal Clooney** (AC) – *UK Special Envoy, Media Freedom, and Deputy Chair, High Level Panel of Legal Experts on Media Freedom.*
- ❖ **Rebecca Vincent** (RV) – *UK Bureau Director, Reporters Without Borders.*
- ❖ **H.E. Mr Papa Owusu-Ankawah** (POA) – *Ghanaian High Commissioner to the UK.*
- ❖ **Akbar Khan** (AK) – *former Secretary General, Commonwealth Parliamentary Association (2016-19). His comments made in a personal capacity.*

## **Main points and recommendations:**

- The potential of the CW is considerable – particularly given it represents one third of the world's population and its Charter stresses respect for international human rights treaties. The crisis in respect for the international rule of law also makes the CW more important than ever. (AC)
- There has been a marked rise in violent assaults, murder and imprisonment of journalists in the CW. The vast majority of murders go unpunished. Journalists harassed in Bangladesh, Pakistan, India and Nigeria; police raids on ABC and other media in Australia led to Parliamentary inquiries. (AC)
- *More should be done: (1) CW Principles on Media and Good Governance (the Principles) should be endorsed by CW MSs. (2) Action should be taken to enforce international standards which protect free speech and media freedom. 173 states have ratified the International Covenant on Civil and Political Rights. Yet the CW has not yet endorsed the Principles drawn up by six of its CS organisations.* (AC)
- The High-Level Panel of Legal Experts on Media Freedom (the HL Panel) is reviewing all states' laws to reform those which could silence journalists, and overseeing the preparation of a toolkit for legal professionals to be made public later this year. Recommendations are to be launched in February.
- *States should take action against other states cracking down on free speech, including: targeted sanctions (e.g., Magnitsky sanctions by the UK); enhanced consular assistance for journalists jailed in other countries; support for international investigatory teams when a state will not or cannot carry out its own investigation into attacks on*

- journalists; enhanced transparency requirements in connection with relevant Court cases; provision of visas for endangered foreign journalists. (AC)*
- Over a third of CW MSs are in the bottom half of the World Press Freedom Index. 2020 CHOGM host Rwanda is ranked 155, with 8 journalists killed there since 1996, others having had to flee, an oppressive legislative framework in place forcing journalists to self-censor to avoid criminal charges and barriers put up to accredit foreign journalists. There are journalists in prison in a number of CW MSs, including India, Bangladesh, Cameroon (i.e., Amadou Vamouké –in need of urgent medical treatment), Nigeria and Tanzania (Erick Kabendera - in need of urgent medical treatment). Journalists have also been recently murdered in some MSs which are not at war, including the UK (i.e., Lyra McKee) and Malta (i.e., Daphne Caruana Galizia). In some CW MSs, pressure is more subtle, with journalists constrained by surveillance, counter-terrorism legislation and data protection laws, including in the UK and Australia. (RV)
  - *The CW needs to lead on MF by example, especially CW MSs such as UK and Canada which are now leading the Global MF Campaign. (RV)*
  - With the adoption of a written constitution in Ghana, which guarantees MF, there has been a marked expansion of free expression and MF. In 1995, the Constitutional Court handed down a seminal judgment allowing for the licensing of private radio stations; there are now 300+ private radio stations in the country. In 2001, seditious and criminal libel was repealed. FOI legislation has also very recently been adopted. Media can now hold Government to account and free speech has been emboldened. In Africa, Ghana is a champion of MF; it has signed the Global Pledge on MF. (POA)
  - There is some way to go, however. Individuals can still be prosecuted for contempt. Non-state actors, particularly those promoting extremist philosophies, have also been a block on free speech, and were involved last year in the assassination of an investigative journalist looking into corruption in football (the murder investigation is on-going). *Extremist and intolerant views must be challenged. As reliance on the state to expand MF is difficult, there must be pressure from the grassroots. (POA)*
  - The CW, as an organisation which encapsulates values, is a force for good. Generally, MF is better in CW MSs than in other countries. As the CW operates by consensus and its decision-making processes are complex, it will be hard to get the Principles accepted by MSs and onto the CHOGM agenda. *It is important to continue working with the leadership of the MSs to continue improving MF. “Let MF be at the top of the CW’s agenda and so make a difference”. (POA)*
  - We should not shy away from the problems in the CW. “Potential” is not enough – it should be doing better, including respecting legal obligations. The problems, however, are across the CW, with every MS having breached MF in some ways. (AK)
  - There has been progress, as we are now talking about how to take the Principles forward. *The CW needs everyone’s assistance to elevate them: the CW is not just about its MSs but also civil society and professional groups. The inter-governmental part of the CW, including CMAG, also needs to step up. Its enforcement mechanism allows it to act on “significant restrictions on media and civil society”, so why had it not been triggered? (AK)*
  - Pockets of progress should also be recognised. The CPA and CPA UK are working to induct Parliaments in the importance of MF and their responsibilities to repeal legislation, including colonial legislation, which restricts MF and speak out as champions of human rights. (AK)
  - Attacks on media signal a democratic deficit. *The demonisation of journalists by populist politicians, which some states are facilitating, needs to stop. (AK)*

- Some Parliaments, and MSs, are hampered by lack of resources. It is *important to look at the particular constraints in each CW MS and address them.* (AK)
- It is time to realise the CW's potential, with leadership playing an important role. *Ensuring MF is taken up at CHOGM would be a good first step.* (AK)
- 33 states are now part of the MF Coalition, and have signed the Global Pledge on MF. Senior officials from these countries will meet soon for the first time in Geneva. National Action Plans will be promoted to reform legal frameworks and policies, helped by a UNESO Task force. Governments which don't want to make positive change should be called out and could have sanctions applied against them. The Global MF Campaign is an unfolding effort which requires sustained engagement and political will. The UK looks forward to the adoption of the Principles by the CW. (Alastair King-Smith - Deputy Director of the Multilateral Policy Directorate, FCO (AKS)).
- It is difficult for journalists to play their role in liberal democracies given the extreme concentration of media ownership, the rise of social media resulting in the loss of revenue for more traditional media, and investigative journalism becoming an extinct art form. How can the CW be mobilised given its decision-making structure? (Neil Ford – Communications Director, Commonwealth Secretariat)
- Press freedom is now under threat more than ever. There have been massive cuts to foreign reporting. Internet shutdowns have made it increasingly difficult to get information out. When the US President denounces journalists as enemies of the state, that sets an example for other states. Is there really anything the CW can do to change the situation? (Christina Lamb - Chief Foreign Correspondent, Sunday Times)
- *Carrots and sticks must be used.* Governments should be pressured by their citizens, and new governments and leaders need to be encouraged to try to change things. *The CW could introduce some conditionality on membership.* (AC)
- We must always encourage the UK to move forward. While it a strength to recognise our deficiencies, we now need to take more concrete action to address them. *We also need to call out states which are not compliant, e.g., Turkey and Saudi Arabia.* No CW state should have a journalist in jail or killed in impunity. States also have a duty to protect journalists facing threats. There is a parallel civil society group which advises the MF Coalition. (RV)
- *The HL Panel should assist CW MSs to reform/repeal 'colonial' era laws on criminal sedition and defamation, etc. The CW must become an active player on MF to protect journalists like the murdered Daphne Caruana Galizia in Malta who suffer violence and harassment from all sides with no protection domestically. If not the CW risks "giving cover" to the violators of MF.* (William Horsley (WH) – Executive Committee Member, CJA)
- *The CW needs its own mechanisms to uphold MF, not abstract declarations of principle. After 3 years of lobbying by 6 CW organisations which drew up the Principles in 2018 (CJA, CLA, CPA, CHRI, etc.), the CW Secretariat has just recently agreed to set up a wider review process to promote the Principles for possible adoption eventually. That dialogue should include HL Panel and UNESCO, placing CW actions in the framework of effective international law. CHOGM should welcome that process as a first step.* (WH)
- AC indicated her assent to WH's proposal.

- *The Principles must receive some endorsement at CHOGM, so the CW commits itself to standards on MF as it has done with the CW's fundamental values through the Latimer House principles. UK and Ghana, two CW MSs present at this meeting, should use their good offices to ensure that happens (Dr. Peter Slinn – Member, Working Group on CW Principles on Freedom of Expression)*
- The full endorsement of the Principles by CW MSs will be a challenge but the UK is looking for a reference in the Heads' Communiqué (AKS)
- *It is important not to view Governments as monolithic entities operating in a vacuum but to engage with, and empower, a wide variety of forces and actors, including tech giants and other companies. We need a multi-stakeholder conversation. (AC)*
- The UK Government should raise the fact the BBC is still banned from broadcasting in Rwanda. (Jameela Khan – Amnesty International UK)