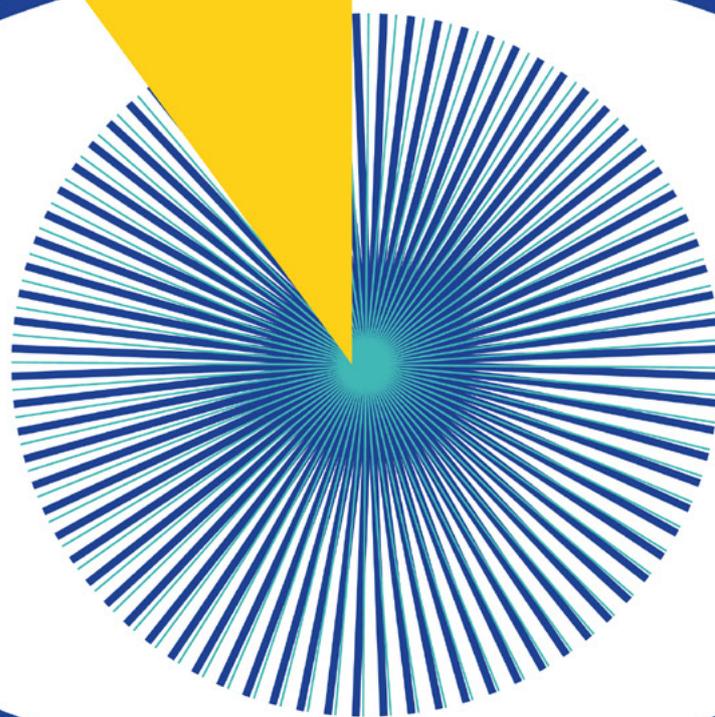


JOURNALISM UNDER SURVEILLANCE

**WORLD PRESS
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DAY 2022**
MAY 3



#WorldPressFreedomDay

INTRODUCTION

On 2-5 May 2022, UNESCO together with the Government of Uruguay will host the Global Conference for the celebration of World Press Freedom Day (WPFDD). The conference will be in hybrid format, but – conditions allowing - with the ambition to have the largest possible participation in praesentia.

It is time for the WPFDD's community and movement to get back together, following a year that saw the Nobel Peace Prize awarded to two journalists, and growing challenges to the practice of journalism.

The conference will reunite relevant policymakers, journalists, media representatives, activists, ICT corporate chief ethicists, cybersecurity managers, AI researchers and legal experts from around the world to explore the digital era's impact on freedom of expression and the safety of journalists, access to information and privacy.

This year's edition will focus on the theme "Journalism Under Surveillance", to spotlight how recent developments in technological means of monitoring and surveillance impact journalism and freedom of expression. In fact, freedom of expression and the right to privacy are among the human rights most impacted by the digital transformation.

The conference will produce a declaration that sets out the issues discussed throughout the programme and provide pointers to follow-up.

THE THEME

While in the pre-Internet world, freedom of expression and privacy were thought to only interact when journalists reported on public figures in the name of the right to know, the rights have become increasingly interdependent. This linkage reflects digital business models and the development of new surveillance technologies and large-scale data collection and retention. The changes pose risks in terms of reprisals against media workers and their sources, thereby affecting the free exercise of journalism.

The recent UNESCO's World Trends Report Insights discussion paper [“Threats that Silence: Trends in the Safety of Journalists”](#), highlights that surveillance and hacking compromise the protection of journalists' sources, as recently illustrated by investigative and factchecking organizations, following which UN human rights experts called for all States to impose a global moratorium on the sale and transfer of surveillance technology, until regulations that ensure that such technology complies with international human rights standards are put in place.

Under this theme, the Conference will also discuss how these developments impact the rights to freedom of expression, access to information, data protection and privacy, by looking into big data related issues such as the transparency of Internet companies, digital footprints, data retention, facial recognition technologies, and ethic of artificial intelligence.

MEDIA FREEDOM, SPYWARE, SAFETY OF JOURNALISTS AND THE RIGHT TO PRIVACY IN THE DIGITAL ERA

Recent technological developments in digital-enabled surveillance, such as the growing sophistication and undetectability of mal- and spyware and their increasing use against journalists and human rights defenders endanger free and independent journalism. Surveillance can expose information gathered by journalists including from whistle-blowers, and violates the principle of source protection, which is universally considered a prerequisite for freedom of the media and is enshrined in UN Resolutions. Surveillance of media workers may furthermore jeopardize a journalistic investigation, as well as impact the safety of journalists including by disclosing sensitive private information which could be used for arbitrary judicial harassment or to harass and attack a media worker.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression presented in May 2019 [findings and concerns on surveillance and human rights](#), noting that *“surveillance of individuals – often journalists, activists, opposition figures, critics and others exercising their right to freedom of expression – has been shown to lead to arbitrary detention, sometimes to torture and possibly to extrajudicial killings”*. Between 2011 and 2021, the Committee to Protect Journalists (CPJ) recorded dozens of [incidents of journalists being targeted by spyware](#). This finding was supported by investigative journalism and factchecking organizations reporting that hundreds of journalists had been selected as targets.

The right to privacy has long been recognized as a fundamental human right by international instruments, such as the Universal Declaration of Human Rights, and is both a right in itself and an enabler underpinning other rights, such as freedom of expression. Without privacy, individuals (including journalists and their sources) are hindered from receiving and sharing the information they want, forming their own opinions and expressing themselves freely without fear of reprisal. Furthermore, privacy is a pre-requisite for journalists to do their work in providing and ensuring our access to fact-based and reliable information. Through their reporting on issues such as governmental malpractice, corruption and human rights abuses, journalists and media workers contribute to reinforcing democracy and accountability. In this endeavour, privacy is a necessity to safely communicate with sources, receive confidential information, investigate sensitive issues and to guarantee the safety of journalists themselves.

MEDIA FREEDOM, DATA RETENTION, AI AND TRANSPARENCY

While digital surveillance poses particularly grave threats to media workers, human rights defenders and activists, internet users more broadly are vulnerable to being monitored in ways that threaten their freedom of expression and personal autonomy. Increased reliance on digital services also means that a growing number of online platforms have adopted a “privacy-for-service” model through which citizens often unknowingly share private information and data in exchange for free services. Individuals’ data leaves behind a “digital footprint” that can be handled and analysed in real time or ex-post by hostile and illegitimate actors. Moreover, data held by Internet and cybersurveillance companies about personal lives can be obtained by State authorities through mandatory data retention laws or governmental hacking. AI-powered territorial surveillance, and algorithmic journalism are other developments that threaten the free exercise of journalism. Reduced costs of digital surveillance and sophisticated tools means that illegitimate surveillance operations undertaken by governmental or private actors can be broader, disproportionate, more invasive, and longer lasting than ever before, without citizens being aware of them or being able to defend themselves.

There is a growing global push encouraging more transparency regarding how Internet companies exploit citizens’ data, how it is used for marketing purposes, and how it informs predictive models and artificial intelligence. This issue was underlined in the Windhoek+30 Declaration, adopted on the occasion of World Press Freedom Day 2021 and endorsed by the 41st UNESCO General Conference, which called on technology companies to “work to ensure transparency in relation to their human and automated systems”. More transparency regarding personal data could also help to understand what is collected about journalists, including online attacks against them, and what can be done to address these issues. A possible remedy to address these shortcomings are UNESCO’s set of principles to enhance the transparency of internet platform companies, which will be discussed as an additional avenue to understand what data is collected and what impact it has on the safety of journalists.

Furthermore, UNESCO has developed the United Nation’s first global normative instrument on ethics of AI, based on the respect, protection and promotion of human rights, and inter alia calling for appropriate safeguards to protect the right to privacy in accordance with international law, including addressing concerns such as surveillance.

CONCLUSION

There is a growing awareness and mobilization of citizens, media workers and organizations, pushing to reclaim data privacy and ownership as well as providing resources to help people protect their digital identity.

Recent cases of surveillance and other online attacks against journalists and human rights activists have further contributed to conscientizing the media managers, policy makers and the general public on the impact technological tools and surveillance have on media workers' right to privacy and access to information; as well as on its chilling effect on freedom of expression, and in particular on media freedom.

The 2022 World Press Freedom Day Global Conference will bring together diverse stakeholders and experts from all across the world to discuss the issues set out above.

Possible solutions to address the threats posed by increased surveillance to press freedom and privacy will be explored, such as by the implementation of the UNESCO Recommendation on the Ethics of Artificial Intelligence, and a moratorium on the global sale and transfer of the tools of the private surveillance industry as proposed by the UN Special Rapporteurs. Some internet intermediaries have committed to greater transparency regarding how personal data is handled, and the conference will explore how to take this further. Options for governments, media companies, civil society and researchers will also be developed.

**Your comments and suggestions are welcome,
please write to wpfd@unesco.org**