

Submission to the thematic
report of the Special Rapporteur
on Freedom of Opinion and
Expression to the UN Human
Rights Council: “Freedom of
Opinion and Expression and
Sustainable Development

Free Press Unlimited

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People deserve to know

A free, independent and pluralistic media is fundamental to the creation and sustaining of functioning democracies and supporting just and inclusive societies. The media's role is vital in ensuring and supporting citizens' access to information (SDG 16.10). Ensuring that media is independent, free and pluralistic and journalists able to do their job free from harm is therefore a prerequisite for advancing SDG16.

For this submission we primarily focused on the Netherlands and zoomed in on four of the proposed questions. We specifically focused on freedom of expression in light of sustainable development regarding women and girls, the role of digital companies, journalists' access to public information and media viability.

Freedom of expression for women and girls

In line with international research, it has recently become clear that women journalists in the Netherlands face disproportionate levels of violence, especially online.

In 2022 PersVeilig, a collaboration between the NVJ trade union for journalists, the Dutch Association of Chief Editors, the police and the Public Prosecution Service, conducted research into the safety of women journalists in the Netherlands. The results show that 8 out of 10 women journalists in the Netherlands experience some form of violence, mostly online. Approximately one third of the women journalists claimed to experience such violence at least once a month. Most of the violence takes place on social media platforms such as Twitter. Furthermore, 77% of the women respondents stated that the online threats negatively impact their journalist work. Some examples of this are that women self-censor (by selecting specific wording or not investigating certain topics) or completely avoid social media platforms. Some women also claimed they feel as though their employers do not take enough action to stop or prevent such violence. Thus, incidents are unreported and leave many women journalists unable to securely perform their job.

A positive development has been the recent legislative proposal on doxxing in the Netherlands. However, this is just a first step. Free Press Unlimited advocates for stronger embedded regulation to address online violence. There is an absence of international standards regarding online violence both at national and international (such as EU) level, more specifically regarding a legal definition of online violence. Not only is defining certain behavior an essential first step in delineating and demarcating certain behavior and recognizing it as harmful or illegal, but from a legal point of view, it is also an important first step for further legislation and implementation. On top of this, a legal definition would be an important step in terms of effective enforcement.

Role of digital companies

Due to a lack of a regulatory framework to address online violence, platforms have turned to self regulation. Something that hasn't turned out the way we hoped. The safety of women journalists is now in the hands of wealthy businessmen like Elon Musk. The use of the N-word which increased by 500% in the first 12 hours after his takeover and the abolishment of the Trust & Security Council show that self-regulation by platforms isn't an adequate safeguard. With just one change of power, all the until then installed safeguard vanished in an instant. Social media platforms are the new marketplaces of public information and therefore have great public importance. It is therefore important that there exist laws and regulations that hold platforms accountable. That being said, there is a role for the platforms themselves. Ensuring the safety of platforms' users is a shared responsibility and needs a multi-stakeholder effort.

However, a big problem worldwide is that platforms are inadequately reacting to online violence. This is also the case in the Netherlands. The research conducted by PersVeilig on the violence experienced by women journalists showed that online platforms seem to be failing to effectively address and respond to online violence towards journalists. In the majority of cases researched social media platforms don't respond to alerts of violence. Journalists also state that these companies are extremely difficult to get in touch with.

Contact with platforms is essential for addressing online violence. More specifically, an escalation channel, a designated channel where violence against (women) journalists can quickly be reported and taken down, can be very effective in responding to online violence quickly and efficiently. It must be noted that these channels only work if these are not automated systems, but real people who speak the language of the country where the violence took place, and can therefore assess whether something is gender-based violence or not.

The platforms need to take their responsibility in prioritizing the safety of their online users. Next to implementing escalation channels, platforms should engage in direct dialogue with governments, civil society and other stakeholders. Although we feel the responsibility of setting this up lies with the government, platforms should actively cooperate.

Journalists' access to public information

Access to public information is key to ensuring that governmental authorities can be held accountable for their actions. Journalists play an important role in communicating such information to the public. Therefore, governments must take actions to make public information easily obtainable. The Dutch government does not have a strong culture of making information publicly available.

In October 2021, the Dutch government adopted the new Government Information Act (Wet Open Overheid) to stimulate more transparency regarding governmental information. The new act replaced the older Government Information Act (Wet Openbaarheid van Bestuur) which was criticized for failing to disclose important information to the public. The new Government Information Act is supposed to make it easier to find, share and archive information. The act also introduced an Advisory Council which currently consists of four council members that oversee the implementation of the act by giving advice to government agencies and acting as mediators when it comes to handling complaints regarding information requests. The Advisory Council announced its first official advice to governmental authorities in January 2023; ministers should centrally store relevant text messages to create more transparency. These changes should make information more accessible, especially for journalists when investigating governmental issues. However, in practice it has been criticized whether it will actually lead to more transparency, especially regarding sensitive information and government scandals.

Media viability and sustainable development

One of the biggest threats to the media today is its viability. There are multiple threats to the survival of independent media. The changing media market, government interference, and the fact that media are often in the hands of conglomerates, are all affecting the ability of independent media outlets to earn revenue and conduct independent reporting.

One of the biggest threats to the viability of the media is the intense financial pressure. Globally, business models have been eroded by the shift to digital news platforms, causing a loss of advertising revenues for traditional print and broadcast media to the big social media platforms.

There is a huge supply of free news, overshadowing independent media. The economic impact of Covid-19, where many journalists have lost their jobs, has intensified this financial pressure.

Another big threat for the viability of the media is media capture: when powerful public or private groups take premeditated actions to control media institutions. This happens when governments pressure the media by tightening regulations, give more public money to those loyal to them, or when oligarchic companies can purchase and control private media outlets. Especially around elections, this is a means for repressive authorities to take control.

If more and more media houses collapse, the diversity and plurality of news will further shrink. This directly affects citizens' access to information and thus directly affects SDG 16.10. Ensuring independent media stays viable must be a top priority in advancing sustainable development.