UNESCO & Human Rights:
Geneva Dialogues for Enhancing
Cooperation and Effectiveness

Freedom of Expression: Understanding Trends and Enhancing Effectiveness of Human Rights Mechanisms and Partnership Approaches

Main Outcomes of the First Thematic Dialogue

UNESCO
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des Nations Unies
pour l'éducation,
la science et la culture
United Nations
Educational, Scientific and
Cultural Organization

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Acknowledgements

We would like to thank the core group and the exceptional group of participants shaping this first dialogue with open minds and ideas. While all participants actively contributed to the dialogue, the final summary may not reflect the specific positions of the participating organizations and individuals. Input and feedback from the core group were incorporated in a balanced way. This does not mean, however, that every participant agrees with every word.

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Background

In 2021, the Swiss Commission for UNE-SCO, the UNESCO Geneva Liaison Office and the University of Geneva, in partnership with the OHCHR (Office of the High Commissioner for Human Rights) and the REGARD NGO platform, launched a new Dialogue series aiming to scale up learning about human rights-based approaches and partnerships in different areas where UNESCO (United Nations Educational, Scientific, and Cultural Organization) is active.

These Dialogues offer creative platforms for in-depth discussions about recent trends, current challenges, and ways to ensure more robust and coherent cooperation with regional and universal human rights mechanisms, between UN Agencies as well as with civil society. In order to ensure meaningful participation, the Dialogues are held under the Chatham House Rule, adapted here to mean that insights and results are summarized without attributing insights to specific speakers. Dialogue summaries are meant to capture a cross-selection of key issues and recommendations raised.

Freedom of Expression was selected as the subject for the first thematic Dialogue held in Geneva in September 2021. As a priority field for UNESCO, many efforts have been undertaken to ensure that Freedom of Expression, access to information, the safety of journalists and media freedom are harnessed. Within UNESCO, such topics are spearheaded by the Communication-Information programme, while also remaining of cross-cutting relevance to the sciences, culture and education sectors. The dialogue described in this brief report underlined these intersections and the value of a cross-sectoral thrust at UNESCO. The event gathered UN officials, NGOs, Special Rapporteurs and academics in an open-ended discussion structured around three segments: current trends challenges, existing human mechanisms, and lessons learned with partnership approaches. On behalf of the co-organizers, the event was opened by Tawfik Jelassi, Assistant Director-General for Communication & Information, UNESCO,Nada Al-Nashif, United Nations Deputy High Commissioner for Human Right, OHCHR and Muriel Berset Kohen, Ambassador, Permanent Delegate of Switzerland to UNESCO.

The following pages summarize collective insights from the dialogue process.

Key messages

This report underlines the importance of deepening our understanding of recent trends that affect the right to Freedom of Expression, as well as enhancing strategic collaboration around existing human rights mechanisms, partnerships and other forms of co-operation.

KEY MESSAGE 1: Freedom of Expression is central both as a human right in itself and as an enabler of other human rights, from political and civil rights to health and human development.

KEY ACTION 1: Harness intersectoral and inter-agency cooperation as a prerequisite for the effective protection of Freedom of Expression.

KEY MESSAGE 2: While laws to protect the Freedom of Expression exist, effective protection remains a persistent and evolving challenge across the globe.

KEY ACTION 2: Complement legal measures to Freedom of Expression with comprehensive responses to halt deteriorating and diverse conditions.

KEY MESSAGE 3: The proliferation of surveillance technologies, digital security laws and restrictive regulatory regimes to cover the online space is yet to be paralleled by adequate protection measures and transparency.

KEY ACTION 3: Harness dialogue with both regulators and private sector actors to fast-track the adoption of safeguards and protection measures in online space and social media.

KEY MESSAGE 4: Existing monitoring of journalists being killed reveals only the tip of the iceberg in terms of attacks against the Freedom of Expression, in general, and challenges faced by journalists, specifically.

KEY ACTION 4: Strengthen documentation, monitoring and analysis of evolving threats and attacks against Freedom of Expression to include new fields, actors and types of attacks.

KEY MESSAGE 5: The COVID pandemic has accentuated the digital challenge, both in terms of the deep-running digital divide and the risk for massive electronic surveillance and impacts on the rights to privacy, freedom of expression and the right to assemble.

KEY ACTION 5: Strengthen regulatory approaches for the protection of Freedom of Expression in the digital sphere by building upon human rights-based approaches to ensure safe and enabling online environments for journalists and human rights defenders.

KEY MESSAGE 6: Further collaboration is key to amplify decisions, reports and translate results of the human rights mechanisms into campaigning, policy and capacity building programmes at the national level.

KEY ACTION 6: Strengthen collaborative efforts to reinforce and translate global human rights recommendations into national campaigning, policy recommendations and capacity building.

KEY MESSAGE 7: Effective cooperation depends on strengthening venues for dialogue and creating an enabling environment for civil society, among UN organizations in both Geneva and Paris, as well as in national human rights processes.

KEY ACTION 7: Strengthen collaborative efforts to address bottlenecks, reprisals and attacks against civil society participation in human rights processes and mechanisms on Freedom of Expression.

KEY MESSAGE 8: Shared frameworks and plans of action are potent vehicles for enhancing international cooperation in complex regional settings.

KEY ACTION 8: Harness multistakeholder cooperation and shared frameworks around Freedom of Expression both in particular countries and at the international level to operate effectively in complex settings.

KEY MESSAGE 9: Regional partnerships on Freedom of Expression offer critical opportunities to complement human rights mechanisms, build capacity and adapt strategies to specific country realities.

KEY ACTION 9: Strengthen regional cooperation and partnership around human rights education, capacity building and training.

KEY MESSAGE 10: Governmental-led partnerships, such as the Media Freedom Coalition, offer specific opportunities both internationally and in specific countries.

KEY ACTION 10: Expand and diversify partnership development at the country level to harness campaigning, stakeholder engagement and releasing joint statements.

KEY MESSAGE 11: Reaching the most vulnerable and working in contexts of transition and shrinking spaces remains a major challenge.

KEY ACTION 11: Develop new strategic approaches for reaching groups at risk where mainstream preventive and protection mechanisms fail.

KEY MESSAGE 12: We need to better understand impacts of technical support activities and identify remaining gaps to better tailor activities and future priorities.

KEY ACTION 12: Complement output-driven cooperation with strategic impact assessments to identify relevant entry-points.

Segment I

Global trends and challenges in the field of the Right to Freedom of Expression

Fundamental principles and goals

Enshrined in Article 19 of the Universal Declaration of Human Rights, the fundamental right of freedom of opinion and expression encompasses the freedom "to seek, receive and impart information and ideas through any media and regardless of frontiers". In this sense, the right to freedom of expression involves both the expression of ideas and the access and use of them – neither of which makes sense without the other.

Freedom of Expression is central both as a human right in itself and an enabler of other human rights from political and civil rights to health and human development. "Public access to information and fundamental freedoms" is a central target in achieving Sustainable Development Goal 16 to: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels." Achieving these global goals requires transversal action and intersectoral cooperation to be effective.

> **KEY MESSAGE 1:** Freedom of Expression is central both as a human right in itself *and* as an enabler of other human rights, from political and civil rights to health and human development.
>
> **KEY ACTION 1:** Harness intersectoral and inter-agency cooperation as a prerequisite for the effective protection of Freedom of Expression.

Beyond legal protection

While laws to protect the Freedom of Expression exist, effective protection remains a persistent and evolving challenge across the globe. The organization *Article 19* reports how "3.9 billion people live in contexts where the right to know or the right to speak are routinely violated" (Article 19, 2020). Every year, journalists and human rights defenders are harassed, imprisoned, or even killed for speaking their minds.

According to the Reporters Without Borders Press Freedom Index, the so-called "white zone" where journalists are safe is increasingly replaced by red and black zones. Only 12 countries out of 180 can reportedly offer a favorable environment. Freedom of Expression challenges are not limited to one part of the world, nor one group of people. They affect a variety of rights-holders in multiple ways. From the lack of media pluralism to restrictions imposed on whistleblowers, artists and human rights defenders, Freedom of Expression is under attack in a larger context of nationalism, populism and non-pluralistic visions of society. Differences of opinion are, far too often, perceived as threats to law and order. Critique of governments or heads of state in many countries is criminalized, leading to judicial harassment or worse.

Proliferation of surveillance and the digital space

KEY MESSAGE 3: The proliferation of surveillance technologies, digital security laws and restrictive regulatory regimes to cover the online space is yet to be paralleled by adequate protection measures and transparency.

KEY ACTION 3: Harness dialogue with both regulators and private sector actors to fast -track the adoption of safeguards and protection measures in online space and social media.

The proliferation of surveillance technologies, digital security laws and restrictive regulatory regimes to cover online space is yet to be paralleled by adequate protection measures and calls for transparency. Attacks are carried out by both state and non-state actors, with an increasing number of communications received by UN agencies and Special Rapporteurs about arrests, unlawful detainment and disappearances.

The closing of newspapers and media providers alongside new forms of independent reporting reveal tectonic shifts in the media landscape in a climate of eroding democratic institutions. While the expansion of the digital sphere, on the one hand, widens the public space, it has also, on the other hand, accelerated monitoring and surveillance. The internet enables access to information and democratic dialogue, yet also allows for the proliferation of disinformation, misinformation and hate speech, rendering the digital challenge complex and a moving target.

Monitoring the full range of challenges

KEY MESSAGE 4: Existing monitoring of journalists being killed reveals only the tip of the iceberg in terms of attacks against the Freedom of Expression, in general, and challenges faced by journalists, in particular.

KEY ACTION 4: Strengthen documentation, monitoring and analysis of evolving threats and attacks against Freedom of Expression to include new fields, actors and types of attacks.

"We step in at a moment in which the violation has already happened. We need to shift focus to capture early warning signals in order to strengthen prevention activities. But what are these early warning signs?"

Existing monitoring of journalists being killed[1] reveals only the tip of the iceberg in terms of attacks against the Freedom of Expression, in general, and challenges faced by journalists, in particular. Monitoring is far from complete. The meeting, for example, drew attention to the importance of gender challenges, since LGBTQ human rights defenders to women journalists are being targeted, harassed and cyberbullied. In its paper on online violence against women journalists (UNESCO, 2021), UNESCO underlines how online attacks against women journalists are inextricably bound up with disinformation, intersectional discrimination, and populist politics. How can we identify these alarming trends early on?

Sometimes the information is just simply not there, e.g. when someone is held *incommunicado*, or disappears because of a tweet. The meeting acknowledged the knowledge gaps and areas in need of constant updating, such as trends in digital media ranging from recent clampdowns on bloggers, imposition of information filters, arbitrary shutdown of the internet during elections and other online restrictions. Participants readily acknowledged "known unknowns". Far from all actors facing rights violations are reached and there is a need to explore new ways of building bridges.

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1   https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf

The digital challenge

KEY MESSAGE 5: The COVID pandemic has accentuated the digital challenge, both in terms of the deep-running digital divide and the risk for massive electronic surveillance and impacts on the rights to privacy, freedom of expression and the right to assemble.

KEY ACTION 5: Strengthen regulatory approaches for the protection of Freedom of Expression in the digital sphere by building upon human rights-based approaches to ensure safe and enabling online environments for journalists and human rights defenders.

The COVID pandemic has accentuated the digital challenge. On the one hand, technologies have allowed for the tracking of COVID cases, yet also revealed the proportions of deep-running digital divide alongside health inequalities. On the other hand, there is a real risk for massive electronic surveillance and impacts on the rights to privacy, freedom of expression and the right to assemble. Furthermore, journalists have been harassed and arrested for speaking out on the COVID crisis.

In the context of internet shutdowns and censorship, new online civic spaces enabling freedom of expression are threatened as the internet is being "weaponized", while personal data is harvested for both commercial and political reasons. The combination of massive data collection and the lack of transparency of big media companies raises the urgency of further regulation that builds on human rights-based approaches, such as applying the Guiding Principles on Business and HR in digital law.

"The time has come to bring social media companies into the room" participants noted. The same human rights that exist offline must prevail and be protected online, not least through the conduct of human rights due diligence. Online service providers (OSP) must become better in both addressing potentially harmful content online while protecting the freedom of expression at the same time.

> *"The conversation about social media is difficult. A balance must be found that has a rights-based approach."*

> *"Empowering users as right holders is necessary. They should be informed about their rights. Digital literacy is important as well."*

The meeting clarified the difference between regulated algorithmic transparency and the need to maintain the right to anonymity and other human rights.

> *"Anything (even misinformation) generating more clicks is a (financial) benefit."*

> *"Freedom of Expression is not an absolute right – there are restrictions under the International Covenant on Civil and Political Rights, and they need a proper interpretation."*

Bridging the digital divide is thus not just about enabling access, but also about ensuring a safe and enabling environment for journalists and human rights defenders for whom social media and online spaces are often critical platforms. Regulatory frameworks for personal data in Europe differ from other countries and regions. Given the heterogeneity of regulatory frameworks, there is no one-size-fits-all approach for corporate self-regulation, transparency and government regulatory frameworks. Rather, there was a call for best practices, further UN normative developments and engagement with other fora.

Segment II

Working together: How is collaboration around existing human rights mechanisms working and how can it be strengthened?

A number of mechanisms within the UNESCO and wider human rights sphere may be be mobilized, from UNESCO's Committee on Conventions and Recommendations, regional human rights mechanisms to The Human Rights Council, Universal Periodic Review (UPR) and Special Procedures. Participants also considered the role of National Reviews and Reports around SDG 16.10 on "public access to information and fundamental freedoms". International mechanisms may allow global and regional actors to join forces around different processes by sharing documentation and aiming for collaborative activities and outputs. The dialogue revealed multiple opportunities across different policy and reporting cycles, both in the medium and long-term.

Cooperation around existing mechanisms

What were the key lessons concerning cooperation around existing mechanisms? While there is long-standing cooperation around existing mechanisms such as the Universal Periodic Review (UPR), the meeting also raised observations such as "fragmentation", "replication", "disconnections" and the need to link Geneva discussions with work in the field. Participants repeatedly stressed the individual and collective need to bring "Geneva back

home", as rights holders are often not aware of – or have access to – neither domestic, nor international mechanisms that could be used for their own protection.

> **KEY MESSAGE 6**: Further collaboration is key to amplify decisions, reports and translate results of the human rights mechanisms into campaigning, policy and capacity building programmes at the national level.
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> **KEY ACTION 6**: Strengthen collaborative efforts to reinforce and translate global human rights recommendations into national campaigning, policy recommendations and capacity building.

Further collaboration can get the word out and amplify decisions, reports and processes of the HR mechanisms. Findings and results need to be converted into campaigning, policy and capacity building programmes at the national level. In this regard, UNESCO not only contributes to norms for freedom of expression and amplifies those emanating from HR mechanisms and other UN bodies, but also undertakes work on the ground to implement and reinforce norms at the national level. This programmatic work, often in partnership with civil society and

national authorities, gives essential practical substance to the important normative work of the wider system.

> *"The dichotomy between New York and Geneva must be tackled by coordinating effectively."*

The growing attention to Freedom of Expression within human rights mechanisms is a positive development, yet gaps

between the UN mechanisms and regional human rights mechanisms remain notable and must be tackled.

> *"We encourage States to increasingly integrate media freedom and the safety of journalists into UN thematic and country-specific resolutions beyond the ones focused on the issue in the General Assembly and the Human Rights Council."*

UPR and country level issues

Whereas the UPR offers clear avenues at the country level, much more can be done in terms of follow-up to specific recommendations. United Nations Country Teams (UNCTs) can play a key facilitatory role in ensuring that Freedom of Expression is included in the 2030 Agenda by operationalizing and monitoring target 16.10: "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements", included as part of the SDGs. In terms of access, participants recalled that National Human Rights Institutions (NHRIs) are not always well resourced to participate in human rights mechanisms, not least when it comes to areas covered by UNESCO.

Given the diverse resources and global outreach of UNESCO and the OHCHR, cooperation can be made even more impactful at different levels to put the

Memorandum of Understanding between UNESCO and OHCHR and specific joint agendas into practice. While discussions takes place on a regular basis, there is also recognition of the need to strengthen cooperation around specific mechanisms. Synergy opportunities between UNESCO and OHCHR are yet to be fully exploited.

> *"Instead of duplicating efforts, we should ensure that our existing work is better coordinated."*

Venues for dialogue and enabling environments

Thematic reports from Special Rapporteurs provide unique opportunities to contribute to global reflections and standard setting work. More structured efforts to contribute to this work include responding to calls for inputs and participating in expert consultations organized by the OHCHR.

Effective cooperation strongly depends on creating an enabling environment for civil society, and creating more venues for dialogue with them, both among UN organizations both in Geneva and in the field. In order to promote effective participation, participants stressed that an enabling environment for civil society must be fostered.

KEY MESSAGE 7: Effective cooperation depends on strengthening venues for dialogue and creating an enabling environment for civil society, among UN organizations in both Geneva and Paris, as well as in national human rights processes.

KEY ACTION 7: Strengthen collaborative efforts to address bottlenecks, reprisals and attacks against civil society participation in human rights processes and mechanisms on Freedom of Expression.

There is a need to build awareness that civic space indicators are often an early warning for wider trends, which can make use of citizen-generated data to inform and strengthen prevention and cooperation between civil society and the UN.

The OHCHR´s report on civil society and engagement with international and regional organizations underlines the idea that meaningful participation of civil society in international processes and bodies, including in the United Nations, relies on free and vibrant democratic spaces with effective participation channels for diverse groups at the national level.

Participants regretted how meaningful participation of civil society in universal and regional human rights fora is strongly limited due to specific accreditation constraints, time and participation limitations, as well as the fear of reprisals and intimidation documented when human rights defenders return home. Regarding the last point, there is strong evidence that there is a greater impact against reprisals when the UN takes public action in collaboration with others, broadening the international foundation of support. Future avenues to be explored included the idea of creating a task force for such cooperation.

"Access, and safety from reprisals are three essential requirements to ensure meaningful participation from all stakeholders."

Segment III

How are existing partnerships working and how can cooperation be strengthened?

Frameworks for collaboration

Formal coordination and collaboration of all relevant actors in regard to the HR mechanisms is not always realistic prospect for various reasons.

KEY MESSAGE 8: Shared frameworks and plans of action are potent vehicles for enhancing international cooperation in complex regional settings.

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KEY ACTION 8: Harness multistakeholder cooperation and shared frameworks around Freedom of Expression, both in particular countries and at the international level, to operate effectively in complex settings.

Experience, in turn, shows that shared frameworks can play a major part in developing complementary activities and approaches at both international and national levels where more formal mechanisms are absent.

One example of such a Framework is the UN Plan of Action on Safety of Journalists and the dangers of Impunity. More than 10 years of existence have demonstrated their value as vehicles of multistakeholder cooperation, both in particular countries and at the international level, between actors such as donors; Groups of Friends of Safety of Journalists in Geneva, Paris, Vienna, New York and Strasbourg; the Media Freedom Coalition and the Hague Commitments; international civil society; the academic research network on safety; judicial associations; media associations; and a UN interagency network.

Benefits of partnerships

Participants stressed how partnerships in the field of Freedom of Expression are essential to make meaningful and long-standing impacts. Partnerships have made it possible to reach a wider public and contributed to promoting human rights and capacity building worldwide. A

central lesson is the importance of partnership action to complement normative discussions and the use of human rights mechanisms. The meeting covered a wide range of different types of partnerships and mechanisms of cooperation. A good example is that of yearly joint declarations

on freedom of expression, since 1999, aimed to provide guidance on universal challenges by the Special Rapporteurs from the UN, OAS, the African Commission, and the OSCE Representative on Freedom of the Media. Another is that of regional programme partnerships.

A powerful insight was the role of partnership action to reach rights-holders themselves ranging from journalists to bloggers and other human rights defenders. Partnerships offer critical insights in adapting to multiple regional contexts.

> *"Partnerships in today's world are mandatory. It is important to have a first-hand perspective of what is going on in a certain country."*

Human rights education, capacity building and training are key assets in promoting Freedom of Expression on the ground, yet often need to be adapted to specific regional insights. Vice-versa, hands-on experiences are critical to shape building blocks for global thinking.

> *"Africa needs to be part of the process, not only as recipients, but also as participants."*

KEY MESSAGE 9: Regional partnerships on Freedom of Expression offer critical opportunities to complement human rights mechanisms, build capacity and adapt strategies to specific country realities.

KEY ACTION 9: Strengthen regional cooperation and partnership around human rights education, capacity building and training.

A good example of a regional partnership is that of the Digital platform on the safety of journalists in Africa involving the African Union Peer Review Mechanism, the African Governance Architecture, the African Court on Human and Peoples' Rights, African Editors Forum, Federation of African Journalists and the International Federation of Journalists.

KEY MESSAGE 10: Governmental-led partnerships, such as the Media Freedom Coalition, offer specific opportunities both internationally and in specific countries.

KEY ACTION 10: Expand and diversify partnership development at the country level to harness campaigning, stakeholder engagement and releasing joint statements.

Composed by Member States and International NGOs, The Media Freedom Coalition is another example of a partnership arrangement, which provides unique opportunities for campaigning, stakeholder engagement and releasing joint statements. The possibility of training ambassadors on the importance of supporting journalists and human rights defenders was raised as one avenue of action and further dialogues between platforms was also raised.

Partnerships for capacity building

Capacity building was seen to strengthen dialogue and reinforce enabling environments at the national level. National workshops under the [Global Drive for Media Freedom and Safety of Journalists,](#) for example, provided assistance and support to ensure data gathering for SDG indicator 16.10.1. In fact, data-gathering, a crucial factor identified above, requires systematic partnerships to work effectively. The RIGHTSTAT dashboard, for example, seeks to provide an answer to the longstanding demand to develop and deploy appropriate statistical indicators in furthering the cause of human rights. It works as an Interactive Dashboard on Human Rights and SDGs indicators – with the goal to provide access to civil society, journalists and the public to updated global, regional and country data under SDG indicator 16.10.1.

While partnerships offer potential, they also reveal difficulties. Developing partner ships are particularly difficult in contexts of political transition and shrinking civic space. Another challenge is building partnerships in regions with limited or no field-presence on the ground. Whereas organizations may find online alternatives, there is a real question about how to reach particularly vulnerable groups when mainstream channels are failing. In such cases, there may be a need to shift focus from general capacity building and combine this with targeted prevention and protection efforts.

KEY MESSAGE 11: Reaching the most vulnerable and working in contexts of transition and shrinking spaces remains a major challenge.

KEY ACTION 11: Develop new strategic approaches for reaching groups at risk where mainstream preventive and protection mechanisms fail.

Digital issues and partnerships

A new area of partnership building involves reaching out to and working with digital companies, including social media companies and their intermediaries. It was considered critical to ensure greater transparency, public accountability and good practices in moderating and removing contents on online platforms. Specifically, there was a call for digital companies to put in place effective remedies when rights have been violated or pose known risks. Given the potential role in protecting FoE online in the digital sphere, the meeting stressed the importance of basing such cooperation on the [UN Guiding Principles on Business and Human Rights](#).

One experience has been the OHCHR B-Tech project building on both human rights and tech sector expertise in building guidance to both companies, investors and policy makers on identifying and mitigating risks and harnessing technologies as a force of good. Further, UNESCO´s global dialogue to enhance the transparency of internet companies, was informed by a series of informal bilateral consultations with several internet companies, regulators and experts from countries in the Global North and in the Global South, portraying how

partnerships in the technological sector are mandatory in order to strengthen our common understanding of emerging issues. Such partnerships may also create new forms of activities. The Urgent Reporting Channel project involves designated social media focal points in OHCHR field offices using the Rabat Declaration and Plan of Action to monitor online hate speech and harassment, and flag incitement-related content to social media companies.

Partnership impacts

KEY MESSAGE 12: We need to better understand impacts of technical support activities and identify remaining gaps to better tailor activities and future priorities.

KEY ACTION 12: Complement output-driven cooperation with strategic impact assessments to identify relevant entry-points.

Good Practice, in building the capacity of thousands of judges across Latin America, for example. This, on the one hand, points to the importance of tailoring contents and activities to specific stakeholders, but also raises questions about how to ensure follow-up in terms of whether and how capacity leads to changing practices in the long-term.

> *"We are missing the capacity of measuring the good impacts in the world."*

Whereas partnerships were praised, the meeting underlined the importance of measuring impacts in the long-term both to identify success stories and spot remaining gaps. While there is much confidence in the enabling role of such regional and global capacity building and outreach work, there was also recognition that impacts were not always known and that further work is needed. UNESCO has made an important step ahead, as

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