



World Association of Newspapers

ASSOCIATION MONDIALE DES JOURNAUX • ASOCIACIÓN MUNDIAL DE PERIÓDICOS • WELTVERBAND DER ZEITUNGEN

Press Under Surveillance 3 May 2007 World Press Freedom Day

Major terrorist attacks and threats against countries world-wide, particularly democracies, in recent years have led to the widespread tightening of security and surveillance measures.

The objective of these measures is laudable and compelling – the protection of citizens against threats to life and property. There is, however, a legitimate and growing concern that in too many instances such measures, whether old or newly introduced, are being used to stifle debate and the free flow of information about political decisions, or that they are being implemented with too little concern for the overriding necessity to protect individual liberties and, notably, freedom of the press.

Anti-terrorism and official secrets laws, criminalisation of speech judged to justify terrorism, criminal prosecution of journalists for disclosing classified information, surveillance of communications without judicial authorisation, restrictions on access to government data and stricter security classifications, all these measures can severely erode the capacity of journalists to investigate and report accurately and critically, and thus the ability of the press to inform.

Balancing the sometimes conflicting interests of security and freedom might indeed be difficult, but democracies have an absolute responsibility to use a rigorous set of standards to judge whether curbs on freedom can be justified by security concerns and should set them against the rights protected in Article 19 of the Universal Declaration of Human Rights which guarantees freedom 'to seek, receive and impart information and ideas through any media and regardless of frontiers'.

The World Association of Newspapers calls on governments and their agencies:



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- To guarantee public availability of officially held data, information and archives accessible under Freedom of Information laws or related legal provisions. Stricter security classifications may be called for when it comes to sensitive military and intelligence issues, but there must also be strict reviews to guard against unjustified attempts to limit public scrutiny, particularly that of political decisions.
- To guarantee the right of journalists to protect their confidential sources of information, as a necessary requirement for a free press. The existing legal protections available in both national and international laws must be upheld.
- To make electronic surveillance of communications dependent on judicial authorisation, control or review, to protect the imperative independence and confidentiality of newsgathering. Governments must ensure that technological advances do not undermine the legal protections of journalists and hinder the ability of the press to play its “watchdog” role.
- To ensure that searches of journalists offices or homes are conducted uniquely by warrant issued only when there is proven ground for suspicion of lawbreaking, so as to uphold the right to protect confidential journalistic sources and thus press freedom. The power to seize documents must also be based on a lawful warrant and on firmly grounded suspicions.
- To guarantee journalists the right to cover all sides of a story, including that of alleged terrorists, and to restrain from any hasty and unjustified criminalisation of speech. Broad and vague definitions of speech offences can evidently be used to restrict free speech, including the analysis of extreme discourse, stands or actions, and governments should not use criminal law to stifle critical reporting and opinion.
- To abstain from prosecuting journalists who published classified information. In free societies, courts have held that it is the job of



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governments, not journalists, to protect official secrets, subject to the common sense decisions that editors normally make against, for instance, endangering lives.

- To abstain from resorting to “black” propaganda – in other words, peacetime use of government services to plant false or misleading articles masquerading as normal journalism as well as the false use of journalistic identities by intelligence agents. Not only do such disinformation practices misinform the public, they also undermine the credibility of real journalism.