BEFORE THE [INSERT TRIBUNAL NAME HERE]

:

[INSERT CASE NAME HERE] :

:

Brief of

World Press Freedom Committee

As

Amicus Curiae

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BEFORE THE [INSERT TRIBUNAL NAME HERE]

Brief of

World Press Freedom Committee

As

INTEREST OF AMICUS CURIAE

The World Press Freedom Committee is an international umbrella organization that comprised of 44 journalistic groups which include five national and two regional organizations in Latin America -- print and broadcast, labor and management, journalists, editors, publishers and owners on all continents -- united in the defense and promotion of press freedom. A list of these journalistic groups can be found in Appendix One.

STATEMENT OF FACTS

[INSERT A SUMMARY OF THE FACTS OF THE CASE HERE, BUT NOTE THAT IF IT DOES NOT REACH PAGE 4 OF THE TEXT, THEN IT WILL THROW OFF ALL CITATIONS FOUND IN THE TABLE OF CONTENTS AND TABLE OF AUTHORITIES, WHICH WILL HAVE TO BE ADJUSTED ACCORDINGLY]

SUMMARY OF ARGUMENT

- Because they carry the threat of imprisonment and/or fines, laws creating criminal penalties for defamatory statements and insult laws have a chilling effect which interferes with the right of the press to impart valuable information, as well as the public's right, and need, to receive that information.
- Statutes which punish defamatory speech exist to address the harm that actionable false statements may cause to a personal reputation. That harm cannot be compensated through the use of penal sanctions. Civil lawsuits exist for this reason. Criminal defamation statutes and insult laws only seek to protect a State or political interest, which cannot and should not be protected by restricting or penalizing expression.
- Nations around the world increasingly are recognizing that both criminal defamation and insult laws are anti-democratic. Two countries have rescinded the use of criminal penalties in defamation cases, as have thirty-three of the fifty United States. Four nations are considering similar legislative action. Fifteen nations on three continents have repealed at least some portion of their insult laws. In addition, the Organization of American States Human Rights Commission has urged that all countries in the Americas repeal insult laws.
- Criminal penalties for defamation are rarely imposed and insult laws are rarely enforced in the established democracies of western Europe and North America. In countries in which enforcement is more frequent, these laws are enforced on an inconsistent basis which reveals their status as political tools of authoritarianism.
- The fundamental right to freedom of expression and a free press is violated by criminal defamation and insult laws in contravention of no fewer than six international human rights agreements.

- International tribunals, relying upon these provisions to overturn convictions based upon domestic laws, have held that both criminal defamation and insult laws are antithetical to a democratic society because civil alternatives exist to protect the reputation and rights of others. Even those statements which may tend to shock or offend the subject or the public at large are protected by the language of these decisions. Such statements do not merit criminal sanctions, as these are inappropriate to the reputational harms inflicted. These laws also fail free expression scrutiny because they provide governments and their officials a shield from reporting and commentary that is not available to the general public. In the interest of transparency, government officials must be, and should be, subject to a higher degree of scrutiny from a free and independent press and open to possible criticism from the public.
- Therefore, laws allowing criminal penalties for defamation or insult, particularly those applied against journalists and the news media, should be repealed in all nations in which they exist, including **[INSERT COUNTRY NAME HERE]**.

ARGUMENT

Laws criminalizing speech that reports on, comments about or criticizes public officials have no place in a democratic society. Whether these laws impose criminal penalties for defamatory speech or take the form of "insult laws" (or as they are known in Spanish-speaking nations, "desacato" laws), they are intended only to punish news media, journalists or other persons who may seem to have insulted or disparaged a public leader or official, State, or national symbol or institution, who, in the first instance, often decide whether they feel they have been insulted. Both criminal defamation and insult laws seek to shield public officials from press and public scrutiny. Modeled after laws dating back to at least the Roman Empire, modern insult laws in particular purport to protect the "honor" of the government and government officials. In reality, however, both types of criminal laws are inconsistent with the basic principle that freedom of expression, and especially freedom of the press, are the touchstones of all freedoms and are among the most cherished and soundest guarantees of modern democracy; both sets of laws are anachronistic and anti-democratic.

Some nations question the continued existence of criminal penalties for speech considered critical, especially in the press, with repeal of these laws becoming increasingly common. This principle of free expression has also been upheld by prestigious courts, including the European Court of Human Rights and the Inter-American Court of Human Rights, which have observed that public figures should receive less, not more, protection from supposed insult than ordinary citizens. **[INSERT COUNTRY NAME HERE]**.should join these nations and tribunals by repealing any of its laws that allow imposition of a criminal penalty for defamatory speech, especially those aimed at restricting freedom of the press, a fundamental right.

I. LAWS CRIMINALIZING SPEECH THAT IS CRITICAL OF PUBLIC OFFICIALS ARE BEING REPEALED BY COUNTRIES THAT RECOGNIZE THESE LAWS ARE UNNECESSARY AND HARMFUL.

It is quickly becoming the rule that criminal laws penalizing speech, news reports and commentary arguably critical of public officials are disfavored by all those except the small section of the population, the political elite, hiding behind these laws. In some instances, even those in power have come to recognize that such laws are inappropriate, thus leading to their repeal; the validity of a number of the criminal statutes still in existence in Western European countries is questionable due to the rulings of international tribunals. This tribunal should simply follow suit because, as with criminal laws in other nations, **[INSERT COUNTRY NAME HERE]**'s laws: (1) are infrequently applied, and (2) carry the threat of inconsistent, selective political enforcement. There is no need for the imposition of criminal penalties to protect public officials.

A. Governments Around the World Are Recognizing that Criminalization of Speech, Especially as This Affects Press Freedom, Has no Place in a Modern Democracy, Leading to the Legislative or Judicial Repeal of Both Criminal Defamation Statutes and Insult Laws.

Some nations, especially those with authoritarian governments, may seek to justify criminal penalties on speech by citing the existence of similar laws in Western European nations upon which their legal codes are based. These laws, however, were drafted in an entirely different era, when the concept of a participatory democracy was not accepted as it is today. The Nigerian Supreme Court, in a 1983 decision invalidating that country's seditious libel laws, aptly summarized why content controls based in criminal codes are an anachronism for modern free expression and freedom of the press principle and practice:

> The law of sedition is a derogation from the freedom of speech guaranteed under the Constitution and is therefore inconsistent with the Constitution. Nigeria is no

longer the illiterate or mob society the colonial masters had in mind when the law of sedition was promulgated.[1]

Criminal Defamation Statutes

An increasing number of countries distributed throughout the globe have begun to question the appropriateness of imposing criminal sanctions in order to protect an individual's reputation where that individual is a public official. Two countries not generally thought to be vanguard protectors of the freedoms of expression or of the press have repealed these laws. They are Ghana, which repealed all criminal defamation statutes in 2001, and Sri Lanka, which repealed its statutes in 2002.

These two nations follow in a long tradition started in the United States, where all fifty states had some form of criminal defamation statute until the United States Supreme Court extended the constitutional protections for news, comment, or other press material on issues of public concern originally created in New York Times v. Sullivan[2] to apply to (and disfavor) criminal defamation in the case of Garrison v. Louisiana.[3] What followed was the legislative repeal or judicial invalidation of criminal defamation statutes in thirty-three states. Of the seventeen statutes still on the books, only four – in Kansas, New Hampshire, North Dakota, and Utah – are still arguably constitutional, as they are the only ones that were amended after Garrison to comply with the Court's rationale.[4]

Many other nations in the Americas appear to have been swayed by this trend. Currently, the national legislatures of Argentina, Brazil, the Dominican Republic, and Panama are

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[1] Arthur Nwankwo v. State (1983) (unpublished).

[2] New York Times Co. v. Sullivan, 376 U.S. 254 (1964).

[3] Garrison v. Louisiana, 376 U.S. 947 (1964).

[4] "Criminalizing Speech About Reputation: The Legacy of Criminal Libel in the U.S. After Sullivan and Garrison," Media Law Resource Center Bulletin at page i (March 2003).

considering, or regularly have considered, in recent years legislation that would repeal criminal defamation laws in those countries.

The Inter-American Court of Human Rights' European counterpart, the European Court of Human Rights, has repeatedly disfavored the imposition of criminal penalties as a means of addressing defamatory speech. It has rejected attempts by Finland,[5] Norway,[6] Portugal,[7] Turkey,[8] to criminally punish allegedly defamatory statements criticizing public officials.

Finally, several international human rights organizations have repudiated the need for criminal sanctions to protect the rights of public officials. The United Nations Human Rights Commission has cited the use of criminal penalties for defamation as indicia of an abridgement of the right of freedom of expression in several countries, including Iceland,[9] Norway,[10] Jordan,[11] Tunisia,[12] Morocco,[13] Mauritius,[14] and Iraq.[15] The United Nations Special Rapporteur on Freedom of Opinion and Expression has twice called on States to repeal criminal defamation laws in favor of the use of civil remedies.[16] Three international officials – the UN Special

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[5] Nikula v. Finland, Reports of Judgments and Decisions 2002-II at paragraph 55 (2002).

[6] Nilsen and Johnsen v. Norway, Reports of Judgments and Decisions 1999-VIII at paragraph 53 (1999).

[7] Lopes Gomes da Silva v. Portugal, Reports of Judgments and Decisions 2000-X at paragraph 37 (2000).

[8] Karatas v. Turkey, Reports of Judgments and Decisions 1999-IV at paragraph 54 (1999).

[9] Annual General Assembly Report of the Human Rights Committee, 21 September 1994, Volume I, No.A/49/40 at paragraph 78.

[10] Id. at paragraph 91.

[11] Id. at paragraph 236.

[12] Annual General Assembly Report of the Human Rights Committee, 3 October 1995, No.A/50/40 at paragraph 89.

[13] Id. 40 at paragraph 113.

[14] Annual General Assembly Report of the Human Rights Committee, 16 September 1996, No. A/51/40 at paragraph 154.

[15] Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant. Concluding Observations of the Human Rights Committee on Iraq, 19 November 1997, No. CCPR/C/79/Add.84 at paragraph 16.

[16] Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc. E/CN.4/2001/64, 26 January 2001 and Promotion and Protection of the Right to Freedom of Opinion and Expression, UN Doc. E/CN.4/2000/63, 18 January 2000 at paragraph 52.

Rapporteur, the OSCE Representative on Freedom of the Media and the Organization of American States Special Rapporteur jointly concurred, issuing a declaration in 2002 stating: "Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws."[17] The Inter-American Commission on Human Rights has made a strong statement against the use of criminal laws to protect the reputations of public officials: "The protection of a person's reputation should only be guaranteed through civil sanctions in those cases in which the person offended is a public official, a public person, or a private person who has voluntarily become involved in matters of public interest."[18] The Inter-American Court of Human Rights should conclude the same.

Insult Laws

In addition to Nigeria, a number of countries have done away with their insult laws (in whole or in part) in recent years. In Europe and the former Soviet Union, Sweden (1976),[19] Yugoslavia (1992),[20] the Czech Republic (1994, 1998),[21] Hungary (1994),[22] Moldova (1996),[23] Uzbekistan (1996),[24] and Kyrgyzstan have repealed insult laws.

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[17] Joint Declaration of 10 December 2002.

[18] Inter-American Commission on Human Rights Declaration of Principles on Freedom of Expression, Adopted at the 108th Regular Session, 19 October 2000 at paragraph 10.

[19] Sweden's law punishing perceived insults of the sovereign was repealed in 1976.

[20] The most recent version of the Yugoslavian Constitution, enacted in 1992, states that citizens shall have the right to publicly criticize the work of the government and of other agencies and officials.

[21] Perceived insults of the Czech President are now allowed, due to a repeal of that portion of the insult law in 1998. In 1994 the Czech Supreme Court struck down laws prohibiting perceived insults of Parliament and the Constitutional Court, as well as those laws protecting civil servants.

[22] The Constitutional Court of Hungary declared the insult law unconstitutional in 1994.

[23] Though perceived insults of the State and of private citizens are still prohibited, Moldavan insult laws preventing supposed criticism of the President and Parliament were repealed in 1996.

[24] Uzbekistan repealed its insult law in 1996.

The most notable development in Europe may be forthcoming. The United Kingdom's Human Rights Act of 1998 became effective in October 2000. Section 2(1)(a) of the Human Rights Act requires domestic tribunals to pay attention to precedents in the area of international human rights law when developing domestic common law, with particular importance attached to decisions handed down under the European Convention for the Protection of Human Rights and Fundamental Freedoms. Since the European Court of Human Rights has generally disfavored insult laws, overturning convictions imposed in several Western European nations, including Spain,[25] Austria,[26] Belgium,[27] Iceland,[28] Romania,[29] Norway,[30] and Greece,[31] it is unlikely that the United Kingdom's insult law – which, in reality, creates a criminal penalty only for contempt of Parliament – will survive this legislative change.

The same trend is evolving outside of Europe. In addition to Nigeria (1983),[32] insult laws have been repealed by the African nations of South Africa, Egypt (1996),[33] and Kenya (1997).[34] The influential Asian nations of Japan (1947)[35] and South Korea (1988)[36] have repealed insult

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[25] Castells v. Spain, 236 Eur. Ct. H.R. (ser. A) at paragraph 50 (1991).

[26] Oberschlick v. Austria, Reports of Judgments and Decisions 1997-IV at paragraph 35 (1997) (hereinafter "Oberschlick #2"); Oberschlick v. Austria, 204 Eur. Ct. H.R. (ser. A) at paragraph 64 (1991) (hereinafter "Oberschlick #1"); Lingens v. Austria, 103 Eur. Ct. H.R. (ser. A) at paragraph 47 (1984).

[27] De Haes and Gijsels v. Belgium, Report of Judgments and Decisions 1997-I at paragraph 49 (1997).

[28] Thorgeirson v. Iceland, 290 Eur. Ct. H.R. (ser. A) at paragraph 70 (1992).

[29] Dalban v. Romania, Reports of Judgments and Decisions 1999-_ at paragraph 52 (1999).

[30] Bladet Tromso and Stensaas v. Norway, Reports of Judgments and Decisions 1999-_ at paragraph 78 (1999).

[31] Grigoriades v. Greece, Reports of Judgments and Decisions 1997-VII at paragraph 48 (1997).

[32] See Arthur Nwankwo v. State, supra.

[33] Egypt repealed all of its insult laws in 1996.

[34] Kenya repealed its insult law in 1997.

[35] There have been no insult laws in Japan since 1947.

[36] The law prohibiting perceived insults of the Republic of Korea or governmental bodies was repealed in 1988.

laws, as has the smaller island nation of Sri Lanka (1997).[37] Finally, in South America, insult laws in Argentina (1994)[38] and Paraguay (1998)[39] have been repealed. Uruguay still has insult laws on its books, but at least one conviction, in a 1996 case, was thrown out by its highest court. In addition, the Organization of American States Human Rights Commission has called for a repeal of all insult laws in the Americas.

Finally, the United States of America, perhaps the nation seen as paramount in terms of protecting freedom of speech and of the press, has a long history of allowing perceived criticism, scrutiny and critical comment of the State and its officials. The United States of America has no federal law prohibiting insults. The United States Supreme Court has consistently reaffirmed the idea that the nation's symbols are not to be afforded any special protection, stating that, "[I]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable."[40] In particular, it has declared unconstitutional restrictions on speech which prohibit desecration of the United States flag,[41] which prohibit words critical of the United States flag,[42] which prohibit the display of any sign within 500 feet of a foreign embassy if that sign

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[37] The portion of the law punishing supposed criticism of members of the Sri Lankan Parliament was repealed in 1997.

[38] The Argentinean law was repealed in 1994 as part of a settlement in the case of Horacio Verbitsky v. Argentina, Case No. 11.012, Inter-Am. C.H.R. at 40.

[39] The Paraguayan insult law was repealed in 1998.

[40] Texas v. Johnson, 491 U.S. 397, 414 (1989) (citing Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 55-56 (1988); City Council of Los Angeles v. Taxpayers for Vincent, 466 U.S. 789, 804 (1984); Bolger v. Youngs Drug Products Corp, 463 U.S. 60, 65, 72 (1983); Carey v. Brown, 447 U.S. 455, 462-463 (1980); FCC v. Pacifica Foundation, 438 U.S. 726, 745-746 (1984); Young v. American Mini Theatres, Inc., 427 U.S. 50, 63-65, 67-68 (1976) (plurality opinion); Buckley v. Valeo, 424 U.S. 1, 16-17 (1976); Grayned v. Rockford, 408 U.S. 104, 115 (1972); Police Dept. of Chicago v. Mosley, 408 U.S. 92, 95 (1972); Bachellar v. Maryland, 397 U.S. 564, 567 (1970); Brown v. Louisiana, 383 U.S. 133, 142-143 (1965); Stromberg v. California, 283 U.S. 359, 368-369 (1931).

[41] Texas v. Johnson, 491 U.S. 397 (1989).

[42] Street v. New York, 394 U.S. 576 (1969).

tends to bring that foreign government into disrepute,[43] and which prohibit the portrayal of a member of the Armed Forces in the media if the portrayal discredits that armed force.[44]

B. These Laws are Designed Precisely to Shield Public Officials from the People They Serve, and are Applied Arbitrarily and Subjectively to Serve a Claimed State Interest that is Wholly Unrelated to Any Harm to Reputation Which Might Result from Speech About Those Officials. They are Inconsistent with Democratic Governance.

The rare application of a criminal penalty for defaming or insulting a public official demonstrates there is little to no interest served through the existence of these laws. In fact, they are only applied arbitrarily, often as a form of harassment, in a manner that is wholly unrelated to the remedial purpose of making one's reputation whole for which these laws are intended. They are solely penal in nature and, as such, have no place in a democratic society that requires freedom of expression and, especially, freedom of the press in order to function properly.

Criminal Defamation Statutes

Statutes which punish defamatory speech exist for only one reason: to address the harm to the reputation of the subject of the defamatory statement. Criminal statutes do not address this harm. Instead, they only protect the interests of the state at the expense of private citizens, allowing government officials to engage in a scheme of selective prosecution of their enemies.

Criminal defamation statutes are rarely used in any modern democracy, indicating them to be inappropriate in any society based on democratic principles of participatory government by an informed citizenry. In addition to the countries listed in Section I.A. that have already repealed, or are considering the repeal, of criminal defamation laws, many others have simply chosen not to prosecute offenders under criminal laws. England has held no public prosecutions

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[43] Boos v. Berry, 485 U.S. 312 (1988).

[44] Schacht v. United States, 398 U.S. 58 (1970).

for defamation since the 1970s (and there exists no criminal defamation statute in Scotland). Sweden has not imposed a criminal penalty for defamation since 1965. Norway's self-imposed ban on these penalties extends even further, to 1933. And, of course, they have been all but abolished in the United States since 1964.

The widespread use of criminal defamation statutes in repressive countries simply allows public officials to use the power of the state to intimidate and harass those they consider opponents. The Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights has specifically noted this danger:

> Many countries of the Hemisphere have demonstrated a clear intention to intimidate journalists by initiating judicial proceedings against them. Many public officials or government leaders use criminal libel, slander, and defamation laws in the same manner as *desacato* laws, with the intention of silencing journalists who have produced articles that criticize the government on matters of public interest.[45]

The United Nations Commission on Human Rights has expressed the same concern, noting the "extensive occurrence of detention, long term detention, persecution and harassment, including through the abuse of provisions on criminal libel."[46]

Judicial repudiation of criminal defamation statutes will ensure these onerous tools of oppression are replaced by civil measures that cannot be abused in the name of "protecting reputation."

Insult Laws

[45] Report of the Special Rapporteur for Freedom of Expression 2003, Section V at paragraph 6.

[46] United Nations Commission on Human Rights Resolution on the Right to Freedom of Opinion and Expression, No. 42 of 1998.

The continued existence of insult laws in **[INSERT COUNTRY NAME HERE]**. serves no purpose, as there is no widespread, problematic criticism of the government or government officials. According to a study undertaken by Professor Ruth Walden, only **[ACCESS INSULT LAWS: AN INSULT TO PRESS FREEDOM CHAPTER ON YOUR LOCAL COUNTRY AND INSERT APPROPRIATE NUMBER OF INDICTMENTS HERE]** person was charged with this offense in **[INSERT COUNTRY NAME HERE]**.in the past ten years.[47]

The chilling effect of these laws is further amplified through their inconsistent application. Persons commenting on an issue of public concern may be prosecuted at the whim of the government because one person's opinion may be another's (the government's) insult. Confusion over disparate meanings of a word can lead to prosecution even when the statement at issue was not meant to be insulting. A vivid example of the arbitrary power wielded by governments in the application of insult laws is found in a decision of the Zambian Supreme Court upholding the convictions of three journalists charged with insulting Parliament and individual members of that body, in which the Supreme Court stated, "Parliament, it seems to me, would not have instituted this case if Fred M'membe and Lucy Sichone had not employed scornful language in their articles."[48] In other words, these statements were considered insulting simply because Parliament said they were insulting The Supreme Court did not act as an independent check on the legislature, instead allowing Parliament to act as judge and jury. This is governmental abuse of power in its most explicit form, and demonstrates the importance of an independent judiciary to equal justice and democracy.

[47] Ruth Walden, Insult Laws: An Insult to Press Freedom, (2000).

[48] Fred M'membe and Bright Mwape v. The Speaker of the National Assembly and The Commissioner of Prisons and The Attorney General 1996/HCJ/X (unreported).

Insult laws are obviously not necessary to protect order in a democratic society. There is no widespread rash of supposed insults which threaten the government or its power, as only a handful of persons have been prosecuted under the insult law. Further, the enforcement of insult laws only on an inconsistent basis demonstrates that these laws protect against an imagined threat, not a true threat which must constantly be monitored by the government.

II. INTERNATIONAL TRIBUNALS HAVE REPEATEDLY HELD THAT CRIMINAL PENALTIES FOR SPEECH INCLUDING NEWS REPORTS, EDITORIAL COMMENT AND OTHER JOURNALISTIC ACTIVITY, VIOLATE THE FUNDAMENTAL RIGHT OF FREEDOM OF EXPRESSION GUARANTEED BY SEVERAL INTERNATIONAL HUMAN RIGHTS DOCUMENTS.

Perhaps one reason that criminal sanctions on speech are falling into disfavor in a number of countries is that those nations are aware that such laws violate six international human rights documents (charters, covenants and declarations) which protect freedom of expression. Three of these documents protect the right to free expression without qualification. These are the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, and the African Charter on Human and People's Rights. Criminal penalties for criticism of public officials violate the plain language of these texts.

The other three documents containing narrow exceptions allowing for some restrictions on speech are the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the American Convention on Human Rights. Courts have repeatedly stated, in the strongest language, that the application of criminal law to punish criticism does not fall within the confines of these exceptions; these tribunals have repeatedly overturned convictions brought under such laws.

A. Penal Sanctions on Critical Speech Conflict with the Plain Language of Three International Agreements That Protect Freedom of Expression.

Three international human rights documents, including the most well-known protector of human rights worldwide (the Universal Declaration of Human Rights), allow no restriction on the fundamental right of freedom of expression, leaving no legal basis for criminal defamation statutes or insult laws under the plain language of these documents.

Since its adoption in 1948, the Universal Declaration of Human Rights has set the world standard for the protection of basic human rights. Article 19, protecting freedom of expression, is the best known Article in the Universal Declaration of Human Rights; it states:

> Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers.[49]

The United Nations' Universal Declaration Committee, which drafted the Universal Declaration of Human Rights, envisioned this document as an <u>absolute</u> protector of free expression, describing the term as follows:

> Freedom of information is a fundamental human right and the touchstone of all freedoms to which the United Nations is consecrated. Freedom of information implies the right to gather, transmit, and publish news anywhere and everywhere without fetters. As such, it is an essential factor in any serious effort to promote peace and progress of the world. Understanding and cooperation among nations are impossible without an alert and sound world opinion which, in turn, is wholly dependent on freedom of information.[50]

The same broad protection of freedom of expression is found in other, lesser known, treaties. The American Declaration of the Rights and Duties of Man states in Article IV:

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[49] **[INSERT COUNTRY NAME HERE IF A SIGNATORY TO THIS DOCUMENT OR REMOVE FOOTNOTE IF NOT APPLICABLE]**.was one of the UN member nations to vote in favor of the Universal Declaration of Human Rights at that document's adoption on December 10, 1948.

[50] General Assembly First Session, Second Part, 14 December 1946. U.N. Document E/CN/AC.1/3.

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever. [51]

Article 9 of the African Charter on Human and People's Rights states:

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law. **[IF APPROPRIATE, ADD FOOTNOTE STATING "[INSERT COUNTRY NAME HERE] IS BOUND BY THE AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS, A DOCUMENT WHICH WAS ADOPTED IN 1981 AND RATIFIED BY [INSERT COUNTRY NAME HERE]].**

Both criminal defamation statutes and insult laws violate the plain language of these agreements.

B. International Tribunals Repeatedly Have Overturned Criminal Convictions Based Upon Speech that is Critical of Public Officials Because Punishing the Speaker Would Violate Freedom of Expression, Demonstrating that These Laws are Not Protected by Even Those Human Rights Documents Allowing Some Restriction of Speech.

The three documents containing limited exceptions to the right of free expression, the International Covenant on Civil and Political Rights,[52] the American Convention on Human Rights,[53] and the European Convention for the Protection of Human Rights and Fundamental Freedoms, protect that right as follows:

> Everyone has the right to freedom of thought and expression. This right includes freedom to receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.[54]

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[51] **[INSERT COUNTRY NAME HERE IF A SIGNATORY TO THIS DOCUMENT OR REMOVE FOOTNOTE IF NOT APPLICABLE]**., as a member of the Organization of American States, is bound by the American Declaration of the Rights and Duties of Man, a document which was adopted in 1948.

[52] Article 19 protects freedom of expression. **[INSERT COUNTRY NAME HERE IF A SIGNATORY TO THIS DOCUMENT OR REMOVE FOOTNOTE IF NOT APPLICABLE]**.ratified the International Covenant on Civil and Political Rights, which was adopted in 1966.

[53] Article 13 protects freedom of expression.. **[INSERT COUNTRY NAME HERE IF A SIGNATORY TO THIS DOCUMENT OR REMOVE FOOTNOTE IF NOT APPLICABLE]**.became a signatory to the American Convention on Human Rights, which was adopted in 1969.

[54] Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms also states, "This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises." **[IF APPROPRIATE, ADD FOOTNOTE STATING "[INSERT COUNTRY NAME HERE] IS**

(Continued…)

Laws criminalizing defamatory or insulting statements have a chilling effect on speech that interferes with both the speaker's right to impart information and the public's right to receive it by imposing subsequent liability on a speaker through imprisonment and/or fines. The European Court of Human Rights has stated this on repeated occasions in cases involving criminal defamation statutes[55] and insult laws.[56]

Section 2 of Article 10 of the European Convention for the Protection of Human Rights delineates instances, to be strictly construed, in which an interference with free expression is said to be justified:

> The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary (emphasis added).[57]

The European Court of Human Rights has held that this section must be narrowly construed; the need for any restrictions on speech must be established with convincing clarity.[58] A restriction

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(…Continued)
BOUND BY THE EUROPEAN CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, A DOCUMENT WHICH WAS ADOPTED IN 1950 AND RATIFIED BY [INSERT COUNTRY NAME HERE]]

[55] Nilsen and Johnsen at paragraph 39; Constantinescu v. Romania, Reports of Judgments and Decisions 2000-VIII at paragraph 66 (2000); Nikula at paragraph 30; Barfod v. Denmark, Series A, No. 149 at paragraph 25 (1989).

[56] Dalban at paragraph 46; Grigoriades at paragraph 33; De Haes and Gijsels at paragraph 33; Oberschlick #2 at paragraph 25; Thorgeirson at paragraph 56; Castells at paragraph 34; Oberschlick #1 at paragraph 54; Lingens at paragraph 35.

[57] The International Covenant on Civil and Political Rights and the American Convention on Human Rights contain similar limitations. Both prohibit prior restraint of speech but allow imposition of subsequent liability for statements which violate the rights or reputations of others.

[58] Wingrove v. United Kingdom, Report of Judgments and Decisions 1996-V at paragraph 58 (1996); Surke v. Turkey, Reports of Judgments and Decisions 1999-IV at paragraph 61 (1999); Lopes Gomes Da Silva at paragraph 30; Nilsen and Johnsen at paragraph 43; Thorgeirson at paragraph 63 (1992) (citing Observer and Guardian v.
(Continued…)

on speech will only be upheld if it: (a) is prescribed by law; (b) has a legitimate aim or aims; and (c) is necessary in a democratic society.[59] In virtually all leading cases, the court has invalidated attempts to restrict press reports or commentary under these provisions.

Both criminal defamation and insult laws fail this three-part test. It is undisputed that they are prescribed by law.[60] But it is questionable as to whether they are enacted pursuant to a legitimate aim – the protection of the reputation or rights of government officials and others. And they certainly are not necessary in a democratic society.

1. *Statutes Which Protect Public Officials Through the Imposition of Criminal Sanctions Serve No Legitimate Purpose Because They Do Not Protect Individual Reputations, Only a State or Political Interest.*

Protection of one's reputation has been recognized as a legitimate purpose for restricting freedom of expression. However, that purpose quickly becomes illegitimate when the reputation being protected is that of a public official who necessarily must subject himself or herself to press and public scrutiny essential to an open and democratic society.

Several international and domestic tribunals have held that public bodies have no right to file a lawsuit, civil or criminal, for defamation. This is based upon the idea that the governors are the one class or entity with other means of protecting themselves. The most notable approval of this approach comes from the European Court of Human Rights, which stated: "The dominant

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United Kingdom, 216 Eur. Ct. H.R. (ser. A) at paragraph 59 (1991); See also 1995 Annual Report of the Inter-American Commission on Human Rights, Chapter V: Report on the Compatibility of Descato Laws with the American Convention on Human Rights at 4 (hereinafter "Annual Report of the Inter-American Commission")("The American Convention [on Human Rights] is more generous in its guarantee of freedom of expression and less restrictive of this right than relevant provisions in either the European Convention for the Protection of Human Rights and Fundamental Freedoms or the International Covenant on Civil and Political Rights.").

[59] Dalban at paragraph 46; Bladet Tromso and Stensaas at paragraph 50; De Haes and Gijsels at paragraph 33; Thorgeirson at paragraph 56; Castells at paragraph 34; Lingens at paragraph 35. The Inter-American Commission on Human Rights characterizes this factor as one which inquires whether the restriction is necessary to the legitimate aim sought to be achieved. Annual Report of the Inter-American Commission at paragraph 6.

position which the government occupies makes it necessary for it to display restraint in resorting to criminal proceedings, particularly where other means are available for replying to the unjustified attacks and criticisms of its adversaries or the media."[61] The United Kingdom's House of Lords has ruled that English common law does not even allow a local authority to maintain a civil action for damages for libel because "it should be open to uninhibited public criticism."[62] The same result was reached – in part because of its former colonists' decision – by the Indian Supreme Court.[63]

The same rationale has been extended to public officials who, though they have the right to sue to protect their reputations, must necessarily be limited as to when they can win such suits, due to their official position and their place in the public limelight. The emotional effect of critical scrutiny is an inevitable byproduct of a vigorous press exercising its fundamental right to free expression. While no one, from the sovereign on down, wishes to be subjected to "insults," their prevention is not necessary to the protection of public order, and this may even harm the public order. Some disparaging statements must be endured to preserve a vigorous democracy.

This right to engage in controversial, even allegedly defamatory or insulting, speech is strongest when that speech targets a public official or highlights an issue of public concern. It may even lead to the government's undoing. A politician inevitably and knowingly lays himself or herself open to close scrutiny of his or her every word and deed by both journalists and the

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[60] Nikula at paragraph 34 (criminal defamation statute); Lingens at paragraph 36 (insult law).

[61] Castells at paragraph 46.

[62] Derbyshire County Council v. Times Newspapers Ltd., 1 All ER 1011, 1017 (1993).

[63] Rajgopal v. State of Tamil Nadu, 6 Supreme Court Cases, 632, 650 (1994). Other tribunals have used the Derbyshire decision to hold that state-owned corporations cannot sue for defamation. See Posts and Telecommunications Corporation v. Modus Publications (Private) Ltd., Judgment No. S.C. 199/97 at 9 (1997) (Zimbabwe).

public at large and he or she must display a greater degree of tolerance, especially when the politician makes comments that are susceptible to criticism: "Freedom of the press…affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders.[64] Use of criminal laws to restrict speech, on the other hand, shields public officials from scrutiny. Such laws deny the public the opportunity to form opinions about the ideas and attitudes of public leaders which would assist the government in identifying that which is important to their citizens, thereby improving the efficiency of democratic government and its positive perception by the citizenry.

This extra protection for government officials offered by criminal defamation statutes laws is their legal undoing. The European Court of Human Rights has stated:

> The Court recalls that the limits of acceptable criticism are wider with regard to politicians acting in their public capacity than in relation to private individuals, as the former inevitably and knowingly lay themselves open to close scrutiny of word and deed by both journalists and the public at large. Politicians must display a greater degree of tolerance, especially when they themselves make public statements that are susceptible to criticism.[65]

The Inter-American Commission on Human Rights agrees, and has actually extended this idea beyond just public officials to private citizens who enter the public arena to debate matters of public concern: "The protection of a person's reputation should only be guaranteed through civil sanctions in those cases in which the person offended is a public official, a public person or a private person who has voluntarily become involved in matters of public interest."[66]

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[64] Lingens at paragraph 42. See also Oberschlick #2 at paragraph 29; Castells at paragraph 46.

[65] Jerusalem v. Austria, Reports of Judgments and Decisions 2001-II at paragraph 38 (2001). See also Nilsen and Johnsen at paragraph 52 (where participants were both private citizens, "a degree of exaggeration should be tolerated in the context of such a heated and public debate of affairs of general concern").

[66] Inter-American Commission on Human Rights Declaration of Principles on Freedom of Expression, Adopted at the 108th Regular Session, 19 October 2000 at paragraph 10.

The same is true for insult laws. The limits on the use of these laws to stifle criticism repeatedly has been recognized by the European Court of Human Rights:

> The Court recalls that the freedom of expression enshrined in paragraph 1 of Article 10 constitutes one of the basic functions of a democratic society and one of the basic conditions for its progress. Subject to paragraph 2 of Article 10, it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no "democratic society."[67]

In fact, criminal statutes do nothing to preserve any individual's reputation. This is the purview of civil lawsuits. The civil remedy is directly related to the harm caused, whereas criminal penalties do not compensate the subject of the supposed insult for any damage to his or her reputation.

2. Criminal Sanctions on Speech are not Necessary in a Democratic Society Because they Serve No "Pressing Social Need." In Fact, They Inhibit the Pressing Social Need for Open Debate In a Way that is Wholly Excessive to Any Harms that May Derive from Critical Speech and Discounting of Less Restrictive Alternatives to Criminal Penalties.

Criminal penalties imposed either under defamation or insult laws require the highest level of justification. The European Court of Human Rights has held that a criminal law "cannot be compatible with Article 10 of the [European] Convention unless it is justified by an overriding requirement in the public interest."[68] There is no pressing social need that outweighs the news media's role in a democratic society to pay close attention to and criticize or laud, the actions, character and statements of governmental leaders. Indeed, the only "pressing social

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[67] Castells at paragraph 42. See Grigoriades at paragraph 44; De Haes and Gijsels at paragraph 46; Oberschlick #2 at paragraph 29; Thorgeirson at paragraph 63; Oberschlick #1 at paragraph 57; Lingens at 41. See also Annual Report of the Inter-American Commission at 6 ("The use of desacato laws to protect the honor of public functionaries acting in their official capacities gives them protection that is not available to other members of society. This distinction inverts the fundamental principle in a democratic system that holds the government subject to controls").

[68] Roemens v. Luxemborg, Reports of Judgments and Decisions 2003 at paragraph 54 (2003).

need" that is implicated is the need for openness on matters of public concern, which is infringed by restrictions on the press' ability to report and the public's ability to receive this information. Criminal penalties on speech also bear no relation to the legitimate aim claimed for their existence because they carry excessive penalties and ignore less restrictive civil alternatives.

It is their particular impact on the press which provides the most convincing evidence that criminal sanctions violate the fundamental rights of free expression and freedom of the press. While the press may not claim any special rights not afforded to the public and is subject, as are others, to standards for the protection of the reputation of others, it also has an incumbent burden to impart ideas and information on issues of public concern.[69] The European Court of Human Rights has reaffirmed this notion, adding that it is "mindful of the fact that journalistic freedom also covers possible recourse to a degree of exaggeration or even provocation."[70] In each of the cases listed in footnote **[INSERT THE NUMBER OF THE FOOTNOTE THAT IS NUMBERED 69 IN THIS MODEL BRIEF]**, a journalist was convicted because he or she wrote an article or commentary on an issue of public concern. Each conviction was later overturned by the European Court of Human Rights, which recognized that restricting the press' ability to criticize government or government officials impairs its responsibility to inform the public about important issues. That tribunal has ruled the same way with regard to insult laws, noting the "interests of a democratic society in enabling the press to exercise its vital role of 'public watchdog' by imparting information of serious public concern."[71]

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[69] See Lopes Gomes da Silva at paragraph 30; Nilsen and Johnsen at paragraph 40 (criminal defamation cases); Dalban at paragraph 49; De Haes and Gijsels at paragraph 39; Jersild v. Denmark, 298 Eur. Ct. H.R. (ser. A) at paragraph 31 (1994); Thorgeirson at paragraph 63; Castells at paragraph 43; Lingens at paragraph 41 (insult law cases).

[70] Dalban at paragraph 49.

[71] Bergens Tinende and Others v. Norway, Reports of Judgments and Decisions 2000-IV (2000) at paragraph 49. See also Lopes Gomes da Silva at paragraph 30 ("While it must not overstep the bounds set, *inter alia*, for 'the
(Continued…)

This court has expressed the same opinion:

> It is the mass media that make the exercise of freedom of expression a reality.…The media as a whole merit special protection under freedom of expression in part because of their role in making public…information and ideas on matters of public interest. Not only does [the press] have the task of imparting such information and ideas: the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of "public watchdog."[72]

The right of the public to receive vital information, a right which has been affirmed by the European Court of Human Rights, is also violated.[73] The right to receive information is as important as the right to impart that information. Impairing the public's right to receive information can have far-reaching consequences, as that information often allows the public to make crucial decisions regarding issues of everyday life. In fact, this right might better be called the public's "need to know." Two examples illustrate this point:

- Journalist Rosemary Righter was denied a visa to work in Indonesia because her newspaper had published two controversial sentences in a story about the government. One sentence said that corruption was a problem in Indonesia. The next said that Indonesian President Suharto and his family were heavily involved in business. Ms. Righter was told by an Indonesian diplomat that traditional Asian values did not permit the naming of names. Today, Indonesia's economy is in turmoil as a direct consequence of financial mismanagement and malpractice. Indonesians themselves are naming names and questioning the government's authority.

- From 1979 to 1983, a number of incidents occurred in Iceland involving allegations of police brutality. They were the subject of extensive public discussion and received significant coverage by the press. Journalist Thorgeir Thorgeirson wrote two commentaries intended to be open letters to the Minister of Justice in which he criticized the police both for their actions and for their investigation of the complaints filed against their brethren – many of which were not prosecuted. His main complaint was that the police were allowed to

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(…Continued)
protection of the reputation of others', [the press'] task is nevertheless to impart information and ideas on political matters and on other matters of general interest");

[72] Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, Advisory Opinion OC-5/85 of 13 November 1985, Series A, No. 5, paragraph 34 (1985).

[73] See De Haes and Gijsels at paragraph 39; Jersild at paragraph 31; Thorgeirson at paragraph 63; Castells at paragraph 43; Lingens at paragraph 41.

> continue their brutish attacks on citizens, including, in one case, a journalist who was beaten while covering a story; he also proposed a number of changes to the system intended to reduce future acts perpetrated by Iceland's police forces. Thorgeirson was charged under Iceland's insult law because he described the police forces as "beasts in uniform" and those who were beaten as "victims of police brutes". He also said that the behavior of the police "was so typical of what is gradually becoming the public image of our police force defending itself: bullying, forgery, unlawful actions, superstitions, rashness, and ineptitude." Strong words, certainly, but those words were calculated to stand up for an underrepresented citizenry in the face of government abuse when physical action or legal defense had proven worthless.

Thus, criminal sanctions for defamation or insult are proscribed by law in nations around the world, as such sanctions violate principles of free expression and freedom of the press as expressed in several international charters. They turn fundamental conventions of free speech upside down by failing to protect the right of the press to impart information to a public that has a right to receive that information, by singling out criticism of government officials for punishment when that criticism is entitled to the most protection, and by providing no protection for truthful speech simply because that speech may be perceived as shocking or offensive. Criminal defamation statutes and insult laws are not only unnecessary to a democratic society, they prevent the existence of a democratic society in violation of established law.

The second failing of criminal defamation statutes and insult laws is that they use the maximum penalty to protect a purportedly legitimate interest when there are several less restrictive, more appropriate civil alternatives.

An interference with speech is only necessary if the legitimate purpose for that interference cannot reasonably be achieved through a means less restrictive to freedom of expression.[74] Neither criminal defamation statutes nor insult laws pass this test.

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[74] Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism, (citing Barthold v. United Kingdom, 90 Eur. Ct. H.R. (ser. A) at paragraph 59 (1985); Sunday Times v. United Kingdom, 30 Eur. Ct. H.R. (ser. A) at paragraph 62 (1977)).

By definition, less restrictive alternatives to both criminal defamation and insult laws exist because any law providing criminal penalties for speech imposes the greatest possible restriction on that speech. These criminal penalties are excessive sanctions which are disfavored by most international tribunals and human rights organizations. Specifically, the European Court of Human Rights has held that "the court cannot overlook the great importance of not discouraging members of the public for fear of criminal or other sanctions from voicing their opinions on matters of public concern."[75] That court has only sparingly allowed criminal sanctions of any kind and has never upheld a domestic imposition of jail time for the content of speech.[76] The same view exists in the Americas, where the Inter-American Commission on Human Rights has recognized the "coercive power" of the use of the criminal justice system,[77] and the Special Rapporteur has noted that "paralyzing effect or the possibility of self-censorship caused by the mere existence of laws that provide criminal penalties for those who exercise the right to freedom of expression."[78]

Thus, the Inter-American Commission on Human Rights explicitly noted the existence of civil actions as an alternative to criminal defamation statutes is prima facie evidence of a less restrictive alternative to criminal laws.[79]

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[75] Barfod at paragraph 29.

[76] The European Court of Human Rights has only upheld state imposed fines in two cases. See Tammer v. Estonia, Reports of Judgments and Decisions 2001-I at paragraph 69 (2001); Constantinescu at paragraph 78 (2000). These fines were only upheld because they strictly bore a relation to the harm caused to a public official. But even some civil remedies have been found excessive, such as an award of £ 1.5 million. Tolstoy Miloslavsky v. United Kingdom, A316-B at paragraph 49 (1995).

[77] Annual Report of the Inter-American Commission at 8.

[78] Inter-American Commission on Human Rights, Report of the Special Rapporteur for Freedom of Expression, Ch. 5, Section C., paragraph 22, OEA/Ser L./V/II.88 (2002).

[79] Annual Report of the Inter-American Commission at 8.

Another fault of both criminal defamation statutes and insult laws is the widespread requirement that the defendant prove the truth of his or her statements rather than requiring the state to prove the statements were false. Requiring a defendant to prove the truth of his or her statement violates Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.[80] It is for these reasons that entirely adequate civil defamation laws have existed for centuries to protect the reputations and rights of others by allowing for recovery of actual damages caused by a false statement.

The problem is even more acute with regard to insult laws, under which statements of pure opinion are often the basis for a criminal charge. In such cases, there would be no basis for adjudicating either the truth or falsity of his or her statement; such a conundrum must also violate these fundamental rights.[81] The European Court of Human Rights has so held, stating: "The requirement to prove the truth of a value judgment is impossible to fulfill and infringes upon freedom of expression itself, which is a fundamental part of the right secured by Article 10."[82]

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[80] Any law which requires the State to prove the falsity of the speaker's statement in and of itself provides a less restrictive alternative to criminal laws. Thorgeirson at paragraph 65 ("Insofar as the applicant was required to establish the truth of his statements, he was, in the Court's opinion, faced with an unreasonable, if not impossible task."). See also Annual Report of the Inter-American Commission at 7 ("Even those laws which allow truth as a defense inevitably inhibit the free flow of ideas and opinions by shifting the burden of proof onto the speaker."). Various national courts also recognize this notion. See New York Times v. Sullivan, 376 U.S. 254, 279 (1964) (United States); Thenopolous v. The Herald and The Weekly Times Limited and Another, 182 C.L.R. 104 at paragraph 31 (Australia 1994):

> [The truth requirement] developed with a view to resolving the tension which exists between recognition of freedom of speech and the necessity of protection the individual from injury to reputation. Thus, it may be said that, because the common law of defamation has been moulded by the judges with that end in view, the law has arrived at an appropriate balance of the competing interests so that the freedom of communication is not infringed.

[81] Compare Castells at paragraph 48. (journalist's right to free expression was infringed because lower courts would not allow him to present evidence that the statements he made were true).

[82] Jerusalem at paragraph 42. See also Dalban at paragraph 49 ("[I]t would be unacceptable for a journalist to be debarred from expressing critical value judgments unless he or she could prove their truth"); De Haes and Gijsels at paragraph 42; Oberschlick #1 at paragraph 63; Lingens at paragraph 46.

Criminal defamation statutes and insult laws therefore have no place in a democratic society because there exist several less restrictive alternatives to this most excessive of sanctions.

III. CONCLUSION

Criminal penalties for news reports, commentary or critical speech are an outdated concept which have no place in a modern democracy or in countries aspiring to democratic principles. Support for these laws is eroding, as evidenced by the lack of use and the legislative and judicial repeal of these laws in many nations. Those laws which do exist are applied inconsistently. The continued validity of those laws which have not been repealed is called into question by international tribunals refusing to uphold convictions under the laws. They violate the principles of free expression and freedom of the press as those concepts are protected by virtually every major international human rights document. The major justifications for these laws are unsupported. These laws ultimately damage governments by preventing the free exercise of democracy. The time has come for **[INSERT COUNTRY NAME HERE]** to accept that an open, flourishing democracy necessarily requires a free press with the ability to report the actions of officials and leaders and express editorial opinions even if critical, and that this can occur only if **[INSERT COUNTRY NAME HERE]**'s criminal defamation and insult laws are repealed.

Therefore, criminal defamation and insult laws should be repudiated and repealed in any and all cases in which they still exist. Specifically, the World Press Freedom Committee requests that the **[INSERT TRIBUNAL NAME HERE]** strike down the conviction against these journalists and mandate that **[INSERT COUNTRY NAME HERE]** repeal its laws prohibiting the insult of public officials or criminally punishing statements about those officials which are found to be defamatory.

Submitted by:

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[INSERT FILING DATE HERE]

APPENDIX ONE

WPFC AFFILIATE ORGANIZATIONS

WPFC AFFILIATE ORGANIZATIONS

- American Society of Newspaper Editors
- American Women in Radio and Television Inc.
- Asia-Pacific Institute for Broadcasting Development
- Asociacion de Diarios Colombianos (Andiarios)
- Asociacion de Editores de Diarios Espanoles
- Asociacion de Entidades Periodisticas Argentinas
- Association of Hungarian Journalists
- Associated Press Broadcasters
- Associated Press Managing Editors
- Association for Women in Communications
- Bloque de Prensa-Venezuela
- Brazilian Newspaper Association
- Canadian Newspaper Association
- Central and Eastern European Media Centre-Warsaw
- Committee to Protect Journalists
- Commonwealth Press Union
- Czech Publishers Association
- Federation of Australian Radio Broadcasters
- Freedom Forum
- Freedom House
- Glasnost Defense Foundation
- Hong Kong Journalists Association
- Inter American Press Association
- International Association of Broadcasting
- International Press Institute
- International Women's Media Foundation
- National Association of Broadcasters
- National Conference of Editorial Writers
- National Federation of Press Women
- National Newspaper Association
- Netherlands Association of Newspaper Editors
- Newspaper Association of America
- The Newspaper Guild-CWA
- Nihoh Shinbun Kyokai
- North American Broadcasters Association
- Organisation Camerounaise pour la Liberte de la Presse (OCALIP)
- Overseas Press Club of America
- Pacific Islands News Association
- Pakistan Press Foundation
- Press Foundation of Asia
- Radio-Television News Directors Association
- Reporters Committee for Freedom of the Press
- Sociedad Dominicana de Diarios
- Society of Professional Journalists