

Introducing the High Level Panel of Legal Experts on media freedom: Amal Clooney's speech

Excellencies, ladies and gentlemen, it is a pleasure to be among so many distinguished guests today.

When I addressed the conference yesterday I noted that global media freedom has been in decline for over a decade, and we see evidence of this daily. In the last month alone, Myanmar's authorities blacked out the internet in Rakhine state, where the army has committed horrific abuses of Rohingyas; Sudan's military rulers shut down the internet to silence reporting of crimes against protesters.

A journalist in Russia had drugs planted on him as revenge for his investigations. Chinese censors deleted reporting of the turmoil in Hong Kong, and Turkish prosecutors launched a criminal probe against Bloomberg reporters who Bloomberg said were reporting 'fairly and accurately on newsworthy events'. Meanwhile, in Pakistan, a country of 200 million people, the authorities continued to literally mute TV news content they considered unfavourable and even took the video feed of the main TV news program off the air.

I spoke yesterday of one of my clients, Maria Ressa, a brave journalist and former CNN bureau chief from the Philippines who dared to criticize the actions of her President and as a result has been the victim of every kind of government-sponsored harassment and persecution. She is attacked by online trolls who insult and threaten her in the vilest terms. The authorities tried to revoke the operating license of her news site, [Rappler](#), and applied laws retroactively to criminalise her work. And the justice department has now launched a succession of cases against her that threaten to bankrupt her and send her to prison for up to 63 years.

The current media crisis involves both the silencing of truth and the amplification of misinformation to levels we have never seen before. I believe that the way the world responds to this crisis will define our generation and determine whether democracy can survive.

So when the Foreign Secretary asked me to be the UK's Special Envoy on Media Freedom, and to serve on a dedicated [Panel of Legal Experts](#), I agreed.

In discussions with the Foreign Secretary, he made it clear that he wanted to establish a powerful new initiative that could create meaningful and lasting change, an initiative that should continue to operate regardless of which individual or political party was in power. He explained that the initiative would include the establishment of an independent and international panel of lawyers to advise governments on how they could better protect freedom of the press, and a Media Freedom Fund to help journalists access legal advice and

training in the field.

I understood that the campaign was an opportunity for the UK and Canada to lead by example by supporting new initiatives to ensure that more robust international mechanisms would exist next time a journalist was arbitrarily arrested or attacked.

In these discussions with the UK and Canadian governments I set out my vision for the legal panel based on the issues that I think are priorities for reform:

- the institution and consistent use of sanctions regimes to impose serious financial consequences on state officials who abuse media freedom
- enhanced consular duties when a journalist is detained abroad
- a system of visas for persecuted journalists seeking asylum
- an international investigative team – including lawyers and forensics experts – that could be deployed when a journalist is attacked; and
- the promulgation of model legislation to guide states on the free-speech guarantees that must be respected under international law

The legal panel will consider these issues and publish reports about what it believes can be done to better protect journalists and media freedom around the world. I am proud to say that the Chairman of the panel is one of the most distinguished judges in the world: Lord Neuberger, the former President of this country's Supreme Court; and he has asked me to serve as his Deputy Chair.

Together we have sought to identify the leading international experts on media freedom from a diverse group of legal backgrounds: judges, defence lawyers, academics, constitutional law experts, media specialists, and leading human rights practitioners. The panel includes:

- a former Vice-President of the European Court of Human Rights
- a United States federal appeals court judge
- a former Constitutional Court judge from Colombia
- the former Attorney-General of Canada
- leading barristers from the UK
- academics from the US and Korea; and
- lawyers who are at the forefront of advocacy to promote media freedom around the world including in Russia, India, Pakistan, Uganda, South Africa and the Middle East

Today, although 173 States have ratified a United Nations treaty – [the International Covenant on Civil and Political Rights](#) – that guarantees freedom of speech, many countries still have laws that allow the muzzling of journalists. That includes laws criminalising defamation, blasphemy and sedition; and vague laws on espionage, terrorism, fake news, public order and hate speech that have been written or applied to silence dissent.

I am proud to see the UK taking a leading role in the effort to review such laws, and it is right for it to do so. The UK is a UN Security Council

permanent member that has traditionally supported international law and institutions. Many of the problematic laws that are being used to silence journalists around the world also came from British Commonwealth rule and the UK has experience in reforming or abolishing these laws to bring its legislation in line with its modern values and international human rights norms.

The UK's laws, for instance, used to criminalise blasphemy and over 40 countries still do, including many former colonial states. British law criminalising sedition was used in colonial India to prosecute Mahatma Gandhi and the offence is still on the books today in the world's most populous democracy, as well as other Commonwealth states.

By the time the UK officially repealed such laws just over 10 years ago they had long ceased to be used in British courts, but many Britons were concerned about the impact such laws could have on the rest of the world. During debates about their repeal in Parliament in 2009, the Justice Minister observed that the existence of such obsolete offences in this country had been used by other countries to justify the retention of similar laws that were used to suppress political dissent and restrict press freedom.

As a member of the House of Lords observed at the time: "[i]f our Parliament takes this step, it will be an example elsewhere". This legal reform initiative in the UK was ultimately successful after a campaign by British media organisations, civil society groups, parliamentarians, and lawyers, and it can be a model for the international effort being launched today.

I know that some of you will be sceptical about an international campaign of this nature. I myself thought long and hard about whether this was likely to have impact, or be just another conference, establishing just another committee. But as I said yesterday, I believe that this campaign is important because the international system we have in place is broken.

It is so broken that we have record levels of journalists being killed, and jailed. So broken that people like Jamal Khashoggi can be murdered on foreign soil without any coordinated investigation, open trial or effective accountability. So any new initiative that has the potential to move the needle in the right direction is worth considering.

As Eleanor Roosevelt has said: "universal human rights begin ...[i]n small places, close to home...[W]ithout concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world". So I believe that each of us has a role to play.

I believe that it is the responsibility of journalists to do their job by engaging in fact-based reporting that values accuracy over speed or clicks. I believe that legislators and judges should ensure that their country's laws comply with the international standards that their government has signed up to, and that such laws are not being abused to prosecute dissent. I believe that governments that respect press freedom should stand up to those that don't – by imposing real world consequences on officials who abuse human rights.

For my part, I will work with my colleagues on the Legal Panel to research and produce recommendations for change. We will seek advice from civil society, academia and the legal profession where necessary and we will consult with journalists on what they think is needed to keep them safe. And, when the time is right, I will report honestly on whether States are listening.

The world is turned upside down when those who commit the worst abuses are free, while those who report on them are not. And if we don't turn things around democracy cannot survive. The global decline in press freedom has been hastened by rhetoric from the leader of the world's most powerful democracy and it will not be reversed without strong leadership from others.

So I thank the governments of the UK and Canada for bringing us together today; I celebrate the opportunity that this gathering represents: and I hope that we will look back on this day as the beginning of an era of change.