



## **SPEECH**

### **OF THE SPECIAL REPRESENTATIVE OF THE UNITED NATIONS SECRETARY-GENERAL FOR IRAQ AND HEAD OF THE UNITED NATIONS ASSISTANCE MISSION FOR IRAQ, AD MELKERT ON THE OCCASION OF WORLD PRESS FREEDOM DAY**

Baghdad, 3 May 2011

Excellencies, distinguished Guests, Ladies and Gentlemen,

Today we celebrate World Press Freedom Day. Instituted some twenty years ago by a group of journalists in Windhoek, Namibia, it has become internationally recognised as the day when all people and their Governments are called upon to defend, protect and respect the most precious and fundamental of our democratic rights – the freedom of opinion and expression.

Let me first start by paying tribute to the Iraqi media, which, in less than a decade, have become vibrant and diverse as never before, with the potential of taking the lead in the Middle East and the wider region. Let me also pay our highest respect to the media professionals who lost their lives in the pursuit of our collective right to know and those who have been and still are subjected to persecution, intimidation and violence. They are all to be honoured for their courage and to be supported and protected.

Article 19 of the Universal Declaration of Human Rights states:

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

The United Nations Human Rights Committee has observed that the right to freedom of opinion and expression is fundamental to the effective functioning of democracy, and that all States have the obligation to respect, provide and protect this right. Governments have the duty to ensure that all people, particularly journalists, media professionals and those associated with them, are vigorously protected against all forms of threat, intimidation, harassment and violence in exercising the right and in carrying out their work.

Traditionally, realisation of the right to impart and receive information simply consisted of the opportunity to speak one's opinions openly, and to write down, print and disseminate one's views publicly, without unlawful interference or harm.

Today, we are witnessing a formidable change in the media landscape.. Communications are no longer limited to the traditional media of print, radio and television. We now have the so-called "new media", that encompass the Internet and other forms of digital communications: mobile telephones, email, blogging, and social networking. The evolving technology has increasingly given all people from all levels of society the capacity and opportunity to tap into information and ideas covering the entire spectrum of political, social, economic, cultural and religious viewpoints. People, even in the remotest of places, are able to access and impart information, not just within their local area, but also increasingly within all parts of their countries, their region and the world. The new media is making transmission of information instantaneous and global – and for the first time in history it is offering each of us the potential to act as broadcasters of our own thoughts, ideas and experiences to the world.

The rapidly widening opportunities for all people to access and to disseminate information are radically transforming our participation in all levels and aspects of Government and policymaking. This is in principle strengthening democracy by creating deeper engagement between government and the governed, and by ensuring the greater accountability of those engaged in public life and who hold public office to the people.

Ladies and Gentlemen,

We have seen the impact that the new media is having in countries across the globe – and in recent months, we have seen its effect particularly in countries throughout North Africa and the Middle East, including Iraq. Mobile telephones, and widening access to the internet, including the increasing popularity of blogging, tweeting and social forums, are ensuring the greater participation by all Iraqis in public affairs– thereby contributing meaningfully to the development and strengthening of Iraqi democracy.

However, the rapid evolution of the media comes with its own set of challenges in addition to the traditional challenges posed to the freedom of expression and opinion. The legal and regulatory framework - is slow to respond to the rapid changes that are taking place – with the need to ensure that the access and flow of information remains free and unhindered and that all people who are exercising their right to information are protected, particularly journalists and media workers.

The debate worldwide over the balance between the increasing freedom provided by the new media and the responsibilities and obligations that come with it is still ongoing.

Some states are imposing new barriers, including censorship, cyber-surveillance, and digital harassment. Also there is still quite a number of States using old methods, such as active repression of journalists and ordinary people exercising their right of

freedom of opinion and expression through threats, intimidation, harassment and in some instances, with physical abuse or murder. However, we have equally seen the futility of such repressive responses: the more governments have tried to suppress the flow of information and the peoples' access to it, the more determined and ingenious have become the ways and means of thwarting such restrictions and repression.

Whilst welcoming new channels of access for more people, we must not forget the challenges that the new media offers to those who are sometimes left behind by technological innovation or who are traditionally marginalised from having their voices heard, in particular a great majority of women, or who face physical difficulties or restrictions such as people living with disabilities, and members of minorities or other groups,. Most importantly it includes those who have been deprived of education and those who simply do not have access to electricity. It is essential that we recognize the right of all persons to share their ideas, as well as their right and capacity to receive information, and public policies must be developed and implemented which make these rights a reality.

As I stated earlier, the freedom of opinion and expression constitute a universal human right. In Iraq, it is protected expressly by Article 38 of the Constitution. According to the Iraqi law, in line with international standards, freedom of expression may only be restricted to legitimately protect the rights and reputation of others, and to protect public order and morality. On the basis of guidelines by the UN Human Rights Committee This should include the duty to investigate allegations of attacks, intimidation or harassment directed at journalists, human rights defenders and all other persons, and to hold any individual found to be responsible for such violations accountable under law. As Iraqi democracy develops and takes root, I would call on the Government of Iraq to ensure that the right to freedom of opinion and expression of all Iraq's people is fully protected – that any person who is found responsible for acts of threats or intimidation aimed at limiting the lawful exercise of the right must be held accountable according to the law.

On the other hand it would be important to reconsider the sections of the Iraqi Criminal Code, which make libel a criminal offense. While protecting the rights and reputation of others is a legitimate ground for restricting freedom of opinion and expression, it should rarely be the subject of criminal laws, but should be governed by civil law. I would emphasise that the right to freedom of opinion and expression should only be restricted as clearly defined exceptions, not as a rule.

Furthermore I would urge the Council of Representatives to support the development of an Access to Information law in line with international standards. This is an important step in fighting corruption, one of the principle demands of Iraqi citizens.

I need to emphasise, though, that it is not just the Government which has a role to play in protecting the right of freedom of opinion and expression. It is incumbent on all Iraqis to ensure that the right is respected and protected. Without the preparedness of ordinary people to exercise the right, and their willingness to protect this right when it is

exercised by others, even when we disagree with them, true democracy cannot flourish. Freedom of expression is the bedrock principle of democracy.

I would like to thank and congratulate the organisers of today's event. The importance that the right of freedom of opinion and expression, and in particular the freedom of the press, plays in the development of Iraqi democracy, by guaranteeing the full participation of all Iraq's people to share, impart and to receive information and ideas, cannot be underestimated.

In 2009, the UNESCO prize for World Press Freedom Day was awarded to murdered journalist Lasantha Wikrematunge, the editor of the Sunday Leader in Sri Lanka. A few days before he was killed, Wikrematunge wrote an editorial for the paper entitled The Call of Conscience. It was printed several days after his death and in it he spoke of the inevitability of his assassination and captured the role of the independent media in a few short lines: *"The free media serve as a mirror in which the public can see itself sans mascara and styling gel. From us you learn the state of your nation, and especially its management by the people you elected to give your children a better future. Sometimes the image you see in that mirror is not a pleasant one. But while you may grumble in the privacy of your armchair, the journalists who hold the mirror up to you do so publicly and at great risk to themselves. That is our calling, and we do not shirk it."*

Thank you.

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