



LEGAL Committee

Topic 3: Privacy rights and press freedom in the digital age

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1. Definition of key terms

• Digital Era

The current period is characterized by the predominance of digital technologies, where most information is stored, shared, and accessed digitally, in contrast to earlier times when computers were not commonly used.

• SLAPP

"Strategic Lawsuits Against Public Participation" (SLAPP) are civil complaints or counterclaims filed against individuals or organizations to intimidate or silence them for speaking on matters of public concern.

• OHCHR

The Office of the High Commissioner for Human Rights, a leading UN entity dedicated to promoting and protecting human rights worldwide.

• Press Freedom Index

"The WPF Index calculates the degree of freedom available to journalists in 180 countries by pooling the responses of experts to a questionnaire devised by RSF, targeted to media professionals, lawyers, and sociologists. This qualitative analysis is combined with quantitative data on abuses and acts of violence against journalists during the evaluated period." (Source: UNESCO)

2. Introduction

In the digital age, the tension between privacy rights and press freedom has become increasingly intricate and challenging. Technology empowers the media to inform the public and expose injustices, but it also enables widespread surveillance, extensive data collection, and potential infringements on individual privacy.

Digital technologies are potent tools for progress, advancing human rights and fostering societal development. However, their misuse can undermine human dignity, privacy, and autonomy. As states and corporations employ data-intensive technologies to monitor and influence behaviors, these developments pose risks to human rights if not accompanied by effective safeguards.

Media freedom is indispensable for democratic and participatory societies. Journalists and media outlets ensure transparency and accountability but face increasing threats globally. The OHCHR has observed a decline in press freedom due to online and offline attacks on journalists (particularly women), rising detentions, misuse of defamation laws, SLAPPs, and the targeting of journalists with surveillance technologies.

3. Background information

Freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights, granting everyone the right to hold opinions and share information across borders. This right is fundamental for empowering individuals, promoting transparency, and enabling informed public participation.

Access to information is critical for informed decision-making, combating corruption, and fostering societal progress. Freedom of information laws enable public access to official data, while digital tools and media platforms facilitate its broader dissemination. Open and pluralistic media reflect society's realities, fostering community engagement and self-improvement.

The transparency achieved through access to information helps combat corruption, as recognized by global development leaders. An independent media sector plays a pivotal role in promoting accountability and democracy.

Free, independent, and diverse media are essential for good governance. They promote transparency, public discourse, and participation in democratic processes. By reflecting a range of perspectives, the media empower communities to influence societal decisions and ensure their inclusion in governance.

As technology evolves, citizens gain more tools to shape media environments and access diverse information sources. This synergy between information access and active citizen participation enhances ownership and empowerment, further strengthening the principles of democracy and freedom.

4. Major countries involved

Canada

Canada has consistently acted as a prime example of supporting press freedom and data protection through measures such as the **Privacy Act** and the **Personal Information Protection and Electronic Documents Act (PIPEDA)**.

European Union (EU)

Most countries in the European Union, especially Nordic nations, have shown great attention to data protection and press freedom. Notable initiatives include the **General Data Protection Regulation (GDPR)**, spearheaded by countries like Germany and France.

USA

The United States' privacy rights are indirectly tied to the **First Amendment**, which protects freedom of expression. The country is home to major online companies such as Google and Meta, which play a fundamental role in managing personal data. Laws like the **CLOUD Act** and **FIDA** support privacy rights and press freedom. However, the U.S. has faced criticism for its mass surveillance programs.

China

China implements extensive restrictions on press freedom, ranking among the lowest in the **Press Freedom Index**. Notable restrictions include the **Great Firewall**, which limits access to information and censors content.

India

India, due to its massive population, faces challenges in balancing privacy rights and press freedom. The government has been criticized for surveillance programs, including the use of **Pegasus spyware** and the **Aadhaar biometric identification system**.

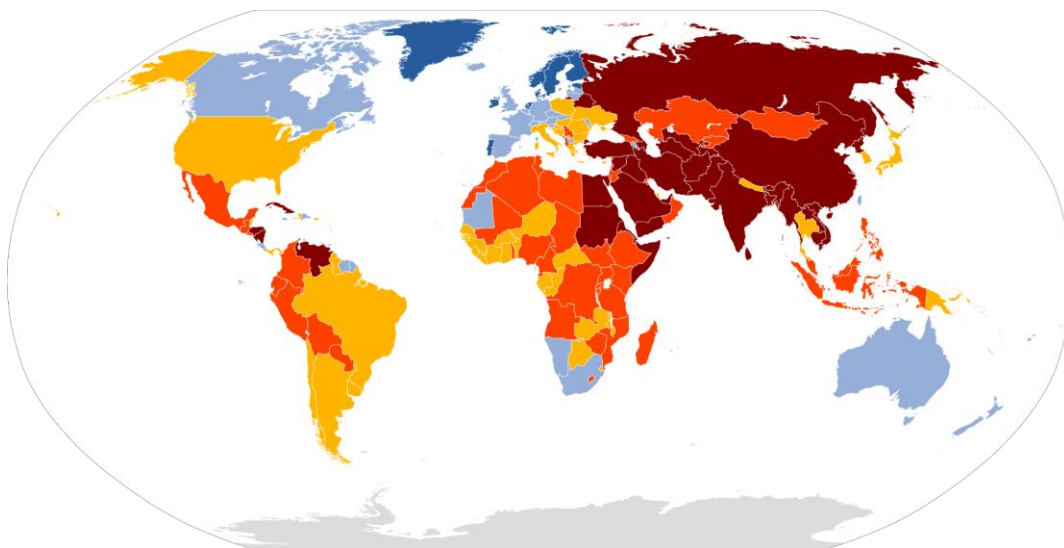


Image 1: A visual representation of countries ranked by the **Press Freedom Index**, where the darkest blue indicates the highest level of press freedom, and deep red indicates the lowest.

UAE

Press freedom in the **United Arab Emirates** is highly restricted. The state has faced accusations of using **Pegasus spyware** for surveillance purposes.

5. UN involvement

The United Nations has been actively involved in addressing the balance between privacy rights and press freedom in the digital age through resolutions, treaties, and initiatives. Privacy is recognized as a fundamental right under **Article 17 of the ICCPR**, while press freedom is protected under **Article 19**. The UN emphasizes that these rights must apply both online and offline.

In 2013, the UN General Assembly adopted the resolution "**The Right to Privacy in the Digital Age**" (**A/RES/68/167**), condemning mass surveillance and unauthorized data collection as threats to human rights. The resolution called on countries to align surveillance practices with international laws, ensure transparency, and establish oversight mechanisms. The **Office of the High Commissioner for Human Rights (OHCHR)** was tasked with reporting on privacy risks, including those posed by artificial intelligence and digital tracking technologies.

The **UN Human Rights Council** has also addressed these issues, with reports from Special Rapporteurs on privacy and freedom of expression. These reports highlight dangers such as spyware and mass surveillance, emphasizing the need for encryption and anonymity to protect journalists, whistleblowers, and activists. The council regularly calls for balancing privacy with freedom of expression in the digital age.

UNESCO plays a key role by promoting press freedom and journalist safety through programs like **World Press Freedom Day** and training initiatives on digital security. It also underscores the risks journalists face, such as online harassment and government surveillance.

The UN uses platforms like the **Internet Governance Forum (IGF)** to advocate for equitable internet policies that protect human rights. It condemns practices like censorship, misuse of surveillance tools, and unchecked data collection. Although challenges persist, including opposition from certain states and rapid technological changes, the UN continues to advocate for strong protections for both privacy and press freedom as essential rights in the digital age.

6. Official documents and treaties about the issue

- **United Nations General Assembly Resolution 68/167 (2013)**: One of the first resolutions to seriously address privacy rights, condemning mass surveillance and unauthorized data collection by companies.
- **International Covenant on Civil and Political Rights (ICCPR)**: First adopted in 1966, this treaty, established by the OHCHR, enshrines the rights to privacy (Article 17) and freedom of expression (Article 19). All provisions should be applied universally.
- **Basic Texts Related to the Safety of Journalists (UNESCO)**: A compilation of texts, declarations, and conventions addressing human rights and journalist safety, particularly in the digital age.

7. Bibliography

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