



## The Commonwealth

**4 April 2017**

### **Institute of Commonwealth Studies Conference: 'The Commonwealth and Challenges to Media Freedom'**

#### **Peter Lyon Memorial Lecture by the Secretary-General of the Commonwealth, The Rt Hon Patricia Scotland QC**

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A year ago today I arrived at Marlborough House as Secretary-General of the Commonwealth to take up the responsibilities entrusted to me by heads of government.

A week later, in one of my very early engagements as Secretary-General, I addressed the Triennial Conference of Commonwealth Journalists Association. Many of those present here today were at that gathering.

It would therefore seem that April is coming to be our Commonwealth month of focus on media freedom, and I welcome that – so long as we use it as a booster station for Commonwealth vigilance and collective action every day of every week of every month to defend media freedom, and to protect the safety and independence of journalists and other media practitioners.

So I commend and welcome the initiative of the Institute of Commonwealth Studies in convening this conference – and I am delighted to see such an impressive level of participation, by many whose faces are familiar to me, and many others who I have not yet had the pleasure of meeting.

A year ago I expressed my determination to put the Commonwealth back at centre stage as we act collectively to uphold democracy, advance development, and celebrate diversity.

I said that to do so, Freedom of Expression, as a human right guaranteed to all in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, would be an absolutely fundamental prerequisite, and quoted our Commonwealth Charter, which states:

We are committed to peaceful, open dialogue and the free flow of information, including through a free and responsible media, and to enhancing democratic traditions and strengthening democratic processes.

My observation then, and I repeat it today, was that journalists hold a special place in the Commonwealth family as the eyes, the ears, and the voice of our citizens.

Print journalists, broadcasters, and other media commentators see the needs of people at every level of society, tell their news, understand their hopes and dreams, speak for them, and make their story known.



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Some would describe them as giving heart to the aspirations of the people of the Commonwealth.

Vibrant and responsible media are vital to advancing our Commonwealth goals of democracy, development, rule of law and respect for diversity.

Journalists have a special power of holding governments to account in between elections, and keeping public figures - both people and numbers - under scrutiny so we can understand better how our countries are working, or are not working.

As I said last year, good reporting educates and empowers Commonwealth citizens to be effective participants in political discourse and to make informed decisions about the future of their countries and local communities.

I also pointed out that it is not only those who are directly on the receiving end of poor or inaccurate reporting who are let down by bad journalism.

With the global reach of media today, if there is loose and sloppy reporting or expression of opinion in one part of the world, it can be cited by undemocratic governments or regimes in another as justification for what they are trying to stop locally, when in reality they are launching something far more sinister and repressive.

Balanced public debates are a liberty that everyone should enjoy, and many countries, even so-called advanced democracies, struggle to have such balanced debates. In fact, this is a growing rather than a receding threat.

Transformation of our world, and of the communities in which we live, is what we aspire to when we come together as a Commonwealth.

Our vision is to share the common good – and, as I have said many times, I want to put the ‘wealth’ back into Commonwealth, and the ‘common’ back into ‘wealth’.

Wealth means more than money, it is all that enriches our lives and our communities. All that makes for a fairer, more peaceful, more inclusive, and more sustainable world.

I want now to say something about the current state of media freedom in the Commonwealth in terms of SWOT – strengths, weaknesses, opportunities, and threats.

Among the strengths are the vigilance and dedication of people such as yourselves, and the overlapping and mutually reinforcing networks – formal and informal – through which you communicate and offer support.

These augment and underpin high level action, such as the Leaders’ Statement from the 2015 CHOGM in Malta which expressed a commitment for ‘a strong role for the Commonwealth in championing’ the implementation of the UN’s Sustainable Development



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Goals, including Goal 16 – ‘to provide access to justice for all and build accountable institutions’.

I recently convened the fiftieth meeting of the Commonwealth Ministerial Action Group, which was set up in 1995 Commonwealth Heads of Government in New Zealand to ‘deal with persistent and serious violators of the Commonwealth's shared principles’.

Since then it has been progressively strengthened, and among the eight circumstances that would trigger the groups’ interest and potential engagement with member countries are:

- systematic denial of political space, such as through detention of political leaders or restriction of freedom of association, assembly or expression, and
- significant restrictions on the media or civil society.

It is through such approaches that we are able to use our innate sense of kinship and affinity, to leverage real change in the Commonwealth. We are well placed and have connections and mechanisms that can help us devise shared approaches to the challenges we jointly face.

That is why I am pleased to know that members of the Commonwealth Journalists Association and the Commonwealth Press Union Media Trust, together with representatives of other Commonwealth organisations for lawyers and other professions, are examining the possibility of a Commonwealth declaration on the media and good governance, with a view to establishing mechanisms for assessing and helping to deliver remedies for serious and persistent breaches and violations.

This might eventually lead to something similar to our Commonwealth doctrine of the separation of powers – generally better known as the Latimer House Principles. These speak of government accountability being ‘promoted by an independent and vibrant media ... which is protected by law in its freedom to report and comment upon public affairs’.

Indeed, for those of us hoping to move towards adopting distinctive Commonwealth principles on the media in line with the normative framework of international human rights law, the process by which the Latimer House Principles came into being is an encouraging example of how the Commonwealth works.

The original proposal emanated from a small informal ginger group of experts within Commonwealth professional organisations.

Their ideas were taken up and developed more widely, including within the Commonwealth Secretariat. Ministerial buy-in then led to adoption of the principles by the Commonwealth Heads of Government.

This progression shows how, working together, we can build on Commonwealth connection at multiple levels.



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The goodwill and ease with which we can interact, thanks to the similarities of our systems and institutions, combine to create what we call 'Commonwealth advantage' in this as in so many other areas of activity.

Most importantly, it demonstrates how Commonwealth convening power leads to global impact.

In order to make more of Commonwealth advantage and convening power, we need mechanisms to facilitate cooperation and collaboration.

Which is why I have created the Commonwealth Office of Civil and Criminal Justice Reform to build on our shared inheritances of the Common Law, similar legislatures and judiciaries, and comparable or even interoperable systems of regulation.

The purpose of the Office is to craft templates for legislation, and best practice across a broad range of disciplines and fields of activity, including the media and freedom of expression, and also encompassing anti-corruption, procurement, and many other areas relating to public and corporate conduct.

Our Commonwealth Charter expresses those aspirations - which are also our inspiration.

There is pleasing congruence – and, we would like to think, not entirely chance correlation - between the articles of the Commonwealth Charter, adopted by our Heads of Government in 2012, and the goals of the 2030 Agenda for Sustainable Development agreed in 2015.

The sixteen articles of our Charter, with the addition of that overarching Commonwealth principle of partnership which we therefore include in our preamble, match almost precisely the seventeen sustainable development goals of the 2030 Agenda.

SDG 16 reminds us that – and I quote – 'A free press is closely linked to access to information and the protection of human rights', but the trend in this regard is discouraging.

A total of 61 journalists died in 2016 simply for doing their jobs, according to the Press Freedom Barometer compiled by Reporters without Borders.

This is a serious indictment of our collective efforts to build for a safer and more inclusive future.

On media freedom, and upholding rights of expression, as much as on anti-corruption and procurement, creating best practice toolkits empowers our member governments to uphold and continually strengthen protection of rights, freedoms, and transparency in their jurisdictions.



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We need to work together at multiple levels to enable our shared Commonwealth vision to be realised – and this conference shows that process of cooperation and mutual support in action.

We have to recognise as weaknesses the appalling number of recent cases of murder and brutality that often take place within systematic persecution of journalists and bloggers.

When such outrages occur, they contribute to a pervasive atmosphere of terror and fear.

It is incumbent upon states to investigate promptly and impartially such violations and to conduct a thorough examination of the systemic nature or patterns of the violations and abuses that occur in order to secure accountability, provide effective remedy, and instil confidence in public institutions amongst their citizens.

There is also an escalation in state intervention to control or curb the freedom and autonomy of the internet, with interventions to limit editorial freedom - whether as a result of corporate, party political, or government diktat.

Closely allied to such constraints is the contemporary phenomenon of manufactured news and facts that are fake or of contestable veracity.

Replication of such reports from unreliable sources distorts not only understanding of political developments, but undermines public trust in all sources of information and contributions to public discourse.

An underutilised opportunity is the presentation of a united Commonwealth voice at the UN. The Human Rights Council regularly debates the safety of journalists, having adopted resolutions most recently in 2016, 2014 and 2012 and convened a panel discussion in 2014.

Another means through which we can show collective Commonwealth resolve to address freedom of the media is by working together to implement the UN Action Plan on the Safety of Journalists and the Issue of Impunity.

The Plan aims to create a free and safe environment for journalists and media workers, including social media producers of public interest journalism, with a view to strengthening peace, democracy and development worldwide.

In this context there are Commonwealth initiatives on which I would focus.

I welcome the plans of the Institute of Commonwealth Studies to set up the Centre for Media Freedom.

This would complement and reinforce the continuing work of the Commonwealth Human Rights Initiative and the Commonwealth Journalists Association, and help strengthen the



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adherence of institutions in our member states to Commonwealth values, and to existing commitments by the international community in the field of media and governance.

The Centre could also complement the work of the Secretariat's Human Rights team, the Commonwealth Office of Civil and Criminal Justice Reform, and the work we are planning at the Secretariat to develop Commonwealth model media guidelines for journalists during elections.

The purpose of the latter is to strengthen our distinctive Commonwealth contribution to the delivery of free and fair elections, and to encourage fair and balanced media coverage of issues and candidates during election campaigns.

In particular, we see the need to assist Electoral Management Bodies with the monitoring of media performance, and encouragement of responsible reporting.

As defenders and guardians of the fundamental democratic freedoms of citizens, the challenge for Electoral Management Bodies is how to deal with increasing ownership and control of the media by political parties and vested interests.

This is closely allied to the tendency for partisan and polarised media coverage, which leads in turn to decreased public trust in the media, whether state or privately controlled.

Among the very serious threats to media freedom are the numbers of reporters around the world who daily put their lives at risk in order to investigate and publish stories.

So we pay tribute to those who have paid the ultimate price in defence of freedom of speech, and as a Commonwealth we stand in solidarity and solemn remembrance with them.

We remain committed to promoting and safeguarding the right of all people to express themselves through the medium of their choice, whether they be young or old, rich or poor, and whether they work in the mainstream media, or are whistle-blowers uncovering corruption or malfeasance.

The immediacy of the digital age enables social media users to filter their own news, and interact far more directly at all levels, including with public institutions.

Such accessibility should encourage greater transparency and accountability, and yet trust in public institutions is declining.

We need reliable sources, not sensationalist approaches that mislead and misinform.

The question therefore is how we strike the right balance between the right to freedom of expression and the need for respect and understanding.



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How we answer this question has implications relating to the freedom to be who we are, to say who we are, and to say what we think.

Current tensions and pressures for the 'de-platforming' of dissenting voices at universities and other institutions also raises questions for us all.

Our celebration of 'A peace-building Commonwealth' means that we regard with respect and understanding the voices and attitudes of those with whom we differ.

This means that a freely communicating Commonwealth will not necessarily always be the most comfortable Commonwealth for everyone.

But it means we will be a Commonwealth in which the enrichment of diverse voices adds to our wisdom, and that through free expression and sympathetic listening in a spirit of goodwill, consensus and harmony can be found.

We are indeed in need of 'A peace-building Commonwealth'. If we choose, I believe we can build such a Commonwealth that will truly be for the benefit of all our citizens.

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