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# Global Trends in Democracy and Authoritarianism: Challenges to Press Freedom

Some Members of Congress have expressed concern over global challenges to press freedom. According to a recent United Nations Educational, Scientific and Cultural Organization (UNESCO) report, approximately 85% of the world's population experienced a decline in press freedom in their country between 2016 and 2020. Some Members of the 117<sup>th</sup> Congress have proposed legislation seeking to bolster U.S. foreign policy responses to this trend.

## Press Freedom and Democracy

Erosions in press freedom may be both a contributor to, and a symptom of, current global trends of democratic backsliding and rising authoritarianism. Many experts describe the presence of a free, independent, and pluralistic media sector as an essential condition for genuine and well-functioning democratic governance. They see a free press as critical to holding governments accountable to the public and helping citizens make informed decisions about political leaders and policies. Analysis of recent trends in backsliding democracies has reinforced this view, with efforts to undermine press freedoms identified as a common early indicator of broader democratic breakdown. Within non-democracies, governments appear to have drawn on an evolving playbook for repressing independent sources of information, potentially contributing to the apparent increased durability of modern authoritarian governance.

### International Frameworks

Both the 1948 U.N. Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights enumerate the right of everyone to “seek, receive and impart information and ideas” through any form of media, “regardless of frontiers.” The 1991 Declaration of Windhoek on Promoting an Independent and Pluralistic African Press arguably is a landmark statement of free press principles. It states in part that an “independent, pluralistic and free press is essential to the development and maintenance of democracy in a nation.” The U.N. General Assembly in 1993 proclaimed the anniversary of the Windhoek Declaration, May 3, as World Press Freedom Day. In 2021, UNESCO members (the United States is not currently a member) approved the principles of a new “Windhoek+30” Declaration that reaffirms and builds on the original Declaration.

## Selected Global Challenges

**Government Censorship and Control.** In some countries, particularly those with forms of authoritarian governance, media organizations are unable to operate independent of substantial government control or influence. Even in relatively freer contexts, some governments use legal or

regulatory measures that purport to combat issues of public concern (such as terrorism, defamation, or mis/disinformation) that may be so broad as to effectively criminalize or restrict the free expression of individuals and the work of media outlets. In the context of the Coronavirus Disease 2019 (COVID-19) pandemic, for example, some governments appear to be using a stated need to combat health-related misinformation as a pretext for imposing restrictions on media.

The ability of journalists to report information, and of citizens to meaningfully access their reporting, is also affected by trends of receding levels of internet freedom and genuine challenges with disinformation online. Common government efforts to erode freedom of expression online include arrests of individual users, blocks of websites or social media platforms, internet shutdowns or throttling, and the drowning out of independent voices through coordinated disinformation campaigns.

**Unfair or Distorted Media Environments.** In some partially democratic countries, governments, government-aligned actors, or other powerful figures may use legal, economic, or regulatory tools to tilt media environments toward disadvantaging or co-opting critical media outlets and/or favoring pro-government views. Relevant tactics can include, for example, selective or arbitrary application of tax laws or licensing practices, ownership takeovers, unfair distribution of government subsidies or advertising budgets, and expensive and time-consuming lawsuits (often referred to as strategic lawsuits against public participation, or SLAPPs). Experts have raised concerns about the influence of authoritarian governments, particularly China and Russia, on media environments in countries around the world. Media outlets are under financial strain in many countries, making them vulnerable to efforts to impede, influence, or co-opt their work.

**Harassment and Attacks against Journalists.** Journalists around the world can face threats, harassment, imprisonment, physical attacks, or killings for doing their work. According to UNESCO, 400 journalists globally were killed for doing their jobs between 2016 and 2020. Perpetrators—which can include state and non-state actors—typically enjoy impunity, with the vast majority of cases remaining unresolved. While data indicate that the number of journalist killings globally decreased somewhat, instances of journalist imprisonments have been on the rise.

## Biden Administration Initiatives

The Biden Administration has emphasized press freedom issues as part of a broader policy, consistent with many prior Administrations, to promote and defend democracy

around the world. The Administration announced a number of relevant initiatives at the December 2021 Summit for Democracy. These include pledged funding for: a) the International Fund for Public Interest Media, which aims “to enhance the independence, development, and sustainability of independent media, especially in resource-poor and fragile settings;” b) a program to “improve the financial viability of independent media outlets;” c) a fund to provide liability coverage to journalists seeking protection from lawsuits designed to deter their work; and d) a program to provide journalists with digital and physical security training and other assistance. The United States and some other governments further announced a joint effort to establish a code of conduct for using export controls to prevent the spread of technologies that enable human rights abuses, including against journalists.

### Selected U.S. Policy Tools

**Public Reporting.** The State Department’s statutorily mandated annual *Country Reports on Human Rights Practices* include information on freedom of expression conditions for members of the media in countries around the world. This media-specific reporting is pursuant in part to the Daniel Pearl Freedom of the Press Act of 2009 (P.L. 111-166), which required the State Department to expand the reports’ coverage of press freedom issues.

**Media-Related Democracy Assistance.** Congress appropriates foreign assistance funds that support some programs to bolster the supply of, and demand for, independent media, as well as improve broader enabling environments. In FY2021, the State Department and USAID allocated approximately \$155 million for the “Independent Media and Free Flow of Information” foreign assistance program area. For FY2023, the Biden Administration requested approximately \$251 million for this program area. These figures include internet freedom programs funded by these agencies; they do not capture media-related activities categorized under other foreign assistance program areas, such as civil society. Separately, the National Endowment for Democracy, to which Congress provides an annual appropriation (around \$300 million in recent years), generally devotes a substantial amount of its grant resources to supporting independent media. Though not considered democracy assistance, U.S. international broadcasting may help fill information gaps in contexts where domestic independent media does not exist.

Congress has included some relevant directives in recent Department of State, Foreign Operations, and Related Programs Appropriations Acts (SFOPS). Most recently, the FY2022 SFOPS Act (Division K of P.L. 117-103) directs not less than \$20 million for programs to protect freedom of expression and independent media, and not less than \$30 million for supporting and protecting threatened, harassed, or attacked civil society activists and journalists.

**Targeted Sanctions.** Some global and country-specific authorities allow for the imposition of economic sanctions and/or visa restrictions against foreign persons responsible for human rights violations or abuses, including against media workers. These include, for example, the Global Magnitsky Human Rights Accountability Act (Title XII,

Subtitle F of P.L. 114-328). The executive branch has utilized these authorities on some occasions to respond to government actions taken against journalists overseas. This has included, for example, sanctions in response to the October 2018 Saudi government operation that resulted in the killing of Jamal Khashoggi, and the May 2021 forced diversion of an international flight by Belarusian authorities for the apparent purpose of detaining and arresting a Belarusian journalist. In February 2021, the State Department announced the “Khashoggi Ban,” which allows for visa restrictions against individuals working for foreign governments engaged in “serious, extraterritorial counter-dissident activities,” including against journalists.

**Foreign Assistance Conditionality.** Certain provisions that restrict foreign assistance on the basis of human rights have potential relevance for responding to human rights violations related to press freedom. These include Sections 116 and 502B of the Foreign Assistance Act, as amended, which, though rarely invoked, restrict certain assistance to governments engaging “in a consistent pattern of gross violations of internationally recognized human rights.” Some SFOPS provisions have also contemplated possible relevant assistance restrictions to particular countries.

**Export Controls.** The United States may use export controls to combat the spread of technologies, such as spyware and other surveillance tools, which can be used to facilitate attacks against journalists. The Export Control Reform Act of 2018 (Title XVII, Subtitle B of P.L. 115-232) stipulates that export controls be used in part to carry out U.S. foreign policy, “including the protection of human rights and the promotion of democracy.”

### Issues for Congress

**Diplomatic Efforts.** Some Members may consider whether press freedom issues can be more effectively integrated into U.S. bilateral and multilateral diplomacy, including whether the executive branch is making sufficient use of sanctions tools. Relatedly, Congress may assess whether to create State Department offices and/or senior officials focused on press freedom issues, as some pending legislation proposes. Such offices/positions may effectively elevate the issue within U.S. foreign policy, while carrying possible downside risks such as insufficient bureaucratic integration with existing relevant offices and added resource costs.

**2021 Summit for Democracy Commitments.** Numerous participating countries at the first Summit for Democracy meeting made press freedom commitments. Congress may wish to monitor how the United States is supporting partner countries to deliver on these commitments.

**Foreign Assistance.** Members may consider what additional types of foreign assistance resources, if any, to appropriate for this issue. This could include efforts to assess the effectiveness of existing programs and the anticipated value of recently announced executive branch initiatives.

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