



ŞAHİNKAYA MUN
TRAINING AND DEVELOPMENT 2019

COUNCIL OF EUROPE

AGENDA ITEM:
Violation of Freedom
of Expression in Eastern
European States

Letter from the Secretary-General

Meritorious participants,

It is my utmost privilege to welcome you to the second edition of Şahinkaya Model United Nations Training and Development Conference which will be held between 6-8 December 2019. I am really honoured to serve you as the Secretary-General in my 3 years of Model UN experience.

Şahinkaya Model UN Club is working steadily to provide you with phenomenal experiences and unforgettable memories, but especially to illuminate the path of diplomacy for the young minds. Our goal is always to put a step forward without looking back, provide you with the sincerest hospitality without compromising on academic quality. Turning every single dream into reality, our club has been acquiring many accomplishments in academic and organisation wise. If it weren't for the guidance and relentless help of our mentor and Goddess of MUN Emel Güceyü, this dream would have stayed as it was.

Conseil De L'europe is an organization that thrives for the implementation of agendas regarding human rights, political correctness and integration and protection of cultures among the continent with its 47 active members. This year Council of Europe will offer its delegates the chance to find solutions to the one of the most important human right we have- one's right to express itself. This committee will show you the contrast between the signatures and actions. The participants of this will committee will have all the power and network to do what is necessary to prevent this violation from ever happening again. My trust in my beloved friend Under-Secretary-General Eren Erdoğan and his Committee Board is full.

Briefly, on behalf of Academic and Organisation teams, I would like to state the deep feeling of excitement and merry to be welcoming you to Şahinkaya MUN Training and Development 2019.

Best Regards,

Ömer Faruk Yüksel

Secretary-General of Şahinkaya MUN Training and Development 2019

Letter from the Under-Secretary-General

Meritorious participants,

It is my utmost honour to welcome you to the second annual session of Şahinkaya Model UN Training and Development 2019. As your Under-Secretary-General, I will find pleasure in offering you the experience you've signed up for. Our intention is for you to develop yourself in participating in various circumstances and being able to reach viable resolutions through fruitful debates. Therefore, we've chosen your committee as the Council of Europe because of the many perks it includes in sharpening your skills. With the knowledge of different procedures of European Committees such as legislative and regulative powers of the Council of Europe, thriving in ensuring every human right is highly respected in every corner of the world, cooperating and merging ideas with other delegates acting as if you were a real delegate representing your country. We urge you to work hard with other delegates, eventually forming your resolution paper that secures the welfare of right-violation victims that are focused on in our agenda. I would like to thank Ms Emel Güceyü and Şahinkaya MUN Club for their priceless efforts in making this conference a reality. I am truly delighted to be serving as an Under-Secretary-General in this prestigious conference, an opportunity I am grateful to have been granted.

To conclude, I wish all of you to have interactive debates and gain a different perspective on Model UN Conferences. I hope this committee will help you in being a more experienced delegate.

Should you have any questions you can contact me via erenerdogan03@gmail.com

Best Regards,

Eren Erdoğan

Under-Secretary-General of the Council of Europe

Table of Contents

I. Introduction to the Committee.....	4
A. Authority and Capabilities of the Council of Europe	4
II. Introduction to the Agenda Item	5
A. Background of the Agenda Item	5
B. Warsaw Pact	5
C. The Concept of Freedom Expression	6
D. Democratisation in Post-Communist Bloc After 1991	7
E. Interpretation of Freedom of Speech and Expression in Central-Eastern Europe	8
1. Criticism Towards Politicians.....	8
2. Prohibition of Homosexual Propaganda and Enforcement of Religious Ways.....	9
F. Violation of LGBT+ Rights in the Eastern Europe.....	9
1. Yogyakarta Principles.....	9
G. The Danger for Journalists in Eastern Europe	12
H. The Struggle in the Assertion of Citizens.....	14
III. Points to be Addressed	14
IV. References	15

I. Introduction to the Committee

The Council of Europe (COE) is the continent's leading human rights organization including 47 member states, 28 of which are members of the European Union. The Council seeks to strengthen human rights and uphold freedom of expression while it fights to annihilate global discrimination and inequality in all forms.

The Council of Europe advocates freedom of expression and of the media, freedom of assembly, equality, and the protection of minorities. It has launched campaigns on issues such as child abuse, online hate speech, and the rights of the Roma, Europe's largest minority. The Council of Europe helps member states fight corruption and terrorism and undertake necessary judicial reforms. Its group of constitutional experts, known as the Venice Commission, offers legal advice to countries throughout the world. The Council of Europe promotes human rights through international conventions, such as the Convention on Preventing and Combating Violence against Women and Domestic Violence and the Convention on Cybercrime. It monitors member states' progress in these areas and makes recommendations through independent expert monitoring bodies. Council of Europe member states no longer apply the death penalty.

Among its many organs, The Committee of Ministers will be simulated, playing a crucial role in the structure of COE provided by its position as the Council's statutory decision-making body. The Council is made up of ministers of foreign affairs of each member state or their permanent diplomatic representatives in Strasbourg. The Committee of Ministers decides the path that the Council of Europe will follow for policy-making and approving its budget and programme of activities

A. Authority and Capabilities of the Council of Europe

As the Article 1(a) of the Statute of the Council of Europe states that *"The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress."* Therefore, its membership is open to all European states who seek harmony, cooperation, good governance and human rights, accepting the principle



Figure 1: Logo of The Council of Europe

of the rule of law and are able and willing to guarantee democracy, fundamental human rights and freedoms.

The Council of Europe's most famous achievement is the European Convention on Human Rights, which was adopted in 1950 following a report by the Council of Europe's Parliamentary Assembly, and followed on from the United Nations 'Universal Declaration of Human Rights'. The Convention created the European Court of Human Rights in Strasbourg. The Court supervises compliance with the European Convention on Human Rights and thus functions as the highest European court. It is to this court that Europeans can bring cases if they believe that a member country has violated their fundamental rights and freedoms. Thus, the Council of Europe has the authority to **demand** the countries which signed the European Convention of Human Rights to abide the agreement and judge them depending on the violations.

II. Introduction to the Agenda Item: Violation of Freedom of Expression in the Eastern European States

A. Background of the Agenda Item

The **Iron Curtain** was initially a non-physical boundary dividing Europe into two separate areas from the end of World War II in 1945 until the end of the Cold War in 1991. The term symbolizes the efforts by the Soviet Union (USSR) to block itself and its satellite states from open contact with the West and its allied states. The nations to the east of the Iron Curtain were Poland, East Germany, Czechoslovakia, Hungary, Romania, Bulgaria, Albania, and the USSR; however, East Germany, Czechoslovakia, and the USSR have since ceased to exist. The restrictions and the rigidity of the Iron Curtain were somewhat reduced in the years following Joseph Stalin's death in 1953, although the construction of the Berlin Wall in 1961 restored them.

B. The Warsaw Pact

The Warsaw Pact, formally known as the Treaty of Friendship, Cooperation and Mutual Assistance, was a collective defence treaty signed in Warsaw, Poland between the Soviet Union and seven other Eastern Bloc socialist republics of Central and Eastern Europe in May 1955, during the Cold War. The Warsaw Pact was established as a balance of power or counterweight to NATO; there was no direct military confrontation between them. Instead, the

conflict was fought on an ideological basis and in Proxy wars. Both NATO and the Warsaw Pact led to the expansion of military forces and their integration into the respective blocs.

Until the end of the USSR era, Russia established control over the countries which were involved in the Warsaw pact by appointing Soviet Officials to supervise them, effectively turning the states into puppets for the Russian Rule. After the dissolution of the USSR in 1991, the states were left beyond the grasp of the communist regime, finding themselves in a void with no culture of democracy and democratic rule.

In the aftermath of the fall of communism in Central-Eastern Europe, the democratization after the Cold War proved to be a sophisticated and complicated process. Finally, new democracies in the region are of a mixed nature: some having accepted Western standards of human rights and the European approach and understanding to human dignity, while other states rejected it, following their own "Eastern-post-Soviet" way of interpretation of human rights. Freedom of speech and expression as an emanation of the individual's freedom in a liberal society remains dangerously weaker when compared to the Western approach which accepts appropriate to view the right to freedom of speech in much higher levels of respect.

C. The Concept of Freedom of Expression

"Freedom of speech" is the political right to communicate one's opinions and ideas using one's body and property to anyone who is willing to receive them. The term "freedom of expression" is sometimes used synonymously, but includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used. The right to freedom of speech is not absolute in any country and is commonly subject to limitations based on the speech implications of the harm principle including libel, slander, obscenity and pornography, sedition, hate speech, classified information, copyright violation, trade secrets, non-disclosure agreements.

The right to the freedom of speech and expression is regarded as one of the fundamental human rights in our society, therefore demanding a high level of protection by both law and requirement of a strong stance against the violation of it by law enforcement organs.

The Universal Declaration of Human Rights of 10 December 1948 establishes:

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community

with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. 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.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right to equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”.

Clauses similar to what is written on the page before are also stated in numerous articles i.e. “the International Covenant on Civil and Political Rights of 16 December 1966” and “the Convention for the Protection of Human Rights and Fundamental Freedoms”, indicating again that the right to freedom of expression resides in the core of “the modern state model” and is of utmost importance.

D. Democratisation in the Post-Communist Bloc After 1990

The Democratic process (free elections, establishing political freedoms, private property etc.) started in 1989 and was widespread in other countries in Central-Eastern part of Europe, between 1989 and 1991. The Revolutions of 1989 were part of a revolutionary wave that resulted in the fall of communism in the communist states of Central and Eastern Europe. The period is sometimes called the Autumn of Nations, a play on the term "Spring of Nations", used to describe the Revolutions of 1848. The events began in Poland in 1989 and continued in Hungary, East Germany, Bulgaria, Czechoslovakia. One feature common to most of these developments was the extensive use of campaigns of civil resistance demonstrating popular opposition to the continuation of one-party rule and contributing to the pressure for change. Among the most famous anti-communist revolutions was the Fall of the Berlin wall, which served as the symbol of the German reunification in 1990. The Soviet Union eventually dissolved in 1991, resulting in the establishment of 15 countries.

E. Interpretation of Freedom of Speech and Expression in Central-Eastern Europe

As most of the Post-Soviet states adopted the European way of implementing the right to freedom of expression, some states were criticized as they were more withdrawn on permitting society to be fully liberal in terms of what ideas their citizens were allowed to express. In the case of Poland, Hungary and the Czech Republic; Western concepts were



Figure 2: A caricature that shows the conflict between voices

interiorized, along with some unhealthy principles in the law. The constitution in Poland establishes:

Article 54: 1. The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone. 2. Preventive censorship of the means of social communication and the licensing of the press shall be prohibited. Statutes may require the receipt of a permit for the operation of a radio or television station.

In regards to the situation in Belarus, Ukraine and Russia; more prohibitions were enforced on freedom of speech. It is also claimed that the law in books and laws in action were interpretations that were drastically different from each other.

1. Criticism towards Politicians

Numerous mysterious disappearances of journalists that have spoken against certain politicians have proven to be solid occurrences of punishment enforced by the government. Barriers of freedom of speech and expression were reportedly unwritten, unofficial. “You must be in one’s element to understand what you are allowed to say or what style of life is correct.” was what citizens would say in order to express their confusion on the tremendous differences between the written law and the law enforced.

2. Prohibition of Homosexual Propaganda and Enforcement of Religious Ways

Speech in favour of homosexuality and presentation of homosexual orientation in public was strictly forbidden. Both the Orthodox State and conservationist elites have decided to go along with religious ways, even when only 7% of the population attended Divine Services on Sundays.



Figure 3: LGBT Protesters in Sofia, Bulgaria

This un-secular approach made religion a part of national heritage and culture, and homosexuality was being viewed as a danger for the normal sexuality, family relations and future generations.

F. Violation of LGBT+ Rights in Eastern Europe

1. The Yogyakarta Principles

In 2006, in response to well-documented patterns of abuse, a distinguished group of international human rights experts met in Yogyakarta, Indonesia to outline a set of international principles relating to sexual orientation and gender identity. The result was the Yogyakarta Principles: a universal guide to human rights which affirm binding international legal standards with which all States must comply. They promise a different future where all people born free and equal in dignity and rights can fulfil that precious birth right. The most influential resolution by the UN Charter establishes:

All human beings are born free and equal in dignity and rights. Human beings of all sexual orientations and gender identities are entitled to the full enjoyment of all human rights.

States shall:

i. Embody the principles of the universality, interrelatedness, interdependence and indivisibility of all human rights in their national constitutions or other appropriate

legislation and ensure the practical realisation of the universal enjoyment of all human rights;

ii. Amend any legislation, including criminal law, to ensure its consistency with the universal enjoyment of all human rights;

iii. Undertake programmes of education and awareness to promote and enhance the full enjoyment of all human rights by all persons, irrespective of sexual orientation or gender identity;

iv. Integrate within State policy and decision-making a pluralistic approach that recognises and affirms the interrelatedness and indivisibility of all aspects of human identity including sexual orientation and gender identity.

In Eastern Europe, several countries have been seeking to restrict public discussion and dissemination of information concerning homosexuality and gender identity, despite the Yogyakarta Principles. In recent years, ten regions of the Russian Federation have adopted such restrictions. The Parliament of Ukraine is considering similar measures. Several municipalities in the Republic of Moldova have also interiorized such rules and in May 2013, Moldovan Parliament passed amendments to the Contraventional Code, punishing “propagation of any other relations than those related to marriage the family in accordance with the Constitution and Family Code”, a coded reference to LGBT. On 30 June, the Russian President signed into law a bill that prohibits the promotion of “non-traditional” sexual relationships. “The restrictions introduced in parts of Eastern Europe are inherently discriminatory in both intent and effect. The limitations they place on the exercise of rights to freedom of expression, association and peaceful assembly and their impact on the work of human rights defenders,” said OHCHR Human Rights Adviser Claude Cahn. According to Cahn, such measures form the basis for standing and regular harassment, and even arbitrary detention, and help create a climate of fear for anyone working on advancing the rights of lesbian, gay, bisexual and transgender (LGBT) people.

The restrictions imposed by these laws would also limit access to age-appropriate information on sexuality – an important component of the right to education and essential if adolescents are to be able to lead fulfilled and healthy lives. Comprehensive, non-discriminatory sexuality

education is an essential factor in the fight against sexually transmitted diseases, including HIV/AIDS, a longstanding challenge in the region.

Jasmine O'Connor of the UK charity Stonewall, which advocates for the rights of lesbian, gay and bisexual people, noted that banning information on same-sex relationships and transgender identities would have the opposite of the effect claimed by proponents of these measures. "Rather than protecting the health and moral wellbeing of minors, experience shows that such measures reinforce stigma and prejudice, leading to more discrimination, more abuse and more violence, contrary to the interests and rights of the children and young people concerned." "Equality and non-discrimination are core, non-negotiable human rights principles. No one is entitled to treat a group of people as less valuable, less deserving or less worthy of respect," said UN human rights chief Navi Pillay. "Each and every one of us is entitled to the same rights, to the same respect and ethical treatment, regardless of our sexual orientation or gender identity."

Elena Grigoryeva, 41, was stabbed eight times in the face and back in St Petersburg. The Investigative Committee, which handles major crimes, said she was murdered by a local resident she had been drinking with and detained two suspects. Although the police did not treat the murder as a hate crime initially, they promised to investigate whether Pila had anything to do with Grigoryeva's death after complaints from lesbian gay, bisexual and transgender (LGBT+) rights groups. Pila - which takes its name from the "Saw" American horror movies - is the latest threat to shake the LGBT+ community in Russia, where homosexuality was deemed a criminal offence until 1993 and classed as a mental illness until 1999. Violence against gay people and hostility from the wider community has been on the rise since 2013 when the Kremlin adopted a gay "propaganda" law as part of a drive to defend what President Vladimir Putin called Russia's "traditional values".

LGBT+ campaigners say the law has helped authorities to crackdown on activists and contributed to a rise in anti-LGBT+ hate crimes as well as police reluctance to investigate them. The Russian LGBT Network, which offers legal aid to gay people, said only eight out of 64 cases of physical violence against LGBT+



Figure 4: Protesters in Red Square, Moscow

people that it received in 2018 were investigated by the police. Moscow police headquarters, Kremlin spokesman Dmitry Peskov and human rights commissioner Tatyana Moskalkova did not respond to requests for comment. In several public statements, Putin has said there is no discrimination against LGBT+ people in Russia.

G. The Danger for Journalists in Eastern Europe

The dangers to journalists in Eastern Europe, mainly Russia, have been well known since the early 1990s but concern over the number of unsolved killings soared after Anna Politkovskaya's murder in Moscow on 7 October 2006. While international monitors mentioned a dozen deaths, some sources within Russia talked of over two hundred fatalities. The evidence has since been examined and documented in two reports, published in Russian and English, by international organizations. These revealed a basic confusion in terminology that explained the seemingly enormous numerical discrepancy: statistics of premature death among journalists (from work accidents, crossfire incidents, and purely criminal or domestic cases of manslaughter) were repeatedly equated with the much smaller number of targeted (contract) killings or work-related murders. The violent deaths of journalists were always strongly present in Russia's agenda through any president's service years since 1991 which include Yeltsin, Putin and Medvedev.

President	Y	Y	Y	Y	Y	Y	Y	P	P	P	P	P	P	P	P	P-M	M	
Year	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	TOTAL
Murder, crossfire, terrorist act	10	12	22	18	10	10	11	17	12	23	11	12	5	13	3	5	6	200
Murder only	3	8	16	12	10	10	8	15	11	20	11	10	4	13	3	5	6	165
Trials	–	–	–	1	1	4	4	3	1	3	3	6	2	7	5	4	2	50

The yearly figures in the table above are derived from the "journalists in Russia" database, where details can be found on each individual death. Certain categories are not included such as:

- ✓ Those who have gone missing (14 persons)
- ✓ Those who died in an incident (28 persons)
- ✓ Journalists killed in work-related accidents (37 persons)

The third set of figures indicates the yearly number of verdicts reached in trials for the killing of journalists. With only three exceptions these have all been for homicide. Some cases have taken six to seven years to reach court.

Over the past years, the Russian authorities have been repeatedly urged by Western governments and international media bodies to do more to investigate the deaths of journalists. The Paris-based “Reporters Without Borders” frequently criticized Russia for what it described as a failure to investigate these murders. The organization further claimed that many of the murdered journalists had been critical of Russian President, Vladimir Putin. Between March 2000 and July 2007, Reporters Without Borders claimed 21 journalists were murdered in Russia because of their work. Pressure on the Russian authorities increased in late 2006 after the murder of *Anna Politkovskaya*. The brutal murder on 7 October 2006 of Novaya Gazeta journalist Anna Politkovskaya known for her critical reporting on the conflict in Chechnya in which she sought to expose human rights abuses, was yet another reminder to Russian journalists that violence awaits those who investigate or criticise. It is estimated that 21 journalists have been killed since Russian President Vladimir Putin came to power in March 2000. In the great majority of cases, no one has been convicted and sentenced for the murders.

In June 2007, the board of the World Association of Newspapers passed a resolution, calling on the authorities in Russia to "investigate journalist deaths more vigorously". On 18 June 2007, the U.S. House of Representatives passed House Resolution 151, calling on Putin to "step-up efforts to investigate" the murders. In a report published in 2007, *the International News Safety Institute* said more journalists had died violent deaths in Russia in the previous 10 years than anywhere in the world apart from Iraq, though it offered statistics rather than details of the individual victims.

H. The Struggle in the Assertion of Citizens

As many right-violating events happen to occur in Russia, it leaves many to wonder why its people can't seem to be successful in the fight for their human rights. The explanation for this situation lies underneath many reasons. The first one being the Russian people having a feeling of gratitude towards the government since they are already satisfied by having a home, a family and a sustainable life. As long as they don't oppose the government and its actions, no harm will come to them which makes them hesitant on standing up for their rights to freedom of expression and speech. Tied to the previous one, another reason that could be given is the sheer fear of what the government might do to the person or their family. As many news regarding the disappearance or death of freedom fighters surround the media, a strong reluctance to speak up frankly appears. A complex situation also forms when originally the citizens choose their president but they seem to regret the decision they had made as time goes by. The State eventually becomes corrupt and democracy becomes highly prone to manipulation, pushing the citizens into a position of confusion where they aren't quite sure how to handle the country's current circumstances. As the concept of democracy slowly fades away, many are left feeling powerless and deterred to speak up.

III. Points to be Addressed

- What is the definition of freedom of expression?
- What can be done in order to build a strong cultural base of democracy in former Warsaw Pact countries?
- How the proper interpretation of freedom of speech can be established in Eastern-European countries?
- How can the safety of journalists be improved?
- What can be done in order to overcome the problems of LGBT Community activists?
- How to supervise countries on their implementation of the Yogyakarta Principles?

- How can be in order to prevail the disappearance or death of journalists or activists is tied to the government?
- What can be done to eliminate any reason that blocks the assertion of citizens and protecting their freedom?

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