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Global Trends in Democracy and Authoritarianism: Challenges to Press Freedom

Experts and policymakers have expressed concern over global challenges to press freedom, including in connection with broader concerns over the state of democracy around the world. Some research, including by the United Nations and nongovernmental organizations, indicates that press freedom has been declining globally. Some Members of the 118th Congress have proposed legislation seeking to bolster U.S. foreign policy responses to this trend (e.g., S. 2526, H.R. 4898, and H.R. 5855).

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 trends in backsliding democracies has reinforced this view, with efforts to undermine press freedoms identified as a common early indicator of broader democratic breakdown. Further, existing non-democratic 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, viewed by many as a landmark statement of free press principles, 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.

Selected Global Challenges

Government Censorship and Control. In countries with forms of authoritarian governance, media organizations are often unable to operate independent of substantial government control or influence. Even in contexts with greater levels of media freedom, governments may use laws or policies that purport to combat issues of public concern (e.g., terrorism, defamation, or mis/disinformation) but that

have the effect of unduly restricting, or criminalizing in some cases, the free expression of individuals and the work of media outlets. In the context of the COVID-19 pandemic, for example, some governments used a stated need to combat health-related misinformation to justify imposing restrictions on the media.

The ability of journalists to report information, and of citizens to meaningfully access this information, is also affected by governmental efforts in some countries to erode freedom of expression on the internet. These efforts can include, for instance, criminal or other penalties for online speech, blocks of websites or social media platforms, internet shutdowns, and online disinformation campaigns.

Unfair or Distorted Media Environments. Independent media outlets are under financial strain in many countries, including in ostensibly free environments, and may be vulnerable to efforts to impede, influence, or co-opt their work. Governments, government-aligned actors, or other powerful figures may in some cases use legal, regulatory, or economic tools to disadvantage or co-opt critical media outlets and/or favor pro-government voices. 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). Relatedly, experts have raised concerns about the influence of authoritarian governments such as China and Russia on media environments around the world.

Attacks Against and Imprisonment of Individual Journalists. Journalists around the world can face threats, harassment, detention, physical attacks, or killings for doing their work. Perpetrators can include state and non-state actors, and typically enjoy impunity. According to one nongovernmental tally, as of December 1, 2023, 320 journalists globally were detained or imprisoned in relation to their work, with the top five countries of detention being China (44 journalists), Burma (43), Belarus (28), Russia (22), and Vietnam (19). In some cases, governments may also seek to repress journalists operating in other countries.

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 launched a number of relevant global foreign assistance initiatives as part of commitments in support of multilateral Summit for Democracy meetings held in 2021 and 2023. These include

funding for the multi-donor International Fund for Public Interest Media; a program to help enhance the independence and financial sustainability of media outlets; an initiative to cover the costs of defending journalists from lawsuits meant to silence their reporting; and a program to assist at-risk journalists. The United States has also pursued some pertinent multilateral efforts in connection with these meetings, including engagement through the Media Freedom Coalition and a code of conduct for governments concerning export controls and human rights.

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. State Department and USAID allocations for the “Independent Media and Free Flow of Information” foreign assistance program area increased from approximately \$155 million in FY2021 to \$236 million in FY2022 (not including funding from Ukraine supplemental appropriations). For FY2023 and FY2024, the Biden Administration requested approximately \$251 million and \$271.5 million, respectively, 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 \$315 million in recent years), generally devotes a substantial amount of its grant resources to supporting independent media. In addition, U.S. international broadcasting, though not considered democracy assistance, 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, FY2023 SFOPS (Division K of P.L. 117-328) 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. These include, for example, the Global Magnitsky Human Rights Accountability Act (Title XII, Subtitle F of P.L. 114-328), which the executive branch implements through Executive Order 13818. The executive branch has utilized these authorities on some occasions to respond to actions taken

against journalists overseas (e.g., sanctions against certain Saudi individuals in response to the October 2018 Saudi government operation that resulted in the killing of Jamal Khashoggi). The State Department has also announced policies of imposing visa restrictions against individuals involved in “extraterritorial counter-dissident activities,” including against journalists, and, separately, against individuals connected to the misuse of commercial spyware “to target, arbitrarily or unlawfully surveil, harass, suppress, or intimidate” journalists and other individuals.

Foreign Assistance Conditionality. Certain globally applicable provisions that restrict foreign assistance on the basis of human rights have potential relevance for responding to some press freedom-related human rights violations (e.g., the “Leahy Laws,” which restrict assistance to foreign security force units responsible for human rights violations). Some SFOPS provisions have also entailed possible assistance restrictions to particular countries.

Export Controls. The United States may use export controls to attempt to combat the spread of technologies that can be misused 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.” The Department of Commerce has imposed some pertinent controls, such as in relation to certain companies found to have supplied spyware used by foreign governments to target journalists and other individuals.

Issues for Congress

Diplomatic Efforts. Congress may conduct oversight over the extent to which press freedom issues are effectively integrated into U.S. bilateral and multilateral diplomacy, including broader democracy promotion efforts, where appropriate. Relatedly, Congress may wish to monitor how the United States is supporting partner countries to deliver on their press freedom-related commitments made at the Summit for Democracy meetings. Congress may also consider the pros and cons of creating new State Department offices and/or senior officials focused on press freedom issues, as some pending legislation proposes.

Foreign Assistance. Congress may consider how much and what types of foreign assistance resources, if any, to appropriate for this issue. Such considerations could potentially be informed by efforts to assess and learn from prior programs, and by oversight of new global initiatives launched by the executive branch.

Sanctions and Other Restrictive Tools. Congress may conduct oversight over the executive branch’s use of sanctions and other restrictive tools to respond to press freedom violations. Key questions may include whether existing authorities and sanctions programs are adequate, whether such authorities could be used more robustly and the resources needed for doing so, and how the executive branch evaluates the effectiveness of actions taken.

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