# FREEDOM OF OPINION AND EXPRESSION

Everyone has the right to hold their own opinions without interference and to seek, receive and impart information of all kinds through any media and regardless of frontiers

Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They constitute the foundation stone for every free and democratic society.

- Human Rights Committee (CCPR/C/GC/34)



The right to freedom of opinion and expression is established under article 19 of the International Covenant on Civil and Political Rights (ICCPR), under the same broad terms as article 19 of the Universal Declaration of Human Rights.

### **CREATING AN ENABLING ENVIRONMENT**

States have a duty to promote and protect the free exercise of the right to freedom of opinion and expression. The right to freedom of opinion is absolute and cannot be restricted.

However, States may restrict the right to freedom of expression under very limited circumstances. According to article 19(3) of the ICCPR, any restriction must be:

- provided by law;
- undertaken to respect the right or reputations of others; protect national security or public order, or protect public health or morals; and
- necessary and proportionate to achieve a legitimate objective.

"States should refrain from imposing restrictions on: discussions on government policies and political debate; reporting on human rights, government activities and corruption; engaging in election campaigns, peaceful demonstrations or political activities; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups."

National security and counter-terrorism measures must comply with conditions contained in article 19(3) of the ICCPR. Criminal defamation and blasphemy laws are unlawful restrictions to freedom of expression and States should repeal such laws.

## **CORE INTERNATIONAL STANDARDS**

In addition to article 19 of the ICCPR and the UDHR, the right to freedom of expression is protected under:

- Convention on the Rights of the Child (CRC), articles 12 and 13
- Convention on Migrant Workers (CMW), <u>article 13</u>
- Convention on Economic, Social and Cultural Rights (CESCR), article 15(3)

Key regional standards include:

- African Charter on Human and Peoples' Rights: <u>article 9</u>
- American Convention on Human Rights: <u>article 13</u>
- European Convention on Human Rights: <u>article 10</u>
- Charter of Fundamental Rights of the European Union: <u>article 11</u>

The right to freedom of opinion and expression is closely linked to other human rights, such as the rights to privacy, freedom of association and assembly, and freedom of religion, among others.

-A/HRC/12/16

Convention on the Elimination of all forms of Racial Discrimination (CERD), article 5

# DEFENDING THE RIGHT TO FREEDOM OF EXPRESSION: THE ROLE OF THE UNITED NATIONS SPECIAL RAPPORTEUR

The Special Rapporteur is an independent expert mandated to promote and protect the right to freedom of opinion and expression. The Special Rapporteur:

- transmits urgent appeals and letters of allegation to States and others on alleged violations of freedom of opinion and expression.
- undertakes fact-finding country visits to assess freedom of expression issues in countries.
- submits annual reports to the Human Rights Council and the
- thematic challenges and concerns associated with the exercise of freedom of expression globally.

# **GUIDELINES FOR THE SUBMISSION OF INFORMATION** TO THE SPECIAL RAPPORTEUR:

Non-governmental organizations and any other party who has knowledge of pertinent situations and cases can submit information to the Special Rapporteur through an on-line <u>platform</u>.

### CONTACT:

United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Office of the High Commissioner for Human Rights Geneva, SWITZERLAND freedex@ohchr.org

### **FOLLOW US!** Please visit <u>www.ohchr.org/freedex</u> for regular updates.



General Assembly, providing analysis and recommendations on

### Freedom of the press Independence of the media:

A free and uncensored press is essential to ensure freedom of opinion and expression. States should never penalize media outlets, publishers or journalists for reporting or disseminating critical views and dissenting opinions. States should also put in place laws that protect the diversity and plurality of the media, such as laws that prevent undue dominance by privately controlled media groups.

### Safety of journalists:

Journalism can be exercised by a wide range of actors, including bloggers and others. In addition to protecting the safety and security of journalists, States have an obligation to create an enabling environment for free and independent journalism. Strong protections for journalists' sources and whistleblowers are often a precondition for a range of journalistic activities, and critical to the public's right to know.

### Access to information

The right to access information is both the general right of the public to have access to information from a variety of sources and the right of the media to access information. International organizations are also bound by the right to access information.



### The digital space

The Internet has provided unprecedented opportunity for people's exercise of the right to freedom of expression. However, censorship and surveillance of the Internet may also lead to the repression of journalists, human rights defenders and other individuals. States should ensure that restrictions on online expression are lawful, necessary and proportionate. Companies also have a responsibility to respect the freedom of expression of end users throughout their operations, from technology design to the development of policies governing user behavior.



### Hate speech and incitement to hatred

States are obliged to prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Efforts to combat such advocacy may be necessary to protect the freedom of expression of individuals and groups. However, any restriction on hate speech and related advocacy must nevertheless be provided by law, and necessary and proportionate to pursue a legitimate objective.

# Past topics covered by the Special Rapporteur