



STATEMENT

Draft General Comment No. 34 on Freedom of Opinion and Expression

ARTICLE 19 has submitted a Statement to the Human Rights Committee of the United Nations detailing its comments on Draft General Comment No. 34 (“the Draft”) on Article 19 of the International Covenant on Civil and Political Rights (“ICCPR”) on freedom of opinion and expression.

In ARTICLE 19’s opinion, the Draft is a progressive interpretation of the right to freedom of expression as protected by Article 19 of the ICCPR. We welcome in particular the following features of the Draft:

- The statement that State parties should ensure that “persons are protected from any acts of private persons or entities that would impair the enjoyment of freedoms of opinion and expression”;
- The recognition that States parties “must take particular care to encourage an independent and diverse media ...[including] access to the media for minority groups”;
- The explicit recognition that Article 19 of the ICCPR encompasses “a general right of access to information”.

However, ARTICLE 19 is concerned by a number of weaknesses in the Draft which ought to be addressed before it is finalised. Most notably, the Draft:

- Overlooks a number of important aspects of the legal protection for “the right to information”, including the need for an independent and autonomous oversight body, proactive disclosure of information by public bodies and the protection of whistleblowers;
- Fails to highlight basic principles concerning the exercise of freedom of expression through information and communications technologies (ICTs);
- Fails to affirm the right of journalists and others not to disclose their confidential sources;
- Fails to assert a clear and unequivocal position against all criminal defamation laws and laws prohibiting blasphemy or “defamation of religions”.

To assist the Human Rights Committee in finalising General Comment No. 34, ARTICLE 19’s Statement elaborates on these and other shortfalls of the Draft, as well as offering recommendations to overcome them. ARTICLE 19 submitted its Statement which includes 35 recommendations to the Human Rights Committee on Friday 28 January 2011.

NOTES TO EDITORS:

- For more information please contact Sejal Parmar, Senior Legal Officer, +44 20 7324 2500 sejal@article19.org
- For draft General Comment No. 34 (upon completion of first reading by the Human Rights Council) 25 November 2010 CCPR/C/GC/34/CRP.5 visit www.article19.org/pdfs/analysis/unhrc-comment-34.pdf
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.