HUMAN RIGHTS COMMITTEE DISCUSSES DRAFT GENERAL COMMENT ON THE RIGHT TO FREEDOM OF EXPRESSION

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*http://www.unog.ch/unog/website/news\_media.nsf/(httpNewsByYear\_en)/A5038506CE4D16EEC12577660058CC3E?OpenDocument*

The Human Rights Committee this afternoon continued its first reading, begun in an open meeting in October 2009, of a draft General Comment on State parties' obligations under Article 19 of the International Covenant on Civil and Political Rights, setting out the rights to hold an opinion without interference and to freedom of expression.

Michael O'Flaherty, the Committee Expert serving as rapporteur for the draft General Comment, introduced a revised draft text which took into account comments made by Committee Members during the March 2010 session, as well as revisions that were made and approved at that last session.

The updated text contained a set of general remarks and included sections on freedom of opinion; the scope of the right of freedom of expression; freedom of expression and the media; access to information; freedom of expression and political rights; limitations on freedom of expression; restrictions on political expression; restrictions on expression by the media and related information gathering/disseminating actors; restrictions related to counter-terrorism measures; restrictions and defamation laws; restrictions and blasphemy laws; restrictions and "memory laws"; and the relationship between articles 19 and 20 (prohibition of war propaganda or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence).

In general observations on the draft General Comment, a Committee Member asked whether the working documents of the Committee could be made available to the outside world as it would be valuable to hear comments and feedback.

The Committee then began reviewing the document on a paragraph-by-paragraph basis, reviewing sections regarding freedom of expression and political rights and the scope of the freedom of expression. Experts commented and proposed changes to the draft General Comment.

Committee Experts recommended that the language of the draft General Comment be more explicit in its description of statutory acts because that language could mean different things in different cultures; perhaps the Committee should be explicit that it meant acts adopted by legislative bodies when it referred to statutory acts. One Committee Member noted that it was important not to be too explicit as this could limit the list of subordinate laws that were often used to limit the freedom of expression, including local bylaws, traditional or customary law and religious law. However, an Expert noted that legal systems were rich and varied so in some countries the concepts of informal law, customary law, or religious law were not concepts that were subscribed to so the use of that language could be confusing.

The Committee publishes its interpretation of the content of human rights provisions, known as General Comments, on thematic issues or its methods of work. To date, it has issued 33 General Comments. The general comments of all human rights treaty bodies are compiled annually and the latest version can be found under the following link: http://www2.ohchr.org/english/bodies/hrc/comments.htm.

The Committee will next meet in public at 3 p.m. on Wednesday, 21 July, when it is scheduled to continue its consideration of the draft general comment.