

# XIX

## ARTICLE 19

17 March 2008

### STATEMENT

#### **Human Rights Council: ARTICLE 19 Urges Amendment of Proposed Resolution on Freedom of Expression**

**ARTICLE 19 has expressed its concern about a draft resolution on the right to freedom of opinion and expression circulated by the Group of African States at the tenth session of the UN Human Rights Council in Geneva.**

On Thursday 12 March 2009, ARTICLE 19 obtained a copy of a draft resolution on “the right to freedom of opinion and expression” (“the draft resolution”), proposed by Egypt, on behalf of the Group of African States, to the tenth session of the UN Human Rights Council (“the Council”), currently being held in Geneva. The forty-seven member states of the Council are due to consider the draft resolution before the end of the tenth session on 27 March 2009. ARTICLE 19 is concerned about the timing and content of the draft resolution and urges Member States to amend the draft resolution in conformity with international human rights law before agreeing to its adoption.

First, the proposal of a draft resolution on freedom of opinion and expression is premature in its timing. The Group of African States have proposed it at the Council’s current session, even though the report of the Special Rapporteur on Freedom of Opinion and Expression, Frank la Rue, is not due for consideration until the Council’s June 2009 session. The draft resolution therefore lacks any connection with the report of the relevant mandate holder upon which it should be based, according to established protocol.

Second, ARTICLE 19 is concerned that some of the wording in the draft resolution detracts from its purported objective – the protection of the right to freedom of opinion and expression. In particular, ARTICLE 19 is concerned with some of the proposed wording of the resolution, particularly those sections which highlight so-called “abuses of the right to freedom of expression” and the need to restrict it (paragraphs 2(f) and 4(n) of the draft resolution). These paragraphs diminish the coherence of the resolution and send an unfortunate and confusing message to the international community about the state of international law on the right to freedom of expression.

The same can be said about references to the Resolution 7/36 on the mandate of the Special Rapporteur from March 2008 (referred to in paragraphs 7 and 10 of the draft resolution), which controversially introduced the language of “abuse of the right to freedom of expression”. Valid concerns may be raised about the continuing existence

of so-called “hate speech” without having recourse to the language of “abuse of freedom of expression” which is misleading, and without any basis in international human rights law.

Furthermore, the concerns addressed by these paragraphs are addressed through other UN human rights bodies, including the Committee on Elimination of All Forms of Racial Discrimination (CERD), which has devoted a lot of attention to the issue of incitement to hatred.

ARTICLE 19 calls on the Group of African States to postpone the tabling of the draft resolution to the June session of the Human Rights Council, following the report from the Special Rapporteur on Freedom of Opinion and Expression, and to do so in accordance with established international human rights guarantees on the right to freedom of expression.

If the Group of African States insists on moving forward with the draft resolution at the tenth session of the Council, ARTICLE 19 urges the sponsors to amend the language of the draft resolution so that the language conforms with established international human rights guarantees on the right to freedom of expression.

**FURTHER INFORMATION:**

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- 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.