

IN SUPPORT OF



# Right Words<sup>11</sup>

## freedom of expression

the 2011 Human Rights schools' writing competition

### FACT SHEET

#### What is Freedom of expression?

Freedom of expression is one of the fundamental human rights outlined by the United Nations and applicable to all of us. Article 19 of the Universal Declaration of Human Rights ("UNDHR") says:

*"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers"*

#### Why is Freedom of expression important?

All universal human rights are important and need protecting, but freedom of expression is also very important in supporting people's access to other human rights. During its first session in 1948 the UN General Assembly adopted Resolution 59 (I), which states:

*"Freedom of information is a fundamental human right and ... the touchstone of all freedoms to which the United Nations is consecrated..."*

Freedom of expression is important for all of us in helping us to exchange ideas and learn. It also enables us to hold our governments to account and criticise them when we think that they are making mistakes.

#### What does it mean?

Everyone, without any kind of discrimination...

- ...has a right to both give and receive information...
- ...about anything at all...
- ...regardless of where you are in the world...
- ...using any kind of format e.g. internet, book, dance, painting, song, film...

### **Restrictions \***

Sometimes the freedom of expression is restricted. This is only ok if it is (a) necessary and (b) provided for by the law and (c) the least restrictive as possible. Examples of justifications where international law permits some restrictions on freedom of expression are:

- Propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence
- During a war or another kind of public emergency temporary increased limits may be placed on freedom of expression
- National security and public order may justify some restrictions on freedom of expression (but this must be tightly defined and justified)
- Public health and morals may justify some restrictions on the freedom of expression
- To balance this right with the right of everyone to privacy and to protect rights and reputations of others it may be necessary to grant people a remedy

However in many countries in the world restrictions are placed on the freedom of expression, which Article 19 does not allow for. For example:

- Censoring, or otherwise punishing newspapers if they criticise the government
- Governments supporting, or failing to prevent, violent attacks against journalists
- Making the criticising of the army or President or other state institution or symbol a criminal offence
- Unlawful arrest and detention of artists

\* Extracted from 'Textbook on International Human Rights', Rhona K.M. Smith, p 288-292  
Oxford University Press