



International Service for Human Rights

The Reports in Short

ISHR's summaries of documents for the UN Commission on Human Rights
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Reports of the Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression¹

Mandate holder

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Activities

- Annual report;
- From 1 December 2004 to 30 November 2005, the Special Rapporteur sent 497 communications, including 312 urgent appeals, 242 of which were signed jointly with other Special Rapporteurs, and 185 allegation letters, 69 of which were signed jointly with other Special Rapporteurs²;
- The Special Rapporteur issued several press releases concerning a number of issues including the situation of human rights in Nepal; mass forced evictions in Zimbabwe and related human rights violations; and issues related to the World Summit on the Information Society; as well as a statement paying tribute to media professionals either killed or wounded on account of their professional activities on the occasion of World Press Freedom Day on 3 May 2005.

Annual report³

Scope

This report covers the activities of the Special Rapporteur. It deals with the issues of Internet governance and human rights in the context of the World Summit on Information Society (the World Summit); freedom of expression and defamation; and the security and protection of journalists and media professionals.

Summary and key conclusions

The right to freedom of opinion and expression are fundamental and inalienable rights that contribute to the consolidation of democracy and to socio-economic development. Generally speaking, the current international situation and the context of counter-terrorism have had a negative effect on freedom of opinion and expression, including the increasing arrest and detention of media professionals, the censorship of publications and programs, the adoption of national legislation restricting freedom of opinion and expression and the right to access information, and the increased use of information by several media outlets received from governmental sources on terrorism and anti-terrorist activities, without sufficient control and verification.

Internet governance and human rights:

The advent of **new technologies** opens a new era for the notion of freedom of expression. If it was accompanied by **universal availability**, it could represent a decisive factor for the advancement of **human and economic development**. Guaranteeing freedom of opinion and expression in relation to new tools of communication is therefore a central challenge for the future and it is conceivable that Governments could propose the creation of an **intergovernmental organisation to govern Internet** matters globally.

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² More information can be found in paragraph 10, p. 5.

³ E/CN.4/2006/55, 30 December 2005.

Freedom of expression and defamation:

Defamation illustrates the **difficult balance between rights** such as the freedom of expression and the right to privacy. Important issues to take into account when discussing defamation are therefore the right to criticise and the right to privacy and laws on defamation should therefore strike a balance between these conflicting rights, while remembering that there are only few legitimate limitations on the right to freedom of expression. The **decriminalisation** of defamation has been comprehensively discussed and several countries have undertaken this process. The Special Rapporteur is of the opinion that excessive fines and harsh criminal penalties should never be available as a sanction for breach of defamation laws.

Security and protection of media professionals:

States have the primary responsibility to ensure protection and security of journalists, a necessary precondition to ensuring comprehensive and pluralist information vital for a democratic society. The increased rate of killings and other forms of violence against media professionals has stressed the need for **international legal norms** on the security and protection of media professionals.

Key recommendations

- Governments should review existing practices related to all fields of freedom of opinion and expression and take remedial action to ensure conformity to international human rights instruments;
- In the context of international tension, Governments should consider the protection of freedom of opinion and expression as one of the best ways to fight spreading violence;
- States should take measures to **guarantee freedom of opinion and expression on the Internet**, including by extending the same protection to website contributors as they do to other media;
- Independent media authorities and associations should take initiatives to stop the use of forms of expression characterised by **discriminatory connotations** and **stereotyping** of vulnerable groups;
- Governments should take the necessary measures to increase the protection of all journalists and other media workers from all forms of attacks;
- The Commission on Human Rights should consider commissioning a comprehensive, impartial study on the issue of security of journalists;
- Any **new intergovernmental body administering Internet governance** must be based on human rights and should ensure and promote freedom of opinion and expression;
- **Transparency, openness and accountability** should be promoted on the Internet;
- Governments should **decriminalise defamation** and similar offences and such cases should be dealt with through the offices of an independent authority instead of the judiciary;
- Governments should ensure that national legislation on the right to freedom of expression and opinion includes **the right to access to information**, which is usually impeded by a culture of confidentiality and secrecy.

Summary of cases transmitted to Governments and replies received⁴

Scope

The report contains summaries of general and individual allegations and urgent appeals transmitted to Governments between 1 January and 31 December 2005, replies received during the same period and observations made by the Special Rapporteur. The annex breaks down information on communications sent by the Special Rapporteur by type, victims, source of information and follow-up.

Summary and key conclusions

Please note that the countries that have replied to current or previous communications are marked with an asterix.

- The Special Rapporteur transmitted **490 communications on behalf of 1328 people to the Governments of 96 countries**: Afghanistan, Algeria, Argentina*, Azerbaijan, Bahrain*, Bangladesh*, Belarus*, Bolivia*, Brazil*, Burundi, Cambodia, Cameroon*, Chad, Chile*, the People's Republic of China*, Colombia*, Côte d'Ivoire*, Croatia, Cuba*, Democratic Republic of Congo*, Djibouti, Ecuador, Egypt*, El Salvador*, Eritrea*, Ethiopia*, Gabon, Georgia, Ghana, Greece*, Guatemala*, Guinea*, Haiti, Honduras, India*, Indonesia*, Islamic Republic of Iran*, Iraq*, Israel*, Italy*, Kazakhstan, Kyrgyzstan*, Lao People's Democratic Republic*, Lebanon*, Libyan Arab Jamahiriya, Madagascar*, Malaysia, Maldives*, Mali*, Mauritania*, Mexico*, Mongolia, Morocco*, Myanmar*, Nepal*, Nicaragua*, Niger*, Nigeria, Oman*, Pakistan*, Panamá, Paraguay*, Peru, Philippines*, Poland*, Republic of Korea*,

⁴ E/CN.4/2006/55/Add.1, 27 March 2006.

Russian Federation*, Rwanda*, Saudi Arabia*, Serbia and Montenegro*, Sierra Leone, Singapore*, Slovakia*, Somalia, South Africa*, Sri Lanka*, Sudan*, Syrian Arab Republic*, Tajikistan, Thailand*, Togo*, Tunisia*, Turkey*, Uganda, Ukraine*, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland*, United States of America, Uruguay*, Uzbekistan*, Venezuela*, Viet Nam*, Yemen*, Zambia*, Zimbabwe* and UNMIK (Kosovo)*.

42 per cent of Governments replied, in 33 per cent of cases further information was received from the source and **12 per cent of communications received follow-up**.