

Sofia International Model United Nations



SOFIMUN

1st – 8th of August 2015



STUDY GUIDE

FOR THE

UNITED NATIONS HUMAN

RIGHTS COUNCIL

Honorable delegates,

On behalf of SOFIMUN and Human Rights Council, we would like to wish you warm welcome on our 8th Sofia International Model United Nations Conference. We are looking forward to meet you and to have a fruitful conference.

We are your committee directors, Yousra Shawki and Piotr Smitnik.

Yousra is a 21 years old Egyptian graduate; she was born and raised in Cairo and graduated from Modern Sciences and Arts University, Faculty of Management sciences while Majoring in Economics. She is very passionate about MUN as she participated in numerous local and international conferences; this will be her 10th MUN experience and the 1st SOFIMUN experience. Aside from MUN, Yousra enjoys listening to different genres of Music and she loves traveling and exploring new countries; she also enjoys drawing especially doodling and Zentangle. Yousra was the secretary General for Arab League and Model United Nations in Cairo University this year and currently she works in a training company in Cairo called “Emmkan” that focuses on youth development and character building.

Piotr is a student of law at University College London, having previously studied law at the Warsaw University (2012-14). He has been MUNing since 2012 and has chaired MUN committees in Poland, Belarus and in the United Kingdom. He takes particular interest in international law and international politics, with predominant focus on Eastern European affairs and influence thereof on the Western World. An active participant in the British MUN circuit, Piotr had the privilege of contributing to DurMUN in Durham, BathMUN (as chair) in Bath, LeedsMUN in Leeds, as well as MUNeX in Colchester (all in 2015). Also, he is involved in the student debating circuit in the UK and beyond, specializing in team debating. Piotr is looking forward to leaving a positive and constructive mark on the conference. He is open to any questions regarding the MUN format, especially first-timers – the bigger the MUN family grows the more motivation and enthusiasm there is to keep holding conferences and cultivating the culture of MUN. Outside MUN and academia, Piotr is a long-standing Wikipedia administrator as well as a published poet.

This year’s topics are *The international Status of Refugees and Asylum-seekers from the Middle East and North Africa* as topic 1 and *Global challenges to the freedom of expression* as topic 2.

We hope that you find our study guides useful and we are open to any of your questions.

Yousra &Piotr

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D) HUMAN RIGHTS COUNCIL

The United Nations Human Rights Council, comprising 47 member states, was created in 2006 as the successor to the United Nations Commission on Human Rights by virtue of the Resolution A/RES/60/251 adopted by the General Assembly. Its chief responsibility is protection and promotion of human rights around the world. Article 4 of the Resolution declares that the Council's guiding principles include universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation. Member states are elected to serve 3-year terms. Plenary sessions are held three times a year, in March, June, and September. If one third of the Member States requests so, the Human Rights Council can decide at any time to summon a special ad hoc session to tackle human rights violations and emergencies.

Article 5 of Resolution 60/251 constitutes a non-exhaustive list of the Council's powers and responsibilities. These include: serving as a forum for dialogue revolving around human rights, making recommendations to the General Assembly for the further development of international law in the field of human rights and oversight of implementation thereof, enunciating and espousing human rights principles during sessions and conferences and sponsoring a multilateral approach bent on prevention of grave human rights violations. Article 5(h) requires the Council to work "in close cooperation in the field of human rights with Governments, regional organizations, national human rights institutions and civil society".

UNHRC operates a complaint procedure, with the revised version contained in Resolution 5/1, dated 18 June 2007. Petitions alleging violations of human rights may be submitted by individuals, groups, or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations¹. It is through the complaint procedure that most non-permanent Special Rapporteurs of the UNHRC have been appointed. For instance, in 2012 the Council mandated the Special Rapporteur on the situation of human rights in Eritrea to investigate further claims of grave human rights violations in that country, particularly directed at political opponents of the incumbent President, Isaias Afwerki².

In addition, a net of UNHRC-mandated permanent Special Rapporteurs and mandate holders has been set up. Those include thematic and country-specific mandate holders. Among the former are Rapporteurs of Education, Freedom of Opinion and Expression, Adequate Housing, Racism, Migrants, Right to Food, Slavery, Torture, Violence Against Women, Foreign Debt and Minority Issues³. Furthermore, there are Special Rapporteurs for countries such as Cambodia, North Korea, Haiti, Somalia, Sudan and Iran⁴.

The Council conducts a Universal Periodic Review, a cooperative examination process which involves a review of the human rights records of all UN member states. According Article 5(e) of Resolution 60/251, its overarching aim is to oversee "fulfilment by each State of its human rights obligations and commitments in a manner which ensures universality of coverage and equal treatment with respect to all States".

¹ 'Human Rights Council Complaint Procedure' (Office of the High Commissioner for Human Rights) <<http://www.ohchr.org/EN/HRBodies/HRC/ComplaintProcedure/Pages/HRCCComplaintProcedureIndex.aspx>> accessed 27 Apr 2015

² 'List of situations considered since the establishment of the complaint procedure' (Office of the High Commissioner for Human Rights October 2014) <<http://www.ohchr.org/Documents/HRBodies/ComplaintProcedure/SituationsConsideredUnderComplaintProcedures.pdf>> accessed 27 Apr 2015

³ 'Thematic mandates' (Office of the High Commissioner for Human Rights) <<http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx>> accessed 27 Apr 2015

⁴ 'Country mandates' (Office of the High Commissioner for Human Rights) <<http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx>> accessed 27 Apr 2015

Alongside the Council functions an Advisory Committee (also known as the UN Human Rights Committee), a body of 18 independent experts whose task is to provide impartial advice on the matters before the Council. Customarily, the Committee convenes ahead of the Council's sessions, with a view to devise a theoretical and conceptual framework for the matters to be discussed by the Council. The Committee held its latest session in Geneva in February 2015 where the following issues were debated: attacks against persons with albinism, human rights in post-disaster and post-conflict situations, the negative impact of corruption on the enjoyment of human rights, and human rights and unilateral coercive measures⁵. The Committee also considers the five-yearly reports submitted by 162 UN member states on their compliance with the International Covenant on Civil and Political Rights, ICCPR, and examines individual petitions concerning 112 States parties to the Optional Protocol.

Throughout its history, the Council has had several focus points. Channeling the executive functions through the Office of the High Commissioner for Human Rights, the Council has established over the last years several specialized commissions with the task of monitoring specific geographical areas for the purposes of inquiring into any possible human rights violations. Notably, the OHCHR in 2014 launched an investigation in Sri Lanka into alleged serious violations and abuses of human rights and related crimes by both parties to the civil war which ravaged the country for decades: the Sri Lankan military and the Tamil Tigers⁶. Violations of the right to life, freedom of expression and freedom of movement in North Korea are being examined by the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, established by Resolution 22/13 adopted on 21 March 2013. The Independent International Commission of Inquiry on the Syrian Arab Republic seeks to determine whether the Syrian Government in fact perpetrated crimes against humanity and undertook to intentionally violate the international criminal law in the wake of the civil war in Syria in 2011⁷. Actions of the Israeli military in the Palestinian Territories, especially on the West Bank and in the Gaza Strip, are monitored by an Independent Commission, which holds a bespoke investigation into the 2014 Gaza Conflict⁸.

⁵ 'Human Rights Council Advisory Committee concludes fourteenth session' (Office of the High Commissioner for Human Rights 27 Feb 2015)

<<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15625&LangID=E>> accessed 27 Apr 2015

⁶ 'OHCHR Investigation on Sri Lanka' (Office of the High Commissioner for Human Rights)

<<http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx>> accessed 27 Apr 2015

⁷ 'Independent International Commission of Inquiry on the Syrian Arab Republic' (Office of the High Commissioner for Human Rights)

<<http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>> accessed 27 Apr 2015

⁸ 'The United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict' (Office of the High Commissioner for Human Rights)

<<http://www.ohchr.org/EN/HRBodies/HRC/CoIGazaConflict/Pages/CommissionOfInquiry.aspx>> accessed 27 Apr 2015

II) TOPIC 1: THE INTERNATIONAL STATUS OF REFUGEES AND ASYLUM-SEEKERS FROM THE MIDDLE EAST AND NORTH AFRICA

INTRODUCTION

The Middle East and North Africa (MENA) region continues to witness major disputes, conflicts, as well as political and economic instability. This results into deterioration in the global refugees' problem since the region is one of the main sources of refugees⁹ and asylum seekers¹⁰ in the world.¹¹ Today the refugees' problem in the MENA region is one of the most crucial and drastic issues that affects not only the region but also the entire world on a political, economic and humanitarian levels.

Historically speaking, the Middle East (ME) has been always one of the main crossroads of humanity as cultures, ideas, and continents intersect in this region. People have been always moving in this region, though not always voluntarily. Similar to other troubled regions, the ME has produced and hosted millions of refugees over the past decades.¹²

Since the Arab Spring, the ME has been facing a difficult and long transition period, especially regarding refugees and asylum seekers. Its old and new refugee crises form one of the major current challenges in the region.¹³ This transition period has been witnessing massive refugees' movements within the MENA region which results into political tensions between and within the MENA countries.¹⁴ In addition, many overseas countries, especially the European ones, are affected by these political tensions since many Middle Eastern citizens seek refugee there in attempt to find a safer place for residence.

At the beginning of 2014, the number of displaced people reached 51.2 million which is the highest number recorded since the refugee crisis following the second World War. The number of refugees and asylum seekers have been increasing rapidly in the recent years, especially in the MENA region. An increase has been registered particularly in the number of internally displaced persons¹⁵ (IDPs), to reach 33.3 million in 2013 instead of 28.8 million in 2012. When it comes to refugees, the situation is not any better as the number of refugees also increased in 2013, from 16.4 to 17.9 million.¹⁶

The conflicts in the MENA region created extraordinary humanitarian needs and protection for people of concern to the United Nations High Commissioner for Refugees (UNHCR). Many believe that there is little hope of the situation improving in 2015 as there is lack of prospect for peace and stability in the MENA region in the near future. Since the region is the home to many overlapping crises as well as humanitarian emergencies, is likely to witness further external and internal displacement, with vast numbers of existing refugees and IDPs who require direct humanitarian support.¹⁷

⁹ Refugee: a person who has been forced to leave their country in order to escape war, persecution, or natural disaster.

¹⁰ Asylum Seeker: Someone who says he or she is a refugee, but whose claim has not yet been definitively evaluated

¹¹ UNHCR, (2015). "2015 UNHCR regional operations profile - Middle East and North Africa (MENA)." Available at: <http://www.unhcr.org/pages/4a02db416.html>

¹² Guterres, A (April, 2013). "STRUGGLE OF THE MIDDLE EAST REFUGEES", American University in Cairo. Available at: <http://www.aucegypt.edu/Gapp/CairoReview/Pages/articleDetails.aspx?aid=330>

¹³ IBID

¹⁴ Mikail, B (July 2013). "Refugees in the MENA region: what geopolitical consequences?" POLICY BRIEF, NO 162 - Available at: http://fride.org/download/PB_162_Refugees_in_the_MENA_region.pdf

¹⁵ IDP: is someone who is forced to flee his or her home but who remains within his or her country's borders.

¹⁶ Norwegian Refugee Council (2014), "51.2 million people were displaced at the beginning of 2014". Available at: <http://www.nrc.no/?aid=9147610#.VXI2LFWSx-I>

¹⁷ United Nations High Commissioner for Refugees (2015)

HISTORICAL BACKGROUND

The issue of refugees and Asylum seekers is not new to the MENA region as the region has been suffering from this problem for decades. This is due to the high political and economic instability, ethnic conflicts, civil wars and high number of disputes in the region.

Palestine

The issue of Palestinian refugees is one of the oldest and most crucial refugees' problems in the MENA region. This issue started as a result for the 1948 Palestinian War and the 1948 Arab-Israel War as many Palestinians fled their homes either willingly or by force.¹⁸ By the end of 1948, approximately 750,000 Palestinians became refugees; none of these refugees were ever allowed to return back to their homes or communities. The number of Palestinian refugees has continued to grow in the time that has passed since 1948.¹⁹ Most of the Palestinian refugees headed mainly for West Bank, Gaza, Syria, Trans Jordan and Lebanon; however, some ended up in the region which became the post-war state of Israel.²⁰

The 1948 Palestinian refugees as well as their descendants don't fall under the jurisdictions of UNHCR, but they fall under the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) which created different criteria for the classification of Palestinian refugee.²¹ With a broad humanitarian mandate UNRWA mainly focuses on health care, education, social services, and microfinance; most of UNRWA's employees are refugees themselves.²² Most of the Palestinian refugees have kept the refugee status for generations, under a special decree of the UN.²³

Lebanon

During the Lebanese Civil war ((1975–90) many were displaced as it is estimated that some around 900,000 people, representing one-fifth of the pre-war population had to flee their homes.²⁴ That was not the only refugee crises in Lebanon as in 2006 approximately one million Lebanese were temporarily displaced although most were able to return to their homes.²⁵

¹⁸ Fischbach, M. "The Peace Process and Palestinian Refugee Claims", US Institute of Peace Press, 2006 pages: 9

¹⁹ American Service Committee. "Palestinian refugees and the right of return". Available at: <https://afsc.org/resource/palestinian-refugees-and-right-return>

²⁰ <http://www.government.se/contentassets/33c48ee525fb42bdaa34517753bc04f4/study-paper-16-the-palestinian-refugees-after-five-decades-of-betrayal---time-at-last>

²¹ UNHCR. "convention and protocol relating to the Status of Refugees" Available at: <http://www.unhcr.org/3b66c2aa10.html>

²² Guterres, A (April, 2013). "STRUGGLE OF THE MIDDLE EAST REFUGEES", American University in Cairo. Available at: <http://www.aucegypt.edu/Gapp/CairoReview/Pages/articleDetails.aspx?aid=330>

²³ UNHCR. "convention and protocol relating to the Status of Refugees" Available at: <http://www.unhcr.org/3b66c2aa10.html>

²⁴ "LEBANON: Haven for foreign militants" Available at: <http://www.irinnews.org/report/72218/lebanon-haven-for-foreign-militants>

²⁵ BBC News (2006). "Middle East crisis: Facts and figures" Available at: http://news.bbc.co.uk/2/hi/middle_east/5257128.stm

Kurdish Refugees

Between 1984 and 1999, an open war took place between the Turkish Armed Forces and groups representing the Kurdish people. Most of the countryside in the southeast was depopulated as the Kurds started to flee to local defensible areas such as Sirank and as Diyarbakr; they also fled to the cities of western Turkey and western Europe. Almost 3,000 Kurdish villages in Turkey were virtually removed from the map resulting in the displacement of more than 378,000 people.²⁶

CURRENT DEVELOPMENTS

Palestine

Today, more than 5 million Palestinian refugees are dispersed across the Middle East, with hundreds of thousands more are scattered throughout the world. Most of the Palestinian refugees are located in Lebanon, Jordan, and Syria in addition to Gaza Strip and the West Bank. Currently, one of the major problems facing the Palestinian refugees is that UNRWA has been facing serious funding problem exposing one of the world's most vulnerable refugee populations at a greater risk.²⁷

The current Palestinians' refugee status leaves them at great risk, and with every crisis happening in their host countries in recent years, situation is deteriorating. After the fall of Saddam Hussein, a large number of Palestinians in Iraq were harassed and tortured as they were targeted attacks. Thousands Palestinians who attempted to escape were trapped, many of them in the no-man's land near the borders with Jordan and Syria where they lived for years in harsh desert conditions. UNHCR tried to ensure their safety and 3,000 vulnerable Palestinian refugees were eventually resettled different countries. Yet, the situation of many of Palestinians refugees in Iraq continues to be fragile.²⁸

Iraq

The violence in Iraq pushed More than two million Iraqis to flee their homes. By November 2006, an estimated 1.8 million Iraqis sought refuge in the neighboring countries and at least 500,000 more had been displaced within Iraq itself.²⁹ Currently, the situation in Iraq is not getting any better as the deteriorating security situation and armed conflict in Anbar and Ninewa Governorates have triggered new waves of internal displacement. It is estimated by the Iraqi Government and the Kurdistan Regional Government (KRG) that 1.8 million Iraqi were displaced due to the insecurity in Iraq by September 2014. the Iraqi internal displacement situation was declared a UN system-wide Level-3 emergency in August 2014.³⁰

²⁶ DISPLACED AND DISREGARDED Turkey's Failing Village Return Program, Vol 14, No7 (D)

²⁷ Guterres, A (April, 2013). STRUGGLE OF THE MIDDLE EAST REFUGEES, American University in Cairo. Available at: <http://www.aucegypt.edu/Gapp/CairoReview/Pages/articleDetails.aspx?aid=330>

²⁸ Guterres, A (April, 2013). STRUGGLE OF THE MIDDLE EAST REFUGEES, American University in Cairo. Available at: <http://www.aucegypt.edu/Gapp/CairoReview/Pages/articleDetails.aspx?aid=330>

²⁹ Fatlawi, A. The Humanitarian Suitation of Iraqi Refugees, The International Bure of Humanitarian NGOs. Availabe at: <http://www.humanitarianibh.net/english/article/Humanitarian%20situation%20of%20Iraqi.htm>

³⁰ UNHCR, (2015). 2015 UNHCR regional operations profile - Middle East and North Africa (MENA). Available at: <http://www.unhcr.org/pages/4a02db416.html>

Syria

Since the conflict in Syria that started over 4 years ago, more than 3 million Syrians have sought refuge in the MENA region. The number of Syrian refugees continues to grow everyday as the average rate of new registration arrivals is over 100,000 per month. Syrians don't only seek refuge in the MENA region as over 50,000 Syrians have sought asylum in more than 90 countries outside the MENA region.³¹ Despite the difficulties, UNHCR has been providing basic relief items to more than 3 million IDPs in Syria.³²

In February 2014, the United Nations Security Council (UNSC) adopted resolution 2139 aiming at improving the delivery of humanitarian help to Syria. However, on ground, there was little progress and the needed assistance was not always been provided. In July 2014, the UNSC adopted resolution 2165 which authorized the use of routes across conflict lines and four border crossings in order to deliver the humanitarian help to the people in need. Lebanon continues to receive large numbers of Syrian refugees; as of mid-September 2014, nearly 1.2 million refugees were registered with UNHCR.³³

By the end of August 2014, around 833,000 Syrians were registered with UNHCR in Turkey. Nevertheless, the Turkish Government estimates that there are at least 1.15 million Syrians in the country. Jordan, which is hosting more than 610,000 Syrian refugees, witnessed a huge number of new arrivals in the beginning of 2014. Most of the Syrian refugees are living in host communities. The Jordanian Government opened a new camp "Azraq" in April 2014 to complement Al Zaatari camp which is the largest refugee camp in Jordan. In Iraq, more than 215,000 Syrian refugees were registered with UNHCR by August 2014; more than 95% of them are hosted in the Kurdistan region. The rapidly increasing number of Syrian refugees is placing additional pressure on the local infrastructure of the host countries.³⁴

Yemen

Yemen continues to face a complex humanitarian situation due to the insecurity, water scarcity, localized conflicts and the extreme poverty. The number of IDPs has rose significantly in 2014 as a result of recent conflicts in Yemen more than 334,000 people registered as IDPs across the country. Moreover, Yemen hosts 246,000 registered refugees, 95% of whom are Somalis.³⁵

³¹ UNHCR, (2015). 2015 UNHCR regional operations profile - Middle East and North Africa (MENA). Available at: <http://www.unhcr.org/pages/4a02db416.html>

³² UNHCR, (2014). "Update on UNHCR's operations in the Middle East and North Africa", Executive Committee of the High Commissioner's Programme, Sixty-fifth session, Regional update - Middle East and North Af Available at: <http://www.unhcr.org/541aa1dd9.pdf>

³³ UNHCR, (2014). "Update on UNHCR's operations in the Middle East and North Africa", Executive Committee of the High Commissioner's Programme, Sixty-fifth session, Regional update - Middle East and North Af Available at: <http://www.unhcr.org/541aa1dd9.pdf>

³⁴ UNHCR, (2014). "Update on UNHCR's operations in the Middle East and North Africa", Executive Committee of the High Commissioner's Programme, Sixty-fifth session, Regional update - Middle East and North Af Available at: <http://www.unhcr.org/541aa1dd9.pdf>

³⁵ UNHCR, (2015). 2015 UNHCR regional operations profile - Middle East and North Africa (MENA). Available at: <http://www.unhcr.org/pages/4a02db416.html>

Eventhough Yemen currently is facing various challenges, it continues to receive a considerable number of refugees fleeing the Horn of Africa across the Gulf of Aden and the Red Sea. Yemen still maintains an open door policy for Syrian and Somali refugees as it grantes them access to diffrent public services as well as employment opportunities. More than 245,000 refugees who are currently hosted in Yemen became increasingly vulnerable since they used rely heavily on the humanitarian assistance provided to them and operational and security environment have hampered the access and the regular delivery of aid. During March 2014, an inter-agency humanitarian response plan for Yemen was launched, seeking \$592 million to assist 7.6 million of the 14.7 million persons in need of humanitarian assistance in the country.³⁶

Libya

In October 2014, it was estimated that more than 287,000 Libyans have fled the conflict in Libya since it started three years ago in a NATO-backed uprising to topple its long serving leader Muammar Gaddafi.³⁷ The security situation in Libya resulted into at least 140,000 IDPs in September 2014.³⁸

WHY IS THIS TOPIC IMPORTANT?

This topic is extremely crucial as the refugee problem in the MENA region is affecting the entire world. There is a huge geopolitical effect as people in the MENA region don't flee to the bordering countries only but also to oversees countries specially Europe. Moreover, the movements within the MENA regions cause a lot of political tension between the MENA countries resulting into further political and economic instability. Since the MENA region is a strategic one and since most of the countries in the world have economic ties with MENA countries, the entire world will be negatively affected due to this political and economic instability. Finally, this topic is important since there has to be a long term solution to the problem since the short term solutions only depends on financial aid and humanitarian assistance from the developed countries; this impose extra pressure on the donor countries.

RESEARCH QUESTIONS

- 1) How is your country affected by the refugee issue in the MENA region?
- 2) What are the root causes of the refugees issues in the MENA region?
- 3) Are refuges always a burden to host countries?
- 4) How are the refugees treated in the host countries?
- 5) What is your country's polices regarding hosting refugees?
- 6) What are the possible long term solutions to the current issue?
- 7) What is the possibility of the right to return for the refugees in the MENA region?
- 8) What is the difference between the refugees and the IDPs problems?
- 9) Are the efforts of the international community enough regarding the refugee issue in the MENA region?
- 10) What is the role of the UN, especially, UNHCR regarding the MENA refugees?

³⁶ UNHCR, (2015). 2015 UNHCR regional operations profile - Middle East and North Africa (MENA). Available at: <http://www.unhcr.org/pages/4a02db416.html>

³⁷ Libyan crisis pushes number of refugees to 300,000 – UN, 2014. Available at: <http://rt.com/news/195196-libya-crisis-un-refugees/>

³⁸ UNHCR, (2015). 2015 UNHCR regional operations profile - Middle East and North Africa (MENA). Available at: <http://www.unhcr.org/pages/4a02db416.html>

III) TOPIC 2: FREEDOM OF EXPRESSION

INTRODUCTION

Freedom of expression is a universally acknowledged human right, enshrined in all the stellar human rights documents produced by mankind. Acknowledged in the Universal Declaration of Human Rights, it is expounded so that “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”. Article 10 of the European Convention on Human Rights declares that “everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers”. Article 19 of the International Covenant of Civil and Political Rights guarantees “the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. Moreover, provisions to similar effect have been incorporated to constitutions of almost all states in the world (most famously, the First Amendment to the Constitution of the United States), including however those where safeguards against unwarranted state interference with freedom of expression remain dead letter. For that matter, Article 67 of the Constitution of North Korea states that “Citizens shall have freedom of speech, press, assembly, demonstration, and association. The state shall guarantee conditions for the free activities of democratic political parties and social organizations”.

Freedom of expression, a term frequently used interchangeably with freedom of speech, commonly serves as an umbrella term, as appears evident from the definitions presented above, for a set of correlated rights: freedom to seek, receive, access, impart and process information and ideas. In addition, freedom of expression bears links to a whole array of human rights such as right to a fair hearing, freedom of association and freedom of the press. The Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression adopted by the UN General Assembly at its 69th session in 2013 talks at length about “right to truth” being an integral part of freedom of expression. According to the Report, right to truth “can be characterized as the right to know, to be informed or to freedom of information” and underscored its particular importance for victims and families of victims of human rights violations³⁹.

Recognised as a cornerstone of democracy, freedom of speech, however fundamental, allows for certain limitations. John Stuart Mill’s classic “harm principle” (“the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.”) is contemporarily subsumed under the category of hate speech. The concept has inspired spirited discussions in recent years with relation to, for example, Charlie Hebdo’s cartoons of Prophet Mohammad and Holocaust denial.

Numerous countries have been condemned by UN bodies, including the Human Rights Council, for their violations of freedom of expression, most recently Iran, Eritrea, Djibouti and North Korea. So as to rectify the situation, the Special Rapporteur in his 2013 Report recommends promoting the right to access information, facilitating modes of sharing information, opinions and ideas and clamping down on censorship, while espousing an international framework of coordinated control of freedom of speech legal regulations.

³⁹Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.A68/362. Para 14-16

HISTORY

Delineating the boundaries of freedom of expression and working out a cohesive set of safeguards with a view to protecting it is something civilized societies have grappled with for centuries. Socrates was indicted of and ultimately charged with corruption of youth through his teachings, or, as his detractors would say, through his preaching. The Catholic Church decreed in 1543 that no book could be printed or sold without permission of the church. In 17th century Galileo was hauled before the Inquisition after claiming the sun does not revolve around the earth. The Bill of Rights, the cornerstone of English civil liberties, was a product of denying the legitimate King, James II, the right to express his religious views. Since its inception at the end of 15th century in France, postal service was notoriously utilized by government authorities not only as a system of person-to-person and country-to-country communication, but also as an instrument of censorship in many countries, particularly in times of war⁴⁰⁴¹.

The French Declaration of the Rights of Man and of the Citizen (1789) for the first time officially stated that “any citizen may therefore speak, write and publish freely, except what is tantamount to the abuse of this liberty in the cases determined by Law” (Article 11). The underlying premise was “the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights” (Article 4). It was for the law to determine the boundaries of freedom of speech.

The development of freedom of expression in the United States is a model example of gradual expansion through extrapolation and building up on fundamental concepts enshrined in the Constitution, effectively putting a gloss over the First Amendment. The Supreme Court particularized and enunciated key paradigms of the First Amendment: non-disruptive, passive, symbolic speech cannot be censored just because it makes others uncomfortable (*Tinker v Des Moines Independent School District*⁴²), upheld schools’ right to regulate, with some limitations, the content of student newspapers and other publications that are paid for by the school and bear its name (*Hazelwood School District v Kuhlmeier*⁴³), limited state leeway in restricting free speech to instances of incitement to undertake illegal action (*Brandenburg v Ohio*⁴⁴) and defended the freedom of artistic expression by allowing Dickens’s *Oliver Twist* to remain in schools despite allegations that it was anti-semitic and racist (*Rosenberg v. Board of Education of City of New York*⁴⁵).

Another historical example of progressive jurisprudence, however still burgeoning, is the European Court of Human Rights, which has expanded the scope of Article 10 of the European Convention (extracted above) to counteract excessive state interference. In *Handyside v United Kingdom*⁴⁶ the court held that “freedom of expression is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population”. *Lingens v Austria*⁴⁷ draw a distinction between facts and value judgments, the latter being not susceptible to libel charges so long as they are based on facts which authenticity is beyond dispute. In other words, one is permitted to form an opinion of virtually whatever form and substance and truthfulness or otherwise thereof cannot form basis of any crime or tort at law. This view is problematic since several countries, including Poland, Austria, Czech Republic and Ukraine penalize holocaust denial, however the official standpoint is that such activity is an outright violation of the *Lingens* judgment as it denies universally accepted facts, assertions which cannot be labelled as “opinions”.

⁴⁰MetteNewth, 'The Long History of Censorship' (beaconforfreedom.org 2010)
<http://www.beaconforfreedom.org/liste.html?tid=415&art_id=475> accessed 27 Apr 2015

⁴¹ John Paul Stevens, 'Freedom of Speech' [1972] Yale Law Journal 1293-1313

⁴² 393 U.S. 503 (1969)

⁴³ 484 U.S. 260 (1988)

⁴⁴395 U.S. 444 (1969)

⁴⁵ 92 N.Y.S.2d 344 (Sup. Ct. Kings County 1949)

⁴⁶ (1979-80) 1 E.H.R.R. 737

⁴⁷ (1986) 8 E.H.R.R. 407

The Court in *Jersild v. Denmark*⁴⁸ held that a journalist was not responsible for the views expressed by their interviewee. *Leander v Sweden*⁴⁹ recognised the existence of the public's right to receive information and the right of access to information which was likewise which "basically prohibits a government from restricting a person from receiving information that others wish or may be willing to impart to him" (para 122). In this way freedom of expression has been linked with freedom of communication.

In spite of principled activity of the courts, governments around the world historically failed to abide by the refined manifestations of freedom of speech. It was very tempting for state authorities to use limitations of freedom of speech recognized by the courts and activists (e.g. such that is essential to maintain stability in the country or to protect national security from external aggression) and stretch it beyond limits. Political repressions in the Soviet Union, with secret police and civilian informants tracking every hint of political incomppliance is only one of a myriad examples. Restraining freedom of expression became to be inextricably entrenched in the philosophy of authoritarian and totalitarian regimes of the 20th century, regimes which clamped down on freedom of speech under various pretexts. The Duvalier regime in Haiti banned all newspapers, deeming them "ideologically useless, with no educative role to perform". The Khmer Rouge in Cambodia followed suit, denouncing reading and writing as bourgeois and therefore unacceptable. EnverHokha, the dictator of Albania, maintained a specially designated cohort of writers, while banning all unauthorized literary activity as "socially counterproductive".

However, as evident from ECHR's jurisprudence, also Western World countries struggled to come to terms with all the implications of freedom of speech, the inconvenience it may cause to governments in democratic, participatory political systems. As time passed by, the most important human rights documents of the era were accorded novel, nuanced meanings by the judiciary, and the executive, as well as citizens, were presented with new, purposive interpretations of freedom of speech, so that it was able to be accommodated in the ever-changing world of 21st century.

CONTEMPORARY IMPLICATIONS

The challenges in modern times remain largely unchanged: freedom of speech must be protected not only from encroaching advances pursued by governmental authorities, but also non-state actors and fellow citizens. It becomes increasingly important to acknowledge novel techniques by which freedom of speech may be limited and by which it can be abused. The idea behind safeguarding freedom of speech is intact and never-changing: one's unwarranted restriction of freedom of speech may be another's abuse.

However, the same is not true about the legal and social development of freedom of speech and its understanding in civilized societies. Some commentators observe that with the rise of national and religious extremism in Europe and beyond, governments and the judiciary may be willing to accept more far-reaching limitations of freedom of speech with a view to curbing hate speech and so-called "criminal speech", expression which incites to engage in illegal behavior. On the other hand, it may be feared that certain changes in mentality and legal reality may be irreversible. The more freedom of speech will be limited out of will to quell socially and politically undesirable behavior, the more probable scenario it is that certain usages of freedom of speech, hitherto legitimate, will now fall outside of what will be permissible. Also, it has become clear over the past years, that European understanding of at least certain facets of the umbrella term that is freedom of expression may deviate from that espoused in the United States, the forerunner of the right in the Western Hemisphere.

⁴⁸ (1995) 19 E.H.R.R. 1

⁴⁹ (1987) 9 E.H.R.R. 433

The European Court of Human Rights in a very controversial 2013 judgment held in *Animal Defenders International v United Kingdom*⁵⁰ that ban on political advertising (refusal of permission to have the organization's commercial aired, which was geared against the use of animals for commercial and leisure reasons and scientific testing) did not violate Article 10. The bare majority (9:8) was of the opinion that "wealthy bodies with agendas being fronted by social advocacy groups created for that precise purpose" (pressure groups) may exert undue influence on the media agenda, and therefore overuse their freedom of speech. By contrast, the Supreme Court of the United States in *Citizens United v. FEC*⁵¹ affirmed the right of non-profit political campaigning organisations to undertake independent political expenditures (the case revolved around a video derisive towards one of election candidates). It may appear curious, as one commentator has pointed out, that in modern times a general and indiscriminate ban in Europe on one of the most inherent human rights that is limitation of political speech or public interest speech was in some way more "justifiable" than other restrictions, seemingly more selective, disapproved of by the Court in its previous rulings, most notably *VgTVereingegenTierfabriken v Switzerland*^{52,53}.

Those discrepancies and worries stemming therefrom, inter alia, are reflected in annual Reports submitted by Special Rapporteurs. Especially in recent times, the Human Rights Council has been very sensitive to the question of freedom of speech limits, and has pledged to delineate the boundaries between constructive criticism and hate speech. Inasmuch as the UNHRC has consistently displayed a firm stance against hate speech, the 2015 Report⁵⁴ provides a comprehensive overview of its root causes, cultural, religious, political and social conditions, identifying lack of tolerance as the bedrock for freedom of speech violations (para 26). The Report observes that violating freedom of speech has been extensively being put to action by militant and terrorist groups, including Al-Qaeda and ISIL.

It is an indisputable fact that the scope of definition given to freedom of expression, as well as legal and executive safeguards accorded thereto both by courts and state authorities are vital factors in the battle to counter violations of this indispensable human right.

Some of the latest UN-recognised instances of grave freedom of speech violations and hate speech occurrences include:

- During the Rwandan genocide (1994), hate messages broadcast on the radio referred to Tutsis as "cockroaches" and issued instructions to kill them. Nearly one million people were killed⁵⁵
- Following 9/11 attacks, anti-islamic hysteria led to certain media outlets identifying Islam with terrorism, which, according to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, is a major driver of resurgent Islamophobia around the world⁵⁶
- Derogatory language targeted at the Roma community. A Special Rapporteur, on behalf of the Human Rights Council, condemned in 2013 untrue allegations with regard to supposed criminal tendencies amongst the Roma people. She called on political leaders to "to exercise restraint and refrain from dangerous generalizations on the supposed criminality of Roma. Such irresponsible coverage and hateful rhetoric will only trigger further stigmatization and

⁵⁰ (2013) 57 E.H.R.R. 21

⁵¹ 558 U.S. 310 (2010)

⁵² (2002) 34 E.H.R.R. 4

⁵³ Rosalind English, 'Strasbourg ties itself in knots over advertising ban' (UK Human Rights Blog 23 Apr 2013) <<http://ukhumanrightsblog.com/2013/04/23/strasbourg-ties-itself-in-knots-over-advertising-ban/>> accessed 28 Apr 2015

⁵⁴ Report of the Special Rapporteur on minority issues, Rita Izsák. A/HRC/28/64. 5 January 2015

⁵⁵ 'Rwanda genocide: 100 days of slaughter' (BBC 7 Apr 2014) <<http://www.bbc.co.uk/news/world-africa-26875506>> accessed 30 Apr 2015

⁵⁶ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, GithuMuigai, on the manifestations of defamation of religions, and in particular on the ongoing serious implications of Islamophobia, for the enjoyment of all rights by their followers. A/HRC/15/53. 12 July 2010. Para 33-39

even violence against Roma individuals and communities. I urge journalists to cover these issues responsibly.⁵⁷

- Inflammatory influence of hate speech throughout the civil unrest in the Central African Republic in 2014; there were incidents reported where media referred to Muslims as “rotten potatoes” and described state policy towards the Islamic population of the country as “cleansing operations”⁵⁸
- Hatred and violence directed at Muslim and Christian communities by Buddhist groups with extremist views in Sri Lanka in 2014⁵⁹
- ISIL: online platforms, including Twitter, Facebook, Instagram and Youtube, to deliver updates on their actions as well as to reach out to potential donors and recruits, including posting videos and graphic material⁶⁰

Those instances aside, the international community over the last years have drawn attention to numerous blatant breaches of freedom of speech carried out by state authorities in an attempt to suppress political and artistic expression. In Saudi Arabia, RaifBadawi, a liberal blogger, was arrested in 2012 on a charge of apostasy and sentenced to flogging⁶¹. Also in 2012, OgtayGulaliyev, a public speaker and human rights activist from Azerbaijan, was arrested. Originally charged with "swearing in a public place", the charges were later upgraded to "active resistance to authorities' legal orders" and "incitement to mass riots and to violence against citizens"⁶². In China, waves of mass arrests of outspoken opponents of the regime have created a new generation of dissidents. GuoFeixiong, known as a dissident writer and "barefoot lawyer", who has worked on several controversial issues to defend the rights of marginalized groups, was detained between 2006-11 and then again from 2013 (charged with "gathering a crowd to disrupt order in a public place") for his writings and vocal criticism of the Chinese government⁶³. GuoXiaojun was arrested in 2010 after publishing a paper on alternative organization of the education system in China and was charged with "using a heretical organization to subvert the law"⁶⁴. Hu Jia, the director of the think tank June Fourth Heritage & Culture Association, was held in custody between 2008-11 on fabricated charges for his AIDS advocacy and involvement in the environmentalist movement which culminated in a series of interviews given to Western media outlets. Since then he has been held under house arrest⁶⁵.

⁵⁷ Rita Izsák, 'Roma in Europe: Guilty until proven innocent?' (Office of the High Commissioner for Human Rights 29 Oct 2013) <<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13915&>> accessed 30 Apr 2015

⁵⁸ Mohamed Keita, 'Addressing Hate Speech in African Digital Media ' (21 Apr 2015) <<http://www.worldpolicy.org/blog/2015/04/21/addressing-hate-speech-african-digital-media>> accessed 30 Apr 2015

⁵⁹ Agence France-Presse, 'Sri Lanka to tackle online hate speech, says military' (30 Jun 2014) <<http://phys.org/news/2014-06-sri-lanka-tackle-online-speech.html>> accessed 30 Apr 2015

⁶⁰ J.M. Berger, 'How ISIS Games Twitter' (The Atlantic 16 Jun 2014) <<http://www.theatlantic.com/international/archive/2014/06/isis-iraq-twitter-social-media-strategy/372856/>> accessed 30 Apr 2015

⁶¹ James Dunn, 'RaifBadawi: Saudi Arabia 'surprised and dismayed' at criticism of flogging of liberal blogger ' (The Independent 8 March 2015) <<http://www.independent.co.uk/news/world/middle-east/saudi-arabia-surprised-at-criticism-of-blogger-badawi-flogging-10094429.html>> accessed 15 May 2015

⁶² 'Charges Remain (since 2012): OgtayGulaliyev' <<http://azerbaijanfreexpression.org/campaigns/impunity/ogtay-gulaliyev/>> accessed 15 May 2015

⁶³ 'GuoFeixiong ' (Human Rghts in China) <<http://www.hrchina.org/en/defenders/guo-feixiong/>> accessed 15 May 2015

⁶⁴ Former Shanghai Jiao Tong University Teacher GuoXiaojun Arrested ' (17 January 2010) <<http://en.minghui.org/html/articles/2010/1/17/113970.html>> accessed 15 May 2015

⁶⁵ 'China: End Unlawful Practice of House Arrest' (Human Rights Watch 24 October 2012) <<http://www.hrw.org/news/2012/10/24/china-end-unlawful-practice-house-arrest>> accessed 15 May 2015

Exercise of freedom of speech has led, in some parts of the world, to serious social and political ramifications, including violent clashes between the public and government. In May 2013 an article in the national newspaper of Kyrgyzstan sparked nationwide protests as 3,000 people stormed the Kumtor Gold Mine demanding it be nationalized or provide more social benefits⁶⁶. Peruvian Alberto Pizango, the leader of AIDESEP, the premier indigenous rights organization in Peru, has been since 2009 in the epicenter of controversies regarding the rights of indigenous peoples. In May 2008, following the government's decision to pass regulations allowing companies access to the Amazon, natives conducted more than a year of declared opposition and advocacy to change this policy, including 65 straight days of civil disobedience⁶⁷. In June 2009, the government suspended civil liberties, declared a state of emergency, and sent in the military to stop the protests. High fuel prices and poor working conditions led to nationwide protests in Cameroon, Nigeria and Sierra Leone in 2008 and were publicized all around the African continent⁶⁸.

Non-governmental organisations, such as Amnesty International, have repeatedly alerted the international community about the dynamics of recent events in Russia. In recent years Russia saw the rise of an opposition movement which extensively utilizes social media and blogging so as to mobilise public support for its undertakings. In 2008 a Red Square protest was quelled by the police who detained several protesters and spectators, and tried to destroy all record of the event. In December 2011 a 60,000-strong protest erupted in Moscow, stirred by claims by Russian and foreign journalists, political activists and members of the public that the election process was flawed. The unrest continued into 2012 and 2013, with its leader Alexei Navalny voicing his criticism of corruption and of President Vladimir Putin through various media channels. Navalny was arrested and fined for his involvement in the protests. In 2014 the so-called March of Peace took place in Moscow a day before the Crimean referendum⁶⁹.

⁶⁶ Leila Saralayeva, 'Hundreds storm office of Canadian Centerra mine in Kyrgyzstan, 55 wounded in clashes' (Financial Post, Associated Press 2013) <<http://business.financialpost.com/news/mining/kyrgyzstan-declares-state-of-emergency-as-centerra-mine-protest-turns-bloody>> accessed 15 May 2015

⁶⁷ Jeremy Hance, 'Crisis averted for now, Peruvian natives will meet with Hunt Oil' (28 October 2009) <http://news.mongabay.com/2009/1027-hance_hunttwo.html> accessed 15 May 2015

⁶⁸ 'Anti-government rioting spreads in Cameroon' (The New York Times 7 December 2008) <http://www.nytimes.com/2008/02/27/world/africa/27iht-27cameroon.10504780.html?_r=0> accessed 15 May 2015

⁶⁹ Emily Parker, 'Can the Internet Defeat Putin?' (The New York Times 30 December 2014) <<http://www.nytimes.com/2014/12/31/opinion/aleksei-navalny-and-russias-protesters-face-a-tough-battle.html>> accessed 15 May 2015

PRIORITIES FOR THE FUTURE

The Human Rights Council in 2010 identified ten key challenges to be faced by the international community with regard to protection of freedom of expression⁷⁰:

- Mechanisms of government control over the media
- Criminal defamation
- Violence against journalists
- Limits on the right to information
- Discrimination in the enjoyment of the right to freedom of expression
- Commercial pressures
- Support for public service and community broadcasters
- Security and freedom of expression
- Freedom of expression on the Internet
- Access to information and communications technologies

The Report expresses particular concern about political influence over media, especially those which are state-owned. Imposition of stringent registration requirements and conditioning proper functioning of the media upon state authorization, as well as direct government control over licensing or regulation of broadcasters, are perceived to be significant dangers both in democratic and non-democratic societies. The Council warns against politicians and political parties owning media outlets or acquiring stakes therein. Political motivated legal cases brought against media outlets and retention of antiquated legal rules which seek to penalize criticism of government – were dismissed as deplorable.

Criminalization of libel, slander and defamation is considered by the Council to be a “traditional” threat to freedom of expression. The Council underscored the failure of many legal systems to require the plaintiff to prove key elements of the offence such as falsity and malicious state of mind (*mens rea*; intention to defame). Also, laws which penalize substantively true statements, but which may be viewed by some people as undeservedly critical, should be beyond the ambit of defamation. The Report recommends that public officials and figures tolerate a greater degree of criticism than ordinary citizens – as public figures they are inherently more vulnerable to such attacks and should not shield themselves under the veil of defamation laws. In addition, the legal reaction to defamation is important: unduly harsh sanctions such as imprisonment, suspended sentences, loss of civil rights, including the right to practice journalism, and excessive fines shall be used with extreme caution.

The Council has serious reservations about apparent impunity of offenders when it comes to violence towards journalists, particularly to a dearth of preventative measures which would effectively prevent journalists from abuse.

Access to information appears to be the bedrock of the Council’s concerns. The Report emphasizes the fact that a majority of States have still not adopted laws guaranteeing the right to information. For the future the Report advocates strengthening laws in the area and implementation thereof so that larger portions of populaces acquire right to public information. At the centre of this problem lies, in the opinion of the Council, the lack of openness around elections, when the need for transparency is particularly high.

⁷⁰Report of the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression. Addendum: Tenth anniversary joint declaration: Ten key challenges to freedom of expression in the next decade. A/HRC/14/23/Add.2. 25 March 2010

The Council stresses its support for open and pluralist media. Food for thought for the future shall be tendered by the need to ensure public funding support for public broadcasters. Political and social actors must also realize the potential of the Internet as a tool to promote the free flow of information and ideas. In its Resolution 20/L.13 the Human Rights Council expressed a strong conviction that protection afforded by Article 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights shall be expanded so as to cover Internet communication. The Council underscored “the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms”.

Access to modern sources of information, with the Internet at the forefront, is considered by the Council to be a centerpiece of their far-reaching strategy for the future. At the moment, pricing policies of major media companies render the poor unable to access the Internet and entrench rifts between social classes. The Council firmly believes that information is a fundamental human rights which means both power and education, two powerful tools for human development. The 2010 Report prioritizes the urgent need for fashioning and providing adequate training and education efforts, especially among poor, rural and elderly populations.

In addition, the 2015 Report on minorities (referred to above) put considerable emphasis on the lack of institutional preparation of states to combat incessant spread of hate speech. As the Rapporteur writes, “many States continue to lack domestic anti-discrimination and anti-hate speech laws and, even where they exist, implementation of the law is often poor and court cases are rare. States must not make quick or easy assumptions that minorities feel secure because of constitutions and laws that codify minority rights on paper. It is essential that States find ways to understand the feelings and concerns of minorities and that the required institutional attention to minority issues and consultative bodies and processes is in place”⁷¹.

WHY IS THE SUBJECT IMPORTANT?

The gravity and relevance of freedom of speech do not stem solely from it being enshrined in the finest instruments of international law, such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the European Convention of Human Rights. Its implications are more far-reaching, and more down-to-earth, intrinsically mundane. It is an indispensable feature of most professions, particularly those most vulnerable to public criticism, such as journalism and politics. It is the primary vehicle for artistic and scientific expression.

It is also true that if freedom of expression did not carry great weight in contemporary society, it would not be subject to so many flagrant and notorious breaches all over the world. Oppressive regimes and non-state actors have a vested interest in suppressing freedom of speech, to scupper political, social and cultural opposition to their undertakings. Freedom of speech is a powerful tool and breaches thereof may potentially do great harm.

It is evident that freedom of speech is not only a good which deserves meticulous protection. Due to its potential power, often released inadvertently by people oblivious to ramifications of its overuse, freedom of speech must be used wisely and carefully.

Therefore, it is only the more worthwhile to discuss the topic at a UN simulation. Because it has been debated many times prior and the cleverest minds have been racking their brains striving to work out internationally enforceable safeguards to no avail. Because there are too many people and too many entities out there in the world whose objective is to bend this fundamental human right to their particular interests. Because new challenges, not only technological innovations, pose novel threats to freedom of speech and demand new unrelenting efforts to contain them.

Because freedom of speech matters to all of us.

⁷¹ Report of the Special Rapporteur on minority issues, Rita Izsák. A/HRC/28/64. 5 January 2015. Paragraph 33

RESEARCH QUESTIONS

1. Do you agree with the objectives singled out by the Human Rights Council? Can you think of any other imminent dangers to freedom of expression that societies will be compelled to grapple with in the future?
2. Where shall the limits on human rights (libel, slander, incitement to commit crime, hate speech) lie?
3. Is democracy better equipped to protect freedom of expression than other political and social systems?
4. Is it possible to instate any form of universal oversight mechanism, sponsored by a breadth of state actors, with an aim to monitor, report and, if required, prevent blatant violations of freedom of speech?
5. What is the role of modern technologies in promoting freedom of speech and curbing suppression thereof?
6. How can the spread of hate speech be combatted?
7. How to protect freedom of speech in areas where it is limited due to religious, traditional or moral considerations?
8. Shall exponents of freedom of expression educate (seek to persuade) establishments and societies that freedom of expression is not a tool utilized to topple legitimate governments?
9. What role, if any, should non-governmental organisations and international bodies, including UN-affiliated, take in the process?
10. How important are judicial developments in the field? How can they be used so as to render the culture of freedom of speech more ubiquitous around the world?