



UNHRC – Study guide

Wendy Dewit

Winona Kamphausen

Honourable delegates,

It is with the great pleasure that we welcome you to the United Nations Human Rights Council at KAMUN 2020.

We've opted for the broad topic "Freedom of Expression" for you to be able to choose the topic you deem most relevant for your country.

Freedom of expression is a human right that still isn't guaranteed in several states in the world.

The oppression of this human right is not only limited to protests, but extends itself to the internet, unlawful imprisonment and more.

During the COVID-19 pandemic, freedom of expression has been impacted globally with governments issuing restrictive measures.

That's why we've chosen to highlight this topic, as human rights tend to fade into the background during this pandemic.

We are looking forward to work with you and guide you through the process of debate.

We want to give you the best experience possible at KAMUN and look forward to seeing you in November.

Your Chairs,

Wimona & Wendy

Introduction to the committee: United Nations Human Right Council

The UN Human Rights Council is an inter-governmental body made up of 47 states, which are responsible for the promotion and protection of all human rights around the world. The UNHRC holds the ability to discuss thematic human rights issues and situations that require its attention. The Council holds meetings providing a multilateral forum to address human rights violations. The UNHRC meets at least 10 weeks a year in Geneva, but the council can also convene urgent meetings on a short notice to respond to human rights crises. The member states are elected through the UN General Assembly for a three-year term (1/3 renewal every year).

There are a handful of instruments available to the Human Rights Council to fulfill its mandate. The Universal Periodic Review (UPR) is a process that involves a review of the human rights records of all States once every 4,5 years. The UPR is considered the most powerful achievement of the Council. Secondly, the special procedures are meetings outside of regular sessions to discuss subjects or member states. They consist of independent experts, a special rapporteur, or a five-person working group appointed by the Council itself. Thirdly, the Council has an advisory committee, which functions as the think-tank of the Council. They focus on research and consist of experts. Lastly, there is the complaint procedure where human rights violations can be addressed. (UNHRC, 2020)

Freedom of Expression

The Freedom of Expression is a fundamental human right and recognized as such under Article 19 of the Universal Declaration of Human Right from 1948. Article 19 states 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 19, UDHR)

The Freedom of Expression is there to enable everyone to use their voice, agree or disagree with government or protest. It can be used to express, share and demand information without the (unlawful) interference of governments.

Furthermore, freedom of expression is closely linked to and serves as an enabler to the freedom of speech, freedom of opinion, freedom of the press and further individual and civil liberties such as the right for peaceful protest. Moreover, the freedom of expression also underpins additional human rights such as the freedom of thought, conscience and religion. Especially noteworthy is that fundamental human rights, such as the freedom of expression, apply equally online and offline.

However, freedom of expression cannot be understood as absolute freedom. It encompasses limitations regarding the rights or reputation of others, the protection of national security, public order or public health. This includes, for example, also hateful, inciteful speech as well as the ‘fake news’.

Nevertheless, the freedom of expression is regularly subject of repression by governments in several states of the world. Examples of this oppression of the fundamental right include (internet or media) censorship, threats (or murder) of journalists, the limitation or prohibition of protest, imprisonment, or governments who pass laws to criminalize the freedom of expression and therefore often any form of protest against the government. The most prominent examples of the repression are the restrictions of freedom of the press. This ranges from government censorship to threats of journalist imprisonment or even murder. Other suppression includes the limitation to the freedom of speech and protest so that citizens are

enabled to voice their opinion. However, especially the freedom of speech also lets hateful views and 'fake news' flourish, which should be regulated in any form. The digital frontier generally encompasses a lot of opportunities to exercise the freedom of expression but also poses the most risks and problems such as the surveillance of citizens or even other nations.

Especially during the ongoing Covid-19 pandemic, freedom of expression became heavily impacted on a global scale. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Ms. Irene Khan raised concern that some measures which are used to combat the pandemic also threaten the freedom of expression. Her main interests include limitations to the right to access, impart and receive information; restrictions to Internet access; threats to journalism; public health disinformation and increasing use of surveillance tools. Khan additionally highlights that the free flow of information is beneficial for the protection of life and health and it further enables and promotes critical social, economic, political, and other policy discussions and decision-making. (A/HRC/44/49)

Nevertheless, many governments use the ongoing pandemic to further repress the freedom of expression, the media or opposition in any form to promote their agenda. Before the pandemic, the freedom of expression was already under threat in many nations, but the pandemic only increased and deepened those tendencies. Now is the time to act to protect the fundamental human right.

The Digital Frontier

Digital media gives people all over the world access to information and the ability to express it on the internet. In January 2020, the Indian government unblocked hundreds of websites in the disputed Himalayan region, which brought an end to the world's longest internet shutdown in a democracy. This happened almost 6 months after Prime minister Modi revoked Kashmir's semiautonomous status. Eight million people have not been able to access information on the internet and foreign journalists were blocked visiting parts of the region. The Supreme Court ruled in January 2020 that the right to freedom of speech and expression is an integral human right and that the methods applied in Kashmir were an 'arbitrary exercise of power'. (Schultz & Yasir, 2020)

Secondly, the African Commission on Human and People's Rights published a new Declaration on Principles of Freedom of Expression and Access to Information in Africa. This new declaration replaces their 2002 declaration and expands on digital rights. They address the right to access to information in the internet age and that States must provide access to internet in a non-discriminatory manner (International Justice Resource Center, 2020).

But the freedom of expression today still is highly influenced by our privilege and place in society. Those who are wealthy are almost never restricted to expressing their views on the internet, while people who have limited access to the internet are not able to inform and express themselves properly.

Freedom of Expression regarding different regions

The European Union considers the Freedom of expression and information of paramount importance and embodies this right in article 11 of the Charter of Fundamental Rights. The European Parliament issued a press release on the 16th of January 2020 regarding the deterioration of the rule of law in Poland and Hungary, this press release was issued in context of another press release in 2018. The EP is concerned about judicial independence and freedom of expression in Hungary. In reaction, the parliament calls upon these countries to respect EU values and if needed the EU will have to impose sanctions (European Parliament, 2020).

The Republic of China is heavily criticized for their lack of freedom of expression and opinion, this issue has been especially reignited by the coronavirus. Whistle-blower Li Wenliang his warnings regarding the coronavirus were repressed by authorities, which, after the virus was exposed, sparked criticism towards the Chinese Communist Party. Li expresses that the lack of free speech facilitated the spread of the virus and people would have known about the risks earlier on. However, trends in China do not point towards more freedom, but towards more censorship. This is especially evident in China's actions towards Hong Kong the past months (Ghiretti, 2020).

Another country known for their authoritarian leadership is Russia. The power in the political system is consolidated in the hands of President Putin. The Kremlin is able to control the media environment, manipulate elections and suppress dissidents. Russia is also heavily involved in Eastern European countries, especially during the protests in Belarus.

Lastly, Latin America has been hit severely by the corona pandemic, which has a great economic and social impact. In Venezuela, the security forces have used the corona measure as an excuse to crack down on dissenting voices and increase control over the population. Due to the pandemic an NGO that monitors free speech in Venezuela (Espacio Publico) has documented cases of people being detained for criticizing the government's response to Covid-19 (Human Rights Watch, 2020).

Further Readings:

Impact of Covid-19 on human rights:

<https://intpolicydigest.org/2020/08/08/the-impact-of-covid-19-on-human-rights-and-democracy/>

Article 19:

<https://www.article19.org/explore/>

Resolutions and Links

Resolutions, reports, official documents:

HRC resolution 2020A/HRC/44/L.18/Rev.1: <https://undocs.org/A/HRC/44/L.18/Rev.1>

Report on disease pandemics and the freedom of opinion and expression A/HRC/44/49: <https://www.undocs.org/A/HRC/44/49>

Annual Reports on Freedom of Opinion and Freedom of Expression:

<https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/Annual.aspx>

Especially important:

- A/HRC/44/49: Disease pandemics and the freedom of opinion and expression: <https://undocs.org/A/HRC/44/49>
- A/68/362: The right to access information: <https://undocs.org/A/68/362>
- A/HRC/20/17: The protection of journalists and media freedom: <https://undocs.org/A/HRC/20/17>
- A/66/290: The right to freedom of opinion and expression exercised through the Internet: <https://undocs.org/A/66/290>
- A/HRC/14/23: Groups in need of attention, limitations to the right to freedom of expression, and protection of journalists: <https://undocs.org/A/HRC/14/23>

A/HRC/32/L.20: The promotion, protection and enjoyment of human rights on the Internet: https://www.article19.org/data/files/Internet_Statement_Adopted.pdf

European Commission: Freedom of expression and information

https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/know-your-rights/freedoms/freedom-expression-and-information_en

European Parliament (16/01/2020), *Rule of Law in Poland and Hungary has worsened* [Press Release].

United Nations Human Rights Council. (2020). *Human Rights Council: leaflet*. Consulted on OHCHR website: https://www.ohchr.org/Documents/HRBodies/HRCouncil/HRC_booklet_En.pdf

International Declarations:

The Universal Declaration of Human Rights: <https://www.un.org/en/universal-declaration-human-rights/>

International Covenant on Civil and Political Rights (ICCPR):
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

Articles and news:

Amnesty International:

<https://www.amnesty.org/en/what-we-do/freedom-of-expression/>

Statement by David Kaye, Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22300&LangID=E>

News to freedom of expression by the United Nations:

<https://news.un.org/en/tags/freedom-expression>

Amnesty International on Freedom of Expression:

<https://www.amnesty.org/en/what-we-do/freedom-of-expression/>

UNESCO on the Freedom of Expression on the Internet

<https://en.unesco.org/themes/freedom-expression-internet>

Ghiretti, F. (2020). The Coronavirus and Freedom of Expression in China: Not so fast.

Instituto Affari Internazionali, 20(06), 4p. Consulted on: <https://www.iai.it/en/pubblicazioni/coronavirus-and-freedom-expression-china-not-so-fast>

Schultz, K. & Yasir, S. (2020, January 20). India Restores Some Internet Access In Kashmir

After Long Shutdown. *The New York Times*. Consulted on: <https://www.nytimes.com/2020/01/26/world/asia/kashmir-internet-shutdown-india.html>

International Justice Resource Center (2020, April 22). New ACHPR Declaration of Freedom

of Expression & Access to Information. Consulted on: <https://ijrcenter.org/2020/04/22/new-achpr-declaration-on-freedom-of-expression-access-to-information/>

Human Rights Watch. (2020, May 26). *Venezuela: Urgent Aid Needed to Combat Covid-19*.

Consulted on: <https://www.hrw.org/news/2020/05/26/venezuela-urgent-aid-needed-combat-covid-19>

Human Rights Watch. (2020, August 28). *Venezuela: A Police State Lashes out Amid Covid-19*.

Consulted on: <https://www.hrw.org/news/2020/08/28/venezuela-police-state-lashes-out-amid-covid-19>