

International Free Expression on the Internet Resources

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Tags: Array

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I. The Basic Human Rights Framework

[Universal Declaration of Human Rights](#) [1]

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Article 19.

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 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

[International Covenant on Civil and Political Rights \(ICCPR\)](#) [2]

[+ Click to view relevant sections]

Article 19.

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have 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.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 1. For respect of the rights or reputations of others;
 2. For the protection of national security or of public order (ordre public), or of public health or morals.

[List of ratifying nations](#) [3]

[European Convention on Human Rights](#) [4]

[+ Click to view relevant sections]

Article 10 – Freedom of Expression

1. 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. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 15 – Derogation in time of emergency

1. In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law...

Article 16 – Restrictions on political activity of aliens

Nothing in Articles 10, 11 and 14 shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens.

Article 17 – Prohibition of abuse of rights

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

[American Convention on Human Rights](#) [5]

[+ Click to view relevant sections]

Article 13. Freedom of Thought and Expression

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either

- orally, in writing, in print, in the form of art, or through any other medium of one's choice.
2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law to the extent necessary to ensure:
 1. respect for the rights or reputations of others; or
 2. the protection of national security, public order, or public health or morals.
 3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions.
 4. Notwithstanding the provisions of paragraph 2 above, public entertainments may be subject by law to prior censorship for the sole purpose of regulating access to them for the moral protection of childhood and adolescence.
 5. Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

[African Charter on Human and Peoples' Rights](#) [6]

[+ Click to view relevant sections]

Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognized communities and the international community.
2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 29

The individual shall also have the duty:

1. ...
2. To serve his national community by placing his physical and intellectual abilities at its service;
3. Not to compromise the security of the State whose national or resident he is;
4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defense in accordance with the law;
6. To preserve and strengthen positive African cultural values ...in the spirit of tolerance, dialogue and consultation and...
7. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

[International Convention on the Elimination of All Forms of Racial Discrimination](#) [7]

[+ Click to view relevant sections]

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States

Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone...notably in the enjoyment of the following rights:

1. The right to equal treatment before the tribunals and all other organs administering justice;
4. Other civil rights, in particular:
 7. The right to freedom of thought, conscience and religion;
 8. The right to freedom of opinion and expression;

[8] [Other international standards](#) [8]

II. Institutions

United Nations

[Office of the UN High Commissioner for Human Rights](#) [9]

[Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression](#) [10]

[UN Human Rights Council](#) [11] (Currently ineffective - see Kenneth Roth, "Taking Back the Initiative from the Human Rights Spoilers," in Human Rights Watch, "World Report - 2009" (2009))

The Americas

[Inter-American Court of Human Rights](#) [12]

[Inter-American Commission on Human Rights](#) [13]

[Office of the Special Rapporteur for Freedom of Expression](#) [14]

Europe

Council of Europe

[European Court of Human Rights](#) [15]

[Committee of Ministers](#) [16]

[+ Click to view relevant sections]

[Recommendation CM/Rec\(2008\)6 of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet Filters \(March 26, 2008\)](#) [17]

[Declaration on freedom of communication on the Internet \(May 28, 2003\)](#) [18]

[COE Parliamentary Assembly](#) [19]

[+ Selected Recommendations]

[Recommendation 1670 \(2004\)](#) [20], Internet and the Law

[Recommendation 1543 \(2001\)](#) [21], Racism and xenophobia in cyberspace

[Recommendation 1882 \(2009\)](#) [22], The promotion of Internet and online media services appropriate for minors (encouraging filtering for child protection)

10. In order to handle the challenges of the Internet at home, parents need the support of social institutions for families and schools. The state has the responsibility to raise awareness, provide guidance, including against gender stereotypes, and set up minimum standards. These minimum standards should include access restrictions to violent content, pornography, advertising for tobacco and alcoholic products and gambling. Such access restrictions could be achieved by filters employed by parents, teachers, librarians or others at their access devices, as well as by providers of content or services for minors.
11. Technical security is constantly increased with regard to computer networks. Firewalls and individual security settings of personal computers are refined in order to keep pace with the technical progress of those seeking to bypass security systems. The Assembly therefore believes that it will be helpful, especially with regard to minors, to develop secure and restricted computer networks – often referred to as Intranets, walled gardens or gated communities – which are accessible to an identifiable group of users only, typically require adherence to a code of conduct, fall under a clear set of legal rules and the jurisdiction of a given country and filter content harmful to minors. Technical security systems, however, cannot replace widely accessible and adequate education...
14. Internet content which may be harmful to minors can be rated voluntarily by content providers in accordance with the standards set by the Internet Content Rating Association (ICRA), which subsequently allow for parental filtering of adult websites, for instance.
15. The Assembly calls on member and observer states' parliaments to:
 - 15.1. assess the technological possibilities of increasing the safety of minors using the Internet and online media services, including mobile audiovisual telecommunications, in particular filtering devices and access restriction technologies;
 - 15.2. initiate, together with the Internet industry and child protection organisations, public awareness campaigns targeted at the risks and opportunities for minors using Internet and online media services as well as the technical opportunities to restrict harmful content;
 - 15.3. support the creation and marketing of services adequate for children and adolescents, including restricted networks described in paragraph 11 above, as well as free software for parental filtering of content that parents deem to be potentially harmful to their children;
 - 15.4. promote, in co-operation with the Internet industry and child protection, equal opportunities and other civil society organisations, public quality standards and ratings of Internet and online media services adequate for minors, and ensure that access to adult content is effectively restricted by age-verification systems installed by the providers of such content; ...
19. The Assembly appeals to the online media industry to develop and apply codes of conduct with regard to privacy protection, equal opportunities, commercial activities targeted at minors and content potentially harmful to them. Internet hotlines and other complaint mechanisms against potentially illegal and harmful content or conduct should be maintained by Internet service and content providers. Commercial services provided in conformity with high ethical standards and high safety protection for minors will be in growing demand in an ever expanding Internet and online media market.

European Union

[European Council](#) [23]

[European Parliament Common Foreign and Security Policy](#) [24]

[+ Relevant Excerpt]

Since 1995, bilateral trade agreements and the various types of association and cooperation agreements between the EU and third countries or regional organisations have included a human rights clause. This is formalised as an "essential clause", a provision stipulating that respect for human rights and democratic principles underpins the internal and external policies of the Parties and constitutes an essential element of the agreement. It is often followed by an additional clause on

non-execution of the agreement in the case of breaches of such an essential element of the agreement. Measures taken under the human rights clause may take different forms from reduction or suspension of cooperation to more serious sanctions.

Organization for Security and Co-operation in Europe

[OSCE Office for Democratic Institutions and Human Rights \(ODIHR\)](#) [25]

[OSCE Representative on Freedom of the Media](#) [26]

III. Documents Interpreting and Applying Free Expression Principles - With Special Emphasis on Documents Referencing the Internet

[World Summit on the Information Society, Declaration of Principles \(2003\)](#) [27]

[+ Relevant Excerpt]

4. We reaffirm, as an essential foundation of the Information Society, and as outlined in Article 19 of the Universal Declaration of Human Rights, that everyone has the right to freedom of opinion and expression; that 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...Everyone, everywhere should have the opportunity to participate and no one should be excluded from the benefits the Information Society offers...
24. The ability for all to access and contribute information, ideas and knowledge is essential in an inclusive Information Society...
36. While recognizing the principles of universal and non-discriminatory access to ICTs for all nations...It is necessary to prevent the use of information resources and technologies for criminal and terrorist purposes, while respecting human rights...
55. We reaffirm our commitment to the principles of freedom of the press and freedom of information, as well as those of the independence, pluralism and diversity of media, which are essential to the Information Society. Freedom to seek, receive, impart and use information for the creation, accumulation and dissemination of knowledge are important to the Information Society....
58. The use of ICTs and content creation should respect human rights and fundamental freedoms of others....
59. All actors in the Information Society should take appropriate actions and preventive measures, as determined by law, against abusive uses of ICTs, such as illegal and other acts motivated by racism, racial discrimination, xenophobia, and related intolerance, hatred, violence, all forms of child abuse, including paedophilia and child pornography, and trafficking in, and exploitation of, human beings

[Sana'a Declaration on Promoting Independent and Pluralistic Arab Media \(1996-97\)](#) [28]

[\(Searchable html version\)](#) [29]

[+ Relevant Excerpt]

Arab States should provide, and reinforce where they exist, constitutional and legal guarantees of freedom of expression and of press freedom and should abolish those laws and measures that limit the freedom of the press; government tendencies to draw limits / "red lines" outside the purview of the law restrict these freedoms and are unacceptable;

...

International assistance in Arab countries should aim to develop print and electronic media, independent of governments in order to encourage pluralism as well as editorial independence. Public media should be supported and funded only when they are editorially independent and where

a constitutional, effective freedom of information and expression and the independence of the press are guaranteed;

...

Arab governments should cooperate with the United Nations and UNESCO, other governmental and non-governmental development agencies, organizations and professional associations, in order to:

- i. enact and/or revise laws with a view to: enforcing the rights to freedom of expression and press freedom and legally enforceable free access to information; eliminating monopoly controls over news and advertising; putting an end to all forms of social, economic or political discrimination in broadcasting, in the allocation of frequencies, in printing, in newspaper and magazine distribution and in newsprint production and allocation; abolishing all barriers to launching new publications and any form of discriminatory taxation;

[Sana'a Declaration on Democracy, Human Rights and the Role of the International Criminal Court](#)

[30]

[+ Relevant Excerpt]

- i. A free and independent media is essential for the promotion and protection of democracy and human rights. Pluralism in the media and its privatisation are vital for contributing to the dissemination of human rights information, facilitating informed public participation, promoting tolerance and contributing to governmental accountability. The media should contribute effectively and responsibly towards the strengthening of democracy and human rights knowledge;

...The participants therefore agree to:...

10. Work towards future modalities of democratic consultation and cooperation among themselves, including civil society, and the establishment of an Arab Democratic Dialogue Forum as an instrument for the promotion of dialogue between diverse actors, for strengthening democracy, human rights and civil liberties, especially freedom of opinion and expression, and strengthening the partnership between public authorities and civil society.

[COE Council of Ministers, Declaration of Freedom of Communication, May 28, 2003](#) [31]

[+ Relevant Excerpt]

Principle 1: Content rules for the Internet

Member states should not subject content on the Internet to restrictions which go further than those applied to other means of content delivery.

...

Principle 3: Absence of prior state control

Public authorities should not, through general blocking or filtering measures, deny access by the public to information and other communication on the Internet, regardless of frontiers. This does not prevent the installation of filters for the protection of minors, in particular in places accessible to them, such as schools or libraries.

Provided that the safeguards of Article 10, paragraph 2, of the Convention for the Protection of Human Rights and Fundamental Freedoms are respected, measures may be taken to enforce the removal of clearly identifiable Internet content or, alternatively, the blockage of access to it, if the competent national authorities have taken a provisional or final decision on its illegality.

Principle 4: Removal of barriers to the participation of individuals in the information society

Member states should foster and encourage access for all to Internet communication and information services on a non-discriminatory basis at an affordable price. Furthermore, the active participation of the public, for example by setting up and running individual websites, should not be subject to any licensing or other requirements having a similar effect.

...

(Principle 6, “Limited liability of service providers for Internet content,” begins by calling for no general obligation to monitor content, but then, like EU law, permits liability where the provider fails to abide by any national notice & takedown law.)

[OSCE Amsterdam Recommendations, Freedom of the Media and Internet \(June 2003\)](#) [32]

[+ Relevant Excerpt]

Access...

- Access to digital networks and the Internet must be fostered. Barriers at all levels, be they technical, structural or educational, must be dismantled.

Freedom of Expression

- The advantages of a vast network of online resources and the free flow of information outweigh the dangers of misusing the Internet. But criminal exploitation of the Internet cannot be tolerated. Illegal content must be prosecuted in the country of its origin but all legislative and law enforcement activity must clearly target only illegal content and not the infrastructure of the Internet itself.
- The global prosecution of criminal content, such as child pornography, must be warranted and also on the Internet all existing laws must be observed. However, the basic principle of freedom of expression must not be confined and there is no need for new legislation.
- In a modern democratic and civil society citizens themselves should make the decision on what they want to access on the Internet. The right to disseminate and to receive information is a basic human right. All mechanisms for filtering or blocking content are not acceptable.
- Any means of censorship that are unacceptable within the ‘classic media’ must not be used for online media. New forms of censorship must not be developed.

[OSCE Representative on Freedom of the Media, Regular Report to the Permanent Council, 13 March 2008:](#)

[33] [excerpted in “Yearbook 10, 2008” \(Vienna 2009\), p84.](#) [33]

[+ Relevant Excerpt]

My Office received information that in a number of participating States – including Azerbaijan, Belarus, Russia, and Kazakhstan – the introduction of new legislation to regulate the Internet is discussed.

Our Office holds that Internet regulation should be limited to areas where it is absolutely unavoidable, and it should be clearly based on constitutional values and international commitments such as freedom of expression and the free flow of information. Guarantees of freedom of the media hosted on the Internet shall also be explicit in any upcoming regulation. The Internet should be seen as a space that works best autonomously and without any intervention.

[OSCE Representative on Freedom of the Media, “The Media Freedom Internet Cookbook” \(2004\)](#)

[34]

[African Commission on Human and Peoples' Rights, Declaration of Principles on Freedom of Expression in Africa](#)

[35] [\(2002\)](#) [35]

[+ Relevant Excerpt]

Freedom of expression imposes an obligation on the authorities to take positive measures to promote diversity, which include among other things:-

- availability and promotion of a range of information and ideas to the public;
- pluralistic access to the media and other means of communication

...

I. The Guarantee of Freedom of Expression

1. Freedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy.
2. Everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination.

II. Interference with Freedom of Expression

1. No one shall be subject to arbitrary interference with his or her freedom of expression.
2. Any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary and in a democratic society.

III. Diversity

V. Private Broadcasting

1. States shall encourage a diverse, independent private broadcasting sector. A State monopoly over broadcasting is not compatible with the right to freedom of expression....

[Reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and](#)

[36] [expression to the UN Commission on Human Rights \(1999-2009\)](#) [36]

[+ Relevant Excerpt]

[1999 Report \(Special Rapporteur Abid Hussain\)](#) [37]

The instinct or tendency of Governments to consider regulation rather than enhancing and increasing access to the Internet is, therefore, to be strongly checked. While perhaps unique in its reach and application, the Internet is, at base, merely another form of communication to which any restriction and regulation would violate the rights set out in the Universal Declaration of Human Rights and, in particular, article 19. [P. 11.]

...

If progress is to be made to defeat racism, hate speech and intolerance on a national and international scale, it is incumbent upon all Governments to see the Internet and other information technologies not as things requiring regulation and restriction but rather as the means to achieve a genuine plurality of voices. The Special Rapporteur strongly believes that the world needs more, not less, speech - in as many languages and reflecting as many cultures as are known to exist. [P. 12.]

...

126. As regards the impact of new information technology on the right to freedom of opinion and expression, the Special Rapporteur considers it of pre-eminent importance that they be considered in light of the same international standards as other means of communication and that no measures be taken which would unduly restrict freedom of expression and information; in case of doubt, the

decision should be in favour of free expression and flow of information. With regard to the Internet, the Special Rapporteur wishes to reiterate that on-line expression should be guided by international standards and be guaranteed the same protection as is awarded to other forms of expression.

127. In this context, he also recommends that all reasonable steps be taken to promote access to the Internet. For instance, Governments should promote an economic and regulatory environment which encourages the extension of telecommunication lines to rural and other previously under-serviced areas. Wherever possible, government information should be made available through the Internet. [Pp. 29-30.]

[2008 Report \(Special Rapporteur Ambeyi Ligabo\)](#) [38]

23. The new media, especially the Internet, have not remained free of censorship and direct repression. In past years, the Special Rapporteur has noted a growing trend of censorship and the banning of websites and Internet contributors, particularly bloggers. Due to the low cost, decentralized nature and great reach of the Internet, it has become an important outlet for the circulation of independent opinions about State authorities and policies. Many Governments therefore have developed an interest in controlling, monitoring and censoring the digital media, in particular the Internet, including by punishing hundreds of so-called cyber-dissidents around the world. In some cases, Internet use in private home connections has been completely banned, thus allowing for total government oversight over Internet use by its citizens.

24. The Special Rapporteur further highlights the facts that, in several cases, these illegal restrictions on the right to freedom of opinion and expression have been accepted and even facilitated by leading Internet corporations, the majority of which are based in democratic countries. Search engines, for example, have accepted many Governments' imposition for strict controls and censorship, such as blocking "politically sensitive terms" of search results presented to individuals. Furthermore, the Special Rapporteur is deeply worried about many large Internet corporations who have disclosed personal information of their users to allow Governments to identify and convict internet writers. [Pp. 10-11.]

[2009 Report \(Special Rapporteur Frank La Rue\)](#) [39]

38. The exercise of the right to freedom of opinion and expression is a significant indicator of the level of protection and respect of all other human rights in a given society. Democratic institutions, while not preventing all violations of the right to freedom of opinion and expression, do offer guarantees for its protection as well as an enabling environment for its exercise. Freedom of opinion and expression not only benefits from a democratic environment; it also contributes to, and is indeed instrumental to, the emergence and existence of effective democratic systems. However, violations of the right to freedom of opinion and expression may occur in all regions and countries, whatever their system, and may have various forms.

39. The Special Rapporteur notes that freedom of expression is the manifestation of cultures, cultural diversity, religion and ideologies. Therefore, the right to freedom of expression should be approached with a positive view to defending it. Existing international instruments establish a specific limit on freedom of expression. In particular, the International Covenant on Civil and Political Rights provides that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". The main challenge thus lies in identifying at which point these thresholds are reached. A broad interpretation of these limitations, which has recently been suggested in international forums, is not in line with existing international instruments and would ultimately jeopardize the full enjoyment of human rights. Limitations to the right to freedom of opinion and expression have more often than not been used by States as a means to restrict criticism and silence dissent.

40. Limitations on freedom of expression should be clearly defined and provided by law. Limitations should not threaten the exercise of the right itself. In addition, they ought to be necessary and proportionate to the objective they propound to achieve, and should include the least intrusive means insofar as freedom of expression is concerned, to prevent a chilling effect. The adjudication of such limitations should be made by an independent judiciary.

41. The right to freedom of expression cannot be exercised passively, but requires a lasting commitment by States to ensure the mechanisms that guarantee and protect it. Mechanisms for criticism, including of political leaders, are deemed important to hold individuals accountable. Freedom of expression is not limited to statements that are considered appropriate or beneficial; any boundaries should directly adhere to the wording of the International Covenant on Civil and Political Rights.

42. In many countries, overbroad rules in this area are abused by the powerful to limit non-traditional, dissenting, critical or minority voices, or discussion about challenging social issues. Furthermore, resolution of tensions based on genuine cultural or religious differences cannot be achieved by suppressing the expression of differences but rather by debating them openly. The Special Rapporteur notes that free speech is therefore a requirement for, and not an impediment to, tolerance. [Pp. 11-12.]

[Tenth Anniversary Joint Declaration: Ten Key Challenges to Freedom of Expression in the Next Decade"](#) [40]

[\(February 2, 2010\), The United UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE](#) [40]

[Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the](#) [40]

[ACHPR Special Rapporteur on Freedom of Expression and Access to Information](#) [40]

UN Office of the High Commissioner for Human Rights, CCPR General Comments

[+ Relevant Excerpt]

9. Freedom of Expression on the Internet

The significant potential of the Internet as a tool to promote the free flow of information and ideas has not been fully realised due to efforts by some governments to control or limit this medium. We are particularly concerned about:

- a. The fragmentation of the Internet through the imposition of firewalls and filters, as well as through registration requirements.
- b. State interventions, such as blocking of websites and web domains which give access to user-generated content or social networking, justified on social, historical or political grounds.
- c. The fact that some corporations which provide Internet searching, access, chat, publishing or other services fail to make a sufficient effort to respect the rights of those who use their services to access the Internet without interference, for example on political grounds.
- d. Jurisdictional rules which allow cases, particularly defamation cases, to be pursued anywhere, leading to a lowest common denominator approach."

[CCPR General Comment No. 10: Freedom of expression \(Art. 19\): 29/06/83](#) [41]

[+ Relevant Excerpt]

2. Paragraph 2 [of Article 19] requires protection of the right to freedom of expression, which includes not only freedom to "impart information and ideas of all kinds", but also freedom to "seek" and "receive" them "regardless of frontiers" and in whatever medium, "either orally, in writing or in print, in the form of art, or through any other media of his choice". Not all States parties have provided information concerning all aspects of the freedom of expression. For instance, little attention has so far been given to the fact that, because of the development of modern mass media, effective measures are necessary to prevent such control of the media as would interfere with the right of everyone to freedom of expression in a way that is not provided for in paragraph 3.

3. Many State reports confine themselves to mentioning that freedom of expression is guaranteed

under the Constitution or the law. However, in order to know the precise regime of freedom of expression in law and in practice, the Committee needs in addition pertinent information about the rules which either define the scope of freedom of expression or which set forth certain restrictions, as well as any other conditions which in practice affect the exercise of this right. It is the interplay between the principle of freedom of expression and such limitations and restrictions which determines the actual scope of the individual's right.

4. Paragraph 3 [of Article 19] expressly stresses that the exercise of the right to freedom of expression carries with it special duties and responsibilities and for this reason certain restrictions on the right are permitted which may relate either to the interests of other persons or to those of the community as a whole. However, when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself. Paragraph 3 lays down conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law"; they may only be imposed for one of the purposes set out in subparagraphs (a) and (b) of paragraph 3; and they must be justified as being "necessary" for that State party for one of those purposes.

[CCPR General Comment No. 11: Prohibition of propaganda for war and inciting national, racial or religious](#) [42]

[hatred](#) [42]([Art. 20](#)): [29/07/83](#) [42]

[+ Relevant Excerpt]

2. Article 20 of the [CCPR] states that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. In the opinion of the Committee, these required prohibitions are fully compatible with the right of freedom of expression as contained in article 19, the exercise of which carries with it special duties and responsibilities...

[Johannesburg Principles on National Security, Freedom of Expression and Access to Information \(1995\)](#) [43]

[+ Relevant Excerpt]

Principle 1: Freedom of Opinion, Expression and Information

...

- b. Everyone has the right to freedom of expression, which includes the 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 or her choice.
- c. The exercise of the rights provided for in paragraph (b) may be subject to restrictions on specific grounds, as established in international law, including for the protection of national security.
- d. No restriction on freedom of expression or information on the ground of national security may be imposed unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest. The burden of demonstrating the validity of the restriction rests with the government.

[The Statement of Vienna](#) [44](Sixteen guiding principles for ensuring press freedom on the Internet, adopted on Nov.

21, 2002 by members of nine global press freedom groups comprising the Coordinating Committee of Press

Freedom Organizations)

[+ Relevant Excerpt]

1. News media in cyberspace and via international satellite broadcasts should be afforded the same freedom of expression rights as traditional news media....
4. There are many forms of communication over the Internet, and it is important not to confuse them. News, for example, is different from such things as pornography, paedophilia, fraud, conspiracy for terrorism, incitement to violence, hate speech, etc., although there may be news stories about such problems. Such matters as those listed are normally covered in existing national general legislation and can, if appropriate and necessary, be prosecuted on the national level in the country of origin.
No new legislation or international treaty is necessary.
5. Some countries that have advocated controls over the free flow of information across national frontiers have tried to justify such controls on political grounds, regional value systems or national information sovereignty.
Such controls are clearly in violation of the Universal Declaration of Human Rights.

[Sofia Declaration from the European Seminar on Promoting Independent and Pluralistic Media \(with special](#)

[focus on Central and Eastern Europe\) \(1997\)](#) [45]

[+ Relevant Excerpt]

2. All States should provide, or reinforce where they exist, constitutional and legal guarantees of freedom of expression and of press freedom and should review, revise and/or repeal those laws, regulations and measures that limit the exercise of this fundamental right. They should pay special attention to ensuring the respect of these guarantees. Tendencies to draw limits or taboos outside the purview of the law restrict these freedoms and are unacceptable...
9. The advent of new information and communication technologies representing new channels for the free flow of information could and should contribute to pluralism, economic and social development, democracy and peace. The access to and the use of these new media should be afforded the same freedom of expression protections as traditional media...

IV. Economic Arguments in Favor of Free Expression

[World Bank, "Information and Communications for Development 2006 - Global Trends and Policies"](#) [46]

[+ Relevant Excerpt]

In recent years the world's policy makers have recognized that ICT provides key inputs for economic development, contributes to global integration, and enhances public sector effectiveness, efficiency, and transparency. There is also growing consensus that countries seeking to strengthen their investment climates (for foreign as well as domestic investors) should make it a priority to improve ICT access and quality. Moreover, country conditions that bolster ICT investment—including sound economic policies, strong property rights, liberalized markets, limited restrictions on entry and ownership, and predictable regulation—contribute to a healthy overall business environment and so to growth throughout the economy. [P. 4.]

...

It may be necessary to revisit the regulatory framework from the viewpoint of its ability to support innovation. Some regulatory provisions, although appropriate for service supply by large companies using traditional technologies, now may stand in the way of new technologies and decentralized supply through a wider range of business models. The trend is toward replacing individual licensing of operators by a regime of general authorization, and making more spectrum available for shared and license-exempt use. [P. 44.]

[World Bank, "World Development Report 2002: Building Institutions for Markets"](#) [47]
[+ Relevant Excerpt]

Across both developing and industrial countries, newspapers, broadcasts and new media such as the Internet have promoted competition in economic and political markets, and helped create incentives for public and private agents to become more accountable. And the media can empower people, including the poor, by giving them a platform for voicing diverse opinions, participating in governance, and engaging in markets. [P. 193.]

[World Bank, World Development Indicators, 2008](#) [48] (Open media help provide transparency and accountability in government. Good governance, in turn, is vital for economic development, and the development dividend that it generates is considerable.)

[World Bank, "Implementation Plan for Strengthening World Bank Group Engagement in Governance and Anticorruption," 2007](#) [49] (Plural media support informed decision-making, increased accountability, responsiveness and contribute to anti-corruption efforts.)

[Tim Wu, The World Trade Law of Censorship and Internet Filtering \(2006\)](#) [50]

[Samar Fatany, "A Free Press Is an Engine of Economic Growth"](#) [51]

[Matt Richtel, Trade Group Says U.S. Ban on Net Gambling Violates Global Law, NY Times, March 26, 2004](#) [52]

Bi-lateral trade agreements

[The EU's Strategy to deliver market access for European companies](#) [53]
[+ Relevant Excerpt]

Calls on the Commission to specifically deal with all restrictions on the provision of Internet and information society services imported by European companies in third countries as part of its external trade policy and to regard all unnecessary limitations on the provision of those services as constituting trade barriers;

V. Skeptical Voices and Analyses

[Shanthi Kalathil and Taylor C. Boas, Open Networks, Closed Regimes: The Impact of the Internet on Authoritarian Rule, excerpted online at First Monday, Volume 8 Number 1 \(January 6, 2003\)](#) [54]
[54]

[Chapter 1- The Conventional Wisdom: What Lies Beneath?](#) [55]

[Chapter 2 - Wired for Modernization in China](#) [56]

[Stephanie Birdsall and William Birdsall, "Geography Matters: Mapping Human Development and Digital Access,"](#) [57]

[First Monday \(October 3, 2005\)](#) [57] (Information and communications technologies may not play as strong a role in

promoting human development as is usually asserted.)

VI. Reports and Articles

[58] [Mary Rundle and Malcolm Birdling, Access Denied, chapter 4 "Filtering and the International System: A Question](#)

[of Commitment"](#) [58]

[Human Rights Watch, False Freedom: Online Censorship in the Middle East and North Africa \(2005\)](#) [59], chapter 4

"Legal Standards Pertaining to Online Freedom of Expression"

VII. General Media Law and Policy Resources

[The Enabling Environment for Free and Independent Media: Contribution to Transparent and Accountable](#)

[Governance \(2002\)](#) [60]

[Article 19, Global Campaign for Free Expression, "Statement on the Right to Communicate" \(February 2003\)](#) [61]

[Article 19, Background Paper on Freedom of Expression and Internet Regulation \(November 2001\)](#) [62]

VIII. Assessments of Internet Freedom, Censorship and Control

[63] [Open Network Initiative reports](#) [63]

[Human Rights Watch 2009 World Report](#) [64]

(Has section on Free Expression and Internet for many of the countries. Searching on "Internet" will give you a good sense of Internet freedom country-by-country)

[Freedom House, Freedom on the Net: A Global Assessment of Internet and Digital Media, March 2009](#) [65]

- [global internet freedom](#)

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