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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania, Armenia,* Australia,* Austria,* Belgium, Brazil, Bulgaria, Canada,* Chile, Costa Rica, Croatia,* Cyprus,* Czechia,* Denmark,* Ecuador,* Estonia,* Fiji,* Finland, France, Georgia, Germany, Greece,* Iceland,* Ireland,* Italy,* Latvia,* Lithuania, Luxembourg, Malta,* Marshall Islands,* Mexico,* Montenegro, Namibia,* Netherlands (Kingdom of the), New Zealand,* North Macedonia,* Norway,* Paraguay, Peru,* Poland,* Portugal,* Romania, San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Ukraine* and United Kingdom of Great Britain and Northern Ireland*: draft resolution

56/... Freedom of opinion and expression

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling all resolutions of the Commission on Human Rights and the Human Rights Council relevant to the right to freedom of opinion and expression, in particular Council resolutions 7/36 of 28 March 2008, 12/16 of 12 October 2009, 16/4 of 24 March 2011, 23/2 of 13 June 2013, 25/2 of 27 March 2014, 34/18 of 24 March 2017, 38/7 of 5 July 2018, 38/5 of 5 July 2018, 39/6 of 27 September 2018, 43/4 of 19 June 2020, 44/12 of 16 July 2020, 47/16 of 13 July 2021, 48/4 of 7 October 2021, 49/21 of 1 April 2022, 50/15 of 8 July 2022, 51/9 of 6 October 2022, 52/9 of 3 April 2023, 54/21 of 12 October 2023 and 55/10 of 3 April 2024,

Welcoming the work of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and taking note of her reports,¹

Welcoming also the initiatives taken by States, media organizations, civil society organizations and human rights defenders relevant to the promotion and protection of the right to freedom of opinion and expression, and noting in this regard the Freedom Online Coalition, the International Partnership for Information and Democracy and the Media Freedom Coalition,

Reaffirming that the right to freedom of opinion and expression, including 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, is a human right guaranteed to all, in accordance with article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, that it constitutes one of the

* State not a member of the Human Rights Council.

¹ A/77/288 and A/HRC/56/53.



essential foundations of democratic societies and for sustainable development, including the 2030 Agenda for Sustainable Development, and that it is critical to combating corruption and addressing disinformation and misinformation, strengthening democracy, the rule of law and good governance, and ensuring transparency and accountability,

Recognizing that the freedom to seek, receive and impart information and ideas of all kinds, both online and offline, through any media and regardless of frontiers is one of the central components of the right to freedom of opinion and expression, as reflected in article 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights, and that obstacles to access to information can undermine the enjoyment of civil and political rights, as well as economic, social and cultural rights,

Recognizing also that the effective exercise of the right to freedom of opinion and expression is an important indicator of the level of protection of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible, interdependent and interrelated, both online and offline, and affirming that the same rights that individuals have offline must also be protected online,

Acknowledging that the right to freedom of opinion and expression, including 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, is an enabler for the enjoyment of all human rights and for sustainable development, and that the exercise of this right facilitates the realization of a range of other human rights,

Underlining the mutually reinforcing nature of democracy, the rule of law and the right to freedom of opinion and expression, which is integral to media freedom, and recognizing that the right constitutes one of the essential foundations of democratic societies, as it enables the public to seek and receive information and ideas, make well-informed choices and decisions in all areas of life in the political, economic, social and cultural spheres, participate in public affairs, and make a positive contribution to the well-being of society,

Recognizing the potential of online communication tools to promote freedom of expression and expand political participation, and to empower persons who belong to underrepresented groups and those who are marginalized, including but not limited to groups mentioned in the report of the Secretary-General on strengthening the role of the United Nations in enhancing periodic and genuine elections and the promotion of democratization, and urging States to create and maintain, in law and in practice, a safe, enabling and inclusive environment for journalists and other media workers, online and offline, to perform their work independently and without undue interference,

Deeply concerned that violations of the right to freedom of opinion and expression continue to occur, often with impunity, including extrajudicial killings, arbitrary detention, torture, persecution and harassment, threats and acts of violence and of discrimination, including gender-based violence and discrimination, and discrimination on the basis of religion or belief, online and offline, increased abuse of legal provisions on defamation and criminal libel as well as on surveillance, search and seizure, and censorship against persons who exercise, seek to promote or defend these rights, and are facilitated and aggravated by the abuse of states of emergency,

Deeply concerned also about acts of violence particularly directed against journalists and other media workers in situations of armed conflict,

Acknowledging the essential role of, inter alia, journalists and other media workers, and human rights defenders, in the promotion and protection of the right to freedom of opinion and expression, and in this context expressing alarm at the continued violations and abuses of the right to freedom of opinion and expression facing them, including increased attacks directed against and killings of journalists and other media workers, including women journalists and journalists reporting on conflict situations, environmental and climate issues, as well as human rights defenders, including women human rights defenders, and environmental human rights defenders,

Taking into account that journalists and other media workers may face specific risks in relation to their work owing to multiple and intersecting forms of discrimination,

Emphasizing that uncensored and unhindered news media and the ability of journalists to work safely and without fear are not only integral to the right to freedom of opinion and expression but also key to addressing misinformation and disinformation, including in situation of crisis or armed conflict, and that journalists and other media workers should be allowed access to conflict-affected areas while also being assured protection as civilians in accordance with international humanitarian law, and noting that direct attacks on journalists as such are a grave breach of the Geneva Conventions,

Emphasizing also the importance of digital connectivity to ensure the continuation of critical services, particularly in a situation of crisis or armed conflict, and underlining the importance of access to a free, open, interoperable, reliable, safe and secure Internet,

Deeply concerned about all attempts to silence journalists, other media workers and human rights defenders, including by legislation that can be used to criminalize expression and by the misuse of overbroad or vague laws to repress freedom of expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation, when not in conformity with international human rights standards, as well as extraterritorial attempts to silence and intimidate journalists, other media workers and human rights defenders, among other rights holders,

Expressing serious concern at the rise of strategic lawsuits against public participation, including those brought by business entities, to exercise pressure, intimidate or exhaust the resources and morale of journalists, other media workers, civil society organizations and human rights defenders, and thereby impede them from performing their work, including on matters of public interest,

Recognizing the importance of free, independent, plural and diverse media, online as well as offline, in building and supporting the functioning of inclusive societies and democracies, an informed citizenry, the rule of law and participation in public affairs and in holding public institutions and officials accountable, including during democratic processes, and at all stages of elections, and by exposing corruption,

Recognizing the primary responsibility of States, as the main duty bearers, to promote and protect human rights online and offline, including the right to freedom of opinion and expression, and the importance of their support for relevant efforts that strengthen the resilience of societies against the negative impact of disinformation and misinformation at all levels, in particular through digital, media and information literacy education, and inclusion, intercultural understanding, fact-checking and transparent and accountable technological solutions,

Underlining that digital contexts provide opportunities and challenges for exercising the right to freedom of opinion and expression, regardless of frontiers, for improving access to information, and for seeking, receiving and imparting information and ideas of all kinds, and emphasizing that, in the digital age, technical solutions to secure and protect the confidentiality of digital communications, including measures for encryption, pseudonymization and anonymity, as well as efforts to promote access to information and communications technology, digital, media and information literacy, civic participation and online safety, are important to bridge digital divides and ensure digital inclusion and the enjoyment of human rights, including the right to freedom of opinion and expression,

Expressing concern at the spread of disinformation, which can be designed and implemented so as to mislead, violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, to spread hatred, racism, xenophobia, negative stereotyping and stigmatization, and to incite discrimination, hostility or violence, and stressing that responses to the spread of disinformation and misinformation must be grounded in international human rights law, including the principles of lawfulness, legitimacy, necessity and proportionality, and underlining the importance of free, independent, plural and diverse media and of providing and promoting access to independent, fact-based information to counter disinformation and misinformation,

Emphasizing that disinformation is a threat to democracy that can undermine democratic institutions and processes, including electoral processes, thereby suppressing

political engagement, hindering the realization of informed participation in political and public affairs and undermining trust in democracy's core institutions,

Emphasizing also the importance of information integrity as a means to promote and protect the right to freedom of opinion and expression, including the freedom to seek, receive and impart information and ideas of all kinds and to respond to the spread of disinformation and misinformation online in a way that is consistent with international law, including international human rights law,

Strongly condemning the use of Internet shutdowns and restrictions, including the blocking of access to communication platforms, to intentionally and arbitrarily prevent or disrupt access to or the dissemination of information online, and stressing the importance of a free, open, interoperable, reliable and secure Internet,

Expressing concern that many forms of digital divides remain between and within countries and regions, which have a negative impact on the enjoyment of the right to freedom of opinion and expression, and underlining the need for digital, media and information literacy as well as the need to address prevailing challenges to bridge digital divides, including through partnerships, international cooperation and education, striving to ensure that individuals, especially all women and girls, children and youth, and individuals in vulnerable situations and/or belonging to marginalized groups, are able to connect to and access the Internet in a safe, secure and meaningful way so as to enable their full cultural, economic, political and social participation and to promote the enjoyment of their right to freedom of opinion and expression in an inclusive information society,

Recognizing that the gender digital divide, which includes significant gender disparities in terms of access to and use of information and communications technology, undermines women's and girls' full enjoyment of human rights, including the right to freedom of opinion and expression,

Reaffirming the fundamental role of the right to freedom of opinion and expression as an enabler for all women and girls to interact with society at large on equal terms and without discrimination, particularly in the realms of cultural, economic, political and social participation, and reaffirming also that the full, equal and meaningful participation of women and girls is critical to achieving gender equality, sustainable development, peace and democracy,

Recognizing the essential contribution that civil society organizations and human rights defenders make to the United Nations and other regional and international organizations, and urging States to refrain from practices that restrict the ability of civil society members and human rights defenders to exercise their freedom of opinion or expression and hinder and prevent their meaningful, safe and inclusive participation,

Acknowledging the important role of business enterprises, including technology and social media companies, in the exercise of the right to freedom of opinion and expression and in enabling access to information, and recalling that all business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, both online and offline, including by implementing human rights due diligence policies and participating in good faith in domestic judicial and non-judicial processes, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Condemning the use of hate speech, both online and offline, to provoke stigmatization and violence, including political violence, and which might constitute an attempt to restrict the meaningful, inclusive and safe participation of persons, including women and children, and those vulnerable to racism, racial discrimination, xenophobia and related intolerance, in public affairs, in particular in relation to decision-making processes,

Recalling that the exercise of the right to freedom of expression carries with it special duties and responsibilities, in accordance with article 19 (3) of the International Covenant on Civil and Political Rights,

Stressing the need to ensure that measures for the respect of the rights or reputations of others and the protection of national security, including counter-terrorism, public order and public health measures, are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality, and stressing also the need to protect human rights, including the right to freedom of opinion and expression and the right to privacy, in accordance with obligations under international law, and safeguarding personal data,

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right to freedom of opinion and 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 one's choice, and the intrinsically linked rights to freedom of thought, conscience and religion or belief, peaceful assembly and association and the right to vote and take part in the conduct of public affairs;

2. *Also reaffirms* that the same rights that people have offline must also be protected online, in particular the right to freedom of opinion and expression;

3. *Stresses* that a democratic society depends on respect for human rights, including the right to freedom of opinion and expression, and that undue restrictions on the freedom to seek, receive and impart information undermine democracy and the rule of law by preventing efforts aimed at informing citizens, including during democratic processes and at all stages of elections, and holding public authorities accountable and exposing corruption, and also stresses the importance of promoting a safe and diverse information environment that produces accurate, trustworthy and reliable information, meaning that people can rely on the accuracy of the information they access while being exposed to a variety of ideas;

4. *Expresses its continuing concern* that violations and abuses of the right to freedom of opinion and expression continue, often with impunity, and are facilitated and aggravated by the abuse of states of emergency, the misuse of overbroad or vague laws to repress freedom of expression, and unlawful or arbitrary surveillance and/or interception of communications, including through digital surveillance technologies;

5. *Strongly condemns* the threats, reprisals, harassment and violence against, both online and offline, and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including journalists and other media workers, artists and cultural workers, human rights defenders, including environmental human rights defenders, all women and girls, and individuals in vulnerable situations and/or belonging to marginalized groups, for exercising and advocating for their human rights and fundamental freedoms, for reporting and seeking information on human rights violations and abuses, or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights, which have increased and are not adequately punished, in particular where public authorities are involved in committing such acts, and including when such acts are committed in situations of crisis or armed conflict;

6. *Expresses its deep concern* at all forms of discrimination, intimidation, harassment and violence, both online and offline, that prevent women and girls from fully enjoying their human rights and fundamental freedoms, including the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association and the right to privacy, in accordance with obligations under international law, which hinders their full, equal, effective and meaningful participation in economic, social, cultural and political affairs and is an impediment to achieving gender equality and the empowerment of all women and girls;

7. *Underlines* that connectivity, access to information and communications technology, and the promotion of open and secure digital access and digital inclusion, including through digital, media and information literacy, are critical for the enjoyment of the right to freedom of opinion and expression and to bridge the digital divides;

8. *Calls upon* all States:

(a) To promote, protect, respect and ensure the full enjoyment of the right to freedom of opinion and expression, both online and offline, and to take all measures

necessary to put an end to and to prevent violations and abuses of the right to freedom of opinion and expression, including by ensuring that relevant national legislation complies with their international human rights obligations and is effectively implemented;

(b) To ensure that victims of violations and abuses have effective remedy, that threats and acts of violence are investigated effectively, and that those responsible are brought to justice in order to combat impunity;

(c) To promote, protect, respect and ensure all women's and girls' full enjoyment of the right to freedom of opinion and expression, both online and offline, without distinction or discrimination of any kind, and to counter all violence or threats of violence faced while exercising this right;

(d) To strengthen measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equitable basis and through all forms of communication of their choice, including through the provision of accessible and affordable formats and technologies;

(e) To enable everyone, including journalists and other media workers, and human rights defenders, to exercise their right to freedom of opinion and expression, including by taking effective measures, such as prevention and protection mechanisms, to ensure their safety both online and offline, and to protect in law and in practice the confidentiality of journalists' sources, including whistle-blowers, in acknowledgement of the essential role of journalists and those who provide them with information in fostering government accountability and an inclusive, democratic and peaceful society;

(f) To respect the right to freedom of opinion and expression in the media, in particular editorial independence, to promote a pluralistic approach to information and multiple points of view, inter alia by encouraging a diversity of ownership of media and of sources of information, including mass media, and by promoting the economic sustainability of media, and to refrain from the use of imprisonment or the imposition of fines for offences relating to the media where such measures are disproportionate to the gravity of the offence, and to take note of the Windhoek+30 Declaration;

(g) To develop, adopt and implement, in consultation with civil society and journalists' organizations, national action plans, based on human rights obligations and tailored to online as well as offline issues, to advance the freedom, independence and pluralism of the media; to set up prevention and protection mechanisms for the safety of journalists; and to promote awareness about human rights standards and best practices;

(h) To refrain from creating or disseminating false or misleading information, which can be designed and spread so as to violate or abuse human rights, including the rights to privacy and freedom of opinion and expression, and take appropriate and proportionate measures to mitigate risks arising from disinformation, while stressing that responses to the spread of disinformation must be grounded in international human rights law;

(i) To support relevant efforts promoting the right to freedom of opinion and expression that strengthen the resilience of societies against the impact of disinformation and misinformation at all levels, including through digital, media and information literacy, education and inclusion;

(j) To facilitate an environment supportive of addressing disinformation through multidimensional and multi-stakeholder responses that are in compliance with international human rights law, including through enhanced cooperation with international organizations, civil society, the media, the private sector and other stakeholders;

(k) To encourage business enterprises, including social media companies, to address disinformation while respecting human rights, including through the review of business models, in particular the role of algorithms and ranking systems in amplifying disinformation, enhancing transparency, enforcing all applicable legal protections for users and encouraging human rights due diligence in line with the Guiding Principles on Business and Human Rights;

(l) To adopt and implement laws and policies that ensure the freedom to seek, receive and impart information, including by:

(i) Undertaking all necessary efforts to ensure easy, prompt, effective and practical access to government information of public interest, including online, and encouraging the proactive disclosure of information held by public entities in the broadest possible terms, including on grave violations and abuses of human rights, and ensuring that grounds for refusing the disclosure of information held by public bodies are narrowly defined;

(ii) Enacting the necessary procedures to allow equal participation in access to information and to facilitate access to and use of information;

(iii) Facilitating and promoting access to and use of communications and digital technologies;

(m) To ensure that measures for the respect of the rights or reputations of others and the protection of national security, including counter terrorism, public order and public health are in full compliance with international human rights obligations, including the principles of lawfulness, legitimacy, necessity and proportionality, and stressing also the need to protect human rights, including the right to freedom of opinion and expression and the right to privacy in accordance with obligations under international law, and safeguarding personal data;

(n) To refrain from imposing new restrictions, and to lift existing ones, on the free flow of information and ideas that are inconsistent with article 19 of the International Covenant on Civil and Political Rights, including through practices such as the use of Internet shutdowns and online censorship to intentionally prevent or disrupt access to or the dissemination of information online, the banning or closing of publications or other media and the abuse of administrative measures, criminalization and censorship, and the restriction on access to or use of information and communications technology, inter alia radio, television and the Internet;

(o) To adopt and implement measures, such as laws and policies, that discourage strategic lawsuits against public participation against journalists, media outlets, and human rights defenders, amongst others, and provide support for victims;

(p) To adopt, implement and, where necessary, reform laws, regulations, policies and other measures concerning personal data and privacy protection online in order to prevent, mitigate and remedy the arbitrary or unlawful collection, retention, processing, use or disclosure of personal data on the Internet that could violate human rights and deter individuals from the full exercise of their rights to freedom of opinion and expression;

9. *Encourages* all business enterprises, including technological intermediaries and social media platforms, to meet their responsibility to respect all human rights as stated in the Guiding Principles on Business and Human Rights and in other applicable standards, including by actively contributing to initiatives aimed at fostering respect for freedom of opinion and expression, including through avenues for remedy and legal protection for users, and by ensuring the greatest possible transparency in their policies, standards and actions that have an impact on the freedom of opinion and expression, privacy and data protection;

10. *Encourages* business enterprises, including communications service providers, to work towards enabling solutions to secure and protect the confidentiality of digital communications and transactions, including measures for encryption, pseudonymization and anonymity, and to ensure the implementation of human rights-compliant safeguards, and calls upon States not to interfere with the use of such technical solutions, with any restrictions thereon complying with States' obligations under international human rights law, and to enact policies that protect the privacy of individuals' digital communications;

11. *Reaffirms* that article 20 of 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;

12. *Stresses* the importance of combating, in accordance with States' obligations under international human rights law, all acts of incitement to discrimination, hatred, hostility or violence, including by promoting tolerance, education and dialogue;

13. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national, and international levels, can be among the best protections against racism, racial discrimination, xenophobia and related intolerance, and can play a positive role in strengthening democracy and combating national, racial or religious hatred;

14. *Requests* the Office of the United Nations High Commissioner for Human Rights, in consultation with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the United Nations Educational, Scientific and Cultural Organization to conduct a study and to prepare a report on the impact of the use of strategic lawsuits against public participation on the enjoyment and realization of human rights, in particular the right to freedom of opinion and expression, published in formats accessible to persons with disabilities, and to present it to the Human Rights Council at its sixty-third session and to convene before its fifty-ninth session of the Human Rights Council, a half-day expert workshop, including webcasting and fully accessible to persons with disabilities, open to the participation of States, members of civil society, academia, the private sector, journalists, other media workers, United Nations experts and all relevant stakeholders, on the impact of the use of strategic lawsuits against public participation on the enjoyment and realization of human rights and to exchange good practices and promote approaches to counter these challenges while protecting and reinforcing human rights standards;

15. *Invites* the United Nations High Commissioner for Human Rights, the working groups, representatives and special rapporteurs of the Council and human rights treaty bodies to pay attention, within the framework of their mandates, to the situation of persons whose right to freedom of opinion and expression has been violated;

16. *Reminds* States of the possibility of seeking technical assistance upon their request if needed, including from the Office of the High Commissioner, to better promote and protect the right to freedom of opinion and expression;

17. *Decides* to continue its consideration of the issue of the right to freedom of opinion and expression in accordance with its programme of work.
