

Issue Analysis

- Freedom of Opinion and Expression - Sessions 1-8

Introduction

- Freedom of opinion and expression is an issue that is raised fairly often within the context of the Universal Periodic Review.
- A total of 19 States posed advance questions on the issue while 49 States made recommendations.
- Out of 3533 advance questions from session 1 to 8, 202 questions concerned freedom of opinion and expression.
- Out of 12385 recommendations in total, 345 focused on freedom of opinion and expression.
- In order to facilitate further analysis of this issue, a division has been made between questions and recommendations that concern the situation of freedom of opinion and expression, questions and recommendations that concern the reform of national law, and questions and recommendations that concern the state obligation under the International Covenant on Civil and Political Rights (ICCPR).

Analysis

Situation of freedom of opinion and expression

- This category contains all questions and recommendations that relate to the situation of freedom of opinion and expression, and any general remarks regarding the issue.
- Out of 202 advance written questions posed on freedom of opinion and expression, 149 of these focused on the situation of freedom of opinion and expression.
- Out of 345 recommendations on freedom of opinion and expression, 219 focused on the situation of freedom of opinion and expression.
- Questions and recommendations include, for example “How are the Government authorities planning to ensure that the freedom of expression is guaranteed for all citizens, including for media representatives and human rights defenders?” and “Allow individuals to peacefully exercise their right to freedom of expression”.

Top 5 States posing advance written questions on this issue

1. United Kingdom (31 questions)
2. Sweden (19 questions)
3. Czech Republic (16 questions)
4. Ireland (13 questions)
5. Netherlands and Norway (12 questions)

Top 5 States making recommendations on this issue

1. Norway (19 recommendations)
2. Canada (18 recommendations)
3. Sweden (17 recommendations)
4. France and United States (14 recommendations each)

5. Netherlands and Switzerland (12 recommendations each)

Reform of national law

- This category contains all questions and recommendations that relate to the revision of national law aiming to protect freedom of opinion and expression; except in cases where the ICCPR is mentioned.
- Out of 202 advance written questions, 38 focused on the reform of national law to better protect freedom of opinion and expression.
- Out of 345 recommendations on freedom of opinion and expression, 89 focused on the reform of national law to better protect freedom of opinion and expression.
- Questions and recommendations include, for example, “What consideration is being given to reforming the Penal Code with regards to the issue of defamation and publication of false news?” or “Amend articles 301 and 318 of its Penal Code with a view of decriminalizing the explicitly non-violent exercise of freedom of expression”.

Top 4 States posing advance written questions on this issue

1. Sweden (7 questions)
2. Netherlands and Norway (6 questions each)
3. United Kingdom (5 questions)
4. Ireland (4 questions)

Top 3 States making recommendations on this issue

1. Canada (18 recommendations)
2. France and Mexico (7 recommendations each)
3. Netherlands and Norway (5 recommendations each)

State obligations under the ICCPR

- This category contains all questions and recommendations that relate to the state obligation under the ICCPR. Most of the times the issue was related to reforming national law in accordance to the ICCPR.
- Out of 202 advance written questions, 15 focused on the state obligations under the ICCPR.
- Out of 345 recommendations on freedom of opinion and expression, 37 focused on the state obligation under the ICCPR.
- Questions and recommendations include, for example, “There have been reports that a number of laws, including the anti-terrorism law, limit the right to freedom of expression beyond what is permitted by the dispositions of the ICCPR. Would the Government be willing to amend such laws?” or “Conduct a review of legislation to ensure that it complies with article 19 of ICCPR, which protects the right to freedom of expression”.

Top 3 States posing advance written questions on this issue

1. Sweden (6 questions)
2. Czech Republic (3 questions)
3. Denmark and Netherlands (2 questions each)

Top 4 States making recommendations on this issue

1. Canada (9 recommendations)
2. Czech Republic (8 recommendations)
3. Netherlands (3 recommendations)
4. Chile, Norway and United Kingdom (2 recommendations each)