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COMMISSION ON HUMAN RIGHTS
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Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT

Argentina, Austria, Canada, Chile, Costa Rica, Czech Republic, Denmark*,
France, Norway*, Poland, Sweden*, United Kingdom of Great Britain and
Northern Ireland and United States of America: draft resolution

1993/... Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the
right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights,
which reaffirms, in article 19, the right of everyone to hold opinions without
interference, as well as the right to freedom of expression, and states that
the exercise of the right to freedom of expression carries with it special
duties and responsibilities and may therefore be subject to certain
restrictions, but that these shall be only such as are provided by law and are

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

** Re-issued for technical reasons.

necessary for respect of the rights or reputations of others, or for the protection of national security or of public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of the Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989, 1989/56 of 7 March 1989, 1990/32 of 2 March 1990, 1991/32 of 5 March 1991 and 1992/22 of 28 February 1992,

Taking note of the preliminary report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11) and the updated preliminary report (E/CN.4/Sub.2/1991/9), submitted to the Sub-Commission at its forty-second and forty-third sessions, respectively, by the Special Rapporteurs, Mr. Louis Joinet and Mr. Danilo Türk,

Taking note also of the final report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9) and the conclusions and recommendations (E/CN.4/Sub.2/1992/9/Add.1), presented by the Special Rapporteurs to the Sub-Commission at its forty-fourth session,

Noting further the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the fact that the working group has commenced the second reading of the draft declaration at its meeting from 18 to 29 January 1992,

Considering that the effective promotion of human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

Noting the reference in the final report of the Special Rapporteurs that the right to freedom of opinion and expression is interrelated with and enhances the exercise of all other human rights,

Deeply concerned by numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against professionals in the field of information, including journalists, editors, writers and authors, publishers and printers,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association, and the right to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at persons who seek to promote and defend these rights and freedoms;

4. Emphasizes that professionals in the field of information play a major role in the promotion and protection of freedom of opinion and expression, and expresses in this regard its concern at the growing number of reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, directed at such professionals;

5. Underlines in this regard that the Working Group on Arbitrary Detention, in its methodology of work (E/CN.4/1992/20, annex I) examines cases of denial of freedom following the exercise of rights protected by article 19 of the International Covenant on Civil and Political Rights concerning the right to freedom of expression and opinion;

6. Welcomes the release of persons detained for exercising these rights and freedoms and encourages further progress in this regard in all parts of the world;

7. Appeals to all States to ensure respect and support for the rights of all persons who exercise the rights to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, peaceful assembly and association, and the right to take part in the conduct of public affairs, or who seek to promote and defend these rights and freedoms and where any persons have been detained, subjected to violence or threats of violence and to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the International Covenant on Civil and Political Rights, to take the appropriate steps to ensure the immediate cessation of these acts and to create the conditions under which these acts may be less liable to occur;

8. Also appeals to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services;

9. Invites once again the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention and the Special Rapporteurs of the Commission on Human Rights to pay particular attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression;

10. Commends the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Louis Joinet and Mr. Danilo Türk, for their final report, including conclusions and recommendations;

11. Requests the Chairman of the Commission to appoint, for a period of three years, and after consultations with other members of the Bureau, an individual of recognized international standing as special rapporteur on the promotion and protection of the right to freedom of opinion and expression;

12. Requests the Special Rapporteur to gather all relevant information, whenever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, directed at persons seeking to exercise or to promote the exercise of the right to freedom of expression and opinion, taking into account the work being conducted by other

mechanisms of the Commission and Sub-Commission which touches on this right, with a view to avoiding duplication of work;

13. Also Requests the Special Rapporteur, as a matter of high priority, to gather all relevant information, wherever it may occur, of discrimination against, threats or use of violence and harassment, including persecution and intimidation, against professionals in the field of information seeking to exercise or to promote the exercise of the right to freedom of expression and opinion;

14. Further requests the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who have knowledge of these cases;

15. Urges all Governments to cooperate with and assist the Special Rapporteur in the performance of his or her tasks and to furnish all information requested;

16. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate;

17. Invites the Special Rapporteur to note the work being carried out on the right to freedom of expression and opinion in the specialized agencies and other organizations of the United Nations system;

18. Requests the Special Rapporteur to submit to the Commission, beginning at its fiftieth session, a report covering the activities relating to his or her mandate, noting the work being conducted by other mechanisms of the Commission and Sub-Commission which touches on the right to freedom of expression and opinion, containing recommendations to Governments concerned and providing suggestions on ways and means to better promote and protect the right to freedom of expression and opinion in all its manifestations, as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

19. Decides to review this matter at its fiftieth session;

20. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1993 ... of ... February 1993, approves the decision of the Commission to appoint, for a period of three years, a special rapporteur on

the promotion and protection of the right to freedom of opinion and expression, also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources deemed necessary, within existing overall United Nations resources, to fulfil his or her mandate and further approves the Commission's request to the Special Rapporteur to submit a report to the Commission on an annual basis, beginning at its fiftieth session.
