



COMMISSIONER FOR HUMAN RIGHTS – COMMISSAIRE AUX DROITS DE L'HOMME

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### **Workshop**

## **The promotion and protection by national human rights structures of freedom of expression and information Padua, 21 - 23 October 2008**

### **Outline of the Workshop**

#### Description of the «Peer-to-Peer Project»:

The Peer-to-Peer Project, co-funded by the Council of Europe and the European Union, consists in a work programme to be implemented by the Office of the Commissioner for human rights in 2008 and 2009. It aims at setting up an active network of independent non-judicial national human rights structures (“NHRs”) compliant with the Paris Principles, with special focus on non EU member States.

In this context, workshops for specialised staff members of the NHRs are organised in order to convey select information on the legal norms governing priority areas of NHRs action and to proceed to a peer review of relevant practices used or envisaged throughout Europe.

The workshop “The promotion and protection by national human rights structures of freedom of expression and information” will be organised from 21 to 23 October in Padua (Italy).

#### General context :

The right to freedom of expression and information is a political right, protected by various international instruments, among which Article 19 of the Universal Declaration of human rights or the International Covenant on civil and political rights and, at European level, Article 10 of the European Convention on human rights. Many monitoring mechanisms for the respect of these standards were established at international and European level. Among those mechanisms, special mention should be made to the European Court of human rights, which has rapidly developed a case law ensuring the protection of freedom of expression. The Court’s work has been accompanied by complementary activities of other Council of Europe organs, in particular the Committee of the Ministers, the Parliamentary Assembly and the Steering Committee on the Media and New Communication Services (CDMC).

The workshop will consist in four working and discussion sessions, corresponding to four aspects of freedom of expression and freedom of information:

- balancing freedom of expression with other individual rights
- the specific cases of hate speech and insults to religious beliefs
- the protection of journalists
- access to information

These themes were chosen for two reasons:

- Particular attention is given to these four themes within the Council of Europe. This is demonstrated by the recent work of the Committee of Ministers and the Parliamentary Assembly concerning the protection of journalists in time of crisis, de-criminalisation of defamation or blasphemy<sup>1</sup>.
- The activities conducted by the NHRs in the member states of the Council of Europe show that these four themes are of particular interest to them. Through exchanges of experiences, participants will explore other avenues and possibilities for NHRs to reinforce the protection and promotion of freedom of expression and information.

#### Themes of the workshop:

The first session will focus on the sensitive issue of reconciling freedom of expression with the respect of other fundamental rights of the individual or the community. The protection of the reputation and rights of others mentioned in Article 10 paragraph 2 of the European Convention presents a particular interest in this regard. Whereas freedom of expression is protected to a large extent in the sphere of public debate, this protection is reduced when it comes to private or intimate sphere, even when a public figure is concerned. The issue of restrictions to freedom of expression deserves special attention. The question of defamation is at the core of this debate.

Also within the limits to freedom of expression, a particular attention will be given to the specific issue of hate speech and the question of reconciling freedom of expression and protection of religious beliefs, in light of recent discussions.

Then we will focus on journalists. Some of them still can not exercise their profession without fear for their safety or without pressure, including in Europe. The protection of journalists, especially in times of crisis, is a *conditio sine qua non* for a concrete and effective exercise of freedom of expression.

Finally, the issue of access to information shall be treated, primarily in terms of access to some official documents of national, regional or local authorities. To this end, it is worth mentioning the recent draft Convention of the Council of Europe on access to public documents, which was referred to the Parliamentary Assembly of the Council of Europe for opinion, and which is an important step in this field.

#### The objectives of the workshop:

1. Strengthening the knowledge by the NHRs of applicable standards on freedom of expression and information.
2. Allowing NHRs to monitor in a continuous and effective way the implementation, by national, regional and local authorities, the international and European standards on the subject.
3. Informing NHRs on the work of various organisations in this field.
4. Promoting the exchange of "good practices" between NHRs.
5. Promoting the identification of barriers, limits and challenges for NHRs in dealing with issues relating to freedom of expression and information.

#### Working methods:

The workshop will focus on the legal standards governing the theme mentioned above, and facilitate exchanges of views among peers on the different practices applied or contemplated in Europe.

In each working session, a preponderant place will be reserved for an exchange of experiences, good practices and difficulties encountered by NHRs.

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<sup>1</sup> For a detailed overview of all those texts, please refer to the list of the background documents prepared for this workshop.