

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE:
OL OTH 28/2018

14 May 2018

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolution 34/18.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning **the United Nations Alliance of Civilization's ("UNAOC") postponement of the event "From News Literacy to "News Games": Conversations Celebrating World Press Freedom Day" scheduled for 3 May 2018.**

According to the information received:

UNAOC, in collaboration with the News Literacy Project (the "NLP") had scheduled to hold an event at the United Nations Headquarters in New York on 3 May 2018: "From News Literacy to 'Newsgames': Conversations Celebrating World Press Freedom Day." The event had been planned four months previously. More than 150 persons had registered to attend the event. On 30 April, the NLP submitted to the UNAOC a set of videos prepared ahead of the event, as had been requested.

On 1 May, UNAOC raised concerns with the NLP about the videos being unbalanced. The videos, among other things, referenced severe restrictions on press freedom in several specific countries, including Turkey. The UNAOC's representatives reportedly asked NLP to either remove references to Turkey or edit the videos to reference all countries where press freedom is limited. As stated in UNAOC's press release dated 2 May, this request was made to ensure objectivity and a more comprehensive representation of worldwide issues with press freedom. Reportedly, an official from the UNAOC later insisted that the NLP not share any of the videos at the event. The NLP refused. It was later reported that UNAOC had already edited the video, without NLP's permission, to remove reference to Turkey.

Subsequently, in an e-mail sent on 3 May, the UNAOC informed the panelists and attendees of the event that it would need to be postponed until future notice because of a scheduling conflict with another event hosted by UNESCO and the Department of Public Information. That event commemorated World Press Freedom Day and included participation of the Secretary-General and the President of the General Assembly.

Concerns have been raised that the conflict over the video's content was the actual reason for cancelling the event.

I appreciate your organization's interest in remaining objective in exercising its mandate. Nevertheless, I am obligated to raise my serious concerns with the cancellation of the event and the editing of the NLP video without their permission. I am concerned that cancelling the event to prevent criticism of specific states' alleged restrictions on press freedoms, as well as editing the video of NLP without their permission, may amount to a form of censorship in violation of the right to freedom of expression as guaranteed by article 19 of the International Covenant on Civil and Political Rights (ICCPR) and article 19 of the Universal Declaration of Human Rights. The ICCPR outlines universal rights of all people and, accordingly, the rights of all people to exercise those rights freely.

The ICCPR does not directly apply to UNAOC however, as a United Nations initiative, the UNAOC has been recognized by the United Nations Secretary-General as a soft-power tool for preventing conflict and promoting social dialogue between communities and cultures. Moreover, the UNAOC is guided by the principles of the United Nations Charter, which calls upon the United Nations and its subsidiary organizations to "assist[] in the realization of human rights and fundamental freedoms for all." As a Member State driven alliance, it is therefore no principled reason why UNAOC should not be bound by the same obligation as states to respect the right to freedom of expression.

The rights for all individuals to have the freedom of opinion and expression count among the human rights and fundamental freedoms that United Nations bodies are expected to protect and promote. By not allowing the NLP the opportunity to impart its concerns of specific restrictions on press freedom at the "From News Literacy to 'Newsgames'" event, the NLP and its panelists' right to impart information and ideas of all kinds through its videos and discussion—even discussion that may offend certain states—was stifled. Rather than being a conduit for these event-planners' productive conversations about how to advance peace and freedom around the world, the UNAOC's actions stifled these expressions.

According to article 19(3) of the ICCPR, the right to freedom of expression may only be restricted if the limitation is provided by law, and if it is necessary and proportionate to protect a legitimate objective. The ICCPR names national security, public order, public health or morals, and the rights or reputations of others as legitimate objectives that, with all aforementioned requirements met, may justify restrictions on the freedom of expression. Article 19(3) may never be invoked to justify the muzzling of any advocacy meant to advance democratic tenets or human rights.

It is understandable for the UNAOC to review expressions made by its representatives to ensure no bias in exercising your mandate as a United Nations

subsidiary organization. However, regulating the NLP's video content in their attempt to advocate for international press freedom principles unduly restricts the NLP's right to share information and opinions. Moreover, cancelling the event upon the NLP's refusal to restrict their content eliminates the NLP's ability to participate in World Press Freedom Day entirely. Such action, if indeed taken because of the potentially controversial content displayed in the NLP's videos, does not act to protect any legitimate objective, and accordingly the restriction cannot be deemed necessary or proportionate.

In view of the aforementioned comments, I would like to call on the UNAOC to take all steps necessary to conduct a comprehensive review of the cancellation of the "From News Literacy to 'Newsgames'" event, and ensure the UNAOC's compliance with international human rights standards.

It is also my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Therefore, I would be grateful for any additional information and any comments you may have on the above-mentioned allegations. In addition, please provide more information about:

i) UNAOC's standard procedure for reviewing content created by presenters at the UNAOC's events, and a comprehensive explanation of the process used to review NLP's videos.

ii) Please provide information about UNAOC's justifications for having cancelled the NLP's event, and descriptions of the grounds that the UNAOC has used to cancel past events, if such cancellations have occurred.

iii) I also welcome any clarifications on whether other measures can be taken to ensure that participants in the UNAOC's future events will be protected under international human rights law and standards, particularly with regard to the right to freedom of opinion and expression.

I would appreciate receiving a response as soon as possible.

Your response will be made available in the public communications report of Special Procedures.

Please accept, Excellency, the assurances of my highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression