LouvainX: Louv2.01x International Human Rights

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Article 19, para. 3, of the International Covenant on Civil and Political Rights, states that the exercise of freedom of expression

"carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals".

Consider how, in its 2011 General Comment No. 34 on freedoms of opinion and expression, the Human Rights Committee describes the requirement that the restrictions to freedom of expression should be "such as provided by law" :

24. Restrictions must be provided by law. Law may include laws of parliamentary privilege and laws of contempt of court. Since any restriction on freedom of expression constitutes a serious curtailment of human rights, it is not compatible with the Covenant for a restriction to be enshrined in traditional, religious or other such customary law.

25. For the purposes of paragraph 3, a norm, to be characterized as a "law", must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.

26. Laws restricting [freedom of expression], including the laws referred to in paragraph 24, must not only comply with the strict requirements of article 19, paragraph 3 of the Covenant but must also themselves be compatible with the provisions, aims and objectives of the Covenant.Laws must not violate the non-discrimination provisions of the Covenant. Laws must not provide for penalties that are incompatible with the Covenant, such as corporal punishment.

Why do you think the Human Rights Committee excluded that restrictions to freedom of expression could be imposed through customary law, including traditional or religious norms? Do you agree?

INSTRUCTIONS: In responding to the above questions, DO NOT click on 'New Post'. Click on 'Show discussion', and then, in the first discussion thread, called '[3.4.2] Restrictions to freedom of expression resulting from religious or traditional norms', click on 'View discussion' and then on 'Add a response' to propose your views to the community. If you want to comment on a peer's opinions in that thread then click on 'Add a comment' in his response. You can also watch the tutorial (http://youtu.be/SINSJKdez6g) (see also, the updated (http://youtu.be/TNoOB8q19kQ) version) in order

to make the best use of the interface.

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COMPLETION CHECKBOX (1/1 point)

☑ I have considered Article 19 of the ICCPR and the interpretation given by the Human Rights Committee and have contributed to the forum. ✔

[Check]   [Hide Answer(s)]

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