



INTER-PARLIAMENTARY UNION
120th Assembly and related meetings
Addis Ababa (Ethiopia), 5 - 10 April 2009



Third Standing Committee
Democracy and Human Rights

C-III/120/DR-pre
19 December 2008

FREEDOM OF EXPRESSION AND THE RIGHT TO INFORMATION

***Preliminary draft resolution submitted by the co-Rapporteurs
Mr. Karupiya Malaisamy (India) and Mr. Andrew Dismore (United Kingdom)***

The 120th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* Article 19 of the Universal Declaration of Human Rights (1948),
- (2) *Further recalling* Article 19 of the International Covenant on Civil and Political Rights (1966),
- (3) *Taking note* of Article 10 of the European Convention on Human Rights,
- (4) *Taking note* of Article 13 of the American Convention on Human Rights,
- (5) *Taking note* of Article 9 of the African Charter on Human and Peoples' Rights,
- (6) *Welcoming* the Chapultepec Declaration adopted by the Hemisphere Conference on Free Speech (1994),
- (7) *Welcoming* the Aarhus Convention (1998) adopted by the Member States of the UN Economic Commission for Europe and the European Union,
- (8) *Noting* the 1998 Report of the UN Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression,
- (9) *Noting* the 1999 Joint Declaration of the UN Special Rapporteur on the right to freedom of opinion and expression, the Organisation for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media and the Organization of American States (OAS) Special Rapporteur on Freedom of Expression,
- (10) *Noting* the 2002 African Commission on Human and Peoples' Rights (ACHPR) Declaration of Principles on Freedom of Expression in Africa,
- (11) *Noting* the 2004 Joint Declaration of the UN Special Rapporteur on the right to freedom of opinion and expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression,

(12) *Recalling* the May 2005 IPU Seminar on Freedom of Expression, Parliament and the Promotion of Tolerant Societies,

(13) *Noting* the 2006 Joint Declaration of the UN Special Rapporteur on the right to freedom of opinion and expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information in Africa,

(14) *Also noting* that access to information is a pivotal tool of empowerment that is vital for strengthening accountability, transparency and the rule of law,

(15) *Recognizing* the importance of freedom of expression and access to information in a democratic society for ensuring accountability, checking corrupt practices and enhancing good governance,

(16) *Deeply concerned* that large sectors of the society in different parts of the world are still illiterate and thus unaware of their rights enshrined in their respective constitutions,

(17) *Aware* that the relevance of people's right to know takes on greater importance today more than ever since modern democracy embraces a wider and more direct concept of accountability,

1. *Believes* that freedom of expression and freedom of information are fundamental to a democratic society;
2. *Welcomes* the expansion among States of freedom of information rights;
3. *Welcomes* the efforts of international institutions and organizations aimed at protecting freedom of expression and the right to information;
4. *Expresses concern* at restrictions imposed on and victimization of members of parliament, journalists and other opinion shapers in exercising the right of freedom of expression;
5. *Urges* parliaments to ensure that only restrictions on freedom of expression that are absolutely necessary to protect the rights of others and provided for by law are allowed, and that any regulatory regime operates in this context;
6. *Concerned* about the concentration of media ownership leading to the marginalization of the right to express unconventional views or views that are not in the mainstream;
7. *Believes* that plurality of media and public-interest broadcasters should be encouraged by parliaments as being essential to freedom of expression;
8. *Urges* the media to exercise its freedom of expression judiciously during counter-terrorism operations and similar crisis situations;
9. *Calls for* an international dialogue to respond to the challenge of fair regulation of the Internet to ensure that it constitutes a democratic medium of expression without interfering with the legitimate rights of others;

10. *Believes* that freedom of information is essential to full enjoyment of the right of freedom of expression and meaningful participation in a democratic society;
11. *Requests* the IPU to encourage the exchange of experiences and good practices in the development of the right to freedom of information;
12. *Encourages* the development of freedom of information beyond State actors to encompass significant private-sector companies and bodies;
13. *Believes* that whistleblowers should be protected by law, if acting in the public interest;
14. *Believes* that the basic principle should be in favour of disclosure, with narrowly defined restrictions permissible only in the public interest, or to protect the legitimate personal data of individuals;
15. *Encourages* those parliaments that have not already done so to enact freedom of information legislation at the earliest opportunity;
16. *Urges* parliaments to work with their respective governments to eliminate the barriers to an effective freedom of information regime, including, but not limited to: public awareness, adequate resources, limiting exceptions, effective guidelines, eliminating delays and excessive fees, an independent regulatory regime with sufficient powers to enforce compliance, and to encourage an attitude among public servants of openness rather than unnecessary secrecy.