The right to freedom of
Opinion and Expression

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Freedom of Opinion

What is opinion?

• An opinion is a view or judgment about something, not necessarily based on fact.
• Everyone shall have the right to hold opinions without interference (Art. 19, ICCPR).¹

Are opinions subject to certain restrictions?

• No, there are no lawful restrictions.
• All forms of opinion are protected, including opinions of a political, scientific, historical, moral and religious nature (Art. 19, ICCPR).

Freedom of Expression

Everyone shall have the right to freedom of expression (Art. 19, ICCPR)

What rights are included in the right to freedom of expression?

• The right to seek, review and access information.
• The right to impart information and ideas of all kinds, verbally, in writing or print, as art or through any other media of choice (Art. 19, ICCPR).

What are the forms of expression?

• Forms of expression can be spoken, written, sign language and non-verbal expression such as images and objects of art.

What types of communication are included in “expression”? Means of expression include:

- Books
- Newspapers
- Pamphlets
- Posters
- Banners
- Dress
- Legal submissions
- Audio-visual
- Internet

¹ (ICCPR) International Covenant on Civil and Political Rights, article 19.
Is freedom of expression subject to restriction?

In some cases, lawful restrictions can be made to protect the following:

**Rights and Reputations of Others**

Expression can be legitimately limited in order to protect others’ right to privacy, to be free from discrimination, and other rights. For example, a person can legitimately face punishment for using racial or homophobic hate speech.

**Public Order**

Public speeches can be regulated to protect public order. For example, a person’s expression can be limited in a courtroom in order to safeguard the orderly conduct of a trial (known as a contempt of court order).

**National Security**

For example, journalists can be restricted from revealing state military secrets in certain circumstances. Such restrictions should not be made to suppress information of legitimate public interest that does not harm national security, nor should journalists, activists or researchers be prosecuted for disseminating such information.

**Morals**

For example, it may be permissible to restrict the dissemination of sexually explicit materials, but religious traditions cannot be used as a justification to prevent LGBTI-awareness activities.

• All restrictions to freedom of expression must be clearly outlined in law and they must constitute the minimum restriction possible in order to protect the rights and reputation of others, public order, national security or morals.

What is defamation?

• Defamation is the expression of untrue statements of fact, which affect the reputation of another person. For example, if a statement affecting somebody’s reputation is untrue, and the speaker knew it to be untrue, he/she may face a legal action (defamation suit).

• No one shall be liable under defamation law for the expression of an opinion (Article 19).

• The threshold for defamation in respect of public figures, such as politicians, is much higher than the standard for purely private people. This difference allows citizens to freely debate about politics and politicians (General comment No.34).²