



# Upholding Freedom of Expression

The Human Rights Council



Empowering Future Generations: Cultivating Global  
Literacy and Enlightenment



**Forum:** The Human Rights Council  
**Issue:** Upholding Freedom of Expression  
**Student Officer:** Louis Nijssen  
**Position:** Head Chair

## Introduction

For many, the freedom of expression is the most fundamental human right there is. Fundamental for our identity, our society, and our governmental structure: democracy. After all, who would we be if we could not say what we wished, criticize whom we wished? Sadly, for many others, our reality is nothing more than a far-fetched fantasy. In China for instance, everything one says online is monitored, kept track of, and can be used against you in the future. China is far from an exception, with countries like Russia, Iran and North Korea following suit. All this while nearly all nations ratified the Universal Declaration of Human Rights in 1948. This research report will explore where we went wrong and what steps should be taken to recover. It will also look at the issue in the context of western countries, where the debate around the freedom of speech rages perhaps even more fervently than in China (this discrepancy can most likely be linked to the absence of freedom of speech).

## Definition of Key Terms

### Freedom of Expression

The right to express opinions and ideas without government interference, censorship, or fear of retaliation. It encompasses both speech and writing as well as other forms of communication.

### Censorship

The suppression of speech, writing, or other communication considered harmful or politically inconvenient by authorities.

### Hate Speech

Speech that attacks or incites hatred against individuals or groups based on attributes such as race, religion, ethnicity, sexual orientation, or gender.

### Self-Censorship

The act of individuals or organizations voluntarily limiting their speech out of fear of backlash

### Soft Censorship

Indirect methods of limiting speech, such as withholding funding, applying social pressure, or influencing media narratives, rather than outright bans.

### Disinformation



Deliberately false or misleading information spread to deceive, often discussed in the context of its impact on democratic processes and public discourse.

## Whistleblowing

The act of exposing illegal or unethical practices within an organization.

# General Overview

## The history of free speech

The modern era of free speech began to take shape during the Enlightenment of the 17th and 18th centuries when thinkers like John Locke, Voltaire, and John Stuart Mill argued for the importance of individual liberty and the free exchange of ideas. These principles influenced early democratic movements, culminating in groundbreaking legal protections like the First Amendment of the U.S. Constitution (1791) and the French Declaration of the Rights of Man and of the Citizen (1789).

The 20th century saw both progress and peril for free speech as the world grappled with the rise of authoritarian regimes and global conflicts. After the devastation of World War II, the international community codified the right to free expression in the Universal Declaration of Human Rights (1948), reflecting a collective commitment to preventing the abuses of propaganda and censorship seen under fascist and totalitarian governments. During the Cold War, free speech became a battleground between democratic and authoritarian ideologies, with the U.S. and its allies championing it as a cornerstone of democracy, while suppressing dissent themselves, such as during McCarthyism.

Since then, much has stayed the same. There is still a divide between authoritarian and democratic countries. One side puts heavy restrictions on free speech, and is quick to stifle criticism, while the other side condemns this behaviour, while struggling to find the right balance between security and free speech themselves. There are some factors that have changed since then, however. One such factor is social media, which can both be used by authoritarian governments as well as protest movements, as seen during the Arab Spring in 2011, and the Iranian protests in 2022.

## Modern-day threats to the freedom of expression

Authoritarian governments are among the most persistent threats to free expression. In countries like China, Russia, and Iran, state control over media and surveillance restrict dissent and suppress critical voices.

China's "Great Firewall" is perhaps the most prominent example of digital censorship. The government controls internet access and blocks foreign platforms like Google and Twitter. Crackdowns on journalists, such as those reporting on the treatment of Uyghur Muslims, demonstrate the CCP's grip on free expression. Similarly, in Russia, independent media have



been silenced, and dissenters face imprisonment or exile, as seen in the cases of Alexei Navalny and the suppression of protests against the war in Ukraine.

But authoritarian regimes are not the only ones accused of limiting the freedom of speech of their citizens, western democracies are also criticized. While laws in these nations broadly protect free speech, exceptions like restrictions on hate speech, incitement to violence, and national security concerns frequently spark controversy. For example, the United States, despite its strong First Amendment protections, has faced debates over surveillance programs like PRISM, which whistleblower Edward Snowden exposed as infringing on privacy and freedom of expression. Similarly, the UK's Prevent program, aimed at countering radicalization, has been criticized for targeting minority communities disproportionately and creating a chilling effect on open dialogue in schools and universities.

The rise of digital platforms has introduced new complexities for Western democracies, where governments increasingly call for tech companies to moderate harmful content. The European Union's Digital Services Act exemplifies efforts to impose accountability on platforms, yet it has sparked fears of overreach, with critics warning that stringent content moderation requirements could stifle legitimate dissent or satire. Additionally, high-profile deplatforming incidents, like the removal of former U.S. President Donald Trump from Twitter, reveal tensions between free speech and preventing the incitement of violence.

This balancing act is one all countries must continue to make for themselves. It might be easy to let the scales rest in one of two positions (either prioritizing free speech over security or vice versa), but this will lead to human rights abuses and to discontent among the population. We just have to look at the state of countries like Russia to know this to be true.

One last emerging threat to free speech is social pressure to conform to uncontroversial opinions. In an age of cancel culture, online shaming, and widespread polarization, individuals and institutions may self-censor for fear of public backlash rather than legal consequences. For example, academics and public figures have faced career-ending controversies for expressing opinions deemed out of step with societal norms. In 2020, journalist Bari Weiss resigned from *The New York Times*, citing a hostile environment created by colleagues who she felt dismissed opposing views. Similarly, comedians like Dave Chappelle have faced boycotts and protests for making jokes that some find offensive. Although these trends pale in comparison to outright government censorship, they can nevertheless influence public statements and create the very same chilling effect.

## Major Parties Involved

### The United States

The United States is a staunch advocate of freedom of expression, which is enshrined in the First Amendment of its Constitution. The U.S. promotes this right as a cornerstone of democracy, protecting nearly all forms of speech, with a few exceptions (incitement to



violence or defamation). Internationally, the U.S. uses diplomatic efforts to support press freedom and human rights, but its credibility has been challenged by internal political polarization and crackdowns on whistleblowers like Edward Snowden.

## Large Tech Companies

Social media companies like Meta (Facebook), X, and YouTube have become key actors in the freedom of speech debate due to their control over online discourse. While they provide platforms for free expression, they also moderate content to combat misinformation and hate speech. Critics accuse these companies of inconsistent enforcement and raise concerns about censorship. Conversely, others argue they do too little to curb harmful content, calling for stricter regulations. Balancing platform accountability with user rights is a major challenge for these companies.

## European Union (EU)

The EU is an advocate for free expression through laws like the Charter of Fundamental Rights of the European Union (Article 11) and initiatives to combat censorship in member and neighbouring states. However, the EU also regulates digital platforms to address misinformation and hate speech. This has led to debates about balancing regulation with freedom of expression.

## The People's Republic of China

China takes an authoritarian stance on freedom of expression. The government enforces rigorous censorship through the Great Firewall, restricting internet access and monitoring social media platforms. It suppresses dissent, punishes critics, and controls media narratives. China's approach has drawn widespread condemnation from global human rights organizations and Western democracies. Simultaneously, China influences other countries by exporting its censorship technologies. This makes it a significant counterforce in the global debate.

## Non-Governmental Organisations (NGO's)

NGOs like Amnesty International, Human Rights Watch, and Reporters Without Borders work to expose violations of free speech, support persecuted individuals such as journalists, and advocate for legislative and policy changes to safeguard this right. For example, Reporters Without Borders annually publishes the World Press Freedom Index, which ranks countries based on media freedom. Amnesty International has successfully campaigned for the release of detained activists like Nasrin Sotoudeh in Iran, a human rights lawyer sentenced for defending free expression. Additionally, organizations like Access Now have worked to prevent internet shutdowns during protests.



## Timeline of Events

1947-1959	McCarthy Era in the U.S. saw suppression of speech
December 10th 1948	The Universal Declaration of Human Rights is passed, including the freedom of speech in article 19
November 4th 1950	The ECHR includes the freedom of expression in article 10
June 1953	The Soviet Union violently crushed the East German Uprising
January 25th 2011	The Arab Spring protests showcase the effectiveness of social media in amplifying free speech
October 28th 2018	The Saudi Arabian government faces criticism for the murder of journalist Jamal Khashoggi
July 1st 2020	Hong Kong passes the National Security Law, greatly restricting free speech by increased government censorship
August 15th 2021	Taliban's return to power in Afghanistan
October 15th 2022	Government shutdown of protests in Iran
December 14th 2022	New laws passed by EU target online hate speech

## Previous attempts to solve the issue

### The Global Network Initiative (GNI)

The Global Network Initiative was launched in 2008 as a collaborative effort among technology companies, human rights organizations, academics, and investors to address the challenges of protecting freedom of expression and privacy in the digital age. The initiative establishes a set of principles for companies to follow when faced with government demands to restrict speech or hand over user data. Members like Google, Microsoft, and Meta commit to transparency and accountability in how they manage these requests. While the initiative has set standards for responsible corporate behaviour, critics argue that its voluntary nature limits the extent to which it can be enforced, particularly against authoritarian governments.

### The Establishment of Independent Media Councils

In the mid-20th century, several countries introduced independent media councils to balance free speech with ethical journalism. For instance, Sweden's Press Ombudsman (established in 1969) and Press Council aimed to provide a mechanism for resolving disputes between the public and the press without resorting to censorship or litigation. These councils are typically composed of media professionals and public representatives, ensuring that journalists adhere to ethical standards while safeguarding their right to report freely. Although these mechanisms are not flawless, they have helped build trust in media systems and demonstrate



how self-regulation can address challenges to free speech without heavy-handed government intervention.

## The "Internet Freedom" Initiatives

In the digital era, Western democracies launched initiatives to protect online freedom of expression. For example, the U.S. State Department's "Internet Freedom" program in the early 2000s sought to combat authoritarian censorship and promote open internet access worldwide. The program funded technologies like virtual private networks (VPNs) and circumvention tools that allowed users in repressive regimes to bypass internet restrictions. While these efforts empowered activists and expanded access to information, they also faced criticism for being inconsistently applied and politically motivated, especially when U.S. allies engaged in censorship or surveillance practices.

## Possible solutions

### Ensuring Transparency and Accountability in Tech Companies

Tech companies wield enormous influence over modern discourse, and a key solution lies in holding them accountable for their content moderation practices. Governments and civil society can push for legally binding requirements for transparency, such as publishing regular reports on content takedowns and decisions related to user bans. Balancing moderation with free expression is complex, but improved transparency and oversight can help prevent arbitrary or biased decisions while maintaining platforms as spaces for open dialogue.

### Create Legal Protections Against Social Pressure and Cancel Culture

Social pressure, often amplified by social media, can lead to self-censorship and the suppression of free speech. To mitigate this, legal protections should be implemented to prevent people from being harassed for expressing controversial or unpopular views, provided they do not incite harm. For example, employers could be legally barred from taking action against employees based solely on their political opinions or controversial speech, as long as those opinions do not harm others in the workplace. Furthermore, anti-cancel culture measures could be enacted to protect individuals from mass online harassment campaigns that seek to punish them for expressing dissenting views. These protections could be enforced through independent review bodies that assess whether online actions against individuals constitute harmful or unjust social pressure.



## Guiding governments in the adoption of effective laws

Governments can create laws that protect free speech while also addressing harmful speech, such as incitement to violence, defamation, or hate speech. These laws should be carefully drafted to avoid overly broad or vague definitions that could open loopholes allowing for censorship. For example, ensuring that hate speech laws do not infringe on individuals' rights to express differing opinions is essential. Transparent judicial processes should allow people to challenge these laws and their enforcement.

## Useful documents

A resolution passed by the HRC in 2022 on this exact topic:

<https://digitallibrary.un.org/record/3985686?ln=en&v=pdf>

A document listing the various different commitments different intergovernmental organisations have made to the freedom of expression:

[https://www.unesco.org/sites/default/files/medias/fichiers/2024/01/international\\_standards\\_on\\_freedom\\_of\\_expression\\_eng.pdf](https://www.unesco.org/sites/default/files/medias/fichiers/2024/01/international_standards_on_freedom_of_expression_eng.pdf)

## Bibliography

Amnesty International. "Freedom of Expression - Amnesty International." *Amnesty International*, 18 Sept. 2023, [www.amnesty.org/en/what-we-do/freedom-of-expression](http://www.amnesty.org/en/what-we-do/freedom-of-expression).

"Breaking the Silence: Examining China's Human Rights Crisis and the Need for Freedom of Speech." *The Organization for World Peace*, 29 Nov. 2022, [theowp.org/breaking-the-silence-examining-chinas-human-rights-crisis-and-the-need-or-freedom-of-speech](http://theowp.org/breaking-the-silence-examining-chinas-human-rights-crisis-and-the-need-or-freedom-of-speech).

"Freedom of Expression and Information." *European Commission*, [commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/know-your-rights/freedoms/freedom-expression-and-information\\_en](http://commission.europa.eu/aid-development-cooperation-fundamental-rights/your-fundamental-rights-eu/know-your-rights/freedoms/freedom-expression-and-information_en).

*Freedom of Expression and Media*. [www.cilvektiesibugids.lv/en/themes/freedom-of-expression-media](http://www.cilvektiesibugids.lv/en/themes/freedom-of-expression-media).

Free Speech Center. "First Amendment Timeline | the Free Speech Center." *The Free Speech Center*, 11 Nov. 2024, [firstamendment.mtsu.edu/first-amendment-timeline](http://firstamendment.mtsu.edu/first-amendment-timeline).

Gupta, Abhinav Mehrotra & Dr. Biswanath. "Upholding Freedom of Speech and Democracy: A Call for International Action." *The Geopolitics*, 8 Mar. 2024, [thegeopolitics.com/upholding-freedom-of-speech-and-democracy-a-call-for-international-action](http://thegeopolitics.com/upholding-freedom-of-speech-and-democracy-a-call-for-international-action).

National Coalition Against Censorship. "Internet Free Expression Timeline - National Coalition Against Censorship." *National Coalition Against Censorship*, 31 Oct. 2024, [ncac.org/resource/a-selective-timeline-of-the-internet-and-censorship](http://ncac.org/resource/a-selective-timeline-of-the-internet-and-censorship).

Smith, David, and Luc Torres. "Timeline: A History of Free Speech." *The Guardian*, 2 Dec. 2017, [www.theguardian.com/media/2006/feb/05/religion.news](http://www.theguardian.com/media/2006/feb/05/religion.news).





“The Right to Freedom of Expression Under International Law | eReader.” *eReader*, 24 June 2024, [www.mediadefence.org/ereader/publications/introductory-modules-on-digital-rights-and-freedom-of-expression-online/module-1-key-principles-of-international-law-and-freedom-of-expression/the-right-to-freedom-of-expression-under-international-law](http://www.mediadefence.org/ereader/publications/introductory-modules-on-digital-rights-and-freedom-of-expression-online/module-1-key-principles-of-international-law-and-freedom-of-expression/the-right-to-freedom-of-expression-under-international-law).

“Upholding Press Freedom in a Thriving Democracy.” *UNDP*, [www.undp.org/liberia/blog/upholding-press-freedom-thriving-democracy](http://www.undp.org/liberia/blog/upholding-press-freedom-thriving-democracy).

UNESCO. “The Importance of self regulation of the media in upholding freedom of expression”. <https://unesdoc.unesco.org/ark:/48223/pf0000191624>

“What Is Freedom of Expression? - ARTICLE 19.” *ARTICLE 19*, 14 Aug. 2024, [www.article19.org/what-is-freedom-of-expression](http://www.article19.org/what-is-freedom-of-expression).