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Note on UN Draft General Comment on Article 19

In November 2010, the UN Human Rights Committee published draft General Comment No. 34 on Article 19 of the International Covenant on Civil and Political Rights (ICCPR). When it has been adopted, the new General Comment will replace an earlier Comment on Article 19, adopted by the Committee in 1983. As part of a process of public consultation, the Committee was seeking submissions on the draft Comment until 31 January 2011. CLD has prepared a Note detailing its recommendations for the draft.

"CLD very much welcomes the adoption of a new General Comment to replace the outdated and very brief 1983 Comment," said Toby Mendel, Executive Director of CLD. *"While we applaud the Committee for a draft which is both progressive and comprehensive, we believe a number of issues deserve either more detailed treatment or a more robust stance on the part of the Committee."*

Some of the key recommendations in the Note by CLD include:

- Greater attention should be given in the draft Comment to:
 - the obligation on States to promote media diversity;
 - the key features of a right to information system; and
 - the scope of legitimate national security restrictions on expression.
- The draft Comment should make it clear that:
 - the term 'others' in Article 19(3) does not refer to public entities or ideas;
 - licensing of newspapers or internet service providers is not legitimate and that licensing of broadcasters should be undertaken only by independent bodies; and
 - States must ban advocacy of hatred that incites to discrimination, hostility or violence, but may not go beyond this.

The full Note is available at: <http://www.law-democracy.org/wp-content/uploads/2010/07/UN-HRC-GC-34.Jan11.pdf>.

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