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International Mandates Joint Declaration on Response to Conflict

Today, the 16th annual Joint Declaration by the four specialised mandates tasked with promoting and protecting freedom of expression at the UN, OAS, OSCE and African Commission was launched in Riga, Latvia, at the UNESCO World Press Freedom Day event. The Declaration, prepared with the assistance of the Centre for Law and Democracy and ARTICLE 19, focuses on States' responses to conflict situations giving rise to systematic attacks on freedom of expression, including through terrorist attacks and widespread organised crime.

"We are witnessing a range of illegitimate responses to situations of systematic attacks on freedom of expression in countries around the world", said Toby Mendel, Executive Director of CLD. "These range from adopting overbroad criminal restrictions, for example on encouraging or promoting terrorism, to mass surveillance to imposing states of emergency."

The Joint Declaration sets out a number of important standards for States, including the following:

- Criminal restrictions should not prohibit vague or unduly broad forms of expression such as glorifying or justifying terrorism.
- Administrative measures which directly limit freedom of expression should be applied only by an independent administrative body.
- State filtering of the Internet and communications 'kill switches' (such as shutting down the Internet) can never be justified.
- There should be broad protection for whistleblowers and of the right of journalists and others to protect their confidential sources of information.
- Mass surveillance and obligations on communications providers to retain data on a mass basis for security purposes are never legitimate; these activities should only be undertaken on a targeted basis.
- Individuals have a right to take advantage of available encryption and anonymity tools.
- There should be full transparency regarding systems of surveillance and independent oversight of bodies which undertake surveillance.

The Joint Declaration is available in different languages at: www.law-democracy.org/live/international-mandates-joint-declaration-on-response-to-conflict/.

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