

EU publishes guidelines on protecting free expression abroad

Posted: Tue, 20th May 2014

The Council of the European Union has adopted human rights guidelines on [Freedom of Expression Online and Offline](#).

The new guidelines seek to help the EU protect and promote freedom of expression and opinion outside the EU arena and set out a number of preventative and reactive tools to enable it to do so. They are aimed at helping EU staff and representatives contribute to preventing potential violations of freedom of opinion and expression, and are guided by "the universality, indivisibility, interrelatedness and interdependence of all human rights".

The guidelines come as part of a consultation undertaken by the EU last year, to which the NSS submitted evidence, and emphasise freedom of the media and combating violence, persecution, harassment and intimidation of journalists and other media actors.

Notably, the guidelines also observe that restricting freedom of opinion and expression, "solely in order to protect notions such as religions, cultures, schools of thought, ideologies or political doctrines" is not permitted by international human rights law. They note that freedom of opinion and expression can only be limited in strictly prescribed circumstances – such as those delineated by [Rabat Plan of Action](#).

They also highlight the situation for a number of women's rights groups who have publicly criticized discriminatory religious tenets, and as a consequence have suffered severe harassment and intimidation, both by state and non-state actors.

As with the [guidelines on freedom of religion or belief](#) adopted by the Council just under a year ago, the EU recommends the repealing of blasphemy laws around the world, noting that, blasphemy laws "are often applied so as to persecute, mistreat or intimidate persons belonging to religious or other minorities and they can have a serious inhibiting effect on freedom of expression and on freedom of religion or belief".

The guidelines, to be applied in terms of non-EU member states, make no mention of the fact that blasphemy is still outlawed *within* a number of EU member states, such as Denmark, Germany, Greece, Ireland, Italy, Malta, the Netherlands and Poland.

Likewise, whilst there is an emphasis on the protection of freedom of expression online, legitimate criticism could be directed at member states such as the UK, which has in the past been seen to treat individuals severely for their free expression via social media. For example, amongst others, [charging Paul Chambers](#) for tweeting a tongue-in-cheek message about blowing up Robin Hood airport in 2010 and arresting [Reece Messer in 2012](#) for posting tasteless messages about British Olympic diver Tom Daley (notably however, last year the Crown Prosecution published [guidelines seeking to limit the prosecutions for online communication via social media](#)).

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