

Not to Miss: EU Consultation on Freedom of Expression



By the end of this year the European Commission intends to publish guidelines on freedom of expression online and offline. This is one of the actions planned as part of the EU's **Strategic Framework on Human Rights and Democracy**. The consultation designed to lead to this draft closes on 15 July. The timing is bad with many of us in a rush to finish all those things that we have to do before summer holidays, but here are a few reasons why **this consultation deadline** should not be missed.

The Strategic Framework and the guidelines that the consultation focuses on fall under the EU's Common Security and Foreign Policy (CSFP). Although EU guidelines are technically not legally binding, the CSFP is both a diplomatic and an economic instrument that includes a variety of possible sanctions and ways of encouraging compliance. External co-operation, trade, and joint security efforts in relation to organised crime and terrorism, for example, are all linked to the CSFP, which opens up the possibility of using aid programmes, trade agreements and other mechanisms.

The EU does seem to plan to make use of such mechanisms. Although the Strategic Framework itself reads more like a list of good intentions than a strategy, the Action Plan attached to it is more concrete. Under the freedom of expression online and offline section, in addition to creating the guidelines, the EU will:

“Develop measures and tools to expand internet access, openness and resilience to address indiscriminate censorship or mass surveillance when using ICTs; empower stakeholders to use ICTs to promote human rights, taking into account privacy and personal data protection.

Ensure that a clear human rights perspective and impact assessment is present in the development of policies and programmes relating to cyber security, the fight against cyber crime, internet governance and other EU policies in this regard.

Include human rights violations as one of the reasons following which non-listed items may be subject to export restrictions by Member States.”

If the EU will be developing tools to address censorship and mass surveillance, assessing the human rights impact of policies related to cyber security and considering export restrictions in cases of violations of the right to freedom of expression, the guidelines could be quite important.

They could also be an opportunity to establish an EU level position on a variety of rather controversial issues. For example, both the Strategic Framework and in the consultation document refer specifically to bloggers and journalism and as has been pointed out **previously on this blog**, defining who is a journalist nowadays is not so clear cut. The consultation also lists media pluralism as one of the operational issues for the guidelines to deal with, also a challenging one in the era of converged media. And, as Article 19 and many others **have pointed out** there is balancing to be done between freedom of expression and copyrights. Measures to protect copyrights online and also as counter-terrorism tactics, or in many countries to protect people from “harmful content”, such as web blocking also have implications for freedom of expression. The list of controversial issues related to freedom of expression online and offline goes on and the consultation's listed priorities pretty much cover all of them. Since it also lists concrete measures that can be taken within the context of the CSFP to encourage compliance with the standards that are set, this responding to this consultation is one for your pre-holiday to do list.

The post gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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