



Ministry of Foreign Affairs

Strategy

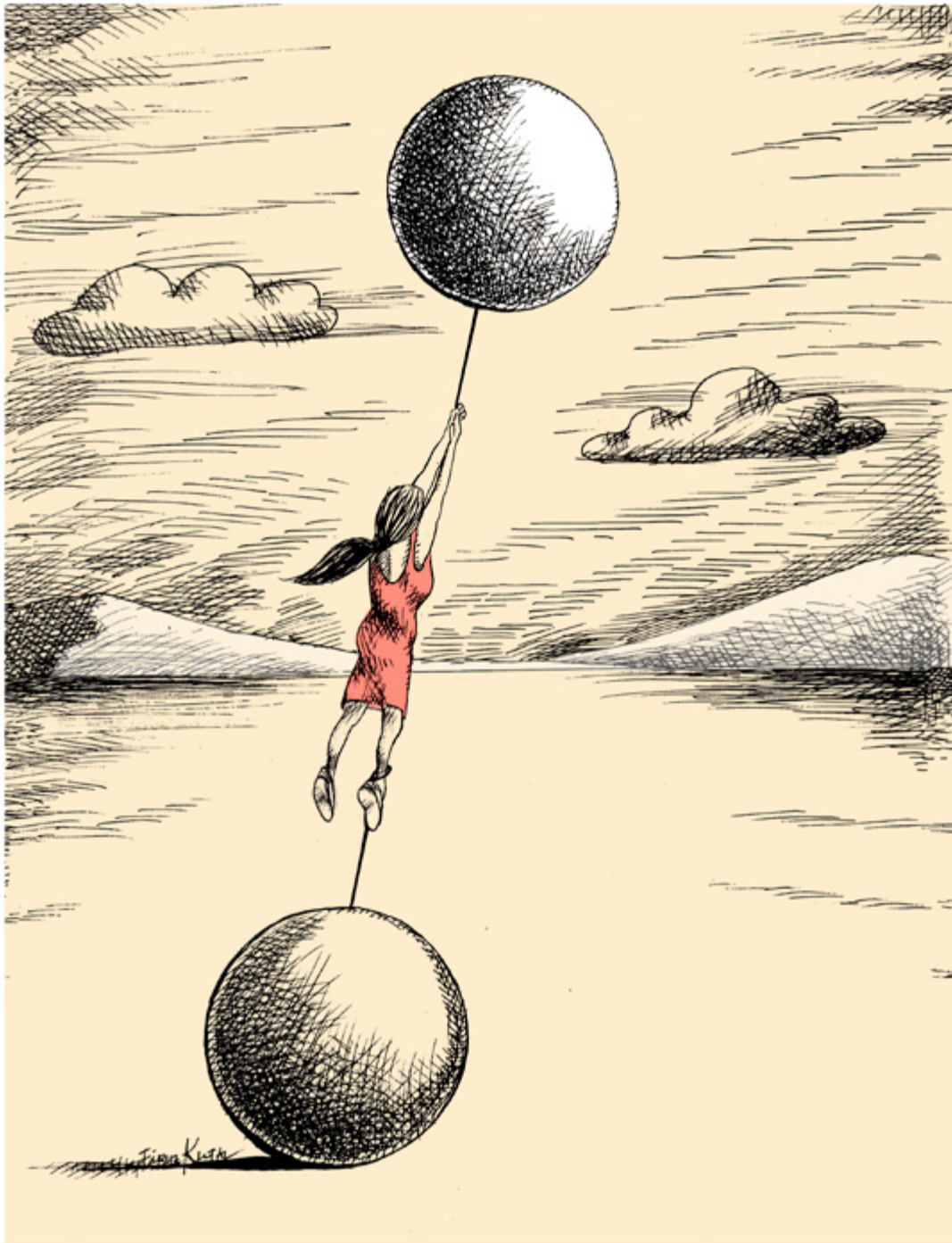
Freedom of expression

Strategy for promoting freedom of expression
in Norwegian foreign and development policy



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1 Freedom of expression

1.1 Freedom of expression and democracy

The right to freedom of expression, including free access to information, is a fundamental human right. Freedom of expression is essential to enabling people to acquire knowledge and form their own opinions. Freedom of expression is also a cornerstone of a vibrant democracy where all members of society can take part in a free exchange of views and ideas and influence social development. In pluralistic societies, an open dialogue where opinions can be pitted against each other helps to promote democracy and safeguard human rights.

1.2 Freedom of expression under pressure

In many countries, freedom of expression and media freedom are under severe pressure. The COVID-19 pandemic has exacerbated a negative trend in which democratic values and human rights are increasingly challenged, and autocratisation is accelerating.¹ Many countries, including a number of democratic countries, have introduced new restrictions that limit freedom of expression. Journalists and the media are being prevented from doing their job in various ways, and human rights defenders and other critical voices are being denied access to information and silenced.² Government-sanctioned censorship of the internet and media channels is a growing problem. It is essential to strengthen freedom of expression and freedom of the press in order to restore people's trust in public institutions and in each other, and to promote support for social development based on respect for human rights and democratic values.

1.3 Human rights in the digital space

The digital transformation is steadily gathering pace. New communication platforms provide greater access to knowledge and information, and give more people the chance to participate in the public debate. This strengthens democracy. Social media make it possible to reach out to large numbers of people across national borders and engage them in social and political change processes. However, there is significant variation between countries and population groups when it comes to internet access and use. Fewer girls and women use the internet than boys and men.³ Internet access, digital skills and digital safety must all be enhanced to reduce these disparities.

Digital technology is used by both state and non-state actors for illegal surveillance, censorship, propaganda campaigns, online harassment and other forms of digital violence. Journalists, human rights defenders, artists and other cultural practitioners, minorities, women and girls are particularly exposed to online violence. Underreporting and widespread impunity for online violence discourage those who are targeted and others from participating in the public debate. This poses a serious threat to freedom of expression.

The sheer scale of hate speech, disinformation and propaganda online increases polarisation in society and undermines trust in democratic institutions and values. Online search engines and social media channels control which opinions, news and information are made available and visible to several billions of users all over the world. This limits the public discourse and diversity in the public domain, and raises questions regarding the manipulation of public opinion.

1 Varieties of Democracy: *Democracy Report 2021*

2 Reporters Without Borders: *Tracker 19, 2020*

3 International Telecommunication Union (ITU): *Measuring digital development: Facts and figures 2020*

Freedom of expression – a human right

‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.’ (UN Declaration of Human Rights, Article 19).



Freedom of expression includes the freedom to choose to express oneself, or to remain silent. Information, ideas and opinions may be expressed in more ways than through words and images, and freedom of expression applies to the internet and social media as it does to all means of communication. Freedom of expression is enshrined in the UN International Covenant on Civil and Political Rights, which states that: ‘Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.’

173 countries have ratified the International Covenant on Civil and Political Rights, and freedom of expression is protected under the constitution and legislation of most countries. Regional conventions, such as the European Convention on Human Rights (Article 10), commit the signatories to protect freedom of expression.

Article 100 of the Norwegian Constitution safeguards the right of all people to freedom of expression and the right of access to public information. It states that the grounds for freedom of expression are the seeking of truth, the promotion of democracy and the individual’s freedom to form opinions. It also sets out that the authorities are to create conditions that facilitate open and enlightened public discourse.

What limits should be placed on freedom of expression?

Freedom of expression also encompasses speech that may be perceived as controversial, shocking or offensive. Freedom of expression may only be restricted in exceptional cases. Under the International Covenant on Civil and Political Rights, states parties may only impose restrictions on freedom of expression if these have a clear legal basis in national legislation, serve a legitimate purpose, and are necessary in order to ensure respect for the rights or reputations of others or for the protection of national security, public order, public health or morals.

States parties to the International Covenant are required to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Discriminatory or hateful statements that are not prohibited may also be harmful. There is no internationally agreed definition of hate speech. The UN High Commissioner for Human Rights has recommended that the threshold test outlined in the Rabat Plan of Action should be used as a basis for determining whether a statement is a criminal offence. This test sets out six factors that must be taken into account: the social and political context, the status of the speaker, intent to incite the audience against a target group, content and form of the speech, the extent of its dissemination and the likelihood of harm, including imminence.⁴

Democracy and civic space

Freedom of expression, freedom of association, the right of peaceful assembly and the right to vote are fundamental rights in any free and democratic society, in which all citizens are able to participate on an equal basis in political and public life.

Freedom of expression is also essential for enabling people to realise their right to freedom of religion or belief, to use their own language, to enjoy their own culture and participate in cultural life. These rights are all set out in the UN Universal Declaration of Human Rights.

⁴ Office of the High Commissioner for Human Rights: *Rabat Plan of Action*, 2012

The UN Secretary-General's Roadmap for Digital Cooperation⁵ provides a good basis for ensuring that new technologies promote respect for human rights and equal opportunities for all. Norway supports the EU initiative to develop a new regulatory framework for online platforms, which is intended to ensure greater transparency and accountability, and to protect consumers and their fundamental rights online.

Legislation and mechanisms that are intended to provide protection against harmful and illegal speech must be developed in a way that safeguards the most vulnerable groups but does not lead to disproportionate restrictions on freedom of expression and information. A strong, diversified and independent media sector that can provide critical, fact-based journalism, combined with a high level of public media and information literacy, is also vital for protecting freedom of expression and information.

Definitions

Digital or online violence: The use of computer systems to cause, facilitate, or threaten violence against individuals, that results in, (or is likely to result in), physical, sexual, psychological or economic harm or suffering and may include the exploitation of the individual's circumstances, characteristics or vulnerabilities.⁶

Disinformation: Information that is false and deliberately created to harm a person, social group, organisation or country. Disinformation is different from misinformation, which is equally false or misleading, but is not created with the intention of causing harm.⁷

Journalist: There is no international consensus on which actors are encompassed by the term 'journalist'. The definition used by UNESCO in its annual reporting on attacks on journalists and media professionals is based on a general comment issued by the UN Human Rights Committee, which monitors implementation of the International Covenant on Civil and Political Rights.⁸

1.4 Strategic objectives and approach

Norway gives high priority to protecting freedom of expression in its international human rights work. This is primarily because freedom of expression is a fundamental human right in itself and a prerequisite for democracy and the realisation of other human rights as well. Protecting freedom of expression is also relevant in the context of Norwegian development policy because respect for human rights is essential for promoting inclusive and sustainable development.

5 UN Secretary-General: *Roadmap for Digital Cooperation*, 2020

6 Council of Europe: *Mapping study on cyberviolence*, 2018

7 UNESCO: *Journalism, 'Fake News' and Disinformation*, 2018

8 UN Human Rights Committee: *General Comment No. 34*, 2011

This strategy sets out the overall objectives and priorities for the continued efforts of the Foreign Service to promote a diversified, independent media sector, ensure access to information and protect journalists and other vulnerable groups. In the light of the rapid pace of development of digital technologies, importance will be attached to improving the protection of human rights in the digital space.

It is necessary to take an integrated, long-term approach in the international efforts to promote human rights. Norway recognises the interdependence and indivisibility of political, civil, economic, social and cultural rights, and bases its efforts to reach the UN Sustainable Development Goals (SDGs) on respect for human rights. Norway also promotes human rights through its participation in international and regional organisations, through bilateral dialogue and cooperation, and by providing support to civil society organisations and human rights defenders. These are all important tools for protecting and promoting freedom of expression as a fundamental right that is essential to democratic and sustainable development.

The UN and multilateral cooperation: As part of the effort to strengthen states' compliance with their human rights obligations, Norway provides recommendations to individual countries through the UN Human Rights Council Universal Periodic Review (UPR) process. Norway participates in discussions on freedom of expression in the UN, supports the work of UN special rapporteurs and other special procedures, and supports the UN High Commissioner for Human Rights. Norway promotes freedom of expression and freedom of the press through its participation in regional organisations and forums, such as the Council of Europe, the Organization for Security and Co-operation in Europe (OSCE) and the EU/EEA cooperation. One of Norway's priorities in the Council of Europe is to ensure that the Convention system continues to be robust and effective. The European Court of Human Rights plays an important role in protecting freedom of expression in Europe. The Court's decisions are binding on the 47 member states that have ratified the European Convention on Human Rights.

Through multilateral networks such as the Freedom Online Coalition and the Christchurch Call to Action, Norway cooperates with other countries, civil society, academia and the private sector to safeguard freedom of expression and other human rights in the digital space.

Human rights dialogue and open criticism: In its political dialogue with other countries' authorities, Norway is a staunch defender of freedom of expression and other human rights. Norway voices clear criticism in the UN Human Rights Council of human rights violations in individual countries. In addition, Norway often raises concerns and expresses criticism jointly with other countries in specific situations where journalists, human rights defenders, opposition activists and others have

been subjected to threats as a result of their work. Norway attaches importance to promoting inclusive dialogue on human rights both with the authorities and with civil society in partner countries. Promoting the participation of civil society in UN human rights efforts and in the UN Human Rights Council Universal Periodic Reviews is part of this work. Knowledge and analysis of the human rights situation in individual countries provide an important basis for Norway's engagement.

Support for partner organisations: Providing support for a wide range of civil society organisations working at the local, national and international levels is important to foster freedom of expression. Norway also promotes freedom of expression and freedom of the media in Europe through the EEA and Norway Grants scheme and civil society support in all the beneficiary countries. Collaboration with civil society, Norwegian institutions and international organisations and networks is important for building alliances and strengthening international cooperation to promote human rights, democracy and the rule of law. The various grant schemes administered by the Ministry of Foreign Affairs, the Norwegian Agency for Development Cooperation (Norad) and the Norwegian embassies are to support the achievement of the objectives of this strategy, and activities are to be coordinated with other donor countries and international funds. Norway will continue to play a key role in efforts to strengthen the protection of human rights defenders, i.e. individuals or groups that work to promote or protect human rights, and will continue to provide substantial support for their work. This includes support to strengthen national human rights institutions.

Responsibility of business enterprises to respect human rights

States have an obligation under international law to protect human rights. This includes taking appropriate steps to prevent, investigate, punish and redress human rights abuses by third parties, including business enterprises. The 2011 UN Guiding Principles on Business and Human Rights establish a global standard for corporate responsibility with regard to human rights.

Among other things, the Guiding Principles set out the responsibility of business enterprises to prevent and mitigate actual and potential adverse human rights impacts of their activities. Business enterprises should assess the possible human rights impacts of their activities on a regular basis, should draw on internal and external, independent expertise, and should consult with affected groups or other relevant stakeholders. In cases where the domestic context makes it impossible for business enterprises to fully meet their responsibility to respect human rights, they are still expected to respect internationally recognised human rights principles as far as is possible.



2 Don't stop the press!

2.1 Society's watchdog

An independent, critical press is one of the most important institutions in any democratic society. It is the task of the media to report on matters of public interest, expose issues of concern and abuses of power, and facilitate an open and informed debate in which differing views and ideas can be aired. A wide range of independent media channels, including local media outlets in various languages, is of great importance in ensuring that all groups in society have the chance to gain insight into and influence matters that affect them.

2.2 New media channels and media habits

New digital and social media platforms have revolutionised people's ability to share knowledge, information and opinions. The position of legacy media is being challenged by new actors, and news media are no longer alone in setting the agenda.

At the same time, digitalisation, combined with increased globalisation, poses a threat to media diversity. Changing media habits and global competition are eroding the income base of many of the legacy media and local news media outlets, and this is creating a gap that can be exploited by media driven by political or commercial interests. In many countries, legislation and restrictions are being introduced that undermine press freedom and are leading to the concentration of media power.⁹ These developments are limiting the ability of the press to act as society's watchdog.

2.3 Regulation and self-regulation

In the new digital media landscape, edited journalism is an increasingly important source of reliable information and news. It is essential to safeguard media diversity and editorial freedom both through national regulation and through ethical guidelines for the press that are in line with international standards. National regulation must be in place to safeguard the confidentiality of sources and protect media outlets and journalists from surveillance, censorship and political control – including in the digital space. Independent media regulatory bodies can play a role in safeguarding freedom of expression and media diversity, for example through support schemes. As a rule, media self-regulation is the most effective tool for ensuring public trust in the independence of the media. However, the approach that is chosen must be adapted to the situation in each individual country. Norway, for example, has both a national authority and a self-regulatory mechanism: the Norwegian Media Authority¹⁰ and the Norwegian Press Complaints Commission,¹¹ respectively.

Media outlets and journalists that adhere to high standards of professionalism, transparency and accountability play a vital role in increasing public trust in the media and in enabling people to rely on what they read, see or hear. This trust is essential if the media is to be able to perform its role in society and counter attempts to undermine press freedom. Ensuring that journalists, media workers and media leaders receive training in critical and investigative journalism, press ethics, human rights and digital skills is important in this context.

2.4 In the line of fire

Journalists often face great danger in the course of their work.¹² Journalists who investigate and report on abuses of power, corruption, human rights violations, environmental crime and other criminal activities are particularly at risk of persecution and reprisals aimed at silencing them. In countries with authoritarian regimes, journalists who report on the political opposition are subjected to harassment. Dangerous rhetoric is used against journalists and the press, including by political leaders, and this encourages intolerance, harassment and violence. Over the past decade, one journalist has been killed every four days on average. Local

9 Reporters Without Borders: *World Press Freedom Index*, 2021

10 Norwegian Media Authority

11 Pressens Faglige Utvalg (Norwegian Press Complaints Commission)

12 Council of Europe: *Platform to promote the protection of journalism and the safety of journalists*



journalists are most at risk, and killings of journalists are now occurring more often in countries that are not affected by conflict. Most of these are targeted killings; these journalists are not the accidental victims of armed conflicts or violent protests. In nine out of ten cases, killings of journalists remain unsolved.¹³

Developments in digital technology have also led to an increase in threats against, harassment and surveillance of journalists. Women journalists and media workers are particularly exposed to gender discrimination, sexual harassment and other forms of abuse.¹⁴ This poses a threat to gender equality in the media and in society as a whole. Failure to hold the perpetrators accountable serves to increase tolerance of, and heightens the risk of, abuses. Widespread impunity also leads to self-censorship and restricts freedom of expression in society.

Countries have an obligation to ensure that their laws, policies and practices do not hinder or limit the ability of journalists and media workers to perform their work.¹⁵ Governments have a responsibility, among other things, to establish prevention mechanisms, implement adequate protective measures, and to ensure accountability by carrying out effective investigations into all threats and attacks against journalists and media workers and bringing the perpetrators to justice. Media companies also have a responsibility to take steps to ensure the safety of their staff. As private business enterprises, social media platforms have an independent responsibility to respect human rights and to address any adverse impacts on human rights of their activities. Closer cooperation between social media and edited journalism can help to safeguard the independence of the media and its role as watchdog.

¹³ UNESCO: *Director-General's Report on the Safety of Journalists and the Danger of Impunity*, 2020

¹⁴ UNESCO: *Global Survey on Online Violence against Women Journalists*, 2020

¹⁵ UN Human Rights Council: *Resolution on the safety of journalists*, 2020

2.5 Strategic objectives

Protection of freedom of expression for journalists

Action points:

- i. Enhance journalists' access to secure communication and training in security in the digital and physical space, with a focus on women journalists and other particularly vulnerable journalists and media workers.
- ii. Support international efforts to protect journalists and combat impunity for abuses.
- iii. Raise awareness of journalists' need for protection in connection with election processes and protests, and in conflict situations.

Greater diversity of independent and free media outlets

Action points:

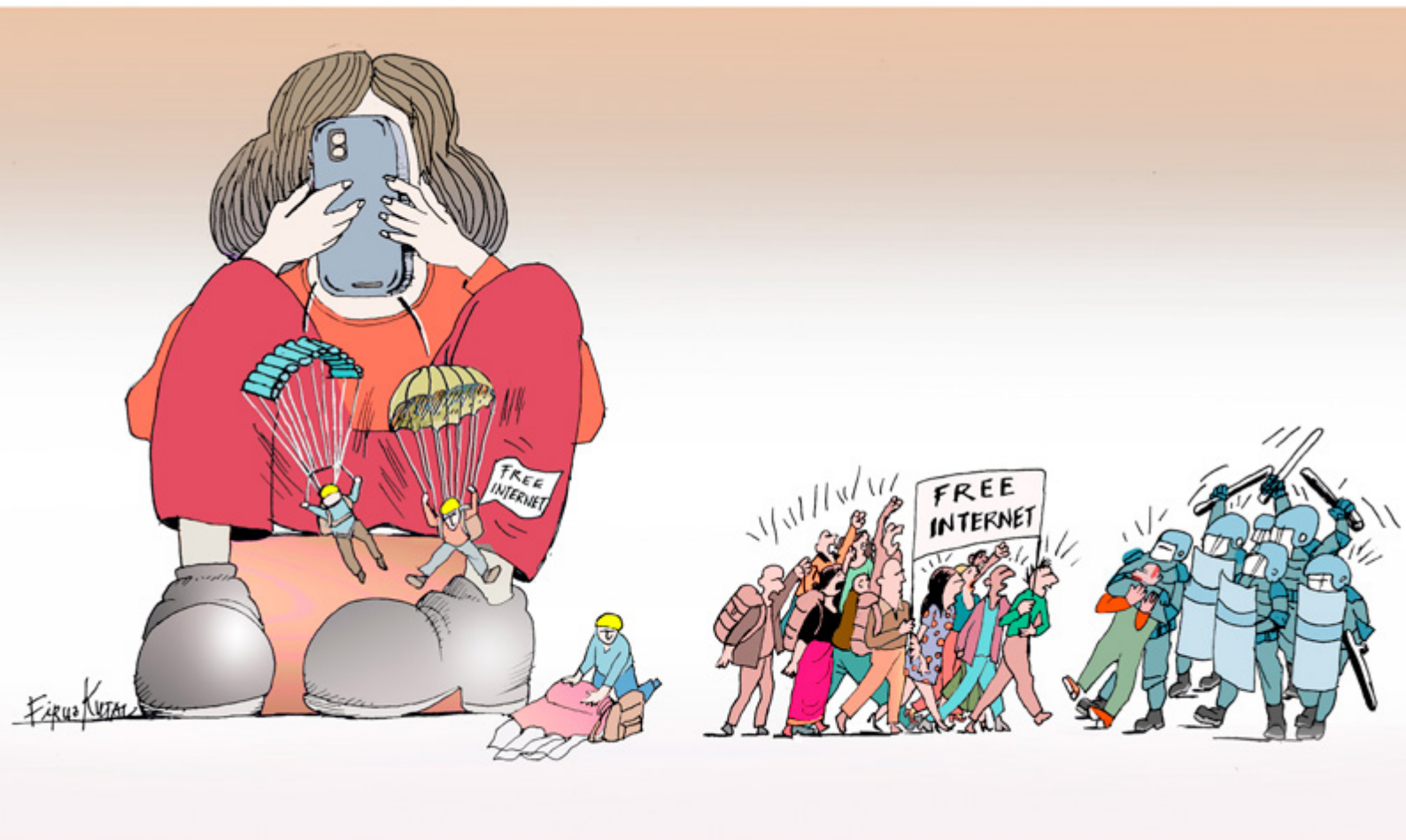
- i. Support the development of national legislation and institutions, including self-regulatory bodies, that safeguard media diversity and editorial freedom, protect the confidentiality of sources and prevent censorship and surveillance of the media.
- ii. Work to increase the representation of women and minorities in the newsroom and in news content.
- iii. Support cooperation and exchange of expertise between Norwegian and international media institutions on sustainable business models, editorial freedom and accountability.

High-quality journalism that adheres to ethical standards

Action points:

- i. Ensure that journalists, media workers and media leaders receive training in investigative journalism, press ethics, human rights, gender equality and anti-corruption.





3 Right to know

3.1 UN Sustainable Development Goals

The UN Sustainable Development Goals (SDGs) are based on the principle that no one is to be left behind. This can only be achieved if the rights of the individual are respected and safeguarded. Freedom of expression and free access to information are critical if the international community is to succeed in reaching the SDGs by 2030.

3.2 The digital divide

Today, access to the internet, digital platforms and social media is a prerequisite for equal participation. And yet, although most people have wireless broadband within reach, only just over half the world's population use the internet. In developed countries, nearly nine out of ten people are internet users, whereas in developing countries, the ratio is only one in five. Globally, the gap between women's and men's

participation in the digital space has widened. High costs, social norms and low levels of education and digital skills are among the factors preventing people from using digital services.

Limited access to the internet and digital services exacerbates social and economic disparities. Norway attaches great importance to innovation and digital technology in its development policy and humanitarian efforts.¹⁶ Key priorities include gender equality, the inclusion of people with disabilities and other marginalised groups, and the development of digital skills. Digital skills are important to enable people to use digital resources to obtain information and communicate with others safely. The ability to critically evaluate the credibility of sources is essential in order to navigate the huge volume of information on the internet and to assess which information is trustworthy and reliable. Norway also attaches importance to digitalisation in its support for global education, and particular priority is given to girls' education and participation in society in this context.

3.3 The right to information

Countries have an obligation to safeguard freedom of expression and access to public information. However, a third of the world's countries have not made access to public information a statutory right. This can prevent independent media, human rights defenders, the academic community and others from gaining access to information of public interest, and at the same time make it difficult to uncover and counter misinformation and false or deliberately misleading information.

In many countries, the authorities actively seek to restrict access to information or spread false information themselves, particularly in connection with elections or protest movements.¹⁷ In a resolution adopted in July 2020, the UN Human Rights Council refers to internet shutdowns and online censorship as undue restrictions, and stresses that in times of crisis or emergency when physical assemblies are restricted, it is all the more necessary to ensure access to the internet.¹⁸ Another challenge is that governments in a number of countries use claims of 'fake news' to erode trust in the critical media or introduce legislation against 'fake news', limiting freedom of expression and freedom of the press.

3.4 Social media and disinformation

State and non-state actors motivated by political, ideological, commercial or other interests, including violent extremists and terrorist groups, are increasingly able to spread misinformation and disinformation using digital tools and artificial intelligence. Disinformation and propaganda campaigns undermine public trust in democratic processes and institutions, have a polarising effect, and fuel intolerance and hatred.

¹⁶ Meld. St. 11 (2019-2020): *Digital transformation and development policy (summary in English)*

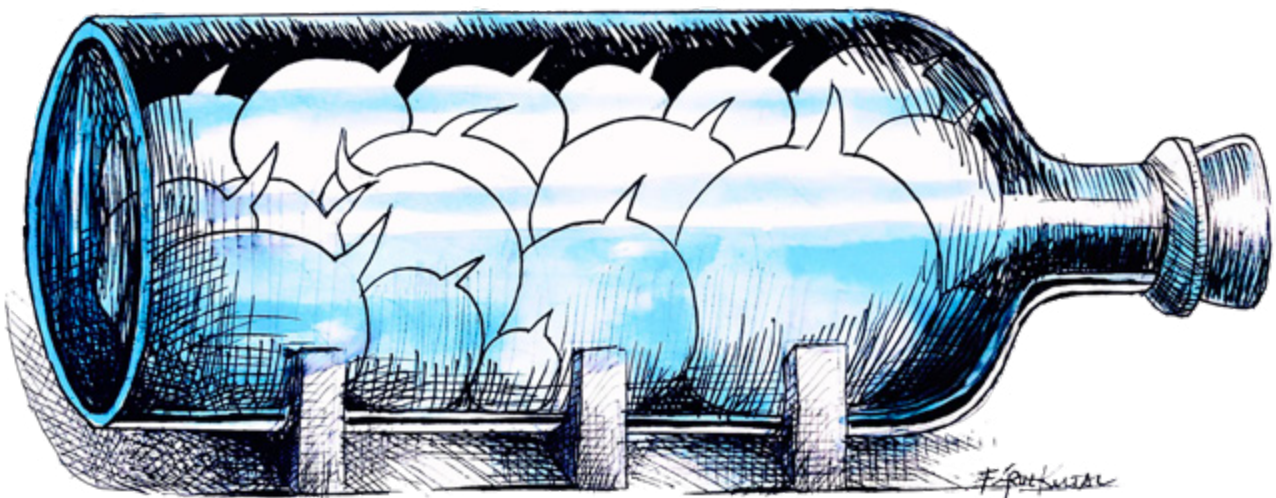
¹⁷ Article 19: *Global Expression Report, 2020*

¹⁸ UN Human Rights Council: *The promotion and protection of human rights in the context of peaceful protests, 2020*

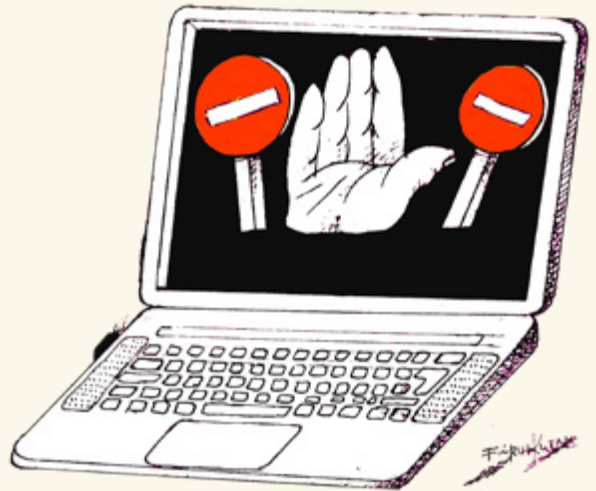
At the same time, search engines and social media sites use unknown algorithms and artificial intelligence to control which news and other content is searchable, visible and available. The content that is made available is related to users' personal preferences and to what generates social media activity and income for the companies that own the platforms. This creates self-reinforcing echo chambers rather than the open exchange of information and opinions that is so essential in a democracy.

The companies that own the digital and social media platforms are among the world's largest companies. They exert considerable influence on the public space for freedom of expression. This influence brings with it a significant social responsibility. Greater transparency is needed about how companies use algorithmic and human content moderation to control the spread of content, and about the associated impacts on human rights and democracy.¹⁹ This is essential for promoting more effective international cooperation between companies, governments and civil society on countering disinformation.

Closer cooperation between social media and independent news and fact-checking services is also vital to ensure that the public has access to reliable news and information from trustworthy sources.



¹⁹ Freedom Online Coalition: *Joint Statement on Spread of Disinformation Online*, 2020



3.5 Strategic objectives

Universal access to digital tools and online communication platforms

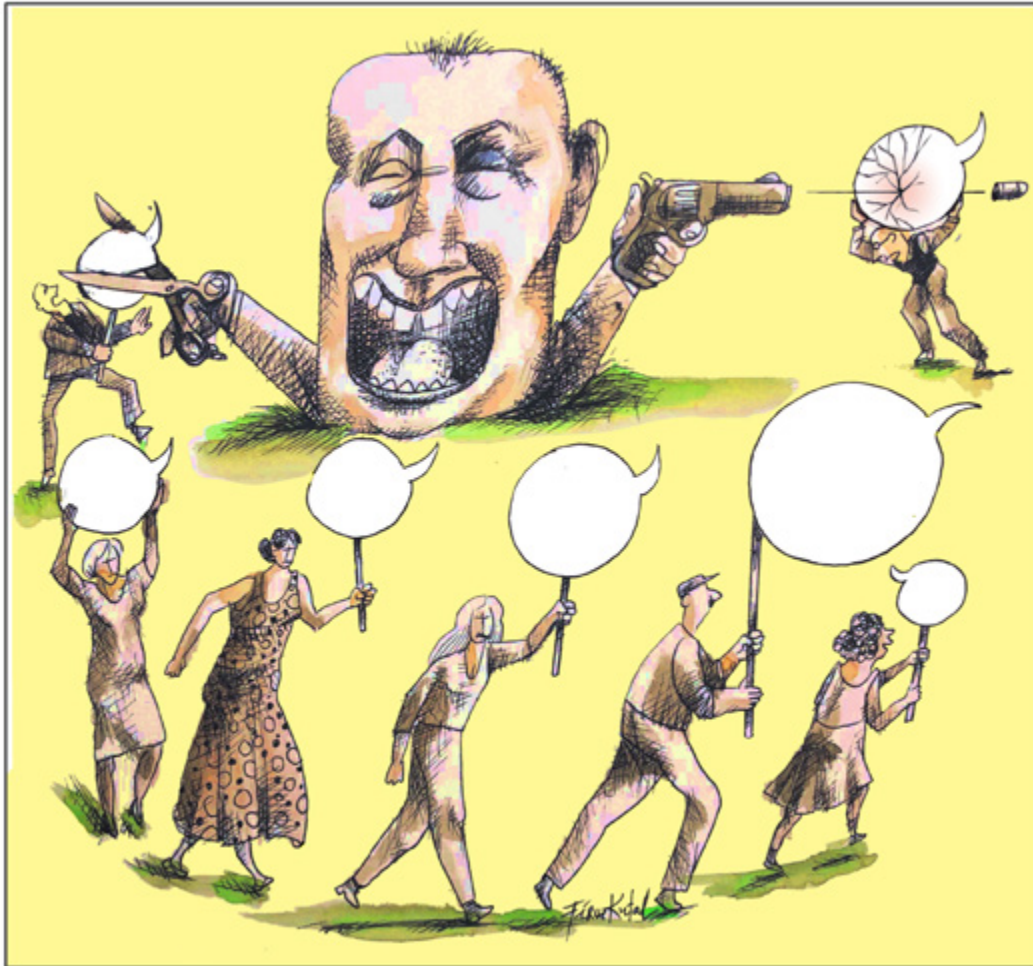
Action points:

- i. Promote increased access to, and use of, communications technology and digital public goods.
- ii. Improve digital skills through education, gender equality and digitalisation programmes in Norway's development cooperation.

Greater access to reliable information

Action points:

- i. Support the development and enforcement of national legislation that safeguards the right of the media and of individuals to request access to and share public information.
- ii. Support projects that enhance media and information literacy particularly in connection with elections and in conflict situations.
- iii. Play a proactive role in international cooperation between governments, technology companies, civil society and independent media on mapping and countering disinformation.
- iv. Support international cooperation to ensure greater transparency and democratic control of content moderation processes on the large social media platforms.



4 Safe environment for freedom of expression

4.1 Online threats

Freedom of expression means that all people have the right to express themselves freely in the public domain without fear of surveillance, censorship, discrimination, intimidation, or other forms of abuse. Many individuals and groups lack both the opportunity and a safe environment to be able to participate in the free exchange of views, and there is a particular need to protect their right to freedom of expression. This includes human rights defenders and civil society organisations that play an important role in giving vulnerable groups a voice, for example, indigenous peoples and human rights defenders working to promote indigenous peoples' rights to land and natural resources.

Although digital communication tools and social media have made it possible for many more people and groups to share information and opinions directly with others, it is precisely in these online forums that, in particular, minorities, women and girls and people with disabilities are subjected to hate speech and abuse that threaten their right to freedom of expression and personal privacy. The

dissemination of personal information, digital tracing and the misuse of personal data can also lead to violations of the right to privacy.

The content recommendation systems used by social media along with inadequate content moderation practices make it possible for hate speech to spread quickly. Those responsible are rarely held accountable. Online abuse is rarely investigated; the perpetrators go unpunished and the victims have no means of redress. Governments can fail to properly enforce legislation when dealing with both online and other forms of abuse.

Online surveillance can be necessary and legal to fight crime, but the right to privacy must be safeguarded. Misuse of surveillance technologies can lead to serious breaches of the right to privacy. Technologies used for encrypted online communication and the right to anonymity on the internet are vital for safeguarding freedom of expression and information and the right to privacy, particularly in countries where human rights are not adequately protected. Journalists, human rights defenders and groups that are subject to discrimination and violence must be able to make use of digital technology without fear of reprisal.

4.2 Freedom of expression for minorities

Minorities are particularly vulnerable to hate speech and incitement to hate crimes.²⁰ This type of speech reflects and reinforces existing discriminatory and racist attitudes in society, and at worst can lead to a rise in social tensions and increased oppression and persecution of minority groups.

UN efforts to address hate speech

In June 2019, the UN Secretary-General presented a new strategy and plan of action on hate speech.²¹ The objectives are to enhance UN efforts to address root causes and drivers of hate speech and enable effective UN responses to the impacts of hate speech on societies, at country and global level. The UN defines hate speech as ‘any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.’

The UN strategy and plan of action makes it clear that addressing hate speech does not mean limiting freedom of expression; rather, it involves promoting dialogue and knowledge to combat hate speech that constitutes incitement to discrimination, hostility and violence. Governments, civil society and the private sector all have a responsibility to counter hate speech. The UN also attaches importance to strengthening cooperation with social media platforms.

²⁰ UN Special Rapporteur for minority issues: *Hate Speech, Social Media and Minorities*, 2021

²¹ UN Strategy and Plan of Action on Hate Speech, 2020

Under international law, countries are required to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. At the same time, national legislation may not restrict freedom of expression other than under very limited circumstances, such as when restrictions are necessary and proportionate to achieve a legitimate objective. There are many examples of vaguely worded legislation that is being misused to restrict freedom of expression in a way that also undermines the right of minorities to freedom of expression and silences human rights defenders, journalists and others working to promote minority rights. Anti-terrorism legislation and blasphemy laws often have a discriminatory effect and can be misused to persecute religious minorities and opposition groups. In 84 countries blasphemy is a criminal offence, and in a number of countries blasphemy carries the death penalty.²² Abolishing the death penalty and reforming blasphemy laws are important steps in safeguarding both freedom of expression and freedom of religion or belief.

The right to freedom of religion or belief does not protect any religion or belief system from criticism or ridicule. Freedom of expression is vital to ensuring an open and constructive dialogue on religion and belief, and without freedom of expression, it is not possible to safeguard the right of individuals to practise their religion or belief.

Finding the right balance between freedom of expression and the need to protect individuals and groups from discrimination, harassment and violence is no easy task. The UN has therefore issued a number of recommendations to member states on how to assess the severity of hate speech and determine when hate speech constitutes a criminal offence, and on measures that should be implemented to prevent and combat hate speech. Intercultural dialogue and education are important for enhancing tolerance and increasing awareness of the impacts of hate speech.

4.3 Online gender-based violence

Girls, women and sexual and gender minorities are disproportionately targeted by online violence including sexual harassment and threats. This can be just as serious and harmful as physical attacks, and in many cases will lead to physical harassment and violence. Moreover, online violence creates a culture of fear and leads to self-censorship. Statements or opinions about politics, gender equality, social injustice and human rights tend to provoke the most negative reactions.²³ Women human rights defenders, journalists, politicians, cultural professionals and women in prominent positions are most frequently targeted, and women belonging to ethnic minorities or gender minorities are often subjected to various forms of discrimination.²⁴ Widespread gender-based discrimination and online violence are a major obstacle to women and

²² US Commission on International Religious Freedom: *Violating Rights: Enforcing the World's Blasphemy Laws*, 2020

²³ Plan International: *Free to be online?*, 2020

²⁴ UN Women: *Online and ICT facilitated violence against women and girls during COVID-19*, 2020

girls' equal participation in society. Efforts to combat online violence must be given priority in the international work to promote women's rights and gender equality.

4.4 Freedom of artistic expression

Freedom of artistic expression is crucial to enabling people to freely express their identity, values and ideas. Access to arts and culture is a human right and is essential for individual and social development.

The arts and culture sector is an important arena for critical thinking and change. Artists and other cultural practitioners are often to be found on the barricades fighting against injustice and oppression. For this reason, cultural rights and artistic freedom are under pressure across the world. In many countries, musicians, writers, filmmakers, artists and others working in the arts and culture sector are subjected to censorship, discrimination, and persecution,²⁵ and cultural professionals and the public alike are being denied the right to take part in cultural life. Blasphemy laws and anti-terrorism legislation are increasingly used to persecute and detain artists of all kinds and to censor artistic expression.

UNESCO's efforts to protect artistic freedom

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions was adopted in 2005. Some 148 countries and the EU are parties to the Convention, which is intended to promote the creation of environments worldwide that encourage artists, cultural professionals and the general public to create, produce, disseminate, distribute and have access to, a diversity of cultural expressions. It states that cultural diversity can be protected and promoted only if human rights and fundamental freedoms are guaranteed. One of the central principles is that international legal instruments and national legislation relating to human rights must promote artistic freedom and the social and economic rights of artists and cultural professionals.

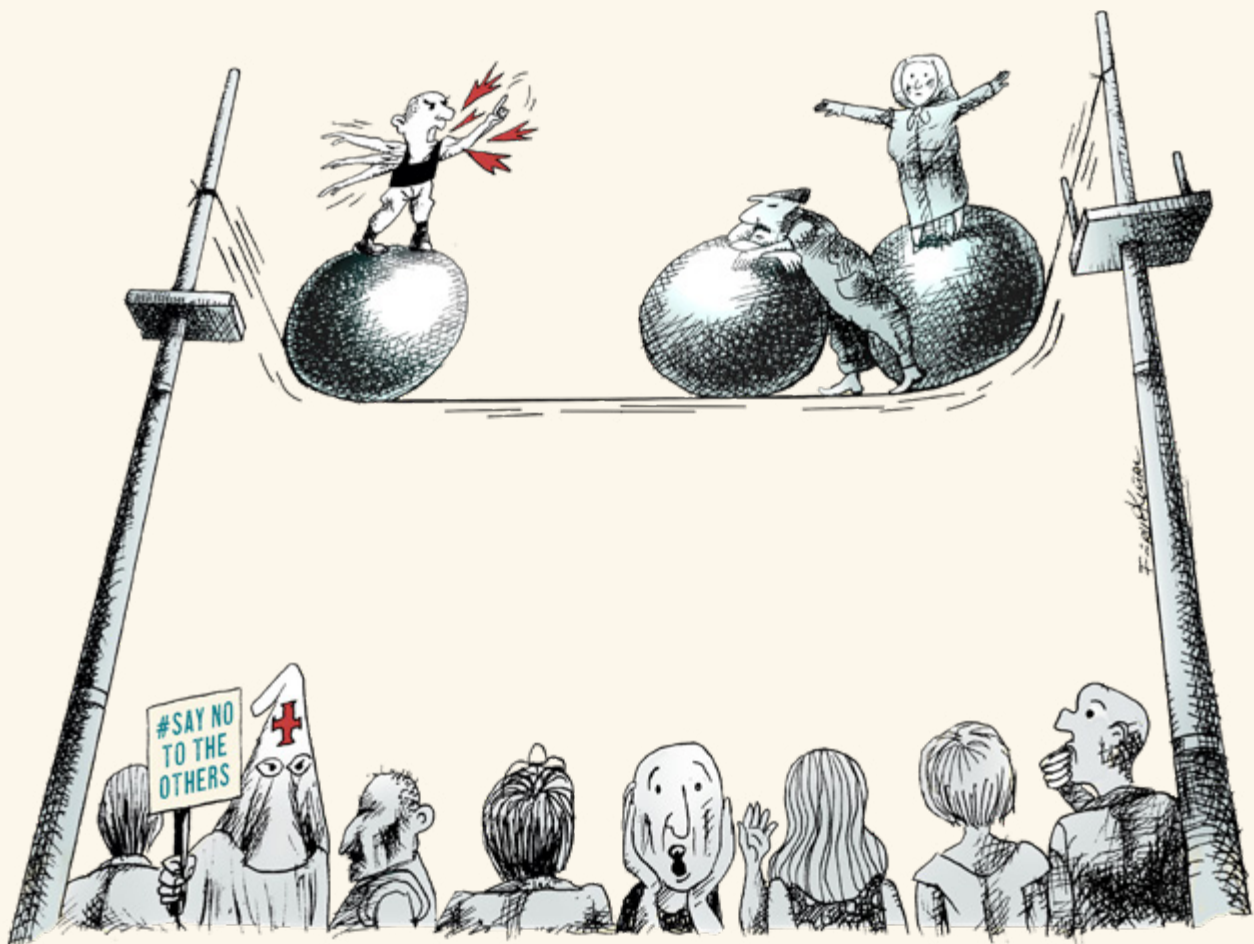
The UNESCO 1980 Recommendation concerning the Status of the Artist was given renewed impetus when the Convention was adopted in 2005. The Recommendation called on member states to implement measures to improve the professional, social and economic status of artists. In light of the ongoing challenges relating to freedom of artistic expression, social and political rights and digital development, the Recommendation is considered as relevant today as it was 40 years ago.

Women artists and cultural practitioners and those with a minority background, including sexual and gender minorities, are disproportionately subject to harassment, persecution and imprisonment as a result of their work, and are in need of support. There needs to be greater awareness of this problem.

²⁵ Freemuse: *The State of Artistic Freedom 2021*

Social media have made arts and culture more readily available, and have given artists of all kinds new arenas for contact with the public. However, the terms and conditions for users of social media platforms and the filtering of content that can be perceived as offensive or controversial often restrict freedom of artistic expression.

Many artists are human rights defenders and must be recognised as such. Greater knowledge and awareness are needed on the part of governments, human rights organisations and the media of the importance of artistic freedom and cultural rights for promoting sustainable development and respect for human rights. Artists and cultural organisations need to be more aware of the importance of freedom of artistic expression and cultural rights too. Norway attaches importance to supporting international efforts to ensure that countries' national legislation is in line with their international obligations relating to arts and culture.





4.5 Strategic objectives

A safe environment for freedom of expression

Action points:

- i. Prevent and combat intolerance, hate speech and discrimination through intercultural dialogue, education and awareness-raising campaigns.
- ii. Work to promote the development of an international regulatory framework that ensures effective reporting on and the removal of illegal hate speech on social media platforms.
- iii. Support efforts to map and combat online violence against women, girls and other vulnerable groups.
- iv. Work to reform and repeal national legislation that is not in line with international standards for freedom of expression and freedom of religion or belief.

Protection of freedom of artistic expression

Action points:

- i. Defend the right to express opinions and ideas through the arts, and support cooperation between international, regional, and local organisations working to promote freedom of artistic expression and cultural rights.
- ii. Support international and national safety nets for artists who are at risk and in need of legal assistance, protection and psychosocial support.

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