



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

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Item 3: Clustered interactive dialogue with the Special Rapporteur on the right to freedom of expression and the Special Rapporteur on the rights to freedom of peaceful assembly and association

Oral statement delivered by the Commonwealth Human Rights Initiative

Tuesday, 25 June 2019

Thank you, Mr. President. We welcome the report presented by the Special Rapporteur on the right to freedom of expression highlighting the issue of targeted surveillance of specific individuals. We share concerns on the use of digital surveillance using private sector tools to gain access to devices, digital communications and other online and offline activities, and intended to repress the exercise of the right to freedom of expression.

Wide ranging legislative enactments used by governments to repress freedom of expression lead to the shrinking of civic space, invite self-censorship while also obstructing and penalizing journalists and human rights defenders for legitimate work. Such steps include coercing technology companies to provide access to encrypted communications and use of extraordinary laws with wide powers to curtail 'subversive' activities on digital platforms.

Mr. President, we would like to highlight concerns from the small island states of Fiji and Papua New Guinea. In Fiji, the Online Safety Act, enacted with the intention of regulating social media, has broad provisions intimidating internet users from exercising free expression. Lacking specific guidelines on the scope of the Commission it creates, the law raises concerns about misuse to prosecute those with dissenting views.

In Papua New Guinea, the new cyber-crime law allows the government to punish social media users who purportedly "incite violence" or "break the law". It allows investigation and prosecution for defamatory publication of material concerning another person, unlawful disclosure of classified information, and using electronic systems to incite "unrest". This leaves open the possibility of curtailing freedom of expression. We note that an enabling legislation on the right to information has not been enacted yet in the country.

We request the Special Rapporteur to address these challenges through legislative policies to protect freedom of expression. Thank you, Mr. President.