

Thinking and being able to express our thoughts are indispensable to the human experience. The freedoms of thought and expression are prerequisites of the development of the individual, and with it of society as a whole, in both our individual lives and in the political sphere. **These two rights are complementary to one another; we feel the need to express the more we think, and we can only think to the extent we can express.**

Freedom of expression is a significant tool in accessing vital rights such as the right to life, shelter, and clean water much as it is in universal human rights such as non-discrimination, association, and fair working conditions.

HOW ARE WE TO PREVENT INJUSTICE IF WE CANNOT POINT IT OUT AND RAISE OUR VOICES TO DEFEND OUR RIGHTS?

The freedoms of expression and thought are protected under international conventions and also in the domestic context; Universal Declaration of Human Rights, Article 19 International Covenant on Civil and Political Rights, Article 19 Council of Europe European Convention on Human Rights, Article 10

‘CONSTITUTION, ARTICLE 24: FREEDOM OF THOUGHT, SPEECH AND EXPRESSION’

‘Everyone shall have the right to individually or collectively, through speech, text, drawing or other ways declare and impart their thoughts and opinions. This right shall include freedom to express opinions, receive and impart news and ideas without interference by any official authority and regardless of frontiers.’

‘ARTICLE 26: FREEDOM OF THE PRESS’

‘Press and information shall be free for the citizens and cannot be censored. The state shall take measures to ensure the liberty of the press.’

SCOPE OF THE FREEDOMS OF THOUGHT AND EXPRESSION

The freedom of expression may be restricted; however the freedom of thought (to hold an opinion) is absolute.

- 1 Freedom of expression is for all.
- 2 It includes the right to impart “all manners of” information and opinion.
- 3 This right is valid no matter what the medium (internet, publication, newspaper, public discussion, academic research, and expression).
- 4 It includes the right to seek and receive information from others (media diversity, access to information).
- 5 The state has both negative (non-intervention on matters of demanding and imparting information) and positive (access to information, facilitating the free flow of information) obligations.
- 6 This right is valid regardless of frontiers (access to information from overseas, international).

RESTRICTIONS RELATED TO THE FREEDOM OF EXPRESSION

Restrictions have been regulated under the European Convention on Human Rights as follows¹:

- In the interest of national security, territorial integrity (state frontiers) or public safety
- For the prevention of disorder or crime
- For the protection of health or morals
- For the protection of rights and freedoms of others
- For preventing the disclosure of information received in confidence
- For maintaining the authority and impartiality of the judiciary

Restrictions may only be within the above-stated scope and “prescribed by law”, they must be clearly and a priori laid down by laws, and must be subjected to rigorous tests of necessity and proportionality. Moreover; if restrictions are too ambiguous or if authorities have too broad a discretionary power, they do not meet the main purpose of the following part of the proportionality test:

- There must be an urgent or important need for restriction; minor threats against justified ends do not pass the threshold of restriction of freedom of expression.
- The adopted approach must be the least intrusive way of protecting the justified end.
- The restriction, in the sense of not being “too broad”, must do as little harm as possible to the right.
- It must be proportionate.

Principal Regulations and Restrictions on the Freedoms of Thought and Expression in the Local Context²:

- ▶ ‘Chapter 154 CRIMINAL CODE’
- ▶ ‘29/1983 LAW ON MILITARY CRIMES AND PUNISHMENTS’
- ▶ ‘Chapter 164 LAW ON SEDITIOUS PUBLICATIONS’
- ▶ ‘62/2017 BANKING LAW’
- ▶ ‘32/2014 LAW ON THE PROTECTION OF PRIVATE LIFE AND PRIVACY’
- ▶ ‘7/1979 LAW ON PUBLIC OFFICIALS’
- ▶ ‘32/2020 CYBER CRIMES LAW’
- ▶ ‘LAWS GOVERNING PUBLIC SERVICE BROADCASTING’

¹ https://www.echr.coe.int/documents/guide_art_10_eng.pdf

² <https://www.mahkemeler.net/cgi-bin/default.aspx>

When Defending the Freedoms of Thought and Expression:

‘12/2006 LAW ON RIGHT TO INFORMATION’

‘The Law on Right to Information’ is individuals’ right to access information held by ‘public institutions’ and agencies due to their duties in line with the principles of equality, impartiality, and clarity – all requirements of democratic and transparent governance. Along with the ‘good governance law’, the ‘Law on Right to Information’ relates to a series of first-generation fundamental rights and liberties, and primarily to the freedoms of thought and expression. An especially important right for the press, this right ensures also individuals’ access to information essential in claiming their rights and must actively be used for a transparent and accountable ‘administration’.

Upon application, ‘executive organs’ are obligated within **fifteen business days** from the date of receipt of application to provide access to the requested information or document.

‘27/2013 GOOD GOVERNANCE LAW’

‘The law’ aims to protect private individuals against the ‘executive’ which holds the authority to use public power privileges and regulate the legal remedies these individuals may seek against administrative actions, acts and violations. In thus doing, it acts in accordance with the below principles:

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| ▶ Obligation of Lawful Conduct | ▶ Principle of Acting in Reasonable Time |
| ▶ Principle of Equality and Prohibition of Discrimination | ▶ Principle of Participation |
| ▶ Principle of Impartiality | ▶ Principle of Respect for Privacy |
| ▶ Principle of Proportionality | ▶ Principle of Clarity |
| ▶ Principles of Legal Certainty and Respect for Acquired Rights | ▶ Principle of Written Procedure |

‘Executive organs’ are obligated to respond in writing to requests and/or complaints and/or requests for action filed by individuals individually or as a group within **thirty days at the latest**.

The Human Rights Platform strives to elevate the freedom of expression under democratic rights in the northern part of Cyprus to universal standards and works to create an environment wherein each individual can think freely without feeling any pressure and can easily access information to form/reinforce those thoughts and can express them through any medium.

- It carries out awareness raising activities through various publications as well as holding trainings, panels/seminars.
- It conducts monitoring, reporting and advocacy activities related to the Freedom of Expression.
- It provides victims of violations of the Freedoms of Thought and Expression with legal support and judicial assistance.

Did you know that you can call the Human Rights Platform Hotline for such violations you have faced and receive support and/or free legal counsel?

HUMAN RIGHTS PLATFORM HOTLINE

Human Rights Platform Hotline provides service on weekdays between 10.00 - 18.00. The hotline is controlled by legal experts of the Human Rights Platform Association. You can call, send an SMS message or text via WhatsApp to our hotline to receive legal counselling (free of charge) regarding the five thematic areas (Anti-trafficking, LGBTI+ rights, democratic participation in decision making, refugee rights, detention conditions and freedom from torture) covered by the Human Rights Platform Project.

HOTLINE NUMBER

+90 542 862 00 60

Please scan here for detailed information about the hotline and its service areas



ABOUT THE HUMAN RIGHTS PLATFORM

The Human Rights Platform struggles for an egalitarian, just, democratic and inclusive world where universal human rights and freedoms are accessible and secure for everyone, protected, and constantly improved through effective mechanisms.

THE HUMAN RIGHTS PLATFORM PROJECT

The Human Rights Platform Project aims for developing a more just, equitable, democratic and inclusive society where human rights are not only respected but cherished.

Follow us to get further information about the Human Rights Platform and the Human Rights Platform Project.

Scan here for our website:

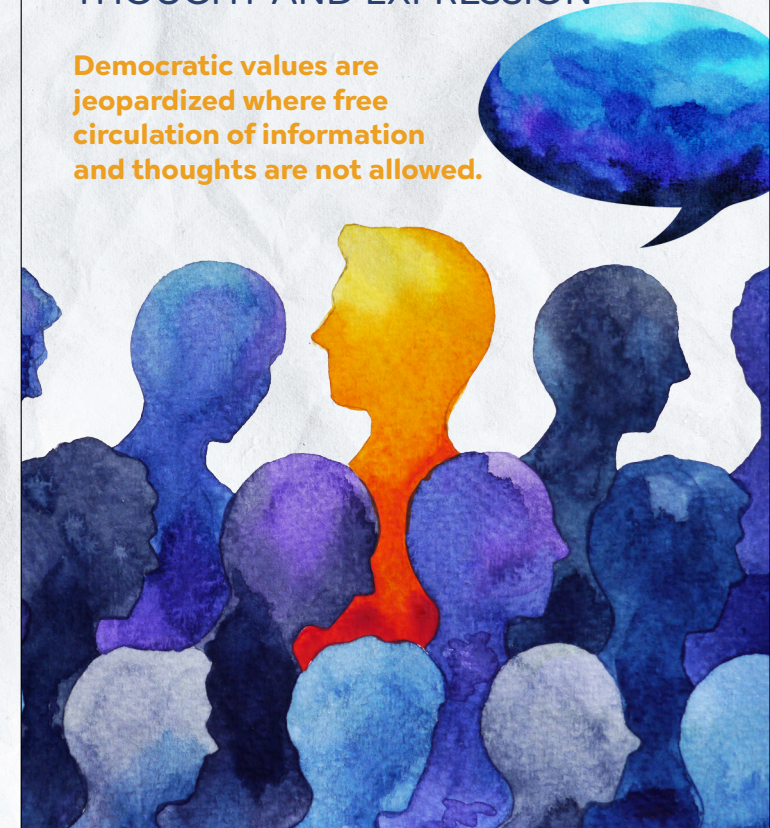


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Human Rights Platform

INFORMATIVE BROCHURE ON THE FREEDOMS OF THOUGHT AND EXPRESSION

Democratic values are
jeopardized where free
circulation of information
and thoughts are not allowed.



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