



Washington D.C.
July 11th, 2022

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
United Nations Human Rights Office of the High Commissioner

Ref: Call for submissions

Distinguished Irene Khan:

The Center for Justice and International Law addresses the Special Rapporteurship on the promotion and protection of the right to freedom of opinion and expression through your investiture, answering the call for submissions on “Challenges to freedom of opinion and expression in times of conflicts and disturbances”.

The Center for Justice and International Law (CEJIL) is a non-profit, non-governmental organization founded in 1991 with consultative status before the Organization of American States and the United Nations, and observer status before the African Commission of Human Rights and Peoples. We strive for a region where strong institutions are grounded in the rule of law to ensure that public policies and practices are in line with international human rights law through an adequate legal framework. During the last three decades, our work has focused on representing victims of serious human rights violations at the Inter-American System of Human Rights.

We want to provide an answer to the following question from the call for submissions: “Please share any suggestions or recommendations you may have for the Special Rapporteur on how to protect and promote freedom of opinion and expression while countering the manipulation of information in times of conflict, disturbances or tensions”.

Throughout our experience in advocating and protecting human rights in the Americas, we have encountered threats to human rights defenders as one of the most pervasive factors against freedom of expression and opinion. In times of conflict, disturbances, or tensions, the risk to human rights defenders is aggravated.

To address threats faced by human rights defenders, CEJIL led an effort, alongside dozens of other civil society organizations and individual supporters from academia in civil society, to draft the Esperanza Protocol. The Esperanza Protocol addresses threats faced by human rights defenders, journalists, and others tasked with preserving democracy and the full enjoyment of human rights across the world. The Protocol provides guidance for government officials, prosecutors, judges, human rights defenders (HRDs), journalists, and others. The Protocol underlines threats' individual and collective impact on human rights defenders. It provides a roadmap for establishing public policies to effectively address threats and guidelines for prosecuting threats.

Through the Esperanza Protocol, we want to encourage states worldwide to design policy measures for protecting human rights defenders that incorporate the investigation of threats. The Protocol can guide the development of national, regional, and international policies that include standards to fight against impunity by improving legal standards and criminal policy measures to facilitate prosecution. The Protocol can also play a role in developing local protection mechanisms that are developed collaboratively with civil society and other stakeholders and conscious of intersectional considerations such as culture, race, and gender. The Protocol also encourages States to develop prevention policies; measure compliance with their international obligations; and establish violations of international law when committed.

Attached to this response to the call from the special rapporteur is the English version of the Esperanza Protocol. For more information on the Esperanza protocol: <https://esperanzaprotocol.net/>.

Without further to add, we express our high esteem and consideration.

Sincerely,

Center for Justice and International Law
<https://cejil.org/en/>

