

# Freedom of expression

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It is a fundamental human right to hold opinions free from outside interference as well as to seek, receive and impart information and ideas through any media and regardless of frontiers (Art. 19 of the [Universal Declaration of Human Rights](#)). Restrictions to seek, receive and impart ideas are only acceptable as long as they are in accordance with international human rights standards.

Freedom of expression is essential to the realisation of other human rights including [freedom of association](#), right to education and the right to take part in the government of a country. This fundamental human right has often been restricted through, for example, censorship of news media, blocking of online content, or arbitrary arrests and detentions of activists, journalists or political opponents.



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A company might negatively impact the right to freedom of expression by shutting down telecommunications infrastructure during an election period for example, or by removing political opinions from an online platform at the request of a government or by taking actions aimed at silencing communities who are publicly opposing a company or a project.

Human rights defenders have, in the last decade, come under immense pressure, and between 2015 and 2018 there have been over 1,200 attacks on human rights defenders working on the accountability

of businesses.<sup>[1]</sup> Workers and trade unionists are another group that is receiving threats, and so are journalists, with more than 250 journalists imprisoned in 2017.<sup>[2]</sup>

Considering the importance of human rights defenders, trade unionists and journalists in upholding human rights, and the dire statistics above, companies should protect individuals under threat as part of their responsibility to respect freedom of expression. This responsibility may for example exist when human rights defenders have criticised a project in which the company in question is involved. The responsibility of the company is to prevent impacts on human rights defenders through their operations, as well as to exercise leverage over governments acting to silence or harass those human rights defenders. In order to do so, companies should consult with human right defenders, trade unionists and journalists alike to understand the issues they face and how the company can take action.

[1] <https://www.business-humanrights.org/en/bizhrds>  
[2] <https://cpj.org>

▼ Links to SDGs and targets

To ensure respect for the freedom of expression may indirectly contribute to various SDGs. It can e.g. contribute to the creation of decent work (SDG 8) and to reducing inequalities (SDG 10), when less people are afraid to speak out on issues related to companies’ operations.

Companies may e.g. use their leverage with governments to protect workers or human rights defenders that use their freedom of expression to speak out in protest of company activities, which can positively contribute to protecting labour rights and creating safe and secure working environments (8.8). While taking such actions, companies can also contribute to protect fundamental freedoms (16.10). Companies can also come out in support of journalists critical of the company itself in a country where journalists are often subjected to violence, thereby potentially contributing to SDG targets around the reduction of violence (16.1) as well as public access to information (16.10).

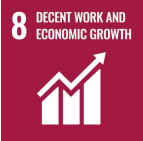


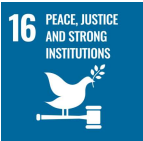
*These are merely examples of ways in which actions to respect freedom of expression can contribute to certain SDGs and is not an exhaustive list of such links.*

Cases on Freedom of expression

Case brief	Goals	Targets	Due diligence
<p><b>Businesses affirm role of human rights defenders</b></p> <p>The Business Network on Civic Freedoms and Human Rights Defenders, an informal network of companies supported by the Business &amp; Human Rights Resource Centre, The B Team and the International Service for Human Rights (ISHR), <a href="#">released a statement</a> in January 2019, in which it affirmed the "crucial role" of human rights defenders and the network’s commitment to the protection of civic freedoms. The business network includes members from a broad range of industries - consumer goods, mining, apparel &amp; footwear, banking, and jewellery sectors – and is made up of Unilever, adidas, Primark, ABN AMRO, Domini, Anglo American, Leber Jeweler and the Investor Alliance on Human Rights.</p>	<div><div>8</div><div>DECENT WORK AND ECONOMIC GROWTH</div><div></div></div> <div><div>16</div><div>PEACE, JUSTICE AND STRONG INSTITUTIONS</div><div></div></div> <div><div>17</div><div>PARTNERSHIPS FOR THE GOALS</div><div></div></div> <div><div>10</div><div>REDUCED INEQUALITIES</div><div></div></div>	<div>8.8</div> <div>16.1</div> <div>16.10</div> <div>17.16</div> <div>17.17</div> <div>10.2</div> <div>10.3</div>	<div>Corporate commitment</div> <div>Integrating and acting upon findings</div> <div>Stakeholder engagement</div>

This network stated that its members, and businesses in general, “have a duty to respect human rights and human rights defenders” in order to be aligned with the UN Guiding Principles on Business and Human Rights. Fulfilling this duty, the statement says, “enhances the private sector’s ‘social license’ to operate”.

In particular, in the statement, the various businesses commit to partnering with defenders to identify problems

Case brief	Goals	Targets	Due diligence
<p>in their businesses and encouraging due diligence and in the case of harm, access to remedy; exploring how their policies can be strengthened in order to protect human rights defenders; encouraging governments to protect civic freedoms and human rights defenders, as well as prevent abuse, harassment, intimidation, physical attacks, or limitations to the freedom of speech, assembly, association and movement of these defenders; and working to find how businesses can positively contribute to threatened human rights as they relate to human rights defenders. According to the statement, the network itself can be used to exchange information between members as well as to take collective action to address systemic issues, thereby increasing the members leverage to address identified negative human rights impacts on human rights defenders.</p>			
<p><b>Coming to the defence of human rights defenders</b></p> <p>Adidas announced a new <a href="#">policy</a> in 2016 that declared the company's support and protection for human rights defenders on issues linked to the company's own activities – or the activities of its business partners. The policy strives to improve conditions for its employees by ensuring protection to those who speak out in protest. Human rights defenders who believe that their human rights have been directly impacted by Adidas or its business partners can use the Adidas <a href="#">Third Party Complaint Process</a> to lodge complaints.</p> <p><a href="#">In January 2017</a> Adidas reported on the application of the policy: "In Vietnam, in 2016, two labour rights activists were detained after meeting with recently laid-off workers. [...] The workers had lost their employment due to a fire. [...] The HRD's detention was completely out of anyone's hands and the factory was not even aware that their former employees had reached out to an advocacy group. On our part we wrote to the government. We wanted to make them aware that we were following this case and that the workers had genuine grievances and the HRDs were acting lawfully and peacefully."</p>	 	<div>8.8</div> <div>16.10</div> <div>8.5</div>	<p>Corporate commitment</p>
<p><b>ICT sector commits to protect privacy and freedom of expression</b></p> <p><a href="#">Global Network Initiative</a> (GNI) is a multi-stakeholder platform of academics, civil society, information and communication technology (ICT) companies, investors and observers that was formed in 2008 to protect and advance freedom of expression and privacy in the ICT industry. Member companies include: British Telecommunications plc (BT), Millicom, Telefónica, Facebook, Nokia, Telenor Group, Google, Oath, Telia Company, Microsoft, Orange, and Vodafone Group.</p> <p>Every two years member companies are independently <a href="#">assessed</a> on the implementation of <a href="#">GNI's principles</a>.</p>	 	<div>9.c</div> <div>16.10</div>	<p>Corporate commitment</p> <p>Assessing impacts</p>



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<p>Though the process is confidential, the assessment reviews the internal systems, processes and policies as they relate to the protection of the privacy and free expression of their users.</p> <p>In April 2018, the Ranking Digital Rights Project launched its third <a href="#">Corporate Accountability Index</a> – an evaluation and ranking of the world’s most powerful internet, mobile and telecommunications companies based on freedom of expression and privacy. GNI member companies were leading the index. For instance, <a href="#">transparency</a> is among Oath’s <a href="#">Global principles for responding to government requests</a>, and twice a year the company publishes the requests it receives for information about users and to remove content.</p>			
<p><b>Request to government for labour law reforms and protection of trade unions</b></p> <p>On behalf of numerous apparel brands with manufacturing operations in Cambodia (such as Gap, H&amp;M and ASOS) the American Apparel and Footwear Association (AAFA), amfori – Trade with Purpose, the Ethical Trading Initiative (ETI), the Fair Labor Association (FLA), the Fair Wear Foundation (FWF) and Social Accountability International (SAI) <a href="#">expressed concern</a> to the government of <a href="#">Cambodia</a> about several contentious labour laws and repressive activity against unionists and activists. In particular, they asked the government to reform the 2016 Trade Union Law, and to “further strengthen” the Arbitration Council, an institution trusted and used by both workers and employers in resolving disputes, which saw a significant decline in cases after the introduction of the 2016 law.</p>	 	<div>8.5</div> <div>8.8</div> <div>16.6</div> <div>16.10</div>	<p><a href="#">Corporate commitment</a></p> <p><a href="#">Integrating and acting upon findings</a></p> <p><a href="#">Communicating and reporting</a></p> <p><a href="#">Access to remedy</a></p>
<p><b>Brands, suppliers and unions enshrine workers' rights and freedom of expression in a protocol</b></p> <p>In 2011, Indonesian textile, clothing and footwear unions, major supplier factories, and major sportswear brands including Nike, Adidas and Puma signed the <a href="#">Freedom of Association Protocol</a>. This protocol recognises workers' right to form trade unions and requires that a collective bargaining agreement must be produced within six months of a union’s formation. The protocol additionally sets out to ensure that workers have the ability to voice their concerns and freely negotiate working conditions, such as wages and job security, without any form of intimidation or harassment by employers.</p> <p>According to <a href="#">Puma’s 2017 Annual Report</a>, the company responds to anti-union sentiment in its supply chain by providing freedom of association training for factory management. Also in 2017, Puma signed a <a href="#">letter</a> addressed to the Cambodian government urging them to respect workers’ rights, including freedom of association. Furthermore, in <a href="#">Puma’s Sustainability Handbook on Social Standards</a> the company guarantees that all employees of</p>	  	<div>8.5</div> <div>8.8</div> <div>10.4</div> <div>16.10</div>	<p><a href="#">Corporate commitment</a></p> <p><a href="#">Integrating and acting upon findings</a></p> <p><a href="#">Access to remedy</a></p>

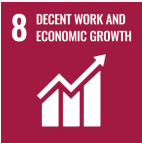
Case brief	Goals	Targets	Due diligence
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its manufacturing sites have the right to freedom of association and the right to organise, while also recognising employees’ right to not join unions or employee associations.

### Protection for journalists and human rights defenders around sporting events

In 2018, the International Federation of Association Football (FIFA) committed to stand up and [safeguard human rights defenders and journalists](#) who work to raise and expose human rights concerns linked to FIFA-related events, campaigns, and mega sporting events. FIFA set out to identify and prevent instances that might arise in connection to any event sponsored by the federation. The [FIFA Statement on Human Rights Defenders and Media Representatives](#) built on the group's 2017 policy on human rights, which was adopted as a broader commitment to taking action according to the UN Guiding Principles on Business and Human Rights.

Pillar III – Protect and Remedy – of FIFA's Human Rights Approach, located within its policy, states that: "FIFA will respect and not interfere with the work of both human rights defenders who voice concerns about adverse human rights impacts relating to FIFA and media representatives covering FIFA's events and activities. Where the freedoms of human rights defenders and media representatives are at risk, FIFA will take adequate measures for their protection, including by using its leverage with the relevant authorities".



8.5

8.8



16.10

Corporate commitment

Integrating and acting upon findings

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