

# Office of the Special Rapporteur for Freedom of Expression

Inter-American Commission on Human Rights (IACHR)



Organization of  
American States

# Creation of the Office of the Special Rapporteur and Institutional Support

The Office of the Special Rapporteur for Freedom of Expression was created by the IACHR during its 97th period of sessions, held in October 1997. The Special Rapporteurship was created as a permanent office with functional autonomy and its own operational structure. Through the Office of the Special Rapporteur, the Commission sought to encourage the defense of the right to freedom of thought and expression in the hemisphere, given the fundamental role this right plays in consolidating and developing the democratic system and in protecting, guaranteeing, and promoting other human rights.

During the Second Summit of the Americas the Heads of State and Government of the Americas recognized the fundamental role of freedom of thought and expression, and noted their satisfaction regarding the creation of the Special Rapporteurship and expressed their commitment to support the Office. During the Third Summit of the Americas, held in Quebec City, Canada, the Heads of State and Government ratified the mandate of the Office of the Special Rapporteur. The OAS General Assembly has on various occasions expressed its support for the work of the Office of the Special Rapporteur and entrusted it with follow-up or analysis of issues related to freedom of expression. In the same way, since its beginnings, the Office of the Special Rapporteur has also had the support of civil society organizations, the media, journalists and, most importantly, individuals who have been victims of violations of the right to freedom of thought and expression. They, in turn, have viewed the Office of the Special Rapporteur as an important source of support to reestablish the safeguards necessary for the exercise of their rights or to ensure just reparations as warranted by their particular situation.

## **Mandate of the Office of the Special Rapporteur**

The Office of the Special Rapporteur has a general mandate to carry out activities for the protection and promotion of the right to freedom of thought and expression. The include the following activities:

- a. Advise the IACHR in evaluating cases and requests for precautionary measures, as well as in preparing reports.
- b. Carry out promotional and educational activities on the right to freedom of thought and expression.
- c. Advise the IACHR in conducting on-site visits to OAS member countries to deepen the general observation of the situation and/or to investigate a particular situation having to do with the right to freedom of thought and expression.
- d. Conduct visits to OAS Member States.
- e. Prepare specific and thematic reports.
- f. Promote the adoption of legislative, judicial, administrative, or other types of measures that may be necessary to make effective the exercise of the right to freedom of thought and expression.
- g. Coordinate with ombudsmen's offices or national human rights institutions to verify and follow up on conditions involving the exercise of the right to freedom of thought and expression in the Member States.
- h. Provide technical advisory support to the OAS bodies.
- i. Prepare an annual report on the situation regarding the right to freedom of thought and expression in the Americas, which will be considered by the full Inter-American Commission for its approval and inclusion in its Annual Report to the General Assembly.
- j. Gather all the information necessary to prepare the aforementioned reports.

## **Strategic Litigation on Freedom of Expression within the Inter-American System**

One of the most important functions of the Office of the Special Rapporteur is to advise the IACHR in the evaluation of individual petitions and prepare the corresponding reports. The due consideration of individual petitions not only provides justice in the individual case, but also helps call attention to generalized situations that affect freedom of thought and expression, and generates important case law that can be applied in the inter-American human rights system itself as well as by national authorities.

## **Precautionary Measures**

The Office of the Special Rapporteur works with the IACHR Protection Group to provide recommendations on the adoption of precautionary measures in the area of freedom of expression. The precautionary measures are adopted out of a need to avert grave, imminent, and irremediable harm to persons subject to the jurisdiction of a Member State or to the object of a petition pending before the Inter-American Commission.

## **Public Hearings**

The Office of the Special Rapporteur participates actively in the hearings on freedom of expression, preparing the necessary reports and handling the corresponding interventions and follow-up.

## **Official Visits**

On-site visits to countries of the region are one of the main tools the Office of the Special Rapporteur uses to gather information about the situation regarding freedom of expression in a particular country, to advance international standards on the exercise of this right, and to promote the use of the inter-American human rights system. The Office's agendas on such visits include meetings with government authorities, members of the legislature, and representatives of the justice system, as well as nongovernmental organizations, social communicators, academics, and users of the Inter-American system, among others.

## **Seminars and Workshops with Strategic Actors in the Region**

Seminars are another critical tool the Office of the Special Rapporteur uses to carry out its work of promoting the right to freedom of expression. The Office of the Special Rapporteur has organized seminars throughout the hemisphere, in many cases with the cooperation of universities, government institutions, and nongovernmental organizations. Hundreds of journalists, lawyers, university students and professors, and public officials, among others, have attended the training sessions. These sessions are offered by staff members of the Office of the Special Rapporteur not only in national capitals but also in less accessible regions.

## **Annual Report and Development of Expertise**

One of the main tasks of the Office of the Special Rapporteur is the preparation of the Annual Report on the state of freedom of expression in the hemisphere. Every year, this report analyzes the situation regarding this right in the OAS Member States, which includes noting the principal threats to ensuring the exercise of the right to freedom

of expression and the advances that have been made in this area. Besides its annual reports, the Office of the Special Rapporteur periodically produces specific reports on particular countries. In addition, the Office of the Special Rapporteur prepares thematic reports that have opened up important channels for discussion in the hemisphere and led to the implementation of important legislative and administrative reforms.

## **Special Statements and Declarations: Using the Bully Pulpit**

Through the daily monitoring of the state of freedom of expression in the region—conducted by means of an extensive network of contacts and sources—the Office of the Special Rapporteur issues statements such as press releases, reports, and opinions on specific cases or situations that are relevant to its mandate. In addition, since its creation the Office of the Special Rapporteur has participated in the drafting of joint declarations with the other regional rapporteurs for freedom of expression. These joint statements are generally signed by the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, and the Organization of American States Special Rapporteur for Freedom of Expression. When the issues are regional in nature, the declarations are signed by the Rapporteurs for the UN and the OAS.

## **Staff of the Office of the Special Rapporteur**

The Office of the Special Rapporteur has worked, under the coordination of the Special Rapporteur, with a team that fluctuates between two and three attorneys, one expert in journalism and communications, one person who fulfills administrative assistant duties, and one person in charge of fundraising and management of projects and donor agreements. The Office of the Special Rapporteur has had support from specialized external consultants in the preparation of certain technical reports.

## **Funding**

The Office of the Special Rapporteur is financed wholly through external funds specifically donated for this purpose by OAS Member States, observer countries, and international cooperation foundations. The main donors have been the Governments of Argentina, Brazil, Canada, European Commission, Korea, Costa Rica, Denmark, Spain, United States of America, France, Ireland, Italy, Mexico, Peru, United Kingdom, Sweden and Switzerland. This funding has enabled the Office of the Special Rapporteur to fulfill its mandate and continue its efforts to promote and defend the right to freedom of expression.



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