Council of the EU: Human rights guidelines on free expression on- and offline

IRIS 2014-8:1/8

Tarlach McGonagle
Institute for Information Law (IViR), University of Amsterdam

On 12 May 2014, the Council of the European Union (EU) adopted the EU Guidelines on Freedom of Expression Online and Offline. As the EU only has a limited set of home-grown standards on freedom of expression, one of the main aims of the Guidelines is to "explain the international human rights standards on freedom of opinion and expression". Another main aim is to provide "political and operational guidance to officials and staff of the EU Institutions and EU member states for their work in third countries and in multilateral fora as well as in contacts with international organisations, civil society and other stakeholders". The Guidelines also seek to help EU officials and staff contribute to preventing potential violations of the right to freedom of opinion and expression.

In light of these central aims, the Guidelines do not purport to create new standards, but to synthesise and contextualise existing standards and set out how they could be used as a basis for action by the EU, including in the EU's external affairs.

The Guidelines identify the following "priority areas":

1. Combating violence, persecution, harassment and intimidation of individuals, including journalists and other media actors, because of their exercise of the right to freedom of expression online and offline, and combating impunity for such crimes;

2. Promoting laws and practices that protect freedom of opinion and expression;

3. Promoting media freedom and pluralism and fostering an understanding among public authorities of the dangers of unwarranted interference with impartial/critical reporting;

4. Promoting and respecting human rights in cyberspace and other information and communication technologies;

5. Promoting best practices by companies;

6. Promoting legal amendments and practices aimed at strengthening data protection and privacy online/offline.

© European Audiovisual Observatory (Council of Europe) 2026

Each of the priority areas is introduced with an explanatory section, followed by a list of measures to be taken by the EU to advance the priority in question. Under the Guidelines, the EU commits itself to “make use of all appropriate political and external financial instruments in order to further the promotion and protection of freedom of opinion and expression”. The Guidelines identify a wide-ranging set of “tools” for that purpose:

- Political dialogues and high level visits;

- Monitoring, assessing and reporting on freedom of expression;

- Public statements and demarches;

- Financial instruments;

- Public diplomacy in multilateral fora;

- Media freedom and pluralism in the EU enlargement policy;

- Promoting Council of Europe and OSCE acquis;

- Trade measures;

- Training and technical exchanges;

- Capacity building.

The Guidelines also contain a section focusing on their implementation and evaluation.

This article provides only a general sense of the Guidelines main focuses. It should therefore be noted that the substantive part of the Guidelines and the Appendices, in keeping with the Guidelines’ stated intention to explain and guide EU officials and staff in respect of freedom of expression issues, are detailed and practical in nature.

The Guidelines are part of the EU’s continuing series of comparable Guidelines on other human rights, e.g. the rights of the child; violence against women and girls and combating all forms of discrimination against them; human rights defenders; torture and the death penalty; human rights of Lesbian, Gay, Bisexual, Transgender and Intersex persons, and the right to freedom of religion or belief.

Council of the European Union, EU Guidelines on Freedom of Expression Online and Offline, 12 May 2014

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142549.pdf

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026