

Call for participants

A comparative examination of the right to freedom of thought across multiple jurisdictions

The right to freedom of thought

The right to freedom of thought is protected by numerous international human rights treaties including Article 18 of the Universal Declaration of Human Rights and Article 18(1) of the International Covenant on Civil and Political Rights as well as Article 9 European Convention on Human Rights and Article 13 American Convention on Human Rights. Compared with other rights, the jurisprudence, scholarship, and commentary on the right to freedom of thought is sparse. Possibly this is because, traditionally at least, the right was considered to hold more symbolic importance than practical value and/or the interests that fall under its protective remit were considered to be adequately protected by other rights such as the right to freedom of expression or the right to privacy. More recently, however, scholars have paid increasing attention to this right, the scope of which is four-fold: (a) freedom not to disclose one's thoughts; (b) freedom from punishment for one's thoughts; (c) freedom from impermissible alteration of one's thoughts; and (d) an enabling environment for freedom of thought ([UN A/76/380, 2021](#)).

We plan to hold a virtual symposium to explore how the right to freedom of thought is protected, if at all, at a domestic level across multiple legal systems and at an international level. This symposium hopes to hear from lawyers in as many jurisdictions as possible about the presence and application of this fundamental right. The recent scholarly attention given to the right has been backdropped against technological, including neuroscientific, developments which, although relevant, do not allow us to appreciate the varying social, cultural and legal contexts in which the right may or may not be protected (e.g. Blitz and Bublitz, 2021; Alegre, 2021).

The purpose of the event is to sketch out the legal status and applicability of the right to freedom of thought, which might be contained in a national bill of rights or a regional human rights treaty. The right might not be explicitly recognised in domestic law but might enjoy indirect protection through legislation which protects the mental space, for example consumer rights to cooling-off periods to allow consumers to change their minds, criminal offences aimed at the psychological distress caused by stalking, robust access to information laws, guarantees of media pluralism, neurotechnology regulations, space for political dissent, or strong protection of minority beliefs and opinions.

The symposium

The event will be held online at **12noon UK time on Wednesday 23 November 2022**.

Please **register your interest** in attending the event by emailing Bethany Shiner (b.shiner@mdx.ac.uk) and Patrick O'Callaghan (patrick.ocallaghan@ucc.ie) using 'FOT comparative symposium' as the subject heading. If you are interested in discussing the right to freedom of thought in a specific jurisdiction/region, please also send a **200-400 word abstract setting out preliminary details of how (if at all) the right is protected in that jurisdiction/region**. Please also send a short **biography**.

Our plan is that this event will be the first step in a larger research project on the right to freedom of thought, which will lead to an edited comparative study of the interpretation and protection of the right.

Deadline for registration of interest will be Friday 21 October 2022. If you would like to discuss the topic or ask questions before that deadline, please email us. We will provide further details of the workshop following confirmation of attendance.

Country or regional report

We anticipate that there will be some participants who have not specifically applied the right to freedom of thought to their area of legal study or activity. We hope to persuade participants to consider the application of this right to established areas, much like the Special Rapporteur on freedom of religion or belief did in the first ever [report](#) on the right to freedom of thought (2021). These areas are:

- a. torture or cruel, inhuman or degrading treatment or punishment
- b. surveillance
- c. coercive proselytism, anti-conversion and anti-blasphemy efforts
- d. intellectual freedom and education
- e. existing and emerging technologies
- f. mental health
- g. conversion practices

For further guidance you may wish to also consider the following questions:

1. Is there a specific right to freedom of thought in the jurisdiction you are considering?
2. If so, what is its status in law? (Constitutional right (vertical and/or horizontal effect?); ECHR (monist or dualist system?); Is it provided by statute? Has it been developed by the courts?)
3. Is the right justiciable? What remedies are available in case of infringement of the right?
4. What is the scope of the right? (negative right, positive right, does it attract preventative duties, is it qualified/limited/absolute?). If it is a qualified/limited right, what are the limits? If it is an absolute right, what does this mean in practice?
5. Consider the history of the right within the jurisdiction you are discussing (drafting history; how has the interpretation of the right evolved over time? What are its philosophical/historical roots?).
6. What are the contours of the right? How does it interact with other rights (e.g. freedom of expression, belief, privacy, freedom of association)?
7. Discuss the prominence (or lack of) of the right in jurisprudence, academic scholarship and policy debates in your jurisdiction. Are there any law reform proposals in your jurisdiction concerning this right?
8. Critically discuss the applicability of the right and how the right might be developed in the contemporary context of political speech, technology, surveillance etc
9. If there is no specific right to freedom of thought in your jurisdiction, are there any other rights that protect or have the potential to protect freedom of thought? Are they effective? Should a specific right to freedom of thought be introduced?

The organisers

The symposium organisers edited the first-of-its-kind [comparative study](#) of the right to freedom of thought against the backdrop of technological advancements which have the potential to infringe the right. The issue features contributions from several jurisdictions including the UK, Ireland, Canada and the USA as well as the regional jurisdictions of the European Court of Human Rights and the Inter-American Court of Human Rights.

Bethany Shiner is a member of faculty at the School of Law, Middlesex University, London, and a DPhil candidate at the University of Oxford, UK.

Patrick O'Callaghan is a member of faculty at the School of Law, University College Cork, Ireland.