Toolbox I: What is freedom of Expression and why does it matter?

It is always good to start a discussion with some common understanding or definition of the main concepts. Freedom of expression is broadly understood as the notion that every person has the natural right to freely express themselves through any media and frontier without outside interference, such as censorship, and without fear of reprisal, such as threats and persecutions.

Key Concepts:
- Freedom of expression
- Freedom of speech
- Freedom of the press
The term “freedom of expression” itself had existed since ancient times, dating back at least to the Greek Athenian era more than 2400 years ago! However, this particular form of freedom of expression was actually very limited and reserved to a very small group of the population. Since then, the term “freedom of expression” has been so widely used and conceptualised (and reconceptualised) by different groups – including scholars, politicians, activists, and laypersons – that it can mean different things to different people, which may differ again according to the time and place. Nevertheless, the following are some of the most commonly agreed upon definitions of freedom of expression that are considered as valid international standards:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. (Article 19, Universal Declaration of Human Rights, 1948)

“Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” (Article 19, International Covenant on Civil and Political Rights, 1966)

Freedom of expression issues are multi-faceted and complex. In a society bars public expression of certain views by enacting laws or by intimidation, simply because those views go against the norm of the powerful. On the other hand, there are situations that are subtle and nuanced, so difficult to be reconciled. These two rights sometimes are at a tension because it is not always easy to find a right balance between rights to dignity, safety, and privacy. Most limits are based on these tensions.

“Freedom of expression, which encompasses the right to ‘seek, receive and impart information and ideas of all kinds’, includes both the right to impart or express information and ideas, and the right to access information” (International Society of Human Rights)

Toolbox 1

1. What is freedom of expression?

Freedom of expression is a complex right. This is because freedom of expression is not absolute and carries with it special duties and responsibilities and thus it may “be subject to certain restrictions, but these shall only be such as are provided by law and are necessary”. It is complex also because “it protects both the right of the speaker and the right of the listener”. These two sides of the same right may sometimes be opposing and making difficult to be reconciled. These two rights are at a tension because it is not always easy to find a right balance between rights to dignity, safety, and privacy. Most limits are based on these tensions.

Frederick Douglass (1817-1895)

Political and spiritual leader of America

Everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” (Article 19, International Covenant on Civil and Political Rights, 1966)
Things change, however, when you express your preference for one politician over another, or when you criticize the legitimacy of a particular religion. You may even get into a lot of trouble for painting the picture of certain racist symbols or religious figures and start uploading them to your webpage or blog. In fact, people have been reprimanded, attacked, sued, jailed, and even killed for expressing such things.

What is the difference between the different types of expressions?

The consequences between drawing a picture of a flower and a picture of a religious figure are different because we as people assign different values to them. The drawing of a flower is regarded, understood, and valued differently from the drawing of a revered political or religious figure and subsequently they are treated differently. Each community often assigns a different value to different objects, individuals, and even ideas.

Although the Toolkit is about freedom of expression in general, the majority of the examples and case studies are concerned with freedom of expression in the context of politics, religion, culture, and the press. This does not necessarily mean that the freedom to paint a picture of a flower is less important than the freedom to talk about religion or politics, but simply that religious or political issues attract far more scrutiny and threats than criticizing one’s artistic rendition of flora, or a poorly brewed cup of coffee. This Toolkit aims to enhance our understanding of freedom of expression on critical and sensitive issues, and also in identifying the right conditions or the enabling environment for the promotion of freedom of expression as well as potential threats to the very same freedom.