



# DEMOCRACY AND PARTICIPATION FREEDOM OF EXPRESSION

The Governance Group / Norwegian Centre for Human Rights

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THE  
GOVERNANCE  
GROUP

# Definitions of democracy

## *Definições de democracia*

**«Government of the people, by the people, for the people».** (Abraham Lincoln)

*Governo do povo, pelo povo, para o povo.*

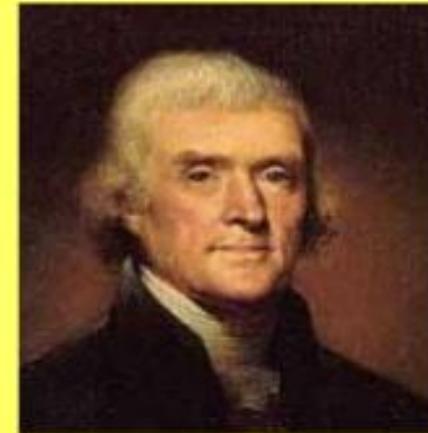
**“Democracy is not so much a form of government as a set of principles”.** (W. Wilson)

*Democracia não é tanto uma forma de governo, mas mais um conjunto de princípios.*



# What is democracy?

Democracy is a frequently used word but its meaning is rarely fully understood. A democratic political system is one in which the ultimate political authority is vested in the people. The word democracy comes from the Greek words "**demos**" which means the people and "**kratos**" which means authority.



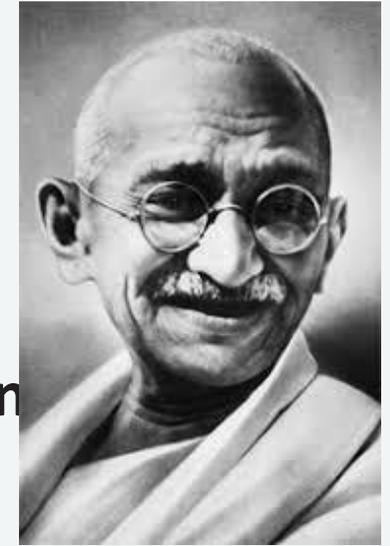
*"I know of no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion."*

*- Thomas Jefferson*



# Definitions of democracy

## *Definições de democracia*



**«I understand democracy as something that gives the weak the same chance as the strong».**

(Gandhi)

*Eu entendo democracia como algo que dá aos fracos as mesmas chances que aos fortes.*

**«The highest measure of democracy is neither the 'extent of freedom' nor the 'extent of equality', but rather the highest measure of participation».**

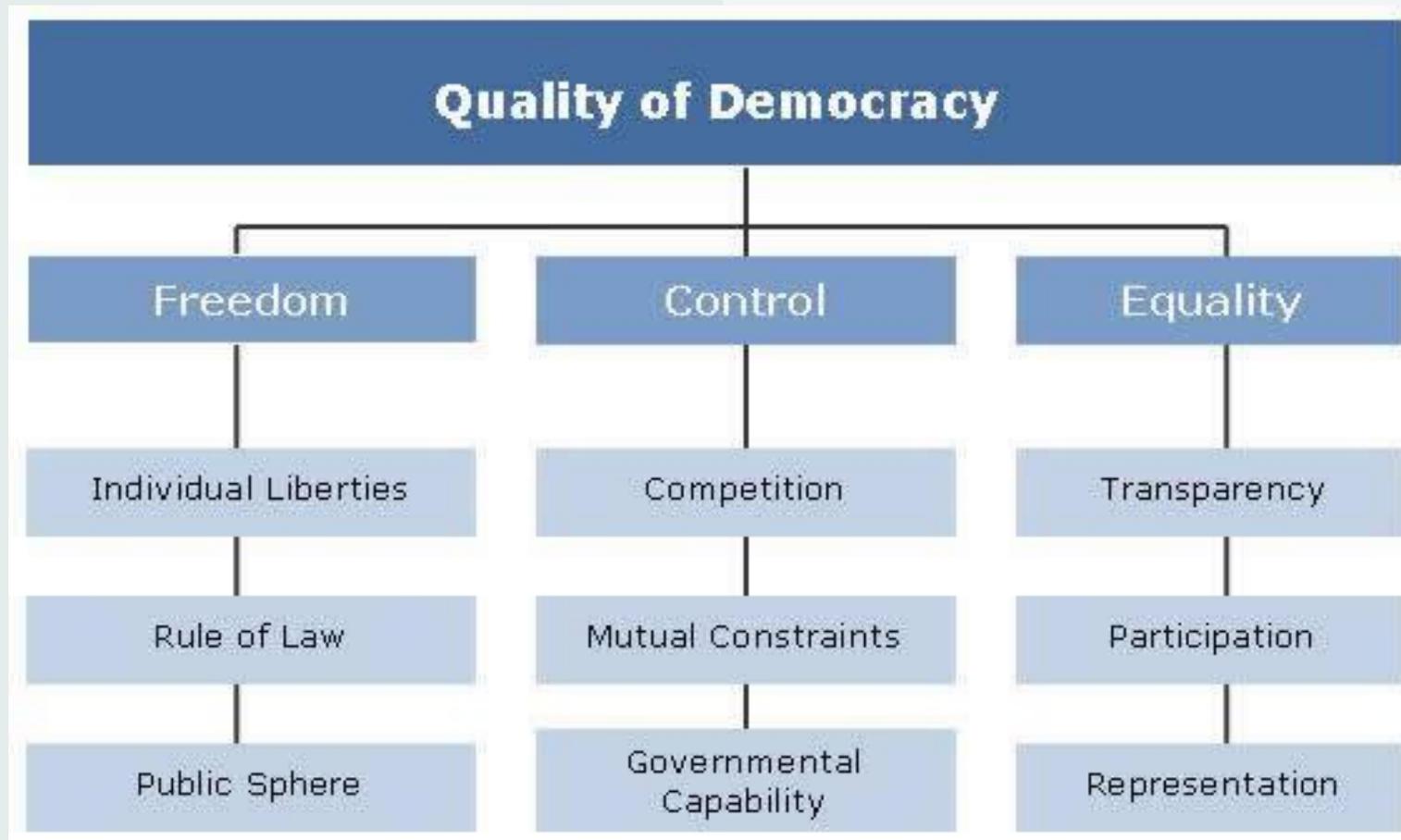
(A. d. Benoist)

*O grau mais alto da democracia não é o “dimensão da liberdade” nem a “dimensão da igualdade”, mas sim a amplitude de participação.*



# Democracy, defined by measures of participation...

*Democracia, definida por medidas de participação...*



# Democratic challenges, reducing participation

Challenges may have to do with ...

- Aspects of the electoral and entire legislative systems, working in ways that may restrict influence and discourage participation.
- Wider aspects of the political system itself, how it is constructed.
- Weaknesses in representation and participation, registration and legislation, for instance in relation to settlement.
- Biases or blatant discrimination related to age, gender, religion, ethnicity, geography / mobility, migration, distribution of wealth, profession / sources of income, levels of education, etc.
- Other human rights challenges, to do with both civil and political rights, and economic, social and cultural rights.
- Corruption



## Democratic Governance means that ...

- **people have a say** in the decisions that affect their lives and that they can hold decision-makers accountable.



# Democratic Governance further entails that ...

- the rules, institutions and practices that govern social interactions are **inclusive and fair**,
- **women are equal partners with men** in private and public spheres of life,
- **people are free from discrimination** based on race, ethnicity, class, gender or any other attribute, and
- **the needs of future generations** are reflected in current policies.



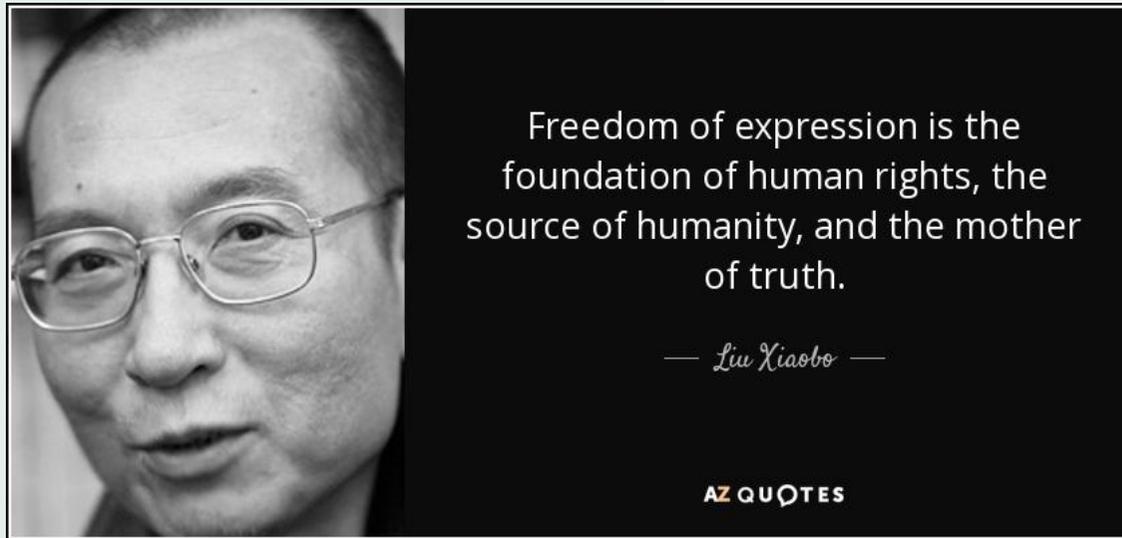
## Democratic Governance also means that ...

- economic and social policies are responsive to people's needs and aspirations,
- these policies aim at eradicating poverty and expanding the choices that all people have in their lives,
- human rights and fundamental freedoms are respected.



# Freedom of expression

*Liberdade de expressão*



# Freedom of expression. What does it mean?

*Liberdade de expressão. O que isso significa?*



# Freedom of expression. What does it mean?

- Opinion
- Expression
- Information
- Communication

## ARTICLE 19

"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

**Freedom of expression** in all its forms and manifestations is a fundamental and inalienable right of all individuals.

Additionally, it is an indispensable requirement for the very existence of a **democratic society**.

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INTER-AMERICAN COMMISSION ON HUMAN RIGHTS, PRINCIPLES OF FREEDOM OF EXPRESSION



# **Three arguments in favour of freedom of expression**

*Três argumentos a favor da liberdade de expressão*

## **1. As a necessary precondition for democracy**

*Um pré-requisito necessário para a democracia*

## **2. As a necessary precondition for truth**

*Um pré-requisito necessário para a verdade*

## **3. As a necessary precondition for individual development, growth and self-fulfilment**

*Um pré-requisito necessário para o desenvolvimento individual, crescimento e realização pessoal*



# The right to the freedoms of thought, conscience, religion, belief, expression and opinion, information and the media, association and peaceful assembly

## Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

## Article 19

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 20

Everyone has the right to peaceful assembly and association.

No one may be compelled to belong to an association.

Universal Declaration of Human Rights



# The same, from the African Charter on Human and Peoples Rights

- Article** **8**  
Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.
- Article** **9**  
1. Every individual shall have the right to receive information.  
2. Every individual shall have the right to express and disseminate his opinions within the law.
- Article** **10**  
1. Every individual shall have the right to free association provided that he abides by the law.  
2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.
- Article** **11**  
Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.



# And also, from the African Charter on Democracy, Elections, and Governance: *E também, da Carta Africana sobre Democracia, Eleições e Governança:*

In order to advance political, economic and social governance, State Parties shall commit themselves to ... Promoting freedom of expression, in particular freedom of the press and fostering a professional media.

*A fim de promover a governação política, económica e social, os Estados Parte comprometem-se a ... Promover a liberdade de expressão, em particular a liberdade de imprensa e a promoção de um meio de comunicação profissional.*

*Article 27 (8), African Charter on Democracy, Elections and Governance (2007)*  
*Artigo 27 (8), Carta Africana sobre Democracia, Eleições e Governança (2007)*



# African Union



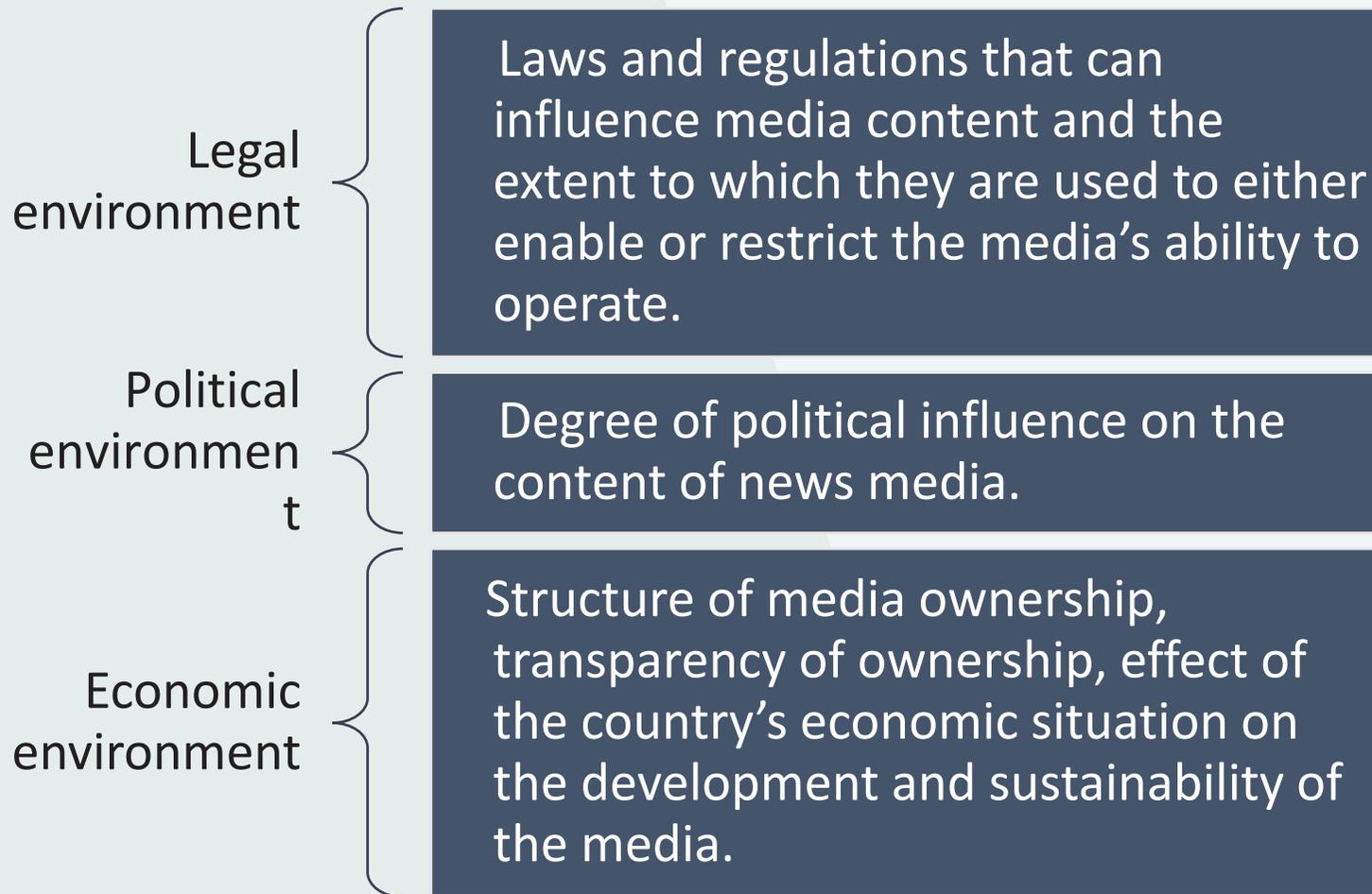
# Constitution of Angola



- 1- Freedom of the press shall be guaranteed, and may not be subject to prior censorship, namely of a political, ideological or artistic nature.
- 2- The state shall ensure plural expression, imposing different ownerships and editorial diversity in the media.
- 3- The state shall ensure the existence and the independent and qualitatively competitive functioning of a public radio and television service.
- 4- The law shall establish the forms by which freedom of the press shall be exercised.

*Article 44, Constitution of the Republic of Angola (2010)*

# How to measure press freedom









# Into the future: Nine key challenges to freedom of expression

**1. Political influence and government control, including ownership, oversight, registration requirements, use of antiquated law or abuse of modern law to bring media to court**

**2. Criminal defamation law, making it illegal to insult, slander, libel someone or something, typically the president or certain ideologies, religious beliefs ...**

**3. Violence against journalists: Still widespread**

**4. Limitations to the right to information. Most states still don't guarantee this right. Others have weak laws in this field. General lack of openness.**

**5. Discrimination in the enjoyment of the right to freedom of expression, typically of certain disadvantaged groups through systematic under-coverage, restricted access etc.**



# Into the future: Nine key challenges to freedom of expression

**6. Commercial pressures and concentration of ownership + pressure to maximize profit leading to priority of cheap shallow entertainment at the expense of in-depth investigative journalism, local content and other costly quality content**

**7. Security and freedom of expression. Vague or overbroad definitions of key terms, such as security, terrorism etc., leading to abuse of related regulations and legislation. Often in combination with expanded use of surveillance techniques.**

**8. Freedom of expression and the Internet. The use of firewalls, filters, registration requirements, and state interventions, such as blocking of websites. Risks related to there often being no editorial responsibility.**

**9. Access to information and communication technologies (ICTs), leading to inequalities in ability to access, including poor areas, rural areas, the elderly ...**



**In conclusion...**

*Em conclusão...*



# Six questions / challenges:

1. Name some central aspects that in your opinion are essential for democracy to be truly participatory.
2. And likewise, please mention some aspects that may work to reduce participation and weaken democratic standards.
3. As a human right, freedom of expression comes as 'a package' with a set of other human rights. Can you mention some of the other rights that are most closely associated with freedom of expression?
4. In your opinion, why is freedom of expression important?
5. Please mention three elements that in your opinion are essential for a positive environment for freedom of expression.
6. And finally, looking into the future, what are the main challenges to freedom of expression?

