**Daniel Rankadi Mosako**

**UD72099SIN81256**

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**Human Rights 19: Freedom of Expression**

This course will focus on **Human Rights 19: Freedom of Expression**

Assignment Title:

**Human Rights 19: Freedom of Expression**

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1. **Introduction**

Human rights are obligation rights that all people in the planet are entitled to have, regardless of their race, gender, nationality, ethnicity, language, religion, or other status. There are several rights which include, the right to life and liberty, freedom from slavery and torture, freedom of thought and speech, the right to employment and education, as well as the right to freedom of expression. Countries around the world are bound to protect these rights and ensure that rights are available to everyone, without exception (United Nations (n.d)).

It is credible that the United Nations, as a statutory body, imposes obligations on governments around the world to act in certain ways or refrain from acting in certain ways. To promote acts that cherish and protect human rights and fundamental freedoms of individuals and groups without discrimination or favours. This body has also established global human rights law as a framework to promote and safeguard human rights throughout the world (United Nations, n.d.). Amongst these rights is the right to freedom of expression, which forms the core of this assignment.

The United Nations Charter and the Universal Declaration of Human Rights, both enacted by the United Nations General Assembly in 1945 and 1948 respectively, are the foundations of present Human Rights legislation. Since then, the United Nations has increasingly enlarged human rights law to embrace all disciplines that correspond to, safeguard, and promote the rights of today's generation.

1. **Assignment Purpose**

The purpose of this assignment is to highlight the importance of the 19th Human Right that is presented as Freedom of Expression.

1. **Problem statement**

Many countries are faced with multiple gross violation of Human Rights on of which such human rights suppressions include the denial of ‘Freedom of Expression’.

1. **Discussion** 
   1. **What is the historical background of Global human rights?**

The observation of human rights came into existence shortly after the World War II and has evolved over the years to date. Ever since the inception of the human rights concept the world has been subjected to observe the international Bill of Human Rights, that are aimed at protecting human dignity. Howie (2017) adds that amongst these rights The right to freedom of opinion and expression has been safeguarded in all major international human rights treaties, this also covers the inclusion of ‘Article 19’ of the Universal Declaration of Human Rights. In international law, the right to freely express one's thoughts and opinions is regarded as a fundamental status on both an individual and societal level, as it contributes to a person's holistic development. Free speech is a fundamental precondition for the exercise of other rights, such as the right to vote, the right to free assembly, and the right to associate, and it is also vital to ensure press and publication freedom. The protection of the Freedom of Speech is a Global imperative as it is through such a right that rights can prevail. Such rights include the right to vote freely and the right to hold sanctioned demonstration s and campaigns (Howie 2017).

* 1. **What does the 19th Human Right of Freedom of Expression entail?**

The freedom of expression is enshrined in the constitution of the Republic of South Africa of 1996. Chapter 2 of the Bill of Rights in South Africa states that:

The Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. (2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights. (3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

The application of this Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state. (2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right. (3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court— (a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and (b) may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36(1). (4) A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person. (South African Constitution 1996).

Attached to this bill is the right to Freedom of Expression which is outlined in Section 16(1) of South Africa’s Constitution states that:

Everyone has the right to freedom of expression, which includes freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research (Fokane 2020).

However, Section 16(2) of the same constitutions restricts ant speech related to propaganda for war; incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm (Fokane 2020).

I then agree with Howie (2017), who opines that, both freedom of expression and freedom of opinion are essential rights that have both a personal and a social dimension. They are seen as necessary for any civilization, indispensable for full human development, and a "foundation stone for every free and democratic society.

**4.3. Why is Freedom of Expression a human right**

Freedom of expression is a fundamental human right, enshrined in Article 19 of the Universal Declaration of Human Rights (Ki-moon (n.d)). As the 19th Human right article, Freedom of expression is perceived as a fundamental human right that should be upheld in any a democratic society, because it provides for the free flow of ideas, opinions, and interexchange of information. The promotion and protection of Freedom of Expression as a Human right creates a conducive environment that allows people and global citizens to establish their own perspectives and unobscured opinions on important public matters. Therefore, Freedom of Expression promotes public debate, as well as a free and independent press, informed citizens, and government transparency (The human rights guide (nd)).

**4.4 How can the Freedom of Expression be conserved in the museum space**

Museum environment are best position to preserve and conserve historic artifacts and documents. Some of these preserved documents include the famous Nelson Mandela’s speech which is populated as follows:

During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die (Wilson 2007).

It is true such a speech and the role played by museums and archive that Mandela’s freedom of speech and iconic speech lives on to the present and future generations.

In addition to this museum conservation practice is conservation of literature and archive sources that documented the famous 1976 Soweto uprising during which scholar took their protest to the streets. Such protests were confronted by oppression of the freedom of speech, as protesters were shot form expressing their freedom of speech and protesting against the dominance of Afrikaans as an oppressive language in South Africa.

Therefore, museums, archives, and educational institutions have the responsibility to promote and publicize the United Nations Bill of Rights. By so doing the general society will be in the position to be exposed to the bills of which one of them would be the Freedom of Speech.

5. **Conclusion**

This assignment concludes that the observation of the Freedom of Expression as a Human Right through the eyes of Nelson Mandala is an unconditional Human Right. As numerous citizens in the world are constantly dealing with authoritarian attempts to obstruct, limit, and inhibit freedom of expression across an entire population. It is therefore upon governments to take charge and look at ways and means where certain groups are not restricted to free speech than the general population in both developed and less developed countries. Whereby, certain groups of people are frequently denied an equal voice in the society. On the other hand, there is a general perception that poverty, prejudice, legal impediments, cultural constraints, religious norms, and other unjust barriers might hinder the voices of those who are already marginalized, either directly or indirectly.

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