

# Freedom of speech and media



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The freedom of speech is defined as the right of a person to express thoughts, ideas, and personal opinions through a desired media without any restrictions unless restriction is necessary such as where exercising the right infringes upon the rights of others or where national security is at threat.

Advocacy for freedom of speech has taken centuries of soldiering on in the background of repression by authoritarian regimes, culminating in the UN General Assembly adoption of the ‘ Universal Declaration of Human Rights’ (UDHR) in 1948.

Hesiod writes a theological work challenging some religious matters in 700 BC.

Cleisthenes introduces the ‘ Isegoria’ in the Greek political chambers in 508 BC.

Socrates is tried and sentenced to death by an Athenian jury in 399 BC.

John Milton writes the ‘ Areopagitica’ in 1644, which strongly talked against restrictions of freedom of the press in England.

The UN General Assembly adopts the ‘ Universal Declaration of Human Rights’ (UDHR) in 1948.

Freedom of Speech and the Mass Media are inseparable.

International human rights documents outline Freedom of Speech as including: the freedom of thought, and freedom to seek, acquire, and give ideas and information through any chosen media.

The mass media, having the role of covering events, gathering and spreading information, and controlling state authority activities needs to exercise responsibility in carrying out its duties.

Media bias is a problem affecting freedom to information which is a component part of freedom of speech.

The western mainstream media has been accused of giving biased reports on the Israeli/Palestinian conflict.

Censorship of Media is necessary.

The ICCPR identifies two key areas where restrictions must be enforced on the freedom of speech as: respect to the rights of others and protection of national security or public order or morals.

The Rwanda genocide of 1994 is an example of unrestricted media.

Freedom of speech in Kenya has gradually evolved through spirited advocacy from extreme repression in the first about three decades since its independence to acceptable standards as contained in international human rights documents.

Foreign and local press particularly in the Moi regime, periodically went through censorship in the form of expulsion from the country, detention of journalists and confiscation of publication.

Parliamentary debates were restricted with certain topics such as voting procedures almost being banned by the executive after the coup attempt of August 1982.

Ford-Kenya Chairman Jaramogi Oginga Odinga in 1992, challenged in the High Court, the unfair advantage that the incumbent was receiving over the other parties in the state owned Kenya Broadcasting Corporation (KBC).

The media act was enacted in 2007, which placed more restrictions on the media.

The Waki report which highlights key issues to be implemented in order to avoid a repetition of the post election violence, gives no special address to the media.

Advocacy for freedom of speech has been a long historical struggle in the world involving torture and bloodshed and should be upheld and defended at all costs.

### Mass Media and the Freedom of Speech

Freedom of speech is one of the basic human rights commonly contained in international human rights documents. Also referred to as freedom of expression, it is an important element of a democratic society. Precisely, the other side to freedom of expression is freedom to information, which makes it possible for people to make informed decisions about their lives. The Freedom of Speech as a human right carries with it responsibility and is therefore exercised within certain restrictions enforceable through Mass Media.

The freedom of speech can be defined as the right of a person to express thoughts, ideas, and personal opinions through a desired media without any

restrictions unless restriction is necessary such as where exercising the right infringes upon the rights of others or where national security is at threat.

Throughout history, man has sought to exercise freedom of speech within his social habitation. The earliest concept dates back to around 700 BC in Ancient Greece, where matters of speech freedom then, were close to the heart than any other place on earth. Hesiod, a non-cleric, wrote a theological work challenging some religious matters. This was in defiance of the norm because such matters were only addressed by those in high status (Allsop, Quadrant Online: The Difficult History of Free Speech).

A historical landmark in the fight for freedom of speech is the 508 BC introduction of the 'Isegoria', meaning 'Free Speech', by Cleisthenes in the Greek political chambers. (Allsop, Quadrant Online: The Difficult History of Free Speech) This probably laid the foundation for Freedom of Speech in Athens and also the whole world because it was the first time laws on free speech were formally recognized by a democracy. Socrates trial and death in 399 BC effectively marked the death of the 'isegoria' because for the next about 2000 years freedom of speech declined. Socrates may as well be regarded as the martyr and father of freedom of speech because he defiantly stood for what he believed even with the option of freedom if he changed his stand (Owens). For years after his death, his teachings and ideals remained in the hearts of proponents of free speech after him. The rebirth of free speech 1500 after Socrates in England had so much to reflect on Socrates' ideology. John Milton's famous pamphlet written in 1644, 'Areopagitica', which talked extensively against restrictions of freedom of the press had Greek influence, even its naming was after a hill in Athens – the <https://assignbuster.com/freedom-of-speech-and-media/>

site of courts in ancient Greece. (Allsop, Quadrant Online: The Difficult History of Free Speech). The fight for speech freedom culminated in the UN general assembly adoption of the ' Universal Declaration of Human Rights' (UDHR) in 1948.

Article 19 of the UDHR is clear that freedom of speech and opinion is a human right, which includes freedom of thought, freedom to seek, acquire and give ideas and information through any chosen media. (Youthmedia: What is the Role of Speech in a Democratic Society) Other international documents such as the International Covenant on Civil and Political Rights (ICCPR) also express similar precepts. To be able to transmit and receive information, people need to access mass media. In any given state, the role of mass media is so important that it is many times considered as the fourth arm of government. The mass media covers events, gathers and spreads information and controls activities of state authorities (Youthmedia: What is the Role of Speech in a Democratic Society). Being an independent sector, the mass media has the power to influence society either favorably or destructively. It therefore has to be responsible and accurate in its dissemination of information.

The media is sometimes not accurate. The western mainstream media, for example, has been accused of giving biased reports on the Israeli/Palestinian conflict, where the reporters use language that influences the readers to favor Israeli attacks and de-taste Palestinian aggression (Walsh).

The fact that a reporter is likely to take sides when covering particularly emotive matter begs the question whether we can get purely un-biased

reporting from them. Such kind of bias is difficult to control and people may just have to live with it. Open and obvious bias, on the other hand, may develop its own control by the mere fact that the reader has recognized it, thereby avoiding being influenced by it.

Censorship of Media is necessary. The society needs to be protected from information which is morally wrong, an infringement on the rights of others, or a threat to national security. The ICCPR identifies two key areas where restrictions must be enforced on the freedom of speech. These are respect to the rights of others, and protection of national security or public order or morals (Youthmedia: What is the Role of Speech in a Democratic Society). The Rwanda genocide of 1994 is an example of unrestricted radio use. Thompson (43) puts it clearly that radio played a central role in the build-up, during and after the genocide.

Kenya's media enjoys freedom under the new constitution promulgated in 2010, Chapter 4 of the constitution contains an extensive bill of rights built around the standards of the UDHR and other international documents (Lwanga). Low moments in Kenya's democratic rights were from the country's independence in 1963 to the mid-Moi regime about three decades ago. As Cited by Gathu(7), Widner says that foreign and local press particularly in the Moi regime, periodically went through censorship in the form of expulsion from the country, detention of journalists and confiscation of publication. Parliamentary debates were restricted as certain topics such as voting procedures were almost banned by the executive after the coup attempt of August 1982. Such repressions were carried on until the beginning of multi-party politics in December 1991 where new opposition

forces were legalized and they pressed for more freedom of expression. 'The weekly review', for example, points out that the then Ford-Kenya Chairman Jaramogi Oginga Odinga in 1992, challenged in the High Court, the unfair advantage that the incumbent was receiving over the other parties in the state owned Kenya Broadcasting Corporation (qtd. In Gathu 7). The new-found speech freedom in Kenya later began exhibiting incitement problems. For instance, the run-up to the 2005 referendum on the constitution was marred with political incitement. This led to the enactment of the media act in 2007, which placed more restrictions on the media (Lwanga). Even though Certain broadcasters were accused of using the media to incite people prior to the 2008 post election violence in Kenya, the Waki report which highlights key issues to be implemented in order to avoid a repetition of the post election violence, gives no special address to the media. The Mass media in Kenya has exercised responsible reporting since 2007 especially taking into account the recently concluded peaceful general elections on March 4, 2013; which were the first to be held under the new constitution.

The desire for free speech has been deeply entrenched in the heart of man as an unwritten law since time immemorial, even before formal recognition by any authority. It has soldiered through history in the background of strong and sometimes brutal repression to be one of the key elements of human rights today. As freedom of speech is enjoyed today, the contributions of its great early crusaders such as Hesiod in the 700s BC, Socrates in 430 BC, and John Milton in 1644, cannot go unnoticed. Countless other brave advocates have endured persecution for what they strongly believed in. Now recognized worldwide and entrenched in international documents such as



the UDHR and ICCPR this basic human right needs to be upheld and defended at all costs.