

Upholding Freedom of Speech and Democracy: A Call for International Action

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In light of the recent death of the Russian opposition leader Alexiei Navalny who was serving a 19-year sentence on charges of extremism. He dies to save freedom of speech and expression. Therefore, his death is a threat to freedom of speech and expression and the basic structure of democracy. Every state should voice protest against such violations of international law. In this light, this article deals with the issue of freedom of speech and expression under international law and the possible way forward by recognizing the right to democracy as a human right.

Freedom of speech and expression is one of the well-regarded basic human rights across the world. Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights recognized this right as fundamental to protect and promote human rights. Apart from different regional and local human rights treaties, various constitutions have recognized these rights as a part of basic legal principles in their country. The demand for such rights is also visible in various social movements. People from every corner of the world gave their lives to protect such rights. Apart from general treaties, regional agreements such as Article 9 of the African Charter on Human and Peoples' Rights, Resolution 169 on Repealing Criminal Defamation Law in Africa by the African Commission on Human and Peoples' Rights, Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms,

Article 13 of American Convention on Human Rights, ASEAN Human Rights Declaration all these documents have given importance to freedom of speech as expression as a basic human right. International legal literature also suggests that all the human rights treaties create *erga omnes* obligation. Therefore, every state has an obligation to stop any such violations happening in any part of the world. This is a responsibility to all the states, international organizations, and everyone to protect freedom of speech and expression. Violation of such rights by any country gives the right to everyone to raise such issues to make the country accountable which is required in the current context of Russia.

Coming to the question of the right to democracy as a human right, democracy is about achieving a balance between dissent and agreement and not zero-sum scorched earth attacks on anyone who does not follow the orthodoxy of one political group. This sentiment was also echoed during the 1993 Vienna World Conference on Human Rights, according to its final statement, “Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing”.

This idea of democracy is further supplemented by the views expressed by former United Nations Secretary-General Boutros-Boutros Ghali who had argued that “human rights, equal rights and government under the law are important attributes of democracy”.

In this respect, the role of the United Nations to ensure democracy assumes significance. The United Nations has put, on one hand, the idea of human right at the forefront of the issues dealt with by the international community which has given impetus to various non-governmental organizations *to promote and protect* human rights. Nonetheless, the concerns regarding sovereign equality and non-intervention under Article 2 (7) of the UN Charter is something that places an obstacle in realizing human rights and more so when we argue for a right to democracy as a human right which is a direct interference in the internal affairs of a country.

From an international perspective, the United Nations needs to take up the responsibility to ensure that the principles of free speech and democracy are respected in countries like Russia and take the lead and facilitate an international instrument that specifically deals with the *right to democracy as a human right*.

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