

“Freedom of Expression” Symposium in honor of Constitution Day 2024 at the Judiciary

Opening speech delivered by Supreme Court Judge Brassel Adeline during the Symposium held on the theme “The Freedom of Expression”, at the Palais des Justice on the 17th of June 2024 on the occasion of the Day of the Constitution.

It is with great pride and a deep sense of responsibility that I welcome you all to this Symposium on Freedom of Expression, hosted by the Judiciary to commemorate our Constitution Day.

Today, we gather to explore one of the most fundamental rights enshrined in our Constitution – the freedom of expression. This right, articulated in Article 22(1), is not just a pillar of our democracy but a beacon of our commitment to upholding human dignity and the free exchange of ideas.

The history of freedom of expression in Seychelles is intertwined with our nation's journey towards independence and democratic governance. Since gaining independence on 29 June 1976 (?), Seychelles has steadily built a legal framework that respects and promotes human rights. The adoption of our Constitution in 1993 marked a significant milestone, explicitly guaranteeing freedom of expression and other fundamental rights.

This right allows Seychellois to voice their opinions, participate in public discourse, and contribute to the democratic process. It empowers journalists, activists, and ordinary citizens to hold those in power accountable. As Nelson Mandela famously said, "A critical, independent, and investigative press is the lifeblood of any democracy."

However, the exercise of freedom of expression must be balanced with the need to protect the rights and reputations of others. This is a principle not unique to Seychelles but shared by many Commonwealth nations. For example, the United Kingdom's Human Rights Act 1998 incorporates the European Convention on Human Rights, which also balances freedom of expression with the protection of reputation and public order. Similarly, India's Constitution provides for freedom of speech and expression but allows for reasonable restrictions in the interests of sovereignty, integrity, and public order.

Our speakers will today elaborate on these nuances, and we are honored to have a distinguished panel with us:

- The Chief Justice will begin on the scope of freedom of expression as guaranteed by Article 22(1).
- The President of the Court of Appeal will address the critical issue of upholding the authority and independence of our courts, also under Article 22(2)(d).
- National Assembly representative Hon. Bernard Georges, will discuss the importance of maintaining the authority and independence of the National Assembly, even as members have immunity when debating on the floor in the interest of free debate.
- Public Prosecutor Naomi Evenor from the Attorney General’s Office will speak on the necessary restrictions on freedom of expression in the interest of defense, public safety, public order, public morality, or public health under Article 22(2)(a).

- And finally Ms. Benoiton from the Bar Association of Seychelles will address the balance between freedom of expression and the protection of individuals' reputations and private lives under Article 22(2)(b).

As we commemorate Constitution Day, let us reflect on the delicate balance between our rights and responsibilities. May today's discussions provoke thoughtful debate, inspire constructive conversations, and deepen our understanding of the freedoms we cherish and the duties we must uphold.

In the words of Eleanor Roosevelt, "Freedom makes a huge requirement of every human being. With freedom comes responsibility." Let us honor this principle today and always.

Thank you all for being here. I now declare this symposium officially open.

Let the dialogue begin.