

Distinguished Lecture

Freedom of Speech and the Asia Pacific: Does Charlie Hebdo Go Too Far?

Professor Gillian Triggs

President
Australian Human Rights Commission



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Rayson Huang Theatre
The University of Hong Kong

Freedom of speech is a fundamental right that underpins a successful democracy. But it is not an absolute right. It must be balanced with other freedoms in society. This address considers the reasons for protecting satirical publications such as Charlie Hebdo, while, at the same time, enacting laws that prohibit 'hate' or racist speech that 'offends and insults' or leads to physical violence and conflict.

Nations within the Asian region have adopted significantly differing approaches to the protection of freedom of speech. Additionally, and unlike other parts of the world, there is no regional Charter or Bill of Rights to which nations have adhered and no regional court or commission to provide jurisprudence on fundamental freedoms. The practices of Indonesia, Singapore, Malaysia, China, Hong Kong and Australia are examined by reference to the agreed international protections for freedom of speech. It is concluded that states of the Asian region typically recognize freedom of speech in their constitutions, but permit wide-ranging exceptions under legislation. It is suggested that ASEAN and other institutions, such as CHOGM or the APF on National Human Rights Institutions, might play a leadership role in facilitating a cohesive regional standard to provide more effective freedom of speech in practice.

Emeritus Professor Gillian Triggs is the President of the Australian Human Rights Commission, taking up her appointment in 2012. She was Dean of the Faculty of Law and Challis Professor of International Law at the University of Sydney from 2007-2012 and Director of the British Institute of International and Comparative Law from 2005-2007. She is a former Barrister with Seven Wentworth Chambers and a Governor of the College of Law.



Professor Triggs has combined an academic career with international commercial legal practice and worked with governments and international organisations on disputed continental shelf and other territorial claims, World Trade Organisation law and human rights. Her focus at the Commission is on the implementation in Australian law of the human rights treaties to which Australia is a party, and to work with nations in the Asia Pacific region on practical approaches to human rights.

Professor Triggs' long-standing commitment to legal education builds upon the Commission's efforts to inform Australians, especially children, about their fundamental human rights.

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