



# **ADDRESS TO PARLIAMENT**

**BY**

**HIS EXCELLENCY VERNON LORDEN SHAW, S.A.H.**

**President of the Commonwealth of Dominica**

**ON THE OCCASION OF THE**

**OPENING OF THE FIRST MEETING**

**OF THE THIRD SESSION OF THE SIXTH PARLIAMENT**

**ON MONDAY, 17<sup>th</sup> JUNE, 2002**

Madam Speaker

I thank you for the invitation extended to Her Excellency to attend the formal opening of Parliament, (First Meeting of the Third Session of the Sixth Parliament under the Commonwealth of Dominica Constitution Orders 1978) and to me to address the House.

Madam Speaker,

Honourable Members,

The preamble to the Commonwealth of Dominica Constitution Orders 1978 provides:

*WHEREAS the people of Dominica -*

- 1. have affirmed that the Commonwealth of Dominica is founded upon principles that acknowledge the supremacy of God, faith in fundamental rights and freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person, and the equal and inalienable rights with which all members of the human family are endowed by their Creator;*
- 2. have asserted their belief in a democratic society in which all persons may, to the extent of their capacity, play some part in the institutions of the national life and thus develop and maintain due respect for lawfully-constituted authority;*
- 3. recognize that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;*
- 4. desire that their Constitution should make provision for ensuring the protection in the Commonwealth of Dominica of fundamental human rights and freedoms.*

Chapter 1 provides:-

*"WHEREAS every person in Dominica is entitled to the fundamental rights and freedoms, that is to say, the right, whatever his race, place of origins, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of us of the following, namely –*

- 1. life, liberty, security of the person and the protection of the law;*
- 2. freedom of conscience, of expression and of assembly and association; and*
- 3. protection for the privacy of his home and other property and from deprivation of property without compensation."*

The provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

Madam Speaker,

Honourable Members,

Everyone regardless of race or geographical accident is entitled to certain opportunities as a human being.

Every human being has a right to the means that are necessary for the development of his life in a way that is best for the highest good of the community of which he is a member. Then he is under the obligation to use the means in the best way for the attainment of this end.

Rights are what man is entitled to, not what society is willing to let him have. They belong to man because he is man. They have greater validity than politics or any other invention of society.

Human Rights could be generally defined as those rights which are inherent in our nature and without which we cannot live as human beings.

Human Rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

Thinking about human rights should develop in citizens a sense of their human responsibilities. You cannot expect disinterested activities, spacious thoughts and clear vision to arise in people who normally put their personal comfort above the necessities of their environment.

To enjoy human rights they must deserve them by caring deeply about the rights of others.

Madam Speaker,

Honourable Members,

We have the right to choose our religion and practise it; the right to affiliate with the political party of our choice – or to organise a new party; the right to think our own thoughts and speak our minds; the right of assembly and association.

We take many rights for granted, not noticing them unless someone interferes with them. That is why written codes of rights are important and comforting to have, although not all rights can be covered in even the most exhaustive bill of rights.

There are values, goals and ideals that are found in the traditions and the collective conscience of people.

The only safeguard of individual human rights is a sound and vigilant public opinion, coupled with the determination to carry into effect the convictions that people hold. Whether we like it or not we are all involved in the preservation of human rights.

The denial of human rights and fundamental freedoms not only is an individual and personal tragedy but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations.

Human rights are protected under the Rule of Law. The Rule of Law means that there is one law for all men, that all men are equal before it and that no man can be punished except for the breach of it. It reconciles social order with individual freedom and initiative. It means that Government itself is not above the law and that it respects the independence of the courts and the safeguards of the citizen's liberties.

The idea that the ruler as well as the governed should be subject to law is found in one form in Aristotle, who said that "The Rule of Law is preferable to that of any individual". Bracton, writing in the thirteenth century, adopted a theory generally held in the Middle Ages that the world was governed by law, human or divine; and held that "The King himself ought not to be subject to man but subject to God and to the law, because the law makes him King". Justice according to law was due to both ruler and subjects. Only Parliament can alter law and Parliament is the people.

Madam Speaker,

Honourable Members,

We shall never attain to perfect human rights any more than we shall ever attain to perfect goodness, because apart from our human frailty, as fast as we progress, we get a wider perception of human possibilities, a higher idea of goodness.

Our clamorous love of liberty stems almost entirely from hatred of compulsion. Freedom to some means merely having escaped from something: prison, a system of government or an unpleasant environment. We should ask ourselves "what is my ruling thought?"

In the context of human rights it should not be merely a desire for freedom to do what we wish, but a conviction that no human being should be forced to do what is against his will or his principles.

We are responsible individually for how we use our freedom and how we extend freedom to others; we are equally responsible, in a civilized community, to prevent harm to others, and in that responsibility we are accountable to society.

The Golden Rule applies to every person, whether he is rich or poor, whether he agrees with us or not; no matter what his race or the color of his skin. This is not only a moral duty but an indispensable condition of survival.

Madam Speaker, Honourable Members,

What is it that makes people free in a society? Is it wealth or civic position or government or business power or is it knowledge intelligently applied? We need to be continuously educated and reeducated. Educated in the fundamentals of essential freedom and reeducated to keep us up-to-date in a changing world.

We must become an intelligent, educated, informed citizenry acquainted with the values, privileges and responsibilities of our way of life.

The man who is fully free is one who lives in a country which is independent; in a state which is democratic; in a society where the laws are equal and restrictions are at a minimum; in an economic system in which he has the latitude of a secure livelihood and assured comfort and full opportunity to rise by merit.

Freedom is not liberty for everyone to do what he pleases without being subject to any law. It is freedom of man to have a standing rule to live by, common to everyone in his society. It is freedom within bounds rather than wholly anarchic freedom. It consents to curtailment of some natural or savage liberties so that the human spirit may rejoice, in greater, wider freedom.

We have so much freedom that our liberties must be circumscribed. Laws are vital to the functioning of society and they must be respected as a condition of freedom. The only alternative to the Rule of Law is the tyranny of the strongest.

The Courts of Law have been established to ensure that the freedom and security of all residents are not endangered. The formula is "Every man is free to do that which he wills provided he infringes not the equal freedom of any other man".

Madam Speaker,

Honourable Members,

The most important aspect of freedom is freedom of the mind. A democracy can endure and make happiness possible for its people only if its citizens are permitted freedom to question and to doubt.

Freedom of thought in any valuable sense, includes freedom of speech. The right to discuss things extends to all of us in this country. If a man does not like the government he can stand up and say so.

He may state his opinions freely and openly on all public matters without fear of being punished or interfered with by the police, government officials or any other person.

A man may speak wrongly or foolishly, yet a denial of his right to do so is a denial of his freedom. Voltaire set a standard for freedom of speech by telling Helvetius "I disapprove of what you say but I will defend to the death your right to say it".

Free speech is not the same thing as free shouting. One may not in the name of free speech, prevent others from being heard.

Neither is it true that freedom to speak without prior permission means that a person may say what he likes. If he is libellous or seditious or obscene, he can afterwards be made liable for it. Authority does not declare his ideas wrong but it does declare certain acts unlawful.

Madam Speaker,

Honourable Members,

We have the right of free association and assembly. We can form all sorts of voluntary associations for purposes in which we are interested without interference by government. These associations, themselves an evidence of freedom of assembly and speech, can be potent forces in helping us to enjoy our freedom.

As has already been stated everyone has the right to life, liberty and security of the person. This may be said to be the most fundamental of personal rights. It is closely related to the following:-

*(a) No one shall be held in slavery or servitude; and (b) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It is obvious that any form of slavery or servitude is a negation of human liberty.*

It should be equally clear that to torture a person, whether mentally or physically, or to treat him in an inhuman or degrading manner destroys the dignity and worth of that person and undermines the very reason for his existence.

The rights of the guilty no less than those of the innocent are protected. No one may be arbitrarily arrested or detained. Everyone has the right to a fair and public trial; every one has the right to be presumed innocent until proved guilty and that no one may be held guilty of any offence on account of an act which was not an offence at the time it was committed. These are indeed the basic principles in criminal law and procedure, designed to protect the innocent and the guilty alike for if the rights of the guilty are not protected, the rights of the innocent will ultimately be in jeopardy.

Man is a social being but there is a part of his life which is his own. A person's house is an inviolable asylum. What a person writes privately to another must remain secret.

The sanctity of the home and the secrecy of correspondence as well as a person's honour and reputation must be protected.

Madam Speaker,

Honourable Members,

Where men cannot without fear convey their thoughts to one another, no other liberty is secure.

Freedom of the press means that an idea shall have its chance even if it is not shared by those who own or manage the press. The press is not free if those who operate it behave as though their position conferred upon them the privilege of being deaf to ideas which the processes of free speech have brought to public attention.

Freedom of the press is to be guarded as a vital right of mankind. This freedom however does not confer the liberty to be carefree in newspaper publishing. Freedom of the press does not give liberty to publishers, editors and reporters to print what they like. It is freedom for the people to get information and to express opinions.

The press must be accountable. It must be accountable to society for meeting the public need and for maintaining the rights of citizens and the almost forgotten rights of speakers who have no press.

Some newspapers exploit their freedom by harassing people, publishing material that is not news but private business, by invading privacy and by printing half truths based upon leaked information.

A newspaper is not to be excused for inaccuracy that is caused by lack of thoroughness within its control.

The newspaper must be decent, not only in the language and pictures it uses, but in the way it goes about obtaining the news.

There are situations occurring in human life into which no newspaper can decently justify intrusion. Public opinion should be quick to punish a newspaper which transgresses the decencies of the level to which its community has attained.

That a newspaper is free to publish something without prior permission does not mean that it may say what it likes with impunity. If the article is defamatory or seditious or obscene or commits any other legal wrong the paper can afterwards be made liable for it.

The newspapers and other media have the same right to state their opinions on public questions as any citizen has.

Freedom of the press means freedom from previous censorship and not freedom from subsequent prosecution for crimes. The press is free but it must also be responsible.

Press Freedom is not an obstacle to but rather a condition for good government and sustainable development. It is not a gloss; it is not an extra. It is absolutely at the core of equitable development.

The importance of press freedom as a condition for good governance, a lever for development and a voice for the voiceless was eloquently made in a statement on the occasion of World Press Freedom Day on 3rd May, 1999 cosigned by Mr. Kofi Annan, UN Secretary General; Mr. Mayor,

Past Director General of UNESCO and the UN High Commission for Human Rights Mrs. Mary Robinson:

"Press freedom is a cornerstone of human rights and a guarantee of other freedoms. It encourages transparency and good governance; it ensures that, over and above the mere rule of law, society enjoys the rule of true justice."

There are, however, those who still question the value of freedom of speech to their societies; those who argue that it threatens stability and endanger progress; those who still consider freedom of speech an imposition from abroad and not the indigenous expression of 'all people's' demand for freedom."

"This argument is never made by the people, but by the governments, never by the powerless but by the powerful, never by the voiceless, but by those whose voices are the only ones allowed to be heard. Let us put this argument, once and for all, to the only test that matters: the choice of 'all people' to know more or know less, to be heard or silenced, to stand up or kneel down."

Press freedom cannot exist without journalists who have thorough professional and ethical training, enabling them to produce serious balanced, well checked news stories and informed opinions. Communication is not synonymous with information. Whether the channel is print, the media or the new communication highways, information always needs journalists with high professional and ethical standards. According to the Charter of the United Nations, governments are supposed to defend and promote the well being of the whole of their nations, not just of one class. This presupposes that the citizens are informed about what their governments say and do on their behalf and that in a two way flow of information, all groups can make their aspirations heard by the government.

The right to know presupposes the free flow of information and opinion nationally and internationally, just as it presupposes a vigorous professional free press and media. So important is freedom of information that the General Assembly has declared it to be "the touchstone of all the freedoms to which the United Nations is consecrated".

Madam Speaker,

Honourable Members,

No society and no person is completely free as to refrain from some sort of discipline. People have always been subject to forces which restricted their freedom.

No man can claim a special, private sort of freedom among free men. He is not enjoying freedom if he remains shackled by old prejudices, if he thinks that freedom is a good thing under certain circumstances for certain sorts of people, or if he demonstrates what he conceives to be freedom by cultivating eccentricity.

It is a good thing in a lover of freedom to be idealistic, enthusiastic, resolute and courageous and these qualities deserve our respect.

But these traits need to be balanced for the enjoyment of freedom, by reasonableness, good judgement, and kind consideration for the welfare of others.

Institutions cannot give or preserve liberty unless men realize that freedom is precious and are willing to exert themselves to keep it alive.

Only a highly evolved person takes the broad view that protection of civil rights begins with respect for the rights of others. To be free means that a person concedes to others their right to differ from him and is not too easily shocked or scandalized when tastes differ. He is especially careful about beliefs which assign duties and obligations to others, because when he attempts to enforce their consent and action, he trespasses on their freedom. In fact, that society is most free in which people have learnt the lesson of minding their own business.

"A freeman is as jealous of his responsibilities as he is of his liberties" – Dr. Cyril James, Principal and Vice Chancellor of McGill University. It is a profound truth whose universal acceptance would settle all the temporal disputes, difficulties and heartaches that trouble the world today.

Madam Speaker,

Honourable Members,

There is no liberty save in responsibility. The person who is not responsible for something in the way of a contribution to human welfare is not behaving as a free person should. There are things which it is his duty to do and he may rightfully be made responsible to society for doing them.

He who wishes to enjoy freedom must give freedom. He must be willing that people differ from him. He may stand aloof from a person who displeases him but that does not give him the right to make his life uncomfortable.

*"If all mankind minus one were of one opinion and only one person were of the contrary opinion, mankind, would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind" – Mills*

Friendly tolerance is far more effective in building freedom within a state than all the laws ever enacted.

A really tolerant people will allow the widest possible private liberty, relying upon the commonsense of responsible individuals, the force of public disapproval and the usages of custom and convention to restrain excesses.

Little minded people are opinionated. The ignorant man always believes he is right; the educated man seldom is sure that he has all the truth.

Everyone who aspires to true freedom will keep in mind three precepts without which there can be no effective liberty: what we believe is not necessarily true; what we like is not necessarily good; all questions are open.

*"Those who deny freedom to others deserve it not for themselves, and under a just God cannot long retain it." Abraham Lincoln (1809 – 1865).*

Madam Speaker,

Honourable Members,

May God bless this Honourable House.

May God bless the Commonwealth of Dominica.