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**CHARLIE HEBDO AND FREEDOM OF SPEECH AND EXPRESSION**

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**ABSTRACT**

This paper deals with the Freedom of speech and expression with reference to Charlie Hebdo, its attack, and the narrative built after the attack toward free speech and expression. The paper focuses on the stance taken by the different global leaders, the human rights organization and advocates of free speech. This paper is divided into 4 chapters, in first chapter author has given a brief introduction about the overall topic. In second chapter author discusses how Charlie Hebdo came to be known as the defender of free speech and how it utilized its freedom of expression.

The third chapter discusses the stance taken by the world leader and their view on free speech just after the attack. The author profoundly analyze show freedom of speech and expression clashed with the freedom of religion and right to religious belief in the Charlie Hebdo magazine's cartoon controversy on Prophet Mohammed caricature. The 4<sup>th</sup> chapter discusses the debate between free speech and religious beliefs and how free speech puts religious beliefs disadvantages. The author ends the paper by putting the overall conclusion and suggestions.

**Keywords:** Free Speech and Expression, Human Rights, Charlie Hebdo, Freedom of Religion, Religious beliefs, Hate Speech.

**INTRODUCTION**

Freedom of speech and expression is a qualified right; through speech and expression human being conveys his thoughts, emotions and feelings to others. The Universal Declaration of Human Rights proclaims that "Everyone has the right to freedom of opinion and expression;

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the right includes freedom to hold opinions without interference and to seek and receive and impart information and ideas through any media and regardless of frontiers”.

In 2015, an attack on freedom of speech broke the world’s conscience, and its repercussions have been felt ever since. The blatant shootings at the office of the French satirical magazine Charlie Hebdo and the related attacks followed on 7-9 January 2015 in the Île-de-France region, including the Hypercacher kosher supermarket, which left eight journalists and nine others dead, drew the world’s attention, eliciting reactions from political elites, human rights activist and media commentators and reviving a global public debate about the reasonable restrictions on freedom of speech and expression.<sup>2</sup> The attack brought all the western democracies on the same pedestal, on the 11th of January 2015 western democratic leaders, including some Muslim leaders, hosted a march to condemn the attacks on Charlie Hebdo. On 13<sup>th</sup> of January Charlie Hebdo magazine printed another caricature of Prophet Mohammed holding a placard which stated, “*All is forgiven and Je Suis Charlie*”, i. e. I am Charlie.<sup>3</sup> These attacks have not yet stopped; on the 16th of October, 2020, a French teacher was stabbed to death on showing the Charlie Hebdo magazine in which Prophet Mohammad’s caricature was printed. The teacher was explaining about the freedom of speech and expression, and she was stabbed by his own 18 years old student.<sup>4</sup> These incidents raise question on the freedom of speech and expression. The concern is whether freedom of speech and expression should be sacrosanct? Should there be any reasonable restriction on freedom of speech and expression? Does the Right to freedom of speech and expression impinge the Right to religion? And, should blasphemous speech and expression be protected for freedom of speech and expression?

## **CHARLIE HEBDO AND FREE SPEECH**

### **History of Charlie Hebdo**

The origin of Charlie Hebdo magazine dates back to 1960, when a satirical magazine named Hara-Kiri first got published in France. Hara-Kiri did a satire on governments, politicians,

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<sup>2</sup>Willsher, Penketh and Topping (London, 11 January 2015).

<sup>3</sup>‘Charlie Hebdo: Fourteen Guilty in 2015 Paris Terror Attacks Trial’ (*BBC News*, 2020) <<https://www.bbc.com/news/world-europe-55336094>> accessed 09 November 2021

<sup>4</sup>‘Teacher Knifed to Death in France after Showing Class Cartoons of Prophet Mohammad’ (*Reuters*, 2020) <<https://www.reuters.com/article/france-security-idUSKBN2712MP>> accessed 09 November 2021

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officers and it also mocked different religious beliefs. It took stand on women rights and the right to freedom of speech and expression. France has a long history of satirical journalism. It started during the 1789 French revolution; at that time, French monarchs were the target of satirical journalism. In 1970 Hara-Kiri got banned due to its satire on the death of former French president Charles de Gaulle. As it got banned, Hara-Kiri changed its name to Charlie Hebdo, but its satirical journalism continued and it even became stronger.<sup>5</sup>

During 1970s, freedom of the press, freedom of speech and expression were taken very seriously in France. This was an excellent time for Charlie Hebdo to thrive, but for some reason, it was not generating profit; due to this, it stopped its publication in 1981. In 1992 the publication again started; in 2006, the magazine came into the limelight when it reprinted the 12 caricatures of Prophet Mohammed in its special edition. These caricatures were initially printed in Jylland-Posten. Printing or publishing pictures of Prophet Mohammed is considered blasphemous in Islam, as Islam considers it impossible for humans to depict Prophet Mohammed. After 2006 Charlie Hebdo became the target of radical Islamic terror organizations. Not only Islam but Charlie Hebdo also mocked religions like Christianity and Judaism.<sup>6</sup>

In 2011, again, it published cartoons of Prophet Mohammed, the radical Islamic terror groups targeted it, and there was a big attack on Charlie Hebdo's office. This attack raised many questions on freedom of speech and expression. After the 2011 attack, the magazine did not stop its mockery of religious belief; finally, a deadly attack happened in 2015 on the magazine's office, which took the life of 12 people. This attack drew the world's attention, eliciting reactions from political elites, human rights activists and media commentators and reviving a global public debate about freedom of speech and expression.<sup>7</sup>

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<sup>5</sup>Megan Gibson, 'What Is "Charlie Hebdo": History of the French Weekly Newspaper' (*TIME*) <<https://time.com/3657256/charlie-hebdo-paris-attack/>> accessed 11 November 2021

<sup>6</sup> Ibid.

<sup>7</sup>Rahel Philipose, 'Explained: 5 Years after Terror Attack, Why Charlie Hebdo Has Reprinted Caricatures of the Prophet' (*The Indian Express*) <<https://indianexpress.com/article/explained/explained-five-years-after-deadly-terror-attack-why-has-charlie-hebdo-reprinted-caricatures-of-the-prophet-6580382/>> accessed 09 November 2021

### **Effect of the 2015 Attack on Free Speech**

Reporters, cartoonists, and free speech activists, for example, who run their livelihood and generates income by exercising their right to freedom of expression or who defend it out of conviction, have suddenly seemed more susceptible to any attack on them and are in fear for being harmed than at any other point in recent history. The attack on Charlie Hebdo appeared to bring together several emerging global trends concerning the ‘practitioners’ of freedom of expression, including assaults on journalists and media persons, sanction and restrictions on satirists (including cartoonists and comedians), and violence ‘committed in the name of religion,’ all of which appeared to be “a new and sinister step in the escalating conflict between faith and free expression.”<sup>8</sup>

Even more shocking was the fact that these atrocities took place in France, the liberal core of Europe, which appeared to make them even more shocking. After three years, the ‘Charlie Hebdo’ episode’ has emerged as a dividing line in terms of terrorist violence in the ‘West’ as well as the nature of states’ policy responses: subsequent deadly attacks in Europe, particularly in France, and the United States of America have frequently been traced back to those in Paris in January 2015; and states’ responses to such violence, and the radicalization that is assumed to underpin it, appear to embed a paradigmatic shift in the way states think about President Donald Trump declared a ‘war’ on the media at the start of 2017, describing journalists as “among the most dishonest individuals on the face of the globe.” This was the beginning of a new threat to freedom of speech.<sup>9</sup>

### **FREEDOM OF SPEECH AND EXPRESSION AS AN IDENTITY**

After the attack on Charlie Hebdo the world reaction outpoured. Most of the reactions were focused on the freedom of expression, “ARTICLE 19”<sup>10</sup>, “Committee to Protect Journalist”<sup>11</sup>

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<sup>8</sup>Sejal Parmar, ‘Freedom of Expression, Violent Extremism, Artistic Freedom, Charlie Hebdo’ [2018] Human Rights Law Review 267 <[www.cpj.org/killed/](http://www.cpj.org/killed/)> accessed 10 October 2021

<sup>9</sup> Ibid.

<sup>10</sup>“France: ARTICLE 19 Condemns Attack on Offices of Charlie Hebdo Magazine - ARTICLE 19” (*ARTICLE 19* February 12, 2018) <<https://www.article19.org/resources/france-article-19-condamne-lattentat-commis-dans-les-locaux-de-charlie-hebdo/>> accessed November 10, 2021

<sup>11</sup>“CPJ Condemns Murderous Attack on French Magazine Charlie Hebdo - Committee to Protect Journalists” (*Committee to Protect Journalists* January 7, 2015) <<https://cpj.org/2015/01/cpj-condemns-murderous-attack-on-french-magazine-c/>> accessed November 22, 2021

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and “Media Legal Defence Initiative”<sup>12</sup>, were few of the examples of these reactions. Around the world freedom of expression was the main focus of the protest after the attack.<sup>13</sup> While explicitly affirmed, qualified, or denied, freedom of speech garnered enormous worldwide attention in the aftermath of the attacks. In their remarks and comments, elected figures and different political players’ stances maintained on freedom of expression served as “markers of their identity”.<sup>14</sup> Constitution laws on freedom of expression in different countries, various treaties like “International Covenant on Civil and Political Rights”, “European Convention on Human Right” and “European Union Charter of Fundamental Rights” was talked about and highlighted in the aftermath of the Charlie Hebdo shootings.

The leaders from the Muslim countries condemned the attack and stood with the freedom of expression. Pakistan, a Muslim majority country, released a statement condemning the shooting and said, “Pakistan deplores terrorism in all its forms and manifestations. We extend our condolences to the government and people of France on the loss of life. We are confident that the international community will continue to stand firm against terrorism and bring the perpetrators of terrorist acts to justice.”<sup>15</sup> The Organization of Islamic Cooperation strongly denounced the incident, stating that it violated Islam’s fundamental beliefs and values. It also reiterated its belief in the free press.<sup>16</sup>

There were also some contrasting opinions. Irani Foreign Ministry official Marzieh Afkham said that “all acts of terrorism against innocent people are alien to the doctrine and teachings

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<sup>12</sup>Deutsche Welle (www.dw.com, “Opinion: Charlie Hebdo Attack Challenges the Roots of Western Democracy | DW | 09.01.2015” (DW.COM2015) <<https://www.dw.com/en/opinion-charlie-hebdo-attack-challenges-the-roots-of-western-democracy/a-18181512>> accessed November 23, 2021

<sup>13</sup>David Keane, ‘Cartoon Violence and Freedom of Expression on JSTOR’ <<https://www.jstor.org/stable/20486714>> accessed 23 November 2021

<sup>14</sup> Ibid.

<sup>15</sup>Ministry of Foreign Affairs - Islamabad, Pakistan’ <<https://web.archive.org/web/20150401224122/http://www.mofa.gov.pk/pr-details.php?prID=2481>> accessed 23 November 2021

<sup>16</sup>Ministry of Foreign Affairs - Islamabad, Pakistan’ <<https://web.archive.org/web/20150401224122/http://www.mofa.gov.pk/pr-details.php?prID=2481>> accessed 23 November 2021

of Islam, but, making use of freedom of expression ... to humiliate the monotheistic religions and their values and symbols is unacceptable.”<sup>17</sup>

Dissimilarities in political opinions on freedom of speech were juxtaposed with revealed duplicity of many policy makers’ public proclamations favouring the right in light of their states’ natural history. Prime ministers, diplomats, and top leaders from countries with grave concerns about their citizens’ freedom of expression—notably Egypt, Bahrain, Algeria, the United Arab Emirates, Turkey, Gabon, Russia, and Hungary—were among the global leaders leading the 1.5 million-strong protest movement off the Boulevard Voltaire on the 11th of January 2015.<sup>18</sup> In the aftermath of the Paris attacks, these leaders’ gestures favouring free speech stood in stark contrast to their domestic practises and policies.<sup>19</sup>

### **FREEDOM OF SPEECH AND EXPRESSION AS A HUMAN RIGHT**

Article 19 of the International Covenant on Civil and Political Rights, which 170 governments have ratified and six have signed, with 21 states, most notably Saudi Arabia, Malaysia, and Myanmar, taking no action.<sup>20</sup>

The ICCPR’s Article 19(2) imposes an obligation on ratifying governments to guarantee that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

Under Article 19(3) of the ICCPR, “states may impose certain restrictions, but these shall only be such as are provided by law and are necessary for the achievement of particular objectives, namely respect of the rights or reputations of others or protection of national security or of public order (order public), or of public health or morals”. Subsequently, Article 20(2) of the ICCPR specifies that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by

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<sup>17</sup> ‘Iranian Journalists Stopped from Showing Solidarity with Paris Victims’ <<https://www.rferl.org/a/iran-journalists-demonstration-charlie-hebdo-massacre/26783226.html>> accessed 23 November 2021

<sup>18</sup> Williams, ‘Paris Anti-terror Rally: Why I Called Out Hypocritical World Leaders on Twitter’, The Guardian, 13 January 2015.

<sup>19</sup> Parmar (n 7).

<sup>20</sup> Ibid.

law". These treaty provisions are unambiguously legally enforceable on the governments which have accepted to and ratified its terms. This chapter explains how attacks and the cartoons made by the Charlie Hebdo are connected to article 19 of International Covenant on Civil and Political Rights.

### **The right to be protected from any assault**

The assault on Charlie Hebdo's cartoonists is by far the most egregious violation of freedom of speech since it attacked persons who made their livelihood by exercising their rights. The assault denied the deceased the most intense kind of freedom of speech, the ultimate act of prior censorship, and was also a symbolic attack on freedom of expression, considering that the magazine had always regarded itself as a defender of this rights.<sup>21</sup> There is an extraordinary proliferation of international and regional norms and efforts aimed at protecting and securing journalists in recent years.<sup>22</sup>

According to ECtHR jurisprudence, "state authorities should also apply such positive measures to protect the meaningful exercise of freedom of expression, particularly when they 'knew or ought to have known ... of a real and immediate risk' to the lives of those exercising it for a living, such as journalists. In assessing whether states have failed to 'take reasonable measures....to prevent [such] a real and immediate risk to .... life', the extent to which such authorities 'ought to have been aware of the vulnerable position in which a journalist who covered politically sensitive topics placed himself/herself vis-a-vis those in power at the material time' should be taken into account." According to these standards, one could argue that the French authorities met their obligation to protect Charlie Hebdo's journalists, whom they knew were vulnerable to attack; police protection officers were reportedly stationed outside the offices since 2006, and one of the victims, Stephane Charbonnier or 'Charb,' was assigned his own personal protection officers in 2011.<sup>23</sup>

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<sup>21</sup> 'Journalism after "Charlie": In Paris, UNESCO Hosts Day of Reflection, Free Speech Debate | UN News' <<https://news.un.org/en/story/2015/01/488222-journalism-after-charlie-paris-unesco-hosts-day-reflection-free-speech-debate>> accessed 30 November 2021

<sup>22</sup> 'The International Protection of Journalists' in Onur Andreotti (ed.), *Journalism at Risk: Threats, Challenges and Perspectives* (2015) 37.

<sup>23</sup> Parmar (n 7).

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## FREE SPEECH AND RELIGIOUS BELIEFS

The provocative caricatures and cartoons of Charlie Hebdo soon came at the target of religious critics. Even if the magazine's office was attacked, the Muslim countries and some western countries blamed the magazine for the attack. They blamed the content of the magazine as hate speech and blasphemous, which ultimately caused the attack. If we analyze the free speech and religious beliefs by the principle of European Court of Human Right, it states "that freedom of expression encompasses the right to disseminate information or ideas that 'offend, shock or disturb the State or any sector of the population'". The ECHR also held that "Article 9 of the ECHR on freedom of religion or belief could not 'extend to guarantee a right to bring any specific form of proceedings against those who, by authorship or publication, offend the sensitivities of a group of individuals. It later ruled that 'members of a religious community must tolerate and accept the denial by others of their religious beliefs and even the propagation of doctrines hostile to their faith'". According to the Islamic beliefs, it is humanly impossible to create the image of Prophet Mohammed and it is considered as blasphemous. The magazine was sued many times for its cartoon on the religious satire but in France freedom of expression is considered very seriously. Clearly the debate and issue of free speech and hurt sentiments of religious believers is very controversial but it cannot be solved by the blatant attacks, and there must be some balance between free speech and religious beliefs.

## CONCLUSION

It is evident that the attack on the Charlie Hebdo was the clear exploitation of basic human right and freedom of speech and expression. The editors at Charlie Hebdo never backed from their stance of upholding the free speech even at its hardest time. The Charlie Hebdo incidents exposed significant facets of the modern discursive, ideological, and lawful landscape of freedom of speech and expression: the profound worldwide factions and continuing hypocrisy they generate; the breadth of noteworthy international humanitarian law, notably in the field of journalist safeguard, as well as in the areas of creative expression, 'bigotry,' and blasphemy.

It is also evident that there should be some reasonable restrictions on free speech and a clear line should be made to segregate the hate speech and free speech. But it is clear that Charlie Hebdo was not involved in hate speech, it only criticised and mocked the hypocritical

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religious beliefs and in doing so it utilised its freedom of speech and expression. Religious believers and critics blame Charlie Hebdo of being Islamophobic, but France has a long history of satirical journalism and not only did Charlie Hebdo mock Islam but also Christianity, Judaism and Hinduism. One cannot justify the attacks on Charlie Hebdo because of it being blasphemous and hurt religious sentiments.



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