



THE CURRENT STATE OF FREEDOM OF THE PRESS AND EXPRESSION IN INTERNATIONAL LAW: PROSPECTS AND CHALLENGES

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Abstract:

Freedom of expression is a fundamental human right enshrined in international law, including the Universal Declaration of Human Rights. It is essential for democratic societies and individual development. In the modern era, with the advent of mass media and technological advancements, freedom of expression has become even more crucial.

Keywords: *Freedom, Authority, Social Responsibility, Media Freedom, International Media System, Freedom of Opinion and Expression, Universal Declaration of Human Rights, Freedom of the Press in International Law.*

INTRODUCTION

Fundamental freedoms are divided into individual and general freedoms. Freedom of opinion and expression, a freedom exercised within clear or subtle political struggles, is a prime example of general freedom. It is enshrined in numerous international instruments, beginning with the Universal Declaration of Human Rights.

Given the crucial role of mass media in addressing crises, expressing opinions, and shaping beliefs, international law has become essential in regulating this domain. Media possesses a significant positive impact, as it can bridge cultural gaps, foster understanding, and contribute to resolving international issues. With the increasing importance of mass media and its ability to transcend borders, thanks to satellite technology and other advancements, the field of media and its associated challenges has become a focal point for many scholars.

For over a quarter-century, numerous writers have explored the growing influence of mass media, as various communication channels have gained prominence and become powerful actors in international social, economic, and humanitarian relations. Today, no country can afford to neglect media activities, whether directed domestically or internationally.

Countries establish ministries or agencies dedicated to media affairs, recognizing its critical role in the contemporary international landscape. Mass media serves as a platform for expressing opinions, and informing the public about global events, and, unfortunately, can also be used for misinformation, distortion of facts, and inciting hatred. These realities highlight the complex international challenges related to mass media, such as the potential harm caused by false or biased reporting and the exploitation of media for war propaganda or discrimination.

This reality has shaped the international media landscape, enabling wealthy nations to dominate mass media outlets and shape global discourse, including in developing countries. Mass media should be utilized as a tool for development, as it plays a crucial role in addressing social and economic issues. Without proper media coverage and analysis of these issues, progress cannot be achieved.

Humanity has witnessed the evolution of various communication methods, which have primarily served as tools for human communication, fulfilling basic needs, engaging with the environment, and resolving conflicts. They have also been a vehicle for self-expression and the sharing of ideas. These rights are enshrined in constitutions and international conventions. Given this context, the following question arises:



To what extent can international law protect freedom of expression and media?

1. The Legal Aspects Of Freedom Of Expression And The Media :

We can examine many fundamental international texts that have explicitly affirmed freedom of expression and information. Starting with the Declaration of Human Rights and ending with the Arab and African pacts, Article 11 states: "Freedom of expression of ideas and opinions is one of the fundamental freedoms of man, and it is recognized that every citizen has the right to express, write and publish with complete freedom, except in cases of abuse of this freedom, by what the law determines¹."

Likewise, Article 4 of the French Declaration of the Rights of Man and the Citizen includes freedom of expression, stating that freedom is the ability to do everything that does not harm others. Therefore, freedom of expression can fall within the context of freedom in general. However, France exercised prior censorship of French newspapers, and this practice continued for a long time until it was abolished by a law enacted in 1881 AD.

The 18th century, marked by the dominance of the Church and feudal lords who did not recognize individual rights, provided a stark contrast to the emerging Enlightenment ideals. This historical context, coupled with the American Revolution's emphasis on individual liberties, led to the inclusion of a specific article on freedom of expression in the United States Constitution. Adopted on December 15, 1791, two and a half years after the French Declaration, the First Amendment to the U.S. Constitution states:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances²."

However, the exercise of this fundamental right has not been without its challenges. During the Cold War era, the U.S. experienced a period of heightened political tension and fear of communism, leading to the establishment of committees to investigate the loyalty of citizens, particularly those with leftist leanings. Individuals suspected of such tendencies faced dismissal from government jobs or social and economic ostracism³.

On November 16, 1945, the UNESCO Constitution was adopted, with Article I, paragraph 1, stating: "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed."

The following: The organization aims to contribute to the maintenance of peace and security in the world through education, science, and culture, by facilitating cooperation among nations to ensure universal respect for justice, the rule of law and human rights, and fundamental freedoms for all⁴.

The second paragraph of the same article reads: "To this end, the organization promotes mutual knowledge and understanding among nations, assists mass communication media, and recommends conventions and agreements which it deems necessary to facilitate the free flow of ideas by word and image. Freedom of information is inseparable from freedom of opinion, as they are both the foundation of freedom of expression, as recognized by the United Nations in the Universal Declaration of Human Rights adopted on December 10, 1948. Article 19 states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers⁵."

Several factors contributed to the adoption of the Universal Declaration of Human Rights, including⁶:

First: The qualitative leap in formulating laws and values, and their transition from the local to the global level.

Second: The exacerbation of conflict within and between diverse cultures, between the powerful and the powerless, over several issues, including freedom of expression.

Third: The radical shift in the concept of individual duties, such as the right to equality and respect for individual and collective freedoms.

The dominance of US influence after World War II, and the tipping of the scales in favor of the Americans over the Russians during the adoption of the Declaration, led to the loss of rights and



freedoms in the Declaration in the Western sense, which led to the Soviet Union (formerly) and some Eastern bloc countries to abstain from voting in the United Nations at the time of its adoption. "Asaf System" points out that the Universal Declaration of Human Rights did not take the form of binding international agreements, as is the case with the UN Charter, and therefore this Declaration is not considered binding on states⁷.

Although Article 30 suggests the binding nature of the Declaration, its text reads as follows: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein. As the United Nations adopted the International Covenant on Civil and Political Rights in 1966 under resolution « d12 », the number of states that acceded to this Covenant in that year reached 127 states, including 13 Arab states. Article 19, paragraph 1, provides that everyone shall not be subjected to pressure for his performance⁸.

The second paragraph affirms that: "Everyone has the right to freedom of expression, and this right includes the freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other media of his choice⁹.

Article 18 stipulates freedom of thought, conscience, and religion. Although the Covenant is a legally binding instrument for the signatory states, it lacks a legal mechanism for the implementation of its provisions. There are also no penalties for states that violate it. Some states suspend the Covenant during states of emergency. The International Covenant on Civil and Political Rights and the European Convention on Human Rights also include freedom of expression, thought, religion, and belief in Article 9. This Convention is distinguished by the fact that any European state that violates it loses its membership in the European Union Council. This penalty was applied to Greece during the military regime from 1969 to 1974, constituting a precedent that has not been repeated in the history of this treaty.²

The American Convention on Human Rights, adopted in San José, Costa Rica, on 03/12/1969, stipulates several freedoms, including freedom of expression. However, it differs from the European Convention by including several rights not mentioned in the European Convention, such as¹⁰:

1. Freedom of thought and expression is not subject to prior censorship.
2. The right to correction and reply.

It also allows signatory parties to refrain from complying with it in cases of war, public danger, or other issues threatening territory and national independence. Freedom of expression in this Convention is manifested in the following:

1. Freedom of thought
2. Freedom of opinion
3. Activities of radio, television, and cinema
4. Freedom to receive and impart information and ideas without regard to frontiers

The African Charter on Human and Peoples' Rights, adopted in 1981, stipulates in Article 9 that:

1. Everyone has the right to information.
2. Everyone has the right to express and disseminate his ideas within the law and regulations.

Although the Charter established firm and deep-rooted foundations for human rights in the African continent, some experts see flaws in it, such as the omission or insufficient affirmation of certain rights, such as the right to freedom of thought. Additionally, it lacks provisions that allow member states to refrain from complying with their obligations under the Charter in exceptional circumstances¹¹.

The African Charter, a step towards establishing freedoms in the African continent, which is witnessing many human rights violations, including killings, destruction, and massacres that have covered all global and regional media, and the Rwandan massacres are not far from the minds, as well as the massacres of the Israeli entity in Palestine, the Arab Charter on Human Rights remained a draft project until some human rights experts said that the charter fell into oblivion due to the lack of consensus on it and the lack of attention to this issue, despite the strenuous efforts made to

prepare the draft of the project, which became God's will, and the Arab regimes did not agree on the human rights project¹².

However, the 19th Conference of Foreign Ministers of Islamic Countries held in Cairo had approved the Declaration on Human Rights in Islam in 1990, and Article (21) thereof stipulated freedom of thought, belief, and expression, and its paragraphs outlined the content of the rights stipulated in the Charter of Human Rights in Islam, including:

Everyone has the freedom to think and express his thoughts and beliefs without interference or confiscation by anyone as long as he adheres to the general limits stipulated by Sharia, and it is not permissible to broadcast falsehood or spread what the promotion of immorality or Betrayal of the nation¹³.

2. The Legal Principles Governing Freedom Of The Media In International Law:

Freedom of the media and expression is one of the fundamental freedoms of the individual and the group, regardless of their type, and this has been decided both at the international and regional levels in the form of texts binding on their parties, or through international declarations.

The Universal Declaration of Human Rights is a landmark document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all over the world, it was adopted by the United Nations General Assembly as a common standard of achievement for all peoples and nations.

The Universal Declaration of Human Rights, adopted by the United Nations in 1948, is considered the basis on which all the developments that the development of freedom of expression has witnessed, which was supported by international and regional agreements, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Rights of the Child, the European Convention on Human Rights 1950, and the American Convention on Human Rights 1960. This is in addition to the numerous UN resolutions related to media freedom¹⁴.

2.1 The Efforts Of The United Nations In Establishing Freedom Of The Media And Expression:

The UN Charter is considered a general starting point for referring to freedom of the media and expression, which was detailed in many charters issued by the organization, and the Universal Declaration of Human Rights issued in 1948 is the most important of these charters, followed by the International Covenant on Civil and Political Rights concluded in 1966, the International Covenant on Economic, Social and Cultural Rights concluded in the same year, in addition to the Convention on the Rights of the Child¹⁵.

Freedom of expression was also included in the 1965 Declaration of the United Nations on the Establishment of Values of Tolerance, Mutual Respect, and Understanding among Peoples and the 1966 Declaration of Principles of International Cultural Cooperation issued by UNESCO.

The 1966 General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Declaration on the Use of Scientific and Technological Progress for the Benefit of Peace and for the Benefit of Humanity, issued by the United Nations General Assembly in 1978, and the Declaration on the Right to Development, adopted and proclaimed by the United Nations General Assembly Resolution 41/128 of 4 December 1986, are considered among the international instruments related to the press and media¹⁶.

Regarding freedom of expression, the United Nations Charter does not contain a specific provision for this freedom. However, numerous provisions consider human rights as a general goal for which the international organization works. Since its establishment, the organization has sought to give freedom of expression great importance, since the first session held in 1946. One of the first resolutions adopted by the United Nations was the resolution on freedom of information, which stated that freedom of information is a fundamental human right and a criterion for all freedoms that the United Nations has reserved for itself¹⁷.

The issue of freedom of the media and media responsibilities received remarkable attention in the San Francisco negotiations when drafting the United Nations Charter. The Charter referred to freedom of expression and considered it among human rights, by including it in Article (55). It also called for strengthening international cooperation in the fields of culture and education within the



framework of respecting human rights and fundamental freedoms without discrimination. The United Nations sought to link freedom of expression and its consecration within the framework of freedom of the media during the years 1946-1947 and took fundamental decisions establishing freedom of the media and its responsibilities in international law. These decisions include: ¹⁸

- Resolution 59, paragraph 1, considered freedom of expression as a fundamental right and the basis for all other freedoms contained in the United Nations Charter, and this right includes the collection and dissemination of news everywhere.
- Resolution 110, paragraph 11, called on all member states of the United Nations to use all available media and propaganda means to develop relations of friendship and cooperation between peoples and to encourage the dissemination of news aimed at affirming the peoples' desire for peace.
- Resolution 127, paragraph 11, emphasized the need to facilitate and multiply the dissemination of news aimed at strengthening the spirit of friendship and mutual understanding between peoples. Therefore, the three previous resolutions affirm freedom of expression, the circulation of news, and its dissemination anywhere.

The United Nations organized the International Conference on Freedom of Information in Geneva in April 1948 on freedom of the media and its responsibilities, and the need to develop an international convention on freedom of the media, the right of reply and correction, and the collection and circulation of news at the international level. The draft convention on freedom of the media referred to the state's duty to guarantee the reception and circulation of information and oral and written opinions, and the freedom to seek and circulate information without being restricted by geographical boundaries.

The agreements faced challenges in implementation, but the International Organization for Freedom of Expression provided a clear framework. This organization drafted international covenants to guarantee freedom of expression and called upon the General Assembly to convene conferences dedicated to media freedom. In response, the General Assembly held a conference in 1948 to discuss three significant agreements related to human rights. The conference recommended developing a specific vision for media freedom to be incorporated into the Universal Declaration of Human Rights. This vision was ultimately enshrined in Article 19 of the Declaration.

2.2 UNESCO's Efforts in Supporting Freedom of Expression and the Right to Information

UNESCO has a significant program aimed at supporting member states in their efforts to promote freedom of the media, media pluralism, and independence. Article VI of the UNESCO Constitution, adopted on November 16, 1945, emphasizes the importance of developing communication channels among peoples and utilizing these means for mutual understanding and comprehensive knowledge of each other.

Article I of the Constitution more explicitly addresses the freedom of information flow, highlighting UNESCO's responsibility to promote cooperation for achieving knowledge and mutual understanding among the peoples of the world through all possible means of communication. The organization is also tasked with advancing the dissemination of knowledge and information through international cooperation in intellectual and cultural activities. To achieve these goals, UNESCO issued a resolution in 1956 prioritizing the removal of administrative obstacles hindering the movement of books, publications, and educational films to developing countries. Additionally, the organization assists these countries in developing radio, television, and cinema services.

During its international conference held in 1976, the organization was able to emphasize the importance of the "right of communication between states and their peoples," and issued statements clarifying this, and the need for national news agencies, and activating this by enacting appropriate legislation in addition to developing sound policies between different countries to achieve this right. The conference also highlighted the importance of narrowing the gap between developed and developing countries to achieve a more free and balanced media, and the organization helped countries develop basic guidelines to be used when drafting national codes of honor for media outlets, focusing on the right to information and the right to communication¹⁹.

The General Conference of the United Nations Educational, Scientific and Cultural Organization issued on November 28, 1978, a Declaration on the Basic Principles Governing the Contribution of the Mass Media to Strengthening Peace and International Understanding, Promoting Human Rights, and Combating Racism, Apartheid, and Incitement to War. The declaration states that the promotion of peace, international understanding, the promotion of human rights, and the combating of racism, apartheid, and incitement to war requires the free circulation of information and its wider and more balanced dissemination and that the media should contribute to the dissemination of information and ideas that promote peace and international understanding.

In addition, the organization has held regional meetings, starting with the first meeting in South Africa (May 1991) and culminating in the Windhoek meeting (May 2001). These meetings resulted in declarations related to media work, including²⁰:

1. The Windhoek Declaration of 1991, endorsed by UNESCO, pertains to media in Africa and calls for a free media independent of state control.
2. The Alma-Ata Declaration (1992), concerning media in Asia, outlines international principles advocating for freedom of media, expression, and press, as well as codes of conduct related to advertising in radio and television.
3. The Santiago Declaration (1994), focusing on media development and democracy in Latin America and the Caribbean, emphasized the need to enhance training programs for journalists and other media professionals to elevate their competence.

Furthermore, Articles 28 and 29 of the document oblige individuals to fulfill their duties towards their families, parents, community, and state, by utilizing their intellectual and physical capacities for the service of society, avoiding jeopardizing the state's security and preserving social solidarity and national independence. The third part of the document addresses procedural matters handled by the organization's Secretary-General to implement this charter.

3. Mechanisms for Guaranteeing Freedom of Expression :

Freedom of thought, opinion, expression, publication, press, and media is closely linked to human rights issues recognized by international institutions and bodies, as well as enshrined in laws, customs, and international conventions. This begins with the right to belief, whether expressed through speech or writing. As the saying goes, "Freedom of belief is the first of human rights that establishes the description of a human being. Whoever deprives a human of freedom of belief deprives him of his humanity.

In the context of the current Arab reality, freedom of thought, opinion, and expression has been articulated by Mohammad Abed al-Jabiri in his renowned book "Democracy and Human Rights," where he states: "Our tragedy in this current Arab homeland is that we are still trapped in the age of the 'pre-history of human rights.'"

« We Are Not Deprived Only of the Word, But Also of the Demand for the Right Word, Without Which a Person Loses His Identity »

As a human being, more than half a century ago, the international community, through its organizations, institutions, and international bodies, affirmed the right of the individual to have an opinion and the right to express it. The right of the individual to freedom of thought and opinion is one of his inalienable rights and a fundamental pillar of democracy.

International human rights law has guaranteed freedom of opinion, expression, publication, and media within the international standards it has set. International treaties, laws, and covenants carry full force, and the inadmissibility of violating these treaties and covenants has become an integral part of international Arab law binding on states that have committed to respecting these international covenants and treaties.

These covenants carry both legal and moral bindingness, especially since these states know that they are under legal and moral responsibility to respect international standards for the protection of human rights and to include them in their domestic laws to give them the force of legal enforcement that enables individuals to demand justice from the public authority and to defend them in protecting their rights in the event of their violation.



The international community's significant interest in protecting the fundamental human right to freedom of expression predates the Universal Declaration of Human Rights (UDHR) of 1948, one of the UN's earliest achievements in human rights protection.

In its first year in 1946, the United Nations General Assembly adopted Resolution No. 59, which stipulates in paragraph (1) of paragraph (d) that "freedom of the press is a fundamental human right, and it is the standard by which all freedoms that the United Nations devotes its efforts to are measured, and freedom of the press implies the right to gather news, transmit it, and publish it anywhere without restrictions, and this freedom constitutes a fundamental pillar in any effort made to promote world peace and progress, and one of the indispensable elements of freedom of the press is the availability of the will and ability to avoid its misuse²¹."

3.1 Mechanisms for Guaranteeing Freedom of the Press Internationally:

The UN Charter did not refer to obligating member states to mechanisms for promoting respect for human rights and fundamental freedoms. The international organization is concerned with the need for cooperation with these states, whether individually or collectively, to achieve these freedoms, but Article 13 of the Charter stipulates that one of the functions of the United Nations is to develop studies and make recommendations to develop international cooperation in economic and social fields.

3.2 Mechanisms Stemming from the United Nations

The UN Charter did not entrust any specific body with the task of promoting respect for human rights, including freedom of expression. Instead, it assigned this responsibility to the Economic and Social Council and its various committees. All these bodies have the right to address issues related to human rights and freedoms within their respective competence areas.

The Charter also did not impose the burden of promoting respect for human rights and fundamental freedoms on member states. Instead, it recognized the need for the UN to cooperate with these states individually to achieve this goal. The following are the monitoring bodies:

A. Human Rights Committee

The Human Rights Committee was established under an international treaty known as the International Covenant on Civil and Political Rights (ICCPR). This Committee is a subsidiary body of the United Nations, established under Article 68 of the Covenant, which granted the Economic and Social Council the authority to create committees to promote human rights, in addition to other committees to enable it to carry out its functions fully. This Covenant is considered one of the most important written documents related to human rights, as it establishes the basic human rights of individuals that governments must respect.

The role of the Human Rights Committee is to ensure that States Parties to the Covenant respect the human rights stipulated therein. The Committee is a body for its implementation and has the authority to interpret the Covenant. These powers grant the Committee the authority to verify whether States Parties have fulfilled their obligations under the ICCPR. The Committee consists of 18 members who serve in their capacities. It meets three times a year at the United Nations headquarters in Geneva and New York. It has since evolved to include 43 members elected by the Council for four years. The rights stipulated in the ICCPR include²²:

- ✓ The right to life and freedom from torture.
- ✓ The right to liberty and security.
- ✓ The right to a fair trial.
- ✓ The right to participate and freedom of assembly.
- ✓ The right to freedom of expression.
- ✓ The right to adequate compensation and the right to privacy.
- ✓ The right to be free from discrimination.

B. The Media Committee

The General Assembly, in its thirty-fourth session, decided to maintain the Committee on Information and retain the designation "Committee on Information" as established by General Assembly resolution 33/115 of 18 December 1978, with its mandate to:

✓ Continue its study of United Nations information policies and activities in the light of developments in international relations, particularly in the last two decades, and of the requirements for the establishment of a new international economic order and a new world information and communication order.

✓ Evaluate and monitor the efforts and progress of the United Nations in the field of information and communication.

✓ Promote the establishment of a new, more just, and effective world information and communication order.

It aims to strengthen international peace and understanding, based on the free flow of information and its wider and better balanced dissemination. The Committee is to submit recommendations on this matter to the General Assembly. However, the Committee's impact on protecting freedom of expression is weak, as its opinions have only advisory power and are not legally binding on states.

1. The Special Rapporteur on Freedom of Opinion and Expression

The United Nations Commission on Human Rights established the position of Special Rapporteur in 1993. The Special Rapporteur works to promote and protect freedom of opinion and expression, including the search for, reception of, and redistribution of information, and the reception of complaints. In this context, the Special Rapporteur pays particular attention to the following²³:

✓ Preventing discrimination, threats, violence, or harassment, including persecution or intimidation, against individuals who exercise their right to freedom of opinion and expression, including qualified professionals in the information field.

✓ Measures taken against print, audio, and visual media, or obstacles placed in the way of their independent activity.

✓ Measures taken against publishers and workers in other media, including books, films, theater, and supporting services.

✓ Activities of human rights defenders such as lawyers and community activists.

✓ Women's rights within the same context, including laws and practices that hinder women's ability to express their opinions, to have their voices heard, to participate in decision-making processes, and to be free from discrimination before the law.

2. The Special Representative of the Secretary-General for Human Rights Defenders

The United Nations Commission on Human Rights established the position of Special Representative in 2000 in recognition of the important work carried out by human rights defenders and the risks they face, as they become targets of human rights violations. The Special Representative works to promote the rights of human rights defenders, as outlined in the Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the Declaration on Human Rights Defenders.

The Special Representative also works to support the rights enshrined in important international human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Special Representative recommends that complaints relating to violations of the rights of human rights defenders be sent to the Special Representative in the first instance. The Special Representative may respond to the complaint by coordinating the efforts of other rapporteurs and focusing on the fact that the individual may be targeted because they are a human rights defender.

3. The Special Rapporteur on Freedom of Religion or Belief

The United Nations Commission on Human Rights established the position of Special Rapporteur in 1986. The Special Rapporteur's work aims to prevent intolerance and discrimination based on religion or belief. His work focuses on the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, which calls for the elimination of all such forms and the protection of the freedom of religion and belief under the law.

The Special Rapporteur urges States to prevent any cases of intolerance or discrimination and works to ensure that States fulfill their commitments to guarantee the right to freedom of religion and belief effectively.

The Special Rapporteur's work is also based on two universal instruments: Article 18 of the International Covenant on Civil and Political Rights and Article 18 of the Universal Declaration of Human Rights. Both instruments stipulate that everyone has the right to freedom of thought, conscience, and religion.

4. International Media Freedom and State Sovereignty

The tension between international media freedom and state sovereignty is not a recent phenomenon, predating the digital revolution. The international community has long grappled with these issues. However, the new international media system has intensified this struggle between two fundamental principles of international law: the principle of freedom of the press and the principle of state sovereignty.

4.1 The Principle of Freedom of the Press and the Principle of State Sovereignty:

This conflict began historically after World War II, as newly independent states sought to strengthen their will and control over cultural and economic affairs, while the United States and European countries sought to extend their influence over the newly emerging international system through their multinational corporations. In this climate, tensions increased between Third World countries and Western countries, which sought to establish the principle of the free flow of information²⁴.

CONCLUSION

Freedom of expression is the cornerstone of a democratic society, allowing individuals to share ideas, challenge authority, and hold power to account. It is the removal of obstacles that prevent a person from expressing themselves and their community for their good and happiness. Freedom of speech and freedom of expression are the natural result of freedom of belief. Freedom of belief means freedom of thought and belief in what we see as truth. It is the freedom that prevents us from having to embrace ideas that we believe to be false. As the first freedom, it underpins all other freedoms. Freedom of expression must be protected from all oppression and from all dangers that could threaten it and prevent individuals from exercising their legitimate rights to express their opinions and beliefs.

¹ Mohamed Atallah Shaaban, *Freedom of the Press in International Law*, Alexandria Center for Books, Cairo, 1st edition, 2007, p.33.

² Haitham Manaa, *In-Depth Human Rights: A Concise Global Encyclopedia*, Al-Ahali for Printing, Publishing, and Distribution, Cairo, 1st edition, 2002, p. 120.

³ Ibrahim Al-Anani, *Public International Law*, Dar Al-Fikr Al-Arabi, Egypt, Cairo, 2nd edition, 1984, p.44.

⁴ Ahmed Fouzi Abdel Moneim, *International Responsibility for Satellite Interference in Light of International Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2002, p. 44.

⁵ Salah El-Din Amer, *Introduction to the Study of Public International Law*, Dar Al-Nahda Al-Arabiya, Egypt, Cairo, 1st edition, 2001, p. 128.

⁶ Hossam Ahmed Mohamed Handawi, *Public International Law and the Protection of Personal Freedoms*, Dar Al-Nahda Al-Arabiya, Cairo, 1st edition, 2004, p.40.

⁷ Djamal Al-Din Nahi, *Media and Journalists: A Summary of Professional Ethics*, Publications of the Documentation, Media, and Training Center for Human Rights, Rabat, 2006.

⁸ Al-Shafei Mohamed Bashir, *International Law in Peace and War*, Manshat al-Ma'arif for Publishing and Distribution, Alexandria, Cairo, 1st edition, 1999, p. 71.

⁹ Saeed Salem Hawili, *Introduction to the Study of International Humanitarian Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 1st edition, 1998, p. 98.

¹⁰ Abdel Rahman Sadouki, *Criminal Law and Opinion and Media, Crimes of Opinion and Media*, Cairo University Press, 2nd edition, 1998, p. 163.

¹¹ Ahmed Abu Al-Wafa, *Al-Waseet in International Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2nd edition, 2004, p. 11.

¹² Bassioni Ibrahim Hamada, *Freedom of International Electronic Media and State Sovereignty*, Center for Studies and Research on Developing Countries, Faculty of Economics and Political Science, Cairo, 1st edition, 2001, p. 53.

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- ¹³ Saeed bin Salman Al-abri, *International Human Rights Law Past and Present*, Dar Al-Nahda Al-Arabiya for Printing, Publishing, and Distribution, Cairo, 2nd edition, 2004, p. 9.
- ¹⁴ Abdel Aziz Sarhan, *General Principles of International Organizations*, Cairo, 3rd edition, 2002, p. 150.
- ¹⁵ Ali Mohammed Saleh Al-Dabas, Ali Alian Mohammed Abu Zaid, *Man and His Freedoms*, Dar Al-Thaqafa for Publishing and Distribution, Palestine, 1st edition, 2005, p. 168.
- ¹⁶ Mohammed Amin Al-Midani, *The European System for the Protection of Human Rights*, Dar Al-Nashr wa-al-Tawzi, Amman, 1992, p. 80.
- ¹⁷ Mohammed Al-Saknawi, *Human Rights, Part One: Principles and Standards*, Al-Najah Al-Jadeeda Press, Casablanca, 1st edition, 2003, p. 36.
- ¹⁸ Mohammed Sameh Amro, *Lectures on International Organization Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 1st edition, 1999.
- ¹⁹ Ahmed Mohammed Raafat, *Rulings of International Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 2nd edition, 2001, p. 18.
- ²⁰ Nabila Hashim, *Freedom of the Press in the Era of Globalization*, Al-Ittihad Al-Arabi, Issue 72, June 2005, p.210.
- ²¹ Racim Mohammad Al-Jamal, *Communication and Media in the Arab World*, Center for Arab Unity Studies, Beirut, Lebanon, 1st edition, 1991, p. 13.
- ²² Ahmed Mohammed Raafat, previous reference, p. 17.
- ²³ Nabila Hashim, previous reference, p. 28.
- ²⁴ *ibid.*, p. 29.

REFERENCES:

1. Mohamed Atallah Shaaban, *Freedom of the Press in International Law*, Alexandria Center for Books, Cairo, 1st edition, 2007.
2. Haitham Manaa, *In-Depth Human Rights: A Concise Global Encyclopedia*, Al-Ahali for Printing, Publishing, and Distribution, Cairo, 1st edition, 2002.
3. Ibrahim Al-Anani, *Public International Law*, Dar Al-Fikr Al-Arabi, Egypt, Cairo, 2nd edition, 1984.
4. Ahmed Fouzi Abdel Moneim, *International Responsibility for Satellite Interference in Light of International Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2002.
5. Salah El-Din Amer, *Introduction to the Study of Public International Law*, Dar Al-Nahda Al-Arabiya, Egypt, Cairo, 1st edition, 2001.
6. Hossam Ahmed Mohamed Handawi, *Public International Law and the Protection of Personal Freedoms*, Dar Al-Nahda Al-Arabiya, Cairo, 1st edition, 2004.
7. Djamal Al-Din Nahi, *Media and Journalists: A Summary of Professional Ethics*, Publications of the Documentation, Media, and Training Center for Human Rights, Rabat, 2006.
8. Al-Shafei Mohamed Bashir, *International Law in Peace and War*, Manshat al-Ma'arif for Publishing and Distribution, Alexandria, Cairo, 1st edition, 1999.
9. Saeed Salem Hawili, *Introduction to the Study of International Humanitarian Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 1st edition, 1998.
10. Abdel Rahman Sadouki, *Criminal Law and Opinion and Media, Crimes of Opinion and Media*, Cairo University Press, 2nd edition, 1998.
11. Ahmed Abu Al-Wafa, *Al-Waseet in International Law*, Dar Al-Nahda Al-Arabiya, Cairo, 2nd edition, 2004.
12. Bassioni Ibrahim Hamada, *Freedom of International Electronic Media and State Sovereignty*, Center for Studies and Research on Developing Countries, Faculty of Economics and Political Science, Cairo, 1st edition, 2001.
13. Saeed bin Salman Al-abri, *International Human Rights Law Past and Present*, Dar Al-Nahda Al-Arabiya for Printing, Publishing, and Distribution, Cairo, 2nd edition, 2004.
14. Abdel Aziz Sarhan, *General Principles of International Organizations*, Cairo, 3rd edition, 2002.



15. Ali Mohammed Saleh Al-Dabas, Ali Alian Mohammed Abu Zaid, *Man and His Freedoms*, Dar Al-Thaqafa for Publishing and Distribution, Palestine, 1st edition, 2005.
16. Mohammed Amin Al-Midani, *The European System for the Protection of Human Rights*, Dar Al-Nashr wa-al-Tawzi, Amman, 1992.
17. Mohammed Al-Saknawi, *Human Rights, Part One: Principles and Standards*, Al-Najah Al-Jadeeda Press, Casablanca, 1st edition, 2003.
18. Mohammed Sameh Amro, *Lectures on International Organization Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 1st edition, 1999.
19. Ahmed Mohammed Raafat, *Rulings of International Law*, Dar Al-Nahda Al-Arabiya for Publishing and Distribution, Cairo, 2nd edition, 2001.
20. Nabila Hashim, *Freedom of the Press in the Era of Globalization*, Al-Ittihad Al-Arabi, Issue 72, June 2005.
21. Racim Mohammad Al-Jamal, *Communication and Media in the Arab World*, Center for Arab Unity Studies, Beirut, Lebanon, 1st edition, 1991.