

Exercising Freedom of Expression in Accordance with the Provisions of International Human Rights Law: Concept and Regulations

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Abstract:

Freedom of expression constitutes a cornerstone of international human rights law. Beyond being a fundamental entitlement, it serves as a vital social function that enables the open exchange of ideas and opinions through diverse channels, thereby reinforcing democratic engagement and ensuring governmental accountability.

Yet, this freedom is not unlimited. It operates within clearly defined legal boundaries both in ordinary and exceptional contexts intended to reconcile the individual's right to expression with the protection of others' rights, public order, and national security.

Keywords:

Freedom of Expression, Human Rights, Legal Constraints, International Conventions.

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ممارسة حرية التعبير وفقا لأحكام القانون الدولي لحقوق الإنسان: المفهوم والضوابط

الملخص:

تمثل حرية التعبير أحد الركائز الأساسية التي يقوم عليها القانون الدولي لحقوق الإنسان، فهي ليست حقا فقط بل أيضا ضرورة مجتمعية لضمان التداول الحر للأفكار والآراء بمختلف الوسائل وتحقيق المشاركة الديمقراطية، ومساءلة السلطة. ومع ذلك، فإن هذه الحرية ليست مطلقة، بل تحكمها ضوابط قانونية دقيقة في الظروف العادية وكذا الاستثنائية، تهدف إلى التوفيق بين حرية الفرد في التعبير وحقوق الغير والحفاظ على النظام العام والأمن القومي.

الكلمات المفتاحية:

حرية التعبير، حقوق الإنسان، الضوابط القانونية، الاتفاقيات الدولية.

L'exercice de la liberté d'expression conformément aux dispositions du droit international des droits de l'homme : le concept et les limites

Résumé :

La liberté d'expression est l'un des piliers fondamentaux sur lesquels repose le droit international des droits de l'homme. Elle n'est pas seulement un droit, mais aussi une nécessité sociale pour garantir la circulation libre des idées et des opinions par divers moyens, ainsi que pour réaliser la participation démocratique et la responsabilité des autorités. Cependant, cette liberté n'est pas absolue, mais régie par des normes juridiques précises dans des circonstances normales ainsi qu'exceptionnelles, visant à concilier la liberté d'expression de l'individu avec les droits d'autrui et à préserver l'ordre public et la sécurité nationale.

Mots clés :

La liberté d'expression, Les droits de l'homme, Les réglementations juridiques, les accords internationaux.

Introduction

Freedom of expression is one of the most prominent civil and political rights enshrined in international human rights law. It constitutes a cornerstone of democratic societies and a vital means for realizing human dignity and ensuring meaningful participation in public life. This right is expressly enshrined in several key international instruments, notably the *Universal Declaration of Human Rights* (1948) and the *International Covenant on Civil and Political Rights* (1966), which affirm its universal and inalienable character.

Nonetheless, the exercise of this right may be lawfully restricted to preserve public order, protect national security, uphold the rights and reputations of others, and combat hate speech and incitement to violence. Such limitations render the regulation of freedom of expression particularly intricate, situated between the preservation of democratic values and the imperatives of legal and social stability.

Analyzing freedom of expression within the framework of international human rights law therefore requires a distinction between legitimate limitations—recognized and stringently regulated by international conventions—and arbitrary restrictions, often used as tools to suppress dissenting voices, especially within authoritarian systems. It also necessitates attention to exceptional circumstances, such as states of emergency or armed conflicts, where additional limitations may apply but must remain consistent with safeguards designed to prevent the erosion of the essence of the right.

In this context, the study gains significance amid contemporary challenges to freedom of expression, including the proliferation of hate speech, the intensification of digital censorship, and the expansion of state authority under the pretexts of national security and the fight against misinformation.

Accordingly, this paper explores the central research question: *To what extent do the legal limitations imposed on freedom of expression under international human rights law remain consistent with the foundational principles safeguarding this right?*

To address this inquiry, the research employs a descriptive approach to conceptualize freedom of expression within international human rights frameworks, complemented by an analytical method that examines relevant international instruments, with particular focus on the legal restrictions governing its exercise.

Section One: A Conceptual Introduction to Freedom of Expression within International Human Rights Law

Freedom of expression represents one of the essential foundations of free democratic systems. It has accordingly been enshrined as a constitutional principle in every civilized democratic nation. With the internationalization of human rights and their transformation from domestic concerns into matters of international relevance, freedom of expression has become one of the primary rights addressed in international conventions¹. This section is divided into two subsections: the first examines international attempts to define freedom of expression, and the second explores its relationship with associated concepts.

Subsection One: International Attempts to Define Freedom of Expression

As a right that reflects a state's respect for human dignity and fundamental freedoms, freedom of expression holds a particularly prominent position within international human rights law. It has been explicitly recognized in numerous international conventions, both at the global and regional levels. The following analysis will address this in greater detail through two branches:

Branch One: Defining Freedom of Expression in Global Instruments

Freedom of expression has been enshrined and defined as one of the fundamental human rights in numerous international instruments of a global scope. The most significant of these are the following:

First – The Universal Declaration of Human Rights:

Adopted by the United Nations General Assembly in December 1948 as the first global human rights instrument, the *Universal Declaration of Human Rights* explicitly enshrines the principle of freedom of expression. It affirms that every person is entitled to freedom of opinion and expression, which includes the right to hold opinions without interference and the liberty to seek, receive, and share information and ideas through any form of communication and across all borders².

¹ Hala Al-Sayed Al-Hilali, "Freedom of Opinion and Expression between International Covenants and National Legislations, A Case Study of Some Egyptian Legislations under the 1971 and 2014 Constitutions", *Journal of the Faculty of Economics and Political Science*, Vol. 19, No. 2, 2018, pp. 112–113.

² Article 19 of the Universal Declaration of Human Rights.

Second – The International Covenant on Civil and Political Rights:

The *International Covenant on Civil and Political Rights (ICCPR)*, adopted by the United Nations General Assembly in 1966, further reinforces this right. It declares that every individual has the right to hold opinions free from interference and to enjoy freedom of expression. This encompasses the ability to seek, receive, and disseminate information and ideas of every kind, across frontiers, whether orally, in writing, in print, through artistic expression, or by any other chosen medium³.

Branch Two: Defining Freedom of Expression in Regional Instruments

Freedom of expression has likewise been firmly protected in various regional human rights frameworks. These instruments reflect the distinct cultural, social, and political characteristics of their respective regions while maintaining alignment with the universal principles of human rights. This is clearly demonstrated in the following:

First – The European Convention on Human Rights:

Adopted in 1950 under the Council of Europe in Rome, the *European Convention on Human Rights (ECHR)* stands as one of the earliest and most influential regional human rights treaties. It proclaims that every individual has the right to freedom of expression, encompassing both the freedom to hold opinions and the freedom to receive and impart information and ideas without interference from public authorities and regardless of national borders⁴.

Second – The American Convention on Human Rights:

Adopted in San José in 1969 under the framework of the Organization of American States, the American Convention on Human Rights guarantees the right of every person to seek, receive, and disseminate information and ideas of all kinds, across borders, and through any chosen medium—whether spoken, written, printed, or otherwise communicated⁵.

Third – The African Charter on Human and Peoples' Rights:

Adopted by the Assembly of African Heads of State in Nairobi in 1981, the *African Charter on Human and Peoples' Rights* enshrines freedom of expression as a fundamental right. It affirms that every individual has the right

³ Article 19, paragraphs 1 and 2, of the International Covenant on Civil and Political Rights.

⁴ Article 10 of the European Convention on Human Rights.

⁵ Article 13 of the American Convention on Human Rights.

to express and distribute opinions within the limits of the law and recognizes the right of all persons to access information⁶.

Fourth – The Arab Charter on Human Rights:

The *Arab Charter on Human Rights*, in its latest version adopted at the 16th Arab Summit held in Tunis on 23 May 2004, also upholds the principle of freedom of expression. It guarantees the right to information, freedom of opinion and expression, and the right to seek, receive, and communicate information and ideas to others, regardless of the medium used or geographical boundaries⁷.

Subsection Two: The Relationship Between Freedom of Expression and Related Concepts

Freedom of expression is intrinsically linked to other essential human rights and freedoms. It cannot be comprehensively interpreted or applied apart from the broader human rights framework. It interacts with and reinforces parallel concepts such as freedom of the press, freedom of assembly, and freedom of belief, serving as a foundational reference for their protection and effective realization. The following branches examine these interconnections:

Branch One: Freedom of Expression and Freedom of the Press

Freedom of the press extends beyond traditional print journalism to encompass all contemporary forms of communication—written, spoken, and visual. It is inseparable from freedom of expression, representing its practical and institutional embodiment. Consequently, censorship or unjustified restrictions on the press constitute grave threats to democratic governance.

This principle was affirmed by the *African Commission on Human and Peoples' Rights* in an individual petition, which held that prohibiting the publication of materials critical of the government or imposing restrictive registration mechanisms on publications and newspapers amounts to a violation of Article 9 of the *African Charter on Human and Peoples' Rights*⁸.

⁶ Article 9 of the African Charter on Human and Peoples' Rights.

⁷ Article 32 of the Arab Charter on Human Rights.

⁸ Mohamed Youssef Alwan & Mohamed Khalil Al-Mousa, *International Human Rights Law – Protected Rights*, Vol. 2, Dar Al-Thaqafa, Amman, Jordan, 2007, p. 277.

Legal scholarship has examined the relationship between freedom of the press and the boundaries of freedom of expression from three principal perspectives:⁹

- **The first approach** advocates absolute freedom of the press, granting it immunity that results in impunity for many offenders merely because the offense was committed through the press. This view has attracted little support.
- **The second approach** denies the press its freedom altogether, holding it accountable for everything it publishes in the same way as individuals. This view reflects authoritarian regimes, which have no place in modern democratic systems.
- **The third approach** is considered the most balanced, as it affirms the press's rightful freedom while also recognizing civil and criminal responsibility when that freedom is abused. This approach has been adopted in most countries.

Branch Two: Freedom of Expression and Freedom of Assembly

Freedom of assembly refers to the right of individuals to gather temporarily for the purpose of expressing opinions and exchanging ideas. It allows people to convey views within political, economic, social, and cultural domains and to disseminate information collectively to broader audiences¹⁰.

Such gatherings often contribute to the formation of *public opinion*—understood as the collective judgment of a conscious community following open discussion, representing either support or opposition on a given issue. Every individual possesses the right to participate in shaping public opinion through assembly. With growing social awareness and cultural development, this form of expression gains increasing influence within democratic societies¹¹.

Branch Three: Freedom of Expression and Freedom of Belief or Religious Freedom

The Universal Declaration of Human Rights affirms that every person has the right to freedom of thought, conscience, and religion. This includes the liberty to manifest one's religion or belief through teaching, practice, worship, and observance, while prohibiting any compulsion in matters of faith.

⁹ Khaled Mostafa Fahmy, *Freedom of Opinion and Expression in Light of International Conventions, National Legislations, Islamic Sharia, and Crimes of Opinion and Expression*, Dar Al-Fikr Al-Jame'i, Alexandria, 2008, p. 58.

¹⁰ Khaled Mostafa Fahmy, op.cit., p. 36.

¹¹ Ibid., pp. 36–37.

The International Covenant on Civil and Political Rights further delineates the scope of this freedom as follows:¹²

1. Every individual is entitled to freedom of thought, conscience, and religion, including the right to adopt or change a religion or belief and to manifest it individually or collectively, in public or private, through worship, observance, practice, and teaching.
2. No person shall be subject to coercion that compromises their freedom to have or adopt a religion or belief of their choice.
3. The manifestation of religion or belief may be restricted only by laws necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.
4. States Parties are obliged to respect the rights of parents and legal guardians to ensure the religious and moral education of their children in accordance with their own convictions.

It is vital to distinguish freedom of expression from acts that insult or denigrate religions. Freedom of expression must not serve as a pretext for contempt toward religious beliefs. The Qur'an itself calls for dialogue characterized by wisdom and respect, particularly in discussions with the People of the Book. This principle is embodied in Surat Al-Nahl, where God says:

“In the name of Allah, the Most Gracious, the Most Merciful: Invite to the way of your Lord with wisdom and good instruction, and argue with them in the best manner. Indeed, your Lord is most knowing of who has strayed from His way, and He is most knowing of who is rightly guided.”¹³

Section Two: Regulations Governing the Exercise of Freedom of Expression from the Perspective of International Human Rights Law

International human rights law seeks to establish clear and precise boundaries between the legitimate exercise of freedom of expression and actions that fall beyond its permissible scope, such as hate speech, propaganda for war, and incitement to violence. These practices are explicitly condemned by relevant international instruments and are subject to legal accountability.

Accordingly, studying the regulations governing freedom of expression under all circumstances is essential to understanding the legitimate limits imposed on this right. Such an examination clarifies the standards designed to

¹² See Article 18 of the International Covenant on Civil and Political Rights.

¹³ Qur'an, Surah Al-Nahl, Verse 125.

prevent its abuse in ways that may violate the rights of others or jeopardize public order, while simultaneously preserving its core essence and ensuring its function within democratic frameworks. Consequently, this section is divided into two parts: the first addresses the regulation of freedom of expression under normal circumstances, while the second examines its regulation during exceptional situations.

Subsection One: Regulations Governing the Exercise of Freedom of Expression in Normal Circumstances

Under normal conditions—characterized by stability and the absence of exceptional crises—freedom of expression is generally enjoyed in its broadest sense. However, this enjoyment does not imply absolute or unrestricted practice. International human rights law acknowledges that certain limitations may legitimately be imposed in such contexts, provided they conform to democratic values and uphold human dignity. These regulatory principles are articulated through the following branches:

Branch One: Protecting the Rights and Freedoms of Individuals

International conventions consistently affirm that the exercise of freedom of expression, whether by individuals or institutions, must be balanced with respect for the rights and freedoms of others. Consequently, this right cannot be invoked in ways that infringe upon those rights. This principle manifests clearly in several contexts, including the following:

First – Protecting Religious Practices:

As highlighted in Section One, international human rights law guarantees freedom of belief, recognizing each person's right to freedom of religion and expression. This includes the freedom to manifest, observe, and perform religious rites, individually or collectively, publicly or privately. Within this framework, individuals and media institutions are obligated to avoid any behavior that infringes upon, incites hostility toward, or exerts pressure on the exercise of this freedom when expressing their own opinions. Furthermore, no individual may be coerced into embracing a particular faith or prevented from fulfilling their religious duties.

Second – Protecting Reputation:

Legal scholarship defines reputation as “*the social standing a person enjoys within a community, or an individual’s sense of dignity and belief that he deserves treatment and respect consistent with that sense of self-worth.*”¹⁴.

The Universal Declaration of Human Rights safeguards individuals’ private lives and reputations, stipulating that no person shall be subjected to arbitrary interference with their privacy, family, home, or correspondence, nor to unlawful attacks on their honor and reputation. It further affirms that everyone has the right to legal protection against such intrusions or violations.¹⁵ This principle is reiterated in both the International Covenant on Civil and Political Rights and the American Convention on Human Rights¹⁶.

When exercising the right to freedom of opinion and expression, certain forms of expression may encroach upon the reputation of others—whether private individuals, government officials, or public figures.¹⁷ harming their social standing, family life, professional reputation, or political position. Such conduct is ethically unacceptable, prohibited under domestic law, and inconsistent with international consensus and the provisions set forth in the aforementioned conventions. Consequently, international law permits states to impose restrictions on such practices in order to safeguard individuals’ reputations. These restrictions are established in laws prescribing penalties for defamatory expression, provided that such conduct is made public, causes harm to a legally protected interest, and is committed with criminal intent¹⁸.

Third: Protection of Minorities

It is legally recognized that the population of any state is not required to share the same race, origin, religion, culture, or language. In fact, it is common for countries to include minority groups distinguished by such characteristics—whether by race, as with Black communities in the United States; by language, as in Canada; or by religion, as in the Philippines¹⁹.

While some nations ensure equality between minorities and the rest of the population, others engage in discriminatory practices against them. Such actions contradict the principles of justice and constitute violations of international

¹⁴ See Alaa El-Din Ali El-Sayed, *The Criminal Protection of the Right to Honor and Reputation – A Comparative Study*, PhD Dissertation, Cairo University, 2004, p. 28.

¹⁵ See Article 12 of the Universal Declaration of Human Rights.

¹⁶ See Article 17 of the International Covenant on Civil and Political Rights.

¹⁷ See Article 14, paragraph 3, of the American Convention on Human Rights.

¹⁸ See Ahmed Fathi Sorour, *The Intermediate in Criminal Law*, 4th ed., Dar Al-Nahda Al-Arabiya, Cairo, 1991, p. 730.

¹⁹ Yahiaoui, Noura, previous reference, p. 136.

human rights law²⁰. This principle is affirmed in the *International Covenant on Civil and Political Rights*, which obliges each State Party to respect and guarantee the rights recognized in the Covenant to all individuals within its jurisdiction without discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or any other status²¹.

Branch Two: Public Order

International human rights law allows states to impose certain restrictions on freedom of expression when necessary to safeguard essential state interests and preserve public order. Despite extensive scholarly discussion, no single, universally accepted definition of *public order* exists, as the concept is inherently flexible and varies across contexts. It evolves with social and political conditions and reflects the political nature of each state. What constitutes a vital public interest in one country may not hold the same importance in another, and even within a single nation, its meaning can shift over time²².

Some jurists define public order as encompassing the fundamental political, economic, and social interests of society, which are governed by mandatory legal norms that individuals cannot lawfully violate. Based on this understanding, restrictions on freedom of expression may be imposed to prevent breaches of these binding interests. Any act or agreement contrary to such principles is deemed null and void.

Consequently, the exercise of freedom of expression must remain consistent with the requirements of public order, given its close relationship to the political, social, and economic structure of the state. However, such restrictions must adhere to the principle of proportionality—ensuring a fair balance between the right of individuals and institutions to express themselves and the necessity of protecting public order.

In this respect, the *European Convention on Human Rights* underscores that states must observe the proportionality principle when assessing the necessity of restrictions, allowing them only when essential for the protection of public order.

²⁰ Ibid., p. 137.

²¹ Article 27 of the same Covenant.

²² Mohamed Hassan Dakhil, *Public Freedoms under Exceptional Circumstances*, Al-Halabi Legal Publications, Beirut, 2009, pp. 69–70.

Branch Three: National Security

The notion of *national security* is similarly complex and lacks a fixed definition, as it is inherently relative and adaptable. Its scope evolves in response to societal progress, prevailing customs, traditions, cultural values, and dominant social ideologies. Broadly, national security refers to the peace and stability of the community and encompasses the measures a state adopts to safeguard its vital interests, ensure its continuity, and protect its sovereignty and territorial integrity from external threats²³.

On **October 1, 1995**, the *Johannesburg Principles on National Security, Freedom of Expression, and Access to Information* were adopted. These principles affirm every individual's right to freedom of expression, including the freedom to seek, receive, and disseminate information and ideas of all kinds, across all borders. At the same time, they acknowledge that restrictions on these rights may be permissible only when necessary to protect national security—provided that such limitations are clearly established by law, precisely defined, and fully consistent with democratic standards²⁴.

The *Johannesburg Principles* further specify that expression may not be penalized or treated as a threat to national security unless the government demonstrates that the expression in question: ²⁵

- Was intended to incite imminent violence,
- Is likely to incite such violence, and
- Has a direct and immediate connection to the likelihood or occurrence of such violence.

The Principles further affirm that statements criticizing governmental authority or policies, or disclosing information about human rights violations committed by the authorities, do not constitute threats to national security²⁶. Consequently, restrictions may not be imposed on the dissemination of such information. Nevertheless, Principle 1.1, concerning maximum disclosure of information, grants authorities the right to classify certain information as restricted or public. Likewise, Principle 15 sets out rules governing the mechanisms through which information may be withheld or disclosed, stipulating that if the information does not endanger national security, or if the

²³ See Taha Mohamed El-Sayed, "The Concept of National Security", *Journal of National Security and Strategy*, No. 1, 2023, p. 129.

²⁴ Hala Al-Sayed Al-Hilali, op.cit., p. 115.

²⁵ Article 6 of the Johannesburg Principles.

²⁶ Article 7 of the same Principles.

public interest in its disclosure outweighs any potential harm, authorities may not prohibit its publication.

Subsection Two: Regulations on the Exercise of Freedom of Expression in Exceptional Circumstances

States are obliged to provide every individual within their territories with a secure life, which can only be realized when individuals enjoy their fundamental freedoms in conditions of safety and respect, as guaranteed by constitutions and international conventions regulating such rights. Protecting freedom of expression as a fundamental human right, even amid exceptional or emergency circumstances that may compel states to impose restrictions, requires adherence to specific conditions that justify such measures. These conditions apply across various forms of emergencies or exceptional situations and are examined in the following two branches:

Branch One: State of Emergency

The judicial and advisory practices of international bodies have produced differing interpretations of what constitutes a *state of emergency*.

The *European Court of Human Rights* defines it as “a situation involving a crisis or exceptional condition that affects the entire population, not merely certain groups, and poses a threat to the organized life of the community forming the state”²⁷.

The *Inter-American Commission on Human Rights* describes an emergency as “a situation that endangers the independence and security of the state.”

Similarly, the *United Nations Human Rights Committee* associates the concept of a state of emergency with circumstances in which “the life of the nation is genuinely threatened,” emphasizing that such a situation “must be of a temporary and limited duration”²⁸.

In light of these definitions, states are permitted to take measures that include restrictions on freedom of expression during a state of emergency. Such measures may extend across the entire state or apply only to specific regions, depending on the scope of the threat. The threat may be confined to a particular area or limited to a specific period. However, states remain bound by safeguards

²⁷ See Mohamed Hassan Dakhil, op.cit., p. 62.

²⁸ Mohamed Hassan Dakhil, op.cit., p. 62.

established in international conventions and constitutional principles when imposing these restrictions. These safeguards include the following:²⁹

- **Actual threat to the state:** The state must face a genuine or imminent threat that endangers its independence, security, the life of the nation, or the vital interests of the population in a way that necessitates urgent intervention through exceptional measures.
- **Inadequacy of ordinary measures:** If the threat can be addressed through standard constitutional procedures, there is no justification for resorting to exceptional measures or declaring a state of emergency, provided that ordinary mechanisms suffice.
- **Declaration of a state of emergency for a limited duration:** Exceptional measures must remain temporary and directly tied to the persistence of the circumstances threatening the state. The state of emergency must end once those conditions cease.
- **Non-discrimination in applying emergency measures:** The implementation of emergency procedures must be carried out equitably, without discrimination based on race, color, sex, language, religion, or social origin.
- **Humane treatment during emergencies:** International human rights law prohibits arbitrary censorship, confiscation, suspension, or closure of individual or media activities, except under emergency conditions. Even then, states must uphold the principle of humane treatment as a safeguard to protect freedom of opinion and expression.

Branch Two: State of War

War is considered the primary model of exceptional circumstances justifying the application of emergency laws, as became evident during the First and Second World Wars. There is no universally agreed definition of war. Some have defined it as the condition that arises when aggression occurs, leading to military conflicts and combat between the aggressor state(s) and the state subjected to aggression³⁰.

War has also been defined as a state of hostility arising between two or more states, terminating the state of peace between them, in which armed forces are deployed in military struggle, each state seeking to achieve victory over its adversaries and thereby impose its will and dictate various terms for peace. It

²⁹ See Article 4 of the International Covenant on Civil and Political Rights, and Article 3 of the Fourth Geneva Convention.

³⁰ Ismail Boulkouane, "Suspension of the Constitution under Exceptional Circumstances", *Academic Journal of Legal and Political Research*, Vol. 3, No. 1, 2019, p. 153.

has also been described as an armed conflict between two states or two parties, intended to defend the rights or interests of the warring state³¹.

Restricting freedom of expression during wartime is one of the most complex issues in the field of human rights, where considerations of national security intersect with the imperatives of respecting fundamental freedoms. While freedom of expression is recognized as a fundamental right, international law permits its restriction during armed conflict under strict conditions, such as imposing limits on the dissemination of information that could endanger the security of military forces or civilians, or prohibiting the use of media to incite hatred or violence³².

The legitimacy of restricting freedom of expression during war, as in other exceptional circumstances mentioned earlier, must be guided by the principles of legality, necessity, equality, and proportionality, and such restrictions must end once the exceptional condition ceases³³.

Democratic oversight and the role of civil society remain essential in ensuring that such restrictions do not turn into instruments of repression or concealment³⁴.

Conclusion

The study reached a set of findings and recommendations, as follows:

First – Findings:

- Freedom of expression constitutes an indispensable fundamental right, essential for promoting good governance and ensuring accountability. It is intrinsically connected to several other basic liberties, including freedom of the press, freedom of belief, and freedom of assembly.
- Despite its centrality, freedom of expression is not absolute by nature, as restrictions may be imposed under strict conditions dictated by normal or exceptional circumstances.
- The legal constraints imposed on freedom of expression are themselves not absolute, but rather limited by conditions that prevent abuse or

³¹ Belkacem Mekhlat, *The Trial of Perpetrators of War Crimes before the International Criminal Court*, PhD Dissertation, Department of Public Law, Faculty of Law and Political Science, Abou Bekr Belkaid University, Tlemcen, Algeria, 2014–2015, p. 14.

³² See Article 13, paragraph 5, of the American Convention on Human Rights.

³³ See Article 27, paragraph 1, of the same Convention.

³⁴ See General Comment No. 34 of the UN Human Rights Committee, 2011.

deviation in interpretation. These conditions are legality, necessity, and proportionality.

- Some systems employ vague and ambiguous concepts in their legislation to restrict freedom of expression in ways that conflict with international human rights law.

Second – Recommendations:

- Activating the role of judicial bodies to monitor the extent to which authorities respect the parameters of freedom of expression and to address any misuse of power.
- Supporting civil society and independent media in carrying out their oversight and critical roles, while ensuring their protection from prosecution or undue restrictions.
- Enhancing awareness of the legal framework governing freedom of expression and the responsibilities attached to it, in order to prevent misuse of this right by individuals or states.