

# THE HISTORICAL DEVELOPMENT OF THE CONDITIONS OF JOURNALISTS IN INTERNATIONAL LAW

## التطور التاريخي لأحوال الصحفيين في القانون الدولي

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مؤخرة. أستاذ قسم علوم القرآن والتفسير كلية العلوم الإسلامية الجامعة الإسلامية العالمية للدراسات الشرعية والإنسانية

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### Abstract

This study dealt with the issue of journalists in international law in:

It presents the press and its controls, and the links of the press: their nature, origins, protection and impact on societal, human and cultural development, and their legal rules. The study concluded that the media in general and the press in particular have taken a large and important space in the most prominent fields of contemporary life, especially open-source social media, and it has affected most aspects of human, natural and cosmic activity; It was worth studying all their aspects to clarify the position of Sharia and the law on them and their rulings on them. There is no doubt about the necessity and necessity of submitting them to their controls to ensure optimal benefit from them, as they are among the services that are indispensable in our contemporary time. The conditions and rights of journalists are of great importance in the field of public international law and international humanitarian law, in many respects. In times of peace, journalists play a role in educating society, exposing flaws and corruption, and reviewing events taking place in the country or in other regions of the world. International law has granted journalists protection and the possibility of free expression and monitoring of the facts that occur here and there as they are, by granting him the right to express what he sees or observes, and what he concludes in the sphere of his presence and the sphere of his activity, and this right is enshrined in the framework of human rights. Since the media and the press are of such vitality and importance, this topic was undertaken according to the requirements of the study. This study was based on the extrapolation of the issues in which the opinions of scholars varied according to the multiplicity of factors related to the edge, according to an applied analytical methodology.

**Keywords:** development, history, status, journalists, international law.

### ملخص البحث

تناولت هذه الدراسة موضوع الصحفيين في القانون الدولي في: تعرض للصحافة وضوابطها، وروابط الصحافة: ماهيتها وأصولها وحمايتها وأثرها في التنمية المجتمعية والبشرية والثقافية، وقواعدها القانونية. وقد توصلت الدراسة إلى أن الإعلام عمومًا والصحافة خصوصًا قد أخذوا حيزًا كبيرًا ومهمًا في أبرز ميادين الحياة المعاصرة خصوصًا الإعلام الاجتماعي المفتوح المصادر، وطالًا معظم جوانب النشاط الإنساني والطبيعي والكوني؛ فكان جديرًا أن تدرس كل جوانبها لبيان موقف الشريعة والقانون منهما وأحكامهما فيهما؛ ولا جدال في وجوب وضروعهما لضوابطهما لضمان استفادة مثلى منهما باعتبارهما من الخدمات التي لا غنى عنها في زمننا المعاصر.

وتحظى أوضاع الصحفيين وحقوقهم بأهمية كبيرة في مجال القانون الدولي العام والقانون الدولي الإنساني، وذلك من عدة نواح؛ ففي زمن السلم يلعب الصحفيون دورًا في توعية المجتمع وكشف مواطن الخلل والفساد واستعراض الأحداث التي تجري في البلد أو في مناطق العالم الأخرى. وقد أسعج القانون الدولي على الصحفيين الحماية وإمكانية التعبير الحر ورصد الوقائع التي تحدث هنا وهناك كما هي، من خلال منحه الحق في التعبير عما يعاينه أو يلاحظه، وما يستنتجه في دائرة تواجده ودائرة نشاطه، وهذا الحق كرس في إطار حقوق الإنسان. ولما كان الإعلام والصحافة بهذه الحيوية والأهمية؛ قامت هذا الموضوع وفق ما اقتضته متطلبات الدراسة. ولقد قامت هذه الدراسة على استقراء المسائل التي تعددت آراء العلماء فيها تبعًا لتعدد العوامل المتعلقة بالحافة وذلك وفق منهجية تطبيقية تحليلية.

الكلمات المفتاحية: التطور، التاريخ، وضع، صحفيين، القانون الدولي.

### **Attention to the situation of journalists is linked to the legal right**

The interest in the situation of journalists was and still is linked to the legal right to express an opinion that arose since the seventeenth century when the British Parliament issued in 1689 the “Freedom of Speech Act in Parliament”, and with the outbreak of the French Revolution, the “Declaration of the Rights of Man and of the Citizen” was issued in 1789, and Article 11 indicated From it to the principle of "freedom to publish ideas and opinions", which is considered one of the basic rights of the human being. It also affirmed the right of every citizen to "speak, write, and print freely."

#### **1. Signs of the emergence of international legislation for professional journalistic rules:**

Since its inception, professional press organizations have played a major role in creating international work rules that regulate the working conditions of journalists and guarantee professional protection for journalists. The idea of developing international legislation regulating the profession of journalists arose so that it would be sufficiently objective, efficient and appropriate. In this context, the International Labor Office played a major role in unifying some professional work rules for journalists, as is the case in the Journalists’ Conditions Project completed in 1928, which came in His report: “Although journalism may be regarded as a trade, it decides to provide a livelihood for those who practice it, and is also owned by certain moral ideals which give it an exceptional character, a journalist is not a liberator or a wage earner but, as a rule, a man of ideas and persuasion, and he uses these ideas and persuasion. In his work, while in other professions, political thought and religious persuasion may not be related to the work he performs, and this is not a matter of being conservative or extremist. Which has a more ominous impact on the livelihood of journalists than the fluctuations and fluctuations of the economic level.”

Of course, preparing a unified work system requires defining the legal nature of the journalist's work, whether as a craft activity, since some countries and legislation consider the profession of journalism as a manual work or as a commercial activity as expressed by other countries and legislation. Hence the need to unify the conditions for the work of journalists at the international level, and in this context, UNESCO sought in this direction when it called for the establishment of rules that must be accepted by media bodies and bodies that regulate the conditions of work of journalists with regard to their social status or to facilitate their work in obtaining and publishing information . During the year 1973, the UNESCO General Conference in its eighteenth session issued a resolution calling for the preparation of a study on local principles and values in the media, the aim of which was to provide unified working conditions for all media workers. However, one of the most important obstacles that delayed the emergence of this legislation is the clear difference between countries in their view of the profession of journalism, which is related to the ideological, economic, political and other aspects. The concept of the role of the journalist and the media in general.

Even the demand for the New Global Information System (NOMIC): *Nouvel ordre mondial de l'information*, which was made by the former eastern camp within the so-called "perestroika", was aimed at limiting as much as possible the major Western media institutions, especially news agencies. During November 1989, on the occasion of the twenty-fifth conference of UNESCO, the idea emerged again under the name *Nouvel ordre mondial de l'information et de la communication* for a more just and effective global system of information and new communications aimed at the free flow of information, and the Broad and balanced news. But what is wrong with this demand is that it does not include freedom of opinion and expression in its demand for the unification of work rules. However, in 1980, the occasion of the first major international debate on the place of media information in the world (focus, commodification, etc.) was an extraordinary event, giving rise to the acronym NOMIC.

It sparked controversy alongside the New International Economic Order NOEI, which was also under discussion at the time, and despite the political, diplomatic and especially media silence and oblivion, it has since re-emerged, in one form or another. Certainly, the days of the Cold War no longer exist, and the reality of inequality in the contemporary world in the field of cultural goods, as well as in the field of information, depends on the development of economic liberalism, but also on international political choices, so that the topic remains in the news as well as from the perspective of the information society, not from Perspective of the need for knowledge or the right to it.

#### **2. The list of journalistic values issued by the United Nations:**

In 1950, a subcommittee consisting of twelve experts appointed by the governments of the countries in the United Nations prepared the first draft of the International List of Journalistic Values and it was communicated to 500 media organizations by the Secretary-General of the United Nations, in order to enable the concerned parties to view it and provide their point of view. And their comments and suggestions thereon, which were actually amended in 1952 by the same committee, and submitted to the United Nations Economic and Social Council, which sent them to the relevant professional media associations as an official list of journalistic values adopted and advocated by the United Nations and its institutions and subsidiary organizations.

#### **3. List of journalistic values issued by UNESCO:**

For its part, the United Nations Educational, Scientific and Cultural Organization “UNESCO” presented a collective consultation document on values regulations in the media based on the meeting held in Paris on 12 and 13 November 1973, which focused on three main points related to the obligations of journalists within their missions and goals. Duty to journalists and complementary goals. Where it was emphasized that the journalist must verify the news he publishes or comment on and not distort the news, and that he must correct it unless That proved to be wrong. He must also take

responsibility for what he publishes, respect confidentiality in his work, and not disclose the source of the information he obtains unless the source of the information gives him permission to do so. The journalist must also protect the dignity of the profession, avoid dishonest ways of obtaining information, and not accept any reward or personal advantage for publishing or distorting information. And refraining from impersonating the opinions or ideas of another writer, and not discriminating on the basis of gender or religion in granting any privileges in the press facility that he manages.

### **Placing journalists in international conventions and declarations**

International human rights law has arranged mandatory protection for journalists by guaranteeing the right to freedom of expression and the flow of information as the cornerstone in building all other human rights and freedoms. Civil and political ones, in addition to regional and national charters, and the efforts of international organizations, led by UNESCO and the United Nations Organization (ONU). Accordingly, the situation of journalists in international conventions and declarations will be discussed, and the situation of journalists in international conventions, and a discussion of these conditions and their efficiency in facilitating and protecting the work of journalists.

#### **1. The position of journalists in international conventions:**

The Charter of the United Nations is an important starting point for referring to the right to express opinion, a reference that was later detailed in many charters issued by international organizations, where the organization, through its General Assembly, paid attention to the issue of freedom of opinion and expression, and the first recommendations it issued were: Recommendation No. (95/D), which stated that "media freedom is a fundamental human right, but rather it is the criterion by which all freedoms that the United Nations devotes itself to defending." The witness to the reality of this practice is the reality. The United Nations General Assembly also adopted Resolution No. 59 (D-1), regarding "media freedom", which came on December 14, 1946, and ensured that "the freedom of information is a fundamental human right, and it is the standard by which all The freedoms to which the United Nations devotes its efforts, and that one of the indispensable elements of media freedom is the availability of the will and the ability not to misuse it, and that one of its basic rules is the moral obligation to investigate facts without bias and to disseminate information without malice.

Article 19 of the Universal Declaration of Human Rights issued on December 10, 1948 states: "Everyone has the right to freedom of opinion and expression. It stipulated that freedom of opinion and expression is guaranteed to every individual and this right includes the freedom to hold opinions and information, search for it, receive it and send it through any means without being bound by any international borders. Then a "draft agreement on freedom of information" was prepared, which has been on the agenda of this association for years. The Assembly adopted its resolution No. 76/45, dated 11/12/1990, which was titled: "Media in the Service of Humanity." The United Nations Educational, Scientific and Cultural Organization (UNESCO) is one of the most important organizations and specialized agencies of the United Nations, which undertakes The issue of international media has paid great attention in the framework of its activities aimed at advancing human thought and strengthening the bonds of friendship between peoples. M by all means, and in this way, efforts described as unremitting. It also worked to break the Western monopoly on the media by establishing the Office for the Free Flow of Information, which some countries did not like, such as the United States of America, England and Canada, which withdrew from UNESCO, stopped its funding of the organization's activities, and only returned after the abolition of the Free Office of Information Flow Project.

#### **Positioning journalists in international advertising:**

Despite the issuance of many international conventions, including regional declarations regarding freedom of the media and the press, this has not yet protected media professionals and journalists to the extent required. Among the most important of these declarations is the "American Declaration of Human Rights and Duties" issued by the Organization of American States (1948), which states in its fourth article that "every person has the right to freedom of research, opinion, expression and dissemination of ideas by any means of any kind." The Declaration of Duties of Journalists also adopted Calling for correcting incorrect methods of obtaining information, photos and documents, and not accepting talents and donations due to publishing or withholding press information. There is also the "Munich Declaration of 1971" by the International Federation of Journalists and the European media organizations, proposed by the Syndicate of French Journalists under the title "Common Convention on the Rights and Duties of Journalists". They must abide by them on the occasion of research, editing and commenting on events while respecting credibility regardless of the results, defending the right to inform, comment and criticize, publish information of known source, avoid impersonation and use noble ways to obtain information, photos or press documents, and respect the personal life of individuals. Correcting incorrect information, respecting the professional secrecy of information sources, and avoiding slander and accusations. This is in addition to many other declarations such as the 1991 Windhoek Declaration, the 1992 Almata Declaration, the 1994 Saint Iago Declaration, the 1996 Sanaa Declaration, the 1997 Sofia Declaration, and the 2008 Mobutu Declaration.

#### **2. Placement of journalists in international conventions state:**

International conventions set a set of visions to unify the values and principles to which journalists and media and journalistic workers are subject at the international level, especially those related to the rules of professional conduct and

the ethics of the mission of the press. One or more of the following categories: Readers, Journalists, Addressing issues of advertisers and covenants that journalists justify and are committed to implementing as self-organizing.

International conventions have contributed to the emergence of an ethical charter of journalistic values at the international level, despite the discrepancy between countries of the world in their concept of the role of the journalist within their media systems, especially since many of them do not have acceptable media systems, and even those that have adopted laws for their media agencies are not included in value lists. Within this requirement, we will deal with the most important international conventions concerned with the status of journalists, and then we will address in the second section the role of international conventions in establishing a global charter for media professionals and journalists. The International Convention on Political and Civil Rights, which was unanimously issued by the United Nations on December 18, 1966 and entered into force on March 23, 1967, is the most important international legislation that included the scientific framework for the protection of journalists in peacetime, as it provided for freedom of information and thought, and the prohibition of any propaganda against religions Or racial discrimination or nationalities, and then there is the European Convention on Human Rights of November 4, 1950, which stipulates that every person has the right to freedom of expression, this right includes holding opinions and receiving and presenting information and ideas without interference from public authority, regardless of international borders, without prejudice to the right of the state to request licensing of the activities of radio, television and cinema establishments.

### **International protection for journalists within the framework of international humanitarian law**

The international community has not hesitated to try to avert any dangers and overcome any obstacles that journalists and workers in various media face while performing their jobs and duties in areas of armed conflict, in order to spare them from becoming victims of hostile operations or organized or indiscriminate acts of violence.

#### **Protecting journalists and the media during armed conflict:**

International humanitarian law focused on crystallizing the legal status of a journalist who falls into the hands of hostile parties as a detainee, and considers him a prisoner of war, as is the case with the list relating to the laws and customs of secret war held in The Hague in 1907, which explicitly mentioned the status of war correspondents, and the subsequent statements, protocols and declarations In this regard, it has already been mentioned, and therefore the legal status of journalists was and still is limited to extending protection to journalists during the period after they were in the grip of hostile parties.

#### 1. Protection of Journalists:

It has been proven through repeated and repeated experience that the performance of journalists' professional duties in covering the events of wars, unrest and conflicts often exposes them to many dangers, some of which can be considered professional risks, such as exposure to accidental, unintended harm, including what is intentional and deliberate, when journalists are targeted as intended targets for one or more parties to the dispute. This prompted the international community to attach special importance to preserving the safety of journalists to carry out their role and perform their job in conveying events and facts to the masses without being exposed to dangers.

#### 2. The concept of traditional protection for journalists:

Tracing the stages of development of international protection rules for journalists easily illustrates the great difficulty in codifying and approving this protection, as some assert that it is one of the most important principles, origins and customs of war that have not changed since ancient times. For this reason, the international community was able to adopt some rules that provide a kind of protection for journalists during armed conflicts, in accordance with the jurisprudential views on this protection, many of which were evident in the formulation of the Geneva Convention of 1949.

1. Jurisprudential opinions on the protection afforded to journalists: International protection for victims of armed conflicts is generally based on the principle of differentiating between combatants and non-combatants, and directing any military or combat actions only to armed combatants only, and others who do not fight such as civilians or those who are unable to fight Originally, such as children, the elderly, the infirm and women, it is not permissible for them to be intended to fight or to direct combat actions to them unless they participate in them.

Based on this principle, those who work in the press do not fall into the sect of fighters, considering that they do only the journalistic or professional work that has been entrusted to them, but rather they fall under the sect of civilians. But there is a problem is that journalists are not mentioned among the civilian sects for which Islamic jurisprudence has proven special protection by the agreement of jurists, such as the elderly, the clergy, the wage earners and the peasants. Here comes the opinion of Ibn Rushd in explaining the difference of jurists in this, he said: And they differed about the people of silos who are extracted from the people, the blind, the temporal, the old men who do not fight, the imbecile, the plowman, and the assailant. with it. As a result, they differed in the cause of killing; The public saw that the cause of the killing was fighting to prevent the killing of women even though they were infidels, so they excluded those who could not stand fighting, and those who did not set themselves up for it, such as the farmer, the asif and others, including journalists and media workers in general.

Accordingly, it can be said that the journalist who attends the battle, even with his country's army, is commissioned by a media outlet that works for it, even if it is a government agency, to carry out his usual journalistic work, which is to report the battles and cover the news of the fighting like other media outlets. He, peace and blessings of God be upon him, forbade attacking it, and therefore it is not permissible to attack him as long as he does not fight and does not engage in a hostile or combative act.

2. phone Geneva Protectorate 1949: Although the four Geneva Conventions signed and adopted since August 12, 1949 are a great legislative leap for the international community, which was just emerging from a world war that wiped out tens of millions of people, and the confirmation of international humanitarian law that it provided a significant legal cover to protect The wounded, sick, and afflicted were soldiers, civilians, and prisoners of war, but it did little to protect journalists and the media.

Whereas the Third Convention relating to the Treatment of Prisoners of War maintained the same protection as that for war correspondents, whom it considered persons who accompany the armed forces without actually being part of them, such as civilians who are part of military crews such as supply contractors, workers and entertainment providers, provided that they have a permit from the forces armed escorts. Hence, journalists and war correspondents fall into the not-accurate classification of persons who join the armed forces without being part of it.

### 3. New Protection for Journalists:

Given the importance of the media and the press and their role in conveying news and information to public opinion during wars and conflicts, and the impact of this transmission on monitoring the actions of the parties to the conflict and adhering to the provisions of the law in war, international humanitarian law secures the protection of journalists who are present in areas of armed conflict as civilians. A journalist assigned to a dangerous professional mission in an area of operations is a civilian, and he has the right to enjoy all the rights granted to civilians in this capacity, and Article 79 of Protocol I clearly states that every journalist who performs dangerous professional tasks in areas of armed conflict, is considered a civilian according to the definition of a person Civil Code contained in Article 50 of Protocol I. Although considering a journalist as a civilian during the exercise of his dangerous professional duties in areas of armed conflict is not sufficient to protect him, Article 4 of the Fourth Geneva Convention defines protected persons by saying: "Persons protected by the Convention are those who find themselves at a given moment and in any form, in the event of The establishment of a conflict or occupation, under the authority of a party to the conflict of which they are not nationals, or an occupying power of which they are not nationals, and in order to alleviate the suffering of civilians and provide them with the greatest protection from the dangers of armed conflict, efforts have been made for a clear and specific definition of civilians so that they are distinguished from combatants. It is every person who does not fight, and if doubt is raised about whether a person is a civilian or a military person, he is considered a civilian. incurred by civilians during conflicts. As long as the journalist does nothing that could threaten his civilian status, he enjoys the protection of the Conventions and Protocols just like all other civilians.

### **The rights of the journalist while performing his media work**

The journalist is considered the pivotal element and the main engine in the means of communication and the public media. He exercises his activity with what he deems appropriate of the methods of writing, printing and publishing that lead to news and opinions to the public, publicity or dissemination, which makes him a vital driver in society so that his role in the means of communication has become a national and international engine, to become the means of communication. The media in developed countries with well-established regimes in democracy has the right to the fourth authority among the traditional constitutional authorities, and this is an acknowledgment and confirmation of the critical importance of the journalistic media and for those who work in journalism and the media.

Most national legislations in various countries of the world guarantee the right to freedom of the media and the press. Most of the constitutions of countries in the current era include basic articles that guarantee, nurture and protect this freedom. In the Arab constitutions, we find in the Jordanian Constitution of 1952 that it is stipulated in Article fifteen, in the UAE constitution 1971 Article thirty, and in the Bahraini constitution 2002 Article twenty-third, and in the Tunisian constitution 2014 Articles thirty-first and thirty-second, and in the Algerian constitution 1996 Article forty-first, and in the constitution Kuwaiti 1962 Articles thirty-six and thirty-seven, and in the Saudi constitution 1992 Article thirty-nine, and in the Sudanese constitution 2005 Article thirty-nine, and in the Syrian constitution 2012 Article forty-second and forty-third, and in the Iraqi constitution 2005 Article thirty-eight, and in the Qatari constitution 2004 Article forty-seven and eight The forty, and in the 1926 Lebanese constitution, Article thirteen, and in the Egyptian constitution, Article sixty-five. Protection has been enshrined in the texts of the Declaration on Basic Principles Concerning the Contribution of the Media to Supporting International Peace and Understanding, Promoting Human Rights and Combating Racism, Apartheid and Incitement to War issued by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session on 28 November 1978, where he declared that journalists should enjoy freedom of information and have the widest possible facilities for obtaining information.

Journalists need to exercise these rights as a prerequisite for the effective conduct of their work, and they are particularly vulnerable to the constraints of power, and they usually find themselves, whether they like it or not, among those on the front lines of the defense of freedom, particularly those among the oppressed peoples who It struggles against

colonialism, neo-colonialism, foreign occupation and all forms of racial discrimination and oppression, which cannot make its voice heard in its country without an uprising or a revolutionary movement that aims to wrest freedom and human dignity and end tyranny.

Despite the constitutional provisions that guarantee rights and freedoms in peacetime; However, there are no conditions that allow organizations and persons, who, by virtue of their profession, have the ability to Dissemination of information, achieving the free circulation of that information and its dissemination on a wider and more balanced scale.

### **International Protection of Journalists in Access to Information:**

The most important problems facing journalists in their professional activities, which were of interest to the international project, is obtaining news sources and maintaining their confidentiality. The principle of the right to receive, search and obtain information is established in Article 19 of the Universal Declaration of Human Rights as approved by the United Nations General Assembly on December 10, 1948, and in domestic legislation as well as in Article 36 of Law 90-07 relating to Through the media and the regulation of media work, which states: The right of access to news sources does not allow a journalist to publish or divulge information of the following nature:

1. To harm or threaten national security, national unity or state security.
2. To disclose a national defense secret or an economic, strategic or diplomatic secret.
3. To prejudice the rights and constitutional freedoms of the citizen.
4. Or harm the reputation of the investigation and judicial research.

The modalities of implementing this article shall be determined by regulation after consulting the Supreme Media Council.

The challenge facing every country in the world is how to strike a balance between protecting national security and the right to information. The right of journalist protection to obtain information and preserve news sources has been of great interest, especially in the specialized European bodies that are the most representative of media organizations in Europe, which have long called for the enactment of laws to ensure the protection of information sources. Several conferences have been held in this regard, the most important of which are:

1. The UNESCO conference held in the French capital, Paris, in 1983.
2. The 1989 Vienna Conference.
3. The Ministerial Conference held in Prague in 1994 on "press freedoms and human rights", which devoted a large part of its work to the mechanisms of protection for this right.

Several legislations in European countries have recognized the journalist's right to maintain the confidentiality of his sources of information, and have guaranteed this right in local national legislation. The French Media Law of 1993 stipulates this, and Article 56 of the Code of Criminal Procedure stipulates the role of the judge in investigating the occasion of press news. Without prejudice to the freedom of the media to exercise and not to obstruct the continuation of the transmission of information. Article 109 bis of the French Penal Code stipulates the right of any Sahfi not to mention the sources of his information.

### **The press and its impact on public opinion**

"Public opinion" is one of the common terms in political, media and journalistic work; Where it is frequently used by media professionals, researchers, writers and thinkers, its use is also included in political corridors, and it is also commonly used in the daily lives of ordinary citizens, where researchers, writers and politicians agree on the importance of public opinion and the need to deal with and study it, but they do not agree in finding a single and comprehensive definition of public opinion. Each party defines public opinion according to its point of view as follows:

#### **Definition of public opinion:**

##### **1. In Western jurisprudence:**

There have been many definitions according to Western jurisprudence for public opinion, since the term appeared on the lips of Jacques Necker, the French Minister of Finance in the government of King Louis XVI. of the issues they encounter. The jurist Goldenson defined it as that general tendency of the public towards a particular issue or group of issues for a particular society. As for James Bryce's definition, it came as "a term for expressing a set of opinions which people owe on matters affecting their public and private interests." There is a definition of the jurist jilnik: "a set of opinions of the constituent groups of society.

##### **2. In Arabic jurisprudence:**

Dr. Atef Adly defined it: "It is the prevailing opinion among the conscious majority of the people regarding one or more specific issues, around which controversy and debate rages, and its interests directly affect the majority or its human values. Ahmed Badr defined it: the public opinion is known by the wind, for it is a real force, invisible, But it has great weight, so it is like the wind, you cannot catch it, but we submit and our heads bow down to it. As defined by Mokhtar Al-Tohamy: Public opinion is the prevailing opinion among the conscious majority of the people in a certain period regarding one or more issues in which controversy and discussion rage and affect the interests of this majority or values Humanity is directly affected.

### 3. Characteristics of public opinion:

Public opinion has a number of characteristics identified and listed by some researchers, including that it assumes the existence of a group. This group may be all members of the community, so it is a “public opinion of the community,” and it may be a partial group that represents a specific sector or several sectors of citizens, so it is a “private public opinion.”

It is also assumed that there is a specific issue that requires expressing an opinion, regardless of whether this issue is public or private, in order for public opinion to revolve around it, and for it to be the basis of its existence.

It also assumes the existence of an opinion of the group towards that issue, whether by acceptance or rejection, which is expressed orally or in writing. The public opinion assumes a conscious or subconscious interactive process, mental or emotional between the concerned members of the group and the specific situation or issues.

### 4. Types of public opinion:

If public opinion is the product of the interaction of the group’s opinions on a particular topic at a specific time, then the diversity of groups and the diversity of topics that become the focus of their activities and interests leads to the diversity of this phenomenon, so that this diversity is affected by the diversity of groups and groups and the change of place and time.

Public opinion has been divided into a group of main areas that contain a sub-number of more detailed types and forms. Public opinion has been classified into several types according to a set of bases related to the scope of the spread of public opinion, and these types are:

1. Local or national public opinion: It is the opinion that is widespread and prevalent at all levels Within the scope of this part, this opinion has all the characteristics of national public opinion, but to a more specific and specialized degree.

2. National public opinion: This opinion is related to the country as a whole or to the state in which it is present and prevalent, and the existing authority derives its legitimacy from it. In this case, it is characterized by characteristics including: homogeneity, predictability, and its treatment of national and public problems.

3. Regional public opinion: it prevails and spreads in a group of geographically contiguous peoples who are linked by common interests such as public opinion in the Nile Basin countries, Maghreb public opinion, or European public opinion. Regional public opinion is based on a set of rules, including: the common interest, the historical connection, the convergence of customs and traditions, the similarity of political, economic and social conditions, and the unity of language and culture.

4. International public opinion: It is the opinion that transcends national borders to unite individuals in different countries, peoples and nations, in the phenomenon of almost general agreement on an opinion on some basic international issues at least, and this international agreement in public opinion expresses itself in the form of an automatic reaction global, without regard to national connections. World public opinion is considered one of the most important features of the contemporary international community, one of the most important forces of influence, and one of the pillars that effectively influence the direction of international policies towards issues that can be classified as fateful for humanity.

### **Media relations with power and democracy**

Freedom of the press is the most prominent aspect of freedom of expression of opinion and thought in advanced societies with good governance systems, where the journalist is able to report the news and express his opinion on the events he witnessed, which would reflect on public opinion and lead him to a positive reaction. The most prominent and well-known problem of the press is the issue of freedom, which reflects the democracy of countries, the maturity and awareness of peoples, and the extent of the credibility and safety of press information away from external and side influences, and a guarantee of the truth and safety of information.

#### 1. Relationship of the media to power:

Ensuring and guaranteeing the rights of journalists requires a balanced relationship between the media and the authorities, as the authorities sometimes go beyond the limits of their constitutional powers and infringe on the rights of journalists and restrict their freedom of work and access to information and ban their publication.

This sometimes confrontational relationship between the press and the authority is a problem in different societies, but in a different and uneven way. In fact, it is a relationship of ebb and flow and a relationship dominated by tension, conflict and eternal conflict. Those who believe that this relationship is absolutely sound and correct and where transparency and clarity prevail in democratic and developed countries are mistaken.

Accordingly, governments initially work to use the media for their benefit, in order to assert their sovereignty, promote their policies and achieve their interests, but when their interests conflict with the media, they impose restrictions on the

latter, justifying this with the public interest and higher interests, and this applies to dictatorial and democratic regimes on Both.

## 2. The relationship of the media to democracy:

The development of the concept of internal democracy in media institutions can constitute a solution to many of the problems that journalists suffer from. In democracies, the principle of respect for human rights and all freedoms, including the right to write, speak, assemble, and establish the necessary institutions for expressing his opinions and ideas, prevails. The media in these systems, whether governmental or private, also seeks to create political awareness among the masses and make them aware of all facts in order to highlight a national public opinion based on facts and facts. As Alexis de Tocqueville says: "I believe that those who live in an aristocratic country can dispense with the freedom of the press, but this is not the case for those who live in a democratic country, for the press is the most important democratic tool for freedom."

A closer look at this opinion, we find that it is very realistic and logical. How can a free and democratic media be envisioned working and active under an authoritarian rule? And how can we imagine a democratic media also in light of an economic reality in which a few elites alone dominate the wealth of society without the majority, as freedom of the media cannot be achieved as long as the decision-making power remains in the hands of an individual ruler or a tyrannical government outside and against the will of the people.

## 1. Protection of the media as civilian objects:

Protocol I established the principle of general protection of civilian objects, stating that "civilian objects shall not be the object of attack or deterrence attacks, and all civilian objects are not military objectives." Accordingly, all objects that make an effective contribution to military action and whose total or partial destruction, disruption or capture does not bring a definite military advantage may not be the object of attack or deterrence attacks. Such as schools, universities, residences, hospitals, transportation, civil transportation, farms, shops, mosques, and other places of worship, historical monuments, livestock, water designated for watering plants, drinking human and animals, the natural environment, and other things that are intended for civil purposes. From all of the above, media and press headquarters are civilian objects that must be protected during armed conflicts, and the parties to the conflict must not direct any military operations against the headquarters, because directing such attacks against these headquarters is a violation of the provisions of international humanitarian law, which requires legal accountability. International practice also confirms that the prevention of attacking civilian objects in general is one of the customary rules of international humanitarian law that is applied in both international and internal conflicts.

## Conclusion

The current study reached a number of results, which are:

1. The numerous international conventions and recommendations are evidence and presumption of the international legislator's interest in the category of journalists and media work, and there has been remarkable success in unifying the professional work rules for journalists and media professionals, which were able to establish It provided protection and immunity for the journalist, and succeeded in accompanying him in all stages of his work, starting from receiving information until publishing it to public opinion and succeeding in moving it.
2. The rapid development of the mass media in terms of quantity, quality and influence is supposed to increase the interest of the international legislator in the situation of journalists in all aspects surrounding their work in order to work on legalizing them and determining their duties and rights.
3. The sum of international conventions and recommendations on the media and the press attests to the interest of the international legislator in the category of media professionals and journalists.
4. The legal rules relating to the protection of journalists in armed conflict are the same as for 34 years, and the 1977 Additional Protocols to the Geneva Convention remain the cornerstone of the protection of civilians
5. The reality of media and journalistic work in many countries of the world emphasizes the need to exert more efforts and perform more work in order to ensure freedom of media and journalistic work, protect workers in this service sector and improve their working conditions, especially in areas of armed conflict and countries where repressive regimes prevail

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