

The Role of the Fourth Estate (Algerian Media) in Protecting Human Rights

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Abstract:

This study aims to address the following issue: What roles can the media, through its various means, play in promoting and protecting human rights? How has the Algerian media contributed to this?

The study concludes that the media, through its diverse means, plays a significant pioneering role in promoting and protecting human rights. This is evident both in raising awareness about the value of these rights and in disseminating their culture among citizens, as well as in monitoring, documenting, and exposing violations and infringements against them. The media is considered a non-governmental procedural mechanism for protecting and promoting human rights. The relationship between media and human rights is one of mutual influence, based on the fact that the media is both a mechanism for protecting human rights and a fundamental right itself. For the media to effectively fulfill its pioneering role in protecting human rights, the state must also provide it with legal protection.

Keywords: the fourth estate, human rights, protection, Algerian media.

Introduction:

Freedom of the media and press is one of the fundamental freedoms addressed by international, regional, and national charters, starting with the Universal Declaration of Human Rights, followed by the International Covenant on Civil and Political Rights, and then the internal legislations of countries, including Algeria. This emphasis arises from the significant role that media plays in various social, cultural, political, and economic issues, making it a power that parallels the importance and scope of the traditional three branches of government (legislative, executive, and judicial).

With the significant legislative and technological advancements in media, discussions have arisen about new functions and roles of the media alongside its traditional roles. This includes viewing media and its means as mechanisms to promote and protect human rights, as well as monitoring authorities to uncover potential violations against individuals and their rights. Hence, the problem addressed by this research paper is as

follows: What roles can the media, through its various means, play in enhancing and protecting human rights? In other words, how can media be employed positively and freely to serve and protect human rights, especially in light of international, regional, and national attention to human rights in general, and to media amid the modern technological revolution? How has the Algerian media contributed to this?

This study aims to address this issue through the following sections:

1. The concept of the Fourth Estate.
2. The concept of protecting human rights.
3. The relationship between media and human rights.
4. How media contributes to the protection of human rights.
5. The contribution of Algerian media to the protection of human rights and future prospects for its contributions.

In this study, we have adopted a descriptive-analytical approach to examine the role of the media in general, and specifically the Algerian media, in protecting human rights.

First: The Concept of the Fourth Estate:

The term “Fourth Estate,” as commonly understood in advanced and democratic countries, refers to the collective of individuals engaged in journalism and media, who carry a noble mission towards their societies and nations. This mission encompasses raising societal awareness and creating public opinion that supports various developmental initiatives, enhancing democratic experiences, fostering political engagement, freedom of expression, and protecting human rights, as well as serving a supervisory role over practices and providing constructive criticism of corruption and imbalances, thus enabling processes of evaluation and reform¹.

The first person to refer to journalism as the Fourth Estate was the Englishman Edmund Burke (died 1797), who, addressing the seats occupied by journalists in the British House of Commons, stated, “You are the Fourth Estate,” emphasizing the economic, social, and political significance of journalism, which makes it an integral part of democratic life. Another viewpoint attributes the term to the British historian Thomas Macaulay (died 1859), who remarked, “The gallery where journalists sit has become the Fourth Estate in the kingdom.”²

Opinions have varied, particularly among legal scholars, regarding the concept and implications of the Fourth Estate. While some voices in the past have honored journalism as “the Queen’s Companion” and currently refer to it as the Fourth Estate,

¹- See: Abdul Aziz Al-Hayajim: The Fourth Authority: Rights and Obligations, an article published at the following link: <http://www.almotamar.net/news/67427.htm>, date accessed: 11/16/2018.

²- See: Mohammed Al-Janati: Journalism: The Fourth Authority, an article published at the following link: <http://https://www.maghress.com/hibapress/82511>, date accessed: 11/16/2018. Also see: Journalistic Freedom Observatory: The Fourth Authority: Its Origin and Work, an article published at the following link: <http://www.jfoiraq.org>, date accessed: 11/16/2018.

these expressions reflect a political desire rather than a constitutional or legal one. Those who discuss journalism as the Fourth Estate express a pressing wish among millions of citizens for full independence of the press from the executive authority. This does not mean creating an organization with the power to issue binding decisions, but rather granting more independence to journalism and journalists, so that the executive authority cannot suppress opinions or silence voices¹.

The pursuit of democratic development does not stop at organizing the three traditional branches of government (legislative, executive, and judicial); it seeks new powers represented by the influence of mass communication means, such as journalism and broadcasting, as well as the electorate and their influence on traditional authorities. Public opinion is shaped by various factors, including natural and environmental conditions, personal circumstances, and economic, political, and cultural states, alongside past opinions and current events, reflecting the inevitable relationships among people. Media plays a vital role in connecting with both local and global audiences without boundaries. Thus, the importance of mass communication, particularly journalism, has emerged, given its impact on public opinion, leading to the titles of “The Queen’s Companion” and “The Fourth Estate” as an added authority alongside the previously mentioned three branches².

Media holds a central role in political life, acting as a Fourth Estate that monitors the extent to which authorities fulfill their duties and respect the law and human rights. The media can only constitute a Fourth Estate within a democratic political system that adheres to the principles of separation of powers and the rule of law and institutions³.

Second: The Concept of Protecting Human Rights

1. Understanding Human Rights

Before delving into the meaning of protecting human rights, it is essential to understand the term “human rights.”

Defining human rights precisely and comprehensively is challenging due to the varying perspectives from which it can be approached—philosophical, legal, international, or regional. Consequently, multiple definitions exist. Here are some key definitions:

¹- See: Mohammed Al-Janati: Journalism: The Fourth Authority, an article published at the following link: <http://https://www.maghress.com/hibapress/82511>, date accessed: 11/16/2018.

²- See: Mohammed Al-Janati: Journalism: The Fourth Authority, an article published at the following link: <http://https://www.maghress.com/hibapress/82511>, date accessed: 11/16/2018.

³- See: Mohammed Al-Janati: Journalism: The Fourth Authority, an article published at the following link: <http://https://www.maghress.com/hibapress/82511>, date accessed: 11/16/2018.

- According to René Cassin¹, “Human rights are a specific branch of social sciences that studies relationships among people, based on human dignity, by defining the rights and freedoms necessary for the flourishing of every human being.²”
- Karel Vasak³ defines human rights as “a discipline concerning the individual, particularly the working person living under a state, who must benefit from legal protection when accused of a crime or when a victim of a violation, through the intervention of national judges and international organizations. Moreover, their rights, especially the right to equality, should align with the requirements of public order.⁴”
- Professor Khairy Ahmed Al-Kabash describes human rights as “the sacred rights that must be protected for individuals against the aggression of public authority within the state, which addresses individuals based on the norms of international law that constitute human rights law. These rights are a common denominator among all humans without discrimination for any reason, and their protection is mandatory for all states, representing the minimum standard that must never be compromised to preserve human dignity and the inherent dignity of the individual.⁵”

2. The Meaning of Protection

The term “protection” in Arabic refers to prevention, meaning that to protect something is to prevent it from being assaulted. Generally, it refers to safeguarding rights from harm or any violations by any party, whether an individual or a formal or informal group.

In legal terms, protection is the highest legal system achieved for human rights, surpassing mere declarative statements or strong proclamations, reaching a robust enforcement and oversight level. The objective of establishing legislation and laws is to protect those rights and freedoms deemed essential by lawmakers, ensuring that no one is allowed to infringe upon them.

The concept of protection can take various forms, such as:

- Internal Protection(national)
- External Protection (international)
- Positive or Negative Protection
- Direct or Indirect Protection

¹- He was one of those who participated in drafting the Universal Declaration of Human Rights, and he served as a judge in the European Court of Human Rights from 1956 to 1976, and was a Nobel Peace Prize laureate.

²- Mohammed Mohyeddin, Summary of Lectures on Human Rights, Al-Khaldounia Press, Algeria, 2010-2011, p. 22.

³- He is one of the renowned specialists in the field of human rights.

⁴- Mohammed Mohyeddin, previous reference, pp. 22-23.

⁵- Khairy Ahmed Al-Kabash, Criminal Protection of Human Rights – A Comparative Study in Light of Islamic Law, Constitutional Principles, and International Charters, 2nd ed., Mansha'at Al-Ma'arif, Alexandria, 2008, pp. 16-17.

- Preventive, Remedial, or Reformative Protection¹.

Third, The Relationship Between Media and Human Rights

Understanding Media Freedom

Before discussing the nature of the relationship between media and human rights, it is essential to define media freedom.

Media freedom has multiple definitions, the most important of which is that it represents the general freedom of expression in all its forms: expression through words, speech, shouting, singing, writing, printed materials, journalism, theater, cinema, radio, and television². It is a fundamental freedom and a necessary condition for the other freedoms, as there can be no media freedom in an unfree country. This freedom has a direct political implication, particularly when it critiques the government³.

The concept of media freedom encompasses several sub-concepts, including press freedom, freedom of opinion and expression, and the freedom of radio and television broadcasting, along with connections to information networks.

Thus, media freedom is the ability to inform others of news or opinions through media means, encompassing everything that concerns people's right to know, and the right to exchange information and receive news from any source, as well as the right to publish newspapers and express opinions without prior censorship⁴. To exercise this freedom, the necessary media means must be available, whether written, readable, audible, or electronic.

The importance of media freedom is evidenced by significant international attention and its inclusion in international charters, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Article 19 of the Universal Declaration 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 frontiers."⁵ Similarly, Article 19 of the International Covenant states: "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."⁶

¹- Nadia Khalfa: Mechanisms for Protecting Human Rights in the Algerian Legal System – A Study of Some Political Rights, a thesis submitted for a PhD in Constitutional Law, Haj Lakhdar University, Faculty of Law, Batna, 2009-2010, pp. 40-41.

²- Maurice Nakhla: Freedoms, Halabi Publications, Beirut, Lebanon, 1999, p. 14.

³- Maurice Nakhla: previous reference, p. 38.

⁴- Mohammed Saed Ibrahim: Freedom of the Press, a study on legislative policy and its relationship to democratic development, Dar Al-Kutub Al-Ilmiyya, 2nd ed., Cairo, 1994, p. 26.

⁵- Universal Declaration of Human Rights.

⁶- International Covenant on Civil and Political Rights.

The Nature of the Relationship:

The relationship between media freedom and human rights is one of mutual influence and interaction. The right to information is a fundamental human right, and at the same time, the media is expected to play a significant role in promoting and protecting human rights. This relationship is underscored by United Nations General Assembly Resolution 59 (I) of 1946, which declares: “Freedom of information is a fundamental human right and is the touchstone for all of our efforts,” emphasizing that one of the essential elements of media freedom is the will and ability to prevent its misuse. A core principle is the ethical commitment to uncover facts without bias and to disseminate information without malice¹.

Additionally, United Nations General Assembly Resolution 127 (II) of 1947 calls upon member states to combat the dissemination of false or distorted information that could harm friendly relations among nations, alongside other resolutions issued concerning mass media and its contribution to supporting peace, trust, and friendly relations among states².

Furthermore, the United Nations General Assembly Resolution 53/144, dated December 9, 1998, addresses the rights and responsibilities of individuals, groups, and community organizations in promoting and protecting universally recognized human rights and fundamental freedoms³. Additionally, the UN Human Rights Committee Resolution 7/1998, issued on April 3, 1998, approved the draft declaration concerning the rights and responsibilities of individuals, groups, and community organizations in promoting and protecting internationally recognized human rights and fundamental freedoms⁴.

The interactive relationship between freedom of opinion, media, and human rights is also affirmed by the declaration on the basic principles regarding the contribution of the media to supporting peace, international understanding, promoting human rights, and combating racism, apartheid, and incitement to war. This declaration was issued by the General Conference of UNESCO during its twentieth session on November 28, 1978. Article one states: “Supporting peace and international understanding, promoting human rights, and combating racism, apartheid, and incitement to war requires the free exchange of information and its broader and more balanced dissemination. The mass media must make a fundamental contribution in this regard, and the effectiveness of this contribution depends on how well the media reflects

¹- UN General Assembly Resolution No. 59 (A-1) of 1946.

²- UN General Assembly Resolution No. 127 (A-2) of 1947.

³- And UN General Assembly Resolution No. 53/144 dated December 9, 1998, regarding the right and responsibility of individuals and groups and community bodies to promote and protect human rights and fundamental freedoms universally recognized.

⁴- UN Human Rights Committee Decision No. 7/1998 issued on April 3, 1998, in which the Human Rights Committee approved the text of the draft declaration regarding the right and responsibility of individuals and groups and community bodies to promote and protect human rights and fundamental freedoms recognized internationally.

various aspects of the subject being addressed.¹” Article two states: “The exercise of freedom of opinion, freedom of expression, and freedom of the media, recognized as integral parts of human rights and fundamental freedoms, is a crucial factor in supporting peace and international understanding. The public must have access to information through diverse sources and media, enabling individuals to verify facts and form their own opinions objectively. To this end, journalists must enjoy media freedom and have the maximum possible facilities for obtaining information. Furthermore, media should respond to the interests of peoples and individuals, thus facilitating public participation in shaping media content.²”

Consequently, the interaction between media and human rights can be seen in that media has two aspects: the first is the right to information that the reader or public must enjoy; without this, the significance of the media diminishes. The second aspect is the right to information for journalists or communicators, which precedes the first. It is impossible to discuss the public’s full right to information as a fundamental right without first enabling communicators to exercise their freedom of opinion and expression.

This relationship of influence and interaction also manifests in the following way: when the right to information is respected, it becomes a tool for revealing any violations of human rights, whether against individuals or groups, from any source. Therefore, before demanding that the media play a role in raising awareness of human rights or promoting, protecting, or exposing violations, the media itself must enjoy protection and independence from any external or internal pressures. The more freedom the media has, the more information flows freely, and the less rights and freedoms are infringed upon due to fear of exposure and revelation³.

In reactions regarding the relationship between media and human rights, some believe that the media cannot fulfill its role in defending Arab human rights and the rights of communities in the Arab world if it itself lacks full rights, as outlined in the International Covenant on Civil and Political Rights of 1966. If the media has garnered interest and appreciation over generations, it is because it is capable of playing an influential and effective role that curbs the arrogance of power and expresses the convictions of the people while defending their rights. Even U.S. President Thomas Jefferson wrote in 1778: “If I had to choose between a government

¹ - University of Minnesota, Human Rights Library, Declaration on the Basic Principles Concerning the Contribution of the Media to Supporting Peace and International Understanding, Promoting Human Rights, and Combating Racism, Apartheid, and Incitement to War issued by the General Conference of UNESCO at its twentieth session on November 28, 1978, the declaration is available at the following link: hrlibrary.umn.edu/arab/bo18.html, date accessed: 11/2/2018.

² - University of Minnesota, Human Rights Library, Declaration on the Basic Principles Concerning the Contribution of the Media to Supporting Peace and International Understanding, Promoting Human Rights, and Combating Racism, Apartheid, and Incitement to War issued by the General Conference of UNESCO at its twentieth session on November 28, 1978, the declaration is available at the following link: hrlibrary.umn.edu/arab/bo18.html, date accessed: 11/2/2018.

³ - Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, *Journal of Political Science and Law*, No. 5, published on June 5, 2011, pp. 33-34.

without newspapers or newspapers without a government, I would not hesitate to choose the latter.¹”

The connection between media and the human rights movement is strong and inseparable, establishing an objective relationship in which the latter provides rich material and a wealth of topics in various cultural, social, and political aspects for the former², which has ensured a practical mechanism for disseminating and developing these concepts across different societies. In this regard, Dr. Victor Belle states: “UNESCO works around the world to establish a culture of peace where the power of reason prevails over the logic of force, and where the right to life and dignity is respected above all. It also works to establish freedom of expression and freedom of the press, contributing to the development of media and journalistic practices, so that journalists can fulfill their expected role as the Fourth Estate, exercising oversight over other authorities and guiding them for the benefit of society and citizens.³”

Fourth: How Media Contributes to Protecting Human Rights

The media has witnessed significant development, with many independent satellite channels and mass media institutions emerging, including radio, television, and newspapers, alongside the rise of electronic media and blogs, as well as a major revolution in communication systems. Each media outlet has its own characteristics that distinguish it from others, making it important and enabling it to address specific segments of society more effectively than others. Therefore, the role played by various media—visual, audio, and print—alongside community media is fundamental, primary, and significantly influential in shaping our social values and opinions on various topics, including human rights issues. Thus, media is considered a powerful mechanism and tool for advocating, promoting, and protecting human rights⁴.

The roles that media can play in the field of human rights awareness are diverse, including the educational role, the preventive role, and the oversight role. Media fulfills these roles through two main mechanisms: the mechanism of human rights awareness and the prevention of potential violations, and the mechanism of monitoring human rights violations and overseeing public authority to expose them immediately.

1. The Preventive Awareness Role

Media plays an important role in shaping public opinion and developing political awareness, as it is through media that the ordinary and daily exercise of freedom of

¹- Mohammed Al-Sammak: Human Rights and the Media, Proceedings of the Regional Seminar on Media and Human Rights held on January 21-22, 2003, Cairo, publisher: Arab Organization for Human Rights, 1st ed., 2004, p. 61.

²- Mohammed Al-Sammak: same reference, p. 65.

³- Victor Bleh: From the text of a speech delivered at the opening of a workshop on the role of the media in protecting and promoting human rights, Beirut, October 19-20, 2000. Quoted from Mohammed Al-Sammak: same reference, p. 64.

⁴- See: Raising Awareness of the Importance of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (The Role of the Media and Civil Society Organizations), an article published at the following link: <http://nhrc-qa.org>, date accessed: 11/10/2018.

opinion takes place. Without it, the desires of the masses cannot reach the governing authorities¹. Media can be an effective mechanism in protecting human rights and preventing their violation. Promoting a culture of human rights constitutes an inherent right, and considering media, in all its forms, as one of the mechanisms for protecting human rights and a key component of social development, it has a significant role in serving human rights issues by disseminating this culture that elevates everything produced by humanity².

The preventive awareness role of media is also evident in discussing citizens' rights by promoting constitutional culture. A citizen who is unaware of the rights guaranteed by the constitution and law may perceive any service provided by officials as a favor, which leads them to thank the official, believing that they are conceding their rights. Such understanding fosters a culture of personality worship in society³.

2. Oversight Role (Monitoring and Surveillance Mechanism):

The concept of defending human rights has progressed significantly in recent decades, thanks to the efforts of the international community and activists in this field. The right to information plays a central role in monitoring, accountability, and urging respect for human rights by existing governing systems. The right to information is not merely a means of obtaining information or expression in the narrow sense; it is primarily a means to empower the public to oversee the activities of the government and other important institutions, keeping governments on the right path toward positive change, provided that the media does not owe narrow loyalty to the government or the ruling party⁴.

It is also a means to pursue violations, expose shortcomings, and highlight the flaws in public policies. Free media is capable of doing all this. One of the greatest betrayals committed by the media is when it remains silent about the abuses of a tyrannical ruler and does not expose failed policies, turning a blind eye to authoritarian practices, no matter how small or trivial, and failing to defend citizens' rights when they are violated. Such media is what creates dictators and helps amplify the role of the tyrant until they reach a point where they destroy the country⁵.

Its oversight role is also highlighted through monitoring the organizational structures of the state, the importance of these structures, and the purpose of their establishment,

¹- Nadia Khalfa: Mechanisms for Protecting Human Rights in the Algerian Legal System – A Study of Some Political Rights, previous reference, p. 32.

²- Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, previous reference, p. 35.

³- Nizar Haidar: Media and Human Rights, from the Hammurabi Human Rights Organization, an article published at the following link: <http://www.hhro.org>, date accessed: 11/17/2018.

⁴- Sarour Talbi: The Right to Information and Guarantees for Implementing Human Rights Agreements, a presentation delivered during the Eleventh International Forum on: "Constitutional and Legal Guarantees for the Right to Information in Maghreb Countries," organized by the Faculty of Law and Political Science - Rights Department - and the Laboratory on the Impact of Judicial Precedents on Legislation and Rights and Freedoms in Comparative Systems, at Mohamed Khider University in Biskra, October 14-15, 2012.

⁵- Nizar Haidar: Media and Human Rights, from the Hammurabi Human Rights Organization, an article published at the following link: <http://www.hhro.org>, date accessed: 11/17/2018.

as well as monitoring the budget, its sources, and spending mechanisms, the amounts spent on protecting the regime, or even monitoring government procedures and their compliance with legal and constitutional texts and their suitability for the public interest¹.

Additionally, the media plays a prominent and pioneering role in monitoring the implementation of human rights agreements. After the Universal Declaration of Human Rights in 1948, the United Nations turned to another mission: to transform the principles enshrined in this declaration into binding international treaties. The International Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights, along with their additional protocols, were subsequently issued. After that, a series of agreements transformed these principles into binding international treaties for the signatory states².

To ensure the application of these agreements in practice, this organization established a set of mechanisms, including local mechanisms, of which the media is considered the most important. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is one of the objective mechanisms for protecting human rights under the United Nations. The objective mechanisms of the United Nations consist of a number of special rapporteurs, independent experts, or working groups appointed by the Human Rights Council to investigate specific types of human rights violations wherever they occur in the world.

The objective mechanisms have gained fame as one of the most effective tools of the United Nations in the field of promoting and protecting human rights. These mechanisms generally strive not to appear overly critical; however, they are in a significant position that allows them to expose human rights violations in almost every country in the world, wherever permitted, regardless (mostly) of whether the government of that country is a party to any particular human rights treaty. For governments seeking assistance in finding solutions to human rights violations, the objective mechanisms represent a unique source of expertise in the field of human rights³.

For individuals and non-governmental organizations, these mechanisms provide a source of valuable information regarding current developments in human rights and a means to contribute to research and the development of international legal standards. In some cases, they provide the opportunity to inform the United Nations of alleged human rights violations. In that particular case, it is crucial to make every possible

¹- Nadia Khalfa: Mechanisms for Protecting Human Rights in the Algerian Legal System – A Study of Some Political Rights, previous reference, p. 32.

²- Sarour Talbi: The Right to Information and Guarantees for Implementing Human Rights Agreements, previous reference, p. 8.

³- Sarour Talbi: previous reference, pp. 8-9.

effort to gather comprehensive information about the alleged violations and present it to the aforementioned mechanisms¹.

Fifth: The Contribution of Algerian Media in Protecting Human Rights and Future Prospects for Its Contribution

We will address the contribution of Algerian media in human rights issues, or more precisely, its role in enhancing the protection of human rights through Algerian legislation in the field of media, starting from the Constitution of 1963 to the present day.

1. The Contribution of Algerian Media in Protecting Human Rights in the Pre-Political Pluralism Phase or the One-Party Phase:

The Algerian constitutional legislator has paid significant attention to media freedom and freedom of opinion and expression in all successive constitutions of the Algerian state, but to varying degrees influenced by the nature of the adopted system. The Constitution of 1963 emphasized the necessity of respecting freedom of opinion and expression, as Article 19 states: "The Republic guarantees freedom of expression and other means of media, the freedom of association, and the freedom of assembly as well."² The Constitution of 1976 reinforced this with Article 49: "The secrecy of correspondence and communications in all forms is guaranteed," and Article 55: "Freedom of expression and assembly is guaranteed." Notably, despite both constitutions enshrining the socialist choice of the Algerian state based on a one-party policy, they affirmed the necessity of respecting human rights and fundamental freedoms, including freedom of opinion and expression, provided that these are not used to undermine the socialist aspirations of the state.

What can be noted about Algerian media in relation to human rights before Algeria entered the phase of political pluralism is that it was media subject to the conditions of the political phase at the time, characterized by selectivity and the politicization of human rights, with media coverage largely linked to the official political stance. Evidence of this is found in Article 1 of the 1982 Media Law: "The media is a sector of national sovereignty, expressing the will of the revolution and translating the aspirations of the popular masses, working to mobilize all sectors and their popular organizations to achieve national goals." This legal text clarifies that the functions of media in socialist Algeria and the one-party system are defined by the political employment of human rights, serving the objectives of official policy rather than deepening awareness of human rights issues and empowering individuals to ensure their protection and promotion.

It is clear that political participation, which is one of the most important human rights, could not be effectively highlighted by Algerian media, whether in terms of the

¹- Sarour Talbi: the same reference, pp. 8-9.

²- Sarour Talbi: The Right to Information and Guarantees for Implementing Human Rights Agreements, previous reference, p. 8.

integrity of elections, the freedom to run for high offices, or other aspects that allow Algerians to express their opinions and exercise their political rights freely. The media did not contribute to making political functions more democratic in practice or more respectful of human dignity and demands. Instead, it remained formalistic and seasonal, stripped of its content and subjected to various forms of manipulation and forgery, with the media remaining inactive regarding these issues. The reason for this might be attributed to the perception of media as a sector of national sovereignty rather than an independent authority in its operations, organization, and interaction with the diverse and legitimate needs and values of society.

2. The Algerian Media's Contribution to Protecting Human Rights in the Political Pluralism Stage:

The 1989 Constitution also guaranteed freedom of opinion, expression, and assembly under Article 39, which states: "The freedoms of expression, association, and assembly are guaranteed to citizens."¹ This constitution is indeed considered the constitution of political pluralism. The constitutional amendment of 1996 reaffirmed what was guaranteed by the 1989 Constitution, stating in Article 38/2: "No publication or recording or any means of communication and media may be seized except by a judicial order,"² and Article 41 asserts: "The freedoms of expression are guaranteed."³

Compared to the 1982 law, the media in Algeria experienced a partial relaxation and openness, solidified by the acknowledgment of media pluralism and the authorities' desire to complete political reform, culminating in the acknowledgment of party pluralism (recognizing the right to establish political associations according to Article 40/1 of the 1989 Constitution). This also involved liberating the media sector from the monopoly of the totalitarian political authority with a singular political and media orientation, as stipulated in Article 4 of Media Law No. 90-07, dated April 3, 1990, which states: "The right to media is exercised particularly through the following: media outlets and institutions in the public sector, those owned or established by political associations, and those created by individuals and legal entities subject to Algerian law, and it is exercised through any written, audio, or visual communication."

There is no doubt that liberating the media from any unjust political monopoly allows for a complete and objective presentation of its message, fulfilling the aspirations of civil and political society and serving the public good⁴. Article 3 states: "The right to media is exercised freely with respect for human dignity and the requirements of foreign policy and national defense."⁵ Article 26 of the Media Law emphasizes the

¹- See: Constitution of 1989.

²- See: Constitution of 1996.

³- See: Constitution of 1996.

⁴- Abdul Moneim Naeemi: Freedom of the Media in Algeria as a Legal Conceptual Variable, an article published at the following link: <https://diae.net/21086>, date accessed: 11/10/2018.

⁵- See: Media Law No. 90-07, dated April 3, 1990.

need for media to adhere to specific important regulations, stating: “National and foreign periodicals and specialized publications of any type and purpose must not include anything that contradicts Islamic morals, national values, or human rights, or promotes racism, fanaticism, or treason, whether in drawings, images, stories, news, or announcements. These publications must also not contain any advertisements that encourage violence or deviance.¹”

From the above, it is understood that Algerian media was supported in the post-one-party era, particularly through the emergence of new and diverse political associations, as newspapers no longer published only a single perspective, which was the view of the authority as was the case before October 5, 1988. Instead, they were liberated from the constraints of pressure and monopoly imposed by the authorities. However, this situation only lasted for the initial years following the declaration of media pluralism in Algeria, as the state of emergency in Algeria in 1992 led to the re-imposition of policies to silence dissent through ongoing pressures on the media sector².

Furthermore, the abuses and chaos that marked the media sector due to the influence of capital owners on journalistic work, along with the protests that occurred in early 2011, known as the “oil and sugar protests,” and the regional Arab situation characterized by the revolutions in Tunisia and Egypt and disturbances in Libya, compelled the authorities to adopt a series of political reforms aimed at revising various laws, including the Media Law of 1990, which was replaced by two laws in 2012—one pertaining to media and the other to audiovisual media³.

This reflects positively on Algerian journalism during the political openness era, despite the difficulties, constraints, and terrorism it faced, achieving some positive steps. These include establishing values that uphold human rights, such as the right to life, the right to citizenship, the right to assembly, freedom of opinion and expression, and the right to uncover the truth, reaching the head of the system, as occurred in the case of President Liamine Zeroual, who was called to dismiss his military advisor Mohamed Betchine, involved in financial and ethical scandals. Additionally, it contributed to the release of many high-ranking officials and managers of major economic institutions accused of embezzlement and abuses who were imprisoned without trial and without substantiating their accusations⁴.

Conversely, criticisms have been directed at Algerian media, particularly from the president of the Algerian League for Human Rights, regarding the media coverage of the presidential election campaign on April 9, 2008, which was neither neutral nor sufficiently in-depth in explaining President Abdelaziz Bouteflika’s program. It did

¹- See: Media Law No. 90-07, dated April 3, 1990.

²- Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, previous reference, p. 39.

³- Subhiya Bakhush: The Evolution of Media Policy in Algeria Under Political Pluralism 1990-2015, an article published at the following link: <https://revues.univ-ouargla.dz/index.php/numero-23-ssh/3018-1990-2015>, date accessed: 11/14/2018.

⁴- Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, previous reference, pp. 41-42.

not evaluate the two terms previously held by the president. While efforts to polish Algeria's image abroad and establish a national reconciliation contract are commendable, they also require evaluation and constructive criticism. This role should be fulfilled by the media through its various means, especially audiovisual media, which Algeria refused to open up to individuals and elites. Media, especially visual media, is not only subject to the government but also actively supports the president in his third election campaign, becoming a support committee like many political parties and civil society organizations. How can we expect such media to have a role in promoting and protecting human rights when it lacks that capacity? It would have been more professional for the media to provide accurate and truthful information to voters, allowing them to form their own opinions regarding the presidential elections¹.

3. Future Prospects for the Contribution of Algerian Media in Protecting Human Rights:²

In conclusion, the optimal approach to addressing issues related to human rights, and how the media can benefit from them while contributing, is to adopt a media policy based on honesty and rooted in objectivity. This policy should promote democratic dialogue and present facts as they are, without distortion or manipulation. Achieving this requires a set of conditions, including:

1. **State Media, Not Government Media:** The right to media is a possession of all citizens across various demographics, with its primary function being to serve the legitimate goals of the public, particularly the provision of accurate and unbiased information. This enables citizens to make informed and responsible decisions about their future and that of their country.
2. **Active Civil Society:** Media should rely on an active civil society and opposing forces within the community that foster a democratic culture and political movement based on monitoring, uncovering truths, combating corruption, and ensuring accountability.
3. **Shift to Investigative Coverage:** There should be a transition from mere news coverage to investigative or reporting coverage that emphasizes verification and objective documentation.
4. **Political Will and Media Support:** This hope does not solely depend on political will and the desire to liberate and support the media but also on addressing other deficiencies faced by the media, such as the low level of journalism due to inadequate training and values among journalists, insufficient talk shows that instill a culture of human rights, a lack of training for journalists on the best ways to address human

¹- Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, previous reference, p. 42.

²- See: Nadia Khalfa: Human Rights in the Media – The Algerian Media as a Model, previous reference, pp. 42-44. Also see: Samir Attallah, A Tribute to Algerian Journalism, Al-Sharq Al-Awsat Newspaper, 3/7/2001, No. 8253, p. 24. And Abdul Salam Al-Saadi, Media and Democracy, Arab Institute for Research and Strategic Studies, www.airssforum.com.

rights issues, and the absence of a monitoring body to receive and address complaints regarding violations promptly after verifying their seriousness.

5. Focus on Freedom of Opinion: There should be a focus on freedom of opinion and ensuring the right to express this opinion through various means, such as assembly, writing, dialogue, and communication. In other words, modern media requirements in the field of human rights do not stop at recognizing rights but extend to enabling the expression of these rights and exposing any violations. The example of WikiLeaks serves as a recent illustration of exposing gross violations of human rights by rulers, such as those that occurred in Guantanamo and Abu Ghraib, and the killing of thousands of innocent civilians in Afghanistan, Iraq, and Pakistan, as well as conspiracies against peoples, as seen in Yemen and the events in Gaza in 2008 and Lebanon in 2006.

6. Media Strategy in Human Rights: An effective media strategy in the realm of human rights should consider the consequences of exposure, primarily the overthrow of dictatorial regimes and the international accountability of those responsible for violations whenever domestic courts fail to fulfill this role. This means countering the repression of rights and freedoms by holding officials accountable and punishing them, avoiding any form of impunity under any pretext or immunity.

Conclusion

The media and its means are indeed an easy way to disseminate viewpoints and create social interaction in the field of human rights. It contributes to informing and educating segments of society about their rights and responsibilities, especially since a large portion of the community is unaware of the importance of a culture of human rights. The media serves as a non-governmental procedural mechanism that significantly contributes to protecting and enhancing human rights by exposing violations and abuses committed by both authorities and individuals. By educating citizens about their rights and how to demand and defend them when violations occur, the media also defends freedom of expression and media freedom. The latter is one of the most important, effective, and impactful human rights on other rights and freedoms.

Thus, there is a relationship of influence and interaction between media freedom and human rights in general. Freedom of expression and media is a human right that the state must guarantee and protect, and it is also a distinctive and pioneering means of defending human rights, either through awareness and prevention of violations or through monitoring and reporting on abuses.

Given the significant importance of media freedom and its leading role in protecting human rights, governments and states have worked to provide the necessary attention so that media can perform its various roles, whether in protecting human rights or in ensuring the delivery of information to all citizens through various means. However, despite the substantial efforts made by the Algerian state to promote this sector to

achieve its goals through successive constitutions and various media legislations, it still lags behind many countries in this area.

For the media to fulfill its role in protecting human rights, it must be free and not influenced by any government. It should be state media, not media of a specific government.

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