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An International Perspective on The Protection of Freedom of Expression, with Special Emphasis on the Promotion of Racism, Xenophobia, and Religious Bigotry

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Abstract: *The right to freedom of expression is a pillar of any democratic and pluralistic society. However, according to current international human rights standards, this right should be limited for several reasons, including others' rights and advocacy of national, racial, or religious hatred. In this study, the analytical method is adopted by analyzing the documents and the arguments made in the literature. Also, this is concerning some personal speech. Therefore, this paper has been divided into two parts; the first part deals with giving a comprehensive explanation and definition of freedom of expression through international and regional conventions. The second part begins with laying out the research's theoretical dimensions and looks at how this right should be limited for two reasons: regarding others' rights and*

advocating national, racial, and religious hatred. The main variables in this paper address various rights perspectives while considering current debates. This research concludes that freedom of speech, including press freedom, is a fundamental human right. Also, it is the job of the judicial branch and the rest of the legal system to protect human rights and freedoms.

Keywords: *Freedom, Racism, Xenophobia, Religious Bigotry, International Perspective.*

A. Introduction

Freedom is one of the most important concepts in legal and moral philosophy.¹ Since the dawn of human history, philosophers have attempted to introduce and debate this right. During the Age of Enlightenment, some opposed slavery and the oppression of kings and clergy. John Stewart Mill is regarded as the finest, among others, because he introduced the concept of qualities.² In addition, after the establishment of the United Nations in the middle of the twentieth century, freedom and rights were enshrined in the U.N. Charter.³ The global declaration of human rights was the most significant thing humanity accomplished to make the world more equitable.

Human rights are basic rights or basic rights that are brought by humans from birth which are inherent in every human being and cannot be contested because they are gifts from God Almighty, or it can be said that human rights are respected for the degree and dignity

¹ Jing-Bao Nie, *Medical Ethics in China: A Transcultural Interpretation* (London and New York: Routledge, 2013), 140; See also Adele Pastena, *Recognition of Kafala in the Italian Law System from a Comparative Perspective* (Newcastle Upon Tyne, Inggris: Cambridge Scholars Publishing, 2020), 47.

² J.G. Holland, *Scribner's Monthly, an Illustrated Magazine for the People*, vol. Vol. XVIII (New York: Scribner & Company, 1879), 282; See also Robert Friedmann, *Design for Living: Regard, Concern, Service, and Love* (Eugene, United States of America: Wipf and Stock Publishers, 2017).

³ Ita Musarrofa, "Islam Dan Masa Depan Hak Asasi Manusia Menurut Abdullah Ahmed Al-Na'aim," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 3, no. 2 (October 1, 2013): 260-278, <https://doi.org/10.15642/ad.2013.3.2.260-278>; See also Nyoman Krisnanta Davendra, "Eksistensi Hukum Internasional Dalam Penerapan Hak Asasi Manusia," *Ganesh Law Review* 4, no. 1 (May 1, 2022): 1-10, <https://ejournal2.undiksha.ac.id/index.php/GLR/article/view/1497>.

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of humans which is an acknowledgment the real thing that humans are humans.⁴

Article 19 of the Bill of Rights includes free speech as one of the listed rights.⁵ This right is distinct from others such as freedom of expression and freedom of religion. However, these rights are intertwined, such as freedom of expression, the ability to form associations, and the publication of opinions. These rights have been claimed to be confined to preserving the rights of others. In the age of globalization, the past several decades have witnessed the rapid expansion of communications and media, particularly the Internet. It revolutionized the technology infrastructure and altered traditional communication methods (printing and broadcasts).

Research related to freedom of expression is Evelyn Mary Aswad's "The Future of Freedom of Expression Online". The Article concludes it would be both feasible and desirable for companies to ground their speech codes in this standard; however, further multi-stakeholder discussions would be helpful in clarifying certain issues that arise in translating international human rights law into a corporate context.⁶

Shibao Guo dan Yan Guo do research on "Combating Anti-Asian Racism and Xenophobia in Canada: Toward Pandemic Anti-Racism Education in Post-covid-19". Research shows its racial and ethnic conflict and division resurfaces during covid-19 when there has been a surge in racism and xenophobia across the country towards Asian Canadians, particularly those of Chinese descent. Drawing on critical race theory and critical discourse analysis, this article critically

⁴ Bobi Aswandi and Kholis Roisah, "Negara Hukum dan Demokrasi Pancasila dalam Kaitannya dengan Hak Asasi Manusia (HAM)," *Jurnal Pembangunan Hukum Indonesia* 1, no. 1 (January 29, 2019): 128-145, <https://doi.org/10.14710/jphi.v1i1.128-145>; See also J. Hamidi, *et.al.*, *Teori Hukum Tata Negara : A Turning Point of The State* (Jakarta: Salemba Humanika, 2012).

⁵ Etienne Mureinik, "A Bridge to Where? Introducing the Interim Bill of Rights," *South African Journal on Human Rights* 10, no. 1 (January 1, 1994): 31-48, <https://doi.org/10.1080/02587203.1994.11827527>; Anthony Lester, "The Overseas Trade in the American Bill of Rights," *Columbia Law Review* 88, no. 3 (1988): 537-561, <https://doi.org/10.2307/1122687>.

⁶ Evelyn Mary Aswad, "The Future of Freedom of Expression Online," *Technology Review* 17, no. 1 (2018): 27.

analyzes incidents that were reported in popular press during the pandemic pertaining to this topic. The analysis shows how deeply rooted racial discrimination is in Canada. It also reveals that the anti-Asian and anti-Chinese racism and xenophobia reflects and retains the historical process of discursive racialization by which Asian Canadians have been socially constructed as biologically inferior, culturally backward, and racially undesirable.⁷

Another research on Religious Bigotry is a study conducted by McCormick, *et.al.*, “Teaching Field Educators About Courageous Conversations Concerning Racism and Religious Bigotry”. This article describes a pilot workshop designed by a social work program to help field educators and their students respond more effectively to two forms of injustice, expressions of racism and religious bigotry (RRB). The workshop comprised an interactive presentation about how to engage clients and colleagues in constructive RRB conversations, foster courageous environments for meaningful conversation, and employ specific strategies for addressing expressions of RRB.⁸

This research is contributing to an essential area of study because this is a significant field in which there is little existing research. Because of the limitations of time, the word count limitation, problems with availability of sources and limitations related to the subject matter, which is both dynamic and unpredictable, this research cannot be particularly detailed. Despite these limitations, it is hoped that this research will be beneficial for researchers interested in the freedom of expression, racism, xenophobia, and religious bigotry. In this study, the analytical method is adopted by analyzing the documents and the arguments made in the literature. Also, this is concerning some personal speech. This study aims to examine an

⁷ Shibao Guo and Yan Guo, “Combating Anti-Asian Racism and Xenophobia in Canada: Toward Pandemic Anti-Racism Education in Post-Covid-19,” *Beijing International Review of Education* 3, no. 2 (August 18, 2021): 187, <https://doi.org/10.1163/25902539-03020004>.

⁸ Blair-Tiffany McCormick et al., “Teaching Field Educators About Courageous Conversations Concerning Racism and Religious Bigotry,” *Journal of Baccalaureate Social Work* 24, no. 1 (January 1, 2019): 123-38, <https://doi.org/10.18084/1084-7219.24.1.123>.

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international perspective on the protection of freedom of expression, with special emphasis on the promotion of racism, xenophobia, and religious bigotry. Therefore, this paper has been divided into two parts; the first part deals with giving a comprehensive explanation and definition of freedom of expression through international and regional conventions. The second part begins with laying out the research's theoretical dimensions and looks at how this right should be limited for two reasons: regarding others' rights and advocating national, racial, and religious hatred.

B. The Freedom of Expression: Definitions, History, and Current Debates

Freedom of expression, which encompasses freedom of speech and freedom of the press, is not terminologically well-defined. Several definitions were provided. The Oxford dictionary defines freedom of expression as "the ability or right to express one's thoughts without censorship, restraint, legal penalty, or (unjustified limits on freedom of speech)".⁹ Freedom of expression, according to Kamali, is "the absence of restrictions on the ability of individuals or groups to communicate their thoughts to others".¹⁰ Greek philosophers established this right before the French and American Revolutions, and the United Nations general assembly adopted the universal declaration of human rights. Currently, freedom of expression is a prerequisite for liberty and organization; without it, there are no religious, secular, or atheist communities that are modern and open. It is also a measure of democracy; it might be claimed that democratic institutions cannot exist without the freedom to open government criticism.¹¹

⁹ Jeroen Temperman and András Koltay, *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre* (United Kingdom: Cambridge University Press, 2017), 207; See also Patricia L. Dooley, *Freedom of Speech: Reflections in Art and Popular Culture* (California: ABC-CLIO, 2017), 77.

¹⁰ Mohammad Hashim Kamali, *Freedom of Expression in Islam* (Cambridge: Islamic Texts Society, 1997), 7.

¹¹ Liam Gearon, *Freedom of Expression and Human Rights: Historical, Literary and Political Contexts* (Canada: Sussex Academic Press, 2006), 116.

In the society of life or death, freedom is one of the essential requirements for human survival. In this scenario, freedom of expression and thought is a solid foundation for the public and private manifestations of freedom. Freedom of expression is necessary for the survival and continuation of the community. Therefore, the defence of free speech is regarded as a moral obligation.

Humans have and continue to strive for independence. In ancient Greece, Socrates (399 BC) represented the pursuit of freedom. He addressed the court and stated, If you promised to let me free this time with the condition that I no longer express my opinion... I ought to tell you, “Men of Athens, I will obey the gods instead of you”.¹² Since then, European philosophers and thinkers have been influenced by Socrates' bravery and have followed in his footsteps. In this regard, the English philosopher John S. Mill asserts, “The fight between liberty and authority is the most prominent element of the oldest phases of history with which we are acquainted, especially those of Greece, Rome, and England”. In the past, however, this struggle was between subjects or certain kinds of subjects and the government. Liberty implied protection from the tyranny of political leaders. Except for a few of Greece's populist regimes, the rulers were viewed as necessarily unfriendly to the people they ruled.¹³

At the end of the Middle Ages and the start of the Renaissance, we have seen a tremendous change. In Britain, the Magna Carta was issued, which it considers a first draft and cornerstone of human liberty and freedom. From that time on, there has been a wide range of development in human freedom, religious reformers such as Martin Luther, Aldrich Zwinkly, Erasmus, and John Calvin had a significant impact on the religious process reform openness of Christian theocracy.¹⁴

¹² Patricia F. O’Grady, *Meet the Philosophers of Ancient Greece: Everything You Always Wanted to Know About Ancient Greek Philosophy but Didn’t Know Who to Ask* (New York: Routledge, 2021); See also David Smith and Luc Torres, “Timeline: A History of Free Speech,” *The Observer, theguardian.com*, February 5, 2006.

¹³ John Stuart Mill, *On Liberty, Kit Cheer* (Ontario, Canada: Batoche Books Limited, 2001), 22.

¹⁴ Hemn Abdullah Muhammad, Rzgar Abdulkarim Salih, and Delshad Hamed Darwesh, “Protecting Rights of Accused between Legislation and Practice,” *International Journal of Psychosocial Rehabilitation* 23, no. 02 (2019): 909-30.

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In contrast, the function of scientists was awe-inspiring; for example, Galileo Galilei was sent to court in 1633 for asserting that the earth circles around the sun.¹⁵ John Milton (1644) also fought against restrictions on freedom of communication, stating, “He who destroys a good book kills reason itself”.¹⁶

In the meantime, the revolution prepared the path for freedom and was influenced by liberals, i.e., the English revolution provided freedom of speech in the House of Commons against King Henry VIII. The rights issue and citizenship surfaced for the first time in human history during the American Revolution and the French Revolution. Thomas Hobbes, John Lock, Jan Jack Roseau, Montesquieu, and Voltaire, among others, may have been the driving force behind the revolutions of the 17th and 18th centuries. Famously, Voltaire argued, “I loathe what you write, but I would offer my life to enable you to continue writing”. Since then, this has become a catchphrase for liberty.

In addition, the ideas of the most influential and influential philosopher, John Stewart Mill, influenced many; his essay (On Liberty) was considered a masterpiece at the time. In the twenty-first century, the League of Nations was founded after the First World War, paving the way for the foundation of the United Nations following World War II, which accepted the universal declaration of human rights law by the general assembly. It instructs member governments to uphold civil, human, social, economic, cultural, and free expression rights.

Today in the 21st century, following the 9/11 attacks on the United States, the Danish Cartoons of Prophet Mohamed (PBUH), and terrorist attacks both in the United States and Europe, as well as the spread of revolution, violence, and terrorism, there has been an extensive amount of debate in the media, universities, and public

¹⁵ For more explanation see in: Kelly James Clark, *Religion and the Sciences of Origins (Agama dan Sains Asal-Usul)*, Alih Bahasa: Emil Salim (Surabaya: Literatur Perkantas Jatim, 2021); Febi Dasa Anggraini Budi Huri Yani, Sigit Setyo, *Ensiklopedia Tokoh Fisika, Ke-2* (Jakarta: PT. Balai Pustaka (Persero), 2019).

¹⁶ Donald Alexander Downs and Chris W. Surprenant, eds., *The Value and Limits of Academic Free Speech: Philosophical, Political, and Legal Perspectives*, Routledge Studies in Contemporary Philosophy 109 (New York: Routledge, 2018).

sphere on how to differentiate liberty from privacy, a free press from assaulting and harming, the rights of individuals and the rights of others.

The right to freedom of expression is essential; international law guarantees both freedom of expression and human rights. UDHR, ICCPR, ECOH, ACHR, and sometimes each state has its own human rights law, such as the Human Rights Act of 1998 in the United Kingdom and the Canadian Charter of Rights and Freedoms.¹⁷

Article 19 of the universal declaration of human rights states, “Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive, and disseminate information and ideas through any means and without regard to national boundaries”.¹⁸ Nonetheless, its implementation in a number of countries remains problematic.

Article 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) recognize the right to freedom of expression as a fundamental human right (ICCPR). Article 19 of the Universal Declaration of Human Rights states that “everyone has the right to have opinions without interference” and “everyone has the right to freedom of speech”.¹⁹ Later, the ICCPR altered this provision by stating that the exercise of these rights is accompanied by “special duties and responsibilities” and may “therefore be subject to certain restrictions” when necessary to protect national security or public

¹⁷ Richard Clayton and Hugh Tomlinson, *Privacy Band Freedom of Expression*, Reprinted from the Law of Human Rights (Oxford: Oxford University Press, 2006).

¹⁸ Heru Susetyo *et al.*, “Keberlakuan Hukum Penodaan Agama di Indonesia Antara Tertib Hukum dan Tantangan Hak Asasi Manusia,” *Perspektif Hukum* 20, no. 1 (May 17, 2020): 72-100, <https://doi.org/10.30649/ph.v20i1.78>; See also United Nations, “Universal Declaration of Human Rights,” United Nations (United Nations, 2013); See also Bima Guntara and Ayni Suwarni Herry, “Hak Kebebasan Berpendapat di Media Sosial dalam Perspektif Hak Asasi Manusia,” *Jurnal Pendidikan Dan Konseling (JPDK)* 4, no. 6 (November 28, 2022): 6945-6961, <https://doi.org/10.31004/jpdk.v4i6.9432>.

¹⁹ Hlatshwayo Sikelela Vuyisile, *Assessment of Media Development in Swaziland: Based on UNESCO’s Media Development Indicators* (Paris, France: UNESCO Publishing, 2017), 23; See also Hussein Dubai and Kadhim Idan Shadid, “The Dependence of the Communicator on Media Legislation and the Pressures of Political Money,” *International Journal of Innovation* 13, no. 5 (2020): 619.

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order, respect the rights of others, public health or morals, or protect national security or public order.

Therefore, freedom of expression is not an absolute right; there are common prohibitions or limits on concerns. The following are examples of crimes: pornography, defamation, secret information, libel, sedition, trade secrets, obscenity, non-disclosure agreements, the right to be forgotten, fighting words, copyright violations, food labeling, privacy, public safety, incitement, and perjury.

Article 19 permits restrictions in three circumstances. The primary purpose of the law should be to defend the rights of others, public order, morals, and national security. Third, these constraints should be indicated by legislation as necessary.²⁰ However, the right to freedom of expression is not unlimited; it is limited when it clashes with the rights of others. Freedom of expression, however, is one of the pillars of a free society, and every democratic government must demonstrate its commitment to liberty by understanding and investing in the quality of this freedom.

Article 20 of the International Covenant on Civil and Political Rights (ICCPR) contains an additional statement regarding freedom of expression: “First, any propaganda for war should be forbidden by law”. The law shall ban any advocacy of national, racial, or religious hatred that incites discrimination, animosity, or violence.²¹

This provision is an issue for human rights law, according to Javaid Rehman, because it lacks a precise definition of the term “propaganda and war”. Some states, including France, Denmark, the Netherlands, Luxembourg, the Island of New Zealand, Norway, and Sweden, have reservations. He believes it is essential to create a balance between the right to free speech and its restrictions. The treaties concretize the right to seek, receive, and transmit information on a highway.²²

²⁰ International Covenant on Civil and Political Rights, “Thresholds for the Prohibition of Incitement to Discrimination, Hostility, or Violence Under Article 20 of the ICCPR,” OHCHR, February 9, 2010.

²¹ General Assembly Resolution 2200A (XXI), “International Covenant on Civil and Political Rights,” *ohchr.org*, March 23, 1976.

²² Javaid Rehman, *International Human Rights Law, 2nd Edition*, 2 edition (Harlow: Trans-Atlantic Pubns Inc, 2010), 110.

In practice, the first amendment regarding freedom of expression was a laissez-faire measure. With this legal permeation, all individuals and perspectives have an equal right to communicate and have access to it. Emerson (1970) stated, The first amendment has played a mostly negative role in supporting this system; it has operated the system against government intrusion. Thus, freedom of expression results in compromise with other societal interests that the government seeks to protect.²³ Consequently, there was a need for new global rules, and the ICCPR was a means of meeting this demand. The significance and utility of freedom of speech are founded on a number of fundamental ideas, including the notion that freedom of expression ensures individual self-actualization. Moreover, this right should be utilized to advance knowledge and decide reality, or, in other words, to foster political participation by every individual. Freedom of expression, according to Emerson, is a way to make a society stable and peaceful.²⁴

Moreover, fostering tolerance among citizens produces a more resilient and vibrant community. In practice, however, the right to freedom of expression in any country is unassailable, albeit typically subject to restrictions. Disgusting discussions (hate speech) involve addressing, withdrawing titles, intimidation, and disruptive or harmful action against an individual or group. Based on race, gender, age, ethnicity, religion, sexual orientation, identity, gender, handicap, linguistic ability, ideology, socioeconomic class, occupation, appearance (height, weight, hair color, etc.), mental capability, and any other differentiation contradictory to the beliefs of certain individuals.

C. The Right of Others

As a matter of law and politics, the right to free speech is not universal. The generalizability of much-published published research on this issue is questionable, however, there are the basic and fundamental rights of a free society. There has been a growing body

²³ Thomas Irwin Emerson, *The System of Freedom of Expression* (United States of America: Random House, 1970), 627.

²⁴ Emerson, 7.

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of work in recent years advocating for restrictions on this right to protect the rights of others and prevent the incitement of national, racial, and religious hatred. These contentions are currently being discussed independently. To safeguard competing values, international law typically limits the freedom of expression. However, any limitation should be assessed according to internationally agreed-upon norms and protocols.

According to the European Court of Human Rights, free speech is “one of the key pillars of a democratic society and one of the basic prerequisites for the evolution and development of each individual within that society”.²⁵ The rule applies to any ideas or viewpoints that shock or distress the state or any part of the people, not just those that have been accepted favorably, are regarded as shocking, or make no difference. These are necessary conditions for pluralism, tolerance, and an open outlook. They are essential to the functioning of a free and open society.

Some people have a qualified commitment to the rights to free speech and the press even when their exercise of those rights endangers others, a situation in which public opinion would likely condemn them.²⁶ The responsibility factor needs to be considered, thus changing the manner you're doing things might assist. The multicultural customs of many societies. Offending to express oneself without offending others is essential.

The most important tool we have as people for getting along peacefully is the freedom to express ourselves. Rather than causing harm to others, we should strive for peace when delivering our thoughts.²⁷ It is important that people feel safe voicing their opinions,

²⁵ Eugenia Relaño, “Educational Pluralism and Freedom of Religion: Recent Decisions of the European Court of Human Rights,” *British Journal of Religious Education* 32, no. 1 (January 1, 2010): 19-29, <https://doi.org/10.1080/01416200903332049>.

²⁶ Nabaz Jamal Kamaladdin, “Mechanism of Management of International Conflict,” *Halabja University Journal* 5, no. 1 (March 30, 2020): 229-44, <https://doi.org/10.32410/huj-10269>.

²⁷ Hoshman A. Mahmud and Arez A. Abdullah, “An Examination of The U.S. Military Intervention Against the Islamic State in Iraq,” *Koya University Journal of Humanities and Social Sciences* 4, no. 1 (June 30, 2021): 21-27, <https://doi.org/10.14500/kujhss.v4n1y2021.pp21-27>.

including negative ones. There is a challenge to free speech everywhere but earning the respect of other cultures is difficult. Most authoritarian and totalitarian systems across the globe try to justify censorship with the ideas of national security and national interest, but we must be able to distinguish between our own rights and the rights of others.

D. The Advocacy of National, Racial, and Religious Hatred

It is a commonly held belief that some level of censorship is required for publications to prevent injury to third parties, such as the violation of the right of a nation, race, religion, or minority group to not be harmed or offended. Said says “Peace cannot exist without equality; this is an intellectual concept sorely in need of reiteration, evidence, and reinforcement”.²⁸

For the protection of “national security” and “public order”, the two justifications that are used by governments the most frequently to restrict citizens' rights to freedom of expression, there are several right court decisions that refute the government's assertions that have been made. When talking about national security, it's important to remember that the danger posed by a certain government regime is very different from the danger posed to the state's territory or the nation.

One may make the case that governments frequently use the necessity of protecting national security as a justification for the gravest breaches of human rights and fundamental freedoms. This is an argument that could be considered plausible. In most countries, the political leaders who are in charge of determining whether or not there is a violation of human rights are also the ones who are responsible for determining what constitutes “national interest” or “security risks” for their respective states. Even in liberal democracies, it is possible for citizens' incorrect perceptions of threats to national security and insecurity to diminish and undermine support for international law and democratic norms. These effects can have a negative impact on national security.

²⁸ Edward Said and Akeel Bilgrami, *Humanism and Democratic Criticism*, First Edition (New York: Columbia University Press, 2004).

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These definitions of “national security” are frequently ambiguous, and there are a great many questions that should be asked in this context, such as whether “security” refers to the protection of citizens, the protection of the government, the protection of the state land, or the protection of the country's borders.²⁹ According to the White House and Obama and Trump's mutual adoration, Edward Snowden may be a criminal and a direct threat to both the national security and the national interest of the United States. On the other hand, it's possible that he gives off the impression of a freedom fighter who fights for free media and the dissemination of transparent information. It is also important to define “protection of any specific groups” in a clear and precise way because the source of a supposed threat needs to be known in order to figure out how serious it is.

As part of its “war on terror”, the United States has demonstrated how governments might violate human rights in order to appease their citizens' sense of fear. Following the events of September 11, 2001, the United States government instructed the administration of President George W. Bush to create rules for questioning, which were then kept strictly under wraps.³⁰ Lawyers for the Bush administration told the president that he is not required to treat detainees and suspects in a way that is in line with the Geneva Conventions because the people in question are not “civilians or prisoners of war”. Instead, they are “enemy combatants”.

In general, there are always going to be a few touchy topics that states simply cannot bear to tolerate. In these kinds of situations, the states in question will excuse the infringement of citizens' rights by citing claims connected to “national security” or “public order”. For instance, the tensions that arise when the right to free speech is juxtaposed with religious and ethnic tensions are especially true when efforts are made to enlist the support of the majority in order to quell demonstrations or other forms of expression enjoyed by the minority.

²⁹ R. O'Neil, *et.al.*, “Academic Freedom and National Security in a Time of Crisis,” *Academe-Bulletin of The AAUP* 89, no. 6 (2003): 34-59.

³⁰ Robert O'Neil, “Academic Freedom and National Security,” *Academe* 90, no. 6 (2004): 39-42.

For instance, Turkey's treatment of its ethnic minorities, particularly its Kurdish population, can be contentious at times. Multiple claims against Turkey are now being heard by the European Court of Human Rights. The petitioners in these cases allege that Turkey has violated the state problems of freedom of expression that are granted by Article 10 of the European Convention.

Those who reject the Holocaust are often subject to criminal prosecution and imprisonment in several European states. It is against the law in Germany to conceive or publish something that is comparable.³¹ On the other hand, there is a purported genocide, such as the one that occurred in Armenia, and it used to be against the law to acknowledge it.³² In the event that a story is printed in a newspaper that is derogatory toward a particular group of people, such as their color, religion, organization, or ideology, a member of the community will spread the indignation that the community is feeling. There is no question that individuals' religious identities are, in many cases, much more significant to them than their racial identities. The idea of religious identity should be taken just as seriously as the idea of racial identity.

Unrest broke out across the world because of a cartoon that was published in a Danish newspaper depicting the Prophet Mohammed.³³ It resulted in issues in international relations as well as the deaths of numerous people across the world. Muslims all throughout the world are incensed by this issue. Many of these demonstrations were led by Muslims in the nations of the Middle East as well as Muslim populations in Western nations. When the Danish prime minister was questioned about his thoughts on the publication that had published the caricatures, he reacted simply by saying, "I disagree with this

³¹ G. Weeks, *Understanding the Holocaust: The Past and Future of Holocaust Studies* (Cambridge: Cambridge University Press, 2006).

³² E. Damm, *Operation Nemesis, Turkey, Germany, and the Genocide of the Armenians* (Berlin: Metropol-Verlag, 2005).

³³ Muna Y. Yako and Dlshad H. Droesh, "Legal Protection of Minority Women from Persecution A Comparative Study Between the Iraqi Constitution and International Instruments," *Journal of College of Law for Legal and Political Sciences* 5, no. 19 (2016): 1-54, <https://www.iasj.net/iasj/article/124919>.

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work". Still, I can't put limits on people's right to free speech in my country.³⁴

However, many western nations, including France, Germany, and even Turkey, have banned certain symbols associated with Muslims and do not allow Muslim women to wear headscarves in public places like universities and public schools. In the eyes of Muslims, this represents a fundamental breach of western values about the independence of the person and freedom of expression. The Western world has come under fire for the liberal democracy and freedom regulations that it has implemented. They do, however, believe that the magazine has the right to publish anything it wants, and they defend the right of others to wear whatever they choose. They believe that the newspaper has the right to publish anything it wants.³⁵

Ihsanoglu, who was the head of the Organization of Islamic Conferences (O.I.S.) at the time, made the following statement at a conference in London in the year 2010: "The Organization of Islamic Cooperation (OIC) is making an effort to explain to European governments, institutions, and the general public what the insult that was caused by the cartoons meant for Muslim sentiment. The fact that Muslims have reacted with condemnations, boycotts, and protests is because nobody is contesting their right to freedom of expression and the press,³⁶ and the real issue at hand is a disregard for the ideals and symbols that are associated with the religious beliefs of others, to the point where it incites hatred toward those individuals".³⁷

³⁴ Anne Norton, "The Danish Cartoon Controversy and the Challenges of Multicultural Politics: A Discussion of The Cartoons That Shook the World," *Perspectives on Politics* 9, no. 3 (September 2011): 606, <https://doi.org/10.1017/S1537592711002829>.

³⁵ Üner Dağlier and Thomas E. Schneider, "The Freedom of Expression in Global Perspective," *Society* 44, no. 6 (October 1, 2007): 127, <https://doi.org/10.1007/s12115-007-9031-y>.

³⁶ Salah Najib Abdurahman, "The Best Way to Deal with Non-Muslim Relatives According to Islamic Law Comparative Study," *Journal of University of Raparin* 9, no. 4 (September 29, 2022): 289-314, [https://doi.org/10.26750/Vol\(9\).No\(4\).Paper13](https://doi.org/10.26750/Vol(9).No(4).Paper13).

³⁷ Dağlier and Schneider, "The Freedom of Expression in Global Perspective", 127.

Not the film itself but the violent protestors who tend to kill one American ambassador in Libya surged into the headlines of the world's media at the end in 2011 as a result of the release of the movie that offended the Prophet Mohammed (PBUH). If this matter had been examined through the lens of freedom of expression, one could be left wondering why Muslims in some democratic and free states are not free to wear the attire of their choosing.³⁸ The disrespectful film about the Prophet Mohammed (PBUH) was allowed to be distributed, despite the fact that a forum that supported the publication of the film cited freedom of expression and human rights as reasons. The question that needs to be answered is: what does it mean to have freedom of expression, and what are the boundaries of that freedom? Is there a risk that videos will offend religious sanctities if they are made public? Why is it considered a sign of civilization and freedom of expression to attack one of the most major figures. even if it is ludicrous is it acceptable for any Muslim to deny that the Holocaust happened as a historical fact?

It is possible to argue that the right to freedom of speech is more nuanced; it has two sides; you are free to communicate your thoughts if you have not violated or offended the freedom of others. If this is the case, then the right to freedom of expression is null and void. It is best for authors and artists to avoid using language that is immoral or that is offensive to religious sensibilities. This is so that they do not give extremists and terrorists a reason to seek vengeance against them and so that they do not incite simple people's animosity towards other countries.³⁹ People think that most Muslims are moderate because they know that not all Muslims are fanatical fundamentalists.

E. Conclusion

This study demonstrates that the right to freedom of expression is crucial currently and throughout the globe. In response to the initial

³⁸ Hoshman Ata Mahmud, "Iraqi Kurdistan Independence Referendum, Challenges and Consequences," *Halabja University Journal* 5, no. 1 (March 30, 2020): 581-600, <https://doi.org/10.32410/huj-10189>.

³⁹ Mahmud and Abdullah, "An Examination of The U.S. Military Intervention Against the Islamic State in Iraq", 21–27.

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question raised, it is now possible to declare that all the resolutions and worldwide comparisons demonstrate that freedom of speech, including press freedom, is a fundamental human right. This is the conclusion that can be derived from this investigation's findings. As a result of the findings of our investigation, we can reach this conclusion. Even if international law allows for some restrictions to be imposed, they must be interpreted in the most limited manner feasible and rigorously justified in favor of the right to freedom of expression by a range of international and local tribunals that examine the rights of the press. So, it is the job of the judicial branch and the rest of the legal system to protect human rights and freedoms.

The outcomes of the study have advanced our understanding of the right to freedom of expression to some extent. There are both violations and harmless restrictions of the rights of others. They are sensitive to national security and public interest problems, as well as the rights of individuals around them and their religious views. The fact that the concept of freedom may be difficult to comprehend is the most crucial limitation. Various societies and cultures have a supplementary understanding of the concept of liberty based on their philosophical principles and historical norms. It is challenging to provide every possible system to ensure that everyone's rights are met. Consequently, there is an unquestionable need to make the necessary expenditures and exert the required effort for additional research in the next few years.

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