COUNTRY: The United States of America

TOPIC: Preserving Freedom of Press

COMMITTEE : Social, Humanitarian & Cultural Committee

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The Permanent mission of the United States of America presents its compliments and has the honour to submit their position paper to the SOCHUM committee on the issue of preserving freedom of press.

 The first permanent regulation on freedom of the press was the addition of the First Amendment to the US Constitution in 1791, which states that "Congress... shall make no law abridging the freedom of speech, or of the press". In terms of constitutional regulation, the United States of America is the first state to constitutionally guarantee freedom of speech and thought as well as freedom of the press. The United States of America gives an enormous attention to freedom of press.

In its broadest sense, freedom of expression is the freedom to express an opinion, belief, conviction, attitude or feeling in a peaceful manner. The first is to enable people to realize themselves intellectually and communicatively, and the second is to ensure the democratic formation of society. The breadth and power that the press provides to the disclosure and dissemination of thought has led to the emergence of the concept of freedom of the press in addition to the general freedom of expression.It is defined as the freedom to express freely, by any means necessary. The European Convention on Human Rights, on the other hand, does not recognize freedom of the press as an independent freedom, but recognizes freedom of the press as one of the forms of freedom of expression.

Freedom of the press is an important component of democracy. It is an ethical principle that guarantees people's right to express themselves and to have free access to information. It is therefore a valuable asset for any country. It has a positive and positive impact on society. there are some things that are not allowed to the publisher of the press. Meanwhile, the ability of journalists to indoctrinate and their right to receive information is also important.

The First Amendment to the United States Constitution specifically protects freedom of the press. This freedom has become an important part of American society, as newspapers have become the primary source of information for most people. But this freedom naturally comes with responsibilities. The press must be sensitive to the feelings of those it covers and avoid publishing stories that damage people's reputations or cause emotional distress. In addition, the government must protect the rights of all people when necessary to preserve and protect the freedoms of its citizens.

Of all the liberal constitutions that have been adopted so far, the American Constitution is considered to be one of the most precious in terms of freedom of expression. The Constitution aims to establish a political order in which all ideas can be freely discussed and expressed, and can only be restricted where there is a clear danger of harm.

The right to freedom of expression is strongly protected at the political level. This protection is understood to cover the dissemination of expression through various means and in various ways. The protection of the right is recognized not only for political expressions of opinion, but also for artistic expressions, commercial expressions where there is a valid public interest, and even for expressions that have no artistic or intellectual value.

In 1971, in the Supreme Court case of Cohen v. California, Justice John Marshall Harlan II, citing Whitney v. California, emphasized that the First Amendment operates to protect the inviolability of "a marketplace of ideas", while Associate Justice Thurgood Marshall cogently explained in 1972 that:

Above all else, the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content. To permit the continued building of our politics and culture, and to assure self-fulfillment for each individual, our people are guaranteed the right to express any thought, free from government censorship. The essence of this forbidden censorship is content control. Any restriction on expressive activity because of its content would completely undercut the 'profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.'

In Article 19 of the Universal Declaration of Human Rights, this issue has mentioned as: *“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."* The UN is actively working to protect journalists. This is evidenced by an increasing number of declarations, resolutions and other normative texts, the UN Secretary-General’s latest report on the safety of journalists and impunity, and his Call to Action for Human Rights. Protecting journalists is also part of the 2030 Agenda for Sustainable Development.

The Office of the UN High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the effective enjoyment by all of all human rights, including the rights of journalists and media workers. OHCHR works to implement General Assembly and Human Rights Council mandates on the safety of journalists.

The United Nations Plan of Action targets to have an impact on the ground by providing capacity building trainings for local stakeholders, such as journalists, security forces and the judiciary, in addition to guiding global, national and local policies. As part of these efforts, national governments are also assisted in developing and implementing legal frameworks that are designed to promote freedom of expression and freedom of information, key elements for press freedom.

References:

Chicago Police Dept. v. Mosley, 408 U.S. 92 (1972).

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