

THE LEGAL AND ETHICAL FRAMEWORK FOR THE ROLE OF THE PRESS IN REPRESSING HATE SPEECH AND RACISM AND RESPECTING THE SOVEREIGNTY OF COUNTRIES

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ABSTRACT

Discrimination and hate speech are not limited to hurting the feelings of individuals or groups targeted by those speeches, but may also contribute to committing crimes against them, fanning the flames of national strife, massacres, and strife, and adding to it. Some of these discourses encourage violence against societal groups such as women, children, refugees, migrants, minorities, or political opponents. This study attempts to define the legal and ethical framework for the role of the press in suppressing hate speech and racism and respecting the sovereignty of states.

Keywords: Freedom of the press, hate speech, racist speech, state sovereignty

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Introduction

The proliferation of media and press of all types has led to the increased issues that journalists and press organizations confront in terms of avoiding hate speech and racism on the one hand and jeopardizing state sovereignty. In this respect, a legal and ethical framework addressing hate speech, racism, and state sovereignty should be developed, as agreed by the international community, which has placed some restrictions on speeches inciting national, racial, or religious hatred, or incitement to discrimination, hostility, or violence. In addition to infringing on state sovereignty. As a result, it is critical to build strong legal frameworks for hate speech in order to hold perpetrators accountable, uphold human dignity, and safeguard state sovereignty. Some press publications have been found to be a basis for encouraging hate speech and bigotry, while others have included a breach of state sovereignty, raising the following question: What is the legal and ethical framework that allows for the production of responsible journalism that does not jeopardize state sovereignty and does not promote hate speech and racism? In the current geopolitical environment, it can be said that hate speech, racism, and undermining state sovereignty will increase unless a binding ethical-legal framework for journalists and press institutions is put in place to prevent the spread of hate speech and racism, as well as undermining state sovereignty. To address the study's problem, this study took an analytical and comparative approach to various legal and ethical texts that assist journalists and press institutions in developing the moral capabilities of not advocating hate and racist discourse that aids in the commission and encouragement of acts of violence, or any discourse that would jeopardize state sovereignty. The study was divided into the following sections:

First: The role of the press in repressing hate speech and racism

Second: The role of the press in respecting the sovereignty of states.

The role of the press in repressing hate speech and racism

The intellectual and ideological diversity that defines the world can occasionally cause friction or disagreement between the numerous spectrum and groups that comprise human society, implying the need for a tolerance culture among everyone to maintain coexistence. The preceding purpose is met by prohibiting the media from making any charges of hatred or racism, as these are the sole methods of intellectual attack, which leads to armed conflict. This is why the International Covenant on Civil and Political Rights prohibits any advocacy of national or racial hatred that would constitute incitement to violence and discrimination. Albeit the rationale for this is because the concept of racism is connected to the sense of superiority that individuals feel over those with biological differences, whether these differences are genuine or imaginary. This feeling is enshrined in reality through the violence of these individuals, in order to prove their presence and impose their control (Halim, 2007), which is what prompts some to employ the media to achieve these ends.

Accordingly, the idea of cultural diversity, which has become imposing its presence in international trends to devote it, especially through some international organizations, especially UNESCO. Its demands have always been repeated to establish what is termed "cultural diversity" in societies and between peoples, which was translated through the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In addition to that, the term "cultural diversity", according to what was stated in the Convention, means: "The multiplicity of forms in which groups and societies express their culture, and these forms of expression are transmitted within and between groups and societies. Cultural diversity is not only manifested through the diversity of ways of expressing and enriching the cultural heritage of mankind. And its transmission through forms, but it also manifests itself through the diversity of patterns of creativity, production, dissemination, distribution and enjoyment of artistic expressions, whatever the means and technologies used in this. We presume that cultural pluralism requires more than just tolerance of others; it also entails finding ways of cooperation and cultural communication between local communities and individuals at all levels of society, which is accomplished through the media's great responsibility at this level, that is, the positive role that the media is supposed to play before discussing its negative duty of prohibiting any advocacy based on hatred or racism. It is an analysis that intersects with what was specified in Article 3/1 of the 'Declaration on the Basic Principles Concerning the Contribution of the Media in Supporting Peace and International Understanding', which clarified the role of the media in combating racism, which means prohibiting its advocacy in the first place.

Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination requires states to denounce "all propaganda and organizations which are based on ideas or theories of the superiority of any race or group of any color or ethnic origin, or which attempt to justify or promote any form of hatred." racism and racial discrimination, and undertakes to take the necessary immediate and positive measures aimed at eliminating all incitement to such discrimination and every act of it." In this respect, Article 7/2 of the European Convention on Transnational Television Broadcasting prohibits broadcasting organizations from advocating violence or incitement on the basis of racial hatred. This position was reinforced by defining the ethical dimensions of the information society expressed in the 2003 Geneva Declaration of Principles for Building the Information Society, where it made explicit calls to states towards adopting preventive measures. For malicious purposes such as illegal and other acts motivated by racism, racial discrimination, xenophobia and related forms of intolerance, hatred and violence. As long as there is no universally accepted definition of "hate speech"; the expression here includes a variety of hate messages, ranging from abusive, derogatory, degrading and negative stereotyping remarks and comments, to intimidating and provocative speech that incites violence against specific individuals or groups, and generally only the most heinous forms of hate speech, which constitute incitement to discrimination, are considered illegal. hostility and violence. Cultural paradigms must be understood and taken into account when determining whether particular comments or images constitute hate speech, incitement or defamation, and states have a margin of appreciation in setting those limits, but a balance must be struck that does not unduly limit or endanger the rights of individuals. (Izsák, 2015, p. 15) .

Based on the aforementioned, it is confirmed that the media have the ability to facilitate this dialogue between cultures. By addressing the prevailing attitudes and allegations regarding "others" who are numerous, the media can transcend inherited stereotypes, dispel the ignorance that feeds mistrust of others and develops wariness of others, and thus foster a spirit of tolerance and acceptance of difference so that diversity becomes a virtue and an opportunity for understanding. (UNESCO, 2013). It is reported that in April 2014, the International Federation of Journalists adopted the "Brussels Declaration" to combat incitement to hatred and violence through the media. The declaration makes recommendations to journalists and their unions to protect principles and ethics Responsible journalism, including condemning incitement to hatred when detected, ensuring media knowledge of codes and guidelines, promoting journalist education and training, and encouraging diversity in the media. (The International Federation of Journalists is the global voice of journalists, 2014).

The Role of the Press in Respecting the Sovereignty of Countries

The geographic integrity and political independence of the state are critical issues that are closely tied to the state's security and integrity, since any action or policy that damages the state's entity would be detrimental. (Saadallah, 2014, p. 183). Accordingly, the protection of human rights in accordance with international and regional mechanisms places the sovereignty of the state above any consideration, even above human rights themselves. Therefore, the state can defend its violations of human rights in the name of its national sovereignty (ICISS, 2001, p. 120) .In the same line of thought, the sovereignty, which is meant the supreme authority over citizens and subjects, which is not limited by law, given that its original character is the authority to make laws (AbdelKarim, 1984, p. 108) It is also the authority of the state within its territory without being subject to any other authority, and thus it has the right to administer the affairs of its territory and its citizens without restriction. and assume international obligations. (Khalifa, 2001) (Al-Shahrani, 2006, p. 86). In addition to stipulating the principle of the free flow of information, ideas and news that raise the concerns of the third world countries, the discussion about it has been distorted in more than one place, as we find that the concerns of the third world have been adopted by international law by setting limits to this freedom through the text in the same charters and treaties, which confirm the political principles of international law, and the most important thing that third world countries adhere to, the principle of sovereignty, the principle of non-interference in internal affairs, and finally international cooperation; these are the boundaries that are clearly defined in specialized areas of international law (Hafez, 2011, p. 47) . Also, reports on the promotion and protection of the right to opinion and expression have always confirmed what the Human Rights Council has emphasized in its urging states to restrict the free flow of information (Abidine, 2009, p. 113).

This comes at a time when countries are facing great challenges, and if they are able to overcome them, they will achieve the goals they set on their agenda through electronic means and remote communication technologies (Hafez, 2011, p. 49). The principle of free flow and peaceful use raises great problems for the countries of the world in general and for the countries of the third world in particular, since the Soviets launched the first satellite in 1957, followed by the Americans on December 18, 1958, and the satellite launch race began and as soon as the satellites were launched, attention turned to their use for military purposes; as military purposes are the source of space discoveries and their means are the satellites that orbit around the world, about which the bulk of them are used for military purposes, such as aerial photography, reconnaissance and surveillance, follow-up of tactical and tactical military situations, wiretapping and impeding communications, and achieving electronic reconnaissance.

Therefore, within the framework of modern communication technologies, the state no longer possesses the full authority over its territory to control what information enters into it. Although control over the territory remains one of the most important elements of sovereignty, its nature and importance in light of modern communication technologies has changed, as the confirmation of regional control has become more difficult. That is, the political borders of the state that were the cause of many of the wars that states fought to maintain their sovereignty became vulnerable to the attacks of knowledge weapons. (Jassim, 2011, p. 213). The information transgression of national borders is a fundamental change in the means of storing, processing and retrieval of information, and the rapid growth of transnational communications equipment that has taken news, money and data via satellite to anywhere on the planet at a very fast speed with the ability to penetrate the borders that have become powerless in front of the flow of information moving globally. (Jassim, 2011, p. 213).

Consequently, no country can claim independence if its media are under direct and indirect foreign control, as the current media map of the world indicates that the disparity in power and wealth between the north and south of the world had direct negative repercussions on media structures and media flow, which led to the creation of forms. The gap between those who possess information and the means of dissemination and distribution, and those who lack it, has also increased, as has the imbalance between those who transmit information and those who receive it. (Al-Manama, 2022).

The major news agencies in the world that are responsible for feeding various other media outlets do not have a single agency affiliated with the Third World (Asia - Africa - Latin America), but they are purely Western agencies, expressing the policy of their owners, and imposing terms and names that serve their countries (Al-Manama, 2022). In addition, the idea of cultural sovereignty has become impossible to separate from the idea of preserving the cultural identity of the nation, as the transnational transmission of cultural information and programs dismantles this identity.

This almost complete Western media control over the flow of news and information has led to a distortion and distortion of events in the Third World. There is a deliberate focus on negative aspects such as crises, coups, and unfortunate incidents that occur in these countries, and there is almost a deliberate neglect of the various positive aspects and constructive developments that Located in the third world. (Al-Manama, 2022). In the field of dealing with international news, the media in the developing Arab countries and the advanced industrialized countries depend on five international agencies to report on news: the American Associated Press and United Press, the French Firas Press, the British Reuters, and the Soviet TASS. These agencies transmit nearly 33 million words. It distributes it through its offices located in more than 100 countries in the world. (Tawalbeh, 2006, p. 423). In the backdrop of the previously discussed types of media control, as well as the vast monopoly on information, which has weakened the concept of sovereignty, it has become more important than ever for media professionals to respect the concept of sovereignty. The principles of space law and international telecommunications law serve as the foundation for this discussion, which include principles relating to the use of the radio spectrum, the prohibition of propaganda and piracy stations, and the prohibition of interference and harmful interference, in addition to the principles of sovereignty and international cooperation. (Hafez, 2011, p. 106).

During 1945 AD, the UNESCO Constitution was promulgated, which emphasized in its second paragraph the need to encourage the adoption of the idea of the free flow of information between countries through word and image. Free information between countries, and affirmed the rights of individuals to search and transfer information without restrictions or restrictions. (Al-Sarayrah, 2008, p. 02) .It is obvious that at the forefront of the foundations of these policies is respect for the sovereignty of states, and overcoming anything that would disturb the atmosphere of relations between states.

Conclusion:

State authorities, both official and unofficial, are expected to seek to increase the value of "positive self-censorship" by improving the professional ethics system and granting professional disciplinary committees created by journalists the authority to enforce their supervision on them. It is important to note that these councils are authorized to prepare codes of ethics and professional codes of conduct, and it is thus their responsibility to demand the search for mechanisms to embody these ethics; what is achieved is the necessity of having its mandatory value on the part of media professionals themselves.

The requirement of reinforcing the independence of the press councils, including the authorities to supervise the journalistic activity, from the authority of the information ministers, who have broad powers in the field of media control, helps in this regard, in our opinion. It is supposed to be at the core of the powers of these councils, and this is in parallel with granting them full powers to approve what they deem appropriate of disciplinary systems against media professionals, and this, in our opinion, can only be achieved by reconsidering the composition of these councils; Which is supposed to be owned by the majority of professional journalists.

On the one hand, these councils must assume the role of oversight over the extent to which journalists benefit from their full rights; Especially those related to social ones. These are the areas that, in our opinion, constitute a fertile field for the violations that media professionals are exposed to. On the other hand, academic entities, i.e. universities and scientific research centres, should pay attention to the issue of legal and ethical training; especially by directing research towards ways to enhance the ethical system of media activity, in addition to reconsidering the issue of punitive policy towards media professionals and media activity.

By the same token, there are several ways to ensure that journalists respect the sovereignty of states and do not contribute to the dissemination of hate speech and racism:

- Raising awareness of journalists by conducting training courses on the dangers of discrimination and intolerance.
- That the press materials include in a variety of ways positive messages calling for peace and tolerance.
- Supporting individuals or groups targeted by hate speech and encouraging policymakers to take action against discriminatory language or policies.
- Hosting conflict-sensitive journalism workshops to help journalists develop the ethical capacity to identify sources of conflict and report fair and accurate news.
- Forming early warning and response committees at the national and local levels to monitor hate speech and other forms of incitement to violence or prejudice against the sovereignty of states.

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