



Addressing **hate speech in the media:** the role of regulatory authorities and the judiciary

INTERNATIONAL CONFERENCE

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Hate Speech and Freedom of Expression

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UN MONDE DE BRUTES



Trump, Bolsonaro,
Ben Salmane,

Hate Speech concept

All forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.

Council of Europe standards

- Rec. CM (97) 20 on hate speech
- ECRI General Policy Rec. (2015) 15 on combating hate speech, which provides detailed guidelines for member states
- Art. 10 ECHR and the Court's case law

Strike the balance

- “Freedom of expression is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population”
(Handyside v. the United Kingdom).
- There is a need “in certain democratic societies to sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance ...”
(Erbakan v. Turkey judgment of 6 July 2006, § 56).

Elements to assess Hate Speech

- **Purpose of the speech:**

Spread racist ideas or inform the public on matter of public interest?

- **Content of the speech:**

Does it encourage hatred towards a targeted population?

- **Context of the speech:**

*What was the status and role of the offender?
The dominant social climate? The target audience? The medium? Etc.*

Digital age

- New powerful dimension for Hate Speech:
 - Information travel fast and beyond borders
 - Global audience
 - Democratic access (both ways: to read and to write)
 - Innovative (power of image and sounds)
- Dangerous divergent tendencies:
 - Self-censorship: second more widespread threat to journalists
 - Defamation and Anti-terror laws are more and more used to silence dissenting voices, under an ever wider interpretation of the hate speech concept

Who is liable?

- Delfi AS v. Estonia
- MTEI v. Hungary
- Pihl v. Sweden
- Smajic v. Bosnia and Herzegovina
- Nix v. Germany

Criteria for decision

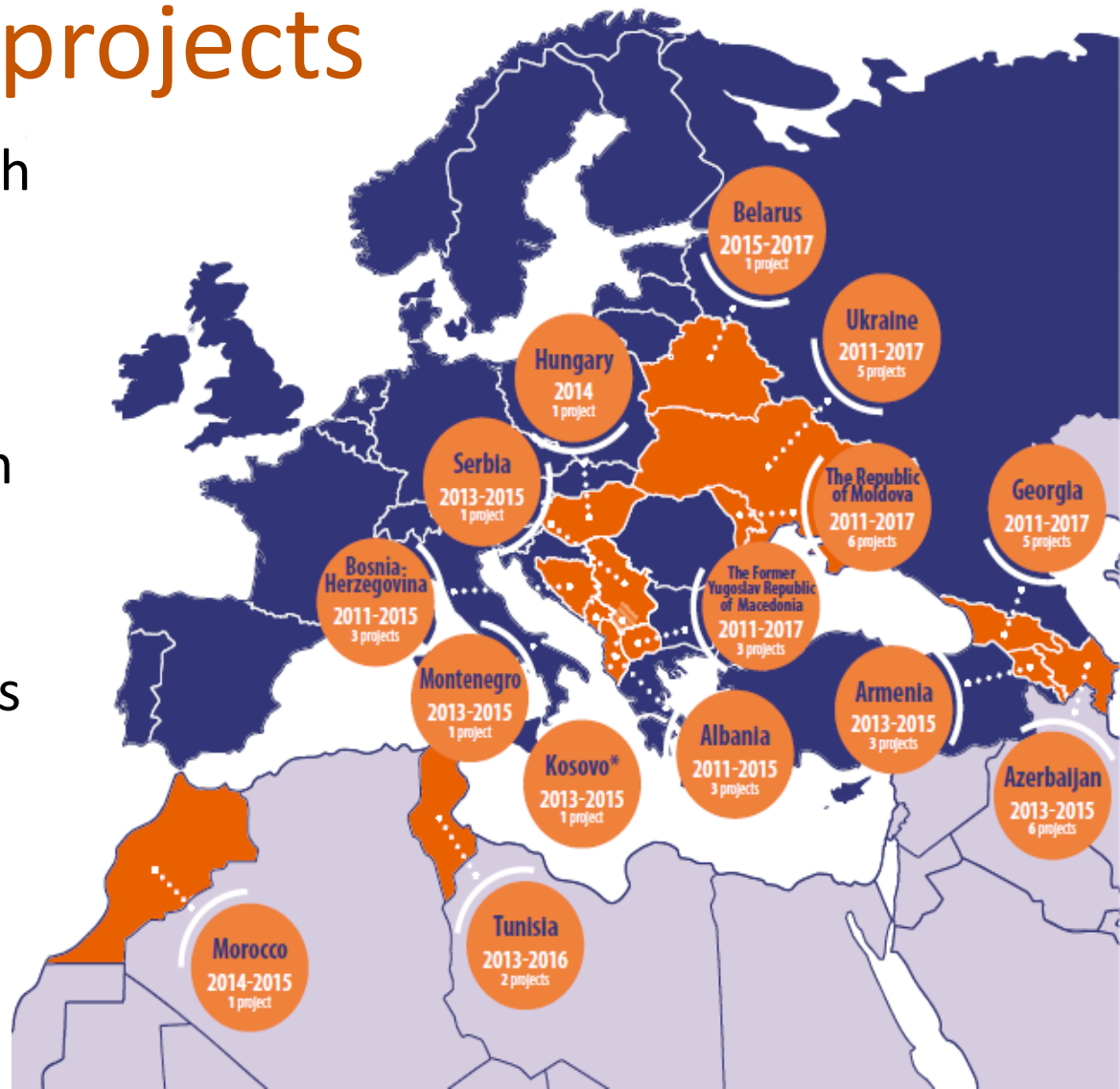
- Do the insulting statements amount to Hate Speech?
- Are the statements taken down after a complaint and how rapidly?
- What was the size/economic power of the web platform?
- Was any mechanism to prevent Hate Speech put in place?
- Amount of the fine.

How to fight against Hate Speech ?

- Promotion of a culture of peace, tolerance and solidarity
- Media Literacy → Critical Thinking
- Cooperation activities

Cooperation projects

- National activities with journalists, judges, prosecutors, media regulatory bodies
- HELP online course on Hate Speech
- Publication on Media Regulatory Authorities and Hate Speech
- Regional activities on Media Literacy



***“If we don’t believe in free expression of
people we despise, we don’t believe in it at all”***

Noam Chomsky

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www.coe.int/freedomofexpression

Information Society Group facebook page

