International Conference

"ADDRESSING HATE SPEECH IN THE MEDIA:
the role of Regulatory Authorities and the Judiciary"

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PRESENTATION

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Welcome

Thank you to the organisers for this conference, and inviting me for this panel.

I hope to embed my thoughts on the role of media self-regulation in the wider approach needed to address hate speech drawing from the ECRI GPR 15 and the experiences of the No Hate Speech Movement Youth Campaign of the Council of Europe.

ADD

The Anti-Discrimination Department of the CoE supports member states in combatting discrimination, hate crimes and hate speech, ant to foster integration while protecting national minorities and regional or minority languages.

Our cooperation programmes are based on the case law of the European Court of Human Rights (ECHR), and recommendations of its three monitoring bodies:
- (ECRI – the European Commission against Racism and Intolerance,
- FCNM – The Advisory Body to Framework Convention for the Protection of National Minorities,
- ECRNM – the Committee of Experts of the European Charter for Regional or Minority Languages).

To put it simply our efforts to address hate speech start from the perspective of the person(s) it targets. Which most often are the groups, and its representatives, that already suffer from discrimination and negative stereotypes in society?

We believe however that a comprehensive approach addressing the needs of those targeted by hate speech addresses the concerns of all in society.

ECRI GPR15

As is highlighted in the European Commission against Racism and Intolerance GPR No 15 on Combatting Hate speech, effective action against the use of hate speech requires:
- Recognition of the fundamental importance of freedom of expression, tolerance and respect for equal dignity;
- Identification of the conditions conducive to the use of hate speech and taking appropriate measures to remove them;
- The involvement and commitment of a wide range of private and non-governmental actors

The GRP 15 provides a range of recommendations, covering
- **Raising awareness** of the dangerous consequences of hate speech,
- improve **education and media literacy**,
- encouraging **speedy reactions by public figures** against use of hate speech,
- **withdrawing financial and other support from political parties** that actively use hate speech,
- and **criminalising its most extreme manifestations**, while respecting freedom of expression, are among the recommendations contained in the GPR.

The GPR No 15, recommendation 6, also calls on our member states to promote use of self-regulation by public and private institutions. This includes among others:
- 6a. encourage the adoption of appropriate codes of conduct which provide for suspension and other sanctions for breach of their provisions, as well as of effective reporting channels;
- 6e. support appropriate training as to the meaning and negative effects of hate speech, as well as about the ways in which its use can be challenged;

Sadly ECRI's country monitoring reports note that self-regulatory bodies and most often also Media regulatory bodies **lack sufficient mandate** to address hate speech, specifically for the online space, **tools to enforce its decisions**, and regularly **struggle to be fully independent**.
The self-regulatory bodies and its **reporting channels are also to little know and/or not trusted** to address the problem effectively.

Meanwhile ECRI observed that **members of vulnerable groups**, including national minorities, migrants and LGBT, **lack understanding of their rights and are reluctant to report hate speech and discrimination**. This leads to lack of proper data on the magnitude of the problem and undermines our ability to understand how to address it.

These are worrying observations, as ECRI for the fourth year running also notes in its annual reports that **Hate Speech is increasing** and that social media and other Internet tools

encourage **self-segregation and deepen social divides**. Similarly, a considerable number of **media outlets either knowingly or unintentionally spread xenophobic rhetoric**.

So what can we do?

In its **6th monitoring cycle (2019/2023) ECRI** will among others focus on states responses with reference to the recommendations of GPR 15 such as:

- the existence of a definition of hate speech in the law,
- counter/positive speech initiatives,
- support for victims of hate speech,
- self-regulation against hate speech and
- imposition of various kinds of liability for the use of hate speech

It is an opportunity to measure the situation and propose recommendations forward.

NHSM

Our experience gained through the No Hate Speech Movement can give some inspiration.

The No Hate Speech movement is a youth campaign to mobilise youth to stand against hate speech and for Human Rights online. It's run in 45 countries through a network of National campaign committees bringing together national authorities and youth NGO's and other stakeholders.

Multi-stakeholder approach

Luxembourg:
In Luxembourg the *Conseil de Presse* and BEE SECURE (organisations promoting online safety and media literacy among youth) launched the **"Share Respect – Stop Online Hate Speech" campaign**, covering various themes related to online hate speech, raising awareness for respectful coexistence on the Internet.
Their cooperation involving all their members and partners lead to the adoption of **Netiquette. A simple set of rules** for any user who wishes to express his/her opinion in online commentary on news media websites or social media profiles in Luxembourg.
These rules allow the Luxembourg media landscape to provide more **clarity to users** about which comments are viewed as tolerable and which cross the line of freedom of speech. Moreover, the joint Netiquette initiative is a **sign of solidarity and mutual respect among Luxembourg press organizations**. And to give it some weight, adhering to it is linked to financial support from national authorities.

Lithuania:
The National Campaign in Lithuania worked directly with Journalist and media organisations.

Also here **they involved other partners**, including from national minorities, LGBT etc for examples in joint training courses and campaign events. This resulted in building of **relations of trust**, which helped establish and promote appropriate a **list of terms to refer to social groups**, possibilities to get the **perspective of national minorities** and other vulnerable groups, and by doing so strengthened the **use of counter narratives** and more **balanced reporting**. Overall it was felt these experienced led to better reporting and avoided **unconscious reinforcement of stereotypes** or feeding of the hate narratives

Just two of many examples from the campaign where involving multi-stakeholders, most importantly those targeted by hate speech, have improved the quality of the journalist work and fed the setting or improving the code of ethics of self-regulatory bodies.

From monitoring to better code of ethics and practice.

In Romania, Active Watch NGO, monitors hate speech instances in Romanian Media, including online, and political arena's. Instead of a quantative report, they publish a **qualitative analyses identifying the trends in discriminatory hate narratives, who produces it, how it spreads and who it reaches**. This enables them to also warn for its impact on state of HR and democracy in the country.

Such data provide an understanding of the problems, which can inform self-regulatory structures for political parties and media alike to reflect on their own code of ethics and practice. Or as is in the case of Romania for NGO's to advocate for an improved code of ethics and to campaign against hate speech.

Self-regulation must come with Education and Training

Like in Lithuania, also the campaigns in Belgium, Germany, Portugal and many other countries, proved that education and training is essential. We need to learn what Hate Speech is, why it is a threat to human rights and democracy and how to recognises it and best to respond. This means **media literacy training and Human Rights education**, but I'll reserve me comments in that area for tomorrows panel. But I want to highlight one finding, **Joint trainings have been particularly helpful**, teachers and students, Minority groups and journalists, employees of internet companies together with civil society organisations.

The process of joint learning and reflection has sharpened everybody's skills to see different perspectives and improve critical thinking.

Working with <u>journalists</u> in Ukraine was very positive outcomes because they found helpful and enjoyed the approach working with narratives. They were very excited to make articles, infographics and other content using narratives. Working with journalists is very helpful to influence and amplify counter and alternative narratives in the media.

Questions for reflection

Before I conclude I have a few questions for reflection on my own that came up over the past weekend.

Self-regulators as trusted flaggers.

As news consumption has migrated to the online space, it is not limited to the media businesses webpages but rather articles start leading their own lives across social media platforms.

It's true that there is a moment where the **responsibility of the media creator finishes and the liability of the internet intermediary comes in**, specifically when (illegal) hate speech has been reported to them.

Do Self-regulatory bodies have a trusted flagger status with Internet businesses? When a **self-regulatory body identifies a violating of their code of ethics** be it in the media landscape or national parliament. There is an argument to be made that **such decisions should be followed up by Internet businesses** to avoid more harm.

Self-regulation and Internet businesses?

This comes to my second point, should Internet businesses also abide by media self-regulation, and if they decide not to, then should we expect them to establish their own?
The EU Code of Conduct on countering illegal online hate speech has mobilised Internet businesses to take swifter action, improving response rates.
The internal decision making **protocols for assessing hate speech are however not always transparent.** And complex cases of hate speech, the so called **grey areas, would benefit from a transparent process where its clear what arguments have led to a decisions which can accommodate independent judiciary oversight.**

So I conclude with answering the question is there a role for media self-regulation to address hate speech?
Most definitely, but it will only work with:
- a sufficient mandate and tools to implement its decisions,
- a transparent system that is trusted to deliver and easy to use,
- Education and training of journalist and press councils,

- and if set up in close cooperation with relevant stakeholders, most of all those that are most effected by Hate Speech and discrimination in the respective societies.

Background notes:

ECRI General Policy Recommendation No. 16 on Combatting Hate Speech
No Hate Speech Movement : www.nohatespeechmovement.org