



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

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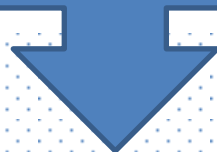
6-7 November 2018
Zagreb, Croatia



**HATE SPEECH:
THE ROLE OF ITALIAN AGCOM**

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Legislative Decree No. 177 of 31 July 2005



Art. 32- All audiovisual media services must respect human dignity and do not consent any incitement to hatred based on race, sex, religion or nationality”.

No sanctionary powers in the decree
Agcom is actually drafting a new regulation about the «hate speech»

What can Agcom do?

Guidelines;
Acts of address for
broadcasters

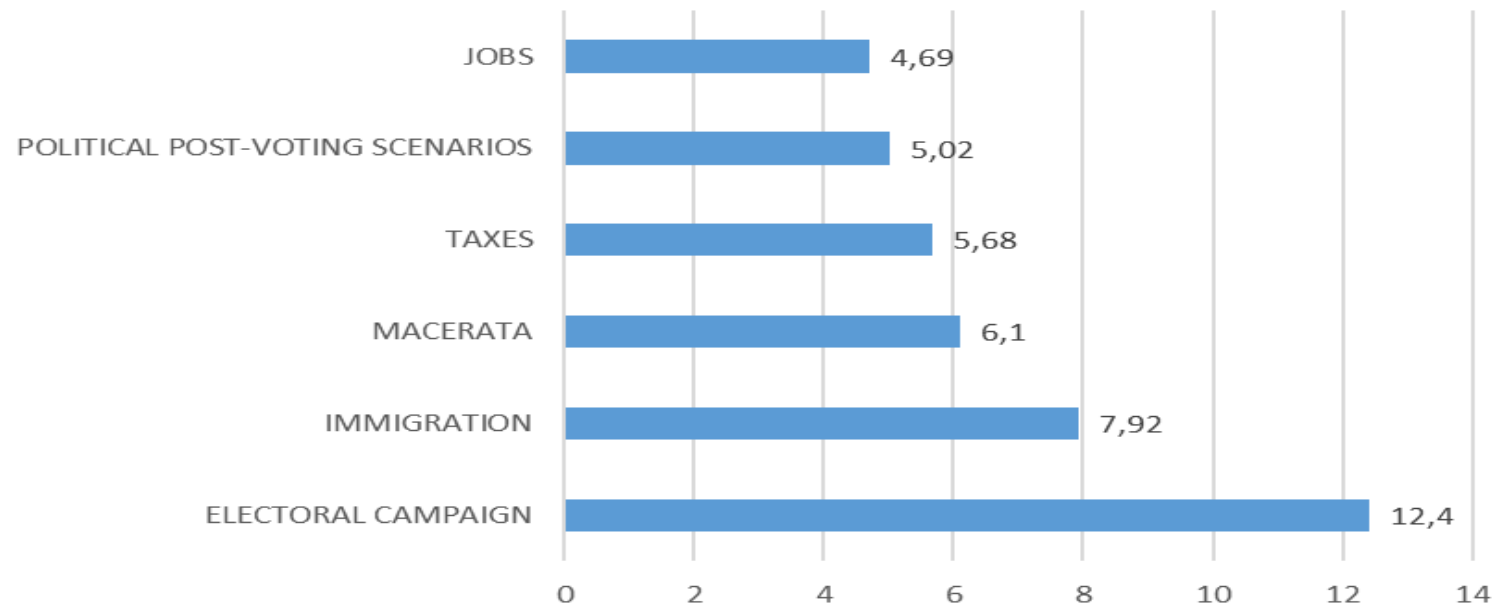
Prosecute violations
according to the
provisions of Media
and minors Code



The Code provides also rules to protect minors from tv programs exposure that do not respect the dignity of the person and that can highlight differences in sex, race, religion in a discriminatory way.

- Resolution, n.424/16/CONS : *“Guiding Act on the respect for human dignity and on the principle of non-discrimination in information and entertainment programs”*.
- Resolution no. 46/18/CONS: *“Broadcasters are called for respect for human dignity and prevention of incitement to hatred”* (adopted during electoral political campaign).

The most discussed topics in the programs during 2018 electoral campaign

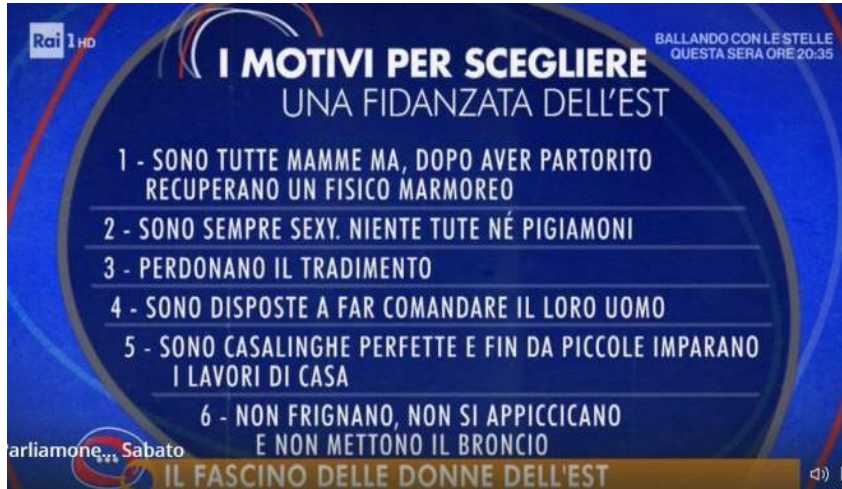


Preliminary phase of a proceeding towards a tv program of a national private broadcaster to verify the violation of provisions about the respect of the dignity of the person

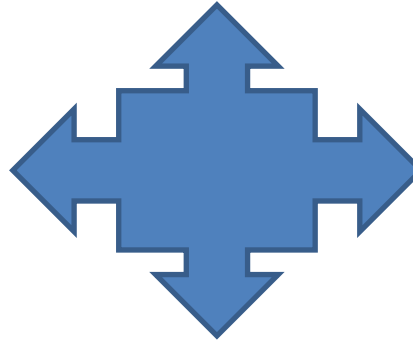


- Criticalities have been found in the way of representing phenomena, like immigration.
- The theme of immigration was often treated through modes of representation that tended to emphasize the "**problematic**" dimension of the phenomenon.
- The points of view that proposed **Immigration as a social value**, were absolutely a minority
- The representation of migratory flows was often traced with superficial expressions that associated immigration with terms such as "**Invasion**", "**waves**", without a precise report of the official data about landings.
- The identity of migrants was not adequately explained: the terms "immigrant", "clandestine", "refugee" were often used in a generic manner, without an adequate distinction between the different statuses.

Resolution n. 171/17/CSP



In the programme “it emerged an image of the woman imbued with prejudices and surrounded by a palpable veil of discrimination fueled by simplified and superficial representations of the characteristics of the women of the two population groups that have contributed to convey a female imaginary characterized by evident stereotypes”.



The sexist statements repeated during the episode, underlined also by paratextual elements such as cartels tend to construct narrative paths that hinder the construction of a balanced and adhering to the reality image of the female universe that is crushed by stereotypes and prejudices against the dignity of women.

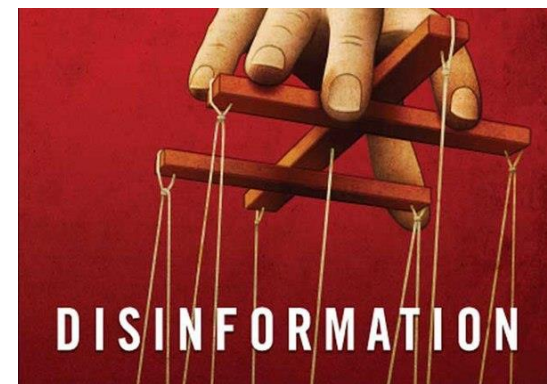
Agcom sanctioned the RAI (public service) to pay euro 50.000,00

- Agcom is drafting a new regulation for broadcasters on the respect for human dignity and the principle of non-discrimination and the fight against the hate speech and incitement to hatred.
- Agcom would like to ask also the cooperation of digital platforms.

The term "hate speech

*"refers to the strategic use of contents or expressions aimed at spreading, propagating or fomenting hatred, discrimination and violence on ethnic, national, religious grounds, or based on gender identity, on sexual orientation, on disability, or on personal and social conditions, through the diffusion and distribution of writings, images or other material also **through the Internet, social networks or other telematics platforms**".*





On November 16, 2017, the Italian Regulatory Authority for the Communications established a “Technical table to guarantee pluralism and correct information on digital platforms”. It aims to promote self-regulation of platforms and the exchange of best practices for the use of digital platforms, discerning and contrasting online misinformation phenomena.

