



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

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**The role of the media self-regulatory mechanisms**

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## VALUES OF THE MEDIA SELF-REGULATION

- **Includes equally both** - media professionals and people / citizens
  - **Journalists take care about their professional standards** by themselves, without involvement of governments, political parties, or any other influence.
  - **Encourages people** to fight for their human rights on accurate and timely information
  
- **Benefits of the media self-regulation mediation:**
  - Resolves a lot of cases prior courts' procedures
  - Fast, Free and Fair
  - Saves money and relief courts from burdens of long time consuming and expensive processes
  
- **Creates a good base** for the development of democracy & free society



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in Bosnia-Herzegovina  
self-regulatory body for print and on-line media

## Addressing hate speech in the media

### The **PRESS COUNCIL IN B&H**

- **ESTABLISHED** in 2000 as the first self-regulatory body in WBs & SEE
- **RE-ESTABLISHED** by the 10 biggest print media publishers and 2 Association of Journalists, in 2006; registered in Ministry of Justice of B&H as an Association, non profit organization
- **In 2011 expanded its mandate to online media** too
- **MEDIATES** between unsatisfied readers and editors of **print and online media** and make statements on its own initiative with regard to matters of public interest;
- **SUPERVISES** the application of the BH Press Code for print and online media and contributes to the development of journalistic professional ethics
- **PROTECTS PUBLIC** from inaccurate and manipulative reporting
- **PROTECTS MEDIA** from political, economic or any other pressures that jeopardize freedom of informing and freedom of media



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### Media legislation & Media self-regulation

- The Press Council in B&H **does not have** mandate to punish journalists or media, neither to close down the media
- It uses only **journalistic remedies**, such as publishing of denial, new information, corrections, apology..
- For defamation, discrimination and hate speech – beside the media self-regulation – there are Law for protection against defamation (civil court), Law against discrimination, and Criminal laws (criminal court).



## **What are our main problems?**

- Political pressures and misuse of Defamation law
- Poor economic situation in most of the media
- Boost of online media without transparent contact data, ownership, newsroom staff (impress)
- Irresponsible reporting, misuse of internet freedom & freedom of speech
- Lack of proper understanding of a role of the media in democracy: work in the public interest, not in interest of certain political options or corporations



- In most of the online media we have a lot of ethical challenges:
  - Breaches of professional standards**
  - One sided stories**
  - Run for numbers of visitors:** Ethical journalism and editorial integrity are under the owners' pressure in a world of number of "likes" and "tweets"
  - A lot of political propaganda & Fake information**
  - Hate Speech**
  
- Hate speech is especially visible in UGC on online media:
  - **Hate speech based on nationalism and prejudices**
  - **Discriminatory speech and defamation**



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WHAT WE DO TO IMPROVE THIS SITUATION?

### EDUCATION

**to reset the mindset of different categories related to the media**

- Journalism is not a free speech, free expression, **it is constrained expression, and it works in a framework of values and ethics**, in framework of professional standards given in the Press Code/Code of Ethics for journalists.
- Journalism **has public purpose** and it has to be done **in public interest**



## **EDUCATION FOR JOURNALISTS**

### □ **Ethics and Media Self-regulation**

**Accuracy** - fact-based reporting

**Privacy** and **Humanity** - to do no harm to anyone

**Independence** – to report with NO propaganda, fake news

**Impartiality** – to tell **all sides** of the story

**Responsibility**

- Journalists need **to accept and embrace Media self-regulation** and **responsibility**





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### EDUCATION FOR STUDENTS OF JOURNALISM

- ❑ **Media ethics** and professional standards of reporting
- ❑ **Media Legislation**
- ❑ **Mechanisms for protection** of journalists' free work
  
- ❑ **MEDIA ETHICS SCHOOL** for Students of Journalism, once per year - **Practical 7-days crash course on media Ethics**
  
- ❑ **ONLINE SCHOOL FOR MEDIA ETHICS** [www.mediaethics.eu](http://www.mediaethics.eu)  
(initially supported by the CoE and by UNESCO/EC project "Building trust in media SEE")
  
- ❑ Media legislation; Reporting about minorities and marginalized groups; News Agencies' ethics; Editors' responsibility; Gender issues ...



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### EDUCATION FOR CITIZENS & PROFESSIONAL GROUPS

- **The right to complain** and to fight for a free, truthful and timely information
- **Media literacy**, the Press Code and Complaints procedure
- **Responsible use** freedom of expression on internet

### EDUCATION FOR PUBLIC PERSONS, POLITICIANS

about **their role in democracy** and **responsibility toward media** and through media – **toward people** and their voters:

- Article 10 ECHR
- CoE's **Declaration on Freedom of Political Debate in the Media**
- CoE's **Declaration on the Protection and promotion of Investigative journalism**



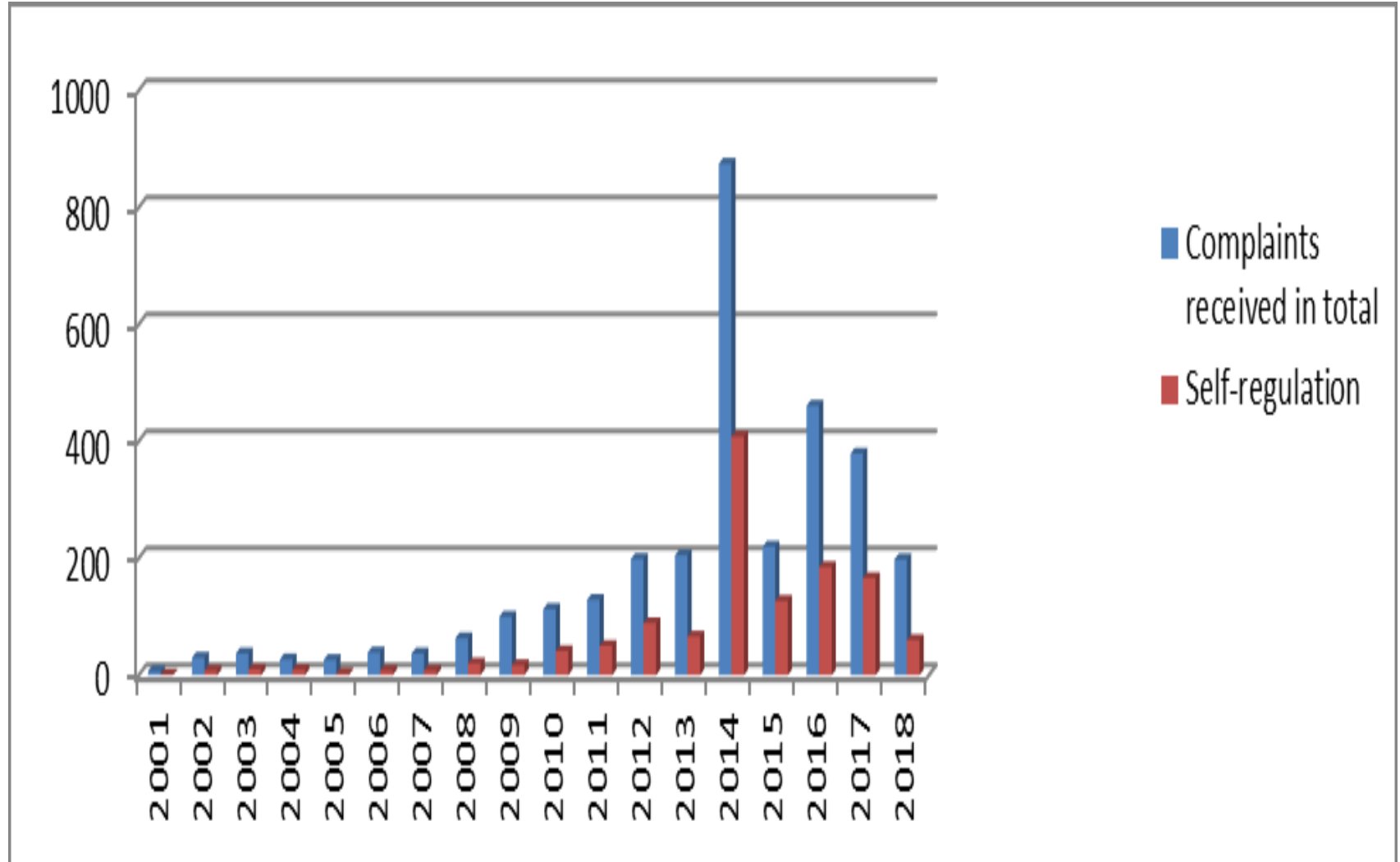
## EDUCATION FOR JUDICIARY / JUFREX: Judges, Prosecutors and Law Students

- Article 10 ECHR
- Journalists' professional standards
- Differences between **opinion and facts** (commentaries and news, facts, investigative articles, satire & cartoons)
- Hate speech in the media and **how to address to the hate speech together** - judiciary and media self-regulation organizations
  
- **Media self-regulation as a tool for pre-courts' mediation**, in accordance with the Article 8 of Defamation law B&H
- Complaints received by year: 300-450
- Resolved by mediation / self-regulation: cca 50 % per year



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**“STOP! HATE SPEECH” IN ONLINE MEDIA UGC**  
a special Campaign against hate speech covering 7 most visited  
online media

<p><b>STOP!</b></p> <p><b>GOVOR MRŽNJE</b></p> <p>NIJE SLOBODA GOVORA</p>  <p>ZALBE.VZS.BA</p>	<p><b>GOVOR MRŽNJE JE KRIVIČNO DJELO!</b></p> <p>HUŠKANJE, DISKRIMINACIJA, PRIJETNJE I UVREDE PO NACIONALNOJ, VJERSKOJ, RODNOJ ILI BILO KOJOJ DRUGOJ OSNOVI</p> <p><b><u>NEĆE BITI TOLERISANE</u></b> NA NAŠEM PORTALU</p>
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- Incitement
- Threats
- Provocations that lead to hate speech
- Sexism, racism, chauvinism, discrimination
- Provocations on religious and ethnic grounds (nationalism)
- Insults and obscenities related to ethnic or religious affiliation
- Affected Hate Speech made in Moral Indignation



- ❑ Over last two months we issued 1.100 warnings; Erased 1.465 comments of heavy hate speech and treats  
*A lot of threats were addressed to women journalists, prosecutors and judges, than to migrants and LGBT persons*
- ❑ Positive reactions from users show that education is one of the good way how to address to the hate speech trough the media self-regulation.
- ❑ A lot of people support the removal of such content, and even quote the warnings that the moderators are putting on, but there are those who see it as a suppression of freedom of expression



- ❑ We sometimes notice confusion or lack of information about understanding of what is actually the hate speech and what is allowed by the freedom of speech
- ❑ It is clear that there is an obvious frustration in the public, aggression and, in some cases, clear maliciousness. That the consequences and horrors of the war are quite fresh in people, but that there are those who deliberately call for the repetition of these horrors.

### QUESTIONS:

- ❑ **How, where and to whom to file** criminal charges on hate speech?
- ❑ **Which methods are the most effective** in combating hate speech in the judicial sense?
- ❑ **What are the obstacles that the judiciary faces** in this process and how to overcome them?
- ❑ **What is the responsibility of the media and politicians** when it comes to the dissemination of hate speech?