

INTERNATIONAL CONFERENCE

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

Organised by the Council of Europe in partnership
with the Croatian Agency for Electronic Media

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CONCEPT NOTE

Hate speech and other, less extreme forms of derogatory and offensive language targeting ethnic, religious, sexual and other minorities, migrants and refugees and many other groups and individuals, are a widespread phenomenon within Europe. The Council of Europe and its member states have over decades developed a comprehensive range of standards and measures to curb expression that spreads, incites, promotes or justifies hatred, intolerance, discrimination and hostility, while guaranteeing everyone the right to freedom of expression and information.

Mindful of the wide scope of this right, national authorities, guided by the European standards and the case-law of the European Court of Human Rights (“the Court”), restrict criminalisation to the most harmful speech and other expressions, fostering a society where different views and opinions can coexist, even when – in the words of the Court – they offend, shock or disturb. However, this tolerance is not without limits and should not be used as a pretext for stifling different views, professing hostility and excluding vulnerable and minority groups from public debate. Left unanswered, the spread of hateful discourse can undermine the roots of society and lead to deep divisions.

The emergence of digital technologies and social media has opened up new, multi-directional spaces for communication, thereby laying foundations for enhanced social interaction and diverse expression. Today, anyone can set up a website or communicate via social media, getting their message across to a potentially global audience. However, these technologies have also given the rhetoric of hate speech new powers to spread at an unprecedented speed and volume, and to find favourable recipients not only locally but across the globe.

The challenge of countering hate discourse is a multidimensional task and requires a complete package of differentiated but complementary strategies, involving a range of stakeholders and an array of measures: legal, political, educational, informational, cultural, etc. In addition to addressing hate speech, as a manifestation of hatred and intolerance, these measures must focus on underlying social structures and arrangements that normalise and perpetuate such attitudes.

Powerful forces in society have a significant influence on the tone and level of public debate, including how hate speech is spread, challenged and countered. In this context, the media have a particularly important role to play, given their potential for reaching the broadest audiences, shaping the political agenda and influencing public opinion. They can

contribute to generating and disseminating hate discourse, or they can wield their voices and power to fight against it.

In an increasingly multicultural and transnational society, and especially in nationalistic environments where populist (political) forces widely use – as well as trivialise – hate speech, it is of great importance how such discourse is analysed, contextualised and evaluated by societal opinion-makers, first and foremost by the media. The partisan media may amplify hate messages, serving as propaganda tools for particular political and/or social agendas and polarising audiences. Responsible journalism, however, with its commitment to truth, fairness, accuracy, accountability and humanity, can act as a powerful informational, educational and awareness-raising platform, promoting the values of cultural diversity and tolerance.

While education and awareness-raising are both crucial elements in curbing hateful expression, there is also a need for a robust legal background and instruments to effectively prosecute hate speech and hate crimes. The extent of legislation and enforcement may differ across the countries; still legal sanctions constitute the ultimate tool for disempowering the users of hate speech and providing relief to their victims.

The international conference¹ will examine how hate speech is regulated in different member states of the Council of Europe, focusing on the specific roles of the judiciary, national media regulatory authorities and media self-regulatory bodies. It will further explore how media literacy programmes can raise awareness about hate speech and the risks it poses for democracy, empowering citizens to critically analyse news and information and develop counter-speech and alternative narratives.

This conference aims to promote and encourage the implementation of the norms and standards pertaining to hate speech through the exchange of experiences, innovative approaches and valuable national practices. In various sessions, the participants will be able to share their work and ideas on the scope of hate speech in their specific national contexts and culture, and on different strategies employed to counter this phenomenon.

The Council of Europe is actively supporting cooperative efforts of national authorities via many regional events and activities. One of the recent results is the publication “Media Regulatory Authorities and Hate speech” (2017), which was prepared by the representatives of the national regulatory authorities of South East Europe in the framework of the Council of Europe and the European Union joint programme “Reinforcing Judicial Expertise on Freedom of Expression and the Media in South-East Europe (JUFREX)”. This publication contains information about relevant cases dealt with by these authorities and offers a starting point for the discussion on how to combat hate speech in the media.

¹ Croatia, Slovenia, Hungary, Poland, Slovakia, Czech Republic, Romania, Bulgaria, Albania, Bosnia and Herzegovina, Montenegro, Moldova, Serbia, “the Former Yugoslav Republic of Macedonia”, Ukraine, Georgia and Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence).