[HR] Hate speech in the media: scale, stakeholders and approaches

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The judiciary, national regulatory authorities, self-regulatory bodies, and media literacy programmes play an important role in combating hate speech in the media, as the international conference held in Zagreb on 6-7 November 2018 showed. The event was organised by the Council of Europe (CoE) and the Agencija za elektroničke medije (Croatian Agency of Electronic Media - AEM). It gathered together more than 130 participants and speakers from 28 CoE member states, the European Court of Human Rights (ECtHR) and UNESCO. The big tech industry was represented by the market leader, Facebook.

The conclusions of the conference emphasised the scale of hate speech affecting ethnic, religious and sexual minorities, immigrants and other groups in Europe, and stressed that the fight against it is a complex and multidimensional process requiring the coordination of various stakeholders, including institutional and non-institutional actors, politicians, legislators, regulators, judges, prosecutors, media, digital intermediaries, journalists, civil society organisations and academia. It was stressed that media literacy programmes can raise awareness about the risks hate speech poses to democracy, while empowering citizens of all demographic groups with a critical understanding of the media, as well as engaging in dialogue, counter-speech and alternative narratives. The possibility of the reassessment and further development of the currently applicable CoE standards on hate speech was also indicated, with a view to developing approaches capable of addressing the multi-faceted nature of the phenomenon and providing graduated responses and guidance to the member states and other relevant stakeholders.

Facebook’s representative provided information on the ongoing hiring of thousands of moderators and on large investments in solutions combining AI and human resources. The policies and measures presented attracted a lot of attention, but also criticism from some conference participants, who found the responses of the largest social media to hate speech and disinformation insufficient.

Regulators, on the other hand, cannot increase their staff significantly. Even if they did, the unprecedented amount of content cannot be tackled by traditional regulatory approaches. Therefore, they too will be looking into new, technology-based approaches, while also engaging in media literacy, encouraging people to

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be critical, and building partnerships with other stakeholders. A special challenge to which many do not see answers at the moment is the issue of jurisdiction related to the recent extension of the scope of the AVMSD to video sharing platforms (VSP). The fact that many regulators struggle with interferences to their work gives rise to particular concerns. The debate confirmed that although the situation is changing, the key prerequisites for effective regulation remain the same, namely independence, the transparency of regulators and appropriate punitive mechanisms. It was also emphasised that, besides hate speech concerns, equal attention must be paid to freedom of expression.

The debate on the role of the judiciary highlighted the importance of high standards of scrutiny for the utilisation of criminal laws. Hate speech should be interpreted in a limited manner and criminal offences precisely defined and used in a very restricted mode. The judiciary, struggling with the complexities of cases and constantly evolving case law, also has a need for expertise, including a better understanding of the broader hate speech context. Judges and prosecutors do not only ensure the impartial application of the laws, but also enforce moral and ethical standards in the course of the proceedings. However, they should not deal with allegations of hate speech on the basis of what they personally like or dislike. Their actions should be completely neutral.

Judging from the diverse and vibrant group of governance initiatives, ranging from established forms of media self-regulation to new forms of civil society responses, the digital challenges evoked a range of approaches. As demonstrated by the examples presented, these are not often limited to one activity, but engage in a multitude of actions, often including training and awareness-raising initiatives, or bring together a multitude of stakeholders, as for example in the case of the joint effort initiated by Reporters sans frontières (Reporters without borders - RSF). The need to reinforce and reinvent press councils to become gatekeepers of quality journalism in the digital world was also flagged up.

Activities and research to promote media literacy, as discussed at the conference, showed that media literacy is also a dynamic concept that evolves in response to challenges arising from changes in the digital environment, often differing from country to country and from sector to sector. Since media technology keeps evolving, this life-long learning and behaviour-changing journey has to be supported by a range of different stakeholders and long-term funding. As illustrated by the participants, there are numerous successful approaches with good results; however, media literacy should not be treated as a panacea for all media (and social media) ills.

Council of Europe, 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

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Agency for Electronic Media Zagreb, Croatia, 6-7 November 2018, Activity Report (with policy conclusions and recommendations for future activities)

https://rm.coe.int/zagreb-2018-hate-speech-conference-report/16808f0167

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