

HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT

# Freedom of Expression Online

Council of Europe Standard Setting  
and some examples of good practice

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The opinions expressed in this presentation are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.



# European Convention on Human Rights

## • Article 10 - Freedom of Expression

1. Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. (...)
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to (...) restrictions or penalties as are prescribed by law and are necessary in a democratic society (...).

# European Convention on Human Rights

- **Article 8 - Right to respect for private and family life**
  1. Everyone has the right to respect for his private and family life, his home and his correspondence.
  2. There shall be no interference by a public authority (...) except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

# European Convention on Human Rights

- The protection given by Article 10 extends to any expression, notwithstanding its content, disseminated by any individual, group or type of media.
- The risk of harm posed by content and communications on the Internet to the exercise and enjoyment of human rights and freedoms, particularly the right to respect for private life, is higher than that posed by traditional media.
- The rights under Article 10 (freedom of expression) and 8 (respect for private life) of the Convention deserve equal respect and a balance must be struck that retains the essence of both rights.

# European Court of Human Rights

- **Court case law** - Plays an important role in establishing standards on the protection of freedom of expression on the Internet:
  - **Freedom of expression online** (*Perrin v. the United Kingdom; Renaud v. France*)
  - **Journalists' freedom of expression on the Internet** (*Editorial Board of Pravoye Delo and Shtekel v. Ukraine*)
  - **Blocking, filtering and removing online content**
  - **Right to Internet access**
  - **Internet archives**
  - **Liability for user-generated content / Intermediaries' liability** (*Delfi AS v. Estonia; Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary*)

# Committee of Ministers

- **CM/Rec(97)19 on the portrayal of violence in the electronic media**
  - first mention of Internet in Recommendations and Declarations of the CM in the field of media and information society
- **CM/Rec(2011)7 on a new notion of media**
- **CM/Rec(2012)4 on the protection of human rights with regard to social networking services**
- **Conference Freedom of Expression and Democracy in the Digital Age - Opportunities, rights, responsibilities, Belgrade (2013)**
- **CM/Rec(2016)5 on Internet freedom**
  - Any measure to block or otherwise restrict access to an entire Internet platform (social media, social networks, blogs or any other website) or (ICT) tools must comply with the conditions of Article 10 of the Convention

# CM/Recommendation on media pluralism and transparency of media ownership (2018)<sup>1</sup>

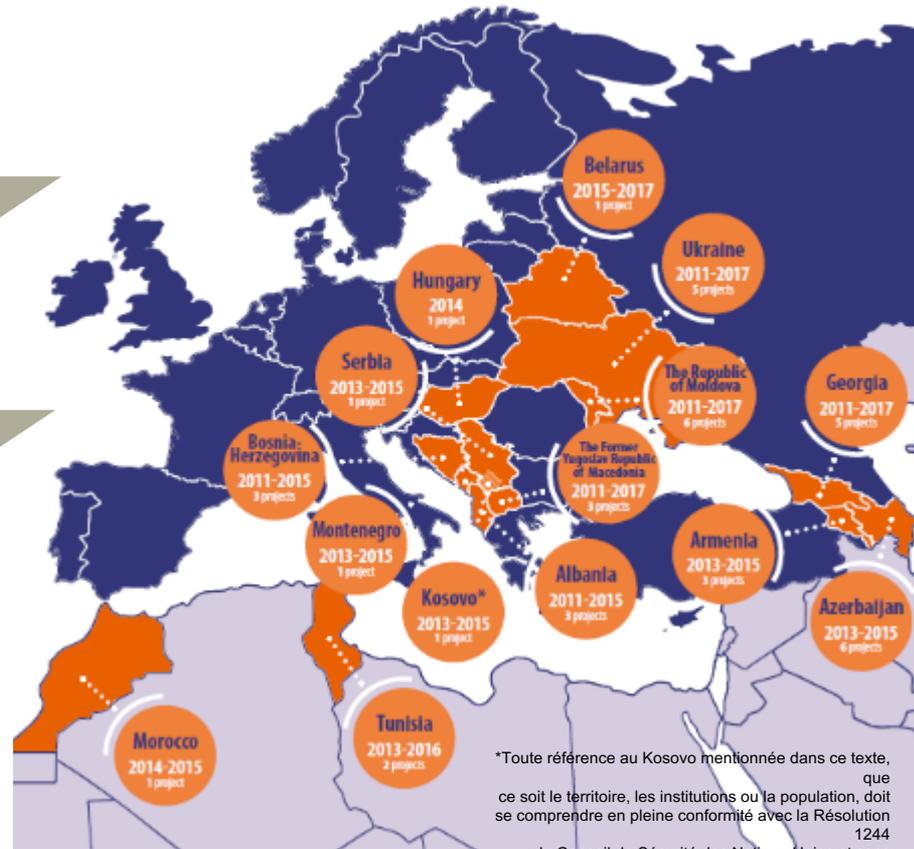
- **media pluralism**, with emphasis on the online platforms' impact
- **media ownership regulation and transparency of ownership**
- **media literacy policies** stressing the importance of coordinated national policies and other measures such as media education for the public (of all ages) to be able to manage their way in the vast media ecosystem

## 2017 HIGHLIGHTS

publication  
on “Media  
regulatory  
authorities and  
Hate speech”

# 12

Programmes  
and **Projects**



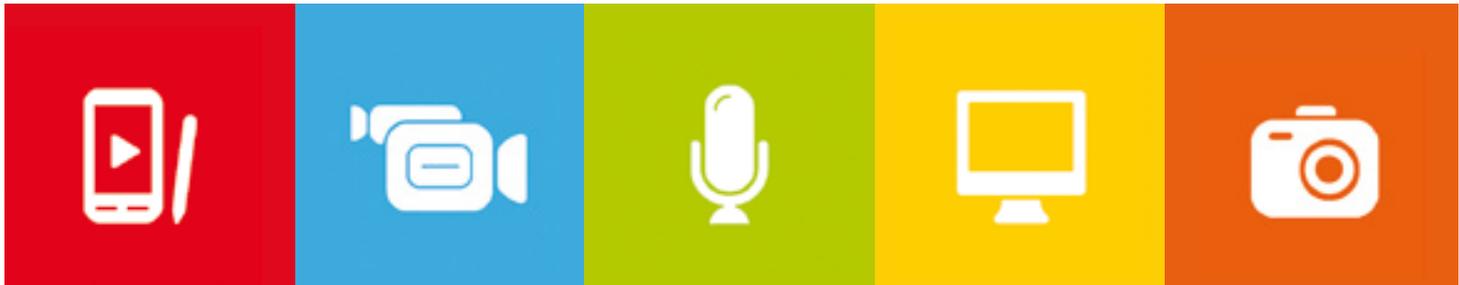
\*Toute référence au Kosovo mentionnée dans ce texte, que ce soit le territoire, les institutions ou la population, doit se comprendre en pleine conformité avec la Résolution 1244 du Conseil de Sécurité des Nations-Unies et sans préjuger du statut du Kosovo.

assistance programme  
**co-operation projects**



# MEDIA AGAINST HATE

[www.mediaagainsthate.org](http://www.mediaagainsthate.org)



# EUROPEAN MEDIA AGAINST HATE SPEECH

WITH SUFFICIENT SAFEGUARDS FOR FREEDOM OF EXPRESSION, WE CONSIDER THAT ENSURING 'HATE SPEECH' PROVISIONS SHOULD BE INCLUSIVE OF THE BROADEST RANGE OF PROTECTED CHARACTERISTICS. THESE SHOULD INCLUDE BUT NOT BE LIMITED TO: RACE, COLOUR, SEX, LANGUAGE, RELIGION, POLITICAL OR OTHER OPINION, NATIONAL OR SOCIAL ORIGIN, PROPERTY, BIRTH, INDIGENOUS ORIGIN OR IDENTITY, DISABILITY, MIGRANT OR REFUGEE STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR INTERSEX STATUS.

Article19, 'Hate Speech' Explained – A Toolkit, 2015 Edition

## **Recommendation No. R (97) 20 of the Committee of Ministers to member states on “hate speech”**

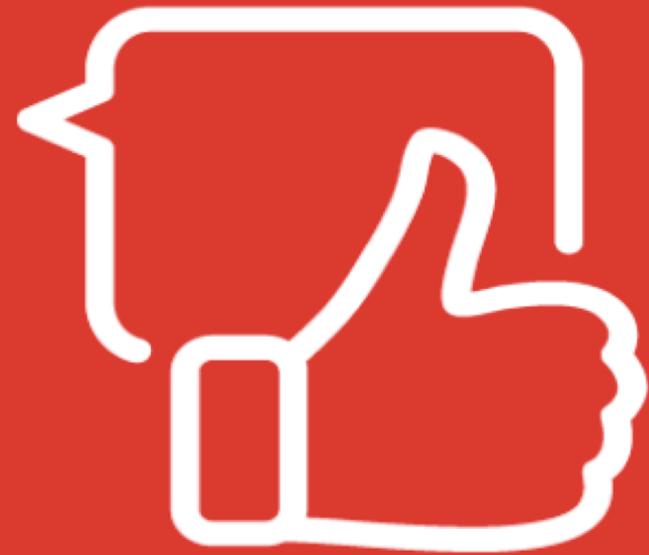
- **Principle 1:** The governments of the member states, public authorities and public institutions at the national, regional and local levels, as well as officials, have a special responsibility to refrain from statements, in particular to the media, which may reasonably be understood as hate speech, or as speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, antisemitism or other forms of discrimination or hatred based on intolerance. Such statements should be prohibited and publicly disavowed whenever they occur.

# Information disorder

- **Propaganda** always existed, but now spreads faster/does more damage
- **Digital naïves** instead of digital natives
- Social media = **Commercial** services aimed at **monetization** of engagement and of users' data
- Disinformation and hate generate **same** shareholders' value as news or high-quality content
- Media organizations are not doing enough to **protect** journalists who are targeted by hate speech
- “Bad” laws regulating hate speech can be easily **abused** and used to curb media freedom / FoE

# Remedies

- **Critical media & information literacy**
  - recognizing reliable sources vs. conspiracy theories
  - distinguishing betw. promotional content and factual info
- **Implement high ethical standards in journalism and effective self-regulation**
  - EJM / A19 / Respect Words
- **Use and support local, non-commercial media**
- **Protect yourself**
  - Freedom of the Press Foundation
- **Report abuse**
  - Troll busters / ECPMF women's reporting point



# Self-regulation and 'hate speech' on social media platforms

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2018



# DECALOGO

## DI RACCOMANDAZIONI per community e social media managers

- 1** Definisci la tua policy e rendila pubblica
- 2** Coinvolgi e valorizza la tua community
- 3** Stabilisci e mantieni buoni rapporti con la tua community
- 4** Prendi parte alla discussione
- 5** Favorisci i buoni esempi degli utenti
- 6** Condividi le esperienze positive con i colleghi
- 7** Usa l'ironia e la creatività
- 8** Sappi sempre dove sei
- 9** Distingui tra conversazione pubblica e privata
- 10** Prendi le tue decisioni



# HATE SPEECH

TURNING THE PAGE OF HATE:  
A MEDIA CAMPAIGN FOR  
TOLERANCE IN JOURNALISM

When it comes to hate speech, journalists and editors must pause and take the time to judge the **potential impact** of offensive, inflammatory content.

The following test, developed by the EUN and based on international standards, highlights questions in the **gathering, preparation** and **dissemination** of news and helps place what is said and who is saying it in an **ethical context**.

## 2 REACH OF THE SPEECH

How far is the speech traveling?  
Is there a pattern of behaviour?

## 3 GOALS OF THE SPEECH

How does it benefit the speaker and their interests?

Is it deliberately intended to cause harm to others?

## A 5 POINT TEST FOR JOURNALISTS

## 4 THE CONTENT

Is the speech **dangerous** ITSELF?  
Could it incite **violence** towards others?

## 5 SURROUNDING CLIMATE

SOCIAL / ECONOMIC / POLITICAL

Who might be negatively affected?

Is there a history of conflict or discrimination?

## 1 STATUS OF THE SPEAKER

How might their **position** influence their **motives**?

Should they even be **listened to** or just **ignored**?

DONT **SENSATIONALISE!**

AVOID THE **RUSH** TO PUBLISH

TAKE A **MOMENT OF REFLECTION**

EthicalJournalismNetwork.org



SHARE IT!



## Thank you for your attention

Useful links:

Use CoE  
website!

Freedom of Expression website:

<http://www.coe.int/en/web/FREEDOM-EXPRESSION>

Platform for protection of journalism and safety of journalists:

<http://www.coe.int/en/web/MEDIA-FREEDOM>

