OSCE Representative on Freedom of the Media (RFoM)

OSCE Office for Democratic Institutions and Human Rights (ODIHR)

OSCE High Commissioner on National Minorities (HCNM)

OSCE-wide Event on Countering Hate Speech

Date: 12 December 2022, 10:00 – 16:00 (CET)
Venue: Ratsaal, Hofburg, Vienna
Event page and online streaming: https://www.osce.org/representative-on-freedom-of-media/534110

Introduction and background information

The OSCE acquis and in particular, *the Report of the CSCE Meeting of Experts on National Minorities (1991), the Bucharest Plan of Action for Combatting Terrorism (2001), the OSCE Charter on Preventing & Combatting Terrorism (2002), Decision No. 4/03 of the MC on Tolerance & Non-Discrimination (2003), MC Decisions 12/04, 10/05, 7/06 and PC Decisions No 621, 633 and 13/06* entrust the RFoM along with the ODIHR and the High Commissioner on National Minorities to raise awareness about hate speech and the risks it poses for democracy and individuals as well as to assist OSCE participating States in countering hate speech and reducing levels of its public acceptance. A climate conducive to committing hate crimes may be created by intolerant, racist, or biased speech and public discourse. The issue of hate speech, therefore, is one that attracts a lot of public attention. The respective OSCE documents also recognise the need to prevent, investigate and punish hate crimes, which could be instigated by racist and/or xenophobic discourse online. In order to foster professional and human rights based reporting, media actors should refrain from perpetuating stereotypes about vulnerable groups, including national minorities and Roma & Sinti in particular.

Acting against hate speech is a necessary pre-condition for ensuring equality as a source of all human rights. At the same time, hate speech regulation interacts and often interferes with freedom of expression. As a fundamental human right, freedom of expression is essential to the proper functioning of democratic societies and human rights system as such. It is listed amongst fundamental rights in the *Universal Declaration of Human Rights (UDHR)* and is given legal force in all major international and regional human rights instruments.

Freedom of expression, however, is not an absolute right. It may be legitimately restricted but in order to be considered legitimate, any restriction should meet the requirements of the three-partite test. In particular, any restriction of freedom of expression should be prescribed by law, pursue legitimate aim, such as, for example, national security, public health or protection of the rights of others, and be necessary in a democratic society. Even though it is firmly established that freedom of expression extends to the categories of speech, which may be insulting, offensive or shocking, prohibition of

serious forms of hate speech constitutes a generally permissible interference with the right to freedom of expression.

While hate speech has no universal definition in international human rights law, it is a term used to describe various types of harmful discourse which is negative towards individuals or groups with one or more protected characteristics and which could undermine social cohesion and peaceful coexistence in diverse societies. In particular, hate speech covers all forms of expressions that spread, incite, promote or justify racial hatred, xenophobia or other forms of hatred based on intolerance. With digitalisation of human lives constantly intensifying, hate speech in online space requires further research and careful reflection where it concerns potential regulatory solutions and innovative positive measures to decrease its proliferation, reach and impact.

The European Commission against Racism and Intolerance (ECRI) in its *General Policy Recommendation (GPR) No. 15 'On Combating Hate Speech'*[1] defined hate speech as "the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatisation or threat in respect of such a person or group of persons and the justification of all the preceding types of expression on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status". ECRI's *GPR No. 15* further states that hate speech "may take the form of the public denial, trivialisation, justification or condonation of crimes of genocide, crimes against humanity or war crimes which have been found by courts to have occurred and of the glorification of persons convicted for having committed such crimes".

It is, thus, of a particular importance to the OSCE participating States to ensure that their national regulatory frameworks align with the international human rights standards where it concerns countering hate speech and protecting equality while still safeguarding freedom of expression. In this regard, both the *UN Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2013)* [2] and the latest *Council of Europe's Recommendation CM/Rec(2022)16 'On combating hate speech'* [3] could be a useful source of reference as they propose a set of recommendations on addressing hate speech offline & online. *OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* [4] recommends that to promote freedom of expression for all, Roma and Sinti journalists should be trained and employed by media outlets, thereby facilitating wider access to media for these minorities. In addition, *OSCE HCNM Tallinn Guidelines on National Minorities and the Media in the Digital Age* [5] provide States with practical advice on how the media, and in particular, digital media, can be harnessed as a powerful tool for preventing conflicts and building resilient, integrated societies.

Objective of the event

In line with their mandates, the OSCE Representative on Freedom of the Media and the Office for Democratic Institutions and Human Rights as well as the High Commissioner on National Minorities have been carefully following recent developments concerning hate speech online and offline as well as the respective regulatory responses of the OSCE participating States and the initiatives of civil society and media actors including portrayal of minorities and their access to both legacy and online media. This event will aim at assisting OSCE participating States in finding a right balance between protecting freedom of expression and freedom of the media and countering hate speech. During this event, participants will discuss best practices, including in relation to anti-hate speech frameworks and regulations, as well as existing challenges to countering hate speech in the OSCE region.

Participants

Representatives of the Office of the OSCE RFoM, ODIHR, Office of the High Commissioner on National Minorities, delegations of the OSCE participating States, invited representatives of academia, civil society and media.

Agenda

10:00 – 10:30   Introductory Remarks by Heads of Institutions:

- Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights
- Teresa Ribeiro, OSCE Representative on Freedom of the Media
- Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities

Moderator: Jürgen Heissel, Director of the Office, OSCE Representative on Freedom of the Media

10:30 – 11:50   Panel discussion I

Moderator: Cristi Mihalache, Chief of the Contact Point for Roma and Sinti Issues (CPRSI), Senior Adviser on Roma and Sinti Issues, OSCE Office for Democratic Institutions and Human Rights

Theme I: Setting the scene – hate speech in the OSCE area: overview of the current trends and emerging challenges

Issues for discussion:

- *Understanding the situation with regard to hate speech and its proliferation in the OSCE region and beyond: experience of various protected groups*
- *Impact of Covid-19 pandemic on the situation with hate speech in the OSCE region: new threats or old challenges?*
- *Impact of the Russian invasion of Ukraine on the situation with hate speech in the OSCE region: new threats or old challenges?*
- *Intersectionality: how is it reflected (if it is) in policies and measures on countering hate speech?*

Panel participants:

Keynote speaker: Dr Fernand de Varennes, UN Special Rapporteur on minority issues

- Jake Bowers, Romani Journalist, Broadcaster, Producer and Media Trainer, UK
- Ksenia Iliuk, Head of Research Unit, Detector Media NGO, Ukraine
- Inga Sikorskaia, Director, School of Peacemaking & Media Technologies, Kyrgyzstan

11:50 – 12:10   Refreshments/Coffee-break

12:10 – 13:30   Panel discussion II

Moderator:

Elena Cherniavska, Senior Adviser, Office of the OSCE Representative on Freedom of the Media
Antonina Cherevko, Senior Adviser, Office of the OSCE Representative on Freedom of the Media

Theme II: Regulatory frameworks on countering hate speech in the OSCE region and beyond, their relevance, effectiveness and compatibility with the OSCE human dimension commitments and in particular, commitments on freedom of the media

Issues for discussion:

- *An overview of the latest policy/regulatory developments related to countering hate speech at the level of regional organizations and/or human rights mechanisms: the EU and the Council of Europe instruments, latest case law of the European Court of Human Rights*
- *Discussion of tools and latest policy/regulatory developments related to countering hate speech in the OSCE pS*
- *Political expediency & proportionality in dealing with hate speech*
- *Reflections on effectiveness of anti-hate speech regulatory measures and good practice examples*

Panel participants:

– Dr Jennifer Jackson-Preece, Associate Professor in Nationalism, the European Institute and the Department of International Relations, London School of Economics, UK
– Louisa Klingvall, Team Leader, European Commission – Directorate General Justice and Consumers, Unit C2 Fundamental Rights policies
– Giulia Lucchese, Administrator, Media and Internet Governance Division, Information Society Department, Directorate of Human Rights and Rule of Law, Council of Europe
– Adela Katchaounova, Attorney-at-law, Legal Defence Programme Director, Bulgarian Helsinki Committee, Bulgaria

13:30 – 14:30   Refreshments/Lunch break

14:30 – 15:40   Panel discussion III

Moderator: Elzbieta Kuzborska-Pacha, Senior Legal Adviser, Office of the OSCE High Commissioner on National Minorities

Theme III: Addressing hate speech via positive measures. Minorities' access to media and media production as an important instrument in debunking harmful stereotypes and transforming negative prejudice

Issues for discussion:

- *Media access and broadcasting for minorities*
- *Media and political speech in multicultural communities*
- *The role of public service broadcasters and community media in addressing hate speech*
- *News media and their role in shaping perceptions and attitudes towards Roma & Sinti*
- *The Tallinn Guidelines on National Minorities and the Media in the Digital Age: implementation experiences*

Panel participants:

- Dr Tarlach McGonagle, Professor of Media Law & Information Society at Leiden Law School and Associate Professor at the Institute for Information Law (IViR) at Amsterdam Law School, the Netherlands
- Lela Savic, Chief-editor, La Converse, Roma journalist, Canada
- Evanthia Savvopoulou, Senior Communications Associate, UNHCR Athens, Greece
- Ruslanas Iržikevičius, Chief-editor of the Lithuania Tribune, Lithuania
- Brankica Janković, Commissioner for the Protection of Equality of the Republic of Serbia

15:40 – 16:00 Closing session: panel reports and concluding remarks from the co-organising institutions – ODIHR, RFoM and HCNM

Moderator: Jürgen Heissel, Director of the Office, OSCE Representative on Freedom of the Media