



European
University
Institute

Robert Schuman Centre for Advanced Studies

CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM

Regional Symposium

MEDIA PLURALISM AND DIVERSITY AND COUNTERING HATE SPEECH IN EUROPE

Organised by

Centre for Media Pluralism and Media Freedom – European University Institute, Italy

DEMOS Institute, Guatemala

Open Society Foundations

UNESCO

Refettorio, Badia Fiesolana

Via dei Roccettini 9 – San Domenico di Fiesole (Florence) - Italy

BACKGROUND

Florence, 26-27 March 2012

Against a background of financial crisis, a loss of positive momentum around EU enlargement, and the rise of center-right populist parties – often with ‘Eurosceptic’ credentials and intolerant views – the European social model that has included a commitment to pluralism and diversity in the media has come under intense pressure.

Hand in hand with these developments, Europe has witnessed, particularly in the online world, an increase in extremist and intolerant expression, with some concomitant action – witness, all too tragically, the recent events in Norway. Voices have been raised in favor of increased regulation of the media, sometimes quite draconian, meant to stem the tide of this deeply alarming kind of expression. These have been the voices, not only of those who traditionally condemn media performance, but also of those working very much in favor of human rights – particularly the rights to be free from discrimination and hatred. On the other side have been the advocates of freedom of expression and media freedom, concerned that regulation of so-called hate speech is too blunt an instrument, and may well do more harm than good.

The two tendencies are related. Specifically, it is likely that with the erosion of pluralism and diversity, and in particular with an overall decline of social and cultural diversity in programming and policy and meaningful access for minority groups, Europeans are losing the ability to counter such speech through the effective presentation in the media of robust and convincing messages of tolerance, even-handedness, and openness. To be sure, given the technological developments of the last decade, ‘more expression’ may well be available online for minority and other voices to use – but who will hear those voices, and how can they find room in the dwindling mainstream to reach and influence a mass audience?



The Centre for Media Pluralism and Media Freedom is co-financed by the European Union

In this era of deregulation, then, with an increasingly strident populism, how can governments and parliaments—and the European institutions—be convinced to create secure enabling environments for genuinely effective responses to hate speech, through guaranteeing pluralism and diversity in the media generally, and guaranteeing, specifically, media access by those who would counter such speech?

These are the principal topics that will be addressed in this European consultation for Mr Frank La Rue, the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, in Florence, Italy, on 26-27 March 2012.

OBJECTIVES

- ① To establish a multi-stakeholders' dialogue on responding to hate speech in Europe while fully protecting freedom of expression;
- ② To understand the challenges to and opportunities for promoting media pluralism and diversity in Europe;
- ③ To identify best practices for promoting diversity, in part as a means of countering hate speech;
- ④ To identify follow-up mechanisms to encourage and promote the implementation of best practices.

This regional symposium will bring together approximately 50 participants from throughout Europe. They will include law makers, IT experts, social media activists, representatives from national human rights institutions, IT corporations, public institutions related to media, and civil society organizations. Over the course of two days, participants will analyze these important issues, specifically in light of the rapid development of internet and mobile technologies on the continent.

PROGRAMME

MONDAY, 26 MARCH

- | | |
|-------------|--|
| 08:45-09:00 | Registration |
| 09:00-09:15 | Welcome remarks
Pasquale Ferrara , Secretary General, European University Institute
Representative of DEMOS Institute |
| 09:15-10:15 | Session 1: Keynote presentations

<i>International principles and jurisprudence: balancing the protection of freedom of expression with the need to counter and resist hate speech</i>
Frank La Rue , UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

<i>Europe now: a comparative overview of legislation on freedom of expression and the prohibition against incitement, challenges to structural pluralism in media, and how the digital environment both aids a pluralism of voices and abets hate speech</i>
Aidan White , Director, Coalition for Ethical Journalism

<i>The Centre for Media Pluralism and Media Freedom, European University Institute: an introduction to the Centre's work on media pluralism and media freedom</i>
Pier Luigi Parcu , Director, Centre for Media Pluralism and Media Freedom – EUI |

In this session, Frank La Rue will give a snapshot of Special Rapporteur meetings on the topic in Asia and Africa, and deliver an overview of international freedom of expression principles. Aidan White will lay out the challenges to structural pluralism, consider how the digital environment aids greater expression of diverse voices but also abets incendiary speech, and describe European legislation on upholding freedom of expression and countering hate speech. Pier Luigi Parcu will give a presentation on the new Centre for Media Pluralism and Media Freedom.

- 10:15-11:30 **Session 2: Key cases highlighting the use of national legislation to counter hate speech, with implications for best methods to legislate in this area while respecting freedom of expression**
- Moderator: **Tarlach McGonagle**, Institute for Information Law, Faculty of Amsterdam
- Striking the balance in Europe between freedom of expression and offence***
Barbora Bukovska, Article 19
- Case studies from Slovakia***
Daniel Milo, Directorate General of Human Rights and Equal Treatment, Slovak government
- Case study: how hate speech in digital media affects victims and perpetrators***
Stefan Sottiaux/Jogchum Vrielink, K.U.Leuven
- Legislative responses to hate speech***
Yasemin Inceoğlu, Galatasaray University
- Paper presentation:
- Fighting hate speech through EU Law***
Uladzislau Belavusau, Vrije University Amsterdam
- This session will examine recent legislative attempts to counter hate speech and its impact. Panellists will address whether current – or proposed – legislation might have a chilling effect on freedom of expression.*
- 11:30-11:50 *Coffee break*
- 11:50-13:10 **Session 3: Examples illustrating the media's role in responding to hate speech and in resisting xenophobia, discrimination and intolerance by ensuring inclusive journalism and content**
- Moderator: **Milica Pešić**, Media Diversity Institute
- How Norwegian media (and the NRK) handled the aftermath of the 22 July 2011 massacre***
Anne Ardem, Norwegian Broadcasting Corporation (NRK)
- Inclusive journalism in France***
Claire Frachon, Media Europa Diversity
- Roma representation in the media***
George Lacatus, Roma Journalists Association, Romania
- MEDIVA News -European media practice on coverage of migration***
Iryna Ulasiuk, MEDIVA, European University Institute
- This session will examine inclusive journalism practices and journalists' response to hate speech.*
- 13:10-14:40 *Lunch*
- 14:40-15:50 **Session 4: From traditional media to social media and new technologies: how has hate speech migrated online?**
- Moderator: **Beata Klimkiewicz**, Institute for Journalism and Social Communication, Jagiellonian University
- How technology was used during the 2011 English riots***
Paul Lewis, The Guardian
- Monitoring hate speech on the internet in Russia***
Natasha Yudina, SOVA Center for Information and Analysis
- A view from Sweden of hate speech and the online environment***
Daniel Poohl, Expo Sweden
- This session will examine the role of online and social media in spreading, and in countering, hate speech, and practice-based responses.*
- 15:50-16:10 *Coffee break*

16:10-18:00

Session 5: Intermediary liability: Promoting freedom of expression and the prevention of hate speech online

Moderator: **Anja Kovacs**, The Internet Democracy Project

Intermediary liability online

Giovanni Sartor, European University Institute

Co-regulation vs. traditional regulation – how to ensure that hate speech laws are effective online, without curtailing freedom of expression

Brankica Petković, Center for Media Policy, Peace Institute

The perils of online ‘self regulation’

Joe McNamee, European Digital Rights Initiative

Google and intermediary liability

Marco Pancini, Senior Policy Counsel, Google

This session looks at current trends with respect to intermediary liability, and in the specific context of hate speech. What are the motives of governments to impose liability; should duties be imposed on businesses with respect to content they provide but do not produce; and how to balance enforcement and anonymity online?

19:30

Dinner

TUESDAY, 27 MARCH

09:00-10:30

Session 6: The enabling environment for media pluralism in Europe

Moderator: **Juan Luis Manfredi Sánchez**, University of Castilla La Mancha

Findings of the study Indicators for Media Pluralism in [EU] Member States
Peggy Valcke, K.U.Leuven

Findings and recommendations from the Mapping Digital Media project
Mark Thompson, OSF Media Program

Hungarian Media Law in the European context

Amy Brouillette, Center for Media and Communication Studies, Central European University

Also on Hungary: promoting balanced coverage under the new media law
Bea Bodrogi, Civil Media

This session provides recommendations on how to act on the media pluralism structural challenges in Europe today.

10:30-10:50

Coffee break

10:50-12:00

Session 7: Brainstorm on ensuring media pluralism and diversity, and countering hate speech – next steps

Moderator: **Dirk Voorhoof**, University of Ghent and University of Copenhagen

Media pluralism, one million signatures at a time
Lorenzo Marsili, European Alternatives

How the Internet can be used to debate the new challenges to freedom of expression
Maryam Omid, freechspeechdbate.com, Oxford University

Bringing the online in line with human rights
Ronald Eissens, International Network Against Cyber Hate

EUI Paper presentation:

Genocide denial: a comparative focus on extent and limits of freedom of expression in Europe
Oreste Pollicino, Bocconi University
Marco Bassini, Baker & McKenzie

This session will respond to challenges identified in the previous sessions, to be taken up at national, regional and international levels.

12:00-12:30

Debate

12:30-13:30

Session 8: Closing remarks

When to prosecute for expressions - lessons from the counter-terrorism context
Martin Scheinin, European University Institute

Frank La Rue, UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

Pier Luigi Parcu, Centre for Media Pluralism and Media Freedom-EUI

13:30-15:00

Lunch

15:00-16:30

Session 9: Working group (attendance optional): Regional overview on freedom of expression, impunity and safety of journalists, bloggers and online activists and strategies for defence

Moderator: **Martin Scheinin**, European University Institute

Regional trends

Jean-Paul Marthoz, Committee to Protect Journalists

Legal strategies to defend freedom of expression
Nani Jansen, Media Legal Defence Initiative

PARTICIPANTS

Stefan Albrechtskirchinger	EUI, Italy
Anne Ardem	Norwegian Broadcasting Corporation, Norway
Joan Barata	Blanquerna School of Communication, Spain
Marco Bassini	Baker & McKenzie, Italy
Uladzislau Belavusau	Vrije Universiteit Amsterdam, The Netherlands
Gianni Betto	Centro d'Ascolto dell' Informazione Radiotelevisiva, Italy
Sara Bicchierini	Corriere della Sera, Italy
Bea Bodrogi	Civilmedia Nonprofit, Hungary
Elda Brogi	CMPF/EUI, Italy
Amy Brouillette	Center for Media and Communications Studies, CEU, Hungary
Barbora Bukovska	Article 19, UK
Andrea Calderaro	CMPF/EUI, Italy
Josep Carbonell	Blanquerna School of Communication, Spain
Stewart Chrisholm	OSF Media Program, UK
Sylvie Coudray	UNESCO, France
Alina Dobрева	CMPF/EUI, Italy
Dalma Dojcsák	Civilmedia Nonprofit, Hungary
Ronald Eissens	International Network Against Cyber Hate, The Netherlands
Francesca Fanucci	OSF Media Program, UK
Pasquale Ferrara	EUI, Italy
Claire Frachon	Media Europa Diversity, France
Vera Franz	OSF Information Program, UK
Giovanni Gangemi	CMPF/EUI, Italy
Paula Gori	CMPF/EUI, Italy
Miklos Haraszti	Columbia University, USA
Costanza Hermanin	Open Society Justice Initiative, UK
Nazia Hussain	At Home in Europe, OSF, UK
Yasemin Inceoğlu	Galatasaray University, Turkey
Nani Jansen	Media Legal Defence Initiative, UK
Rohan Jayasekera	Index on Censorship, UK
Beata Klimkiewicz	Institute of Journalism and Social Communication, Jagiellonian University, Poland
Anja Kovacs	The Internet democracy project, India
Frank La Rue	United Nations
Georgică Lăcătuș	Roma Journalists Association, Romania

Paul Lewis	The Guardian, UK
Morris Lipson	OSF Media Program, UK
Juan Luis Manfredi Sánchez	University of Castilla la Mancha, Spain
Lorenzo Marsili	European Alternatives, Italy
Jean-Paul Marthoz	Committee to Protect Journalists, USA
Tarlach McGonagle	Institute for Information Law, The Netherlands
Joe McNamee	European Digital Rights Initiative, Belgium
Daniel Milo	Directorate General of Human Rights and Equal Treatment Office of the Government of Slovak Republic, Slovak Republic
Peter Molnar	Central European University, Hungary
Federico Moro	Robert Kennedy Foundation, USA
Marwan Muhammad	Collectif Contre l'Islamophobie en France, France
Maryam Omid	Free Speech Debate, Oxford University, UK
Peppino Ortoleva	University of Torino, Italy
Marco Pancini	Google, Belgium
Pier Luigi Parcu	CMPF/EUI, Italy
Milica Pešić	Media Diversity Institute, UK
Brankica Petković	Center for Media Policy, Peace Institute, Slovenia
Oreste Pollicino	Bocconi University of Milan, Italy
Daniel Poohl	EXPO Sweden, Sweden
Giovanni Sartor	EUI, Italy
Paul Scheffer	Tilburg University, The Netherlands
Martin Scheinin	EUI, Italy
Stefan Sottiaux	Institute of Constitutional Law/ Centre for Anti-Discrimination Law, KU Leuven, Belgium
Marie Struthers	OSF Media Program, UK
Mark Thompson	OSF Media Program, UK
Iryna Ulasiuk	MEDIVA/EUI, Italy
Peggy Valcke	Interdisciplinary Centre for Law & ICT, Belgium
Dirk Voorhoof	University of Ghent, Belgium
Jogchum Vrielink	Institute for Constitutional Law, K.U. Leuven, Belgium
Ellen Wauters	Interdisciplinary Centre for Law & ICT, Belgium
Aidan White	Global Editors Network, France
Natasha Yudina	SOVA Center for Information and Analysis, Russia