Freedom of Expression Toolkit

Promoting a comprehensive, human rights-based concept of freedom of expression in BiH - **Freedom of Expression HUB**

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This Freedom of Expression Toolkit (FoE Toolkit) is a comprehensive educational resource that empowers young people with knowledge and practical skills on freedom of expression, misinformation, hate speech, misogyny, and defamation. The toolkit is grounded in the fundamental principles of human rights and democratic values, and it is designed to address the evolving challenges in the contemporary information landscape. By cultivating a culture of informed and engaged civic participation, this initiative aims to empower young people to become agents of change in upholding freedom of expression and democratic principles. In addition to this brief toolkit and its 5 educational modules, a more extensive version is available on the digital platform of the project 'Freedom of Expression HUB', on the website of the Association Ja bih u EU' Sarajevo, with more detailed information and additional sections, including on the legal framework for freedom of expression, relevant case law, the status of freedom of expression in BiH and good practice examples related to freedom of expression from other countries.

Key Features

- **Key concepts surrounding freedom of expression:** An introductory part of the toolkit focuses on key definitions and the notion of freedom of expression.

- **Comprehensive modules on key issues**: The toolkit includes five modules on understanding freedom of expression, combating misinformation, addressing hate speech, combating misogyny, and defamation and freedom of expression.

- **Interactive digital platform**: The toolkit is also accessible through a user-friendly digital platform that features interactive elements, such as quizzes and simulations.

- **Training and activities**: The toolkit will be supported by training and activities that provide participants with the opportunity to apply the knowledge they have learned.

Target Audience

The FoE Toolkit is designed for young people and young media professionals interested in learning more about freedom of expression and how to responsibly navigate the complex information landscape to become agents of change in their respective local environments.

Impact

The FoE Toolkit empowers young people and young media professionals by empowering them to:

- Understand their rights and responsibilities as free speech advocates

- Identify and challenge misinformation and hate speech

- Promote inclusive communication and gender equality

- Make informed decisions about the information they consume and share

INTRODUCTION

Freedom of opinion and expression are essential for personal growth and for any society to thrive. They are **fundamental to every free and democratic society**. These two freedoms are deeply connected, with freedom of expression being the means through which opinions are shared and developed. It is also crucial for **transparency and accountability**, which are necessary for promoting and protecting human rights. However, there are specific circumstances under which freedom of expression can be limited.

In our rapidly changing world of information and communication technologies, the right to freedom of expression remains a cornerstone of democracy. This right, enshrined in international human rights laws, **empowers individuals to express their thoughts and ideas without fear of censorship or punishment**. States must ensure that this right is upheld in their domestic laws. However, the digital age has introduced new challenges, such as the rapid spread of misinformation, hate speech, and other **harmful communications**.

> **Follow the links to the most important international standards on freedom of expression:**

- Universal Declaration of Human Rights (UDHR), Article 19;
- International Covenant on Civil and Political Rights (ICCPR), Article 19;
- European Convention on Human Rights (ECHR), Article 10;
- Charter of Fundamental Rights of the European Union (CFREU), Article 11;
- Framework Convention for the Protection of National Minorities (FCNM), Article 9.

To address these challenges and foster a more responsible and informed environment, the Freedom of Expression Toolkit (FoE Toolkit) has been developed. This educational resource aims to **empower students and young journalists with a deeper understanding of freedom of expression**, its limitations, and the ethical considerations surrounding its use. By providing knowledge and practical skills, the toolkit seeks to promote responsible communication, combat harmful speech, and uphold the principles of democratic discourse. To this end, five comprehensive modules were developed, addressing the following topics:

Understanding Freedom of Expression

- Relationship with democracy and human rights
- Legal framework and international standards
- Freedom of Expression in the digital age

Combating Misinformation

- Understanding misinformation
- Media literacy and fact checking
- Adressing disinformation campaigns

Adressing Hate Speech

- Understanding hate speech
- Legal frameworks and approaches
- Promoting inclusive communication

Countering Misogyny

- Understanding misogyny
- Gendered hate speech and online harassment
- Promoting gender-inclusive discourse

Defamation and Freedom of Expression

- Deafamtion: Concepts and Elements
- Balancing freedom of expression and reputation
- Media ethics and responsible reporting

DEFINITIONS, IMPORTANCE AND SCOPE OF FREEDOM OF EXPRESSION

Key Definitions

To ensure a shared understanding of the concepts discussed throughout the toolkit, it is essential to define key terms related to freedom of expression and its associated issues:

Freedom of expression	protects your right to hold your own opinions and to express them freely without government interference. This includes the right to express your views aloud (for example through public protest and demonstrations) or through:

- published articles, books or leaflets
- television or radio broadcasting
- works of art
- the internet and social media

Freedom of expression also protects your freedom to receive information from other people by, for example, being part of an audience or reading a magazine.

Although you have freedom of expression, you also have a duty to behave responsibly and to respect other people's rights.

Public authorities may restrict this right if they can show that their action is lawful, necessary and proportionate to respect the rights or reputations of others, or to protect national security, public order, public health, or morals.

An authority may be allowed to restrict your freedom of expression if, for example, you express views that encourage racial or religious hatred.

However, the relevant public authority must show that the restriction is 'proportionate', in other words that it is

	appropriate and no more than necessary to address the issue concerned.
Misinformation	Unintentionally false or inaccurate information that is shared without malicious intent. **Disinformation**, by contrast, is deliberately false or misleading information that is created and spread with the intention to deceive.
Hate speech	Any form of communication that involves discriminative approaches or hostility directed towards particular social groups and/or their members on the grounds such as race or ethnicity (racism, xenophobia, antisemitism, etc.), gender (sexism, misogyny), sexual orientation (homo transphobia), age (ageism), disability (ableism), etc. However, there is no universally accepted definition of hate speech.
Misogyny	Hostility or contempt towards women

The Importance of Freedom of Expression

Freedom of expression is a fundamental human right that is essential for the functioning of a democratic society. **It allows individuals to participate in public life, hold their governments accountable, and challenge prevailing opinions**. Freedom of expression also promotes individual creativity and innovation, and it fosters a culture of open and informed debate.

However, **freedom of expression is not an absolute right. It is subject to certain limitations, such as laws against hate speech and defamation**. Limitations need to be **proportional** and **necessary** to protect the rights of others and to ensure that freedom of expression does not undermine public order or harm individuals.

Despite these limitations, freedom of expression remains an essential safeguard for democratic societies. It is a **tool for empowerment**, a **catalyst for change**, and a

foundation for the pursuit of truth and justice. By understanding the importance of freedom of expression and its ethical implications, we can ensure that it is exercised responsibly and effectively in the digital age.

Freedom of expression is also closely linked to the right to freedom of assembly. Freedom of expression provides the individual ideas and viewpoints. Freedom of assembly then allows these individual voices to be combined, creating a much stronger collective message than any single voice could achieve on its own.

The Scope of Freedom of Expression

International **human rights instruments and treaties**, such as the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)**, the **European Convention on Human Rights (ECHR)** define freedom of expression as the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. These instruments also emphasize the importance of freedom of expression for the functioning of democratic societies and for the realization of other human rights.

Article 10. European Convention on Human Rights (1950)

- (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- https://70.coe.int/pdf/convention_en

> **Article 19. The Universal Declaration of Human Rights (1948)**
>
> - Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
> - http://www.un.org/en/universal-declaration-human-rights/

> **Article 19. International Covenant on Civil and Political Rights (1966)**
>
> - (1) Everyone shall have the right to hold opinions without interference.
> - (2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
> - (3) The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
> - a) For respect of the rights or reputations of others;
> - b) For the protection of national security or of public order (ordre public), or of public health or morals.
> - https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf

In Bosnia and Herzegovina, the right to freedom of expression is safeguarded by the European Convention on Human Rights (ECHR) and its protocols, which take precedence over local laws according to the Constitution of Bosnia and Herzegovina. Furthermore, freedom of expression is enshrined in the constitutions of the state and its entities, as well as the Statute of the Brčko District.

> **Article II (Human Rights and Fundamental Freedoms) of the Constitution of Bosnia and Herzegovina**
>
> - determines BiH and both Entities ensure the highest level of internationally recognized human rights and fundamental freedoms. The catalogue of rights enumerates freedom of expression. Freedom of expression provisions are also included in the Constitution of the Federation of Bosnia and Herzegovina (Article II/A) and the Constitution of the Republika Srpska (Articles 32 and 34)

Limitations on freedom of expression: While freedom of expression is a fundamental right, it is not absolute and may be subject to limitations. These limitations are typically based on public order, morals or the protection of the rights of others. For example, laws on hate speech and defamation typically limit freedom of expression,

as such expression can incite violence or harm individuals. Such **limitations must meet some standards according to human rights law**.

According to international law, the right to freedom of expression can only be limited if the restriction:

- **Is prescribed by law**: The restriction must be clearly written in the law.
- **Pursues a legitimate aim**: This can include national security, public safety, preventing disorder or crime, protecting health or morals, safeguarding the rights or reputations of others, maintaining confidentiality, or ensuring the authority and impartiality of the judiciary.
- **Is necessary in a democratic society**: There must be valid and sufficient reasons for the restriction, and it must be proportionate to the legitimate aim being pursued.

Procedures for balancing freedom of expression with other rights: International human rights instruments and treaties generally recognize that **one person's freedom of expression can influence other people's human rights** and, in that case, must be balanced with other rights, such as privacy and reputation. This balance is often achieved through a process which involves weighing the importance of the expression against the harm it may cause to others.

Enforcement mechanisms for ensuring compliance with freedom of expression laws: States have a responsibility to ensure that their **laws on freedom of expression are enforced** effectively. This typically involves establishing independent and impartial courts, providing access to remedies for those whose freedom of expression has been violated, and educating the public about their rights.

Current Challenges to Freedom of Expression in Bosnia and Herzegovina

Bosnia and Herzegovina ranked 64th out of 180 countries in the World Press Freedom Index, compiled by the international NGO Reporters Without Borders (*RSF*). RSF observes in it's [2023 County Fact Sheet](#) that the **media in Bosnia and Herzegovina operate in a relatively favorable legal environment, but in an extremely unfavorable political and economic milieu**. Journalists do not feel protected while doing their work. There are large differences in media freedom and the quality of journalism across the country.

The European Commission in their [2023 report on Bosnia and Herzegovina](#) observes only some level of preparation on freedom of expression in view of the envisaged accession of the country to the European Union. The commission observed **threats and violence against journalists** and **lack of the appropriate judicial follow-up** and **political influence over public broadcasters** and their lack of financial stability. Furthermore, the commission worried about **potentially restrictive laws** that could be abused to restrict freedom of expression and underlines that any such laws must fully respect freedom of expression standards.

Although the legal framework for the operation of the media is largely in line with international standards, the policymaking process has stalled in recent years despite a need to amend existing laws and enact new ones. Journalists largely work in an environment free of censorship, but many factors encourage **self-censorship**. Journalists are subject to verbal threats and attacks as well as occasional physical assault. Journalists generally do not feel sufficiently protected while doing their job and do not trust the police for their protection.

MODULE 1: UNDERSTANDING FREEDOM OF EXPRESSION

A. Introduction to Freedom of Expression

Introduction: Short Video: Freedom of Expression **explained (explainity® explainer** video**)** - 2.54 min

Short reflection:

- What do you think is Freedom of Expression?

  - Freedom of expression is the fundamental right to express one's thoughts, ideas, and opinions without fear of censorship or reprisal. It is a cornerstone of democracy and human rights, allowing individuals to participate in public discourse, challenge authority, and hold governments accountable.

  - It includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any medias and regardless of frontiers.

Article 19, Universal Declaration of Human Rights (UDHR)
Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

- Which countries do you think are rated "top" or "at the bottom" when it comes to freedom of expression? Guess!!! (**short interaction/brainstorming during F2F Training**)

Below you can see a graph with data collected by an NGO called "Article 19". It shows the top and bottom 10 with regard to freedom of expression:

Highs and lows, rises and falls

Table 1: Top 10 and bottom 10 country scores, 2021

Top 10	GxR score	Bottom 10	GxR score
Denmark	95	North Korea	0
Switzerland	95	Turkmenistan	1
Sweden	94	Syria	1
Norway	94	Eritrea	1
Estonia	93	Belarus	2
Finland	93	China	2
Ireland	92	Cuba	2
Portugal	92	Nicaragua	3
Belgium	91	Saudi Arabia	3
Latvia	91	Equatorial Guinea	4

Nicaragua and Belarus are new entries to the bottom 10 for 2021.

Portugal is a new entry into the top 10 and Uruguay dropped out this year.
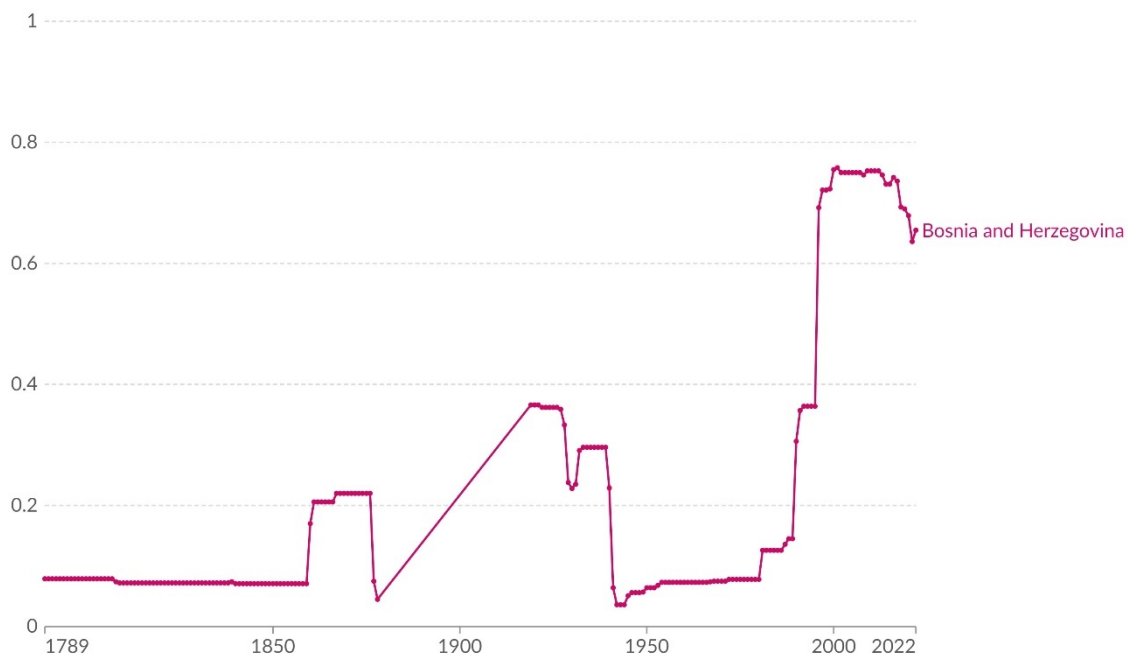
The entire top 10 is now composed of European countries.

Source: Article 19, Global Expression Report, 2022

Freedom of expression index, 1789 to 2022

Based on the expert assessments and index by V-Dem[1]. It captures the extent to which people can voice their views and the media can present different political perspectives. It ranges from 0 to 1 (most free).

Bosnia and Herzegovina

Data source: V-Dem (2023)

OurWorldInData.org/democracy | CC BY

1. V-Dem: The Varieties of Democracy (V-Dem) project publishes data and research on democracy and human rights. It relies on evaluations by around 3,500 country experts and supplementary work by its own researchers to assess political institutions and the protection of rights. The project is managed by the V-Dem Institute, based at the University of Gothenburg in Sweden. Learn more: Democracy data: how do researchers measure democracy? The 'Varieties of Democracy' data: how do researchers measure democracy? The 'Varieties of Democracy' data: how do researchers measure human rights?

Let us reflect on the importance of freedom of expression!

- Why do you think Freedom of Expression is in fact important?

✓ Freedom of expression promotes open dialogue, fosters innovation, and ensures the free flow of information. It enables individuals to challenge harmful stereotypes, promote equality, and protect their rights.

✓ Freedom of expression means assuring individual self-fulfillment. It is also important for people to be able to participate in decision-making processes, especially in the public sphere, and also enables a society to achieve stability and adaptability.[1]

Source: https://www.pexels.com/photo/photo-of-people-doing-protest-4613878/

B. Relationship with Democracy and Human Rights, Current Challenges

- Freedom of Expression in a Democratic Context

  o As outlined already - Freedom of expression is essential for the functioning of a democratic society! It allows citizens to participate in informed decision-making, hold their elected officials accountable, and challenge government overreach.

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[1] See, *UNESCO*, Freedom of Expression Toolkit. A Guide for Students (2013).

- Threats to Freedom of Expression

    o Despite its importance, freedom of expression is often under threat. Governments, individuals, and institutions may seek to restrict or silence dissenting voices through censorship, violence, or legal intimidation.

- Current Challenges to Freedom of Expression

    o In recent years, the rise of social media and the spread of misinformation have posed new challenges to freedom of expression. Online platforms have become breeding grounds for hate speech, extremism, and disinformation, raising concerns about the impact on public discourse and individual rights.

Show a short video on hate speech: Amnesty International, [So what about hate speech](#) (2022).

Short reflection: What do you think are some of the main challenges related to freedom of expression in your own country?

C. Legal Frameworks and International Standards

- National Legislation and International Law

    o Most countries have laws that protect freedom of expression, often reflecting international human rights conventions like the **Universal Declaration of Human Rights** and the **European Convention on Human Rights (ECHR)**. These laws define the scope of your right to express yourself and highlight the situations where limitations may be applied.
    o In many countries, freedom of expression is enshrined in the Constitution. The Constitution is the highest law in the land and lays the foundation of other rules and principles for a Government and its citizens.

Article 10 of the European Convention on Human Rights (ECHR)

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."

Short reflection:

How is freedom of expression legally anchored in your country?

- Limitations under Article 10 of the ECHR:

While freedom of expression is a fundamental right, it is not absolute. Article 10 of the ECHR acknowledges that some limitations may be necessary under specific circumstances, provided they are:

- ✓ Prescribed by law: The limitations must be clearly defined in laws that are accessible to everyone.
- ✓ Pursue a legitimate aim: These aims could include protecting national security, public safety, public order, preventing the disclosure of confidential information, or maintaining the authority and impartiality of the judiciary.
- ✓ Necessary in a democratic society: The limitations must be proportionate and the least restrictive means to achieve the legitimate aim. This means other less intrusive measures should be considered before resorting to limitations on free speech.

Understanding these limitations helps ensure a balance between your own right to freedom of expression and the rights of other people.

- Role of Judiciary and Self-Regulatory Bodies

   - The judiciary plays a crucial role in upholding freedom of expression and ensuring that **limitations** on free speech are applied **narrowly** and in accordance with the law. Self-regulatory bodies, such as press councils, can also play a valuable role in promoting responsible journalism and addressing concerns about media content.

Exercise: Reflecting on Limitations

Freedom of expression plays a vital role in our lives, but it's important to understand that it's not absolute. Let's explore these limitations further through reflection.

1. Consider a specific situation:

Imagine attending a public protest where a group expresses views that you strongly disagree with, even find offensive. Should they be allowed to express these views? Why or why not?

2. Think about the potential consequences:

If anyone could express anything without limitations, what potential consequences might arise? Could it lead to harm or incitement to violence? How could we balance freedom of expression with other important values like public safety and the protection of individuals from harm?

3. Research limitations in your country:

How does your country's legislation address freedom of expression?
Are there any specific limitations outlined in the law?
Who is responsible for interpreting and applying these limitations (e.g., the judiciary)?

4. Discuss and share perspectives:

Openly discuss these questions and reflections with your peers, classmates, or colleagues. Remember, different people might have different perspectives on the limitations of free speech. This discussion is an opportunity to learn from each other and develop a nuanced understanding of this complex issue.
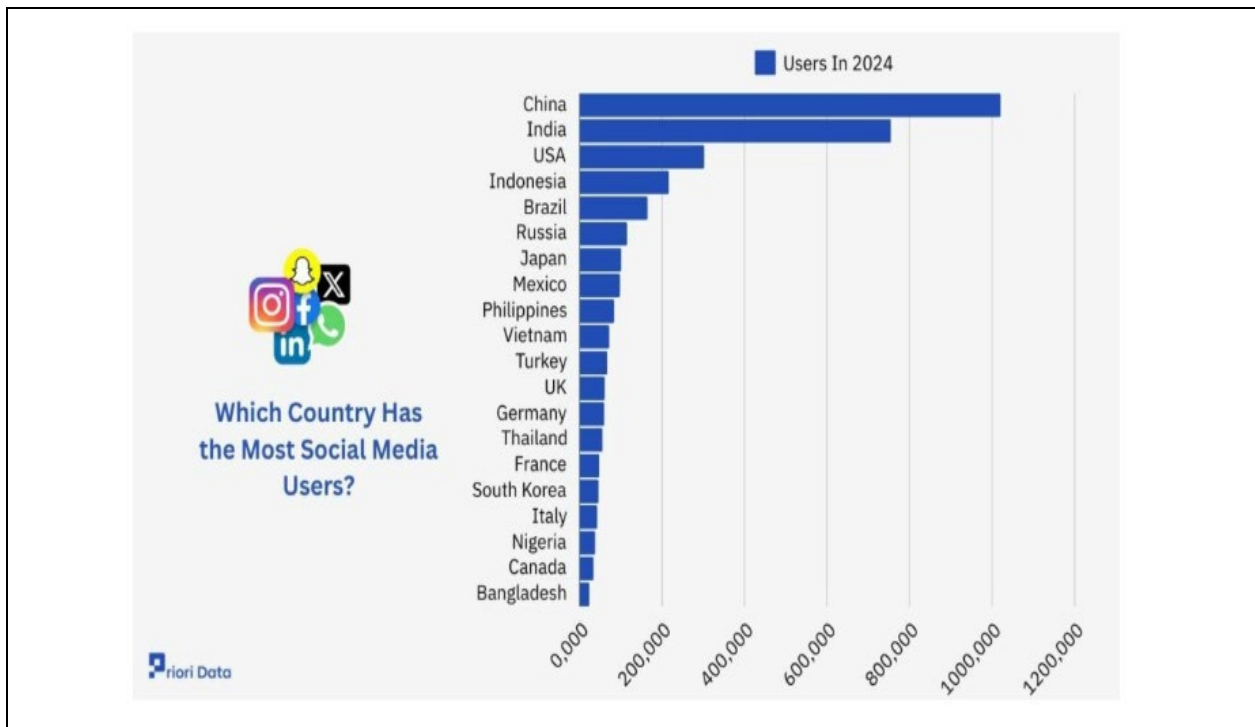
D. Freedom of Expression in the Digital Age

The internet and social media have become central to our lives, transforming how we communicate and access information. However, these powerful tools also pose new challenges for freedom of expression. Here's a closer look:

The Digital Landscape:

- **Global Reach:** The map below illustrates the uneven distribution of internet access and social media usage. This unequal access raises concerns about how freedom of expression is experienced globally. In addition, access to certain webpages and social media tools can be also restricted content wise.
- **Content Moderation:** Online platforms like Facebook and Twitter have become powerful arbiters of content. They have the ability to remove or restrict access to certain content, impacting free speech.

- **Algorithmic Bias:** Algorithms that power social media feeds can amplify or suppress certain voices. This can create "echo chambers" where users are only exposed to information that confirms their existing beliefs.

Source:https://prioridata.com/data/social-media-usage/#Which_Country_Has_the_Most_Social_Media_Users

- Balancing Freedom of Expression with Online Harms

    o Governments and online platforms face the challenge of balancing freedom of expression with the need to address online harms, such as hate speech, extremism, and disinformation. Striking the right balance requires careful consideration of both legal and ethical principles.

Module 2: Combating Misinformation

A. Understanding Misinformation

Defining and Classifying Misinformation

Misinformation and disinformation are two terms that are often used interchangeably, but they have distinct meanings. Misinformation is **unintentionally false or inaccurate information** that is shared without malicious intent. Disinformation, on the other hand, is **deliberately false or misleading information** that is created and spread with the intention to deceive.

Impacts of Misinformation

Misinformation can have a significant negative impact on individuals, communities, and societies. It can erode public trust in institutions and experts, lead to harmful decisions, and exacerbate social division and conflict.

Misinformation in the Digital Age

The rise of social media and the internet has made it easier than ever to spread misinformation. Social media platforms allow for the rapid dissemination of information to large audiences, and algorithms can amplify misinformation, making it more difficult for users to find accurate information. Additionally, deepfakes, which are manipulated videos or audio clips, can be used to spread misinformation and discredit individuals.

B. Media Literacy and Fact-Checking

Becoming a Critical Consumer of Information

In an era of information overload, it is essential to be a critical consumer of information. **In today's information age, navigating the sea of online content requires critical thinking and a toolbox of fact-checking resources.** This means being able to evaluate the credibility of sources, identify biases, and verify claims. Here are some key critical thinking skills that can help you combat misinformation:

- **Question the source:** Who is the source of the information? Are they qualified and reliable?

- **Check for bias:** Are there any hidden agendas or perspectives that might be influencing the information?

- **Verify claims:** Cross-check information from multiple sources and look for original sources.

- **Consider the context:** When was the information published? What is the current state **of knowledge on the topic?**

In the next section, we'll explore some key tools and techniques to help you become a savvy information consumer:

Fact-Checking Websites

These websites are dedicated to verifying claims and debunking misinformation. They employ journalists and researchers to investigate information and provide reliable verdicts. Here are some prominent examples:

- Snopes.com: A veteran fact-checking site known for its comprehensive debunking of myths, rumors, and urban legends.
- PolitiFact.com: Focuses on verifying the accuracy of statements made by politicians. Uses a "Truth-O-Meter" rating system.
- FactCheck.org: A project of the Annenberg Public Policy Center, it fact-checks political and other public policy claims.
- Raskrinkavanje.ba: The platform Raskrinkavanje.ba was launched by the team from the organisation 'Zašto Ne', which has many years of experience in fact-checking, through work on verifying the accuracy and consistency of statements made by public officials, as well as monitoring the fulfilment of pre-election promises on the platform Istinomjer.

Search Engines as Research Allies:

Don't underestimate the power of a well-constructed search engine query. Use them to:

- Find the Source: Trace a claim back to its original source. Reliable information often originates from reputable websites (.edu, .gov, established news organizations).
- Seek Multiple Perspectives: Look for information from various sources to gain a well-rounded understanding of an issue. Be wary of echo chambers that only present one viewpoint.

- Identify Fact-Checking Articles: Search engines can help you find existing fact-checks on a particular claim. Look for articles with clear citations and evidence to support their findings.

3. Unleash Your Inner Detective: Critical Thinking Skills

Fact-checking isn't just about using tools; it's also about applying critical thinking:

- Question Everything: Approach information with a healthy dose of skepticism. Ask yourself: Who is making this claim? What is their agenda?
- Examine the Evidence: Does the information rely on credible sources and verifiable data? Are there logical fallacies or emotional appeals used to sway your opinion?
- Look for Bias: All sources have some bias. Identify the source's perspective and consider how it might influence the information presented.

By combining these tools and techniques with a healthy dose of scepticism, you can become more confident and effective fact-checkers in the digital age!

C. Addressing Disinformation Campaigns

Disinformation campaigns are coordinated efforts to spread false or misleading information. They can be used to manipulate public opinion, influence elections, or sow discord. Here are some strategies for addressing disinformation campaigns:

- **Identify patterns:** Look for repeated themes, messaging, or tactics that suggest a coordinated campaign.

- **Track the spread of information:** Monitor how misinformation is being shared and amplified on social media and other platforms.

- **Educate the public:** Raise awareness about disinformation and how to identify it.

- **Challenge disinformation:** Engage with people who are sharing disinformation and provide them with accurate information.

- **Hold social media platforms accountable:** Demand that social media platforms take steps to prevent the spread of disinformation.

Examples for Addressing Disinformation Campaigns

- **Develop a plan for tracking the spread of disinformation on social media.**

- **Create a public education campaign to raise awareness about disinformation.**

- **Engage in online conversations with people who are sharing disinformation and provide them with accurate information.**

- **Write a letter to your local representative or social media platform to demand action against disinformation.**

Module 3: Addressing Hate Speech

A. Understanding Hate Speech

Defining Hate Speech

Hate speech is a form of communication that attacks a person or group on the basis of attributes such as race, religion, ethnic origin, national origin, sex, disability, sexual orientation, or gender identity. It aims to demean, intimidate, or silence the targeted group. Hate speech can be expressed verbally, written, or symbolically.

The Ripple Effects of Hate Speech

Hate speech has a far-reaching impact, affecting individuals, communities, and society as a whole:

- **Creates a Climate of Fear:** Targeted individuals and groups may feel unsafe and unwelcome, hindering their sense of belonging.
- **Fuels Social Division:** Hate speech deepens existing biases and prejudices, creating a more polarized and fractured society.
- **Incites Violence:** When hateful rhetoric is normalized, it can lead to acts of aggression and violence against marginalized groups.
- **Mental and Emotional Harm:** Victims of hate speech can experience anxiety, depression, and even PTSD.

Recognizing Hate Speech: It Takes Many Forms

Hate speech isn't always blatant. Here are some common examples to be aware of:

- **Derogatory Language:** Using racial slurs, ethnic insults, or homophobic terms.
- **Dehumanization:** Portraying targeted groups as subhuman or animalistic through memes, images, or language.

- **Threats of Violence:** Direct or veiled threats based on a person's protected characteristics.
- **Hateful Propaganda:** Spreading misinformation that demonizes or incites hatred against a particular group.
- **Online Hate Speech:** Using discriminatory language in social media posts, comments, or online forums.

Examples of Hate Speech

- **Calling someone a racial slur or using derogatory terms for other groups.**

- **Sharing memes or images that dehumanize or stereotype marginalized communities.**

- **Threatening violence against individuals or groups based on their protected characteristics.**

- **Spreading propaganda that promotes hatred and discrimination.**

- **Using discriminatory language in online forums or social media platforms.**

B. Legal Frameworks and Approaches

Legal Prohibitions against Hate Speech

Many countries have laws that prohibit hate speech, recognizing its harmful effects on individuals and society. These laws vary in their scope and enforcement, but they generally aim to protect individuals and groups from discrimination and violence.

- **Criminalization:** In some countries, hate speech is considered a criminal offense, punishable by fines or imprisonment.

- **Civil Remedies:** Other countries provide civil remedies for victims of hate speech, such as damages or injunctions against further harm.

- **Content Regulation:** Some countries regulate the content of online platforms to curb the spread of hate speech.

Approaches to Addressing Hate Speech

Beyond legal frameworks, various approaches can be utilized to combat hate speech and promote inclusive communication:

- **Education and Awareness:** Raising awareness about the harms of hate speech and promoting tolerance and respect for diversity are crucial steps.

- **Media Literacy:** Teaching people how to identify, challenge, and counter hate speech in various media platforms is essential.

- **Community Engagement:** Working with communities to develop and implement strategies for addressing hate speech can be more effective than top-down approaches.

- **Technological Solutions:** Developing technological tools and platforms that can detect and flag hate speech can contribute to its prevention and removal.

- **Cultural Transformation:** Fostering a culture of respect, understanding, and empathy can create an environment where hate speech is less likely to flourish.

By understanding the legal landscape and exploring various approaches, you can contribute to a more comprehensive strategy for combating hate speech and building a more inclusive online and offline environment.

C. Promoting Inclusive Communication

Creating a More Inclusive Society

To effectively address hate speech, we need to create a more inclusive society where everyone feels valued and respected. This involves:

- **Promoting Diversity and Inclusion:** Embracing the richness of diversity and celebrating the unique contributions of each individual.

- **Challenging Prejudice and Stereotypes:** Actively addressing and dismantling harmful stereotypes that fuel discrimination.

- **Encouraging Empathy and Understanding:** Fostering understanding and compassion for individuals from different backgrounds.

- **Upholding Free Speech:** Protecting freedom of expression while safeguarding against hate speech that incites violence or discrimination.

- **Promoting Critical Thinking:** Encouraging critical thinking skills to analyze information and identify biases, including those in our own perspectives.

Strategies for Promoting Inclusive Communication

We can promote inclusive communication by:

- **Using Inclusive Language:** Avoiding language that is discriminatory, offensive, or excludes specific groups.

- **Respecting Different Perspectives:** Listening actively to diverse viewpoints and considering alternative perspectives.

- **Celebrating Diversity:** Recognizing and appreciating the unique identities and contributions of individuals from all backgrounds

By integrating these strategies and fostering a culture of respect for diversity, we can all contribute to a more inclusive and positive online environment!

Module 4: Countering Misogyny: A Challenge for Free Speech and Female Journalists

A Understanding Misogyny

This section explores the complex intersection of misogyny and free speech, particularly the impact it has on female journalists.

Misogyny: A Barrier to Equality

We begin by revisiting the concept of misogyny: a deep-seated prejudice against women, viewing them as inferior to men. It manifests in various forms, from subtle biases to outright hostility and hatred. Misogyny can be present in individual attitudes, cultural norms, and even social media.

The Many Faces of Misogyny:

Misogyny takes many forms, creating a web of challenges for women:

- **Individual Acts:** Discrimination and violence directed at women, from dismissive comments to online harassment and physical assault.
- **Sexist Language and Stereotypes:** Words and assumptions that perpetuate negative views of women (e.g., women are emotional, men are natural leaders).
- **Cultural Norms:** Traditions and expectations that limit women's opportunities (e.g., prioritizing sons' education over daughters').
- **Institutional Structures:** Systems that create or perpetuate gender inequality (e.g., pay gaps, lack of female representation in leadership positions).

The Focus: Female Journalists and Online Misogyny

Female journalists are on the front lines of truth-telling and accountability. However, they are also disproportionately targeted by online abuse and harassment, often rooted in misogyny. This abuse can take many forms:

- **Gendered insults and attacks:** Derogatory comments about appearance, threats of violence, and sexual harassment.
- **Questioning credibility:** Dismissing their work based on gender rather than content.
- **Doxxing and intimidation:** Revealing personal information to silence or threaten them.

These tactics aim to silence female voices, create a hostile work environment, and ultimately discourage women from pursuing journalism careers.

The Free Speech Debate:

The online space presents a complex free speech issue. While free expression is crucial for a healthy democracy, it does not extend to hate speech or threats. Finding the balance between protecting legitimate criticism and ensuring a safe space for journalists, particularly female journalists, is an ongoing challenge.

Exercise: Case Study - Online Harassment

Scenario: Anya Ramirez, a well-known investigative journalist, publishes an exposé on a powerful corporation's environmental practices. Following the publication, Anya's social media is flooded with negative comments. These comments include:

- "Stick to fluffy celebrity gossip pieces, Anya. Real journalism is for men."
- "You only got this story because you sleep your way to the top. Pathetic."
- "I see you investigating something late at night...alone... maybe don't walk home alone tonight ;) " (accompanied by a picture of Anya's house)

Instructions:

1. Identify the different tactics of misogyny used in these comments.

- **Comment 1:** This comment uses a **stereotype** that investigative journalism is a man's domain and dismisses Anya's competence based on her gender.
- **Comment 2:** This comment resorts to a **sexual slur** and implies Anya used unethical means to get the story, discrediting her work.
- **Comment 3:** This comment is a clear threat of **violence** and **doxxing** (revealing personal information) to intimidate Anya.

2. Consider the impact of these comments on Anya, both personally and professionally.

These comments can have a significant negative impact on Anya. Personally, they can cause emotional distress, fear for her safety, and a sense of being silenced. Professionally, they can damage her credibility, discourage her from pursuing future investigative stories, and create a hostile online work environment.

3. Discuss what strategies Anya, her supporters, and the social media platform could employ to address this situation.

- **Anya:** Anya can document the harassment, report it to the social media platform, consider blocking the abusive accounts, and seek support from her network and colleagues.
- **Supporters:** Anya's supporters can report the harassment, publicly condemn the abuse, and voice their support for Anya's work.
- **Social Media Platform:** The platform can review the comments, remove those that violate their terms of service (e.g., hate speech, threats), and potentially suspend or ban the abusive accounts.

4. How does this situation relate to the free speech debate? Where do you draw the line between free expression and online harassment?

This situation highlights the complexities of free speech online. While criticism of Anya's work is acceptable, the comments above go beyond that. The line is drawn between expressing a dissenting opinion and resorting to abusive language, threats, and intimidation.

B. Gendered Hate Speech and Online Harassment

Gendered Hate Speech

Gendered hate speech is **a form of hate speech that targets individuals or groups based on their gender.** It often includes misogynistic language, stereotypes, and threats of violence. Gendered hate speech can be particularly harmful because it reinforces the idea that women are inferior and deserving of discrimination.

Online Harassment

Online harassment is **the use of online platforms to bully, intimidate, or threaten individuals or groups.** It is a growing problem that disproportionately affects women and girls. Online harassers may use a variety of tactics, such as sending offensive messages, posting personal information online, or creating fake profiles to impersonate their targets.

Impacts of Gendered Hate Speech and Online Harassment

Gendered hate speech and online harassment can have a devastating impact on victims, causing them emotional distress, fear, and anxiety. It can also limit their participation in online

spaces and restrict their freedom of expression. In extreme cases, it can lead to self-harm or even suicide.

Examples of Gendered Hate Speech and Online Harassment

- **Sending misogynistic messages or comments online.**
- **Sharing private or embarrassing photos or videos of women without their consent.**
- **Creating fake social media profiles to impersonate or defame women.**
- **Threatening violence or harm against women.**
- **Sending unsolicited sexually suggestive messages or images.**

C. Promoting Gender-Inclusive Discourse

Creating a Gender-Inclusive Society

To effectively combat misogyny and create a more gender-inclusive society, we need to:

- **Challenge gender stereotypes and promote positive representations of women.**
- **Promote equal opportunities and representation for women in all aspects of society.**
- **Support policies and initiatives that address gender-based violence and discrimination.**
- **Educate individuals about the importance of gender equality and respect for women's rights.**

Strategies for Promoting Gender-Inclusive Discourse

We can promote gender-inclusive discourse by:

- **Using gender-neutral language and avoiding stereotypes.**
- **Respecting diverse gender identities and expressions.**
- **Challenging sexist jokes or comments in our conversations.**
- **Calling out misogyny and gender-based discrimination when we see it.**

Module 5: Defamation and Freedom of Expression: Navigating the Complex Relationship between Free Speech and Personal Reputation

A. Defamation: Concepts and Elements

In the realm of communication and public discourse, defamation stands as a delicate balancing act between the fundamental right to freedom of expression and the equally crucial protection of one's reputation. Understanding the nuances of defamation and its interplay with freedom of expression is essential for individuals, media organizations, and society as a whole to navigate this complex legal and ethical landscape.

Definition and Forms of Defamation

Defamation, also known as an injurious falsehood, is an act of communication that causes damage to a person's reputation. It encompasses two primary forms: libel and slander. Libel refers to written or published defamation, while slander encompasses oral defamation.

Elements of Defamation

To establish a valid claim of defamation, the plaintiff, the individual alleging defamation, must demonstrate the following elements:

1. **False Statement:** The statement made about the plaintiff must be untrue and factually inaccurate.

2. **Publication:** The defamatory statement must be communicated to a third party, meaning it must be shared with someone other than the plaintiff and the defendant.

3. **Identification:** The statement must identify the plaintiff as the person being defamed, whether explicitly or by implication.

4. **Fault:** The defendant, the individual making the defamatory statement, must have acted either negligently or intentionally in making the statement. Negligence occurs when the defendant acted without due care, while intentional defamation involves making the statement with malice, meaning with the intent to harm the plaintiff's reputation.

5. **Damages:** The plaintiff must have suffered some form of harm, typically reputational damage or financial loss, as a result of the defamatory statement.

Exceptions to Defamation

While defamation is a serious legal offense, there are certain exceptions that protect certain forms of speech. These exceptions include:

1. **Truth:** If the statement made about the plaintiff is true, it cannot be considered defamatory.

2. **Fair Comment:** Opinions and criticisms are generally protected under the fair comment defense, as long as they are based on facts, are made in good faith, and do not exceed the bounds of fair criticism.

3. **Privilege:** Certain types of speech are considered privileged and are not considered defamatory, such as statements made in judicial proceedings, legislative debates, or certain legal communications.

Defamation in Action: The Case of the Celebrity Chef

Imagine a famous chef, Sarah Starfire, known for her delicious and healthy meals. A food critic, Don Dour, writes a scathing online review claiming Sarah's food is bland and unhealthy. This review goes viral, causing a stir among Sarah's fans.

Can Don Dour be sued for Defamation?

Help Sarah protect her reputation! To win a defamation case, Sarah's lawyer would need to prove these five things:

1. **False Statement:** Was Don Dour's review about Sarah's food accurate?
2. **Publication:** Did Don Dour share this review publicly online?
3. **Identification:** Did everyone know who Don Dour was referring to in his review? (In this case, Sarah Starfire)
4. **Fault:** Did Don Dour simply write a negative review (negligence) or did he have a personal vendetta and intentionally try to hurt Sarah's reputation (malice)?
5. **Damages:** Did Sarah suffer any harm from this review, such as a loss of customers or business opportunities?

B. Balancing Freedom of Expression and Reputation

Freedom of expression is a cornerstone of a democratic society, allowing individuals to express their thoughts, opinions, and beliefs without undue censorship. However, this right is not absolute and must be balanced against the right to protect one's reputation.

Factors in Balancing Free Speech and Reputation

When considering the balance between freedom of expression and reputation, courts and other decision-makers often consider the following factors:

1. **Malice and Negligence:** Whether the defamatory statement was made intentionally with malice or negligently without due care.

2. **Public Figure or Private Individual:** The identity of the plaintiff plays a role, as public figures have a higher threshold for proving defamation due to their greater exposure to public scrutiny.

3. **Public Interest:** The nature of the defamatory statement and whether it contributes to the public interest, such as exposing wrongdoing, is considered.

Let us look at some practical examples! Factors in Balancing Free Speech and Reputation:

When considering the balance between freedom of expression and reputation, courts and other decision-makers often consider the following factors:

1. **Malice and Negligence:** A news reporter accidentally publishes an article falsely claiming a politician was arrested. Here, negligence might be found, but likely not malice.
2. **Public Figure or Private Individual:** A celebrity sues a critic who wrote a scathing review. The celebrity, as a public figure, would have a harder time proving defamation than a private person.
3. **Public Interest:** A whistleblower reveals safety issues at a company. Even if the company's reputation is damaged, the public interest in safety might outweigh the reputational harm.

C. Media Ethics and Responsible Reporting

The media plays a powerful role in shaping our understanding of the world. News outlets and journalists have a responsibility to deliver accurate and trustworthy information. This section will explore key principles of media ethics for responsible reporting.

The Pillars of Responsible Reporting

1. **Truth Before Speed:** In today's fast-paced news cycle, it's tempting to rush out a story first. However, responsible media prioritizes **fact-checking**. Double-check information with multiple sources, verify quotes, and avoid relying solely on social media posts.
2. **Seeking All Sides:** A well-rounded story presents different perspectives. Strive for **fair and balanced reporting**, avoiding bias or sensationalism. Interview representatives from various viewpoints and avoid framing the story with a predetermined angle.
3. **Don't Speculate, investigate:** Responsible journalists don't fill gaps in knowledge with assumptions. If something is unclear, investigate further before reporting. **Avoid jumping to conclusions** and distinguish between facts and opinions.
4. **Correcting Mistakes:** Everyone makes mistakes. When errors are identified, act swiftly. Issue **prompt corrections**, publicly acknowledge the mistake, and clarify the accurate information. Transparency builds trust.
5. **Privacy Matters:** Respecting people's privacy is key. Avoid publishing private information without consent, especially when it could cause harm or embarrassment.

By adhering to these principles, media organizations can contribute to a healthy balance between freedom of expression and reputation protection, ensuring that both individual rights and public discourse remain safeguarded.

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OTHER RESOURCES AND TOOLKITS

Freedom of Expression Toolkit: A Guide for Students *by UNESCO:*

- **Link:** https://unesdoc.unesco.org/ark:/48223/pf0000218618

This toolkit provides a comprehensive introduction to the topic of freedom of expression, including its definition, significance, different forms of expression, legal and ethical frameworks, and challenges. It also includes exercises and resources for teaching.

Media and Freedom of Expression Toolkit *by UNESCO:*

- **Link:** https://unesdoc.unesco.org/ark:/48223/pf0000218618

This toolkit is aimed at media professionals and offers information and resources to promote freedom of expression in the media. It covers topics such as ethical principles for journalists, reporting on sensitive issues, and the use of social media.

Toolkit for Promoting Freedom of Expression in the Digital Age *by the Organization for Security and Cooperation in Europe (OSCE):*

- **Link:** https://www.osce.org/fom/ai-free-speech

This toolkit is aimed at government agencies, non-governmental organizations, and other actors who work to promote freedom of expression in the digital world. It includes information and resources on topics such as internet censorship, hate speech, and online safety.

Toolkit for Protecting Freedom of Expression in Times of Crisis *by the International Commission of Jurists (ICJ):*

- **Link:** https://www.ohchr.org/sites/default/files/Documents/Issues/IJudiciary/ExpressionAssociation/NGOs/ICJ.docx

This toolkit is aimed at human rights defenders and other actors who work to defend freedom of expression in times of crisis. It includes information and resources on topics such as conflict reporting, journalist safety, and internet surveillance.

Freedom of Expression Toolkit for Activists *by the Open Society Foundations:*

- **Link:** https://www.opensocietyfoundations.org/what-we-do/themes/expression

This toolkit provides activists with the knowledge and skills they need to promote freedom of expression in their communities. It includes information on topics such as advocacy, education, and monitoring.

Freedom of Expression Toolkit for Media Professionals by the International Press Federation (IPF):

- **Link:** https://ipi.media/ipi-documents-nearly-1000-media-freedom-violations-amidst-russia-ukraine-war/

This toolkit provides media professionals with guidance on how to report on freedom of expression issues responsibly and ethically. It includes information on topics such as fact-checking, avoiding misinformation, and protecting sources.

Freedom of Expression Toolkit for Women by the International Federation for Human Rights (FIDH):

- **Link:** https://www.fidh.org/en/

This toolkit provides women with information on how to protect their right to freedom of expression and how to challenge gender-based discrimination in the media.

Freedom of Expression Toolkit for Children by Save the Children:

- **Link:** https://unesdoc.unesco.org/ark:/48223/pf0000218618

This toolkit provides children with information on their right to freedom of expression and how to use their voices to advocate for their rights. It includes information on topics such as bullying, censorship, and the use of social media.

These toolkits offer valuable resources for anyone who wants to learn more about freedom of expression or who wants to take action to defend this important right. They provide information and resources on a variety of topics that are relevant to freedom of expression, including legal and ethical frameworks, challenges, and strategies for promoting and protecting freedom of expression.

Council of Europe HELP Courses for Legal Professionals:

Online Course: [Freedom of Expression and the ECHR](#) (2020, available also in Bosnian language)

Online Course: [Hate Speech](#) (2020, available also in Bosnian language)

Online Course: [Hate Crime](#) (2020, available also in Bosnian language)