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Media self-regulation as a mechanism to fight incitement to hatred

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It is our intention to share a brief comment on our experience in media ethic self-regulation¹ and, to propose as a recommendation for discussion, the possibility of considering a non-legal, non-official mechanism such as an ethics committee, as a tool to support the fight against incitement to hatred.

As it is known, this kind of media self-regulation occurs in two main fronts. On the one hand, there are individual practices promoted from within the media as part of their professional and ethical responsibility towards information consumers. These practices are mainly enhanced through training and continuing education inside media companies and, in some cases it is given such importance as to be linked to performance evaluations of journalists.

On the other hand, there are the self-regulation practices promoted by journalism and media professional associations. It is here that common ethics codes appear. These ethic principles, common to an organization and its members are also enhanced and promoted through training, seminars, workshops and, in some cases, through mechanisms such as ethics committees. These bodies are private, non-binding, with no state intervention, with their own procedural rules to monitor, interpret, deliberate and evaluate the ethic treatment given to information by journalists and media. This is precisely what happened in Panama where we have the Ethics Committee of the Journalism National Council since 2006².

Let me start by recognizing that the Journalism National Council is an interesting experience in the region because it convenes, in the same organization, media owners, journalists and academics. Out of this initiative comes the Ethics Committee, originally composed of representatives from these three parties (owners, journalists and academics). But shortly after its creation, groups from organized civil society started lobbying for the possibility to open the Ethics Committee to organizations not related with the media and journalism. They were successful and since 2008 the

¹ In this case we are referring to the Ethics Committee of the Journalism National Council of Panama.

² The Journalism National Council is an organization founded in 2003.

Ethics Committee is composed by fourteen organizations from which six are from non-related civil society organizations³.

The Ethics Committee is an organization that has been strengthening itself, creating a needed, common space for journalists, academics, media owners, individuals and organized civil society. The Committee has not only come to consolidate itself as a forum for deliberation of ethic practices of the media, but is also starting to be a space for discussion of more broad national issues.

The Committee bases its functioning on a procedural document (Rules of Procedure); and on the other hand there is a core document that compiles the principles against which the ethic practices of local media and journalism are measured. This is the Declaration of Principles. The Declaration of Principles consolidates the values and principles that all the members of the Council have accepted as common and are horizontally applied to all members.

Even though the Declaration of Principles is the main source for the Ethics Committee, there are other important sources in which the Committee bases its decisions, such as its precedents or previous decisions (extending it to similar bodies from Peru and Chile), expert and academic opinions and broadly accepted journalism principles. It is important to note that the Ethics Committee has also based some decisions on inter American human rights standards, specifically regarding freedom of expression.

One of these principles is equal treatment, thus Panamanian domestic media and journalists have commonly accepted equal treatment as a mandatory standard. The Declaration reads as follows: "In the practice of journalism, prejudice, the use of pejorative expressions and any kind of discrimination, shall be avoid". This means that there is a commitment not to discriminate or incite to discriminate for race, religion, gender, nationality, sexual orientation, disability.

Although the Ethics Committee has not issued a decision on a case related to hate speech or discrimination, there was one case filed before the Committee in 2010, in which the petitioner was accusing some journalists and radio commentators from discrimination based on sexual orientation. Unfortunately, the petitioner decided to back up and retired his claim. The case was quite interesting because there was

³ The Ethics Committee is composed of the following organizations: Medios Impresos, Medios Televisivos, Asociación Panameña de Radiodifusión, Universidad de Panamá, Sindicato de Periodistas, Colegio Nacional de Periodistas, Forum de Periodistas, Consejo Nacional de Rectores, Asociación Panameña de Ejecutivos de Empresa, Fundación Panameña de Ética y Civismo, Fundación Panameña para la Libertad Ciudadana, Asociaciones Periodísticas Afines, Asociaciones Periodísticas Regionales y la Defensoría del Pueblo.

solid evidence of reiterative publications in a newspaper in which there was a clear discrimination against homosexuals, with deliberate expressions of hate and incitement to repudiate them.

With the sole intention of contributing to the discussion, let us ask ourselves if these kind of mechanisms such as the Ethics Committee of the Journalism National Council of Panama (with preceding regional experiences such as Peru and Chile), could be incorporated to the group of non-legal tools to fight against hate speech and discrimination. An Ethics Committee could not only serve as a forum for discussion of the topic, but it could also be entitled to publicly condemn journalists and media companies for allowing discrimination or hate speech (directly or indirectly, through action or omission)

Following are some of the attributes of the Ethics Committee of the Journalism National Council of Panama:

- (i) Heterogeneous and representative composition (owners, journalists, universities, civil society and Ombudsman Office)
- (ii) Common principles, accepted by the whole organization, recognized as necessary for a democratic society
- (iii) Preventive and condemnatory possibilities. Guidelines for the media and society (not only journalists). Mandatory publication of resolutions.
- (iv) Structure for observatory and monitoring systems
- (v) Relationship with academic parties
- (vi) Partnership with Ombudsman
- (vii) Feedback from similar bodies (Chile, Perú, Panamá)

Although the Ethics Committee has no jurisdiction (for the time being) to receive complaints against digital media, online discussion forums and social media, there is an ongoing debate in Panamanian society about the attacks that are made through this channels. For example, there are already a few Panamanian accounts in social networks such as facebook and twitter that use the word hate in their profiles. In one of these accounts there is incitement to hate individuals of a specific nationality.

There was a recent case that shocked the Panamanian society. Two Dominican nationals were responsible for the killing of five young Panamanians. Once the nationality of these individuals was publicly revealed, a group of people unleashed a campaign against Dominicans and they were even asking the government to deport every single Dominican in Panamanian soil, because they have come to Panama “to kill Panamanians”. The reason why I bring this example is because the Ethics Committee has informally been asked for its opinion regarding these attacks against

Dominicans and there are good reasons to consider that a formal opinion request or complaint will be filed.

Aside from the legal approaches and remedies for fighting against discrimination and incitement to hatred in terms of Article 20 of the ICCPR, there are extrajudicial mechanisms such as the Ethics Committee of Panama, which could probably play a role of support in this global effort for eliminating all forms of discrimination and incitement to hatred.