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**HUMANISTIC ASPECTS IN THE LANGUAGE PLANING POLICIES**

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**Abstract:** It is believed that language policies aim to organize, encourage but sometimes even discourage language rights. Although slowly states in the Balkans started to believe that language rights could be used as a tool for creation of social cohesion, there is one aspect of language practice that is ignored but seems to cause quite negative impact, and that is hate speech. This paper investigated modes in which this dangerous tool is harming inter-ethnic and inter-cultural stability in the region. It is a long term interest to the judicial system of every country to limit the negative impact that hate speech has to certain fragile societies. The study also reflects on particular laws that aim to expand the span of freedom of speech and minimize the presence of hate speech in public life. This derogatory behavior can ultimately produce hatred and in some cases even human sacrifices. A definition that is often available in literature regarding hate speech is that “hate speech is an abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation”. In other words the basic concept of using language for solely communicational purpose has switched to use language to insult, intimidate, or threaten a group or an individual and is primarily based on a particular characteristic or disability. In its violent history, Europe has witnessed a considerable number of cases of human rights violations, and recent ones often get the “prefix” of hate speech. Certain domains of public speaking undoubtedly require legal measures and few societies have already designed their legal framework in order to address the issue. The conditions have become even more dramatic with the introduction of social media. There are thousands of pages and blogs in which hate speech is expressed publicly. In an article published by the [legaldictionary.net](http://legaldictionary.net) it states that with the advent of social media, the issue of offensive and threatening speech has become a global problem”. There are many cases in which hate speech is used as an argument of free speech. The process becomes even more challenging when the officials are expected to draw a line between where free speech ends and hate speech begins. Certain domains of public speaking undoubtedly require legal measures and as a result few societies have designed legal framework in order to address the issue and this study provides different methods and approaches are considered in the process. The study also cites a number of international cases which aim to create a greater picture of these deleterious phenomena and although there are many elements of the ethical and moral dilemma in regards to the freedom of expression it is important that we are aware of the responsibility and the impact we have when using hate speech in any public appearances.

**Keywords:** Language policy, human rights, linguistics, hate speech, egalitarian society.

**INTRODUCTION**

It is believed that language is a method of human communication, and when using written or oral communication, each of these models uses structured words to pursue meaning. This paper aims to explore how these conventionally structured words can be sometimes used in a very pejorative sense in order to create derogatory reality or impression for a certain ethnic, cultural or religious groups or communities. This derogatory behavior can ultimately produce hatred and in some cases even human sacrifices. A definition that is often available in literature regarding hate speech is that “hate speech is an abusive or threatening speech or writing that expresses prejudice against a particular group, especially on the basis of race, religion, or sexual orientation”. In other words the basic concept of using language for solely communicational purpose has switched to use language to insult, intimidate, or threaten a group or an individual and is primarily based on a particular characteristic or disability.

The largest academic and institutional gathering that would address this issue was the UN umbrella at a document named “The Convention on the Elimination of All Forms of Racial Discrimination (CERD)” adopted in the UN general assembly in the 60’s. These issues clearly had an impact in a wider scale and the conference held in Durban (South Africa) in 2001 had particular focus on actions against usage of hate speech in Internet. The document was titled “The Durban Declaration and Program of Action (DDPA)” and it was a conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance organized under the supervision of the United Nations. More specifically chapter VII of the conference report records the reservations and statements and the plan of action. Among these actions there are two which seem to draw a direct link between hate speech and internet. The first one is article 91 which states that ...we express deep concern about the use of new information technologies, such as the Internet, for purposes contrary to respect for human values, equality, non-discrimination, respect for others and

tolerance, including to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, and that, in particular, children and youth having access to this material could be negatively influenced by it; but also article 145 which urges States to implement legal sanctions, in accordance with relevant international human rights law, in respect of incitement to racial hatred through new information and communications technologies, including the Internet, and further urges them to apply all relevant human rights instruments to which they are parties, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, to racism on the Internet.

### EXAMPLES FROM THE EUROPEAN CONTEXT

In this context one of the Committees of Ministers in the European Council refers to the recommendation no. 97(20) which implies, the concept of "hate speech" as being considered as an outline that promotes and spreads hatred or justifies racial hatred, xenophobia, anti-Semitism or other negative traits. Methods to address this behavior are through antagonistic nationalism and ethnocentrism, discrimination towards the minorities, and people of immigrant origin.

In its violent history, Europe has witnessed a considerable number of cases of human rights violations, and recent ones often get the "prefix" of hate speech. The conditions have become even more dramatic with the introduction of social media. There are thousands of pages and blogs in which hate speech is expressed publicly. In an article published by the *legaldictionary.net* it states that with the advent of social media, the issue of offensive and threatening speech has become a global problem". There are many cases in which hate speech is used as an argument of free speech. The process becomes even more challenging when the officials are expected to draw a line between where free speech ends and hate speech begins. *Palmadottir and Kalenikova(2015)* state that...the recommendation urges member states to ensure that relevant national legislation also applies to racist, xenophobic and anti-Semitic offences committed via the Internet, to prosecute those responsible for these offences and to undertake sustained efforts for the training of law enforcement authorities in relation to the problem of dissemination of racist, xenophobic and anti-Semitic material via the Internet.

Here are some examples that address the usage of ethnic hate in a public media and I will cite the original briefing report cited by the court in order not to miss-paraphrase the case:

*Pavel Ivanov v. Russia 20 February 2007 (decision on the admissibility) The applicant, owner and editor of a newspaper, was convicted of public incitement to ethnic, racial and religious hatred through the use of mass-media. He authored and published a series of articles portraying the Jews as the source of evil in Russia, calling for their exclusion from social life. He accused an entire ethnic group of plotting a conspiracy against the Russian people and ascribed Fascist ideology to the Jewish leadership. Both in his publications, and in his oral submissions at the trial, he consistently denied the Jews the right to national dignity, claiming that they did not form a nation. The applicant complained, in particular, that his conviction for incitement to racial hatred had not been justified. The Court declared the application inadmissible (incompatible *ratione materiae*). It had no doubt as to the markedly anti-Semitic tenor of the applicant's views and agreed with the assessment made by the domestic courts that through his publications he had sought to incite hatred towards the Jewish people. Such a general, vehement attack on one ethnic group is directed against the Convention's underlying values, notably tolerance, social peace and non-discrimination. Consequently, by reason of Article 17 (prohibition of abuse of rights) of the Convention, the applicant could not benefit from the protection afforded by Article 10 (freedom of expression) of the Convention.*

A similar scenario is in the case named "Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary". At a press release of the European Court of Human Rights published in June 2018, hate speech is in the center of the dispute. Here are more details from that case:

*This case concerned the liability of a self-regulatory body of Internet content providers and an Internet news portal for vulgar and offensive online comments posted on their websites following the publication of an opinion criticising the misleading business practices of two real estate websites. The applicants complained about the Hungarian courts' rulings against them, which had effectively obliged them to moderate the contents of comments made by readers on their websites, arguing that that had gone against the essence of free expression on the Internet.*

*The decision: The Court held that there had been a violation of Article 10 (freedom of expression) of the Convention. It reiterated in particular that, although not publishers of comments in the traditional sense, Internet news portals had to, in principle, assume duties and responsibilities. However, the Court considered*

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*that the Hungarian courts, when deciding on the notion of liability in the applicants' case, had not carried out a proper balancing exercise between the competing rights involved, namely between the applicants' right to freedom of expression and the real estate websites' right to respect for its commercial reputation. Notably, the Hungarian authorities accepted at face value that the comments had been unlawful as being injurious to the reputation of the real estate websites. Although offensive and vulgar, the comments in the present case had not constituted clearly unlawful speech. Furthermore, while Index is the owner of a large media outlet which must be regarded as having economic interests, Magyar Tartalomszolgáltatók Egyesülete is a non-profit self-regulatory association of Internet service providers, with no known such interests.*

#### **EXAMPLES FROM THE INTERNATIONAL CONTEXT**

Certain domains of public speaking undoubtedly require legal measures and few societies have already designed their legal framework in order to address the issue. At a study provided by [legaldictionary.net](http://legaldictionary.net) different methods and approaches are considered and here is a general overview for the following countries:

Canada – Advocating for genocide in Canada against any “identifiable group” (any group that can be identified by their race, religion, sexual orientation, or other attribute) is a criminal offense that carries a maximum sentence of five years in prison, with no minimum sentence. It is also a criminal offense to provoke hatred against an identifiable group.

- India – While freedom of speech and expression are protected under India’s constitution, “reasonable restrictions” can be imposed in order to maintain the “sovereignty and integrity of India,” as well as the country’s safety and its relations with other countries. Freedom of speech and expression may also come under fire in India with regard to offenses such as contempt of court, and defamation.
- United Kingdom - Hate speech is widely criminalized in the U.K. Communications that are abusive, threatening, or insulting, or which target someone based on his race, religion, sexual orientation, or other attribute, are forbidden. Penalties for hate speech in the U.K. include fines and imprisonment.
- Japan - Japan’s laws protect its citizens from threats and slander. However, derogatory comments directed at general groups of individuals remain unrestricted in Japan. Despite global calls for hate speech to be criminalized, Japan claims that hate speech has never reached such a point as to warrant legal action.
- Sweden – Hate speech, defined as public statements made to threaten or disrespect groups based on their race, ethnicity, religion, sexual orientation, or skin color, is prohibited in Sweden. Constitutional restrictions determine which acts are and are not criminal, as do limits imposed by the European Convention on Human Rights.
- Ireland – While Ireland’s constitution guarantees the right to free speech, there is an understanding that freedom of expression will not be abused to “undermine public order or morality or the authority of the State.” Further, the Prohibition of Incitement to Hatred Act 1989 defines threatening or abusive speech or behavior as that which is likely to inspire hatred against a group of individuals based on their race, color, religion, or other attribute.

Source : <https://legaldictionary.net/hate-speech/>

#### **CONCLUSION**

Hate and hate speech has always been part of the human habitat. The recent liberty to publish extreme opinions in social and public media made the existence of “hate speech” more visible and fairly impactful. Solely a clear intervention of the judicial system can marginalize the negative impact that this phenomena encourages. A more dynamic and detailed legal framework is needed in order to draw a clear distinction between freedom of speech and hate speech. There are a number of international conventions which can be considered as good basis for further legislative measures.

In the new reality with the social media, it is important that the legal framework is not considered as a censoring document in Europe but more as a guideline that draws the guidelines and distinctions between freedom of speech and hate speech. Finding the right answers might provide good bases for good local theoretical framework. Although this framework will not have immediate impact it needs to raise awareness of the legal system in order to provide some success stories against hate speech.

Although there are many elements of the ethical and moral dilemma in regards to the freedom of expression it is important that we are aware of the responsibility and the impact we have when using hate speech in any public appearances. Palmadottir and Kalenikova(2015) state that in this regard legislation must also be revised and

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effectively implemented and therefore attention has been drawn to amends that need to be made and recommendations made by international committees.

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