



LATEST CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS ON FREEDOM OF EXPRESSION (ART. 10 ECHR) DIGITAL CHALLENGES AND DEVELOPMENTS

Strasbourg, 20-21 November 2017



Human Rights Law



Speakers

Katarina Jesenko, Lawyer, Registry of the European Court of Human Rights, Strasbourg
Katarina has worked as a lawyer at the Registry for two years and deals with a variety of cases. She holds a Master's degree from Trinity College, Dublin.

Ireneusz Kondak, Senior Lawyer, Registry of the European Court of Human Rights, Strasbourg
Prior to joining the ECtHR, Ireneusz worked for the Helsinki Foundation for Human Rights in Warsaw and the Polish Constitutional Court. He holds a Master Degree from the University of Warsaw and from the American University in Washington D.C.

Tarlach McGonagle, Senior Researcher and Lecturer at the Institute for Information Law (IViR), Faculty of Law, University of Amsterdam
Tarlach holds a PhD from the University of Amsterdam and specialises in international and European human rights at IViR. He focuses mainly on pluralism, diversity, tolerance and hate speech.

Oreste Pollicino, Professor of Comparative Public Law, Bocconi University, Milan
Oreste conducts research mainly in European and comparative constitutional law, media law and internet law. He is the Director of the series "Law and Policy of the New Media" (Aracne).

Daniel Rietiker, Senior Lawyer at the European Court of Human Rights, Strasbourg
Daniel is a Senior Lawyer at the ECtHR and a Lecturer in Public International Law at the University of Lausanne. He holds a PhD and a Diploma in international relations from the Graduate Institute, Geneva.

Key topics

- Guarantee of the right to freedom of expression (Art. 10 ECHR)
- The open internet: rights and duties of private actors
- Legislative framework for combating hate speech in Europe
- Current developments in media freedom and pluralism in Europe

Language
English

Event number
117D97

Organiser
Cecilia Holmsten, ERA



With the support of the Erasmus+ programme of the European Union

Latest Case Law of the European Court of Human Rights on Freedom of Expression (Art. 10 ECHR)

Monday, 20 November 2017

VISIT TO THE ECtHR (OPTIONAL) *

- 10:30 Arrival at the ECtHR main building
- 10:45 Film about the Court
- 11:00 General presentation about the role and the work of the Court
- 12:00 End of the visit

I. SETTING THE SCENE

- 13:00 Security check
- 13:30 Arrival and registration of participants
- 14:00 **Welcome and introduction**
Lotte Tittor (European Parliament) and *Cecilia Holmsten* (ERA)
- 14:10 **Introduction to the application of Art. 10 ECHR: scope, limitations and substantive rights**
Ireneusz Kondak
- 14:40 **Latest developments in the jurisprudence of Art. 10 ECHR**
Ireneusz Kondak
- 15:15 Discussion
- 15:30 Coffee break

II. FREEDOM OF EXPRESSION AND THE INTERNET

- 16:00 **Blocking, filtering and censoring sensitive and offensive online content: the responsibilities and limits of States and regulatory authorities (*Cengiz v. Turkey and Kalda v. Estonia*)**
Daniel Rietiker
- 16:30 Discussion
- 16:45 **The open internet: the rights and duties of private actors**
Daniel Rietiker
- 17:15 Discussion
- 17:30 End of first day
- 19:00 Networking dinner

Objective

This seminar will provide participants with a detailed insight into the jurisprudence of the European Court of Human Rights on freedom of expression in the digital era. Participants will also discuss current developments in media freedom and pluralism.

Who should attend?

Practitioners working in the area of European human rights law and freedom of expression, government officials, particularly those working on media regulation, executives and legal counsel from the media industry and journalists.

You will learn...

- about the recent developments in the jurisprudence of Art. 10 ECHR
- what are the State's and regulatory authorities' responsibilities in blocking, filtering and censoring sensitive and offensive online content
- how to ensure liability for online user-generated content
- about current trends in media freedom and pluralism in Europe
- how to submit a case to the ECtHR

Your contact persons



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Tuesday, 21 November 2017

III. FREEDOM OF EXPRESSION AND THE INTERNET (CONT.)

- 08:30 Security check and registration
- 09:00 **Intermediary liability for online user-generated content (*Delfi v. Estonia, MTE v. Hungary and Pihl v. Sweden*)**
Tarlach McGonagle
- 09:30 Discussion
- 09:45 **Analysis of the legislative framework combating hate speech and other sensitive online content in Europe and the interplay between the case law of the ECtHR and the Council of Europe**
Tarlach McGonagle
- 10:15 Discussion
- 10:30 Coffee break and visit of the European Parliament Hemicycle

IV. MEDIA FREEDOM AND PLURALISM ACROSS EUROPE – AN ANALYSIS OF THE CASE LAW OF THE ECtHR

- 11:00 **The ongoing development of media freedom and pluralism in Europe**
- The right to access (and to seek) information under Article 10 ECHR – from *Leander v. Sweden* to *Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland*
 - The importance of effective pluralism: analysis of the *Informationsverein Lentia v. Austria* and *Centro v. Italy* cases
Oreste Pollicino
- 11:30 **The role of the independent journalist in a democratic society**
- Protection of investigate news gathering and the controversial concept of “responsible journalism” (*Pentikäinen v. Finland* and *Bédat v. Switzerland*)
 - Protecting the whistleblower under the ECHR – a critical look on *Guja v. Moldova* and recent case law such as *Karapetyan and others v. Armenia*
Oreste Pollicino
- 12:00 Discussion

V. PRACTICAL TIPS

- 12:15 **Workshop:
Submitting a case to the ECtHR – misconceptions and best practice**
- Drafting the application
 - Argumentation techniques
 - Do’s and Don’ts
Katarina Jesenko
- 13:30 End of seminar

For programme updates: www.era.int
Programme may be subject to amendment.

Visit to the European Court of Human Rights*

Participants will have the opportunity to visit the European Court of Human Rights. The visit will include the screening of a documentary followed by a presentation on the ECtHR’s role and work.

Those interested in attending this optional programme are required to inform ERA.

- Please allow enough time before the ECtHR visit for the security check at the entrance.
- Please bring your ID card or other form of identification.
- Please note that luggage cannot be brought into the ECtHR.

Networking dinner

All participants are warmly invited to attend the networking dinner on 20 November.

CPD

ERA’s programmes meet the standard requirements for recognition as Continuing Professional Development (CPD). This event corresponds to **7.5 CPD hours**.

Save the date

Annual Conference on Media Law 2018
Brussels, 25-26 May 2018 (tbc)

Hate Speech and the Limits to the Freedom of Expression in the Social Media

22-23 November 2018

e-Learning

Specialised e-learning course
The Procedure at the European Court of Human Rights

- The Procedure at the Court
- Using Practical Resources

www.era.int/elearning

Registration

Latest Case Law of the European Court of Human Rights on Freedom of Expression (Art. 10 ECHR)

Strasbourg, 20-21 November 2017 / Event Number: 117D97



Registration

Fax: +49 (0) 651 93737-773

E-mail: info@era.int

Online registration:
www.era.int/?127266&en

Postal address:
ERA
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Location

European Parliament
Bâtiment Louise Weiss (LOW)
Allée du Printemps
67070 Strasbourg



Language

English

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I would like to register for the ERA event mentioned above.

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Surname

Organisation

Department Tel.

E-Mail

Street

Postcode/City Country

Seminar language: English

Evening programme: I shall attend the conference dinner on the 20 November 2017 (at no extra charge).

I wish to visit the ECtHR: The number of places is limited. Your name as per passport, birth date and passport number is required by the Court for the visit. If this information is not provided by you, unfortunately you cannot visit the Court. Name: _____

Birth date: _____ Passport No: _____

Registration fee

Fee	Standard	EU & ERA patrons*	Young lawyers & other groups**
Registration before 20/10/2017	€ 441.00 <input type="checkbox"/>	€ 264.60 <input type="checkbox"/>	€ 330.75 <input type="checkbox"/>
Registration after 20/10/2017	€ 490.00 <input type="checkbox"/>	€ 294.00 <input type="checkbox"/>	€ 367.50 <input type="checkbox"/>

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- Fellows of the European Law Institute

** Young lawyers & other groups

- For young lawyers up to 30 years of age (important: the participant must provide a copy or details of his or her passport or identity card on registration);
- Full-time staff of universities or comparable academic institutions;
- Staff of charitable organisations or comparable institutions
- Registration of three or more employees from the same organisation

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