



# TACKLING HATE SPEECH

## Living together online

Organised by the Council of Europe  
in partnership with the EEA and Norway Grants

**27- 28 November 2012**

**European Youth Centre Budapest, Hungary**

### Background

*“Rising intolerance...is the phenomenon that causes us greatest alarm, and seems to us to be manifested in the hostile and discriminatory treatment to which members of various groups are subjected in Europe today.”- Living together: Combining diversity and freedom in 21st century Europe (report from the Council of Europe Group of Eminent Persons, 2011)*

The Council of Europe, the continent’s main human rights watchdog, has repeatedly warned of the *“resurgence of racism, xenophobia and antisemitism and the development of a climate of intolerance”*. It has also undertaken to *“combat all ideologies, policies and practices constituting an incitement to racial hatred, violence and discrimination, as well as any action or language likely to strengthen fears and tensions between groups from different racial, ethnic, national, religious or social backgrounds”*<sup>1</sup>.

Hate speech is not a new phenomenon. With the appearance of new communication technologies and social media, however, spreading hate speech has become easier and quicker than ever before.

At the same time, the 47 member states of the Council of Europe have undertaken to guarantee everyone within their jurisdiction the fundamental right to freedom of expression and information. According to the European Court of Human Rights, freedom of expression encompasses not only favourable information or ideas, or those received as a matter of indifference, but also those that *“offend, shock or disturb”* because *“such are the demands of pluralism, tolerance and broadmindedness without which there is no democratic society”*.<sup>2</sup>

<sup>1</sup> Vienna declaration, 9 October 1993, <https://wcd.coe.int/ViewDoc.jsp?id=621771>

<sup>2</sup> Handyside v. the United Kingdom (no. 5493/72), § 49, 7.12.1976

However, freedom of expression is not an absolute right; it carries with it certain duties and must be exercised responsibly. These duties and responsibilities are increasingly relevant amidst populist trends and an economic crisis that renders minorities frequent targets of hatred. At the same time, people have access to unprecedented means of mass communication with often only limited moderation or editorial oversight.

Victims of hate speech are real people, often vulnerable, always with feelings and rights that have to be taken into account.

The Council of Europe's Committee of Ministers has called for the prohibition of statements, in particular in the media, which may reasonably be understood as hate speech, or as speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, anti-Semitism or other forms of discrimination or hatred based on intolerance.<sup>3</sup>

Given the growing importance of communication through computer systems and the internet, the Council of Europe's Convention on Cybercrime has been supplemented by a Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. Harmonisation of a criminal law response is highly desirable, while fully respecting human rights and rule of law requirements.

In response to significant changes in the media ecosystem, in 2011 the Committee of Ministers of the Council of Europe adopted a Recommendation to member states on a new notion of media, which provides criteria and indicators for identifying media and their responsibilities, including as regards hate speech.<sup>4</sup>

## Concept

The Council of Europe and the *EEA and Norway Grants* have formed a partnership to increase awareness of the hate speech phenomenon in Europe and to look at possible ways

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<sup>3</sup> Recommendation No. R (97) 20 on "hate speech" adopted by the Committee of Ministers of the Council of Europe on 30 October 1997

<sup>4</sup> Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media, paragraph 91. Media should refrain from conveying hate speech and other content that incites violence or discrimination for whatever reason. Special attention is needed on the part of actors operating collective online shared spaces which are designed to facilitate interactive mass communication (or mass communication in aggregate). They should be attentive to the use of, and editorial response to, expressions motivated by racist, xenophobic, anti-Semitic, misogynist, sexist (including as regards LGBT people) or other bias. Actors in the new media ecosystem may be required (by law) to report to the competent authorities criminal threats of violence based on racial, ethnic, religious, gender or other grounds that come to their attention.

of countering it, in the light of the development of new communications technologies and new media.

A multi-stakeholder conference will be held on 27-28 November 2012, at the European Youth Centre in Budapest. Representatives from Amnesty International, the International Network Against Cyber Hate, Open Society Institute, Human Rights Watch, Pen International, the Norwegian Helsinki Committee and the EU Agency for Fundamental Rights have provided their guidance and expertise in determining the issues to be discussed at the conference. The event will bring together government bodies, the private sector, civil society donors, media representatives and non-governmental organisations in the fields of youth and human rights.

The conference will be preceded by a training workshop for young bloggers and online human rights activists to prepare them to play an active role in addressing hate speech online at both national and European level.

## Objective:

The primary objective of the conference is to promote a dialogue on hate speech in Europe, with a particular focus on online social media, and to discuss possible ways of tackling it.

The **first session** will provide an overview of what is happening today with regard to hate speech in Europe. Speakers will give examples illustrating different forms of hate speech and the context in which they appear, with a focus on the role of new communications technologies and media. They will also identify challenges in protecting the rights of victims.

The **second session** is a panel discussion. It will look at different ways of tackling hate speech, with a particular focus on the role of self-regulation and online moderation. Given the complex nature of online interaction, serious challenges arise. How can we monitor hate speech and negative discourse online? What are the roles and responsibilities of media outlets and individual communicators with regard to the content they provide? To what extent is external control necessary? How do we foster responsibility in online communication while upholding freedom of expression and information?

The **third session** aims to propose possible approaches and actions, looking at public policies and legislation intended to address hate speech at the national and European levels. Initiatives and views from civil society donors and non-governmental organisations in the fields of youth and human rights will also be presented.

The **closing session** of the conference will summarise the discussions, focusing on the challenges which have been identified and possible ways to approach them.

