"Tackling hate speech: Living together online"
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Combating hate speech on line: ECRI's contribution
Speech by Jenö Kaltenbach, Chair of ECRI

Ladies and Gentlemen,

It is a great honour for me to contribute, on behalf of the European Commission against Racism and Intolerance (ECRI), to this particular session on possible next steps and recommendations for action to address hate speech online.

First of all, I would recall that ECRI is an organ of protection of Human Rights of the Council of Europe, composed of independent experts in charge of monitoring problems of racism, discrimination on grounds such as ethnic origin, citizenship, colour religion and language, as well as xenophobia, antisemitism and intolerance.

In its current monitoring cycle ending next year, ECRI has noted that hate speech continues to be a major problem in Europe.

As concerns the Internet, despite the positive contribution that the Web can make to the fight against racism and intolerance in the world, ECRI is very concerned by the fact that it is also used for the diffusion of racist and xenophobic messages and antisemitic propaganda.

In particular, ECRI is alarmed by the ever-increasing use of the Internet by racist groups for the radicalisation, recruitment, command and control, as well as for the intimidation and harassment of opponents. As concerns the first aspect, ECRI regrets to note that social media have recently proven singularly effective in encouraging radicalisation. This is partly the result of virtual communities' refusing to talk to each other, as various

Internet fora often attract like-minded people who encourage/reinforce each other's prejudices. For example, websites focusing exclusively on Muslim immigration in Europe and allegations about a worldwide Jewish conspiracy amplify the risk of extremism. What is particularly worrying is that people who link with each other in 'cyberspace' then meet and take action in the physical world.

Due to the worsening of these phenomena, ECRI has adopted several country specific recommendations and proposed a number of practical measures in its General Policy Recommendation (GPR) No. 6 on Combating the Dissemination of Racist, Xenophobic and Antisemitic Material via the Internet and in its General Policy Recommendation (GPR) No. 7 on National Legislation to Combat Racism and Racial Discrimination.

In particular, ECRI recommends that authorities promote a more vigorous prosecution and sentencing practice in respect of offences committed through Internet. ECRI also encourages member states to undertake sustained efforts for the training of law enforcement authorities in relation to the problem of dissemination of racist, xenophobic and antisemitic material via the Internet.

In addition, ECRI encourages States to support self-regulatory measures by the Internet industry to combat racism, xenophobia and antisemitism on the net, such as anti-racist hotlines, codes of conduct and filtering software. The written press, newspapers, weeklies etc, which are usually already subject to codes of ethics, have a special reasonability in this connection, in respect of the content of discussion boards on their Internet sites.

ECRI has also asked member States' authorities to reflect on the setting up of a national consultation body which might act like a permanent monitoring centre, mediating body and partner in the preparation of codes of conduct. It has also encouraged further research in this area.

Good practices in this field include information campaigns targeting the general public in order to publicise the ban on the use of statements inciting to racial hatred disseminated via the Internet and the fact that it is possible to report content breaching this ban.

Authorities often reply that it is not always easy to bring prosecutions in cases of hate speech via the Internet or to close down offending sites, as they are frequently hosted on overseas servers. In this context, ECRI has advised authorities to co-operate at international level with other States in order to close any legal loopholes that render the publication of hate speech material possible. ECRI also recommends strengthening mutual assistance between law enforcement authorities across the world.

Of course, the main problem is that States have failed to reach a political agreement on how to prevent the use of the Internet for racist purposes. For some States, the solution is to improve the harmonisation of their national legislation with international agreements, such as the Protocol to the Cybercrime Convention. Others have decided not to treat such cases as criminal offences and look for other measures for controlling hate speech online. Other States are vehemently opposed to any regulation of the Internet. In the name of freedom of expression, they exhort to "fight hate speech with more speech".

ECRI believes that the existence and application of national legislation against racism is necessary to fight against this phenomenon. Ensuring that those who commit such acts are consistently prosecuted in accordance with national criminal law sends a strong message that incitement to racial hatred will not be tolerated.

However, ECRI is perfectly aware that countering these phenomena without undermining freedom of expression is not an easy task. In the current multicultural context, finding a balance between the right to be protected from discrimination and the right to freedom of expression represents a major challenge.

In any event, Internet should not be demonised. ECRI strongly believes in the Internet's huge potential to overcome bias and prejudice based on colour ethnic origin, citizenship, religion or language.

ECRI fully supports existing anti-racist initiatives on the Internet as well as the development of new sites dedicated to the fight against racism, xenophobia, antisemitism and intolerance. This would greatly help to educate, young people especially, on how to utilise the potential of this medium fully.

Early on, I mentioned that in the course of its current monitoring cycle, which will end next year, ECRI has often noted with regret that hate speech is still one of the biggest issues in Europe. On the basis of this finding, ECRI has taken the decision to dedicate a substantial part of its next monitoring cycle, which will also start next year, to the close scrutiny of measures taken by member States to deal with hate speech, including not only forms of expression that should be criminalised, but also intolerant and inflammatory discourse targeting groups of concern to ECRI such as Roma, migrants, Muslims, refugees and asylum seekers, members of Black and Jewish communities, as well as other religious minorities.

In the course of its new monitoring cycle, ECRI expects to encourage member States to adopt proper legislation on hate speech and to strengthen or fine tune existing provisions. In addition, ECRI aims at increasing public awareness of the problem and encouraging adequate responses by national authorities.

From the above, it is clear that fighting against incitement to racial hatred through the Internet is not an easy task. It requires the involvement of all stakeholders, authorities, industry, civil society and especially young people. ECRI hopes that its new monitoring cycle will make a fresh contribution towards maintaining the enormous potential of Internet as a communication and discussion tool, so as to prevent it from becoming the

privileged forum for cowards who send messages of hate and intolerance from the cyberspace.

Thank you for your kind attention.