

## THE HATE FACTOR IN POLITICAL SPEECH

### EUROPEAN LEGAL STANDARDS ON HATE SPEECH – IS THERE AN *ACQUIS*?

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Ladies and gentlemen,

First of all, I'd like to thank the organisers for this very timely and important event. There appear to be a number of initiatives in Europe at present that address the issues of hate speech and hate crime, so we need to grab the momentum and try to get down to the specifics. For that reason too, I'm very pleased to see that the Polish government is so engaged. Hopefully, this will be the case with more governments over the course of this year and the years to come.

Unfortunately, there is more than enough to be done. As we've already heard today, the issue of hate speech is very topical. The platforms from which it can be expressed are multiplying, with new social media platforms and blogs starting up almost daily. And of course, these new options and possibilities are seized on by those who want to stir up hatred.

It is good that the topic of today's conference focuses on the political level, because we tend to forget that politicians and other opinion makers who have very easy access to media, to the big microphones, have a particular responsibility. For it is their voices that are amplified and multiplied whenever they speak.

We have to consider what it does to our societies when we hear expressions such as "Roma are unfit for coexistence." Or take another statement we heard recently, where one politician compared a minister to an orang-utan, again setting a clear agenda. It is of course very difficult to quantify the effect of such expressions on society as a whole. But I would like to show you a slide to demonstrate what these hate tirades do to their victims.

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This [SLIDE] is from our recent LGBT survey, which surveyed 93,000 respondents from all 28 EU Member States. Here you see that on average:

- **More than 40%** of respondents said that the use of offensive language towards LGBT people by politicians is widespread in their country. In some countries it went up to **above 90%**.

When we correlate this with other elements of our survey, we see that the countries at the top of this table also have the highest levels of discrimination. This is an issue that would need further investigation to come to definite conclusions, but it's worth reflecting on.

Another survey that we'll be releasing a few weeks from now concerns experiences of violence and discrimination against the Jewish populations of eight EU countries. Here,

- **On average, 44% of respondents** across the eight countries surveyed said that Antisemitism in political life is a big problem.
- In some countries, this figure rises to **well over 50%**.

In the survey, we see that in those countries in which the respondents reported a high degree of anti-Jewish sentiment, there is also antisemitic reporting in the media. So our research appears to have identified an interaction between the media and the political level that also needs investigating further.

Of course, a lot of these assertions that we've been talking about, including the ones I cited above, are extreme statements, where there is no doubt that we're talking about hate speech. But there is also another issue, namely the more subtle expressions of prejudice and discrimination that still convey exactly the same message in the end as the more blunt statements.

When we hear these more subtle expressions or jokes about disabled people or ethnic minorities, it sometimes reminds me of what is called 'Chinese water torture' – and this image also captures some of the complexities we are dealing with when it comes to hate speech. This form of torture consists in putting a person in a chair and letting one drop fall on their head. Then comes another drop, then another, then four, then five, and then after a while the person loses their mind. How can you describe that sequence of seemingly innocent drops? How can you encapsulate the effect they have in relation to our discussion today?

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**First of all is the effect on the victims, those groups in whom fear is instilled.** That's something that we study in the survey on LGBT people in Europe as well as in our work on Antisemitism. The fear factor inculcated by hate speech and hate crime is very strong. Because although hate crime in particular targets a specific person, it also has a huge impact on the group as a whole. The knowledge that membership of a particular group constitutes the only reason for becoming a potential victim of hate crime engenders a huge sense of insecurity. And then, in addition, there is often the perception that seeking assistance from the police will have no effect.

**But then there is the question of what these statements do to the others, to the majority who do not belong to the group that has been targeted.** The longer and the more persistent the stereotypes of the 'other' are communicated without being adequately countered, the more they will shape the views of that 'other'. The more minorities and their habits, cultures and religions are talked about negatively, the more these stereotypes will be perceived as real and in turn shape reality. This correlation can be seen in FRA's LGBT survey, and is also well known from many works on Antisemitism.

## **So what can be done?**

At the legal level, the Council of Europe standards as adopted by the Committee of Ministers Recommendation of 1997 and the body of case law developed by the European Court of Human Rights provide a strong framework and set some clear boundaries. It is not therefore the case that "anything goes," but simply that there is diversity in Europe which needs to be respected. So do we need an international definition of hate speech? I'm not really sure we do. I think we would be better off going back to what is laid down in the EU's Framework Decision on combating racism and xenophobia, which respects the diversity of the different European traditions on how to deal with these issues.

So the two recommendations I would make here today are:

- 1) We need to expand the definition of hate speech in national legislation to move from a focus only on race and ethnicity, to also include, for example, LGBT people. This has already been done in a number of Member States, but it should be part of a more general approach.
- 2) More broadly, there should be a much higher level of consciousness among politicians of what freedom of expression really entails. In Europe, we have too many parliamentarians with good hearts and the right approach who are remaining silent while their fellow politicians are out in the public, making

# CHECK AGAINST DELIVERY

inadmissible statements that are no more than hate speech. In some recent cases, even leading national politicians have stayed silent. We need to have a political culture in Europe where these issues and statements are addressed more firmly.

## **To conclude,**

Hate speech can be direct and offensive as well as indirect and insidious. However, whichever form it takes, it has a profound impact that we must not underestimate. We need to examine it and work on standards of public speech from the bottom up. But while we should emphasise that all of us have a responsibility for what we say and how we say it, we also need to remember: the easier your access is to a microphone, the greater your responsibility.