



UNBOXING HATE SPEECH –

European Impulses for Respect and Solidarity on the Web

Digital Conference – 17/18 February 2021

Hate speech on the internet can constitute a violation of general personal rights and a threat to democratic integrity. The problem affects many member states of the Council of Europe. Therefore, strengthening human rights in the digital sphere, including combatting online hate speech, is one of the priorities of the German Presidency of the Committee of Ministers of the Council of Europe (18 Nov. 2020 – 21 May 2021). In this context, Germany hosted the multi-stakeholder conference “UNBOXING HATE SPEECH – European Impulses for Respect and Solidarity on the Web”. Jointly organised by the Federal Foreign Office, the Federal Ministry of Justice and Consumer Protection and the Friedrich-Ebert-Stiftung, the conference took place on 18 February, partly in Berlin and partly in a digital format open to the public. A closed networking event for invited experts from civil society preceded the conference on 17 February. The conference was livestreamed on the organiser’s conference website and on the public broadcasting service “tagesschau24,” reaching an audience of nearly 20,000 people.

The aim of the conference was to look at hate speech on the internet from different angles and discuss challenges and counter-strategies with politicians, civil society representatives, researchers and representatives of tech companies from the member states of the Council of Europe.

Day 1: Digital Expert Meeting of Civil Society Representatives

In the digital forum, 30 civil society representatives from 19 member states of the Council of Europe shared their experiences combatting online hate speech and discussed common challenges and best practices. Participants agreed that strengthened international cooperation in the wider European region is vital in order to deal with online hate speech in a meaningful way. However, major differences in legislation exist among European countries. In addition to legal and political frameworks, civil society engagement and adequate funding are crucial to countering hate speech effectively.

Based on these discussions, representatives drafted recommendations for European policy-makers that were taken up on Day 2. The proposals, developed in four thematic workspaces, are summarised in annexes 1–4 and have been made available to the Council of Europe.

Day 2: Unboxing Hate Speech

Day 2 was moderated by Sabrina N’Diaye.

Opening Speech by Martin Schulz, Chairman of the Friedrich-Ebert-Stiftung

Martin Schulz, Chairman of the Friedrich-Ebert-Stiftung, emphasised the importance of a joint European response in the fight against hate speech and stated that he considered the German Presidency at the Council of Europe to be a great opportunity to lift national discussions to a pan-European level. Joint counteraction was only possible within the framework of transnational cooperation, Schulz said. Therefore, the Council of Europe as a guardian of human rights and fundamental freedoms was ideally suited to deal with this issue. However, respect for other opinions and lifestyles and respectful interaction could not be imposed by governments. Thus, civil society actors strengthening respect, solidarity and human rights played a central role in combatting online hate speech.

Chaired Discussion: Unboxing Hate Speech on the Web

Speakers: Christine Lambrecht, Federal Minister of Justice and Consumer Protection

Heiko Maas, Federal Minister for Foreign Affairs

Christine Lambrecht, Federal Minister of Justice and Consumer Protection, and Heiko Maas, Federal Minister for Foreign Affairs, discussed their personal experience with hate speech and how the German Presidency could contribute to combatting it.

Human rights needed to be protected online and offline in the same way, Minister Maas said. This was the responsibility of politicians as well as civil society actors. While private companies running social media platforms had a responsibility to comply with the law, it was not up to them to distinguish between content that was criminally relevant and content that was permitted by freedom of expression. While some countries had passed national legislation and launched campaigns to counter hate speech, better coordination and international cooperation was important. This was particularly true with regard to the power of large multinational tech companies and the growing influence of transnational networks of far-right extremists. As custodian of human rights, democracy and the rule of law, the Council of Europe had a central role to play in tackling hate speech. In cooperation with its 47 member states, the Council of Europe could create cross-border standards and regulations. The Council of Europe’s Committee of Experts on Combatting Hate Speech on the Internet, which was already working on recommendations and proposals, could set down common guidelines for member states.

Minister of Justice Lambrecht reported on Germany’s experience with the “Network Enforcement Act” and the forthcoming amendment to strengthen the criminal prosecution of hate speech. She emphasised the importance of international exchanges of experience. Other countries, such as France or Austria, had also established national regulations. However, the application of law alone would not suffice to counter the paralysing effect online hate speech had on democracy and freedom of speech. Many social media users already felt the need to restrict themselves in their expression,

fearing vicious attacks. Supporting and strengthening civil society actors was just as important. People affected by hate speech should not be left alone. The German Government, for example, was supporting “HateAid”, an organisation helping persons affected by hate speech. In addition, the Council of Europe’s No Hate Speech Movement¹ campaign created an opportunity for cross-border exchange. Germany wanted to support and further advance the work of the Council of Europe on countering hate speech.

Keynote speech by Marija Pejčinović Burić, Secretary General of the Council of Europe: Towards Democratic Coexistence

Secretary General Marija Pejčinović Burić emphasised that hate speech had to be addressed by individuals, governments and international organisations alike. Over the last years, the Council of Europe had done much work in this area, putting in place a range of awareness-raising and capacity building activities, for example the online “HELP courses” on hate crime and hate speech and the No Hate Speech Movement youth campaign. It had set standards and was monitoring their implementation, such as the Convention on Cybercrime and its additional protocol that criminalised racist and xenophobic acts committed through computer systems. ECRI, the European Commission against Racism and Intolerance, had drawn up a general policy recommendation on combatting hate speech. In the near future, the Council of Europe would finalise comprehensive draft recommendations for member states on how to combat hate speech.

Panel Discussion: United Against Hate Speech

Speakers: Karoline Edtstadler (Federal Minister for the EU and Constitution, Austria)
Snežana Samardžić-Marković (Director General of DG Democracy, Council of Europe)
Markus Reinisch (Vice President Public Policy Europe, Middle East and Africa, Facebook)
Julia Mozer (Communication and Policy Officer, CEJI – A Jewish Contribution to an Inclusive Europe)

Minister Edtstadler underlined that victims had to be protected and hate speech had to be deleted quickly. The Council of Europe’s key task was to protect common fundamental values. Even though Austria already had experience in dealing with hate speech through national regulations, Edtstadler said she was in favour of a European solution.

Director General Samardžić-Marković emphasised that the Council of Europe was working on recommendations for its member states. A Committee of Experts was currently developing definitions of what constituted hate speech, distinguishing between hate speech that was subject to criminal liability, hate speech that did not reach the threshold for criminal liability but was subject to civil or administrative liability, and hate speech that did not entail criminal, civil or administrative liability but still raised concerns in terms of tolerance and respect for the rights of others. Recommendations by the Committee of Experts would address hate speech through legal and non-legal measures, including awareness-raising, education, and victim support.

¹ <https://www.coe.int/en/web/no-hate-campaign>

Markus Reinisch stated that Facebook was aware of the responsibility of social networks to prevent online hate speech. He stressed the potential technology had in contributing to identifying and deleting hate speech quickly and effectively. Facebook favoured transparent regulations on which content had to be deleted and which were harmonised across Europe.

Julia Mozer pointed out the importance of education and information campaigns for combatting hate speech. She heads an online platform that helps people identify hate speech and take action against it. She said that training individuals and institutions was one approach to containing and counteracting hate speech at several levels.

During the discussion participants agreed that only a coordinated approach at European level could be effective. However, differences in culture and legislation rendered this discussion very complex. While freedom of expression had to be guaranteed, quick deletion of hate speech was very important for the victims. Parliaments should create regulations and clear rules, and tech companies had to act accordingly. Civil society initiatives were crucial in initiating public debate, providing education and showing that hate speech was not tolerated in society.

Workspaces: What can we do to fight hate speech?

Five topical workspaces for invited experts and one public workspace took place in parallel. The topical workspaces were attended by 187 participants.

Topical workspaces

- Hate speech in political communication
- Hate speech as youth (anti-)culture?
- Hate speech and local involvement
- Hate speech against marginalised groups
- Antifeminist hate speech

Results of these discussions were highlighted at the end of the event with Michael Roth, Minister of State for Europe at the Federal Foreign Office and Special Representative of the Federal Government for the German Presidency of the Committee of Ministers of the Council of Europe (see below). They are summarised in annexes 5–9 and have been made available to the Council of Europe.

Open workspace

Louisa Dellert, influencer and entrepreneur

Hannes Ley, founder of the initiative “#ichbinhier”

Christoph Hebecker, Cologne Public Prosecution Office

In the open workspace, social media influencer Louisa Dellert and Hannes Ley, founder of the initiative “#ichbinhier”, gave advice on how solid counter-speech could look. State prosecutor Christoph Hebecker reported on his office’s work in dealing with hate speech. Public Prosecution Offices specialised in cybercrime exist in some, but not all German Länder.

Flashlights: What Shall We Take With Us? What Are the Next Steps at European Level?

Speakers: Rita Hagl-Kehl, Parliamentary State Secretary for Justice and Consumer Protection, Germany

Jeroen Schokkenbroek, Director of Anti-Discrimination in the Directorate General of Democracy, Council of Europe

Summarising their impressions of the conference, Parliamentary State Secretary Rita Hagl-Kehl and Director Jeroen Schokkenbroek concluded that combatting hate speech and protecting human dignity were not in opposition to freedom of expression and protection of other human rights. A clear legal framework for hate speech, based on the case law of the European Court of Human Rights, needed to be created and guiding standards, including different levels of hate speech and the respective responsibilities of different state and non-state actors, should be set at European level. A comprehensive, systematic approach required both legal and non-legal measures. Finally, one should not be naïve: some hate speech was extremely well organised and perhaps the tools to combat such forms should be based on those that form part of strategies to combat organised crime.

Web Hall Meeting

Michael Roth, Minister of State for Europe at the Federal Foreign Office and Special Representative of the Federal Government for the German Presidency of the Committee of Ministers of the Council of Europe, wrapped up the event. He discussed the most important issues that were brought up in the five topical workspaces and answered questions from the audience.

The first workspace “hate speech in political communication”, which was moderated by Sina Laubenstein, Project Lead with the No Hate Speech Movement, New German Media Professionals (NDM), concluded that those combatting hate speech had to move from a defensive to an offensive position. Open debates about prejudices rooted in our societies had to be held. In addition to this, Minister Roth pleaded for respectful interaction. Diversity was important and worth protecting, hate, lies and deception were not. Above all, it was important that victims received help and knew that they could rely on the rule of law.

The second workspace “hate speech as youth (anti) culture?”, moderated by Stefanie Fächner from the State Media Authority of Rhineland-Palatinate, called on young people to become more involved. Education and in particular media competence were more important than ever and there was a need for action in this area. Minister Roth agreed that young people had to be taken seriously and that their voices had to be heard. In addition, it had to be made clear to young people that hate crime had serious consequences and that youth was no excuse for criminal acts. Awareness was important and clear messages against hate speech had to be sent.

The third workspace “hate speech and local involvement”, moderated by Anne Haller, Head of the political education centre KommunalAkademie NRW of the Friedrich-Ebert-Stiftung, noted that hate speech could be a reason for people to withdraw from local politics. This constituted a danger for democratic societies. Non-partisan solidarity was needed, because no one benefited from hate speech, even if it hit the political opponent. Minister Roth emphasised that democracy relied on those who shouldered responsibility at local level. People who volunteered had to be supported and hate speech should not be allowed to prevent them from carrying on their important work.

The fourth workspace “hate speech against marginalised groups”, moderated by Gilda Sahebi, project leader with the No Hate Speech Movement, New German Media Professionals (NDM), criticised the fact that big tech companies often reacted too late and worked in a non-transparent manner. Another serious problem was that populist and nationalist politicians were increasingly engaging in hate speech. That was why counter-speech and solidarity with marginalised groups was of great importance. Hate speech very often affected marginalised groups, which were silenced by hatred, especially on social platforms. While platforms also bore a responsibility, the state in particular had to engage in dialogue with these groups and take their needs seriously.

The fifth workspace “antifeminist hate speech”, moderated by Julia Bläsius, a gender politics expert from the Friedrich-Ebert-Stiftung, concluded that antifeminism was an old phenomenon, but that both the quality and quantity had changed with the advent of the internet. Both civil society actors and political decision-makers had to heed this development. To this end, more reliable data should be collected and awareness, especially in professions such as the judiciary and law enforcement, had to be heightened. Minister Roth encouraged women to report acts of violence or misogyny. He said that society had to show that there was zero tolerance of antifeminism.