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Speech by Prof. MÜLLER-TÖRÖK

Check against delivery

Debate on Working Conditions Of Local Elected Representatives In Times Of Hate Speech And Fake News On The Internet

27 October 2021

Dear President Vöhringer, ladies and gentlemen,

Hate Speech and Fake News are phenomena which directly influence the current political debate and create the desire to do something. When a politician has the desire to do something, there are three possible outcomes:

- He or she does something, which is effective and successful.
- He or she does something, which is effective but in vain.
- He or she does something which is ineffective, because the reality does not comply with the tools the politician uses.

The call "Follow the Science" which became popular in the recent with Joe Biden, Boris Johnson and many others in the current pandemic, this call requires one important prerequisite: There must be a scientific community which established a single leading opinion, better not an opinion but rather a clear result based on evidence and verified theories.

Regarding Hate Speech and Fake News we do not have such a clear science we can follow. So what we would like to contribute to the Congress is a scientific input for your discussions in the spring session 2022, a fact book as a final deliverable. Let me briefly describe who we are and what we intend to produce for your convenience:

The partners are, in alphabetical order of the countries

- Vienna University of Economics and Business, Austria, Prof. Alexander Prosser and Mrs Nervin Kutlu
- University of Public Administration and Finance Ludwigsburg, Germany – Prof. Robert Müller-Török and Dr Sebastian Brüggemann
- Budapest University of Technology and Economics, Hungary, Prof. András Nemeslaki and Dr. Tamász Szadeczky
- National University of Political Studies and Public Administration, Bukarest, Romania – Dr Catalin Vrabie
- Pavol Jozef Safarik University Kosice, Slovakia, Vice Rector Dr. Silvia Rucinska.

The scientists involved work interdisciplinary, some with a background in computer science, some in legal science and some in political science. We coach a student group of the minor "applied e-Government" from my university and work together to produce this deliverable in the form of a book which should be handed over to the spring plenary 2022.

www.coe.int/congress | Tel ▶ +33 (0)3 8841 2110
Fax ▶ +33 (0)3 9021 5580
congress.web@coe.int | www.coe.int | CONGRESS OF LOCAL AND REGIONAL AUTHORITIES
CONGRÈS DES POUVOIRS LOCAUX ET RÉGIONAUX
F-67075 STRASBOURG cedex

This book will contain

1.   Introduction

The numerous definitions of both Hate Speech and Fake News are analyzed and a proper working definition for this project is selected. There are, among others, definitions provided by CoE bodies and clarifying judgements, decisions and fact sheets of the European Courts of Human Rights, but unfortunately a lot of them, hence the necessity to analyze these definitions and their strengths and deficits.

We will analyze in depth the impacts Hate Speech and Fake News have, especially with a view on the level of regional and local politicians and politics. The issue here is to not just list the many, many examples and real-life cases in an anecdotical manner, but to extract the patterns behind them.

The same appears to the underlying reasons of Hate Speech and Fake News, here an overview will be provided over the manifold reasons. The range is from political opponents to commercial entities, which earn a living by providing social media platforms as arenas where Hate Speech battles can be fought and Fake News can be distributed.

2.   How do Fake News and Hate Speech affect political discussion and target persons and how can they be detected?

This requires the above-mentioned definition of what fake news and hate speech are and, here in this chapter, an analysis of how the affect, how they work, what the underlying mechanisms and principles are. A direct link like "A hate post against B and hence C went to B's office and slapped his face" can only rarely be directly established. The underlying mechanisms are much more sophisticated and take more time to become effective.

A big issue in this context is to distinguish between exercising Freedom of Expression on the one hand and fake news and hate speech on the other hand. Also the distinction between fake news and simply wrong facts, mistakes, etc. and also pure opinions is difficile. What was true in 1975 even in Science can be proven wrong in the 2020s. Take e.g. the assessment of human blood pressure in medicine: the rule of my youth "age plus 100" was proven wrong in our century.

The detection of both unwanted phenomena is also being analyzed here, namely in a social media context. The University of Business and Economics Vienna did some valuable research on that which will be re-used here.

3.   Technical foundations

This chapter outlines and describes the way the relevant parts of the internet work. Popular political statements like "This website shall be blocked" are examined and the technical impossibility of executing this is described and demonstrated. Other technical remedies are, to our present knowledge, also mostly ineffective, because there are easy technical ways around to access the desired website or to post something despite it. Of course, our present knowledge is incomplete and will increase with the progress of our project.

Topics and issues covered here will be, among others,

3.1.   Blocking websites and IP-addresses
3.2.   Blocking upload of content
3.3.   Filtering and surveillance of content, comparison between liberal internet regimes and restrictive ones like North Corea or the PRC
3.4.   Costs associated with these measures
3.5.   Identification of users up- or downloading and posting as well as consuming
3.6.   Special issues of social media

4.   Legal foundations

This chapter deals with the legal definitions within a setting of 47 Member States with different Criminal Codes etc. If there were an overall accepted single definition, the question arises whether a violation, namely a hate speech campaign can be effectively prosecuted if the server physically locates in another Member State or, worse, non-Member State. Cases even in a highly developed democracy like the United States of

America, where the Supreme Court ruled in the 1970s that it is protected by the First Amendment to walk through a mainly jewish- town near Chicago wearing SA-like uniforms with swastikas, you remember the famous case National Socialist Party of America vs.Village of Skokie. 432 U.S. 43 (1977)

We highlight the conflict between the domain reserve regarding interference into internal affairs of a sovereign state on the one hand and the desire to stop a hate speech campaign originating in this very state by the state targeted with the campaign. Unlike in postal services, nothing like the Universal Postal Convention and the Universal Postal Union headquartered in Geneva exists for the internet. At least not yet.

5. Open Government and Open Data – a possible way out?

Both technical and legal remedies against fake news and hate speech have only very limited effectiveness. If it seems not possible to effectively block and hinder such behavior, would it be a possible solution to enable the broad public to check facts on their own, based on Open Government? Take e.g. India's CoWIN system which enables tracking vaccination data in real time for 74,000 vaccination centers nationwide and compare it with the data the government of Germany provides to the public. The Robert Koch Institute had to retreat to opinion polls, because their own reported data were proven inaccurate.

We analyze the advantages and disadvantages of Open Data and Open Government, the benefits and the costs associated with it.

The more crucial task of this chapter is to find evidence countries with a more open government have less violence against politicians. Does less hate speech, less fake news occur? This is especially tricky to prove in a global internet setting.

To summarize, we want to define what hate speech and fake news are, how they affect daily politics with a focus on a regional and local setting and whether technical and/or legal remedies do not work – or work. As a possible way out we will analyze whether transparent Government could be a feasible remedy.

Our goal is to provide the Congress with a scientific deliverable which can be used as a basis for a political discussion, probably ending in a concrete policy recommendation.

Questionnaire:

We intend, according to the progress of our project, to create and distribute a questionnaire on these topics to the members of the Chamber of Local Authorities. The goal of the questionnaire is twofold: on the one hand collecting data on your experiences, tools used, figures etc. and on the other hand trying to verify or falsify assumptions and hypotheses.

I am looking forward to hand over this document and thank you all, especially Mr President Vöhringer and Mr General Secretary Kiefer for this great opportunity for our institutions and students.