



Young People's Initiatives to Address Homophobic and Transphobic Hate Speech

Desktop Study

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The views expressed in this study do not necessarily reflect the opinions of the Council of Europe.

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1. Introduction

The following desktop study maps out a number of initiatives that successfully involve youth (including from and outside the Lesbian, Gay, Bisexual, Trans, Queer, and Intersex [LGBTQI] community) addressing (homophobic and transphobic) hate speech. Some project descriptions are based on the analysis sheets provided by participants to the seminar “Young People’s Responses to Homophobic and Transphobic Hate Speech,” organised by the Council of Europe Youth Department in cooperation with the Council of Europe Equality Division (SOGI Unit) and the International Gay, Lesbian, Bisexual, Transgender and Queer Youth and Student organisation (IGLYO) at the European Youth Centre in Budapest, 15-17 May 2014 in the context of the No Hate Speech Movement (NHSM) Campaign. Others have been gathered specifically for this study from numerous online resources.

1.1 Framework

A previous study from 2012, “Young People Combating Hate Speech Online” (DDCP-YD/CHS(2012)2).¹ prepared by the British Institute of Human Rights, provides a useful framework for mapping existing projects addressing homophobic and transphobic hate speech, even though it is more explicitly aimed at online occurrences of hate speech in general. The report distinguishes the following areas in which action can be undertaken, from which the present report will depart²:

- Monitoring and research.
- Receiving and investigating complaints.
- Working with Internet Service Providers (ISPs) and the law
- Education, training and awareness raising
- Public campaigns
- Victim support and community building
- International cooperation

The youth and LGBT initiatives discussed in the present report will be roughly organised within these areas, although their spread seems to be uneven, as some areas such as awareness raising, community building, and public actions are closer to the common practice of youth and LGBT activists as compared to areas such as research and international cooperation.

The different project descriptions are followed by a series of recommendations for the Council of Europe on how to further support and extend the successful youth initiatives that address homophobic and transphobic hate speech.

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¹ Available online at http://www.coe.int/t/dg4/youth/Source/Training/Training_courses/2012_Mapping_projects_against_Hate_Speech.pdf

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¹ Ibid., 28.

1.2 Definitions of hate speech

There is as of yet no generally accepted definition of “hate speech.” In the policy brief of ILGA –Europe “Responding to Hate Speech against LGBTI people,”³ Article 19 provides a full overview of extant legal definitions and proposes a “six part incitement test,” evaluating the context of the expression; the speaker; intent; content of the expression; extent and magnitude of the expression; and likelihood of harm occurring, including its imminence to evaluate speech acts that could be qualified as “hate speech.” Within the legal framework of the ECtHR the authors point out that ECtHR jurisprudence is “inconsistent” as regards the question whether certain speech acts are compatible with the ECHR or not.⁴

This desktop study takes as its point of departure the definition of hate speech found in Council of Europe CM/Rec(1997)20 “On hate speech”:

“The term ‘hate speech’ shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin”

in tandem with the definition of hate speech toward LGBT people from the Council of Europe Recommendation CM/Rec(2010)5 “On Measures to combat discrimination on grounds of sexual orientation or gender identity,” as

“forms of expression, including the media and on the internet, which may be reasonably be understood as likely to produce the effect of inciting, spreading or promoting hatred or other forms of discrimination against lesbian, gay, bisexual and transgender persons.”⁵

Nonetheless, the different organisations and projects referred to in this study may – implicitly or explicitly – hold to different definitions.

2. Youth initiatives that address homophobic and transphobic hate speech

2.1 Monitoring and Research

In addition to the Hate Speech Watch⁶ tool of the NHSM website, as well as the educational materials produced within the context of this particular campaign, there are several other initiatives within the same area, which broadly address online hate speech and discrimination:

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Available online at http://www.ilga-europe.org/home/issues/hate_crime_hate_speech/external_resources/responding_to_hate_speech_against_lgbt_people

4 Ibid., p. 16.

5 CM/Rec(2010)5, App. §6.

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⁷ <http://www.nohatespeechmovement.org/hate-speech-watch/>

1. The report “Young People Combating Hate Speech Online” lists two broad studies on monitoring hate speech, a study from 2008-9 conducted by the Mouvement contre le racisme et pour l’amitié des peuples,⁷ and a report from 2011 by The Institute of Human Rights and the Prevention of Xenophobia in Ukraine, on “The Phenomenon of Cyberhate in Ukrainian Cyberspace,”⁸ neither of which contained explicit information on homophobic or transphobic hate speech.
2. Each year, the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) publishes their Rainbow Europe Map and Index “reflecting the 49 European countries’ legislation and policies that have a direct impact on the enjoyment of human rights by LGBTI people” and the Annual Review of the Human Rights Situation of LGBTI People in Europe, which “provides insights into the political and social developments” and provides “a feeling of what and everyday life and environment for LGBTI people is in different European countries.”⁹ The 2014 Rainbow Europe Index includes 20% covering specifically protection against hate speech/crime, with 3.6% allocated to “hate speech law (sexual orientation)” and 3.6% to “hate speech law (gender identity).” The 2014 Annual Review included a separate section “Bias-motivated speech” in the evaluation of several European countries. ILGA-Europe also maintains an online page with external resources on hate crime and hate speech.¹⁰ Moreover, ILGA-Europe has published several publications addressing hate speech in general, including “The legal grounds for inclusive EU legislation against bias violence and hatred” (October 2011).¹¹
3. Creatively Unveiling Discrimination (ICUD)¹² is a multidisciplinary project that “aims to Creatively Unveil hidden forms of Discrimination on the Internet, especially on social network sites and provide practical tools to combat it. The ICUD Project is formed by a partnership of several NGOs from Spain, Italy, UK, Romania, and Belgium, and is co-funded by the Fundamental Rights and Citizenship Programme of the European Union. Within a timeframe of 24 months, the ICUD project combines academic and field research with training sessions and the dissemination of information on online hate speech and discrimination, bringing together teachers, social workers, youth trainers, and community managers. ICUD has developed a very practical online

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⁷ Available online at: <http://www.mrap.fr/contre-le-racisme-sous-toutes-ses-formes/racisme-sur-internet/internet-et-les-enjeux-de-la-lutte-contre-le-racisme-etude-du-mrap-2008-2009>

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⁸ Available online at <http://www.ihrpex.org/en/docs/>

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http://www.ilga-europe.org/home/publications/rainbow_europe. Both the map and the report can be downloaded from this page.

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http://www.ilga-europe.org/home/issues/hate_crime_hate_speech/external_resources. Most listed resources deal with hate crimes.

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Available online at http://www.ilga-europe.org/home/publications/reports_and_other_materials/research_legal_grounds_2011

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¹² <http://digitaldiscrimination.eu>

resource, the “Food for Thought” page, which lists many other initiatives in the field of combating online hate speech and discrimination.¹³

2.2 Receiving and investigating complaints

Although a number of countries has included hate speech in their legal code,¹⁴ registering cases of homophobic and transphobic hate speech and acting upon them so as to creating case law still remains a challenge.

The projects below aim to facilitate the access of the young people to complaint procedures and to empower it in taking legal steps when necessary and educates the LGBT community on their legal right to stand up against hate speech.

1. Montenegrin LGBT organisation Progres, in collaboration with the Police directorate and their Trust team¹⁵ developed a short printed form called “incident cards.” Progres had noticed that in most of the cases where hate speech occurs, the “victims” usually did not remember what was explicitly said. In order to facilitate a speedy report with the least amount of “memory loss,” Progres developed a pocket form incident card which contains everything that is needed to report a hate crime incident. This would facilitate report of incidents and provide the police with relevant information for the official report. Furthermore Progres established LGBT liaison officers network in all of the municipalities of Montenegro whom LGBT persons report the cases directly to and who treat the reports as their priority.¹⁶

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¹³ <http://digitaldiscrimination.eu/research/>

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See for a full list Article 19, “Responding to Hate Speech against LGBTI people,” pp. 31-44. http://www.ilga-europe.org/home/issues/hate_crime_hate_speech/external_resources/responding_to_hate_speech_against_lgbti_people

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¹⁵ Trust Team - the team consisting of police officers and representatives from the LGBT community. They meet once a month to discuss issues related to LGBT community.

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For more projects involving collaboration between police forces and LGBT organisations and a collection of good practices, refer to the ILGA-Europe publication “Joining forces to combat homophobic and transphobic hate crime: Cooperation between police forces and LGBT organisations in Europe” (August 2010). Available online at http://www.ilga-europe.org/home/publications/reports_and_other_materials/joining_forces_to_combat_homophobic_and_transphobic_hate_crime_cooperation_between_police_forces_and_lgbt_organizations_in_europe_september_2010. ILGA-Europe also developed a toolkit for training police officers on tackling LGBTI-phobic crime (October 2011). Available online at http://www.ilga-europe.org/home/publications/reports_and_other_materials/training_toolkit_police_2011

2. Protége-te is a Spanish anti-cyberbullying app developed by child safety on the internet center Protégeles¹⁷ in collaboration with children in the age range of 12-15 and several mobile communication operators. The app is freely downloadable on Google Play and the Apple App Store, and allows children targeted by cyberbullying and their parents to easily establish contact with lawyers, psychologists, and safety experts from Protégeles. The app aims to lower the threshold for children to denounce cyberbullying and provides easy access to caregivers.
3. The Strategic Litigation project, initiated by LGBT NGO Aleanca Kundër Diskriminimit të LGBT and human rights lawyers from ResPublica in the context of the Council of Europe LGBT Project in Albania, Two lawyers from ResPublica also produced a manual entitled “Strategic Litigation related to the Rights of the LGBT Community,” which included, among other topics, ways of addressing online hate speech through legal means, and the different steps of a legal procedure.

2.3 Working with Internet Service Providers (ISPs) and the law

No examples have been found of projects in which youth or LGBT organisations work together with ISPs to block sites that feature or support hate speech.¹⁸ Within literature on online hate speech, the following are some of the approaches suggested about involving intermediaries in combating online hate speech:

- Establishing clear hate speech policies in their Terms of Service and mechanisms for enforcing them;
- Making it easier for users to flag hate speech and to speak out against it;
- Facilitating industry-wide education and best practices via multi-stakeholder approaches; and
- Limiting anonymity and moving to “real-name” policies to identify speakers.¹⁹

2.4 Education, training and awareness raising

According to the 2012 report “Young People Combating Hate Speech Online”, “Reducing the number of people who engage in such behaviour – whether online or offline, altering attitudes

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¹⁷ <http://www.protegeles.com>

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¹⁸ For an American perspective on EU attempts to restrict the spreading of hate speech on internet, see Christopher D. Van Blarcum, “Internet Hate Speech: The European Framework and the Emerging American Haven.” <http://law.wlu.edu/deptimages/Law%20Review/62-2VanBlarcum.pdf>. See also James Banks, “Regulating Hate Speech Online,” http://shura.shu.ac.uk/6901/1/Banks_regulating_hate_speech.pdf; id. “European Regulation of Cross-Border Hate Speech in Cyberspace: The Limits of Legislation” http://shura.shu.ac.uk/6902/1/Banks_European_Regulation.pdf; LaShel Law, “Hate Speech in Cyberspace: Bitterness without Boundaries” <http://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1049&context=ndjlepp>; Alexander Tsesis, “Hate in Cyberspace: Regulating Hate Speech on the Internet” http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1096581

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¹⁹ See Abraham H. Foxman and Christopher Wolf, *Viral Hate: Containing Its Spread on the Internet*. Reviewed at <http://techliberation.com/2013/06/24/the-constructive-way-to-combat-online-hate-speech-thoughts-on-viral-hate-by-foxman-wolf/>

in society so that such views are seen as unacceptable and unfounded, removing the psychological reasons which tempt people to join such communities – or at least, establishing other communities not based on bigotry or bias □ must be the only sure way to address the issue at its roots.” In spite of the long-term effects of instilling values of tolerance and acceptance into a new generation of decision makers, the short-term effects of awareness raising within education are difficult to measure.

There have been a number of initiatives of youth and LGBT organisations that respond to local situations within educational systems, also because there is often a large overlap between the activists in these organisations and student communities. It is therefore a natural field of action.

A few projects from the wide array of initiatives undertaken in this field are:

1. The Purple Friday initiative of COC Netherlands²⁰ in cooperation with the Dutch government on the second Friday of December each year at a large number of high schools,²¹ which aims to raise awareness about homophobia and transphobia. Students and teachers are asked to wear purple that day and sport the purple wristband to show that they are allies of the LGBT student community.
2. The project “Awareness raising campaign in schools,” initiated by Aleanca LGBT within the context of the Council of Europe LGBT Project in 2013 (Albania). The project developed together with the Ministry of Education and the Commissioner for the Protection from Discrimination, and with assistance from the Irish organisation BeLonG To the first brochure to address bullying, including homophobic and transphobic bullying, in Albanian high schools. The brochure included a manual and exercises for teachers how to address bullying in the classroom.
3. The Discrimination Free Schools Project implemented by the Danish Institute for Human Rights and the Bulgarian Commission for Protection from Discrimination from 2009 to 2011, and funded through the EU’s Fundamental Rights and Citizenship Programme. The goal of the project was to “fight discrimination, racism, xenophobia, and religious intolerance through focused teaching in primary and secondary schools,” and included a 7-episode educational film ‘A Friend You Haven’t Met Yet’ and additional teaching materials. All resources can be downloaded from the website.
4. Another initiative focusing on high school students is the Humanitas 2.0 project from Italy.²² This grassroots project, mainly focused on racism and aimed to bring the classical humanist values into the media environment of the 21st century to the classroom. Antiracism is promoted through an explicit link with classical authors with an importance to the humanist tradition such as Terence and Seneca.
5. The Italian National Office Against Discrimination (UNAR) has launched “In my shoes,” a web game that allows the user to experience being in Italy as a foreigner,²³ being

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¹ See <http://www.coc.nl/tag/gsa>

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¹ <http://www.coc.nl/jong-school/record-aantal-scholen-doet-mee-aan-paarse-vrijdag>

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¹ <http://humanitasduepuntozero.wordpress.com>

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confronted with examples of racism and xenophobia that are based on life experiences of immigrants in Italy.

6. Tweetbalas is a Spanish interactive flash app developed by the Museum of Memory and Tolerance, showing the “physical” impact of online hate speech.²⁴ Each discriminatory tweet the app finds is visualised as a paintball shot. Thus, the immediate “impact” of hate speech is rendered visible.

2.5 Victim support and community building

Although there are no specific projects that target solely homophobic and transphobic hate speech victims, there are a number of projects which aim to protect LGBTQI community members from hate speech:

1. The project “NO NAME,” taking place in Hungary, Poland and Slovakia, was a response to homophobic and transphobic hate speech that developed during the preparation of the Budapest Pride. In order to shield the spokespeople of the event from hate speech, a pool of rotating gender-mixed spokespeople was formed in order to avoid having a single identifiable spokesperson. This helped them overcome negative attitudes such as shame, weakness, and silence. Although small-scale, these types of projects, in which LGBTQI activists protect each other from situations in which hate speech may occur are very important for the morale inside the LGBTIQ activist community, especially in the face of pressure during activities such as organizing a pride.
2. “I’m Every Lesbian” is a project developed in 2013 by the young Swedish artist Sofia Hultin at the invitation of The Unstraight Museum from Sweden and Aleanca LGBT from Albania with the financial support of the Swedish Institute.²⁵ For a month, Hultin worked together with the lesbian and transgender community of Tirana to collect their stories and turn them into an audio guide and map that could be downloaded or picked up at the gallery space. Moreover, Hultin organised several guided tours in which she told a number of collected stories at different points in the city. The project allowed members of the BT community to share their stories on a basis of anonymity, thus bringing otherwise unheard stories of repression and hatred, but also of love and compassion, into the open. At the same time the work can be heard in private, on an iPhone or other audio device. The sharing of stories, both by telling and listening to them, had an empowering effect on the community.

2.6 Public campaigns

Although large public well-coordinated campaigns against hate speech, such as the No Hate Speech Movement, operate on transnational levels (see 2.7), small-scale public actions can have a large impact on local communities. Doing actions in public remains one of the best methods to address hate speech, because it is aimed at ordinary citizens, can create a lot of

²⁴ <http://www.giocaneimieipanni.it>

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²⁵ <http://www.tweetbalas.com>

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²⁶ <http://www.sofiahultin.com/IEL.html>

media attention, and is also a lot of fun and empowering to participate in, in spite of the considerable security risks that may come with it:

1. The project in public space “Free Hugs Against Discrimination,” organised by LGBT activists of CASA and Tudo Vai Melhorar in Portugal explicitly targeted ordinary citizens in the street, offering free hugs. Under the motto that “hugs are always the same, no matter who gives them to you.” Passersby would be approached for a free hug, and, when accepted the question was asked “If it were an LGBT person giving the hug, would that be a problem and would that be different?” The action was videotaped and later posted on Youtube, generating 40000 views.²⁶ This number was reached because the video went viral and was featured on several entertainment websites.
2. “Doctors Against Homophobia” is a street action developed by Aleanca LGBT and performed in Durrës and Tirana. Activists would dress up in white medical coats and go on the street handing out flyers with information about homophobia. The action was videotaped and later uploaded to Youtube²⁷ and used in presentations and exhibitions. Part of the action was later featured in the feature documentary “SkaNdal.”²⁸ In 2014, the action was repeated by Kosovar LGBT activists from QESh during a pride event on May 17.²⁹
3. In 2014, the Italian organisation Pubblicità Progresso devised the publicity campaign “I Count on You”³⁰ showing a series of women with only half-completed text balloons. Within 48 hours, all texts had been completed in vulgar, tasteless ways, highlighting the continuing verbal harassment and hate speech against women. The website connected to the campaign allows people to send in a complaint about sexist or degrading advertisement, and also features a video of the public campaign.³¹
4. On Valentine’s Day 2014, Kosovo performance group HAVEIT, which is known for its public actions explicit address of patriarchal, racist, and homophobic aspects of the society, dressed with red veils and exchanged kisses on the central square of Pristina. They published a photograph of their action on their Facebook site accompanied by the text “In this so-called ‘Day of Love’. This society still refuses and forbids same-sex love of reasons for ‘morality’. Let love prevail!!!”³² The image went viral in Kosovo and Albania and was reposted many times by people from inside and outside the LGBT community,

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¹ <https://www.youtube.com/watch?v=3z43NF12Q38>

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¹ <https://www.youtube.com/watch?v=unSw0mlcBlS>

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<http://skandalmovie.com>

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¹ <http://www.gazetaexpress.com/lajme/marsh-kunder-homofobise-i-prine-nenkryetarja-e-pdkse-foto-14324/>

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¹ <http://www.puntosudite.it>

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<https://www.youtube.com/watch?v=n7PSjVZmAPY&feature=share&list=PL7B6472ED759B2789>

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¹ <https://www.facebook.com/haveit>

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and helped open the debate on the LGBT community and same-sex couples in Kosovo.³³ Although this was not an action coordinated by an LGBT organisation, it shows how other actors in the public debate, such as performance groups, can become an ally in the fight against homophobia and transphobia.

2.7 International and regional initiatives

Except for the No Hate Speech Movement and LGBT Project initiated by the Council of Europe, no international initiatives by youth or LGBT activists have been reported, except for the few projects mentioned that later traveled abroad but which were not initially conceived as transnational. The following are international networks focused on combating online hate speech in general:

1. Throughout the EU, including Iceland, Norway, and Russia, there is a network of Safe Internet Centres,³⁴ which serve as awareness centre, helpline to provide information on safer internet usage, a hotline to denounce online hate speech and other illegal content, and a youth panel. Their website includes a number of resources for different age groups on safe internet usage.³⁵
2. INHOPE is an international association of 49 hotlines in 43 countries which focuses on rooting out the dissemination of illegal material such as child pornography, funded by the European Commission under the Safer Internet Project.³⁶
3. INACH, the International Network Against Cyberhate,³⁷ is an international network of organisations handling complaints about online discrimination. According to its mission, INACH intends to “Unite and empower organisations to promote respect, responsibility and citizenship on the Internet through countering cyber hate and raising awareness about online discrimination. INACH reinforces Human Rights and mutual respect for the rights and reputations of all Internet users.”

3. Conclusion and Recommendations

This study gathers a number of initiatives throughout the countries of the Council of Europe addressing (online) hate speech, sometimes specifically of a homophobic or transphobic nature. These initiatives were organised according to the framework proposed by the study “Young People Combating Hate Speech Online” (DDCP-YD/CHS(2012)2). Keeping to this framework, we may arrive at the following recommendations:

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¹ Notably, the Kosovar constitution does not limit marriage to different-sex couples, the author has heard about a current strategic litigation case being held against the Kosovar state to recognise a same-sex couple married outside Kosova, yet is unsure about the current state of the case.

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¹ <http://www.saferinternet.org/countries>

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¹ <http://www.saferinternet.org/resources>

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¹ <http://www.inhope.org/gns/who-we-are/at-a-glance.aspx>

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¹ <http://www.inach.net/about.html>

- Although there are several monitoring and research initiatives, including the No Hate Speech Movement, ILGA-Europe and ICUD, there is as yet no central and complete resource page for activists and organisations. Resources and guidelines are generally freely available on the websites of individual projects, but a large and freely accessible database of best practices to combat online homophobia and transphobia would be of great value for a concerted effort against online hate speech.
- In the context of receiving and investigating complaints, there are several (trans)national initiatives, local initiative here seems to have the highest impact, owing to nationally divergent legislation and juridical protection. Nevertheless, the development of practical tools such as strategic litigation guidelines based on ECtHR jurisprudence and pocket incident cards, may be valuable tools for local activists. Moreover, developing an app platform for denouncing hate speech could potentially greatly improve access to complaint procedures that are otherwise cumbersome to follow.
- There is as of yet no large project that actively engages ISPs.
- Education, training, and awareness raising remain the core activities of many local and international LGBT organisations. There is a multitude of projects that often address very local situations, which, however, could be potentially facilitated on a transnational level by organizing exchange of knowledge and best practices.
- Public campaigns, which are actively visible in the public domain as yet remain largely absent, most probably because local NGOs are unable to meet the costs that are involved with hiring advertisement space. However, with the advent of tools such as Facebook ads, YouTube and other social media networks, a considerable number of people could be potentially reached with little investment.
- Victim support and community building are again core areas of local organisations. There are several examples in which artists are involved to collaborate with the community to develop new modes of conceptualisation and expression. Nevertheless, the input of artists on a higher policy and transnational level remains conspicuously absent.
- There are several networks of anti-hate speech organisations that operate in an online environment. However, no such initiative exists yet specifically focused on online homophobic and transphobic hate speech.