HELP Online course on

HATE CRIME AND HATE SPEECH

Background and aim

Hate crime and hate speech are growing problems across Europe. They are manifestations of intolerance towards certain groups in society. They harm individual victims, their communities and ultimately the society. In the words of the Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, 'hate crimes are not crimes like any other, exactly because of the impact they have on victims and on social cohesion in general'.

'Hate crime' and 'hate speech' are ubiquitous but not (or not strictly) legal terms or concepts. Although international law provides guidance, lack of clarity persists among governments, agencies or academics on what exactly is and is not included in these categories. The very word 'hate', used as a generic term, can be misleading. Most jurisdictions do not in fact require proof of hatred to successfully prosecute hate crime and hate speech cases. Furthermore, a number of other concepts and approaches (such as extremism, discrimination, terrorist offences, politically motivated crime) are often mistaken for, conflated with, or used to integrate hate crime and hate speech.

These two phenomena are very much interconnected, given that hate speech creates a situation or an environment where people feel encouraged to commit hate crime. On the other hand, the two problems require specific responses.

This free HELP online course deals with the legal responses to these complex problems. Prohibitions of certain conduct are at the centre of such legal response. This HELP course therefore concentrates on criminal law, law enforcement and criminal justice aspects of the response, while mentioning other relevant options.

The course is aimed in assisting legal professionals throughout Europe to understand hate crime and hate speech and deal with them in their daily work.

The topics are explored in a practical way, by using presentations, interactive screens, knowledge tests and reflective exercises.

The course was developed in 2015.

Target audience

This free on-line course is primarily addressed to legal professionals (judges, prosecutors, lawyers or court staff). It can also be used by other public authorities, including national human rights institutions, as well as civil society organizations, university students etc.

Course outline (5 chapters)

1. **Hate crime and hate speech – introduction** (Understanding Hate Crime; Hate Crime Model; Understanding Hate Speech; Hate Speech: International Guidance; Hate Speech: An Evolution; Hate Speech: Practical Challenges; Hate Crime and Hate Speech: related but different; Why respond to Hate Crime and Hate Speech; Allport's "Scale of Discrimination and Prejudice"; How to respond to Hate Crime and Hate Speech)
2. **Hate crime – concepts** (Defining Hate Crime; Hate Crime Target and Offenders; The Combination Approach; Seriousness of a Crime: Hate Incident; Bias motivation; Commonly Protected Characteristics; Hate Crime Laws; Hate Crime Provisions Types; Concepts related to Hate Crimes)
3. **Hate crime – international legal framework** (United Nations Treaties; Regional level)
4. **Hate crime – stages through the criminal justice system** (Reporting Hate Crimes; Stages through the Criminal Justice System: Policing, Prosecution, Sentencing)
5. **Hate speech** (Key concepts; International framework; ECHR standards; Forms and types of hate speech; Prevention and punishment of hate speech)

Development and implementation of the course

The course on Hate Crime was developed as a joint initiative between the HELP Programme and the OSCE's Office of Democratic Institutions and Human Rights (ODIHR). The module on Hate Speech was developed by HELP. The course was developed by using the HELP methodology (http://www.coe.int/en/web/help/help-training-methodology).

The course was implemented in Bosnia and Herzegovina, Hungary, Kosovo and Montenegro.

Acces the free online course

To access the course, you just need to enter the HELP e-learning platform at http://help.elearning.ext.coe.int/. First you need to open yourself an account at HELP if you have not yet done so (2 minutes). Then you can follow this link to directly access the online course: http://help.elearning.ext.coe.int/course/view.php?id=1759 .

The course is available in English, Albanian, Bosnian and Hungarian.