Working group 22:

Freedom of expression, hate speech and anonymity online (incl. cyberbullying)

Background

Hate speech, particularly online, incites violence and hatred. It is increasingly worrying and now constitutes the main source of hate incidents. For example, 75% of Jewish respondents to a FRA survey consider antisemitism online to be a problem, while another 73% believe it has increased over the last five years. This includes antisemitic comments made in discussion forums and on social networking sites. It is also the type of antisemitic harassment most likely to be repeated.

Hate speech was also singled out as a cause for concern during the EU's first Annual Colloquium on Fundamental Rights in Brussels, October 2015, entitled 'Joining forces against antisemitic and anti-Muslim hatred in the EU'. Participants underlined the importance of stepping up action to prosecute online hate speech, and to cooperate with IT/online companies and the media. This will help combat illegal hate speech and promote counter-narratives from civil society.

Objectives

This workshop sought to help develop a concept of autonomous and responsible use of the internet. It raised awareness of the many forms of racist and xenophobic hate speech online as well as hate speech towards people with disabilities or different genders, for example. It also covered the denial or distortion of historical crimes through online media.

The discussions during the workshop aimed to develop a number of suggested actions points, including: empowering local level actors to build a culture of tolerance and respect, in particular through education; fighting hate speech by working with IT companies, civil society and the media; ensuring hate crime laws and new EU rules on protecting the rights of victims of crime and improving the recording and data collection of hate crime incidents are implemented; promoting diversity; and enforcing and strengthening non-discrimination rules.

Speakers

- Joseph Cannataci, UN Special Rapporteur on the Right to privacy, OHCHR
- Geoffrey Shannon, Special rapporteur on child protection, Ireland
- Maciej Tomaszewski, Policy Officer, Directorate-General Justice and Consumers, European Commission
- Robin Sclafani, Director, Jewish Contribution to an Inclusive Europe

- Barbara Trionfi, Executive Director, International Press Institute
- Rui Gomes, Representative of No Hate Speech campaign, Council of Europe
- Carolina Lasén Diaz, Head of the Gender Equality Unit, Council of Europe
- Albin Dearing, Programme Manager Research – Criminal Law and Justice, FRA

Main messages

1. The heavy impact on victims should be included in the debate. Research has noted that verbal abuse can have a more lasting impact than physical attacks. There is also a secondary effect on freedom of speech – such as on journalists, who can be prevented from expressing what they think if they fear repercussions. For example, one Austrian journalist reporting on the refugee situation recently stated in a local newspaper that she is relieved when she does not have to deal with certain issues because she knows the paper may receive hate emails.

2. There is a need to ensure that criminal law is implemented. There are a number of standards and legislation and codes of conduct, but the issue is implementing them. Legal standards can lack clarity regarding what constitutes a crime, rather than an offensive statement. There is also a lack of understanding of who is bound by these. It is up to various groups, such as service providers, to decide on whether something is an offence, and to make this clear to users and to victims.

3. There should be a focus on education as well as awareness raising. This should be the responsibility of everyone: not just educators, but parents, civil society and private actors. Education and awareness raising should be aimed at users to make sure they know what the consequences will be; at victims so they know to whom to report and who has what responsibilities; as well as at criminal justice system staff so hate crimes are prosecuted and treated.

Promising practices

- 'Cyber Bullying: Create No Hate', a powerful YouTube video highlighting the dangers of online hate speech against children.
- A number of EU Member States have carried out extensive research aimed at vulnerable groups, including the LBGT community, highlighting issues and filling an important gap in understanding.
- There have been discussions with service providers – for example, with Facebook. There are internet service providers that want to engage, and there is a need to work together.

Next steps

- A variety of actors should strive to raise awareness from the victims' perspective, via advertisements, case studies and empirical research. This could include a future FRA survey.

- Warnings should be included on websites, reminding users that law applies online – that they are still in the 'real world'.
- Clear codes of conduct should be developed.
- Technology to detect hate speech needs to be made available to news media companies.
- All parties, including internet service providers and users, must continue discussing this topic, and must dedicate more resources and commit to combating hate speech.
- Among the news media, an independent self-regulatory body should monitor hate speech and ensure compliance with codes.
- A citizenship programme could be developed and introduced into schools, making children aware of the consequences of their online actions from an early age – currently, lessons focus largely on technical aspects of how to use the internet. This could also tie in to other concerns, such as improving political awareness and engagement among young people.
- A better system for social media to deal with hate speech should be developed – EU funds should be invested in such efforts.