
UNBOXING
HATE SPEECH

EUROPEAN IMPULSES FOR RESPECT AND SOLIDARITY ON THE WEB

Briefing Paper

# Measures and strategies for combating hate speech at the European level – an overview

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## Introduction

The digital conference **Unboxing Hate Speech – European impulses for respect and solidarity online** is organised and hosted by the Friedrich-Ebert-Stiftung, jointly with Germany's Federal Foreign Office and Federal Ministry of Justice and Consumer Protection. The fight against hate speech, exclusion and verbal violence online is a priority for Germany within the framework of its presidency of the Committee of Ministers of the Council of Europe.

This briefing paper is intended to provide an overview of recent studies, with analyses of and proposals on European regulation of online hate speech. It will also discuss Council of Europe initiatives and policy measures for combating hate speech and the priorities of Germany's presidency of the Council of Europe's Committee of Ministers related to hate speech. Finally, it will look at a selection of approaches and demands made on policymakers by (European) civil society actors involved in fighting hate speech.

## (1) Recent studies on hate speech from a European (and international) perspective

### Council of Europe, 2020: Models of governance of online hate speech

This comparative study by the Council of Europe examines various regulatory measures implemented by the member states to combat hate speech online. These include Germany's Network Enforcement Act (Netzwerkdurchsetzungsgesetz – NetzDG) and France's planned Avia bill. Voluntary measures undertaken by social media companies are also evaluated. Based on this analysis, recommendations are formulated for policymakers, including the standardisation of regulations at EU level, taking into account national contexts and challenges. Closer cooperation between governments, companies and civil society is also recommended. This would promote the development of innovative measures and mutual understanding. Attention must also be paid to the challenges that such cooperation is likely to generate, however. These include existing power imbalances between the various actors, as well as the preservation of autonomy, especially on the part of civil society. Finally, the development of so-called »governance tools« should bring the perspectives and needs of those affected into sharper focus.

**Available at:** https://rm.coe.int/models-of-governance-of-online-hate-speech/16809e671d

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### European Parliament, 2020: Hate speech and hate crime in the EU and the evaluation of online content regulation

This study, commissioned by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee), shows that hate speech and hate crime assail European societies by threatening individual rights, human dignity and equality. This aggravates tensions between social groups; disrupts public peace and public order; and jeopardises peaceful coexistence. A comparative analysis examines the regulatory measures implemented by EU member states, because to date no adequate measures have been taken at EU level. These are sorely needed, however, in order to protect existing standards and implement countermeasures to deal with hate speech and hate crime effectively. The study puts forward concrete measures to respond effectively to hate speech, exclusion and verbal violence in the EU, including sanctions on political parties and individuals if they violate human rights and democratic principles. Furthermore, the EU needs to promulgate its own narrative. There should also be a commitment at local level, in tandem with consistent legal enforcement across national borders. Research should also be stepped up on the psychological and social consequences of hate speech.

**Available at:** https://www.europarl.europa.eu/RegData/etudes/STUD/2020/655135/IPOL_STU(2020)655135_EN.pdf

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### United Nations, 2019: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

In his report, David Kaye (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression until July 2020) explains that international human rights legislation sets a standard that should be taken as a framework for government regulatory measures for dealing with online hate speech and for companies to protect human rights online. This is of particular importance in light of increasing demands for the regulation of online hate speech. Kaye emphasises, among other things, that human rights must also be protected online, but also that special categories of online hate speech should not be established the penalties for which are higher than those applicable to hate crime offline. Independent judicial mechanisms should be set up or strengthened in order to support those affected over the long term. On top of that, the relevant companies should link their measures to international human rights. Kaye also calls for the development of tools to »promote individual autonomy, security and free expression«, including – among other things – education, counter-speech campaigns, reporting and training.

**Available at:** https://www.undocs.org/A/74/486

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### European Centre for Minority Issues, 2019: Words that hurt (1): normative and institutional considerations in the regulation of hate speech in Europe

In the first working paper of a multi-part series Dr Kyriaki Topidi of the European Centre for Minority Issues (ECMI) discusses Europe's policy dilemma between regulating online hate speech and harassment and protecting freedom of speech. In her paper Dr Topidi describes the tensions besetting the debate on regulating hate speech and the challenges for policymaking and law enforcement that go hand in hand with unclear or even vague definitions of key terms. She stresses in her Concluding Remarks that, besides legal regulation, other measures need to be taken. Key here is education in the values of tolerance, human rights, cultural differences and equality. Only in this way can society develop a »meaningful defence mechanism« against hate speech. Other central aspects include measures to foster counter-speech and empowerment.

**Available at:** https://www.ecmi.de/fileadmin/user_upload/WP__118_Words_that_Hurt__1_.pdf

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### European Centre for Minority Issues, 2019: Words that Hurt (2): National and International Perspectives on Hate Speech Regulation

In her second working paper Dr Kyriaki Topidi of the European Centre for Minority Issues (ECMI) looks at the international legal and regulatory framework for tackling hate speech, with a particular focus on measures taken by 20 European countries. In her comparative analysis she not only presents the different approaches, but also establishes what is lacking on a cross-border basis. Although Topidi recognises that regulations need to take account of the relevant socioeconomic background, she believes that nonetheless a common European understanding of concepts and measures is lacking. The vague and unclear definitions and the synonymous use of key terms are likely to foster confusion when it comes to criminal proceedings. Furthermore, there is also a lack of specialised public prosecutors capable of bringing to light the extent and characteristics of online hate speech. One implication of this is that the affected persons and groups of people are less inclined to report online hate speech.

As a consequence, official statistics on this phenomenon should be treated with caution. Finally, she demands that more be done to take into account the perspectives of those affected when developing and implementing measures.

**Available at:** https://www.ecmi.de/fileadmin/user_upload/WP__119_Words_that_Hurt__2__ECMI.pdf

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### European Parliament, 2018: Cyber violence and hate speech online against women

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, looks at the phenomenon of cyber violence and online hate speech against women in the EU. It analyses not only the causes, but also the consequences of cyber violence for women. The report shows that, even though one in ten women in the EU already have experience of cyber violence the problem is not being adequately addressed, let alone tackled. The study thus frames the following demands: besides better data collection and intensified research on cyber violence in order to grasp the extent of the phenomenon in the EU, a general directive is needed on violence against women, focusing on cyber violence and online hate speech. Enhanced cooperation between the EU member states in prosecuting and tackling cyber violence and online hate speech is also recommended.

**Verfügbar via:** https://op.europa.eu/de/publication-detail/-/publication/1ccedce6-c5ed-11e8-9424-01aa75ed71a1

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### Article 19, 2018: Responding to »hate speech«: comparative overview of six EU countries

The report by the civil society organisation Article 19 provides a comparative overview of the legal framework and measures being taken to deal with hate speech online in six EU countries, namely Austria, Germany, Hungary, Italy, Poland and the United Kingdom (still an EU member state at that time). These countries differ in terms of their history and culture, but the significant increase in online hate speech is common to them all, together with a rise in hate crime, at least in some countries. Summing up, Article 19 concludes that, although all the countries under analysis address hate speech at legal and regulatory level, monitoring and harmonisation are needed. The initiative thus recommends that relevant national legislation, especially under criminal law, should be revised for its compliance with international human rights standards. Furthermore, the judiciary, law enforcement agencies and public bodies should hold regular training courses on the relevant human rights standards applicable to hate speech. The report also emphasises that procedures and sanctions should take a more victim-centred approach in offering redress in instances of online hate speech. Finally, the initiative considers that public officials, including politicians, as well as the media share responsibility for dealing with hate speech and for promoting tolerance and diversity.

**Available at:** https://www.article19.org/wp-content/uploads/2018/03/ECA-hate-speech-compilation-report_March-2018.pdf

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### Natalie Alkiviadou, 2018: The Legal Regulation of Hate Speech: The International and European Frameworks

In her contribution, Natalie Alkiviadou analyses the international and European legislative instruments for regulating online hate speech. These include the International Covenant on Civil and Political Rights (ICCPR or UN Civil Covenant), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the European Convention on Human Rights (ECHR), the Framework Decision on Racism and Xenophobia of the European Union and the Additional Protocol to the Cy-

bercrime Convention of the Council of Europe. Her analysis shows that there is no common approach to the definition or handling of hate speech at either international or European level. Furthermore, existing instruments and regulations cover only certain forms of hate speech, not the phenomenon as a whole. This results in a »hierarchy of hate speech«, which does not include, among other things, sexist, homophobic or transphobic hate speech. On top of that, she calls on the EU and the Council of Europe to initiate and implement measures to tackle hate speech of the kind that may not reach the relevant threshold for criminal law, but is nevertheless harmful. This is what an all-encompassing approach to hate speech requires, in Alkiviadou's view.

**Verfügbar via:** http://clok.uclan.ac.uk/23118/7/23118%20Politicka_misao_4_2018_203_229_ALKIVIADOU.pdf

## (2) Initiatives and measures taken by the Council of Europe to tackle hate speech

Hate speech in what might seem to be the legal vacuum of the internet violates fundamental rights under the European Convention on Human Rights (ECHR), assails our democratic and pluralistic society's culture of debate, and forces people out of the public realm. The Council of Europe has long recognised that anonymity and the many other possibilities made available by the internet confer on hate speech far too many opportunities to do harm. Many people are affected by this, among other things because of their sexual orientation, gender, religion, disability or (occupational) activities: they must be protected. In recent years the Council of Europe has thus launched a variety of initiatives, measures and approaches to counteract hate speech. These include treaty-based approaches, policy and monitoring measures, as well as educational, informational and intercultural initiatives. Central to the Council of Europe's activities on hate speech is the European Convention on Human Rights (ECHR). Hate speech (encompassing speech that constitutes incitement to discrimination, hostility or violence), both online and offline, poses a threat to democracy, our European society and human rights.

Besides recommendations and requirements for the member states, the Council of Europe is implementing its own projects and initiatives to combat hate speech and discrimination and to strengthen inclusion. Particularly notable here is the No Hate Speech Movement, which is designed primarily by and with young people and activists. It has made a major contribution to efforts to combat hate speech not only at international level, but also in the member states (see below).

For this reason, not only is the Council of Europe the first international and intergovernmental institution to adopt an official definition of hate speech, but the Council's political bodies, inclu-

ding the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities of the Council of Europe, and the Committee of Ministers of the Council of Europe have also adopted recommendations to establish Europe-wide human rights standards, to help the member states of the Council of Europe to tackle hate speech, and to support its victims. The issue of hate speech and discrimination is also being tackled in the areas of education, sport, Roma rights, gender equality, sexual orientation and gender, as well as media and internet governance on the part of the Council of Europe.

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## What role do regulations and other measures play in tackling hate speech at the European level?

Regulations and measures at European level play a seminal role, not only for European countries, but also at the global level. The European Court of Human Rights (ECtHR), among other things, reviews the application of the European Convention on Human Rights. Its rulings enable it to address and take a view on human rights issues related to hate speech.

Thus the ECtHR has developed extensive case law on hate speech and incitement to violence, while not neglecting the putatively competing principles of freedom of expression and protection against discrimination. Among other things, the ECtHR stresses the need for strong policies in combating racism as a basis for curbing hate speech. Furthermore, the European Commission against Racism and Intolerance (ECRI), an independent committee of the Council of Europe, has observed the proliferation of and efforts to tackle racism, anti-Semitism, intolerance and discrimination in the Council of Europe member states. On this basis it makes recommendations. Within this framework, in 2015, for example, the Commission adopted General Recommendation No. 15 on combating hate speech in order to urge the member states to make more resolute and effective efforts to tackle hate speech. Within the framework of regular monitoring in the relevant countries it was reviewed how the situation had changed and whether any recommendations had been implemented. The findings of these talks and observations were published and made available. They have often provided orientation for further work in the relevant countries, both at political level and for civil society. The ECRI, but also the Council of Europe see a need for action, especially in relation to support for the victims of hate speech by and in the member states. This encompasses not only the monitoring of hate speech, but also consultation, counter-speech and criminal prosecution. This is apparent from the Commission's annual report, as well as the relevant country reports.

As early as 2003 the Council of Europe also adopted the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. The signatory member states hereby commit themselves to enact corresponding legal provisions on tackling hate speech and ensure that they are implemented.

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## What specific initiatives is the Council of Europe currently pursuing?

**In 2020** the Council of Europe launched an Expert Committee on Combating Hate Speech. The Committee's 16 experts are tasked and mandated with preparing a draft recommendation to the member states by the Committee of Ministers of the Council of Europe in order to provide this and other interest groups with concrete guidelines in the area of hate speech. The Council of Europe recognises that hate speech poses an urgent challenge in all member states and that comprehensive policy recommendations are needed, but also the participation of civil society. The Committee's draft should embody a comprehensive approach to combating

hate speech, both online and offline, with the framework of human rights, based on the case law of the European Court of Human Rights, as well as other Council of Europe reports. Furthermore, the draft should build on existing standards and practices of the Council of Europe pertaining to fighting hate speech, not to mention the experiences of the No Hate Speech Movement. Practical tools should also be considered. The Committee also needs to take due note of general legislative, institutional and regulatory conditions. Any recommendations should apply at various levels, including at administrative, legal and policy levels.

Furthermore, in 2020 the Council of Europe established the Committee of Experts on Freedom of Expression and Digital Technologies. Although hate speech is not the primary focus of this interdisciplinary group it does touch on how it may threaten freedom of expression and human rights in its investigations of the effects of digital technologies and artificial intelligence. In particular the risks of unequal treatment and discrimination as a result of artificial intelligence (AI) need to be tackled. Over the next two years the expert committee will prepare a draft recommendation on behalf of the Committee of Ministers of the Council of Europe for the member states on the effects of digital technologies on freedom of expression. Among other things, this should contain guidelines for the member states, on one hand, on how to take optimum advantage of the possibilities and opportunities of digital technologies and artificial intelligence, but also, on the other hand, on how to respond adequately to the challenges and to strengthen and protect European democracies. The committee is also working on guidance for the member states on approaches to content moderation.

In accordance with the European Commission against Racism and Intolerance's (ECRI) General Recommendation No. 15 on combating hate speech, the Council of Europe underlines the importance of action by individual member states in the fight against hate speech, taking the relevant national context into consideration. In 2019 the Council of Europe thus began to gather and put the spotlight on the relevant member state strategies in an effort to improve their strategic capabilities in combating the increasing proliferation of hate speech. The mapping of national approaches should also serve the development of a comprehensive and coherent approach, within the framework of human rights, at international level, with a view to achieving sustainable results and effects.

**In 2019** the Committee of Ministers of the Council of Europe also adopted the joint declaration on the achievements and lessons learned of the No Hate Speech Movement campaign, which ran between 2012 and 2017. Although the Committee of Ministers praised the Movement for mobilising young people and for making topics such as human rights and hate speech more accessible, it also voiced concerns about the persistence of hate speech. For this reason the decision was taken to follow up the campaign with various measures. These include education projects, but also the development of new projects on media and information literacy. On top of that, many national branches of the No Hate Speech Movement remain active – among others, in Germany and Italy – while activists have founded an independent No Hate Speech Network in order to maintain the profile of the movement's international networking and cooperation, strengthening and, above all, continuing it.

**In 2018** the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2018)2 on the Roles and Responsibilities of Internet Intermediaries, dealing with the responsibility of online platform providers.

**Since 2014** the Parliamentary Assembly of the Council of Europe (PACE) has been adopting resolutions with some regularity in an effort to urge the member states to take action. In 2019 the resolution on the role and responsibilities of political leaders in combating hate speech and intolerance was adopted, with recommendations to the member states. Among other things PACE recommends the establishment of forums for discussion and ex-

change in the member states' national parliaments, similar to PACE's No Hate Parliamentary Alliance. PACE also calls on the member states once again to implement ECRI's General Recommendation No. 15.

Projects launched and coordinated by the Council of Europe itself often operate at the civil society level, aimed at protecting human rights and democratic values, as well as providing the victims of hate speech with support. For example, various projects are coordinated within the framework of the Council of Europe's steering committee on inclusion and anti-discrimination, in cooperation with civil society organisations. One such project is »WE CAN for human rights speech«, which is implemented with partners from Belgium, Germany, Italy and Romania. The project's aim is to strengthen organisations and young activists in tackling online hate speech, providing them with the tools they need. Other schemes and projects concentrate on, among other things, Georgia, the Western Balkans and the Eastern Partnership countries.

## (3) What goals is Germany pursuing on the issue of hate speech within the framework of its presidency of the Committee of Ministers of the Council of Europe?

Germany's presidency of the Committee of Ministers of the Council of Europe should be used primarily to further consolidate the central pillars of the Council of Europe – human rights, democracy and the rule of law – in the European area. Particular attention is also paid to respect for human rights on the internet. The selected priorities include strengthening the institutions of the Council of Europe for protecting human rights, protecting minorities, combating hate speech on the internet, and developing human rights standards in the area of technological developments such as artificial intelligence (AI).

The aim in relation to all issues is to develop common rules. Local and regional authorities are considered to be important partners in achieving common goals and priorities.

In order to be able to apply human rights standards also on the internet the German presidency of the Committee of Ministers is focusing on full compliance with the European Convention on Human Rights (ECHR), which is monitored by the European Court of Human Rights (ECtHR). Human rights violations have already been successfully prosecuted by means of ECtHR case law.

A number of problems still have to be solved, however. Some member states have still not implemented ECtHR judgments. Furthermore, the European Union has not yet become a party to the ECHR, which represents a gap in human rights protection in Europe. While holding the presidency of the Committee of Ministers of the Council of Europe Germany would like to get involved in tackling these issues.

Germany recognises the Council of Europe as a key standard-setting body and, within the framework of the presidency, would like in particular to promote the regulation of artificial intelligence and the participation of young people (for example, through the Third European Youth Work Convention in December 2020). In this way Germany is also supporting previous efforts of the Council of Europe (see above).

Apart from that, Germany would like, within the framework of its presidency of the Committee of Ministers, to support the work of the abovementioned expert committee of the Council of Europe on combating hate speech in drafting policy and legal recommendations for the member states. Solutions are sought at several levels. They include legal regulations for the operators of social networks, training and education programmes for adults and young people, as well as criminal sanctions for perpetrators. Germany's experiences with regard to the Network Enforcement Act (Netzwerkdurchsetzungsgesetzes – NetzDG), the federal programme »Demokratie leben!« (Live democracy!) and criminal law should be integrated in the process. Further progress should be made, within the framework of the German presidency, on ratification of the Istanbul Convention on preventing and combating violence against women by states that are not yet members. Germany also wants to engage in persuasion: states that seem to be entertaining the idea of repudiating the Convention should continue to adhere to it. States that have signed, but still not ratified it should now do so. In particular in the context of the Covid-19 pandemic surveys and studies in some countries have shown that the prevalence of domestic violence has risen, which means that the need for action is even more urgent. The Istanbul Convention in some respects covers far more forms of violence against women than national legislation, and obliges member states to adopt measures also with regard to cases in which women withdraw statements or drop criminal charges. A high-level conference is planned for 11 May 2021 on the tenth anniversary of its opening for signature. An interim assessment of the Council of Europe's Gender Equality Strategy 2018–2023 will evaluate progress and remaining challenges in pursuit of gender equality.

Germany would also like to promote the empowerment of and support for minorities within the framework of its presidency. Notwithstanding the Framework Convention for the Protection of National Minorities members of minority groups continue to suffer discrimination in the member states of the Council of Europe. During its presidency of the Committee of Ministers Germany is also keen to reinforce Europe's system of minority protection, making it fit to meet current and future challenges. Minority protection is a transversal issue that is also intertwined with other issues taken up during Germany's presidency, such as combating online hate speech, but also how to cope with artificial intelligence. A particular focus of the German presidency is Europe's biggest transnational minority, the Roma. By setting up the European Roma Institute for Arts and Culture (ERIAC) in Berlin, the Council of Europe has given the culture sector a contact point, one of whose tasks is to break down prejudice using cultural means and to promote a positive Roma identity. ERIAC is a key partner of the German presidency of the Committee of Ministers. Progress is also needed on equal rights for the LGBTTIQ (lesbian, gay, bisexual, transsexual, transgender, intersex and queer) community in Europe.

## (4) What remains to be done from the standpoint of civil society?

The fight against hate speech and inhuman ideologies of all kinds, as well as for the protection of human rights encompasses a range of complex topics. They require answers at various levels and from a variety of actors. In recent years more and more political actors have come to recognise that online hate speech and other forms of digital violence represent grave and far-reaching threats to our free societies and democracies. We live in

heterogeneous, open societies and we need a clear, robust narrative for a plural, open society in which respectful coexistence prevails (also online) and diversity is cherished.

### What remains to be done? What demands have been made by civil society actors involved with combating hate speech and what measures should be implemented? What practical experiences need to be taken into account?

The following is only a selection of approaches and demands presented to political actors by (European) civil society. This should provide some insight into civil society discussions on combating hate speech. It is far from being exhaustive.

#### Most fundamentally:

- Inhuman ideologies represent a state of mind and require holistic approaches. International best practices should be exchanged. This calls for formats and options for international exchange, for practitioners and activists, for people to tackle online hate speech on a daily basis.

- We all have to exercise self-criticism in relation to prejudices and racism. This is a process requiring lifelong learning.

- Victims need solidarity, whether that be a like, a positive statement about them, concrete help, donations or cooperation. The feeling that one is not alone, and practical evidence of it, are essential.

- European (and internationally) coordinated measures are needed. The internet is not a national space, and so national solutions can be effective only up to a point. The EU Code of Conduct on Hate Speech can provide inspiration. But points of criticism and lessons learned should also be taken up, among other things in relation to companies' voluntary commitments because, for example, some companies and platforms do not participate and thus are not evaluated.

#### Protecting those affected:

Many approaches and measures are being implemented for the sake of people affected by hate speech, exclusion and verbal violence, but all too often they neglect their needs and the reality of their lives. The following are therefore needed:

- The consistent inclusion of those affected in the development, implementation and evaluation of all measures.

- A concrete anti-racism/anti-discrimination policy, as well as coordinated measures and the comprehensive assessment of new and existing provisions.

- A central advisory centre for the victims of digital violence. In order to defuse acute threats more effectively central authorities need to be expanded and provided with long-term support in the relevant countries. They should organise easily accessible contact between those seeking help, networks, law enforcement and aid organisations. The police and other law enforcement agencies must be made aware of these bodies.

- Independent judicial mechanisms should be set up or reinforced to provide victims with sustainable and effective support.

- Independent authorities should be established within institutions such as the police, to which anonymous complaints or tips can be submitted about, for example, extremist ideas within the institution.

- In particular (voluntary) community involvement must be given greater protection. Doxing and other aggressions often lead to people stepping back. People who are politically involved and other concerned parties need rapid access to the authorities (for example, if someone has been prevented from registering as a resident or

something similar) and to platforms (for example, awareness teams for rapid support in the event of hacks).

– (More) empowerment provisions, participation and protected spaces for marginalised groups.

### Educational work and political education:

How do we navigate the internet? How can we actively help to shape society and democracy online? How does digital civic courage manifest itself? Such issues need to be a key part of educational work. To that end, we have to do the following:

– Take the internet seriously as a public space and make available further training for all age groups.

– Treat media skills as an integral part of approaches to (further) training and include them in teaching plans.

– Provide educational options on values such as tolerance, human rights, cultural differences and equality for all age groups. Only in this way will it be possible to build up resilience within society against hate speech and extremism.

– Rethink political education and adapt it constantly to new contexts and everyday realities. The internet is dynamic and fast-moving. It is important that political education keeps up and is able to keep up. To that end it needs adequate support and resources.

– Make options available that raise awareness about challenges and dangers online, including hate speech, but also conspiracy theories. Awareness raising is also needed on important (and also new) actors online and their strategies (such as »QAnon«).

– Provide and promote reasoning and empowerment training so that people have counter-speech tools at their disposal.

### Law enforcement on the internet:

Many people continue to regard the internet as something of a legal vacuum. This assumption is reinforced in particular by the fact that hate speech often suffers no consequences. This not only encourages perpetrators, but also gives them a sense of vindication. Resources are therefore needed to adequately sanction criminal enmity and hate speech:

– Hatred, incitement and enmity exist outside the internet, but they are found on it to a particular degree. Adequate resources are needed in terms of personnel, funding, technical equipment and expertise (further training) to tackle digital phenomena properly. Current law (originally envisaged only in relation to analogue phenomena) needs to be adapted – as the case may be – in order to be able to counteract digital escalation dynamics adequately.

– More resources are needed in terms of lawyers, police and courts, as well as continuous further training on digital phenomena, but also on forms of discrimination in general, including sexism, anti-Roma discrimination and racism, among other things.

– Specialist public prosecutors are needed in order to expose the extent and characteristics of online hate speech and to be able to recognise coordinated hate campaigns.

### Regulation of social media service providers:

Besides measures at political and legal level, social networks must and should be compelled to take more responsibility.

– Channels of communication must be easy to find and use. Information on support for persons affected and on national contact points should be prominently displayed (example: contact points for persons at risk of suicide or info on Covid-19).

- In addition, companies should link their measures to international human rights and regularly evaluate and update the implementation of their own standards.

- Regulation of advertising on platforms. It should not be possible to advertise extremist content or content from extremist actors. A kind of regulation can be observed regarding political ads on many platforms, including Twitter.

- It should be technically possible to disable the comment function. If it is not possible to moderate comments an option to deactivate the comment function must be made available on major social media websites.

- Extremist actors should be deplatformed, in consultation with independent experts. Comprehensive and verifiable standards should be established, however, to protect freedom of expression. Furthermore, internet platforms should introduce measures to limit the scope of extremist actors. No one has a basic right to broad coverage.

- Internet companies, as well as policymakers and civil society need to get to grips with extremist eco-systems in order to think and act beyond platforms. Hatred, exclusion and verbal violence are not organised on mainstream platforms and so it is all the more important and necessary to look beyond existing networks.

- Transparent communication is needed on the part of internet companies regarding deletion of content in order to demonstrate whether platform measures to tackle hatred, exclusion and verbal violence are actually working. Clearly, these companies do not want to pass on internal information to outside parties. That can and should not be allowed to happen because of the danger that bad actors might be able to exploit such information. Nevertheless experts and academics should have access to enable them to draw comparisons and comprehensively evaluate how measures are working. That is the only way of developing effective regulatory measures.

- Cooperation between criminal prosecution authorities and service providers needs to be improved. To date, law enforcement has often foundered on service providers' reluctance to comply with requests for information. Instead, investigating authorities are referred to foreign agencies on the grounds that the data in question is stored abroad.

- User data protection must be central to all proposed measures and demands. Civil society will remain on board only if sensitivity is exercised in relation to civil liberties and data protection.

### Community management und moderation:

As long as hate speech goes unchallenged in comments sections its perpetrators consider themselves vindicated and continue to spread hatred. Numerous analyses and studies show that comment moderation works.

- Voluntary commitment to comment moderation: website operators with a wide reach need to accept their responsibilities with at least a voluntary commitment to comment moderation. Staff and regular training on the different forms of discrimination and options for counter-speech are needed for this. Furthermore, internet and media companies with broad coverage should support their employees with contact points and counselling in the workplace.

- Media outlets should promote variety of content by reporting on a range of groups or communities and reflecting their different perspectives. They should take care to report in-context and with due sensitivity as regards content. They should avoid inadvertently stoking prejudice with negative stereotypes of individuals and groups.

- In particular, media and publishing houses should not reproduce utterances by members of the public as-is, but verify and fact-check them. It's

worth looking at the United States here. During the presidential election campaign the US media regularly published fact checks, an approach that US civil society regarded as highly effective.

### Analysing data and facilitating research:

Facts, figures and knowledge provide a good basis for an informed politics and practical recommendations. Such a dynamic and rapidly changing subject area requires up-to-date analyses and research.

- Enhanced data collection and intensified research are needed on online hatred, exclusion and verbal violence, but also on related phenomena, such as digital violence, in order to gain a better understanding of the extent of the problem. This also applies to other forms of discrimination.

- Monitoring extremist milieus, especially on less regulated platforms, needs to be stepped up and put on a permanent footing in order to identify and analyse perpetrators and whole networks, as well as their modus operandi.

- Data interfaces are needed for academic analysis. There is still too little research on the dissemination, coordination and perpetration of digital hate speech. One reason for this is the restrictive control over data exercised by private actors. Responsible research must be facilitated.

- Technological innovation and innovative formats have to be created and promoted for the joint development of solutions for tackling hate speech and extremism (for example, hackdays or hackathons).

### Involving civil society and encouraging activism:

A committed civil society functions as a democratic corrective for a polarised public. It is incumbent on policymakers to make available sustainable and non-bureaucratic opportunities for civic involvement. Civil society must be enabled to play its part in developing solutions. This includes:

- (long-term) backing for initiatives and projects that support civil society and bolster democracy in a sustainable way; and

- policymakers need to pursue and encourage dialogue with civil society. Effective policy measures can be developed only by drawing on practical experience.

## Studies and links

**All links last accessed on 11 January 2021.**

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10785 Berlin

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