STAMPING OUT HATE CRIME AND HATE SPEECH

Effective responses to hate crimes and hate speech online and protection of victims

28 October 2021

IZKORENINJANJE KAZNIVIH DEJANJ IZ SOVRAŠTVA IN SOVRAŽNEGA GOVORA

Učinkovit boj proti sovražnemu govoru na spletu in dejanjem iz sovraštva ter zaščita žrtev

Ingrid Bellander Todino

Online Conference *"Stamping out hate speech and hate crime"*
Co-organised with the Slovenian Presidency of the Council of the EU
8 October 2021
09:30-16:15

European
Commission

Commission's initiative to extend the list of EU crimes to hate speech and hate crime

Presentation of the Commission's Study

Ingrid Bellander Todino
Head of Unit JUST.C2

Outline

1. Current state of the legal and policy context

2. A two-step approach initiative (Article 83(1) TFEU)

3. The Commission's study I: Mapping of the Member States' legal frameworks

4. The Commission's study II: Evidence about the scale, nature and impact of hate speech and hate crime

5. The Commission's study III: Assessment of the criteria under Article 83(1) TFEU

6. Conclusions

European Commission

1. Current state of the legal and policy context

- Hate speech and hate crime are only criminalised at EU level through the Framework Decision on combating racism and xenophobia by means of criminal law, which covers grounds of race, colour, religion, descent, or national or ethnic origin.

- Criminalisation of other forms of hate speech and hate crime, for example on the grounds of sex, sexual orientation, age and disability, varies in EU MS.

- Currently, the Treaties do not provide for a legal basis to criminalise hate speech and hate crime at EU level.

European Commission

2. A two-step approach initiative

In 2020, President Von der Leyen announced that the Commission would propose "*to extend the list of EU crimes to all forms of hate crime and hate speech, whether because of race, religion, gender or sexuality*"

The list of EU crimes under Article 83(1) TFEU can be extended to include *areas of crime* that are:

- "**particularly serious**"

- "with a **cross-border dimension, resulting from** the **nature** or **impact** of such offences or from a **special need to combat them on a common basis**"

- based on "**developments in crime**"

Two consecutive steps:

1. Initiative to **trigger a Council Decision** to extend the list of EU crimes to hate speech and hate crime (Commission Communication, December 2021)

2. Once Council Decision is adopted, a **proposal for a Directive** harmonising the definition of criminal offences and sanctions in the areas of hate speech and hate crime

European Commission

The Commission's study

I. **Detailed mapping of the Member States' legal frameworks** on the criminalisation of hate speech and hate crime

II. **In-depth analysis** of the information and data collected concerning the **scale, nature and impact of hate speech and hate crime** in the Member States

III. Assessment of the **fulfilment of the criteria under Article 83(1) TFEU** and of the **added value of the EU action**

European Commission

3. The Commission's study I: Mapping of the Member States' legal frameworks

- National legislation criminalising hate speech and hate crime:

  i. **without reference to any specific ground**;

  ii. on the **specific grounds** of:

     - sex/gender, sexual orientation, gender identity/sex characteristics, disability and age;
     - race, colour, religion, descent, or national or ethnic origin, as required by the Framework Decision on racism and xenophobia
     - other grounds

- Relevant definitions of the different grounds at the national level.

- Undergoing legal reforms, in particular, addition of new forms of hate speech and hate crime as regards grounds (in 11 MS).

- Policy measures

European Commission

Overview of Member States' legislation on hate speech and hate crime

		Specific grounds					
	No specific ground	Sex/gender	Sexual orientation	Age	Disability	Race, colour, religion, descent, or national or ethnic origin	Other grounds
Criminalisation of hate speech by ground	**9 Member States** CY, CZ, DE, FI, HR, HU, LV, RO, SI.	**17 Member States** AT, BE, CY, EE, EL, ES, FR, HR, HU, LT, LU, LV, MT, NL, PT, SE, SI.	**20 Member States** AT, BE, CY, DK, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, MT, NL, PT, SE, SI, SK.	**6 Member States** AT, BE, ES, LT, LU, LV.	**14 Member States** AT, BE, EL, ES, FI, FR, HR, HU, LT, LU, LV, NL, PT, SI.	**26 Member States** All Member States, except RO.	**13 Member States** AT, BE, CZ, EE, ES, FI, IE, LT, LU, MT, PL, SI, SK.
Criminalisation of hate crimes	**14 Member States** AT, CZ, DE, DK, EE, FI, HR, HU, LV, PL, PT, RO, SE, SI.	**18 Member States** AT, BE, CY, EL, ES, FI, FR, HR, HU, LT, LU, MT, NL, PT, RO, SE, SI, SK.	**19 Member States** AT, BE, CY, DK, EL, ES, FI, FR, HR, HU, LT, LU, MT, NL, PT, RO, SE, SI, SK.	**10 Member States** AT, BE, ES, FI, FR, HR, LT, LU, MT, RO.	**13 Member States** AT, BE, EL, ES, FI, FR, HR, HU, LT, LU, MT, NL, RO.	**25 Member States** AT, BE, BG, CZ, CY, DK, DE, EL, ES, FI, FR, HR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK	**15 Member States** AT, BE, BG, CY, CZ, ES, FI, HR, LT, LU, MT, PL, RO, SI, SK.

4. The Commission's study II: Evidence about the scale, nature and impact of hate speech and hate crime

- Increase in the **scale** of hate speech and hate crime is a **concern in many Member States** and relates to **all forms of intolerance.**

  ➢ 1 in 10 of LGBTIQ respondents to a EU survey have been physically or sexually attacked because they were LGBTIQ;

  ➢ 52% of young women and girls experienced online violence, including threats;

  ➢ FRA 2018 survey on antisemitism showed 40% of Jews in the EU fear being physically attacked;

  ➢ people with disabilities are particularly exposed to violent crimes, including hate crimes, and hate speech.

  ➢ concerns have been expressed during COVID about hate speech targeting older persons.

4. The Commission's study II: Evidence about the scale, nature and impact of hate speech and hate crime

- **Developments** in the phenomena (due to rise in migration, economic and social crises, increased use of the internet and social networks).

- Particularly **harmful impact** on:

  - ✓ **individual victims** (significant psychological distress)

  - ✓ **society at large** (threat to democratic values, erosion of social cohesion, exacerbated polarisation)

  - ✓ **fundamental rights** (chilling effect on freedom of expression, human dignity, equality)

5. The Commission's study III: Assessment of the criteria under Article 83(1) TFEU

a) Area of crime:
Hate speech and hate crime **constitute an <u>area of crime</u>**: they share an intrinsic special feature, i.e. "*<u>hatred</u>*" targeting persons or groups of persons sharing (or perceived as sharing) the same protected characteristics (grounds)

b) Particularly serious crimes:

i. hate speech and hate crime are incompatible with fundamental rights and common EU values under Article 2 TEU;
ii. harmful impact on individuals and society at large;
iii. seriousness acknowledged by criminalisation at national level and targeted consultations

5. The Commission's study III: assessment of the criteria under Article 83(1)TFEU

c) Cross-border dimension:
- by their **nature** (hate speech online by its nature, and offline via different forms of dissemination;
- and **impact** (hate crime ideologies shared internationally and replicated, spill over effects)
- by the **special need** to address them on a **common basis** (e.g. hate crimes committed by international networks)

d) Developments in crime:
steady rise in hate speech and hate crime, in connection with changes in the social, economic and technological environment

6. Conclusions

The study clearly points to the **added value of the extension of the list of EU crimes to hate speech and hate crime**:

1. this initiative is the most effective response at EU level to the identified challenges: only a **common initiative at EU level** can effectively **protect the common values** enshrined in Article 2 TEU;

2. only a **joint effort** can effectively respond to the challenges raised by the cross-border nature, the scale and the increasing trend of the phenomena;

3. only a **common approach** to criminalisation of hate speech and hate crime at the EU level can ensure a **consistent protection of the victims of such acts across the EU.**

European Commission

Thank you

European Commission

Gijs van Beek

www.eooh.eu

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textgain

Textgain is an **AI For Good** spin-off from the University of Antwerp with an interdisciplinary team of techies, linguists, social scientists, law enforcement ...

Textgain is supported by the European Commission in multiple R&D projects on online extremism, disinformation, citizenship and AI, via the Internal Security Police fund and the Rights, Equality & Citizenship fund.

- Project Grey (2018-2020), to raise awareness about online polarization.
- RHETORiC (2019-2021), for news editors and consumers to foster civil discourse
- Detect Then Act (2019-2021), to investigate tech for conflict resolution.
- COMMIT (2020-2022), to monitor trends across Europe
- IMSyPP (2020-2022), to investigate tech for conflict resolution.

- **European Observatory of Online Hate**: www.EOOH.eu

- Early detection of hate speech/disinformation for all 24 European languages (+ Arabic and Turkish)

- Monitoring 20+ social media platforms through a tailor made dashboard

- EOOH will involve **50 experts in roundtable sessions** from Civil Society; Law Enforcement; Social Media, Policy makers

- Pan-European **Campaigning** (e.g. targeting youth) and **education** (e.g. explainer videos and factsheets)

We have been building toxicity lexicons for all 24 official European languages using a large team of experts and native speakers

Databases with hateful markers

SCORE 0 = no problem, 4 = very problematic

RACISM

THREATS

1	★	#	WORD			HATE	SHIT	SCUM	FOOL	SLUT	FUCK	GOOK	HEIL	HELL	KILL
2	0-4	1M	NL	EN											
9007	1	2	nen blaffer	a gun		☐	☐	☐	☐	☐	☐	☐	☐	☐	☑
9008	2	0	noten op uw zang	talk tough		☑	☐	☐	☐	☐	☐	☐	☐	☐	☑
9009	4	0	stuur ze naar de goelag	send them to the camp		☐	☐	☐	☐	☐	☐	☐	☑	☐	☑
9010	4	0	stuur ze naar de kampen	send them to the camps		☐	☐	☐	☐	☐	☐	☐	☑	☐	☑
9011	1	142	uitgelachen	laughed at		☐	☐	☐	☑	☐	☐	☐	☐	☐	☐
9012	3	0	die zemmertje	that little dick		☐	☐	☐	☐	☐	☑	☐	☐	☐	☐
9013	3	0	die zehma	that dick		☐	☐	☐	☐	☐	☑	☐	☐	☐	☐
9014	2	24	putain	whore		☐	☑	☐	☐	☐	☐	☐	☐	☐	☐
9015	2	0	denkt dat hij cool	thinks he's cool		☑	☐	☐	☐	☐	☐	☐	☐	☐	☐

thousands of known expressions

universal translation

Continuously learns new unknown expressions using ethical xAI

Online Tool connecting to <u>public</u> Social Media platforms,
wordpress sites, gaming platforms, etc (+20 different sources)

And many more ...

Generating trend reports

rise of extremism in the lowlands
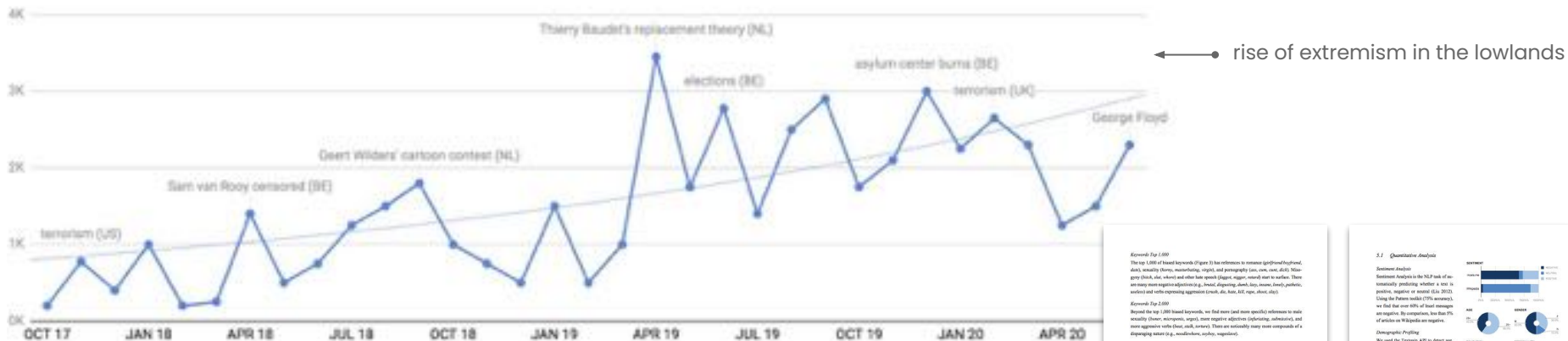
QAnon: researchgate.net/publication/The-QAnon-superconspiracy
Islamic State: arxiv.org/pdf/1803.04596.pdf
German far-right: organisms.be/downloads/jaki2018.pdf
Incels: organisms.be/downloads/incels.pdf

Connected experts and networks

We have selected core experts in the domains of the target groups:

- Academia
- Law enforcement
- Civil society / social work
- Social media / Campaigners
- Policy Makers

We will continue adding ad hoc experts, organisations and networks that can be of specific value to the analysis of the data we find and connect them to the round tables we organize.

Work on the dashboard is started by the experts

EOOH

Dashboard
Channels
Cases
Monitor

Settings
Collapse

EOOH

Dashboard
Channels
Cases
Monitor

Settings
Collapse

Kanye in Wijnegem

Overview   History

Number of messages collected over time ("Kanye in Wijnegem").

messages

21-10   22-10   23-10   24-10   25-10   26-10   27-10

Distribution of toxicity scores ("Kanye in Wijnegem").

0.2 2.1%
0.1 2.1%

Distribution of toxicity categories ("Kanye in Wijnegem").

HATE
SHIT
FUCK
FOOL
SCUM
SLUT

Also started the Continuous Dissemination

Examples:

- _Eriksen hasn't been vaccinated yet._ It was only a matter of minutes before the global anti-vax movement jumped on the Twitter propaganda train and blamed Eriksen's collapse on the COVID-19 vaccine.

- _Moderation is possible:_ EURO 2020 final, we can assume that most of the harmful content directly aimed at Saka, Sancho, and Rashford was removed by major social media platforms such as Twitter and Facebook.

Hate speech and disinformation floating from alternative to mainstream platforms and visa versa

Types of Social Media Networks:

Mainstream Social Media | | Alternative Social Media

Social Networks

Facebook ⟷ VKontacte

Media Sharing

Youtube ⟷ Bitchute

Discussion Forums

Reddit ⟷ 4chan

Micro Blogging

Twitter ⟷ GAB

Conclusion: Call to action!

Please send your suggestions for topics / themes we need to look into to: **info@eooh.eu**

Stay tuned: www.eooh.eu

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EUROPEAN
OBSERVATORY OF
ONLINE
HATE

The Virus of Antisemitism:

Mapping French & German online antisemitism during the Covid-19 pandemic

EU forum on stamping out hate crime and hate speech

Panel: The ecosystems of hatred on the internet

28th October 2021

Jacob Davey

Our impact at a glance

ISD's **Digital Analysis Unit** has built the most advanced open source online data analytics, risk identification, audience targeting and evaluation tools available in the counter-extremism and disinformation domains

100m+ users reached online through targeted our tech and communications programmes that include partnerships with **Google, Facebook and Microsoft**

Advised over **40** **governments, the UN, EU Commission and Global Counter-Terrorism Forum,** advising on their counter-extremism, disinformation, digital policy strategies and programmes

5,000 practitioners (police officers, teachers and youth workers) trained

32,000 activists and social influencers trained

132+ global cities connected and trained their frontline services as part of the Strong Cities Network, launched by ISD at the UN General Assembly in 2015 with President Obama's endorsement

Digital Analysis of Hate, Polarisation and Extremism Across Platforms

Anti-Muslim Extreme Speech Dashboard

Hateful Tweets   175,887

Demographic and Geographic Information

Age Band

Gender

Age vs Gender

A. F	Male	Female	Institution
24+	39.5%	15.7%	5.3%
16-23	20.6%	10.7%	3.7%
0-15	2.7%	1.2%	0.6%

Tweets over Time

Facebook algorithm found to 'actively promote' Holocaust denial

Similar content is also readily accessible across Twitter, YouTube and Reddit, says UK-based counter-extremist group
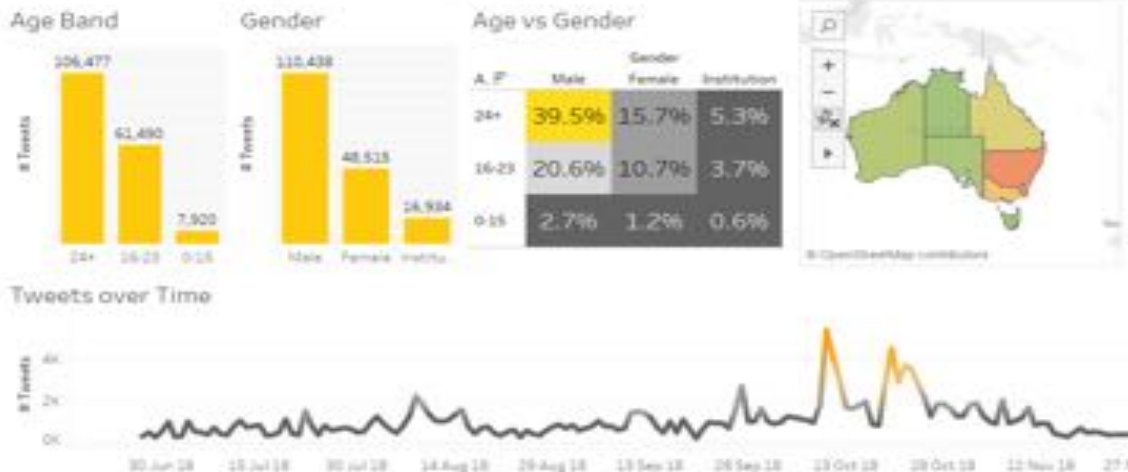
Figure 18 The most common types of antisemitism expressed on Kraut/pol/

These are the most common types of antisemitism expressed on Kraut/pol/:

- allegations of Jewish control of tech firms (e.g. JewTube), the media, the slave trade, democratic institutions or politicians
- allegations about Jews conspiring to undermine common good to serve interests of their in-group and holding Jews responsible for perceived societal ills (e.g. migration, low birth rates, feminism, alcohol, television addiction)
- direct or circumstantial Holocaust denial (e.g. 'you go to prison for thinking the wrong thing about Jews in Germany')
- denying allegations of antisemitism against well-known antisemites
- suggestions that politicians only refuse to talk about 'Jewish influence' for fear of repercussions
- suggestions that Jews are alien to Germany (e.g. Goymoney)
- suggestions that Jews have a lower standard of behaviour than other Germans.

ISD Powering solutions to extremism and polarisation

ISD Briefing
Hosting the 'Holohoax'

10th August 2020

Hosting the 'Holohoax': A Snapshot of Holocaust Denial Across Social Media

Jakob Guhl & Jacob Davey

3

Key Findings – Scale of Online Antisemitism

French | German

71
34
167

■ Facebook ■ Telegram ■ Twitter
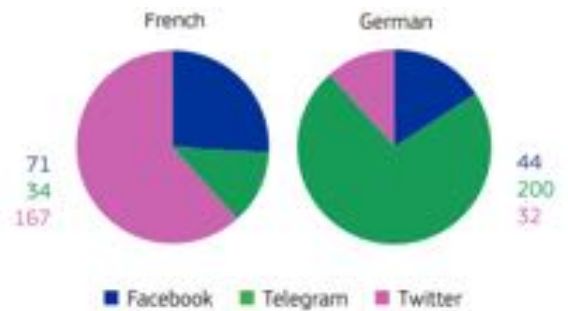
Number of accounts containing antisemitic content

44
200
32

French | German

144 864
69 260
389 844

■ Facebook ■ Telegram ■ Twitter
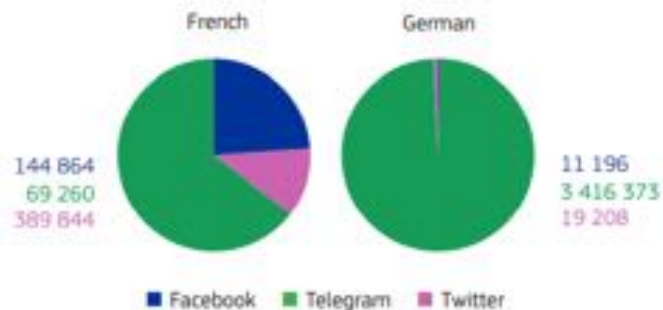
Total number of posts collected
(1 January 2020 – 8 March 2021)

11 196
3 416 373
19 208

- ISD researchers identified **272 French and 276 German-language accounts and channels** spreading antisemitic messages related to Covid-19, across Facebook, Twitter and Telegram. Telegram was the most significant platform for the proliferation of antisemitism in German, with 200 channels, whilst in French Twitter was most prominent, with 167 accounts identified. Facebook was the second most popular platform for antisemitism in both languages.

- Within a dataset of over **4 million posts collected** from these accounts, over **180,000 posts** (around one in forty) were flagged as containing antisemitic references by the keyword annotators. This comprised over 17,000 Facebook posts, over 38,000 tweets and over 124,000 Telegram posts either containing antisemitic keywords or keywords associated with Jews in channels dominated by antisemitic references.

Key Findings – Scale of Online Antisemitism

- There was a **considerable growth** in the use of antisemitic keywords during the pandemic. Comparing the first two months of 2020 (pre-pandemic) and 2021 (during the pandemic), a **seven-fold increase** in antisemitic posting could be observed on the **French language accounts**, and over a **thirteen-fold increase** in antisemitic comments within the **German channels** studied.

French-language posts containing antisemitic terms

—Telegram   —Twitter   —Facebook

German-language posts containing antisemitic keywords (Telegram)

5
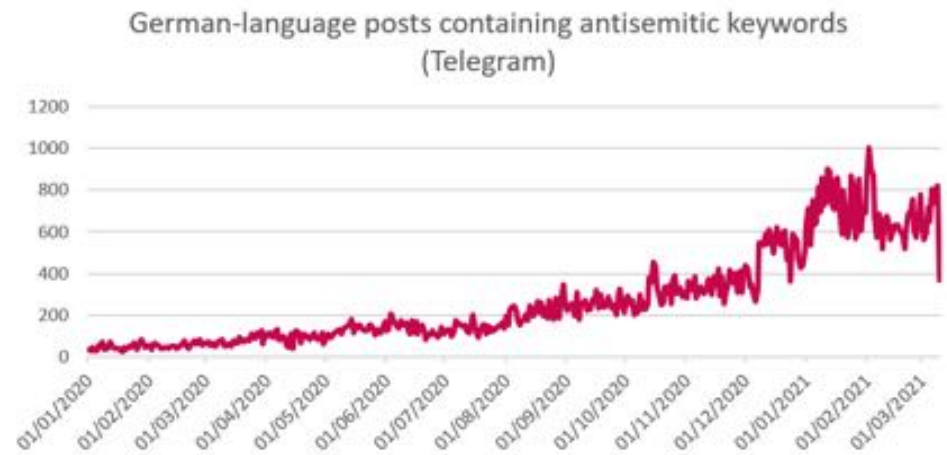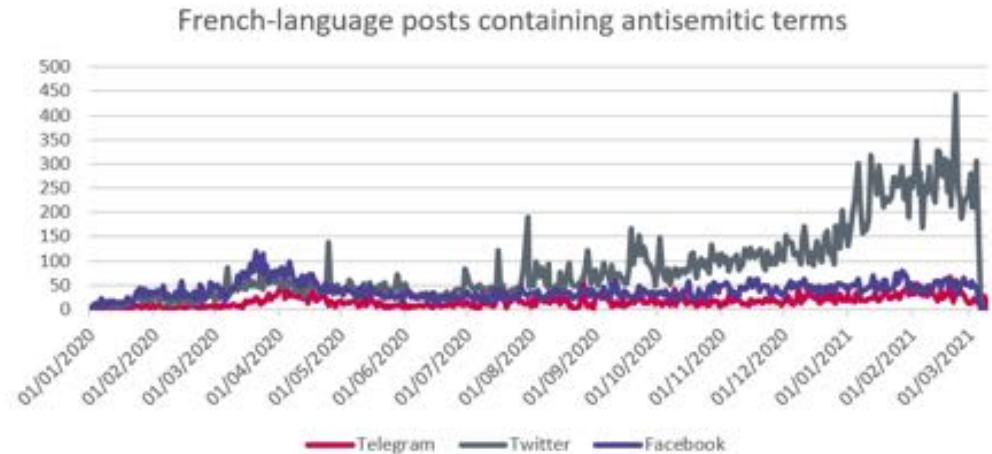
Key Findings – Engagement and Audience for Online Antisemitism

- We saw **considerable audience engagement** with antisemitic content. French antisemitic content on Facebook was engaged with through likes, comments and shares **over half a million times** during 2020 and 2021, and received over **three million retweets and likes** on Twitter. German and French accounts had a combined following of almost 4.5 million (the number of unique followers is likely much lower).

- The study found that a small number of the noisiest accounts create an **outsized share of antisemitic content**. The top 10 most active German-language channels (less than 5% of the total list of accounts) were responsible for over 50% of antisemitic posting. The three most prolific Telegram accounts were all chat groups associated with the QAnon movement.

French

699 139
56 336
896 546

German

831 791
3 047 374
68 371

■ Facebook ■ Telegram ■ Twitter

Number of Followers
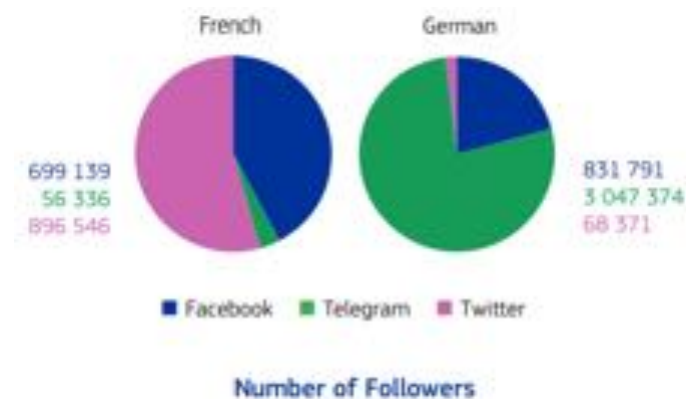
Key Findings – Predominant Antisemitic Narratives

- **Covid-19-related antisemitic narratives**, ranged from **conspiracy theories presenting vaccines as a Jewish plot** to sterilize or control populations, to representations of Jews as unhygienic or as a "virus" themselves.

- Conspiracy theories about **Jews ruling international financial, political and media institutions** dominated (89% of German antisemitic content and 55% of French). Overt **Holocaust denial** was still prominent despite being illegal in both France and Germany.

- Most antisemitic content that crossed the threshold of the non-legally binding IHRA working definition was non-violent and not obviously illegal under German and French law. Addressing the **proliferation of such 'legal but harmful' antisemitic content** provides a considerable challenge for tech companies and governments alike.

French Telegram post glorifying Hitler and Gaddafi among others, receiving over 2000 views

Nazi propaganda modified to fit contemporary antisemitic tropes

Antisemitic conspiracy theory about vaccines shared across German Telegram channels, receiving almost 3,000 views

French-language Islamist Instagram post

Key Recommendations

This report comes at a **critical juncture in the European policy debate** around countering online hate speech. Member states, including Germany and France, have been at the forefront of devising legislative responses to compel social media companies to remove illegal hate speech from their platforms, through initiatives such as the NetzDG and parallel proposed laws in France, while at the EU level initiatives such as the Digital Services Act and the European Democracy Action Plan present important opportunities for more systematic approaches to regulation and oversight of platforms.

Based on the findings, the report lays out a range of recommendations, including calls to:

- Address online antisemitism as part of a **comprehensive framework for digital regulation** at a European level, aligning diverse EU efforts from tackling conspiracy theories and disinformation to promoting platform transparency on enforcement of terms of service.

- Promote **better understanding among users and platform moderators alike on the diverse manifestations of antisemitism** contained within the IHRA working definition, to help recognise and address more insidious antisemitic content.

Key Recommendations: Platform Policy Changes Work

ISD's previous research has found that shifts in a platform's terms of service are effective at limiting the spread of Holocaust denial content.

YouTube: We found that the spread of Holocaust denial content dropped significantly on YouTube following changes to their terms of service in 2019. If other platforms adopt similar policies then this would likely limit the spread of such material.

Reddit: A number of factors that limit the visibility of Holocaust denial on Reddit, such as banning of subreddits dedicated to Holocaust denial, moderators deleting comments and pushback from other users.

Figure 13 Mentions of 'holohoax' on YouTube between 1 June 2018 and 22 July 2020
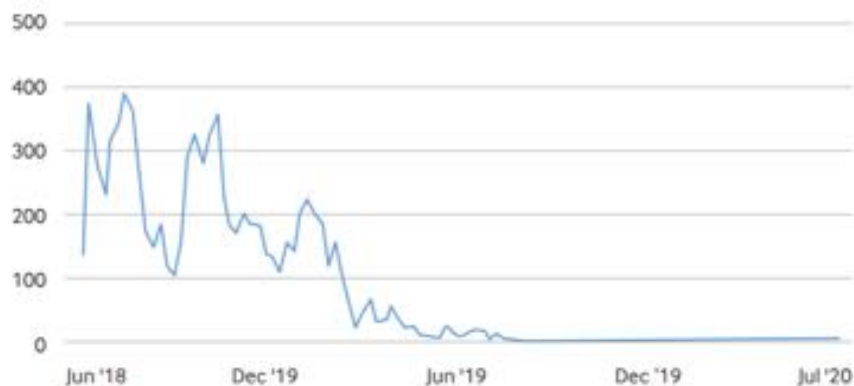
Figure 14 Holocaust denial playlists on YouTube, with videos removed

Source: Hosting the Holohoax: A Snapshot of Holocaust Denial Across Social Media, ISD, 2020

Key Recommendations

Based on the findings, the report also makes the following recommendations:

- Beyond removing illegal hate speech, consider proactive measures to address the proliferation of **'grey zone' legal but harmful antisemitic content** and behaviours prevalent across platforms, including moving beyond solely 'content based' approaches towards broader 'systems-based' digital regulation which guarantees the safety of users, while preserving rights of expression.

- Support **further research into antisemitism online** aimed at **better understanding the networks, behaviours and audiences** that comprise the ecosystem of online antisemitism, to inform effective responses. Approaches that consider image-based antisemitic content and incorporate an intersectional perspective on online hate speech are especially required.

Thank you.

Countering hate speech online
Panel 1: The "ecosystems" of hatred on the internet

Summary of the contribution by Brankica Petković, Institute for Contemporary Social and Political Studies, Slovenia

The Peace Institute has recently led a research on hate speech online and a mapping of good practices of countering hate speech. Togehter with partner organisations (University of Ljubljana, Center for Peace Studies in Zagreb and Novi Sad School of Journalism) we also designed and conducted an online counter-narrative campaign, and developed tools for secondary school teachers to empower them for addressing hate speech online in their work with students. The two projects to which we refer in this presentation have been realised in the countries of South East Europe: the project Behave covered Slovenia, Croatia and Serbia, while the project Resilience has involved the EU enlargement countries in the Western Balkans and Turkey.

According to our research, the ecosystems of hatred on the internet facilitate hate and propaganda models of media and communication, some of them very powerful in terms of their political and financial background (ownership and financing) and in terms of influence on public opinion. In some countries, they are significant part of media system. This type of media and communication is established and maintained systematically to absorb public money and spend it on serving the political agendas of their patrons in the political parties that benefit from the radical polarization of the society.

In the research of hate narratives online in both Behave and Resilience project, we have analysed a sample of online media and their comment sections as well as social network accounts in each country. We identified refugees and migrants as main target group of hate narratives, but also LGBT community and Roma, as well as other country-specific ethnic and religious groups. However, very much targeted by hate narratives online are also political opponents and critical journalists. Particularly female politicians and journalists are target of hate speech online. Hate narratives online mirror the historically familiar negative labelling of the Other, portrayed as enemy, a threat and a traitor. These narratives feed polarizations, perpetuate political turmoil and inflame animosities. In the narrative strategies revealed in both media and user content, we see clear features of racism and intolerance to difference, labelling disagreement as treason. Hate narratives, being an important part of the public discourse, threaten to corrupt the culture of public discussion and make the enmity and threats to the physical integrity and life of the Other more and more imminent. In many cases, hate narratives are clearly politically orchestrated. While the hate narratives identified in the research are not new, they have now been normalized to a very significant extent.

In our mapping, we have identified numerous state and non-state actors engaged in countering hate speech online on national level and on EU level. At the mutual learning

conference, the participants involved in regulation and prosecution complained about lack of clarity of definition of hate speech in national laws, lack of regulatory powers for online media, and for prosecutors a lack of international legal assistance, especially from the USA.

On the industry level, there are good examples of self-regulation, and also good practices of civil society monitoring and reporting on hate speech online, cooperating with both the state actors and with the industry, and fostering media literacy programs.

Hate speech online intertwined with disinformation and propaganda, particularly in its organised and orchestrated forms and as it is used as an income-acquiring tool, is a major threat to our democracies. There is huge need to increase efforts on national and EU level to counter hate speech online, particularly by state actors and in cooperation with non-state actors. Education and media literacy are important and should be a priority, but the main responsiblity can not be put on the users. Responsibility of the industry, and engagement of law makers and law enformcement have to increase.

Organisations working on human rights protection, monitoring and countering hate speech are also targets of hate speech and online harrasment. We experience that in Slovenia. This is particularly an issue of concern since the government representatives and the online communication channels of the ruling party are targeting non-governmental organisations for their work on countering hate speech and implementing the EU projects and values.

"Responses by national authorities and civil society organisations: how to cooperate to tackle the societal challenges of hate speech online" –

"Spain view on how to ensure effective responses"

Karoline Fernández de la Hoz Zeitler
Director Spanish Observaotry on racismo and xenophobia
Secretary of State of Migrations

2015

2018

"Agreement to cooperate in the fight against racism, xenophobia, LGTBIphobia and other intolerance".

miércoles, 8 de junio de 2016

Constituida la Comisión de Seguimiento del Convenio interinstitucional contra el racismo, la xenofobia y todas las formas de intolerancia

Agreement to cooperate in the fight against racism, xenophobia, LGTBIphobia and other intolerance

- Based on the National Strategy to combat racism, xenophobia and related intolerance.

Working in:
- Training and raising awareness
- Improvement of data on hate crime and hate speech, and analysis of court resolutions
- Collaboration to fight hate speech online
- Collaboration to carry out studies and research

Protocol to combat illegal hate speech online (I)

Signed by 7 ministries, the National Prosecutor, the National Council of Judges, 6 platforms of civil society organizations and the Spanish association of digital economy (Adigital) which includes Facebook, Google, Twitter, Microsoft, and others

Inspired by

Code of Conduct signed between the European Commission and several internet platforms.

EU Recommendation 2018/334, of March 1 March 2018 on measures to effectively tackle illegal content online.

Spanish legislation.

Considering **freedom of expression**.

Protocol to combat illegal hate speech online (II)

- Combating illegal hate speech online.
- National focal point (*the digital Crime Unit of the State Attorney General's Office)* as the interlocutor of the public administration with internet companies.
- Training and accreditation for trusted flaggers.
- Preferential process of communications for accredited trusted flaggers.
- Homogeneous reporting procedures for hate speech.

PROTOCOLO PARA COMBATIR EL DISCURSO DE ODIO ILEGAL EN LÍNEA

#ContraeldiscursodeOdio

Monitoring hate speech online
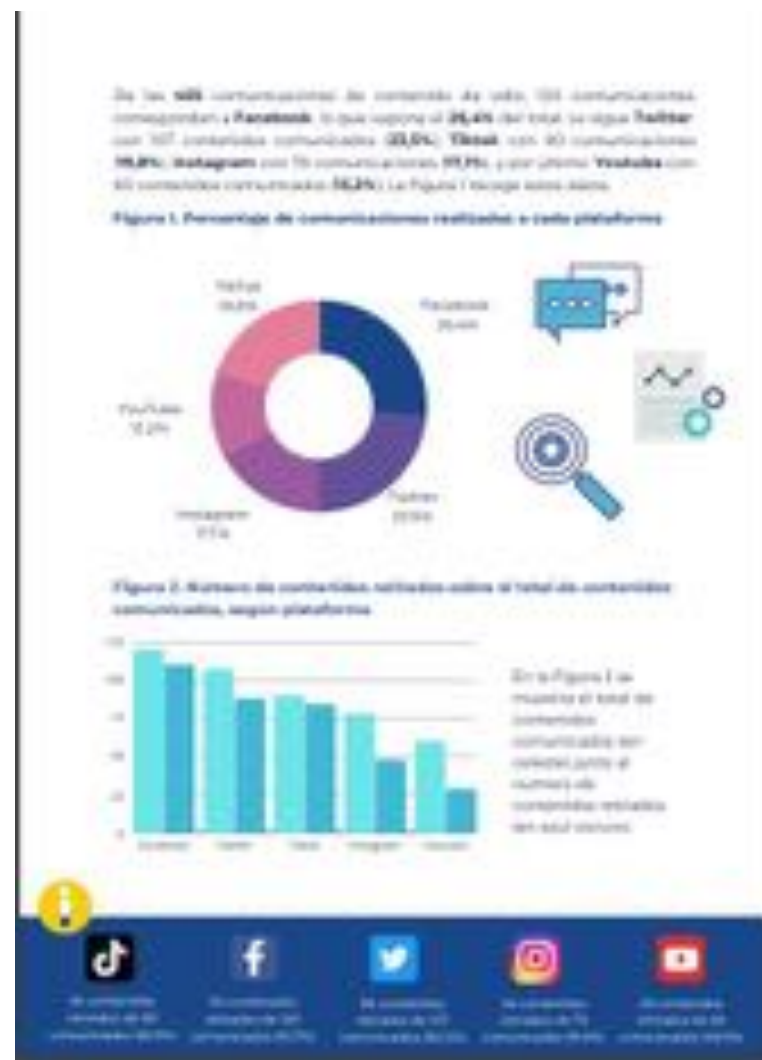
Thank you!

Karoline.fernandezdelahoz@inclusion.gob.es

oberaxe@inclusion.gob.es

http://www.inclusion.gob.es/oberaxe/es/index.htm

Johanna Eteme

Federal Ministry
Republic of Austria
Interior

Cooperation to tackle the challenges of hate speech online

Stamping out Hate Crime and Hate Speech,

28 th Oct. 2021
Presentation

Department III/10 – Fundamental and Human Rights
Johanna Eteme

Improvement of Hate crime data collection and reporting by the Austrian Police

- implementing **a flagging system in the police database** since November 2020

- **training** of the approximately 30,000 Austrian police officers **with a blended learning methodology**

- Multiagency approach:

  - The monitoring definition and the flagging system was developed together with the Federal Ministry of Justice and several CSOs.

  - The data aggregated by the police officers are transmitted to the judicial system via a specially created interface using "E-Justice".

  - The three-module e-learning was supplemented by a further module to train the prosecutors and the judges.

Federal Ministry
Republic of Austria
Interior

Recording Hate Crime- Police Database

Selected motives are automatically visible to the prosecution

(adapted interface between MoI and MoJ)

3

Federal Ministry
Republic of Austria
Interior

Hate Crime Education of Austrian Police

25.000 completed E-Learning Seminars & 207 trained Multipliers (10/2021)

E-LEARNING SEMINAR:

The e-learning seminar is accessible to all police officers and employees of the Federal Ministry of the Interior. Its completion is obligatory for all police officers, especially before the attendance of Train-the-Trainer Seminars and of in-service trainings focused on hate crime.

TRAIN-THE-TRAINER SEMINAR:

The seminar participants (multipliers) were conveyed how to identify, register, prevent and ultimately effectively combat hate crimes. The multipliers should acquire the additional knowledge, skills and abilities to act as multipliers to answer questions and to be able to discuss more broadly on the topic of Hate Crime.

IN-SERVICE TRAININGS FOR ALL POLICE OFFICERS:

After visiting the "Train-the-Trainer Seminar" the multipliers educate all police officers in Austria in the form of local and regional in-service trainings (inspection trainings, training days ...).

Federal Ministry
Republic of Austria
Interior

"Dialogue instead of hate"
Programme for offences concerning Hate Speech.

- The intervention programme aims to provide state prosecutor offices and courts an **effective and specifically deterrent instrument for handling incitement**.

- The programme aims

  - to **sensitize people to discrimination**,

  - **raise awareness for injustice** and

  - **lead to reflection** and consequently a change in behaviour.

- The programme covers topics such as **clarification of the norm**, processing of the offence, **raising of awareness, understanding and dialogue**.

- This programm is offered by Neustart, a CSO offering various justice-connected services.

Federal Ministry
Republic of Austria
Interior

The Federal Ministy
strenghtens it´s work with civil society partners

- **multilingual information folders**

- **focused trainings** on supporting stakeholders according to their needs (Jewish Community, LGBTIQ) and

- **cooperation in focused initiatives** (e.g. ZARA – national referral mechanism)

- memeber in the **Austrian No Hate Speech committee**

Federal Ministry
Republic of Austria
Interior

Austrian No Hate Speech committee

- since 2016

- platform of civil society, federal ministries, regional authorities and specific platforms (e.g. youth work)

- exchanges initiatives and good practices,

- informs the public and stakeholdes and

- coordinates public awareness campaigns

Thank you very much for your attention!

This Project is being funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020).

Department III/10 – Fundamental and Human Rights
BMI-III-10@bmi.gv.at
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The Role of the Advocate of the Principle of Equality in Addressing Online Hate Speech

Dr. Neža Kogovšek Šalamon
Head of Department for Establishing Discrimination and Advocacy
Advocate of the Principle of Equality, Republic of Slovenia

28 October 2021

Introduction

- The Advocate of the Principle of Equality is the Slovenian **equality body**.

- It is one of the youngest state institutions of the Republic of Slovenia. It was established in October 2016 based on the European Union **equality directives**, as an **independent** state body competent for protection against discrimination.

- The legal basis for its operations is provided by the 2016 **Protection against Discrimination Act** (PADA).

- The Chair of the Advocate of the Principle of Equality Mr. Miha Lobnik has been recently re-elected for the second 5-year term which starts this week.

- This week we are also celebrating the **5th anniversary** of the independent Slovenian equality body.

Mandate and powers

- The Advocate has a range of different **powers** that it can use to address both individual cases of unequal treatment, as well as systemic issues of inequality.

- In cases of discrimination, including cases of online hate speech, the Advocate can act, for example, in the following ways:

  o **Provision of information**, support and legal assistance to victims of discrimination

  o **Investigations** of cases of alleged discrimination and issuing binding decisions

  o Issuing **recommendations**

  o Other powers include raising awareness, conducting research and issuing reports.

Provision of information and support

- A toll-free **telephone number** is available for anyone to call and ask for information or support.

- The information and support services of the Advocate are also easily accessible by **e-mail, regular mail and in person**.

- The Advocate's team discusses cases with the clients, identifies whether the case concerns discrimination, and if not, which other legal or support routes should be explored by the clients.

- The Advocate's team also **explains the procedures** to clients and the **legal remedies** available to them.

- We also explain the scope of the law – what is legally prohibited, what falls under the protection of the anti-discrimination law, and what doesn't.

Provision of information and support

- This front line service is very important: namely, there are many cases where people **felt** they were subject to hatred, insults, prejudice or stereotyping, but not in all such cases legal remedies against discrimination can be used.

- Namely, the treatment, including hate speech, people were subjected to, has to meet the **threshold** that has been set in the law on what can be considered a legally prohibited unequal treatment.

Investigations and issuing binding decisions

- The Advocate has the power to carry out investigations of cases of alleged discrimination, including hate speech.

- Particularly, in the field of hate speech, including online hate speech, there are at least three main provisions in PADA that are particularly relevant for online hate speech:
  - **harassment** (Article 8),
  - **incitement to discrimination** (Article 10, para. 1)
  - **apologetics of supremacy or superiority** of one group of people over another group, based on their personal grounds, such as race (Article 10, para. 2).

Investigations and issuing binding decisions

- This means that not all racist, xenophobic, homophobic, transphobic or sexist speech can be considered as a violation of PADA, but only those cases that are **sufficiently serious** and **meet the threshold and elements** of the definitions of different forms of discrimination in PADA.

- Based on its investigations, the Advocate issues **binding decisions** on the findings, declaring whether certain treatment constituted discrimination or not.

- The Advocate **cannot impose sanctions**. For sanctioning by imposing minor offence procedures it relies on **inspections**, if they cover the field where the offence took place.

Cases

- The total number of complaints we receive is **rising** every year. This year, by the end of October 2021, we already received over 320 complaints. However, the number of complaints concerning online hate speech is relatively low – less than 10 in 2021.

- The Advocate **has already found discrimination** in cases concerning online hate speech:
  - It found discrimination in a case where the news portal failed to remove discriminatory comments posted by users. In this case it relied, among others, on the *Delfi* case decided by the European Court of Human Rights.
  - It also found a violation in two cases where the author justified superiority of one race above others.
  - However, discrimination was not found in a case concerning an insulting tweet as the analysis showed the elements from the law cannot be found in the content of the tweet.

Lack of sanctions

- In cases when discrimination was found to have taken place by the Advocate, there is **no possibility to impose sanctions**, not even by inspections.

- The reason is that **the law explicitly excludes** the provision on the prohibition of incitement to discrimination (Article 19 of PADA) from minor offence procedures.

- Such cases can only be processed by the **criminal justice system** if they meet the conditions from the Penal Code.

- Misdemeanour procedures cannot be carried out as internet is not considered as a „public place" under Protection of Public Order Act.

Filling the gap

- The idea of giving some powers to the Advocate in the field of hate speech is to cover discriminatory treatment, including hate speech, which is not a criminal offence and does not meet the requirements for criminal prosecution.

- The **most serious** cases of incitement to hatred and intolerance should still be dealt with by the criminal justice system.

- In such cases the Advocate may provide **support to victims** of discrimination, and may also, as provided for by the law, accompany people in court proceedings that they initiated due to discrimination.

- The idea is therefore **to avoid overlap of powers** of the Advocate and the State Prosecution, **to complement** the existing legal possibilities, as well as **to provide remedies** when criminal prosecution is not possible.

Investigating online hate speech

- The Advocate has **no special powers** for investigating online hate speech and hate crime stemming from users of social media platforms. In such cases it treats the posts on social media as any other publication in the media.

- Several challenges can be expected in the future when more such complaints are received, for example concerning the **identity** of the platform user in case the user is **anonymous**.

- Namely, the Advocate may only carry out procedure against a perpetrator whose identity is known or can at least be established during the procedure.

- There will be questions on how to proceed **if the platforms do not cooperate**, as the Advocate's investigatory powers are limited (for example, the Advocate cannot impose sanctions if the platform is not responsive concerning the identity of the user).

Recommendations

- Recommendations are used concerning issues of **structural inequalities, systemic problems** and **the legislation**.

- The recommendations are not binding. Their aim is to try to persuade the competent bodies that they address with arguments and reasoning on what steps should be taken to reduce inequalities.

- Relating to the field of hate speech, the Advocate has issued recommendations on the draft **Act on Audio-Visual Media Services**, on the draft **Media Act**, and on the draft **Protection of Public Order Act**.

- The Advocate recommended, for example, that cases of hate speech through media that do not meet the threshold of a crime should be sanctioned as minor offences; and that the criminal justice system should have a system of registering complaints by ground of discrimination. These recommendations have yet to be implemented.

Thank you for your attention!

Katarina Hollan
28th October 2021

4th report #AgainstOnlineHate
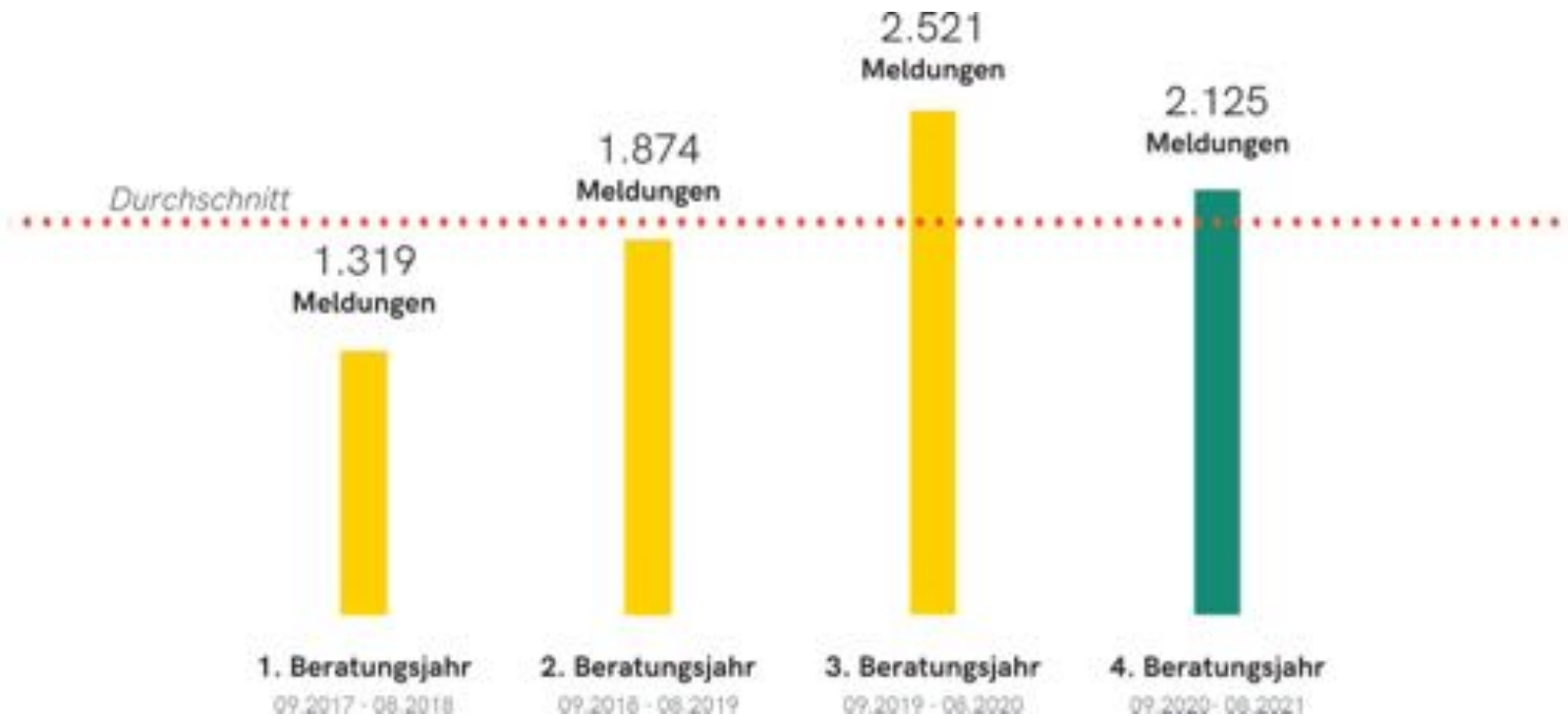
Three channels of multi-stakeholder coopeartion

1 - Trusted flagger channel

2 - Networks at national and international level

2 - Networks at national level

- No Hate Speech Committee
- Safer Internet Advisory Board
- Hate Crime Kontern/network to counter hate crimes

find out more at www.standup-project.eu

This workshop is funded by the European Union's Justice Programme (2014-2020).

2 - Networks at international level

- EStAR
- INACH

3 – Cooperation in the field of education // prevention work

Stefano Valenti

HS vs HC

- Definitions (attempt)
- Differences
- Similarities
- Overlapping
- Practical implications
- The Human Rights Framework

Stamping Out
Hate Crime and Hate Speech

Addressing hate speech and hate crime
within a Human Rights Framework

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Hs vs HC – Definitions (attempt)

Hate Speech

- All kinds of expressions that spread, incite to, promote or justify violence, hatred or discrimination against a person or group of persons, or denigrates them, by reason of their real or attributed personal characteristics or status

Hate Crime

- Any criminal offence committed with a bias motivation (*i.e. hate or prejudice on prohibited grounds*)

Hs vs HC – Differences

- In HC there is a basic version of the criminal offence even without the element of "Hate". The "Hate" element upgrades the criminal offence to make it a HC

- In HS, when it is banned under criminal law, the impugned behaviour is not an offence per se without the element of (stirring up) hatred/violence. The element of bias, prejudice, hatred or hostility is not adding to the crime

- In sum, while in the case of HC we are already in the realm of Criminal Law and the Hate component is an agravating circumstance, in the case of HS the starting point is rather the abuse of the freedom of speech of such severity that justifies exceptionally the criminal sanction

Hs vs HC - Similarities

- ■ The same negative motivations towards a person or a group of persons
- ■ HS often creates the environment conducive to HCs; therefore, they both need to be addressed
- ■ Certain forms of HS punished by criminal law can be described as HC (see under "overlapping")
- ■ Underreporting, lack of data, lack of remedies' awareness by victims, deficient investigation and prosecution are common problems affecting the fight against the two phenomena

Hs vs HC – Overlapping

- Some forms of HS amounts to HC, namely, those involving forms of expression that would still be criminal offences without the hate factor being present

- These are offences that are not physical but consist in abusive speech or behaviour, threatening, harassing or insulting

- In this case, HS is performed using speech or other forms of expressive conduct which can already per se be punished under criminal law, thus it can be regarded as HC

Hs vs HC – Practical implications

- The fight against HC and HS needs to be based on the most appropriate tool to address distinctly each of the 2 phenomena

- The enhancement of the penalties, that otherwise would be applicable in the absence of hate motivation, is a useful tool in view of the particular gravity of HCs

- Combating HS with criminal sanctions should remain the last resort and often is not effective. FoE remains a paramount consideration; self-regulation/counter-speech more effective

- Incidents of HS / incidents of HC need to be recorded as separate categories; data collection should allow for the presentation of data on HC and data on HS, separately to better inform specific policies

Hs vs HC – The HR Framework

- Recommendations against HS / HC should pay attention to the case-law of the ECtHR (e.g. positive obligation by MSs to protect victims of HS/HC) and monitoring bodies recommendations (e.g. ECRI recommendations to MSs)

- A COE Committee of Experts finalized a draft Recommendation on a comprehensive approach to addressing HS within a HR Framework; to be adopted by COE CM in 2022 with a definition of HS (three types)

- In 2022-23, a COE Committee of Experts will draft a COE CM Recommendation on a new legal text on combating HC (2024 adoption)

- Targetted/affected persons' approach: HS and HC do not violate only the HR of individual persons (victims) but those of communities and groups which are the real target of these phenomena (affected persons/groups)

- NGOs contributions are pivotal in the context of a multi-stakeholders approach: collecting and analysing data, monitoring, addressing underreporting, litigating HS/HC cases, training professionals and assisting victims (this ties perfectly with the coming session on this)

HS – Sources

- HS is only expressly mentioned in CM Recommendation No. R (97) 20 and ECRI GPR No 15 Combating Hate Speech (new COE CM Rec. in 2022)

- Other Int. instruments use "advocacy of hatred", "dissemination of ideas based on superiority or hatred", "the dissemination of racist and xenophobic material and incitement to hatred"(see Explanatory Memorandum ECRI GPR15, paras 33-59)

- The *approval, condoning, denial, grossly minimising and justification of genocide or crimes against humanity* are considered as HS by the Additional Protocol to the Convention on Cybercrime (Art 6), the EU Framework Decision (Art. 1(1)(d), ECRI GPR Nos 7 (para. 18) and 15 (in the Preamble)

- Although referring to the concept in many cases, the ECtHR has never specified any definition for it. See, e.g., *Delfi AS v. Estonia* [GC], no. 64569/09, 16 June 2015 and *Perinçek v. Switzerland* [GC], no. 27510/08, 15 October 2015. In Mariya Alekhina and Others vs Russia, the Court refers to the ECRI GPR 15 definition of HS. On the evolution of the ECtHR case law relating to hate speech see https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf

HC – Sources

- HC is defined in OSCE/ODIHR, *Hate Crime Laws A Practical Guide*, (2009), and the FRA *Making hate crime visible in the European Union: acknowledging victims' rights*, (2012).

- 2 European standards require that criminal law offences should be the subject of special treatment when committed with motivations that are racist:
  - *ECRI GPR No. 7 (revised) (para 21);*
  - *The EU Framework Decision 2008/913/JHA, 28 November 2008. (Art. 4)*

- Article 4 of the Add. Protocol to the COE Cybercrime Convention requires that a threat to commit a serious offence through a computer system be established as a criminal offence when the reason for making it is that the person or the group of persons receiving the threat belongs to "a group distinguished by race, colour, descent or national or ethnic origin, as well as religion".

- The ECtHR refers to the term "hate crime" but has not specified any definition. E.g., in Balázs vs Hungary (2015), para. 70 "the Court takes the view that not only acts based solely on a victim's characteristic can be classified as hate crimes…." in para. 75, it refers to the "failure to identify the racist motive in the face of powerful hate crime indicators ". See also Škorjanec vs. Croatia, (2017). In both cases the ECtHR refers to "hate crime" as defined under "relevant international material" (mainly OSCE/ODIHR documents). On the evolution of the ECtHR case law relating to hate crime see https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-unmasking-bias-motives-paper_en.pdf

HS vs HC

Thank you for your attention !

Stefano Valenti, Anti-discrimination Department, Council of Europe

stefano.valenti@coe.int

SPANISH NATIONAL OFFICE AGAINST HATE CRIMES
Oficina Nacional de Lucha Contra los Delitos de Odio (ONDOD)

Stamping out hate crime and hate speech

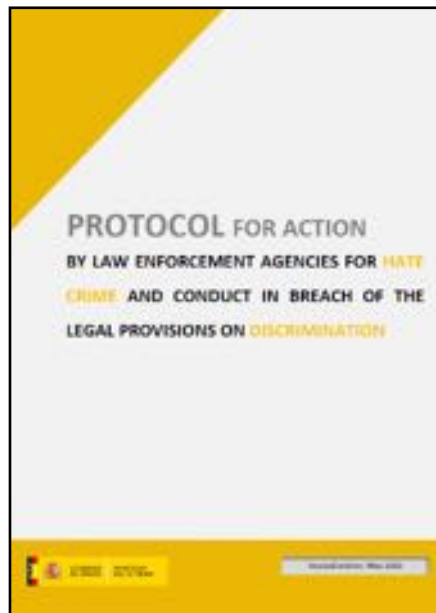## Effective responses to hate crimes and hate speech online, and protection of victims

NATIONAL AUTHORITIES' PERSPECTIVE ON HOW TO IMPLEMENT A ROBUST VICTIMS' SUPPORT SYSTEM
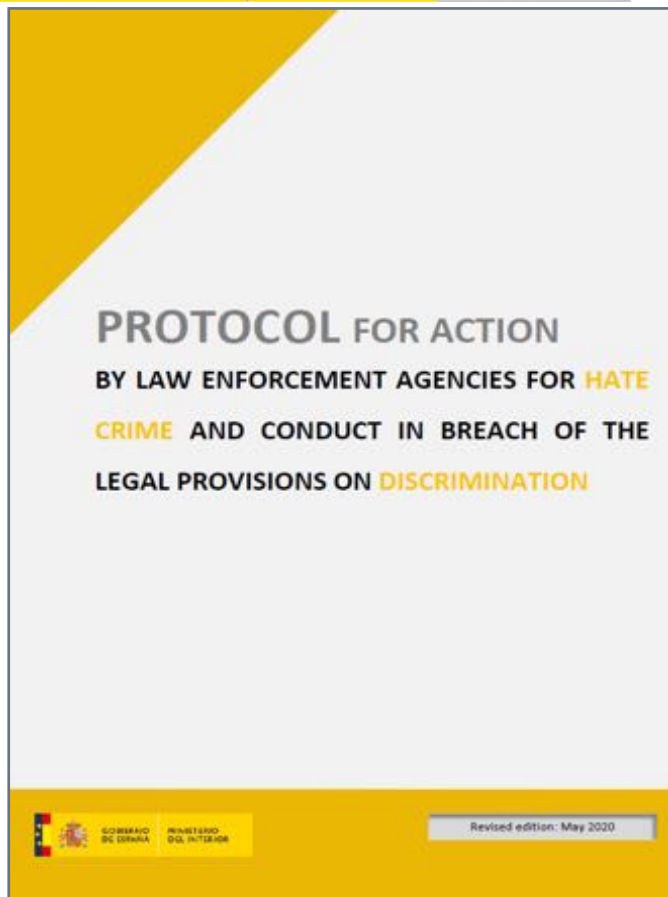
Mr. Javier López Gutiérrez

28 October 2021

SPANISH NATIONAL OFFICE AGAINST HATE CRIMES
Oficina Nacional de Lucha Contra los Delitos de Odio (ONDOD)

2014
(Updated 2015 and 2020)

2018

2019 – 2021

GOBIERNO DE ESPAÑA — MINISTERIO DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

DIRECCIÓN GENERAL DE COORDINACIÓN Y ESTUDIOS

PROTOCOL FOR ACTION

BY LAW ENFORCEMENT AGENCIES FOR HATE CRIME AND CONDUCT IN BREACH OF THE LEGAL PROVISIONS ON DISCRIMINATION

Revised edition: May 2020

GOBIERNO DE ESPAÑA   MINISTERIO DEL INTERIOR

📌 Awareness about victims' rights.

📌 Right to access information

📌 Safe environment for victims to report hate crime.

📌 Ensure effective communication with victims (right to understand and to be understood)

- "Facilitator": Preparing the victim for the police interview, an assessment of the victim's capabilities, interpretation or an evaluation of their capacity to consent

📌 Promote specialist support from other public institutions.

📌 Civil society organizations to provide support to victims in cooperation with the relevant national authorities.

📌 Ensure that victims are not exposed to secondary victimization.

📌 Liaison officer.

📌 Specific chapter on hate crimes committed via the Internet and social media.

GOBIERNO DE ESPAÑA | MINISTERIO DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

DIRECCIÓN GENERAL DE COORDINACIÓN Y ESTUDIOS

ACTION PLAN TO COMBAT HATE CRIMES
[SPANISH SECURITY FORCES]

ACTION PLAN TO COMBAT HATE CRIMES
MINISTRY OF INTERIOR – STATE SECRETARIAT FOR SECURITY

PLAN DE ACCIÓN DE LUCHA CONTRA LOS DELITOS DE ODIO

Página 0

- ✔ **Engage with victims' support organisations and participate in mutual training activities.**

- ✔ **Agenda of meetings with CSO that to generate a better understanding of the situation of "hate crime.**

- ✔ **Strengthening cooperation and coordination among all relevant actors: "*Spanish Interinstitutional agreement*"**

- ✔ **Strengthen cooperation with international and regional partners**

- ✔ **Hate crime survey 2020-2021 (report posted on the website).**

- ✔ **Undereporting:**
  - **National awareness campaigns**
  - **Reporting guidelines**

- ✔ **Map of victim care resources (uploaded to the website).**

- ✔ **One of the specific objectives: countering hate speech on social media.**

EStAR PROJECT (ODIHR) - ONDOD

EStAR DIAGNOSTIC WORKSHOP IN SPAIN
-
Assessing National Structures and Services for Hate Crime Victim Support, 30 March 2021
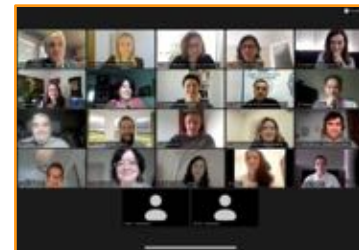
- One-day event organized online.
- Practical exercise to assess shortcomings and strengths in national hate crime victim support systems.
- 19 participants from Spanish government (National Police, Guardia Civil, Prosecutors' Office, Ministry of Justice... CSO).
- Extremely beneficial and helpful exercise by the participants.
- Six building blocks necessary for a fully functional support system for victims of hate crime.

Recommendation Report

SECOND ACTION PLAN TO COMBAT HATE CRIMES (2022-2024)

FIRST LINE OF ACTION: ASSISTANCE AND SUPPORT TO VICTIMS OF HATE CRIME, thus constituting the central focus of this new Action Plan.

GOBIERNO DE ESPAÑA | MINISTERIO DEL INTERIOR

SECRETARÍA DE ESTADO DE SEGURIDAD

DIRECCIÓN GENERAL DE COORDINACIÓN Y ESTUDIOS

SPANISH NATIONAL OFFICE AGAINST HATE CRIMES
Oficina Nacional de Lucha Contra los Delitos de Odio (ONDOD)

OFICINA NACIONAL DE LUCHA CONTRA LOS DELITOS DE ODIO

Thank you for your attention!

ses.ondod@interior.es

The importance of a sensitive and respectful treatment of hate crime victims

STAMPING OUT HATE CRIME AND HATE SPEECH

Effective responses to hate crimes and hate speech online and protection of victims

Anna Wergens, the Swedish Crime Victim Authority

2021-10-28

Brottsoffermyndigheten

A sensitive and respectful treatment must be promoted and provided for

the benefit of the individual victim victims as a group

A sensitive and respectful treatment is about identifying and understanding the victim's individual needs and responding to those needs.

Identify the elements of a sensitive and respectful treatment of victims

A rights-based approach

Adress under-reporting

Knowledge and training

Hate crime in a context

Brottsoffermyndigheten

Sensitive and respectful treatment in Sweden

The Crime Victim Fund

Promote awareness on the needs of vulnerable victim groups

Governmental commissions

Counsel for the injured party

The Estar project

Brottsoffermyndigheten

The rights-based approach

Victims of a hate crimes are subjected to a violations of their human rights.

Hate crime victims have the right to respect and redress on the basis of their human rights.

Brottsoffermyndigheten

Brottsoffermyndigheten

Home   A threat to democracy   Different crimes   Police report   Help and support   About the website

Heike Kleffner

Specialist Support to Hate Crime Victims
Overview from the practice
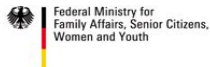# of independent CSO support centers in Germany
October 28th, 2021

Heike Kleffner, executive director, VBRG

www.verband-brg.de
info@verband-brg.de

VBRG
VERBAND DER BERATUNGSSTELLEN FÜR
BETROFFENE RECHTER, RASSISTISCHER
UND ANTISEMITISCHER GEWALT E.V.

- VBRG is the umbrella association of independent, specialized CSI support centers für victims of violent hate crimes.

- 2021: 14 member organizations in 12 federal states bound by joint Quality Standards.

- Working to ensure that victims of violent hate crimes have access to the full scope of their rights.

- Funded by Federal Ministry of Family Affairs through „Democracy live!" and Federal Government Commissioner for Migration, Refugees, and Integration.

VBRG

VERBAND DER BERATUNGSSTELLEN FÜR
BETROFFENE RECHTER, RASSISTISCHER
UND ANTISEMITISCHER GEWALT E.V.

Effects of Violent Hate Crimes& CSO Victim Support

Micro level
- Individual, often traumatic event
- Psychosocial counseling and support

Meso level
- The deed is the message; the victim(s) are attacked as representatives of collectives; danger of collective victimization
- Support and empowerment of the affected group, local intervention

Macro level
- attack on central democratic values, human rights, an open diverse society
- Monitoring, publicity/social media, bringing perspectives and demands of those affected by hate crime into the public, political and media discourse.
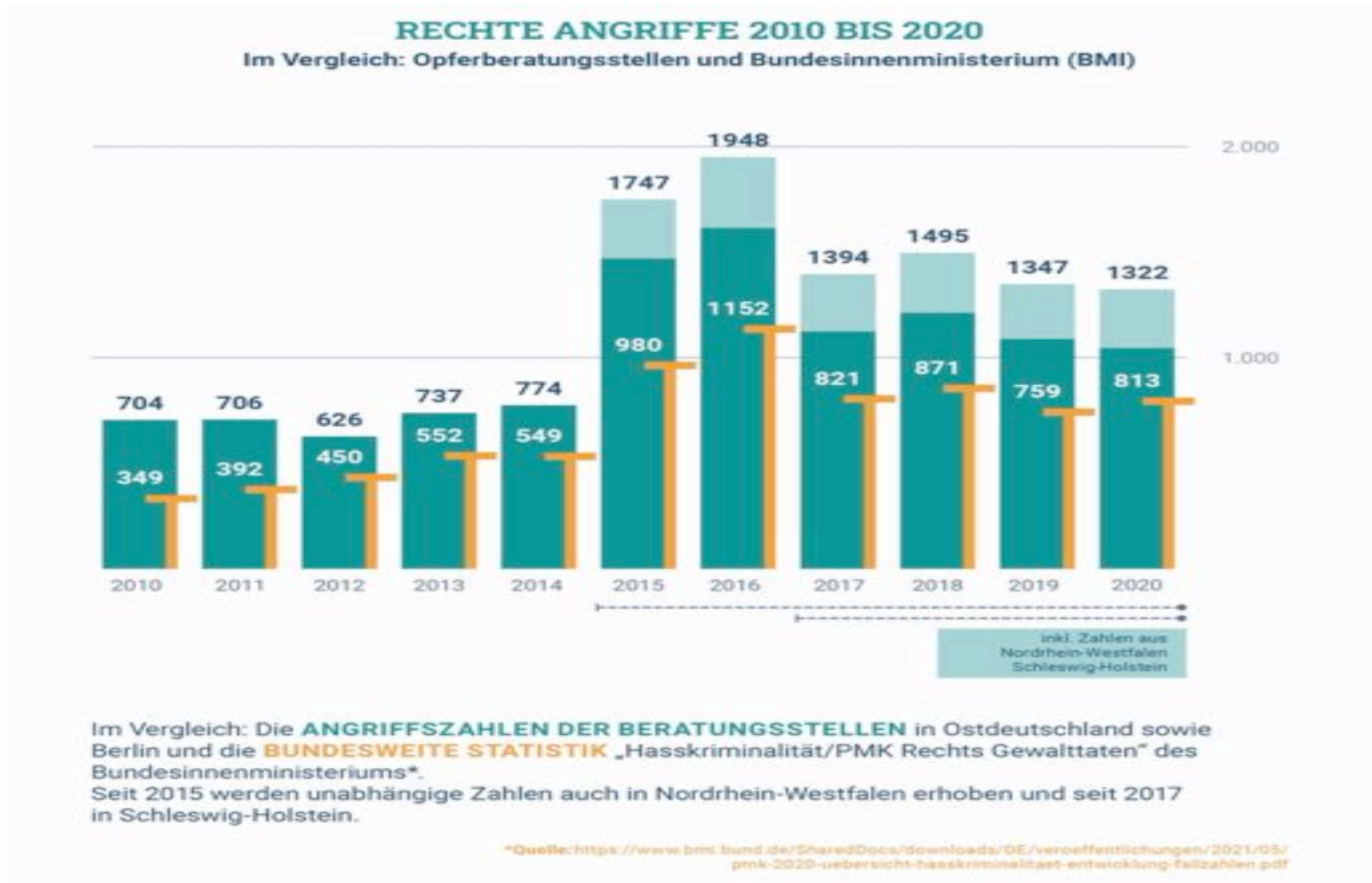
Quality Standards for Hate Crime Victim Support

The counseling provided by the specialized victim counseling centers is:
- Victim-centered
- easily accessible
- Pro-active
- Independent
- Confidential and anonymous if desired
- Free of charge
- Partial in the sense of the victims.

- Provided by multi-professional teams with access to interpretation/translation
- Provided on-site and online

Micro Level: The CSO Support Services

* Psychosocial counseling, crisis intervention, stabilization
* Danger analysis, establishment of security
* Advice on filing charges, accompaniment to the police and public prosecutor's office
* Information on criminal proceedings, victims' rights and obligations
* Information on civil action, civil claims/adhesion proceedings, compensation adhesion proceedings, compensation payments
* Accompaniment to court hearings / (psychosocial)
* Litigation support
* Advice on dealing with the media and case-related public relations work
* Referral to other CSO counseling/support services (i.e. asylum rights etc.)

Meso & Macro Level: Independent Monitoring of Violent Hate Crime

RECHTE ANGRIFFE 2010 BIS 2020
Im Vergleich: Opferberatungsstellen und Bundesinnenministerium (BMI)

Im Vergleich: Die **ANGRIFFSZAHLEN DER BERATUNGSSTELLEN** in Ostdeutschland sowie Berlin und die **BUNDESWEITE STATISTIK** „Hasskriminalität/PMK Rechts Gewalttaten" des Bundesinnenministeriums*.
Seit 2015 werden unabhängige Zahlen auch in Nordrhein-Westfalen erhoben und seit 2017 in Schleswig-Holstein.

*Quelle: https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/2021/05/ pmk-2020-uebersicht-hasskriminalitaet-entwicklung-fallzahlen.pdf

Online Hate leads to violent right-wing terrorism: The murder of Walter Lübcke

*

Der Mord an Walter Lübcke

01.06.2020, 16:03 Uhr

Und der rechte Terror nimmt kein Ende

Vor einem Jahr wurde der Kasseler Regierungspräsident erschossen. Mutmaßlich von einem Neonazi. Der Nährboden für rechte Gewalt wird breiter. VON FRANK JANSEN

Ein Portrait Walter Lübckes (CDU) ist am Sarg bei einem Trauergottesdienst zu sehen. FOTO: SWEN PFÖRTNER/DPA

Collective Trauma for Communities: The Consequences of Hate Crimes and Demands for Remembrance, Memory, Justice, Enlightement, Consequences
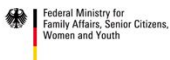
Hate Crime Victim Support in International Networks: EStAr Network

Analytical Paper: Understanding the Needs of Hate Crime Victims
Baseline Report: The State of Support Structures and Specialist Services for Hate Crime Victims
Checklist of Model Quality Standards for specialist hate crime victim support services and other publications: https://verband-brg.de/estar/
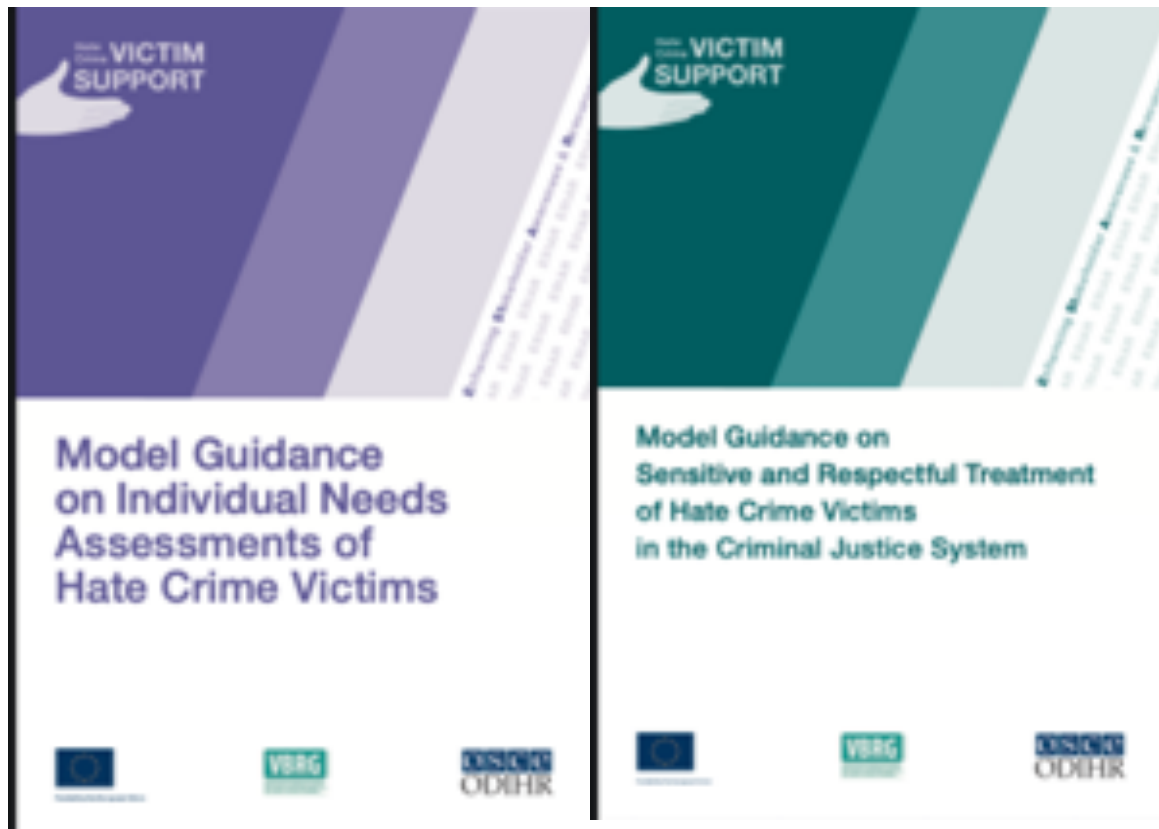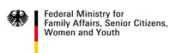
VICTIM SUPPORT

Model Guidance on Individual Needs Assessments of Hate Crime Victims

VICTIM SUPPORT

Model Guidance on Sensitive and Respectful Treatment of Hate Crime Victims in the Criminal Justice System

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STAMPING OUT HATE CRIME

&

HATE SPEECH

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Collectif pour l'Inclusion
et contre l'Islamophobie
en Belgique

1

COLLECTIVE FOR INCLUSION & AGAINST ISLAMOPHOBIA IN BELGIUM

Main aim: ***tackling Islamophobia*** in Belgium and on the web.

More than ***20 partners at different levels :*** from civil society to institutions (local, national, European, international).

Antiracism organisation created in 2014

OUR PRIORITIES

- **Support victims** and establish a permanent mechanism to **monitor** Islamophobia;

- **Raise awareness** on Islamophobia & build **structural solutions** with authorities and civil society to counter it (e.g.:NAPAR);

- Facilitate **access to higher education and employment** for all Muslims, particularly of Muslim women.

WHAT WE DO

PSYCHOSOCIAL +
LEGAL
COUNSELLING

MONITORING AND
DOCUMENTING

AWARENESS
RAISING
&EMPOWERMENT

ADVOCACY

SYNERGIES

HATE CRIME -CONTEXT

- Anyone can be victim of a hate crime (HC)

- There can be commonalities to victim needs **but** victims of HC

  ❑ *do not experience victimization in the same way as victims of ordinary crimes.*

  ❑ *a variety of factors play a role → each victim has specific needs*

  ❑ *« One-size-fits-all » policies and practices*

VICTIM-CENTERED APPROACH

INITIAL NEEDS ASSESSMENT (INA)

Key instrument to ensure a victim centered approach.

Why is it important to assess needs of each victim (including witnesses)?

It's the **only way** to understand the **impact of H.C &** the needs of a H.C Victim.

It constitutes the first step to protect victims' rights

It helps to provide a tailored support plan

It assist in the process of coping and recovering

It offers victims a sense of control back

EU Vicitms'Right Directive makes a provision for needs assessments (art.22)

INA: *What are the essentiel elements to an effective INA?*

1. An INA should be **conducted upon first contact** with the HC Victim**.**

2. Victims have the **right to understand and be understood** from the first point of contact and through the whol process.

3. An INA should be **continually updated**. The needs of a victim do not remain static.

4. An **effective referral mechanism** is necessary to ensure that victims are directed to support services, according to their identified needs.

5. The **victim's preferences must be considered**, their privacy and the right to the protection of personal data must be respected.

6. INA can help design appropriate strategies for engagement by law enforcement to **ensure communities' safety.**

Effective Needs Assessment?

WHO?	WHEN?	WHERE?	WHAT?
Only **properly trained** individuals providing specialist support to H.C.V. Being forced to repeat and describe the incident multiple times risks re-traumatizing the victim →V.C.A: **one person assigned to the case from the start to finish**.	**As soon as possible** → 2nd victimization, → intimidation, →retaliation	In **safe space/environnent**	-General info. about the victim(s); -Communication needs; -Details of the crime; -Immediate risks to the victim(s) & his/her community; -Impact of the crime; -Short-mid or long-term support and protection measures

INA*: What are the needs of the victims?*

- Being protected;

- Information and advice (rights, existing services, judicial system);

- Practical help (medical assistance, property repairs, financial ...);

- Emotional and psycho-social support;

- Help with navigation through the CJS;

- Being consulted at all stages and kept informed about the file & its progress;

- Respectful, sensitive and dignified treatment.

SENSITIVE AND RESPECTFUL TREATMENT OF HCV
Practical measures

- Ensuring interpreters presence when its needed.

- Allowing the victim to talk to an interviewer of the gender of their choice.

- Using simple, easy-to-understand language if need be.

- Interviewers should introduce themselves to the victim, refrain from any inappropriate behaviour (biased language, expressions of disbelief and inappropriate comments).

- allow the victim to be accompanied and supported by a CSO representative or any other person he/her wishes

Refferal mechanism: communication channels

Law enforcement Authorities

Law enforcement Authorities

Equality Bodies

Authorities that investigate & Prosecute & the courts

Consent 4
Sharing and following up Complaints with relevant parnters agencies

-Regular follow-up meetings (individual & structural cases)
-reference point on islamophobia.

Police

Victim Support Services (translation, financial…)

Victim(s)

Auhtorities

Ensure coordination between victims and the stakeholders during the INA process and beyond.

CHALLENGES

Under-reporting
→no legal prosecution.

Few criminal justice representatives *trained and supplied with practical guidance* on how to conduct INAs in a victim sensitive manner.

Lack of *common case management system* (police, E.B; CSO's,…).

No *formalisation of collaborative process* between CSOs, E.B., law enforcement agencies, ...
→Depend on personal relationships.

All services needed by the victims are *not cost-free* (e.g. specialised psycho–social support, property repairs….).

RECOMMENDATIONS

- *Criminal justice representatives and victim support organizations should be provided with **specific training and practical guidance on how to conduct INAs** in a victim-sensitive manner.*

- ***Effective referral mechanism system is in place. Institutionalize relationships between CSOs** specialist support providers **and the authorities** to enable victims'access to specialized services as early as possible.*

- **INAs** are **designed to be sensitive** and responsive to the specific needs of hate crime victims and take into account the impact of hate crimes

REFERENCES

Victims of Crime Directive 2012/29/EU

Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.
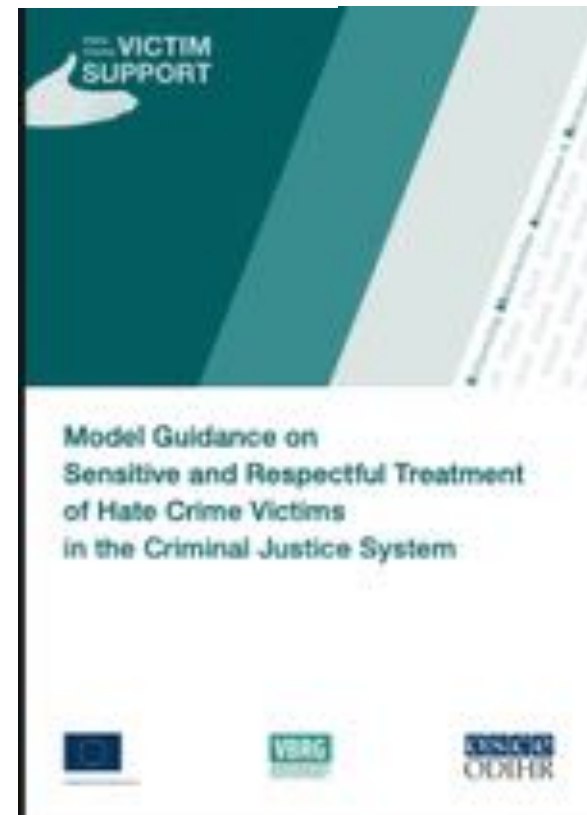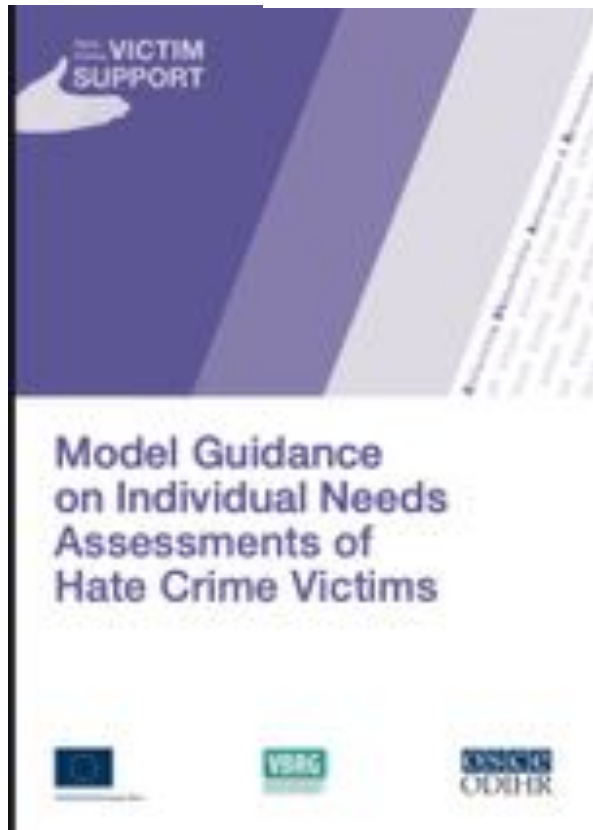
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RVRN Experience
A Coalition to Monitor Hate Crimes

Racist Violecne Recording Network

➤ Established in 2011 at the initiative of the Office of the UN High Commissioner for Refugees in Greece (UNHCR) and the National Commission for Human Rights (GNCHR).

➤ Findings:

- The identified absence, back then in 2011, of an official and effective data collection system on racist violence.

- The need to coordinate organisations which recorded, on their own initiative, incidents of racist violence against people who sought their services.

➤ Today, apart from the coordinators - UNHCR and GNCHR - RVRN is comprised of 51 Non-Governmental Organisations and civil society bodies, as well as the Greek Ombudsman and the Migrant Integration Council of the Municipality of Athens, as observers.

Why a collective response was necessary in 2011?

▶ Escalation of xenophobia and racist violence;

▶ No reporting of hate crimes and no access to supporting services for victims;

▶ Impact on victim's communities | Increase of insecurity;

▶ Impact on institutions.

▶ No common recording methodology, but data of individual NGOs on victims | focus mainly on access to services (e.g. medical or social support);

ODIHR Recommendation leads to RVRN Establishment

▶ ODIHR's recommendations inspired UNHCR and GNCHR to set up RVRN;

▶ RVRN based its definition and methodology on ODIHR's recommendations for reporting hate crime;

▶ ODIHR was called to train the first RVRN members on the methodology that the Network implements to date;

▶ RVRN managed to document the increase of the racist violence, ten years ago, and introduce to the Greek framework the ODIHR recommendations on the establishment of an effective hate crime victim support system.

Tools and Procedures

Methodology = Power of data

▶ Common agreement on definitions, rules, rights and obligations;

▶ Common methodology on recording the incidents of racist violence;

▶ Dissemination of common findings (quantitative and qualitive trends of racist violence);

▶ Inclusiveness and coordination;

▶ **Development of alliances and cooperation with state and other stakeholders;**

▶ Internal and external capacity building.

▶ Clear objectives and tools;

Common aims

▶ Comprehensive indications on the qualitative and quantitative trends;

▶ **Recommendations to authorities aiming to the establishment of an effective hate crime victim support system, based on national, European and international human rights law;**

▶ Information sharing and public awareness.

Achievements

▶ Between 2011 and 2020 the RVRN has documented, through interviews with the victims, 1.258 incidents of racist violence and many victims were supported;

▶ Ten (10) annual reports on trends widely disseminated and press conferences with pluralistic representation;

▶ Reliability of trends extracted from incidents acknowledged by UN agencies, ECRI, FRA, OSCE etc.;

▶ Special status for the protection of the victims and witnesses of hate crimes in the Greek legal framework;

▶ Empowerment of communities;

▶ **Institutional** influence and **recognition.**

RVRN|Greek State co-operation for hate crime victim support

➢ Today, RVRN and Greek authorities share common terminology for "hate crime" | Greek State gradually developed its legal framework for both recognising hate crime and supporting hate crime victims;

➢ RVRN and Greek Authorities exchange data on hate crime | Next Step/Aim: Common Analysis;

➢ RVRN participation in the Agreement on Inter-agency Co-operation on Addressing Racist Crimes in Greece (**ODIHR, Greek State, Greek Justice System**) | RVRN collaboration with the Greek Special Law Enforcement Departments and Units for Hate Crime aiming to the support of the hate crime victims, based on the Victims' Directive.

➢ Participation in training for recognising hate crime and supporting hate crime victims;

➢ Participation in the National Council against Racism and Intolerance | Contribution to the compilation of the National Action Plan against Racism;

Next Steps | Aims for Advocacy

▶ Despite the enhancement of the legal framework and the context of co-operation between State and CSOs, to date, Greece still face challenges on having a comprehensive system for HCV Support;

▶ RVRN, supported by the EStAR tools and reports, continues its advocacy for:

- The establishment of an effective INA procedure as an entry point to the HCV Support System;

- **The enhancement of the victim-center approach in the Greek context for hate crime;**

- **The continuous training of the involved parts for understanding the special needs of the HCVs;**

- **Effective coordination between the public services for the victims' protection and support;**

- The establishment of a system for quality control.

Thank you!

https://www.facebook.com/rvrn.org/

www.rvrn.org

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