



MODULE 1

Recognizing Hate Speech

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OVERVIEW

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Recognizing Hate Speech in EUROPE

Recognizing and combating hate speech is a significant concern in Europe, as it is in many parts of the world. European countries have various laws and initiatives aimed at addressing hate speech, although the specific legal frameworks and definitions can vary between nations. Here are some general approaches to recognizing hate speech in Europe:

Over the years, the Council of Europe has worked in multiple manners to counter hate speech. The media and internet division's work in this area is based on a "freedom of expression perspective" which focuses on co-operation with member states in preparing, assessing, reviewing and bringing in line with the European Convention on Human Rights any laws and practices that place restrictions on freedom of expression.



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Definition

Legal Definitions:

European countries often have legal definitions of hate speech, which typically encompass speech that incites violence or discrimination against individuals or groups based on characteristics such as race, ethnicity, religion, nationality, gender, sexual orientation, or disability. These definitions can vary in their scope and specificity.

European Union Framework:

The European Union (EU) has guidelines and directives aimed at combating hate speech and discrimination. For instance, the EU's Framework Decision on Combating Racism and Xenophobia criminalizes certain forms of hate speech and hate crimes across EU member states.

International Standards:

European countries often adhere to international standards and conventions that address hate speech, such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR). These documents provide guidance on protecting freedom of expression while also prohibiting hate speech.

Monitoring and Reporting Mechanisms:

Many European countries have established mechanisms for monitoring and reporting hate speech, both online and offline. These may include specialized governmental agencies, NGOs, or online platforms' reporting systems.

Educational Programs:

Some European countries implement educational programs aimed at raising awareness about hate speech, promoting tolerance and respect for diversity, and empowering individuals to recognize and counter hate speech.

Civil Society Initiatives:

Civil Society Organizations play a vital role in combatting hate speech in Europe. They may engage in advocacy, education, and community-building efforts to address the root causes of hate speech and promote social cohesion.

Tech Industry Collaboration:

Given the prevalence of online hate speech, collaboration between governments, civil society, and the tech industry is crucial. Many European countries work with tech companies to develop policies, algorithms, and tools for detecting and removing hate speech online.

European Court for Human Rights

"Everyone has the right to freedom of expression"

Art. 10 European Convention on Human Rights



Understanding legislation and its negative impact.

Legislation regarding hate speech targeting the LGBTIQ+ community in Europe can vary significantly from one country to another. While some countries have robust legal protections in place, others may lack comprehensive laws or may even have legislation that discriminates against LGBTIQ+ individuals. Here are some aspects to consider regarding legislation and its potential negative impact on LGBTIQ+ individuals:



Lack of Explicit Protections: In some European countries, there may be a lack of specific legal protections against hate speech targeting LGBTIQ+ individuals. This absence can leave them vulnerable to discrimination, harassment, and violence based on their sexual orientation, gender identity, or expression.

Criminalization of LGBTIQ+ Identities: In certain jurisdictions, there may be laws that criminalize LGBTIQ+ identities or activities, effectively perpetuating stigma and discrimination. Such legislation can contribute to a hostile environment for LGBTIQ+ individuals and fuel hate speech and violence against them.



Ambiguous or Broadly Worded Laws: Some countries may have laws that are ambiguously worded or broadly interpreted, which can lead to the criminalization of legitimate forms of expression related to LGBTIQ+ rights, advocacy, or identity. Vague laws may provide a pretext for authorities to suppress freedom of speech and assembly for LGBTIQ+ individuals and their allies.

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Selective Enforcement: Even in countries with legal protections against hate speech targeting LGBTIQ+ individuals, enforcement may be selective or inadequate. Law enforcement agencies and judicial authorities may fail to investigate or prosecute hate crimes or hate speech incidents effectively, leading to a sense of impunity among perpetrators.

Impact on Freedom of Expression: There is a delicate balance between combating hate speech and upholding freedom of expression. Legislation aimed at curbing hate speech must be carefully crafted to avoid stifling legitimate discourse, debate, or artistic expression related to LGBTIQ+ issues.

Chilling Effect on LGBTIQ+ Communities: The existence of laws or the lack of legal protections against hate speech can have a chilling effect on LGBTIQ+ communities, discouraging individuals from expressing their identities openly, seeking support services, or participating in public life.

Intersectional Discrimination: LGBTIQ+ individuals who belong to marginalized communities, such as people of color, migrants, or religious minorities, may face compounded discrimination due to intersecting factors. Legislation must consider these intersecting identities and experiences to ensure comprehensive protection against hate speech.

Efforts to address these challenges require advocacy, legal reform, education, and public awareness campaigns aimed at promoting understanding, acceptance, and respect for LGBTIQ+ rights and identities. Additionally, fostering collaboration between governments, civil society organizations, and international human rights bodies is crucial for advancing legal protections and combating hate speech targeting LGBTIQ+ individuals in Europe.



National context in France:

In France, there are legal provisions and social initiatives aimed at combatting hate speech targeting LGBTIQ+ individuals. Here's an overview of the national context regarding hate speech prevention

Legal Framework: France has laws in place to address hate speech, including that which targets individuals based on their sexual orientation, gender identity, or expression. The French Penal Code prohibits hate speech, including incitement to discrimination, hatred, or violence against individuals or groups on the basis of their sexual orientation or gender identity. Perpetrators of hate speech can face criminal penalties, including fines and imprisonment.

Anti-Discrimination Legislation: In addition to hate speech laws, France has anti-discrimination legislation that prohibits discrimination based on sexual orientation and gender identity in various areas of public life, including employment, housing, and access to goods and services. These laws aim to protect the rights and dignity of LGBTIQ+ individuals and promote equality.

Government Initiatives: The French government has taken steps to combat hate speech and promote tolerance and inclusion. This includes public awareness campaigns, educational initiatives in schools to prevent discrimination and promote respect for diversity, and funding for organizations and projects that work to address hate speech and support LGBTIQ+ communities.



Law Enforcement Response: Law enforcement agencies in France are tasked with investigating and prosecuting hate speech incidents. There are specialized units within the police and judicial system that focus on hate crimes, including those targeting LGBTIQ+ individuals. Efforts are made to ensure that hate speech complaints are taken seriously and that perpetrators are held accountable for their actions.

Civil Society Organizations: Civil society organizations play a crucial role in combatting hate speech and supporting LGBTIQ+ individuals in France. These organizations provide resources, advocacy, and support services to victims of hate speech, raise awareness about the impact of hate speech on individuals and communities, and work to promote tolerance and acceptance.

Media and Online Platforms: Efforts are made to address hate speech in the media and on online platforms. French authorities collaborate with media organizations and internet companies to monitor and address hate speech online, including through the removal of hateful content and the enforcement of community standards and regulations.

Despite these efforts, challenges remain in effectively preventing hate speech targeting LGBTIQ+ individuals in France. Ongoing education, awareness-raising, and collaboration between government, civil society, and the private sector are essential to combatting hate speech and promoting a culture of respect, tolerance, and inclusion for all individuals, regardless of sexual orientation or gender identity.

National context in Ireland:

In Ireland, we have protections and initiatives aimed at our LGBTIQ+ community. Although there's more that can be done, it is a great start to protecting their human rights in our communities.



Did you know that in Ireland male and female homosexuality was illegal up until 1993. It's great that has changed, Ireland is now considered among the most advanced in Europe when it comes to LGBTI rights. Transgender people can self-declare their gender and same-sex marriage has been legal since 2015.

National context in Ireland:

The Prohibition of Incitement to Hatred Act (1989) makes illegal incitement to hatred based on sexual orientation. The Act defines the term "hatred" as follows:

"hatred" means hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community, or sexual orientation.

Even though we have this act, LGBTQI people are the second most likely to suffer hate crime attacks with the number of incidents increasing every year. The call for legislation has been loud by several groups in the country but delays persist on the Incitement to Violence or Hatred and Hate Offences Bill. This bill will introduce new hate crime offenses and expand the categories of persons protected in Irish law from incitement to hatred.



National context in Ireland:

The Garda in Ireland has a Garda National Diversity Unit. Their role is to monitor hate crime-related incidents via PULSE a social and written media service, referrals, and complaints. They develop policy, strategy, and operational guidelines in the areas of diversity. Advising and supporting investigators of hate crime-related incidents is another duty of this unit. They provide training to their officers. In addition, liaise between members of the public and the relevant Garda.



Besides having many brilliant organizations that work to support the LGBTQI+ youth in Ireland, there's a Strategic Plan to make Ireland the Best Place in Europe to Be LGBTQI+ 2023-2027. This strategy brings together many charities that give support to the LGBTQI+ community. Their goal is to empower LGBTQI+ people to be visible, safe, and have their voices heard in the policies and practices that affect their lives.

National context in Ireland:

On social media hate crime, the CEO of the organization Belong To says, “We have witnessed a dramatic increase in the rate of hateful, discriminatory anti-LGBTQ+ content shared on social media platforms, and the direct targeting and harassment of members of the LGBTQ+ community.”



He feels that more actions need to be taken by social media platforms, “Our research with LGBTQ+ youth highlights the urgent need for social media platforms to be consistent and effective in implementing their community guidelines to prevent the spreading of homophobic, biphobe, and transphobic content online.”



National context in Ireland:

Despite the progress made in recent years, there is still much to be done. According to the Central Statistics Office's Equality and Discrimination Survey 2019, LGBTQI+ people were the group with the highest rate of perceived discrimination in Ireland.

The pathologizing approach to trans healthcare and the age restrictions on gender recognition are key policy areas that have yet to be addressed. Progressing these issues is ever more challenging with increasingly divisive and harmful anti-trans discourse being stoked by far-right actors and spread over mainstream and social media.

National context in Ukraine:

In Ukraine, there is no unified approach to the definition of hate speech, an effective mechanism for monitoring, interaction and prosecution for its spread, which prevents proper response to such cases and creates prerequisites for the formation of a sense of impunity for its spread.

On March 31, 2023, the Law of Ukraine "On Media" entered into force, which prohibits hate speech in the media space and empowers the National Council for Television and Radio Broadcasting to impose sanctions on violators. Currently, the National Council is working on the development and approval of criteria for classifying information as violating the requirements of the law on the prohibition of hate speech. At the same time, manifestations of hate speech can occur both in the media space and in any other spheres of everyday life.

National context in Ukraine:

The basic legislative act in the field of anti-discrimination is the Law of Ukraine "On Principles of Prevention and Counteraction of Discrimination in Ukraine".

Due to the imperfection of the legislation and difficulties with the application of the law, it is difficult to prosecute for committed offenses for discrimination. Out of more than 430 criminal proceedings in 2022, only 8 were sent to court with indictments, that is only 2%. Work is currently underway to improve the provisions of the Criminal Code regarding violations based on discrimination on various grounds.

National context in Denmark:

Denmark has robust legislation addressing hate speech, including protections for the LGBTIQ community. The primary legal framework for combating hate speech is found in § 266b of the Danish Penal Code. This provision criminalises public statements that threaten, mock, or degrade individuals based on their race, skin colour, national or ethnic origin, religion, or sexual orientation.

In recent years, this law has been expanded to explicitly include gender identity, gender expression, and sex characteristics, offering broader protection to the LGBTIQ community.

[The Future of Free Speech](#)

National context in Denmark:

In addition to the primary legal framework, Denmark's commitment to protecting the LGBTIQ community from hate speech is reflected in various public initiatives and educational efforts aimed at fostering tolerance and understanding. The Danish Institute for Human Rights and other advocacy groups actively promote awareness and support for LGBTIQ rights, contributing to a broader societal shift towards inclusivity.

Moreover, Denmark participates in international human rights mechanisms, such as the European Convention on Human Rights, which further reinforces its obligations to protect against hate speech and discrimination. This comprehensive approach not only strengthens legal protections but also supports cultural and social acceptance of the LGBTIQ community.

[The Future of Free Speech](#)

RECOGNIZING HATE SPEECH IN GERMANY

- 1. Legal Definitions and Protections:** 'Volksverhetzung', or incitement to hatred, is the primary legal framework defining hate speech in Germany, targeting communications that incite hate or call for violence against groups, with a focus on preserving public peace.
- 2. Criminal Penalties:** Violations of hate speech laws can lead to fines or imprisonment, covering not just direct threats but also broader abuses potentially inciting prejudice or violence.
- 3. Online Media Regulation:** The Network Enforcement Act (NetzDG) requires platforms to remove hate speech promptly, imposing fines for non-compliance, reflecting a proactive stance on digital hate speech.
- 4. Education and Public Campaigns:** Germany invests in educational and public initiatives to prevent hate speech, involving collaborations between government, non-profits, and communities to promote inclusive communication.
- 5. Support for Victims:** Mechanisms are in place for reporting hate speech incidents, with support services available to help victims navigate the legal system and obtain the necessary support, ensuring accessibility and effectiveness in reporting.



The München Gegen Hass and SCHLAU RLP initiatives represent Germany's commitment to combat hate speech through education and active engagement.

MÜNCHEN GEGEN HASS (MUNICH AGAINST HATE):

This initiative focuses on combating hate crimes, including those targeted at the LGBTQ+ community. It serves as an educational resource on hate crimes and promotes reporting of such incidents, encouraging a public stance against hate through awareness and action. This program not only aims to educate but also provides practical tools, such as a criminal complaint template, to facilitate action against hate crimes.

SCHLAU RLP:

This network offers educational events that target schools and institutions, emphasizing the importance of understanding sexual orientation and gender diversity. Their approach includes interactive activities and direct dialogues with LGBTQ+ individuals to foster empathy and acceptance, hoping to reduce hate speech and discrimination. This grassroots movement has grown significantly, demonstrating effectiveness through increased inclusivity and societal acceptance.



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Co-funded by
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