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## Monitoring and Detecting Online Hate Speech

Version 1.1

### D4.4 Landscape and Gap Analysis

#### Abstract

This is deliverable 4.4 for the Mandola project. This document focuses on the variety of ongoing initiatives (both EC funded and Non EC-funded, and profiles current activities in Europe and performs a brief Gap Analysis.

Many countries are already supported by hotlines taking reports about hate speech through the INHOPE network and through other networks including INACH. However, some countries still do not have a structured response to hate speech or a method to handle complaints or reports about hate speech. For example, many members of the INHOPE network are from the area of children's rights and have no mandate to respond to hate speech except in-so-far as they affect children. This report will highlight best practice in this field and through the gap analysis determine areas which MANDOLA will focus on.

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## 1 Introduction

Since its inception, the Internet has created the space for a digital civil society that is borderless and transnational in its reach. Contemporary online platforms greatly facilitate freedom of expression, allowing users to engage in public debate and discourse at national and international level.

Various human rights groups are concerned about the use of Internet platforms, such as social networks, to spread all forms of discrimination, including covert discrimination<sup>1</sup>. The think tank Demos has carried out a research on Twitter, and it has stated that approximately ten thousands racist tweets per day are issued in English language, which represents one out of every fifteen thousand tweets<sup>2</sup>. This poses new challenges in legislation and regulatory policy because they were addressed to explicit hate speech discourse on websites, and now social media platforms provide new fields for hate speech to proliferate in which operators do have to act according to their rules and codes of conduct<sup>3,4</sup>.

This hateful content is no longer disseminated through conferences or public speeches before a co-located audience, but through the Internet and social media platforms, finding shelter in the ease that these platforms provide in terms of massive potential dissemination of ideas and the difficulties that these platforms present for investigations and prosecution. This new public sphere in which 'key aspects of civil society are played out,' has therefore become the preferred technology for the rapid dissemination of hate.<sup>5</sup> Like-minded individuals can form networks of hate that transcend geographical borders allowing many to 'be reached through an inexpensive and unencumbered social network that has enabled previously diverse and fragmented groups to connect, engendering a collective identity and sense of community.'<sup>6</sup>

Moreover, the media and the Internet may be mirrors of society and, therefore, hate speech in the media and the Internet reflects the surrounding social and cultural climate, and is also motivated by socio-economic aspects. Online hatred tends to form clusters in time surrounding "trigger events", reaching its peak after those events<sup>7</sup>. This is consistent with hate speech in the social media increasing when events like terrorist acts or migration waves are on the rise, and extreme attention is given to those events by the media. Furthermore, socioeconomic inequalities can also account for some forms of racism and xenophobia as well, which will be later on expressed on the Internet and social media platforms.

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<sup>1</sup> Ben-David & Matamoros-Fernandez (2016). Hate Speech and Covert Discrimination on Social Media: Monitoring the Facebook Pages of Extreme-Right Political Parties in Spain

<sup>2</sup> Gagliardone, I., Patel, A., & Pohjonen, M. (2014). Mapping and Analysing Hate Speech Online: Opportunities and Challenges for Ethiopia.

<sup>3</sup> Anti-Defamation League (2015) Report of the Anti-Defamation League on confronting cyberhate

<sup>4</sup> Simon Wiesenthal Center (2012). Social media must do more to thwart subculture of hate fueling lone wolf terrorism - Simon Wiesenthal Center debuts 2012 Digital Hate Report

<sup>5</sup> Matthew L. Williams and Pete Burnap, 'Cyberhate on Social Media in the Aftermath of Woolwich: A Case Study in Computational Criminology and Big Data,' 56 *British Journal of Criminology* (2016), 211-238, 211.

<sup>6</sup> Banks, 'Regulating Hate Speech Online,' 234.

<sup>7</sup> King, R. D., & Sutton, G. M. (2013). High times for hate crimes: Explaining the temporal clustering of hate-motivated offending. *Criminology*, 51(4), 871-894.

There were two events that were crucial throughout Europe and which provoked racist demonstrations in various places around Europe. The two events were the terrorists attacks in Madrid in March 2004, and Theo Van Gogh's murder in Amsterdam in November 2004. The former was very important because 192 people were killed and 1858 injured, and it was the biggest terrorist attack in Europe, second to the one that took place in Lockerbie in 1988.

Due to the Internet not being as popular and accessible as it is now, and that most social media platforms were non-existent back then; it is impossible to measure the impact of those incidents on the prevalence of online hate speech. However, both terrorism and its threat can serve as facilitators for feelings of community identity to arise<sup>8</sup>. Discrimination against people or minorities who do not comply with a shared community identity appears following terrorism or its threat. The scale of such reaction depends greatly on how governments and institutions manage the traumatic situation and the type of information given to citizens, as well as the information channels by which it is given, and the message.

In this context, Pete Burnap and Matthew Williams show that cyber hate is increasing, citing a study by Oksanen et al reporting that 67% of 15 to 18 year olds had been exposed to cyber hate on YouTube and Facebook, with 21% of these users feeling victimised by such material.<sup>9</sup> However, "hate" is here not defined as being "illegal hate", observation that crystallises the legal - and therefore technological - challenges in terms of policing such content and prosecuting breaches. Indeed, the combat against such content must be engaged with caution, since Internet public places and most of all social networks are also places of exercise of several rights and freedoms, including the right to freedom of expression, the right to freedom of private life and the right to freedom of assembly<sup>10</sup>, which must be guaranteed (also through States' positive actions<sup>11</sup>), including in time of crisis<sup>12</sup>. Moreover, any action taken against a given internet content must - in a State governed by the rule of Law - respect the principles of a fair trial, of presumption of innocence and of sanctions' legality<sup>13</sup>.

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<sup>8</sup> Cohen, J. (2015). Efectos sociales del terrorismo. Crisis de refugiados y argumentaciones erróneas.

<sup>9</sup> Pete Burnap and Matthew L Williams, 'Us and Them: Identifying Cyber Hate on Twitter across Multiple Protected Characteristics,' 5(11) EPJ Data Science (2016), 1-15, 1.

<sup>10</sup> See for example European Parliament Resolution of 21 May 2013 on the EU Charter: standard setting for media freedom across the EU, §28, (2011/2246(INI)), B, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52013IP0203> (last accessed on 30 May 2017); Council of Europe, Committee of Ministers, Declaration on human rights and the rule of law in the Information Society, esp. I.1 and I.5, [http://www.coe.int/t/dgap/goodgovernance/Activities/Public\\_participation\\_internet\\_governance/Declaration-Information-Society/011\\_DeclarationFinal%20text\\_en.asp](http://www.coe.int/t/dgap/goodgovernance/Activities/Public_participation_internet_governance/Declaration-Information-Society/011_DeclarationFinal%20text_en.asp); Appendix to the Recommendation CM/Rec(2007)16 of the Committee of Ministers to member States on measures to promote the public service value of the Internet, 7 November 2007, I (Human Rights and democracy), [http://www.coe.int/t/dg1/legalcooperation/economiccrime/cybercrime/T-CY/T-CY\\_2008\\_CMrec0711\\_en.PDF](http://www.coe.int/t/dg1/legalcooperation/economiccrime/cybercrime/T-CY/T-CY_2008_CMrec0711_en.PDF) (URLs last accessed on 31 May 2017). For further development see Estelle De Marco *et al.*, MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, MANDOLA project (Monitoring ANd Detecting OnLine hAte speech) - GA noJUST/2014/RRAC/AG/HATE/6652, <http://mandola-project.eu/>, June 2017.

<sup>11</sup> On the basis of Article 1 of the ECHR. See for ex. ECTHR gr. ch., 17 February 2007, *Gorzelik and others v. Poland*, appl. n°44158/98, § 94, <http://hudoc.echr.coe.int/eng/?i=001-61637> (last accessed on 31 May 2017); MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, *op. cit.*, Section 3.2.

<sup>12</sup> See for ex. Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression in times of crisis, 26 September 2007, available in *Recommendations and declarations of the Committee of Ministers of the Council of Europe in the field of media and information society*, Strasbourg, 2016, p. 138, esp. p 140, n°13, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680645b44> (last accessed on 24 May 2017).

<sup>13</sup> Estelle De Marco *et al.*, MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, *op. cit.* Section 4.4.

This above-mentioned legal context takes place in a complex area where some given speeches are not illegal in every country<sup>14</sup>. For example, offensive hateful content meeting the definition of hate speech in the EU Framework Decision may be illegal in EU member states (if the Framework Decision is transposed into domestic law correctly), but may well be legal elsewhere. As a ‘crime’ simultaneously occurring in multiple jurisdictions, this signifies that the author could be located in a jurisdiction where the content reaches the threshold to incitement, but the content may be stored in a different jurisdiction where it is not illegal, such as the United States.<sup>15</sup> Furthermore, the onward dissemination of these ideas via a range of mechanisms (retweets, shares, mentions etc.), allows one ‘to speak in more than one place at a time.’<sup>16</sup>

As a consequence, a first difficulty when responding to potentially illegal hate is to establish jurisdiction (in order to determine applicable legal provisions and therefore to determine if the behaviour might be an illegal one), in addition to identify the author of the discourse and to prove the mental element of the crime (the intent to incite hatred). Due to the ‘geographic indeterminacy of the Internet,’ it would be ideal to tackle the issue at a supranational level through universally applicable laws and standards<sup>17</sup>, which is not a simple issue.

Indeed harmonisation is difficult since the determination of the borders between acceptable and non-acceptable speech is a complex balance between freedom of expression and the prohibition on incitement to hatred, and is mainly governed by morals of a given time at given place<sup>18</sup>, the definition of morals belonging to States sovereignty<sup>19</sup>. This explains why international and European instruments aiming at harmonisation have not been implemented in domestic legislations the same way<sup>20</sup>, and why some ‘Cyber-libertarians’ defend the ‘free flow of knowledge, ideas and information,’ against the legal and technological regulatory mechanisms that would monitor, or indeed remove, potentially offensive online content<sup>21</sup>. The position of these stakeholders might be acceptable or not, depending on the way the afore-mentioned

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<sup>14</sup> See Estelle De Marco et al., MANDOLA deliverable D2.1 - Intermediate report: Definition of illegal hatred and implications, 20 July 2016 (update February 2017); Estelle De Marco et al., MANDOLA deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017. Both deliverables are available at <http://mandola-project.eu/>.

<sup>15</sup> A commonly cited case illustrative of some of these jurisdictional issues occurred when a French court ruled that Yahoo! should restrict access to French users of Nazi memorabilia available through an online auction. By contrast, a US court ruled that such a take down in a US content would be contrary to First Amendment protections.

<sup>16</sup> Yahoo! Inc. v. La Ligue Contre Le Racisme et L’Antisemitisme, 169 F. Supp. 2d at 1192 (“The extent to which the United States, or any state, honours the judicial decrees of foreign nations is a matter of choice, governed by ‘the comity of nations’” (quoting Hilton v. Guyot, 159 U.S. 113, 163 [1895])).

<sup>17</sup> Banks, ‘Regulating Hate Speech Online,’ 234.

<sup>18</sup> Estelle De Marco et al., MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, op. cit. Section 4.3 especially Sub-section 4.3.3.1.2.

<sup>19</sup> See for example Denys Simon, *Constitution, souveraineté pénale, droit communautaire*, Cahiers du Conseil constitutionnel n°26 (Dossier : La Constitution et le droit pénal), août 2009, <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/nouveaux-cahiers-du-conseil/cahier-n-26/constitution-souverainete-penale-droit-communautaire.51489.html>.

<sup>20</sup> See Estelle De Marco et al., MANDOLA deliverable D2.1 - Intermediate report: Definition of illegal hatred and implications, 20 July 2016 (update February 2017); Estelle De Marco et al., MANDOLA deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017. Both deliverables are available at <http://mandola-project.eu/>.

<sup>21</sup> James Banks, ‘Regulating hate speech online, *International Review of Law*,’ 24(3) *Computers & Technology* (2010), 233-239, 233.

regulatory mechanisms are applied<sup>22</sup> and depending on the choice of the society where they operate on the means to be implemented to combat violence and discrimination<sup>23</sup>.

Domestic legislation often predates the advent of our online society. Linguistic nuances and country specific permutations and colloquialisms create difficulties for online investigations, but equally, identifying the author of the discourse, proving the mental element of the crime (the intent to incite hatred), and establishing jurisdiction are not straightforward with online hate speech. Indeed domestic legislations have today the means to combat online crime, the issue is international cooperation (and is another issue). In this context, the internet industry and social media companies have addressed the debate by introducing discretionary measures, such as Facebook's 'Community Standards' or Twitter's 'Abusive Behaviour Policy,' whereby offensive content that breaches their respective terms of service will be removed if detected. In addition, four major IT companies, Facebook, YouTube, Microsoft and Twitter, have signed up to a new Code of Conduct negotiated with the European Commission last year. These actions are however highly questionable in relation with the requirements to be respected when limiting rights and freedoms<sup>24</sup>, even if they highlight the necessity of a deep analysis on the way hateful content and discrimination could be addressed the best way, ideally as soon as possible in order to protect victims.

Beside these initiatives, many hotlines have been created in order to handle or redirect reports about hate speech, many of them being members of the INHOPE network or/and other networks including INACH. However, some countries still do not host such hotlines and do not, at the same time, have a structured response to hate speech or a method to handle complaints or reports about hate speech. For example, many members of the INHOPE network are from the area of children's rights and have no mandate to respond to hate speech except in-so-far as they affect children.

Taking into account all the context recalled in this introduction, the current report aims to profile current activities in Europe and perform Gap Analysis, while avoiding duplication or competing messages with a wide range of ongoing initiatives both funded and unfunded by the EC. In particular, this report will highlight best practice in the field of handling reports and, through the gap analysis, determine areas which MANDOLA will focus on.

## 1.1 Target Audience

This document is designed as a discussion document based on extensive research by the Mandola partners into the online hate speech in the countries of the Mandola Partners. The purpose is to understand the landscape of current initiatives across Europe and identify gaps for future research.

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<sup>22</sup> The free flow of idea and information is the principle, protected by several instruments including the European Convention on Human rights. Therefore regulatory mechanisms are only lawful where they respect the requirements for limiting freedom of expression: see Estelle De Marco *et al.*, MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, MANDOLA project, *op. cit.*, Section 4.3.

<sup>23</sup> On the opinion that combatting hatred rather demands education and adapted public policies, see for example Iginio Gagliardone, Danit Gal, Thiago Alves, Gabriela Martinez, Countering online hate speech, UNESCO, 2015, especially pp. 46 and s., <http://unesdoc.unesco.org/images/0023/002332/233231e.pdf>.

<sup>24</sup> See Estelle De Marco *et al.*, MANDOLA deliverable D2.2 - *Identification and analysis of the legal and ethical framework*, *op. cit.* ; Estelle De Marco *et al.*, MANDOLA deliverable D2.1 - Intermediate report: Definition of illegal hatred and implications, 20 July 2016 (update February 2017); Estelle De Marco *et al.*, MANDOLA deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017 (*op. cit.*).



## 2 Mandola Project Overview

MANDOLA (Monitoring ANd Detecting OnLine hAte speech) is a 24-months project co-funded by the Rights, Equality and Citizenship (REC) Programme of the European Commission. The project is fully operational from October 2015 until September 2017 with reduced support after those dates.

The project is led by the project coordinator FORTH (Foundation for Research and Technology – Hellas) in a consortium with Aconite Internet Solutions (Ireland), the International Cyber Investigation Training Academy (Bulgaria), Inthemis (France), the Autonomous University of Madrid (Spain), the University of Cyprus (Cyprus) and the University of Montpellier (France). Further, and up-to date-details are available on the project website on <http://www.mandola-project.eu>.

### 2.1 Mandola Objectives

MANDOLA aims at improving the public understanding of how on-line hate speech prevails and spreads. The project also aims at empowering ordinary citizens to monitor and report hate speech. MANDOLA's objectives are:

- to monitor the spread and penetration of on-line hate-related speech in EU member states using a big-data approach, while investigating the possibility to distinguish between the potentially illegal hate-related speech and non-illegal hate-related speech;
- to provide policy makers with information that can be used to promote policies for mitigating the spread of on-line hate speech;
- to provide ordinary citizens with useful tools that can help them deal with on-line hate speech irrespective of whether they are bystanders or victims;
- to transfer best practices among EU Member States.

The MANDOLA project addresses the two major difficulties in dealing with on-line hate speech: lack of reliable data and poor awareness on how to deal with the issue. Although in general on-line hate speech seems to be on the rise, it is not clear which member states seem to be suffering most. It is not even clear which kind of on-line hate speech (e.g. homophobia, Xenophobia, etc) is on the rise. Moreover, the available data generally do not easily distinguish between illegal hate content and harmful (but not illegal) hate content. The different legal systems in various member states make it difficult for ordinary people to make such a distinction. It is even more difficult for citizens to know how to deal with illegal hate content and to know how to behave when facing harmful but not illegal hate content. Without reliable data it is very difficult to make reliable decisions and push policies to the appropriate level.

### 2.2 Mandola Innovations

The project has two main innovative aspects. The first is the extensive use of IT and big data to study and report on-line hate, and the second is the research on the possibility to make clear

distinction between legal and not illegal content taking into account the variations between EU member states legislations.

MANDOLA is serving: (i) policy makers - who will have up-to-date on-line hate speech-related information that can be used to create enlightened policy in the field; (ii) ordinary citizens - who will have a better understanding of what on-line hate speech is and how it evolves, will be provided with information for recognizing legal and (illegal) on-line hate-speech and will know what to do when they encounter (illegal) on-line hate; and (iii) witnesses of on-line hate speech incidents - who will have the possibility to report hate speech anonymously.

### **2.3 Mandela Activities**

In order to achieve the set up objectives the project envisages several activities:

- An analysis of the legislation of illegal hate-speech at national, European, and international and national level is being conducted.
- The legal and ethical framework on privacy, personal data and protection of other fundamental rights is being identified and analysed in order to implement adequate safeguards during research and in the system to be developed.
- A monitoring dashboard is being developed. It will identify and visualize cases of on-line hate-related speech via social media (such as Twitter) and the Web (such as Google).
- A multi-lingual corpus of hate-related speech will be created based on the collected data. It will be used to define queries in order to identify Web pages that may contain hate-related speech and to filter the tweets during the pre-processing phase. The vocabulary will be developed with the support of social scientists and enhanced by the Hatebase (<http://www.hatebase.org/>).
- A reporting portal will be developed. It will allow Internet users to report potentially illegal hate-related speech material and criminal activities they have noticed on the Internet.
- A smart-phone application will be developed. It will allow anonymous reporting of potentially hate-related speech materials noticed on the Web and in social media.
- A Frequently Asked Questions document has been created and has been disseminated. The FAQ document will answer questions like: What is on-line hate speech? Which forms are legal and which - potentially illegal? What are Internet Service Providers doing? What can users do if they encounter a hateful video, blog, group in Facebook or similar networking site, receive a hate e-mail or come across a hate-related web site? What can they do if they become target of hate-related comments on-line? How to protect themselves and their children in social networks? The FAQ document will be disseminated via the project portal and the smart-phone app.
- A network of National Liaison Officers (NLOs) of the participating member states will be created. They will act as contact persons for their country and will exchange best practices and information. They will also support the project and its activities with legal and technical expertise when needed.

- Landscape and gap analysis. Some countries still do not have sufficient methods or structures to handle complaints or reports about hate speech. That is why a landscape of current responses to hate speech across Europe will be developed and Best Practices Guide for responding to on-line hate speech for Internet industry in Europe will be created and disseminated. A comprehensive survey among key stakeholders - major Internet Service Providers and Law Enforcement will be conducted. They will identify the key challenges and best practices in responding to hate speech transnationally.

### 3 Overview

Several forms of hate speech are illegal in the European Union (EU), but all Member States do not punish the exact same behaviours<sup>25</sup>. Other forms of speeches are strongly protected by the freedom of expression, which is widely ensured in Europe, as well as in many other jurisdictions around the world. The debate lies in the question to know what is or not legally permitted, in a given society, which is a very complex issue<sup>26</sup>. There are complex issues relating to democracy, legality and issues around ethics and morality which place limits on freedom of speech in order to prevent illegal hate speech. The Mandola project was created to identify internet tools to support responses against online hate speech

#### 3.1 Insights

##### 3.1.1 BULGARIA

Hate speech has become part of the curriculum of almost every Bulgarian institution. They have all demonstrated their clear position supporting the “zero tolerance for hate speech” policy. For example the efforts of the Commission for Protection against Discrimination should be noted. The Commission initiated the establishment of a working group consisting of representatives from public institutions and the development of unified national methodology for registering and collecting hate crime data by institutions combating hate crime. During the workgroup meetings a hate speech definition was developed to be used on policy level.

Civil society and academia are playing their role of catalysts for social changes and develop and implement numerous projects and campaigns. However the general situation is that the stakeholders are not fully aware of what each of them is doing in this area.

In 2015 the Council for Electronic Media and the Bulgarian Central Election Commission initiated the Agreement for non-using hate speech during the municipal elections campaign. The agreement was signed by political parties and parliamentarians, media representatives and NGOs. This initiative is a good example of how the united efforts could give more effective results and could be a starting point for developing an unified approach including all stakeholders.

##### 3.1.2 FRANCE

In February 2012, the French government has created an interministerial delegation for the combat against racism and antisemitism, which has been extended at the end of 2016 to LGBT hate (DILCRAH)<sup>27</sup>. At the end of 2014, in a context where xenophobic acts are increasing<sup>28</sup>, the

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<sup>25</sup> See the MANDOLA deliverables D2.1a - Intermediate report: Definition of illegal hatred and implications, 20 July 2016 (update February 2017), and D2.1 - Final report, Definition of illegal hatred and implications, July 2017. Both deliverables are available at <http://mandola-project.eu/>.

<sup>26</sup> See the MANDOLA deliverable D2.2 - Identification and analysis of the legal and ethical framework, June 2017, Section 4.3.3.

<sup>27</sup> Délégation Interministérielle à la Lutte Contre le Racisme, l'Antisémitisme et la Haine anti-LGBT (DILCRAH), <http://www.gouvernement.fr/dilcra-qui-sommes-nous> (URL last accessed on 21 June 2017).

<sup>28</sup> The increase is of 22% in 2015 compared to 2014 (DILCRAH, Bilan 2015 des actes racistes, antisémites et anti-musulmans, 21 January 2015, <http://www.gouvernement.fr/bilan-2015-des-actes-racistes-antisemites-et-anti-musulmans-3670>). This increase is however relative since it seems that there has been a decrease between 2009 and 2014, and that these new statistics are at the same level than those in 2009. In any case they are an issue, most of all since physical violence increases more than threats (on

French government has wished to give a “*new impulse to government’s policies relating to the combat against racism, antisemitism and xenophobia*”<sup>29</sup>. As a consequence, it has launched an action plan against racism and antisemitism 2015-2017, and, in 2016, a mobilisation plan against hate and discriminations targeting LGBT people.

Beside these actions, hate is the subject of several penal incriminations, two reporting mechanisms are in place, regular research is conducted and several associations are committed to assist victim and raise awareness about hate and the respect of fundamental rights.

### 3.1.3 GREECE

Over the past few years, Greece has demonstrated great interest and sensitiveness for the prevention of discrimination. Historically, Albanian migrants were the first victims of racist attacks 30 years ago in Greece. Migrants and refugees from Middle East, Pakistan, Afghanistan increased the racist behaviour from the side of Greek citizens. Moreover, the new wave of refugees and immigrants the last 2 years from Syria gave the motivation to the Greek Government and the national Law Enforcement Agencies to take initiatives for the hate crime and hate speech prevention. In 2014, the Ministry of Justice, Transparency and Human Rights transferred to the Greek legislation the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law. Furthermore, Greek NGOs, institutes or research centres have participated in many research projects for combating hate speech and/or hate crime as they are particularly explained in section 7.

### 3.1.4 IRELAND

Irish national broadsheets have shown an increasing interest in and reporting on ‘hate speech’ over the past 5 years<sup>30</sup> although the Irish tabloid and regional papers have not shown much interest in ‘hate speech’ as yet. The interest shown by broadsheets is primarily in international events and has a strong emphasis on events relating to the social media companies with bases in Ireland. Online bullying, a related concept to ‘hate speech’ is reported frequently as a matter of Irish interest. This review highlights the awareness of hate speech in Ireland and the impact of hate speech on Irish communities. It also differentiates between national press coverage and local/regional press coverage. The national press coverage also indicates the response of the parliament and legislature to the issues raised.

#### Broadsheets

There are three Irish owned daily broadsheets. All three give significant coverage to international events and developments in technology at an international level. Very often they are publishing data provided by agencies such as Reuters or AP. All give online access to their publications with ‘search’ functions available. While these search functions differ in their operation Table 1 gives an indication of development of interest in the topic of ‘hate speech’ in the Irish broadsheet publications over the last 5 years.†

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these two last issues see Maxime Vaudano, *Comment compte-t-on les actes antisémites et islamophobes ?*, 28 January 2015, Les décodeurs, Le Monde, [http://www.lemonde.fr/les-decodeurs/article/2015/01/28/comment-compte-t-on-les-actes-antisemites-et-islamophobes\\_4564415\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2015/01/28/comment-compte-t-on-les-actes-antisemites-et-islamophobes_4564415_4355770.html)). URLs last accessed on 21 June 2017.

<sup>29</sup> Translated from French: DILCRAH, Qui sommes-nous (Who we are), <http://www.gouvernement.fr/dilcra-qui-sommes-nous> (URL last accessed on 21 June 2017).

<sup>30</sup> While the returns to searches for ‘hate speech’ include other irrelevant items and the search function of each newspaper may function differently the overall trend suggests that there is increasing attention being paid to the phenomenon in the Irish broadsheet publications.

The Irish Times and the Irish Independent are both Dublin based. The Irish Times would have a greater readership in Dublin (66,000 nationwide daily), while the Independent would have a strong readership throughout the whole country (97,000 daily).

The Examiner is Cork based and its main sales would be in the Munster province (30,000 nationwide daily).

**Table 1: Hate Speech articles in Irish broadsheets**

Hate speech articles	5 years to 1.03.2017	Mar2015 – Feb2016	Mar2016 – Feb2017
Irish Times	229	35	73
Independent	n/a	114	157
Examiner	70	14	30

Examples of broadsheet headlines:

<i>“Facebook introduces measures to tackle fake news in Germany”</i>	Examiner 15.01.2017
<i>“Dutch politician Geert Wilders found guilty in hate speech trial”</i>	Examiner 9.12.2016
<i>“European Parliament to cut broadcasts over racism or hate speech”</i>	Independent 26.02.2017
<i>“Google launches tool to help curb online hate speech”</i>	Irish Times 23.02.2017
<i>“YouTube cancels series with PewDiePie over anti-Semitic remarks”</i>	Irish Times 14.02.2017

### Tabloids

There are 5 Irish daily tabloids. The Irish Daily Star (readership 51,000) and the Evening Herald (41,000) are both owned by the publishers of the Irish Independent and so have access to the same sources. The Daily Mirror (35,000), Daily Sun (58,000) and Daily Mail (42,000) are all Irish editions of U.K. publications.

**Table 2: Hate Speech articles in Irish Tabloids**

Irish Tabloid	5 years to 1.03.2017	1.03.2015 – 1.03.2106	1.03.2016 – 1.03.2017
Star	N/A	N/A	N/A
Herald	4	N/A	N/A
Mail	534	N/A	N/A
Sun	N/A	N/A	72
Mirror	N/A	N/A	N/A

In the Irish tabloids there is little available evidence of interest in ‘hate speech’, but this must be viewed within the fact that some have no ‘search’ functions available online and also may have very different categories for such articles. The Irish Daily Mail website is substantially that of its UK parent, which as a major international publisher has extensive reporting and archiving resources.

## Examples of Tabloid Headlines

<b><i>"Facebook's gore, nudity and drug rules leaked"</i></b>	Herald 22.02.2012
<b><i>"MAKE AMERICA HATE AGAIN"</i></b>	Irish Sun 14.02.2017
<b><i>"Are these Britain's most racist musicians? 'Jew Jew Train' among sick lyrics of extreme right-wing bands revealed in a hate report"</i></b>	Daily Mail 26.02.2017

**Regional Newspapers**

Most regions/counties of Ireland have a weekly newspaper which would concentrate on local issues. Some of these are owned by one of the larger Irish or UK publishing houses.

To give a flavour we examined three of these publications, one just outside Dublin, one in Donegal the northwest extreme of Ireland and one in Wexford, the southeast extreme. There were a limited number of articles on 'hate speech' in these publications so it is relevant to note how the publications addressed the related issue of racism.

**Table 3:**

<b>Articles on</b>	<b>Hate speech 2012 - 2017</b>	<b>Racism 2012 -2017</b>
North County Dublin	1	3
Donegal	5	20
Wexford	4	N/A

It is not surprising that given their locale centred attention these papers do not have much content on hate speech whereas with the growth of immigration in modern Ireland racism features somewhat significantly. But within the issue of racism there is no particular awareness of hate speech within the local papers.

**3.1.5 SPAIN**

Spain is a country where racism on the Internet is "*alarmingly increasing*" (as stated in European Commission Against Racism and Intolerance, 2011, p. 22<sup>31</sup>; via Ben-David & Matamoros-Fernandez, 2016, page 1168).

Over the last years, there has been an increase in research projects regarding hate speech; and in public initiatives from both Spanish Government and LEA regarding this phenomenon. For instance, there have been legislative changes in 2015, as well as the creation and implementation of a Police Protocol to deal with hate crime incidents, and improvements of the data gathering system. Spanish prosecutors and the Ministry of Interior are two of the most active agents in trying to adequate to the real impact and penetration of hate speech in society, by promoting initiatives and formative actions.

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<sup>31</sup> European Commission Against Intolerance (2011).

## 3.2 Key themes

### 3.2.1 BULGARIA

The underreporting of hate crime incidents and especially of hate crime online due to the low level of public understanding of human rights prevents us from declaring a reliable statistics of hate speech online cases. That puts us in the condition that although hate speech spread is obvious to all and that all politicians acknowledge the fact we can't support it with real data.

### 3.2.2 FRANCE

According to the French Minister of Interiors<sup>32</sup>, racist and anti-Semitic acts have decreased in France in 2016 (-44,69% - therefore 1125 acts compared to 2034 in 2015<sup>33</sup>), which is attributed to the 2015-2017 Action plan against racism and antisemitism 2015-2017 and the coordinated action of the government and of the interministerial delegation for the combat against racism, antisemitism and LGBT hate (DILCRAH). As a result, 182 acts against Muslims were identified (429 in 2015 - year where, on the opposite, statistics importantly increased) as well as 335 anti-Semitic acts (808 in 2015)<sup>34</sup>. 608 acts were racist acts not targeting Muslims or Jews (compared to 797 in 2015) <sup>35</sup>.

In parallel, according to the French National Consultative Commission of Human Rights (CNCDDH), there is an increased tolerance for all community groups, after a decreased stopped in 2014<sup>36</sup>. The analysis of the CNCDDH is that tolerance is less linked to facts (such as terrorist attacks) than to the context and to the way politicians and media talk about immigration and diversity. The liability of the latter in this area is therefore of particular importance<sup>37</sup>, and the Commission "is convinced that the fight against racism lies before everything on the deconstruction of prejudices and preconceived ideas" <sup>38</sup>.

### 3.2.3 GREECE

Unfortunately in Greece official statistical data for hate crime or hate speech were not found. Although it is very usual to encounter hate speech offline and online people are not keen on reporting those incidents. Usually, they do not even realize that they are victims of racist behaviour and do not know the ways of supporting their human rights. Moreover, they do not report the incidents to the police either because they do not feel that they are going to receive real protection from them or because they cannot afford the costs of litigation. Therefore, lots of hate crime or hate speech incidents remain underreporting.

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<sup>32</sup> Speech of Mr. Bruno Le Roux, minister of Interiors, on 1st February 2017 : Ministère de l'Intérieur, *Intervention du Ministre , Bilan statistique 2016 des actes racistes, antisémites, antimusulmans et antichrétiens*, 3 February 2017, <https://www.interieur.gouv.fr/Archives/Archives-ministre-de-l-interieur/Archives-Bruno-Le-Roux-decembre-2016-mars-2017/Interventions-du-ministre/Bilan-statistique-2016-des-actes-racistes-antisemites-antimusulmans-et-antichretiens> (last accessed on 21 June 2017).

<sup>33</sup> CNCDDH, Rapport sur la lutte contre le racisme, l'antisémitisme et la xénophobie, Année 2016, p. 11, [http://www.cncdh.fr/sites/default/files/les\\_essentiels\\_-\\_rapport\\_racisme\\_2016\\_1.pdf](http://www.cncdh.fr/sites/default/files/les_essentiels_-_rapport_racisme_2016_1.pdf) (last accessed on 22 June 2017).

<sup>34</sup> Speech of Mr. Bruno Le Roux, op. cit.; CNCDDH, Rapport sur la lutte contre le racisme, l'antisémitisme et la xénophobie,, op. cit. p. 12.

<sup>35</sup> CNCDDH, Rapport sur la lutte contre le racisme, l'antisémitisme et la xénophobie, op. cit. p. 12.

<sup>36</sup> Ibid., pp. 7 and 20.

<sup>37</sup> Ibid., p. 8.

<sup>38</sup> Ibid., p. 20.

### 3.2.4 IRELAND

#### Recurring focus on Social Media companies in Irish Broadsheets

Dublin is home to significant European headquarters and offices for social media companies and Microsoft. This presence is reflected in the number of 'hate speech' articles in the broadsheets related to these companies over the 12 months to March 1st 2017:

**Table 4: Articles on Social Media Companies in Irish broadsheets**

Paper	Facebook	Twitter	Google	Microsoft
Irish Times	17	5	10	3
Independent	10	3	2	1
Examiner	9	5	5	1

Two other characters feature prominently with respect to hate speech in the broadsheets, namely Geert Wilders and Donald Trump.

There is evidence of an awareness of hate speech as an international issue. However, there is little evidence of interest in it as an internal Irish issue or of reporting of instances of hate speech within Ireland.

#### Sample broadsheet headlines relating to Internet Social Media Companies

<i>"Germany to fine Facebook €500,000 for every fake or hate-filled post"</i>	Irish Times 17.12.2016
<i>"Facebook and Twitter promise to crack down on internet hate speech"</i>	Independent 1.06.16
<i>"Facebook to face multimillion-euro fine"</i>	Examiner 21.12.2016

#### Categories within Hate Speech

MANDOLA divides "hate speech" into 10 categories. Irish media can be examined in relation to reporting on these categories.

**Table 5: Number of articles in Irish broadsheet media on "hate speech" with reference to MANDOLA categories for the 12 month period ended 1.03.17**

Category	Irish Times	Independent	Examiner
<b>Ethnicity</b>	2	3	1
<b>Nationality</b>	1	2	1
<b>Sexual</b>	1	4	1
<b>Gender</b>	1	1	
<b>Politics</b>	15	9	6
<b>Sport</b>			
<b>Religious</b>	6	1	
<b>Disability</b>			
<b>Personal</b>	1		

Class	1		
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There is a widely held perception in Ireland that the Irish Times is the newspaper with the most extensive coverage of international news. Table 5 demonstrates this with the Irish Times having a significantly higher proportion of articles which refer to 'hate speech'. All of the Irish broadsheets studied when focussing on the term 'hate speech' almost exclusively rely on international events or speeches. In the 12 month period studied relevance to Ireland of such articles is almost exclusively within an international context, e.g. Facebook to be fined in Germany, or co-operation between police forces (which include Ireland's) to combat 'hate speech'.

### **3.2.5 SPAIN**

The volume of incidents of hate speech remains unknown. Civil society plays a crucial role in the fight against hate speech, since it has access and information from victims that do not report to authorities due to various reasons, but they do not feel that reluctant to seek the assistance and support of NGOs. Policy makers and LEA could benefit from increasing and improving the communication with these organisations, and by listening to the recommendations that these organisations can provide them with.

## **3.3 Gaps Identified**

### **3.3.1 BULGARIA**

The major problem identified by the Mandola researchers is the need of a common approach uniting all efforts from the stakeholders. The interaction among the different public institutions has been improved to some extent by establishing different inter institutional working groups and initiatives, but still the public institutions are not fully aware of what are civil society and academia doing.

The number of online hate speech criminal cases is still very low due to: 1) the misconception within the general public on what is legal and what is illegal hate speech which leads to underreporting. 2) the lack of knowledge on what is hate speech crime and how to investigate such cases among law enforcement and especially - among Regional Police Departments.

Although the civil society and academia are deeply engaged in the problem the larger part of the projects are based on implementing campaigns, but not on analysing the governmental policy, legal framework, investigation and procedure of hate crime. The awareness campaigns are effective for improving public understanding of the problem, but they should be supported by analytical and research projects in order to reach the decision makers, public institutions, the judiciary and law enforcement.

In terms of NGO and academia projects and initiatives - still not many attention is paid on intolerance and discrimination based on sexual orientation, gender, age, health (illnesses), disability, political beliefs.

### 3.3.2 CYPRUS

- Legislative measures that penalise ‘hate speech,’ on the grounds of sexual orientation or gender identity provide lower fines and punishment than of offences based in racism.
- NGOs in Cyprus, while occasionally consulted, do not have an active role in the development of State policies, and little action arises directly from their recommendations.
- LGBT organisations have not been treated as serious stakeholders in shaping Human Rights issues in particular with regard to sexual orientation and gender identity, as they have not yet been invited in any formal consultations by State authorities.
- No special guidance has been issued to public officials and state representatives on hate speech and discrimination on the grounds of sexual orientation or gender identity.
- Incidents of hate speech or discrimination by the police in the exercise of their duties still occur<sup>39</sup> despite the fact that special guidelines have been issued since 2013 for combating and tackling racist violence, xenophobia and discrimination by the police.
- The 2011 Law on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law has not been applied in any case so far.
- There is no known conviction where the court took into account homophobic, racist or xenophobic motivation during sentencing.
- Apart from Law 26 (III) 2004 which has implemented in Cyprus the Additional Protocole 189, there is no other special regulatory framework or code of conduct in relation to hate speech the internet.
- Lack of criminalisation of the public expression, which expresses an ideology which claims national or ethnic superiority.
- Underreporting has been recognised by institutions such as the Cyprus Ombudsperson and the European Commission as a major issue in the realm of both hate speech and hate crime.
- In Cyprus there are no statistics maintained on the number of cases related to discrimination brought to justice. There are no estimates of the number of discrimination cases brought to justice in any journals or textbooks.

### 3.3.3 FRANCE

It is difficult to identify gaps since this issue is partly subjective. Indeed, it takes part of a wider debate relating to the most efficient means to combat hate while strictly respecting fundamental freedoms and rights in a State governed by the rule of law.

However, an interesting “opinion on the combat against hate speech on the Internet”<sup>40</sup> has been issued on 12 February 2015 by the French National Consultative Commission of Human Rights

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<sup>39</sup> See: <http://tvonenews.com.cy/binteo-me-gynaika-astynomiko-poy-brizei-aisxra-metanasth>.

<sup>40</sup> CNCDH, Avis sur la lutte contre les discours de haine sur Internet, 12 February 2015, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432> and at

(CNCDDH)<sup>41</sup>. In this opinion, the CNCDDH considers that the increase of online hate speeches, which is fed by “*social tensions and the citizenship’ crisis*”<sup>42</sup>, “*challenges the efficiency of policies and of allocated means, and more generally, the efficiency of existing legal mechanisms, in particular of the repressive arsenal*”<sup>43</sup>. According to the CNCDDH, this situation commands to undertake a new situational review in order to determine new control strategies”<sup>44</sup>.

Regarding the definition of the issue, the CNCDDH “*believes that it is preferable to retain ‘hate speech’, even if there is of it no definition unanimously recognised. Such kind of speech must be considered as being a generic notion that enables to encompass all forms of expression that are objectively considered as being offensive and as encouraging disregard, even hostility or violence, toward ethnic groups, religious groups, women and more generally all minorities (gender, sexual orientation, etc.). This includes the apology of terrorism acts which is often oriented against particular categories of the population, and which threatens them severely. By virtue of its wide and operational character, such approach has the indisputable merit of moving closer to reality, in the extent that there is no uniformity of the hatred-related speech on the Internet, since the latter can be structural or conjectural*”<sup>45</sup>.

Recommendations of the CNCDDH are presented into four axes which are the following<sup>46</sup> (and which correspond to gaps that may be identified):

- To affirm the digital sovereignty of the State;
- To reinforce existing mechanisms in the area of the combat against hate speech on the Internet;
- To set up a reactive and innovative institution for web regulation, which could especially lead to diversify answers brought to online hate speech, keeping in mind that “*the involvement of a judge is necessary in order to order and to control the removal of an illicit content and the blocking of an Internet site, where these measures constitute severe interferences with the freedom of expression and to communicate*”.
- To adopt a national action plan on education and digital citizenship.

### 3.3.4 GREECE

The most important gap that we face in Greece with regard the racist behaviour is the lack of education. Society is not well educated to respect the equality, the human rights of others and to fight several forms of intolerance related to ethnicity, gender, sexuality, political views, religion, etc. Simultaneously, at the moment, even though there are reporting tools and mechanisms where victims can ask for support, it seems that people are not aware of them. Reporting systems and clear avenues to prosecution could undoubtedly empower the confidence between the society and the LEAs for the limitation of hate speech incidents.

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[http://www.cncdh.fr/sites/default/files/15.02.12\\_avis\\_lutte\\_discours\\_de\\_haine\\_internet\\_cncdh\\_0.pdf](http://www.cncdh.fr/sites/default/files/15.02.12_avis_lutte_discours_de_haine_internet_cncdh_0.pdf) (URLs last accessed on 21 June 2017).

<sup>41</sup> This Commission is an independent administrative Authority created in 1947 which has a mission of advice and proposal in the fields on Human Rights, Public liberties and humanitarian actions. See CNCDDH, Présentation, <http://www.cncdh.fr/fr/linstitution> (last accessed on 21 June 2017).

<sup>42</sup> Translated from French : CNCDDH, Avis sur la lutte contre les discours de haine sur Internet, 12 February 2015, op. cit. §1.

<sup>43</sup> *Ibid.*, §2.

<sup>44</sup> *Ibid.*, §2.

<sup>45</sup> *Ibid.*, §2.

<sup>46</sup> *Ibid.*, §5.

### 3.3.5 IRELAND

The one exception to the ‘internationalism’ of hate speech occurs in the related concept on ‘online bullying’ which almost always refers to bullying between teenagers in Ireland. One reason for this almost exclusive focus on this as an Irish phenomenon may be that Ireland has a significantly high proportion of its population in this age bracket and that all of the Irish newspapers devote a lot of space to educational matters. In addition, there have been a number of teenage suicides linked markedly to the phenomenon of online bullying. While all draw on international experience and the involvement of international social media companies they very strongly relate this issue to Irish teenagers.

**Table 6: Articles on ‘online bullying’ in Irish broadsheet newspapers**

Newspaper	Mar 2016 – Feb 2017
Irish Times	13
Independent	26
Examiner	16

Samples Irish Broadsheets Headlines related to ‘online bullying’

***“Taking control: Helping children when they are victims of bullying”*** Examiner 27.01.2017

***“Online attacks are ‘devastating’ for teens, inquest told”*** Independent 18.08.2016

***“More than one in 10 schoolchildren cyberbullied, research shows”*** Irish Times 5.02.2017

### 3.3.6 SPAIN

There are some gaps in Spain between different institutions and parts of society regarding hate speech. More collaboration and communication between different organisations and institutions is needed, both at national and international levels. Additionally, the dark figure of online hate speech remains unknown, and this poses several problems in the correct detection and analysis of the phenomenon. Victims lack confidence on the procedures regarding the investigation of hate speech incidents, and they tend to underestimate the importance of them reporting those incidents to authorities.

## 4 Landscape of Current Initiatives

### 4.1 Introduction

This section provides brief highlight of the methodology adopted in each country and the current landscape of hate-related initiatives taking place in the various countries which are represented in the Mandola consortium.

#### 4.1.1 Bulgaria

Hate speech is not a new phenomenon in Bulgaria. It has always existed in Bulgarian society and revealing in periods of social suspense arisen by political, economic and social changes. According to the analysts the Roma are most frequently reported to be victims of hate speech, followed by Muslims, Turks, gay people and foreigners<sup>47</sup>.

Current analysis reviews the initiatives of all stakeholders including government and public institutions, law enforcement, academia and civil society not pretending to be exhaustive. The analysis is based on research of the publicly available documents, on interviews conducted face-to-face, through e-mail or by phone with different experts, representatives of the public institutions, law enforcement, NGOs and academia.

#### 4.1.2 CYPRUS

The Republic of Cyprus became an independent sovereign state in 1960. The Constitution of Cyprus was ratified on August 16, 1960 and serves the framework for the Cypriot Government. It is the first and only constitution to date.<sup>48</sup>

The Cypriot Constitution ensures the protection of fundamental rights and freedoms which correspond to the rights and freedoms set out in the European Convention.

Cyprus became a full member of the European Union on 1 May 2004, and as such is subject to EU laws and regulations.

In order to meet these requirements, Cyprus amended its Constitution in 2006 to secure the supremacy of the EU acquis in the Cypriot domestic legal order.<sup>49</sup>

Cyprus has ratified most European and United Nations Conventions relating to discrimination. These include, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, the Council of Europe Convention on Cybercrime and its Additional Protocol 189 on criminalization of acts of a racist and xenophobic nature committed through computer systems.<sup>50</sup>

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<sup>47</sup>Public Attitudes Towards Hate Speech in Bulgaria project (in English):

[http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact\\_final.pdf](http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact_final.pdf)

<sup>48</sup>[http://ec.europa.eu/justice/discrimination/files/ad\\_2015\\_country\\_reports/2016-cy-country\\_report\\_nd\\_final\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/ad_2015_country_reports/2016-cy-country_report_nd_final_en.pdf)

<sup>49</sup> *elsa the european Law students Association*

<sup>50</sup> <http://www.un.org/esa/coordination/Cyprus>

The legislation provision of 2011, approved in Cyprus, included the implementation of the Council Framework Decision 2008/913 on combatting certain forms and expressions of racism and xenophobia by means of criminal law (2011), Law 134 (I)/2011. Article 3(1) of this Act stipulates that any person who deliberately transmits in public and publicly incites, in any way, violence or hatred against a group of people or a member of a group, which is determined on the basis of race, colour, religion, genealogical origin, national or ethnic origin, in such a way to cause public disorder, or that has a threatening, abusive, or offensive character, is liable of up to five years of imprisonment and/or a fine of up to ten thousand Euros (10,000), or both in case of a conviction<sup>51</sup>.

In 2015, the Cyprus Criminal Code was amended to incorporate the grounds of sexual orientation and gender identity as protected grounds within the realm of hate speech. Specifically, the Criminal Code punishes public incitement to hatred or violence against any group of persons, or a member of a group, based on their sexual orientation or gender identity.<sup>52</sup> Nonetheless, it provides for a lower punishment for such an offence, namely three years' imprisonment and/or a fine of up to five thousand Euros. Additionally, in November 2015, a Law on Civil Partnerships allowing registered same-sex partnerships was approved.<sup>53</sup>

The European Commission against Racism and Intolerance (ECRI) underlined that the provisions in the Criminal Code set significantly lower penalties than for racially motivated hate speech, thus creating different standards for racist hate speech and homo/transphobic hate speech<sup>54</sup>.

To date, State bodies have not collected data relating to discrimination and/or violations on the grounds of sexual orientation or gender identity. Corresponding information from non-governmental organisations (NGOs), while acknowledged as relevant, has not been thoroughly studied by the authorities, and is still not mainstreamed enough to be utilised and incorporated into State policy.<sup>55</sup>

A legal reform proposal was put forward by the Cyprus Radio and Television Authority to amend the current media laws and include specific provisions safeguarding respect for sexual orientation and gender identity.<sup>56</sup> Furthermore, there is a pending law reform which enables law enforcement authorities to ask from Internet service providers to block the access to Internet sites which incite or distribute hate speech.

Hate speech has unfortunately a strong presence in the Cypriot society and it targets vulnerable groups (migrants, LGBT persons, women, Turkish Cypriots, Muslims). A repercussion of the financial crisis and the economic instability, the arrival of refugees and the terrorist attacks which has led to Islamophobia in Cyprus, as well as in Europe, over the past few years is a

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<sup>51</sup> Article 3(1)

<sup>52</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf>

<sup>53</sup> Union Law of 2015 (184(I)/2015)

<sup>54</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf>

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[http://www.cyfamplan.org/famplan/userfiles/documents/Cyprus\\_Monitoring\\_implementation\\_of\\_the\\_CoE\\_Recommendation\\_20\\_12.pdf](http://www.cyfamplan.org/famplan/userfiles/documents/Cyprus_Monitoring_implementation_of_the_CoE_Recommendation_20_12.pdf)

<sup>56</sup> <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf> (34)

growing amount of hate speech on the internet and general social media, such as Twitter and Facebook.<sup>57</sup>

Public figures, including politicians, employ hate speech often in their public statements<sup>58</sup> and the mainstream media make regular use of hate speech, especially against migrants and refugees.<sup>59</sup>

Homophobic speech by public figures in past years, which have also received attention and criticism by civil society and the media, have gone largely undetected and without comment by the State itself. The only exception was the National Human Rights Institution (NHRI), which is operated by the Commissioner of Administration (Ombudsperson) who, following complaints, has issued a report calling for legal measures to regulate hate speech (2012).<sup>60</sup>

Migrants, particularly Muslims, are frequently presented in the media in a negative light and associated with problems such as rising unemployment and criminality. The media has also been described as virulently homophobic.<sup>61</sup>

Racist statements in the public sphere continue to be a common phenomenon. The Orthodox Church of Cyprus has taken a clear anti-LGBT stance on various occasions.<sup>62</sup>

Few NGOs are active in the non-discrimination field. There are no NGOs for the rights of the Turkish Cypriots or the Roma and few NGOs for the rights of migrants and asylum seekers. By far the most organised are the disability NGOs, whose lobbying actions are coordinated by a national confederation, which in 2006 was afforded the status of a social partner. However, in practice the confederation is being afforded little role in processes, which are of key significance to it, such as the drafting and implementation of a 2009 law on quotas in employment and the implementation of the UN Convention on the Rights of Persons with Disabilities. The first formal LGBT organisation in Cyprus, accept-LGBT Cyprus, was registered as an NGO in September 2011.

A number of extreme right groups appeared in recent years with a strong anti-immigrant discourse and regular implication in racial crime. One of these groups, ELAM was registered as a political party has for the past few years been contesting elections and winning a few thousand votes.<sup>63</sup>

### 4.1.3 France

In parallel of the creation of an inter-ministerial delegation for the combat against racism, antisemitism and LGBT hate (DILCRAH), of an action plan against racism and antisemitism 2015-2017 launched at the end of 2014 and of a mobilisation plan against hate and

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<sup>57</sup> L Savvides, F Osum, F Deniz Pasha with the support of KISA-Action for Equality, Support, Antiracism, Racism and related discriminatory practices in Cyprus. ENAR publication

<sup>58</sup> Demetriou, C 2014:5 ELSA the European Law students Association Cyprus Report

<sup>59</sup> <http://cms.horus.be/files/99935/MediaArchive/Racist%20Violence%20Cyprus%20-%20online.pdf>

<sup>60</sup> [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/0/2052D5EE6C46A460C2257E9A00322A5B/\\$file/%CE%9F%CE%BC%CE%B9%CE%BB%CE%AF%CE%B1%20Public%20Discourse%20LGBT%207.6.2013.pdf](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/0/2052D5EE6C46A460C2257E9A00322A5B/$file/%CE%9F%CE%BC%CE%B9%CE%BB%CE%AF%CE%B1%20Public%20Discourse%20LGBT%207.6.2013.pdf)

<sup>61</sup> Danish Institute for Human Rights 2009

<sup>62</sup> <http://in-cyprus.com/lgbti-group-call-for-legal-action-against-archbishop/>

<sup>63</sup> [http://ec.europa.eu/justice/discrimination/files/ad\\_2015\\_country\\_reports/2016-cy-country\\_report\\_nd\\_final\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/ad_2015_country_reports/2016-cy-country_report_nd_final_en.pdf)

discriminations targeting LGBT people introduced in 2016<sup>64</sup>, several other initiatives include the reinforcement of penal sanctions in case certain types of hate actions are committed, ongoing research in order to enhance the combat against freedoms' violations and the relay, by the Ministry for Youth, Education and Sports<sup>65</sup>, of the Council of Europe movement against hate speech<sup>66</sup>.

#### **4.1.4 Greece**

There is no doubt that hate speech nowadays can easily be shared and distributed with the use of online new technologies. Internet users hidden by the anonymity usually express freely their opinion through social media, blogs and forums about others without realizing that this expression may be characterized as illegal according to the law (national and/or European). Despite the fact that we have not enough official statistics or the numbers seem not to be very high about the phenomenon, Greece has started to participate in initiatives for tackling hate crime and hate speech with several ways.

SafeLine ([www.safeline.gr](http://www.safeline.gr)) is the Greek Hotline against illegal internet content, operates since April 2003 and accepts reports for online hate speech content. It is worth noting that after the signing of the Code of Conduct on countering illegal hate speech online between the IT companies of Facebook, Youtube, Twitter and Microsoft and European Commission, 2 exercises for monitoring online hate speech have been organized. SafeLine has taken part in the second exercise of monitoring online hate speech for the duration of 6 weeks. Through this process, SafeLine has been recognized by the above IT Companies as "Trusted Flagger" or "Trusted reporter". This is a very positive progress for Greece since reports of online hate speech that were held in the above sites can be removed/deleted in less than 24 hours.

Greece is also a member of the no hate speech movement of the Council of Europe for human rights and has partners in several other projects that aim at combating online hate speech as they are more explained in the section 7. In section 6 other initiatives related to legislation and Law Enforcement Agencies are going to be extensively presented.

Statistics from Greece related to online hate speech incidents can be found in the following table.

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<sup>64</sup> See Section 3.1 of the current report.

<sup>65</sup> <http://mic.jeunesse.gouv.fr/no-hate-presentation/mouvement-contre-le-discours-de-haine/> (last accessed on 21 June 2017).

<sup>66</sup> <http://www.coe.int/fr/web/no-hate-campaign/publications-and-education-resources> (last accessed on 21 June 2017).

SELECT YEAR &gt; 2015

## Official country information

TABLE CHART

Year	Hate crimes recorded by police	Prosecuted	Sentenced
2015 <sup>i</sup>	60	27	4
2014 <sup>i</sup>	71	29	5
2013	109	9	0
2012	1	1	Not available
2011	Not available	Not available	1
2010	2	Not available	Not available
2009	2	2	Not available

The total number of reports for the year 2015 included incidents related to hate speech and unlawful discrimination<sup>67</sup>.

Another source of having statistics is the Help-Line (<http://www.help-line.gr/>), member of the Greek Safer Internet Center that provides psychological support especially to minors, victims of harmful or illegal behaviour or activity on the internet. The Help-Line usually receives calls from victims of cyber bullying and this type of abuse is usually expressed by hate speech against a specific child or a group of children. In 2015 the Help-line received 341 reports for cyber bullying, while this number for the year 2016 was 207.

#### 4.1.5 Ireland

A recent publication by the Law Reform Commission in Ireland titled, Harmful Communications and Digital Safety, summarises this as a 'tendency for some online and digital users to engage in communications that cause significant harm to others.'<sup>68</sup> Language in this sphere is loose and terminology is often used interchangeably, such as: cyberhate, harmful speech, or online hate etc.

The second international human rights treaty, the International Convention on the Elimination of Racial Discrimination, prohibits the 'dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.'<sup>69</sup> This definition, along with the more recent prohibition set out by the EU Council Framework Decision, which calls on member states to adopt a common criminal approach to '*publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin,*' will be taken as the focus of enquiry for

<sup>67</sup> OSCE ODIHR HATE CRIME REPORTING, available at <http://hatecrime.osce.org/greece>

<sup>68</sup> Law Reform Commission, Harmful Communications and Digital Safety (2016), para. 2.

<sup>69</sup> UN International Convention on the Elimination of Racial Discrimination, Article 4(a), ICERD entered into force in 1969 and currently has 178 state parties.

the mapping exercise in the Irish context.<sup>70</sup> One disadvantage to this approach is that it excludes from the purview incitement to hatred directed at other frequently targeted groups, such as social or political groups, women, individuals with disabilities, and the LGBT community.<sup>71</sup>

The Irish section of this landscape analysis will survey the situation with respect to industry stakeholders of relevance to the Irish context. This report provides a synopsis of the legal context relevant to Ireland, followed by an examination of the pertinent governance and enforcement issues stemming from this regulatory framework. The inquiry will explore civil society, NGO activism and media responses in this sphere and review academic research and publications and initiatives in Ireland.

#### 4.1.6 Spain

Regarding migration waves, Spain has played a crucial role. Over the last decade, there seems to have been a decrease in the Spanish identity sentiment, and the European identity sentiment has only suffered from a small increase<sup>72</sup>. This may have contributed to the development of globalization, in which Spanish population tends to be more individualist and cosmopolitan, much more in cities than in rural places. Moreover, the fact that Spain is a country with a high level of immigration contributes to the social, ethnic and religious diversity characteristic of the Spanish society. More specifically, Spain became the European country with the highest number of immigrant population in 2014, followed by Germany, United Kingdom, France and Poland<sup>73</sup>. It should also be noted that in that same year (2014), Spain was the European country that registered the highest number of foreign population that obtained the Spanish nationality (a 23% of the total in the EU-28). It was followed in number of nationality acquisition by Italy, United Kingdom, Germany and France. In the year 2015, Spain was the tenth country hosting the largest number of international migrants; and the third European one, behind Germany and France. Between 2000 to 2010, Spain and Italy became major destinations for international migrants originating from Eastern Europe, specifically Romanian population<sup>74</sup>. It should come as no surprise that Romanian, and Morocco, are the countries from which the majority of Spanish foreign residents come from<sup>75</sup>. Latin American populations, such as Colombians and Ecuadorians, are also large minorities that have established in Spain over the last years.

Nowadays, immigrants accounts for the 13% of the total Spanish population. Unlike what has been observed in other European countries, the integration of all these different cultures and diversity in the Spanish society has not been yet followed by social conflicts or xenophobic movements<sup>76</sup>.

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<sup>70</sup> EU Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, Article 8(a).

<sup>71</sup> Whilst incitement to hatred towards individuals on the basis of sexual orientation is prohibited in Irish law, it is beyond the scope of the current study. There is a good deal of activism in this area, including publications and reports by the Gay and Lesbian Equality Network, as well as the 'Stop LGBT Hate Crime' reporting feature on their website, accessible here: <http://www.glen.ie/stop-lgbt-hate-crime.aspx>.

<sup>72</sup> Gonzalez-Enriquez, C. (2016). El declive de la identidad española.

<sup>73</sup> [http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics/es](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/es)

<sup>74</sup> United Nations (2016). International Migration Report 2015

<sup>75</sup> <http://www.ine.es/prensa/np980.pdf>

<sup>76</sup> Gonzalez-Enriquez, C. (2016). Highs and lows of immigrant integration in Spain

Nevertheless, hate crimes and hate speech seem to have experienced a relative increase over the last years, especially in social media platforms (such as Twitter or Facebook). A great proliferation of extremist hate speech messages is taking place in various numbers of European countries, and this trend has often been linked to the current refugee crisis that Europe is experiencing<sup>77</sup>. After the terrorist attacks that took place in various European cities (Paris, Brussels, and Nice), the hashtag *#matadatodoslosmusulmanes* (*#killallmuslims*) became the third most used hashtag in Spain<sup>78</sup>.

In the year 2015, only 117 incidents of hate speech were reported to Law Enforcement Agencies in Spain<sup>79</sup>, grouped together as follows:

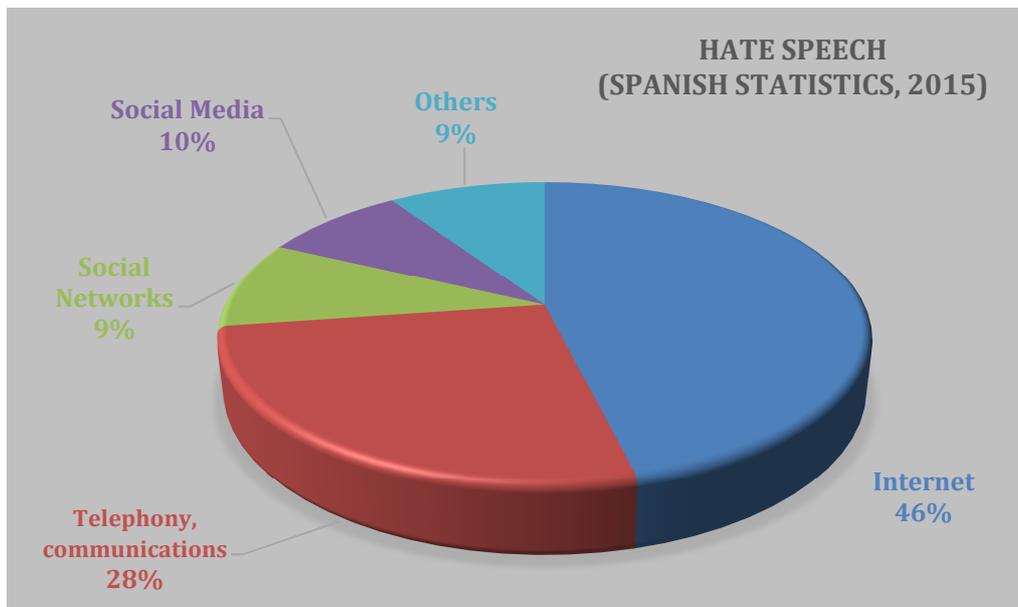
MOTIVATION	Nº REPORTED INCIDENTS	CATEGORIZATION	Nº REPORTED INCIDENTS
Antisemitism	4	Slander	37
Aporophobia	1	Threats	29
Religion	7	Threats to religious groups	6
Disability	14	Vexation	6
Sexuality	15	Degrading Treatment	5
Racism/Xenophobia	16	Others	34
Ideology	56	<b>Total</b>	<b>117</b>
Gender	4		
<b>Total</b>	<b>117</b>		

There are different channels by which those aforementioned reported hate speech incidents occurred: Internet (46.2%), telephony and communications (26.5%), social networks (9.4%), social media (8.5%), and others (9.4%).

<sup>77</sup> Isasi & García Juanatey (2017). Hate Speech in Social Media: A state-of-the-art review

<sup>78</sup> Jubany, O., Roiha, M., La Ligue de l'enseignement, F., & ROTA, U. (2016) Backgrounds, Experiences and Responses to Online Hate Speech: A Comparative Cross-Country Analysis.

<sup>79</sup> Gabinete de Coordinación y Estudios, Secretaria de Estado, Ministerio del Interior (2015). Informe sobre incidentes relacionados con los delitos de odio en España



The majority of hate speech victims are Spanish men (60%), between 18 and 40 years old. It should be noted that more than 13% of the victims are minors. A recent study featuring cyberbullying among youngsters and adolescents<sup>80</sup>, found out that more than 70% of the victims of cyberbullying were women.

According to data from territorial Prosecutors' Offices, the main motives behind hate speech are related to racism or xenophobia, ideological or political motives, and sexual identity motives. There seems to be a progressive increase in the number of reporting incidents and those committed due to religious reasons, specifically, islamophobia. The most common cases of racism and xenophobia are related to Roma population and population from a Muslim origin, which may constitute a mix between religious and racist motivations, but also towards people who are identified as foreigners.

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<sup>80</sup> Fundación ANAR (2016). I Estudio sobre Ciberbullying según los afectados

## 5 Government & Public Institutions

### 5.1 INTRODUCTION

#### 5.1.1 Overview

##### OSCE

Under the first, the Organisation for Security and Co-operation in Europe (OSCE), member countries participate on an equal footing with 56 other member states in political decision-making by consensus. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) has a particular strand of work entirely dedicated to countering hate crime across the 57 member states. Although not specifying the percentage of hate speech occurring under the hate crime umbrella, the ODIHR records statistics from all member states, including Ireland.

By contrast, membership of the Council of Europe and the European Union, impose legal obligations on Ireland within these communities of states. This means that discrepancies between the transposition, interpretation and enforcement of EU or Council of Europe norms and standards domestically could lead to censure, adverse legal findings, and associated financial penalties.<sup>81</sup>

##### Council of Europe

Member countries of the 47 member states of the Council of Europe are bound by several CoE treaties, including the European Convention on Human Rights, and the Framework Convention for the Protection of National Minorities. The Committee of Ministers for the Council of Europe has stated that 'the term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.'<sup>82</sup> The European Convention on Human Rights does not explicitly condemn hate speech, but it does enshrine freedom of expression in Article 10. Freedom of expression may be restricted as long as this is explicitly prescribed by law, and necessary 'in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.'<sup>83</sup> Certainly restricting hate speech expression would pursue a legitimate aim in a democratic society, and speech that fundamentally undermines the values of the Convention (Article 17) is not protected expression, as the case law of the European Court of Human Rights demonstrates.<sup>84</sup> Usually in cases where individuals or companies attempt to

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<sup>81</sup> In the European Court of Human Rights in Strasbourg, or the Court of Justice of the European Union in Luxembourg.

<sup>82</sup> From the CoE website: <http://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-explanatory-memo> accessed 31 March 2017.

<sup>83</sup> European Convention on Human Rights, Article 10, para. 2.

<sup>84</sup> <http://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-explanatory-memo> accessed 31 March 2017. See also, *Gündüz v. Turkey*, no. 35071/97, § 41, ECHR 2003-XI.

invoke freedom of expression, the Court is obliged to balance this against the right to privacy (Article 8).<sup>85</sup> If hate speech is at issue, the applicant will not be able to exercise his or her freedom of expression.<sup>86</sup>

## European Union

EU law is a rich tapestry of regulations and directives that are legally binding on all EU member states. At EU level, a suite of equality and social rights have developed due to the practices of member states, as well as the jurisprudence of the Court of Justice of the European Union. Many of these rights, such as equality before the law, and non-discrimination on an exhaustive list of grounds, are contained in the European Charter of Fundamental Rights, which came into force with the Lisbon Treaty in 2009.

## 5.2 BULGARIA

### 5.2.1 Overview

Prevention and combating hate speech and in particular online hate speech is part of the activities of public institutions representing all powers in Bulgaria - legislative, executive and judicial. All of them participate to different extent in the development and implementation of strategies, policies, legal frameworks, in a variety of proactive and reactive activities; cooperation among different stakeholders on national, European and international level activities; exchange of best practices and models, etc. Although the number of engaged in the problem authorities is big and the interaction among the different public institutions has been improved to some extent, by establishing different inter institutional working groups and initiatives, still the public institutions are not fully aware of what other stakeholders as civil society and academia are doing.

### 5.2.2 Active Agencies/ Legislative Plans

Below is a list of stakeholders (of course, not exhaustive), engaged in hate speech online:

- National Assembly of the Republic of Bulgaria
- President of the Republic of Bulgaria
- Council of Ministers and the National Council for Cooperation on Ethnic and Integration Issues
- Ministry of Justice
- Ministry of Foreign Affairs and National Coordination Mechanism on Human Rights

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<sup>85</sup> Anne Weber, Manual on Hate Speech, Council of Europe publication (2009), specifies that 'where the right to freedom of expression is being balanced with the right to respect for private life, the relevant criteria in the balancing exercise include the following elements: contribution to a debate of general interest, how well the person concerned is, the subject of the report, the prior conduct of the person concerned, the method of obtaining the information and its veracity, the content, form and consequences of the publication, and the severity of the sanction imposed,' p. 2.

<sup>86</sup> Delfi AS v. Estonia [GC], no. 64569/09, 16 June 2015; in this case the Court found in favour of Estonia that the Delfi online news portal was liable for third party hate speech posted in comments to an article it published. See also, Ahmet Yıldırım v. Turkey, no. 3111/10, § 48, ECHR 2012, and Times Newspapers Ltd (nos. 1 and 2) v. the United Kingdom, nos. 3002/03 and 23676/03, § 27, ECHR 2009. Tierbefreier e.V. v. Germany, no. 45192/09, § 56, 16 January 2014, no violation of Article 10; De Lesquen du Plessis-Casso v. France (no. 2), no. 34400/10, § 35, 30 January 2014, no violation of Article 10; Alekhina and Others v. Russia, no. 38004/12, communicated to the respondent State.

- Ministry of Interior
- Ministry of Education and Science
- Ministry of Youth and Sports
- State Agency for Child Protection
- Commission for Protection against Discrimination
- Council for Electronic Media
- Ombudsman

### **5.2.3 Activities & initiatives**

- The National Assembly, as a legislative body is in charge of all legal framework activities, incl. online hate speech. However some parliamentarians are blamed for using hate speech, especially during the elections' periods.
- The President and its administration participate in all working groups and inter institutional initiatives in the field of hate speech.
- The National Council for Cooperation on Ethnic and Integration Issues is a coordination and consultative body to the Council of Ministers, supporting the development and implementation of the state policy on ethnic and integration issues.
- Ministry of Justice is the state body engaged in writing and development of new laws and policies for the judiciary. One of its latest achievements was the initiation of the law amending the Bulgarian Criminal Code (published in State newspaper, issue 74, 26.09.2015) in which was included an amendment to the article 164, paragraph 1 and to the text: "An individual who propagates hatred on a religious basis by speech, through the press or another mass media devices, through electronic information systems or by the use of another means" was added: "who propagates discrimination and violence". The Ministry of Justice developed a law on European Protection Order (published in State Newspaper, issue 41, 5.06.2015) and created a legal framework for enforcing an European Protection Order (in relation to the Directive 2011/99/EU). The law supports all victims of crime. In relation to the European Protection Order were made amendments to the Bulgarian Criminal Code (article 296, paragraph 1) and to the Criminal Procedure Code and the supervision measures were broadened. These amendments guarantee greater level of protection for the victims of crime, including hate speech crime.
- The Ministry of Foreign Affairs, as part of its initiatives, established in 2013 a National Coordination Mechanism on Human Rights.
- The Ministry of Interior is the body engaged in development of state policy on internal affairs. The Ministry is managing different law enforcement agencies, activities of which are included in the section Law enforcement.
- The Ministry of Education and Science is the state body engaged in development of policies and laws in the field of education and science and as such it participates in several activities in the field of hate speech like No Hate Speech campaign and in development of new teaching curriculum reflecting the problem.

- The Ministry of Youth and Sports is the state body engaged in conducting the state policy in the field of youth activities. The Ministry was the one engaged in No Hate Speech Campaign (see below).
- State Agency for Child Protection to the Council of Ministers is engaged in management, coordination and control of state policy for child protection.
- The Commission for Protection from Discrimination (CPD) is an independent specialised state body for prevention of discrimination, protection from discrimination and providing equal possibilities. The Commission exercises control over the implementation and observance of the law of protection from discrimination or other laws settling the equality of treatment. The Commission issues legally binding decisions and imposes compulsory administrative measures – mandatory instructions for termination and prevention of discrimination or for restoration of the initial situation. CPD also monitors their implementation. The Commission also acts as a national contact point on hate crimes with the Organization for Security and Cooperation in Europe. In this capacity, the Commission annually collects data on hate crimes from the Supreme Judicial Council, Supreme Prosecution Office of Cassation, Supreme Court of Cassation, Ministry of Interior, National Statistical Institute, etc. as instructed by the Office for Democratic Institutions and Human Rights (ODIHR). The Commission initiated the development of unified national methodology for registering and collecting hate crime data by institutions combating hate crime. It also initiated the development of a definition of hate crime on political level.
- Council for Electronic Media is an independent specialised state body for TV and radio activities regulation. The Council is the body that issues licenses and supervises the TV and radio operator activities. The Council was the public body that together with the Bulgarian Central Election Commission initiated an Agreement for non-using hate speech during the municipal elections campaign in 2015. The agreement was signed by political parties and parliamentarians, media representatives and NGOs.
- The Ombudsman is appointed by the National Assembly to represent the interests of the public and to defend the human rights.

#### **5.2.4 Success Cases & Challenges**

##### ***Success Cases:***

- In 2013 the Ministry of Youth and Sports in partnership with the National Center European Youth Programs and Initiatives (a structure assigned to the Ministry of Youth and Sport to work on projects from the EU program „Youth in Action”, and to sort and process information regarding other international and European youth projects in the period 2007-2014) and other institutions and non-governmental organizations launched the campaign “No hate speech”. The campaign was focused on combating racism and discrimination, revealed as online hate speech. The campaign targeted young people (13 - 30 years old) and aimed to improve their knowledge and understanding of human rights and how to combat racism, xenophobia, aggression and detect online hate speech. As part the project Young People Combating Hate Speech Online (2012 - 2015) of the Council of Europe in Bulgaria was established the No Hate Speech Movement. A national Committee, including representatives of the Ministry of Youth and Sports, Ministry of Education and Science, State Agency for Child Protection, Commission for Protection against Discrimination, National Center “European

Youth Programs and Initiatives”, Open Society Institute, National Youth Forum, etc. has been established in order to coordinate the activities and events of the campaign. A petition was for proclaiming the 22nd of July as an International day of victims of hate speech was initiated.

- The Commission for Protection against Discrimination initiated and conducted two working meetings. The first one was held on April 16, 2015 with the aim to develop an unified hate crime registration and reporting system. Nine representatives from different institutions (the President administration, Ministry of Interior, Ministry of Justice, Supreme Court of Cassation, Supreme Prosecutor’s Office of Cassation, Supreme Judicial Council, National Statistical Institute, National Institute of Justice, the Office for Democratic Institutions and Human Rights, etc.) participated in it. During the second working meeting a political definition of hate speech crime was developed which would be used by the public institutions in the monitoring process. The developed definition is: “Hate speech is a crime conducted on a basis of race, skin colour, nationality, ethnicity, gender, sexual orientation, religion, political persuasions, personal or social status, health status or age.”
- Decision 138/25.03.2015 of the Commission for Protection against Discrimination. On 3.10.2013 on the website [dnes.bg](http://dnes.bg) information was published about a press conference given by several citizens from the Roma ethnic group who had expressed their solidarity with the Syrian refugees. According to the notification to the Commission, in the discussion forum associated with the published information, comments were made that increased fear and hate among Bulgarians against Roma. The decision of the Commission was that the inaction of Investor.bg (the owner of [dnes.bg](http://dnes.bg)) to remove the comments following the news “Our Roma Are Solider to the Syrian Refugees” <http://www.dnes.bg/obshtestvo/2013/10/03romite-ni-solidarni-sys-siriiskite-bejanci.201470> is discrimination in a form of harassment under the Law on Protection against Discrimination. The Commission imposed a fine of 500 leva to Investor.bg. It also prescribes to Investor.bg to implement permanent forum moderation on [dnes.bg](http://dnes.bg) within 30-days.

### **Challenges:**

The major problem is the need of unique approach uniting all stakeholders efforts. The interaction among the different public institutions has been improved to some extent by establishing different inter institutional working groups and initiatives, but still the public institutions are not fully aware of what are civil society and academia doing.

There are some specific challenges and problems the Commission for Protection against the Discrimination is facing in relation to its investigation activities: 1) Difficulty to define the person who has committed the discriminative activity by the IP address; 2) Difficulty of collecting electronic evidences, especially in cases the hate speech comments have been deleted during the investigation process and 3) Difficulty to receive information from some organisations in case the person or the organisations are settled abroad because the Commission is not considered as a competent authority (such as the General Directorate Combating Organised Crime is). The above mentioned problems could be solved by conducting additional training on how to investigate and collect evidence, especially for the forensics experts the Commission relies on. Other approach to these issues would be to improve the cooperation on national and international level.

### 5.2.5 Gap analysis

Summarizing the above mentioned gaps, we recommend the following actions to be taken to improve the situation:

- more trainings to improve the knowledge and understanding of online hate speech
- more initiatives to boost the public-private partnerships are needed.

### 5.2.6 Useful Links & Additional Reading

- National Assembly: <http://www.parliament.bg>
- President: <https://www.president.bg>
- Council of Ministers and the National Council for Cooperation on Ethnic and Integration Issues: <http://www.nccedi.government.bg>
- Ministry of Justice: <http://www.justice.government.bg>
- Ministry of Foreign Affairs and the National Coordination Mechanism on Human Rights: <http://www.mfa.bg>
- Ministry of Interior: <https://www.mvr.bg/>
- Ministry of Education and Science: <http://www.mon.bg>
- Ministry of Youth and Sports: <http://mpes.government.bg>
- State Agency for Child Protection: <http://sacp.government.bg>
- Commission for Protection against Discrimination: <http://www.kzd-nondiscrimination.com>
- Council for Electronic Media: <http://www.cem.bg>
- Ombudsman: <http://www.ombudsman.bg>
- No Hate Speech Movement: [www.nohate.bg](http://www.nohate.bg)

## 5.3 CYPRUS

### 5.3.1 Overview

Since May 2004 when Cyprus joined the EU, remarkable anti-discrimination work has been carried out by all competent National Authorities (Law Office, Independent Bodies, Ministries, NGOs, social partners and other civil society actors). This work includes comprehensive legislation, structural changes and series of awareness raising activities such as educational and housing programmes, campaigns, conferences, seminars and other organized events, studies, research on attitudes etc. Regarding the grounds of discrimination, the work for disabled and for gender equality have the longest establishment tradition.<sup>87</sup>

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<sup>87</sup> <http://www.un.org/esa/coordination/Cyprus>

### 5.3.2 Active Agencies/ Legislative Plans

The Attorney-General of the Republic has the power, exercisable at his discretion in the public interest, to institute, conduct, take over and continue or discontinue any proceedings for an offence against any person in the Republic. Such power may be exercised by him in person or by officers subordinate to him acting under and in accordance with his instructions.<sup>88</sup> When involving discriminatory provisions/terms/criteria/practices found in the legislation, these must be communicated to the Attorney-General (Legal Adviser of the Republic). The Attorney-General's Office through its Human Rights Sector advises the state under explicit provisions in the Law, on the adoption of appropriate legislative/administrative measures taking also into account its international/Convention obligations, and will be preparing at the same time legislation for abolishing/substituting the relevant legislative provision.

The Commissioner for Administration and Human Rights is the Ombudsperson of Cyprus and in 2004 it was appointed, as well, as the national Equality Body by the Combating of Racial and other forms of Discrimination Law, which was passed within the framework of the harmonization procedure of the domestic law with the EU law (or EU *acquis*). This law provided a new legal basis for the prevention, the promotion and the combating of discrimination and it strongly stipulated the need for the respect of human rights.

Within the Equality Body, two separate Authorities operate namely the Cyprus Anti-Discrimination Body and the Equality Authority. The Equality Authority deals with discrimination in the field of employment and occupation, and gender issues in all fields, and the Anti-discrimination Body, deals with all other grounds except gender, in all fields beyond employment.

The Anti-Discrimination Body examines complaints submitted by anybody regarding discrimination and it can also make interventions relating to discrimination cases *ex-officio*. If a discriminative treatment or practice is affirmed, the Anti-Discrimination Body has the authority to apply sanctions.

The Equality Body is an independent quasi-judicial body, empowered to issue binding decisions or make recommendations and imposes small fines (not exceeding 350 euros). It carries out all the functions to combat discrimination on the grounds of race, community, language, colour, religion, political or other beliefs and national or ethnic origin; to promote equality of enjoyment of rights safeguarded by the Constitution or by the Conventions ratified by Cyprus (which include Protocol 12 of the ECHR and the Convention for the Elimination of All Forms of Racial Discrimination) irrespective of race, community, language, colour, religion, political or other beliefs, national or ethnic origin; to promote equality of opportunity irrespective of the aforesaid grounds plus the grounds of special needs and sexual orientation at national level, with the important exception that it has no right to initiate and participate in court proceedings.

It has the power to conduct independent surveys, compile reports and issue recommendations but lacks the power to offer independent assistance to victims, as required by the Racial Equality Directive.

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<sup>88</sup> Article 113(2), Cyprus constitution [http://www.law.gov.cy/law/lawoffice.nsf/dmllawoffice\\_en/dmllawoffice\\_en?OpenDocument](http://www.law.gov.cy/law/lawoffice.nsf/dmllawoffice_en/dmllawoffice_en?OpenDocument)

Its competencies cover both the public and the private sectors. Reports on cases are issued and often published online. Its annual report publishes data on complaints submitted to it.

### 5.3.3 Activities & initiatives

The Anti-Discrimination Body prepares and publishes Codes of Conduct, carries out studies, performs awareness raising campaigns to the public authorities, to the civil society and to the public in general, organizes educational meetings in schools participates in events and seminars etc

Within the framework of the Cyprus Presidency of the Commission of the Council of Europe (CoE Ministers), the Office of Ombudsman and Human Rights hosted, on February 1, 2017, a meeting of experts from the Council member countries, in order to discuss and exchange of good practices regarding the prevention and management of hate crimes based on sexual orientation and gender identity.<sup>89</sup>

### 5.3.4 Success Cases & Challenges

In 2002, a National Report on the implementation of the conclusions of the European and World Conferences against Racism was prepared by the Ministry of Justice and Public Order in collaboration with the Law Commissioner and President of the National Organization for the Protection of Human Rights, the Attorney-General of the Republic, the Commissioner for Administration and all other Key Actors (Ministries/Governmental Departments and NGO's). A National Action Plan Against Racism (NAPAR) was drawn up which activities were performed.

The development of the NAPAR was a significant opportunity to both build upon and enhance existing policies and strategies to combat racism in Cyprus and to identify new priorities, aspirations and areas of work that could be drawn together into the overall, cohesive plan.<sup>90</sup>

Good practices and positive measures have been taken nationally mainly by:

- Funding through the state budget and EU Programmes NGOs, religion groups (Maronites, Latins and Armenians) and the Turkish Cypriot Community.
- Contacting a research on sexual orientation carried out by the Cyprus Equality Body.
- Building capacity and tested methods and tools e.g. concerning the position of women in employment, social and political life through the National Machinery for Women's Rights and Equal Initiative.
- Actively participating in the implementation of the Community Action Programme to Combat Discrimination, and the Stop Campaign "For Diversity Against Discrimination" through various national awareness raising activities such as campaigns, seminars, press-conferences, releases, educational programmes, festivals, publications, etc.

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<sup>89</sup><http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/3E7478D90C458A7FC22580B90028AEAD?OpenDocument>

<sup>90</sup> <http://www.un.org/esa/coordination/Cyprus>

- Cyprus has achieved valuable and sustainable results: permanent horizontal networks, structural changes within the educational system and the police, training of teachers and police officers, data-base and other information material.
- Developing an integration policy covering mainly the fields of education, employment, social inclusion and cultural integration.
- Information Campaign “For Diversity against Discrimination” was launched, by the Minister of Justice and Public Order
- The Ministry of Justice and Public Order was designated by the Council of Ministers as the National Implementing Body for anti-discrimination for the European Year 2007
- The National Human Rights Institution (NHRI), which is operated by the Commissioner of Administration (Ombudswoman) issued a report (2012) calling for legal measures to regulate hate speech.

### 5.3.5 Gap analysis

- The Ombudsperson does not have the power to refer the guilty party to Court.
- A holistic approach is needed that focuses first on the investigation of homophobic and transphobic hate crimes.<sup>19</sup>
- There is lack of codes of conduct in relation to the fight against hate speech by media companies, access and content providers.
- Prosecution and punishing of perpetrators. So far, no charges have been brought against any person by the Attorney General invoking the antidiscrimination legislation. Similarly, under the existing legislation, the Equality Body’s duty is limited to remit cases to the Attorney General’s office. It is the Attorney General’ decision to initiate criminal charges. Civil lawsuits are clearly the responsibility of the litigants themselves.
- Adequate recording of incidents is required. No statistics maintained on the number of cases related to discrimination brought in front of the Attorney general and to justice.
- Appropriate training of police and other institutions.
- The issue is not limited to criminality and regulations, but requires comprehensive, multi-level actions and initiatives at all levels and social spaces.
- The Equality Body does not have legal standing to bring discrimination complaints on behalf of victims, or to intervene in legal cases concerning discrimination, although its officers may appear as expert witnesses.<sup>91</sup>
- No single authority or Government department is responsible for the national coordination of the implementation measures under the anti-discrimination laws. Several ministries are involved depending on the issue at stake.
- No general system for the protection and support of victims of these crimes i.e. central contact point for victims to get access to psychological services, counselling services, legal procedures advice, etc.

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<sup>91</sup> [http://ec.europa.eu/justice/discrimination/files/ad\\_2015\\_country\\_reports/2016-cy-country\\_report\\_nd\\_final\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/ad_2015_country_reports/2016-cy-country_report_nd_final_en.pdf)

### 5.3.6 Useful Links & Additional Reading

- [http://www.law.gov.cy/law/lawoffice.nsf/dmllawoffice\\_en/dmllawoffice\\_en?OpenDocument](http://www.law.gov.cy/law/lawoffice.nsf/dmllawoffice_en/dmllawoffice_en?OpenDocument)
- [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page61\\_en/page61\\_en?OpenDocument](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page61_en/page61_en?OpenDocument)
- <http://www.ombudsman.gov.cy/Ombudsman/Ombudsman.nsf/All/3E7478D90C458A7FC22580B90028AEAD?OpenDocument#sthash.Lq2XhXA9.dpuf>
- <http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/A400623141389243C22580B900297DB7?OpenDocument&highlight=hate%20cases%20cyprus>

## 5.4 FRANCE

### 5.4.1 Overview

The principles of equal treatment and non-discrimination are protected by the French Constitution. They are essential to French values and are public liberties<sup>92</sup>. Their protection has been further reinforced with the ratification by France of several international instruments including the Council of Europe Convention on cybercrime and its additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. French criminal law contains several provisions that enable to sanction incitement to hatred motivated by several victims' characteristics, as well as other kind of verbal or physical violence against persons. Even though these provisions have been judged sufficient and in line with Article 10 of the ECHR protecting freedom of expression<sup>93</sup>, this legal framework has been recently reinforced in order to enable to aggravate sanctions in case of any misdemeanour or crime committed for racist or other listed assimilated reasons. In addition, several public institutions are active against hate, some of them being particularly in charge of implementing the governmental action plans against racism and antisemitism and mobilisation plan against hate and discriminations targeting LGBT people<sup>94</sup>.

### 5.4.2 Active Agencies/ Legislative Plans

Active agencies include mainly the interministerial delegation for the combat against racism, antisemitism and LGBT hate (DILCRAH), and the French National Consultative Commission of Human Rights (CNCDH) and the Défenseur des droits (Rights' defender).

The DILCRAH has been created in February 2012. Placed from 2014 under the supervision of the prime minister, its missions have been extended at the end of 2016 to LGBT hate. The DILCRAH is in charge of designing, coordinating and implementing the government's policy in the area of

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<sup>92</sup> Article 1 of the French Universal Declaration on Human Rights 1789, which forms part of the French Constitution.

<sup>93</sup> CNCDH, Avis sur la lutte contre les discours de haine sur Internet, 12 February 2015, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432> and at [http://www.cncdh.fr/sites/default/files/15.02.12\\_avis\\_lutte\\_discours\\_de\\_haine\\_internet\\_cncdh\\_0.pdf](http://www.cncdh.fr/sites/default/files/15.02.12_avis_lutte_discours_de_haine_internet_cncdh_0.pdf) (URLs last accessed on 21 June 2017), n°11..

<sup>94</sup> DILCRAH, Plan de mobilisation contre la haine et les discriminations anti-LGBT, 21 December 2016, <http://www.gouvernement.fr/plan-de-mobilisation-contre-la-haine-et-les-discriminations-anti-lgbt> (URL last accessed on 21 June 2017).

the combat against racism, antisemitism and hate against LGBT people<sup>95</sup>. Today placed under the aegis of the Prime Minister, the DILCRAH is composed of nine qualified persons<sup>96</sup>.

The CNCDH is an Independent Administrative Authority created in 1947. It has a mission of advice and proposal in the fields on Human Rights, Public liberties and humanitarian actions<sup>97</sup>. The authority has a duty of independence, pluralism, and vigilance. Its establishment and organisation is regulated by a governmental decree<sup>98</sup> that provides for its composition, functioning and obligations. The Authority is managed according to an internal regulation adopted by the plenary assembly. Through its work and annual reports, the CNCDH offers a practical overview and identifies the legislative and policy gaps in order to feed the French government and parliament's works.

Finally, the "Défenseur des droits" (Rights' defender) is an independent institution provided for by the French Constitution. It was created in 2011, and has two main responsibilities: to defend persons whose rights are not respected, and to enable equality of all people in their access to rights<sup>99</sup>. Victims can directly access the institution (by phone, by writing or even physically) where they believe their rights have not been respected. This institution is the result of the fusion of four previous authorities that were the "Médiateur de la République", the "Défenseur des enfants", the HALDE and the "Commission Nationale de Déontologie de la Sécurité CNDS. Around 500 persons are employed to help people facing such situations. The institution is lead by Jacques Toubon which was nominated by the president of the French Republic for 6 years on July 17th 2014<sup>100</sup>.

The HALDE (Haute autorité de lutte contre les discriminations et pour l'égalité - High Authority for the combat against discriminations and for equality), dissolved in 2011<sup>101</sup>, was itself replacing the GELD (Groupe d'Etude et de Lutte contre les Discriminations Raciales - Group of study and for the combat against racial discriminations), founded in 1999, which was a national observatory on racial discrimination, and has produced studies of quality<sup>102</sup>. As a public interest group, it gathered (under the supervision of the Ministry of social affairs) ministries, professional organisations, and associations as long as academics.

As regards recent legislative developments, a law n°2017-86 of 27 January 2017 relating to equality and citizenship<sup>103</sup> includes several provisions that aim to reinforce the combat against hate and discrimination in several fields. In particular, hate for racist motivations or based on

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<sup>95</sup> DILCRAH, Le rôle de la délégation, <http://www.gouvernement.fr/dilcra-qui-sommes-nous> (URL last accessed on 21 June 2017).

<sup>96</sup> DILCRAH, L'équipe, <http://www.gouvernement.fr/contact/equipe-contact> (URL last accessed on 21 June 2017).

<sup>97</sup> See CNCDH, Présentation, <http://www.cncdh.fr/fr/institution> (last accessed on 21 June 2017).

<sup>98</sup> Decree n°2007-1137 of July 26th 2007 :

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000791293&dateTexte=20121126>

<sup>99</sup> <https://www.defenseurdesdroits.fr/fr/institution/organisation/defenseur> (last accessed on 23 June 2017).

<sup>100</sup> Ibid.

<sup>101</sup> See Daniel Borrillo et Vincent-Arnaud Chappe, "La Haute Autorité de lutte contre les discriminations et pour l'égalité : un laboratoire juridique éphémère?", in E.N.A. | Revue française d'administration publique, 2011, n°139, pp. 369-380, available at <http://cersa.cnrs.fr/wp-content/uploads/2014/11/Art-REFAP-HALDE-1.pdf> (last accessed on 23 June 2017).

<sup>102</sup> Senat, Rapport n° 65 (2004-2005) de M. Jean-René LECERF, fait au nom de la commission des lois, déposé le 17 novembre 2004 sur le projet de loi portant création de la Haute autorité de lutte contre les discriminations et pour l'égalité, in b) Le groupe d'étude et de lutte contre les discriminations (GELD), <https://www.senat.fr/rap/104-065/104-0654.html> (last accessed on 22 June 2017).

<sup>103</sup> LOI n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté (1),

[https://www.legifrance.gouv.fr/affichTexte.do?jsessionid=1929C5E2DA0BF771B6D9ADD1343BA8A1.tpdila15v\\_3?cidTexte=JORFTEXT000033934948&dateTexte=20170128](https://www.legifrance.gouv.fr/affichTexte.do?jsessionid=1929C5E2DA0BF771B6D9ADD1343BA8A1.tpdila15v_3?cidTexte=JORFTEXT000033934948&dateTexte=20170128) (last accessed on 21 June 2017).

sexual orientation becomes as a principle an aggravating circumstance of all misdemeanours and crimes, its sanction as aggravating circumstance being not anymore limited to a particular list of prohibited actions<sup>104</sup>.

In addition, it might worth mentioning that unfortunately, events in 2015 in France demonstrated that the perpetration of online hate speech resulted in real-world terrorist attacks. As a consequence, the government declared a state-of-emergency made possible by law n°55-385 of 3<sup>rd</sup> April 1955. More precisely, following the terrorist attacks perpetrated in Paris on 13<sup>th</sup> November 2015, the Council of Ministers declared the state-of-emergency which was implemented for 3 months by the law of 20<sup>th</sup> November 2015, and extended on 19<sup>th</sup> February 2016. The law of 20<sup>th</sup> May 2016 further extended this specific regime which permits the administrative power to have wider power in order to investigate, restrain suspected person from their freedom of circulation and forbids some public meetings.

As written previously in this report, the public institutions noted in this political environment an escalation of racism in parallel with increased fear against Jihadists and the phenomenon of Islamic radicalism, fear that might lead to increased social phenomenon of hate which proliferates on social networks. This increase of hate-motivated acts decreased in 2016<sup>105</sup>.

In parallel, the government decided to enact a law targeting the precise concern of terrorism acts in France<sup>106</sup>. It provides for a derogation that enables investigators, in order to establish some severe penal offences exhaustively listed (including terrorism acts), to participate in electronic exchanges using a pseudonym, and collect through this means some evidence<sup>107</sup>. Moreover, a Decree<sup>108</sup> has been adopted in order to organise the administrative blocking of websites provoking or justifying terrorism (on the basis of a previous law from 2014 authorising it<sup>109</sup>). The process consists in notifying the websites addresses to the search engines to block or deference the websites<sup>110</sup>. In a time period of forty eight hours<sup>111</sup> the companies have to implement all the measures needed to block or deference the websites. This derogation permits to circumvent the judge who is in principle, in France, the only one to have the power to order the blocking or the dereferencing of an illicit content. The inner Ministry declared<sup>112</sup> that 834 websites were blocked and 1929 de-referenced so 2700 in total compared to only 1167 in 2015. Questions have been raised whether this process is efficient. The higher number can be also justified by the proliferation of such websites or the more efficient work done by the OCLCTIC<sup>113</sup> which is the police section having the authority to proceed with the de-referencing of websites.

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<sup>104</sup> For a deeper overview see the MANDOLA deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017 available at <http://mandola-project.eu/>.

<sup>105</sup> See Section 3.1.3. of the current report.

<sup>106</sup> Law n°2014-1353, November 13<sup>th</sup> 2014

<sup>107</sup> Article 706-87-1 of the penal procedure code modified by the law n°2015-993 of August 17<sup>th</sup> 2015 article 11 :

[https://www.legifrance.gouv.fr/affichCode.do;jsessionid=BE25F2EEC010024CDB3102808E8059E5.tpdila09v\\_2?cidTexte=LEGI TEXT000006071154&idSectionTA=LEGISCTA000029756828&dateTexte=20170317&categorieLien=id#LEGISCTA000029756828](https://www.legifrance.gouv.fr/affichCode.do;jsessionid=BE25F2EEC010024CDB3102808E8059E5.tpdila09v_2?cidTexte=LEGI TEXT000006071154&idSectionTA=LEGISCTA000029756828&dateTexte=20170317&categorieLien=id#LEGISCTA000029756828)

<sup>108</sup> Decree n°2015-253 of March 4<sup>th</sup> 2015.

<sup>109</sup> Implementing Law 2014-1353 of 13 November 2014, art. 12, following a previous decree n° 2015-125 of 5 February 2015 identifying the OCLCTIC as being the administrative authority in charge of Internet administrative blocking.

<sup>110</sup> Article 1, Decree n°2015-253 of March 4<sup>th</sup>, 2015

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030313562>

<sup>111</sup> Article 3, Decree n°2015-253 of March 4<sup>th</sup>, 2015

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030313562>

<sup>112</sup> FIC 2017, Lille France, January 24<sup>th</sup> and 25<sup>th</sup> 2017

<sup>113</sup> Office central de lutte contre la criminalité liée aux technologies de l'information

It is possible to contest such decision in front of the administrative judge. So far, there seems to be no case law that illustrates the exercise of such right of contestation, but some incidents did already happened, such as the blocking of the Google and the Wikipedia websites by an ISP, following a blocking administrative order<sup>114</sup>.

### 5.4.3 Activities & initiatives

At the end of 2014, in a context where xenophobic acts were increasing<sup>115</sup>, the French government has wished to give a “*new impulse to government’s policies relating to the combat against racism, antisemitism and xenophobia*”<sup>116</sup>.

As a consequence, it has launched at the end of 2014 an action plan against racism and antisemitism 2015-2017<sup>117</sup> and in 2016 a mobilisation plan against hate and discriminations targeting LGBT people<sup>118</sup>. It has also extended the competencies of the DILCRAH to LGBT hate.

The action plan against racism and antisemitism 2015-2017<sup>119</sup> allocates a budget of 100 million of euros in order to implement four main actions: mobilising the whole nation; sanctioning any single racist or anti-Semitic act and protecting victims; protecting Internet users from hate; and educate citizens through knowledge transmission, education and culture<sup>120</sup>. Main measures planed in order to achieve these aims are the following<sup>121</sup>:

- An “operation of truth” on the reality of racism and antisemitism. The creation of a scientific committee will aim to better understand these phenomena using all competencies and all intelligences. Information on condemnations will be annually published and victimisation surveys will be conducted. Moreover, surveys will be launched in the educational and sportive areas in order to better understand incidents and to propose solutions in order to make the reporting and processing chains more efficient.
- Penal action will be recasted in order to punish more rapidly and more efficiently perpetrators of racist and anti-Semitic acts and speeches.
- Policies of education for citizenship and policies to tackle discriminations in popular areas will be developed in order to prevent social delinquency and to enable every youth

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<sup>114</sup> See for example Marc Rees, 17 October 2016, Google.fr bloqué pour apologie du terrorisme suite à une « erreur humaine » d’Orange, <https://www.nextinpact.com/news/101786-google-fr-bloque-pour-apologie-terrorisme-orange-invoque-erreur-humaine.htm> (last accessed on 22 June 2017).

<sup>115</sup> The increase is of 22% in 2015 compared to 2014 (DILCRAH, Bilan 2015 des actes racistes, antisémites et anti-musulmans, 21 January 2015, <http://www.gouvernement.fr/bilan-2015-des-actes-racistes-antisemites-et-anti-musulmans-3670>). This increase is however relative since it seems that there has been a decrease between 2009 and 2014, and that these new statistics are at the same level than those in 2009. In any case they are an issue, most of all since physical violence increases more than threats (on these two last issues see Maxime Vaudano, *Comment compte-t-on les actes antisémites et islamophobes ?*, 28 January 2015, Les décodeurs, Le Monde, [http://www.lemonde.fr/les-decodeurs/article/2015/01/28/comment-compte-t-on-les-actes-antisemites-et-islamophobes\\_4564415\\_4355770.html](http://www.lemonde.fr/les-decodeurs/article/2015/01/28/comment-compte-t-on-les-actes-antisemites-et-islamophobes_4564415_4355770.html)). URLs last accessed on 21 June 2017.

<sup>116</sup> Translated from French: DILCRAH, Qui sommes-nous (Who we are), <http://www.gouvernement.fr/dilcra-qui-sommes-nous> (URL last accessed on 21 June 2017).

<sup>117</sup> Premier ministre, *La République mobilisée contre le racisme et l’antisémitisme, Plan national 2015-2017*, [http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/09/racisme\\_antisemitisme-dilcra.pdf](http://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2015/09/racisme_antisemitisme-dilcra.pdf) (URL last accessed on 21 June 2017).

<sup>118</sup> DILCRAH, Plan de mobilisation contre la haine et les discriminations anti-LGBT, 21 December 2016, <http://www.gouvernement.fr/plan-de-mobilisation-contre-la-haine-et-les-discriminations-anti-lgbt> (URL last accessed on 21 June 2017).

<sup>119</sup> Premier ministre, *La République mobilisée contre le racisme et l’antisémitisme, Plan national 2015-2017, op. cit.*

<sup>120</sup> *Ibid.*, p. 4.

<sup>121</sup> *Ibid.*, p. 5.

to fully access citizenship, with the support, inter alia, of players in the fields of culture and memory, of associative networks involved in the field of public and civic education, and of the civic service.

- A pro-active communication aiming at raising the awareness level and at inciting all professionals, all social categories, all territories, and all generations to reduce prejudices.

The mobilisation plan against hate and discriminations targeting LGBT people comes in the wake of the “Governmental action program against violence and discrimination based on sexual orientation or gender identity” launched in October 2012 by the Minister for women rights and government spokesperson. It is designed to last three years and has a 1,5 million euros of annual budget. It includes the five following priorities:

- An exemplary republic against anti-LGBT hate and discrimination;
- Sanctioning any single anti-LGBT hate related act and protecting victims to the most possible extent;
- Educate against anti-LGBT hate and discrimination;
- Act against anti-LGBT discriminations in people everyday lives;
- Continue the international combat for the rights of LGBT people.

In addition, in 2016, the government created in each department of France an operational committee for the combat against racism and anti-Semitism which participates in the governmental action in this area<sup>122</sup>.

#### 5.4.4 Success Cases & Challenges

Following the above mentioned initiatives, reported hate-related acts decreased in 2016<sup>123</sup>. This decrease however follows a previous increase and hate speech remains an important issue. For this reason, the action plan proposed in February 2015 by the French National Consultative Commission of Human Rights (CNCDH)<sup>124</sup> might help in improving the situation. The challenge appears therefore to implement it appropriately. This action plan includes:

- To affirm the digital sovereignty of the State, especially by consolidating the crucial role of the State in guaranteeing fundamental rights and freedoms on the Internet, by engaging diplomatic negotiations in order to incite other countries to ratify the additional protocol to the Council of Europe Convention on cybercrime, and by clarifying French jurisdiction toward hosting providers who address inter alia French citizens (such as Facebook, Twitter and Youtube) but who do not consider

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<sup>122</sup> Décret n° 2016-830 du 22 juin 2016 portant création des comités opérationnels de lutte contre le racisme et l'antisémitisme, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000032753762&categorieLien=id> (last accessed on 23 June 2017).

<sup>123</sup> Plan de mobilisation contre la haine et les discriminations anti-LGBT, 21 December 2016, <http://www.gouvernement.fr/plan-de-mobilisation-contre-la-haine-et-les-discriminations-anti-lgbt> (last accessed on 21 June 2017).

<sup>124</sup> CNCDH, Avis sur la lutte contre les discours de haine sur Internet, 12 February 2015, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432> and at [http://www.cncdh.fr/sites/default/files/15.02.12\\_avis\\_lutte\\_discours\\_de\\_haine\\_internet\\_cncdh\\_0.pdf](http://www.cncdh.fr/sites/default/files/15.02.12_avis_lutte_discours_de_haine_internet_cncdh_0.pdf) (URLs last accessed on 21 June 2017).

that they are bounded by French law, which renders difficult for LEAs, inter alia, to obtain the identification of perpetrators in short delays or to request the monitoring of a specific person within the framework of a penal investigation.

- To set up a reactive and innovative institution for web regulation, in particular through the creation of an independent administrative authority that could act preventively and provide fast and efficient answers in the area of the protection of digital rights and freedoms, while putting an end to the current “institutional disorder”<sup>125</sup> in this area. An annual mission of evaluation of public policies in the area of the combat against online hate speech could also be created, as well as an observatory of such speeches. The CNCDH further recommends to develop partnerships in order to elaborate a normative corpus which would be coherent and homogenous, as well as to diversify answers brought to online hate speech, including mediations and notifications or formal notices to respect law sent to internet users or to hosting providers (regarding their legal obligations), keeping in mind that “*the involvement of a judge is necessary in order to order and to control the removal of an illicit content and the blocking of an Internet site, where these measures constitute severe interferences with the freedom of expression and to communicate*”. However, a new independent authority could have the power to assess the obviously illegal character of a given content in order to order its provisory removal before requesting the judge to judge on the case.
- To adopt a national action plan on education and digital citizenship, in order to enable citizens to gain the necessary skills to understand and interact on the Internet, with a free and responsible speech.

#### 5.4.5 Gap analysis

As analysed in the previous section, penal provisions adequately enable to sanction several kind of online hate speeches as recommended by international and European instruments, without prejudice of a potential necessity to better define, at these European and International level, what should and what should not be criminalised<sup>126</sup>. In this context gaps are mainly those highlighted by the CNCDH mentioned in the previous section of the current report, and therefore lie essentially in the lack of harmonisation of current initiatives.

In addition, France has not ratified the protocol n°12 to the European Convention on Human Rights on the prohibition of discrimination- which is however a bit off the topic since hate speech is assessed by the European Court on Human Right as an exception to Article 12 of the ECHR protecting freedom of speech<sup>127</sup>.

#### 5.4.6 Useful Links & Additional Reading

DILCRAH website:

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<sup>125</sup> *Ibid*, n° 24.

<sup>126</sup> See the MANDOLA Deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017 available at <http://mandola-project.eu/>.

<sup>127</sup> See the MANDOLA Deliverable D2.2 -- Identification and analysis of the legal and ethical framework, June 2017, Section 4.3.3.1.2.2.

Opinion of the CNCDH:

<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432>

Government initiative “all united against hate”: <http://www.gouvernement.fr/tous-unis-contre-la-haine>

Governmental relay of the CoE awareness initiative: <http://mic.jeunesse.gouv.fr/no-hate-presentation/mouvement-contre-le-discours-de-haine/>

Key chronological steps of the combat against racism and discriminations in France: <http://discriminations-egalite.cidem.org/index.php?page=discrimination>

Défenseur des droits website: <http://www.defenseurdesdroits.fr>

A Decision from the Défenseur des droits:

[http://www.defenseurdesdroits.fr/decisions/ddd/DDD\\_DEC\\_MLD-2016-168.pdf](http://www.defenseurdesdroits.fr/decisions/ddd/DDD_DEC_MLD-2016-168.pdf)

## 5.5 GREECE

### 5.5.1 Overview

This entity comprises

1. Ministries
2. Local Authorities
3. Independent Authorities

All links were last checked on 12-4-2017

### 5.5.2 Active Agencies/ Legislative Plans

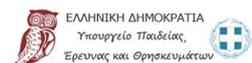
#### A. Ministries:

- a. **Ministry of Justice, Transparency & Human Rights:** It is entrusted with the management of judicial function. The Presidential Decree 36/2000 determines the state policy of the Ministry.<sup>128</sup> It comprises three **General Secretariats (GS)**:

1. GS of Transparency & Human Rights
2. GS of Justice
3. GS of Crime Policy

- b. **Ministry of Education, Research & Religious Affairs:** It comprises three **General Secretariats (GS)**:<sup>129</sup>

1. GS of Research & Technology<sup>130</sup>
2. GS of Lifelong Learning<sup>131</sup>



<sup>128</sup> <http://www.ministryofjustice.gr/site/en/Leadership/Greetings.aspx>

<sup>129</sup> <https://www.minedu.gov.gr/> (no English site found)

<sup>130</sup> <http://www.gsrt.gr/central.aspx?slId=11914281108916461488772> (no English site found)

3. GS of Religious Affairs <sup>132</sup>B. **Local Authorities:**

- a. **Municipality of Athens** <sup>133</sup>
- b. **Municipality of Thessaloniki** <sup>134</sup>
- c. **Other Municipalities**

C. **Independent Authorities:**

- a. **Greek Ombudsman:** An independent authority whose *guiding principle and drive as a mediator is its commitment to the win-win approach, i.e. visualising solutions from which both the citizens and the administration can benefit*: <sup>135</sup> They are a member of the International Ombudsman Institute. <sup>136</sup>
- b. **ERT (Greek Radio and Television):** This is the state broadcasting corporation.
- c. **UNICEF Ελληνική Εθνική Επιτροπή:**<sup>137</sup> UNICEF is a United Nations (UN) programme that provides humanitarian and developmental assistance to children and mothers in developing countries. As such it is an authority independent of a national Government.



ERT



## 5.5.3 Activities &amp; initiatives

A. **Ministries:**

- a. **Ministry of Justice:** The following activities & initiatives have been found (<http://www.ministryofjustice.gr/site/en/Leadership/Greetings.aspx>):
  1. *On September 4, 2014, the Greek Parliament adopted an amendment to Law No. 927/1979 on Combating Race Discrimination, in order to align domestic legislation with European Union rules pertaining to hate speech and denial of genocide.*<sup>138,139,140,141,142</sup> A critique of the law (“Strengths and Weaknesses”) can be found here: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2533498](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2533498).
  2. **Symposium:** *From hate speech to tolerance and understanding (19-20/3/2016):* International symposium organised under the auspices of the *Ministry of Education*,

<sup>131</sup> <http://www.gsae.edu.gr/en/>

<sup>132</sup> <https://www.minedu.gov.gr/religious-affairs/regulatory-framework>

<sup>133</sup> <https://www.cityofathens.gr/en/>

<sup>134</sup> <http://www.thessaloniki.gr/portal/page/portal/EnglishPage>

<sup>135</sup> <https://www.synigoros.gr/?i=stp.en>

<sup>136</sup> [https://www.synigoros.gr/?i=internationalactivities.en.int\\_networks](https://www.synigoros.gr/?i=internationalactivities.en.int_networks)

<sup>137</sup> UNICEF Greek National Committee: <https://goo.gl/kvHFxK2>

<sup>138</sup> <https://goo.gl/udN0by>

<sup>139</sup> <http://councilforeuropeanstudies.org/critcom/the-new-regulation-against-hate-speech-in-greece-strengths-and-weaknesses/>

<sup>140</sup> <https://www.theguardian.com/world/2014/sep/07/greek-laws-anti-discrimination-racist-homophobic>

<sup>141</sup> <http://tgeu.org/greece-hate-speech-law-recognizes-gender-identity/>

<sup>142</sup> <http://www.lgbt-ep.eu/press-releases/greek-hate-speech-law-extended-to-cover-gender-identity/>

*Research and Religious Affairs*, in partnership with the University of Piraeus and hosted by the British Council. <sup>143</sup>

3. Organization of a debate on “Hate speech: Routes of racism in the public discourse”, (24/6/2015) <sup>144,145</sup>
4. The GS for Human Rights submitted to the public prosecutor evidence of hate speech against the Bishop of Chios on 15/8/2016. This move is unprecedented in Greece. <sup>146</sup>

b. **Ministry of Education:** The following activities & initiatives have been found (<https://www.minedu.gov.gr/>):



1. The Ministry, for the first time in its history, adopts (14/2/2016) the *Council of Europe* initiative *No Hate Speech Movement*. <sup>147,148,149</sup>
2. Among the Objectives of the Ministry, for the academic year 2016-17, was the raising of “Awareness against racism and intolerance and the promotion of equality and respect” (Objective 2, of 3). <sup>150</sup>

## B. Local Authorities:

a. **Municipality of Athens** (<https://www.cityofathens.gr/en/>):



1. “Foreign Nationals – Migrants”: Web page of the Municipality’s site where the Municipality’s framework for the integration of migrants and their families who have chosen to live in Athens, is outlined. This framework is based on two principles: 1. Migration is not a problem if it is correctly managed, and 2. in most cases, integration encompasses more than the social aspects (including elements such as equal opportunity, right to citizenship etc.). <sup>151</sup>
2. The mayor of Athens, Giorgos Kaminis, spoke on 4/10/2013 at the UN General Assembly about Athens’ experience with immigration, and also discussed the *Golden Dawn*<sup>152</sup> case. <sup>153</sup>
3. “With drawings, games and songs, Greek, refugee and migrant children in downtown Athens celebrated ... diversity, inclusiveness and respect, on the

<sup>143</sup> <https://www.britishcouncil.gr/en/events/symposium-from-hate-speech-to-tolerance-and-understanding>

<sup>144</sup> <https://goo.gl/8823qU>

<sup>145</sup> Also, mentioned under Civil Society.

<sup>146</sup> <http://www.keeptalkinggreece.com/2016/08/19/prosecutor-to-investigate-bishop-of-chios-over-hate-speech/>

<sup>147</sup> <http://www.tanea.gr/news/greece/article/5333264/eskrateia-toy-ypoyrgeioy-paideias-kata-ths-rhthorikhs-toy-misoys/>

<sup>148</sup> <https://www.minedu.gov.gr/eidiseis/17858-09-02-2016-to-ypourgeio-paideias-kata-tis-ritorikis-tou-misous-2>

<sup>149</sup> Also, mentioned under Civil Society.

<sup>150</sup> <http://www.moec.gov.cy/stochoi/>

<sup>151</sup> <https://www.cityofathens.gr/en/node/6775>

<sup>152</sup> A parliamentary party (4<sup>th</sup> in strength) of extreme right-wing and racist orientation, whose leaders stand trial with charges of politically-motivated murder and which has repeatedly attacked violently immigrants.

<sup>153</sup> <https://www.hate-speech.org/athens-mayor-speaks-on-golden-dawn-at-un/>

occasion of the International Day for the Elimination of Racial Discrimination” (21 March 2017). This was an initiative of the Municipality, supported by the *Stavros Niarchos Foundation*.<sup>154</sup>

- b. **Municipality of Thessaloniki** The following activities & initiatives have been found



(<http://www.thessaloniki.gr/portal/page/portal/EnglishPage>):

- Organization of the *5<sup>th</sup> Pride Thessaloniki 2016*.<sup>155</sup>
- “Week against racism” 2016: The Municipality organizes a number of activities, to mark the International Day (21/3). The activities aim at promoting otherness, creating awareness about the existence of differing cultures and sensitizing citizens about the immigration problem.<sup>156</sup>

c. **Other Municipalities:**

- Municipality of Syros: Message to mark the International Day Against Racism (21/3/2015)<sup>157</sup>
- Municipality of Ioannina: Condemn the desecration of the city’s Synagogue with swastikas.<sup>158</sup>

C. **Independent Authorities:**

- a. **Greek Ombudsman** (<https://www.synigoros.gr/?i=stp.en>):

- Networks:<sup>159</sup>
  - i. Member of the International Ombudsman Institute
  - ii. Network of Ombudsmen of the Mediterranean Area
  - iii. Protection and promotion of children's rights
  - iv. Gender equality
- Reports:<sup>160</sup>
  - i. The phenomenon of racist violence in Greece and how it is combated

- b. **ERT** (Greek Radio and Television - <http://www.ert.gr/>):

**EPT**

<sup>154</sup> <http://www.elix.org.gr/index.php/en/training-en/eu-project-reports-en/1354-celebration-becomes-lesson-against-racial-discrimination-2017-en>

<sup>155</sup> <http://www.zougla.gr/greece/article/i-afisa-tou-5ou-pride-8esalonikis-2016--agapate-alils>

<sup>156</sup> <http://parallaximag.gr/agenda/events/evdomada-kata-tou-ratsismou-stin-thessaloniki>

<sup>157</sup> <http://www.koinignomi.gr/news/politiki/politiki-syros/2015/03/21/dimos-syroy-ermoypolis-me-vlemma-strammeno-ston-anthropo.html>

<sup>158</sup> <http://www.ant1news.gr/news/Society/article/453128/ioannina-bebilosan-me-sbastikes-tin-ebraiki-synagogi-binteo->

<sup>159</sup> [https://www.synigoros.gr/?i=internationalactivities.en.int\\_networks](https://www.synigoros.gr/?i=internationalactivities.en.int_networks)

<sup>160</sup> <https://www.synigoros.gr/?i=human-rights.en.recentinterventions.131435>

1. On 24/2/2017, the Ethics Committee of ERT decided unanimously not to broadcast the speech by N. Michaloliakos (head of *Golden Dawn*<sup>161</sup>) to his parliamentary party, because it was “full of hate speech and racist abuse material”.<sup>162</sup>
  2. Participation in a “Rights, Equality and Citizenship Programme 2014-2020” of DG Justice<sup>163</sup>, together with radio & TV stations from Spain, Italy, Germany, Ireland, Hungary & Slovenia.<sup>164</sup> The programme, announced by ERT on 14/12/2016, aims at
    - i. creating a Code of Conduct for radio & TV broadcasters,
    - ii. creating a European interactive map with the 70 best practices against hate speech
    - iii. organizing seminars in Athens and
    - iv. creating radio programmes against hate speech.<sup>165</sup>
- c. UNICEF Ελληνική Εθνική Επιτροπή (<https://goo.gl/GfX6yP>): 
1. Support of a programme for the 250 children of an Athens primary school to celebrate being different and respect for the Other. The event took place on 23/3/2017, to mark the International Day against Racism.<sup>166</sup>

#### 5.5.4 Success Cases & Challenges

The work done by the *Ministry of Justice* has a real impact as the legislation introduced, on 9/2014, is in line with the rest of Europe and with the expectations of anti-hate-speech stakeholders. Regarding the remaining steps, namely prosecution and implementation, no reports of problem areas were found.

The *Ministry of Education* has adopted the Council of Europe initiative on no hate speech, for the first time in its history (2/2016) and included awareness raising against racism and intolerance as one of the three objectives of the 2016-17 academic year.

Of the *municipalities*, Athens is the most active, and with the biggest problem at hand. It appears that it has managed to take concrete steps to support refugees and to combat hate speech, through actions and initiatives. Thessaloniki has also supported openly LGBT rights in spite fierce opposition from the local bishop.<sup>167</sup>

The *Greek Ombudsman* has a reputation of an independent authority which will help people in need, including hate speech victims.

<sup>161</sup> A parliamentary party (4<sup>th</sup> in strength) of extreme right-wing and racist orientation, whose leaders stand trial with charges of politically-motivated murder and which has repeatedly attacked violently immigrants.

<sup>162</sup> <https://goo.gl/0fiuAl4>

<sup>163</sup> [http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index\\_en.htm](http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm)

<sup>164</sup> <http://www.avgi.gr/article/10838/7535746/ochi-ste-retorike-tou-misous->

<sup>165</sup> <http://www.ert.gr/ert-symmetechi-sto-programma-ochi-sti-ritoriki-misous-apo-ta-mme/>

<sup>166</sup> <https://goo.gl/PoyLyQ>

<sup>167</sup> <http://www.iefimerida.gr/news/230238/o-anthimos-xanahtypa-paranomoi-oi-omofylofiloi>

Finally, the participation of the state Greek *Radio & TV* corporation in a no-hate speech European programme, is also novelty for the country and may become significant, depending of course on the practical details of implementation.

### 5.5.5 Gap analysis

Anti-hate speech legislation is in place. What is currently needed is relevant training of LEA & the judiciary, although there are no, as yet, reports of a gap here.

The *Ministry* of Education has a hugely important job to do. This is so because although grown-ups are difficult to convert, young children, if they are systematically educated, may learn to accept otherness and reject hate speech and racist violence. Hence, the Ministry's objective during this academic year is on the right foot, but without a review of results achieved, or of the effectiveness of the Ministry's initiative, the latter will only have a promotional value.

The *municipalities* must be inspired by the work done in Athens, as emphasis there is placed on results, not words. Thessaloniki appears also to be on the right footage, but there is no feedback on results.

The Greek Ombudsman appears to be on the right track.

ERT's initiative may be exploited by other entities fighting hate speech, as ERT can amplify their message through their Radio & TV network, although ERT's ratings are disappointingly low.

### 5.5.6 Useful Links & Additional Reading

Γαζάκης Α., Συρρή Δ. & Τάκης Α., (2014), *Ρατσισμός και Διακρίσεις στην Ελλάδα Σήμερα*<sup>168</sup>, Heinrich Böll Stiftung Ελλάδα, Θεσσαλονίκη 2014, Available in [https://gr.boell.org/sites/default/files/ekthesi\\_ratsismos\\_k\\_diakriseis.pdf](https://gr.boell.org/sites/default/files/ekthesi_ratsismos_k_diakriseis.pdf).

ECRI, (2015), *ECRI Report on Greece*, Council of Europe, Available in <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

## 5.6 IRELAND

### 5.6.1 Overview

The Department of Justice initiates and supports programmes that develop a more caring and tolerant society, where equality of opportunity is promoted and advanced. It addresses issues of equality, discrimination, tolerance and diversity in terms of gender, employment, racism, disability and any other sphere requiring attention.

The Reception and Integration Agency (RIA) is responsible for the procurement and overall administration of State provided accommodation and ancillary services for applicants for international protection, and for suspected victims of human trafficking RIA also facilitates the

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<sup>168</sup> Racism and Discrimination in Greece Today

return home of destitute nationals from certain EU States. General services to persons residing in State-provided accommodation are mainstreamed and provided by the appropriate Department or Agency. For example, the HSE provide all health services; the Department of Social Protection provide access to the services of that Department and the Department of Education and Skills link both children and adults with local schools,

### International Frameworks

The mirroring legislation in Ireland's dualist legal system for the United Nations International Covenant on Civil and Political Rights (ICCPR) contains the proviso that the materials are intended or are likely to stir-up hatred.<sup>169</sup> Unfortunately, although discrimination is prohibited in Irish law, 'incitement to discrimination' is not.<sup>170</sup> Ireland ratified the ICCPR in 1989, but issued a reservation to the prohibition on war propaganda (Article 20(1)). The Human Rights Committee, which monitors state parties' adherence to the treaty, has repeatedly asked Ireland to withdraw this reservation, as well as expressing concern that the Covenant is not directly applicable in Irish law.<sup>171</sup>

The ICERD<sup>172</sup> signifies a lower threshold to holding someone to account, as the very act of spreading ideas based on racial superiority or hatred is prohibited. Irish law is out of line with this proviso, because the higher threshold regarding the author's intention to stir up hatred needs to be reached for a conviction to be secured. The ICERD<sup>173</sup> entered into force in 2001 following the enactment of the Irish Employment Equality Act 1998 and the Irish Equal Status Act 2000. Ireland entered a reservation to the treaty, stating that hate speech as set out in Article 4 of ICERD 'shall be undertaken with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of the Convention. Ireland therefore considers that through such measures, the right to freedom of opinion and expression and the right to peaceful assembly and association may not be jeopardised.'<sup>174</sup>

Recourse to freedom of expression is curious in the Irish context, for although freedom of expression is protected as a constitutional right, it is limited and should '*not be used to undermine public order or morality or the authority of the State.*' Indeed, Ireland's complex history is replete with instances where discourse deemed to challenge the established orthodoxy was suppressed.<sup>175</sup> Thus, the Committee on the Elimination of Racial Discrimination has repeatedly called on the Irish government to withdraw this reservation. This is not simply an academic point of discussion, because the Committee on the Elimination of Racial Discrimination, as the supranational body tasked with overseeing state party compliance to ICERD, has addressed the evolution of hate speech to civil society online in General Recommendation 29, which urges states parties to tackle the dissemination 'of ideas of caste superiority and inferiority or which attempt to justify violence, hatred or discrimination against

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169 UNESCO report on Tackling Online Hate Speech, 2015. See also 1989 Incitement to Hatred Act, para. 2(c).

170 Discrimination on nine particular grounds is proscribed in the Equal Status Acts 2000, 2004, 2012. See also, White Paper on Crime Submission from Pavee Point Travellers' Centre (2011), 3.

171 The Concluding Observations of the Human Rights Committee on Ireland's state party report in 2014, urged '[t]he State party should undertake a comprehensive review of its legislation vis-à-vis the provisions of the Covenant and take effective measures to ensure that the rights protected under the Covenant are given full effect in its domestic order,' CCPR /C/IRL/CO/4, August 2014, para. 6.

172 ICERD, Article 4.

173 ICERD, Article 4.

174 <http://www.integration.ie/website/omi/omiwebv6.nsf/page/Racism-UNCERD-en>.

175 Irish Constitution, 40.6.1<sup>o</sup>

descent-based communities' via mass media and the Internet.<sup>176</sup> Although such a recommendation might be considered 'soft law' or non-binding, it is a comment on binding treaty based law and could easily be invoked by the Committee when considering Ireland's next state party report under ICERD.

## Regional

There are three regional systems that impose obligations on Ireland with respect to hate speech. Other countries may have similar obligations. The analysis in this section identifies the approaches taken by Ireland to fulfil these obligations.

### Council of Europe

From the Irish perspective, it is incumbent on the government to be familiar with the jurisprudence of the Council of Europe conventions, and the possibility that someone victimised by online hate speech could bring a complaint to the European Court of Human Rights under Article 8, together with Article 14 (non-discrimination) and the fundamental values test (Article 17), particularly if it could be established that there were no domestic remedies for illegal online hate speech in Ireland.

Another Council of Europe treaty that binds Ireland as a state party is the Framework Convention for the Protection of National Minorities, which obliges states to 'encourage a spirit of tolerance and intercultural dialogue,' and to 'take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.'<sup>177</sup> Furthermore, under the treaty, member states must 'take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.'<sup>178</sup> The Advisory Committee on the Framework Convention monitors Ireland's compliance with the treaty and in its 2011 report, the Committee commended Ireland's 'good system for registering racist criminal offences,' and noted that 45 cases had been prosecuted under the 1989 Incitement to Hatred Act between 2008 and 2010.<sup>179</sup> By contrast, a distinct Council of Europe body, the European Commission against Racism and Intolerance (ECRI) tasked with monitoring issues relating to racism, xenophobia, anti-Semitism, intolerance and discrimination, recommended that Ireland improve 'existing arrangements for collecting data on racist incidents.'<sup>180</sup> As neither the Central Statistics Office nor the Gardaí publish disaggregated crime statistics on an annual basis illustrating the volume of prosecutions under the 1989 Incitement to Hatred Act or other related laws, the ECRI's 2012 conclusion is probably a more accurate reflection of hate crime and hate speech reporting in Ireland.<sup>181</sup> Finally, the main gap regarding Ireland's adherence to Council of Europe mechanisms lies in its failure to ratify the

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<sup>176</sup> ICERD, General Recommendation 29, para. 4.

<sup>177</sup> Framework Convention for the Protection of National Minorities (FCNM), Article 6(1).

<sup>178</sup> *Ibid.*, Article 6(2).

<sup>179</sup> THIRD REPORT SUBMITTED BY IRELAND PURSUANT TO ARTICLE 25, PARAGRAPH 2 OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES, July 2011.

<sup>180</sup> ECRI Report on Ireland (fourth monitoring cycle)", ECRI, adopted 5 December 2012, published 19 February 2013, CRI(2013)1, pp. 12-13, available at <[http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland_CBC_en.asp)>.

<sup>181</sup> The ECRI issued General Recommendation 15 on Combating Hate Speech in 2014. Article 7 specifically tackles the issue of online hate speech.

Convention on Cybercrime and its additional protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

European Union

Ireland (and other EU member states) must abide by its provisions in executing EU law domestically. Most notable to the current discussion is Ireland's adherence to the EU Council Framework Decision 2008/913/JHA, which obliges member states to combat certain forms and expressions of racism and xenophobia through criminal law. As highlighted in the Mandola legal definitions document, hatred is understood as 'referring to hatred based on race, colour, religion, descent or national or ethnic origin.'<sup>182</sup> It was the intention of the Council to harmonise criminal laws across the EU, 'in order to ensure that the same behaviour constitutes an offence in all Member States and that effective, proportionate and dissuasive penalties are provided for natural and legal persons having committed or being liable for such offences.'<sup>183</sup> This was not to preclude the extension of wider grounds within member states, but simply to establish a core minimum which allowed states to ensure that the following intentional conduct is punishable, 'publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin.'<sup>184</sup> Whilst the final section of this analysis will consider the EU Code of Conduct negotiated with the European Commission and four major IT companies last year, the next section will query whether Ireland's domestic laws comply with this European decision.

### 5.6.2 Active Agencies/ Legislative Plans

The Irish government has stated that Ireland is in compliance with the EU Framework Decision because of its 1989 Prohibition of Incitement to Hatred Act, and public order legislation. Similar to the EU Framework Decision, for an offence to be established under the 1989 Act, the conduct must be intentional and it is a legitimate defence for the accused person to claim that 'he was not aware of the content of the material or recording concerned and did not suspect, and had no reason to suspect, that the material or recording was threatening, abusive or insulting.'<sup>185</sup> Hatred under the 1989 Act has a wider scope than the Framework Directive and may be against a group on account of their 'race, colour, nationality, religion, ethnic or national origins, membership of the travelling community or sexual orientation.'<sup>186</sup> Although Digital Rights Ireland have submitted that the 1989 Act is technology neutral and sufficient to address online hate speech in Ireland, the evidence is not compelling.<sup>187</sup> Several commentators have noted the difficulty in securing prosecutions even for offline hate speech under the legislation, because the 'offences under the Act are very difficult to prove, particularly the stirring up hatred offence under section 2.'<sup>188</sup> Aside from the aforementioned ECRI statistics, it has been virtually impossible to get information on prosecutions in recent years under the Act.<sup>189</sup> The Office for the Promotion of

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<sup>182</sup> Council Framework Decision 2008/913/JHA of 28 November 2008, preamble.

<sup>183</sup> *Ibid.*

<sup>184</sup> Council Framework Decision 2008/913/JHA of 28 November 2008, Article 1(1)(a).

<sup>185</sup> Prohibition of Incitement to Hatred Act, 1989, Article 2(2).

<sup>186</sup> *Ibid.*, Article 1(1). The latter category is quite an anomaly, considering that homosexuality remained illegal in Ireland until 1993.

<sup>187</sup> Submissions of Digital Rights Ireland to Issues Paper on Cyber-crime Affecting Personal Safety, Privacy and Reputation Including Cyber-bullying, to the LRC process.

<sup>188</sup> Harmful Communications and Digital Safety, Law Reform Commission 2016, para. 2.254.

<sup>189</sup> In the context of this mapping exercise, the researcher contacted both the Department of Justice and the Garda Racial Intercultural and Diversity Office (GRIDO). An aspect of GRIDO's mandate is to monitor the reporting and recording of hate and racist

Migration does present some figures on racist related crimes (including anti-Semitism) on its website, but unfortunately, these are not disaggregated to show which were prosecuted under the 1989 Act.<sup>190</sup> To reiterate the ECRI's recommendation, Irish authorities need to improve and supplement existing arrangements for collecting, recording and monitoring the progress through the criminal justice system of prosecutions or complaints under the 1989 Prohibition on Incitement to Hatred Act.<sup>191</sup>

### 5.6.3 Activities & initiatives

Official statistics are furnished by Ireland's Central Statistics Office and An Garda Síochána.

Ireland provided the ODIHR with virtually no information on the prosecution and sentencing for these crimes (bar a perfunctory mention of 12 sentences in 2013). The European Network Against Racism (ENAR) Ireland, as a civil society organisation, submitted information on racist and xenophobic incidents to ODIHR, recording 125 such incidents in 2015. While it is unclear whether any of the 'threats' originated from online sources, ENAR Ireland's statistics published on its website from the first six months of 2016 clearly identifies a significant portion of racist incidents as stemming from 'media or social media.'<sup>192</sup> The OSCE Representative on Freedom of the Media has explicitly condemned 'violent hate speech in the media' both online and offline, which the Representative aims to tackle through a range of measures.<sup>193</sup>

Ireland regularly submits hate crime data to ODIHR. Ireland's Criminal Code does not contain hate crime provisions. Hate crime data are collected by the Central Statistics Office and the National Police Force of Ireland. Data are not made publicly available.

#### Recorded statistics from 2009 to 2014 (with no figures available for 2015).

Year	Hate crimes recorded by police	Prosecuted	Sentenced
2015	Not available	Not available	Not available
2014	53	Not available	Not available
2013	109	Not available	12
2012	119	Not available	Not available
2011	162	Not available	Not available
2010	142	Not available	Not available
2009	164	Not available	Not available

### 5.6.4 Success Cases & Challenges

The exceedingly high threshold to proving that the accused intended to stir up hatred against a named group is not the only reason that there have been no successful prosecutions for online

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crime on an ongoing basis, see <http://www.justice.ie/en/JELR/Pages/SP16000271> accessed 31 March 2017. However, as of 1 April 2017, neither GRIDO nor the Department of Justice had responded to this request for information.

<sup>190</sup> <http://www.integration.ie/website/omi/omiwebv6.nsf/page/statistics-RacistIncidentsstatisticscrime-en> accessed 31 March 2017.

<sup>191</sup> Irish Traveller Movement Report In response to the European Commission against Racism and Intolerance (ECRI) Ireland's fourth monitoring round (April 2015), available at <http://itmtrav.ie/wp-content/uploads/2016/11/ITM-ECRI-Submission-April-2015.pdf> accessed 31 March 2017.

<sup>192</sup> <http://enarireland.org/ireportreportsofracismq11and12/> accessed 31 March 2017.

<sup>193</sup> <http://www.osce.org/fom/186381?download=true> accessed 31 March 2017.

hate speech under the 1989 Act. In particular, Irish law is out of line with the Framework Decision with respect to establishing jurisdiction. The Framework Decision envisages three jurisdictional possibilities: firstly, where both the offender and the content are in the same territory; secondly, where the offender is in the territory, but the materials are located in another territory; thirdly, where the material is hosted in domestically, but the offender is not physically present. It is hypothesised that only the first jurisdictional arrangement could be covered by the 1989 Act, which was enacted prior to the trans-frontier possibilities of electronic dissemination and storage. Therefore Irish law cannot adequately enforce the Framework Decision as it currently stands.

The Law Reform Commission reached a similar conclusion in its 2016 report and could only identify one attempt to prosecute online hate speech in Ireland.<sup>194</sup> In the case, the defendant was charged under section 2 of the 1989 Act for setting up a Facebook page titled, '*Promote the use of knacker babies for shark bait.*'<sup>195</sup> Although this colloquial language would be very familiar to an Irish audience, a district court judge dismissed the case, '*on the basis that there was a reasonable doubt that there had been intent to incite hatred against the Traveller community.*'<sup>196</sup> According to Jennifer Schweppe and Dermot Walsh, it is 'next to impossible to show that anyone was "incited" to hate on the basis of opinions published on the internet.'<sup>197</sup> In sum, the Framework Decision which directs EU member states to punish intentional hate speech disseminated via computer systems that disturb public order or 'which is threatening, abusive or insulting' has no reasonable chance of success through criminal prosecution channels in Ireland. This lends itself to the recommendation made by the Law Reform Commission that online hate speech laws should be introduced along with a general overhaul of hate speech laws in Ireland (in tandem with ratifying the Convention on Cybercrime and its Optional Protocol).<sup>198</sup> Moreover, Ireland's failure to fully implement the EU Framework Decision could result in infringement proceedings, as stipulated in the Lisbon Treaty.<sup>199</sup>

Although the government states that compliance with the Framework Directive is also achieved through public order legislation in Ireland, the evidence does not support this assertion.<sup>200</sup> In the United Kingdom, public order offences committed online have been prosecuted under the Public Order Act 1986. An illustration of this occurred when a man posted offensive tweets about the British footballer, Fabrice Muamba, who had taken ill during a match. The accused was convicted under section 4(1)(a) of the Act, and sentenced to 56 days in prison.<sup>201</sup> Unlike the British legislation, the Irish Criminal Justice (Public Order) Act 1994 clearly defines a public place. A public place as defined in section 3 of the 1994 Act only pertains to physical spaces, and, therefore 'public order offences are predicated on the basis that immediate physical confrontation and direct violence may result from certain behaviour in public places.'<sup>202</sup>

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<sup>194</sup> Harmful Communications and Digital Safety, Law Reform Commission 2016, para. 2.253.

<sup>195</sup> Ibid.

<sup>196</sup> Ibid, 2.247.

<sup>197</sup> Quoted in Jennifer Schweppe, Amanda Haynes and James Carr, *A Life Free From Fear: Legislating for Hate Speech in Ireland, An NGO Perspective* (2014), 139.

<sup>198</sup> Ibid, 43.

<sup>199</sup> Harmful Communications and Digital Safety, Law Reform Commission 2016, para. 2.253.

<sup>200</sup> <http://www.integration.ie/website/omi/omiwebv6.nsf/page/Racism-eudevelopmentsEUCouncilFrameworkDecisionCombatingRacism-en> accessed 31 March 2017.

<sup>201</sup> Harmful Communications and Digital Safety, Law Reform Commission 2016, para. 2.250.

<sup>202</sup> Submissions of Digital Rights Ireland to Issues Paper on Cyber-crime Affecting Personal Safety, Privacy and Reputation Including Cyber-bullying, to the LRC process.

### 5.6.5 Gap analysis

Often, Section 10 of the Non-Fatal Offences Against the Person Act, 1997 is cited as having potential applicability in the prosecution of online hate speech in Ireland, because the offence of harassment prohibits any person ‘*without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence.*’<sup>203</sup> However, as hate speech in Irish law is illegal if directed at particular groups, but the harassing offence under the Non-Fatal Offences Against the Person Act 1997 is against an individual, it would be difficult to apply to online hate speech. Finally, in 2004 the Committee on the Elimination Racial Discrimination recommended that Ireland ‘introduce in its criminal law a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance allowing for a more severe punishment.’<sup>204</sup> Recent case law demonstrates that public order offences committed with a racist motive can be taken by the trial judge as an aggravating factor at sentencing.<sup>205</sup> This leeway at sentencing stems from common law precedent rather than any statutory provision as the Criminal Justice (Aggravation by Prejudice) Bill 2016 is not yet law.<sup>206</sup> Furthermore, in these instances the actual focus of prosecution is physical crimes, such as assault or criminal damage, and the hate speech content is not merely taken into account by the trial judge following a conviction.

## 5.7 SPAIN

### 5.7.1 Overview

One of the most important debates that also arises in the Spanish landscape of hate speech when analysing the approach to this phenomenon by public institutions and government; is clearly resolving the conflict regarding the limits between hate speech and freedom of speech. In the particular case of Spain, even though it still is a challenging issue, the balance on this debate leans towards a higher level of freedom of speech<sup>207</sup>.

There have been several changes during the last years in Spanish legislation and in legislative and executive Spanish actors towards the approach to hate speech, such as the changes in the Spanish Penal Code, different initiatives between several various actors and agencies, leaning towards an integration of behaviours against hate speech, and with the intention putting a spotlight on this phenomenon. However, there are still several issues to be addressed. Collaboration and coordination between different entities, at regional, local, national and international levels, is required when addressing online hate speech. Even though underreporting of hate speech by victims is a problem of which Government, public institutions and LEA are aware, and which they intend to tackle by implementing better methods of data gathering; further awareness-raising targeting general population is needed for informing and empowering victims and potential victims about their rights and channels of reporting, for instance.

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<sup>203</sup> Non Fatal Offences Against the Person Act, 1997, Section 10.

<sup>204</sup> CERD/C/IRL/CO/2, 14 April 2005, para. 11.

<sup>205</sup> <http://www.nascireland.org/latest-news/pq-crime-statistics-incident-to-hatred-act/> accessed 31 March 2017.

<sup>206</sup> <http://justice.ie/en/JELR/Pages/SP16000271> accessed 31 March 2017.

<sup>207</sup> Jubany & Roiha (2015). Backgrounds, Experiences and Responses to Online Hate Speech: A Comparative Cross-Analysis

## 5.7.2 Active Agencies/ Legislative Plans

The Spanish Penal Code has unified different hate speech crimes under the article 510, ranging from sixth months up to four years of imprisonment, depending on whether or not there are aggravating circumstances, such as having used the Internet to commit those crimes. Additionally, the Directive 2000/43/CE of the European Council Union regarding the principle of racial or ethnic equality is also referred to when dealing with hate crimes.

Article 22.4 of the Spanish Penal Code also addresses aggravating circumstances that increase the penalty of an act because of racist, xenophobic, anti-Semite, homophobic and other forms of intolerance behaviours; as well as discrimination, hatred, hostility or violence due to ethnic, nationality, gender, sexual orientation, ideology, religious or beliefs, disability motives and reasons.

The reform of the Spanish Criminal Code in 2015 has modified the precepts that penalize behaviours associated with the phenomena of hate speech and denial<sup>208</sup>. There are two types of different behaviours that are gathered under the article 510.1C regarding hate crimes. On one hand, the actions of encouraging, promoting or inciting directly or indirectly hatred or violence against people or groups of people; and on the other, the acts of humiliation or scorning that attempt towards the dignity of someone, due to racist, anti-Semite, ideology, religious or beliefs, familiar situation, ethnical, racial, nationality, sexual orientation or identity, gender, and/or disability, motives. Denial is included in order to punish those who publicly deny, gravely trivialise or exalt crimes such as genocide, by promoting or favouring a climate of violence, hostility, hatred or discrimination. The goal of these changes is to better define hate crimes, in which hate speech is included.

There are additional changes in the article 510 to the ones aforementioned, dealing with aggravating circumstances, such as the use of the Internet or information technology channels to commit hate crimes, by making the content accessible to a large number of people.

In Spain, the Public Prosecutor of Computer Criminality is the unit that investigates of hate speech in the Internet, with the help of specialised police units within the different agencies.

It should be noted that the Agreement on Cooperation and Collaboration between the General Prosecutors Office of the Estate, the General Board of Judicial Power, the Ministry of Justice, the Ministry of Interior, the Ministry of Health, Social Services and Equality, the Ministry of Work and Social Security, and the Centre for Legal Studies; signed on September 2015, has the goal of organising different activities (such as workshops, conferences) to raise awareness of several subjects. One of those would be the interpretation and the application of aggravating circumstances detailed on the article 22.4 of the Spanish Criminal Code. This Agreement establishes the creation of a Commission of Hate Crimes Monitoring, with the finality of tracking and controlling the execution of the Agreement.

Lastly, there is a Spanish Observatory of Racism and Xenophobia (*OBERAXE*)<sup>209</sup>, dependant of the Spanish Ministry of Work and Social Security, and the General Secretary of Immigration and

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<sup>208</sup> Alastuey Dobon (2016). Discurso del odio y negacionismo en la reforma del Código Penal de 2015

<sup>209</sup> <http://www.empleo.gob.es/oberaxe/es/destacados/index.htm>

Emigration. The observatory gathers and analyses data regarding racism and xenophobia in order to gain knowledge of the current landscape and evolution perspectives on this matter. It also intends to promote the principle of equality in treatment and no discrimination, as well as the fight against racism and xenophobia. It seeks the collaboration and coordination between different and various public and private agents, both national and international, linked to the prevention and fight of these phenomena. The observatory has a Centre for Antidiscrimination Resources (CREADI).

### **5.7.3 Activities & initiatives**

In November 2014, Madrid became the European Head in the fight against hate crimes, by welcoming the conference “Together Against Hate Crimes and Hate Speech”, in which public institutions and international organisms participated. The conference was organized by the NGO Social Action (*Acción Social*), with the collaboration of the Norwegian embassy in Madrid, along with the Spanish Ministry of Health, Social Services and Equity, and financed by the European Economic Space 2009-2014. The goal of the conference was to create synergies to start new initiatives that help prevent, raise awareness and take action regarding hate crimes and hate speech, both phenomena that have been increasing over the last years in Europe. It was addressed during the conference, among other risk factors, that there seems to be a correlation between this increase in hate crime and hate speech, with the rise of radical political parties.

On March 2<sup>nd</sup> and 3<sup>rd</sup>, 2017, the City Council of Barcelona organised in Barcelona the international Conference #BCNvsOdi: strategies to tackle intolerance in social networks. The main goal of the conference was to raise awareness on the impact of the problematic of hate speech in social networks. It additionally brought light to the never-ending debate regarding freedom of speech and hate speech.

Every year is celebrated the annual Conference of all public prosecutors delegates, where problematics are addressed, and in which judges and representatives of civil society are also invited as well. Additionally, the idea of inviting external observers from the Administration or civil society is being taken into account.

The Autonomous Community of Madrid has launched in 2016 an initiative whose goal is to involve students from secondary education to correctly use the Internet and to fight against cyberbullying. The project has the support of different entities (*Vodafone, PantallasAmigas*). The project has been installed in two educative centres with excellent results from all the involved parts, who have shown their satisfaction with the process and the results.

Some other initiatives from the Government and Public Institutions are related to increasing the number of entities adhered to the aforementioned Agreement, such as the Ministry of Education, Culture and Sports, as well as the Ministry of Exterior and Cooperation.

### **5.7.4 Success Cases & Challenges**

There has been an increase in media coverage of hate speech incidents in Spain. For instance, César Strawberry, the leader of Def-Con-Dos, was detained in 2016 and later accused by the

Spanish High Court of inciting terrorism and humiliation of terrorism victims<sup>210</sup>. However, we was absolved of those crimes based on the freedom of speech principle<sup>211</sup>. Other users face up to two year prison sentences due to their comments on social networks. A twitter user (Madame Guillotine), was condemned in 2016 by the Spanish Supreme Court to two years imprisonment for terrorist exaltation and humiliation of terrorism victims, due to her Twitter comments about victims of terrorism<sup>212</sup>. Even politicians have faced hate speech accusations due to their comments on social media platforms, like Twitter. Guillermo Zapata, a Madrid city councillor, was prosecuted in 2011 for posting comments about terrorism victims, and due to posting antisemitism comments on Twitter. He posted an apology and he described those tweets as examples of his penchant for dark humour<sup>213</sup>. Four years later, he was absolved of all charges by the National Audience<sup>214</sup>. Another example of hate speech is the recent sentence of a Twitter user due to the comments he posted about the flight incident of Germanwings in 2015. The sentence punishes the user with eight months of imprisonment, which could be replaced by the attendance to a course of Human Rights. The prison sentence has been based on a crime against the article 510.1 of the Spanish Penal Code<sup>215</sup>. As can be inferred from these cases, there are still challenges that Public Institutions and LEA face when dealing with the limits of freedom of expression and hate speech<sup>216</sup>. However, changes in legislation are being made with the intention of adapting to a constantly evolving reality.

Even though the changes of the article 510 are viewed as a quantum-leap in correctly identifying hate crimes and hate speech, experts still think of the behaviours included as a closed catalogue in which concepts like *aporophobia* or *gerontophobia* are not included or even refer to. The former refers to hatred against people like beggars or people without resources, due to their condition of having a lower status or lack of money. The latter refers to hatred against elder people.

### 5.7.5 Gap analysis

The intention towards the near future is that every Public Prosecutor Office in Spain will have a reference, a delegate in hate crime, with a triple function: Coordination of the different issues at the Prosecutor Office; Contact Person for LEAs, NGOs and victims; and rely on the information obtained to superior authorities.

There is a problem of underrepresentation and underreporting of hate speech, and the statistical data gathered is insufficient to provide real conclusions and findings. According to the request, made by the ERCI in 2011, the Spanish Government has installed some mechanisms to gather information and data related to acts of racism and racial discrimination. Therefore, there is a plan of creating a specific research group for analysing racism, racial discrimination and xenophobia, underway. Additionally, a research group is also necessary to gather data and provide useful statistical information regarding this phenomenon. Moreover, there will be a

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<sup>210</sup> <http://www.publico.es/sociedad/guardia-civil-lanza-operacion-apologia.html>

<sup>211</sup> [http://www.eldiario.es/politica/Absuelto-Cesar-Strawberry-enaltecido-Twitter\\_0\\_538946313.html](http://www.eldiario.es/politica/Absuelto-Cesar-Strawberry-enaltecido-Twitter_0_538946313.html)

<sup>212</sup> <http://www.diariocritico.com/la-tuitera-madame-guillotine-condenada-a-2-anos-de-carcel>

<sup>213</sup> [https://www.nytimes.com/2015/06/15/world/europe/spanish-official-apologizes-over-twitter-joke-about-holocaust.html?\\_r=0](https://www.nytimes.com/2015/06/15/world/europe/spanish-official-apologizes-over-twitter-joke-about-holocaust.html?_r=0)

<sup>214</sup> [http://politica.elpais.com/politica/2016/11/15/actualidad/1479211832\\_005047.html](http://politica.elpais.com/politica/2016/11/15/actualidad/1479211832_005047.html)

<sup>215</sup> [http://www.huffingtonpost.es/2017/03/17/condenado-un-usuario-de-twitter-por-un-mensaje-vejatorio-sobre\\_a\\_21899573/](http://www.huffingtonpost.es/2017/03/17/condenado-un-usuario-de-twitter-por-un-mensaje-vejatorio-sobre_a_21899573/)

<sup>216</sup> <http://linkis.com/www.eldiario.es/poli/eBnll>

subgroup with the sole task of analysing online hate speech, as well as another subgroup that will gather data related to online hate speech.

It would be useful for the EU and its member states to gather information and data regarding hate speech, as well as to publish this statistical data, in a more harmonized manner to make it easier to conduct international studies. The impact of different hate crimes in the EU could then be much more visible, easily compared, and it will make it easier for policy makers to adopt effective and international measures to tackle hate crimes (including hate speech) and increase its victims' rights and protection. In those cases where hate speech is not already conceptualised as a crime, it should be done, and if possible, an international definition of hate speech should be agreed on by European countries.

One of the main problems that Prosecutors find when dealing with hate speech is stating the source of hate speech, based on problems allocating civil and penal responsibilities. Additionally, the preservation of hate speech contents in order to use them as evidence pose several problems as well. Moreover, the fact that not only does hate speech appear in social media platforms, but also by much more private communication channels like WhatsApp, along with the treatment of the contents, increases this problematic. Additionally, public and private institutions should work together in tackling hate speech. Governments should reinforce measures that private companies, such as IT ones, can adopt in regards to hate speech.

Public awareness-campaigns should be designed and carried out jointly by police, prosecutors, NGOs, and public institutions. Society as a whole might need to be provided with more information about their rights and illegal online behaviour, as well as informing victims about the mechanisms to report these kind of behaviours. There are estate and autonomic Hate Crime Victims Services, as well as different social entities that provide assistance to victims. Furthermore, there is a Delegate for Hate Crime Victims at the Public Prosecutor's Estate Office. However, general public is often not aware of the mere existence of these services and victims may sometimes feel underrepresented and that little attention is provided to hate crimes and hate speech in particular. Victims usually feel as if the fact of reporting a hate speech incident is not going to prove useful and that no attention will be given to the incident; and these assumptions are usually reinforced by attitudes of some legal operators. Therefore, it is crucial to change the view of online hate speech not only in society as a whole, but in practitioners and specific groups of professionals (LEAs, legal operators, etc.) that constantly deal with this phenomenon and its victims.

#### **5.7.6 Useful Links & Additional Reading**

- Alastuey Dobon, C. (2016). Discurso del Odio y Negacionismo en la reforma del Código Penal de 2015. *Revista Electrónica de Ciencia Penal y Criminología*(18).
- Anti-Defamation League. (2015). *Report on the Anti-Defamation League on confronting cyberhate*. Anti-Defamation League, New York.
- Ben-David, A., & Matamoros-Fernandez, A. (2016). Hate Speech and Covert Discrimination on Social Media: Monitoring the Facebook Pages of Extreme-Right Political Parties in Spain. *International Journal of Communication* , 10, 1167-1193.
- Cohen, J. (2015). *Efectos sociales del terrorismo. Crisis de refugiados y argumentaciones erróneas*. Instituto Español de Estudios Estratégicos (IEEE).

- Fundación ANAR. (2016). *I Estudio sobre Cyberbullying según los afectados*. Fundación ANAR y Fundación Mutua Madrileña.
- Gabinete de Coordinación y Estudios. (2015). *Informe sobre incidentes relacionados con los delitos de odio en España*. Ministerio del Interior, Secretaria de Estado, Madrid.
- Gagliardone, I., Patel, A., & Pohjonen, M. (2014). *Mapping and Analysing Hate Speech Online: Opportunities and Challenges for Ethiopia*. University of Oxford and Addis Ababa University.
- Gonzalez-Enriquez, C. (2016). *El declive de la identidad nacional española*. Real Instituto Elcano. Real Instituto Elcano.
- Gonzalez-Enriquez, C. (2016). *Highs and lows of immigrant integration in Spain*. Real Instituto Elcano. Real Instituto Elcano.
- Isasi, A. C., & García Juanatey, A. (2017). *Hate Speech in Social Media: A state-of-the-art review*. Ajuntament Barcelona.
- Jubany, O., & Roiha, M. (2015). *Backgrounds, Experiences and Responses to Online Hate Speech: A Comparative Cross-Country Analysis*. Universitat de Barcelona.
- Jubany, O., Roiha, M., La Ligue de l'enseignement, F., & ROTA, U. (2016) *Backgrounds, Experiences and Responses to Online Hate Speech: A Comparative Cross-Country Analysis*.
- King, R. D., & Sutton, G. M. (2013). High times for hate crimes: Explaining the temporal clustering of hate-motivated offending. *Criminology*, 51(4), 871-894.
- Simon Wiesenthal Center. (2012). *Social media must do more to thwart subculture of hate fueling lone wolf terrorism - Simon Wiesenthal Center debuts 2012 Digital Hate Report*. Simon Wiesenthal Center.
- United Nations. (2016). *International Migration Report 2015*. United Nations, Economic & Social Affairs, Population Division. United Nations.

The following webpages are also useful:

- <http://www.diariocritico.com/la-tuitera-madame-guillotine-condenada-a-2-anos-de-carcel>
- [http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics/es](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/es)
- [http://www.eldiario.es/politica/Absuelto-Cesar-Strawberry-enaltecido-Twitter\\_0\\_538946313.html](http://www.eldiario.es/politica/Absuelto-Cesar-Strawberry-enaltecido-Twitter_0_538946313.html)
- <http://www.empleo.gob.es/oberaxe/es/destacados/index.htm>
- <http://www.ine.es/prensa/np980.pdf>
- [https://www.nytimes.com/2015/06/15/world/europe/spanish-official-apologizes-over-twitter-joke-about-holocaust.html?\\_r=0](https://www.nytimes.com/2015/06/15/world/europe/spanish-official-apologizes-over-twitter-joke-about-holocaust.html?_r=0)
- [http://politica.elpais.com/politica/2016/11/15/actualidad/1479211832\\_005047.html](http://politica.elpais.com/politica/2016/11/15/actualidad/1479211832_005047.html)
- <http://www.publico.es/sociedad/guardia-civil-lanza-operacion-apologia.html>

## 6 Law Enforcement

### 6.1 BULGARIA

#### 6.1.1 Overview

The volume of hate speech crimes and in particular hate speech crime online is very low. The primary reason for this is that there is no public understanding of the difference between what is legal - and what illegal hate speech is. This creates a barrier for end users to report incidents and hinders investigations and prosecutions of hate speech crime. Therefore there should be awareness raising initiatives and projects improving the public understanding of legal/illegal online hate speech. There should be enhanced training for law enforcement, prosecutors and judiciary improving their knowledge how to investigate and prosecute online hate speech crime. More attention should be paid on building strong partnerships between all stakeholders, including public authorities, civil society and academia and improving the cooperation among law enforcement on national and international level.

#### 6.1.2 Agencies Responsible and Agency Structure

- Regional Police Departments
- Cybercrime Department of the General Directorate Combating Organized Crime
- Regional Prosecutors' Offices

#### 6.1.3 Activities & initiatives

Hate speech is subject to proceeding under the Bulgarian Criminal Code. Hate speech crime are reported to and investigated by the Regional Police Departments and by the General Directorate Combating Organised Crime Cybercrime Department and are under the competence of the Regional Prosecutors Offices.

#### 6.1.4 Success Cases & Challenges

##### *Success Cases:*

- Agreement 37/29.01.2013 of the Regional Court - Burgas. The defendant confessed and pleaded guilty in intentionally committing a crime under the article 162, paragraph 1 of the Criminal Code and that in the period of 21.10.2012 - 31.10.2012 he has preached to racial, national or ethnical hostility, hatred or racial discrimination by posting pictures with the texts: Roma will inherit Bulgaria and will enjoy the fruits...", "Bulgaria is suppressed by the Bulgarians and cared for by Roma...", "Excellent guys. The Bulgarians deserve cruel death..." on the created and administrated by him profile on Facebook Armacedone Penkov and on the page Life.for.Roma. For the indicated crime under the article 162, paragraph 1 of the Criminal Code in relation to the article 55, paragraph 1, point 1 of the Criminal Code the defendant was punished by 11 months imprisonment which execution was delayed for three years and public censure by reading the sentence on the Burgas radio.

- On October 30, 2011, the Varna Regional Court imposed a penalty - 9 months imprisonment (execution delayed by three years) under the article 162, paragraph 1 in relation to the article 55, paragraph 1, point 1 of the Criminal Code and a public censure by posting the sentence on the public dashboard of the municipality. The defendant was accused and pleaded guilty because on September 28, 2011, on his Facebook profile he created an event Roma's slaughter and called for action in relation to this event.

### **Challenges:**

The number of online hate speech criminal cases is still very low and our research indicated several reasons for this.

1. There is a misconception within the public on what is legal and what is illegal hate speech. This prevents people from reporting hate speech.

There is not a good understanding by the Regional Police Departments' officers on what is illegal and legal hate speech on one hand, and on the other hand - lack of knowledge how to investigate cases of hate speech on the Internet. These two facts make them either register the cases as hooliganism, or send the cases to the Cybercrime Department of the GDCOC, which is overloaded.

2. According to the Bulgarian law on electronic communications, the traffic data preserved by the ISPs could be used only in cases for preventing national security violations and for the detection and investigation of serious crime. Hate speech does not fall under neither of these categories.
3. Frequently the judicial proceedings are terminated under the article 9, paragraph 2 of the Criminal Code *((2) Criminal shall not be an act which, although formally containing the elements of crime provided by law, because of its insignificance is not dangerous to society or its danger to society is obviously insignificant.)*<sup>217</sup>
4. There are cases in Bulgaria, when politicians are using hate speech, but they have parliamentary immunity from prosecution.

### **6.1.5 Gap analysis**

The above mentioned problems and challenges could be addressed by taking the following actions:

- more initiatives and projects improving the public understanding of what is illegal hate speech and what is legal hate speech. Thus the reporting of such crimes will be improved.
- more trainings for law enforcement, prosecutors and judiciary improving their knowledge what is legal and what is illegal on one hand and on the other improving their knowledge how to investigate and prosecute online hate speech crime.
- building strong partnerships between all stakeholders, including public authorities, civil society and academia and improving the cooperation among law enforcement on national and international level.

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<sup>217</sup> **Criminal Code of the Republic of Bulgaria (in Bulgarian)** - <http://lex.bg/laws/ldoc/1589654529>

### 6.1.6 Useful Links & Additional Reading

- Cybercrime department - General Directorate Combating Organized Crime:  
<http://www.cybercrime.bg/>
- Юлиана Николова, Орлин Спасов и Николета Даскалова, “Езикът на омраза в България: рискови зони, уязвими обекти”, Център за модернизиране на политики, Фондация медийна демокрация, София 2016, достъпно на [http://www.fmd.bg/wp-content/uploads/2016/04/antihate\\_index.pdf](http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf)  
[http://politiki.bg/downloads/File/2016\\_July/antihate\\_index.pdf](http://politiki.bg/downloads/File/2016_July/antihate_index.pdf) (Yuliana Nikolova, Orlin Spasov and Nikoleta Daskalova, “Hate Speech in Bulgaria: Risk Areas, Vulnerable Subjects” analysis, Centre for Policy Modernization, Centre for Policy Modernization, Sofia 2016, (in Bulgarian), available at [http://www.fmd.bg/wp-content/uploads/2016/04/antihate\\_index.pdf](http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf) and [http://politiki.bg/downloads/File/2016\\_July/antihate\\_index.pdf](http://politiki.bg/downloads/File/2016_July/antihate_index.pdf))

## 6.2 CYPRUS

### 6.2.1 Overview

No Specific issues to report

### 6.2.2 Agencies Responsible and Agency Structure

The Office for Combating Discrimination set up in 2005, within the Crime Combating Department of the Cyprus Police, is responsible for the implementation of preventive initiatives as well as for monitoring intervention tactics to combat racism, discrimination and xenophobia.

The aforementioned Office for Combating Discrimination is responsible for monitoring the investigation of complaints or reports relevant to cases and/or incidents of discrimination, racism, or xenophobia. The Office works together with police investigators for better handling of discrimination incidents guaranteeing the effective enforcement of the relevant legislation and collaborates with other relevant Agencies (Governmental or NGOs) and maintains a registry of incidents of hate crimes.

### 6.2.3 Activities & initiatives

- A Memorandum for Cooperation<sup>218</sup> to protect and promote human rights was signed between the Cyprus Police <sup>219</sup> and 12 Non-Governmental Organisations in March 2017.
- The Cyprus Police organized a “Multicultural Policing Seminar” at the Cyprus Police Academy. The focus of this particular seminar was on education and vocational training of Police Members on multicultural issues, mainly in order to prevent and combat incidents of xenophobia, prejudice and discrimination based on sex, religion, ethnic and cultural origin at the workplace

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<sup>218</sup> <https://goo.gl/mhTzpr>

<sup>219</sup> <https://goo.gl/3EYhHq>

- The Cyprus Police has also participated to the Transnational Project “Multicultural Education for Police Services in Europe: an exchange of learned lessons, good practice and tools”, in the framework of the “Community Action Programme to Combat Discrimination.
- Training in various aspects of human rights and non-discrimination is part of both basic training and compulsory in-service training.
- The police On-line Crime Report system (internal method of recording racially motivated offences) since 2005, has resulted in recording a number of incidents racially motivated with the outcome of criminal prosecution and consequent convictions.

#### **6.2.4 Success Cases & Challenges**

No Specific issues to report

#### **6.2.5 Gap analysis**

- Although, Law Enforcement maintains a registry of reported cases, according to ODIHR (Office for Democratic Institutions and Human Rights)<sup>220</sup> Cyprus has not reported reliable statistics on hate crimes to ODIHR<sup>221</sup> since 2013.

#### **6.2.6 Useful Links & Additional Reading**

- <https://kisa.org.cy/signing-of-the-memorandum-for-cooperation-between-ngos-and-the-police/>
- <http://www.police.gov.cy/police/police.nsf/All/FAE0E9D45504FCF2C22580DE004207DD?OpenDocument>

### **6.3 FRANCE**

#### **6.3.1 Overview**

Several Law enforcement services are entitled to investigate hate speech. In addition, a national reporting platform (PHAROS) does handle hate speeches reports as well as other illegal content.

#### **6.3.2 Agencies Responsible and Agency Structure**

The sub-direction in charge of the combat against cybercrime (sous-direction de lutte contre la cybercriminalité, SDLC) of the Central Direction of the Judicial Police is the main service in charge of the combat against online hate. Created in 2014, it includes more than 80 people. It includes a strategic coordination office, the central office for the combat against ICT- related

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<sup>220</sup> Office for Democratic Institutions and Human Rights (ODIHR)

<sup>221</sup> <http://hatecrime.osce.org/cyprus?year=2015>

crime (Office central de lutte contre la criminalité liée aux technologies de l'information - OCLCTIC) and a division in charge of anticipation and analyse.<sup>222</sup>

The OCLCTIC is divided into five sections, one of them being an Internet section, which includes a platform of harmonisation, cross-checking and orientation called PHAROS, which is dedicated to the processing of illicit online content.<sup>223</sup> PHAROS is therefore also a reporting platform where Internet users can report several types of online illegal content including hate speech.

In parallel of the PHAROS platform, any citizen can make a complaint to any police or gendarmerie station.

### 6.3.3 Activities & initiatives

PHAROS receives reports of illegal content including hate speech from Internet users. Reports are handled by police officers and gendarmes<sup>224</sup>. Where a content constitutes an penal infringement according to French law, the report is redirected to an investigative service of the national police, of the Gendarmerie, of customs or of the general direction for competition, consumption and fraud control. As a consequence an investigation might be opened, under the supervision of a public prosecutor. If the illicit content falls within the jurisdiction of another country, the report is transmitted to Interpol, which will redirect it to the judiciary of the concerned country. Reports can be anonymously made, and the PHAROS platform only retains in such situation the IP address. The latter might be used in exceptional circumstances for the needs of a particular investigation, in order to identify the reporting person with the mandatory authorisation of a public prosecutor.<sup>225</sup>

In addition, the OCLCTIC includes a section responsible for education, which is *inter alia* in charge of the training of cybercrime first responders and investigators<sup>226</sup>.

### 6.3.4 Success Cases & Challenges

Statistics of the PHAROS platform demonstrate an important use of this platform<sup>227</sup>.

Regarding challenges, in the same line as in section 5.3 of the current report, the opinion of the CNCHD of the 12 February 2015 appears to be very informative on French challenges and on ways to reduce them.

Regarding specifically the penal combat against hate speech on the Internet, the CNCDH recommendation is to reinforce existing mechanisms in the area, especially through defining the notion of "terrorism apology", by improving the procedural framework that enables to sanction press infringements in order to improve the investigations' efficiency, and by modifying some

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<sup>222</sup> The presentation of the sub-direction is available at <https://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-de-la-Police-Judiciaire/Lutte-contre-la-criminalite-organisee/Sous-direction-de-lutte-contre-la-cybercriminalite> (last accessed on 22 June 2017).

<sup>223</sup> Ibid.

<sup>224</sup> PHAROS FAQ - Qui traite les signalements ? <https://www.internet-signalement.gouv.fr/PortailWeb/planets/Faq.action> (last accessed on 22 June 2017).

<sup>225</sup> Ibid.

<sup>226</sup> Presentation of the sub-direction against cybercrime, <https://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-de-la-Police-Judiciaire/Lutte-contre-la-criminalite-organisee/Sous-direction-de-lutte-contre-la-cybercriminalite> (last accessed on 22 June 2017).

<sup>227</sup> <http://www.senat.fr/rap/a14-114-15/a14-114-151.pdf>

provisions relating to hosting and access providers' liability and contribution to the combat against hate, in order to simplify in a more practical manner reports and prosecution without threatening the freedoms of speech, of innovation and of entrepreneurship. The CNCDH also recommends to set up an ambitious and voluntarist penal policy, with sufficient dedicated means including in terms of human resources, in order to - inter alia - ease investigations and victims' reparation, give more resources to the national reporting platform PHAROS, organise reports traceability and information sharing between national and local stakeholders, and to organise alternatives to prosecution and imprisonment.

### 6.3.5 Gap analysis

As analysed in the previous sections, LEAs are organised to combat hate speech and have several mechanisms at their disposal in order to be efficient. However, remaining gaps are at least those highlighted by the CNCDH mentioned in the previous section of the current report, and therefore lie particularly in the complexity of conducting some investigations and of conducting rapid actions against content in the respect of fundamental freedoms. The CNCDH moreover established a lack of means of the PHAROS platform.

### 6.3.6 Useful Links & Additional Reading

- <https://www.police-nationale.interieur.gouv.fr/Organisation/Direction-Centrale-de-la-Police-Judiciaire/Lutte-contre-la-criminalite-organisee/Sous-direction-de-lutte-contre-la-cybercriminalite>
- <https://www.internet-sigalement.gouv.fr/PortailWeb/planets/Faq.action>
- Opinion of the CNCDH:  
<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432>
- <http://www.revuedlf.com/a-propos/>
- <http://www.cncdh.fr/fr0>
- <https://books.google.fr/books?hl=fr&lr=&id=SSM1-Wj7bNIC&oi=fnd&pg=PA1&dq=hate+speech&ots=iokqo9e3gz&sig=KcbpxG-TRghrvc4jXlqFbGUG6FE#v=onepage&q=hate%20speech&f=false>
- Myriam Quémener : “Présentation de l’avis sur la lutte contre les discours de haine sur internet de la CNCDH”, Revue Le Lamy Droit de l’immatériel, n°113, 1er mars 2015.
- -Liberté d’expression : la nécessaire adaptation de l’arsenal répressif au web 2.0, Emmanuelle Allain, AJ pénal 2015, 112
- <http://www.ladocumentationfrancaise.fr/rapports-publics/154000262-la-lutte-contre-le-racisme-l-antisemitisme-et-la-xenophobie-annee-2014>
- <http://www.vie-publique.fr/actualite/alaune/racisme-plan-action-contre-phenomene-progression-20150420.html>
- <http://www.gouvernement.fr/planantiracisme-veiller-les-consciences-agir-ne-plus-rien-laisser-passer>
- [http://www.revuegeneraledudroit.eu/wp-content/uploads/ER2015\\_14.pdf](http://www.revuegeneraledudroit.eu/wp-content/uploads/ER2015_14.pdf)
- [http://www.revuegeneraledudroit.eu/wp-content/uploads/ER2015\\_11.pdf](http://www.revuegeneraledudroit.eu/wp-content/uploads/ER2015_11.pdf)

- <http://www.lefigaro.fr/international/2017/02/22/01003-20170222ARTFIG00094-amnesty-s-alarme-des-discours-de-haine-portes-par-certains-dirigeants.php>
- <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722>
- [https://www.senat.fr/basile/visio.do?id=r888850\\_3&idtable=r894307\\_7|r889307\\_13|r8101647\\_3|r888850\\_3|r894987\\_8|r894247\\_20|r8101627\\_6|r8101727\\_1&c=haine&rch=gs&de=20160320&au=20170320&dp=1+an&radio=dp&aff=sep&tri=p&off=0&afd=ppr&afd=ppl&afd=pjl&afd=cvn&isFirst=true](https://www.senat.fr/basile/visio.do?id=r888850_3&idtable=r894307_7|r889307_13|r8101647_3|r888850_3|r894987_8|r894247_20|r8101627_6|r8101727_1&c=haine&rch=gs&de=20160320&au=20170320&dp=1+an&radio=dp&aff=sep&tri=p&off=0&afd=ppr&afd=ppl&afd=pjl&afd=cvn&isFirst=true)
- [https://www.senat.fr/basile/visio.do?id=r8101627\\_6&idtable=r894307\\_7|r889307\\_13|r8101647\\_3|r888850\\_3|r894987\\_8|r894247\\_20|r8101627\\_6|r8101727\\_1&c=haine&rch=gs&de=20160320&au=20170320&dp=1+an&radio=dp&aff=sep&tri=p&off=0&afd=ppr&afd=ppl&afd=pjl&afd=cvn&isFirst=true](https://www.senat.fr/basile/visio.do?id=r8101627_6&idtable=r894307_7|r889307_13|r8101647_3|r888850_3|r894987_8|r894247_20|r8101627_6|r8101727_1&c=haine&rch=gs&de=20160320&au=20170320&dp=1+an&radio=dp&aff=sep&tri=p&off=0&afd=ppr&afd=ppl&afd=pjl&afd=cvn&isFirst=true)
- <https://www.senat.fr/basile/visio.do?id=qSEQ16050884G&idtable=q316777|q316205|q324410|q324850|q323658|q317668|q325839|q318752&c=haine&rch=gs&de=20160320&au=20170320&dp=1+an&radio=dp&aff=sep&tri=p&off=0&afd=ppr&afd=ppl&afd=pjl&afd=cvn>
- Chambre Criminelle, February 1st 2017 (n°15-84511)
- [https://www.courdecassation.fr/jurisprudence\\_2/chambre\\_criminelle\\_578/104\\_1\\_36011.html](https://www.courdecassation.fr/jurisprudence_2/chambre_criminelle_578/104_1_36011.html)
- [https://www.courdecassation.fr/jurisprudence\\_2/notes\\_explicatives\\_7002/necessite\\_proportionnalite\\_36363.html](https://www.courdecassation.fr/jurisprudence_2/notes_explicatives_7002/necessite_proportionnalite_36363.html)
- <https://crimhalt.org/2016/07/17/la-lutte-contre-la-cybercriminalite/>

## 6.4 GREECE

### 6.4.1 Overview

In Greece, there is not official information related to online hate speech incidents. The only public information for statistics can be found in the site of Greek Police<sup>228</sup>, but there is not a specific category for the hate crime in general or for online hate speech. Lot of cases remain underreporting and it is a situation that needs to be addressed.

### 6.4.2 Agencies Responsible and Agency Structure

The Cyber Crime Unit of the Greek police of the Ministry of Citizen Protection is the responsible department for tackling cybercrime in general and online hate speech more specifically. According to the 132/2012 PD as it was amended by the 178/2014 PD, 2 departments (one in Athens and one in Thessaloniki) and 68 (5 in Athens and 63 in region) offices were founded for tackling racist violence in Greece. There are a total number of 200 employees who support these departments.

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<sup>228</sup> Greek Police, published statistics available at [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=81&Itemid=73&lang=](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=81&Itemid=73&lang=)

### 6.4.3 Activities & initiatives

The above-mentioned departments and offices intervene ex officio or after a relevant complain or report from the victim and investigate cases of hate crime based on race, color, religion, origin, sexual orientation and disabilities. Moreover, they collect, edit and evaluate information and data regarding the preparation of crimes with racist features.

Some of their activities are the following:

- Develop cooperation with relevant stakeholders, or other social services and organizations in the framework of completing their mission and managing incidents of racist violence more efficiently.
- Take initiatives for the prevention and confrontation of relevant incidents.
- Surveillance of places and areas with increased risk of racist violence.
- Cooperate with international organizations and representatives of sensitive social groups that are at risk or have already face racial attacks.
- Inform victims and complainers for their rights.
- Inform immediately the Public Prosecutor, while when it comes to serious incidents they inform the Ministry of Foreign Affairs and consular authorities of the victim's country.

### 6.4.4 Success Cases & Challenges

The success cases and challenges in Greece related to confrontation of online hate speech are the following:

- Enhancement of legal framework in Greece. With the Law 4285/2014 which amended Law 927/1079, regulations from Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law were transferred to the Greek Legislation. More specifically, as it is stated in article 1 “is punished whoever intentionally, publicly, orally or through the press, the internet or by any other means or manner, stimulates, causes, induces or incites acts or activities which may lead to discrimination, hatred or violence against a person or group of persons, identified by race, colour, religion, descent national or ethnic origin, sexual orientation, gender identity or disability, in a way that compromises the public or pose a threat to life, liberty or physical integrity of the above persons.”. Additionally, the new article of 81A of Greek Penal Code, which was inserted by the article 10 of the above law, foresees increased penalties in case of racist crime and specifically, when an act is committed by hatred based on race, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability of the victim.
- The Greek Police have created a useful portal available online to citizens with lots of useful information, advice for prevention from cybercrimes and contact details. “Cyber alert” is a new service provided to citizens that gives the opportunity of reporting crimes that occur in the internet, such as online hate speech. Additionally, there is a website especially for minors called “Cyberkid” (<http://www.cyberkid.gov.gr/>) that provide information for safe internet use from the internet. The applications for smart phones can be downloaded from

this site and facilitate reporting for illegal internet activities or behaviour. Greek Police also accept phone calls, even anonymously from citizens from the 11414 phone number.

- Specialized prosecutors for racist crimes in Athens, Piraeus, Thessaloniki, Patra and Heraklion have been appointed.
- There has been a reduction from 100 to 50 euros of the cost of a complaint to the Police (for all kind of cybercrimes). Therefore, for citizens is more affordable to proceed with the complaint to the Police.

#### **6.4.5 Gap analysis**

Even though lots of steps have been done to the direction of confrontation racist behaviour and online hate speech, it seems that a huge number of incidents remain underreporting. On the one hand, people are not aware of their rights, they do not realize their positions as victims of hate speech and do not claim support from the police or other NGOs. On the other hand, in such a case that someone may ask for support from the police, it is not sure that the suspect is going to be defined. It is not permitted to reveal the personal information of the suspect because of the privacy protection law. Withdrawal of communications privacy may happen only in very serious cases such as organized crime and distribution of child sexual abuse images but not for online hate speech distribution. Another important gap that it is necessary to be covered in Greece is the lack of public prosecutors specialized in cybercrimes. For this reason, Cyber Crime Unit of the Greek Police has proposed to have specialized and well trained prosecutors to deal with crimes online, such as online hate speech.

#### **6.4.6 Useful Links & Additional Reading**

- Cyber alert application by the Greek Police, more information at <http://cyberalert.gr/en/>
- Portal of the Greek Police, available at [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=34&Itemid=13&lang=EN](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=34&Itemid=13&lang=EN)
- Law. 4285/2014, available at <http://www.ministryofjustice.gr/site/LinkClick.aspx?fileticket=Ik2xQr3jlkq%3D&tabid>

## **6.5 IRELAND**

### **6.5.1 Overview**

### **6.5.2 Agencies Responsible and Agency Structure**

The Garda Racial Intercultural and Diversity Office (GRIDO) mandate is to monitor the reporting and recording of hate and racist crime on an ongoing basis

### **6.5.3 Activities & initiatives**

The Garda Racial, Intercultural & Diversity Office (GRIDO) was established in April 2000 and staff members of the GRIDO coordinate, monitor and advise on all aspects of policing in the area of diversity. The office has a staff of 3 (1 Sergeant, 1 Garda and 1 Clerical Officer). GRIDO staff members are available to members of the public and the Garda organisation for advice and support in the GRIDO area of expertise.

In 2002 the Garda Commissioner authorised the appointment of Garda Ethnic Liaison Officers (ELO). Their role is to liaise with representatives of the various minority communities in their division, and to establish communication links with each of these communities. They also inform and assure the ethnic communities of Garda services. (All members of An Garda Síochána and not just Ethnic Liaison officers can deal with racist incidents that are reported to them.) They assist in the investigation of racist incidents and ensure that appropriate support mechanisms are available to members of ethnic minorities, i.e.: interpreters, translators, family support, cultural requirements.



The infographic highlights the work of the Garda Racial, Intercultural and Diversity Office and Ethnic Liaison Officers throughout the country.<sup>229</sup>

In September 2014 Nasc (Irish Immigrant Support Centre) delivered a pilot anti-racism training<sup>230</sup> to 20 Gardaí in Cork, in collaboration with Cork Community Policing and the Garda Racial, Intercultural and Diversity Office (GRIDO)<sup>231</sup>. 20 Gardaí attended the session including members of Cork Community Policing, Ethnic Liaison Officers and frontline Gardaí from Garda stations throughout the city. The training focussed on raising awareness and promoting discussion about the impact racism has on migrant and ethnic minority communities and how to prevent discriminatory ethnic profiling. Migrant speakers from diverse communities, including the Roma community, the Muslim community and the African community shared their experiences and participated in the discussion. Learnings from the pilot session will now be used to develop a training toolkit that will be rolled out nationally.

### 6.5.4 Success Cases & Challenges

No supplementary material.

### 6.5.5 Gap analysis

In 2012, the European Commission against Racism and Intolerance (ECRI) recommended that Ireland improve 'existing arrangements for collecting data on racist incidents.'<sup>232</sup> It stated that the Pulse system [The Garda crime management system] needed to be updated so that hate

<sup>229</sup> <http://www.garda.ie/Documents/User/grido%20policing%20our%20diverse%20society%202014%20infographic.pdf>

<sup>230</sup> <http://www.nascireland.org/latest-news/nasc-deliver-anti-racism-training-to-gardai/> (accessed April 2017)

<sup>231</sup> <http://www.garda.ie/Controller.aspx?Page=13702&Lang=1> (accessed April 2017)

<sup>232</sup> ECRI Report on Ireland (fourth monitoring cycle)", ECRI, adopted 5 December 2012, published 19 February 2013, CRI(2013)1, pp. 12-13, available at <[http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland_CBC_en.asp)>.

speech (and hate speech via online platforms) could be easily identifiable as a sub-category of hate crime and that information regarding the journey of investigations through the criminal justice system should be made available. This would require additional resources allocated to the Garda Racial, Intercultural & Diversity Office (GRIDO), as well as operational training for Ethnic Liaison Officers (ELOs) or other members of the Gardaí who would be recording and investigating these crimes.

Nasc Ireland reported racist comments posted to a Facebook page to the Gardaí. In so doing, Nasc discovered that although the Gardaí were able to identify the perpetrator, when the offensive content was removed (by Facebook), there was no evidence upon which to prosecute the individual in question.<sup>233</sup>

### 6.5.6 Useful Links & Additional Reading

- Garda Racial Intercultural and Diversity Office (GRIDO) <http://www.garda.ie>
- Nasc – The Irish Immigrant Support Centre <http://www.nascireland.org/about/>

## 6.6 SPAIN

### 6.6.1 Overview

The specific number of real hate speech cases is still greatly unknown due to the low number of reported incidents. In other words, there is still a dark figure and this phenomenon might be underestimated in Spanish statistics. LEA is aware of this underreporting tendency, as they usually express it in their reports. Even though they take action in raising awareness on general population and society regarding human rights, hate crimes and hate speech; there is a lot to be done, which also includes improving the communication and collaboration between LEA and other entities, like NGOs for example.

### 6.6.2 Agencies Responsible and Agency Structure

The Technological Units of Investigation of the National Police<sup>234</sup>, which are distributed throughout the Spanish territory. There are also provincial Teams of Technologic Investigation (EDITE); as well as the Telematics Crime Group (GDT)<sup>235</sup> of the Central Operative Unit (UCO), the Judicial Police (PJ), and Information Services of the Civil Guard<sup>236</sup>. All of these agencies and groups are responsible for carrying out investigations regarding online hate speech, and they differ on the approach of online hate speech they investigate.

The National Police and the Civil Guard have different territorial jurisdiction and they are independent from one another. However, they do collaborate when needed.

<sup>233</sup> NASC state, '[i]f a comment or page has been deleted and it is under 60 days from the date of deletion, Gardaí would require an FBI warrant to retrieve the information as it is an American-hosted website. Once it is over 60 days very little can be done, as Facebook then delete the content themselves, leaving no evidence,' see <http://www.nascireland.org/latest-news/anti-roma-violence-highlights-need-better-online-hate-speech-laws/> accessed 2 April 2017.

<sup>234</sup> <https://www.policia.es/>

<sup>235</sup> [https://www.gdt.guardiacivil.es/webgdt/la\\_unidad.php](https://www.gdt.guardiacivil.es/webgdt/la_unidad.php)

<sup>236</sup> <http://www.guardiacivil.es/es/index.html>

### 6.6.3 Activities & initiatives

In December 2014, the Spanish Ministry of Interior implemented the first protocol for police intervention in eradicating discrimination and violence in Spain due to hate crimes. This protocol reviews the list of behaviours that violate the Penal Code, and it includes various indicators that should be gathered during the police reporting process and later on be transferred to public prosecutors, so as to provide them with enough criminal evidence, leading to the formulation of accusation charges and, if stated, sentences. The main goal of the implementation of such a protocol is to provide LEAs with the correct tools for identifying hate crimes (including hate speech), by homogenize the police procedure regarding these type of crimes. Up until then, there was a lack of awareness of the penal typologies that applied and the administrative mechanisms to follow when dealing with this problematic, that it was not even identified as such. This protocol was the result of the combined work of different public institutions; and it specifically includes a part which focuses on prosecuting hate crimes committed through the Internet, such as hate speech.

The Protocol is part of the training that all LEA officers receive, regardless of their position in the organisation. Additionally, the Protocol has suffered several changes over the time that it has been implemented. Those changes have responded to judicial sentences.

The Protocol established the figure of a social interlocutor, with the intention of improving the communication between civil society, other organisms and organisations, as well as with Prosecutors.

Over the last years, there have been major advances in the effectiveness of hate speech data gathering. This has been partly due to LEA being better informed, instructed and more sensitive to hate crimes and hate speech. Additionally, there have been changes in the Statistical Criminality System (SEC) in relation to gender discrimination, according to the changes made in the article 22.4 of the Spanish Penal Code in 2015 regarding this phenomenon. Those changes focused on the inclusion of this type of discrimination and the registration of behaviours that result in discrimination based on gender reasons. In the same year (2015), discrimination based on ideology reasons was also included in the SEC, and its data occurrence registered as well.

Furthermore, the Ministry of Interior is carrying out a survey among hate crime victims or people who have experienced hate crimes in order to obtain information regarding the possible improvements that could be made to provide better attention to those victims<sup>237</sup>. One of the main purposes of the survey was to be accessible to as many people as possible, and that also meant using 'easy' vocabulary, so that everyone can understand the survey and can respond in a clear manner. This survey has been developed alongside the collaboration of associations that support victims of hate crimes, and who will make sure that the survey reaches the targeted populations.

The survey will be active from 15th March to 30th September 2017, and the responses from victims will be anonymous, without having to identify themselves at any time. This way, the Ministry intends to assess the dark figure regarding hate crimes, and, by thanks to the

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<sup>237</sup> <http://www.europapress.es/epsocial/igualdad/noticia-interior-encuesta-victimas-delitos-odio-mejorar-atencion-obtener-radiografia-discriminacion-20170315174754.html>

following analysis of the gathered data, obtained a much more realistic perspective of the impact of this phenomenon on the population. Moreover, it will help assess whether or not the protocols established by LEAs on hate crimes are, including hate speech, are effective and which improvements could be made.

The Ministry of Interior has also carried out several awareness-raising campaigns regarding hate crimes and hate speech in particular. Some of these campaigns were done via social networks, periodically or either on special occasions, such as days in which human rights are celebrated, for instance. Different Spanish LEAs participated and supported these campaigns (National Police, Civil Guard), which increased general population's awareness about hate speech, and which also resulted in improving victim's trust in LEA and in reporting hate speech incidents. The Ministry of Interior has also been focussing on showing support to hate speech victims, by providing them with basic information regarding hate crimes and hate speech, reasons for filling an official report, giving them advice on how to protect themselves, and so on; in the form of informative brochures.

#### **6.6.4 Success Cases & Challenges**

In 2015, the Civil Guard carried out a very important operation called Operation Spider (Operación Araña), by which 23 people were detained due to terrorism exaltation on social media platforms. On that same year, the former Secretary of State pointed out the importance of making amendments to the Spanish Law of Criminal Indictment<sup>238</sup>, due to need to have a more flexible and effective judicial frame towards crimes committed via the Internet. He signalled as possible changes the establishment of cover agents on the Internet to help with the detection of terrorism exaltation and terrorist recruitment.

#### **6.6.5 Gap analysis**

Some of the operative problems that Spanish LEAs find when dealing with hate speech are related to the fact that a low number of victims report hate speech incidents. Therefore, there is a huge gap between hate speech reported crimes and those actually committed, leading to an insufficient number of police and judicial investigations.

It should also be noted that victims of hate speech do not usually report directly to the police. They rather turn to NGOs and other associations which support them, give them advice and, only sometimes, accompany them to the police to fill in a report. Even though each victim's motives for not reporting might be different, this hesitancy to file an official police report might be related to the lack of confidence in the event being positively resolved. Additionally, undocumented migrants are very unlikely to fill in official reports because of hate speech incidents. Increasing and improving the communication channels between LEA and NGOs; as well as supporting each other in awareness—raising campaigns and initiatives would actually mean a difference in hate speech reporting, and it would contribute to victims being aware of their rights.

Apart from the underreporting tendency aforementioned, the investigations of reported incidents pose further threats to tackling hate speech. Some of these difficulties are related to

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<sup>238</sup> [http://www.eldiario.es/politica/Martinez-Vazquez-hacer-discurso-odio\\_0\\_389511720.html](http://www.eldiario.es/politica/Martinez-Vazquez-hacer-discurso-odio_0_389511720.html)

the need for resources in investigating these incidents, both technical and staff resources. Nevertheless, steps are being taken to tackle these problems of resources-needing. For instance, there has been recently a change in LEA regarding hate speech, by which special prosecutors has been established in all Spanish provinces, whose main task is to investigate hate speech incidents. Furthermore, the fact that those crimes are committed in the Internet, via social media platforms, establish additional problems related to jurisdiction and territoriality, as well as the problem of identifying and allocating criminal responsibility to the perpetrators. These problems are inherent to the social media scenario and are very difficult to overcome if there is insufficient help and aid from IT companies (like Facebook, Twitter, etc.). For instance, more reporting tools should be required, so as to better help the victims report this incidents. Additionally, proving the hatred motivation or the discriminatory of a particular text or image when investigating a hate speech incident also poses a problem to LEAs.

Another limitations that LEA officers face when investigating online hate speech has to do with the problematic of being able to establish the real motivation behind the discourse, which would later on constitute the main point in the accusation.

Lastly, training for police and other LEA, private security personnel, prosecutors, forensic doctors, civil employees, lawyers and judges should include compulsory courses on human rights, equal treatment, non-discrimination and the provision in force to combat racism and racial discrimination is a recommendation from European Commission against Racism and Intolerance to the Spanish Authorities<sup>239</sup> (ECRI Report on Spain: 4rth monitoring cycle, page 8). During 2014-2016, there was a Project called Together! Empowering civil society and Law Enforcement Agencies to make hate crimes visible<sup>240</sup>. The project developed a pilot training initiative destined to LEAs (state, autonomic and local) and members of active civil society associations. The topics of the training initiative were diverse, ranging from Human Rights, assistance to victims, protection of vulnerable populations such as refugees and migrants, communitarian support, etc. The training initiative intended to improve the knowledge of the trainees in order to better recognise and understand the dynamic under hate crimes.

The incriminatory evidence should be reinforced in order not to make an investigation depend solely on the victim's statement. When dealing with online hate speech, the process of evidence gathering and chain custody should be respected at all times. Additionally, it should also be convenient to track social media profiles linked to a specific user.

Lastly, even though major steps have been taken for improving the communication and the cooperation between IT companies and LEA, more initiatives should be undertaken following this path, in order to help with the investigation of online hate speech by facilitating the identification of a user or the preservation of evidences, for instance.

In a nutshell, there is a need for greater collaboration between LEA and civil society organisations (both NGOs and IT); as well as an international collaboration between different countries, as stated in the Additional Protocol to the Council of Europe Convention on Cybercrime.

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<sup>239</sup> European Commission against Racism and Intolerance (2011). ECRI Report on Spain (fourth monitoring cycle)

<sup>240</sup> Project Together! fighting against hate crimes (2015). Informe Estatal sobre seguimiento de los Delitos de Odio

### 6.6.6 Useful Links & Additional Reading

- Boletín Oficial de la Guardia Civil. (2015). *Gestion Policial Diversidad*. Recovered March 17<sup>th</sup> 2017, from Gestion Policial Diversidad:  
<http://gestionpolicialdiversidad.org/PDFdocumentos/PROTOCOLO%20ODIO.pdf>
- European Commission against Racism and Intolerance. (2011). *ECRI Report on Spain (fourth monitoring cycle)*.
- Project Together! fighting against hate crimes. (2015). *Informe Estatal sobre el seguimiento de los Delitos de Odio*.
- [http://www.eldiario.es/politica/Martinez-Vazquez-hacer-discurso-odio\\_0\\_389511720.html](http://www.eldiario.es/politica/Martinez-Vazquez-hacer-discurso-odio_0_389511720.html)
- <http://www.europapress.es/epsocial/igualdad/noticia-interior-encuesta-victimas-delitos-odio-mejorar-atencion-obtener-radiografia-discriminacion-20170315174754.html>
- [https://www.gdt.guardiacivil.es/webgdt/la\\_unidad.php](https://www.gdt.guardiacivil.es/webgdt/la_unidad.php)
- <http://www.guardiacivil.es/es/index.html>
- <https://www.policia.es/>

## 7 Academia/Research

### 7.1 BULGARIA

#### 7.1.1 Overview

To great extent academia/research projects and initiatives are overlapping with the civil society initiatives, as most of the academia representatives are part of NGO teams and are listed as part of the Civil Society section of this analysis. So we'll not be wrong if we say that they face the same problems and challenges. And the main one that should be outlined is the low level of cooperation among the different stakeholders. The academia representatives have rarely been invited to take part in the working groups and initiatives mentioned in the public section of this research. That means, that the public sector and law enforcement agencies remain unaware of all the findings from the research activities.

#### 7.1.2 Active Research Projects

- **Hate Speech - the Hater's Discourse and the Attitude towards Others** project, developed and implemented by students and PhDs from the Sociology and Human Sciences Department of the Plovdiv University PaisiSociology and Human Sciences Department, Plovdiv University Paisii Hilendarski with Assoc. Prof. Stoika Penkova, PhD at the head.
- **Roma - Hate Speech on Social Media**, presented by Assoc. Prof. Stela Angova, PhD during the conference "Roma - Social Inequalities, New Possibilities" on October 19, 2016 in Sofia.

#### 7.1.3 Activities & initiatives

To great extent academia/research projects and initiatives are overlapping with the civil society initiatives, as most of the academia representatives are part of NGO teams and are developing and implementing projects by the relevant NGOs. In this regard, most of the projects and initiatives mentioned in the Civil society section could be described here also. We will focus on initiatives that are not included in the Civil Society section.

#### 7.1.4 Success Cases & Challenges

##### Success Cases:

- **"Hate Speech - the Hater's Discourse and the Attitude towards Others"** project (April 2015 - December 2016) has been developed and implemented by students and PhDs from the Sociology and Human Sciences Department of the Plovdiv University Paisii Hilendarski with Assoc Prof. Stoika Penkova, PhD at the head and funded by the University Fund "Scientific Researches". The project aims at analysing the two-dimensional hate attitude towards the others and different (in particular - Roma, refugees, migrants) in public and identifying hate speech targeting the Others - ethnic groups, refugees, migrants. It also aims

to identify and compare the discursive practices and to develop an analytical framework that will help identifying hating discursive tendencies targeting otherness.

Project results:

- An innovative methodological framework of the different discourses, used for hating has been developed.
- Two corpuses with data have been systemised and differentiated: “Roma as the Other” and “Refugee as the Other”.
- The developed data basis with empirical data of hating in the discourses (political, institutional, media and everyday) and the methodological framework have been included in the educational bachelors’, masters’ and doctors’ programs. The archive is included in the archive of the Sociology and Human Sciences Department.
- Typologies of the criteria for analysing the hating tendencies in discourses and discourse practices have been developed based on the systematised data.
- Discursive strategies of hating have been described including: 1) Generalisations 2) Hyperbolas 3) Metaphors 4) Dehumanisation terms 5) Statistication
- The main discursive themes and styles, used for description of the Other in the two series empirical data have been systemised.

#### • Roma - Hate Speech on Social Media

The paper Roma - Hate Speech on Social Media was presented by Assoc. Prof. Stela Angova, PhD during the conference Roma - Social Inequalities, New Possibilities” on October 19, 2016 in Sofia. The event was organized by the University of National and World Economy, Friedrich Ebert Foundation and the Scientific Research Center for Media Research and Audiovisual Policy within the university. The paper analyses the hate speech used for Roma ethnic group on social media.

#### Challenges:

Still there aren’t many research project focused especially on online hate speech. Perhaps one of the reason for that is the lack of funding opportunities.

There is low awareness about the implemented projects. I suppose, this is not a problem only for such kind of projects but for the activities of the academia/research organisations as a whole.

The academia representatives have rarely been invited to take part in the working groups and initiatives mentioned in the public section. That means, that the public sector and law enforcement agencies remain unaware of all the findings of the research activities.

#### 7.1.5 Gap analysis

As a summary we can conclude that more efforts should be allocated for improving the interrelation with the public authorities, law enforcement agencies and NGO sector.

### 7.1.6 Useful Links & Additional Reading

- **Hate Speech - the Hater's Discourse and the Attitude towards Others Project:**  
<https://nohatediscourse.wordpress.com>
- Доц. д-р Стела Ангова, "Ромите - език на омразата в социалните медии", Newmedia21, 18 октомври 2016, достъпно на <http://www.newmedia21.eu/analizi/romite-ezik-na-omrazata-v-sotsialnite-medii/> (Assoc. Prof. Stela Angova, "Roma - Hate Speech on Social Media", Newmedia21, 18 October 2016, (in Bulgarian), available at <http://www.newmedia21.eu/analizi/romite-ezik-na-omrazata-v-sotsialnite-medii/>)

## 7.2 CYPRUS

### 7.2.1 Overview

A number of EU research projects and studies are being performed in Cyprus in order to assess the problem of hate speech and how this is projected and extended within the society. Proposals and tools for tackling the issue have been developed ie: MANDOLA's multilingual monitoring system (offers geographically information on hate speech), MANDOLA's reporting portal (allows users to report incidents of hate speech anonymously), MANDOLA's mobile reporting application (permit to report hate events from mobile devices offering anonymity); and from a historical and current perspective, intercommunal cooperation projects, ie: Home for Cooperation, have also been initiated between the two communities in Cyprus.

### 7.2.2 Active Research Projects

**MANDOLA** (Monitoring and Detecting On-line Hate Speech)<sup>241</sup>. -MANDOLA has developed i) a multi-lingual Monitoring system that offers reliable information about online hate speech enabling users to focus on their geographic region ranging from their city to their country to the entire European Union. The dashboard, which uses Twitter and Web sites as sources of possible hate related online content; ii) a reporting portal which aims to enable people to connect to the portal and report any potentially illegal hate-related speech material and criminal activities that they have noticed on the Web and to inform them about this delicate issue; iii) the mobile reporting application to provide citizens with a user friendly mobile application for easier hate speech reporting, by taking into account user's anonymity.

**CONTACT** (Creating Online Network, monitoring Team and phone App to Counter hate crime Tactics) - C.O.N.T.A.C.T is a European Union supported project that aims to do something about this through a hate crime recording website and phone app, training of police and officials and research into hate crime<sup>242</sup>.

**TOGETHER** Fighting against hate crimes [http://www.togetherproject.eu/hate-crime-situation-in-cyprus/NO HATE](http://www.togetherproject.eu/hate-crime-situation-in-cyprus/NO%20HATE)

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<sup>241</sup> <http://mandola-project.eu/>

<sup>242</sup> <http://reporthate.eu/about-us/>

**NO TO HATE SPEECH** platform. The online platform ‘Say No to Hate Speech’ was developed in the framework of a project funded by the European Youth Foundation of the Council of Europe entitled ‘Say No to Hate Speech – Young People Empowered.’ The platform contains information on hate speech and online chat system which offers support and information for victims of hate speech through education, psychological support as well as support and information for others such as parents, guardians and friends of victims. The project was supported as a pilot activity by the European Youth Foundation<sup>243</sup>

Cyprus University of Technology carried out a study (2013) on the manner in which various mass media cover news relating to third country nationals and immigration. The project involved a comparative study of four countries, one of which was Cyprus. The content analysis of the Cypriot media identified four problems: the use of the term “illegal immigrant”; reference to the citizenship of suspected perpetrators of crime; the dramatisation of facts; and the distortion of events in news titles. The study concluded that these practices tended to ‘racialise’ crime and convey messages about the threat posed by migrants to the country’s security, health, welfare and culture. Television coverage of events demonstrated the additional problem of sensationalism, stereotyping and xenophobic attitudes. Moreover, interviews with journalists revealed that very few of them were aware of their Code of Journalistic Ethics<sup>244</sup>.

### 7.2.3 Activities & initiatives

- Interdisciplinary conference on Hate Speech (<http://reportinghate.eu/contact2017/>), 9-11 June 2017, University of Cyprus
- Authorities have taken steps to encounter homophobia in schools. From 2011 issues related to sexual orientation and gender identity were included in the curriculum under the subject of health education, from pre-primary until the end of lower secondary education.

## 7.3 FRANCE

### 7.3.1 Overview

Research in law and on topics such as discrimination and online hate is in France mainly performed by academia, amongst which the University of Montpellier (one of the MANDOLA partners), and some public institutions such as the DARES (direction de l’animation de la recherche, des études et des statistiques)<sup>245</sup>, the DREES (direction de la recherche, des études, de l’évaluation et des statistiques)<sup>246</sup>, the INSEE (Institution national de la statistique et des études économiques)<sup>247</sup> the INED (Institut national d’études démographiques)<sup>248</sup> and the CNRS (National Centre for Scientific Research)<sup>249</sup>.

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<sup>243</sup> <http://www.notohatespeech.com/online-platform>

<sup>244</sup> <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf>

<sup>245</sup> <http://travail-emploi.gouv.fr/ministere/organisation/directions/article/dares-direction-de-l-animation-de-la-recherche-des-etudes-et-des-statistiques> (last accessed on 23 June 2017).

<sup>246</sup> <http://solidarites-sante.gouv.fr/ministere/organisation/directions/article/drees-direction-de-la-recherche-des-etudes-de-l-evaluation-et-des-statistiques> (last accessed on 23 June 2017).

<sup>247</sup> <https://www.insee.fr/fr/accueil> (last accessed on 23 June 2017).

<sup>248</sup> <http://www.ined.fr/fr/> (last accessed on 23 June 2017).

<sup>249</sup> <http://www.cnrs.fr/> (last accessed on 23 June 2017).

However, a few private research centres do exist, such as Inthemis, private centre of research dedicated to ICT legal and ethical aspects, which is also a MANDOLA partner.

Their initiatives are various and include curricula in cybercrime, workshops and support of the governmental action.

### 7.3.2 Active Research Projects

Several active research projects are conducted but there is no centralised database that enables to have an easy knowledge of them.

For example, the DILCRAH launched on 16 January 2017 a call for proposals against anti-LGBT hate and discriminations, in order to support and develop field activities in this area<sup>250</sup>.

In parallel, CNRS laboratories also perform several researches. In particular, the CNRS launched in 2015 a call for proposal on *“every subject being linked to challenges posed to our societies by terrorist attacks and their consequences, and paving the way to new solutions - social, technical, digital”*<sup>251</sup>. As a result, a blog has been created in order to present some of the ongoing works<sup>252</sup>. Two of these works aim at evaluating the impact of terrorist attacks on people perception of the Arabo-Muslim population. The first, called “Amalgame”, is directed by the psychologist Dominique Muller, Director of the inter-university laboratory of psychology in Grenoble. The second one, called “Adam”, is directed by the economist Yannick L’Horty, from the laboratory Erudite<sup>253</sup>.

The MANDOLA research is also relevant to this section, since several outcomes might contribute to a better combat against online hate speech in the respect of fundamental rights, for example the MANDOLA WorkStream 3, WorkStream 4 and specifically WS2 on legal and ethical research led by Inthemis and dedicated to the definition of illegal hate speech and its implications (especially on the legal and ethical framework).

In addition, in order to pursue the research initiated during the MANDOLA project, Inthemis and more exactly Estelle De Marco ensures the scientific and technical support of a three-year thesis begun by Célie Zamora, Inthemis researcher, on the compliance of public polices aiming to prevent and prosecute speeches and other acts motivated by hate to fundamental rights protection requirements, under agreement with the National Association for Research and Technology (ANRT<sup>254</sup>) and in cooperation with the European Law of Human Rights Institute (Institut de droit européen des droits de l’Homme - IDEDH<sup>255</sup>) and a CNRS (National Center for Scientific Research (CNRS)’ research unit (UMR 5815 - Dynamiques du droit<sup>256</sup>).

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<sup>250</sup> <http://www.gouvernement.fr/appel-a-projets-contre-la-haine-et-les-discriminations-anti-lgbt> (last accessed on 23 June 2017).

<sup>251</sup> Face au terrorisme, la recherche en action, CNRS Le journal, <https://lejournalejournal.cnrs.fr/nos-blogs/face-au-terrorisme-la-recherche-en-action/une-vaste-enquete-sur-la-radicalite-chez-les> (last accessed on 23 June 2017).

<sup>252</sup> Ibid.

<sup>253</sup> Francis Lecompte, *In response to terrorism, research in action - Quels sont les effets des attentats sur les discriminations?*, 5 December 2016, <https://lejournalejournal.cnrs.fr/nos-blogs/face-au-terrorisme-la-recherche-en-action/quels-sont-les-effets-des-attentats-sur-les> (last accessed on 23 June 2017).

<sup>254</sup> Association nationale de la recherche et de la technologie, <http://www.anrt.asso.fr/> (last accessed on 23 June 2017).

<sup>255</sup> Institut de droit européen des droits de l’Homme, <http://www.umontpellier.fr/recherche/unites-de-recherche/institut-de-droit-europeen-des-droits-de-lhomme-idedh/> (last accessed on 23 June 2017).

<sup>256</sup> UMR 5815 - Dynamiques du droit, <http://www.dynamiques-du-droit.cnrs.fr/> (last accessed on 23 June 2017).

### 7.3.3 Activities & initiatives

Other initiatives appear to lie firstly in training courses, which contribute to raise awareness and might generate scientific vocations. Amongst Universities that provide for training courses in links with cybercrime including hate speech, the University of Montpellier operates a training course created with Inthemis co-operation and dedicated to Cybercrime legal and technical aspects, attended by lawyers, judges, police officers, technical specialists, CEO and students. Taking account the diversity of students' backgrounds, this training module is also a certain kind of laboratory where fruitful exchanges take place, for the benefit of all participants.

Within this framework the University of Montpellier organised inter alia an international workshop in Montpellier entitled "From hate speech to cyberterrorism: Freedom of speech VS security - what regulations are possible?", in partnership with MANDOLA partners. Other Universities or Institute periodically propose workshops on issues linked with online hate. For example, the University of Lyon III organised a workshop on "Freedom of expression and hate speech" on 27 March 2015<sup>257</sup>, and the CERI (research group "anti-discriminatory policies"), with the ARDIS support, organised on 17 November 2014 a half-day workshop entitled "Incitement to discrimination of hate: crossed perspectives on the complexity to prosecute"<sup>258</sup>.

Several other initiatives derivate from the governmental action plans against hate, for example the "Week of education and actions against racism and anti-Semitism, lastly held on 18-26 March 2017<sup>259</sup>.

### 7.3.4 Success Cases & Challenges

Research is playing a fundamental role<sup>260</sup> and outcomes are successful but the main challenges seem to be their visibility, and the random character of their consideration by public authorities.

### 7.3.5 Gap analysis

The main issue, as already analysed, is a lack of visibility, and therefore of centralisation, of ongoing and past research as well as of research outcomes.

### 7.3.6 Useful Links & Additional Reading

- <http://www.cnrs.fr/>
- CNRS blog relating specifically to research projects in relation with "challenges posed to our societies by terrorist attacks and their consequences, and paving the way to new solutions -

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<sup>257</sup> Liberté d'expression et "discours de haine", le 27 mars 2015, <http://facdephilo.univ-lyon3.fr/liberte-d-expression-et-discours-de-haine--918537.kjsp?RH=1409904048243> (last accessed on 23 June 2017).

<sup>258</sup> Incitation à la discrimination ou à la haine : Perspectives croisées sur une répression problématique, lundi 17 novembre 2014, <http://combatsdroitshomme.blog.lemonde.fr/2014/10/13/incitation-a-la-discrimination-ou-a-la-haine-perspectives-croisees-sur-une-repression-problematique-journee-detudes-ardis-17-novembre-2014-paris/> (last accessed on 23 June 2017).

<sup>259</sup> <http://www.associations.gouv.fr/semaine-d-education-et-d-actions-contre-le-racisme-et-l-antisemitisme-2017.html> (last accessed on 23 June 2017).

<sup>260</sup> Rapport n° 65 (2004-2005) de M. Jean-René LECERF, fait au nom de la commission des lois, déposé le 17 novembre 2004 sur le projet de loi portant création de la Haute autorité de lutte contre les discriminations et pour l'égalité, c) Les insuffisances du dispositif français de lutte contre les discriminations : l'absence d'autorité spécialisée, <https://www.senat.fr/rap/104-065/104-0654.html> (last accessed on 23 June 2017).

social, technical, digital”: <https://lejournal.cnrs.fr/nos-blogs/face-au-terrorisme-la-recherche-en-action/une-vaste-enquete-sur-la-radicalite-chez-les>

- <http://cybercrime.edu.umontpellier.fr>
- <http://www.inthemis.fr/english/research.html>

## 7.4 GREECE

### 7.4.1 Overview

Greek Universities and NGOs participate in projects related to online hate. The issue of hate speech and online hate has been extensively, however, in academic circles and in politics.

It is notable that the European Commission against Racism and Intolerance (ECRI) has issued a special report on Greece in 2015 (<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>). ECRI notes in that report that a surge of racist violence occurred in Greece in the recent years mainly due to rise of a neo-nazi party and in some incidents there was racist and/or homo-/transphobic motivation. It is also noted that since 2009 hate speech has increased substantially and it is addressed against migrants, Muslims, Roma, Jews and LGBT persons.

### 7.4.2 Active Research Projects

Currently, there are various research projects featuring online hate speech and cyber hate, in which Greek Universities and Institutions are actively collaborating, funded and non-funded:

- No Hate Speech Movement; organized by the Youth Department of the Council of Europe, <https://www.nohatespeechmovement.org/hate-speech-watch> This is a youth campaign of the council of Europe for human rights online, to reduce the levels of acceptance of hate speech and to develop online youth participation and citizenship, including in Internet governance processes. The Greek campaign has a Facebook page: <https://www.facebook.com/nohatespeechgreece/>
- The national broadcaster (ERT SA) broadcasts informational programmes relating to the protection of human rights (including migrant issues, abuse of women and children, racism and xenophobia), which amounts to an increased interest of the public vis-à-vis these issues.
- The Bodossaki Foundation, Fund Operator of the EEA granted the NGO programme “We are all citizens”, [http://www.weareallcitizens.gr/index\\_en.html](http://www.weareallcitizens.gr/index_en.html); it announced the publishing of the manual of the Council of Europe “Bookmarks – Combating hate speech online through human rights education” available at: <http://www.nohatespeechmovement.org/bookmarks>
- CONTACT (Creating an On-Line network, monitoring Team and Phone App to Counter hate crime Tactics). The Hellenic League for Human Rights is partner in this project which is coordinated by the University of Cyprus; ([reportinghate.eu](http://reportinghate.eu)) This Project has the following aims:
  - a. to set up a hate crime recording website and phone app
  - b. to train and raise awareness among relevant actors such as police and officials, media professionals, youth

- c. to conduct research into online hate speech and its perception.
- d. to create a joint university teaching module
- DIVERCITY, an action-research project that intends to make a diagnosis of the multiple dimensions of homo- and transphobia in six medium cities in Europe (Charleroi, Girona, Nottingham, Sabadell, Thessaloniki and Wroclaw), paying particular attention to hate crimes and hate speech. In addition, the legal, political and social measures carried out by governments and civil society organizations to effectively prevent and combat this social problem, <http://divercity.ub.edu/the-project/>
- Address Hate Crime, <http://addresshatecrime.eu/the-project/project-team/> The Centre for European Constitutional Law (CECL) is the lead partner in this project, together with Antigone and the Greek Council for Refugees they implement activities in Greece, COSPE implements activities in Italy and the Hungarian Helsinki Committee in Hungary.
- Coalition of Positive Messengers to Counter Online Hate Speech, <http://www.sofia-da.eu/en/current/coalition-of-positive-messengers-to-counter-online-hate-speech.html>  
This project tackles the issue of hate speech - online hate speech in particular, targeted against migrants, refugees and asylum seekers in Bulgaria (lead partner), Italy, United Kingdom, Croatia, Czech Republic, Romania, Italy, and Greece. The main objective of the project is to strengthen the response of civil society at the national and EU level to online hate speech through active engagement of local communities in creating and sharing powerful counter-narratives against xenophobic discourse.
- Respect words project, <http://www.respectwords.org/en/project/>; the project, coordinated by the association EMA-RTV, raises the need to rethink how media and its professionals deal issues related to migratory processes, ethnic and religious minorities.

### **7.4.3 Activities & initiatives**

The research activities in the aforementioned projects are mostly undertaken by NGOs, which are trying to achieve public awareness and disseminate project's results.

### **7.4.4 Success Cases & Challenges**

The multitude of projects in which Greek organizations are involved will contribute to a better understanding and handling of the hate related issues. It will also guarantee the wider dissemination of the projects' outputs.

The challenge is to involve the academia to participate actively in these projects, in order to achieve liaisons with the scientific community.

### **7.4.5 Gap analysis**

The main issue that Academia and research institutions find in regards to research and approach hate speech are related to the relative low number of resources to research hate speech, and the problem of relative few statistics in this area.

#### 7.4.6 Useful Links & Additional Reading

- Ρατσισμός και διακρίσεις στην Ελλάδα σήμερα (2014), [https://gr.boell.org/sites/default/files/ekthesi\\_ratsismos\\_k\\_diakriseis.pdf](https://gr.boell.org/sites/default/files/ekthesi_ratsismos_k_diakriseis.pdf)
- Γ. Αποστολάκη, Η ποινική καταστολή των φυλετικών, εθνικών και θρησκευτικών διακρίσεων, ΠοινΔικ 2002, 1184 επ.
- Γ. Βούλγαρη, Τα εγκλήματα μίσους και η ποινική αντιμετώπισή τους στην Ελλάδα, ΠοινΔικ 2015, 275 επ.
- Α. Μαυροειδάκου, Κριτική προσέγγιση του ρατσιστικού εγκλήματος σύμφωνα με τον Ν. 4356/2015, ΠοινΔικ2016, 381 επ.
- Ιγγλεζάκης, Ελευθερία της έκφρασης και μισαλλόδοξος λόγος, σε: Ακτύπης, Jougleux, Συνοδινού (επιμ.), Η ελευθερία έκφρασης δημοσιογράφων και σκιτσογράφων, εκδ. Σάκουλα 2016, 169-201.
- Ι. Ιγγλεζάκης, Ο μισαλλόδοξος λόγος στο διαδίκτυο και η ποινική αντιμετώπισή του με τον Ν. 4285/2014, Συνήγορος (109) 2015, σελ. 64-67.

### 7.5 IRELAND

#### 7.5.1 Overview

Research is on-going in several institutions, either taking a socio-legal approach or a technological approach to the issue.

#### 7.5.2 Active Research Projects

Located at the University of Limerick, the Hate and Hostility Research Group (HHRG) considers itself as *'the only research group in Ireland dedicated to the study of hate crime.'*<sup>261</sup> It is led by Dr Amanda Haynes of the Department of Sociology and Jennifer Schweppe from the School of Law. Whilst its record in securing funding, perhaps due to well established civil society partnerships (such as a partnership with Irish Council for Civil Liberties (ICCL) for an EU DG Justice grant) is commendable, it is supposed to generate a body of empiricism in a research area which is understudied in an Irish context.

Academic research in Ireland is also occurring in IT and Communications Departments, such as the Insight Centre in National University Ireland, Galway (NUIG) and in the School of Communications at Dublin City University (DCU).

In DCU, Dr Eugenia Siapera is currently working on an IRC funded project that aims *'to develop an online tool for collecting racist hate speech.'*<sup>262</sup>

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<sup>261</sup> <http://ulsites.ul.ie/hhrg/> accessed 2 April 2017.

<sup>262</sup> E-mail correspondence with Dr Siapera, 15 March 17.

There is a project being developed at the Insight Centre in NUIG on the subject of detecting crime on social media, while researchers in the department of Information Technology are co-organising the first International Workshop on Artificial Intelligence in Security, which is accepting papers on the 'Automatic Detection of Hate Speech and Radicalisation on Social Media,' due to be held in Melbourne in August.<sup>263</sup>

### 7.5.3 Activities & initiatives

The HHRG has an established affiliation with the International Network for Hate Studies, and they co-hosted a conference last year titled, *The Politics of Hate: Community, Societal and Global Responses*, which had a panel on 'cyberhate.'<sup>264</sup> On closer examination, no conference proceedings or individual papers have been made available.<sup>265</sup> It appears that the conduit for research outputs for this cluster is via NGO reports, rather than academic publications.

### 7.5.4 Success Cases & Challenges

The HHRG has made some invaluable contributions to the field, such as through a report authored by Jennifer Schweppe and Dermot Walsh, *Combating Racism and Xenophobia through the Criminal Law* (NCCRI 2008), and the more recent report by Jennifer Schweppe, Amanda Haynes and James Carr, *A Life Free From Fear: Legislating for Hate Speech in Ireland, An NGO Perspective* (2014). In addition, a presentation created by Jennifer Schweppe titled, *Online Hate Speech (and Hate Crime Online)*, given at a Law Reform Commission seminar in 2015 is available online.<sup>266</sup> Many academics, NGOs, and researchers contributed to the extensive report produced by the Law Reform Commission on Harmful Communications and Digital Safety.<sup>267</sup>

### 7.5.5 Gap analysis

It is difficult to find academic research on the subject of *online* hate speech in Ireland published in a reputable peer reviewed international journal.

### 7.5.6 Useful Links & Additional Reading

University of Limerick, Hate and Hostility Research Group (HHRG) <http://ulsites.ul.ie/hhrg/>

IWAISE 2017 - 1st International Workshop on A.I. in Security  
Melbourne, Australia, 20th August 2017 <http://iwise.it.nuigalway.ie/>

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<sup>263</sup> Dr. Aoife Duffy is a member for the programme committee for the conference, tasked with reviewing article submissions on the topic of hate speech (from a law perspective), <http://iwise.it.nuigalway.ie/> accessed 2 April 2017.

<sup>264</sup> <http://www.ulsites.ul.ie/hhrg/sites/default/files/INHS%20Conference%20Schedule.pdf> accessed 2 April 2017.

<sup>265</sup> In March, the researcher contacted UL specifically requesting working papers from that panel or overarching conference proceedings, but was unsuccessful.

<sup>266</sup> See <http://www.lawreform.ie/fileupload/Speeches/SeminarCyberCrime/CyberJenniferSchweppe.pdf> accessed 2 April 2017.

See also, <http://www.lawreform.ie/fileupload/press%20releases/Cybercrime%20Seminar%20Press%20Release.pdf> accessed 2 April 2017.

<sup>267</sup> <http://www.lawreform.ie/news/report-on-harmful-communications-and-digital-safety.683.html> accessed 2 April 2017.

## 7.6 SPAIN

### 7.6.1 Overview

In recent times, Spanish universities and other institutions (NGOs) actively participate in different projects, either as partners or as supporters. During the last three years, more and more projects regarding hate crimes and hate speech in particular have been carried out by various universities, both with and without foreign support, and in collaboration with both private and public institutions.

### 7.6.2 Active Research Projects

Currently, there are various research projects featuring online hate speech and cyber hate, in which Spanish Universities and Institutions are actively collaborating, funded and non-funded:

- The EU-project Research – Report – Remove: Countering Cyber Hate Phenomena (January 2016- December 2017), developed by the International Network Against Cyber Hate (INACH)<sup>268</sup>, aims to gain knowledge about phenomena and current trends related to cyber hate and their relevance on a European level in close cooperation with the involved partners. The Spanish ONG Movimiento contra la Intolerancia (Movement Against Intolerance) is the only Spanish partner involved in this project.
- The European project BRICKS– Building Respect on the Internet by Combating Hate Speech<sup>269</sup>– (2014-2016) aims to combat the spread of online hate speech against migrants and minorities through media literacy and active involvement of web users and web content producers. In this framework, four media education modules -one in each country involved in the project (Italy, Belgium, Germany and Czech Republic)- were designed to raise awareness about fighting online discriminations and hate speech. These training modules were implemented in schools and youth centres between September 2015 and November 2016. The Spanish ONG AFIES is actively participating in the project.
- The European PRISM project<sup>270</sup> (2014-2016) aims at developing effective strategies and practices for promoting a better use of language, in order to promote a culture of respect and the consequences of hate speech. Implemented in five partner countries (Italy, France, Spain, Romania and UK), the project is based on an interdisciplinary strategy. It combines research, best practices and training activities addressed to law enforcement officers, lawyers, journalists, bloggers, social networks’ administrators, young people, teachers and youth workers. The Universitat of Barcelona is the Spanish partner of the project.
- The European Project UNIFORM<sup>271</sup> (2015-2017), which aims to bring together NGOs and Security Forces to tackle hate crime and online hate speech against LGBT persons, also has a Spanish partner, the FELGTB (State Federation of Lesbians, Gays, Transsexual and Bisexual people).

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<sup>268</sup> <http://www.inach.net/members.html>

<sup>269</sup> <http://www.bricks-project.eu/>

<sup>270</sup> <http://www.prismproject.eu/>

<sup>271</sup> <http://www.uni-form.eu/en>

- The PERICLES project<sup>272</sup> (Policy recommendation and improved communication tools for law enforcement and security agencies preventing violent radicalisation), which starts in May 2017, aims to develop an integral approach to preventing and tackling violent radicalisation. The CRIMINA centre of the Universidad Miguel Hernandez de Elche, is the Spanish partner of the project.
- The Project Respect Words<sup>273</sup> ('Ethical Journalism against Hate Speech), in which more than 150 European radio media are actively participating, in which Spain is one of the eight partners. One of the main activity of the project is to develop and adopt by the media an ethical code for journalists when treating aspects and news related to migratory processes, ethnic and religious minorities.
- The University of Loyola, in Andalucía, is leading an international research project<sup>274</sup>, which will consist in a multidisciplinary study of hate speech, with the participation of renowned researchers from various universities (Universidad de Sevilla, Universidad de Cádiz, Universidad de Valladolid, Universidad de Sienna, Universidad de Milano) and the General Direction of Intelligence from Colombia
- The PERICLES project<sup>275</sup> (Policy recommendation and improved communication tools for law enforcement and security agencies preventing violent radicalisation), which starts in May 2017, aims to develop an integral approach to preventing and tackling violent radicalisation. The CRIMINA centre of the Universidad Miguel Hernandez de Elche, is the Spanish partner of the project.
- The Project Respect Words<sup>276</sup> ('Ethical Journalism against Hate Speech), in which more than 150 European radio media are actively participating, in which Spain is one of the eight partners. One of the main activity of the project is to develop and adopt by the media an ethical code for journalists when treating aspects and news related to migratory processes, ethnic and religious minorities.
- The University of Loyola, in Andalucía, is leading an international research project<sup>277</sup>, which will consist in a multidisciplinary study of hate speech, with the participation of renowned researchers from various universities (Universidad de Sevilla, Universidad de Cádiz, Universidad de Valladolid, Universidad de Sienna, Universidad de Milano) and the General Direction of Intelligence from Colombia.

### 7.6.3 Activities & initiatives

There are universities which are also working on disseminating the results and findings that they obtained in the research projects and activities carried out, with the intention of involving different associations and institutions, both private and public, in fighting against hate speech.

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<sup>272</sup> <http://crimina.es/blog/2017/02/05/crimina-participara-en-el-proyecto-europeo-pericles/>

<sup>273</sup> <http://www.respectwords.org/en/the-project/>

<sup>274</sup> <http://www.loyolaandnews.es/discurso-del-odio/#>

<sup>275</sup> <http://crimina.es/blog/2017/02/05/crimina-participara-en-el-proyecto-europeo-pericles/>

<sup>276</sup> <http://www.respectwords.org/en/the-project/>

<sup>277</sup> <http://www.loyolaandnews.es/discurso-del-odio/#>

For instance, the University of Zaragoza, alongside the Ministry of Work and Social Security, the General Secretary of Immigration and Emigration, and the State Observatory of Racism and Xenophobia, is organising a seminar or conference in late march 2017 in Madrid<sup>278</sup>. This conference will be based on the analysis of the hate speech recommendation number 15<sup>th</sup> from the European Council Commission against Racism and Intolerance. Various others universities (University of Murcia, Complutense University of Madrid) appear as speakers on the conference, as well as spokespersons from several Spanish NGOs that deal with hate speech (Movement against Intolerance, Counsel of Victims of Hate Crimes and Intolerance)<sup>279</sup>. This type of initiatives are needed in other raise awareness of hate speech, and the research and innovations that are being done in this area, both for getting the attention of general public and the attention of policy makers.

#### **7.6.4 Success Cases & Challenges**

The fact that various universities are working alongside to develop European projects that approach hate speech does not only provide multicultural and multidisciplinary views on the subject, but also gives the partners the opportunity to create and/or strengthen a contact network between European research institutions.

Another challenge that researchers and universities or education institutes face is disseminating the results and findings of their project to a wide audience and the general public, since the scientific papers that they usually produce are sometimes not accessible to the general public, and education institutions do not always have the needed resources to organise conferences or enough dissemination activities to divulge their projects and results.

#### **7.6.5 Gap analysis**

Some of the main problems that Academia and research institutions find in regards to research and approach hate speech are related to the relative low number of resources to research hate speech, and the problem of little data to work with. Even though over the last three years there has been an increased in the number of European and national funded projects to research and tackle hate speech, there are still projects with no funding at all, in which researchers lack the correct tools and resources to correctly develop their work and to obtain replicable results. Research in Spain has suffered a decrease due to the global crisis that has affected several European countries. Therefore, lower resources have been dedicated to scientific research of all kinds, including research on the topic of hate crimes and hate speech.

Additionally, hate speech underreporting also influences research work, by which the dark figure cannot yet be considered into studies due to the difficulty of obtaining it. Therefore, researchers have to create new ways of data gathering to surpass this obstacle.

#### **7.6.6 Useful Links & Additional Reading**

- Europa, P. d. (2017). *Sitio Web del Observatorio Español del Racismo y la Xenofobia*. Recovered March 17<sup>th</sup> 2017, from Observatorio Español del Racismo y la Xenofobia webpage:

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<sup>278</sup> <http://www.empleo.gob.es/oberaxe/es/destacados/index.htm>

<sup>279</sup> [http://www.empleo.gob.es/oberaxe/ficheros/documentos/SEM\\_AGE\\_recom\\_15\\_ECRI.pdf](http://www.empleo.gob.es/oberaxe/ficheros/documentos/SEM_AGE_recom_15_ECRI.pdf)

- [http://www.empleo.gob.es/oberaxe/ficheros/documentos/SEM\\_AGE\\_recom\\_15\\_ECRI.pdf](http://www.empleo.gob.es/oberaxe/ficheros/documentos/SEM_AGE_recom_15_ECRI.pdf)
- <http://www.bricks-project.eu/>
- <http://crimina.es/blog/2017/02/05/crimina-participara-en-el-proyecto-europeo-pericles/>
- <http://www.empleo.gob.es/oberaxe/es/destacados/index.htm>
- <http://www.inach.net/members.html>
- <http://www.loyolaandnews.es/discurso-del-odio/#>
- <http://www.prismproject.eu/>
- <http://www.respectwords.org/en/the-project/>
- <http://www.uni-form.eu/en>

## 8 Civil Society

Civil Society covers a vast range of activities, yet is difficult to define. BBC gave the following definition in 2001: “A civil society is a public space between the state, the market and the ordinary household, in which people can debate and tackle action”.<sup>280</sup>

There is no precise agreement about which entities should be included in the Civil Society. According to the UNO, civil society comprises **Civil Society Organizations (CSO)** and **Non-Governmental Organizations (NGO)**<sup>281</sup>, while the World Bank includes in the CSOs, NGOs, trade unions, faith-based organizations, foundations and many other.<sup>282</sup> For our needs, we will include in the civil society

- NGOs
- voluntary associations,
- community groups,
- trade unions,
- church groups,
- cooperatives and business,
- professional organizations
- philanthropic organizations and
- social movements.<sup>283</sup>

Civil society gains momentum through Internet evolution, a momentum which comes at the right time to help tackle issues emerging from globalisation, migration, environmental changes, growing social tensions and the like.

### 8.1 BULGARIA

#### 8.1.1 Overview

The civil society in Bulgaria is deeply involved in hate speech prevention and combat. There are numerous organisations engaged in protection of fundamental rights and counteracting intolerance, discrimination and xenophobia that are implementing projects in the field of online hate speech, including campaigns, development of teaching methodologies, launching initiatives targeting schools and children. There are also several analyses and researches that should be mentioned, but their number is still very small. Some of the stakeholders as judiciary and law

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<sup>280</sup> [http://www.bbc.co.uk/worldservice/people/highlights/010705\\_civil.shtml](http://www.bbc.co.uk/worldservice/people/highlights/010705_civil.shtml)

<sup>281</sup> <http://www.un.org/en/sections/resources/civil-society/index.html>

<sup>282</sup> <https://goo.gl/Gg0yxn>

<sup>283</sup> <https://www.uop.gr/images/files/huliaras.pdf>

enforcement are barely addressed. The level of cooperation with public institutions is still very low (an issue already mentioned in Government and Public Institutions Section).

### 8.1.2 Organisations Responsible and Structure

Below is a list of several most active NGOs (the list is not exhaustive):

- Bulgarian Safer Internet Centre, operated by the Applied Research and Communications Fund (ARC Fund) and the Bulgarian hotline.
- Open Society Institute - Sofia
- Bulgarian Helsinki Committee
- Foundation Media Democracy
- Centre for Policy Modernisation
- Infinite Opportunities Association
- Association Stability of Progressive and Open Communication
- Association "Roditeli"
- Association of European Journalists - Bulgaria
- B'nai B'rith lodge Carmel 3355
- Shalom
- Sofia Development Association

### 8.1.3 Activities & initiatives

- **The Bulgarian Safer Internet Centre**, operated by the **Applied Research and Communications Fund** (ARC Fund) and the Bulgarian hotline are working in several dimensions regarding the online hate speech. The first dimension - the Bulgarian hotline receives reports about illegal content online including racism and xenophobia. The second dimension - the Bulgarian Safer Internet Centre is working closely with the Bulgarian Ministry of Education, schools, parental organisations and children on initiatives to reduce racism, xenophobia, hate speech and intolerance among children both in real life and in the Internet.
- **Open Society Institute - Sofia (OSI - Sofia)** is a Bulgarian non-for-profit organization founded in 1990 with the aim to promote, develop and support the values, dispositions and practices of the open society in Bulgaria. OSI-Sofia is working on 5 thematic programs: Governance and Public Policies, European Policies and Civic Participation, Roma Program, Legal Program and Public Debate program. OSI-Sofia in partnership with the „Workshop for Civic Initiatives" Foundation currently serve as a Fund Operator of the NGO Programme for Bulgaria (2009-2014). Under the first thematic area of the NGO Programme in Bulgaria (Democracy, Human Rights and Good Governance) the Fund operator has supported number of NGO projects aimed at promoting tolerance and curbing racism and xenophobia.
- **The Bulgarian Helsinki Committee** is a non-governmental organisation for the protection of human rights, stimulating Bulgarian legislative reform, triggering public debate on human rights issues and carrying out advocacy for the protection of human rights.

- **Foundation Media Democracy** is a NGO aiming to help the democratic functioning of the media environment in Bulgaria by developing independent and effective monitoring of the Bulgarian media, differentiating key problems, supporting civil campaigns together with Bulgarian and international media institutions, etc.
- **Center for Policy Modernisation** is a NGO focused on: studying the policies of the public sector, education, science, culture and technologies, developing conceptions, strategies and models for their development and modernisation; supporting social integration and personal advancement of the young and supporting and implementing approaches for the protection of human rights.
- **The Infinite Opportunities Association** is an NGO committed to youthwork, active citizenship, promotion of non-formal education and encouraging young people to develop their social and creative potential for a better future for everyone.
- **Association Stability of Progressive and Open Communication** is a NGO which main priorities are to train children and guarantee their safety and security. The accent is on the preventive measures against the antisocial behaviour and the illegal actions of criminal individuals.
- **Association "Roditeli"** is a NGO, working with parents and children on prevention and fighting violence against children.
- **The Association of European Journalists - Bulgaria** is a non-profit organization that brings together individual journalists and stringers to local or international news outlets. AEJB promotes independent journalism, upholds high professional and ethical standards, and defends the freedom of information and freedom of the press.
- **B'nai B'rith lodge Carmel 3355** is focused on monitoring of hate speech, anti-Semitism, radical right and left organizations, statements against hate speech and events promoting hate, in law suits against haters and teaching Holocaust.
- **Shalom** is a non-for-profit organisation, encouraging the development of Jewish tradition and culture.
- The **Sofia Development Association** is a non-for-profit organisation established to promote and encourage the constant dialogue between civil society, business, public institutions and municipal administration for creating social environment which supports the development of Sofia as a modern European city, aids the sustainable development, entrepreneurship and initiatives of Sofia and its citizens, and fosters the interconnectedness between education, science, and business.

#### 8.1.4 Success Cases & Challenges

##### *Success Cases:*

- **Hate Speech and the Role of Civil Society Conference**

On November 28, 2013 the OSI-Sofia as an Operator of the NGO Programme in Bulgaria under the EEA Financial Mechanism organized in Sofia the second annual conference devoted to encouraging the cooperation and exchange of good practices between NGOs with main subject Hate Speech and the Role of Civil Society.

- **Training for bloggers**

On November 17, 2014 OSI-Sofia organized training for bloggers against hate speech online. The event involved more than 20 active bloggers from all over Bulgaria who write on various topics. The participants were given the opportunity to examine the issue closely and discuss it with experts from Bulgaria and representatives of the Council of Europe.

- **Project “Public Attitudes Towards Hate Speech in Bulgaria”**

In 2013, 2015 and 2016 OSI-Sofia with the financial support of the Complimentary Actions Fund of the NGO Program in Bulgaria under the Financial Mechanism of the European Economic Area 2009-2014 carried out three consecutive surveys for monitoring public attitudes towards hate speech in Bulgaria. The latest report contains the findings of a nationally representative public opinion poll conducted in the period 22 April – 13 May 2016. The survey’s cohort comprised the adult population of Bulgaria. The sample is probabilistic and multilevel – two-stage cluster, stratified by administrative regions (NUTS 3) and by type of settlement (urban/rural). The method of registration was a face-to-face interview based on a standardised questionnaire. Out of 1,200 interviews planned, 1,197 were conducted. According to the survey conducted in 2016, the prevalence of hate speech has been expanding, while the willingness of society to resist it has been declining. The share of respondents who reported that over the past 12 months they had heard statements expressing disapproval, hatred or aggression towards members of minority groups, has increased, reaching 58%, which is the highest measured level of this indicator for the three surveys conducted so far. The Roma are most frequently reported to be victims of hate speech: 92% of the respondents that have heard hate speech in the last 12 months report that the hate speech they have heard was addressed towards Roma. A significant share of respondents has also heard hate speech towards Muslims, Turks, gay people and foreigners. There has been a significant increase in the share of respondents who over the last year have heard statements expressing disapproval, hatred or aggression against Muslims – from 10.6% in 2014 to 38% in 2016. The television remains the most influential media with which people associate the spread of hate speech – three quarters of the respondents who in the last year have heard hate speech, have heard it from television. Compared to the surveys from 2013 and 2014, in 2016 the role of Internet as a media spreading hate speech is on the rise – Internet is already the second most important medium for spread of hate speech. Important mediums for hate speech use are also the public places such as shops and restaurants, the public transport and the work place of the respondents.

According to the experts, the need to develop and implement a national policy to limit and counteract hate speech is becoming increasingly pressing. Without such policy, there is a growing risk of escalating discrimination against the most affected social groups (Roma, Muslims, Turks, foreigners and homosexuals) and escalation of hate crimes.

- **“Teachers, parents and children against hate speech and discrimination”** is a project implemented by the ARC Fund and is co-financed by EEA Grants and the Support Programme for NGOs in Bulgaria. The project aims to raise the awareness of children from primary school classes about how unacceptable aggressive and discriminatory behaviour is both in real life and in the Internet where they might be subject to extreme manifestations of hate speech, xenophobia, homophobia, hatred based on ethnic origin, race, religion and gender. Unfortunately schools lack of prepared teachers and resources to build such skills in children.

That is why a teaching methodology was developed and carefully tested under the project. The methodology has been evaluated by the project participants as successfully curbing racism, intolerance and hate speech in primary school classrooms. 22 teachers applied the methodology to build social and civil skills and 644 students and 536 parents were trained. 150 sets of training materials were published. Two more materials were published under the project: a Manual Children, Parents and Teachers Fighting Hate Speech with 10 model topics that can be used in the classes of children from 1st-4th grades and Workbook Children, Parents and Teachers Fighting Hate Speech with funny activities for children aiming to enhance their understanding of differences and tolerance.

- **“Hate Speech in Bulgaria: Risk Areas, Vulnerable Subjects”** is an analysis conducted under the project **“From prejudice to intolerance: spread and prevention of hate speech in Bulgaria”** by two Bulgarian NGOs - Foundation Media Democracy and Centre for Policy Modernization Foundation. The project is financed under NGO Programme of the European Economic Area Financial Mechanism. The project includes also establishment of an Anti-Hate civil coalition and initiation of an agreement for non-use of hostile and discriminatory speech during the official election campaign at the local elections in 2015 (signed by representatives of political parties, media, PR organizations and the Council for Electronic Media).

The analysis “Hate Speech in Bulgaria: Risk Areas, Vulnerable Subjects” includes: a) definitions of hate speech; b) national legal framework and practice; c) hate speech risk zones; d) media monitoring and content analysis in the period January - August 2015; e) online media analysis in the period December 2015 - February 2016; and f) analysis of social media (Facebook), focused on: groups against refugees and immigrants and groups, supporting refugees and immigrants in Bulgaria; YouTube; Vbox7 and forums. During the whole 2015 and the first months of 2016 the main object of hate speech on the Internet were the refugees, followed by Roma and Turks. But although the anti-refugees groups were more than the supporting refugees one, their followers were fewer. Hate speech is widely spread in online forums, mainly part of news sites with high rank and greater audience.

- **Project Toler@nce [pla@tform.bg](http://pla@tform.bg)** is implemented by the Infinite Opportunities Association in partnership with the National Centre European Youth Programmes and Initiatives and funded under NGO Programme of the European Economic Area Financial Mechanism. The project addresses online hate speech targeted at religious and ethnic minorities and spread by and among young people via numerous websites. The project includes: 1) Developing and promoting Toler@nce [Pl@tfom.bg](http://pla@tform.bg) to provide information and support to victims of hate speech via online counselling; 2) Developing a methodology including interactive tools (photos, video contest, online games, forums and live chat); 3) Launching large-scale awareness-raising online and offline campaigns at schools and universities in 10 cities and 4) Creating a community of online activists to fight hate speech. As a result, approximately 2600 young people in Bulgaria at 109 regional events were reached. They learned about the No Hate Speech Movement, took part in training modules on anti-discrimination and tolerance, used the information services of the website, the online games (e.g. Tolerado) and the methodology. More than 150 people were consulted by a psychologist online on topics in the field with discrimination, harassment, hate speech, personal problems.
- **“Exchange of practices and creation of a model to limit hate speech by creating a culture of tolerance and recognizing diversity”** is a project, implemented by the Association

Stability of Progressive and Open Communication in partnership with Peacepainting (Norway) and Association for Development of Arab-Bulgarian Initiatives and Collaboration (Bulgaria) and funded under NGO Programme of the European Economic Area Financial Mechanism.

The project addresses hate speech and ethnic intolerance targeted at minorities, refugees and migrants. It aimed at promoting greater tolerance through engaging the various stakeholders in joint activities: an anti-discrimination campaign; a prevention campaign and workshops; workshops for young people and involvement of children from minority communities, refugees and migrants; joint work with media to reduce hate speech. The movie created under the project had an impact on the broad public as it was disseminated via the organization's website, Facebook page and project partners. Owing to the partnership with the Norwegian organization Drawing for Peace the organization gained know-how in the area of fighting against xenophobia and hate speech via art. Apart from Bulgarian children, children in Norway also drew paintings for peace and tolerance that were exhibited during the three exhibitions in 3 Bulgarian Ministries. In addition, Norwegian children got involved in the drawing drive organized in Sofia.

- **“Shared School”** is a project implemented by Association “Roditeli” together with Bacho Kiro 101st Secondary General School in Sofia and financed under the NGO Programme of the European Economic Area Financial Mechanism. The project addresses intolerance, racism and hate speech among young people. It aims at setting up an efficient mechanism for teaching tolerance and respect towards people with different religious and ethnic background. The specific objective of the project was to develop, approbate and share a methodology for understanding and accepting the differences in the whole school community. The methodology consists of seven steps, specified in *A Lesson in Tolerance – A Tutorial*. As a result of the project were conducted: training sessions with 21 teachers, 3 meetings with parents, classes with children (7 classes in all 5 and 6-grade classes) and 5 school community events. A strong positive impact towards the integration of more parents in the school life of the children and encouraging the parents – migrants from various ethnic background to join actively in the planning and organization of school events was achieved. As a result of the developed methodology, the association was invited by an expert from Access to Education and Support for Development Directorate of the Ministry of Education and Science, Department Support of Education, Specialized Schools, Integration to take part in a group of the Ministry for the development of topics related to tolerance and acceptance of children with foreign background for the needs of the form tutor's session.
- **Hate speech case law: evolution in Europe, deadlock in Bulgaria** is an article developed under the project of the Association of European Journalists - Bulgaria Mediator. The project is financed by the America for Bulgaria Foundation and supports the institutional strengthening of AEJB with a positive impact on the overall media environment in Bulgaria. Centerpiece of the project is the ‘Mediator’ interactive platform that stages discussions on the media environment and breaches on journalists’ rights provide training opportunities and propagate analyses and specialized information of interests to journalists.
- **“Coalition of positive messengers to counter online hate speech”** is a project implemented by a consortium of 8 organisations from 7 countries: Sofia Development Association (Bulgaria) – lead partner, Libera Università di Lingue e Comunicazione IULM - IUL (Italy), the Languages Company (United Kingdom), Center for Peace (Croatia), People in Need (Czech Republic), Asociația Divers (Romania), Associazione FORMA.Azione (Italy), and Municipality

of Agii Anargiri-Kamatero (Greece) and funded by the European Commission – Directorate-General Justice (1 October 2016 - 30 September 2018). This project tackles the issue of hate speech - online hate speech in particular, targeted against migrants, refugees and asylum seekers in these 7 EU countries. The main objective of the project is to strengthen the response of civil society at the national and EU level to online hate speech through active engagement of local communities in creating and sharing powerful counter-narratives against xenophobic discourse. The main project activities include conducting country assessments and cross-country comparison of practices to counter online hate speech; conducting media content analysis in each country and cross-country comparison to analyze the spread of online hate speech against migrants and refugees; creation of national coalitions from state and non-state actors to counter online hate speech; training events with target groups; development of training modules and sharing of practices among partners; national public campaigns for positive messages and awareness raising on hate speech in each country; creation of website and interactive platform with resources on hate speech and a final international conference.

### ***Challenges:***

Although there is a broad variety of combating hate speech online initiatives in Bulgaria implemented by the civil society sector, the impression is that the overall picture is not full. There are really exiting ideas and brilliant campaigns both online and offline, but there are small number of research projects, analysing the problem, the behaviour, the governmental policies and legal and law enforcement aspects of the problem. This tendency could be somehow explained by the fact, that survey and research projects need greater funding than campaign projects and funding is one of the key problems for the civil society in Bulgaria.

The second problem and it is somehow in relation to the above mentioned is that only small number of the projects address some of the specific target groups such as the decision makers, governmental institutions, judiciary and law enforcement.

The third problem is that most of the projects are implemented in partnership with other civil society organisations, but not with public institutions. It is perhaps due to the fact that it is easier to get on board other NGO than a public institution.

The fourth problem is that the intolerance and discrimination based on sexual orientation, gender, age, health (illnesses), disability, political beliefs, are addressed in fewer projects than the one based on ethnic, racial or national grounds.

### **8.1.5 Gap analysis**

As a summary of the above mentioned problems we can conclude that more efforts should be allocated for developing analytical and research projects addressing legal framework, investigation and procedure of hate crime and state policy and support from the governmental institutions should be sought. And more attention should be paid on intolerance and discrimination based on sexual orientation, gender, age, health (illnesses), disability, political beliefs.

## 8.1.6 Useful Links & Additional Reading

### *Organisations:*

- **Applied Research and Communications Fund (ARC Fund):** <http://www.arcfund.net>
- **The Bulgarian Safer Internet Centre:** <http://www.safenet.bg/>
- **Open Society Institute - Sofia:** [www.osi.bg](http://www.osi.bg)
- **Bulgarian Helsinki Committee:** <http://www.bghelsinki.org/>
- **Foundation Media Democracy:** <http://www.fmd.bg>
- **Centre for Policy Modernization:** <http://ry2kcc.org>
- **Infinite Opportunities Association:** <http://www.infopass.eu/en/>
- **Association Stability of Progressive and Open Communication:** <http://spoc-s.com>
- **Association Roditeli:** <http://www.roditeli.org>
- **The Association of European Journalists - Bulgaria:** <http://www.aej-bulgaria.org>
- **B'nai B'rith lodge Carmel 3355:** <https://www.facebook.com/bnaibrithbulgaria/>
- **Shalom:** <https://www.shalom.bg>,  
[https://www.facebook.com/pg/ShalomBulgariaOrganization/about/?ref=page\\_internal](https://www.facebook.com/pg/ShalomBulgariaOrganization/about/?ref=page_internal)

### *Success Cases:*

- **Hate Speech and the Role of Civil Society Conference, November 28, 2013:**

<http://www.ngogrants.bg/public/portfolios/newsItem.cfm?id=274>

- **Training for bloggers, November 17, 2014:**

<http://www.ngogrants.bg/public/portfolios/newsItem.cfm?id=173>

- **Public Attitudes Towards Hate Speech in Bulgaria project:**

The 2016 report (in English):

[http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact final.pdf](http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact%20final.pdf)

The 2014 report (in English):

[http://osi.bg/downloads/File/2014/Hate speech EN 2014 interactive.pdf](http://osi.bg/downloads/File/2014/Hate%20speech%20EN%202014%20interactive.pdf)

The 2013 report (in English):

[http://osi.bg/downloads/File/2013/Hate speech report ENG interactive.pdf](http://osi.bg/downloads/File/2013/Hate%20speech%20report%20ENG%20interactive.pdf)

- **Teachers, parents and children against hate speech and discrimination project:**  
<http://www.arcfund.net/index.php?id=2210>

- **From Prejudices to Intolerance: Scope and Prevention of Hate Speech in Bulgaria project:**

<http://antihate.europe.bg> and

<http://www.ngogrants.bg/public/portfolios/newsItem.cfm?id=241>

[Юлиана Николова, Орлин Спасов и Николета Даскалова, “Езикът на омраза в България: рискови зони, уязвими обекти”, Център за модернизиране на политики, Фондация медийна демокрация, София 2016, достъпно на http://www.fmd.bg/wp-content/uploads/2016/04/antihate\\_index.pdf](http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf) и

[http://politiki.bg/downloads/File/2016\\_July/antihate\\_index.pdf](http://politiki.bg/downloads/File/2016_July/antihate_index.pdf) (Yuliana Nikolova, Orlin Spasov and Nikoleta Daskalova, “Hate Speech in Bulgaria: Risk Areas, Vulnerable Subjects” analysis, Centre for Policy Modernization, Centre for Policy Modernization, Sofia 2016, (in Bulgarian), available at [http://www.fmd.bg/wp-content/uploads/2016/04/antihate\\_index.pdf](http://www.fmd.bg/wp-content/uploads/2016/04/antihate_index.pdf) and

[http://politiki.bg/downloads/File/2016\\_July/antihate\\_index.pdf](http://politiki.bg/downloads/File/2016_July/antihate_index.pdf))

- **Toler@nce pla@tform.bg project:**

[www.ontolerance.eu](http://www.ontolerance.eu)

<https://www.facebook.com/platformazatolerantnost> and

<http://www.ngogrants.bg/public/portfolios/proposal.cfm?id=48&applicantLevelID=5057&prID=11>

- **Exchange of practices and creation of a model to limit hate speech by creating a culture of tolerance and recognizing diversity project:**

<http://spoc-s.com/fm-na-eip/>

<https://www.facebook.com/sdrspok?fref=ts> and

<http://www.ngogrants.bg/public/portfolios/proposal.cfm?id=66&applicantLevelID=11772&prID=11>

- **Shared School Project:**

[http://www.roditeli.org/index.php?option=com\\_content&view=article&id=230:2014-11-18-08-45-09&catid=15:2012-03-26-13-53-12&Itemid=8](http://www.roditeli.org/index.php?option=com_content&view=article&id=230:2014-11-18-08-45-09&catid=15:2012-03-26-13-53-12&Itemid=8) and

<http://www.ngogrants.bg/public/portfolios/newsItem.cfm?id=211>

- **Mediator project:**

<http://www.us4bg.org/how-we-work/our-projects/mediator-interactive-platform-for-supporting-independent-journalism/?year=2014&area=1222>

- Borislav Dimitrov, “Hate speech case law: evolution in Europe, deadlock in Bulgaria”, Association of European Journalists - Bulgaria, 26 October 2014, (in English), available at <http://www.aej-bulgaria.org/eng/p.php?post=1977&c=288>

- **Coalition of positive messengers to counter online hate speech project:**

<http://www.sofia-da.eu/en/current/coalition-of-positive-messengers-to-counter-online-hate-speech.html>

## 8.2 CYPRUS

### 8.2.1 Overview

NGOs play a critical part in the well-being of vulnerable groups. They raise awareness and promote the rights of all different groups of people. They also develop initiatives towards tolerance and inclusion and the understanding and respect of diversity.

In Cyprus there are a number of organisations that are involved with the welfare of minority groups like KISA, Caritas, the Refugees Rights Association, the African Diaspora, the Recognised Refugees in Cyprus and ACCEPT LGBT Cyprus, all of which play a major role in providing support to victims of hate-related events.

NGOs may also facilitate and cooperate with the police for the recording of hate crime incidents. Unfortunately, NGOs have no capacity to systematically record such data and provide relevant statistics.

### 8.2.2 Organisations Responsible and Structure

**KISA** is a NGO, established in 1998, promoting an all-inclusive, multicultural society, free of racism, xenophobia and discrimination and where, through the interaction and mutual respect of diverse cultures, there will be equality and respect for the rights of all, irrespective of race, nationality or ethnicity, colour, creed or beliefs, gender, sexual preference or orientation, age, inability or any other diversity.<sup>284</sup>

**AEQUITAS** is an NGO dedicated to the promotion of human rights education, intercultural education and citizenship education in Cyprus. More particularly, AEQUITAS holds that these three interrelated areas are necessary characteristics for a democratic, tolerant and just society. AEQUITAS carries out awareness-raising campaigns on a variety of human rights issues and encourages Human Rights Debate and Education.<sup>285</sup>

**ACCEPT** is a NGO dedicated to the promotion of issues that concern the LGBT community. Their objective is the protection, assertion and promotion of the rights and interests of LGBT people and the combat of prejudices, stereotypes, stigmas and social exclusion. Raising awareness and

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<sup>284</sup> <http://kisa.org.cy/>

<sup>285</sup> <http://www.aequitas-humanrights.org/>

informing the community and general public in matters of sexuality, identity gender, sexual orientation and sexual health.<sup>286</sup>

### 8.2.3 Activities & initiatives

- Training Course for Young People (21-28<sup>th</sup> October 2016, Limassol, Cyprus), AEQUITAS presented the Council of Europe handbook on combatting hate speech online to formal and non-formal educators in Cyprus.
- On-line platform <http://www.notohatespeech.com/> developed by AEQUITAS in the framework of the project 'Say No to Hate Speech – Young People Empowered,' a project funded by the European Youth Foundation of the Council of Europe. The platform contains general information on hate speech and it includes online chat services "offering support and information for victims of hate speech through psycho education as well as support and information for others such as parents, guardians and friends of victims."<sup>287</sup>
- Racism and Discrimination Alert (RADIAAlert ), an online mechanism for reporting and recording racist, discriminatory and hate speech incidents, developed by KISA to address the urgent need for supporting and empowering people experiencing racist violence and hate crime in general and also to record and report such incidents in the Republic of Cyprus.

### 8.2.4 Success Cases & Challenges

- Conviction against CyBC (Cyprus Broadcasting Corporation) for xenophobic and racist statements of an actor on a show broadcasted (19/06/2013). Resolution: fine €3.000 on the Corporation for the breach of article 18(B) of the Cyprus Broadcasting Corporation (Amending) Law of 2010 [117(I)/2010].
- The second case against CyBC (Cyprus Broadcasting Corporation) for denying the cancelation of the broadcasting of a program in which racist, xenophobic, and islamophobic remarks were made. Resolution: fine €21,000 on violations of the Cyprus Broadcasting Law on airing content "inciting hatred based on race, sex, religion or nationality".
- ACCEPT – LGBT Cyprus organised in 2014 the first ever Cyprus Pride Parade on the island. The Parade was an unexpectedly very successful with over 4500 marching or attending the day's events. [Accept - LGBT Cyprus](#) had expected several hundred participants, but were overwhelmed by the event's popularity. The march received extensive political support from almost all parties across the political spectrum, former President of Cyprus George Vasiliou, the European Parliament's Office in Cyprus, the European Commission's Representation in Cyprus, and 15 Embassies who marched with the parade including Ambassadors and Embassy staff (Austria, Australia, Brazil, Britain, Canada, Denmark, Finland, Israel, Italy, Netherlands, Norway, Portugal, Spain, Sweden, USA). Furthermore, for the first time ever, the Embassies of Denmark, Finland, Netherlands, Sweden and the USA hoisted a rainbow flag on the day at the Embassies' ground.<sup>288</sup>

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<sup>286</sup> <http://www.acceptcy.org/en>

<sup>287</sup> <http://www.notohatespeech.com/online-platform>

<sup>288</sup> [https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Cyprus](https://en.wikipedia.org/wiki/LGBT_rights_in_Cyprus)

### 8.2.5 Gap analysis

- NGOs in Cyprus, while occasionally consulted, do not have an active role in the development of State policies, and little action stems directly from their recommendations.
- LGBT organisations have not been treated as serious stakeholders in shaping Human Rights issues in particular with regard to sexual orientation and gender identity, as they have not yet been invited in any formal consultations by State authorities.

### 8.2.6 Useful Links & Additional Reading

No additional relevant information.

## 8.3 FRANCE

### 8.3.1 Overview

Associations have a determining role since they provide concrete help to victims and can act in justice as they were the victims on the basis of Article 2-1 and 2-6 of the Penal Procedure Code<sup>289</sup>.

In addition, the French ISPs industry proposes a hotline called “Point de Contact” which has been the first French hotline against illegal online content and which works today closely with the PHAROS governmental platform.

### 8.3.2 Organisations Responsible and Structure

Firstly, “Point de contact”<sup>290</sup> is a private hotline against illegal content operated by the French ISP industry since 1998. Pre-existing to the hotline operated by public authorities, Point de Contact has been founded by the French Internet Service providers association (AFPI - ex-AFA) in order to enable the public to report child pornography material and racial hatred. Point de Contact is also member of the INHOPE network from its origin (AFA has been an INHOPE founding member) and is co-funded from 1999 by the European Commission’s successive Safer Internet programs<sup>291</sup>.

In addition, several French NGO’s are committed to protect people and to assist them when they face hatred or/and discrimination on the French territory. They are associations created in compliance with the law that governs in principle the creation and functioning of associations in France (a law of 1<sup>st</sup> July 1901 and a decree of 16 August 1901 <sup>292</sup>).

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<sup>289</sup>

[https://www.legifrance.gouv.fr/affichCode.do?sessionId=1E33E98D824706BBFC6C8BB6451201DD.tpdila15v\\_3?idSectionTA=LEGI\\_SCTA000024458641&cidTexte=LEGITEXT000006071154&dateTexte=20170624](https://www.legifrance.gouv.fr/affichCode.do?sessionId=1E33E98D824706BBFC6C8BB6451201DD.tpdila15v_3?idSectionTA=LEGI_SCTA000024458641&cidTexte=LEGITEXT000006071154&dateTexte=20170624) (last accessed on 23 June 2017).

<sup>290</sup> <http://www.pointdecontact.net/> (last accessed on 23 June 2017).

<sup>291</sup> Point de Contact, About us, [http://www.pointdecontact.net/about\\_us?language=en](http://www.pointdecontact.net/about_us?language=en) (last accessed on 23 June 2017).

<sup>292</sup> Loi du 1er juillet 1901 relative au contrat d’association, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006069570>, et décret du 16 août 1901 pris pour l’exécution de la loi du 1er juillet 1901 relative au contrat d’association, <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006069620> (URLs last accessed on 23 June 2017).

- **Ligue des droits de l'Homme (Human Rights League - LDH)<sup>293</sup>:**  
the LDH has been created in 1898 in order to defend an innocent, the Captain Dreyfus. Since then, the LDH is at the forefront of all the struggles for justice, freedoms, civic and political rights, economic rights, social and cultural rights<sup>294</sup>. In particular, the LDH combats daily all forms of racism and discrimination<sup>295</sup>. It declares that it "*refuses to reduce this combat to the fight against racism and anti-Semitism in any community approach : even though each form of racism is specific, all victims are equal and the answer must be universal, facing an universal evil*"<sup>296</sup>. **Ligue internationale contre le racisme et l'antisémitisme (International league against racism and anti-Semitism - LICRA)<sup>297</sup>:** Created in 1927, the LICRA is one of the oldest associations combatting racism<sup>298</sup>. It takes part to anti-racist struggles for the benefit of Human Rights at the national and international level<sup>299</sup>.
- **SOS racism<sup>300</sup>:** this association has been created in 1984 and combats racism, anti-Semitism and more generally all forms of discriminations<sup>301</sup>.
- **Action - CRitique - MEDias (Action-criticism-media - ACRIMED)<sup>302</sup>:** created in 1996, this association gathers journalists, media employees, researchers, academia, stakeholders of social movements and media users. It intends to be a media observatory combining professional, theoretical and militant knowledge in order to ensure an independent, radical and uncompromising criticism<sup>303</sup>. **Alliance générale contre le racisme et pour le respect de l'identité française et chrétienne (general alliance against racism and for the respect of French and Christian identity -AGRIF)<sup>304</sup>:** this association combat all forms of racism including where directed against French and Christians, considering that these two latter combats are not always carried out by other associations<sup>305</sup>.

In addition, certain associations are particularly specialised in the assistance of victims of homophobia:

- **Sos homophobie<sup>306</sup>:** is a "non-profit, volunteer-run organisation committed to combatting hate-motivated violence and discrimination against LGBT people", founded

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<sup>293</sup> <http://www.ldh-france.org> (last accessed on 23 June 2017).

<sup>294</sup> LDH, De 1898 à nos jours, <http://www.ldh-france.org/de-1898-a-nos-jours/> (last accessed on 23 June 2017).

<sup>295</sup> Ligue des droits de l'Homme, racisme et antisémitisme, <http://www.ldh-france.org/sujet/racisme-antisemitisme/> (last accessed on 23 June 2017).

<sup>296</sup> Ibid.

<sup>297</sup> <http://www.licra.org/> (last accessed on 23 June 2017).

<sup>298</sup> LICRA, Qui sommes-nous, <http://www.licra.org/qui-sommes-nous/> (last accessed on 23 June 2017).

<sup>299</sup> LICRA, International, <http://www.licra.org/que-faisons-nous/international/> <http://www.ldh-france.org/sujet/racisme-antisemitisme/> (last accessed on 23 June 2017).

<sup>300</sup> <http://sos-racisme.org> (last accessed on 23 June 2017).

<sup>301</sup> [https://fr.wikipedia.org/wiki/SOS\\_Racisme](https://fr.wikipedia.org/wiki/SOS_Racisme) (last accessed on 23 June 2017).

<sup>302</sup> <http://www.acrimed.org> (last accessed on 23 June 2017).

<sup>303</sup> ACRIMED, Qui sommes nous ?, <http://www.acrimed.org/-Qui-sommes-nous-> (last accessed on 23 June 2017).

<sup>304</sup> <http://www.lagrif.fr/> (last accessed on 26 June 2017).

<sup>305</sup> "L'AGRIFI en quelques mots", in the bottom of <http://www.lagrif.fr/>; L'AGRIF en quelques mots, <http://www.lagrif.fr/qui-sommes-nous> (URLs last accessed on 26 June 2017).

<sup>306</sup> <https://www.sos-homophobie.org> (last accessed on 23 June 2017).

in April 1994, Their three main missions are (1) the “support and advice for people who have been victim of or who have witnessed LGBT abuse” (via an anonymous telephone helpline, their website and legal services), (2) a prevention work and (3) raising awareness through their annual report and a website dedicated to adolescents.<sup>307</sup>

- **Stop Homophobie**<sup>308</sup>: this association combats discriminations and incitement to hatred directed against persons on the grounds of their gender, sexual orientation and gender identity. It is committed to educational, social and humanitarian actions<sup>309</sup>.

### 8.3.3 Activities & initiatives

Point de Contact handles reports relating to online illegal content, which Internet users can send anonymously, and forward the content they assess as being potentially illegal to the French police specialised service (the OCLCTIC). In addition, where the content is hosted in France it is forwarded to the relevant French hosting provider, and where it is hosted in a country where operates an INHOPE hotline, it is forwarded to this hotline<sup>310</sup>. Point de Contact also provides information and awareness to Internet users<sup>311</sup>. It notably publishes leaflets relating to Internet dangers such as sextortion or grooming<sup>312</sup> and annual results<sup>313</sup>. Moreover, Point de Contact regularly organises or participates in awareness events such as the Safer Internet day<sup>314</sup> and an International day against racism<sup>315</sup>.

The other Associations share actions for the protection and the awareness of citizens. In particular, SOS Homophobie operates a website dedicated to adolescents, proposing *inter alia* information, testimonies, and cultural resources<sup>316</sup>.

These associations generally also provide for direct access to a chat, or to a hotline available to victims.

Some of them organise actions of prevention in schools<sup>317</sup> and / or in professional settings<sup>318</sup> and provide a constant access to information for young people<sup>319</sup>.

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<sup>307</sup> SOS homophobie, The ‘SOS homophobie association goals, <https://www.sos-homophobie.org/sos-homophobie-association-goals> (last accessed on 23 June 2017).

<sup>308</sup> <https://www.stophomophobie.com/> (last accessed on 23 June 2017).

<sup>309</sup> Stop homophobie, présentation, <https://www.stophomophobie.com/presentation-stop-homophobie/> (last accessed on 23 June 2017).

<sup>310</sup> [http://www.pointdecontact.net/your\\_report?language=en](http://www.pointdecontact.net/your_report?language=en)

<sup>311</sup> See the tab “More on Point de Contact” on <http://www.pointdecontact.net/>

<sup>312</sup> <http://www.pointdecontact.net/les-fiches-point-de-contact?language=en> (last accessed on 26 June 2017).

<sup>313</sup>

[http://www.pointdecontact.net/actualites/bilan\\_2016\\_du\\_point\\_de\\_contact\\_de\\_lafpi\\_augmentation\\_des\\_signalements\\_de\\_contenus](http://www.pointdecontact.net/actualites/bilan_2016_du_point_de_contact_de_lafpi_augmentation_des_signalements_de_contenus) (last accessed on 26 June 2017).

<sup>314</sup> [http://www.pointdecontact.net/actualites/safer\\_internet\\_day\\_2017\\_la\\_france\\_est\\_le\\_deuxieme\\_pays\\_hebergeur\\_de\\_contenus](http://www.pointdecontact.net/actualites/safer_internet_day_2017_la_france_est_le_deuxieme_pays_hebergeur_de_contenus) (last accessed on 26 June 2017).

<sup>315</sup>

[http://www.pointdecontact.net/actualites/journee\\_internationale\\_de\\_lutte\\_contre\\_le\\_racisme\\_lafpi\\_partenaire\\_de\\_la\\_mobilisation\\_du](http://www.pointdecontact.net/actualites/journee_internationale_de_lutte_contre_le_racisme_lafpi_partenaire_de_la_mobilisation_du) (last accessed on 26 June 2017).

<sup>316</sup> <http://www.cestcommeca.net/> (last accessed on 23 June 2017).

<sup>317</sup> <http://www.licra.org/que-faisons-nous/education/>

<sup>318</sup> <https://www.sos-homophobie.org/nos-actions>

<sup>319</sup> <http://www.cestcommeca.net>

Most of them also regularly take a stand on governmental actions or legislation. For example, Stop Homophobie, together with four other associations, ask for the repealing of a decree of 5 April 2016 that imposes a sexual abstinence of 12 months to homosexual men who want to give their blood<sup>320</sup>. The LDH for its part blames the French government for the preparation of two news laws, the first one aiming to extend the state of emergency, which efficiency against terrorism is challenged while it limits drastically some guarantees aiming at protecting fundamental rights, and the second one reinforcing the powers of the Ministry of interiors in the fight against terrorism, while no review has been done of the efficiency of preceding laws recently voted and having the same purpose<sup>321</sup>.

But also, they provide for education so citizens can know what does constitute a discrimination or insult, and report it. This is the reason why they

### 8.3.4 Success Cases & Challenges

National and international action of Point de Contact leads to an important number of removal of illegal content from their hosting servers, in cooperation with competent authorities<sup>322</sup>. This however concerns most of all child-pornography related content, since hate-related reports are relatively low and decrease compared to 2015 (37 hate-speech reports in 2016 compared to 52 in 2015, and 32 incitement to terrorism acts reported in 2016 compared to 209 in 2015<sup>323</sup>).

Associations combatting hate and fundamental rights arbitrary limitations are regularly successful in their actions.

For example, two recent cases of successful legal actions can be mentioned:

- In 2013, several associations including the Ligue des droits de l'Homme (LDH) filed a complaint regarding a speech from the Mayor of Roquebrune, saying in essence that Rom people steal electric cable and burn them in order to get back copper, that they at this occasion caused several fires including one in their motor home, regretting that rescue arrived to soon in this latter event. The Court of Cassation confirmed the condemnation of the mayor for having provoked to hate toward the Rom community, and the sanctions of a 10 000 euros fine and of one year of ineligibility.<sup>324</sup>

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<sup>320</sup> Don de sang des gays : Cinq associations LGBT demandent l'abrogation de l'arrêté fixant les critères de sélection, <https://www.stophomophobie.com/don-de-sang-des-gays-cinq-associations-lgbt-demandent-labrogation-de-larrete-fixant-les-criteres-de-selection/> (last accessed on 23 June 2017).

<sup>321</sup> Communiqué LDH, « En Marche », mais pas pour mettre fin à l'état d'urgence ni renoncer aux lois sécuritaires !, <http://www.ldh-france.org/en-marche-pas-mettre-fin-letat-durgence-renoncer-aux-lois-securitaires/> (last accessed on 23 June 2017).

<sup>322</sup> Bilan 2016 du Point de Contact de l'AFPI, [http://www.pointdecontact.net/actualites/bilan\\_2016\\_du\\_point\\_de\\_contact\\_de\\_lafpi\\_augmentation\\_des\\_signalements\\_de\\_contenus](http://www.pointdecontact.net/actualites/bilan_2016_du_point_de_contact_de_lafpi_augmentation_des_signalements_de_contenus) (last accessed on 26 June 2017).

<sup>323</sup> Bilan 2016 du Point de Contact, , p. 3, [http://www.pointdecontact.net/sites/default/files/graphiques\\_bilan\\_2016\\_pointdecontact.pdf](http://www.pointdecontact.net/sites/default/files/graphiques_bilan_2016_pointdecontact.pdf) (last accessed on 26 June 2017).

<sup>324</sup> Criminal Chamber, French Court of Cassation, Cass. crim. 1st February 2017, n°15-84.511, [https://www.courdecassation.fr/jurisprudence\\_2/chambre\\_criminelle\\_578/104\\_1\\_36011.html](https://www.courdecassation.fr/jurisprudence_2/chambre_criminelle_578/104_1_36011.html); see also LDH Toulouse, Histoire coloniale et postcoloniale, <http://www.ldh-toulon.net/Luc-lousse-condamne-a-un-an-d.html> (URLS last accessed on 26 June 2017).

In a case brought to Court by the AGRIF (Alliance générale contre le racisme et pour le respect de l'identité française et chrétienne) for provocation to hatred<sup>325</sup>, a music group released a song called "Nique la France" which literally means "fuck France" (song included in an album called with the same name), which was targeting the "white so-called native-born Frenchs" in contrast to "blacks, Arabs and Muslims" (according to the AGRIF and established by the Court of Appeal). After the first judges and the Court of Appeal of Paris relaxed the music group, considering that the terms "native-born Frenchs" do not enable to determine clearly to which category of French it applies, the criminal chamber of the Court of Cassation<sup>326</sup> overturned the Court of Appeal decision. It considered that the song refers to "persons belonging to the French nation", which enables to determine persons belonging to such group. The Court of cassation transferred the case to the Court of Appel of Lyon. ..

Regarding challenges, the question was raised which was the possibility of an association to become part of the prosecution when the public action or by another association already started it. A 2010 decision of the criminal chamber of the Cour de cassation reinforces the action of associations by granting this possibility<sup>327</sup>.

For the rest, as an element of the ambitious and voluntarist penal policy recommended by the CNCHD<sup>328</sup>, lies the need to allocate sufficient dedicated means including in terms of human resources, in order to - inter alia - ease victims' reparation. This notably implies to support and value the associative sector, including financially, in order to improve its capacity to carrying out its tasks, including victims' assistance and specialised prevention.

### 8.3.5 Gap analysis

The main identified gap might be, as highlighted by the CNCDH, the lack of means of associations taking care of victims, along with an insufficient recognition of their value and work by public authorities.

The large number of existing associations combatting hate along with the difficulty to get an easy knowledge of the existence and particularities of each of them might be seen as another issue, since this situation tends to blur their respective visibility and power. As a consequence, the centralisation of all these associations in one specific well-known and comprehensive web-page or search engine would be very helpful and would encourage people to denounce the acts they are victims or witness of.

### 8.3.6 Useful Links & Additional Reading

- Several other regional associations do exist, for instance the following:  
<http://www.arcad-discrimination.org/lassociation-arcad/>;

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<sup>325</sup> AGRIF, *Affaire AGRIF contre « Nique la France » : grande victoire du droit et du bon sens*, <http://www.lagrif.fr/communiqués/racisme-antifrançais/634-affaire-agrif-contre-nique-la-france-grande-victoire-du-droit-et-du-bon-sens> (last accessed on 26 June 2017).

<sup>326</sup> Cass. crim. 28 February 2017, n°16-80.522, <https://www.legifrance.gouv.fr/affichJuriJudi.do?oldAction=rechJuriJudi&idTexte=JURITEXT000034140555&fastReqId=532550662&fastPos=1> (last accessed on 26 June 2017).

<sup>327</sup> Chambre Criminelle, October 12th, 2010, n°10-80.825

<sup>328</sup> CNCDH, *Avis sur la lutte contre les discours de haine sur Internet*, 12 February 2015, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432> and at [http://www.cncdh.fr/sites/default/files/15.02.12\\_avis\\_lutte\\_discours\\_de\\_haine\\_internet\\_cncdh\\_0.pdf](http://www.cncdh.fr/sites/default/files/15.02.12_avis_lutte_discours_de_haine_internet_cncdh_0.pdf) (URLs last accessed on 21 June 2017), see Section 5.3 of the current report.

[http://www.association-  
alda.org/index.php?option=com\\_content&view=section&id=79&Itemid=810](http://www.association-alda.org/index.php?option=com_content&view=section&id=79&Itemid=810):

- Ministry for women rights: <http://www.egalite-femmes-hommes.gouv.fr/>
- Observatory for inequalities: <http://www.inegalites.fr/spip.php?article1453>
- To report an illegal content to Point de Contact: <http://www.pointdecontact.net/>

## 8.4 GREECE

### 8.4.1 Overview

It is generally agreed that Greece remains behind most of its EU partners in terms of the strength of civil society. The *long-term* picture of Greece is that the country's Civil Society Organisations (CSO) are few, poorly organized and hence with little impact and influence (Huliaras 2014). The reason for this lies mainly with the domination of political parties, the patronage-based funding of associations and Non-Governmental Organisations (NGOs) by Greek ministries and the strong bonds of Greek families (Sotiropoulos 2014).

There is no official registry of Greek NGOs, while some of them have an informal character. Hence the picture we have is inaccurate, with estimates ranging between 1,500 and 2,000 (Sotiropoulos 2014, p. 12). There were four areas which attracted NGOs in Greece:

1. Irregular migration (since early '90s)
2. Environmental degradation
3. Fight against corruption and
4. Response to the break out of the crisis

Of the above, (1) and (4) have also helped the anti-hate-speech front.

### 8.4.2 Organisations Responsible and Structure

There are very few no-hate-speech CSOs in Greece. Listed below are the CSOs which were found to be active (or have recently done so) in no-hate-speech activities.

#### A. NGOs:

- a. *We are all Citizens*:<sup>329</sup> This is a programme implemented under the *EEA Grants for Greece*.<sup>330</sup>
- b. *No Hate Speech Movement*<sup>331</sup> / National Campaigns - Greece / Ioulia Pyrrou



<sup>329</sup> [http://www.weareallcitizens.gr/the-programme\\_en/we-are-all-citizens.html](http://www.weareallcitizens.gr/the-programme_en/we-are-all-citizens.html)

<sup>330</sup> <https://www.bodossaki.gr/en/re-granting/eea-grants/>

<sup>331</sup> <https://www.nohatespeechmovement.org/hate-speech-watch>

([ipurrou@minedu.gov.gr](mailto:ipurrou@minedu.gov.gr)) / <https://www.facebook.com/nohatespeechgreece/>.

Partners with (a).

- c. *Youthnet Hellas* <sup>332</sup> / No Hate Speech Blog <sup>333</sup>



- d. *Show Racism the Red Card*:<sup>334</sup> This was a pilot campaign run in Greece between 1-9-2013 and 28-2-2014, by Greek NGO *Aitima* and the Norwegian NGO *Norwegian Peoples* and funded by *EEA Grant*.<sup>335</sup>

- e. Movement *Expel Racism* <sup>336</sup>



- f. *Hellenic League for Human Rights*: This is the oldest human rights organization in Greece, with first attempts at creating a foundation dating back to 1918. <sup>337</sup>



- g. *ANTIGONE: Information and Documentation Center on Racism, Ecology, Peace and Non Violence*, established in 1993. <sup>338</sup>



## B. Voluntary associations:

- a. All-Chios Association of Disabled People <sup>339</sup>

- b. LGBT Greece <sup>340</sup>



## C. Community groups: None

## D. Trade unions:

- a. General Confederation of Greek Workers (Γ.Σ.Ε.Ε) <sup>341</sup>

- b. Public Employees Union (Α.Δ.Ε.Δ.Υ.) <sup>342</sup>

- c. Federation of High School Teachers (Ο.Λ.Μ.Ε.) <sup>343</sup>

- d. Panhellenic Federation of Public Hospital Employees (Π.Ο.Ε.ΔΗ.Ν.) <sup>344</sup>

- e. Teachers' Federation of Greece (Δ.Ο.Ε.) <sup>345</sup>



<sup>332</sup> <http://youthnet.gr/EN/Youthnet-Who.php>

<sup>333</sup> <http://youthnet.gr/EN/Actions-NoHateBlog.php>

<sup>334</sup> <https://www.udi.no/globalassets/global/om-udi/internasjonalt-arbeid/fact-sheet-red-card-racism.pdf>

<sup>335</sup> <https://www.udi.no/en/about-the-udi/international-work/eea-grants/eea-grants-to-combat-racism-and-hate-speech/>

<sup>336</sup> <https://www.kar.org.gr/>

<sup>337</sup> <http://www.hlhr.gr/en/b/identity-history/>

<sup>338</sup> <http://www.antigone.gr/en/home/>

<sup>339</sup> <http://amea-chios.gr/>

<sup>340</sup> <http://lgbtgreece.blogspot.gr/>

<sup>341</sup> <http://www.gsee.gr/>

<sup>342</sup> <http://adedy.gr/>

<sup>343</sup> <http://www.olme.gr/>

<sup>344</sup> <http://www.poedhn.gr/>

**E. Church groups:**

- a. The Church of Greece <sup>346</sup>
- b. The Greek Evangelical Church of Thessaloniki <sup>347</sup>
- c. Christian Student Action <sup>348</sup>



**F. Cooperatives and business:**

- a. **Ball Rolls In the Same Way for All: An ERASMUS+ programme BRISWA** dealing with racism in football, with the University of Macedonia participating on behalf of Greece.

**G. Professional organizations:**

- a. Athens Bar Association <sup>349</sup>
- b. Medical Association of Athens <sup>350</sup>



**H. Philanthropic organizations: None**

**I. Social movements:**

- a. **Coalition of Radical Left (ΣΥ.ΡΙΖ.Α.)** <sup>351</sup>: The left-wing governing party. A coalition of various small left-wing movements. 
- b. **New Democracy (Ν.Δ.)** <sup>352</sup>: The traditional centre-right wing party, 2<sup>nd</sup> in strength and forecasted to form the next government in Sep 2019, or earlier. 
- c. **Communist Party of Greece (ΚΚΕ)** <sup>353</sup>: Old-fashion Stalinist party. 
- d. **Panhellenic Socialist Party (ΠΑ.ΣΟ.Κ.)** <sup>354</sup>: The socialist party, once the dominant political force, struggling to survive. 
- e. **To POTAMI (Το ΠΟΤΑΜΙ)** <sup>355</sup>: Small centre party. 
- f. **Independent Greeks (ΑΝ.ΕΛ.)** <sup>356</sup>: Small right-wing party – The 2<sup>nd</sup> partner in the current coalition Government. 

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<sup>345</sup> <https://www.doe.gr/>

<sup>346</sup> <http://www.ecclesia.gr/>

<sup>347</sup> <http://eeeth.gr/>

<sup>348</sup> <https://xfd.gr/>

<sup>349</sup> <http://www.dsa.gr/>

<sup>350</sup> <http://www.isathens.gr/>

<sup>351</sup> <http://www.syriza.gr/page/who-we-are.html#.W0zqvliGNpg>

<sup>352</sup> <https://nd.gr/>

<sup>353</sup> <http://inter.kke.gr/en/firstpage/>

<sup>354</sup> <http://www.pasok.gr/>

<sup>355</sup> <http://topotami.gr/>

<sup>356</sup> <http://anexartitoiellines.gr/>

### 8.4.3 Activities & initiatives

The CSOs listed in the previous paragraph have developed some activity against hate speech, ranging from a press release, to taking concrete action.

#### A. **NGOs:**

a. **We are all Citizens** ([http://www.weareallcitizens.gr/the-programme\\_en/we-are-all-citizens.html](http://www.weareallcitizens.gr/the-programme_en/we-are-all-citizens.html)): This programme aims to strengthen civil society and enhance the contribution of NGOs to social justice, democracy and sustainable development. The Programme is implemented by the *Bodossaki Foundation*, in cooperation with the EEA Grants Office. Among others, the Programme *will contribute to combatting hate speech, extremism, racism, homophobia, anti-Semitism, domestic violence and human trafficking*.



**No Hate Speech Movement** / National Campaigns (<http://nohatespeechmovement.org/national-campaign-committees>): *The No Hate Speech Movement is a youth campaign against hate speech and for human rights online of the Council of Europe.*<sup>357</sup> The “National Campaign” of Greece is represented by Ms. Ioulia Pyrrou /([ipurrou@minedu.gov.gr](mailto:ipurrou@minedu.gov.gr)) and has a Facebook page (<https://www.facebook.com/nohatespeechgreece/>). It partners with (A.a), above. No work, or activity relevant to Greece was found.

c. **Youthnet Hellas** (<http://youthnet.gr/EN/Youthnet-Who.php>): According to its site, it is a Greek *non-governmental, non-profit organisation that seeks, through actions and interventions, the active participation of Youth in local, national, European and international level. Their goal is the promotion of networking among young people based on theme initiatives, and the monitoring of the implementation of International and European Youth Policies in Greece.* They were awarded the *European Citizens’ Prize* by the President of the European Parliament, Mr Martin Schulz, in Brussels on 16/10/2013. One of their national projects is the *No Hate Speech Blog*<sup>358</sup>, but this appears to not have started yet.



d. **Show Racism the Red Card**:<sup>359</sup> This was a pilot campaign run in Greece between 1-9-2013 and 28-2-2014, by Greek NGO *Aitima* and the Norwegian NGO *Norwegian Peoples*. It was funded by EEA Grant.<sup>360</sup>

e. **Movement Expel Racism** (<https://www.kar.org.gr/>): This “is an organization that includes Greek citizens and immigrants against xenophobia, racism and neo-fascism. They “are fighting for equal rights for immigrants and refugees. Greeks and immigrants together... are fighting against war, poverty and suppression, towards a common, better future”<sup>361</sup>. They have organized, or took the initiative for, a number of activities around Greece against racism, fascism, etc. (more details in their site).



<sup>357</sup> <http://www.coe.int/en/web/no-hate-campaign>

<sup>358</sup> <http://youthnet.gr/EN/Actions-NoHateBlog.php>

<sup>359</sup> <https://www.udi.no/globalassets/global/om-udi/internasjonalt-arbeid/fact-sheet-red-card-racism.pdf>

<sup>360</sup> <https://www.udi.no/en/about-the-udi/international-work/eea-grants/eea-grants-to-combat-racism-and-hate-speech/>

<sup>361</sup> <https://www.kar.org.gr/kinisi/taytothta/>

- f. **Hellenic League for Human Rights:** The League has a rich activity. The following information is available at their site:



1. Projects:<sup>362</sup>
  - i. The *REACT* programme aims at providing housing to refugees.<sup>363</sup>
  - ii. *Golden Dawn Watch* is an initiative to monitor the trial against *Golden Dawn*<sup>364</sup>.<sup>365</sup>
  - iii. *Provision of legal and other essential information to refugees* is a one-year long project that started in August 2016.<sup>366</sup>
  - iv. *Stop Mare Mortum* is a collaboration with the Spanish organization “Stop Mare Mortum”, to provide tailored legal advice and legal aid to asylum seekers.<sup>367</sup>
  - v. *CONTACT* (Creating an Online Network, Monitoring Team and phone App to Counter hate crime Tactics) is an EU supported project covering ten European countries (Cyprus, Denmark, Greece, Italy, Lithuania, Malta, Poland, Romania, Spain & UK).<sup>368</sup>
2. Activities: See <http://www.hlhr.gr/en/c/activities-eeda/>.
3. Press releases: See <http://www.hlhr.gr/en/c/press-releases-eeda/>.
4. Announcements: See <http://www.hlhr.gr/en/c/announcements-eeda/>.
5. Texts Documentation: See <http://www.hlhr.gr/en/c/texts-documentation-eeda/>.
6. Reports: See <http://www.hlhr.gr/en/c/reports-eeda/>.
7. Articles: <http://www.hlhr.gr/en/category/press/>.

- g. **ANTIGONE:** The following information is available at their site:



1. Projects: They deal with human rights and immigrants' issues. See <http://www.antigone.gr/en/projects/>.

<sup>362</sup> <http://www.hlhr.gr/en/c/projects/>

<sup>363</sup> <http://www.hlhr.gr/en/react/>

<sup>364</sup> A parliamentary party (4<sup>th</sup> in strength) of extreme right-wing and racist orientation, whose leaders stand trial with charges of politically-motivated murder and which has repeatedly attacked violently immigrants. The party stands trial, accused of the murder of rapper Pavlos Fyssas. The murder was clearly politically motivated and carried out by party members. As a result, most of the party's leaders were placed in prison, to stand trial. The trial has not been concluded. See also [https://en.wikipedia.org/wiki/Murder\\_of\\_Pavlos\\_Fyssas](https://en.wikipedia.org/wiki/Murder_of_Pavlos_Fyssas).

<sup>365</sup> <http://www.hlhr.gr/en/golden-dawn-watch/>

<sup>366</sup> <http://www.hlhr.gr/en/ref-info/>

<sup>367</sup> <http://www.hlhr.gr/en/stop-mare-mortum/>

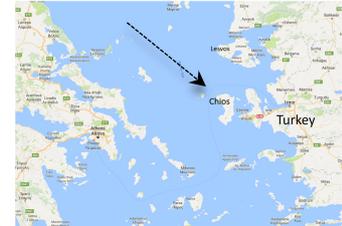
<sup>368</sup> <http://www.hlhr.gr/en/c-o-n-t-a-c-t/>

2. Round table aims at *introducing new debates related to discrimination*. See <http://www.antigone.gr/en/round-table/>.
3. Volunteering: See <http://www.antigone.gr/en/news/post/174/>
4. Reports: See <http://www.antigone.gr/en/reports/>

## B. **Voluntary associations:**



- a. **All-Chios Association of Disabled People** (<http://amea-chios.gr/>): The association was launched in 1995 in order to promote the problems of disabled people in the island of Chios (see map). According to information on their site, on 18/3/2017 they organized a public meeting to *debate* the topic “Racism of otherness – The psychological dimension”, with introductions from three psychologists. This debate was organized to honour the *International Day to eliminate Racial Discrimination* (21/3). At the time of writing this report, there was no feedback on the results of that meeting.<sup>369</sup>



- b. **LGBT Greece** (<http://lgbtgreece.blogspot.gr/>): A blog with news about the LGBT community of Greece.

## C. **Community groups:** None

## D. **Trade unions:** They mainly issued press releases against racism.

- a. **General Confederation of Greek Workers (Γ.Σ.Ε.Ε)** (<http://www.gsee.gr/>):
  1. Press release against intolerance, xenophobia and racist violence on 15/9/16.<sup>370</sup>
  2. Two-day seminar in Volos, on 23-24 Oct. 2015, on “Education & Training under crisis Xenophobia, Racism and social inequalities in the Greek School”.<sup>371</sup>
- b. **Public Employees Union (Α.Δ.Ε.Δ.Υ.)** (<http://adedy.gr/>):
  1. Resolution of the 36<sup>th</sup> congress of Α.Δ.Ε.Δ.Υ., on 18/3/2017, for a “world without racism, neo-Nazism, war” and a “welcome to refugees”.<sup>372</sup>
  2. Α.Δ.Ε.Δ.Υ. supports and takes place in Athens Pride, an event organized by the homosexual and trans community.
- c. **Federation of High School Teachers (Ο.Λ.Μ.Ε.)** (<http://www.olme.gr/>):



<sup>369</sup> Chios is one of the two islands of the eastern Aegean which was greatly disturbed by the refugee & immigration waves. Its distance from Turkey is 6 Km.

<sup>370</sup> <http://www.gsee.gr/?p=33821>

<sup>371</sup> <https://goo.gl/pVocqG>

<sup>372</sup> <http://adedy.gr/psifismagiatindiethniimeraratsismou/>

1. In one of very few interventions of this kind, O.A.M.E. publicly denounced Golden Dawn<sup>373</sup> for their attempt, on 17/2/2017, to violently block immigrants' children from attending school in Perama, Attiki.<sup>374</sup>
  2. To mark the 2010 *International Day to eliminate Racial Discrimination* (21/3), O.A.M.E. proposed to its members to devote two teaching hours to discuss racial discrimination. The trade union made relevant material available.<sup>375</sup>
  3. The Magnesia (Greek *midlands*) branch of O.A.M.E. encouraged their members to participate in the demonstrations to mark the *International Day to eliminate Racial Discrimination*.<sup>376</sup>
  4. Resolution by the O.A.M.E. executive against bullying and in memory of a bullying victim, student Vagelis Giakoumakis who committed suicide on Feb. 2015.<sup>377</sup>
- d. **Panhellenic Federation of Public Hospital Employees (Π.Ο.Ε.ΔΗ.Ν.)**  (<http://www.poedhn.gr/>):
1. Resolution (16/1/2017) against racism and fascism and in support of the relevant demonstration of 18/3/2017 in Athens.<sup>378</sup>
- e. **Teachers' Federation of Greece (Δ.Ο.Ε.)** (<https://www.doe.gr/>):  Διδακταική Ομοσπονδία Ελλάδας
1. Resolution (1/2/2017) welcoming immigrants' children in Greek schools.<sup>379</sup> This is one of the very few 'political' resolutions of the Union, over the last 3-4 years.

## E. Church groups:

- a. *The Church of Greece* (<http://www.ecclesia.gr/>): 
1. Call to priests to intervene against racism and to preach that the Church *cannot accept any fear towards a foreigner, whoever he/she may be*.<sup>380</sup> This was a communique by the European Office of the *Church of Greece*.
  2. In an interview (27/10/2015), the Bishop of Dimitriada (Greek *midlands*), Ignatios, called racism a *social and spiritual cancer*.<sup>381</sup>
  3. Nine bishops oppose racism and attack the extremist *Golden Dawn*<sup>382</sup> for its practices and ideology (27/10/2012).<sup>383</sup>

<sup>373</sup> A parliamentary party (4<sup>th</sup> in strength) of extreme right-wing and racist orientation, whose leaders stand trial with charges of politically-motivated murder and which has repeatedly attacked violently immigrants.

<sup>374</sup> [http://olme-attik.att.sch.gr/new/?page\\_id=563](http://olme-attik.att.sch.gr/new/?page_id=563)

<sup>375</sup> [http://eelmeanatt.blogspot.gr/2010/03/blog-post\\_18.html](http://eelmeanatt.blogspot.gr/2010/03/blog-post_18.html)

<sup>376</sup> <https://goo.gl/LscqtH>

<sup>377</sup> <https://goo.gl/R92ft5>

<sup>378</sup> <https://goo.gl/0IK7hM>

<sup>379</sup> <https://goo.gl/jwLXCf>

<sup>380</sup> <http://www.ecclesia.gr/greek/holysynod/committees/europe/europeanaffairs-racism.htm>

<sup>381</sup> <http://www.romfea.gr/sinenteyxeis/3960-dimitriados-ignatios-koinonikos-kai-pneumatikos-karkinos-o-ratsismos>

4. The Archbishop Ieronimos, during a speech in a parliamentary committee, defended the right of Bishops to use hate-speech because “they represent people too”(!).<sup>384</sup>

b. **The Greek Evangelical Church of Thessaloniki** (<http://eeeth.gr/>):



1. Sermon against racism: “We will be flooded by Muslims” (4/9/2016)<sup>385</sup>
2. Sermon against racism: “They should leave, to go elsewhere” (6/9/2015)<sup>386</sup>

c. **Christian Student Action** (<https://xfd.gr/>):



1. Article on their site (21/10/2008), with the title “Racism: The logic of the irrational”.<sup>387</sup>

F. **Cooperatives and business:**

- a. **Ball Rolls In the Same Way for All: An ERASMUS+ programme BRISWA** dealing with racism in football, with the University of Macedonia participating on behalf of Greece (<https://www.dailythess.gr/panepistimio-makedonias-vgazi-ofsaint-ton-ratsismo/>): The programme ends on 18/7/2018 and aims at understanding racism in Europe (emphasis on sports and especially soccer), propose and apply new policies starting with soccer academies and disseminating the results across Europe.

G. **Professional & Philanthropic organizations:**

a. **Athens Bar Association** (<http://www.dsa.gr/>):



1. Hosting of and participation in a debate on “Hate speech: Routes of racism in the public discourse”, organized by the Ministry of Justice (24/6/2015)<sup>388</sup>
2. Hosting of and participation in a debate on “Rule of Law & Racism; is the existing legislative framework sufficient to combat racist phenomena?” (31/10/2013)<sup>389</sup>

b. **Medical Association of Athens** (<http://www.isathens.gr/>):



1. Communication against outbreaks of racism and xenophobia and in favour of “equal access to health and education of each person residing in this country”.<sup>390</sup>

<sup>382</sup> A parliamentary party (4<sup>th</sup> in strength) of extreme right-wing and racist orientation, whose leaders stand trial with charges of politically-motivated murder and which has repeatedly attacked violently immigrants.

<sup>383</sup> <https://goo.gl/WdJSQT>

<sup>384</sup> <https://goo.gl/edrknC>

<sup>385</sup> <http://www.eeeth.gr/kirigmata/message/tha-gemisoume-mousoulmanous>

<sup>386</sup> <http://www.eeeth.gr/kirigmata/message/na-fygoune-na-pan-alloy>

<sup>387</sup> <https://goo.gl/DM2CCm>

<sup>388</sup> <https://goo.gl/8823qU>

<sup>389</sup> <https://goo.gl/9oT6xf>

<sup>390</sup> <http://www.kathimerini.gr/879478/article/epikairothta/ellada/isa-to-yp-ygeias-antimetwpizei-me-ratsismo-toys-prosfyges>

H. **Social movements:**a. **Coalition of Radical Left (ΣΥ.ΡΙΖ.Α.**

<http://www.syriza.gr/page/who-we-are.html#.WOzqvliGNpg>):

1. The party website hosts a communique calling for punishing hate speech and every racist and intolerant act.<sup>391</sup>
2. Article displayed on the Party website for the International Day against Racism (21/3/2016)<sup>392</sup>
3. The party has been very active in two fronts:<sup>393</sup>
  - i. Against the neo-nazi Golden Dawn and
  - ii. In favour of the freedom of sexual orientation.

b. **New Democracy (Ν.Δ. - <https://nd.gr/>):** No material was found.c. **Communist Party of Greece (ΚΚΕ - <http://inter.kke.gr/en/firstpage/>):**

The party issues a communique, every year, to honour the International Day against racism (21/3)<sup>394</sup>

d. **Panhellenic Socialist Party (ΠΑ.ΣΟ.Κ - <http://www.pasok.gr/>):**

The party publicly thanks Martin Schultz, the European parliament president, for expelling the *Golden Dawn* MEP on account of his hate speech in the parliament.<sup>395</sup>

e. **To POTAMI (Το ΠΟΤΑΜΙ - <http://topotami.gr/>):**

1. Article against antisemitism on party website.<sup>396</sup>
2. Speech in parliament (8/3/2017) against tolerance in inter-gender violence.<sup>397</sup>
3. Speech in parliament (2/12/2016) against *hate speech*.<sup>398</sup>
4. Intervention at the plenary session of the Council of Europe against hate speech.<sup>399</sup>

f. **Independent Greeks (ΑΝ.ΕΛ. - <http://anexartitoiellines.gr/>):** No material was found.

<sup>391</sup> <https://goo.gl/a8HjBj>

<sup>392</sup> <http://www.syriza.gr/article/N.-Santorinios-gia-thn-Pagkosmia-Hmera-kata-toy-Ratsismoy.html#.WOzoHh95pg>

<sup>393</sup> <https://goo.gl/ubocRX>

<sup>394</sup> [http://www.kke.gr/dhmokratika\\_dikaiomata/](http://www.kke.gr/dhmokratika_dikaiomata/)

<sup>395</sup> <http://newpost.gr/politiki/520939/pasok-eyxaristoyme-soylts-den-mporei-na-menei-anapanthth-h-rhthorikh-toy-misoy>

<sup>396</sup> <http://topotami.gr/o-miltos-kirkos-gia-ton-antisimitismo/>

<sup>397</sup> <http://topotami.gr/i-paramikri-anochi-stin-emfili-via-mathimatika-tha-odigisi-stin-epanalipsi-tis/>

<sup>398</sup> <http://topotami.gr/na-anametrithoume-me-ti-ritoriki-misous/>

<sup>399</sup> <http://topotami.gr/h-ritoriki-misous-dilitiriaziti-tin-kinonia-ke-chriazete-antidoto/>

#### 8.4.4 Success Cases & Challenges

In the previous sections, we have determined the most important Greek CSOs, active in the no-hate speech movement, and their most prominent activities. The picture that emerges cannot be judged in comparison to other European countries, as such a study is not available at this instance.

The NGOs are few and are either supported by European funds, or by an ideological commitment, usually of left-wing inclination. No record was found of some significant intervention on the no-hate speech movement, but there were many interventions of some value.

NGOs which have political affiliations with the left, or anarchist domain, use a stereotypical language and approach which restricts their impact and makes people ignore their message. In addition, they have a 'difficult' relation with LEA.

There is not much evidence for the work of other NGOs, with some very few exceptions (like for example the *Hellenic League for Human Rights*) but the public opinion about NGOs, in general, has been poisoned by reports, many unsubstantiated, that they misappropriate state funds, or such funds are awarded with unclear criteria to the 'friends' of the government of the day, or that some NGOs use provocative and extremist tactics (this is directed at some NGOs dealing with the refugees).

The *trade-union* intervention against racism, in general, is restricted to the release of communiques and invitation to members to participate in activities. Although this is positive, it is also what is expected by the trade unions, and because is done in a stereotypical way, its impact is of low value. In other words, their relevant activity is unimaginative and without due consideration of potential impact.

The official *Church of Greece*, a very influential CSO, is very reluctant to stand against hate speech, as it is divided by some bishops with extremist views. Few of them have a very racist and anti-immigrant stand<sup>400</sup>, while many more oppose legislation for homosexual rights. It is then important that some bishops come forward against hate speech<sup>401,402,403</sup>, although they all restrict themselves on race issues and not on sexual orientation, which is a huge taboo for the Orthodox Church.<sup>404</sup>

The *professional organizations* have more impact on their members, as they approach them through their science. So, for example, when the Athens Bar Association discusses if the "existing legislative framework is sufficient to combat racist phenomena" (see above), member lawyers

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<sup>400</sup> The Bishop of Chios, an island greatly disturbed by the immigration and refugee waves, in his preaching on August 15th, lashed out against migrants and refugees, against the Mosque to be built in Athens, against civilian marriage and against homosexuals (<http://hellaspindakaas.com/en/2016/08/19/ston-eisagelea-mitropolitis/>). This forced the Ministry of Justice to send the case to the public prosecutor.

<sup>401</sup> <https://goo.gl/UGgljX>

<sup>402</sup> <http://www.romfea.gr/sinenteyxeis/3960-dimitriados-ignatios-koinonikos-kai-pneumatikos-karkinos-o-ratsismos>

<sup>403</sup> <https://goo.gl/WdISQT>

<sup>404</sup> In an interview with ANTENNA TV, a large broadcaster, the bishop of Thessaloniki, Anthimos, went as far as to declare that homosexuality within the church is "a different thing", but otherwise (...) he was definitely against homosexuality as it is a "mortal sin", according to the Holy Bible (see here <http://www.thetoc.gr/koinwnia/article/anthimos-allo-oi-omofulofiloi-tis-ekklisias>).

will be attracted to the debate. Similarly, the stance of the Medical Association of Athens against discriminations in hospital treatment will definitely have an impact on members.

The *political parties* appear to be predictable in their response to the no-hate speech issues: The right-wing parties are very poor in supporting publicly the campaign against hate speech, while the parties of the left do the opposite. Most supportive appear to be the centrist *To Potami*, though.

#### 8.4.5 Gap analysis

On the *NGO* front, organizations with a background that is convincing, i.e. that their activity is targeting indeed hate-speech and is not a cover for political, or other, objectives, do/will have an impact. Such NGOs should be able to develop working relations with LEA and have good access to the media.

*Trade union* activity on non-hate speech, although welcome, should rise above the stereotypical approach as current approach does not influence union members. This approach appears to be a service to party politics only. The unions need imaginative interventions which will attract the attention of members and the media.

The *Church* will be very powerful if and when it decides to intervene. In any case, the voice of individual bishops is also influential, but it needs more media support to spread further. Of significant importance, is the move of the state against bishops who appear to break the law, through hate-speech sermons.

The *political parties*, with one exception, are predictable in their support of the no-hate speech campaign: The right avoids public support in order to keep right-wing voters at bay, while the left does the opposite in order to attract left-wing voters. Only a common and innovative campaign by some/many parties will send a convincing message, against hate speech.

#### 8.4.6 Useful Links & Additional Reading

- Huliaras A., (2014), *The Dynamics of Civil Society in Greece: Creating civic engagement from the top*, The Jean Monnet Papers on Political Economy, University of the Peloponnese, 10/2014, available in <https://www.uop.gr/images/files/huliaras.pdf>.
- Sotiropoulos D., (2014), *Civil Society in Greece in the Wake of the Economic Crisis*, Konrad Adenauer Stiftung – ELIAMEP, Athens, May 2014, available in [http://www.kas.de/wf/doc/kas\\_38533-1522-2-30.pdf?140808173627](http://www.kas.de/wf/doc/kas_38533-1522-2-30.pdf?140808173627).
- <http://councilforeuropeanstudies.org/critcom/the-new-regulation-against-hate-speech-in-greece-strengths-and-weaknesses/>
- <http://www.loc.gov/law/foreign-news/article/greece-new-law-criminalizes-denial-of-genocide-hate-speech-and-other-acts-of-racism/>
- <http://tgeu.org/greece-hate-speech-law-recognizes-gender-identity/>
- <https://www.britishcouncil.gr/en/events/symposium-from-hate-speech-to-tolerance-and-understanding>

## 8.5 IRELAND

### 8.5.1 Overview

The EU Code of Conduct negotiated between the European Commission and four IT companies (Facebook, YouTube, Twitter and Microsoft) recommends that a representative network of civil society partners and ‘trusted reporters’ be established in all Member States. High quality notifications of hate speech could be furnished to the IT companies by virtue of these channels. In the Irish context it was not possible to identify any ‘trusted reporters.’<sup>405</sup>

### 8.5.2 Organisations Responsible and Structure

There are several civil-society reporting mechanisms that could be expanded and improved to meet the requirements of the EU Code of Conduct. The first, the European Network Against Racism (ENAR) Ireland was authored by Shane O’Curry (ENAR Ireland) and Dr Lucy Michael (Ulster University), and launched in July 2013.<sup>406</sup> It allows anyone in Ireland to confidentially report racist incidents.

The Immigrant Council of Ireland hosts a telephone service to report racist incidents.<sup>407</sup> Interestingly, in 2014 upon publication of Immigrant Council of Ireland statistics, the Irish Times reported that online hate speech accounted for 10% of incidents they recorded and that it was on the rise.<sup>408</sup>

### 8.5.3 Activities & initiatives

The most recent figures available from ENAR demonstrate a rise in reported racist crime from 190 in the first six months of 2016, to 245 in the latter six months of 2016.<sup>409</sup> ENAR statistics regarding the 190 incidents in the first half of 2016 are further disaggregated in a publication titled *Reports of Racism in Ireland*. As online hate speech is not a specific type of incident, but falls under the ENAR category of ‘racism in media and social media,’ it is not clear what portion of the 12.8% attributed to ‘racism in media and social media’ stems from online sources as opposed to offline printed media.<sup>410</sup>

The main civil society sector taking a role in countering online hate speech is the youth sector in Ireland. Ireland is a member of the Council of Europe’s No Hate Speech Movement, which was created by young people for young people and aims to promote human rights online, to develop online youth participation and citizenship, and to reduce the levels of acceptance of hate speech on the internet.

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<sup>405</sup> The EU Code of Conduct states that IT Companies should ‘make information about “trusted reporters” available on their websites.’

<sup>406</sup> <https://www.ireport.ie/about-ireport-ie/> accessed 1 April 2017.

<sup>407</sup> If you have experienced or witnessed a racist incident you can contact our Racist Incidents Support and Referral Service on 01 645 8058, at certain times most days of the week. You can organize a follow-up face to face meeting: <http://immigrantcouncil.ie/pages/report> accessed 1 April 2017.

<sup>408</sup> Online hate speech accounts for 10% of racism: <http://www.irishtimes.com/news/crime-and-law/online-hate-speech-accounts-for-10-per-cent-of-racism-1.1471307> accessed 31 March 2017.

<sup>409</sup> Interestingly, only 153 racist hate crimes were recorded from the Garda Pulse system for the first nine months of 2016, see the Irish Times: <http://www.irishtimes.com/news/social-affairs/hate-crime-legislation-needed-as-matter-of-urgency-1.3022528> accessed 1 April 2017.

<sup>410</sup> <http://enarireland.org/ireportreportsofracismq11and12/> accessed 1 April 2017.

The movement is supported by a range of initiatives and events, such as the Donegal Youth Service LOFT (Learning Opportunities For Teens) Youth Project's "Music and Photography Workshop in February 2017."<sup>411</sup>

In addition, the National Youth Council of Ireland delivered training to youth leaders on countering cyber bullying and hate speech online, using creative methodologies to develop counter narratives to hate speech, and building personal resilience in an online context.<sup>412</sup>

A youth organisation called Comhairle na nÓg<sup>413</sup> embarked on a consultation process with 70 young people aged 13-17 in April 2016 from all around Ireland. Overall, the young people indicated that 'online hate speech, discrimination and racism should be illegal.'<sup>414</sup>

The Department of Children and Youth Affairs in tandem with the Law Report Commission produced a report in consultation with young people dealing with the issue of harmful communications.<sup>415</sup> It is not surprising that such initiatives are galvanised in this sector, as young people are particularly vulnerable to the harmful impact of online hate speech.<sup>416</sup>

#### 8.5.4 Success Cases & Challenges

The Immigrant Council of Ireland provided Mandola with more recent available statistics (from 2015), whereby out of 240 reported incidents only 3% occurred while 'on the internet'. In 2015 there were 240 racist incidents reported to the Immigrant Council of Ireland. In comparison in 2014 there were 217 incidents reported to the ICI.

#### Category of Racist Incidents 2015

Category	%
verbal harassment (99 instances)	33%
discrimination (68 instances)	23%
physical violence (37 instances)	13%
threats of physical violence and intimidation (31 instances)	10%
property damage and racist graffiti (21 instances)	7%
Non- verbal harassment (16 instances)	5%
written harassment (13 instances)	4%
social exclusion (8 instances)	3%
other (4 instances)	2%

<sup>411</sup> <http://donegalyouthservice.ie/worldwide-voices-group-the-no-hate-speech-movement-ireland/> accessed 2 April 2017.

<sup>412</sup> <http://childprotection.ie/embracing-our-cyber-worlds> accessed 2 April 2017.

<sup>413</sup> Comhairle na nÓg are child and youth councils in the 31 local authorities of the country, which give children and young people the opportunity to be involved in the development of local services and policies. [www.comhairlenanog.ie/](http://www.comhairlenanog.ie/)

<sup>414</sup> It is interesting to note that during the consultations, the teenagers identified the following groups as most targeted by online hate speech, 'Lesbian, Gay, Bisexual and Transgendered (LGBT) community, religions, ethnic minority groups, people with mental health issues, women, members of the Travelling community and people with disabilities,' <http://www.comhairlenanog.ie/> accessed 2 April 2017.

<sup>415</sup> Law Reform Commission, *Harmful Communications and Digital Safety* (2016), 2(4).

<sup>416</sup> See also an article written by Oisín McKenna titled 'Hate speech: What it is and why it's a problem,' was published on Ireland's leading youth information website, Spunout.ie, in 2014 defines the issue, the impact of online hate speech and how to access reporting tools: <http://spunout.ie/life/article/hate-speech-what-it-is-and-why-its-a-problem/> accessed 2 April 2017.

### Location 2015

Category	%
at work (75 instances)	31%
while traveling on public transport (49 instances)	20%
in home and local communities (38 instances)	16%
in an educational institution (23 instances)	10%
on the street (19 instances)	8%
in a shop (9 instances)	4%
on the internet (7 instances)	3%
while accessing government or community services (6 instances)	2.5%
in a place of leisure (6 instances)	2.5%
in a place of worship (4 instances)	1.5%
other (4 instances)	1.5%

### Ethnic Background of Victim 2015

Category	%
Muslim (97 instance)	40%
African (80 instances)	33%
Immigrants (23 instances)	10%
Central and Eastern European (19 instances)	8%
Indian and sub continental (7 instances)	3%
White European (5 instances)	2%
Other (5 instance)	2%
Asian (4 instances)	2%

#### 8.5.5 Gap analysis

One activity platform that could be expanded is the Hotline.ie Service, which allows users to report illegal content that is viewed on the Internet. The Hotline's operations are overseen by the Garda Síochána, in conjunction with the Department of Justice's Office for Internet Safety. Although it is clearly stated on Hotline.ie that online content can be assessed against the Prohibition of Incitement to Hatred Act 1989, it seems that the main focus of activity is in monitoring illegal activity prohibited by the Child Trafficking and Pornography Act 1998, and financial scams or cyber fraud.<sup>417</sup>

<sup>417</sup> As an illustration, Hotline.ie's Annual Report for 2015 contains only a perfunctory reference to 'incitement to hatred' on pps. 5, 11 and 12, but provides no figures for reports under the Prohibition on Incitement to Hatred Act 1989.

The Gay and Lesbian Equality Network has an online 'Stop Hate Crime' reporting mechanism.<sup>418</sup> TENI also provide a reporting mechanism for transphobia incidents in Ireland.<sup>419</sup>

## 8.6 SPAIN

### 8.6.1 Overview

The Spanish civil society is aware of the great impact of online hate speech, and associations that work with victims are actively trying to raise attention on the matter and to involve as many institutions as possible, both public and private, in tackling this phenomenon.

### 8.6.2 Organisations Responsible and Structure

There are various organisations that support victims of hate speech, and who have developed and carried out different initiatives overtime.

Some of the most important associations in Spain that have been actively carrying out different initiatives and activities in the context of the fight against hate speech, and raising awareness on this phenomenon lately are: Counsel of Victims of Hate Crimes and Discrimination<sup>420</sup>, Movement against Intolerance<sup>421</sup>, Civic Network against Anti-semitism<sup>422</sup>, Citizen Platform against Islamophobia<sup>423</sup>, and the ONG Social Action Platform<sup>424</sup>.

### 8.6.3 Activities & initiatives

The Council of Europe has promoted an awareness-raising campaign against hate speech, NO HATE SPEECH MOVEMENT<sup>425</sup>, especially focused on youth. In Spain, the campaign is being promoted by INJUVE (Institute of Youth, *Instituto de la Juventud*), under the name NO HATE<sup>426</sup>. The campaign intends to raise awareness over intolerance expressions and online hate speech and the risks those pose to democracy. It also aims to involve youth in the fight for Human Rights in the Internet, providing them with knowledge and tools to be able to correctly detect different forms of hate speech and its impact. Additionally, it pursues that everyone empathises with the victims of online hate speech and gets involved in tackling it, even European policy makers.

The Official School of Psychologists in Madrid published on 2014 a guide for schools on how to deal and diminish cyberbullying, addressing new interactive technologies as a tool to help tackle this issue<sup>427</sup>.

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<sup>418</sup> <http://www.glen.ie/stop-lgbt-hate-crime.aspx?contentid=27545> accessed 1 April 2017.

<sup>419</sup> <https://transequality.wufoo.eu/forms/stad-2015/> accessed 2 April 2017.

<sup>420</sup> <http://blog.educalab.es/cniie/2014/05/29/consejo-de-victimas-de-delitos-de-odio-y-discriminacion/>

<sup>421</sup> <http://www.movimientocontralaintolerancia.com/>

<sup>422</sup> <http://observatorioantisemitismo.fcje.org/?p=647>

<sup>423</sup> <https://plataformaciudadanacontralaislamofobia.wordpress.com/>

<sup>424</sup> [www.plataformaong.org/noticias/583/Espana/se/convierte/en/la/sede/europea/en/la/lucha/contra/los/delitos/de/odio](http://www.plataformaong.org/noticias/583/Espana/se/convierte/en/la/sede/europea/en/la/lucha/contra/los/delitos/de/odio)

<sup>425</sup> <https://www.nohatespeechmovement.org/>

<sup>426</sup> <http://www.nohate.es/cms/la-campana/>

<sup>427</sup> J.A. Luengo Latorre (2014). *Ciberbullying: Prevenir y actuar. Guía de recursos didácticos para Centros Educativos*

The private company Mediaset has launched a campaign against cyberbullying (called “in search of brave people”)<sup>428</sup> in the programme called 12 months, which features the media and social platforms as scenarios where bullying also takes place. This campaign is having a great welcome in the general public, and is based on a rap song by a famous Spanish rapper, which targets kids, trying to empower them to take action against bullying and cyberbullying. This campaign has been greatly referred to on TV and the radio, widening the audience of the message.

The private foundation Mutua Madrileña and the NGO ANAR Foundation have carried out a joint empirical research initiative regarding cyberbullying where profiles of both victims and perpetrators were analysed, as well as the behaviours that were categorised as cyberbullying<sup>429</sup>.

Currently, the Spanish Ministry of Health, Social Services and Equality is subsidising the initiative from the NGO Women in Equality, which consists in an awareness-raising campaign<sup>430</sup> and whose main goal is to reinforce the attention given to victims of discrimination and intolerance by sensitization, knowledge-sharing and reporting via social network and the Internet.

The National Federation of Roma women Associations KAMIRA, along with the collaboration and funding from Roma Initiatives Office of the Open Society Foundations, has developed a project called No Prejudices<sup>431</sup>. This platform is intended to be a space for social reporting and act as an open forum for publishing opinions, initiatives and news against prejudices and false rumours or stereotypes issued by social media. Various universities and NGOs are already collaborating with this project.

#### **8.6.4 Success Cases & Challenges**

There are various associations throughout Spain that support and assist hate speech victims. However, there is still a problem of under-coordination overall the national territory on this matter. Rare are the cases like the one in the Autonomous Community of Madrid, in which a dozen different associations have built a platform to combine resources and mutual support with the goal of driving the initiative of an integral law for protecting victims against discrimination and intolerance.

The organisations that provide assistance and support for victims often find themselves facing the same challenges that we stated before regarding universities, and are those related to lacking the resources needed to provide the correct assistance to victims (legal counselling, psychological support, etc.).

#### **8.6.5 Gap analysis**

More and improved communication channels between civil society, such as NGOs, and LEA and other public institutions are needed, since there is still reluctance from victims of hate speech to

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<sup>428</sup> [http://www.mediaset.es/12meses/campanas/se\\_buscan\\_valientes/](http://www.mediaset.es/12meses/campanas/se_buscan_valientes/)

<sup>429</sup> Fundación ANAR (2016). I Estudio sobre Ciberbullying según los afectados

<sup>430</sup> [http://www.mujiereenigualdad.com/Delitos-de-odiointolerancia\\_es\\_191.html](http://www.mujiereenigualdad.com/Delitos-de-odiointolerancia_es_191.html)

<sup>431</sup> <http://noprejuicios.com/>

report those incidents to authorities, and they usually tend to civil society organisations to seek support and assistance.

Several organisations are actively carrying out activities and initiatives as the aforementioned to tackle hate speech. However, it seems that there are still a few joint initiatives with the media, who can have either positive or negative impact on public's perspective on a subject. For instance, by increasing the involvement of media in the fight against hate speech, it could change the view on how hate speech cases are dealt by both police and judicial parties. Additionally, it could also have a pedagogical effect towards citizens about new and original court decisions or judicial resolutions, which would mean an advance in tackling hate speech, as well as pointing out those which represent legislative issues. The principles of privacy and confidentiality of the investigations would also have to be respected and only with adequate coordination between different institutions and the media would this be possible.

### **8.6.6 Useful Links & Additional Reading**

- Fundación ANAR. (2016). *I Estudio sobre Ciberbullying según los afectados*. Fundación ANAR y Fundación Mutua Madrileña.
- Luengo Latorre, J. A. (2014). *Ciberbullying: Prevenir y Actuar. Guía de recursos didácticos para Centros Educativos*. Madrid: Colegio Oficial de Psicólogos de Madrid.
- <http://blog.educalab.es/cniie/2014/05/29/consejo-de-victimas-de-delitos-de-odio-y-discriminacion/>
- [http://www.mediaset.es/12meses/campanas/se\\_buscan\\_valientes/](http://www.mediaset.es/12meses/campanas/se_buscan_valientes/)
- <http://www.movimientocontralaintolerancia.com/>
- [http://www.mujiresenigualdad.com/Delitos-de-odiointolerancia\\_es\\_191.html](http://www.mujiresenigualdad.com/Delitos-de-odiointolerancia_es_191.html)
- <http://www.nohate.es/cms/la-campana/>
- <https://www.nohatespeechmovement.org/>
- <http://noprejuicios.com/>
- <https://plataformaciudadanacontralaislamofobia.wordpress.com/>
- <http://www.plataformaong.org/noticias/583/Espana/se/convierte/en/la/sede/europea/en/la/lucha/contra/los/delitos/de/odio>
- <http://observatorioantisemitismo.fcje.org/?p=647>

## 9 Conclusions

### 9.1 BULGARIA

Our analysis revealed that although all stakeholders - public institutions, law enforcement and judiciary, academia and civil society are deeply engaged in the problem and are implementing various initiatives in the field of online hate speech counteraction and prevention, there is a need of a unique approach uniting the efforts of all. Public institutions, law enforcement and judiciary are not fully aware of what the civil society and the academia are doing. On the other hand - although civil society is implementing a variety of projects, only few of them are focused on analysis and research - activities that could result in policy changing.

#### 9.1.1 Future work

The efforts should be concentrated on including more academia and civil society in the governmental initiatives, as they can brought expertise and different views on the problem.

Besides, a strong awareness campaign should be initiated in order to improve the public understanding of hate speech and the difference between legal and illegal hate speech. This will increase the reporting of the hate speech crime.

Special attention should be paid to law enforcement and judiciary where specialised trainings should be developed and conducted in order to improve the investigation and prosecution of hate crime.

### 9.2 CYPRUS

The legal framework does not present significant gaps and incoherence. Cyprus has ratified most European and United Nations Conventions relating to discrimination. These include, the International Convention on the Elimination of All Forms of Racial Discrimination, the Council of Europe Convention on Cybercrime and its Additional Protocol on criminalization of acts of a racist and xenophobic nature committed through computer systems<sup>432</sup>. Nonetheless, the law has not been applied in practice and there is no relevant significant case law.

The law in Cyprus expressly states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance. Moreover, on 24/03/2017 an amendment to Criminal Code was approved, and included, as aggravating circumstance to every crime the prejudice/bias, as regarding sexual orientation and gender identity. The Criminal Code (article 99 A) punishes public incitement to hatred or violence against any group of persons, or a member of a group, based on their sexual orientation or gender identity.<sup>433</sup> Nonetheless,

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<sup>432</sup> <http://www.un.org/esa/coordination/Cyprus>

<sup>433</sup> <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf>

according to par. 2 of article 99A these acts can be prosecuted only upon the approval of the Attorney-General who has exclusive power to give such an approval.

There has been a marked effort by Cypriot authorities, the Ombudsperson, the law enforcement authority, academia, NGOs in the last few years in promoting awareness about racism and discrimination, including racial discrimination, hate speech, gender, LGBT community, focusing on the EU anti-discrimination directives through a series of campaigns, conferences, seminars, street events and radio and television advertising. Many different Government departments have been involved in these initiatives, in particular the Ministry of Justice and Public Order, the Ministry of Labour and Social Insurance and the Ministry of Education and Culture, as well as the Ombudsperson's Office and NGOs.

### 9.2.1 Future work

As per EU recommendations to combat hate speech, it is crucial to continue to build up on capacity-development and awareness-raising. In the search for solutions, collaborative working is fundamental at all levels. In particular to online hate speech, guidance in the positioning of all stakeholders of rights, duties and responsibilities in the digital age.

Ensure the legal framework applies in an adequate manner to the various new media and communications services and networks.

Develop and effectively promote 'Anti-Hate Speech' and raise awareness among politicians and political parties, public authorities and public institutions of their responsibility to refrain from statements that may legitimise hatred or discrimination.

Public officials and other state representatives should be encouraged to promote tolerance and respect for human rights whenever they engage in a dialogue with key representatives of the civil society, including media and sports organisations, political organisations and religious communities.

## 9.3 FRANCE

Hate speech is in France a high concern. Penal provisions seem adequate to sanction several kind of online hate speeches as recommended by international and European instruments (without prejudice of the need for further research on what should and what should not ideally be criminalised<sup>434</sup>), and the French government is very active in this field, as well as research and the civil society, which includes many associations committed to support victims and raise awareness. .

The latter play *inter alia* an important role in the prosecution of hate and discriminatory speeches, acts and behaviours.

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<sup>434</sup> See the MANDOLA Deliverable D2.1 - Final report, Definition of illegal hatred and implications, July 2017 available at <http://mandola-project.eu/>.

### 9.3.1 Future work

Future work should consist in further implementing the 2015 CNCDH recommendations<sup>435</sup>, consisting inter alia in the following:

- Engaging diplomatic negotiations in order to incite other countries to ratify the additional protocol to the Council of Europe Convention on cybercrime
- Clarifying French jurisdiction toward hosting providers who address inter alia French citizens (such as Facebook, Twitter and Youtube) but who do not consider that they are bounded by French law,
- Creating a reactive and innovative institution for web regulation, in particular through the creation of an independent administrative authority that could act preventively and provide fast and efficient answers in the area of the protection of digital rights and freedoms (including through assessing the obviously illegal character of online contents, under request, in order to order their provisory removal before requesting the judge to judge on the case), while putting an end to the current “institutional disorder”<sup>436</sup> in this area as well as to the legal insecurity generated by ISPs’ proactive actions.
- An annual mission of evaluation of public policies in the area of the combat against online hate speech could also be created, as well as an observatory of such speeches. Partnerships could elaborate a coherent and homogenous normative corpus and answers brought to online hate speech could be diversified (with alternatives to prosecution and imprisonment), and include mediations and notifications or formal notices to respect law sent to internet users or to hosting providers (regarding their legal obligations), keeping in mind that *“the involvement of a judge is necessary in order to order and to control the removal of an illicit content and the blocking of an Internet site, where these measures constitute severe interferences with the freedom of expression and to communicate”*.
- Adopting a national action plan on education and digital citizenship, in order to enable citizens to gain the necessary skills to understand and interact on the Internet, with a free and responsible speech.
- In the penal area, reinforcing means of combat especially through defining the notion of “terrorism apology”, through the improvement of the procedural framework that enables to sanction press infringements in order to reinforce investigations’ efficiency, and through the modification of some provisions relating to hosting and access providers’ liability and contribution to the combat against hate, in order to simplify in a more practical manner reports and prosecution without threatening the freedoms of speech, of innovation and of entrepreneurship.
- To set up an ambitious and voluntarist penal policy, with sufficient dedicated means including in terms of human resources, in order to - inter alia - ease investigations and victims’ reparation. This notably would imply to support and value the associative

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<sup>435</sup> CNCDH, Avis sur la lutte contre les discours de haine sur Internet, 12 February 2015, available at <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030862432> and at [http://www.cncdh.fr/sites/default/files/15.02.12\\_avis\\_lutte\\_discours\\_de\\_haine\\_internet\\_cncdh\\_0.pdf](http://www.cncdh.fr/sites/default/files/15.02.12_avis_lutte_discours_de_haine_internet_cncdh_0.pdf) (URLs last accessed on 21 June 2017).

<sup>436</sup> *Ibid.* n° 24.

sector, including financially, in order to improve its capacity to carrying out its tasks, including victims' assistance and specialised prevention. This would also imply to give more resources to the national reporting platform PHAROS, and to organise reports traceability and information sharing between national and local stakeholders.

In addition, it would seem of high importance to seriously address the issue of governmental and media behaviours which, focusing regularly on (real or supposed<sup>437</sup>) national insecurity and subjectively chosen spot news, feed the construction of prejudices and preconceived ideas in the general public' minds. As highlighted by the CNCDH the liability of both these stakeholders is in this field of particular importance<sup>438</sup>, and it seems that an action in this sense should pre-exist or at least accompany all the other initiatives.

## 9.4 GREECE

Analysing the above initiatives from different sectors (Government & Public Institutions, Law Enforcement, Academia/Research and Civil Society) we realise that there have been major advances and increased sensitivity in the sector of preventing and combating online hate speech. However, we have to admit that there are still much to be done. From the official data published in Greece for online hate speech incidents we unfortunately have not clear view about the phenomenon.

A significant problem in Greece is the wave of refugees that entered the country during the last 2 years. Refugees usually are the main victims of hate speech offline (physical world) as well as online, but it seems that they never report the incidents since the face several issues such as language. It is very difficult for them to communicate in Greek and support their rights. Additionally, some of those victims have entered the country illegal and therefore they are afraid to contact local Police to report hate speech or generally hate crime. Other problems that discourage them to report an incident is bureaucracy as well as the lack of confidence towards the Greek State, where they believe that they will never be justified by the courts or by the public prosecutor.

Reporting of hate speech should be reinforced and this could be achieved through the education of society. Multiple awareness raising activities though online social media, press, television and radio are of a great importance to this matter. Education should be focused on the fundamental rights on the one hand and on the ways of supporting those rights on the other hand. The procedures of reporting an incident to the Police should be facilitated, clear and easy, even to the most vulnerable parts of the population (children, teenagers, refugees). Different initiatives from separate sectors could be combined for the most effective results of the problem. Collaboration could be the key aspect of preventing and monitoring online hate speech or hate crime in general.

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<sup>437</sup> See for example Jacques ROBERT et Jean DUFFAR, *Droits de l'homme et libertés fondamentales*, éd. Montchrestien, 7<sup>th</sup> ed., 1999, p. 197 ; See also Merci Alfred, *Le paradoxe de la violence - pourquoi le monde ne va pas si mal* (the violence paradox : why the world is not going that bad), <http://www.mercialfred.com/topos/paradoxe-violence-monde>, which explains in essence that we are today more sensitive to remaining violence because there is less than previously in the history, and because (despite violence decreases) media only shows daily violence, and rarely non-violence (URL last accessed on 26 June 2017).

<sup>438</sup> CNCDH, *Avis sur la lutte contre les discours de haine sur Internet*, op. cit. p. 8.

### 9.4.1 Future work

Based on the identified gaps analysed above, States including Greece, in order to successfully address the phenomenon of online hate speech/hate crime have to prioritize the communication and exchange of expertise between different parties involved in fighting incidents. Awareness raising campaigns and organized activities could provide the chance to different stakeholders to present their actions and inform others and the public about them.

A systematic mechanism of recording the number and the type of incidents is necessary and European funded projects could focus and help on this. The measurement and the collection of precise statistics of the online hate speech incident could provide a clear view of the problem and somehow press for a more direct tackling of relevant incidents.

Finally, it is essential to cover the gaps in the public sector such as for example the appointment of public prosecutors specialized in cybercrimes.

## 9.5 IRELAND

In Ireland, several obstacles to the successful prosecution of online hate speech have been addressed. These include accessing evidence across jurisdictions where the potentially illegal material has been deleted, proving authorship, and showing the intent to incite or stir up hatred. In its current form, the 1989 Prohibition on Incitement to Hatred Act is inadequate to deal with online hate speech crime with trans-frontier and global implications.

The EU Council Framework Decision 2008/913/JHA is not fully enforceable in Irish law under the 1989 Act (or various pieces of public order legislation), partly explains the failure to prosecute online hate speech within the criminal justice system.

In order to comply with EU law and international obligations, and to respond to the broad level of support in civil society, Ireland needs to completely overhaul its hate speech laws. The government recognises this, and the Department of Justice stated in March 2017 that ‘the current legislation which deals with hate crime will be reviewed with a view to *“strengthening the law against hate crime, including in the area of online hate speech”*’.<sup>439</sup> In the context of that planned review, it is incumbent on the government to consider drafting legislation to give full effect to the EU Framework Decision.

At the same time, legislators will need to debate whether to introduce a lower threshold to proving hate speech.<sup>440</sup> The ECRI’s General Recommendation 15 on approaches to enhance the investigation and prosecution of online hate speech could help frame the debate. Moreover, by ratifying the Council of Europe Convention on Cybercrime and its optional protocol on online hate speech, this will give rise to international law obligations that should be reflected in the new laws.

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<sup>439</sup> Irish Times: 23 March 2017: <http://www.irishtimes.com/news/social-affairs/hate-crime-legislation-needed-as-matter-of-urgency-1.3022528> accessed 2 April 2017.

<sup>440</sup> By mere dissemination as per ICERD, rather than the mental element of intention as per the EU Framework Decision.

An additional area of concern is the lack of disaggregated statistics under the 1989 Act recorded on the Gardaí Pulse system and shared with the Central Statistics Office. The European Commission against Racism and Intolerance (ECRI) were sufficiently concerned about this, that in 2012, they recommended that Ireland improve 'existing arrangements for collecting data on racist incidents.'<sup>441</sup> The Garda Pulse system needs to be updated so that hate speech (and hate speech via online platforms) can be easily identifiable as a sub-category of hate crime and that information regarding the journey of investigations through the criminal justice system be made available. Undoubtedly, this would require additional resources allocated to the Garda Racial, Intercultural & Diversity Office (GRIDO), as well as operational training for Ethnic Liaison Officers (ELOs) or other members of the Gardaí who would be recording and investigating these crimes.

### 9.5.1 Future work

The EU Code of Conduct attempts to establish alternatives to minimise the harm caused by online hate speech. However, it is not easy to identify its impact in Ireland. One key difficulty is that 'trusted flaggers' or 'trusted reporters' are not evident in the Irish context. There is work to be done to ensure that validated reporting channels envisaged by the EU Code of Conduct are readily identifiable in Ireland. James Banks suggests that '*through the careful integration of law, technology, education and guidance, a reduction in the dissemination and impact of online hate speech can be achieved without adversely affecting the free flow of knowledge, ideas and information online.*'<sup>442</sup> Finally, with respect to academic research, currently there is no high quality peer reviewed article examining online hate speech in Ireland in any leading international journal.

## 9.6 SPAIN

Even though there have been major advances in fighting against hate speech during the last years, some of which have to do with better adaptation of legislation and police procedures, there is still a lot to be done.

There are behaviours that could be considered hate speech which are still not being contemplated by the current Spanish laws and article 510 of the Spanish Penal Code, such as hatred against the poor and hatred against the elder. Additionally, there is still not enough data to correctly represent the impact and penetration of online hate speech phenomenon in society, due to the underreporting of this crime and because of the different perspectives and definitions that society adheres to when dealing with hate speech. Not only is awareness-raising needed regarding the phenomenon as a whole, but also information related to particular aspects of online hate speech (such as methods of propagation, investigation procedures, victims, rights, etc.) should also be publicised as well. Moreover, victims should be empowered and the reporting of hate speech should be reinforced. This could be achieved by giving notoriety to hate speech cases on the media, in order to change, among other things, the false sense of the

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<sup>441</sup> ECRI Report on Ireland (fourth monitoring cycle)", ECRI, adopted 5 December 2012, published 19 February 2013, CRI(2013)1, pp. 12-13, available at <[http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland\\_CBC\\_en.asp](http://www.coe.int/t/dghl/monitoring/ecri/Countryby-country/Ireland/Ireland_CBC_en.asp)>.

<sup>442</sup> James Banks, 'Regulating hate speech online, International Review of Law,' 24(3) Computers & Technology (2010), 233-239.

perpetrator's impunity that victims of hate speech usually have, and to increase the transparency and show the effectiveness of investigation procedures for hate speech incidents.

Government and public institutions should understand that hate speech is a very serious crime and that it greatly affects its victims and society in general. Therefore, more resources should be destined to fighting against it, either to research projects whose deliverables are useful for victims, to increasing and developing formative initiatives for LEAs and judicial and legislative authorities, or either to NGOs who support and assist victims on a daily basis.

The Spanish media has not traditionally been thought of as a potential disseminator for hate speech awareness-raising, and it is only just now being used with this finality. However, not only Government, public or private organisations could benefit from using TV or radio as channels for dissemination of projects and initiatives, but also educative organisations such as universities could greatly benefit from publishing their research projects and findings on the media. Social media platforms provide a fertile environment for hate speech to proliferate due to their capacity of getting messages to a very wide population instantly. However, they could also use these idiosyncratic characteristics in their advantage in the fight against hate speech.

Collaboration between all parties involved in fighting hate speech is essential. Only by carrying out coordinated measures and by providing correct support to victims will society as a whole be able to effectively tackle online hate speech.

#### **9.6.1 Future work**

There are different and very important goals and measures in the near future for tackling hate speech.

One of the most important ones is to increase and encourage communication between different agents and institutions. Moreover, more resources should be allocated to associations and projects that feature research and which develop tools (such as technological advances) against hate speech. Furthermore, designing and developing better and innovative methods in detection, as well as improving data gathering tools and procedures will help lessen the dark figure of hate speech victims and cases. Additionally, carrying out awareness-raising campaigns will help involve as much actors as possible in this fight. Encouraging transnational collaboration in this matter will also contribute to tackling hate speech. All those changes will also help policy makers better adequate legislation to the real impact of the phenomenon in society. Everyone, ranging from civil society to LEA to public institutions and IT companies should be involved in the fight against hate speech.

## 10 Further Reading

### 10.1 BULGARIA

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- Protection against Discrimination Act (in Bulgarian), available at <http://lex.bg/laws/ldoc/2135472223>
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- “From Prejudices to Intolerance: Scope and Prevention of Hate Speech in Bulgaria” Project, available at <http://antihate.europe.bg>
- “Hate Speech - the Hater’s Discourse and the Attitude towards Others” Project, available at <https://nohatediscourse.wordpress.com>
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- Орлин Спасов, “Негражданският език на омразата”, Marginalia.bg, 6 юли 2016, достъпно на <http://www.marginalia.bg/aktsent/negrazhdanskiyat-ezik-na-omraza/> (Orlin Spasov, “Non-Civil Hate Speech”, Marginalia.bg, 6 July 2016, (in Bulgarian), available at <http://www.marginalia.bg/aktsent/negrazhdanskiyat-ezik-na-omraza/>)

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