

## EQUINET SEMINAR

Not on Our Watch! Equality Bodies fighting Hate Speech

19-21 November 2018

LOCATION: Rome, Italy

### BACKGROUND INFORMATION AND CONTEXT

Illegal hate speech is defined in EU law<sup>1</sup> as the **public incitement to violence or hatred directed to groups or individuals on the basis of certain characteristics, including race, colour, religion, descent and national or ethnic origin.**

There are different legal bases evident across Europe for addressing hate speech. These are: criminal law, misdemeanour law, civil law or administrative law. Each approach has its advantages and disadvantages and, in some countries hate speech is tackled in more than one of these legal spheres. Definitions at national level focus on the issue of incitement of hatred across a wide range of grounds. **The predominant grounds that are focused on are racial or ethnic origin, sexual orientation, gender, gender identity or gender expression, and religion.** The 2008 Framework Decision of the EU Council on Racism and Xenophobia is useful with regard to definitions<sup>2</sup>. Shared definitions of hate speech have been aided by jurisprudence within the European Court of Human Rights. However, there are still **significant differences in the definition of hate speech and of sensitivity of the Courts to the issue across different countries.**

**A number of equality bodies have an explicit mandate in relation to hate speech. Other equality bodies interpret their mandate to include a focus on hate speech.** This is enabled where the body is a multi-mandate body with a human rights mandate. Some equality bodies have no mandate to focus on hate speech. However, often these bodies find themselves dealing with hate speech in relation to addressing issues of harassment and sexual harassment as **the borders between harassment and hate speech are not always clear cut. This holds a potential for equality bodies to act against certain types of hate speech even in the absence of a clear and specific mandate.**

The main objective of the Seminar is to **build the individual capacity of equality bodies' staff members** to deal with hate speech both on and off line. The seminar seeks to answer the following questions:

- What is our **understanding** of the phenomenon of hate speech, including who carries it out, why and on what grounds?
- How can equality bodies **prevent hate speech** via their systems, communication and policies, including training and recommendations for educators, media and policy makers, as well as by joining forces with various stakeholders?
- What **legal, policy and communication approaches** help equality bodies to **manage** the phenomenon of hate speech once it has taken place?

<sup>1</sup> Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:I33178>

<sup>2</sup> See Article 1 of the [Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law](#)

## Monday 19 November: UNDERSTANDING HATE SPEECH

*Presidenza del Consiglio dei Ministri*

*Sala Polifunzionale, Via Santa Maria in Via n. 37/A*

9:30-10:00

Welcome & Registration at Italian government buildings

### OPENING

10:00-10:30

**Tena Šimonović Einwalter**, Chair of Equinet Executive Board  
**Alessandra Ponari**, Head of Department for Equal Opportunities, Presidency of the Council of Ministers, Italy

### KEYNOTE SPEECH

10:30-11:00

Understanding hate speech in Europe

**Dr. Tarlach McGonagle**

Senior researcher, Institute for Information Law (IViR), University of Amsterdam

### SESSION 1: WHAT IS HATE SPEECH?

Chair:

11:00-11:20

Hate speech in the Public Online Debate in Denmark

**Lumi Zuleta**

Senior Advisory, Danish Institute for Human Rights

11:20-11:40

Understanding the perpetrators of hate speech in Ireland

**Walter Jayawardene**

Senior Policy Officer, Irish Human Rights and Equality Commission

11:40-12:00

**Questions & Answers**

12:00-13:30

**Lunch : Giolitti, Via Uffici del Vicario n.40**

*Hotel Quirinale*

*(Via Nazionale, 7, 00184 Roma)*

13:30-14:00

**Icebreaker with Facilitator Namir Chowdhury**

### WORKSHOP 1: IDENTIFYING HATE SPEECH

*Participants will visit both workshops for an hour each*

Workshops	HATE SPEECH IN CASE LAW	HATE SPEECH ONLINE
14:00-16:15	<p><b>Presentation &amp; Case Study:</b> Hate speech in the European Court of Human Rights</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li><b>Onur Andreotti</b>, Jurisconsult Directorate, European Court of Human Rights</li> </ul>	<p><b>Presentation &amp; Case Study:</b> Identifying hate speech on social media</p> <p><b>Speakers:</b></p> <ul style="list-style-type: none"> <li><b>Louisa Klingvall</b>, Fundamental Rights Policy, DG Just, European Commission</li> <li><b>Kim Malfacini</b>, Facebook</li> <li><b>Roberto Burtone</b>, UNAR, Italy</li> </ul>

### SESSION 2: WHAT HAVE WE LEARNT?

16:15-16:45	Plenary session with short feedback from participants
Evening	Social event

## Tuesday 20 November: TACKLING HATE SPEECH

*Hotel Quirinale*

### KEYNOTE SPEECH 2

9:00-9:30	<b>Hate speech: My story</b> Rokhaya Diallo, Journalist, writer and filmmaker
9:30-9:45	Questions & Answers
9:45-10:00	Warm-up with Facilitator Namir Chowdhury

### SESSION 3: TOOLS TO TACKLE HATE SPEECH

Chair:

10:00-10:20	<b>ECRI GPR No.15 on Combating Hate Speech – Highlights for Equality Bodies</b>	<b>Tena Šimonović Einwalter</b> , Croatian Representative of European Commission against Racism & Intolerance (ECRI), Council of Europe
10:20-10:45	<b>Tools equality bodies use to tackle hate speech</b>	<b>Niall Crowley</b> , author of Equinet Perspective
10:45-11:00	<b>The role of web constables</b> (via video conference)	<b>Andero Sepp</b> , Estonian Web Constables
11:00-11:15	Questions & Answers	
11:15-11:45	Coffee Break	

### WORKSHOP 2: HATE SPEECH IN PRACTICE

*Participants will visit 2 workshops for an hour each*

Workshops	Dealing with a complaint from different perspectives		Preventing hate speech	Managing Hate Speech
	Promotion type	Tribunal type		
11:45-14:45	<b>Annelies Cardon</b> , Institute of Equality between Women and Men, Belgium	<b>Diana Ureche</b> , National Council for Combating Discrimination, Romania	<b>Presentation:</b> Silence Hate / Media against Hate  <b>Udo Enwereuzor</b> , COSPE Onlus	<b>Presentation:</b> Hate speech & radicalizations in the public debate  <b>Adam Puchejda</b> , Kultura Liberalna's Public Debate Observatory, Poland  <b>Joanna Subko</b> , Commissioner for Human Rights, Poland
12:45-13:45	Lunch			

14:45-15:00	Feedback from Workshops in Plenary	
<b>PANEL DEBATE: LEGISLATIVE CHANGE ON HATE SPEECH?</b> Chair: Kirsi Pimiä, Non-Discrimination Ombud, Finland		
15:00-16:15	Should there be laws dealing with hate speech, and if so, how would they look?	<p><b>David Kaye</b>, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (TBC)</p> <p><b>German Ministry of Justice</b> (TBC)</p> <p><b>Maryant Fernández Pérez</b>, European Digital Rights (EDRi)</p> <p><b>Joanna Szymanska</b>, Article 19</p> <p><b>Markus Bechedahl</b>, Netzpolitik (TBC)</p> <p><b>Jugendschutz</b> (TBC)</p>
16:15-16:30	Closing	

<b>Wednesday 21 November: WAYS FORWARD</b> <i>Hotel Quirinale</i>		
<b>SESSION 4: PROMISING PRACTICES</b> Chair:		
09:30-10:30	Equality Body Hate Speech Strategy	<b>Astrid Eichstadt</b> , Unia, Belgium
	Alternatives to Hate Speech	<b>Alessandra Coppola</b> , No Hate Speech Movement, Italy
	Monitoring and Countering Hate Speech	<b>Melissa Sonnino</b> , Facing Facts Online (CEJI - A Jewish Contribution to an Inclusive Europe)
	Active digital civil courage (via video conference)	<b>David Scheuing</b> , Love-storm, Germany
10:30-11:00	<b>Coffee Break</b>	
<b>OPEN DISCUSSION: STRATEGIES TO ADVANCE ON HATE SPEECH</b> Chair: Petr Pólak		
11:00-12:30	<p><b>Innovative Ideas:</b> Have you identified any innovative ideas to tackle hate speech in the seminar? How could innovation be implemented in communication in particular, in order to support your work?</p> <p><b>Unlocking the barriers:</b> What are your biggest challenges to effectively tackling hate speech? What support do you need to engage with hate speech? What alliances and links need to be made for you to advance with your work on this topic?</p> <p><b>Leadership:</b> How can equality bodies be more visible and show leadership to other institutions on the topic? What do we need to act as a knowledge hub to generate shared understanding of this phenomenon and to resource others to take steps on the issue?</p>	
<b>CLOSING SESSION</b>		
12:30-13:00	<b>Luigi Manconi</b> , Director, UNAR	

	Anne Gaspard, Equinet Executive Director
13:00– 14:00	Lunch

## FURTHER READING

### Online Learning

- Facing Facts Online Course on Hate Speech <http://www.facingfacts.eu/page/facing-facts-online-course-hate-speech>

### European Level Reading

- European Commission: Countering illegal hate speech online – overview [http://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=54300](http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=54300)
- Council of Europe’s European Commission against Racism and Intolerance GPR No. 15 on Combating Hate Speech <https://www.coe.int/en/web/freedom-expression/hate-speech>
- European Court of Human Rights Factsheet on Hate Speech: [https://www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf)
- Council of Europe - Handbook on Protecting the right to freedom of expression under the European Convention on Human Rights: <https://rm.coe.int/handbook-freedom-of-expression-eng/1680732814>
- The Council of Europe against online hate speech: Conundrums and challenges <https://rm.coe.int/16800c170f>
- Council of Europe, We can! Taking action against hate speech through counter and alternative narratives: <http://www.equineteurope.org/We-can-Taking-action-against-hate-speech-through-Counter-and-Alternative>
- Council of Europe, Bookmarks - Manual for combating hate speech through human rights education: <https://www.coe.int/en/web/no-hate-campaign/bookmarks-connexions>
- European Parliament (FEMM Committee): Cyber violence and hate speech online against women [http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL\\_STU\(2018\)604979\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604979_EN.pdf)
- Articles 19: Hate Speech Explained. A Toolkit: <https://www.article19.org/data/files/medialibrary/38231/'Hate-Speech'-Explained---A-Toolkit-%282015-Edition%29.pdf>

### Publications by Equality Bodies

- Danish Institute of Human Rights: Hate Speech in the Public Online Debate <http://www.equineteurope.org/Hate-speech-in-the-public-online-debate>
- Equality and Antidiscrimination Ombud, Norway: Hate speech and hate crime [http://www.ldo.no/globalassets/03\\_nyheter-og-fag/publikasjoner/hate-speech-and-hate-crime.pdf](http://www.ldo.no/globalassets/03_nyheter-og-fag/publikasjoner/hate-speech-and-hate-crime.pdf)
- Equality and Human Rights Commission, UK: Freedom of Expression <https://www.equalityhumanrights.com/en/advice-and-guidance/freedom-expression>
- Equality and Human Rights Commission, UK: Talking about Human Rights. How to identify and engage a range of audiences <https://www.equalityhumanrights.com/en/human-rights/talking-about-human-rights-how-identify-and-engage-range-audiences>