

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 law¹ 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 definitions². 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?

¹ 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>

² 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		
<i>Presidenza del Consiglio dei Ministri</i> <i>Sala Polifunzionale, Via Santa Maria in Via n. 37/A</i>		
9:15	Meet at Hotel reception to walk to government buildings together	
9:30-10:00	Security check & Registration at Italian government buildings	
OPENING		
10:00-10:30	Tena Šimonović Einwalter , Chair of Equinet Executive Board & Deputy Ombudswoman, Croatia 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: Astrid Eichstadt , Unia, Belgium		
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 characteristics and sources of racist online speech in Ireland	Walter Jayawardene Senior Policy Officer, Irish Human Rights and Equality Commission
11:40-12:00	Questions & Answers	
12:00-13:30	Light Lunch: Giolitti, Via Uffici del Vicario n.40 Move to Hotel	
<i>Hotel Quirinale</i> <i>(Via Nazionale, 7, 00184 Roma)</i>		
13:30-14:00	Icebreaker with Facilitator Namir Chowdhury	
WORKSHOP 1: IDENTIFYING HATE SPEECH		
<i>Break up into two groups and go to Sala Verdi (Plenary) and Sala Mascagni. Speakers will come and speak to each group in turn.</i>		
Workshops	HATE SPEECH IN CASE LAW	HATE SPEECH ONLINE
14:00-16:15	Presentation & Case Study: Hate speech in the European Court of Human Rights Speaker: <ul style="list-style-type: none"> Onur Andreotti, Lawyer, Jurisconsult Directorate, European Court of Human Rights 	Presentation & Case Study: Identifying hate speech on social media Speakers: <ul style="list-style-type: none"> Louisa Klingvall, Fundamental Rights Policy, DG Just, European Commission Kim Malfacini, Facebook Roberto Burtone and Francesca Cerquozzi, UNAR, Italy

SESSION 2: WHAT HAVE WE LEARNED?

16:15-16:45	Plenary session with short feedback from participants
Evening	Networking Dinner (details to be announced on Monday at seminar)

Tuesday 20 November: TACKLING HATE SPEECH

Hotel Quirinale

KEYNOTE SPEECH 2

9:00-9:30	Hate speech: My story Rokhaya Diallo, Journalist, France
9:30-9:45	Questions & Answers
9:45-10:00	Warm-up with Facilitator Namir Chowdhury

SESSION 3: TOOLS TO TACKLE HATE SPEECH

Chair: Kalliopi Lykovardi, Greek Ombudsman

10:00-10:20	ECRI GPR No.15 on Combating Hate Speech – Highlights for Equality Bodies	Tena Šimonović Einwalter , Croatian Representative of European Commission against Racism & Intolerance (ECRI), Council of Europe
10:20-10:45	Tools equality bodies use to tackle hate speech	Niall Crowley , author of Equinet Perspective on Hate Speech
10:45-11:00	The role of web constables (via video conference)	Andero Sepp , 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, either side of lunch, which will be from 12:45 to 13:45

	<u>Rossini</u>	<u>Donizetti</u>	<u>Pucini</u>	<u>Sala Verdi (Plenary)</u>
Workshops Workshops	Dealing with a Complaint		B: Preventing Hate Speech through Training	C: Managing Hate Speech - What we can learn from Research
	A1: Promotion type	A2: Tribunal type		
11:45-14:45 Lunch from 12:45-13:45	Annelies Cardon , Institute of Equality between Women and Men, Belgium	Diana Ureche , National Council for Combating Discrimination, Romania	Presentation: Silence Hate / Media against Hate Udo Enwereuzor , COSPE Onlus	Presentation: Hate speech & radicalizations in the public debate Adam Puczejda , Kultura Liberalna's Public Debate Observatory, Poland

				Joanna Subko , Commissioner for Human Rights, Poland
12:45-13:45	Lunch			
14:45-15:15	Feedback from Workshops in Plenary			
PANEL DEBATE: REGULATING HATE SPEECH? Chair: Kirsi Pimiä, Non-Discrimination Ombud, Finland				
15:15-16:15	Maryant Fernández Pérez , European Digital Rights (EDRI) Joanna Szymanska , Article 19 Dr. Steffen Eisentraut , jugendschutz.net			
16:15-16:30	Closing			

Wednesday 21 November: WAYS FORWARD <i>Hotel Quirinale</i>		
SESSION 4: PROMISING PRACTICES Chair: Petr Polák, Public Defender of Rights, Czech Republic		
09:30-10:30	Equality Body Hate Speech Strategy	Astrid Eichstadt , Unia, Belgium
	Alternatives to Hate Speech	Alessandra Coppola , No Hate Speech Movement, Italy
	Monitoring and Countering Hate Speech	Melissa Sonnino , Facing Facts Online (CEJI - A Jewish Contribution to an Inclusive Europe)
	Active digital civil courage (via video conference)	David Scheuing , Love-storm, Germany
10:30-11:00	Coffee Break	
PRACTICAL APPLICATION OF WHAT WE HAVE LEARNED Moderator: Petr Polák, Public Defender of Rights, Czech Republic		
11:00-13:00	During this session, participants will get the opportunity to develop innovative ideas to tackle hate speech in their organisations. Considering the input that has been gathered throughout the seminar linked to unlocking barriers, leadership and moving forward, small groups will work on concrete proposals to practically apply their learning.	
CLOSING SESSION		
13:00-13:15	Luigi Manconi , Director, UNAR Anne Gaspard , Equinet Executive Director	
13:15-14:15	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
- 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
- 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\(2018\)604_979_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604979/IPOL_STU(2018)604_979_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>
- Bricks against Hate Speech / Silence Hate: Media education and hate speech Workbook. Preventing and combatting hate speech by understanding and managing it : http://www.silencehate.eu/wp-content/uploads/2018/10/Bricks_SILENCEhate%E2%80%93ModulePresentation-2018_ENG_FINAL.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
- 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>