



BUDAPEST CENTRE
FOR THE INTERNATIONAL
PREVENTION OF GENOCIDE
AND MASS ATROCITIES

Prevention of Genocide in Practice Series

Side event to the Fifth Budapest Human Rights Forum

Roundtable Report

HATE SPEECH: THE ROLE OF NEW MEDIA IN THE PREVENTION OF MASS ATROCITIES

07 November 2012

Central European University
Budapest

Media can play a key role in advocating respect for human rights, preventing violence, building trust and promoting reconciliation. But they can also fuel tensions and disseminate hatred. Numerous examples from history show the responsibility of media in inciting genocide and mass atrocities.

The technical changes affecting media over the last 15 years not only trigger new challenges but provide possibilities for promoting responsible journalism and addressing incitement to violence and hate speech.

The Budapest Centre for the International Prevention of Genocide and Mass Atrocities organized, in cooperation with the Central European University, a Roundtable as a pre-event to the Fifth Budapest Human Rights Forum to discuss contemporary challenges in the field of media, in particular “new media”, to facilitating the prevention of genocide and mass atrocities.

The Roundtable provided an opportunity for academics, researchers, non-governmental organizations and representatives of international organizations to share experience and best practices for international and local media activities and to create synergies for future cooperation.

Roundtable report

The roundtable on 'The role of new media in the prevention of mass atrocities' took place in Budapest on 7th November 2012. The event was organised by the Budapest Centre and hosted by the Central European University. After introductory and welcoming remarks by both the organisers and hosts, the roundtable began with lively and interesting presentations and discussions.

The roundtable aimed to focus on the challenges of hate speech presented by new media. Here new media is defined as the use of the Internet and other digital sources, which allow people all over the world to connect immediately to information, and it is something that, if used for the purpose of spreading hate speech, can have severe ripple effects in inducing mass atrocities and genocide. Its main objectives were to start a discussion on the topic in order to and generate action. Accordingly, the main topics addressed at the roundtable were the role of new media in the prevention of mass atrocities, peace building and reconciliation. Furthermore, examples of projects representing potential best practices in preventing or countering public incitement and hate speech were also offered.

Participants agreed that hate speech is one of the most serious tools that may be used in the incitement to commit mass atrocities and genocide. This relationship needs to be understood and addressed from the very beginning, and the response must be quick and firm. However, it is difficult to decide in practice where the threshold between freedom of speech and hate speech lies. It is necessary to concentrate on hate crimes that involve dehumanising a targeted group, not only in Africa or the Middle East, but also within the borders of the European Union.

Participants concluded that people must be educated about the potential effects of hate speech. Rules must be clear for both those who incite and those who wish to fight against it. Recommendations were made to introduce a clear set of guidelines for those who wish to combat hate speech through the use of new media, and a set of rules to be applied to those who decide to use it to incite hate speech. Still, banning or limiting hate speech is a short-term solution. Any lasting solution must address the root causes of hatred, educate people, and build skills. Developing tolerance, mutual respect, and empathy is a long-term process. People must be trained as monitors, such as new media watchers and regular reporters. Thus, engaging and involving youth in these initiatives is crucial for its long-term goals.

1. The role of new media in the prevention of mass atrocities, peace building and reconciliation

The discussion clarified that new media have benefits in prevention efforts, especially the worldwide reach and the relative anonymity they provide. However, new media also allows for the development of early warning mechanisms, by monitoring and cross-checking both positive and negative information in a timely manner; these mechanisms can then serve

as indicators of societal tensions. However, along with the benefits come huge risks of these media being exploited to spread hate speech.

At the same time, freedom of expression and its limitation also has to be addressed. Although international human rights standards provide legitimate restrictions on freedoms of expression, states often exploit these as an excuse to restrict, control, censor, block and manipulate content in new media. While guidelines do exist at the EU level, in practice there is not yet a clearly-defined EU position on all of these issues. There are, however, three principles, deriving from international law: the same human rights obligations that apply offline should apply online; restrictions must be based on international standards; and primary responsibility lies with states: the decision to block content on internet cannot be left to private actors.

New media, although offering a range of opportunities for people to commit hate speech, also has the means to fight against it. Thus, new media needs to be recognised not only as a platform to abuse freedoms of expression, but also, and more importantly, as a voice for freedoms of expression to counter hate speech. Leaders need to be encouraged to oppose speech they consider to be inappropriate or dangerous. Banning speech is not only a short-term solution at best, but it can be counterproductive, because it may bring additional unwanted attention to the hate speech.

Article 10 of the European Convention on Human Rights detailing the right to freedom of expression provides a foundational reference point; all of the EU standards are based on this law. The Council of Europe defined hate speech in 1997 and the topic was further addressed in Recommendations of 2007 and 2011. It has also been addressed by the European Commission against Racism and Intolerance and the Venice Commission.

Freedom of speech is one of the most fundamentally held tenets of democracy. Protecting the equality and dignity of all citizens is another core principle. In the context of hate speech, these principles come into conflict. The European Court of Human Rights (ECHR) has attempted to balance these doctrines through its jurisprudence. While protecting freedom of speech, hate speech must be stopped before it escalates to the point of incitement. When discussing its possible effects, the elements of hate speech must be examined. On the one hand, there is the *content* of the expression in action: whether the author was intentionally racist or was trying to inform the public about an issue of general interest. On the other hand, the *context* of the expression in question is just as important - the author's power and role in society, who was most likely to react, social and historical context, and the means of dissemination. Legislative means to deal with hate speech tend to address either context or content, but not both.

Several cases from the ECHR were cited to demonstrate the complexities of regulating hate speech. The first case, *Norwood v. UK* (2004), was about religious freedom and involved a poster of the twin towers in flames with the words "Islam out of England." The Court agreed that this was an attack on all Muslims in the UK. The applicant's display of the poster constituted an act under ECHR Article 17 (which restricts activities aimed at

limiting or abolishing Convention rights), so it did not enjoy protection of Article 10. Another example was *Vejdeland and Others v. Sweden* (2012) on homophobic propaganda. This case involved four men passing out leaflets in a secondary school that contained vehemently anti-homosexual rhetoric. The Court upheld Sweden's application of its anti-hate speech law, finding that the men's Article 10 rights had not been violated. This was the first time that the definition of hate speech had been enlarged to include homophobic speech.

The discussion continued, emphasising the importance of using context-based rather than content-based restrictions. The contextual sense appears when the speech creates imminent danger, whereas a content-based ban applies to speech that is itself too harmful and dangerous to use regardless of context. The former presents difficulties, as it requires a case-by-case analysis, but the latter is too subjective. The context-based standard suggests that restrictions and sanctions are justified only when the speech creates imminent danger. Still, the term, "imminent danger" needs to be more clearly defined. This is a difficult task.

On the one hand, we can assess imminence in terms of functionality and context. Utilizing this approach, time as such is not a factor; rather the emphasis is on causality. We assess whether or not the speech was directly connected to action, such as in the case of *Radio Hôtel Mille Collines* in Rwanda. On the other hand, we can take a practical approach, assessing the specific impact that each new element of technology brings, which then leads to the conclusion that instrumental incitement can be really imminent. Additionally, a danger-based test must apply. We must bear in mind that Internet accessibility and mobile devices provide instant information to a large number of people, and this has increased the potential for incitement and action, as it happened during the Arab Spring.

Finally, some recent Hungarian cases were described to illustrate the increasing problem of extreme right-wing attitudes towards minority groups in the country. Panelists stressed that this rise in extremism must be accompanied by increased efforts in monitoring new media in the context of hate speech and incitement. One particular problem is that according to current legal rules and judicial norms in Hungary, hate speech can only be considered as such if it is directed to a concrete person. As such, more general speech cannot be prosecuted, regardless of the content or context.

II. Best practices in preventing or countering public incitement and hate speech in the context of the prevention of mass atrocities

The second part of the roundtable opened by continuing the discussion on the tension between hate speech legislation and free expression, which exists in both old and new media. Hate speech can be used, not only to incite people to violence, but also to create personal and societal cleavages. International and state-level instruments have a variety of legislation against certain types of hate speech, such as incitement of genocide and war propaganda, but there is no universal definition of what constitutes hate speech as such. It

can be interpreted narrowly, including only expression explicitly prohibited under international law, or more broadly, encompassing any types of expression that "spread, incite, promote or justify hatred based on intolerance".¹ This inconsistency creates confusion.

Freedom of expression, on the other hand, can enable open discussion, give a voice to minority opinion, and encourage political competition in democracies. This can create a forum for the exchange of ideas and serve as an effective way to counter hate speech, especially in diverse and deeply divided societies. The question, then, is how to balance these seemingly opposing and important interests. How can we identify actual hate speech as opposed to that which we do not want to hear? Which types of hate speech are the most dangerous and how can legislative measures be tailored to specifically target these?

There is a wealth of jurisprudence from international and regional bodies on hate speech, but the boundary lines between hate speech, propaganda, and incitement remain blurry. From a prevention standpoint, however, it is less important to have a clear legal definition of these categories, but to understand what they mean in context. It is imperative to identify at whom the speech is directed and how dangerous it is in any given situation. For example, the radio is very powerful in parts of Africa, the way the Internet now is in Europe. The relationship between hate speech and human rights violations is complex, and it must be understood and acted on through an interdisciplinary framework.

A set of guidelines for interpreting this varying legislation were suggested, and then the discussion moved on to the specific challenges of addressing hate speech in new media, such as the Internet and mobile phones. According to some studies, racism is increasing overall, and these new media provide for a for more widespread and sophisticated web of communication. Research suggests that incidences of "cyber-hate" track closely to its offline presence. Further, there are very few international standards, which specifically address new media.

There tend to be extreme positions taken as to the best way forward in hate speech regulation: ban everything or ban nothing. Neither choice is sustainable. We must continue to establish alternative methods to deal with hate speech involving the affected communities themselves. Far too often, those most directly affected do not have a voice in these processes. Common sense respect for minorities as equals is a long-term goal. Until that is achieved, we need to be vigilant to ensure this becomes a core societal value.

The discussion then turned to projects, which employ new media to counter hate speech. The first example discussed was a local effort by a group of young people in Indonesia that combined radio with SMS technology to diffuse religious tensions in the area. Due to years of brutal sectarian violence, the Muslim and Christian communities in the area were completely separated from one another. There was no real interaction, but people in both

1 Chamber judgment *Erbakan v. Turkey*, no. 59405/00, § 56, 6.07.2006

communities listened to the local radio. For years, individuals on either side of the divide used mobile devices to effectively form gangs and incite violence. In one notable incident, a Christian girl supposedly had her arm cut off in a Muslim neighbourhood. Text messages spread like wildfire, as groups assembled to seek revenge. Soon thereafter, however, a second wave of SMS messages, Tweets, and Facebook posts made its way through the network, stopping the violence before it started. It was revealed that the incident had never happened; the girl in question was perfectly fine.

After this, these so-called Peace Provocateurs, an inter-faith group of local young people, exploited both the radio and social media network to debunk rumours before they could erupt into violence. Now, whenever an incident of violence was reported, someone goes to investigate the matter, take pictures, and collect evidences. Then this information is disseminated via SMS, Twitter, and Facebook. The majority of the time, allegations turn out to be false, and violent clashes are averted.

A second project described was a Google initiative called PAX. Much like Google Flu, which aimed to chart and predict the geography of influenza epidemics, PAX collects data items such as anonymised SMS messages, tagged tweets, and blog posts, combines these with satellite images, and runs these data through an algorithm to establish a baseline level of hate speech in a particular geographical area. Subsequent monitoring would allow observers to note any increases or spikes in hate speech, which could then potentially be used to predict (and ideally contain) violence. This project is still a prototype and is just beginning its first case study.

The next set of initiatives dealt with the role of new media in combating anti-Roma prejudice. Roma issues are a litmus test for all democracies in Europe. Many thousands of Roma across the continent are languishing in refugee camps. Displaced, and without documentation or clear legal status, they are deprived of the basic “right to have rights.” Others are the target of hate-based violence in their own homes and communities. The Internet has become a tool to raise awareness of Roma issues and present positive perceptions of Roma individuals and communities. However, it has also been used as a forum for spreading anti-gypsyism. Two recent media-based initiatives are the Requiem for Auschwitz and RoMedia.

The Requiem for Auschwitz combines new and traditional media. The project incorporates film, art, and an extensive website, including photographs, documentary evidence, and interviews with Holocaust survivors about the *porrajmos* (Roma Holocaust). The Requiem was composed by Dutch-Sinti musician Roger “Moreno” Rathgeb.

The RoMedia Foundation aims to create a positive narrative about what it means to be Roma by combining documentary film-making and TV production with youth journalism projects and advocacy campaigns. RoMedia proactively releases messages and information about Roma into the mainstream media.

The final set of projects look at the role of new media in the Arab Spring and situation in North Africa. The Internet had a trigger effect in the Arab Spring, which was instrumental in the protests. However, we need to reconsider the actual impact of new media in these situations. Traditional media, such as television in Tunisia, also played a key role, as did word of mouth. It is more important to consider the role of media generally as an instigator for social movements.

Regardless of the direct impact, these events raise a series of concerns. On one hand, there is the claim that new media can incite people to participate in riots. However, this does not mean that on the whole new media have the power to convince people to take big risks or join in social movements. To the extent that this happens, there is also the possibility of new media playing a countering role. In London, during the LSE riots in 2011, the United Kingdom considered Facebook and other social media sites to be responsible for inciting students to participate. However, an analysis of 2.5 million tweets showed that the majority were simply in reaction to the violence or were organizing counter-demonstrations.

On the other hand, during the Arab Spring, new media allowed many people who were not necessarily involved to become active during the revolution and the building of new political parties. The possibilities that new media present are immensely important. However, we need to keep them in perspective. We are still striving to understand the importance and implications of virtual ties.

III. Conclusion and Recommendations

Hate speech is an enormous problem in Europe. However, it is often instead viewed and treated as coming from far away. Therefore, setting these issues on our agenda is important. The EU Fundamental Rights Agency should be able to work on initiatives to combat hate speech, but the one time it attempted to do so, it was shut down. Behind all of this lies the obligation of member states to fulfil their human rights duties.

It is hard to draw the line as to when speech actually causes danger of mass atrocities. Many of the issues discussed have shown that this is possible. Hate speech is, in fact, increasing. There is a need to monitor various aspects of new media and news in order to have a complete perspective of what is happening. We speak of legal aspects and technical problems and often about parliamentarians and politicians. What can we do to prevent people from using hate speech and, with regard do the latter, get more votes within the population?

While the present roundtable discussion mainly described the general challenges, a future meeting should focus on specific problems and plans of action.

Responses and Recommendations

The Budapest Centre outlined elements for response strategies to hate speech:

First, it is crucial to monitor hate speech so to remove abusive sites or comments that may lead to practical escalations of violence. However, prevention is not the only reason why monitoring is essential. Indeed, the monitoring activity is very important also when countering hate speech for purposes of possible disruption or suppression of media outlets and the inclusion of helpful messages into the news stream. Monitoring is also important for prosecution and punishment through national or international law.

With regard to the heightened risk of hate speech and propaganda, Cdl Media monitoring is a component of many election observation missions and it is subject to joint guidelines by the Organisation for Security and Co-operation in Europe (OSCE), the Council of Europe (COE) and the EU. The comprehensive tracking system is both time-consuming and complicated, and it requires constant vigilance. In fact, even where the sites are logged by monitoring organisations and then removed as a result of a complaint, they will frequently be set up anew using a different service provided, often in a different country. In addition, the particular features of Web 2.0 technology, which allows users to post comments, set up individual blogs, upload music, images or video content with extreme ease, makes the whole vigilance process even more complex. However, so far, the introduction of hotlines and complaint forms has been used successfully.

Education is another crucial tool in addressing the underlying causes of hate speech and bringing the problem to wider attention. The key challenge here is to reach youth below 25 years of age through mass messaging, journalistic articles and public campaigns, so to “erase” the attitudes which give rise to a multitude of abusive comments, rather than to attempt to police them whenever they arise.

Moreover, we must spread the knowledge and sensitisations towards hate speech prevention through meetings, networks and conferences that allow for exchange of experiences and good practices on combating hate speech. In this direction, it is also necessary to work with victims and communities subject to hate speech threats, and with stakeholders and governments to influence policy. Regarding the latter task, possible areas of cooperation include international and regional initiatives; national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, as requested by the Durban Declaration and Program of Action and CERD; and self-regulation and codes of conduct, with time limits and related to particular events, i.e. elections. However, hate speech countering legislations can have very large repercussions in a context of former suppression of the freedom of opinion and expression, and could either be misused or strangle political discourse about the past. Public space for discussing ethnic issues is required as a mitigating measure in several circumstances, and in extremely damaged situations, also criminal and civil law remedies are needed. Any legal mean of prevention requires courts, which, if not independent, can

undermine the overall impact by making martyrs out of racists. This consideration may be included into discussion on peace agreements as a deterrent.

Note

This report contains a summary of the roundtable discussions and is intended to bring together contributions on important and controversial issues. It does not reflect any unanimous opinions of the participants or the host organisations. The recommendations proposed here are addressed to a variety of actors, including participating States, institutions and field operations, as well as other international organizations and NGOs. These recommendations have no official status and are not based on consensus. The inclusion of recommendations in this report does not suggest that they reflect the views or policy of the Budapest Centre.

Programme

Welcome speeches

John Shattuck, President of the Central European University

Attila Zimonyi, Director General, Ministry of Foreign Affairs

Gyorgy Tatar, Chair of the Board of Trustees of the Foundation for the International Prevention of Genocide and Mass Atrocities

Panel I: Role of the new media in the prevention of mass atrocities, peace building and reconciliation

The panellists will review the significance and role of media and the impact of hate speech in the context of preventing violent conflict and mass atrocities. They will exchange views on the constructive influence and potential risks of new media forums (such as blogs, mobiles and social networks) in conflict situations. The participants will also be invited to identify some tasks for early warning and early action in the “new media” environment.

Moderator: Istvan Lakatos, Human Rights Ambassador, Permanent Representation of Hungary to the UN Office in Geneva

Panellists:

Charles-Michel Geurts, Deputy Head of Division of Human Rights Policy Instruments, European External Action Service

Onur Andreotti, Administrator, Media Division, Council of Europe

Peter Molnar, Senior Research Fellow, Center for Media and Communication Studies, Central European University

Balazs Toth, Law Enforcement and Human Rights Programme, Hungarian Helsinki Committee

Panel II: Best practices in preventing or countering public incitement and hate speech in the context of the prevention of mass atrocities

The panellists will review the international efforts and challenges, as well as share best practices in addressing hate speech in regional context.

Moderator: Enzo Le Fevre Cervini, Director, Research and Cooperation, Budapest Centre for the International Prevention of Genocide and Mass Atrocities

Panellists:

Andrew Stroehlein, Director of Communication, International Crisis Group

Bernard Rorke, Director of Research, Open Society Foundation

Any Freitas, EU Institute for Strategic Studies

Ekkehard Strauss, Director, Prevention Policy Planning, Budapest Centre for the International Prevention of Genocide and Mass Atrocities

Conclusions: Gyorgy Tatar, Chair of the Board of Trustees of the Foundation for the International Prevention of Genocide and Mass Atrocities

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“After panels party”- Enabling the new media to counter hate speech

Contributions by students of the Central European University

Moderator: Peter Molnar, Senior Research Fellow, Center for Media and Communication Studies, Central European University

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The Budapest Centre hoped to provide, through the arrangement of the Roundtable, some food for thought for the discussions in the Budapest Human Rights Forum.

Contacts

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