



WS 2

What can be done against Hate Speech and Cyber Hate?

Promoting public ethics:
Good practices in the field of anti-
racism

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Overview

- Difficulties in combating hate speech and cyber hate
- What can non-legislative initiatives contribute to tackling some of the challenges addressed?
- Practical examples

Difficulties in combating hate speech and cyber hate

- Defining terms
- Different legal provisions
- Balancing freedom of expression and regulation of hate speech
 - ⇒ *Racism is not an opinion, it is a crime.*
- Evidencing direct link between incitements and actual violence against people or property
- Awareness among politicians and other opinion leaders, media, educational institutions and the civil society
- Data collection

Non-legislative initiatives tackling various aspects of these difficulties

- Hate speech is a complex problem asking for the involvement of different actors, awareness raising and the development of a broad range of measures
 - International Network Against Cyber Hate (INACH)
 - Campaign against racism in public space
 - Training law enforcement officials in identifying and recording hate speech

International Network Against Cyber Hate

- Combats racism, antisemitism, Islamophobia, Holocaust and discrimination on the world wide web covering a broad range of web-activities
- Less institutionalized than INHOPE
- Close co-operation with network members and internet industry
- Tackling cyber hate on a national basis with means of national and international legislation and treaties
- Create awareness and promote attitude change about discrimination on the web by information and education

What are the limitations of INACH?

- Different legislations not prohibiting the same extent of hate speech in the countries of the member organizations
- Members do not have the resources for actively searching the web for hate speech
- Ultimate success depends on willingness of law enforcement institutions to cooperate

What can INACH contribute to solving some of the difficulties?

- Reports contain a qualitative overview of what kind of hate crime is accessible on the web and which groups are most affected
- Reports show gaps in legislation
- The network is developing a data collection system, which makes data among their network members more comparable
- The members of the network keep track on what happens when they complain to a service provider or file a complaint with law enforcement agencies

Clean politics - campaign against racism in politics

- Expressions used by politicians or opinion leaders inciting hatred and/or violence against ethnic or religious minorities ⇒
 - legitimize racist statements and actions
 - prepare ground for violent acts
 - stoke fears and racist tendencies
- ⇒ **IF they are not publicly contradicted and remain unsanctioned**
- Done by ZARA in co-operation with youth organizations

Clean politics - aims

- Raising awareness for the power of language, racist content and establishing why statements are racist
- Involving civil society by asking them to report racist statements to ZARA
- Taking of legislative action where possible and raising awareness for gaps in legislation
- Qualitative documentation of incidents reported
 - ⇒ qualitative assessment of
 - who are the perpetrators?
 - who are the victims?
 - what are the effects?

Training law enforcement officials for identifying and keeping record of hate speech

- Human rights training is an important basis
- Raising awareness for racism and its effects on victims ⇒ counter under-reporting
- Clear commitment to prosecute racist and religious crime
- Racism is not an issue a victim willingly discloses ⇒ awareness and certain techniques are necessary
- Introduce standards for reporting and recording of data

What are essentials in identifying & combating hate crime by law enforcement agencies?

- ACPO (2000) Breaking the Power of Fear and Hate – a Guide to Identifying and Combating Hate Crimes
 - Definition of a racist incident
 - Guidelines and examples on the use of this definition of a racist incident
 - Inter-agency work on reporting and recording racist incidents
 - Treatment of victims and witnesses
 - Minimum data content
 - Disclosure of information on racist incidents (e.g. data protection)

A decorative graphic on the left side of the slide consists of several overlapping squares in various shades of orange, arranged in a stepped pattern that ascends from left to right. The squares vary in opacity and are set against a white background.

Practical examples

Group 1: Example from INACH-Report

- “We are coming to cut out your lying tongues [staff of the Dutch Complaints Bureau for Discrimination on the Internet], we will put a bullet in your heads, we will gas you all, your time will come when we take over, you left-wing scum and your Muslim friends will be the first to go, or alternatively, we will gas all you Zionist pigs, you are going to die, Jews ...”

Group 2: Austrian election campaign poster



“Social welfare state instead of immigration”

Group 3: Record keeping of hate crime

- What do you think are the prerequisites for effective data recording of hate crime?
- What kind of data has to be recorded by law enforcement officials to guarantee effective prosecution and support of the victim?

Reporting and record keeping

Source - ODIHR Law Enforcement Officer Program on Combating Hate Crime:
Data Collection Template

INCIDENT REPORT

HATE CRIME INCIDENT #.....
 ORIGINAL CASE # (FROM AGENCY).....
 DATE OF OCCURRENCE..... TIME OF OCCURRENCE..... Initial
 ARREST (Y or N)..... OFFENDER KNOWN (Y or N)..... Adjustment
 DATE OF ARREST..... TIME OF ARREST..... Unfounded

OFFENCE

	No. of Victims	ATT / COMP
1. <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
2. <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
3. <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

LOCATION (check for offence # 1)

01 Residential	<input type="checkbox"/>
02 Business	<input type="checkbox"/>
03 Place of worship	<input type="checkbox"/>
04 Place where alcohol is sold	<input type="checkbox"/>
05 Government/public building	<input type="checkbox"/>
06 Other public area	
07 Other private area	

DISCRIMINATION TYPE (check for offence # 1)

01 Race/ethnicity/national origin	<input type="checkbox"/>
02 Religion	<input type="checkbox"/>
03 Sexual orientation	<input type="checkbox"/>
04 Disability (physical or mental)	<input type="checkbox"/>
05 Sex	<input type="checkbox"/>
06 Other.....	

OFFENCE CODES

1 Murder	11 Destruction of property
2 Rape	12 Holocaust denial
3 Robbery	13 Incitement of hatred
4 Aggravated assault	14 Civil rights violations
5 Simple assault	15 Hate organization
6 Threats	16 Dissemination of hate material
7 Burglary	17 International crimes G, A, P, S
8 Larceny/threat	18 Quality-of-life crimes
9 Motor vehicle theft	19 Other
10 Arson	

Enter location code if different from offence # 1
 # 2
 # 3

Enter discrimination type if different from offence # 1
 # 2
 # 3

VICTIM

	AGE	SEX	CITIZENSHIP	REPEAT VICTIMIZATION			INJURY	VICTIM TYPE	VICTIM TYPES	OFFENCE		
				M	Y	N				1	2	3
01	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	D, S, M, N	<input type="checkbox"/> <input type="checkbox"/>	01-person 02-gov 03-inst (other than gov) 04-place of worship 05-other	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
02	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	D, S, M, N	<input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
03	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	D, S, M, N	<input type="checkbox"/> <input type="checkbox"/>		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

OFFENDER

	AGE	SEX	CITIZENSHIP	REPEAT OFFENDER			MEMBER HATE GROUP			VICTIM	ARRESTED
				M	Y	N	M	Y	N		
01	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>							
02	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>							
03	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>							

Reporting and record keeping

Unique Reference Number: *(For police use only)*

Reported to: *(i.e. The person receiving the report such as Police Officer, counter clerk, REC member etc. but not the victim)*

At (location reported at): *(i.e. Police Station, home address, community centre etc.)*

Referred by: *(i.e. the agency or other person referring the victim to the police if the incident is being referred)*

Time, date of report: _____

VICTIM DETAILS

Full name (including any other name used): _____

Age/date of birth: _____

Address (include postcode and telephone number): _____

Type of occupancy - owner occupier / council tenant / private tenant / housing association tenant:

Gender: _____

Religion: *(These will be the 35 classes of religion used in the NSPIS crime application)*

Ethnicity - Black / White / Asian / Other / Unknown: _____

Note: 'Religion' and 'Ethnicity' details are sensitive personal data, and should only be recorded with the explicit consent of the victim.

Occupation: _____

School (if applicable): _____

Language spoken: _____

Victim number 1 of: (....) *(Separate sheet / page for each victim)*

Repeat victim: Y/N

Was previous incident reported: Y/N

PERSON REPORTING *(If different from victim details)*

(This would cover cases of third party reporting)

Ditto information as above.

Relationship with victim: _____

TYPE OF INCIDENT

Note: Details of the incident should be recorded under the following headings only by a police officer. If report being taken by person other than police officer, please provide a general description of the incident in this part of the form.

Crime (specify): *(This should be a description of the type of crime including Act & section etc.)*

Non crime (specify): *(This should include details of behaviour which, while not specifically a recordable offence, would still constitute a racist incident.)*

Incident log number: *(For police only.)*

Crime number (with RI flag): *(For police only.)*

Investigating Officer: *(For police only.)*

LOCATION

Type of location e.g.: *(These are intended to be examples and not an exhaustive list.)*

In or near the home, Place of worship, Place of education, Street, Leisure facility, Work place, Licensed premises, Public Transport, Internet, Other (specify): _____

GEOGRAPHIC POSITION / EXACT LOCATION

e.g.: House number, street name, postcode, map reference *(For police, this will depend on the force system in use.):* _____

BRIEF DESCRIPTION OF INCIDENT

Is the incident part of a series: Y/N

Is an extreme organisation believed to be involved: Y/N (specify)

Who Identified the Incident as Racist? _____

Victim, Police, Other (specify): _____

INITIAL ACTION FOR VICTIM

(This is not intended as an exhaustive list)

VSS referral made, Crime prevention advice.

Consent for referral to other agency: Y/N

Referred to other agency (specify): _____

Specialist officer: _____

Revisit: _____

Other action (specify): _____

Update - time, date, manner: _____

Interpreter required (Y/N).

SUSPECT(S) / OFFENDER(S) DETAILS

Full name (include née name/alias): _____

Age/date of birth: _____

Address (include postcode, telephone number of type of occupancy): _____

Type of occupancy - owner occupier / council tenant / private tenant / housing association tenant:

Gender: _____

Religion: *(These will be the 35 classes of religion used in the NSPIS crime application.)*

Ethnicity - Black / White / Asian / Other / Unknown: _____

Occupation: _____

School (if applicable): _____

Language spoken: _____

Relationship to victim: _____

Offender number 1 of: *(Information should be repeated for each offender)*

Has Suspect / Offender been Subject of Racist Complaint in Previous Twelve Months? Y/N (specify)

ACTION RELATING TO SUSPECT/OFFENDER

Process: Y/N

If no - reason:

- Wishes of victim
- Sufficiency of evidence
- Public interest consideration
- Other reason (specify). *(This is intended to cover disposal of offences under the Home Office counting rules for recorded crime i.e. TJC, offender dead etc).*
- CPS no action

If yes:

- Prosecution
- Caution
- Other order *(i.e. orders under Crime and Disorder Act, Protection from Harassment Act etc)*
- Advice No Further Action

OUTCOME

PTI File Number: _____

Victim informed of outcome - time, date: _____

Useful links

■ Reports

EUMC (2005) Policing Racist Crime and Violence: A Comparative Analysis, available at:
<http://eumc.europa.eu/eumc/material/pub/PRCV/PRCV-Final.pdf> or
<http://eumc.europa.eu/eumc/material/pub/PRCV/PRCV-SL.pdf>, (24.09.2006)

OSCE/ODIHR (2006) COMBATING HATE CRIMES IN THE OSCE REGION: An Overview of Statistics, Legislation, and National Initiatives, available at:
<http://www.osce.org/item/16251.html?ch=452>, (24.09.2006)

■ Organizations/Campaigns

Clean politics, <http://www.zara.or.at/cleanpolitics>

International Network Against Cyber Hate (INACH), <http://www.inach.net/>

Internet Hotline providers dealing with complaints about Child pornography on the Internet (INHOPE), <http://www.inhope.org/>

SOS Rassismus streichen, <http://www.rassismusstreichen.at/>

■ Guides

Association of Chief Police Officers (2000) Breaking the Power of Fear and Hate – a Guide to Identifying and Combating Hate Crimes, available at:
<http://www.homeoffice.gov.uk/documents/coderi.pdf?view=Binary#search=%22Guide%20to%20Identifying%20and%20Combating%20Hate%20Crime%3A%20Breaking%20the%20Power%20of%20Fear%20and%20Hate%2C%22>, (22.09.2006)

Education Development Center/Office for Victims of Crime (s.a.) Responding to Hate Crime: A Multidisciplinary Curriculum for Law Enforcement and Victim Assistance Professionals
<http://www.ojp.usdoj.gov/ovc/publications/infores/responding/welcome.html>, (22.09.2006)

U.S. Department of Justice (1996) Training Guide for Hate Crime Data Collection,
<http://www.risp.ri.gov/docs/trainingd99.pdf#search=%22Training%20Guide%20for%20Hate%20Crime%20Data%20Collection%22>, (22.09.2006)

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