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LEGAL FRAMEWORK, SOCIETAL RESPONSES AND GOOD PRACTICES TO COUNTER ONLINE HATE SPEECH AGAINST MIGRANTS AND REFUGEES

COMPARATIVE REPORT

Bulgaria · Croatia · Czech Republic · Greece · Italy · Romania · United Kingdom

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COMPARATIVE REPORT

(Bulgaria, Croatia, Czech Republic, Greece, Italy, Romania, UK)

Compiled under the Coalition of Positive Messengers to Counter Online Hate Speech project

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C O N T E N T S

LIST OF ABBREVIATIONS

ADL	Anti-Defamation League
CC	Criminal Code
CoE	Council of Europe
CFD	Council Framework Decision 2008/913/JHA
CSO	Civil Society Organization
EU	European Union
EC	European Commission
ECRI	European Commission against Racism and Intolerance
NGO	Non-governmental organization
OHS	Online hate speech
ONS	Office of National Statistics (UK)

EXECUTIVE SUMMARY

The social, economic, political and cultural public scene in Europe in recent years has been increasingly influenced by xenophobic and racist attitudes and displays. In many countries across the continent incidents of hate speech and hate crime are on the rise. National and EU institutions are paying more and more attention to the phenomenon of online hate speech, in response to the expansion of communication technology and of social media in particular.

This report provides a comparative analysis of the most recent data and tendencies in the use of online hate speech targeting migrants and refugees in seven EU member states (Bulgaria, Croatia, Czech Republic, Greece, Italy, Romania and the United Kingdom). Based on the national studies and reports, the current report draws meaningful correlations between incidents of hate speech and developments on a national and EU level related to the recent refugee crisis and migration flows to Europe. The report also looks at the scope and effectiveness of the existing legislative framework on hate speech and related regulations such as media codes of ethics. While the study offers a comprehensive review of the national normative frameworks developed to address hate speech, it focuses especially on social and non-regulatory mechanisms that can help to counter the production, dissemination, and impact of hateful messages online. Drawing upon the national studies, the report explores various societal responses to counteract online hate speech and provides good practices from the countries covered by this study. The report concludes with recommendations and guidelines on dealing with hate speech at the policy and grassroots level, grouped around the following three major issues.

Regulatory framework on hate speech

At the EU level the legal framework includes the Council Framework Decision 2008/913/JHA (CFD)[1] which requires Member States to adopt the necessary effective measures to penalize the most severe forms of hate speech and hate crime. A second document is the Audiovisual Media Services (AMSD).[2] In the countries studied various regulatory responses have been developed to address hate speech, including online hate speech. They range from those provided by criminal law, to civil law measures and protections, media self-regulations, and, most recently, self-regulations adopted by IT companies and internet service providers (ISPs), e.g., the

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[1] European Union: Council of the European Union, *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*, 28 November 2008, available at: http://www.refworld.org/docid/493e8fea2.html [accessed 2 August 2017]

[2] Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (AMSD), OJ L 95, 15 April 2010, p. 1–24, available at: http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0013.

European Code of Conduct on Countering Illegal Hate Speech Online.[3] Working together with IT companies and ISPs to prevent the publication of hateful content and to monitor social media for Islamophobic discourse and hate speech against migrants and refugees is recognized as an urgent need by national authorities and anti-discrimination bodies across Europe. Due to its special character, including the difficulty of identifying the authors of illegal online content and removing such content, hate speech on the internet creates new demands on law enforcement and judicial authorities in terms of expertise, resources and the need for cross-border cooperation for the prosecution of this crime. Given the absence of a universally-adopted definition of hate speech, the study has shown that the current definitions (those provided by the Council of Europe, incl. the Council's Additional Protocol to the Convention of Cybercrime concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems[4]) must be reconsidered to reflect the development and expanding use of communication technologies while providing enough safeguards for the protection of the right of freedom of expression.

Statistics and trends related to online hate speech

The seven countries covered by this report have different mechanisms for collecting and processing statistical information regarding hate speech and hate crime, including online hate speech (cyber hate). Regarding hate crime, at one end of the spectrum is the UK producing – according to Carl Miller of DEMOS – 6% of the data collected on hate crime globally. At the other end are Bulgaria and Croatia with limited systematic statistical information. The role of national public authorities in the process also varies, but they are less likely to collect, publish and analyze online hate speech data. Most of such work is conducted by NGOs, sometimes academia, including European networks and consortia. The research available is indicative of certain trends and tendencies over the last few years, focusing on the period from 2013 onwards, though not comprehensive enough to provide rigorous information.

Public attitudes towards migrants and refugees, online hate speech incidence and societal responses

The national country reports (for example, Bulgaria, Greece, Italy, Czech Republic) point out that large parts of the population perceive the migrants and refugees as a "national security

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[3] European Commission, 'European commission and IT companies announce code of conduct on illegal online hate speech' European Commission Press Release Database (31 May 2016) <http://europa.eu/rapid/press-release_IP-16-1937_en.htm> [accessed July 30, 2017]

[4] Council of Europe, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/189/signatures?p_auth=z8Nh9sie. As of August 2017, Bulgaria, Italy, and UK are yet to ratify the Convention.

threat," which is associated with the fear of a foreign religion, ethnicity and culture, as well as the potential economic burden that an influx of refugees would have on the country. As reported, for example, in the Czech study, Muslims and refugees took the place of the usual targets of hatred and discrimination – the Roma. Accordingly, the increase of refugee flows to each country correlates with an increase in hate speech incidents online, which in some cases are followed by open calls for violence (e.g., the case of "refugee hunters" in Bulgaria). Another main trend is the clear correlation between political rhetoric that contains hate speech and relevant domestic and international events (e.g. fluctuations in the number of refugees coming to Europe, rise of political parties such as Golden Dawn in Greece, election campaigns, etc.). As evidenced by the national reports, "racist rhetoric has permeated even mainstream political and media discourse, mainstreaming and legitimizing racist attitudes."[5]

Against this context, countering racism, xenophobia and hate speech has become a distinct cause of collective mobilization of civil society in the recent years. In half of the project countries the public authorities are active stakeholders, initiating and implementing projects and campaigns, developing with broad participation relevant public policies. Civil society actions range from research and analysis, through advocacy and education, to cooperation with law enforcement for the prosecution of cyber hate crimes, providing support to victims and target groups (legal advice, assistance, etc.). Yet few have actively involved representatives of the target groups (migrants, refugees, Muslims) in the organization and implementation of such initiatives locally. The Code of Conduct on Countering Illegal Hate Speech Online between the European Union and the four major companies, agreed in May 2016, is a good example of the collaboration between public authorities and the business which has already recorded positive results - increased reporting and removal of hateful content. While such actions are commendable, more is needed to encourage and include local ISPs in similar projects which will have immediate impact on the spreading of cyber hate. As part of the process of prevention, monitoring and control of hate speech and hate crime, the authorities in the countries covered by this study should be encouraged to raise awareness of the means of reporting incidents (which will improve the collection of data and the monitoring efforts at national and EU level) or to develop tools with easily applicable guidelines for practitioners to investigate and prosecute hate speech incidents.

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[5] National Report Mapping Out Online Hate Speech in Greece, available at:
http://www.positivemessengers.net/images/library/pdfs/OHS-report_Greece-fn-eng__form.pdf

1. INTRODUCTION

1.1. Project background

The report is developed under the project *Coalition of Positive Messengers to Counteract Online Hate Speech* (hereafter *Positive Messengers*). The project is implemented by a consortium of 8 organizations 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).

The project tackles the issue of hate speech - online hate speech in particular, targeted against migrants, refugees and asylum seekers in the seven EU countries. It addresses the need for more effective civil society response to online hate speech through sharing and disseminating best practices. The main project objective 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 project focuses on 1) building multi-stakeholder coalitions for developing counter-narratives to denounce hate speech and negative representations of migrants and refugees, and 2) disseminating the positive messages through media literacy and a public awareness campaign. The project also aims:

- To compile and share best practices for countering the spread of online hate speech against migrants, refugees and minorities through awareness-raising campaigns;

- To provide new data on the nature, scope and impact of online hate speech targeting migrants and refugees, in order to aid national and EU authorities to develop more effective integration and anti-discrimination policies;

- To foster shared understanding and communication between the communities most vulnerable to hate speech and mainstream society in Europe;

- To educate and train the target groups about hate speech, media literacy, creation and dissemination of web content.

To achieve these objectives, national studies were prepared by national experts from each project country. The research conducted for the national and for the current report focused on the national normative frameworks developed to identify, limit and counter hate speech online; the mechanisms for monitoring and reporting hate speech instances, and legal and non-legal measures to counter hate speech. The specific research objectives of the national studies included:

- To provide an up-to-date picture of the national context as well as comparative assessments on countering hate speech;

- To identify key stakeholders, supporters, multipliers, to be involved in subsequent project activities;

- To assess key civil society initiatives for countering hate speech and other forms of discrimination;

- To identify best strategies for civic actors to counter hate-based violence on the Internet.

2. METHODOLOGY FOR THE REPORT

Research problem and aim of the research

The research problem is defined by the main project objectives, namely, to strengthen the civil society response against the spread of online hate speech against migrants and refugees. Accordingly, the research has two main aims: 1) to describe and assess the effectiveness of the existing regulations against online hate speech in each partner country, and 2) to assess the societal responses against hate speech in each partner country in order to develop more effective strategies for civic actors to counter online hate speech against migrants and refugees. Research findings are followed by recommendations targeted at the relevant stakeholders nationally and at the EU level.

Justification of the research

While a number of studies on the regulatory framework on hate speech have been done in individual countries and across the EU, not enough has been done to establish the effectiveness

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This project is co-funded by the
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of these regulations (or the need for new ones) in the case of online hate speech against migrants and refugees. The increasing migration flows to Europe in the past two years, coupled with the rising negative attitude to migrants and refugees have created a new sense of urgency to look deeper into the issue and to generate the changes needed. In this regard, the research provides the basis for developing powerful counter-narratives against xenophobia in an environment where migrants and refugees are becoming increasingly vulnerable not only to verbal assault but to physical violence as well. In addition, the study has allowed for a critical assessment of social media's role in creating and spreading discriminative and xenophobic attitudes, and for a critical assessment of the most recent regulatory changes and cooperation agreements between national and EU public authorities and Internet intermediaries – organizations that mediate online communication such as Google and Facebook, to curb the spread and incidence of hate speech on the internet. In defining the scope of the research, the project team members have considered previous studies on hate speech done at national and EU level, as well as publications on discrimination, xenophobia, and racism. Given the tensions between hate speech and freedom of expression, as well as its intersection in issues of human rights, equality and dignity, and laws governing the media, the research has focused on various pieces of legislation that might be applicable to hate speech and online hate speech in particular.

Definitions used

The research does not aim to engage in theoretical debates on the definition of the term "hate speech" or debates on the tension between freedom of expression and hate speech. For the purposes of this study, and given the lack of a common international definition of hate speech, the project partners have agreed to use the definition proposed by the Council of Europe: "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."[6] The study also takes into account article 2.1 of the Additional Protocol to the Convention on Cybercrime[7], which states that "racist and xenophobic material" means any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, color, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors. Further references include the definition of cyber hate and the forms and mechanisms

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[6]*Appendix to RECOMMENDATION No. R (97) 20 of the Committee of Ministers on "Hate Speech."* Adopted by the Committee of Ministers of the Council of Europe on 30 October 1997 at the 607th meeting of the Ministers' Deputies
[7] Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, available at:
http://conventions.coe.int/Treaty/en/Treaties/Html/189.htm.

used by those who spread or promote hate online proposed by the Anti-Defamation League (ADL): "ADL defines cyber hate as any use of electronic communications technology to spread anti-Semitic, racist, bigoted, extremist or terrorist messages or information. These electronic communications technologies include the Internet (i.e., Websites, social networking sites, "Web 2.0" user-generated content, dating sites, blogs, online games, instant messages, and E-mail) as well as other computer and cell phone based information technologies (such as text messages and mobile phones)."[8]

2.1. Methodology for national level research

Research methods

Given the main goal of the research, that is, mapping the national context (regulatory framework and societal responses to online hate speech), the methods selected for data gathering and analysis are qualitative. The qualitative focus of the research is justified in light of its primary aim which is to gain a deeper understanding and to support assessment of the social and non-regulatory mechanisms that can help to counter the production, dissemination and impact of hateful messages online. The methods employed for the research included literature review (including review of legal literature, academic and non-academic articles) and secondary data review (for example, content produced by NGOs, relevant public bodies, scholars, representative surveys, legal databases, national statistics reports).

Scope of national level research

As part of the study and the comparative report, national studies were conducted and seven mapping and evaluating reports were developed respectively. The project partners in each country elaborated reports on the country's legislation on hate speech, statistics and tendencies of online hate speech for the period 2014-2017, as well as civil society responses to hate speech and xenophobic attitudes to migrants and refugees.

The national studies provided an up-to-date description of the legislative frameworks and the responses that each country has undertaken in line with existing EU regulations on hate speech. The national research teams were asked to consult the applicable legislation; rules regulating the liability of the media, which extends to media self-regulations; case law; statistics on hate speech and hate crime; academic articles and any other reports prepared on the topic. The national

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[8] From *Responding to Cyber hate, Toolkit for Action (ADL),* http://www.adl.org/internet/Binder_final.pdf

studies also mapped and evaluated the framework regulating the responsibility of the media and IT companies for publishing hate speech. As part of the research, the national studies evaluated the correlation of relevant internal political events, developments in the refugee flows to Europe, and the range and scale of hate speech incidence in the country. Among the events and factors studied, particular attention was paid to the emergence of radical voices in the political arena (right-wing politicians, political events such as Brexit, anti-Muslim and anti-refugee movements, including Facebook groups, TV and media outlets). The national experts followed a detailed methodological guidance elaborated by the project team. Based on the mapping of the national contexts and conclusions drawn, a list of recommendations on what further actions could be taken by national public bodies as well as EU institutions to tackle online hate speech was developed.

This report presents the main findings and conclusions of the national studies.

3. OVERVIEW OF THE NATIONAL CONTEXTS

3.1. Social, economic and political context in the project countries

For the period covered (2014-2017), the studies conducted in the selected countries show that various groups in society are vulnerable to ideological and political rhetoric, including such that openly expresses racist and xenophobic or anti-immigrant attitudes. For example, the Bulgarian report presents the aggregated results of sociological studies conducted by the Open Society Institute-Sofia (OSI) in 2013, 2014 and 2016 on the public attitudes towards hate speech. In the 2016 report, public perception is described as increasingly tolerant to hate speech which has already become a "common and persistent phenomenon in the Bulgarian public life."[9]

As noted by the Romanian national experts, there is a "huge social gap between different groups of the society [which] has made room for new radical voices that are trying to enforce an ethnocentric and Eurosceptic discourse that often slides into homophobic, racist hate speech."[10] Consequently, racist rhetoric is becoming increasingly more vocal and has permeated even mainstream political and media discourse, mainstreaming and legitimizing xenophobic and in particular, Islamophobic, attitudes. The reports from Italy, Greece, and Bulgaria indicate that in recent years the legitimacy of public and political institutions is increasingly eroded. This has in turn pushed people to seek refuge in extremist ideologies that purport to offer alternatives to the

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[9] Open Society Institute, *Public Attitudes towards Hate Speech in Bulgaria in 2016*, Sofia 2016, http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact_final.pdf
[10] Romanian National Report, available at: http://www.positivemessengers.net/en/library.html

current system. Public institutions and the states appear to be less and less able to contain such ideologies, sometimes tolerating them or outright purporting them as a means of channeling frustration towards traditional scapegoats (such as migrants).[11]

The responses to the migrant and refugee flows by the societies in each of the seven countries differ, but it is nevertheless possible to identify crosscutting issues related to the national social, economic and political context. These relate to the economic conditions and rising levels of unemployment as a result of the protracted economic crisis; fears and frustration related to the co-existence with a foreign religion and culture; fear of the refugees and migrants as a threat to national security (e.g., terrorist attacks, spreading infectious diseases, etc.). The latter has been fuelled to a large extent both by media as well as by national political and public figures from different ends of the political spectrum (such evidence comes from all of the seven project countries). A significant proportion of hate speech incidences consists of *socio-economic narratives*: refugees and migrants are here to abuse the social system or, conversely, steal jobs. At the same time, these narratives are explicitly directed against national *politicians, the European Union, and civil society organizations* which are accused of having enabled the current refugee situation and caused the resulting social crisis. It is evident that many other, long-standing frustrations and social conflicts are included in the narratives against refugees and migrants. In several of the countries (Bulgaria, Czech Republic, Croatia, Romania) the rise in anti-refugee sentiments comes in the context of decades-long discrimination practices against ethnic minorities, in particular the Roma, who continue to face difficulties accessing basic state services such as health care, social assistance, or education. The historic failure of the state and non-state bodies in these countries to deal with discrimination and to ensure the protection of human rights has proven a barrier to developing adequate asylum and migration systems, and has given rise to negative public reactions, including public incitement to hatred and hate speech against refugees.

Economic concerns

Bulgaria faces specific challenges as an external border of the EU strategically located in the Balkans: increased migration flow, terrorist threats, information warfare, cyberterrorism, etc. These circumstances have an influence on the economic, social and geopolitical development of the country, and thus define how the public views both these problems and Bulgaria's role in resolving them. The international risks to the development of the country are both geopolitical (primarily the situation in Syria and the Middle East and the resulting refugee crisis) as well as economic (slowing growth in the Eurozone and unemployment risks). According to data from a

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[11] FIDH/HLHR. *Downgrading rights: the cost of austerity in Greece*. 20 November 2016, http://www.hlhr.gr/wp-content/uploads/2017/02/downgrading_rights.pdf

recent survey, nearly 47% of Bulgarian citizens consider that the EU should not aid refugees seeking asylum on its territory; 28% of people are of the opposite opinion. According to 60% of adult residents of the country, refugees pose a threat to the national security of Bulgaria, and only 15% disagree.[12] But while the perceived threat of immigration resonates deeply with the citizens, the persistent combination of failing economies and corrupt governments has not made the country particularly attractive to migrants in any case.

Greece, which borders Bulgaria in the south, has faced a severe economic and social crisis since the end of 2009, so the refugee crisis that hit the country in 2013 has added to the strain. The austerity measures imposed on the country by the European Union, the Central European Bank and the National Monetary Fund as part of the solution of the Greek 'debt crisis' in 2009, which resulted in immediate reduction in public spending, have been accompanied by an sharp rise in unemployment and poverty, political turmoil, economic depression and social unrest. The crisis has had a negative impact on the economic, social as well as civil and political rights in the country. As explained by the Greek national experts, the economic restrictions, coupled with the reduced access to essential services for the Greek citizens and the state's manifest inability to respond to people's basic needs seriously undermined the trust in traditional politics and the government. The instability gave rise to new political formations, often populist in character and of far-right leanings. They offered new competing discourses in the attempt to explain the real reasons behind the crisis and to seek and propose solutions. In the attempt to explain who is to blame for the crisis, different discourses were channeled to different groups of the population; many of them painted migrants and refugees as scapegoats. As the national report indicates, the problem of racism and hate speech in general as well as online hate speech exacerbated in the last few years, especially in 2014 and 2015, when the refugee crisis peaked in Greece.

In Italy, the long-running economic and financial crisis has made the gaps between social classes even more visible and has caused deep dissatisfaction about the increasing levels of poverty and declining standards of living. The political and economic issues were further aggravated by conflicts related to the integration of "non-community citizens."[13] Over the last years this situation worsened mainly due to the increase in the absolute poverty among numerous families and between the families of foreigners alone (from 23.4 to 28.3%). A report of ISTAT from 2014 revealed that about 934,000 resident foreign nationals, equal to 29.1% of the foreign population aged 15 and over, claimed to have been discriminated against in Italy, feeling that they have been treated less favourably than others due to some specific characteristics related to race.

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[12] The study was conducted in the period 20-28 February 2016 by Sova Harris for the Institute of Economics and International Affairs and the Friedrich Ebert Foundation, Sofia, and covers a nationally representative sample of 1000 adult citizens in Bulgaria.

[13] "Non-community citizen" refers to immigrants who are not Italian citizens by law.

While the socio-economic level in the Czech Republic is reported as good (CZ is the sixth safest country in the world according to the Peace Index[14]), a very hate-filled discourse against refugees, or, more specifically, against Muslims, escalated during the so-called "migration crisis" in 2015. Compared to the rest of the world, there are virtually no ethnic or religious conflicts in the Czech Republic; however, as far as religious tolerance is concerned, this is not the case. Dislike of Muslims is high: two-thirds of the population refuse to accept Muslims as their fellow citizens, and only just over 10% can imagine having a Muslim family member. According to the CVVM (Public Opinion Research Centre)[15] survey of May 2016, only 17% of Czechs are open to admitting refugees from the Near East and North Africa; 34% would rather not admit them and 44% definitely would not.

All of the countries report that the negative attitudes to migrants and refugees (these two groups are very often conflated and presented as a homogenous mass of non-nationals) are rooted in the belief that immigration takes jobs from local people, depresses wages and puts pressure on the social welfare system, and in fact privileges the foreigners to the indigenous population. Most objective evidence in the UK, for example, suggests that this is not the case, and in some spheres of the economy immigration has been a major advantage for the country. Data from the Office of National Statistics for the past three years for example suggest that immigration into the UK has strengthened the economy through the renewal of the workforce - with a continual supply of highly skilled, highly educated and hard-working people from Europe and elsewhere. The immigrant populations have also made a major contribution to economic growth through the development of small scale enterprises which enabled them to help their families and educate the next generation. It would appear, therefore, that the 'problem' of immigration is not an objective economic one, but rather rooted in some people's feelings of exclusion and cultural loss.

3.2. Migration context and statistics in the project countries

There are significant differences regarding the number of migrants and refugees which the seven countries have received in the studied period (2014-2017). Not surprisingly, UK, Italy and Greece[16] have seen much higher numbers of migrants and refugees compared to Bulgaria, Croatia and the Czech Republic. On the one hand, this situation reflects deep-seated cultural and

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[14] http://www.national-geographic.cz/clanky/svetovy-index-miru-ceska-republika-je-sestou-nejbezpecnejsi-zemi-sveta-20160620.html

[15] CVVM: BUCHTÍK M., PILECKÁ J., Postoj české veřejnosti k přijímání uprchlíků, 2016.

[16] According to statistics from the British Office of National Statistics from May, 2016, the EU countries with the largest number of foreign-national residents in January 2015 were Germany (7.5 million), the UK (5.4 million), Italy (5.0 million), Spain (4.5 million), and France (4.4 million).

political divides that persist between East and West.[17] On the other, it is true that most migrants prefer the richer countries in Western Europe where social welfare benefits are higher, employment opportunities greater and societies are more racially, culturally and religiously diverse. Both Italy and the UK have long histories as countries of destination accepting immigrants from diverse cultures; they have developed the necessary system of social and integration services to accommodate the newcomers. On the other hand, the countries in Central and Southeast Europe have never been countries of immigration, but rather emigration, especially after their accession to the EU. Despite the worsening demographics and shrinking populations, anti-migrant sentiments run strong in Bulgaria, Greece, Croatia and the entire region of the Balkans; both politicians and ordinary citizens are worried that the wave of people coming into Europe from the Middle East, Afghanistan and elsewhere will overwhelm their fragile economies and weaken their national cultures. Evidence from the national reports shows that for the past few years, views on the cultural and social effects of the latest migration waves to Europe are persistently negative, which in turn encourages nationalist sentiments among the population. The UK national report states that the issue of mass immigration was one of the key factors in the debate for the Brexit Referendum and may have in fact shifted the votes in favor of Brexit. However, these challenges have not prompted European nations to consider reforming their immigration policies, nor have they spurred wide public debates on the future of their countries.

While the current report does not aim to explore in depth the migration and refugee flows to each of the studied countries, a brief overview of the current situation will provide an insight into the possible correlations between migration levels and the level of hate speech incidence, respectively.

Bulgaria

With its almost 111 000 km^2 and 7.153 million people, Bulgaria is 11th in area and 16th in population in the EU. Between 2014 and 2017, the levels of migration and refugee flows to Bulgaria vary in intensity and are largely determined by a combination of economic, political and social factors. The report of the State Agency for Refugees (SAR)[18] for 2016 indicates that refugees and migrants consider Bulgaria as a transit country on their way to Western Europe. The levels of illegal migration in Bulgaria are relatively low; the impact of the refugee crisis on Bulgarian society is above all political and psychological. The actual pressure, including economic and social, is relatively low compared to other European countries. According to the

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[17] Eventually, countries in Central and Eastern Europe will have to accommodate, though unwillingly, more refugees than they anticipated, including via compulsory quotas which many have so far resisted.
[18] Annual Report of the State Agency for Refugees (Sofia, 2016) http://www.aref.government.bg/?cat=8.

official data of SAR, the number of foreign citizens seeking asylum in the last four years (after the beginning of the Syrian crisis) has seen a sharp increase: from 1387 people in 2012, 7144 in 2013, 11 081 in 2014 to 20 391 in 2015. Nevertheless, these figures are among the lowest for the countries to the South and Southeast outside the European Union. Of the total number of foreign citizens seeking protection in Bulgaria in 2013, 183 individuals received refugee status, humanitarian status – 2279, and 354 were rejected. The figures for 2014 are, respectively, 5162, 1838 and 500, and for 2015 – 4708, 889, and 623. A total of 58 034 have applied for status since the beginning of the migrant crisis in 2013. The peak was in 2015, when 20 391 applied.

Croatia

The Republic of Croatia has accepted on 23 August 2016, under the EU Resettlement Scheme, 10 refugees from Greece in accordance with the decisions of the Council of the EU related to the relocation of migrants from Italy or Greece to other Member States of the EU. While the government made some progress in providing housing to the small number of people from outside the Western Balkans who were granted protection, asylum seekers and refugees from outside the region continue to face difficulties in accessing education and employment.

Fewer than 500 people claimed asylum in Croatia in the first nine months of 2016. 34 were granted some form of protection during the same period. Restrictions on the Western Balkan migration route reduced the number of arrivals. Croatia continues to push back asylum seekers and migrants who attempt to enter via Serbia. Reception conditions for asylum-seekers are generally adequate, but there is no coherent long-term social integration policy.

In the first half of 2014, there were 271 new applications, and 19 people were granted protection. In 2014, there were 453 asylum seekers in total, of whom majority were from Algeria (77), Syria (53) and Pakistan (24). In early 2015, Europe faced a mass influx of migrants travelling through the Western Balkan route. In order to hold back the migrants at its border with the Republic of Serbia, Hungary built a fence at that part of its border, which caused the migration wave to be redirected towards Croatian-Serbian border. Since September 2015, the Republic of Croatia has faced an influx of migrants entering the country through the border with the Republic of Serbia. Until the end of 2015, 559,761 migrants entered the Republic of Croatia; they are predominantly citizens of Middle Eastern countries: Syria (246,013), Afghanistan (151,748), Iraq (78,935) and Iran (13,804). Aside from temporarily closing its border with Serbia in September, Croatia has generally complied with international standards and regulations for the treatment of refugees.[19] Fewer than 5,000 people have claimed asylum in Croatia since 2006, and as of July 2015, only

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[19] Freedom House, *Freedom in the World 2016 - Croatia*, 29 June 2016, available at:
http://www.refworld.org/docid/577a615115.html

165 had been granted some form of protection, 32 of them in 2015. Long-term asylum seekers and refugees face difficulties in accessing housing, health services, and education.

Czech Republic

The national report shows that according to statistics of the Ministry of the Interior 1,525 people have applied for international protection in 2015; of these, 71 were granted asylum and 399 persons received subsidiary protection (the possibility to stay in the Czech Republic for 1-3 years until the reasons for their application cease to exist). The most applicants were from Ukraine (694 applications), Syria (134 applications), and Cuba (128 applications). Public opinion studies on the other hand indicate that the population fears an influx of immigrants, particularly Muslims, even though the volume of asylum seekers is quite low. The analysis developed by Glopolis in 2016[20] looks at the views of people in the centre (the "anxious middle"), those who do not outright reject migrants but do not welcome them either. Most of them do not see migration as a black-and-white issue but perceive different contexts; they do not believe in simple solutions and are willing to accept more refugees as long as they fulfilled certain criteria. Historically, the Czech Republic has faced a much higher number of war refugees after the collapse of the former Yugoslavia and was able to provide protection to thousands. Many of those migrants were Muslims but back then this situation caused no big problems or disruptions in Czech society.

Greece

Greece is one of the countries that has had to deal with thousands of migrants and refugees in the past 3-4 years. After 2013, and especially between 2014 and 2015, migrant and refugee flows to Greece rose dramatically. The unprecedented and unexpected huge number of refugees in 2015 was part of the increasing refugee flows from the Middle East area towards the Mediterranean countries. While in 2014 only 41,064 refugees arrived in Greece, in 2015 this number went up to 856,723 refugees. According to data released by the Ministry of Interior there were 557,476 immigrants legally residing in Greece in 2016. That number is lower than the 621,178 documented immigrants living in Greece in 2011. Between 2011 and 2016 the numbers of immigrants legally residing in Greece have fluctuated. More specifically, in 2013 the number of documented immigrants in Greece went down to 405,306 but went up again to 461,438 in 2014 and 527,264 in 2015 (Bitsika). To give a sense of perspective, the total population in Greece

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[20] Glopolis Analysis: FRANTOVÁ V., LEGEČKA M. PROKOP D., *Why Do Refugees Stir Up Our Emotions? Migration Narratives in Czech Society and a Glance Beyond Them*, 2016.

according to the 2011 Census was 10,712,409 people over the age of one (Hellenic Statistical Authority).[21]

The Greek experts highlight several aspects in the migration situation of the country as related to xenophobic attitudes and hate speech. One is the process of transformation of Greece to a destination country for immigrants that has started in the early 1990s of the 20th century. Since then the country has seen rapidly changing demographics which have influenced the emergence of xenophobic and racist public views. A relatively homogeneous society before the 1990s, Greece had an estimated 98% Christian Orthodox population/ethnic Greek descent population. In two and a half decades the country received approximately 1 million people from the Soviet Union, South Albania, Eastern European, Asian and African countries. Together these groups currently account for more than 10% of the population (ENAR 9).[22] With the arrival of a large number of immigrants in Greece in the early 1990s, the immigrants became the target of racist rhetoric and hate speech.

The findings of the Greek national report suggest that racist attitudes and rhetoric in the last few years have become prominent in public discourse, promoted by high-profile politicians, members of the Orthodox Church and some of the mainstream media as well as from more marginal media outlets. The rise of Golden Dawn[23] to prominence (members of the party won seats in the National Parliament in 2012) has been crucial in the exacerbation of the problem of racism and hate speech. This suggests that while Greek society was largely homogeneous, deep undercurrents of racism and xenophobia have been dormant and have come to the fore as a response to more recent political and social developments.

A third point emphasized in the analysis of the Greek national context relates to the formation of an official anti-migrant discourse. According to the report, terms such as 'migration' and 'migrants' instead of 'refugees' are used increasingly by political leaders and other influential actors. This has a dual negative effect: on one hand, it suggests that all the people entering the EU are migrants and hence the EU Member States do not bear the same legal obligations as for refugees. Secondly, this comes to support the position that States do not have any obligations towards irregular migrants. These shifts in language in effect challenge specific rights and obligations arising from international conventions; at the same time they force into isolation the migrants already legally residing in Greece since the authorities' attention, as well as the attention of civil society, has shifted to the current refugee and migrants flows. Thus references to persons of foreign origin (ξένοι) increasingly are the focus of discussions with negative

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[21] The exact number of immigrants in Greece is hard to estimate. This is due to the fact that there are a large number of undocumented immigrants. As a result, these people have to fly under the radar of the authorities, making it hard to estimate their number (Varouxi and Sarris 17).

[22] ENAR. *Racist Crime in Europe: ENAR Shadow Report 2013-2014*. Brussels: European Network Against Racism, http://www.enar-eu.org/IMG/pdf/shadowreport_2013-14_en_final_lowres-2.pdf

[23] Golden Dawn is a far-right/neo-Nazi organization/political party.

content, while the political language becomes increasingly hostile. The predominant public perception is that the refugee issue has only negative consequences for the country. As stated by the Greek national experts, "the level and quality of hate speech takes on a frighteningly different dimension when people feel encouraged by political leaders who are echoing and promoting prejudices and resentments. "The resulting acceptance of hate speech creates a general climate in Greek society that facilitates the increasing willingness to commit or tolerate acts of violence against these groups.

Italy

The social, economic, political and cultural public scene of recent years has been strongly characterized by xenophobic and racist manifestations. Various factors account for this situation; they range from underlying ideological, cultural or political concepts (idea of superiority of race, territorial invasion or otherwise) to causality connections, linked to economic factors.

The national report indicates a constant growth in the number of third-country nationals coming into Italy. There is an increase (in absolute values) from 2011 to 2016 of 998,526 individuals, that is, an average of 457,684 migrants per year. The rate of applications for asylum and humanitarian protection has been steadily on the rise as well (+19,398 entries, equal to + 40.5%), which in 2015 amounted to 28.2% of new entrants (19.3% in 2014, 7.5% in 2013 respectively). EUROSTAT data about "first time asylum applicants in the EU Member States"[24] show that in the last two years Italy has seen an increase of 46% in applications; this is 10.1% more compared to all other countries of the European Union in 2016. According to the report, there is also a large number of "non-community individuals" living in Italy (persons with valid residence documentation who are granted stay for one year or longer for the purpose of employment, asylum request, study, family reasons or religious motives). Statistics provided by the Ministry of the Interior show that as of January 1, 2015, there were 3,929,916 "non-community" citizens regularly resident in Italy.[25] Between 2014 and 2015, the number of "non-community" citizens has increased by about 55 thousand (+1.4%). The number of applications for asylum permission and humanitarian protection has doubled in absolute values: from 19,146 in 2014 to 47,873 in 2015.

Similar to Greece, in the last ten years Italy has been subject to deep changes in the country's political, economic, demographic and social environment, some of which are linked to the high rates of migration. The composition of the population can no longer be determined accurately without taking into account migratory dynamics. The resulting changes have prompted "inter-

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[24] http://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1
[25] Data integration of sources. Extracted Data 03 May 2017, 02h13 UTC (GMT), from I.Stat.

group tensions" (Coenders, Lubbers and Scheepers 2003; Semyonov, Raijman and Gorodzeisky, 2006) and consequently, a pervasive negative opinion on immigration. A 2014 study by ISTAT focused on the public perception of migrants; the report pointed out that 55.3% of Italians referred to the issue of "allocating public housing" claiming that immigrants should not have precedence over the Italians at the same level of requirements. The same considerations are also given about employment; in the conditions of shrinking job offers, according to the respondents, employers should give precedence to Italians instead of immigrants in hiring people. In 2012, the survey carried out by ISTAT found that 63% considered favourably the efforts to integrate other cultures and only 35% considered immigrants as "job thieves."

Romania

The estimated number of immigrants to Romania in 2015 is 17,247. According to statements of The National Immigration Inspectorate the number of asylum seekers was the highest in 2012 when over 2000 economic migrants came to Romania; in 2016 the number of asylum seekers was 1800 which is relatively low. These persons are placed in 6 refugee centers around the country and many are able to take care of themselves after seeking asylum without requesting aid from the Romanian state.

According to a 2016 study[26] by the European Institute in Romania most non-EU immigrants in Romania (50%) come from Moldova, Turkey, China and Syria (in this order). Most immigrants from third countries are young (under 35) and male (60%). The low level of immigration to Romania is conditioned mainly by the low wages in the labor market areas where immigrants without higher qualifications (and others) usually can find jobs: basic services, agriculture, and textile industry. This effect is bolstered by poor social networks of the immigrants, poor coordination among labor market players, cumbersome immigration procedures and the lack of information about the Romanian labor market made available to potential job seekers from third countries. The study highlights the fact that Romanian immigration law puts a particular emphasis on control and sanctions, paying less attention to integration and strategic planning.

Compared with other countries, these numbers are not alarming. However, since the refugee crises in 2015, public opinion about migrants in Romania has become expressly negative. Immigration has become increasingly one of the subjects of controversy and political debate. It is argued that migrants take jobs from the indigenous population, depress wages and put pressure

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[26] Zaharia Rodica Milena (coordinator), Ban Cornel, Popescu Alexandra-Maria - *Relaţia dintre fenomenul migraţiei legale şi piaţa muncii din România. Evoluţii relevante, impact potenţial, recomandări de politici*, Institutului European din România, 2017 Bucuresti, Available at: http://www.ier.ro/sites/default/files/pdf/SPOS_2016_%20Migratia_legala_si_piata_muncii.pdf

on public services; state aid to migrants is considered as unfair towards the indigenous population because of the generous aid allowance that each asylum seeker receives per year.

The Romanian Constitution recognizes 20 national minorities and each has one representative in Parliament, the Hungarian minority has a separate group in both the Deputy Chamber and the Senate in Parliament.[27] Muslims in Romanian society are represented by the Turkish and Tatar national minorities; for members of these communities it is becoming more difficult to practice their religion, because Islam is linked to terrorist attacks. The biggest Muslim immigrant community is in Bucharest, the capital of Romania; other Muslim communities are concentrated in university towns. As a result of hate speech and racist attacks against Muslim migrants, two Syrian women were physically assaulted on the streets of Bucharest by five unidentified teenagers for wearing the hijab in March 2016 [28]

United Kingdom

The UK has been a country of high immigration for centuries, and the contribution of immigrant groups to the UK economy and British cultural life has been enormous. This has affected in particular large urban centers such as London (see below figure 1). For much of the 20th century the numbers migrating to and from the UK were roughly in balance, but since 1994 the numbers migrating to the UK have been greater than the numbers emigrating. They currently measure some 335,000 per year. Only a relatively small number of these people are Asylum Seekers or Refugees (5.3% of immigrants).

Net migration (the difference between immigration and emigration) to the UK reached 336,000 in the year ending March 2015 and has been above 320,000 since then. Before the year ending March 2015, the highest estimate of net migration was 320,000 in the year ending June 2005. The most recent estimate of net migration was 335,000 in the year ending June 2016. In 2014, 13% of people migrating to the UK were British nationals, 43% were nationals of other EU countries, and 44% were nationals of non-EU countries. The most common countries of birth for foreign born residents of the UK were India, Poland, Ireland and Pakistan.

Although in the past the UK has been presented as a country which welcomes refugees - from the Huguenots and the Jewish refugees to those from Asia and East Africa - its recent record has

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[27] The Roma as national minority represent approximately 2 million persons in Romania and are the most marginalized communities in the country. They have been the target of different forms of direct and indirect discrimination, including hate speech, school segregation , unemployment, poor living and health conditions.

[28] 'Ancheta dupa agresarea in capitala doua tinere din Siria'. Digi 24. 1 April 2016 (as cited in the Romania Shadow Report questionnaire response) Available at: http://www.digi24.ro/stiri/actualitate/justitie/anchetadupa-agresarea-in-capitala-a-doua-tinere-din-siria-502387 accessed on 13/09/2016.

been unimpressive. In 2015, there were 32,733 applications for asylum in the UK, covering 39,968 people (asylum seekers and their dependents). In the same year, immigration was approximately 631,000. The ONS estimates that asylum seekers were around 5.3% of immigration in 2015/16.

Despite the generally positive impact of immigration, social attitudes in the UK have always been problematic. The feeling that 'there are too many immigrants and we are overcrowded' and that 'immigration is a problem for the country' is not new, but it has increased over the years. NatCen Social Research's British Social Attitudes survey conducted in 2013 shows that at that time more than 77% of the public wanted to see a reduction in immigration into Britain and public views of the level of immigration were significantly more negative even than in 2011. (The Migration Observatory, November 2016). Since then immigration has consistently ranked among the top five issues. By August 2016, it was the issue picked most often by respondents (34%). The other top five issues that concerned respondents that month were the EU/Europe (31%), the National Health Service (31%), the economy (30%), housing (22%), and defense/international terrorism (19%). Three factors may have contributed to this. The principal one is probably the effects of the 2007/8 financial crisis and the subsequent policies of austerity which have massively increased pressure on public services and personal well-being and increased feelings of alienation and insecurity among many people. In addition there have been undoubted effects on attitudes arising from the growth of fundamentalist terrorism and the state reactions to it. This has been exacerbated and in some cases conflated with the refugee crisis of the last 5 years. In the UK these issues were brought together by the Brexit Referendum, during which the issues of mass immigration, linked to a distant European bureaucracy and widespread feelings of alienation, were key factors in the debate. The national report for UK states that the rising incidents of hate speech and xenophobic attitudes have been triggered by events such as terrorist attacks in the UK and abroad. The report also links the use of hate speech to the Brexit vote, after which "hate attacks increased, notably but not exclusively directed against EU nationals in the UK." As written in the report, "[…] the language used by politicians during the referendum validated such attacks." The statistics given in the report show that in 2015/16 over 62,000 hate crimes were recorded by the police in England and Wales (an annual increase of 19%). Of these 79% were race hate crimes.

3.3. General overview of legislation and regulations on hate speech

National legal frameworks

Both freedom of expression and the prohibition of discrimination against individuals and groups represent fundamental elements of modern democratic society. The right of opinion and public expression is associated with certain responsibilities, and it is therefore also subject to specific

restrictions with regard to the protection of the rights of others.[29] The subsequent section of the report provides an overview of the legislation and regulations relating to hate speech in the project countries. The overview draws upon the information provided by the national experts in the country reports and aims to give a broad picture of the existing types of regulation and their scope of application and sanctions on hate speech, without delving into a detailed analysis of the legislative acts.[30] The regulatory framework in most countries includes stipulations contained in several legislative acts (criminal law, civil law, etc.) in order to enable an adequate understanding of the offences of hate speech and online hate speech and to allow a fair process of investigation and prosecution.

The national studies conducted for this report show that each of the project countries employs several regulatory instruments (e.g. criminal, civil, media self-regulations) addressing hate speech. They range from the country's Constitution (which protects the fundamental right of freedom of expression) to most recent legislation adopted, for example, in response to the requirement to transpose the provisions of the *Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law* (hereinafter 'the Framework Decision').[31] Member States were obliged to transmit the text of the provisions transposing into their national law the obligations under the Framework Decision by 28 November 2010 (in this regard see the first implementation report of the EC from January 2014).[32] The Framework Decision stipulates that acts of public incitement to violence or hatred by public dissemination or distribution of tracts, pictures or other material shall also be criminalized, indicating that not only oral communication should be covered (e.g., Article 1(1)(b): "public dissemination or distribution of tracts, pictures or other materials containing expressions of racism and xenophobia").[33] Article 4 of the Decision states the "necessity to consider racist and xenophobic motivation as an aggravating circumstance or to ensure that courts take such motivations into account in the determination of penalties."

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[29] Anne Weber, *Manual of Hate Speech*, Council of Europe Publishing, September 2009, p. 1, https://www.coe.int/t/dghl/standardsetting/hrpolicy/Publications/Hate_Speech_EN.pdf.

[30] Such analysis is provided in the country reports of ECRI and in other studies focused on the issue; see for example the study of Directorate General for Internal Policies of the Union, *The European legal framework on hate speech, blasphemy and its interaction with freedom of expression,* 2015, http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536460/IPOL_STU(2015)536460_EN.pdf. Another detailed study is developed by the International Legal Research Group on Online Hate Speech and ELSA, *Final Report on Online Hate Speech*, 2011,http://www.academia.edu/29438841/International_Legal_Research_Group_on_Online_Hate_Speech_Belgian_research_del egation_.

[31] European Union: Council of the European Union, *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*, 28 November 2008, available at: http://www.refworld.org/docid/493e8fea2.html [accessed 2 August 2017]

[32] http://ec.europa.eu/justice/fundamental-rights/files/com_2014_27_en.pdf

[33] http://ec.europa.eu/justice/fundamental-rights/racism-xenophobia/framework-decision/index_en.htm

The countries covered by this report have provisions on incitement to racist and xenophobic violence and hatred but not all of these have fully transposed the offences covered by the Framework Decision. Differences partially arise from the lack of universal definition of the terms 'hate speech' and 'hate crime.' For example, the actual term "hate speech" is not embedded in the Czech legal code; legal science describes it as a manifestation that "*aims to be derogatory and incites discrimination, hate, or violence against an individual or a group of individuals specifically on the basis of their personal characteristics.*"[34] Section 356 of the Czech Criminal Code defines directly the term "incitement to hatred". In comparison, the definition of hate crime in the Croatian Criminal Code is aligned with the Framework Decision of the Council of Europe (Article 325, Criminal Code (OG 125/11, 144/12, 56/15, 61/15)[35]. Additionally, more detailed explanation of the concept of hate crime is provided in the legislation pertaining to the media, i.e. in the Croatian Media Act, Electronic Media Act and Croatian Radio and Television Act.

The criminal codes of most of the project countries contain provisions that deal with discrimination, xenophobia and racist conduct, incitement to violence or hatred; the specific terminology used ('provoking', 'propagation', 'promoting', 'instigating', etc.), the scope of the legislation (whether it concerns groups or individuals) and the applicable sanctions vary. Some of the legislative acts apply specifically to online hate speech (for example, the Malicious Communications Act, 1988, Section 1 and the Communications Act 2003, Section 127 in the UK). The criminal law provisions in (Bulgaria, Greece, Croatia, Italy) make specific reference to both violence and hatred, while the Czech Republic, Romania and UK expressly mention hatred. The Bulgarian criminal law, for example, covers acts of incitement of hatred against both groups and individuals. The specific means of dissemination of hatred is mentioned in the description of the offence itself (Bulgaria, Greece, and UK). According to the stipulations of Section 356 (1) of the Czech Criminal Code, a person is guilty of this crime if they publicly incite hatred against any nation, race, ethnic group, religion, social class, or other group of individuals, or if they promote limiting the rights and freedoms of the members of such a group. Even though there is no crime defined specifically as hate speech in the Code, if an offence inciting hatred (hate crime) is committed in the Internet environment or using online tools, this is considered an aggravating circumstance and the perpetrator is subject to a more severe punishment.

The most recent antiracist law in Greece is Law 4285/2014 (amending Law 927/1979) for combating some forms and manifestations of racism and xenophobia under criminal law[36]. This

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[34] JÄGER, Petr, MOLEK, Pavel, *Svoboda projevu Demokracie, rovnost a svoboda slova* [*Freedom of Expression. Democracy, Equality, and Freedom of Speech*], 1st Edition, Auditorium, 2007, p. 22.
[35] https://www.zakon.hr/z/98/Kazneni-zakon,
[36] http://criminal.law.duth.gr/images/ratsismos_n_4285_2014.pdf

act stipulates stricter criminal sanctions for combating hate crimes and incitement to racist violence through racist rhetoric. Hate speech is defined as the public expression of racist or xenophobic speech with the purpose of inciting to, causing, instigating or inducing discriminatory acts or hatred and violence based on race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability. Law 4285 explicitly added the Internet as a place where a criminal act of hate speech may take place (transposing Article 1(1) of the Framework Decision). This development reflects the increasing and extensive use of the Internet and social media in recent years as a means for the transmission of hate speech (Symeonidou-Kastanidou 1651-1652). Apart from the changes in the legal framework, some other steps have been taken to address the issue of racist violence more generally. On the initiative of the Athens Prosecutor's Office, The Special Prosecutor on Racist Violence was appointed in November 2012 (FRA 11). In addition, in December 2012 two regional departments were created in Athens and Thessaloniki under Presidential Decree.

The Italian Law n. 205 of 1993, also known as the "Mancino Law" is the main legislative act, which stipulates as a crime to "propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives". The law does not mention media or online communications; however, Italy is one of the countries which have signed (in 2011, but has not yet ratified) the Council of Europe's *Additional Protocol to Convention on Cybercrime* concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

Romania is one of the countries studied for this report which has most recently adopted a new Criminal Code (it entered into force February 1, 2014). It contains provisions that are, directly or indirectly, related to hate speech regulation. The new Criminal Code regulates hate speech in Article 369, the offense is described as Incitement to hatred or discrimination: "The public incitement, by any means, to hatred or discrimination against a class of persons shall be punished with imprisonment from 6 months to 3 years or with a fine". Article 317 of the Criminal Code criminalizes the incitement to discrimination, considering that incitement to hatred is a constitutive act of the incitement to discrimination. The Ordinance 137/2000 which transposed the Council Directive 2000/43/EC on implementing the principle of equal treatment between persons irrespective of their racial or ethnic origin includes also regulations on hate speech within Article 15.

As regards media and online communications, all of the studied countries have transposed the provisions of the Audiovisual Media Services (AMSD),[37] which prohibits content including any incitement to hatred based on race, sex, religion or nationality in audiovisual media services. At

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[37] Audiovisual Media Services Directive, http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0013

the same time, the national studies have confirmed that media are liable for the publication or transmission of content which includes hate speech. Media in the project countries are monitored by public regulatory bodies (such as the Council on Electronic Media in Bulgaria), other public institutions (e.g. national equity bodies or anti-discrimination bodies), or civil society organizations. The table below also provides information on the self-regulations existing in the project countries which are relevant to hate speech online (for example, the Ethical Codes of the Bulgarian Journalists or the UK Independent Press Standards Organisation (IPSO) Editors Code).

It is evident that there are very few regulations applicable to new media and internet companies and intermediaries (internet service providers). Some of these media are covered by professional ethical codes or subscribe to the principles in the Code of Conduct on Countering Illegal Hate Speech Online[38] signed in 2016 between the European Commission and the major internet companies (Facebook, Microsoft, Twitter, YouTube). The Code is a non-legally binding document to "tackle online hate speech" in collaboration with civil society organizations (CSOs). The code encourages the social media companies to take quick action as soon as a valid notification is received. Based on the national reports it appears that media and respective media association should be encouraged to adopt self-regulations which could provide more detailed and clear definitions of applicable legislation regarding the freedom of speech and hate speech, respectively. This is a major conclusion of the recent Home Affairs Committee Report[39], which proposes greater accountability and responsibility for Facebook, Google, Twitter and Youtube. In addition, professional media associations could develop and adopt practical tools so that media professionals could more easily check the compliance of media content providers to the provisions of national and European regulations. As seen in the national reports, recent amendments to the national legislations have led to the setting up of public or self-regulatory bodies in some countries (Romania, Greece, Italy). Such bodies should be created, where they do not yet exist, to coordinate monitoring actions by media themselves and also to facilitate cooperation with other public bodies in the reporting, prevention, and prosecution of hate speech crimes. Such bodies can also help the efforts of collecting reliable data on hate speech violations and could reinforce their efforts of monitoring the content of media websites, including discussion forums and blogs.

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[38] http://ec.europa.eu/justice/fundamental-rights/files/hate_speech_code_of_conduct_en.pdf
[39] House of Commons (2017) Home Affairs Committee *Hate crime, abuse, hate and extremism online* Fourteenth Report of Session 2016-17

Table 1: Overview of legislative responses to address hate speech in the project countries – by type of regulation

Country	Criminal law	Civil law	Administrative law	Media self-regulation	Online media/ISPs	Other
BG	**Criminal Code of Bulgaria** http://lex.bg/laws/ldoc/1589654529	**Protection Against Discrimination Act, A**rt. 1, para. 5,6 http://kzd-nondiscrimination.com/layout/images/stories/pdf/zakon_za_zashtita_ot_discriminacia_2012.pdf	**Radio and Television Act** http://www.lex.bg/laws/ldoc/2134447616	**Ethical Code of the Bulgarian Journalists** http://ethicnet.uta.fi/bulgaria/ethical_code_of_the_bulgarian_media **Ethical Code of the Bulgarian Media Union** http://bmu.bg/bg/code-of-conduct		**Rules and procedures of the Bulgarian National Assembly** **Constitution** of the Republic of Bulgaria Article 39 (1), on freedom of expression
CZ	**Act No. 40/2009** Coll., the Criminal Code	**Act No. 89/2012** Coll., the Civil Code		**Act No. 231/2001** Coll., on Radio and Television Broadcasting and Amending Certain Other Acts		
HR	**Criminal Code** (OG 125/11, 144/12, 56/15, 61/15), art. 87 https://www.zakon.hr/z/98/Kazneni-zakon Offences against Public Order and Peace Act (OG 5/90, 30/90, 47/90, 29/94) https://www.zakon.hr/z/279/Zakon-o-prekr%C5%A1ajima-protiv-javnog-reda-i-mira	**Anti-discrimination Act (OG 85/08, 112/12)** https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije	**Media Act** (OG 59/04, 84/11, 81/13) https://www.zakon.hr/z/38/Zakon-o-medijima		**Electronic Media Act (OG 153/09, 84/11, 94/13, 136/13))** https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima	**Constitution** of the Republic of Croatia; Article 39 prohibits any call for or incitement to war or use of violence, to national, racial or religious hatred, or any form of intolerance **Protocol on Procedures in Hate**

						Crime Cases (April 2011) defines the obligations of the relevant authorities participating in discovering, processing and monitoring the results of processes carried out in hate crime cases
EL	Article 1 of Law 4285/2014 (amending Law 927/1979). Law 927/1979 Law 1419/1984 Law 3719/2008[40] Law 4139/2013 Law 4285/2014						Constitution: protection of freedom of expression
IT	**Criminal code, art 415** Law n. 205 of 1993, also known as the "Mancino Law"	**Civil Code, Article 1418**, Legislative Decrees 215 and 216 of July 9, 2003.					**Arts. 3, 21 of the Constitution** on freedom of speech
RO	**Criminal Code**, art. 369, 317, 368, 405	**Law no. 504/2002 of** National Audiovisual Council, art. 40 Law no. 489 of December 28, 2006, on religious freedom Civil Code- Article 70-77					Art. 30 of the **Constitution** on freedom of expression The Government Ordinance 137/2000 on preventing and sanctioning all and any forms of discrimination

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[40] http://users.uoa.gr/~ggeorgiades/3719-2008.pdf

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| UK | **The Malicious Communications Act, 1988 Section 1** http://www.legislation.gov.uk/ukpga/1988/27/contents

The Communications Act 2003, Section 127 http://www.legislation.gov.uk/ukpga/2003/21/contents

The Public Order Act (1986) (http://www.legislation.gov.uk/ukpga/1986/64/contents**)**

The Criminal Justice and Public Order Act 1994 **The** Racial and Religious Hatred Act 2006 **The** Criminal Justice and Immigration Act 2008 | yes | | **UK Independent Press Standards Organisation (IPSO) Editors Code** https://www.ipso.co.uk/editors-code-of-practice/#Discrimination

Newspapers' self-regulated codes of conduct for example: For example The Guardian Editorial Code https://www.theguardian.com/info/2015/aug/05/the-guardians-editorial-cod | | |

Table 2: Review of the criminal law framework to counteract hate speech

Country	Criminal law / Title of document / URL	Scope of application	Coverage of hate speech	Main provisions	Applicable sanctions
BG	**Criminal Code of Bulgaria** http://lex.bg/laws/ldoc/1589654529	Using the channels for mass information for discrimination and inciting hatred	Hate speech is the subject of art. 162, para. 1 and Art. 164, para. 1	„Whoever by means of words, in print or other mass media, electronic information systems or other means advocates of or incites to discrimination, violence or hatred based on race, nationality or ethnicity shall be punished by imprisonment and fine ..."	Imprisonment from 1 to 4 years and a fine of 5 to 10 thousand BGN; probation and public reprimand
CZ	Act No. 40/2009 Coll., the Criminal Code	All natural and legal persons.	Incitement to violence against people on the basis of their race, nationality, ethnicity, religious beliefs, lack of religious belief (atheism), or political views.	Violence against a group of people or an individual (Section 352).	Fine and up to 3 years' imprisonment if the crime is committed over the Internet.
		All natural and legal persons.	Defamation of people on the basis of their race, nationality, ethnicity, religious beliefs, lack of religious belief (atheism), or political views. Defamation over the Internet or on social media.	Defamation of a nation, race, ethnic group, or other group of people (Section 355).	Fine and up to 3 years' imprisonment if the crime is committed over the Internet.
		All natural and legal persons.	Incitement to hatred against people on the basis of their race, nationality, ethnicity, religious beliefs, lack of religious belief (atheism), or political views.	Incitement to hatred towards a group of people or promoting the limitation of their rights and freedoms (Section 356).	Fine and up to 3 years' imprisonment if the crime is committed over the Internet.

EL	**Article 1 of Law 4285/2014 (amending Law 927/1979).**	Public incitement to violence or hatred	Hate speech is defined as the public expression of racist or xenophobic speech with the purpose of inciting to, causing, instigating or inducing discriminatory acts or hatred and violence based on race, color, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability.	Explicit reference to the use of the Internet as a place where a criminal act of hate speech may take place (transposing Article 1(1) of the Framework Decision)	Depending on severity: imprisonment, three months to three years and fine EUR 5,000-20,000; imprisonment, min. six months and fine EUR 15,000-30,000; imprisonment, six months to three years and fine EUR 10,000-25,000; imprisonment, min. one year and fine EUR 25,000- 50,000
HR	Criminal Code (OG 125/11, 144/12, 56/15, 61/15) https://www.zakon.hr/z/98/Kazneni-zakon	This Act applies to everyone who commits a criminal offence in the territory of the Republic of Croatia	Hate crime is defined as a criminal offence motivated by race, colour, religion, nationality or ethnicity, or sexual orientation of the other individual. Such actions are considered an aggravating circumstance if a more severe penalty is not expressly proscribed by the Code. This definition contained in the Criminal Code is aligned with the Framework Decision of the Council of Europe on combating certain forms and expressions of racism and xenophobia by means of criminal law.	Public incitement to violence and hatred (Article 325) criminalizes public incitement to violence and hatred directed towards certain groups; provides a sentence for persons who use the press, radio, television, computer system or network, public gathering or other means to publicly incite or publicly make available flyers, images, or other materials that incite to violence or hatred directed against a group of persons or a member of the group because of their race, religion, nationality or ethnicity, origin, colour, gender, sexual orientation, gender identity, disability or any other characteristic; it provides a sentence for the organiser of the group inciting to violence or hatred and for persons participating in such	Article 324 provides a sentence to imprisonment of up to three years (6 months - 5 years for the organiser of the group); 325 provides a sentence to imprisonment of up to 3 years (6 months - 5 years for the organiser of the group; up to 1 year for participant in the group); Article 125 provides a sentence of imprisonment of up to 3 years

				a group; Article 125 Violation of equality; Article 324 Inciting riots	
	Offences against Public Order and Peace Act (OG 5/90, 30/90, 47/90, 29/94) https://www.zakon.hr/z/279/Zakon-o-prekr%C5%A1ajima-protiv-javnog-reda-i-mira	This Act applies to everyone who commits an offence that disturbs the peace, work or normal way of life of the citizens in an unpermitted manner, incites unrest, indisposition, or disturbance or disrupts free movement of citizens in the streets and other public areas, or disrupts the exercising of their rights and duties, insults moral, obstructs public authorities and officials in executing legal actions, endangers the general safety of people and property, insults public authorities, or otherwise disturbs public order and peace of the citizens	The Offences against Public Order and Peace Act prohibits disturbance of public order and peace by reproducing songs, compositions and texts, or wearing or displaying symbols, texts, images and drawings	Article 5, Paragraph 1 of the Act	Provides a fine in excess of 1,000 HRK or a sentence of imprisonment for up to 30 days.
IT	**Criminal code, art 415** Law n. 205 of 1993, also known as the "Mancino Law"		Stipulates as crime the "propagat[ion] of ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives"	Prohibits any organisation, association, movement or group whose aim is discrimination Article 3 provides for a general aggravating circumstance for all offences committed with the aim to	Article 3 allows the judge to increase the sentence imposed for a crime by up to half of the penalty if the crime was committed "with the purpose of discrimination or hatred based on ethnicity, nationality, race, or

				spread discrimination on racial, ethnic, national or religious ground or in order to help organisations with such purposes.	religion, or in order to facilitate the activity of organizations, associations, movements, or groups that have this purpose among their objectives".
RO	**Criminal Code**, Article 369	Refers to the offense of Incitement to hatred or discrimination	"The public incitement, by any means, to hatred or discrimination against a class of persons"	Article 317 of the Criminal Code criminalizes the incitement to discrimination, considering that incitement to hatred is a constitutive act of the incitement to discrimination.	Punished with imprisonment from 6 months to 3 years or with a fine
UK	**The Malicious Communications Act, 1988 Section 1 (MCA)** http://www.legislation.gov.uk/ukpga/1988/27/contents **The Communications Act 2003, Section 127 (CA)** http://www.legislation.gov.uk/ukpga/2003/21/contents		**MCA** stipulates as offence sending a letter with intent to cause distress or anxiety. In 2001 - amended to include 'electronic communication' as well as letter. Specifically it is an office to send a communication which conveys • a message which is indecent or grossly offensive • a threat; or • information which is false and known or believed to be false by the sender • if the purpose of the sender is to cause distress or anxiety to the recipient or intended recipient. **CA** covers very similar ground, the main difference being that it does not require any proof of the state of mind or intent of the sender.		

	The Public Order Act (1986) http://www.legislation.gov.uk/ukpga/1986/64/contents		This prohibits (Part 3) expressions of racial hatred, defined as "hatred against a group of persons by reason of the group's colour, race, nationality (including citizenship) or ethnic or national origins."	Section 18 of the Act makes it an offence for a person to use "threatening, abusive or insulting words or behavior, or to display any written material which is threatening, abusive or insulting, intending to stir up racial hatred, or where having regard to all the circumstances racial hatred is likely to be stirred up". Section 29B makes it an offence for a person to use "threatening words or behavior, or display any written material which is threatening, with the intention to stir up religious hatred."	Offences under Part 3 carry a maximum sentence of seven years imprisonment or a fine or both.
	Amendments to the Public Order Act **- The** Criminal Justice and Public Order Act 1994 **(CJP)** **- The** Racial and Religious Hatred Act 2006 (**RRH)** **- The** Criminal Justice and Immigration Act 2008 (**CJI**)		**CJP** inserted a new section 4A "prohibiting anyone from causing alarm or distress" **RRH** which added part 3A stating that "A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred." **CJI** amended Part 3A of the 1986 Act to include the offence of inciting hatred on the grounds of sexual orientation		The maximum penalty on conviction is 6 months imprisonment

Table 3: Review of the civil law framework related to hate speech

Country	Civil law / Title of document / URL	Scope of application	Coverage of hate speech	Main provisions	Applicable sanctions
BG	**Law on Protection from Discrimination** http://kzd-nondiscrimination.com/layout/images/stories/pdf/zakon_za_zashtita_ot_discriminacia_2012.pdf	Natural persons, legal entities and associations	No specific mention of hate speech	Article 1 This law regulates the protection against all forms of discrimination and promotes its prevention Article 4 Prohibition of any direct or indirect discrimination based on sex, race, nationality, ethnicity, human genome, nationality, origin, religion or belief, education, belief, political affiliation, personal or social status, disability, age, sexual orientation, marital status, property status or any other features established by law or international treaty to which the Republic of Bulgaria is a party.	Compensation based on filed complaint

Administrative proceeding according to the Civil Procedure Code; compensation for personal damages |
| | **Radio and Television Act** http://www.lex.bg/laws/ldoc/2134447616 | Print and online media, TV, radio | "Inadmissibility of broadcasts which incite to hatred on grounds of race, sex, religion or nationality". (art. 17, para. 2).

No requirement for media services providers not to use hate speech on the basis of sexual orientation. | According to Article 8, paragraph 1 "media services must not incite to hatred based on race, sex, religion or nationality". Under Article 10, paragraph 5 – "inadmissibility of broadcasts inciting to intolerance among citizens" and para.6, media service providers shall not allow "programmes which […] incite to intolerance among citizens or hatred on grounds of race, sex, religion or nationality". | Imposition of a fine; double the fine for a repeat offense |

				Article 17 paragraph 2 states that media service providers shall be accountable for the content of the media services and shall not allow "the creation or distribution of any broadcasts inciting to national, political, ethnic, religious or racial intolerance".	
CZ	Act No. 89/2012 Coll., the Civil Code		General personal protection without any specifically expressed association with hate speech.	Sections 81-83: protection of the principle of life, dignity, health, and the right to live in a favourable environment; respect, honour, privacy, and expression of personal individuality are also protected.	Apology and compensation for damage.
EL	The Code of Conduct for new and other journalistic and political broadcasts (Presidential Decree 77/2003, article 4),			Forbids the presentation of people in a discriminating way or the dissemination of racist, xenophobic or sexist messages and characterizations	
HR	**Anti-discrimination Act (OG 85/08, 112/12)** https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije	This Act applies to the actions of all national authorities, local and regional government authorities, legal entities with public authority, and to the actions of all legal and physical persons, in particular in the following areas: 1) Labour and employment conditions 2) Education, science and sport 3) Social security, including	The Act includes a total of 17 grounds for discrimination (prohibits discrimination on the grounds of race, ethnicity, colour, gender, language, religion, political or other conviction, national or social background, financial situation, trade union membership, education, social status, marital or family status, age, health, disability, genetic heritage, gender identity,	Liability for administrative offences and civil liability are provided; Chapter V of the Anti-Discrimination Act "Conduct Before Court" provides civil protection, and Chapter III of the Act, Article 11, provides the right of the victim of discrimination to compensation), while Chapter VI of the Act regulates sanctions for administrative offences.	The Anti-Discrimination Act provides liability for administrative offences for only two forms of discriminatory actions (forms of discrimination): for harassment (Article 25 of the Act) and for sexual harassment (Article 26 of the Act); both articles provide only fines, without the introduction of protective

		social welfare, pension and health insurance, and unemployment insurance 4) Health care 5) Judiciary and administration 6) Housing 7) Public information and the media 8) Access to goods and services and provision of goods and services 9) Membership and activity in trade unions, civil society organisations, political parties or any other organisation 10) Participation in cultural and artistic creation	expression or sexual orientation), whereas European legislation recognises only six grounds (race or ethnic origin, religion or belief, disability, age, gender or sexual orientation); since hate speech incites discrimination, it is punishable under this Act.		measures.
IT	Legislative Decrees 215 and 216 of July 9, 2003	- key legislative provisions enacted by the Italian Government in 2003 with the aim of implementing Directive 2000/43/EC on equal treatment between persons irrespective of racial or ethnic origin and Directive 2000/78/EC on equal treatment in employment and occupation			
	Civil Code, Article 1418	Provisions about discrimination, regulating these issues with regard to civil matters.		Stipulates that any contract containing any clause that directly or indirectly provokes racial discrimination is void, even if subscribed".	

RO	Law no. 4/2008 on the prevention and combating of violence during competitions and sports games	The law criminalizes the use of fascist, racist or xenophobic symbols in the sports arena, spreading or holding, for the purpose of spreading, also symbols in the sports arena ", as well and "promoting the cult of guilty persons of committing an offense against peace and mankind.		The incitement in public or through the media of acts of violence related to competition or sports played by club leaders, officials or athletes is a contravention	It is sanctioned by a fine from 3,000 lei to 10,000 lei.
	Law no. 504/2002 of Audiovisual. Art. 40		Prohibits the broadcast of programs containing any form of incitement to hate on grounds of race, religion, nationality, sex or sexual orientation.		
UK		Cases can be brought through the civil courts to seek accountability for cases where hate crime has been committed. If successful the plaintiff can be awarded compensation			

Table 4: Review of self-regulations to counteract hate speech

Country	Self-regulations / Title of document/ URL	Scope of application	Coverage of hate speech	Main provisions	Applicable sanctions
BG	**Ethical Code of the Bulgarian Journalists** http://ethicnet.uta.fi/bulgaria/ethical_code_of_the_bulgarian_media	Journalists materials, TV and radio broadcasts, media publications	No specific mention of hate speech; Restrictions and inadmissibility of material inciting hatred and any form of discrimination	**2.5 Discrimination** 2.5.1 We respect everyone's right to live in safety and security, and we shall avoid publishing material that incites or encourages hatred, violence or any form of discrimination 2.5.2 We shall not refer to a person's race, colour, religion, ethnic background, sexual orientation, mental or physical condition, unless it is of importance to the meaning of the story. 2.6.5 We shall be careful not to be used as a platform by those who promote, incite or use violence; we shall report on their activities with due constraint and only if there is a clear public interest.	Statements on cases of violation of the Code, hearings, filing reports to the Council on Electronic Media or the prosecution where necessary
	Ethical Code of the Bulgarian Media Union http://bmu.bg/bg/code-of-conduct			Art 1.13. The media are required to respect the right of every individual to live in a safe and secure environment by committing not to publish materials that incite hatred, violence and / or any form of discrimination. The media should refrain from publishing details about race, skin color, religion, gender or sexual orientation or about any other	

				physical or mental features, disabilities or illnesses if these facts are not material and irrelevant to the meaning Of the information	
CZ	Act No. 231/2001 Coll., on Radio and Television Broadcasting and Amending Certain Other Acts	Radio and television broadcast operators.	Protection of individuals and groups on the basis of gender, race, skin colour, language, belief and religion, political or other opinion, national or social origin, allegiance with a national or ethnic minority, property, family origin, or any other status.	Section 32 (1)(c) imposes the obligation to ensure that broadcast programmes do not incite hatred on the basis of gender, race, skin colour, language, belief and religion, political or other opinion, national or social origin, allegiance with a national or ethnic minority, property, family origin, or any other status.	If the broadcast operator does not meet this obligation, the Council for Radio and Television Broadcasting (RRTV) may impose a fine of between CZK 20,000 and 1 million; if the breach is committed repeatedly, RRTV may rule to not extend the operator's broadcasting licence in accordance with Section 12 (12)(b).
HR	**Electronic Media Act (OG 153/09, 84/11, 94/13, 136/13))** https://www.zakon.hr/z/196/Zakon-o-elektroni%C4%8Dkim-medijima **Media Act** (OG 59/04, 84/11, 81/13) https://www.zakon.hr/z/38/Zakon-o-medijima		Article 3, Paragraph 4 of the **Media Act** expressly prohibits transmission of programme contents in the media which incite or glorify ethnic, racial, religious, gender or other inequality or inequality on the basis of sexual orientation, as well as ideological and state creations on the basis of such foundations, provoke ethnic, racial, religious, gender or other animosity or intolerance, animosity or intolerance on the basis of sexual orientation, incite to violence and war.		

IT	**Italian National Press Federation CHARTER OF ROME** *CODE OF CONDUCT REGARDING ASYLUM SEEKERS, REFUGEES, VICTIMS OF TRAFFICKING AND MIGRANTS*	The Code of Conduct is a Protocol of the Journalist's Charter of Duties, explicitly cited at the art. 7 about Duties towards foreigners. It includes also a specific Glossary of the following terms, that journalists should use in writing articles: asylum seeker, refugee, beneficiary of humanitarian protection, victim of trafficking, migrant/immigrant, irregular migrant	No specific mention of hate speech. It is in form of an invitation to Italian journalists to: exercise the highest care in dealing with information regarding asylum seekers, refugees, victims of trafficking and migrants living in Italy and elsewhere	Adoption of an appropriate terminology which reflects national and international law. Avoiding of spreading inaccurate, simplified or distorted information as regards asylum seekers, refugees, victims of trafficking and migrants Safeguard of those asylum seekers, refugees, victims of trafficking and migrants who choose to speak with the media by adopting solutions as regards their identity and image so as to ensure that they are not identifiable	Disciplinary sanctions on cases of violation of the code, as provided by the law governing the journalists' association (Law n. 69/1963 and Law 198/2016 e al Decree 67/2017, art. 8 of the Decree - DPR 137/2012 and the decree DM 21 February 2014).
	Declaration of the rights in Internet, written by the Committee for the rights and duties on Internet, established by the Italian Chamber of Deputies	It aims at fully recognising each personal right of freedom, equality, dignity and diversity. By guaranteeing these rights the public authorities and institutions ensure their democratic functioning, avoiding that public and private *powers* prevail, as well as the establishing of a society of surveillance, control and social selection.	Art. 13 – Safety in Internet, states that limits to freedom of thought are not admitted and must be ensured the safeguard of persons dignity from abuses related to hateful incitement, discrimination and violence.		

	Jo Cox Committee of the Chamber of Deputies on intolerance, xenophobia, racism and hate phenomena established on the 10th of May 2016 by the President of the Chamber of Deputies	First Committee established at European level by National Parliamentarians to implement the recommendations of the CoE on promoting "Alliances against hate" such as a network of parliamentarians and citizens committed to	The Jo Cox Committee of the Chamber of Deputies can recommend a number of actions to prevent and counter hate speech. The recommendations, which are consistent with the goals of the fact-finding inquiry, call for a series of regulatory interventions and the adoption of public policies, touching	Horizontal actions, Improve data collection and knowledge of phenomena, Regulatory actions, Political and institutional initiatives, Cultural and educational initiatives.	
UK	**UK Independent Press Standards Organisation (IPSO) Editors Code** https://www.ipso.co.uk/editors-code-of-practice/#Discrimination **Newspapers' self-regulated codes of conduct** for example: For example The Guardian Editorial Code https://www.theguardian.com/info/2015/aug/05/the-guardians-editorial-cod	Code of conduct; however it is not supported by all newspapers, and its rulings in this area have been criticised by the European Commission against Racism and Intolerance on the grounds that they are themselves discriminatory and prejudicial to Muslims		The press must avoid prejudicial or pejorative reference to an individual's, race, colour, religion, sex, gender identity, sexual orientation or to any physical or mental illness or disability." (Article 12)	

The overview of the national legislative frameworks shows that the necessary provisions aimed at reducing and counteracting hate speech and hate speech on the internet are in place in most of the project countries. However, key issues identified by the national experts relate to the implementation of these acts and the more active involvement in the process of law enforcement and public bodies, in order to target appropriately the most severe forms of hate speech and hate crime, including online crime. Furthermore, there are not many data on the application of the legal sanctions which hinders the analysis of the effectiveness of regulations and the cooperation between the responsible authorities in the different countries. Most importantly, further concerted efforts are needed to raise awareness of the means of reporting incidents, in order to reduce the levels of hate speech and to send a clear message to the perpetrators and to society that acts of racism and xenophobia will not be tolerated. The laws regarding online hate speech are also many and can be confusing and diffuse. There is an argument for bringing existing laws together, specifically as they relate to online hate crime – as suggested in the House of Common report. The Guidelines of the Crime Prosecution Service (see UK report) go some way towards providing that synthesis for UK law.

But legislation alone cannot help to tackle a problem of the scope and scale of hate speech, and even less, of online hate speech. This is particularly true today with the proliferation of fake news which requires more efforts and better skills to navigate the myriad of information channels. The commitment of Facebook, Twitter, YouTube and Microsoft to work with the European Commission on combating the spread of online hate speech in Europe is commendable and should be taken further. The importance of this was underlined in the House of Commons report, which focused in particular on the failures of the major online platforms and the need for them to be more accountable for the content they publish.

Taking into account the body of empirical evidence from the seven countries covered by this study, as well as the analysis of national and EU-level documents, the following main conclusions and recommendations can be made. There is need to develop comprehensive national strategies and policies to combat racism, xenophobia, hate speech and online hate speech. The development and implementation of such strategies should bring together relevant stakeholders, state and non-state actors in society. Furthermore, political parties and other institutions as well as the media have to take a firmer stance against hate speech and online hate speech with codes of conduct and self-regulatory mechanisms that are strict and with sanctions that are consistently applied in practice. Such policy and strategic documents should correlate at national level with strategies of migrants and refugee integration, following a holistic approach and ensuring the allocation of sufficient resources for implementation.

4. STATISTICS AND TRENDS RELATED TO ONLINE HATE SPEECH

The seven countries covered by this report have different levels of available statistical information regarding hate crime and hate speech, including online hate speech. Regarding hate crime, at one end of the spectrum is the UK producing – according to Carl Miller of DEMOS – 6% of the data collected on hate crime across the world. At the other end are Bulgaria and Croatia with limited systematic statistical information.

Regarding specific data on online hate speech however, all participating countries share the same challenge: it is difficult to identify and access. There are several major reasons for that:

- there is scarce literature available on online hate crime;
- the need of conceptual clarifications (for instance the point at which offensive speech becomes hate speech);
- the exact scope of online hate is still unknown;
- there is under-reporting caused by fear, neglect, insufficient clarity of what constitutes cyber hate, etc.;
- difficulties in proving online hate speech authorship and ill intent;
- problematic law enforcement due to lack of specialized training for officers.

The available research and studies are qualitative and relatively limited. Moreover, it is less likely for national public authorities to collect, publish and analyze online hate speech data. Most of such work is conducted by NGOs, sometimes academia, including European networks and consortia. The UK Home Office Statistical Bulletins stands out as a good example. The work of intergovernmental bodies such as Council of Europe's European Commission on Racism and Intolerance (ECRI) and their periodic country reports is a valuable and reliable resource for all project partner countries.

The research available is indicative of certain trends and tendencies over the last few years, focusing on the period from 2013 onwards, though not comprehensive enough to provide rigorous information.

There are several major areas of **CORRELATIONS** regarding online hate speech incidence, outlined below:

Internet access and use, social media, and online hate speech frequency

The increase of online hate speech is linked with the increase of broadband connection, affordability of internet access and more frequent internet and social media use. The European Digital Scoreboard statistics show that between 2014 and 2016 the households with broadband

connection increased by 4% at the average to reach 83%. This ratio is highest in UK – 92% and lowest in Bulgaria with 63%, however Bulgaria and Croatia demonstrate fastest growth – 7% and 9% respectively. There is a sizeable increase in the number of regular internet users, highest in Romania (10%). Thus in 2016 between 56.3% (Romania) and 92.9% (UK) of the population of the seven countries are regular internet users. At the average 51.7% of the European population participate in social networks – an increase of 6% for 2 years. The amount of time spent online is also rising – for instance in UK children aged 12-15 spent 12% more time in the internet in 2016 compared with 2015. The new online channels provide both spaces and anonymity for the publication of viewpoints that can be hateful. The internet facilitates the appearance of voices that are often excluded from traditional media outlets and platforms. This correlation between internet use and hateful online content appears to be strongest in deeply divided societies (this point will be further explained later).

Migrant and refugee arrivals and online hate speech

The online hate speech phenomenon is related to the influx of migrants and refugees. The migrant flow has resulted in significant changes in the demographic structure of certain countries. "The composition of the population can no longer be studied without taking into account the migratory dynamics since migration is not a sporadic occurrence but the rule itself" (Italy). "The hate speech phenomenon was little known in 2012 and 2013. The real awareness in Italy happened in 2014."[41] The so-called refugee crisis peaked in 2015. What began as a moral and humanitarian drama turned into a political one as Europe seemed to lose control of its borders. The refugee crisis peak seems to contribute to the growth of production and distribution of online content. Additional factors to foster online hate speech related to the high number of refugees include the introduction of European quotas for migrant settlement (Romania), house allocation and job hiring of refugees seen as unfair if given precedents over local population (Italy).

Following the peak of refugee arrivals, in some countries there is a trend of slight decrease of online speech incidence (Greece, Italy). It remains to be studied further whether this dynamic is justified by the number of refugees, the online hate speech regulation and law enforcement, the public campaigns combating online hate speech or something else.

In other cases such as Czech Republic (since 2015) and UK an increase in hate crimes year on year is noted (comparison between 2013/14, 2014/15 and 2015/16). However, the reasons for that are quite different. The UK process is "partly due to improved compliance with the National Crime Recording Standard by the police which has led to improved recording of crime and partly due to a greater awareness of hate crime on the part of the police, the improved willingness of

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[41] Italian country report, http://www.positivemessengers.net/en/library.html

victims to come forward to report hate crime."[42] The Czech case is explained with growing radicalizing trends in 2016.

Sharp increases in online hate speech linked to a specific recent national or international incident

National country reports from all countries point out a series of national incidents that resulted in spikes in hate speech. Events vary from ordinances adopted in several municipalities to prohibit the veiling of Muslim women in public places (Bulgaria) to the pending trial for islamophobia against the writer-historian Soti Triantafyllou in Greece. Apart from the national incidents international ones like the Brussels attack in March 2016, Orlando night club attack in June 2016, terrorist attack in Nice in July 2016, or Berlin attack in December 2016 also trigger a wave of hateful online content.

Economic situation and online hate speech

Some of the project countries declare and demonstrate a connection between economic and financial hardships and the online hate speech. The long-running economic crisis in Greece and Italy have created deep dissatisfaction and declining living standards. According to Istat the share of Italian families in poverty rose from 23.4 to 28.3% in 2015. The lasting economic difficulties also contribute to decreased tolerance towards non-community citizens, and a boom of populist rhetoric. Migrants and refugees are seen as "privileged" by the national and the European institutions.

Socio-political context and online hate speech

The frequency and impact of online hate speech are context dependent. In some of the project countries there are historical and social currents, resulting in structural inequalities that persist today and speech that attacks marginalized groups. Most often the targets are the Roma populations (Romania, Bulgaria, Czech Republic, Croatia), other ethnic (and religious) minorities (Serbs in Croatia), LGBT. At certain moments the hate speech toward migrants and refugees overshadows these "traditional" targets, while at other times they come to the fore. However, research[43] shows that increased hate against one particular group leads to increased hostility to other groups. Since ethnicity and religion are a vehicle for political mobilization, this type of online hate speech is particularly frequent in pre-election campaigns (Romania 2016, 2017; Bulgaria 2016).

More generally speaking, all countries are facing the challenge of "normalization" of anti-immigrant and anti-refugee attitudes since they have become in the recent years a shared political

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[42] UK national report, http://www.positivemessengers.net/images/library/pdfs/OHS-report-UK-fn-form.pdf
[43] HateFree: Jak se mluvi o Romech na českém internet, 2016

Coalition of Positive Messengers to Counter Online Hate Speech - JUST/2015/PRAC/AG/BEST/8931

POSITIVE MESSENGERS

This project is co-funded by the
RIGHTS, EQUALITY AND
CITIZENSHIP/JUSTICE PROGRAMME
of the European Union

trend. Right-wing politicians and whole political projects base their platforms on them. Prominent public figures (such as Greek Orthodox Church representatives, or a Bulgarian MEP, or the Czech President, or traditional electronic media journalists) produce hateful content under the guise of "news" or freedom of political expression support the acceptance and mainstreaming of this type of discourse.

Online hate speech and press freedom

The project countries rank between 40th (UK) and 108th (Bulgaria) in the World Press Freedom Index 2017. The less press freedom, the more journalists feel pressured by politicians, the media is politicized, editorial policies are subordinated to owner interests and the media transforms into political propaganda, including online hate speech. Most country reports point out that the media contributes to spreading xenophobia. Some country reports show that their media self-regulation through the adoption of codes of conduct and imposition of sanctions is not effective (Croatia, Bulgaria, Romania, UK). The typical drawbacks are small and insufficient sanctions (such as a "warning" or a "letter of notice" in Croatia), lack of clarity if media outlets are responsible for the published online comments of their materials. While most of the countries seem to be waiting for a common European solution to the problem, some are trying to deal with it directly. The Czech Republic media either hire employees exclusively to moderate posted contributions, or radically limit discussions by sending comments to the editorial desk first, imposing time limits on discussions and requiring contributors to register with their real name and Facebook account.

Apart from some common correlations, the seven project countries demonstrate significant **DIFFERENCES** in two main areas:

National trends in reporting and sanctioning online hate speech

Due to the lack of comparable and reliable regular statistical information it is difficult to compare and analyze reporting on online hate speech occurrences in the seven countries. In the UK for one year (2015/16) 62,518 hate crimes were recorded by the police. In 2015 in Italy 555 hate speech crimes were recorded by the police. In 2015 in Croatia the police recorded only 24 criminal offences related to hate crime. In Bulgaria for the entire period January 2008 – September 2013 only 55 cases were reported and pre-trialed. These significant differences cannot be taken as indicative of the public perceptions regarding migrants and minorities or the frequency of online hate speech incidence in the respective societies. They result from different levels of legislative provisions, online (self)regulation, law-enforcement capacity, police awareness, public trust in the institutions and rule of law, as well as societal attitudes towards hate crime.

Regulative developments

Some countries have witnessed quite a lot of regulative developments over the last few years. Greece for instance established Police Service for Racial Violence (2012), Cyber Crime Police Unit (2014), National Council against Racism and Intolerance (2015). In Italy an Observatory for security against discriminatory acts was established (2010). Though some of these structures are too recent to prove their impact, other examples such as the UK Home Office Counting Rules for Recorded Crime with effect from April 2017 lead to improved compliance and greater awareness of hate crime. A number of reports show deficiencies in legal framework, self-regulation, law enforcement or information flow suggesting that regulative developments are necessary to effectively combat online hate speech.

5. SOCIETAL RESPONSES

Hate speech is a threat to democracy and social cohesion. Greater awareness of hate speech and hate crimes, increased visibility of refugees and migrants, growing numbers of hate-based incidents and terrorist attacks have resulted in various non-legal societal responses. Countering racism, xenophobia and hate speech has become a distinct object of collective mobilization of civil society in the recent years. In half of the project countries the public authorities are active stakeholders, initiating and implementing projects and campaigns, developing with broad participation relevant public policies.

However, in a number of countries civic activists, politicians, public figures, organizations and institutions that defend human rights and multiculturalism, conduct integration policies or provide support to victims of hate crimes also become targets of hate speech. The four new EU member states – Bulgaria, Croatia, Czech Republic, Italy and Romania – share this challenge of victimizing activists by anti-democratic propaganda. The key talking points are the decline of Europe, identifying activists as foreign agents, "sorosoids" and "tolerasts"[44], contributing to "Gypsization" and de-nationalization of the respective state.

Societal responses fall into several categories:

Monitoring, reporting, research and analysis

Monitoring online hate speech contributes to publicizing and exposing hate speech, undertaking after-the-fact independent analyses, awareness building, referring instances of hate speech onwards to appropriate authorities, providing a reliable and easy service allowing citizens to report verbal forms of abuse. Most often the implementing bodies are human rights NGOs or

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[44] Noelogisms coined by the anti-democratic propaganda in Eastern Europe to undermine civil society and stigmatize it as vassal to Soros and hyper tolerant to the extent of perversion (a pun of tolerance and pederasty).

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minority/community organizations. Examples include Stop Hate UK, TellMAMA UK, the Croatian platform dostajemrznje.org, Racist Crime Watch (Greece), Associazione Studi giuridici sull'Immigrazione (Italy). Less common examples include professional organizations as stakeholders, such as the Association of Chief Police Officers (UK) and the True Vision website to report illegal anti-Muslim hate speech online. Another good example from UK is the Hate Crime Reduction Strategy of the Mayor's Office for Policing and Crime, developed with participation of other institutions and community organizations in London, aiming to boost confidence in reporting hate crime and ensure cooperation.

Education, training and digital citizenship

Education is key to preventing online hate speech. All countries report efforts to combat online hate speech through education. These include human rights education, safe internet education, media and information literacy, development of critical skills to counteract online hate speech. Examples include Student Solidarity Movement (Czech Republic), Bulgarian Safer Internet Centre, Agency for Electronic Media (Croatia), Teachers4Europe Ambassadors (Greece), the Ministry of Education National Plan to prevent the bullying and the cyber bullying at school 2016-2017 (Italy). Some trainings have very specific audiences such as training for bloggers against hate speech (Open Society Institute – Bulgaria), others are open to the general public. Important aspects of educational activities are capacity building education and training for the judiciary and law enforcement officers – for instance the training for judges and attorneys offered by the Centre for Peace, Nonviolence and Human Rights – Osijek in collaboration with the Judicial Academy of the Ministry of Justice of the Republic of Croatia. Web solutions and mobile apps increasingly empower citizens to report and respond to online hate speech.

Counter narratives

There are some examples of focusing on the content of hate speech and countering it with counter or alternative narratives – a process of exposing hate speech for its dishonest, false and hurtful content, setting the record straight, promoting the values of respect and diversity and producing positive online content that affirms people and communicates respect for diversity. Good examples are the UnBulgarian project of the Free Speech International Foundation and Multi Kulti Collective countering online hate with images and life stories of non-Bulgarians who live there; Reporteen.bg platform with its annual competition for 13-19 year-olds to produce videos on human rights topics and #socialwhale campaign on facebook (Italy) posting of positive messages, images and photos to counteract the negative ones connected to the Blue whale and then awarding every day the best message posted. Counter-speech is one of the methods of the No Hate Speech Movement of the Council of Europe and its member states, discussed in more detail in the section below.

Awareness raising and advocacy

Probably most widespread are the awareness raising and advocacy campaigns. Most often they focus on addressing the causes and general motivations of hate speech, combating hate speech through human rights education and awareness raising. They also focus on the medium of hate speech, for example, removing or reporting hateful content. Finally, they engage the subject/sender of hate speech, for example, by starting judicial actions or discrediting anonymity.

Campaigns are often co-managed by public authorities, mobilizing national partners to prevent and counter cyber hate. By far the most well-known and efficient has been the Council of Europe's No Hate Speech Movement campaign, in which national governments set up national campaign committees operate their own national campaign platforms and online tools in the national language(s).

Two less traditional and very efficient campaigns tools are shared: the Art Says No Hate public space graffiti artworks in Sofia, Bulgaria; and the social experiments in Prague.

Support to targets and victims

Numerous NGOs, civic groups and spontaneous initiatives self-organized via social media provide support and services to the victims of hate crime, including online hate speech. Support has many forms: humanitarian aid, assistance with administrative procedures, legal advice, skills development, access to health care and education, etc. This line of work also includes community organizing and grassroots actions, rights-based advocacy by bringing together migrants and refugees with think tanks, faith groups, public sector representatives. Examples include UK's Migrant Resource Centre, Migrants' Rights Network, Helping People on the Run and In Iustitia (Czech Republic).

Intermediaries' responses and business initiatives

Regulations of private companies are not a result of public democratic decisions. The most widely used online social media platforms, such as Twitter, Facebook, Instagram, Reddit and YouTube, are companies based in the United States of America whose norms and traditions on freedom of expression may result in weak hate speech regulation. The Code of Conduct on illegal hate speech online between the European Union and the four major companies, agreed in May 2016, has resulted in increased reporting and removal of hateful content. The initial results showed that 28 per cent of all notifications of alleged illegal hate speech led to the removal of the flagged content. However, "social media companies rely on their users to report extremist and hateful content for review by moderators. They are, in effect, outsourcing the vast bulk of their

safeguarding responsibilities at zero expense. We believe that it is unacceptable that social media companies are not taking greater responsibility for identifying illegal content themselves."[45]

The Czech national report points out good examples of corporate actions to counter hate speech. Several Czech companies (including Česká spořitelna, T-mobile, Vodafone) made individual decisions not to place their online advertisements on websites that contain hate and promote discrimination. There was a similar campaign in UK – Stop Funding Hate.

The Czech Republic report demonstrates that the hateful reaction to migrant and refugee friendly bodies and individuals on the part of radicalized population strata is also valid for socially responsible companies providing help to refugees. Companies like Hamé, which offered to help by employing ten Syrian families, faced boycotts and threats.

European projects

Many European projects are described in the national reports as developing new skills, capacities, tools and partnerships to prevent and combat online hate speech. Notable projects include C.O.N.T.A.C.T. (Creating an Online Network, monitoring Team and phone App to Counter hate crime Tactics), RADAR: Regulating Anti-Discrimination and Anti-Racism, BRICkS project, Balkans Without Hate project, LightOn, MANDOLA (Monitoring and Detecting OnLine Hate Speech).

One interesting observation based on all project country reports is that most of the visible and efficient projects combating or preventing online hate speech in Central and Eastern Europe are implemented with the financial support of the European Economic Space Fund and the Kingdom of Norway for civil society organizations (EEA grants). This is the case for Bulgaria, Croatia, Czech Republic, Greece, Romania, including many of the identified good practices. The natural conclusion is that the EEA grants program priorities are relevant for the recipient countries, while there must be other advantages that need to be studied further.

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[45] House of Commons (2017), Home Affairs Committee *Hate crime, abuse, hate and extremism online* Fourteenth Report of Session 2016-17, p. 11, paragraph 31

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This project is co-funded by the
RIGHTS, EQUALITY AND
CITIZENSHIP/JUSTICE PROGRAMME
of the European Union

RECOMMENDATIONS

- **Improving legislative framework.** Though project countries differ in their current legal provisions and efficiency to deal with online hate speech, they share some pressing legal issues. Determining legal liability for hate speech online is not only complicated from a jurisdictional perspective. Technological considerations also cause a number of complications in practice. Potentially, a multiplicity of different actors could be involved in the creation and dissemination of hateful content: creating or sourcing it; publishing it; developing it; hosting it or otherwise facilitating its dissemination, accessibility or retrievability.

- **Law enforcement and zero tolerance toward hate crimes.** Episodic or unsuccessful prosecutions have little deterrence value as they give rise to claims that relevant laws are paper tigers or toothless bulldogs.

- This is also a matter of **capacity of law enforcement bodies and the judiciary**. This covers ongoing qualification and training, as well as adequate staff policy. In certain cases increased capacity would involve the establishment of specialized units.

- **Self- and co-regulatory mechanisms and processes governing Internet Service Providers** (ISP) **or content providers**. ISPs' terms of service/use contracts, community guidelines and notice-and-take-down policies need to be more detailed and/or stringent as regards hate speech allowing quicker and easier removal of hateful content.

- Developing mechanisms for collecting **reliable up-to-date data**. Data helps understand the scale of the problem and facilitates informed policies. The necessary resources, including financial, need to be provided for data collection and national monitoring of hate speech instances.

- **Media self-regulation**. In recent years, due mainly to the advent and relentless growth of the internet, the media has been undergoing profound changes; they are generally becoming increasingly instantaneous, international and interactive. However, media should not try to secure increased readership by tolerating or facilitating uncontrolled proliferation of discriminatory and hate-based content. Media can contribute greatly to promoting the values of diversity and equality.

- **Civil society support.** SCOs have been champions of combating (online) hate speech. They need to receive adequate local and national support, and not rely solely on foreign donors.

- **National authorities need to bring the issue to the core of policy debate.** National governments may need to develop comprehensive strategy to combat racism and intolerance, and be proactive in initiating, implementing, monitoring and funding hate crime prevention and countering.

- **Formal and informal education**. Education in key to changing attitudes and developing skills and information literacy. A main target group must be young people and children yet to become set in their social and cultural attitudes.

- **Engineering technological solutions**. Although creating technological solutions to online hate crimes is difficult and their implementation is challenging, auto-blockers and machine learning tools, improving platform designs, easier reporting through apps, etc. need to be encouraged. Technology will be central to the solution as it is to the problem.

- **Social media transformative potential**. Whilst crime in general has been falling, hate crime has gone in the other direction. Social media is driving the rise of hate speech but it can also stop it. Social media users need to promote – through counter narratives, turning hateful content into a quality issue, etc. – the human rights and diversity values and greater recognition of hate crime. Thus our societies will become more resilient to it.

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Appendix 1: Good Practices

SELF EVIDENT (SMARTPHONE APP)

LOCATION London UK	**MAIN PARTNERS** Just Evidence, a social enterprise, via the Witness Confident website and service	**TIMESCALE** V1 launched 2013. V2 launched October 2015 - present	**FURTHER INFORMATION** https://www. witnessconfident.org/

Self Evident is a free app that records, validates and secures evidence. Designed primarily as a crime-reporting app, it also lets you file a report for work, notify an adviser or business of a claim, send the media a news story or just secure the evidence in your private account. Enhancements brought by the Mayor of London improve accessibility for users and offer improved support for victims of hate crime.

Description:

With 14,631 hate crimes recorded in London last year, the Crime Survey for England and Wales suggests that up to 52% of hate crime goes unreported. The Mayor's Hate Crime Strategy, published in 2014, aims to make it easier to report hate crimes and there has already been a 30% increase in reporting in London in the last year.

The new app, which is free to download and available on both Apple and android platforms, builds on the existing Self Evident crime reporting app from social enterprise Just Evidence. It enables victims to immediately report an incident, with the information going directly to the Police via a secure server. Users can also upload photographic and video material as part of their report, providing the option to submit a verbal statement or footage of the incident.

It is aimed at the public at large – anyone who can fall victim to hate crime, or would like to have a tool to report hate crime. Available in English, Danish, French, German, Japanese, Portuguese, Simplified Chinese, Spanish, Traditional Chinese.

The majority of police forces in England & Wales follow the advice of the Home Office and the Association of Chief Police Officers and handle Self Evident crime reports in their HQ. This service also allows you to provide confidential feedback about the service you have received from the police.

Results:

App website reports 20,000 users. When welcoming the app as mayor, Boris Johnson said it "*will help increase reporting even further, boosting confidence, reducing repeat offences and helping victims get the support they need*" and new mayor Sadiq Khan continues to back the app.

Potential:

This is a good example of policymakers, authorities, and community groups collaborating to produce an easy-to-use product for the public at large to increase public engagement in reporting hate crime. The project has vast support: funding from the police force, backing from the Mayor of London, it is linked to the police and to the media. It is also a powerful tool to empower individuals and communities.

CROWN PROSECUTION SERVICE - SCHOOLS PROJECT - RACIST AND RELIGIOUS HATE CRIME

LOCATION	MAIN PARTNERS	TIMESCALE	FURTHER INFORMATION
London UK	North West Crown Prosecution Service (CPS)	2012-present	http://www.cps.gov.uk/about/ schools_and_young_people.html

Free resource packs for schools to help teachers explore issues about hate crime and bullying with young people.

Description:

CPS North West developed free resource packs for schools to help teachers explore issues about hate crime and bullying with young people. They worked with young people and with partners from the education, criminal justice and voluntary sectors to develop these resources. Each pack contains a DVD with scenarios based on real-life incidents in which young people have experienced bullying or hate crime because of their identity. They also include lesson plans with classroom activities which guide understanding and awareness of hate crime and support the national curriculum.

CPS, National Union of Teachers and the Anthony Walker Foundation have worked together to produce the resource pack and pupils from schools in the North West acted out, and helped to devise, the dramatised scenarios of racist and religious incidents included in the presentation. They provide starting points for discussion and are based on real life experiences of the young people who took part in the project.

Classroom activities and guidance for teachers are also available in PDF format which are designed to increase pupils' understanding of hate crime and prejudice and enable them to explore ways of challenging it.

The resource packs are available for free download. This set of resources can be used by teachers to explore the issue of Racist and Religious Hate Crime. Equivalent packs are available for disability hate crime, and LGBT hate crime. The hate crime website, Report It http://www.report-it.org.uk/home lists these CPS resources as examples of good practice.

Results:

The packs are endorsed by the CPS, the National Union of Teachers, and the Anthony Walker Foundation with the intention of wide distribution among schools.

> *" Our aim has been to provide a resource which will help schools to promote understanding of what racist and religious hate crimes are, develop pupils' understanding of the effects of racist behaviour and anti-religious prejudice and bullying, and enhance commitment to preventing it. The CPS exists to ensure that victims of crime obtain justice through the courts, that they are supported and assisted, and that people feel safer in their communities. "*

Potential:

This is an excellent case of national organisations collaborating with schools and young people, to both build awareness and promote collaboration with the authorities leading to better reporting and community safety.

The CPS identified its needs (community engagement leading to receiving better support from the public); worked together with national educational bodies (such as the NUT); they developed a comprehensive overview of different types of hate crime covering aspects such as the law, real life situational stories, victims' witness statement, taking action. The materials are squarely aimed at use in classrooms, with information sheets, worksheets, lesson plans, resources (including videos), guidance for teachers, useful websites, cut-out-and-keep cards with emergency telephone numbers for pupils to keep, and the acknowledgement of partners organisations thereby increasing their profiles.

TRAINING COURSE ON HATE CRIME AND HATE SPEECH FOR JUDICIAL OFFICIALS

LOCATION	**MAIN PARTNERS**	**TIMESCALE**	**FURTHER INFORMATION**
Osijek, Đurđevac, Vukovar, Croatia	Centre for Peace, Nonviolence and Human Rights – Osijek in collaboration with Judicial Academy of the Ministry of Justice of the Republic of Croatia, State Attorney's Office of the Republic of Croatia	2015 and 2016	www.centar-za-mir.hr

Awareness raising and capacity building trainings for prosecutors and judges on hate crimes and hate speech.

Description:

In an environment such as that of Vukovar and its surroundings, where consequences of war and destruction can still be felt today, it is very important to encourage hate speech prevention and prompt and efficient reaction when facing instances. It is particularly important to work with judicial officials and provide them with tools necessary for handling cases of hate speech and hate crime, which will enable recognition of certain behavioural patterns as well as enhance judicial practice and prevention.

Educating judicial officials (judges and state attorneys) of the Osijek-Baranja and Vukovar-Srijem Counties was dedicated to methods for recognising hate speech, encouragement of hate speech prevention and to the established judiciary practice. When acquainting the judiciary with the court practice, it was important to use not only local courts but also the practice of the European Court of Human Rights regarding hate speech, thus providing broader judicial context and standard.

Results:

30 judges and state attorneys were granted training directly and more than 70 indirectly (from Osijek and Vukovar). Thus the capacity of the judiciary was increased leading to both increase in prosecuted cases and in reported ones as well, based on the increased public trust.

Potential:

The awareness and capacity building for the prosecutors and judges is an important component of the holistic societal response to hate crimes and hate speech. Sound judicial response and unified practice is key to the credibility of no hate speech policy. This is of particular importance of societies with recent war or terrorist attack memories. It is important to use not only the national but also the European practice such as the practice of the European Court of Human Rights.
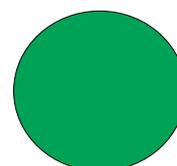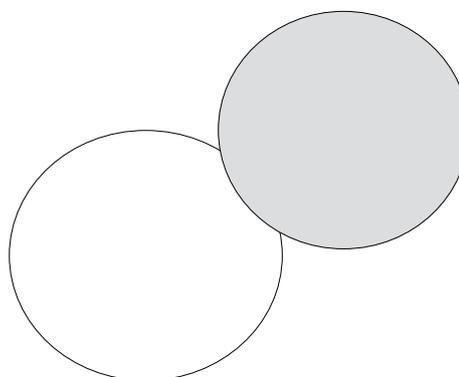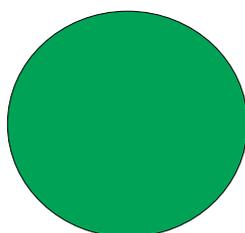
CHILDREN, PARENTS AND TEACHERS AGAINST HATE SPEECH

LOCATION	MAIN PARTNERS	TIMESCALE	FURTHER INFORMATION
Sofia, Bulgaria	Bulgarian Safer Internet Center	2012 – 2014	https://safenet.bg/bg/iniciativi

Hate speech education and awareness raising in primary schools, including enhancing the teachers' skills to present interactive learning content; enhancing the cultural and social skills of the children; inclusion of parents in school and community life.

Description:

Methodological and teaching resources on hate speech for pupils in 1-4 grades. The package includes a teacher's guide with 10 lesson plans, developed by a team of primary school teachers, as well as interactive workbooks for the pupils.

The thematic modules present the subject matter in an interesting and engaging way, which helps the children not only to gain knoweldge but also to develop skills for open and tolerant communication with the others. The themes are developed as interactive sessions that give children the opportunity to participate in discussions, create pictures and sketches to understand better the material through their everyday experiences. In this way they also gain a better understanding of the various manifestations of hate speech on the Internet.

Results:

The methodology of "Children, Parents and Teachers against Hate Speech" has been piloted in more than 10 different schools. Its benefits are felt immediately in schools with ethnically and religiously mixed students, with broader and long-term effects of responsible citizenship.

Potential:

The resource materials include a three-step methodology for working with children and parents to prevent hate speech and discrimination by developing the cultural and social skills of the pupils. The three steps include on-the-job training through interactive presentation of the content, homework in partnership with the parents and organization of a school event for children, teachers and parents. The materials include both a methodical tool for the teacher and an interactive notebook so the children can also work on the Internet.
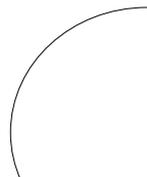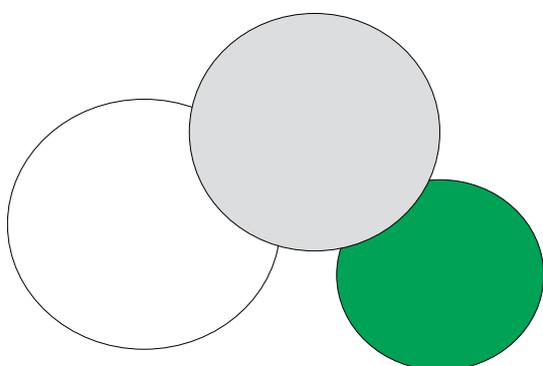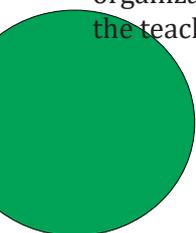
THE INTERNET: USE, DANGERS AND PROTECTION FROM DANGERS IN A EUROPEAN PERSPECTIVE

LOCATION	**MAIN PARTNERS**	**TIMESCALE**	**FURTHER INFORMATION**
Zografou, Athens, Greece	4th High School, Zografou	2016	http://www.teachers4europe.gr/contact-us

Primary school resource materials and a 4-day programme to address and combat hate speech by mobilising young people to speak up for human rights and democracy online, and to reduce the acceptance of hate speech by reporting and denouncing it.

Description:

The practice is part of the teachers4europe program. The whole practice consists of 4 individual activities, which took place in the context of the Modern Greek Language module of the 2nd grade. In the context of the subject of "Racism/Discrimination", students created padlets focusing on the issue of discrimination and using material from the EC manual "Know your Rights. Protection from Discrimination". They then made powerpoint presentations on the subject of OHS. The second activity was an experiential one and was about human rights and hate speech. The resource of the remaining two activities: human rights competition and teaching scenario on the internet - was the manual "Bookmarks" published by the European Council.Finally, a teaching scenario was composed with use of ICTs on 9 February 2016, Safe Internet Day. The focus was on online safety and personal data. Students had to explore online sources, work on them and end up compiling coherent texts of an informative nature.

The series of teaching and learning interaction puts the human rights and hate speech issue in a European perspective, in the prism of the EU citizen's rights. It broadens students knowledge of the issue and their skills to undertake adequate measures and to improve their digital literacy and active citizenship.

Results:

The activities on the whole were considered successful because they raised awareness on issues of discrimination, online hate speech and Internet safety through a connection with students' daily life. The activities involved the use of social media, therefore were directly relevant to students' everyday lives and issues they encountered every day. Therefore, students who participated were more interested and motivated to learn about these issues and to acquire the tools to fight online hate speech. The students' digital skills were also enhanced as were their autonomous learning, communication and cooperation skills.

Potential:

This practice can be done in any school environment and adapted accordingly. As long as there is access to computers and Internet access, the cost of carrying it out is not significant. The "Bookmarks" manual is translated in many European languages. It is also possible to expand and disseminate the aforementioned practices; e.g. activities can be adapted and students from other schools can get involved too.
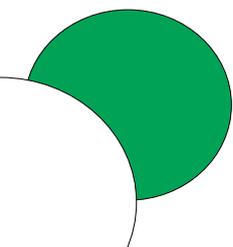
NON-HOSTILE MANIFESTO

LOCATION	**MAIN PARTNERS**	**TIMESCALE**	**FURTHER INFORMATION**
Italy	Parole Ostili ("Hostile Words") organization	February 2017 - ongoing	http://www.paroleostili.com/ https://www.facebook.com/ paroleostili

An online public campaign that seeks to bring together the maximum number of people around 10 'Commandments' for being a positive social media user.

Description:

The "Non-hostile Communication Manifesto" is an initiative born in the context of a symposium celebrated in Trieste (Italy) on February 17-18, 2017, under the auspices of the Parole Ostili ("Hostile Words") organization. Believing that the power of words is important, and that a negative use of words—including insults and unfair criticism—predominates on social networks, the organization prepared this manifesto to propagate virally a "positive style" on the internet, by means of a careful use of language and words.

Blaming that intangible and yet omnipresent entity called the Social Network for not doing enough is just an easy and dangerous shortcut because, as linguists know, a word is not good or bad on its own: its context is the key to understanding its deeper and real meaning, as well as its speaker's real intention. When it comes to attitudes on social networks, the only solution seems to be educating people on how to express an opinion without aggression or insulting others and how to avoid being dragged into the spiral of written violence and anger that some posts seem to create.

The prominent of the cultural scene and of the show moved in the first person, stressing the concepts of equality and respect. An initiative of the first community against hate speech, has chosen as a testimonial an Emilian webstar Gianni Morandi to present the "non-hostile manifesto".

The Manifesto for non-hostile communication, document written by an online community proposing 10 principles (The Ten Commandments 2.0) that every internet user should keep in mind to foster respectful and peaceful relations on social networks, such as "Virtual is real" or "Words have consequences".

Results:

The manifesto with the 10 principles to reduce, stem and combat negative languages that propagate easily on the net is the latest initiative of Word OStili, the first community in Italy against violence in words, which has reached over 7 million People on Facebook and 5.5 million on Twitter. The Manifesto of non-hostile communication was made up of more than 250 proposals from the network. Among its signatories are the President of the Chamber Laura Boldrini, the journalist Enrico Mentana and the Mayor of Bergamo Giorgio Gori.

Potential:

This is a very good case of a nationally important organisation collaborating with online community to produce a useful resource against online violence, with the potential to reach millions of users. The Manifesto is developed and can be signed online. It is published in Italian and English and is supported by many famous people. This creates an international community.

INTERVIEWS WITH "HATERS"

LOCATION	**MAIN PARTNERS**	**TIMESCALE**	**FURTHER INFORMATION**
Prague, Czech Republic	HateFree Culture, Office of the Government, Lukáš Houdek	July 2016 – ongoing	http://www.hatefree.cz/blo/rozhovory/1993-vaclav-masat

Structured online interviews with producers of hateful content in the internet, that allow them to explain their views. The practice aims improve understanding of the motivation for spreading hate speech and an effort to confront and prevent it.

Description:

The volume and intensity of hate speech on the Internet is on the rise, however the existing ways of handling it do not contribute to understanding the causes why people spread hatred. Discussion with opponents about sensitive topics generally end in "ad hominem" attacks – the provided information and arguments are not taken into account, and the provider of the information becomes the target of the attack. On the other hand, frequently opinions of users are labelled as hate speech, whilst many times they have just been poorly worded. A segment of the population is frustrated because of an inability to express themselves, be heard, and be taken seriously.

Interviews provide space to people who come across as very radical, to express themselves in more detail and explain the motive behind their messages. Although the initiative is called "Interviews with Haters", the aim is to reveal the motives and mechanisms that lead people to post hate speech. This is the first and key condition that will make it possible to decide on and plan interventions that would effectively deal with hate speech and, even more importantly, help to prevent it.

The interview is led by the page administrator and published on a website with suitable profile and a strong online community to react to it, to actively participated in below-the-line comments and achieve impact.

Results:

The project is under evaluation. It has been well received across all opinion groups, including interviewees, journalists, general online community. Further proof that the right method has been chosen is that, on average, 60-90% of Facebook users who post on the campaign's homepage are not fans but newly attracted. This goes against the frequent claims that this, and similar campaigns, convince only those already convinced.

"Interviews with Haters" lies on the very sensitive edge of whether it is right to provide space to those who promote racist and xenophobic opinions. This approach is unsuitable primarily in the media, as it would legitimise the spread of hate. However, in the case of this campaign, which is focused on this topic, the issue may be seen as saying that, until we understand why people hate, it will be impossible to find an effective solution.

Potential:

The project searches balance between freedom of speech and hate speech prevention. The practice is suitable for organisations protecting human rights and multiculturalism, on the social network sites that they administer, and not suitable for media outlets. This practice may be transferred to anywhere where social networks provide space for spreading hate and polarisation.

LESS HATE, MORE SPEECH – TEENS GET INVOLVED!

LOCATION	MAIN PARTNERS	TIMESCALE	FURTHER INFORMATION
Romania	Median Research Center (MRC) in partnership with the Educational Association	March 2015 - April 2016	http://lesshate.openpolitics.ro/

Less Hate Project, More Speech - Young people get involved! Is aimed at young people aged between 12 and 17 in order to help them identify and combat hate speech, both online and offline.

Description:

Teams of 20 students from ten partner schools across the country, coordinated by one teacher each, participated in non-formal education workshops and organized events in their communities to combat hate speech. The activities culminated in an Olympics on the theme of the project, which was organized as a 4-day camp at Tohanul Nou near Bran. Students team worked with real cases - hateful content and comments received by journalists of Gazeta Sporturilor, and had to propose an efficient method of action to counter them. Combining competition, prizes and fun, the initiative equipped young people with first hand knowledge of what hate speech online looks like and what it causes, as well as with the skill to work together, to react to hate speech with counter measures. The camp is relatively short, there is not enough time to deal with all aspects of prejudices that can come up during the competition, therefore the preparatory work of teachers in the schools is of outmost importance and they have to be trained for this.

On the project website pupils can find interactive games and examples of activities they can apply to their community. At the end of the project, an analysis of student behaviour and anti-bias incentives that can reduce intolerance was made.

Results:

200 students from 10 high schools in Bucharest and across the country learned how to recognize hate speech and how to react to it both online and offline. 4 representatives from each team competed at the project Olympics.

Potential:

The project achieved great visibility and outreach due to its methods appropriate and attractive for this age group. The practice components give student the abilities to analyse online content, to react to it, and also contribute to building community across the country based on human rights values.