

Tackling hate speech in EU Law

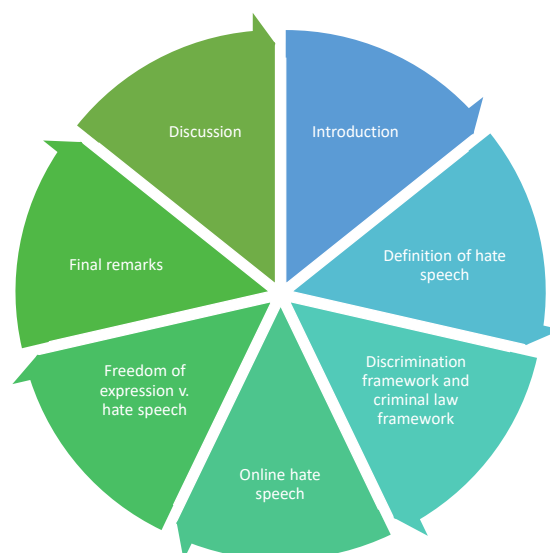
Academy of European Law
Trier 22.11.2022

Agnieszka Kluczyńska-Cichocka, Judge



This training session is funded under the 'Rights, Equality and Citizenship Programme 2014-2020' of the European Commission.

Step
structure:



Introduction

"Injustice anywhere is a threat to justice everywhere. (...) Whatever affects one directly, affects all indirectly."
(Letter from a Birmingham Jail, 1963.)

Martin Luther King, Jr.



Beizaras and
Levickas v. Lithuania,
no. 41288/15,
judgment
14.01.2020, p.10,
ECHR

In December 2014, a Lithuanian resident posted a photo of himself kissing his same-sex partner on his Facebook account. They received, among others, the following comments :

„I'm going to throw up - they should be castrated or burned".

"These faggots fucked up my lunch; if I was allowed to, I would shoot every single one of them".

„If you were born perverted and suffer from this disorder, then go and hide in a basement and do what you like there, faggots. But you will not ruin our beautiful society (...)."

„Into the gas chamber with the pair of them". „I'll buy you a free honeymoon trip to the crematorium".

„Into the bonfire with these faggots".

„You fucking gays - you should be exterminated".

„Because you are faggots and children can see pictures like that, it is not only the Jews that Hitler should have burned".

„Satan, please allow me to smash their heads into a wall".

Experiences and perceptions of antisemitism, Second survey on discrimination and hate crime against Jews in the EU

European Union Agency for Fundamental Rights (FRA) 2018

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

"Some news outlets publish misinformation, the internet is polluted by antisemitism. The situation gets worse every day." (Man, 60–69 years old, France)

"Social media dramatically amplifies and spreads antisemitic hate quickly." (Woman, 60–69 years old, France)

"Especially on Facebook there are many antisemitic and antiisraeli comments with an antisemitic character. If you report them to Facebook, they respond almost automatically 'it meets our standards.'" (Man, 55–59 years old, Germany)

"My largest concern are the 'alternative' media like YouTube-channels, Twitter, Facebook or social media groups: racist and antisemitic insults are stated (apparently anonymously) and crude, insane, often antisemitic conspiracy theories are spread." (Woman, 45–49 years old, Germany)

"I found the online antisemitism dangerous, it's unutterably supported by the government." (Man, 70–79 years old, Hungary)

"Certainly on social media, antisemitism runs wild." (Woman, 30–34 years old, the Netherlands)

"The media are providing fake news to the citizens creating prejudices in this way." (Woman 16–19 years old Spain)

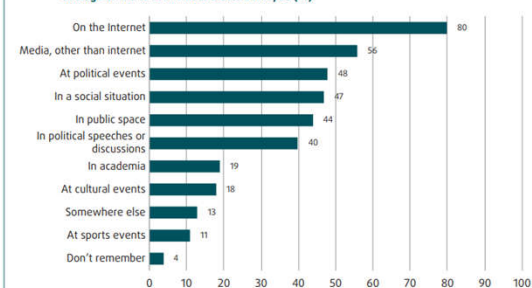
"The survey asks if I have personally been a victim of antisemitism, which I have not, but I feel it's important to add that I have a strong feeling of unease at the moment regarding the level of antisemitism in the media and online which makes me feel unsafe." (Woman, 40–44 years old, the United Kingdom)

"Some forms of antisemitism (especially in social media) have become so commonplace that they are almost accepted. These are the sort of things that you can't report to the police or even to the media platform, but strengthen a hostile culture. For example, references to Jewish bankers, Rothschild cults, etc." (Man, 40–44 years old, the United Kingdom)

Experiences and perceptions of antisemitism, Second survey on discrimination and hate crime against Jews in the EU

European Union Agency for Fundamental Rights (FRA) 2018

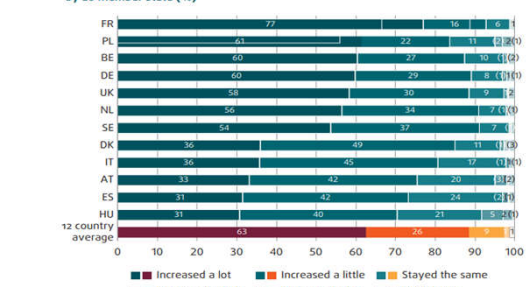
Figure 7: Context of specific comments by non-Jewish people in the 12 months before the survey, average of the 12 EU Member States surveyed (%)^{a,b}



Notes: ^a Out of respondents who have heard or seen the statements at least 'occasionally' (n=15,145); 12 country average is weighted.
^b Question: B16a. In the LAST 12 MONTHS, WHERE did you personally hear or see these comments: (Items as listed in the figure)? Multiple responses possible.

Source: FRA, 2018

Figure 2: Perceptions on changes in the level of antisemitism in the country over the past five years, by EU Member State (%)^{a,b,c,d}



Notes: ^a Out of all respondents (n=16,395); country results are unweighted, 12 country average is weighted; sorted by 'increased a lot'.
^b Question: B03. Over the past five years, have the following increased, stayed the same or decreased in [COUNTRY]? Answer: B. Antisemitism.
^c Some bars do not add up to 100 %; this is due to rounding of numbers.
^d Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

Source: FRA, 2018

Source: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf

European Parliament
resolution of 15 September
2022
on the situation
of fundamental rights
in the European Union
in 2020 and 2021
(2021/2186(INI))

93. Is concerned about the increase in hate speech and smear campaigns across the Member States, which are often perpetrated by high-ranking public officials or leading politicians and specifically target media, NGOs and certain social groups or minorities, such as LGBTIQ persons; stresses that their impact on civic space is undeniable, creating an unsafe environment for civil society and human rights defenders; is alarmed by the numerous examples of attacks on LGBTIQ offices and staff in several Member States in 2021 alone;

94. Condemns all kinds of hate crime, hate speech and accusations devoid of foundation or formulated in bad faith, both offline and online, motivated by discrimination based on any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; expresses concern over the hate crimes and crimes relating to incitement to discrimination or violence which occurred during the COVID-19 pandemic, leading to the stigmatisation of some particularly vulnerable individuals; recalls that racism and xenophobia are crimes, not opinions;

https://www.europarl.europa.eu/doceo/document/TA-9-2022-0325_EN.html



Hate Speech definition

*Every word has consequences.
Every silence, too.*

Jean-Paul Sartre

*In the End, we will remember
not the words of our enemies,
but the silence of our friends.*

Martin Luther King, Jr.

No universal definition of hate speech

“the term hate speech is understood as any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”

United Nations Strategy and Plan of Action of Hate Speech

Source:

<https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>

European Union

- racist hate speech as the public incitement to violence or hatred against a group of persons or member of such group based on “race, colour, religion, descent or national or ethnic origin”. Also public condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes.

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 (art. 1)

- hate speech should be understood as the advocacy, promotion or incitement, in any form, of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation and other personal characteristics or status. It adds that hate speech can take the form of public denial, trivialisation, justification or condonation of crimes of genocide, crimes against humanity or war crimes which have been found by courts to have occurred, and of the glorification of persons convicted for having committed such crimes.

General Recommendation No 15 on combating hate speech adopted on 8 December 2015 by the European Commission against Racism and Intolerance (ECRI)

Council of Europe

- the term "hate speech" covers 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.

Council of Europe Recommendation No. R (97) 20

- hate speech as "manifestations calling for a person or group of persons to be subjected to hatred, discrimination or violence on the grounds of their religion or on any other grounds,,

Recommendation 1805 (2007) of the Parliamentary Assembly of the Council of Europe on blasphemy, religious insults and hate speech against persons because of their religion

Elements of hate speech definition

<https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>

1

Hate speech can be conveyed through any form of expression, including **images, cartoons, memes, objects, gestures and symbols** and it can be disseminated offline or online.

2

Hate speech is "**discriminatory**" (biased, bigoted or intolerant) or "**pejorative**" (prejudiced, contemptuous or demeaning) of an individual or group.

3

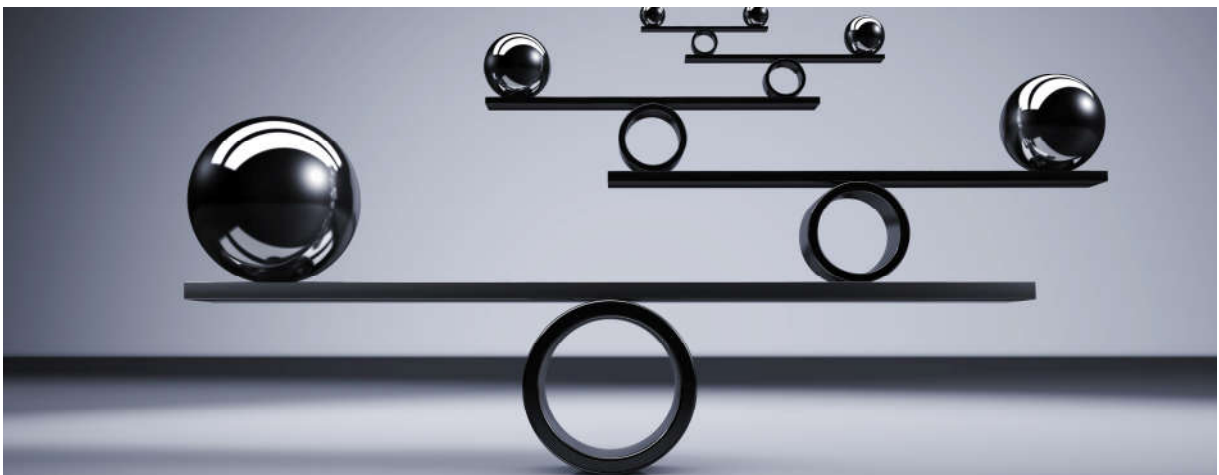
Hate speech calls out real or perceived "**identity factors**" of an individual or a group, including: "**religion, ethnicity, nationality, race, colour, descent, gender,**" but also characteristics such as language, economic or social origin, disability, health status, or sexual orientation, among many others.



Key international human rights' regulations

- The European Convention on Human Rights
- and
- the Charter of Fundamental Rights of the EU
- and
- the International Covenant on Civil and Political Rights,

contain neither a definition nor a specific provisions on hate speech.



discrimination framework and criminal law framework

Hate Speech

General Recommendation No. 15 of the European Commission against Racism and Intolerance

- Criminal sanctions should not be resorted to if the use of hate speech can be effectively dealt with through a measure of less restrictive nature.
- Criminal sanctions must be proportionate, effective and dissuasive.
- Criminal liability should arise for the most serious conduct, i.e. where it is intended (or may reasonably be expected to have the effect) to bring about the commission of acts of violence, intimidation, hostility or discrimination and where the use of such expressions takes place in public.
- Criminal offences can be in provisions of more general character or specifically concerned with the use of hate speech.
- The wording of relevant provisions must be clear and precise.

Framework Decision
2008/913/JHA of 28
November 2008 on
combating certain forms
and expressions of
racism and xenophobia
by means of criminal law

The Framework Decision states that each Member State shall take the necessary measures to ensure that the "intentional conduct" referred to therein is punishable.

Article 1 of the Framework Decision:

- publicly condoning, denying or grossly trivialising crimes of genocide, crimes against humanity and war crimes as defined in Articles 6, 7 and 8 of the Statute of the International Criminal Court, or Article 6 of the Charter of the International Military Tribunal appended to the London Agreement of 8 August 1945, directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin when the conduct is carried out in a manner likely to incite to violence or hatred against such a group or a member of such a group;
- publicly inciting to violence or hatred directed against a group of persons or a member of such a group, defined by reference to race, colour, religion, descent or national or ethnic origin

ECHR's approach to criminal law applied in hate speech cases

Balazs v. Hungury, 20 October 2015 and OECD Guide „Hate Crime Indicators“/ facts to be analysed to determine hate crime:

- victim and witness perception
- the conduct of the offender
- the characteristics of the victim and the perpetrator
- the existence of previous incidents or hate crimes
- the possibility of mixed motives for the conduct.

Beizaras and Levickas v. Lithuania, 14 January 2020,

The Court has admitted that for the most serious cases of hatred and incitement to violence, criminal punishment can be effective in protecting the physical and moral integrity of victims.

Extension of the list of EU crimes to hate speech and hate crime

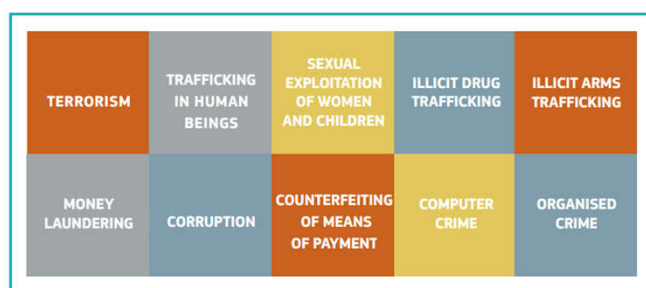
In December 2021 the Commission initiated a common initiative at EU level to effectively protect the rights and dignity of all and the common values enshrined in Article 2 Treaty on the European Union.

In December 2021 the Council decided that „Hate speech and hate crime shall be an area of crime within the meaning of Article 83(1) of the TFEU.“

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(europa.eu)



To extend the list of the EU crimes a two-step process is needed:
1) the Council decides to extend the list with the European Parliament's consent
2) the Commission makes a legislative proposal.

HATE SPEECH AND HATE CRIME

General non-discrimination provisions

European Convention on Human Rights

- **Article 14** of the European Convention on Human Rights states that the enjoyment of the rights and freedoms recognised in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- **Article 1 of Protocol no. 12** to the ECHR states that the enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph 1.

Charter of Fundamental Rights of the UE

Article 21(1) of the Charter of Fundamental Rights of the European Union provides that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Handbook of European non-discrimination Law

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-handbook-non-discrimination-law-2018_en.pdf



EU Directives on discrimination

Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment at work

Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services

Directive 2006/54/EC of 5 July 2006 equal treatment of men and women in matters of employment and occupation (recast)

Threshold test

Rabat Plan of Action

Legal framework:

Article 20, paragraph 2 of the International Covenant on Civil and Political Rights (ICCPR) states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”



- (1) **Context:** Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;
- (2) **Speaker:** The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed;
- (3) **Intent:** Article 20 of the ICCPR anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the ICCPR, as this article provides for “advocacy” and “incitement” rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience;
- (4) **Content and form:** The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;
- (5) **Extent of the speech act:** Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public; and
- (6) **Likelihood, including imminence:** Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.

Source: https://www.ohchr.org/sites/default/files/Rabat_threshold_test.pdf

To conclude,
there is a clear distinction between different expressions of hate speech:

- a) expressions that constitute a criminal offence
- b) expressions that may justify civil or administrative proceedings
- c) expressions that are not criminally punishable, or not give basis for civil or administrative suites, but still raise concerns in terms of tolerance and respects for others

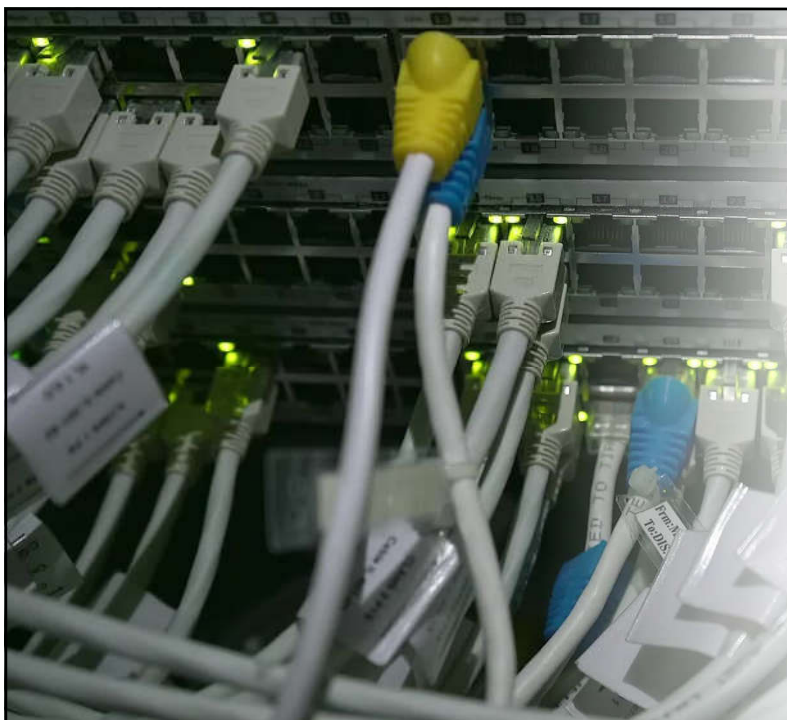


Online hate speech

“People fail to get along because they fear each other; they fear each other because they don't know each other; they don't know each other because they have not communicated with each other.”
(Speech at Cornell College, 1962.)

“We must learn to live together as brothers or perish together as fools.”
(Speech in St. Louis, 1964.)


Martin Luther King, Jr.



Article 10 § 2 of the Convention and Internet portals


„Internet news portals which, for commercial and professional purposes, provide a platform for user-generated comments assume the “duties and responsibilities” associated with freedom of expression in accordance with Article 10 § 2 of the Convention where users disseminate hate speech or comments amounting to direct incitement to violence.”

See:
https://www.echr.coe.int/documents/fs_hate_speech_eng.pdf



European Court of Human Rights' caselaw

- *Delfi AS v. Estonia*, 64669/09 (2015)
- *Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v Hungary*, 22947/13 (2016)
- *Tamiz v United Kingdom*, 387714 (2017)
- *Magyar Jeti Zrt v. Hungary*, 11257/16 (2018)



Code of Conduct on Countering Illegal Hate Speech Online

Signatories:

- European Commission
- and Facebook, Google, Twitter, Microsoft + Instagram, Google+, Snapchat, Dailymotion, Jeuxvideo.com, TikTok, LinkedIn

Key principles:

- Clear procedures for notifications
- Checking notifications in 24h
- Removing or disabling content
- Feedback and transparency
- Collaborating with States and other companies

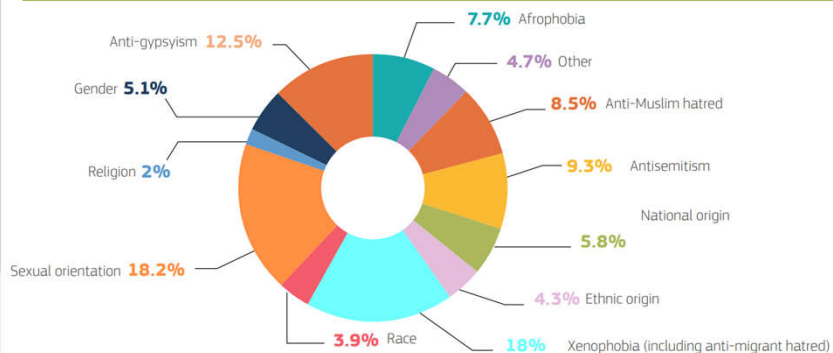
<https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:32018H0334>
file:///C:/Users/user/Downloads/code_of_conduct_on_countering_illegal_hate_speech_online_en_C08AC7D9-984D-679D-CAEF129AD536E128_42985.pdf

https://ec.europa.eu/info/sites/default/files/factsheet-6th-monitoring-round-of-the-code-of-conduct_october2021_en_1.pdf

Code of Conduct on
Countering Illegal Hate
Speech, monitoring
October 2021

Source:
https://ec.europa.eu/info/sites/default/files/factsheet-6th-monitoring-round-of-the-code-of-conduct-october2021_en_1.pdf

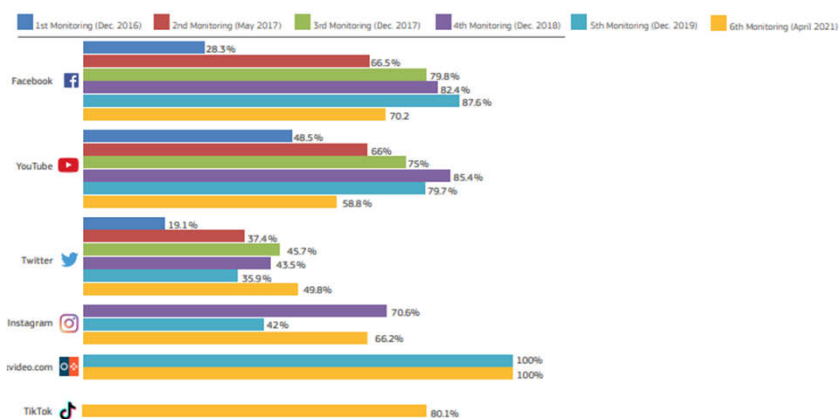
Grounds of hatred 2021



Code of Conduct on
Countering Illegal Hate
Speech, monitoring
October 2021

Source:
https://ec.europa.eu/info/sites/default/files/factsheet-6th-monitoring-round-of-the-code-of-conduct-october2021_en_1.pdf

Removals per IT Company



Act to Improve Enforcement of the Law in Social Networks - Germany

Aim:

to fight hate crime, criminally punishable fake news and other unlawful content on social networks more effectively. This includes insult, malicious gossip, defamation, public incitement to crime, incitement to hatred, disseminating portrayals of violence and threatening the commission of a felony.

Answers that may raise on:

- I. Effective complaints management
- II. Reporting obligation
- III. Fines
- IV. Person authorised to receive service
- V. Right to disclosure

You may find at:

https://www.bmj.de/DE/Themen/FokusThemen/NetzDG/NetzDG_EN_node.html



Freedom of speech versus Hate Speech

"There is a fine line between free speech and hate speech. Free speech encourages debate whereas hate speech incites violence."

prof. Newton Lee



Freedom of Expression as Fundamental Right

„The free communication of thoughts and opinions is one of the most precious of the rights of man. Every citizen may therefore speak, write, and print freely, if he accepts his own responsibility for any abuse of this liberty in the cases set by the law.”

The French Declaration of the Rights of Man and the Citizen, Article 11, 1789

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Article 19 of the 1948 Universal Declaration of Human Rights

International Covenant on Civil and Political Rights (ICCPR)

ARTICLE 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

- (a) For respect of the rights or reputations of others;
- (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Value of freedom of expression

“Freedom of expression has four broad special objectives to serve:

- (i) It helps an individual to obtain self-fulfillment,
- (ii) It assists in the discovery of truth and in promoting political and social participation,
- (iii) It strengthens the capacity of an individual to participate in decision making, and
- (iv) It provides a mechanism by which it would be possible to establish a reasonable balance between stability and change.”

The Supreme Court of Zimbabwe, Mark Giva Chavunduka and another v. The Minister of Home Affairs and another, Supreme Court Civil Application No. 156 (1999).
<https://globalfreedomofexpression.columbia.edu/cases/chavunduka-v-minister-home-affairs/>

Art. 10 and Art. 17 of the ECHR

Two approaches are provided by the European Convention on Human Rights when dealing with hate speech cases:

- the approach of exclusion from the protection of the Convention, provided for by Article 17 (prohibition of abuse of rights) when the comments negate the fundamental values of the Convention;
- the approach of setting restrictions on protection, provided for by Article 10 paragraph 2 of the Convention (although it is hate speech, is not destroying the fundamental values of the Convention).

Prohibition of abuse of rights Article 17 of the ECHR

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

- Garaudy v. France, inadmissibility decision of 24 June 2003 (racial hatred)
- the Norwood v. the United Kingdom, inadmissibility decision of 16 November 2004 (religious hatred)
- Ivanov v. Russia inadmissibility decision of 20 February 2007 (ethnic hatred)

Guide on Article 17 of the ECHR
https://www.echr.coe.int/Documents/Guide_Art_17_ENG.pdf

Article 10 of the European Convention on Human Rights and three-part test

1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Handyside v.
the United
Kingdom
judgment
of 7 December
1976, § 49

“Freedom of expression constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man. Subject to paragraph 2 of Article 10 [of the European Convention on Human Rights], it is applicable **not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.** Such are the demands of that pluralism, tolerance and broadmindedness without which there is no ‘democratic society’. This means, amongst other things, that **every ‘formality’, ‘condition’, ‘restriction’ or ‘penalty’ imposed in this sphere must be proportionate to the legitimate aim pursued.**”

Erbakan v.
Turkey
judgment
of 6 July 2006,
§ 56).

“... [T]olerance and respect for the equal dignity of all human beings constitute the foundations of a democratic, pluralistic society. That being so, as a matter of principle it may be considered **necessary** in certain democratic societies **to sanction or even prevent all forms of expression which spread, incite, promote or justify hatred** based on intolerance ..., provided that any ‘formalities’, ‘conditions’, ‘restrictions’ or ‘penalties’ imposed are **proportionate** to the legitimate aim pursued.”

ECHR caselaw Freedom of speech v. hate speech

- Feret v. Belgium, 16.07.2009 (incitement to racial discrimination or hatred)
- Perinçek v. Switzerland, 15.10.2015, Grand Chamber judgment (negationism)
- Beizaras and Levickas v. Lithuania, 14.01.2020 (private life)
- Association ACCEPT and Others v. Romania, 01.06.2021 (private life)
- Kaboğlu and Oran v. Turkey, 30.10.2018 (private life)

ECHR, Factsheet June 2022, Hate Speech
https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf



Final remarks

The role of the judiciary in the protection of procedural rights
of hate speech victims

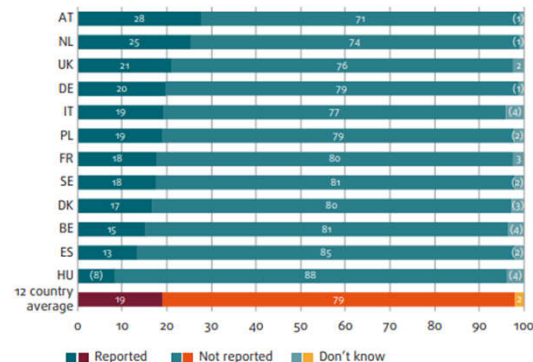
Refraining from claiming rights

„Antisemitic harassment is so common that it becomes normalised”

„The main reasons given for not reporting incidents are the feeling that nothing would change as a result (48 %); not considering the incident to be serious enough to be reported (43 %); or because reporting would be too inconvenient or cause too much trouble (22 %).”

Source:
https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey-summary_en.pdf

Figure 3: Reporting of the most serious incident of antisemitic harassment in the past 5 years, by EU Member State (%) ^{a,b,c,d}



Notes: ^a Out of respondents who experienced some form of antisemitic harassment in the past five years (n=6,486); 12 country averages are weighted.

^b Question: Co8. Did you or anyone else report this incident to the police or to any other organisation?

^c Some bars do not add up to 100 %; this is due to rounding of numbers.

^d Results based on a small number of responses are statistically less reliable. Thus, results based on 20 to 49 unweighted observations in a group total or based on cells with fewer than 20 unweighted observations are noted in parentheses. Results based on fewer than 20 unweighted observations in a group total are not published.

Source: FRA, 2018

What could we do to avoid secondary victimisation of victims of hate speech?

“Secondary victimisation refers to the victimisation that occurs not as a direct result of the criminal act but through the response of institutions and individuals. This includes, but is not limited to, not recognising and treating the victim in a respectful manner, an insensitive and unprofessional manner of approaching the victim and discrimination of the victim in any kind.”

The European Crime Prevention Network

Secondary victimisation example

Reluctance to acknowledge bias motivation in the decision making process and in the reasoning of the decision. If the bias motives are not taken into account, prosecutors' offices/courts side and sympathise with perpetrators. Possible consequences in the future:

- reluctance to report the police because victims suffer from feelings of fear, guilt, shame or lack of being heard

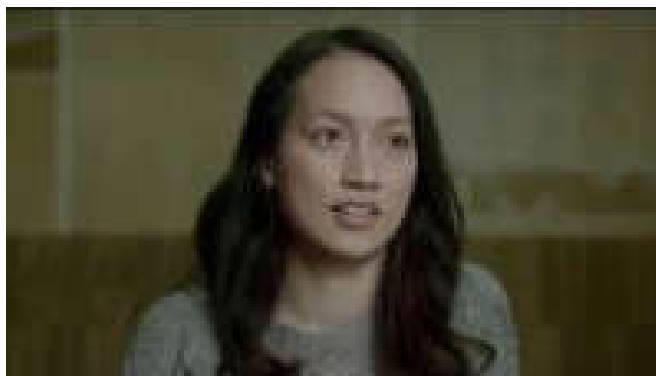
See also FRA, Ensuring justice for hate crimes

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-justice-hate_crime-victims_en.pdf

Please, give more examples.....

Would you like to
discuss some
additional issues
or will we see a
movie?

The DNA Journey,
Momondo - Let's
Open Our World





Thank you
for your attention!

And see you
tomorrow!

