

Policy recommendations for European stakeholders to tackle hate speech

Developed within the „CHAD – Countering
Hate Speech and Hurtful Speech against
Diversity: Roma, LGBTIQ, Jewish and
Migrant Communities” project



Co-funded by
the European Union



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March 2024

The publication was developed in the framework of „CHAD – Countering Hate Speech and Hurtful Speech against Diversity: Roma, LGBTIQ, Jewish and Migrant Communities“ project (project nr. 101049309) is co-funded by the Citizens, Equality, Rights and Values Programme (CERV) of the DG Justice, European Commission and coordinated by RGDS Nonprofit LLC. in partnership with Haver Informal Educational Foundation, Rainbow Mission Foundation and Political Capital.

Political Capital | Budapest 2024

Layout editor: Réka Elekes

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Foreword

The phenomenon of hate speech and offensive speech has become commonplace, from personal interactions to political discourse, both online and offline. It can and should be tackled. We have been working on this issue for two years in the framework of a project co-funded by the European Union, which has resulted in 40 points of recommendations for legislators, law enforcement, civil society, the education system and the media at the European level. If implemented, our recommendations could significantly reduce prejudice and help create a more inclusive society.

The members of the consortium are grateful to the participants of the international conference and the closed-door discussion that took place in January 2024 and the members of the working group organised in the framework of the project, who contributed with their professional knowledge, experience and opinions to the formulation of the recommendations.

The project entitled “CHAD - Countering Hate Speech and Hurtful Speech against Diversity: Roma, LGBTIQ, Jewish and Migrant Communities” is co-financed by the European Union (project number 101049309). One of the project’s objectives is to formulate recommendations and suggestions for action against hate speech and offensive speech. The consortium leader of the project is the Phiren Amenca International Network, the development of recommendations is led by Political Capital, and other partners are the Haver Informal Educational Foundation, Rainbow Mission Foundation.

I. Introduction

Hate speech and offensive speech is a growing social problem. The gradual breakdown of social barriers to its use has contributed significantly to its spread and near-universalisation. On the one hand, social media, which has become dominant in acquiring information and shaping public opinion, has played a major role in this, amplifying negative emotional reactions. On the other hand, hate speech, previously considered extremist, has gradually broken through the social cordon sanitaire and has become increasingly mainstream through the practices of certain mainstream political actors and media, thus increasing its legitimacy and acceptance (the phenomenon of mainstreaming). Hate speech and the fears and prejudices that underlie it are also strongly influenced by social crises that intensify scapegoating, often targeting vulnerable minority groups. This has also been seen in recent years with European and global challenges such as the COVID-19 pandemic, the economic crisis, Russian aggression against Ukraine, Hamas' terrorist attack against Israel and the subsequent Israel-Hamas war. During the years of COVID-19, prejudice against people of Asian origin and the elderly intensified; the Russian invasion of Ukraine brought to the surface negative feelings against refugees, Ukrainians and Russians; the Israel-Hamas war increased antisemitism and anti-Muslim sentiments. Contributing to this, the political spectrum in many European societies is increasingly shifting to the (far) right, with anti-LGBTQ+, anti-immigrant and anti-Roma narratives constantly being part of the public discourse.

Despite the increasing globalisation of hate speech, there is no common understanding of and consensus about the definition of hate speech internationally. Moreover, geographical differences are visible. For instance, while antisemitism and anti-Muslim sentiments are the most prevalent in Western Europe, in Eastern Europe, anti-Roma prejudice is also widespread. This makes it even more difficult to speak about the issue in a unified way. The most uniformly accepted definition is the one formulated by the Council of Europe in Recommendation No. CM/Rec(2022)16¹ on the fight against hate speech. Based on this legal concept, it is worth conceptually separating hate speech from other actions and crimes motivated by prejudice, such as hate crimes.

Hate speech, in the broadest meaning, which includes not only hate speech regulated by law but also insulting, offensive and degrading speech, causes serious harm at the individual, community and societal levels. Hate speech deliberately uses words and images to degrade and exclude others. It reinforces feelings of fear or rejection, and members of communities that are victims of hate speech and targets of hostility tend to hide and

¹ https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680a67955

deny their identity, with group self-definition easily shaped in the face of hate speech. If strong and widespread, hate speech against a minority group can easily become the norm in a society, leading to, among other things, distancing from that minority group and increased prejudice and hatred from the majority society. Therefore, collective action to combat it is a priority not only for decision-makers and the victimised communities and their members but also for all of us. As one speaker at our international conference put it, taking action against hate speech means standing up for democracy and defending democratic values and rights.

To this result, the following recommendations have been developed by the members of the CHAD consortium with the coordination of Political Capital. The policy recommendations are based on the contributions made at the events organised in the framework of the CHAD project.²

2 The “CHAD – Countering Hate Speech and Hurtful Speech against Diversity: Roma, LGBTIQ, Jewish and Migrant Communities” project (project nr. 101049309) is funded by the Citizens, Equality, Rights and Values Programme (CERV) of the DG Justice, European Commission.
https://politicalcapital.hu/hirek.php?article_read=1&article_id=3315; <https://phirenamenca.eu/category/projects/chad/>.

II. Recommendations for the European Union

The European Union is founded on values such as respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. All forms of hatred and intolerance are incompatible with these fundamental rights and values. Hate-motivated crime and speech are illegal under EU law. The 2008 Framework Decision on combating certain forms of expressions of racism and xenophobia requires the criminalisation of public incitement to violence or hatred based on race, colour, religion, descent or national or ethnic origin. In 2021, the European Commission presented an initiative to extend the list of 'EU crimes' to hate speech and hate crime, which is still in progress.

As of 17 February 2024, the Digital Services Act (DSA) rules apply to all platforms. The DSA regulates online intermediaries and platforms such as marketplaces, social networks, content-sharing platforms, app stores, and online travel and accommodation platforms. Its main goal is to prevent illegal and harmful activities online.

- 1. The European Council needs to complete the process already started and extend the list of 'EU crimes' to include hate speech and hate crimes.** The Council should adopt a decision to include hate speech and hate crime among criminal offences within the meaning of Article 83(1) TFEU (so-called "EU crimes"). This initiative gives the competence to EU institutions to later pass secondary legislation on hate speech and hate crime.
- 2. The European Council needs to extend the list of protected groups to include other vulnerable groups based on sexual identity, sexual orientation and disability in the 2008 Framework Decision on combating certain forms of expressions of racism and xenophobia.**
- 3. The European Commission needs to put more emphasis on hate speech in its annual Rule of Law report.** The report examines developments across all Member States, both positive and negative, in four key areas for the rule of law: the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances. This would provide a good opportunity for the Commission to raise awareness of hate speech and its negative effects within the rule of law framework.

4. **The member states need to enhance criminal cooperation among themselves. The EU member states must work together in a framework of criminal cooperation to enforce the law.** Given the cross-border dimension of hate speech and the need for a criminal law solution, cooperation between judicial authorities is crucial, mainly in data sharing and regular information exchange.
5. **The European Commission needs to interpret and clearly define the term civic discourse in the Digital Services Act.** The term civic discourse [Article 34 1. (c)] is not clear at the moment, and understanding the term would be important in cases of hate speech during a risk assessment.
6. **The Council of the European Union and the European Parliament need to expand the list of systematic risks in Article 34 1. (b) of the DSA to include disinformation.** Disinformation is often connected to hate speech. The extension of the list can be more effective in tackling hate speech.
7. **In the framework of the Digital Market Act (DMA), the European Commission needs to exercise its right to fine or open a market investigation against gatekeepers (digital platform)** if they (systematically) fail to comply with the DMA. Due to their size, gatekeepers enjoy significant advantages over smaller competitors and have a dominant position in the digital market. The DMA sets out clear rules for large platforms, 'gatekeepers', providing so-called 'core platform services', to ensure they do not abuse their position and end up in a monopoly situation.
8. **Create a funding scheme for NGOs that supports permanent or long-term activities, including core activities such as hate speech monitoring, not just project-based ones.** This could be helpful for sustainable activities and a more stable financial situation, which is more relevant in states with significant Rule of Law deficiencies where NGOs work in a hostile and challenging environment. This is significant because, in such states, mainstream political actors use narratives that foster hate speech more effectively. The EU can better support organisations fighting prejudices, hate speech, and discrimination, as well as working on minority issues and advocacy through a new funding scheme.
 - 8.1. Specific public and financial support should be provided to 'trusted flaggers' (trusted flaggers are, for example, civil society organisations with particular expertise and competence in detecting, identifying, and notifying illegal content under the regulation of Digital Services Act). This support would provide the long-term commitment and human and financial resources needed to reduce the amount of hate speech online.

- 8.2 EU funding needs to reflect real needs and support activities that focus on the core of the issue and are considered relevant and important by the affected actors with knowledge of the national context.
- 8.3 The EU should strive to balance the pay gap between project partners based in different regions of the EU.
- 9. The EU should continue its public awareness work**, such as Europride, EU Roma Week, Access City Award, European Citizens' Initiative, **and support and encourage national public awareness efforts**, such as funding public or NGO campaigns and community facility advertisement.

III. Recommendations for the Member States

EU member states often apply a narrow interpretation of hate speech, which results in few prosecutions of hate speech cases. This is compounded by the fact that politicians often lack knowledge about minority issues or are themselves the perpetrators of hateful speech. In most countries, there is no specific authority or department within the state organisation dealing with hate speech. The judiciary does not make sufficient use of alternative procedures and alternative sanctions. In countries with significant Rule of Law deficiencies, NGOs often have inadequate legal and financial support, and educational and economic issues need to be addressed, too.

- 10. Actors who significantly shape the public discourse and have social legitimacy and credibility**, such as leading state officials, politicians, public figures, and church representatives, **need to be at the forefront of combating prejudiced, stereotypical public discourse and its rejection.** They themselves should refrain from hate speech and campaigns that deliberately increase political divisions and incite hatred and hostility against certain social groups, institutions and individuals. Moreover, they should take a firm stand against incitement and offensive speech against minorities. Also, they need to represent in their speeches, actions and public policies the values of human rights, equality and non-discrimination enshrined in the EU's fundamental values and Member States' constitutions.
- 11. The Member States of the Council of Europe must comply with the judgments of the European Court of Human Rights, also concerning hate speech.** For this, states must first accept the Court's ruling, amend legislation if necessary and enforce it.
- 12. Facilitate public interest litigations**, for example, by creating a financial exemption for easier access to justice. Strategic litigation allows lawyers and advocacy organisations to work together on lawsuits to change and enforce legislation. Such litigation develops advocacy skills and deepens the relationship between lawyers and advocates.
- 13. States need to launch and support targeted educational programs and social campaigns** to increase information, awareness and sensitivity regarding vulnerable and stigmatised minority groups.

- 14. Governments need to support independent media outlets and minority press centres financially and professionally.** The public media needs to broadcast information and programmes about minorities and employ journalists from minority groups. The minority press centres and journalists who belong to minority groups can provide authentic information and representation of minorities.

Recommendations for the judiciary

- 15. Public authorities need to focus on hate speech and hate crime cases.** Higher-level police forces (e.g. county, national) need to have specialised and trained officers for bias-motivated crimes. Prosecutors' offices also need to have a prosecutor who specifically deals with biased crimes. With this priority, states are sending a message to members of society that there is zero tolerance for acts of bias and that criminal justice in such cases will provide justice to victims.
- 16. Public institutions providing victim support and legal aid need to be more accessible.** Their activities need to be widely publicised to the members of potential target groups so they know what they can do to seek help. The contact details of victim support and legal aid organisations need to be prominently displayed in police stations and various public offices.
- 17. Survey the usefulness and the possible (dis)advantages of alternative procedures in hate speech cases.** Mediation brings together the perpetrator and the victim, which can lead to divergent outcomes. Hence, it is crucial to understand the applicability of alternative procedures in bias-motivated cases. It is essential that bias-motivated cases are handled by a specially trained mediator who can deal with the victims' deep personal and identity issues, as well as the potential power differences between the parties.
- 18. Expand the list of alternative sanctions in bias-motivated cases,** such as visiting different institutions and museums, volunteering, or writing a reading journal. Judges should be more creative and not just impose prison sentences or fines. For this, training is needed for members of the justice system, as well as highlighting good practices that have had positive results.

Recommendations for the educational system

- 19. Review the educational curricula and support teachers to ensure anti-prejudice and anti-discrimination education.** Remove all the stereotypical and prejudiced representations of minorities and ensure that the work of divisive historical or literary figures is presented in a critical context. The curricula should include media literacy and anti-prejudice and anti-discrimination education at all levels of education. Develop appropriate teaching materials to support teachers in discussing sensitive social issues, teaching about divisive figures and educating in a spirit of human equality.
- 20. Primary and secondary schools need to provide space and time to discuss social issues.** Public and private education institutions need to encourage school events to create inter-ethnic and inter-religious dialogue, break down prejudices and build a tolerant society. To this end, schools need to call on the help of civil and/or minority organisations which have school or classroom programmes with appropriate methodologies.
- 21. Teacher education must include improving skills and teaching methods to help future teachers better deal with sensitive questions and issues.** Future teachers need to understand and be prepared to deal with minority issues and the prevalence of hate or hurtful speech in the classroom, including introducing inter-cultural education methods and skills.
- 22. Universities need to train more community trainers and volunteer managers who can facilitate capacity building for NGOs.**
- 23. Universities and journalism schools must ensure that journalism education reflects the new technological and social changes and challenges related to the information sphere.** Such challenges can be trolls, artificial intelligence, online hate speech, moderation and the authentic representation of minority groups and communities.

Recommendations for local governments

- 24. Local governments need to actively intervene on behalf of local minority groups**, such as opening their existing spaces for NGOs and minority communities and providing infrastructure for their activities. Continue good cooperation between local authorities, local (minority) communities and media and communicate it publicly so that these good practices are known in as many municipalities as possible.
- 25. Members of local governments need to be supportive, responsive and available to every member of the local community.** Local representatives need to focus on minority issues and be the local advocates for tolerance.

IV. Recommendations for the media

The role of the media has been transformed, as the traditional media has lost its role as gatekeeper. Moreover, state-coordinated or partisan media have become dominant in some countries, while independent and objective media have found it difficult to operate. Traditional media are not only having a harder time reaching younger generations in their 20s and 30s but their readership and sales are generally declining. Young people's media consumption habits have changed, and traditional media has to keep pace with online media. There is a lot of quality content in traditional and online media about minority issues, disinformation and even hate speech. Still, it is difficult to reach a new readership, especially those with lower digital literacy and a completely different opinion bubble. In illiberal states, one of the populist strategies is to dominate the media and divide society, in which emotion becomes more important than facts.

- 26. The press needs to deal with prejudice and, thus, hate speech.** The press needs to present issues critically, provide context, speak out and present the views of vulnerable groups. This can result in breaking down stereotypes and increasing sensitivity towards minority groups.
- 27. The media needs to create content about minority issues, for which it needs to build networks and links with minority groups and work with minority press centres to provide authentic information on minority issues.** This would strengthen solidarity and ensure that accurate information about minority groups will be published and minority groups and their views will be adequately represented. The sensitisation, the development of empathy, and the presentation of minority groups by the media are essential to creating a more inclusive society.
- 28. The media must not report on events and transmit narratives uncritically but provide context with a critical approach and fact-check information to prevent the spread of disinformation and hostile narratives, which often pave the way for hate speech.**
- 29. Media outlets need to conduct needs assessments among journalists and organise training accordingly,** for instance, concerning new digital challenges, minority issues, online hate speech or disinformation. If the training covers minority issues, affected groups also need to be involved.

- 30. Media outlets need to publish their credibility and trust index.** The Reuters Institute of Oxford University makes its Digital News Report³ representative research in more than 40 countries. These indexes can show the reliability of the media outlets, so news consumers need to be encouraged and empowered to check them before consuming a media product.
- 31. Media outlets need to promote dialogue between different 'opinion bubbles' for greater understanding.**

³ Eg. Digital News Report 2022: <https://reutersinstitute.politics.ox.ac.uk/digital-news-report/2022>

V. Recommendations for the civil society

The problems that civil organisations face include a lack of resources, social support, participation, and capacity. The pressure to innovate is strong in the competition for resources, but there is a sense of learned helplessness. Experts agree that the popularity of volunteering is declining. Another critical problem for civil society is the GONGO phenomenon, which is the existence of Government-Organised Non-Governmental Organisations, in illiberal states in particular, that are funded by the government to advance its goals and convey its narrative.

- 32. NGOs need to be more vocal about human rights issues to make these challenges a substantial part of European Rule of Law discussions.** NGOs need to communicate more actively with EU decision-makers and do more advocacy work to emphasise human rights issues.
- 33. NGOs need to monitor and document incidents of hate speech and hate crime and support the victims.** This leads to more realistic and reliable data, helping to bring justice to victims. If NGOs suspect a crime has been committed, they need to help victims get legal and mental help and take the necessary/possible legal action.
- 34. NGOs need to raise awareness about minority issues and hate speech, and sensitise politicians and the public to human rights issues, minorities, hate speech, media literacy and the lives of everyday people and empower them to take action.** This can happen through community training, volunteer management, campaigns, and cultural events. Moreover, involving schools would be particularly important. Programs on human rights issues with a local focus need to be organised by applying various methodologies, such as the living library methodology. Nevertheless, the organisers must ensure there is no negative impact on the participants from minority groups.
- 35. NGOs need to keep running advocacy campaigns, preferably by forming alliances and cooperations.** The advocacy campaigns can promote better regulation, a better legal environment, and the involvement of minority groups in the social consultation process. NGOs need to support each other in planning and developing campaigns by sharing existing knowledge to realise more plans. Organisations representing different vulnerable groups should work together in solidarity and take joint actions to achieve even greater impact.

- 36. NGOs need to enhance cooperation with policymakers and parliamentary networks to raise awareness about minority issues, prejudices, discrimination and hate speech.** An example of this is the network 'For a Diverse Hungary – MPs for the LGBT community'.
- 37. NGOs need to increase cooperation with elementary and high schools, universities and other educational institutions.** This is becoming increasingly difficult in certain countries. Still, it is worth looking for solutions and alternative approaches so that human rights issues, democratic citizenship, minority issues and fighting hate speech reach more and more educational institutions.
- 38. NGOs need to study the messages of pro-hate groups and GONGOs and tackle them with counter-narratives or alternative narratives.**
- 39. Donors need to provide more funds for the long-term and core activities of NGOs.** Donors need to support the advocacy and awareness-raising work both financially and by improving knowledge and practical skills.
- 40. NGOs need to mobilise citizens for public pressure on social issues.** Such mobilisation can happen through demonstrations, flash mobs, programmes based on personal dialogue, or any event that can be used to shed light on a particular problem. Such mobilisation activities can aim to establish personal contacts, which can facilitate dialogue and help reduce social divisions. Understanding societal values and customising messaging to the target audience is essential.

