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**OSCE MEETING ON THE RELATIONSHIP BETWEEN
RACIST, XENOPHOBIC AND ANTI-SEMITIC
PROPAGANDA ON THE INTERNET AND HATE CRIMES**

Paris, 16 and 17 June 2004

CONSOLIDATED SUMMARY

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INTRODUCTION

The Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination “recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the Internet...(and) welcome(s) the offer by France to host in Paris in 2004 a forward-looking event, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the Internet and hate crimes”. (See Annex 2 for the text of the decision). On 16 and 17 June the OSCE organized the Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes hosted by France in Paris.

The annotated agenda of the OSCE Meeting on the Relationship between Racist, Xenophobic and anti-Semitic Propaganda on the Internet and Hate Crimes was developed in Vienna in close co-operation with and consultation among a representative group of participating States. The sustained attention from participating States in organizing the Meeting resulted in high-level expert keynote speakers, introducers and moderators. They set the tone for a very engaged discussion among the over 400 participants from governments, international organizations, civil society and the Internet industry.

The report of this Meeting consists of the following parts:

- (A) The annotated agenda, comprising the names of the speakers and the conceptual background on which the discussions were based;
- (B) A report of working sessions, an overview of interveners, a summary of general recommendations, as well as additional recommendations made by delegations, either during the sessions or after the sessions in writing;
- (C) The annexes contain the Conclusions by the Chair of the Meeting, the Maastricht Ministerial Council Decision on Tolerance and Non-Discrimination (MC.DEC/4/03), the speeches of the keynote speakers in the opening session as well as the speeches from the introducers in the working sessions.

The interventions by the introducers for each session are attached. The summaries of the discussions are taken from interventions by the introducers and the subsequent debate. In accordance with standard OSCE human dimension meeting reporting, the recommendations are addressed to either OSCE participating States or OSCE structures. Although most recommendations were addressed to OSCE participating States, it goes without saying that NGOs and other international organizations have an important role to play in ensuring the implementation of some of these recommendations as well. Finally, the list of participants and remaining statements handed in to the Secretariat have been posted on the official website of the OSCE.

(A) ANNOTATED AGENDA

Opening of the Meeting: Keynote session

In the Maastricht Decision on Tolerance and Non-Discrimination, participating States reaffirmed their commitment to promote tolerance and non-discrimination and combat hate crimes, which can be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet. To further these goals, the participating States decided to hold a meeting in Paris, fully respecting the rights to freedom of information and expression, on the relationship, if any, between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes.

The goals of the initial session are the following:

- To reiterate our commitment to combat hate crimes;
- To recall the importance of enhancing the rights to freedom of expression and information;
- To underline the importance of promoting tolerance, including through the Media and the Internet;
- To stress the necessity of initiating a broad debate on the possible link between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes with the relevant actors, including governments, international organizations, civil society and the Internet industry, with a view to identifying possible best practices.

Opening speeches: H.E. Michel Barnier, Minister for Foreign Affairs of France
H.E. Solomon Passy, Minister for Foreign Affairs of Bulgaria,
Chairman-in-Office of the OSCE

Keynote addresses: Robert Badinter, Former Minister for Justice, France
Dan Bryant, Assistant Attorney General, United States Department
of Justice, USA
Ghaleb Ben Cheikh, Vice-Chairman of the World Conference of
Religions for Peace, France

Session 1: Legislative framework, including domestic and international legislation regarding propaganda on the Internet and hate crimes

Moderator: Ambassador Christian Strohal, Director of the OSCE Office for Democratic Institutions and Human Rights

Introducers: Guy de Vel, Director General of Legal Affairs, Council of Europe
Suzette Bronkhorst, Board Member for Magenta, Dutch Complaints Bureau
for Discrimination on Internet and Secretary-General of the International
Network Against Cyber Hate
Rabbi Abraham Cooper, Simon Wiesenthal Center, USA

Note taker: Ms. Elizabeth McArthur, Human Rights Officer, ODIHR

This session will focus on the legislative framework surrounding racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes.

Topics may include, *inter alia*:

- National legislation and constitutional provisions regarding racist, xenophobic, and anti-Semitic propaganda on the Internet, regarding hate crimes, and regarding the link between Internet propaganda and hate crimes;
- Legal obligations of the different actors on the Internet, including the Internet Service Providers, backbone operators, e-commerce businesses, content providers, telephone, satellite and cable carriers and users;
- Factors that might limit the ability of governments, NGOs, industry groups, etc., to address racist, xenophobic, and anti-Semitic propaganda on the Internet;
- An overview of existing initiatives by international organizations, such as *inter alia*, the United Nations, the OECD, the Council of Europe, the European Union, on the issue of racist, xenophobic and anti-Semitic propaganda on the Internet, hate crimes, and the potential relationship between them.

Session 2: The nature and extent of the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes

Moderator: Dr. Beate Winkler, Director, European Union Monitoring Centre on Racism and Xenophobia

Introducers: Michael Whine, Community Security Trust, United Kingdom
Christopher Wolf - Partner, Law Firm of Proskauer Rose LLP and Chair of the
Internet Task Force of the Anti-Defamation League
Stieg Larsson, Director, Expo Foundation, Sweden

Note taker: Ms. Simona Drenik, Third Secretary, Slovenian delegation to the OSCE

This session will focus on the relationship between racist, xenophobic and anti-Semitic propaganda and the commission of hate crimes. Special attention will be paid to studies carried out by various actors (government bodies, NGOs, industry groups, experts, etc.) to assess the effects, if any, of propaganda on the Internet on violence, including criminal behaviour, specifically with respect to the commission of hate crimes.

Topics may include, *inter alia*:

- An overview of existing public and private initiatives aimed at providing information and analysis based on sound methodology on the possible link between racist, xenophobic and anti-Semitic propaganda and hate crimes with a view to assessing the objectives and effect of these initiatives and, where necessary, their validity;
- An analysis of the contents of racist, xenophobic and anti-Semitic propaganda on the Internet and of the means used by their authors (sites, discussion forums, etc.);
- An assessment, based on reliable statistics, where such exist, of the effects, if any, of propaganda on the Internet on violent and/or criminal behaviour with respect to the commission of hate crimes.

Session 3: Public and private partnerships in the fight against racism, xenophobia and anti-Semitism on the Internet — best practices

Moderator: Isabelle Falque-Pierrotin, Chairperson of the Internet Rights Forum, France

Introducers: Miklos Haraszti, OSCE Representative on Freedom of the Media
Brian Marcus, Director of Internet Monitoring, Anti Defamation League
Anton Nosik, Editor-in-Chief of Lenta.ru, Russian Federation

Note taker: Mr. Giorgio Novello, First Counsellor, Italian delegation to the OSCE

This session will aim at identifying and assessing measures taken by government bodies, civil society, including NGOs, religious associations, and industry groups — on a voluntary basis — to address racist, xenophobic, and anti-Semitic propaganda on the Internet and its relationship to hate crimes with a view to highlighting best practices and fostering regular information-sharing throughout the OSCE area.

Topics may include, *inter alia*:

- Co-operation between government agencies, NGOs, religious associations, and industry groups on the issues of racist, xenophobic, and anti-Semitic propaganda on the Internet and hate crime;
- Assessment of appropriateness of government action versus voluntary action;
- Assessment of whether limitations on racist, xenophobic and anti-Semitic propaganda are effective in preventing hate crimes;
- Presentation of initiatives taken by relevant international organizations (i.e. European Union, Council of Europe ECRI) to tackle the issue of the relationship between racist, xenophobic, and anti-Semitic propaganda on the Internet and hate crimes (goals, results achieved, perspectives);
- Voluntary steps, if any, taken by the Internet industry in each participating State to address racist, xenophobic, and anti-Semitic propaganda on the Internet;

- Technical and other means used by organizations or networks to research and/or monitor racist, xenophobic and anti-Semitic propaganda and incitement to violence on the Internet.

Session 4: Promoting tolerance on and through the Internet — best practices to educate users and heighten public awareness

Moderator: Ambassador Professor Luigi Vittorio Ferraris, Former Deputy Foreign Minister of Italy

Introducers: Andras Nyiro, Founding Editor-in-Chief of Index.hu, Hungary
Stefan Glazer, Manager of the project on right-wing extremism on the Internet, Jugendschutz.net, Jugendschutz, Germany
Cathy Wing, Director of Community Programming, Media Awareness Network, Canada

Note taker: Mr. Fernando Nogales, Counsellor, Spanish delegation to the OSCE

The broad debate initiated in 2003 at the Vienna Conferences on Anti-Semitism (June) and on Racism, Xenophobia and Discrimination (September), and continued at the Human Dimension Implementation Meeting (October), has highlighted education as a vital factor in developing tolerance and understanding. This session aims at assessing the steps taken throughout the OSCE area to inform the public about racist, xenophobic, and anti-Semitic propaganda on the Internet, hate crime, and the potential relationship between them. It will also explore the Internet's potential as a critical tool in promoting tolerance through education of users and public awareness raising.

Topics may include, *inter alia*:

- The need to promote broader access to diverse opinions on the Internet throughout the OSCE area as a crucial educational and awareness-raising tool to foster tolerance and combat hate crimes;
- Programmes designed for young people and educators to inform them about hate crimes and about the negative effects of racist, xenophobic, and anti-Semitic propaganda on the Internet, and to explore the potential relationship between such propaganda and hate crime;
- Training programmes for public authorities, especially for law enforcement officials, on hate crimes and on racist, xenophobic, and anti-Semitic propaganda on the Internet, and on exploring the potential relationship between them;
- Private initiatives (NGOs and/or industry groups) to educate users about hate crimes and about racist, xenophobic, and anti-Semitic propaganda on the Internet, and to explore the potential relationship between them.

Closing session: Conclusions and recommendations

In the closing session the four moderators will summarize discussions and recommendations in the sessions on how the OSCE participating States and OSCE structures can strengthen and operationalize their efforts to address the relationship, if any, between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes, while fully respecting the rights to freedom of information and expression. There will be also the possibility for reactions from the floor. The outcome of the Meeting, in particular as regards the promotion of best practices, will be brought forward to the Human Dimension Implementation Meeting in Warsaw in October 2004.

In order to more accurately reflect the results of the Meeting, participants are encouraged to submit in writing to the Chairmanship-in-Office any recommendation they wish to make. It would be helpful if participants could specify for whom the recommendations are intended, for example individual OSCE participating States, the OSCE as a whole, or OSCE structures and institutions.

(B) REPORT OF SESSIONS 1 TO 4 AND THE CLOSING SESSION

Session 1: Legislative framework, including domestic and international legislation regarding propaganda on the Internet and hate crimes

After the speeches of the three introducers (see Annex 3), the following delegations participated in this discussion (in speaking order): Ireland (on behalf of the European Union: the candidate countries Bulgaria, Romania and Turkey aligned themselves with this statement), Serbia and Montenegro, Germany, United Kingdom, Mr. Gilles Karmasyn (PHDN), Israel, Slovenia, United States of America, Russian Federation, France, Internet Hotline Providers in Europe (INHOPE) and the European Commission.

Summary and general recommendations

In this session, participants discussed existing domestic and international legislation related to propaganda on the Internet and hate crimes. It was recognized that there is a wide variation in domestic laws against hate speech in the OSCE participating States. Various legal options for dealing with propaganda on the Internet and hate crimes were discussed. Several participants expressed the view that efforts to strengthen national legislation and to reach common ground on an international legal framework should be based on the Council of Europe's Convention on Cybercrime and its Additional Protocol. However, participants stressed that legislation alone is not enough and emphasised the need to concentrate on the enforcement of legislation and the development of a creative consortium approach that would build effective partnerships between governments, NGOs and the Internet industry. Participants also highlighted the need to think "outside the box" in order to develop new and innovative approaches to combat hate crimes and the dissemination of racist, xenophobic and anti-Semitic propaganda on the Internet. The importance of ensuring concrete follow-up to this Meeting was emphasized.

Several participants recommended that participating States should work to develop domestic legislative frameworks based on the 14 June 2003 Amsterdam Recommendations on Freedom of the Internet. One participant said that further training to law enforcement authorities on their role in implementing existing legislation should be provided. Another participant encouraged OSCE participating States to develop codes of conduct. To this end, the Council of Europe expressed its willingness to work together with the OSCE and its participating States. Several participants pointed out that participating States should work in co-operation with the Internet Industry to use "user contracts" as a basis to take legal action against sites harbouring hate crimes. Several participants encouraged participating States to build partnerships between national agencies, NGOs, governments and the Internet Industry in order to monitor and bring incidents of racist, xenophobic and anti-Semitic speech and hate crimes to the attention of law enforcement authorities and the general public.

Additional recommendations

European Union

- All OSCE participating States, NGOs, and the Internet industry should create opportunities, including during the annual Human Dimension Implementation Meeting of the OSCE next October, to promote sharing of best practices.

United States of America

- Participating States should take action to ensure that the Internet remains an open and public forum for the airing of all viewpoints;
- Participating States should vigorously investigate and, where appropriate, prosecute criminal threats of violence transmitted over the Internet;
- The OSCE Representative on Freedom of the Media should study whether laws prohibiting bias-motivated speech are being misused in any nation as a means of silencing government critics and suppressing political dissent;
- Participating States should study the effectiveness of laws regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic, anti-Semitic or racist crimes;
- Participating States should collect information concerning incidents of bias-motivated crimes and publish a report on an annual basis summarizing this data;
- Participating States should vigorously prosecute those engaging in bias motivated violence to the full extent of the law.

Russian Federation

With a view to effectively countering the spread of racist, xenophobic and anti-Semitic ideas via the Internet:

- Co-operation in the area of controlling and suppressing terrorist and xenophobic propaganda on the Internet should be increased;
- Systematic measures aimed at standardizing and improving national laws regulating the dissemination of information on public telecommunications networks should be implemented;
- A system for identifying Internet sites promoting xenophobia and racial and religious intolerance should be devised and, on the basis of this, a single list of such Internet sites with a view to co-ordinating efforts to stamp them out should be created;
- Joint measures to identify and make known the actual owners of the most offensive Internet sites should be carried out.

Slovakia

- The need for international co-operation on a global level should be emphasized. Co-operation should be primarily in the area of prevention of organized crime, making use of international, especially police organizations.

International Network Against Cyber Hate (INACH)

- Use of existing domestic and international anti-discrimination and hate crime legislation, with as general rules that:
 - Material which is illegal offline is also illegal online;
 - Action should be taken in the country from where the material is placed on the Internet;
- Sign and ratify the Council of Europe's Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

Session 2: The nature and extent of the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes

After the speeches of the three introducers (see Annex 3), the following delegations participated in the discussion (in speaking order): Poland, Conseil Représentatif des Institutions Juives de France (CRIF), United States of America, Italy, Commission Nationale Consultative des Droits de l'Homme (CNCDH), Morocco, Institute on the Holocaust & the Law, Canada and Armenia.

Summary and general recommendations

At this session special attention was paid to the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes. Participants recognized that the Internet facilitates all types of communication, both desirable and undesirable, due to the fact that it is a cheap tool for delivering all sorts of information, is easily accessible and allows a high level of anonymity. Concern was expressed that hate groups have become adept at using the Internet to promote their ideas and organize themselves. However, the challenge to establish a clear link between racist, xenophobic and anti-Semitic propaganda on the Internet on the one side and the commission of hate crimes on the other side was identified as a dilemma. The difficulty of making a direct link between concrete crimes committed and propaganda on the Internet was discussed. Several participants spoke of the need to examine, particularly through academic studies, the effects of hate propaganda on the Internet on the commission of hate crimes. One participant recommended that governments encourage Internet service providers and website providers to screen access to websites or content on the basis of national values.

Various participants said that the participating States should in general increase awareness raising, education for tolerance and research work concerning the issues of hate

speech on the Internet and hate crimes. Two NGOs recommended that governments should encourage the development of a code of conduct that permits parents, educators and others responsible for the moral and psychological development of children to screen inappropriate content. Several participants recommended that an analysis on hate speech and hate crimes and their influence on children and young people, who are the most vulnerable groups in this concern, should be promoted. Based on the findings of these analyses, curricula for education and training should be developed. Several delegations proposed that the effective international system of sharing information regarding intolerance should be established by all the relevant actors.

Additional recommendations

United States of America

- An extensive study should be conducted, including a detailed overview of specific cases of online hate crimes or hate crimes that can be definitively linked to hate materials online — noting that sections of the report will be specific to the laws of each participating State and understanding the differences and nuances between participating States' laws in this area will influence what examples are provided. Such a study would give participating States a better understanding of the scope and depth of this problem;
- A system should be developed where NGOs and other private organizations involved in the monitoring and tracking of hateful materials online can share information and developments in cases of hate crimes being committed online, to better ensure participating States will have up-to-date information on developments in this area as they occur;
- Participating States should acknowledge that there appears to be a growing, disturbing trend to use the Internet to intimidate and harass individuals on the basis of their race, religion, sexual orientation, or national origin. When speech contains a direct, credible threat against an identifiable individual, organization, or institution, it crosses the line to criminal conduct. Government officials should vigorously investigate and, where appropriate, prosecute threats of violence transmitted over the Internet. Because of jurisdictional dilemmas, the anonymity of the Internet, and the complexity of gathering and preserving electronic evidence, these crimes present especially difficult challenges for law enforcement officials and prosecutors. Government prosecutors should be trained in how to investigate and prosecute hate crimes on the Internet.

Session 3: Public and private partnership in the fight against racism, xenophobia and anti-Semitism on the Internet — best practices

After the speeches of the three introducers (see Annex 3), the following delegations participated in this discussion (in speaking order): AFA/T-Online France, SOVA Centre for Information and Analysis, Magen League, United States of America, International Network Against Cyber Hate (INACH), France, Mr. Michel Voisin (OSCE PA), Institute on the Holocaust & the Law and Germany.

Summary and general recommendations

During the third session representatives of public authorities, NGOs and industry (Internet Service Providers) exchanged their views. Participants observed that monitoring of hate propaganda on the Internet gives rise to two types of co-operation: national partnerships and international co-operation. The development of public awareness was recognized as a key tool against hate speech on the Internet. Debates on self-regulation were particularly consistent, in that many Internet Service Providers (ISPs) already ban hate speech in their terms of service. This action generally seemed useful to most speakers. ISPs' co-operation networks allow fast transmission of information and efficient action between voluntary service providers such as the European INHOPE network. However, to some speakers, filtering of search engine results as well as of contents infringing on the rights to freedom of expression and information. Participants noted that the potential effect of voluntary action undertaken by the community of Internet users should not be neglected. Through "Google Bombing", for instance, Internet users were able to influence search engine results. In addition, Internet users can also pressure ISPs to enforce their terms of service agreements. Dialogue between stakeholders (public authorities, NGOs, members of the industry, etc.) is considered a necessity.

MP and president of the French parliamentary delegation to the OSCE proposed a resolution calling States to encourage the creation of permanent places of dialogue on these issues.

Additional recommendations

United States of America

- Participating States should support the establishment of educational programmes and development of training materials directed to educating children regarding methods of addressing racist, xenophobic, or anti-Semitic expression they may encounter on the Internet;
- NGOs, religious associations, industry, and other private groups should continue to monitor the Internet for racist, xenophobic, and anti-Semitic content, and report publicly on their findings, and that this material is centrally maintained and catalogued by these groups;
- Participating States should take steps to raise parental awareness of filtering software, which empower parents, on a voluntary basis, to exercise greater supervision and control over their children's use of the Internet;
- Many ISPs already reserve the right to block transmittals that fall outside of their policies. Most of the large ISPs in the United States enforce policies banning racist and hateful statements. NGOs and other private organizations should promote consumer awareness of which ISPs host hate speech and which do not in order to allow consumers to make informed decisions on the ISPs they choose to use.

Session 4: Promoting tolerance on and through the Internet — best practices to educate users and heighten public awareness

After the speeches of three introducers (see Annex 3), the following delegations participated in this discussion (in speaking order): The American Jewish Committee, United States of America, European University at St. Petersburg, Hagalil Online, Swiss Federation of Jewish Communities, International League for Human Rights, Academie International des Droits de l'Homme, European Union Monitoring Centre, Luxembourg, Turkey and Armenia.

Summary and general recommendations

During this session participants recognized that the dynamic nature of the Internet requires new approaches to promote tolerance and to combat intolerance. Many participants expressed a belief that awareness-raising and education are key tools in the fight against racist, xenophobic and anti-Semitic propaganda on the Internet. One delegation said that a co-ordinated approach between providers, media industry and teachers, leading to real partnership, self-regulation and smart debate have proven to be particularly useful. Many participants focussed on highlighting its positive potential to foster intercultural dialogue and to allow educators to multiply the effectiveness of their actions and programmes. As young people were identified as both the main users of the Internet and the group that is more vulnerable to hate propaganda, it was agreed that new approaches have to be devised, including learning by discovery and in groups. Additionally, since youths are keen to be involved with anything related to the Internet, this offers a possibility to get them involved and to challenge them to use their creativity and capacity for networking. Other participants talked about how a partnership approach to providers, media industry, teachers, etc. has proven essential for success.

Some participants explained more specifically how the terms of service contracts presented by internet service providers to their clients can allow those providers to legally assert the right to remove objectionable and offensive material from their systems. Additionally, widely available software filtering tools enable parents and other users to filter unwanted material. Several participants highlighted the role of the Internet as a tool with great potential to promote understanding and tolerance. It was mentioned that search engines in particular can be very useful in directing users to pages containing educational material.

During the session, a proposal for the universal adoption of a “Charter on Ethics and Civility for all Users of the Internet” was presented by the French Ministry of National Education and Research (Delegation for Internet use) and the Academie International des Droits de l'Homme.

Additional recommendations

United States of America

- Participating States should adopt policies that allow the Internet to flourish—to continue to be an open and democratic medium for the expression of ideas. Ultimately, we believe that in the marketplace of ideas, the vast majority will promote understanding and tolerance, which can overcome ignorance and hate;

- NGOs, other private organizations, and individual citizens should vigorously monitor the Internet for hate speech and raise public awareness of such speech. NGOs also perform a valuable service by bringing such materials to the attention of ISPs and the public;
- ISPs should put their consumers on how parents can exercise greater supervision and control over their children's use of the Internet and protect them from viewing objectionable material. For example, filtering software is widely available that can provide parents with a tool to protect their children from accessing hate on the Internet.

Closing session: Development of conclusion and recommendations

The following delegations participated in this session: United States of America, Ireland (on behalf of the European Union, the candidate countries Bulgaria, Romania and Turkey aligned themselves with this statement), Armenia, the International Network against Cyber Hate (INACH), the Russian Federation and Belgium.

Summary and general recommendations

Speakers at the closing session stressed their commitment to promote tolerance and combat hate crimes. They also highlighted the extremely important and positive role that the Internet plays in modern society. While agreement on what measures to take to deal with the problem of racist, xenophobic and anti-Semitic propaganda on the Internet could not be reached, participants benefited from exchanges of view. These exchanges revealed some areas of consensus, including in the importance attached to education and the involvement of NGOs and industry groups.

At the end of the Meeting the Chair of the Meeting delivered his Conclusions. (see Annex 1)

Additional recommendations

To OSCE participating States

Francois Fillon (French Minister for National Education and Research)

- Our democracies can and must establish on the Internet a common platform of fundamental values to ensure harmony among our societies.

United States of America

- Participating States should take action to ensure that the Internet remains an open and public forum for the airing of all viewpoints and to foster access to the Internet both in homes and in schools;
- Participating States should vigorously investigate and, where appropriate, fully prosecute bias-motivated violence and criminal threats of violence on the Internet;

- The OSCE Representative on Freedom of the Media should study whether laws prohibiting bias-motivated speech are being enforced in a discriminatory or selective manner or are being misused in any nation as a means of silencing government critics and suppressing political dissent;
- Participating States should study the effectiveness of laws regulating Internet content, specifically with regard to their effect on the rate of racist, xenophobic, anti-Semitic crimes;
- Analytically rigorous studies should be conducted of the possible relationship between racist, xenophobic, and anti-Semitic speech on the Internet and the commission of bias-motivated crimes;
- Participating States should collect information concerning incidents of bias-motivated crimes and publish a report on an annual basis summarizing this data;
- Participating States should support the establishment of programmes to educate children about bias-motivated expression they may encounter on the Internet. Materials from successful educational programmes should be widely disseminated;
- Participating States and ISPs should take steps to increase parental awareness of widely available filtering software that enables parents to exercise greater supervision and control over their children's use of the Internet;
- NGOs should continue and increase their efforts to monitor the Internet for, share, and publicize their finding of racist, xenophobic, and anti-Semitic content;
- Participating States should train investigators and prosecutors on how to address bias-motivated crimes on the Internet.

International Network Against Cyber Hate (INACH)

OSCE participating States should:

- Consider the possibilities of a follow-up conference on Hate speech and the Internet;
- Promote and support initiatives to set up mechanisms and bureaus for monitoring, collecting and sharing comparative data and statistics;
- Promote and support initiatives to set up mechanisms and bureaus for countering Internet-hate speech;
- Support existing bureaus and Networks which counter hate on the Net;
- Promote and support educational projects directed towards countering hate on the Internet;
- Promote Industry codes of conduct.

Germany

Participating States and OSCE institutions:

- Should, in combating the stirring up of and incitement to hatred on the Internet, pursue complementary parallel strategies. In so doing, the goal at the national and international levels should be to deprive intolerance as far as possible of this platform and, at the same time, to enable users to deal by themselves with messages aimed at stirring up and inciting hatred;
- Should, in combating the stirring up of and incitement to hatred on the Internet, also make use of the measures provided for the protection of the young. Considerations having to do with the protection of the young should also play an important role in the area of self-regulation;
- Should, in combating the stirring up of and incitement to hatred on the Internet, work closely together with civil society, strengthen civil society and support the work of non-governmental organizations, *inter alia*, through participation in international networks;
- Should incorporate in their work the Declaration of the Berlin Conference on “The Internet and the Changing Face of Hate” (*Die Verbreitung von Hass im Internet*), held on 26 and 27 June 2000.

French Delegation to the OSCE PA (Michel Voisin, Vice-Chairman of the OSCE PA)

1. Recalling the Resolution on anti-Semitic violence within the OSCE adopted at the annual session of the Assembly held in Berlin in 2002, as well as the Resolution on anti-Semitic violence within the OSCE adopted in the annual session of the Assembly held in Rotterdam in 2003,
2. Pleased that the OSCE has taken a firm stand against racism, anti-Semitism and specifically that it has organised three conferences on this theme during the year 2004,
3. Recalling notably Article 11 of the Resolution adopted in Rotterdam inviting the OSCE member States “to ensure that local and national authorities effectively enforce the law against criminal acts arising from anti-Semitism, xenophobia or racial or ethnic hatred, whether directed at individuals, communities or property, notably by investigating such acts and undertaking proper legal action”,
4. Considering that effective enforcement of the legislation requires the co-ordinated action of all the member States and non governmental organizations involved in this cause,

The parliamentary Assembly of the OSCE,

5. Invite each OSCE participating State to set up an appropriate body in order to implement the commitments made at Maastricht and Berlin concerning the issue of the fight against racism and anti-Semitism;
6. Suggest that such body should be responsible for:
 - Co-ordination of competent administrations;
 - Monitoring of racist and anti-Semitic incidents, specifically through the establishment of statistics;
 - Monitoring of legal actions undertaken against perpetrators of racist and anti-Semitic acts;
 - Proposing to the government measures for the protection of places of worship and community gathering places;
 - Proposing measures to the government that promote tolerance in the schools and the media;
 - Maintaining a dialogue with community organizations affected by anti-Semitism and racism in order to assess related incidents with them and study countermeasures that seem useful to them;
 - Ensuring the liaison with the ODIHR in order to achieve the tasks with which it was entrusted by the Maastricht Council of Ministers and the Berlin conference;
7. Invite each OSCE participating State to also set up a body enabling dialogue between the competent administrations, concerned non-governmental organizations and Internet experts in order to:
 - Gather data on the full extent of the distribution of racist and anti-Semitic hate messages on the Internet;
 - Debate possible measures to take to promote tolerance on the Internet while defending the principle of freedom of expression;
8. Propose that a delegation of the parliamentary Assembly of the OSCE present this resolution to the OSCE Conference in Brussels of the 13 and 14 September 2004.



**CONCLUSIONS BY THE CHAIR OF THE OSCE MEETING ON THE
RELATIONSHIP BETWEEN RACIST, XENOPHOBIC AND ANTI-SEMITIC
PROPAGANDA ON THE INTERNET AND HATE CRIMES**
(16 and 17 June, Paris)

In the Maastricht Decision on Tolerance and Non-Discrimination, participating States reaffirmed their commitment to promote tolerance and non-discrimination and to combat hate crimes, which may be fuelled by racist, xenophobic and anti-Semitic propaganda on the Internet. To further these goals, the participating States held a meeting in Paris on June 16-17 to initiate a broad debate on the possible link between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes. Those attending included officials from governments of OSCE participating States, as well as representatives of non-governmental organizations and the internet industry.

During the Meeting, participants condemned racist, xenophobic and anti-Semitic propaganda, and noted that such propaganda is easily spread on the Internet. Participants also reaffirmed the importance of fully respecting the rights to freedom of information and expression, which is vital to democracy and in fact strengthened by the Internet.

Participants also reiterated their commitment to combat hate crimes and stressed the importance of promoting tolerance, mutual respect, dialogue, and understanding, including through the Media and the Internet.

Participants noted that access to the wide array of information and diverse set of opinions available on the Internet can serve to reduce ignorance and prejudice. Participants agreed to strengthen efforts to use the Internet as a tool for promoting tolerance, mutual respect and understanding and educating users about hate crimes and all forms of intolerance. All concurred that such education efforts should especially be directed toward young people and other targets of groups seeking to propagate racist, xenophobic and anti-Semitic ideas.

Those attending the Meeting also agreed to promote, where appropriate under existing national legislation, areas of additional co-operation, particularly voluntary initiatives by NGOs, religious associations and/or other groups directed toward researching and monitoring racist, xenophobic and anti-Semitic propaganda and incitement to violence on the Internet.

Participants expressed their appreciation for the work done by the office of the OSCE's Representative on Freedom of the Media in collecting updated data provided by participating States resulting from a questionnaire launched by the CiO of the OSCE.

Participants agreed to create opportunities, including during the annual Human Dimension Implementation Meeting, to promote sharing of best practices. Equally they agreed to foster exchanges directed toward identifying effective approaches for addressing the issue of racist, xenophobic and anti-Semitic propaganda on the Internet that do not endanger freedom of information and expression.

Participants also agreed that appropriate follow up should be considered at the Ministerial Meeting of the OSCE in Sofia, when planning further OSCE actions oriented toward promoting tolerance, mutual respect and understanding and combating Racism, Xenophobia and Anti-Semitism.



**Organization for Security and Co-operation in Europe
Ministerial Council
Maastricht 2003**

MC.DEC/4/03
2 December 2003

Original: ENGLISH

2nd day of the Eleventh Meeting
MC(11) Journal No. 2, Agenda item 8

**DECISION No. 4/03
TOLERANCE AND NON-DISCRIMINATION**

The Ministerial Council,

Recognizing that respect for human rights and fundamental freedoms, democracy and the rule of law are at the core of the OSCE's comprehensive concept of security,

Recalling its commitments in the field of the human dimension, enshrined in the Helsinki Final Act, the Charter of Paris for a New Europe, the Charter for European Security (Istanbul Summit, 1999) and all other relevant OSCE documents and decisions,

Recalling Decision No. 6 on Tolerance and Non-discrimination, adopted at the Tenth Meeting of the Ministerial Council in Porto on 7 December 2002,

Reaffirming its commitment to promote tolerance and combat discrimination, and its concern about all manifestations of aggressive nationalism, racism, chauvinism, xenophobia, anti-Semitism and violent extremism in all participating States, as well as discrimination based, *inter alia*, on race, color, sex, language, religion or belief, political or other opinion, national or social origin, property, birth or other status,

Urging the relevant authorities in all participating States to continue to condemn publicly, at the appropriate level and in the appropriate manner, violent acts motivated by discrimination and intolerance,

Affirming its commitment to increase its efforts for the promotion of tolerance and non-discrimination in all fields,

Welcoming the work done by the OSCE during 2003,

1. Commits itself to promote the implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area;
2. Decides to enhance the efforts being made to increase women's participation and the role of women in furthering democratization and economic development, and to consider integrating the provisions of the OSCE Action Plan on Gender Issues where applicable into

national policies. Further decides to enhance its efforts to achieve gender balance at all levels within the OSCE, taking full account also in this respect of the principle of recruiting staff from all participating States on a fair basis. Reiterates that the OSCE encourages female candidates to apply for OSCE positions;

3. Decides to follow up the work started at the OSCE Conference on Anti-Semitism, held in Vienna on 19 and 20 June 2003 and welcomes the offer by Germany to host a second OSCE conference on this subject in Berlin on 28 and 29 April 2004;

4. Decides to follow up the work started at the OSCE Conference on Racism, Xenophobia and Discrimination, held in Vienna on 4 and 5 September 2003 and welcomes the offer by Belgium to host a second OSCE conference on this subject in Brussels in autumn 2004;

5. Tasks the Permanent Council to further discuss, in addition to the two above-mentioned conferences, ways and means of increasing the efforts of the OSCE and the participating States for the promotion of tolerance and non-discrimination in all fields;

6. Encourages all participating States to collect and keep records on reliable information and statistics on hate crimes, including on forms of violent manifestations of racism, xenophobia, discrimination, and anti-Semitism, as discussed and recommended in the above-mentioned conferences. Recognizing the importance of legislation to combat hate crimes, participating States will inform the ODIHR about existing legislation regarding crimes fuelled by intolerance and discrimination, and, where appropriate, seek the ODIHR's assistance in the drafting and review of such legislation;

7. Tasks the ODIHR, in full co-operation, *inter alia*, with the United Nations Committee on the Elimination of Racial Discrimination (UNCERD), the European Commission against Racism and Intolerance (ECRI) and the European Monitoring Center on Racism and Xenophobia (EUMC), as well as relevant NGOs, with serving as a collection point for information and statistics collected by participating States, and with reporting regularly on these issues, including in the format of the Human Dimension Implementation Meeting, as a basis for deciding on priorities for future work. The ODIHR will, *inter alia*, promote best practices and disseminate lessons learned in the fight against intolerance and discrimination;

8. Recognizes the need to combat hate crimes, which can be fuelled by racist, xenophobic, and anti-Semitic propaganda on the internet. We welcome the offer by France to host in Paris in 2004 a forward-looking event, fully respecting the rights to freedom of information and expression, on the relationship between propaganda on the internet and hate crimes;

9. Affirms the importance of freedom of thought, conscience, religion or belief, and condemns all discrimination and violence, including against any religious group or individual believer. Commits to ensure and facilitate the freedom of the individual to profess and practice a religion or belief, alone or in community with others, where necessary through transparent and non-discriminatory laws, regulations, practices and policies. Encourages the participating States to seek the assistance of the ODIHR and its Panel of Experts on Freedom of Religion or Belief. Emphasizes the importance of a continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding;

10. Ensures the advancement of the implementation of the OSCE commitments on national minorities, and recognizes the importance of the recommendations of the High Commissioner on National Minorities on education, public participation, and language, including on its use in broadcast media, and the relevant recommendations of the Representative on Freedom of the Media in this regard;
11. Undertakes to combat discrimination against migrant workers. Further undertakes to facilitate the integration of migrant workers into the societies in which they are legally residing. Calls on the ODIHR to reinforce its activities in this respect;
12. Undertakes, in this context, to combat, subject to national legislation and international commitments, discrimination, where existing, against asylum seekers and refugees, and calls on the ODIHR to reinforce its activities in this respect;
13. Takes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavors of participating States in dealing with internal displacement;
14. Decides that the OSCE in addressing the issues contained in this document will increase its efforts towards the younger generation in order to build up their understanding of the need for tolerance. Human rights education merits particular attention;
15. Decides to intensify the co-operation of the OSCE with relevant international organizations such as the United Nations, the Council of Europe and the European Union, as well as with civil society and relevant non-governmental organizations to promote tolerance and non-discrimination;
16. Tasks the Permanent Council, the ODIHR, the HCNM and the RFoM, in close co-operation with the Chairmanship-in-Office, with ensuring an effective follow-up to the relevant provisions of the present decision, and requests the Permanent Council to address the operational and funding modalities for the implementation of this decision.

ANNEX 3

OPENING SPEECH

Original: as delivered

**BY DR. SOLOMON PASSY, MINISTER OF FOREIGN AFFAIRS OF
BULGARIA AND CHAIRMAN IN OFFICE OF THE OSCE, AT THE OSCE
MEETING ON THE RELATIONSHIP BETWEEN RACIST, XENOPHOBIC
AND ANTI - SEMITIC PROPAGANDA ON THE INTERNET AND HATE
CRIMES**

Paris, 16 – 17 June 2004

**Monsieur le Ministre,
Votre Excellences,
Mesdames et Messieurs,**

C'est un plaisir pour moi d'être à Paris pour cette importante conférence sur la relation entre la propagande raciste, xénophobe et antisémite sur internet et les crimes inspirés par la haine. En tant que pays leader dans les technologies de pointe, la France est bien placée pour être l'hôte de cette Réunion. Je voudrais tout d'abord remercier le Gouvernement français et le Ministre des Affaires étrangères, M. Michel Barnier, d'avoir organisé cet événement.

[I am pleased to be in Paris for this important meeting on the relationship between racist, xenophobia and anti-Semitic propaganda on the Internet and hate crimes. As a leading nation in advanced technologies France is well - placed to be the host of this Meeting. I would like to thank the Government of France and minister Michel Barnier for hosting and organizing this event.]

This is the second in a series of three OSCE meetings this year that focus on tolerance and anti-discrimination. A few weeks ago in Berlin we had a high-profile conference on anti-Semitism. We look forward to a conference in Brussels on tolerance and the fight against racism, xenophobia and discrimination in September.

Today and tomorrow we will be looking at an issue that is all too relevant in the contemporary world: hatred in cyberspace. The Internet is a revolutionary form of communication that has transformed our world. The very nature of the Internet calls for solutions at the international level.

The question is what the answer of the international community should be? We have to look at both the medium and the message. After all, we must not limit the freedom of expression and the freedom of the media, which are vital to democracy. We have to be careful not to over-regulate the incredible virtual diversity provided by the Internet, or limit the free exchange of ideas and information. And yet, we must not let its openness be abused by those individuals who use it to spread hatred.

The objective of this Meeting is to bring together governments, international organizations, civil society and the Internet industry to discuss this pertinent contemporary issue. I am glad that so many representatives, coming not only from the ranks of civil society, but also from the industry circles are present here. I hope that this Meeting will provide an opportunity to strengthen the relationship between governments, industry and NGOs at both the national and the international level.

Relevant international standards have already been developed in this field and should be the basis for our discussions on racist, xenophobic and anti-Semitic speech. The application of such standards must be flexible enough to respect different approaches, but strong enough to effectively combat hate crimes.

The best approach is self-regulation or co-regulation, through developing codes of conduct, and through increasing users' and providers' awareness and sensitivity to the problem. But we cannot leave the job to the providers alone. They should be supported by clear guidelines from governments and clear legislation, if appropriate.

As an organization comprised of 55 States, including some of the most highly industrialized and technologically advanced countries in the world, the OSCE is well-positioned to develop a co-ordinated approach. We share a deep commitment to the core OSCE principles, including freedom of speech and freedom of expression. But we also have to acknowledge that these freedoms do not include an unrestricted right to spread hatred, lies and abuse, which could harm people and even destabilize our societies. This was manifested in the Maastricht Ministerial Council decision and in the OSCE Permanent Council decision on Combating Anti-Semitism.

I believe that the OSCE Participating States should make it clear, that they are serious about tackling hate speech on the Internet. They should undertake measures to strengthen international co-operation and mutual assistance between law enforcement authorities throughout the OSCE region in order to ensure that effective action can be taken against the dissemination of racist, xenophobic and anti-Semitic material via the Internet. Such measures should include training of law enforcement authorities on their role in combating hate crimes and in preventing the dissemination of racist and xenophobic material via the Internet. Different countries have sought different approaches to combat hate crimes on the Internet. Let me draw your attention to the data provided by participating states following a questionnaire launched by the CiO of the OSCE.

The OSCE should increase its efforts to reach young people in order to improve their understanding of the need for tolerance. The Internet is the ideal forum for such activities given the unrestricted access to human rights information it offers. The Internet also provides an opportunity for international dialogue and discussion and can therefore serve as an invaluable tool for cultivating a culture of tolerance and understanding.

There are many examples of how this can be successful. During the Anti-Semitism Conference in Berlin, good practices in ways of teaching about the Holocaust and in discouraging anti-Semitism were also highlighted. This Meeting will provide an opportunity to exchange views and learn from such good practices.

To conclude, the Internet is about choice. Let us try to ensure that all of us can benefit from the free flow of information and ideas provided by the Internet and yet limit the impact of those who use cyberspace as a tool to spread hatred and intolerance.

I hope an appropriate follow-up to this meeting could be decided upon as a result of the two-day deliberations.

I wish the OSCE Paris meeting fruitful proceedings and a positive outcome.

Thank you for your attention!

PC.DEL/489/04
16 June 2004

ENGLISH
Original: FRENCH

OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST, XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE INTERNET AND HATE CRIMES

Paris, 16 and 17 June 2004

Opening of the Meeting

Statement by Mr. Michel Barnier, Minister for Foreign Affairs

Ladies and Gentlemen,

In the first place, I wish to extend to you a very warm welcome. I wanted to open this special meeting of the OSCE for many reasons, because of the quality of the delegations present here and because the stakes are high. Every person of my generation has at some time or other had a dream, the same dream — that of the great African humanist, Léopold Sedar Senghor, who said: “I dreamed of a world flooded with sunshine in fraternity with my blue-eyed brothers”.

And yet this dream is rather far from being realized. The struggle is not at an end. Injustice and intolerance continue to strike, all about us and sometimes in our own homes.

Why conceal the truth? I am a citizen of a country which has just experienced, since 1 January this year, an unprecedented number of anti-Semitic acts. But I am also a minister of a government which is fighting to prevent, identify, sanction and combat such acts.

France wanted to host this special meeting of the OSCE, and I want to thank the Chairman-in-Office, the Bulgarian Minister for Foreign Affairs, Mr. Solomon Passy, the Secretary General of the Organization, the delegates representing your 55 participating States as well as six partner States, the civil society representatives, the Internet professionals and each and every one of you, men and women alike, for having accepted the invitation to attend.

This is a critical time for us, a key stage in our common struggle against intolerance, following the very important work done at the conference last April in Berlin on anti-Semitism, and preceding the Brussels conference in September this year which is to be devoted to racism and xenophobia.

Ladies and Gentlemen,

I should like to mention to you three convictions which prompt France's struggle against intolerance. The first conviction of France is that we must say, among ourselves and to all about us, what is the truth on this subject. It must not be disguised, minimized or treated as something commonplace.

In fact the truth is that, while intolerance may not have won the day, it has made progress almost everywhere in Europe during these last few years, relying in particular on an instrument which is at once new and extraordinary, namely the Internet. We naturally do not want to question in any way the existence of the Internet. We are all aware, moreover, of the exceptional contribution the Internet is making to the spread of knowledge, the understanding of identities and dialogue among people.

But it is our duty to stress that by virtue of its characteristics — immediacy and anonymity in particular — the Internet has had a seductive influence on networks of intolerance. It has placed at their disposal its formidable power of amplification, diffusion and connection. A study recently carried out in the United Kingdom and bearing on 15 participating States of the OSCE shows that in the course of four years, from 2000 to 2004, the number of violent and extremist sites has increased by 300 per cent. This means that the Internet has been taken hostage by the networks of intolerance and it requires a fully appropriate response from us.

Our second conviction is that we must take account of the harmfulness of acts of intolerance in their full scope, in other words the full reality that they represent. In France we feel that there must be a clear relationship, as is in fact indicated by the title of our meeting, between racist, anti-Semitic or xenophobic propaganda on the one hand and hate crimes on the other. That is why we are not here only to condemn insults or abject statements. We are here to fight against statements which, once uttered and sometimes repeated, may lead to crime; for this is the reality that we find, alas, in many cases.

What is at issue for us is not freedom of speech but appeals or incitement to commit particular acts. When an insult leads to crime it changes its nature; it becomes a veritable act of intellectual premeditation. I may observe in passing that our various nations guarantee freedom of speech, but without leaving it completely unlimited, on the understanding that such limits as are set must be clearly defined by law.

The third and final conviction that I want to express here, in the name of France, is that a single response will not be adequate in combating the new methods and the new paths of intolerance.

A response involving prevention is indispensable but not in itself adequate. It is not without its weaknesses. Acts of intolerance are on the increase. We must be capable of acting directly against them and, when required, against those who commit them. It is important then to seek an appropriate balance between prevention and action.

Who is to do this?

Each one of us, in the first instance, within the sphere of his own responsibility, wherever he may be, and above all within the national framework. This is the objective that has been pursued by the French Government during the last two years under the aegis of the President of the Republic and the Prime Minister. We sized up what was going on in our country and responded, among other things, by making the sanctions applicable to racially-motivated crime, anti-Semitism and xenophobia more severe; by stressing the responsibility of website hosts; by focusing on a precise and systematic search for expressions of intolerance in the media — in sum, then, by providing methods and tools for exercising

vigilance and constant surveillance, but also by seeking opportunities for dialogue with the industry and for applying sanctions to the authors of these crimes.

At the same time, since the French response is active and, as I believe, recognized as being so, I am in a good position to gauge the limits imposed on the actions of any single nation. The Internet has no frontiers. We need instruments. Some of these exist, and they are useful. France has signed the United Nations Convention on the Elimination of All Forms of Racial Discrimination. It has also signed the Council of Europe's Convention on Cybercrime together with its additional protocol.

By taking into consideration the growth of intolerance and giving thought to methods of curbing it, the OSCE is playing a role perfectly suited to it, particularly within the context of its mission to strengthen collective security. Thanks in particular to the work done in Berlin, to which our Secretary of State for Foreign Affairs, Mr. Renaud Muselier, made a valuable contribution, and thanks also the work being done in Paris today and to be done in Brussels tomorrow, the OSCE can help us to see the situation more clearly both as regards our objectives and the means most appropriate for combating intolerance on the Internet. As for the objectives, we must establish collectively a realistic level of ambition but a level which enables us to cope with statements marked by intolerance and the acts which they inspire. I have already expressed the wish that France should go well beyond simple prevention.

As for the means, the OSCE must become their observatory, or let's say their laboratory. As for the role of the observatory, it is essential to identify good practices and to improve our understanding of their value and means of operation. As for the laboratory role, the OSCE must, relying on the available expertise, consider the matter thoroughly and formulate proposals which might in the end lead to the drafting of, for example, a code of conduct.

However, at this stage let us concentrate less on instruments than on procedures. It is essential, if we wish to attain our goals, that our procedures should be truly rooted in partnership, bringing together States, non-governmental organizations, and those who can provide the access required.

Ladies and Gentlemen,

The state of urgency created by the rise of intolerance, the scope of the work to be accomplished, all these things are bound to make the OSCE's Ministerial Council in Sofia during the autumn a moment of truth. We must be in a position to propose to our citizens not only an analysis of intolerance but also concrete, active and operational responses which will curb intolerance. In keeping with its traditional values, France would like to emphasize the effectiveness of a response in keeping with the law and based on the collective efforts of nations. We must succeed, because for our societies intolerance is intolerable in whatever form it may appear — racism, xenophobia or anti-Semitism. These are three distinct forms of intolerance, but they must be fought together. This is a great challenge to which the OSCE has resolved to address itself; but at the same time it is a splendid opportunity for the Organization and for an effective display of multilateralism in general.

PC.DEL/496/04
16 June 2004

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Original: FRENCH

Discours - osce paris

Opening Session
Mr. Robert Badinter
Former Minister of Justice, France

O. S. C. E.

**INTERACTION ENTRE
RACISME, XENOPHOBIE ET ANTISEMITISME
SUR INTERNET ET CRIMES DE HAINE**

PARIS - 16 - 17 JUIN 2004

Près de soixante ans se sont écoulés depuis la libération de l'Europe et la découverte des camps de concentration et d'extermination nazis. Près de quinze années se sont écoulées depuis la fin des régimes communistes à l'Est de l'Europe et dans les Etats de ce que fut l'U.R.S.S. On pouvait penser qu'après tant de souffrances engendrées par le racisme et l'antisémitisme, tant de déclarations solennelles et de conventions internationales dénonçant ces deux fléaux de l'humanité, tant de dispositions législatives nationales, de cérémonies, de commémorations rappelant le martyr des victimes, tant d'ouvrages et de films consacrés à la Shoah, et surtout après des décennies de luttes et d'actions conduites par les O.N.G. et les associations dédiées à combattre le racisme et

l'antisémitisme, ces négations des droits de l'homme et ces maladies de la conscience humaine, ceux-ci se seraient effacés des démocraties, ou que, au moins, leurs manifestations ou leurs expressions auraient disparu de la scène publique. Or, il n'en a rien été.

Le racisme, notamment celui dirigé contre les immigrés musulmans ou leurs enfants nés en Europe, est plus que jamais vivace dans de nombreux Etats au sein de l'O.S.C.E. Il engendre des manifestations de haine et de violence, notamment contre les communautés musulmanes vivant dans des quartiers défavorisés des grandes cités.

Quant à l'antisémitisme, dont on pouvait penser que l'horreur de la Shoah l'avait, sinon éradiqué, au moins contraint au silence, le voici qui se montre à nouveau à la faveur du conflit israélo-palestinien, par un discours de haine anti-juive qui reprend les thèmes et les mensonges classiques de la judéo-phobie, bien antérieurs à la naissance de l'Etat d'Israël. Ainsi, le protocole des Sages de Sion, ce faux tsariste, récupéré par la propagande nazie, est à nouveau diffusé sur cassettes et internet. Le thème du complot juif pour dominer le monde est alimenté et repris même par des

responsables politiques adversaires d'Israël. Partout en Europe, en France, on assiste à la multiplication d'agressions verbales et physiques contre des juifs, notamment de la part de jeunes musulmans issus de l'immigration, tandis que se succèdent les attentats contre les synagogues et les cimetières juifs. Cette violence antisémite s'alimente d'un discours de la haine contre l'Etat d'Israël auquel sont assimilées les communautés juives en Europe. Ce discours, entretenu par certains islamistes fondamentalistes, trouve sa source et son relais dans l'utilisation des moyens que lui offrent aujourd'hui toutes les technologies modernes de la communication : cassettes, DVD, câbles, satellites et, surtout, l'internet.

Devant le déferlement de propagande raciste et antisémite utilisant ces moyens sophistiqués –mais combien efficaces- sources permanentes de violence et même de terrorisme, pouvons-nous demeurer indifférents ? L'histoire récente enseigne que les démocraties sont trop souvent restées sourdes aux périls et aux poisons qui les menaçaient jusque dans leur fondement. Interrogeons-nous : que serait-il advenu si le Dr Goebbels et ses émules avaient disposé des moyens actuels de propagande, notamment de l'internet ? Au regard de cette évocation, comment accepter sans réagir le recours à ces techniques, et particulièrement à

l'internet, pour diffuser le mensonge et la haine, et attiser la violence ? Nous serions bien coupables, à l'égard des idéaux même de liberté, de tolérance et de justice, de laisser ainsi s'exercer et se développer en toute impunité ces réseaux de la propagande raciste et antisémite, quel que soit le masque idéologique qu'ils revêtent. Les tragiques expériences d'un passé récent nous apprennent que la démocratie n'est forte que si elle respecte ses idéaux et ses principes fondateurs. Mais qu'on se rappelle que la démocratie ne signifie pas la complaisance ni l'abandon, et que l'Etat de droit ne saurait être l'Etat de faiblesse.

Face à ce défi, il nous faut trouver des moyens de défense eux aussi nouveaux. Certains Etats ont d'ores et déjà adapté leurs législations. Ainsi, la France a récemment adopté un arsenal de mesures afin de lutter contre la recrudescence des actes racistes et antisémites, et la diffusion de la propagande raciste sur internet. Le Comité interministériel de lutte contre le racisme et l'antisémitisme, créé en novembre 2003, a notamment annoncé la mise en place d'un système de veille qui repère les discours antisémites et racistes dans les media, en liaison avec le Conseil supérieur de l'audiovisuel. Plus généralement, les lois les plus récentes, celles du 3 février 2003 et du 9 mars 2004, traduisent la sévérité dont l'Etat entend faire preuve

envers les infractions motivées par des mobiles racistes, en aggravant les peines punissant ces dernières.

La France a également transposé la directive européenne sur le « commerce électronique », allant même plus loin que les exigences posées par ce texte voté en 2000. La loi française pour la confiance dans l'économie numérique précise que les prestataires techniques doivent apporter leur contribution à la lutte contre certains contenus, notamment ceux relatifs à la pédophilie, à l'apologie des crimes contre l'humanité et à l'incitation à la haine raciale. En conséquence, ils ont pour obligation de mettre en place un dispositif de signalement facilement accessible à tout internaute, et d'informer au plus vite les autorités publiques compétentes de toutes activités illicites qui leur seraient signalées.

Mais, toute une législation nationale, aussi sévère soit-elle, trouve très vite ses limites. Parce qu'Internet transcende toutes les frontières, la coopération internationale devient une priorité, voire même une nécessité absolue pour combattre la diffusion de messages racistes et antisémites. Le Conseil de l'Europe a pris la mesure du défi, en négociant un Protocole additionnel à la Convention sur la cybercriminalité sur l'incrimination d'actes de

nature raciste et xénophobe commis par le biais de systèmes informatiques. Ce Protocole, qui n'est pas encore en vigueur, mais qui est en cours de ratification en France, a pour mission d'une part d'harmoniser le droit pénal matériel dans la lutte contre le racisme et la xénophobie sur Internet, d'autre part d'améliorer la coopération internationale dans ce domaine.

Ce pas décisif est encourageant. Il ne saurait pour autant calmer toutes nos inquiétudes. Le Comité chargé de la rédaction de la Convention sur la cybercriminalité avait en son temps examiné la possibilité d'inclure dans le texte final des infractions liées à la diffusion de la propagande raciste. De nombreuses délégations, soucieuses de préserver le principe de la liberté d'expression, s'étaient opposées à ce projet. Pourquoi ces blocages ? Pourquoi, alors même que les divergences des législations internes sont la cause première du développement de la cybercriminalité raciste et antisémite, un consensus s'avère si difficile ? La raison est simple : c'est souvent la volonté de préserver le principe de la liberté d'expression, principe et fondement de nos démocraties modernes, qui motive les réticences étatiques. C'est sur ce point que les divergences avec nos partenaires américains sont les plus fortes, le premier amendement de la Constitution américaine, garantissant la

liberté d'expression, étant souvent évoqué pour s'opposer à une législation restrictive relative à Internet. C'est d'ailleurs en s'appuyant sur cet argument que les Etats-Unis ont exprimé leur plus vive opposition à l'adoption du Protocole à la Convention sur la cybercriminalité.

Que l'on mesure pourtant l'enjeu : sur 4000 sites racistes recensés en 2002 au niveau mondial, 2500 étaient hébergés aux Etats-Unis. Quel paradoxe pour la plus ancienne et la plus puissante des démocraties ! Quel danger surtout, non seulement pour les Etats-Unis eux-mêmes, mais pour l'ensemble des démocraties de la planète, que cette prolifération et cette mondialisation de la haine raciale via internet, surtout quand on sait à quel point celle-ci peut servir les causes les plus odieuses, parmi lesquelles, au premier chef, le terrorisme international et son cortège d'atrocités !

Il faut le rappeler avec force : la libre communication des pensées et des opinions constitue, comme le rappelle la Déclaration des droits de l'homme et du citoyen de 1789, « un des droits les plus précieux de l'homme ». Comme le proclame régulièrement la Cour européenne des droits de l'homme, elle est un principe essentiel d'une société démocratique. La force du principe a d'ailleurs été

rappelée récemment à bon escient par le Bureau du Représentant pour la Liberté des Médias de l'OSCE, dans ses recommandations d'Amsterdam en juin 2003.

Fervente protectrice de la liberté d'expression, la Cour européenne des droits de l'homme n'a cependant jamais considéré celle-ci comme absolue, notamment quand son exercice peut heurter des sensibilités religieuses ou troubler d'une manière disproportionnée l'ordre public. La menace que fait planer la globalisation de la haine raciale sur la stabilité et la pérennité de nos démocraties doit absolument nous amener à réfléchir, ensemble, aux moyens de lutter efficacement contre la propagande raciste et antisémite via internet.

Parce qu'elle réunit des Etats à la fois particulièrement concernés et profondément différents dans leur approche de la menace, l'OSCE peut et doit être le lieu de discussion et de synthèse des différentes positions, notamment américaine et européennes. L'organisation doit lancer une réflexion d'ampleur sur les moyens de mesurer non seulement le phénomène de la diffusion de la haine raciale sur Internet, mais aussi et surtout ses conséquences dramatiques. Plus fondamentalement, elle est le cadre propice à

l'émergence d'un consensus minimal autour de certaines pratiques interdites visant à poursuivre les auteurs de messages appelant à la haine raciale, tout en sauvegardant la structure même d'Internet, condition indispensable à la préservation de la liberté d'expression.

Elle est le lieu par excellence où l'intérêt commun à nos démocraties doit s'imposer, au delà de toutes nos divergences. Ce n'est qu'en partageant nos idées et nos expériences, souvent communes, que nous pourrons élaborer les moyens juridiques de lutter le plus efficacement possible contre toute résurgence et diffusion de la propagande raciste et antisémite, et interdire le retour de « la bête immonde ».

Je vous remercie.

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16 June 2004

ENGLISH only



United States Mission to the OSCE

OSCE Meeting on the Relationship between Racist, Xenophobic and Anti- Semitic Propaganda on the Internet and Hate Crimes

As prepared for delivery by Daniel Bryant, Assistant Attorney
General, Office of Legal Policy, U.S. Department of Justice
Keynote Address
Paris, June 16, 2004

Thank you, Mr. Chairman.

Mr. Chairman, Ambassadors and Delegates, Ladies and Gentlemen, it is an honor and a privilege to address this important meeting on behalf of the Government of the United States.

The Organization for Security and Co-operation in Europe has been at the forefront of efforts to promote liberty, democracy, and tolerance across the European continent and around the globe. Through its Office for Democratic Institutions and Human Rights (ODIHR), field missions, and other institutions, the OSCE has worked to end ethnic strife and to ensure respect for fundamental freedoms as well as equal treatment under the rule of law. It is therefore fitting that the OSCE has convened this meeting where we will focus on the vital task of combating hate or bias-motivated crimes while at the same time upholding the freedoms of speech and expression.

We convene in Paris, a city that sixty years ago today remained occupied by one of the most evil regimes that mankind has ever known, a regime animated at its core by a murderous ideology of intolerance, anti-Semitism, racism, and xenophobia. Today, however, governments from across Europe gather in this city with their allies from across the Atlantic standing united in their determination to combat racism, xenophobia, and anti-Semitism. This contrast serves as a reminder that the progress we have made over the last sixty years in advancing the causes of tolerance, liberty, and human dignity is nothing short of remarkable. But so long as intolerance and oppression exist anywhere in the world, there is more that needs to be done.

In the United States, for example, we have made considerable strides in the last sixty years, both in ending the scourge of legal discrimination as well as in reducing the prevalence of racism, xenophobia, and anti-Semitism in our society. But sadly, we are reminded on a

regular basis in our country that too many hearts remain burdened with intolerance and too many individuals are victimized as a consequence.

In 2002, for example, United States law enforcement agencies reported 7,462 incidents of crimes motivated by a bias against race, religion, sexual orientation, ethnicity, national origin, or disability. The two most common motives in these incidents were those of bias against African-Americans and Jewish-Americans.

In the United States, the law has mandated the collection of this information and other data concerning bias-motivated crimes since 1990, and the federal government publishes an annual report summarizing this information. We believe that the reporting and compilation of this data is critical to government efforts to develop effective measures to combat hate crime and serves to raise awareness of the problem as well. In order to implement a successful strategy for reducing bias-motivated crime, we must know how often such crimes are occurring, where they are occurring, and why they are occurring. We therefore urge all participating States to require the collection and reporting of this information on an annual basis as an element of their strategy for combating hate crimes.

We also believe that one of the best ways to deter and thus prevent bias-motivated crimes is to prosecute and punish those engaging in such criminal behavior to the full extent of the law. It is not enough simply to have laws on the books prohibiting hate crimes or providing for sentencing enhancements for crimes motivated by bias; those laws must be vigorously enforced, and we urge all participating States to take decisive action in this area as well.

In the United States, the responsibility for prosecuting the perpetrators of bias-motivated crimes is divided between state and local governments and the federal government, and these entities work together in a co-operative fashion to ensure that such crimes are prosecuted effectively. In many cases, state and local authorities take the lead in the investigation and prosecution. In other cases, however, such as those where perpetrators attempt to interfere with a victim's ability to attend a public school, maintain employment, or take advantage of public accommodations or public services, the federal government possesses the primary responsibility. The United States Department of Justice vigorously prosecutes those committing bias-motivated crimes in these areas; in the last four years alone, we have brought charges against 154 defendants.

To give just one example, the Department of Justice last year prosecuted two defendants affiliated with a skinhead group for assaulting several young African-American and Hispanic students as they were walking home from a high school football game. These defendants verbally threatened their victims and used racial epithets while chasing them through the streets of a Chicago, Illinois suburb. After surrounding a terrified African-American girl, one defendant placed a knife to her throat while threatening to kill her. In this case, thanks to the Department's efforts, the defendants pleaded guilty and were sentenced to prison terms.

A main focus of this meeting is the possible link between such bias-motivated crimes and racist, xenophobic, and anti-Semitic speech on the Internet. As the United States Supreme Court, among others, has noted, "[C]ontent on the Internet is as diverse as human thought." And we believe that this will continue to be the case no matter what actions may be taken by government. So long as intolerance enjoys a home in any hearts and minds, it will manage to find a home somewhere on the Internet. As we discuss the presence of racist, xenophobic,

and anti-Semitic speech on the Internet, however, it is important that we not lose sight of the bigger picture.

Examined as a whole, the Internet is not the enemy of liberty, tolerance and individual dignity. On the contrary, the Internet holds enormous potential to empower individuals with knowledge, enhance communication around the globe, and erase the ignorance and misunderstanding that fosters intolerance. The astounding amount and variety of information that the Internet makes available to the citizens of our respective nations with the touch of a few keystrokes would amaze those living in past generations. To give just one example, an individual can now browse from the comfort of his or her own living room the content of newspapers from around the world on a daily basis. But the Internet allows for far more than the passive receipt of information in isolation. It is also facilitating unprecedented opportunities for people around the globe to gather, exchange ideas, learn about each other, and, yes, even argue and debate in cyberspace.

The access to information and communication provided by the Internet is reinvigorating democracy in the United States. Voters are surfing the web to learn more about candidates and issues, citizens have become desktop publishers and are expressing their views through weblogs, and numerous Americans are taking advantage of exciting new avenues for participating in the public discourse through a diverse range of websites and usergroups. Moreover, as this gathering fully appreciates, this phenomenon is by no means limited to the United States.

Unfortunately, however, some governments around the globe do not see the Internet as a resource to be embraced but rather as a threat to be feared. They seek to deny their citizens access to the Internet or to limit such access by strictly filtering those websites to which their citizens may be exposed. We believe that these courses of action are seriously mistaken and antithetical both to the values for which the OSCE stands, including the freedom of opinion and expression, and to the commitments made by participating States.

The Government of the United States has taken a number of concrete steps to promote access to the Internet in both homes and schools across our country, and we strongly encourage participating States to do the same. We believe that access to the wide array of information and diverse set of opinions available on the Internet will serve to foster dialogue and understanding, reduce ignorance and prejudice, and ultimately bring the people of the world closer together.

Like others at this meeting, however, we are appalled by some of the speech that is transmitted on the Internet. We strongly condemn and deplore racist, xenophobic, and anti-Semitic speech on the Internet just as we condemn and deplore such speech that is communicated through more traditional means. But, consistent with Article 19 of the Universal Declaration of Human Rights, the United States resolutely opposes attempts to suppress or regulate such expression.

We recognize, of course, that the American approach to hate speech differs significantly from the approach to such expression embraced by many of the countries represented at this meeting. So I would like to take a moment to set forth the basis of our position. The First Amendment to the Constitution of the United States provides, in part, that Congress shall make no law "abridging the freedom of speech." As the United States Supreme Court has stated, this provision embodies our country's "profound national commitment to the free

exchange of ideas.” Pursuant to the First Amendment, the Government of the United States as a general matter may not restrict speech “because of its message, its ideas, its subject matter, or its content.” The government thus may not restrict or suppress speech merely because it disapproves of the viewpoint expressed by a speaker. As a result, although the Government of the United States deplores racist, xenophobic, and anti-Semitic speech, we are constitutionally restrained from restricting such expression merely because we disagree with it. And let me be clear: we embrace this principle as an essential component of our constitutional tradition.

Robust debate is the cornerstone of our democracy, and we believe that all individuals must be permitted to add their voices to that debate. While we may not like what every participant in the debate will choose to say, democracy is premised, at least in part, on the notion that the best viewpoints will win out in the marketplace of ideas. Moreover, once government is given the power to restrict speech with which it disapproves, where does one draw the line? While all of us attending this meeting no doubt condemn racism, xenophobia, and anti-Semitism, granting government the authority to suppress speech with which it disagrees places the free speech rights of all individuals holding unpopular viewpoints at risk. For example, we must always be concerned by the prospect that laws prohibiting hate speech may be abused by those governments seeking to suppress political dissent and believe that studies should be undertaken to determine whether these laws are, in fact, being misused in any nation as a means of silencing government critics.

There is social value, we believe, in allowing those with racist, xenophobic, and anti-Semitic views to express their opinions and ideas freely. While it is certainly possible to restrict bias-motivated speech and punish those engaging in such expression, such measures only address particular manifestations of prejudice; they obviously do not eliminate the prejudice itself. And so long as individuals hold biased or prejudiced views, it is in society’s interest to know that fact so that appropriate measures can be taken to address that problem.

Our ultimate goal, after all, is not to eliminate racist, xenophobic, and anti-Semitic speech. Rather, it is to end such biases, and the best way to eliminate prejudice is not through the restriction of expression. It is instead to confront those expressing bias by addressing their fallacious arguments head on.

Our experience in the United States does not indicate that respecting the freedoms of speech and expression, on the one hand, and combating prejudice, on the other hand, are mutually conflicting goals; indeed, we believe they go hand in hand. The United States today is a much more tolerant society than it was fifty years ago; in the intervening time period, the amount of racism, xenophobia, and anti-Semitism present in society at large has been reduced dramatically and strong civil rights laws have been enacted to forbid invidious discrimination. Significantly, this progress has occurred during a period when the freedoms of speech and expression were steadily broadened. Indeed, some of the most significant U.S. Supreme Court decisions of this era expanding the freedoms of speech and expression worked to the advantage of those in the civil rights movement struggling to achieve racial equality.

For all of these reasons, we believe that government efforts to regulate bias-motivated speech on the Internet are fundamentally mistaken, and this is why the United States is respectfully unable to sign the Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of a Racist and Xenophobic Nature Committed Through Computer Systems.

At the same time, however, the United States has not stood and will not stand idly by when individuals cross the line on the Internet from protected speech to criminal conduct. The same Internet capabilities that are facilitating increased political dialogue and interpersonal communications are also being used by criminals and terrorists as tools for conspiring to commit and planning violent acts, as well as fundraising, and we are committed to vigorously enforcing the laws forbidding this behavior.

In addition, while the First Amendment protects the right of individuals to express racist, xenophobic, and anti-Semitic views and ideas, it does not protect the right to make criminal threats, whether those threats are communicated over the Internet, the telephone, or some other medium. Thus, the Government of the United States has prosecuted and will continue to prosecute those individuals using the Internet to make direct and credible threats to engage in criminal behavior. In one case, for example, an expelled college student, in an e-mail message sent to Asian-American students at a university in California, threatened to kill all Asian-Americans on campus if they did not leave the university. The Department of Justice filed charges against the expelled student for threatening to use force to interfere with attendance at a public university. The student was convicted and sentenced to prison.

Likewise, no matter what an individual's viewpoint may be, the United States Supreme Court has ruled that the First Amendment does not protect advocacy that is directed to inciting imminent lawless action and likely to incite such action. While this is a tough test to satisfy and actual examples of incitement meeting this standard are few and far between, the United States stands ready to prosecute those engaging in illegal incitement, if and when such cases arise.

For the most part, however, the problems that we will address at this meeting cannot be and should not be addressed through government regulation. Rather, we must respond to those using the Internet to promote racism, xenophobia, and anti-Semitism through other means. In particular, the United States looks forward to working with other governments and NGOs at this meeting on identifying ways that we can harness the Internet's enormous potential as an educational tool to promote tolerance and to combat hate crimes. We also believe it is important that the participants at this meeting focus on developing best practices for both educating young people in order to prepare them for bias-motivated speech they may encounter while surfing the web as well as empowering and encouraging parents to exercise greater supervision and control over their children's use of the Internet.

Over the next two days, members of our delegation will set forth specific suggestions for ways to combat bias-motivated crimes while at the same time respecting the freedoms of speech and expression. But we also need to learn from your wisdom and are here to listen.

Finally, although we will undoubtedly have our differences on some of the issues to be discussed at this meeting, we all share the same noble goal: the elimination of racism, xenophobia, and anti-Semitism. And it is my sincere hope that by engaging in a substantive, open, and respectful dialogue over the next two days, we can move one step closer towards achieving that objective.

Thank you for the honor of inviting me to deliver these remarks to you this morning, and I look forward to meeting and speaking with as many of you as possible during the remainder of the meeting.

Ghaleb Ben Cheikh, Vice-Chairman of the World Conference of Religions for Peace, France

Racisme et antisémitisme

Merci Monsieur le Président,

Excellences ;

Mesdames et Messieurs ;

C'est pour moi un insigne privilège que de m'adresser à vous ce matin à propos d'un sujet aussi crucial et fondamental que celui qui nous réunit dans cette conférence internationale.

En effet, dans la morosité scabreuse du monde qui, nous dit on, est en rupture et qui connaît partout des césures, et des fractures où les foyers de tension sont si nombreux, siège de tant de souffrances et de blessures, la recrudescence d'actes antisémites, racistes et xénophobes constitue plus qu'une préoccupation majeure. La résurgence d'une telle infamie suscite plus qu'une inquiétude grave et institue un axe de réaction prioritaire au niveau le plus élevé des responsabilités. C'est une prise de conscience politique de premier ordre. A cet égard, nous avons pris acte de la détermination totale des gouvernants, notamment en France, à pourchasser les coupables afin de les traduire devant les tribunaux pour que la Justice passe avec célérité et sévérité. L'atteinte à l'intégrité physique et morale des citoyens du fait de leur appartenance ethnique ou confessionnelle est un crime ignominieux inacceptable dont le châtement ne souffre aucun laxisme. Mais la difficulté épineuse réside dans le caractère diffus des incitations à ces crimes par des moyens cybernétiques très sophistiqués qui en font l'apologie à longueur de pages électroniques. Les auteurs de ces « web-attentats » - préludes à l'agression physique - pensent être à l'abri derrière la Toile pour tisser la leur avec des fils fielleux en déversant la haine et propageant des idéologies destructrices de l'Homme. Ils savent même bénéficier de l'asile qu'offrent certaines Démocraties qui, au nom de l'attachement indéfectible à la liberté et tout particulièrement à celle d'expression, tolèrent des « sanctuaires » pour les fanatiques de toute espèce et les extrémistes de tous poils. Aussi, la plus grande vigilance est-elle de rigueur. La détermination totale est de mise pour traquer et débusquer les sites fascistes et néonazis tout en durcissant l'arsenal juridique contre les *providers* qui les hébergent. Devant un tel fléau, la lutte est certes dans la consolidation de la législation – toujours respectueuse des libertés fondamentales - mais surtout la réponse doit être technique. Jamais le sempiternel combat de la cuirasse et de l'épée n'aura connu sa pleine mesure. La grande bataille est désormais dans le cyberspace. Aux ingénieurs informaticiens de déployer leur génie et leur connaissance afin de rendre inopérantes les activités criminelles de ceux qui n'utilisent les inventions technologiques que comme support de l'abjection et de la vilénie.

Par ailleurs, la véritable entreprise titanesque à laquelle nous devons tous nous atteler est celle de l'éducation, celle qui consiste à préparer les générations futures par et avec un système de pensée cohérent assis sur un socle éthique commun à l'humanité tout entière. A commencer par récuser tout discours religieux acrimonieux dévoyé. A ce sujet, nous devons, nous musulmans, condamner avec la dernière énergie, les dérives meurtrières et les appels à la haine qui pervertissent et avilissent la Révélation de Dieu. L'enseignement divin est essentiellement un message d'amour, de bonté et de miséricorde. Nous devons affirmer qu'aucune cause, si juste soit-elle, ne justifie le massacre des innocents. Aucune résistance, si légitime soit-elle, n'autorise la vengeance aveugle. Et, *a fortiori* on ne peut pas et on ne doit pas se prévaloir d'un idéal religieux pour verser dans l'hyperterrorisme. Nous sommes résolument du côté du droit et de la justice, jamais du côté de la terreur. Cette position – ma position – est tranchée, nette, sans ambages et sans équivoque. Elle ne souffre aucune réserve. Cela étant affirmé avec la solennité et la gravité requises, je dis aussi que nous sommes arrivés, à ce point de tension extrême et à cette situation de conflagration quasi généralisée

suite aux incohérences pour ne pas dire le cynisme, l'arrogance et la partialité systématique de l'administration de la seule grande puissance dans la conduite des affaires du monde et dans sa gestion des rapports internationaux.

En outre, nous assistons, ahuris, à une certaine hystérie rampante caractérisée par une exagération des modalités d'expression d'une flopée d'analystes, de stratèges et autres observateurs « avisés ». Elle gagne de nombreuses franges des opinions publiques. Aussi une certaine islamophobie ambiante se fait-elle sentir. La psychose est presque palpable.

A vrai dire cette peur de l'Islam est explicable, sinon justifiée, d'abord et surtout par le comportement déviant, inqualifiable d'illuminés exaltés, autoproclamés seuls procureurs de Dieu, défenseurs exclusifs de ses droits, alors qu'ils ne cessent de tout bafouer par quelque moyen que ce soit. Au premier plan le réseau Internet et les canaux satellitaires. A cet égard la responsabilité des hiérarques est engagée. Leur frilosité et leur pusillanimité frisent la lâcheté. Pire encore, le mutisme équivaldrait approbation. A croire qu'ils sont tétanisés face à l'extrémisme qui gangrène la communauté islamique depuis des années. Au moment où les quelques notabilités, non sans grand courage, clamaient leur innocence et appelaient à l'instauration de sérieux débats, elles ne trouvaient pas les tribunes médiatiques pour relayer leur clameur et leurs appels, occupées qu'elles sont par la surenchère et la recherche du sensationnel. Parce que les chantiers sont nombreux, ceux du pluralisme, de la démocratie, des droits de l'homme, de la liberté de conscience, de la condition féminine, de la laïcité que nous avons besoin de sérénité et aussi de rigueur dans la production intellectuelle. Toute doctrine, toute idéologie, toute philosophie et à plus forte raison toute pensée religieuse qui éludent les questions, esquivent le choc des idées et fuient le débat, s'atrophient. Devenues vulnérables, redoutant l'asphyxie, il ne leur reste plus que le fanatisme et la terreur pour pouvoir exister...

Mesdames et Messieurs,

Les hommes reviennent au bon sens après avoir tout essayé. Le bon sens est entendu dans son acception modération, mesure et sagesse, sans dogmatisme ni radicalisme. Et, nous faisons plus que crédit aux hommes et aux femmes de bonne volonté, en ces temps incertains, d'en être pleinement capables. Les croyants parmi eux, pour peu qu'ils aient l'intelligence de se hisser à la hauteur des commandements moraux et des préceptes nobles que recèlent à profusion leurs références scripturaires, attestent que le projet divin sur les hommes est caractérisé par le pluralisme des peuples et des communautés. Cette diversité est fondée sur l'amour, seul principe émancipateur et unificateur des êtres. Néanmoins, la diversité est ambivalente pour les hommes. Elle est à la fois un don et une épreuve. Elle sera une rude épreuve si les uns et les autres donnent libre cours à l'arrogance, à la cupidité et à l'envie. Elle sera une bénédiction, si les hommes ouvrent leurs cœurs afin d'offrir et de recevoir et s'ils savent se découvrir pour accueillir. Au delà de la simple tolérance qui peut trahir une attitude hautaine et snobinarde vis-à-vis du toléré. On ne tolère pas l'autre. On l'aime et on le respecte. Ce n'est que comme cela que les hommes constitueront la mosaïque humaine des cultures et des traditions. Dans laquelle les juifs, les chrétiens et les musulmans tels les facettes d'un grand kaléidoscope ont à refléter par leur comportement la lumière de la sagesse divine. Est-il nécessaire de rappeler encore qu'ils se réclament explicitement de l'héritage de l'illustre patriarche Abraham ? Coryphée des scripturaires et parangon du croyant sincère, il consentit à offrir son fils en holocauste à Dieu par fidélité, par docilité dans la confiance et par obéissance dans une foi inébranlable. Aux fidèles du monothéisme - sans sectarisme élargi contre le reste de l'humanité - d'incarner les valeurs pérennes de xénophilie, d'accueil et de générosité. Et, s'ils devaient rivaliser pour libérer l'énergie latente en eux, ils pourraient la canaliser dans une saine émulation afin d'alléger le fardeau qui accable le dos de l'homme en

détresse. Ils concourront à diminuer sa souffrance en manifestant une sollicitude et une attention soutenue, soucieuse et affectueuse.

Mais, curieusement et malheureusement, la lecture du passé récent des traditions juive, chrétienne et islamique, dans leurs rapports qui impriment leur destinée commune est-elle malaisée et tumultueuse. Des réalités contingentes – épineuses et sérieuses – polluent et crispent les esprits. Au point où, repliés et recroquevillés dans le cocon communautaire hermétique, les uns et les autres cédèrent à la confrontation et aux conflits ouverts. Pire encore, les patrimoines spirituels furent aliénés et idéologisés. Les conséquences de ces actes furent tragiques et affligeantes. Elles conduisirent à des situations de blocage et d'impasse. Dès là, comment sortir des pièges tendus par les fanatismes et les exclusivismes ? Comment, devant l'urgence de l'œuvre en ces jours écartelés qui se dérobaient avec leurs lots de malheur et de terreur, peut-on endiguer la violence et circonscrire la guerre ? Comment, devant l'impatience lancinante d'un minimum de faits et gestes inespérés peut-on agir ? L'horizon est opaque et paraît barré par les surenchères intransigeantes. Nous naviguons à vue à bord du vaisseau planète au grand large vers un avenir incertain. L'embarcation est sans boussole et se montre avariée.

C'est en affirmant clairement que la solidarité ne doit pas être instinctive, viscérale, mécanique et inconditionnelle allant de pair avec l'appartenance ethnique ou confessionnelle. La solidarité doit se conjuguer avec le droit et la justice. Et pas uniquement pour soi, ce serait trop simple.

Sans naïveté obtuse ni angélisme béat, la conviction ferme qu'au cœur de toute détresse il y a place pour une promesse, nous enjoint de ne pas abdiquer. Pourquoi allons-nous subir la bêtise humaine et l'imbécillité, au lieu de nous laisser pénétrer et mouvoir par un humanisme authentique et élevé ? A l'instant, le Président Badinter a évoqué la bête immonde. Elle serait une véritable hydre de Lerne si nous ne réagissions pas...

La restauration d'un climat de confiance retrouvée qui ouvre sur une prise de conscience nouvelle, elle-même préalable à toute reconnaissance, doit être un choix voulu lucide et délibéré. S'engager *urbi et orbi* dans une longue et patiente maturation de la paix, est le devoir de tout homme qui se dit responsable. La solidarité ne relèvera plus de l'esprit de corps inconditionnel. Mais elle s'exprimera sur une base éthique. Elle sera due aux opprimés qui souffrent justement du déni du droit et de la justice. Si le chemin est rocailleux, il ne peut être aplani que par un dialogue loyal, objectif et respectueux, mais ô combien exigeant. L'exigence est comprise comme un travail constant et vigilant d'assainissement de la situation *ab intra*. On doit extirper de sa propre communauté les germes de tout extrémisme et de tout fanatisme. L'expurgation commence chez soi et dans la famille propre. Dire et pratiquer cela, c'est être fidèle dans une posture juste à sa Tradition, en symbiose avec les autres hommes.

Aussi les peurs seront-elles apprivoisées et les hantises exorcisées. Les obstacles seront surmontés et deviennent le lieu de la médiation et des ponts à la rencontre vraie. On finira même par aimer l'obstacle qui aura révélé la part de mystère que recèle l'interlocuteur frère.

Dussions-nous sacrifier à la mièvrerie et nous laisser aller aux rêveries qui sont chimériques aux yeux de ceux qui soutiennent avec Plaute, et Hobbes après lui, qu'*homo homini lupus* et on n'y peut rien, nous nous orientons résolument vers une espérance d'une ère promise de pardon et réconciliation. Une ère de concorde, d'entente et d'un mieux vivre ensemble, en double bonne intelligence celle du cœur et de la raison. Cette dernière nous gardera de nous griser d'une ivresse d'un nous fusionnel, éphémère et factice.

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LA LUTTE CONTRE LA RACISME ET LA XENOPHOBIE SUR INTERNET: L'ACTION DU CONSEIL DE L'EUROPE

*par M. Guy De Vel, Directeur Général des affaires juridiques du Conseil
de l'Europe à l'occasion de la réunion de l'OSCE sur les liens entre la
propagande raciste, xénophobe et anti-Sémite sur Internet et les crimes
de haine*

(Paris, 16 juin 2004)

[...Mesdames et Messieurs]

Je voudrais tout d'abord remercier le gouvernement français et l'OSCE de me donner l'occasion d'intervenir dans le cadre de cette très importante réunion où le Conseil de l'Europe trouve tout naturellement sa place et qui fait suite à la conférence sur l'antisémitisme qui s'est tenue à Berlin le 28 avril dernier et qui a eu un immense retentissement. En effet, depuis de nombreuses années déjà, notre Organisation s'est attachée à lutter contre toutes les formes de propagande xénophobe, raciste et antisémite sur Internet et pour ce faire, il a mis en œuvre tous les moyens qui étaient à sa disposition. En agissant ainsi, le Conseil de l'Europe est au cœur de sa mission.

Je suis particulièrement heureux de m'exprimer sur cette question ici, à Paris, car dans tous les combats que nous avons mené contre ce fléau et qui ont abouti à des textes importants, j'y reviendrai, les autorités françaises nous ont considérablement soutenu et je souhaitais profiter de l'occasion qui m'est donnée pour les en remercier.

La révolution des technologies de l'information a considérablement changé nos sociétés et elle continuera vraisemblablement de le faire dans les prochaines années. Grâce à elle, bien des tâches ont été simplifiées. Ces technologies ont eu des effets, d'une manière ou d'une autre, sur toutes les formes d'activités humaines.

Malheureusement, cette médaille a un revers : profitant de l'ouverture d'un nouvel espace de communication et de liberté, les racistes et les négationnistes se sont engouffrés dans cette brèche.

Alors que les développements technologiques, économiques et commerciaux rapprochent les peuples du monde entier, la discrimination raciale, la xénophobie et d'autres formes

d'intolérance continuent d'exister dans nos sociétés. Très régulièrement, des actes racistes se produisent qui nous révoltent et le gouvernement français les a récemment, par la voix de son Premier Ministre, qualifiés d'hydre qu'il faut combattre.

L'utilisation d'ordinateurs par des individus et des organisations à des fins racistes n'est pas récente : ces derniers se les sont appropriés, il y a une vingtaine d'années, dès l'apparition de ces technologies dans le monde industriel et universitaire. Les principaux modes de communication et de diffusion utilisés étaient alors les forums de discussion publics (« news ») et le courrier électronique.

Avec l'invention du web et sa diffusion dans le grand public, ce phénomène s'est accru. La technologie s'y prête : les sites web se caractérisent par une facilité d'accès et une facilité de publication. Toute personne équipée d'un ordinateur peut créer un site et le relier à d'autres, ce qui n'a pas manqué d'attirer les activistes racistes auxquels les autres modes publics de publication (papier) et de diffusion (radio, télévision) sont en général fermés ou limités.

L'apparition de réseaux de communication globale comme Internet leur offre des moyens modernes et puissants pour diffuser facilement et à une grande échelle des idées racistes et xénophobes.

Comment réagir face au racisme, à la xénophobie et au discours haineux sur Internet ?

Nous sommes dans un domaine où la co-opération internationale est indispensable.

Plusieurs possibilités existent pour combattre ce phénomène. Je voudrais n'en citer que deux, qui me semblent capitales: d'une part une action normative; d'autre part une approche pédagogique par l'information. Dans les deux cas, le Conseil de l'Europe est particulièrement bien placé pour agir.

L'action normative du Conseil de l'Europe

Dans ce contexte nouveau, très souvent, les délinquants se trouvent dans des lieux fort éloignés de ceux où leurs actes produisent des effets. Or, les lois internes ne sont généralement applicables que sur un territoire donné. L'adoption d'instruments juridiques internationaux adéquats est donc indispensable. Le Conseil de l'Europe, je n'hésite pas à le dire, a été pionnier dans ce domaine. Sa Convention sur la cybercriminalité– le seul traité international au monde dans ce domaine –, de même que son Protocole additionnel – qui traite spécifiquement de la lutte contre le racisme et la xénophobie sur Internet – ont pour objectif de relever le défi ainsi posé, en tenant dûment compte de la nécessité de respecter les droits de l'homme et l'Etat de Droit dans la société de l'information.

La Convention sur la cybercriminalité est un traité – signé par un grand nombre d'Etats européens (38), mais aussi par les Etats-Unis, le Canada, le Japon, l'Afrique du Sud. Il entrera en vigueur le 1^{er} juillet 2004.

Toutefois, ce texte fondamental ne traite pas des messages racistes et xénophobes sur internet.

Le comité d'experts qui l'a rédigé n'a pas pu parvenir à un consensus concernant l'incrimination des infractions liées à la diffusion de propagande raciste et xénophobe sur Internet. Bien que plusieurs délégations, ainsi que l'Assemblée parlementaire du Conseil de l'Europe, se soient déclarées favorables à l'idée d'en faire une infraction pénale, d'autres se sont dites très préoccupées par cette démarche qui, selon elles, était susceptible de porter atteinte à la liberté d'expression. En raison de la complexité de cette question, il a été décidé de la traiter dans un protocole additionnel à la Convention. En tout état de cause, l'existence

de dispositions de telles infractions était déterminante pour la plupart des Etats membres du Conseil de l'Europe d'où la nécessité de ce protocole.

Ce dernier, ouvert à la signature en janvier 2003, constitue à ce jour le seul traité international dans ce domaine, poursuit deux objectifs : tout d'abord, harmoniser le droit pénal matériel dans la lutte contre le racisme et la xénophobie sur l'Internet, ensuite, améliorer la coopération internationale dans ce domaine. Une telle harmonisation facilite la lutte contre cette criminalité aux niveaux national et international.

Prévoir des infractions correspondantes dans le droit interne peut prévenir l'utilisation des systèmes informatiques à des fins racistes dans des Etats qui n'ont pas de législation adaptée dans ce domaine. La coopération internationale (en particulier l'extradition et l'entraide judiciaire) se trouve facilitée.

Le Protocole prévoit l'incrimination des infractions suivantes :

- a. **la diffusion de matériel raciste et xénophobe dans les systèmes informatiques:** échanger du matériel raciste et xénophobe dans un *chat-room*, le distribuer dans des newsgroups ou des forums de discussion, sont des exemples de mise à disposition du public d'un tel matériel.
- b. **la menace avec une motivation raciste et xénophobe**, c'est-à-dire une intimidation qui provoque la crainte chez la personne vers laquelle la menace est dirigée, d'être victime d'une infraction pénale grave;
- c. **l'insulte avec une motivation raciste et xénophobe**, c'est-à-dire toute expression outrageante, terme de mépris ou invective qui porte atteinte à l'honneur ou à la dignité de la personne. La conduite doit aussi avoir pour effet d'exposer, non seulement en théorie, mais aussi en pratique, la personne ou le groupe de personnes en question à la haine, au mépris ou au ridicule.
- d. **La négation, minimisation grossière, approbation ou justification du génocide ou des crimes contre l'humanité :** il s'agit là, peut être, de la disposition la plus novatrice et importante du Protocole.

Ces dernières années, diverses affaires ont été traitées par des tribunaux nationaux qui ont vu des individus (dans le public, dans les médias, etc.) développer des idées ou des théories visant à minimiser, nier ou justifier les crimes graves commis au cours de la seconde guerre mondiale (en particulier l'holocauste). La recherche scientifique sert parfois de prétexte à ces comportements qui inspirent les activités illégales de groupes racistes et xénophobes, y compris par le biais de systèmes informatiques. L'expression de ces idées constitue une insulte à la mémoire de tous ceux qui ont été victimes de l'holocauste, ainsi que de leurs familles. Elle porte en outre atteinte à la dignité humaine.

L'article 6 du Protocole traite donc de ce problème. Il pose clairement le principe que des faits, dont la vérité historique a été judiciairement établie, ne peuvent être niés, minimisés de manière grossière, approuvés ou justifiés pour soutenir ces théories et ces idées détestables.

Je voudrais d'ailleurs rappeler ici que la Cour européenne des Droits de l'Homme, dans son arrêt *Lehideux et Isorni* du 23 septembre 1998, a indiqué clairement que la négation ou la révision de « faits historiques clairement établis – tel que l'holocauste – [...] se verrait soustraite par l'article 17 à la protection de l'article 10 » de la CEDH.

L'approche pédagogique

Souvenons-nous de la recommandation de Primo Levi : *"La haine nazie [...] est étrangère à l'homme. C'est un fruit vénéneux issu de la funeste souche du fascisme, et qui est en même temps au-dehors et au-delà du fascisme même. Nous ne pouvons pas la comprendre ; mais nous pouvons et nous devons comprendre d'où elle est issue [...]. Si la comprendre est impossible, la connaître est nécessaire..."*

L'approche pédagogique se traduit par l'apparition de sites web dont l'objet n'est pas de « répondre » ou de polémiquer avec les racistes, les xénophobes et les négationnistes, mais d'informer le public soucieux de connaître et de comprendre. Ainsi, dans de nombreux pays, on peut voir une timide floraison de sites créés par des élèves, des professeurs, des particuliers ou des associations, principalement sous forme de dossiers documentaires ou d'annuaires de sites consacrés à ces thématiques.

Il s'agit là d'un travail important que nous avons tous – Etats, Organisations non gouvernementales et institutions internationales - la responsabilité collective de soutenir.

Je voudrais également mentionner le rôle important de la Commission européenne contre le racisme et l'intolérance du Conseil de l'Europe – l'ECRI - qui a élaboré une recommandation pour lutter contre la diffusion de matériels racistes, xénophobes et antisémites par l'Internet.

L'ECRI insiste tout particulièrement sur la nécessité de sensibiliser les enfants à ces questions.

Le Conseil de l'Europe a également adopté, en 2001, une recommandation sur l'autorégulation des cyber-contenus et a organisé, à Varsovie, en mars dernier un Forum paneuropéen sur les cyber-contenus illégaux et préjudiciables.

Conclusions

Il n'y a pas de solution miracle pour lutter efficacement contre le racisme et la xénophobie sur Internet. L'Internet doit rester une extraordinaire opportunité pour tous et ne pas devenir un paradis pour les criminels. L'Etat de droit, la démocratie pluraliste et les Droits de l'Homme, les valeurs sur lesquelles se fonde le Conseil de l'Europe, ne doivent pas être détournés sur Internet.

A cette fin, la co-opération internationale et inter-institutionnelle est indispensable. Nous avons élaboré au Conseil de l'Europe le seul traité au monde qui permette de lutter contre le racisme et la xénophobie sur l'Internet : j'espère que cette Conférence sera l'occasion pour un grand nombre d'Etats de prendre la décision d'y adhérer. Je rappelle qu'il s'agit d'un traité ouvert aux Etats européens et non Européens. Par ailleurs, cette Conférence pourrait également être l'occasion de lancer des initiatives parallèles de nature pédagogique, visant à élaborer des codes de bonne conduite sur l'Internet. Je peux d'ores et déjà vous assurer du soutien du Conseil de l'Europe pour ces initiatives et nous nous tenons prêt à travailler avec l'OSCE et nos Etats membres dans ce domaine. La complémentarité fait notre force ; la dispersion des énergies fait le jeu des criminels.

Mesdames et Messieurs,

Il ne faut pas en rester là. Les défis restent présents et nous devons agir, aussi rapidement que l'évolution des technologies de l'information. Aujourd'hui, les sites racistes ne se limitent pas à développer, vendre, distribuer, du matériel et de la propagande raciste, mais indiquent

également quelles devraient être les cibles potentielles de ces actes terroristes, comment commettre un attentat terroriste, où et comment trouver des explosifs et des armes, etc... Ce lien entre les sites racistes et le terrorisme constitue une préoccupation croissante, notamment des autorités de poursuite, et nous devons agir rapidement pour contrer ce phénomène. Je saisis cette occasion pour vous convier tous au « *side event* » qui portera sur cette question et que nous organisons et qui se tiendra à 14 h aujourd'hui même dans ces locaux.

Ce n'est que si elle respecte les valeurs de l'Etat de droit, de la démocratie pluraliste et des Droits de l'Homme que la mondialisation et spécialement celle des technologies, aura toute sa légitimité et sera acceptée par l'ensemble des peuples. L'extraordinaire potentiel de l'Internet ne peut se développer à l'écart de ces principes. Je vous remercie de votre attention.

PC.NGO/23/04
16 June 2004

ENGLISH only

OSCE Conference on the relationship between racist, xenophobic and antisemitic propaganda on the Internet and hate crimes in Paris, June 16 –17, 2004.

Introduction in session 1: Legislative Framework, Including Domestic and International Legislation Regarding Propaganda on the Internet and Hate Crimes

**By Suzette Bronkhorst,
Secretary-General of the International Network Against Cyber Hate (INACH)
Board member Magenta, Dutch Complaints Bureau for Discrimination on Internet**

I'm very honoured and proud to be here and would like, on behalf of the INACH network, to express our gratitude, foremost to the French delegation, who supported us from the moment we brought the subject of hate on the Net up in the OSCE, and to the Bulgarian chairmanship for making this conference possible.

The Internet has provided the world with a fast communication system and the greatest source of information on any topic you can think of. While the medium itself has an unique 'equalizing' quality, it is being used by hate-mongers, to not only nullify that equality but to abuse the possibilities of the Internet for incitement to hatred and violence In Real Life.

For this session I will address 2 issues, which seem to be large stumbling blocks for a common approach to tackling racist propaganda on the Internet.

- 1. The perceived 'Atlantic divide' on Freedom of speech.**
- 2. Jurisdiction.**

"Everyone has the right to freely express and disseminate their opinion by speech, writing and pictures and is free to inform themselves using generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures are guaranteed. There shall be no censorship. These rights are limited by the provisions of the general laws, the provisions of law for the protection of youth and by the right to inviolability of personal honor".¹

¹ Article 5 German constitution

"There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or "fighting" words — those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality."²

"Any person who publicly or with the intention of dissemination to a wide circle of people makes a statement or imparts other information threatening, insulting or degrading a group of persons on account of their race, color, national or ethnic origin, belief or sexual orientation, shall be liable to a fine, simple detention or imprisonment for a term not exceeding two years."³

What I just read to you were, in random order, article 5 of the German constitution, section 266 b of the Danish penal code and part of the judgment of Chaplinsky versus New Hampshire in the USA. What do these quotes have in common? They were all taken from National legislation or jurisprudence. They all recognise freedom of speech as an important value in any democratic society. They all acknowledge there is a difference between freedom of speech and the dissemination of hate.

Of course each state has their own definition of what constitutes hate speech and what is considered everyone's right to freedom of expression.

Article 19 of the UN International Covenant on Civil and Political Rights⁴ phrases this as follows:

Everyone shall have the right to hold opinions without interference. 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. 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, or of public health or morals.

Up to now 152 states, including all OSCE participating states, have ratified this International Covenant.

So, legal instruments to combat hate speech and racist propaganda on the Internet are in place.

And although each country has their own interpretation of the terms hate speech and racist propaganda, which is reflected in national legislation, this doesn't have to hinder international co-operation to combat cyberhate.

Legal instruments, in particular penal codes can be used in other ways than strictly to prosecute and penalize perpetrators of hate speech. Of course, in severe cases when an expression on Internet can be directly linked to hate crimes in real life or the expression in itself is of such an extreme nature that the repercussions for society at

² Chaplinsky v. New Hampshire, 315 U.S. 568 (1942)

<http://www.freedomforum.org/templates/document.asp?documentID=13718>

³ Section 266 b of the Danish Penal Code (1995)

⁴ 1966, signed and ratified by 152 countries as of 3 June 2004.

See http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

large or for individual victims are obvious, perpetrators should be penalized to the full extent of the law.

In other areas of illegal content, such as child pornography, this is done and rightly so. However in the case of hate speech, there is a lot more to take into consideration, it isn't as cut and dried. Legislation varies, context plays an important role, letter and intention of the law, all these factors play a part.

The Dutch Complaints Bureau for Discrimination on Internet⁵ (MDI) aims primarily at getting discriminatory content removed by the users that put it online⁶.

We believe in the responsibility of Internet users for their actions. That is why we do not generally approach Internet Service Providers to remove material or hold them responsible.

Going from the premise that the user that puts the discriminatory content on line or, in case of web forums the owner/ moderator of the forum is held responsible and not the service provider sorts out a lot of the questions of jurisdiction.

In our view, jurisdiction lies at country from where the material is placed on the Internet.

Although the MDI prefers to have racist content removed by the responsible user, this is not possible in all cases, for instance most web forums don't allow individuals that post on a forum to remove their contributions, therefore the owner or moderator of the forum becomes responsible for it's content. Another situation where the warning/request for removal is not send to the user is when the offensive content (in Dutch and/or directed at the Netherlands) is hosted on a server in another country. Usually this is the case when people are perfectly aware that their material falls under the Dutch anti-discrimination laws, so they go jurisdiction shopping. Sending a warning to those users makes no sense; therefore MDI sends a request to the provider to remove the material, based on their Terms of Service. Of course a lot of jurisdiction shoppers wind up in the United States. What many people don't realise is that the first amendment states: "congress shall make no law..." which does limit the possibilities for prosecution, however this does not prevent providers from prohibiting the use of their servers for disseminating hate. In fact most regular American providers and free providers have in their Terms of Service something about disseminating hate, the ToS of Geocities (one of the largest free providers) states:

You agree to not use the Service to:

"(a) upload, post or otherwise transmit any Content that is unlawful, harmful, threatening, abusive, harassing, tortuous, defamatory, vulgar, obscene, libelous, invasive of another's privacy, hateful, or racially, ethnically or otherwise objectionable;"⁷

So no problem there, in most cases you can get the material removed. What is left are providers that do not have relevant Terms of Service and racist providers. A prime example of this is Stormfront.org owned by Don Black, a prominent white supremacist. Everything he hosts is protected by America's first amendment. Even though a lot of the content is in other languages, clearly directed at other countries⁸. You cannot get Don Black, an American living in America, convicted on the basis of

⁵ <http://www.meldpunt.nl/indexe.php3>

⁶ Since the start of the MDI in 1997, 7012 discriminatory expressions were reported to us, of which 3519, after assessment by the MDI, were deemed in violation of the Dutch Penal code. After receiving a warning/request to remove, 2141 of these were indeed removed. The MDI has secured 4 verdicts on Internet and incitement to hatred.

⁷ Terms of Service <http://docs.yahoo.com/info/terms/geoterm.html>

⁸ Stormfront Netherlands and Flanders <http://www.stormfront.org/archive/f-22>

the Dutch Penal Code. However, the Stormfront Netherlands and Flanders forum is moderated and used by Dutch and Belgium people, living not in the United States but in the Netherlands and Belgium, countries where the American constitution doesn't apply. Therefore the matter of jurisdiction is very clear, if a person contributes illegal content from the Netherlands, this person, if found, can be prosecuted in the Netherlands. It doesn't matter that the material winds up on a machine in America. We had a case of two regular posters on the Dutch part of the Stormfront web forum, which used the forum to spout hatred mainly against Muslims in the Netherlands. By research on the Internet and in co-operation with the local Anti-Discrimination Bureau in the area they were living in, the MDI pieced together their full identities of the users.

Charges were filed against them and they were convicted⁹ for incitement to hatred, discrimination, and the dissemination of discriminatory content through Stormfront.org and their personal websites¹⁰.

They were clear about their intentions:

"And because I'm having not much luck in life I'm thinking about becoming a suicide Commando like some Muslims are, and then blow up a Mosque for the cause. My live for my honour and nation! –14-, Sieg Heil!"

and:

"Muslims are scum, the nazis of our time! Europe wake up, it is time to fight! Take care that your wife is not being raped, hit a migrant before he expects it"

The defendants, aged 16 and 18, were active in the neo-nazi scene. One of them was a chemistry student who also used the Internet to swap recipes for homemade explosives.

Often we can get material removed in co-operation with the members of the International Network Against Cyber Hate in other countries, getting rid of hate that, for purpose of evading authorities or regulating bodies, is being mirrored in several jurisdictions at the same time. Last year we received a complaint about Sluitjeaan, (*JoinUs*) a Dutch site that called for *Jihad*, recruited young people for the jihad and included antisemitic material like the notorious 'Protocols of the Elders of Zion'. The site was originally hosted in Carolina in the US. After it was removed there, it popped-up on a server in Malaysia and on 5 mirror-sites in the United States, hosted by free providers. The co-operation with our colleagues from Jugendschutz. Net in Germany and the Anti Defamation League in the U.S. ensured that the site and all it's mirrors were brought down within two weeks.

So you see, freedom of speech and jurisdiction issues do not hamper international co-operation in combating hate speech. A flexible and practical approach in dealing with hate on the net, geared towards existing possibilities rather than pointing the finger at each others legislation is quite successful, as the work of the INACH-network shows.

⁹ The State versus "Masta & Tehalon", Decision district court Zaandam, Youth Chamber, The Netherlands, April 14, 2003.

¹⁰ Defendant 1 was sentenced to 40 hours community service. On August 14, 2003, defendant 2 was sentenced in a separate Youth chambers session of the Zaandam court to a suspended youth detention of two weeks with a probationary period of 2 years.

Concluding, I would like to make the following recommendations:

1. Use of existing domestic and international anti-discrimination and hate crime legislation, with as general rules that:
 - a. material which is illegal offline is also illegal online,
 - b. action should be taken in the country from where the material is placed on the Internet.

And for those of you who can to

2. Sign and ratify the Council of Europe - Additional Protocol to the Convention on Cybercrime , concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

And lastly I would ask you to focus on the things we have in common, rather than what divides us. I think we agree on 85% let work with that.

Thank you for your attention.

Antisemitism and Terrorism on the Internet:

**By Rabbi Abraham Co-oper, Simon Wiesenthal Center/OSCE, Paris
June 16, 2004**

- The scope of Internet activities of terrorists and their supporters continues to develop both quantitatively and qualitatively. These activities include commanding, co-ordinating and controlling terrorist operations from far away; disseminating propaganda and raising money, as well as recruiting young people to the Islamist culture of death. The Internet is attractive to terrorists as it is cheap, difficult to monitor and knows no borders. Increasingly, the Internet is being incorporated into terrorists' tactics in impacting and sometimes dictating international media coverage. The latest horrific examples are Internet 'broadcasts of kidnap victims, followed by the actual beheadings.
- Traditional hate groups, such as neo-Nazis, the Ku Klux Klan and racist skinheads, proliferate on the Web, which also acts as a powerful tool enabling minor local players in hate movements to become global operators. The Internet provides a new face for well-known antisemitic themes and forms part of a much larger problem of the digital mass marketing of Hate and Xenophobia. Websites on the Internet make it possible to resurrect and dress up any idea, while directing the message to targeted audiences. **The Simon Wiesenthal Center is currently monitoring over 4,000 problematic sites worldwide.** (Note: There was one hate site on the Internet in 1995).
- There are too many examples of Internet sites inspiring violent hate crimes. In the United States, every violent anti-Jewish hate crime has links and inspiration online. Here in France, a lone neo-Nazi empowered and inspired by European hate sites tried to assassinate President Chirac on Bastille Day. Later, one extremist group **Combat 18** seemed to take credit for the attempt on one of their websites. The Internet has also amplified and the toxic agenda of Islamist terrorists to young Muslim worldwide, especially and including here in Western Europe.
- The shared hatred of Jews encourages individuals and movements to overcome great differences in their worldviews. Alliances and coalitions are created virtually on the Internet, which is speeding up the connections of the Jews' enemies. As a result, local racists, like America's David Duke, whose has built his career on xenophobia, anti-Black and antisemitism, is invited to speak in the Gulf States on Ramadan because he embraces the conspiratorial 'big lie' that the US government was involved in 9/11.

- To date there is no comprehensive, organized response to the "Internet Front" from those who are combating terrorism and hate. In this context, the Wiesenthal Center welcomes the leadership of the OSCE in highlighting this problem and in convening this important conference in Paris. However, as important as such a gathering is, it is important to remember that no governmental law, or international protocol **alone** will eliminate the use of the Internet to inspire racist and antisemitic hate. There are two fundamental reasons. First, the dynamic and ever-developing nature of the Internet will preclude the blocking or elimination of pro-terrorist, antisemitic and racist materials. To provide just one example (Note—examples shown on the screen), many of France's current extremists sites are now hosted from **.st**, which from the Island of Sao Tome, off the West African Coast. Other venues, motivated by financial or ideological reasons will always be a part of the international scene. Secondly As you heard from US assistant Attorney General Bryant, there is no chance that the US will pass any law or agree to any regulation that will block access of ideas and groups on the Internet—unless it is directly linked to terrorist activity. As a result, for any OSCE or any other international effort to effectively counter online hate, racism and antisemitism, there is an urgent need to include the American Internet Community in dialogue to develop a series of **voluntary** steps they can institute to *remove* problematic hate sites **after** their posting. Without the active co-operation from that sector, extremists from around the globe will continue to use US URLs to evade anti-hate measures in Europe, Canada, and Australia.

Rabbi Co-oper then presented a powerpoint of terrorist and hate websites based on the Wiesenthal Center's **DIGITAL TERRORISM AND HATE 2004 CD ROM report**. The report is available to order from [www. Wiesenthal.com](http://www.Wiesenthal.com)

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**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTISEMITIC PROPAGANDA ON THE INTERNET, AND
HATE CRIMES**

SESSION 2

‘ONLINE PROPAGANDA AND THE COMMISSION OF HATE CRIME’

Michael Whine

Mr Chairman,

I work primarily for the Community Security Trust, which provides defence and security services for the Jewish community in the UK. Part of our research during the past fifteen years has been on how antisemitic extremist groups, neo-nazi, Islamist radicals, and others, promote hatred of, and plan offensive activity against the Jewish community.

Increasingly we are able to ascertain what these extremists are planning by accessing the Internet.

We accept that the development of cyberspace has facilitated the growth of new forms of hate groups and that it allows cheap accessible communication which avoids legal restrictions and which is capable of being encrypted.

We know that there has been an explosion of websites, that they promote hatred, and that there is an alarming increase in religious and racial tension, including violence, directed at many minorities, but particularly the Jewish communities. What we must now do is begin to examine the relationship between such sites and violence on the streets. We should also analyse the development of the command and control mechanisms that cyberspace allows.

The websites are, in effect, a showcase of wares; they promote the hate groups' ideologies and allow them to advertise themselves. These groups also now increasingly use cyberspace to organise themselves and their activities. I would suggest that the next important growth is not in the use of websites as such but rather in the internal and restricted access sites. And it is the racist, xenophobic groups which use them the most. That is the neo-nazis and the white supremacists.

Radical Islamists inciting religious hatred are also major users.

Governments have recognised that such sites may breach criminal codes and some prosecutions both of the owners of hate sites and the senders of hate mail have taken place, notably in France, Germany, Norway, Switzerland, Britain and Australia.

The law has been catching up with the promoters of hate online as a result of political pressures: cyberspace no longer operates in the lawless vacuum, which its early proponents intended, and which the hate groups above all others have campaigned for but the focus of the few prosecutions has been on the websites only. The commonly held view of the neo-nazi groups is that they are relatively unsophisticated mindless thugs. The reality is that they are the generation that has grown up in a

digitised world and see the greater potential for cyberspace than did their predecessors. They communicate in cyberspace ever more frequently, and effectively.

They use the Internet for planning action, such as the organisation of demonstrations, sometimes violent; for fundraising; for the recruitment and introduction of new members.

The email contact lists and the Internet relay chatrooms allow the posting of messages and a proper exchange of information within selected groups. Even allowing for the possibilities of exaggeration by some posters and the fact that some use anonymiser services, or otherwise hide their identities, it is still possible to see that these forums are increasingly used for the organisation of activities.

The riots in northern English cities in 2002 were in part organised online by the neo Nazi British National Party and National Front. So were the same groups' violent demonstrations outside the North London Mosque in Finsbury Park over the past eighteen months.

Redwatch in Britain and the Anti Antifa sites in Germany publish hit lists for their members of prominent anti-fascist campaigners and journalists, and assaults on them take place as a consequence.

In all these examples it is possible to trace the link between the postings and the ensuing violence.

At an international level, the Holocaust Denial conferences held in Italy in 2001 and 2002 were organised almost completely online, and the monitoring of the sites, among other means, allowed the Italian authorities, when alerted, to take action against them. The organisers of a new planned international network of white supremacist groups that signed the New Orleans Protocol on 29 May 2004 stressed in their declaration that:

"The Internet is our communication salvation in the face of increasing minority control of mainline means of communication as well as increased state censorship.

Observation of chatroom exchanges show clearly how ideology is developed and spread. The British National Party's change in focus from that of an openly neo-Nazi street-based group to its reincarnation as an anti-immigrant political campaigning force has been carried out considerably online. And the White Nationalist Party, a north of England-based breakaway from the National Front, has developed its ideology completely online.

Fundraising for many groups, in Britain and the USA, now takes place online. In a recent posting the activities organiser of the British National Front thanked supporters for funding their election campaign in which they raised the bulk of their funds online.

Government agencies and NGOs have now become adept at monitoring hate sites. Regular reports which describe the contents are published both in hard copy and

online. The ADL and the Simon Wiesenthal Centre reports are among the foremost. A US Justice Department publication investigating Hate Crime on the Internet examines cases of hate-mail sent online.

What is now required is a series of further studies nationally and internationally on the use of closed sites. Investigations should be aimed at gaining intelligence on planned activities by extremists in order to frustrate their plans. It should be used for the wider intelligence purpose of establishing the operational links that exist between these groups. And It should be used for criminal prosecutions where the link between the message and the act of violence is provable. There may be jurisdictional and investigative problems in this process but they are not insurmountable.

This becomes a more urgent and pressing requirement as Internet usage grows.

The OSCE questionnaire sent to member states at the end of March sought responses to a wide range of important questions. Unfortunately there was insufficient time between then and now for more than 23 states and the EC to respond. It is to be hoped that the other 32 will do so at the earliest opportunity, and that the OSCE will publish their replies as well.

Responses received so far indicate a tremendous growth in Internet usage, and particularly among young people. While most responding states have legislation that forbids incitement or discrimination few report the establishment of specialised law enforcement units, or indeed even an awareness that cyberspace provides the most dynamic and cheapest medium by which to incite, organise and fund hatred.

Just a few however recognise the problem. Let me quote from two of the responses.

The Dutch reply states that:

‘ By and large anti-Semitism for example, **has shifted from In Real Life publications to the Internet**’.

The Russian Federation states:

‘In particular, the Internet is being used by terrorist organisations for propaganda of terrorist ideas, separatism and religious extremism, **as well as involving people in the activities of such organisations and providing financing.**’

In summary therefore I would urge member states to recognise that hatred is increasingly organised on line, as well as being showcased on line.

**OSCE Meeting on the Relationship Between Racist, Xenophobic
and Anti-Semitic Propaganda on the Internet and Hate Crimes
Paris, France
June 16, 2004**

**Needed: Diagnostic Tools to Gauge
the Full Effect of Online Anti-Semitism and Hate**

by Christopher Wolf

Mr. Wolf is Chair of the Internet Task Force of the Anti-Defamation League, where he also serves as a member of the National Executive Committee and chairs the Washington, DC Governing Board. He is a frequent speaker on the issue of Internet hate. Professionally, Mr. Wolf is a partner with the international law firm of Proskauer Rose LLP, where his practice focuses on Internet law, privacy and commercial litigation.

It is my great honor to participate in this important conference on the relationship between hate on the Internet and hate crimes, and I thank the OSCE for inviting me to participate.

More than half a billion people worldwide use the Internet. They sit down at their computers every minute of the day and night to communicate, to educate, to entertain and to collaborate. The reason we are gathered here today is that some of these people misuse this powerful tool. They go online to espouse racism, xenophobia, anti-Semitism and other forms of hate. Innocent users of the Internet inadvertently may be exposed to hate online. When uninformed or easily influenced people – particularly children – come across hate propaganda, they can fall prey to its deceptive reasoning and adopt hateful beliefs themselves, sometimes going so far as to act on what they have read. We have seen and heard hate on the Internet, and we have compelling anecdotal evidence that such content inspires criminal attacks and even terrorism. We also know that the Internet serves as a virtual meeting place for criminals and terrorists.

The overriding issue at this gathering is what can we do as a global community to combat the disease of hate that has invaded the Internet? Today and tomorrow, we are discussing the international legal framework for dealing with hate speech online. We are examining the appropriate roles of governments, NGOs, ISPs, educators, parents and citizens in the battle against the disease of online hate. And we are exchanging ideas on how to promote tolerance and understanding online, to counter the hateful and sometimes violent effect of bad actors on the Internet.

We know in our hearts, and in our gut, that hate on the Internet is a terrible and troubling condition. But gauging the effects of online hate on the vast population of Internet users presents enormous difficulties. No reliable measurement has been taken of the number of Internet users who find and read hateful material online. Nor can one safely generalize about the precise ways in which this material affects the beliefs and actions of those who read it. By its very nature, the Internet promotes anonymous collaboration, which allows hate mongers and terrorists to exchange ideas, information and plots online, out of view. How do we attack such conduct if we do not have an accurate measure of its existence?

Notice that I have referred to Internet hate as a “disease”, for that is an apt analogy. The disease of hate has infected a healthy body whose health is measured by the enormous contributions the Internet makes in society as a communications tool. As with any disease, before the best treatment can be prescribed, we want to have as complete a diagnosis as possible. How pervasive is the cancer of hate on the Internet? Where is the infection most severe? What symptom should we treat first to have the best effect overall? Will the disease respond to treatment and, relatedly, how will various treatments affect the good tissue of the Internet – the free exchange of information and ideas?

Just because we do not today have accurate diagnostic tools, does not mean that we have not seen the symptoms of Internet hate. Indeed, the symptoms are what bring us together here today to discuss the fuller diagnosis.

When we think of anti-Semitism and hate on the Internet, each of us may have different images in mind. But none of us can forget the disgusting Internet video images of the murder of Daniel Pearl, who was killed because he was a Jew – images that were available on myriad Web Sites with the click of a mouse. Islamic fundamentalists using the Internet gleefully inter-link their sites to share virulently anti-Semitic and anti-American sites, often using the term Jew to encompass all Westerners. And they broadcast worldwide via the Internet to incite and to instruct on how to commit heinous hate crimes and terrorism.

Other symptoms of Internet hate range from computer users being verbally attacked online to terrorists exchanging plans for mass destruction. One recent example comes from the Blog Site of the American university, Brandeis University, mybrandeis.edu:

What's the deal with online antisemitism?

Posted at 02:47 PM on January 19, 2004

So I was playing a game of Savage online the other day and this guy joins the game, calling himself "JEW KILLER." Offended, I target him specifically and beat him up a few times until the game ends. Today he and some anti semite friends joined the game, but this time I wasn't the only jew there. Needless to say we grouped together to defend ourselves.

I don't see a lot of antisemitism in real life. Too much of my free time is spent online however and I see way too much of it there. I think jews get bashed on the internet more than all the other groups combined and I have no explanation as to why. If anyone could shed some light on the situation I'd appreciate it.

* * *

I'm no expert, but IMHO it has something to do with the relative anonymity of the internet. Sure, there are ways of finding someone's IP address and from there finding their true identity, but the fact that it's not blatant allows people to do things that they wouldn't do otherwise. There's a similar theory about why people are willing to do things in a uniform that they'd never do in real life. The anonymity of a disguise or uniform masks who they really are, thus allowing them to do things that their "normal" personality would not.

Again, I'm not an expert...

As disturbing as this kind of virtual hate attack is to observe, we all know that Internet hate transcends the bounds of the computer screen.

The evidence is clear that hate online inspires hate crimes. The Anti-Defamation League has a full-time staff of Internet monitors who, working with the latest technology, watch for and report on the activities of such extremists. We have served this role for years, ever since the Internet reached the public at large. We have chronicled the electronic community of hate. Just go to the ADL Web Site archives and you will see reports such as these:

- In California, Matthew Williams and his brother Tyler were charged with murdering gay couple Gary Matson and Winfield Mowder and helping set fire to three Sacramento-area synagogues. Matthew Williams was an Internet addict. He adopted nearly every radical-right philosophy he came across online, from the anti-government views of militias to the racist and anti-Semitic beliefs of the Identity movement. He regularly downloaded pages from extremist sites and used printouts of these pages in his frequent attempts to convince his friends to adopt his beliefs. Without question, the easy accessibility to rapidly hateful content inspired Williams to go on his real-world hate rampage
- Benjamin Nathaniel Smith went on a racially motivated shooting spree in Illinois and Indiana targeting Jews, Blacks, and Asians. He killed two people and wounded eight. As law enforcement officers prepared to apprehend him, he took his own life. "It wasn't really 'til I got on the Internet, read some literature of these groups that...it really all came together." Benjamin Smith told documentary filmmaker Beverly Peterson months before his spree. "It's a slow, gradual process to become racially conscious."
- Pittsburgh gunman Richard Baumhammers murdered members of several minorities in April. He was convicted of killing five people and sentenced to death. His victims were a Jewish woman, a Black man, two Asian-Americans, and two Indian men. Before his shooting spree, Baumhammers visited Tom Metzger's WAR Web site. (Metzger later characterized him as "a white man" who "decided to deliver Aryan justice in a down home way.") Baumhammers joined the E-mail mailing list of the hate rock band Aggressive Force, repeatedly visited the popular white supremacist site Stormfront, and downloaded material from hate sites created by members of the neo-Nazi National Alliance. He also hosted his own Web Site to further disseminate the teachings of hate and intolerance.
- British neo-Nazi David Copeland planted nail bombs in a Black neighborhood, an Indian area, and a gay pub in London, killing three and injuring more than a hundred. Copeland later wrote, "I bombed the blacks, Paki's [sic], [and] Degenerates," and he

boasted, "I would of [sic] bombed the Jews as well if I got a chance." A court handed Copeland six life sentences for his crimes. He had learned how to build his bombs by visiting a cybercafe, where he downloaded *The Terrorist Handbook and How to Make Bombs: Book Two* from the Internet

- The Better than Auschwitz WebSite includes pictures of bombing victims and detailed bombmaking instructions. In addition, Better than Auschwitz features instructions for using knives and brass knuckles in fights against minorities, as well as tips for hand-to-hand combat. A "Nigger Baiting Made Easy" section describes "the various methods of selecting muds and queers, and getting them to fight, or throw the first punch." Such material resembles the instructions White Aryan Resistance gave the skinheads of East Side White Pride before their violent rampage in Portland.
- Online, extremists may find guidance not only on how to attack, but also who to attack. Anti-government sites frequently post information about judges, law enforcement officers, and other government officials. Alongside graphics dripping with blood and links to sites calling the murder of abortion providers "justifiable," The "Nuremberg Files" Web site supplied detailed personal information about doctors who allegedly provide abortions, including their social security numbers, license plate numbers, and home addresses. The list of doctors reads like a list of targets for assassination. Names listed in plain black lettering are still "working"; those printed in "Greyed-out" letters are "wounded"; and those names that are crossed out ("Strikethrough") indicate doctors who have been murdered ("fatality"). At the site, the name of Dr. Barnett Slepian, who was murdered in his upstate New York home by a sniper in 1998, was crossed-out within hours of his death, indicating that he had become a "fatality." The U.S. Courts found the Nuremberg Web Site did not qualify for protection under the First Amendment to the United States Constitution and imposed millions of dollars in damages against its creators. The Site no longer exists.

While we may not have a precise diagnosis of hate on the Internet, these examples teach us a great deal, and we do know from our work at the ADL that there are three important, measurable respects in which the "electronic community of hate" strengthens the work of right-wing extremists offline. The Internet provides instant and anonymous access to propaganda that inspires and guides criminal activity. It helps to more effectively co-ordinate their activities. And it offers new ways to make money, legally and illegally.

Joining right-wing extremists online are terrorists; indeed, there likely is some substantial overlap between these two categories. The scope of Internet activities of terrorists and their supporters continues to develop both quantitatively and qualitatively. These activities include commanding, co-ordinating and controlling terrorist operations from far away; disseminating

propaganda and raising money, as well as recruiting young people to the a culture of death. The Internet is attractive to terrorists as it is cheap, difficult to monitor and knows no borders. The Internet allows groups that are spread across the globe to quickly and efficiently get messages out to adherents; and the use of cryptography and other privacy tools allows groups to do so covertly. Because access to the Internet is so fast, cheap and flexible, the complexity of deciphering and tracking covert operations is compounded by the ease with which sites become known and shared; and can then be folded and restarted under different names using different addresses. The techniques and diverse means to keep messages and information hidden online are a practice that these groups will continue to improve upon and refine in the future. Because a troubling web site is gone, doesn't mean that Jihad has been abandoned. On the contrary, constant monitoring is required to track and trace the war that's been declared on the non-Islamic world in both the electronic and real world.

NGOs like the ADL and governmental entities deserve much credit for monitoring and reporting on the misuse of the Internet by hatemongers and terrorists. But an enhanced and better co-ordinated effort clearly is required. We are at the point in the history of the Internet and in the post-9/11 world where we need more accurate measures of who is misusing the Internet and what effect they are having.

Therefore, I call on those meeting here to consider the following:

- There should be better international co-operation and co-ordination of monitoring the use of the Internet for hateful and terroristic purposes. A central repository for reports of Internet hate should be established, with appropriate synthesis, cataloging and indexing. Care should be taken that such an inventory is not used as a “search engine” for the haters of the world but is used only for the purpose of combating hate online.
- Studies should be conducted on the ways in which vulnerable people, especially children, become exposed to hate sites and content, and the ways in which such content affects that audience. There should be an examination of the link between hate speech and hate crimes. Only with such knowledge will we be able to attempt an antidote.
- We should seek to answer this question: In countries that allow for the banning of certain hate speech *qua* speech, what is the effectiveness of such censorship on the reduction in physical world hate crimes?
- Annual reports should be prepared on the “State of Hate on the Internet” setting forth trends and describing where there has been progress in fighting such hate. Such a report should contain an analysis of racist, xenophobic and anti-Semitic propaganda on the Internet and the Internet tools used by the authors.

Of course, there are many other steps to be taken to better understand, and to try to counteract, the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crimes. But let us resolve here to start to create better diagnostic tools to deal with the disease of hate that has invaded the body Internet.

Thank you for your attention.

Introduction in Session 2: The nature and extent of the relationship between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes

**By Stieg Larsson
Expo Foundation, Sweden**

Ladies and gentlemen, as I was getting ready to travel to this conference, I received the latest issue of the British anti-fascist journal *Searchlight*. The editorial of this issue was almost like an opening statement for this conference.

Racist violence follows racist agitation, as sure as night follows day. Where the British National Party is active, we can be sure that people will be harassed, beaten and even murdered.

BEFORE I GO FURTHER into this area I would like to make a small point. It seem to be a foregone conclusion that violence follows hate propaganda.

We have seen this all through recorded history.

When a nation or a clan or a para-military outfit or whatever is about to go and do something fundamentally evil to other people, there will be a period of slander, innuendo or rumor mongering that is meant to legitimize the actions that will follow. The most well known case in world history of hate propaganda leading to violence is perhaps *Mein Kampf* by Adolf Hitler, who outlined the core of his political philosophy – that Jews were the ultimate evil and had to be purged. We all know the result of this.

However, when researching this topic in preparation for this seminar I noticed that although a great number of websites internationally deal with the subject of Hate Propaganda, there is precious little actual scientific research in the subject. I couldn't find a single scientific paper mapping out the relationship between agitation and action.

At the same time it would perhaps seem superfluous to point out that propaganda is the tool of any lobby group or political group from right to left, from good to evil. I rather doubt that any group would spend time, effort and money on propaganda if it didn't have a proven effect.

Most of the propaganda we meet in everyday life is legal and reasonably benevolent. Some of the propaganda is not.

IN THE DECADES following the end of the Second World War, race biology and obvious anti-Semitic sentiments didn't make much impact on everyday life among the Europeans.

Although there were an abundance of groups producing Hate propaganda, a Nazi magazine or a leaflet was actually very hard to come by, by the average public. You really had to make an

effort to be able to read any of the rather tatty mimeographed editions making rounds in the political sub-vegetation.

The arrival of Internet has changed all that. And, to tell the truth, we have been slow to catch on.

For the racist group cyber space is a dream. It is no accident that today the first item on the agenda for any racist or ultra-nationalist group is the creation of a home page. Nazis were among the first to realize the potential of Internet. This is clearly worded in their own internal strategies.

- Internet, compared with the production of books or paper magazines, is cheap and easy to maintain.
- An internet homepage of the smallest racist group of three or four people has the same circulation and availability as Der Spiegel or CNN. It is in everybody's computer at the distance of a click of a mouse.
- And perhaps most importantly – it offers a brand new way of organizing, merchandising, fundraising and communication.

WITHOUT GOING INTO statistical detail I would like to say a few words about what does the propaganda consist of. At Expo Foundation and Sweden and among similar groups in other countries we have monitored organized racism on the Internet for a number of years. Our conclusion is that on the Internet you can find absolutely anything that you are looking for.

Hate propaganda on the Internet can be divided into a number of diversified messages.

On one end of the spectrum you can find 'soft racism' – moderate innuendo voicing concern for for instance culture if immigration goes on. I am not a racist, but...

On the other end of the spectrum you will find the most vulgar conspiracy theories claiming that Jews – or most recently Muslims – are planning to annihilate the Western world.

You will find Nazi sites advocating terrorism, publishing bomb manuals and glorifying an armed struggle against the democratic society.

Believe me – there is no propaganda that is so sick and demented that it will not get a groups of followers, and of course, if you again and again press home the message that other people are sub-human and argue the need for militant action – eventually some activist will go out and do something.

Experts in terrorism will tell you that every group that has ever taken violent action has done so following a period – sometimes years – of active propaganda.

In many ways this stage is the process of dehumanizing the target of your propaganda. There are web pages carrying the crudest jokes about Jews or Muslims. First you joke about the Holocaust. Then you claim it is a forgery – it never happened. And finally, so what if it did happen – Jews after all may have deserved it. Or so, the argument goes.

HOWEVER, IT IS equally important to realize that while immigrants, or Jews or Muslims etc may be the immediate target of the propaganda, an underlying theme is fostering suspicion against democratic society, democratic politicians and democracy itself.

My personal opinion – and some of my partners and associates will agree while others will disagree – is that legislation alone cannot solve the challenge of Internet Hate propaganda. Indeed, I would even argue caution against relying to much on legislation.

Please don't misunderstand me. We have laws separating right from wrong according to our social standards. If we have a law against incitement of racial hatred, then let us by all means use it as a tool to prosecute offenders.

But the reality of the problem is that we are now facing thousands and thousands of racist pages all over the world. The reality of the situation is that we haven't even got enough police officers to investigate, and not enough prosecutors to take action. For that reason, the judicial process in any country will only skim the surface and make examples of a few worst offenders, while letting most of the offensive material slide.

The radical right are a political movement. Thirty years ago it was made up of a small fringe netting at best a handful of votes in elections. Today the same groups have moved out of the basement hideouts they populated in the 1960s and 1970s. In some countries they are polling ten-fifteen percent of the vote.

In other words we have a shift of political winds in which sentiments which were almost taboo 30 years ago, are again becoming a real political option.

Internet has become one of the most important tools in the revival of the race hate politics. This is the challenge offered to democracy by racism.

We cannot wish that they will go away. We cannot legislate the problem away. We can only defeat them in a process where democratic society will rise to this challenge.

And to do that we need more research, more knowledge, more funding, more democratic groups responding.



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Miklós Haraszi

“OSCE Conference on the relationship between racist, xenophobic and anti-Semitic propaganda on the Internet and hate crime.”

Paris 16 – 17 June 2004

Session 3: Public and Private Partnership in the Fight Against Racism, Xenophobia and anti-Semitism on the Internet – Best Practices

Introduction

While the Internet is rapidly getting more widespread and accepted, so are attempts to curtail this new form of freedom of expression. However, no matter what technical means are used to channel the work of journalists to the public – be it TV, radio, newspapers or the Internet – the constitutional value of freedom of the media must not be questioned, as the OSCE Representative on Freedom of the Media (RFoM) expressed in the Amsterdam Recommendations.

An important challenge for the RFoM is to identify ways in which to prevent hate speech and crime without restricting freedom of expression on the Internet and without curtailing the civil rights of Internet users. A number of conferences and documents have shown that there is a need to counter hate speech on the Internet, but that there is a considerable degree of uncertainty about how to tackle this problem. A seminar on 30 June 2004 in Vienna organized by the Representative will begin to evaluate the reasons for this uncertainty, provide detailed information, initiate strategy proposals and highlight best practices to guarantee freedom of the media on the Internet in the future.

Public and Private Partnership in Regulation Issues

We find it inevitable that groups victimized by hate speech come forward with complaints, and we welcome all forms of societal action to counter hate speech that are constructive and educational and make use of the means the Internet offers without censoring or restricting

speech. Here a public-private partnership is possible, provided transparency, accountability and the right to appeal are observed to at least the same degree as in the classic media (print and/or broadcast) and the decision on what constitutes illegal content remains with judicial courts. Pure self-regulation, however, is endangering freedom of expression as it is often transferring court decisions to private companies, and does so arbitrarily and without any notice to the public.

The report *How Liberty Disappeared from Cyberspace* by the Programme in Comparative Media Law and Policy at Oxford University (PCMLP) shows how ISP simply remove what is referred to as illegal content when they are notified, without giving serious consideration to whether it is in fact illegal, or offering content providers with adequate rights of appeal.¹¹

Conclusions

With regard to co-regulation a number of points must be ensured to further guarantee media freedom on the Internet. Some of them have been raised during a presentation at the Paris Conference (Session 3):

- The Internet can be used to counter hate speech and to promote tolerance:
 - Civil society has a number of means to counter hate speech without censoring. Grass root action like ‘Wikipedia’ or ‘Sponsored Links’ is ‘used freedom’ without limiting freedom of expression.
- Petitioning industry to block or filter sites is highly problematic:
 - It is not countering hate speech in an educative way, but forces the industry to censor. However not everything that is ‘unwanted’ for commercial reasons is indeed illegal.
 - Filtering can be easily circumvented and the blocking of arbitrarily chosen singular sites does not solve the problem as such.
- Decisions on whether content is illegal or not must be made by the judiciary and not by industry and companies:
 - Authors of disputed content must have the right of appeal.

The biggest unused potential for countering hate speech lies in explaining, awareness raising and education.

¹¹ In order to test these concerns, researchers (Christian Ahlert/Chris Marsden) set up a website, and enlisted J.S. Mill's help. After posting sections of his classic *On Liberty* on a fan site, a complaint was made which claimed that the site infringed copyright. To everyone's surprise, only the second ISP contacted removed the site immediately. They had taken no time to examine whether the complaint was justified. Had they chosen to do so, they would have realised that it was ridiculous, as the text is too old to be protected by copyright (Damian Tambini).

**OSCE Meeting on the Relationship Between Racist, Xenophobic
and Anti-Semitic Propaganda on the Internet and Hate Crimes**

**Paris, France
June 16, 2004**

**Public and Private Partnership in the Fight Against Racism, Xenophobia
and Anti-Semitism on the Internet — Best Practices
(Session 3)**

by Brian Marcus

Mr. Marcus is the Director of Internet Monitoring for the Anti-Defamation League. In this role he co-ordinates the Anti-Defamation League's efforts to monitor, track and analyze how extremists and terrorists utilize the Internet. He is a frequent speaker on the issue of Internet hate.

I would like to thank the French delegation to the Organization for Security and Co-operation in Europe, for taking the lead in the organizing of this meeting on "*The Relationship Between Racism, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes*". As well, I wish to applaud the active encouragement and the assistance of the Bulgarian delegation as Chair of the OSCE in acknowledging the importance the Internet plays in the transmission of hatred across the world, and within the OSCE region.

The issue we are gathering to discuss in this session is what can we do, in a practical sense to work together across borders and boundaries and come together to combat hate on the Internet? We need to examine the appropriate roles of governmental agencies, international organizations, NGOs, religious associations and industry groups – and determine the degree to which, and the ways we can work together and learn from one another.

The Anti-Defamation League was founded in 1913, and our founding charter states, "*The immediate object of the League is to stop, by appeals to reason and conscience and, if necessary, by appeals to law, the defamation of the Jewish people. Its ultimate purpose is to secure justice and fair treatment to all citizens alike and to put an end forever to unjust and unfair discrimination against and ridicule of any sect or body of citizens.*"

As the years have gone by, new technologies and new means of communicating defamation and hatreds have arisen, and ADL has been in the forefront of collecting, tracking, archiving and understanding anti-Semitism, racism, bigotry and hatred wherever it occurs.

When the Internet first emerged, finding materials on the relatively small playing field was not difficult because there were relatively few places to go. There are now billions of pages online and a seemingly infinite amount of data is now available. The rise of new communications technologies – particularly the Internet - has had a tremendous impact on everyday life across the world. However, concerns about online extremism are not new.

In January 1985, the Anti-Defamation League released a report entitled *Computerized Networks of Hate*. Years before the Internet became a household word, that report exposed a computerized bulletin board created by and for white supremacists and accessible to anyone with a modem and a home computer.

This bulletin board was a forerunner of extremism on the Internet. *Computerized Networks of Hate* detailed five ways the "Aryan Nation Liberty Net" served the white supremacist movement, all of which remain important to extremism on the Internet today. First, the bulletin board was designed to draw young people to the hate movement with appealing propaganda. Second, the network helped stir up hatred against the "enemies" of white supremacy. Third, the bulletin board was a means to make money. Fourth, the system offered the potential for circulating messages among extremists, and finally, it bypassed embargoes that nations outside of the United States placed on hate literature.

The *Computerized Networks of Hate* report warned that "complacency" about this development "would be unwise," because it represented a new field for hatred. At the time, Louis Beam, one of the creators of the bulletin board, boasted that "computers are now bringing their power and capabilities" to the white supremacist movement. "The possibilities," Beam remarked, "have only been touched upon."

ADL has continued to monitor how the electronic medium is used by extremists and terrorists, and in my role as the Director of the Anti-Defamation League's Internet Monitoring Unit I work with a group of dedicated full-time researchers who are focused solely on the Internet. Our Internet Monitoring Unit works in conjunction with our general researchers and our various field offices to co-ordinate monitoring of hateful materials on the Internet. We work within our Civil Rights division to analyze and determine trends and important information, and to produce materials to educate on these important issues. This co-ordination of our online efforts ensures that we cover as much of the Internet as possible.

The co-ordination of information, whether it is in a larger agency – such as ADL – or a small group, is essential to dealing with hate online effectively. Any organization dealing with hate online must make sure the information gathered is analyzed, shared and the results disseminated. ADL regularly publishes information about extremist use of the Internet, and develops new materials to educate about hate online. These are printed and distributed, and also put online – so that anyone can download and print these out themselves. This

distribution ensures that we reach our audience and let people know about hate online, and is critical to the success of our programmes.

One example of how ADL partnered with the US government in this important education effort about on hate online is through the Partners Against Hate programme, one of our flagship programs dedicated to youth violence prevention. Online hate is such an important component of our programs aimed at children that Partners Against Hate has created two documents, available at this conference – *Investigating Hate Crimes on the Internet* (a technical assistance brief for law enforcement) and *Hate on the Internet: A Response Guide for Educators and Families* (that teaches parents and educators about how to respond to hate online and deal with children on this issue).

Partners Against Hate represents a joint effort by the Anti-Defamation League, the Leadership Conference on Civil Rights Education Fund, and the Center for the Prevention of Hate Violence to design and implement a program of outreach, public education, and training to address youth-initiated hate violence. Funded by a U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention and the U.S. Department of Education, Office of Safe and Drug-Free Schools, Partners Against Hate features an innovative collection of both on- and offline resources and support to a variety of audiences, including parents, educators, law enforcement officials and the community at large.

The Anti-Defamation League trains police agencies across the United States on all aspects of extremism and terrorism, including how these groups use the Internet. ADL has been taking police groups to the Holocaust Museum for years to teach them about persecution and the importance of understanding how hatred can manifest itself. This ongoing and continuous program of working with law enforcement is an excellent means of ensuring that best practices are shared with those agencies that may be called upon to deal directly with the results of hate crimes online, or those crimes that may be inspired by online materials. ADL shares information on a section of our website dedicated to law enforcement by placing our in-depth reports, such as “Extremism in America,” online and by posting breaking stories of interest to law enforcement. Agencies that need to know about hate online should be trained on identification, recognition and the ways to handle these online problems, and this partnership is an important way government and non-government agencies can work together.

In the United States, unless a web site includes clearly illegal materials – and there are court cases that have determined what levels of threats and/or incitement are considered acceptable – ADL does not believe that there should be a curtailing of freedom of speech online. The ADL also believes that Internet providers and hosts of web sites should uphold the terms of their “Terms of Service” and “Acceptable Use Policies” agreements that often include prohibitions against hateful materials being posted by their customers. Companies have the right to choose with whom they do business and if their rules preclude their hosting hate, then providers and hosts - when informed these materials are on their servers - should act to ensure compliance with their rules.

Many providers do an excellent job fighting hate online, and many companies’ “Terms of Service” and “Acceptable Use Policies” clearly state they will not tolerate hate being posted on or sent through their service. ADL has worked on many occasions with providers to report and to assess hate sites they may be hosting. When sites cross the line and are clearly violating the posted rules, ADL contacts providers to ask that they enforce their rules and remove the hate sites.

One example of this synergy between ADL and the industry was the “Hoozajew.com” website, that included a downloadable program where a person could enter a name and

supposedly find how likely it was that the name was “Jewish”. ADL’s concerns about the program included the fact that the site it was posted on was clearly anti-Semitic, and the program database included personal identifiable information on individuals. After the hosting company was contacted, they chose to enforce their rules and remove the site. The ADL believes that the model of working with a company by sharing information with them about how a site may be violating the rules of service, and asking them to consider taking action is one effective way to ensure industry self-regulation is effective.

ADL has developed strong ties with many companies in the Internet industry as we have worked to fight anti-Semitism online. Another way we work to do this is by debunking anti-Semitic Internet rumors. ADL’s website includes an entire section dedicated to addressing Internet rumors – and in many cases companies have linked directly to our site to effectively quash anti-Semitic rumors.

One recent example was the anti-Semitic site that was appearing as the first return when people searched the word “Jew” on Google. ADL received messages that indicated people were claiming Google had chosen to make this anti-Semitic site the top result, and ADL was able to quickly respond and post materials in the “Internet Rumors” section of our website that this was due to Google’s algorithm, and not a conscious choice by the company. Google has responded to this situation by placing a prominent notice on the results page for the search to explain their system of ranking and why this hateful site appeared in their search – and they linked directly to the “Internet Rumors” section of the ADL site. The identification of information online, and responding to it quickly by getting the word out through press releases and an organizations’ web site is another important aspect of combating hate that those working together to fight hate online should consider.

ADL is also involved in international co-operation and co-ordination in the fight against hatred through our membership in the International Network Against Cyber Hate (INACH). INACH unites a group of agencies that monitor and combat hatred on the Internet, with six members that have fully operational bureaus: the Netherlands, Germany, Belgium, Switzerland and the United States – and an associated partner in the United Kingdom. Candidate members are starting bureaus in Poland, France, Denmark, and Sweden. The groups involved in INACH include NGOs and government agencies working together to share information and expertise, and to develop effective ways to share best practices. Also, INACH works to share information so we can educate the public at large and also specifically children/teens in schools.

INACH members have had success in dealing with hate online by identifying sites, one example being the “sluitjeaan” site - a “jihad” recruitment site with anti-Semitic material on it. This example of the power of international co-operation within the network was demonstrated when INACH members worked together on this issue. The sluitjeaan (“join us”) site was created and maintained from the Netherlands; the main site was hosted in India, and the site had 5 mirror sites in the USA and elsewhere. The combined efforts of the Dutch complaints bureau, the German government bureau Jugendschutz.net and ADL made it possible to have the site and all its mirrors removed within 2 weeks because the materials were determined to be in violation of the rules of the companies that provided them hosting.

Overall, the ADL believes that the best ways to deal with hate online are through collaboration and co-operation – either internally within an agency, between an agency and companies, or through agency-to-agency contacts. The model of self-regulation in the United States has meant that companies that have clear rules against hate can make a decision to not do business with people who violate those rules, and by working with Internet companies,

agencies of all kinds – governmental and non-profits - can have great success in fighting hate online.

The most important aspect of fighting hate is through education, so that when confronted by hate online, people will know where and to whom they should turn. Working to expose hatred and to educate the public is the best of all “best practices” any group can hope to establish.

Therefore, I call on those meeting here to consider the following:

- There should be better international co-operation and co-ordination by those NGOs and other private organizations monitoring the use of the Internet for hateful and terroristic purposes. The Anti-Defamation League, through our partnership with the International Network Against Cyber Hate has shown a practical model on how international co-operation between non-governmental groups in the United States and the rest of the world can work together on common issues and have real results. The creation of a central database with input from participating entities, and a centralized portal that would facilitate the reporting of cross-border complaints (and can route the complaint to the appropriate country to deal with) should be implemented.
- Internet providers and hosts should consider voluntarily adopting language the industry has already developed in their “Terms of Service” and “Acceptable Use Policies” that includes agreed-upon definitions and/or broad rules on what types of materials they will not host. Many US-based companies have exemplary models that could be followed to encourage this industry-based self-regulation. I want to emphasize, however, that any such efforts to promote self-regulation should be truly voluntary; any sort of government involvement in any self-regulation effort, no matter how benign such involvement might seem, cannot avoid raising questions about possible coercion.
- The information shared between monitoring groups should be analyzed and reported on regularly, with particular attention paid to how individuals, especially children, are being exposed to hate sites and content, and the ways in which such content affects that audience. The information should be used to develop education at all levels to help parents and educators recognize hate sites on the Internet, and to teach these lessons to children. This information should be made widely available, and posted on the Internet so it can be shared freely.

I thank you for your time.

Introduction in session 3: Public and Private Partnership in the Fight against Racism, Xenophobia and anti-Semitism on the Internet – Best Practices

Anton Nosik, Editor-in-Chief of Lenta.ru, Russian Federation

Internet Community vs. Racism, Xenophobia and Anti-Semitism: The Russian Experience

* Russian authorities are extremely inefficient in confronting racist propaganda and hate crimes offline. As a matter of fact, an absolute majority of skinhead pogroms in Russian city markets goes totally unpunished, and in those rare cases, when someone is brought to court, he's never charged neither with racial motives, nor even with manslaughter. The usual charges are "hooliganism", and it's a matter of policy for the law enforcement establishment in Russia to claim, that no gangs of Nazis and skinheads exist in the country, despite all pogroms and killings. It is therefore quite obvious, that no one seriously expects Russian authorities to confront same sort of issues online, and the very intervention of these authorities, even with the best intentions, could pose a threat in itself to basic norms of Internet communications.

* Russian service providers (especially hosting providers) do have policies, that allow purging of racially charged content, and their support teams do act on complaints. I've spoken to heads of biggest Russian hosting majors, they all confirmed acting on private complaints against nazi and racist websites, and gave some figures. Some actions were even taken upon offensive email.

* There's been a score of private initiatives to establish an alliance against racist websites. A joint initiative by Mail.Ru (one of biggest public web hosters) and Jewish.Ru was launched in 2002: they formed a team, that monitored racist websites, sent out complaints, and reported deletions. Its page still can be found here: <http://www.jewish.ru/nonazi.asp>

* The above initiative died out peacefully in the same year of 2002, after purging some 92% of racist sites they found webwide. Demographic situation in Russian Internet is such, that we've got approximately 100 anti-nazis confronting any given racist, and many surfers are used to filing complaints with support teams both locally and globally. Given this situation, grassroots level informal neighborhood watch proves quite sufficient to keep the fire out. According to Alexander Verkhovsky of SOVA Center, the total amount of "radical" Russian websites (not necessarily racist or xenophobic, some rather Trotskyite or Islamist) is around 190 unique addresses.

My last check with narod.ru free hosting service (one of Russia's biggest) revealed only one occurrence of the word "zhid" (kike) in one forum. When I used the link to that forum, the record in question was already purged, as well as the website of its poster, who was using same hosting service.

* There is no consensus at the moment among Russian websearch operators about manual index file filtering practices. Therefore, there are no filters applied to racially charged content, apart from the generic abusive language filters, that might include ethnic expletives alongside with general purpose obscenities. Obviously, with hate sites so scarce among 1 244 813 Russian webservers, this filtering isn't perceived as a necessity. Should the situation change someday, I believe such filtering could be introduced without serious debate.

**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE
INTERNET AND HATE CRIMES**

ENGLISH only

Session 4

How to Deal with Online Hate Speech?

by Andras Nyiro, CEO of NYCG (Hungary)

In the earlier ages the control over mass media was not in question. A newspaper has a publishing house, a TV station has owners. We know who they are, they are responsible, it is possible even to stop a traditional content service.

That's not the case with the internet. Nobody is in full control over this medium. The situation has changed, so the methods of influencing this medium have to be rethink. We can say, that we would like to prohibit a page, or remove a service from the internet, but there are a lot of ways, by which these services can survive. The result is countereffective: the number of the viewers will grow, because we created a good propaganda for the side.

So what to do if prohibition, filtering does not work? First of all, smart debate can help. Let's see the arguments, and let's try to defend our views. As an editor-in-chief of the most popular Hungarian internet magazine, once I met regularly with those people, who were the most active in our forums. We had a lot of debates, sometimes they had so obscure views, that it would be intolerable in the traditional media, but this face to face slowed them down, they understood, that they have to respect the other party. An other method is to help those, who are struggling against the obscure views. Let's give them some useful links, or other resources, books and so on. They will help us to stop or slow down hatespeech.

We have to understand how these smart methods are working, because after the internet, here are the even less controlable devices: the mobile phones. Had ever anybody tried to control an SMS chat? Or to stop a hate SMS, which spread like a virus? Here we have to use countercampaigns, and other smart solutions.

In the digital world the methodes of the antisemitic propaganda are brave new, so we have to understand, how they are working, and we have to provide effective answers.

PC.NGO/17/04
15 June 2004

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OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST, XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE INTERNET AND HATE CRIMES

Paris, 16 and 17 June 2004

Introduction in Session 4: Promoting Tolerance on and through the Internet — Best Practices to Educate Users and Heighten Public Awareness

**Statement by Mr. Stefan Glaser, Project leader dealing with
right-wing extremism on the Internet, for jugendschutz.net — the Joint Office of the
German Federal States for the Protection of Children and Young People on the Internet**

First of all, I should like, on behalf of my organization, to express my heartfelt gratitude for this invitation. I feel honoured to be able to speak here about the anti-racist educational and media-related project work of *jugendschutz.net*.

Racist information on the Internet is not a temporary phenomenon. All Internet services are used in a targeted manner to spread racist ideas and neo-Nazi propaganda material. In many cases, right-wing extremist website operators are especially geared to young Internet users, knowing that young people increasingly use the Internet for communication and information purposes.

jugendschutz.net was established in 1997 by German ministers for youth affairs as a central office for all federal States to examine material on the Internet relevant to the protection of young people and to press for child protection regulations to be observed. Since its establishment, *jugendschutz.net* has also dealt with right-wing extremist propaganda on the Internet and efforts to combat it. At the present time, this work is being supported by the Federal Ministry for Family Affairs within the framework of a nationwide action programme against violence and right-wing extremism.

Our work against racist propaganda and discriminatory material on the Web is carried out on several levels, because in the face of the often fleeting nature of information on the Internet and the dynamics of the Internet and in view of its transnational structure one-dimensional counter strategies are not enough. In the past, the fight against so-called hate speech was primarily waged through criminal prosecution. This strategy functioned well so long as the spread of racist media could be regulated by national laws. However, the dynamics and international nature of the Internet mean that parallel approaches are necessary. It is true that measures for closing down right-wing extremist websites liable to prosecution remain a basic component of our work; it is, however, becoming increasingly important to

simultaneously foster the media competence of Internet users. For a number of years now, *jugendschutz.net* has been offering educational and media-related workshops, where participants are made more aware of the dangers of right-wing extremist propaganda and critical discussions of right-wing extremist material take place.

But why is it important to deal with right-wing extremist material on the Internet in an educational context?

Our experiences have shown that young people who use Internet services for private and school needs can very easily be confronted with right-wing extremist propaganda. However, it is only very rarely that they are equipped to cope with this confrontation.

Teachers have reported that school children carrying out research for projects on the subject of National Socialism with the help of search engines such as Google frequently come across Holocaust denial material on the Web. This is a problem because school children rarely probe in a critical manner the information they obtain from the Internet. Racist arguments, xenophobic slogans or pseudo-scientific theories propounded by revisionists superficially appear plausible and are frequently accepted by school children as serious statements. Under these circumstances, right-wing extremist propaganda can fall on fertile ground.

But right-wing extremist material on the Internet that is not inadmissible and open to attack from the point of view of the law can also be persuasive. Everyday racism feeds existing prejudices. It is “harmless” subliminal racist and anti-Semitic arguments that are accepted without criticism and quoted — and not only by young people.

Right-wing extremists spread their propaganda in a targeted manner on websites and services popular with young people. In the past, *jugendschutz.net* has investigated numerous cases in which neo-Nazis placed slogans in communication portals popular with young people and advertised regionally active right-wing extremist groups.

If one asks young people, one soon learns that many are aware of right-wing extremist websites and especially the music of subculture bands, which is spread primarily via the Internet. Right-wing extremist music provides subconscious access to racist material, also for young people who do not believe in right-wing extremism or are not even right-wing in their thinking.

All this points to a real need for education, something which schools and extra-curricular political education work must take into account. Young people must be induced to take a more critical view of hate propaganda and must be encouraged to stand up for democracy and tolerance. At the same time, teachers must for their part be informed about and made more aware of the dangers of right-wing extremist seduction on the Internet.

But what can education, what can teachers and those providing further education do to counter this?

In the past, *jugendschutz.net* has developed didactic concepts and methods for this subject area and has itself held numerous media-related educational events with various target groups. Our aim was to carefully introduce young people to the idea of using the Internet critically and support them in their development to become competent users of the media.

It is anachronistic to want to teach young people about the dangers of right-wing extremist material on the Internet using the direct classical method of the teacher lecturing the class. Modern teaching methods take into account the expectations and experiences of young people, their competences and interests, and make use of appropriate ways of working. What is important here is to alternate between independent research in the sense of learning through discovery and discussion of the findings within the group. Only when the learner asks his or her own questions, looks for answers independently and then reflects on these critically with others, does the discussion of right-wing extremist slogans become an action-specific process rather than something theoretical.

Whereas these days it is rather difficult to fill young people with enthusiasm for political education, Internet-specific education options enjoy great popularity. In our media-related educational workshops, right-wing extremist websites and the multimedia information contained therein provide a starting point for critical discussions. For example, racist texts, pieces of music, cartoons and animated films along with entries in guest books and forums provide an opportunity for dealing with the content of such sites. Together, the right-wing extremist patterns of thought and lines of argument on which these sites are built are questioned and the use of the Internet as a propaganda platform is analysed.

When discussing the actual content, Internet material is always included which provides authentic information on the subjects of National Socialism and right-wing extremism. Many anti-racist websites are positive examples of how one can courageously take a stand against racism and discrimination. And they provide a wealth of background information — e.g., arguments against those who engage in Holocaust denial — which can be quoted in workshops and later in class.

A last step leads us to workshops at the active level and includes common efforts to try out specific “Network Activities against the Right”. Young people enjoy this and it provides the positive experience of being able to do something to counter propaganda rather than standing powerless before the racists. The talents and creative potential of the learners can be incorporated here. The activities range from writing letters of complaint to providers to posting counter positions in guest books and forums and producing anti-racist banners and websites.

The experiences of our media-related educational project work show that young people can be prompted within the framework of the workshops to take a critical view of racism and are prepared to show civil courage. In the workshops, they have taken an imaginative and genuine position against right-wing extremist propaganda and have stood up for humanity and human rights. In particular, the action-oriented approach, i.e., the general development of specific steps on the Internet, has helped to motivate people.

Holding these workshops always requires a high degree of knowledge as well as didactical and methodical competence on the part of teachers. This points to the need for more further education opportunities to made available to learners. *jugendschutz.net* is already active in this area and has held numerous seminars and further training exercises over the last few years with teachers, trainee teachers, tutors and also with representatives of the police and the judicial authorities. In addition, we have already produced the second edition of a media education booklet for teachers, which is intended to provide information on the problem and simultaneously, by providing selected material, reports on various experiences and tried and tested workshop modules, to encourage work with young people on this subject.

Education must face the problems of right-wing extremist propaganda on the Web. For that reason, in summing up, I should like to make the following recommendations:

- The subject should be included in the curricula of university and non-university training and further training of teachers.
- The subject of right-wing extremism on the Internet must become a fixed part of school curricula. The goal must be to make young people more aware of racist propaganda on the Web and help them to evaluate information critically.
- A large variety of media education materials must be developed for schools and out-of-school education, which provide information on the subject and didactic concepts and methods for teaching practice.
- Governments, public institutions and private organizations must set aside financial and human resources to enable media-related educational workshops and anti-racist Web projects to be carried out and to ensure continuous educational work in this area.

**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE INTERNET
AND HATE CRIMES**

Presentation by Cathy Wing
Media Awareness Network

Thank you. I am honoured to have been invited by the OSCE to speak today on this important issue. Internet hate is of great concern to Canadians and I welcome the opportunity to show you what our organization, with the support of the Canadian government, our media industries and education partners, have accomplished in the area of anti-racism and hate education for young people.

The Media Awareness Network is a national non-profit education organization. Our mission is to promote media education in Canadian schools, homes and communities. We host one of the largest education Web sites in Canada, which contains hundreds of free media education resources for students, teachers and researchers.

It is now widely accepted in education circles that in order to be literate, children and young people must be able to *read*, understand and bring critical thinking skills to information in many different forms.

Media education is integrated into the core curriculum of every Canadian province and territory, from primary through to the end of secondary school.

Right from the start, Canada has been a leader in connecting its citizens to the Internet. Our extensive cable television and telephone infrastructure made it relatively inexpensive to bring access to most regions of the country.

We were the first country to have every library and school connected to the Internet and are currently second among OECD countries in broadband penetration. In 2001, 80 per cent of homes with children had Internet access.

The speed with which this technology entered our daily lives means we've had to struggle to keep ahead of the challenges that unfettered access to unregulated global information has brought with it.

We hope the lessons we've learned along the way, and the distinctly Canadian approach we've taken to addressing offensive and hateful online content, will help other countries as they build their Internet capacities.

In 1999, the Canadian Radio-television and Telecommunications Commission, known as the CRTC, became one of the first broadcasting and telecommunications regulators in the world to clarify its position on the Internet when it announced it would not regulate Internet Service Providers.

Following the CRTC decision, the Canadian government released its strategy on illegal and offensive Internet content. The strategy defined “awareness, education and knowledge” as the foundations of its approach.

Because of our pioneering role in Internet literacy, the Media Awareness Network was recognized in both the CRTC decision and the government strategy as the leading public education organization working in this area.

Our work in Internet literacy over the last eight years, has been focused on conducting research on young Canadians’ Internet use, developing education resources and influencing public policy.

In 2001, we surveyed over a thousand parents and nearly six thousand children and teens to better understand what Canadian kids are doing online – and whether they’re engaging in risky behaviours.

Our research showed that young Canadians are heavy online users. Almost 50 per cent go online for one to three hours each day and 50 per cent are alone most of the time.

A significant number indicated they’d been exposed to hateful messages online. Eighteen per cent said they have come across a Web site that was really hateful towards someone. Twenty one per cent of these sites targeted a group of people based on race, gender, religion, language or sexual orientation.

When examining hateful content it’s difficult to isolate it from the culture of the Internet – in particular kids’ online culture. We’ve studied the whole “spectrum” of hateful messages that kids are being exposed to, from benign “put down” humour – through to extreme racist sites. What we’ve found is that there’s a thin line between actual hate and the cruel satire and tasteless humour so common and popular with young people.

For example, 13 per cent of the young people who have their own Web sites say their site contains rude or insulting remarks about someone, such as a teacher or classmate. Only one quarter of the youth in our study reported finding hateful content disturbing and just four per cent told an adult about it.

The anonymity the Net encourages young people to say things in interactive environments they would never say face to face. For example, this *Skateboarding Magazine* site hosts a discussion board where conversations often degenerate into hateful comments. In this strand we see that the ultimate insult is to call someone gay.

The popular site *Rate My Teacher* invites students to rate teachers on a scale of one to five and then add their comments. While some of the comments are positive, others are insulting, even hateful – and all are anonymous.

Humour sites like *uglypeople.com* help to foster a culture where meanness and cruelty is acceptable behaviour.

Other sites promote violence as entertainment. On *Who Would You Kill* users can post their thoughts on how they would like to kill certain celebrities. The popular *Newgrounds* site features crude movies of famous people being degraded and killed.

Fugly.com, a site popular with adolescent boys, currently features an activity where visitors are invited to submit a witty “ethnic bashing” quote to accompany this photo of monkeys.

It’s not difficult for young people to make the leap from sites where racist content masquerades as humour, to extreme hate sites – especially when hate mongers are directly targeting young people through online music and games.

While young people may be a more vulnerable group online, because of their limited life experience, in many ways, they understand the Internet more intuitively than adults.

In focus groups we conducted this past winter, young people told us that the Internet doesn’t work on the principals of censorship or control, but rather on principals of responsible decision-making and calculated risk-taking – and those are the kinds of skills they want to develop.

Our professional development programs are addressing this crucial need by training teachers and librarians, in every jurisdiction in the country, to help students develop critical thinking and web smarts to apply to their Internet experiences.

We’ve created several interactive resources to help children and young people understand online bias and hate.

In *CyberSense and Nonsense*, young children learn about authenticating online information when the three CyberPigs stumble across a “We Hate Wolves” Web site. The Pigs experience first hand, the difference between information on valid, authenticated sites, and sites which are nothing more than the outpouring of emotion and opinion.

For pre-teens we have “Jo Cool, Jo Fool” in which students follow Joseph and Josie as they surf the Net. Students must decide if the Jos are being cool or fools as they make various decisions.

When Joseph discovers a homework site while researching human rights he must decide whether to use the information he’s found. Kids discover Jo’s a fool for accepting the content on this site at face value – it turns out the *Homework Nook* is actually a cleverly disguised hate site.

Reality Check is a new classroom resource we’ve created to teach kids strategies for authenticating online information and detecting bias and stereotyping in Internet content.

The Canadian government has funded two new, extensive anti-racism programs aimed at

educating teachers and students about diversity representation in the media and online hate.

The *Media and Race* program raises awareness of the factors in media culture that may contribute to racist attitudes and beliefs.

The *Online Hate* program looks at the ways in which hate is expressed – on the Net, and in popular culture – and offers a practical approach for teaching young people about the strategies and motives of hate mongers. Several related lesson plans accompany the program including one where students examine their own actions in spreading cruel messages.

One of the more ambitious teaching tools in this program, which we are currently producing, is an interactive mock hate site – Aliens vs. Earthlings. On this "Anti-Earthling" Web site, the aliens have incorporated the same methods of persuasion used by white supremacist and other hate organizations to spread their messages of hatred towards humans.

This resource will allow help students explore the issues surrounding hate sites in an educational and non-threatening manner.

Despite the fact that we are a very small NGO with limited resources, we've been very successful in getting our materials into communities where they're needed. One reason is the Internet itself. Many of the resources you've just seen are free to download from our Web site, along with extensive teaching lessons on stereotyping, diversity, online hate, authenticating Internet information and many more media-related topics.

I think the second reason for our success lies in our partnership approach. We engage not-for-profit, government and industry partners in bringing our programs to the schools and the public. This ensures efficient delivery of our resources and links to public policy.

For example, we recently launched a national public awareness campaign, called Be Web Aware, with the support of several of Canada's leading media industries. The goal of the campaign is to raise awareness of Internet issues, among parents, and to get them involved in their children's online activities.

In conclusion, the critical challenge facing us in this age of global information and converging technologies is to create a generation of informed, engaged and responsible online citizens.

The Internet can be a instrument for spreading hate or it can be a tool for promoting value systems that embrace tolerance and respect, irrespective of race, religion or culture. We believe that awareness and education are the keys to ensuring that children and young people use the technology in a safe, wise and responsible way.

Thank you.

PC.DEL/516/04
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**STATEMENT
BY MR. FRANCOIS FILLON AT THE CLOSING SESSION OF THE
OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON
THE INTERNET AND HATE CRIMES**

Paris, 17 June 2004

Ladies and Gentlemen,

I am delighted to be among you today for the closing session of this OSCE meeting.

First of all, I should like to thank you all — representatives of the participating States and partner countries, members of civil society and Internet professionals for your involvement in the work over these last two days. I should like to offer special thanks to the Bulgarian Minister for Foreign Affairs, Mr. Solomon Passy, for the excellent performance of this work and the continuing efforts of the OSCE in this area.

This subject is also at the heart of the public debate in our respective countries in that it refers us to a fundamental question that each and every one of us is asking: how do we see to it that our societies are places of tolerance and brotherhood?

This meeting here in Paris is evidence of how we need to mobilize ourselves in the struggle against racism and anti-Semitism. Just a few days ago some of our cemeteries were defiled with messages of hatred. The French Government will show no mercy to those who disgrace the very foundations of our culture and our republican values.

These phenomena are not typical of France, nor are they confined to it. They blight the cohesion of our nations and damage our duty of remembrance.

Paradoxically, just as we leave behind a century of iron and blood, one of the most tragic moments of which we have just commemorated on the beaches of Normandy, we are witnessing a resurgence here and there of some of the demons that ravaged the history of the last few centuries: anti-Semitism, racism, fanaticism or automatic focus on one's own identity...

At the dawn of the twenty-first century, we thus find ourselves under an obligation to give new meaning to the human condition. The fight against intolerance must be made a political priority.

This is a lofty goal. It cannot be dealt with at the national level alone. It requires that collective consideration be given to the values we wish to promote and transmit on digital networks.

Their transnational nature forces us to develop a common strategy to preserve the initial spirit of the Internet: that of a space of discovery and mutual enrichment and not a space where the agencies of barbarity prosper.

It is clear that this is not an easy task, and the work of the last two days bears witness to that. In addition to the technical or judicial measures which will make it possible to reduce the diffusion of hate speech, we must bear in mind what a tremendous vehicle of learning and knowledge the Internet represents.

Schools must be open to the wealth of information available on the Internet, just as they must be protected against any form of intellectual violence.

While filtration software is an indispensable tool for erecting a cordon sanitaire around racist and anti-Semitic messages, the insidious manner in which they spread on the Internet obliges us also to give pupils the keys needed for “enlightened” use of these new technologies.

Today, all children show the same curiosity and the same agility in dealing with computer science and the Internet in particular. Yet it is vital that they should “surf” the Internet advisedly.

This is the goal of the policy pursued by the French Ministry of National Education. It is based on protection and education. Various initiatives have been adopted in this regard:

- Assistance in equipping educational establishments with filtration software — more than 90 per cent are equipped today;
- The nomination in every institution of a person entrusted with responsibility for information systems security with a view to monitoring “inappropriate” use of the Internet more effectively and co-ordinating measures to prevent such use;
- The drawing up of a national blacklist available to every educational establishment, which currently includes more than 400,000 websites unsuitable for educational purposes.

We are especially committed to the establishment of an educational programme that would enable young people to master every aspect of information and communication technologies more effectively. This is not only a matter of technology; the course should also offer an excellent opportunity to give thought to “digital citizenship”. Henceforth, we have to make this type of education available to everyone. Accordingly, I hope that by 2007 all students, from primary school to university, will be able to obtain their diploma and certificate in computer science and the Internet.

Once they are familiar with the tools of information technology, students will also have to learn the specific rules governing the information society. They will have to understand that what is technically possible is not always legally and humanely desirable.

Parallel to this training effort, we have published model charters of good conduct on the Internet for head teachers which should help the entire academic community to understand their rights and duties when using the Internet in schools. An essential part of these is devoted to the commitment not to spread anti-Semitic, xenophobic or racist messages or websites. These charters will be integrated into the school rules of the individual educational establishments and will have to be signed by the head teachers, pupils and their parents.

In these areas, our efforts must be exemplary and all members of the educational community need to be involved. I believe that only a strategy engaging all the actors will enable us at once to prevent serious departures from the established rules and to create the conditions required for increased vigilance.

It is therefore by mobilizing governments, international organizations, industry and associations that we will be able to put the stamp of our values on these networks and respond more effectively to the challenges posed by anti-Semitism and racism on the Internet.

This kind of institutional approach is especially needed in education. It must go hand in hand with efforts by civil society to take account of these risks. Places for dialogue must be established where various groups can discuss their points of view in order to be better able to reach a consensus.

To do this, France has at its disposal numerous bodies that are especially active in this area. I should like to mention two in particular:

- The Delegation for Internet Use, represented here by Mr. Benoît Sillard, which is implementing government policy for the development of a “trustworthy Internet” for the general public and especially for families and young people.
- The Forum of Rights on the Internet, represented here by Ms. Falque-Pierrotin, which assists public actors in judicial and social matters connected with the Internet.

These structures are valuable assets in our efforts to combat racism and anti-Semitism on the Internet. In co-operation with all the actors of the digital society, these bodies make it possible to create a certain dynamism in the ideas for action exchanged among partners.

The myth of the Internet as a “lawless” zone is over. This is why I am convinced that we need to create a political space of global “civility” on the Internet, while still avoiding the disadvantages of an excessively rigid organization. That would entail the risk of confusing various positions and rendering the measures envisaged quickly obsolete.

Our democracies can and must establish on the Internet a common platform of fundamental values to ensure harmony among our societies. While freedom of speech is the foundation of democracy, it must also be exercised with respect for human dignity.

These are the values we will defend during the work of the World Summit on the Information Society, which is to be held in Tunis in November 2005.

This work will take time and will certainly be difficult, but it is essential if we want to make tolerance and respect the values on which the information society is built.