

**Is prohibiting hate speech
feasible - or desirable?**

**Technical and political
considerations**

OSCE/FOM seminar, June 30 2004

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OSCE Paris conference:

A number of countries / NGOs appealed to regulate the internet in order to stop hate speech.

However, and contrary to popular belief, there is no such thing as 'the internet'.

The internet is:

- a vast series of interconnected networks
- that consist of various services (or 'protocols')
- which run on computers in many countries
- which are each governed by their own national law.

Access to the internet is cheap and easy:

- a computer and a modem
- or a job
- or an internet café

will allow you to publish your words world-wide.

Some of these internet services:

- web sites
- web fora
- web cast (streaming audio / video)
- e-mail
- chat (MSN, ICQ, IRC)
- usenet
- peer to peer (KaZaa)
- ftp (uploading and downloading)
- et cetera

Regulating all these services is not an easy task:

- each service has a different legal standing within the national law of the countries involved
- each country has its own legal framework for hate speech
- each law designed to regulate a specific service has proven fallible

(Morris Lipson of Article 19 will elaborate on the legal ramifications of applying national law to a global network).

By design, the internet perceives censorship as damage and routes around it - by means fair or foul, but mostly: by technical innovations.

- moving disputed content to the 'locus of least resistance'**
- copyright disputes: from (centralised) Napster to (peer to peer) KaZaa**
- spam has teamed up with virusses, is sent from hacked machines**

Regulating web sites?

- web sites are enduring (as compared to e-mail)
- their content is on public display

So perhaps the ISP should be regarded as their 'publisher'.
However, the analogy fails:

- amount of web sites makes monitoring impossible
- frequent changes to content of web sites
- ISPs are not legally responsible (common carrier)
- global nature of the net: disputed pages move elsewhere
- filtering is problematic: blocks too much *and* too little

Regulating e-mail?

Draconian measure:

- **monitoring poses severe privacy objections**

Effective?

- **'Spam' has shown that people will find means to distribute banned material. Anti-spam laws have not decreased the amount of spam pumped around; it has made it more difficult to trace those who are responsible.**
- **(First global extreme-right spam run began on June 10, 2004.)**

Regulating chats?

- whose responsibility?
 - chat channels are often unmonitored / private
 - people joining to disrupt
- intrusion
 - similar to eavesdropping into a café conversation

Regulating peer to peer?

- RIAA (and related organisations) try, but not very successfully
- yet: copyright violation is regarded as more serious (economic crime) and easier to prove

Filtering:

- by government:
 - negates choice
 - can usually be easily circumvented
 - overblocking and underblocking
- by consumers:
 - voluntarily approach
 - same problem of over- and underblocking

Legal obstacles to making ISPs responsible:

- basically, ISPs are common carriers, not publishers
- putting self-regulation at the hands of the ISP curtails basic rights of internet users:
 - ISP is no judge
 - no right to redress
 - no transparency (what is taken down why, on what grounds and how often)

Proportions of hate web sites:

- In 2000, Hatewatch.org identified 400-450 'hard core' hate sites and 1500-1750 sites that were deemed 'problematic'

- While the number of web pages has more than doubled since, that amount has not changed. From a 2004 report by Media Awareness, Canada:

The Southern Poverty Law Centre reports:

- the number of hate sites on the web has levelled off at around 400
- there is no evidence of an increase in the number of people who belong to hate groups.

<http://www.media-awareness.ca/english/issues/online_hate/hate_and_free_speech.cfm>

Proportions, calculated:

Assume that each 'hard core' and 'problematic' site contains an average of 300 pages.

300 pages x 450 hard core sites	135.000 pages
300 pages x 1750 problematic sites	525.000 pages +
	<u>660.000 pages</u>

Google currently has 4.285.199.774 pages indexed.

That is: slightly over 0,015% of all web pages contain hate speech or something similar ('problematic').

Further reading:

- From quill to cursor, OSCE/FOM 2003:
 - Felipe Rodriguez on filtering and blocking
 - Karin Spaink on censorship
- Spreading the word on the internet, OSCE/FOM 2003

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