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*‘Incitement to Hatred vs. Freedom of Expression: Challenges of
combating hate crimes motivated by hate on the Internet’*

Warsaw, 22 March 2010



Ladies and Gentlemen,

It is my pleasure to welcome you to today's expert meeting on '*Incitement to Hatred vs. Freedom of Expression: Challenges of combating hate crimes motivated by hate on the Internet.*'

This meeting is held on the occasion of 21st March, which was proclaimed by the UN General Assembly as the International Day for the Elimination of Racial Discrimination, in memory of the 69 people killed at a peaceful demonstration against apartheid in Sharpeville, South Africa, in 1960.

45 years have passed since the adoption of the *International Convention on the Elimination of All Forms of Racial Discrimination* in 1965, but racism in its various forms still persists and presents an ongoing threat to peaceful co-existence and community cohesion in many parts of the OSCE region.

Recognizing this continuing challenge, OSCE participating States have repeatedly reaffirmed their commitment to fight racism, xenophobia, and other forms of intolerance. They have tasked ODIHR to assist them in their efforts, including in exploring the potential link between the use of the Internet and bias-motivated violence and the harm it causes as well as eventual practical steps to be taken.

Since 2003, the OSCE has acknowledged that hate crimes can be fuelled by racist, xenophobic, anti-Semitic and other hateful content on the Internet. In order to explore this issue further and to identify effective responses to the phenomenon of on-line hate, in June 2004 the OSCE convened a Meeting on the Relationship Between Racist, Xenophobic and Anti-Semitic Propaganda on the Internet and Hate Crimes in Paris.

As a result of this meeting, OSCE participating States committed themselves to a number of practical measures aimed at addressing "cyber hate", recognising its potential to instigate violence and hate crimes while respecting the right to the freedoms of opinion and expression.

Ladies and Gentlemen,

The Internet has become an essential part of people's lives today. It has revolutionized the exchange of information and communication on a global scale.

But the Internet has also become a platform for organized hate groups to recruit followers, command and control, organise attacks, and intimidate and harass opponents. I would like to illustrate this with two recent examples:

- In February 2010, the Czech police started investigating the case of a racist group running a Facebook site titled "Prerov against Gypsies!" Participants in the discussion called for Roma to be shot and for people to take to the streets armed with brass knuckles and nightsticks. The group's administrator was identified by the police. During a house search, police found an air rifle with a targeting system and a submachine gun in the administrator's home.
- In March 2010, in Finland, the National Bureau of Investigation opened an investigation into an online hate site that called for the murder of leading Finnish politicians as well as immigrants. The anonymous author behind the site's writing is suspected of illegal threats and the incitement of hatred against an ethnic group. The site calls for the hanging or shooting of much of the Finnish political leadership. It also featured a hit list including 50 individuals targeted for their role in promoting multiculturalism.

These cases remind us of how important it is to step up our activities combating incitement to violence and hate crimes, and to better co-ordinate our efforts.

What should be the appropriate answer of the international community and national authorities to address these challenges?

We must carefully weigh the options available to tackle the issue of hate crimes allegedly motivated by hate on the Internet. Freedom of expression, one of the cornerstones of the system of fundamental human rights, is of paramount significance in this regard. We

have to be careful not to advocate an approach which might lead to stifle legitimate activities of social, religious or political groups.

Nevertheless, there has to be a balance between the right of individuals to freely express and exchange their views and the right to be protected from potential harm emanating from statements inciting intolerance against groups of people defined by race, colour, language, nationality, religion or sexual orientation.

Direct links between incitement of violence in the cyber space and the actual commission of crimes is difficult to establish, unless there is a clear reference to the physical world – for example a list of victims or organisations to be targeted or explicitly encouraging people to commit criminal acts against groups or individuals.

However, the distance between the virtual and real world tends to increase the hostility and aggressiveness of hate speech, as the perceived anonymity of the Internet disinhibits authors in conveying their hateful messages.

There are no easy answers to this challenge, and there are fundamental differences regarding the regulation of racist, xenophobic or other hate-inciting content on the Internet among participating States. What we probably need is a combination of legal limitations, voluntary regulation of admissible content by internet service providers (in the form of well thought through terms of service) and independent monitoring and reporting mechanisms such as complaints bureaus or hotlines.

Ladies and Gentlemen,

The dynamic nature of the Internet requires new approaches to promote tolerance and combat intolerance. Awareness-raising and education are key tools in the fight against incitement to hate on the Internet. A co-ordinated approach between Internet service providers, Internet industry and civil society, leading to real partnership, self-regulation and smart debate might be the best answer to address this issue.

Let me also stress the importance of today's discussions for the work of ODIHR. Today's event provides a platform for ODIHR, OSCE participating States and other stakeholders to better understand the current challenges related to combating Internet-related hate crimes as well as the prejudices and stereotypes that are the motive behind these attacks.

Today's event shall enable us to discuss, elaborate and improve our responses to this phenomenon. It is an opportunity for all of you to highlight and discuss the challenges you face in your field of work, and to open a discussion on how we can all react more effectively and use our limited resources in the most efficient way.

The first plenary session of our meeting today aims to address the legal framework and practical challenges related to hate on the Internet and explore the dilemmas intrinsic to the phenomenon.

The second session will focus on successful examples of investigating and prosecuting hate crime cases related to expressions of hate on the Internet. This session aims to examine the responses of the criminal justice system and law enforcement to hate crime cases involving the Internet and to identify challenges involved.

The third session will be devoted to sharing best practices in addressing the phenomenon of hate on the Internet and to recommendations on how to address this issue in a more effective way in the future.

ODIHR greatly values the excellent co-operation we have with our partner international organisations, who we are grateful to have here today. Their work in producing regular reports regarding trends and developments related to racism and xenophobia, as well as their policy recommendations and other practical resources complement and reinforce our shared efforts in the fight against racism and xenophobia.

I am certain that the variety of the backgrounds, professional fields and organizations we have gathered in this room will result in a fruitful discussion and relevant recommendations.

Thank you for your attention.