**Speaking notes of Maria Daniella MAROUDA**

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European Regional Forum on Hate Speech, Social Media and Minorities

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It is my pleasure to take part in this important meeting and to speak about what can be done to stem hate speech. This is a topic which is at the very core of the mandate of the Council of Europe’s Commission against Racism and Intolerance, better known by its acronym, ECRI. Hate speech is a clear manifestation of intolerance in any context, and quite often also an expression of racism. It is often minorities who are at the receiving end of hate speech, and it is often, in present times, committed using social media as a channel.

I deliberately use the term *committed*, as in committing a crime. ECRI’s position is that criminal prohibition of hate speech is necessary to the extent that it publicly incites to violence against individuals or groups of people, which unfortunately is all too often the case.

As you know, ECRI’s standards, which form the basis for its monitoring work, are currently constituted by its 16 general policy recommendations. General Policy Recommendation No. 15 on combating hate speech remains a state-of-the-art tool to address contemporary forms of hate speech, including online.

In this context I should mention two other ECRI recommendations, which are also relevant in the context of fighting hate speech, namely General Policy Recommendation No 5 on Combating Intolerance and Discrimination against Muslims, and General Policy Recommendation No 9 on the Fight against Antisemitism. These are still highly relevant tools in the work against hate speech directed at the two groups of people concerned, but nonetheless these two instruments are at the moment undergoing “facelifts”, to use an analogy from the car industry, to become even more relevant in contemporary efforts against hate speech. ECRI aims at presenting the “updated models” by the end of next year.

The victims of anti-Muslim hatred or antisemitism are by no means the only ones to be at the receiving end of hate speech. Certain groups, such as Roma and migrants, have often unfairly been blamed for all sorts of calamities, including at present, utterly groundlessly, for the spreading of the Covid-19 virus.

The reality is that that these groups have not caused, but been the foremost victims of the Covid-19 crisis, and have faced great difficulties in satisfying even their most elementary needs, including access to basic health care, food and clean water.

In a statement issued in May, ECRI notes that the negative consequences of the pandemic are often disproportionately affecting minority groups. These consequences have frequently been made worse by inaction or misguided actions by certain authorities, as well as by hate speech by certain actors in society.

ECRI, amongst others, stated that “*these hard*ships are deepening with the Covid-19 pandemic and the exclusion of the most vulnerable people will further intensify if governments do not take action to meet their specific needs and counter anti-Roma and anti-migrant hate speech and violence as a matter of urgency”.

There are other vulnerable groups under attack in other circumstances and settings, often in social media, but in other fora too. Often hate speech is more prevalent in certain situations, such as election campaigns, when certain politicians try to profit politically from engaging in hate speech, hoping for electoral support from certain segments of society.

For example, various election campaigns held in recent years showed that ultra-nationalistic, xenophobic, LGBTI-phobic hate speech was once again on the rise and increasingly permeates, and in many cases even sets the tone in, social media networks.

Unfortunately it is not only individuals or certain groups in general society which make themselves guilty of hate speech. Sometimes it is the very institutions which are meant to protect all people and groups in society, including minorities, which make themselves guilty of racism.

In the aftermath of the tragic death of George Floyd upon apprehension by the police in late May 2020 in Minneapolis (Minnesota, United States), which triggered a wave of protests against racism across the world, including such in the ranks of police forces, ECRI adopted an exceptional public statement during its 82th Plenary Meeting in early July.

In its statement, ECRI refers to the many accounts it has heard, in its monitoring work in Europe, of racist police abuse, including racial profiling and acts of violence towards minority groups or migrants.

Unfortunately, the suspension last week of some 30 German police officers suspected of exchanging far-right propaganda online shows that, to put it mildly, there is much more to be done to implement ECRI’s recommendations. The abusive exchanges, featuring fictive abuse of refugees in WhatsApp chat groups occurred in the western German state of North Rhine-Westphalia. Eleven of the police officers reportedly face criminal charges right now. The fact that the case was detected and is being prosecuted shows that the German authorities stand ready to stop and pursue such repulsive actions.

To avoid such occurrences, ECRI *urged Council of Europe member states to take action, for instance by developing recruitment procedures which ensure that the composition of the police reflects the diversity of the population, putting in place frameworks for dialogue between the police and members of minority groups, improving reporting procedures within the police and establishing fully independent bodies to investigate incidents of alleged police abuse.*

Notwithstanding such blatant abuse as was revealed last week in Germany, we all know that in a broader societal context there is a fine balance to be struck between allowing free speech, which is a cornerstone of democracy and protected by ECHR Article 10, and fighting hate speech.

Indeed, as pointed out by Director General Samardžić-Marković a moment ago, the Council of Europe has been working for decades on finding the right balance between protecting freedom of expression and protecting the victims of hate speech. One central actor in determining this delicate borderline is the European Court of Human Rights and its case law, which keeps growing over time. Some of the most relevant case law is quite recent, such as the landmark judgment of 14 January 2020 in the case of Beizaras and Levickas versus Lithuania, which concerns hate speech comments posted on Facebook.

Social media has made it easier than ever before to express one’s opinion, and that is, in the overwhelming majority of cases, a very good thing, stimulating societal debate. However, there is a minority of users who abuse social media. Given the massive volume of statements and exchanges filling social media, it is obviously no easy task for anyone to supervise the content in it.

Indeed, in the context of its country monitoring, ECRI has found that member states are struggling to address hate speech, in particular online, and that while there are many different approaches, few have real impact.

The extent of the liability of providers of social media platforms or news platforms when it comes to publishing what does or could amount to hate speech is a subject of debate and sufficiently detailed legislation is lacking in most countries.

Ambassador Jos Douma, Special Envoy on Religion and belief at the Dutch Ministry of Foreign Affairs in a recent online debate hosted by the aforementioned ministry, expressed his view that while it is easy to criticise social media companies, it is actually very difficult to completely prevent hate speech online and that social media companies are actually investing a lot into addressing this problem. This may partly be because these companies have realised that it is commercially necessary to tackle hate speech, because they may otherwise lose advertisement revenue from large companies who do not want to be associated with tolerance towards hate speech.

As we have seen, there are indisputably challenges, not to say right out, big problems, with hate speech online. As they say, bad habits die hard. We therefore need to think even more long term.

The foundations for individuals’ views of the World, perceptions, opinions and attitudes are formed early in life. This is why it is so essential to form them in the right, tolerant mould. This is why we need inclusive school education to tackle hate speech, including online, at its roots and to build up equal and diverse societies. Also here ECRI can offer guidance, in the form of General Policy Recommendation No. 10 on combatting racism in and through school education.

I would like to conclude by saying that it “sometimes takes a good crisis to bring things forward”. This year, with Covid-19 and the institutional racism revealed in some institutions, including some police forces, as well as the backlash against LGBTI rights in some European countries, has left us with no shortage of crises to prompt us into action. Let us together rise to the challenge and push for more equal, inclusive and tolerant societies, including online.