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HATE SPEECH – EDUCATION – FREEDOM OF INFORMATION GUARANTEERING MEDIA FREEDOM ON THE INTERNET

RFOM Activities

Since 2002 the Representative on Freedom of the Media is actively promoting media freedom on the Internet. Starting from 2003 three Amsterdam Conferences on “Freedom of the Media on the Internet” have been organized. The 2005 Conference was focusing on Central Asia and South Caucasus.

Also there have been quite a few publications on this topic. The latest, i.e. “The Media Freedom Internet Cookbook”, has also been translated into the Russian language.

Also, a whole set of Recommendations, Statements and “Recipes” on principles of media freedom on the Internet have been developed. All of them have also been translated into Russian and a number of other OSCE languages. We hope that these principles and best practices serve as guidelines for all OSCE participating States. All publications and recommendations as well as the references to this article are available on our website www.osce.org/fom.

Terminology

Talking about the Internet, terminology still is inconsistent and sometimes the same term can address different concepts or vice versa. For example *hate speech* and *hate crimes* are sometimes used synonymously, even if not every incident of hate speech is a criminal act. Concepts of *self-regulation* and *co-regulation* are widely discussed but currently there are still no definite practices. And last but not least positive user rights like the *right of information* or the *public domain* have to be further formulated.

Hate speech

There is only a fine line between satire and humor, on the one hand, and intolerance and hurtfulness, on the other hand. Thus, hate speech cannot be described and categorized as other phenomena – such as child pornography, for example. Moreover, it lies in the eye of the user or viewer to make a responsible decision whether particular sites on the Net are tasteless humor or hate.

What is more, it is next to impossible to find consensus on certain issues within the OSCE region due to cultural diversities and historical differences. However, it could prove dangerous for principles of free speech to try to achieve such a consensus on the level of the lowest common denominator. Instead, the “respect for cultural and linguistic diversity”¹ should be fostered and seen as an enrichment rather than a danger. In other words, keeping the accustomed level of freedom on the Internet might be far more beneficial for all than implementing hazardous remedies to uncertain diseases.

Education & Developing of Internet Literacy

Internet Literacy?

¹ Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*.

Not only should education be of foremost priority “because education is both a fundamental human right and key to sustainable development and peace within and among countries”² but it also turns out to be the most suitable means to counter hate speech on the Internet and to build tolerance in all fields.

There was a major consensus in Amsterdam that filtering and blocking content on the Internet cannot only be easily circumvented but that, as studies have shown, it is simultaneously “under-effective” and “over-blocking”.³ A complete blockade is merely utopia for democratic states. “Mirroring” of sites will make such an absolute achievement quite difficult to attain. At the same time blocking always goes further than the limits one first sets. This is because it is everything but an exact science. Even worse, different attempts to block content (e.g. manipulating the Domain Name System DNS or IP filtering) endanger basic functionalities of the Internet such as the sending and receiving of e-mails.⁴

Content filtering proves to be even more difficult: Not only is it complex to analyze the content of text, images or even music and pictures (Guess what happens to the Lower Austrian town of “Fucking” in most of the filtering mechanisms!), but at the same time the basic principles for rating content are not clearly defined nor universal.

Although some participants of the Amsterdam Conferences argued in favour of labelling, adversaries replied that the whole concept itself poses a danger to the free flow of information. In order for labelling systems to work, *all* sites must be labelled. Or to put it the other way round: every page that is not labelled will not be allowed to reach the user. Also there are questions that remain unanswered such as: Who is doing the labelling? On what ground? For what costs and for whom?

Overall, digital media are forcing a shift in responsibility from statutory regulators toward the individual household. There is no equivalent of the top shelf in a bookstore or rules for TV broadcasting hours on the Internet: “The goal of media education is to create a media literate individual. It is now widely accepted in education circles that in order to be literate today, children and young people must be able to *read*, understand and bring critical thinking skills to information in many different forms.”⁵

In order to achieve this goal two dimensions of education can be identified:

1. Education *through* the Internet
2. Education *for* the Internet

Education through the Internet

During the Second Amsterdam Conference, UNESCO stressed that “access to education is a basic right, to which information and communication technologies (ICTs) provide immense opportunities.”⁶ The enormous potential of the Internet for educational purposes has not yet been fully utilised. The Internet is indeed a great tool for fostering development, supporting awareness raising activities and providing key databases of information for wider public dissemination. At the same time, it is quite an efficient way of fighting abuse, more than blunt regulation or filtering mechanisms ever could.

Although there is always a certain amount of illegal content and of racial, religious or xenophobic hatred on the Internet, the benefits of access to information far outweigh the risks.

² Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*.

³ Maximilian Dornseif *Government mandated blocking of foreign Web content*.
<<http://md.hudora.de/publications/200306-gi-blocking/200306-gi-blocking.pdf>>

⁴ *Ibd.*

⁵ Cathy Wing *Challenging Online Hate: A Media Education Response*.

⁶ Sylvie Coudray (UNESCO) *Education in and for the Knowledge Society*.

The Internet even enables the rest of us to communicate and collaborate for more progressive ends and to counter "bad" content on it.

The Internet is not the "evil black box" full of hate speech, anti-Semitism and Xenophobia that people often portray it as. The amount of hate websites is rather low. Experts estimate it to be only 400-600 sites, i.e. 0,015 % of all websites.⁷

And it is not only the amount, but also the audience and professionalism of the respective sites. Some hate sites that indeed could be retrieved "are just too small and insignificant for serious chase and prosecution. They belong to oblivion, and that's where they actually reside, despite theoretical accessibility to general audience."⁸

Instead, the Internet offers an unprecedented means for the free flow of ideas and information and its potential should be used to counter hatred and educate people. Already, a number of initiatives, NGOs or the web community use the Internet and the WWW to make information easily accessible and offer education programs for children and young people of different age groups. Some random examples could be: wikipedia.org, inhope.org, websafecrackerz.org, media-awareness.ca, jugendschutz.net, etc.

The development of Internet hotlines and ISP associations could be an important step also for the Caucasus region. At the same time all notice and takedown procedures must observe the right of appeal and proper court procedures when it comes to the judgment of content.

Education for the Internet

"The objective of media education is to help students to step back and ask critical questions about what they're seeing – rather than just absorbing media messages passively and unconsciously."⁹ The autonomous and self-dependent use of any media including the Internet demands media literate individuals.

In any case, a critical and literate individual has better protection against the hostilities of hate speech and the seductions of extremists than anything blocking or filtering could ever achieve. This is true because education not only hides symptoms. Rather, it directly fights the roots of hatred by building tolerance.

A number of organizations and initiatives (e.g. the Media Awareness Network) have developed programs for the improvement of media and especially Internet literacy.

Developing Internet Literacy

Research of the Canadian Media Awareness Network among young people showed that "the Internet doesn't work on the principles of *censorship* or *control* they feel, but rather on principles of *responsible decision-making* and *calculated risk-taking* – and those are the kind of skills they want to develop." At the same time, "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."¹⁰

Eventually, Internet education should not forget to mention that at its core online hate is nothing more than old-fashioned propaganda, wrapped in flashy new packaging. Or as Nico van Eijk of the Amsterdam Institute for Media Law put it in his presentation at the Amsterdam Internet Conference:

⁷ Karin Spink *Is prohibiting hate speech feasible – or desirable?*

⁸ Anton Nossik *Confronting Hate Speech Online*.

⁹ Cathy Wing *Challenging Online Hate: A Media Education Response*.

¹⁰ *Ibd.*

The Internet is not something that changes fundamental rights such as the freedom of information. Freedom of information includes the right to receive and impart information as it has been defined throughout history [...] These old values - the old bags - are the foundations of society and should not be called into question because someone is pouring in a new wine called Internet. The Internet is primarily a technology, a network enabling communications. The Internet is not something that changes the world. It is people who cause change by using technologies.¹¹

Freedom of Information

The freedom to access information is one of the prerequisites for democratic and open societies. All information belonging to the public domain, including non-classified information from government, authorities and other national and federal bodies should be easily accessible to allow citizens to actively participate in the democratic process.

The Internet offers an unprecedented means to publish any kind of information rapidly and at low costs. Governments should make use of this infrastructure and provide official documents, legislation etc. online.

To underline this commitment, the adoption of legislation that formally requires government bodies to publicize this information could be considered. The mere right of access to information is not enough if the citizens cannot exercise this right. The potential the Internet offers in this regard has still to be fully used, yet, not only in the South Caucasus region but in the whole OSCE area.

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¹¹ Nico van Eijk (IViR) *Regulating old values in the Digital Age*.