

# Is virtual hatred real?



## Dealing with racism and intolerance on the Internet

Do the worrying waves of hate crimes in a number of OSCE countries and the increasing volume of racist, xenophobic and anti-Semitic content on the Internet feed on each other? To exchange views on the subject, some 200 professionals from the Internet industry including staff from Yahoo, UPC and T-Online, experts from non-governmental organizations, and senior officials from participating States met under the auspices of the OSCE and the French Foreign Ministry in Paris on 15 and 16 June. Shortly after the event, OSCE Press Officer Alexander Nitzsche invited Ambassador Yves Doutriaux, Head of the French Delegation to the OSCE, and Daniel Bryant, U.S. Assistant Attorney General for Legal Policy, to discuss some of the issue's complexities from their perspectives on different sides of the Atlantic.

### Dynamic interaction between civil society and Internet industry should be encouraged

**Did the meeting in Paris answer the central question posed by its title?**

Ambassador Yves Doutriaux: It should not come as a surprise to anyone that there was no definitive answer on whether there is a mutually reinforcing relationship between hate material online and the incidence of hate crimes. What the meeting did accomplish was to underline the need to pay serious and continuous attention to this possible link.

Several participants in Paris gave credence to the belief that the new technology is being misused by criminals and terrorists. Speakers cited recent trends, such as the use of Internet by Islamist extremists as a tool to spread their message and to coordinate terrorist activities.

Having said that, let's not jump to the conclusion that the existence of a link justifies imposing any kind of censorship; quite the contrary. Any attempt to limit access to the Internet would be a mistake. It was clear to everybody that fostering access to the Internet remains paramount, along with

defending freedom of expression and communication, provided that online content does not break the law. In France, as in most countries in the European Union, the spread of racist propaganda is prohibited by law.

**There did not seem to be any clear consensus among the participants on how to approach the problem.**

I'm afraid I have to disagree with you there. It is true that the issue is still open to debate, but there was a general feeling that progress had been made. For example, we all agreed on the importance of raising the awareness of all parties concerned, especially on the need to counter the negative impact of cyber-hate on children. Participants were unanimous in their view that the efforts of civil society to monitor hate sites should be supported and that the possible correlation between racist propaganda and hate crimes needs further analysis. They also agreed that dynamic interaction between civil society and the Internet industry should be encouraged, especially in matters concerning the terms of use drawn up by Internet service providers to regulate access and uploading of individual content to host computers.

Governments have a key role to play in supporting these measures. In accordance with national laws and international commitments such as the Council of Europe's Convention on Cybercrime, governments



are charged with the responsibility of setting up proper mechanisms and training public servants to investigate and prosecute threats of violence transmitted over the Internet.

The European Union itself has launched a four-year programme, Safer Internet Plus, to combat online child pornography, racism, spam and other illegal content. The initiative, aimed at making the Internet safer for children, will mobilize the efforts of the public, private and voluntary sectors.

As for the OSCE's role, it is widely acknowledged that one of our strong qualities is our ability to co-operate closely with civil society, which is a clear advantage in tackling intolerance and discrimination issues.

In this connection, I'd like to commend the timely efforts of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in implementing its tasks stemming from the 2003 Maastricht Decision on Tolerance and Non-Discrimination, the 2004 Berlin Decision on the Fight against Anti-Semitism, and now, the Paris recommendations. Among several initiatives, the ODIHR will compile best practices in combating the dissemination of hate crimes online as well as lists of offensive sites.

Similarly, the OSCE's Office of the Representative on Freedom of the Media is making a decisive contribution towards making the phenomenon of cyber-hate better understood.

France strongly advocates reinforcing the ongoing co-operation between these two OSCE institutions as a concrete follow-up to the Paris meeting.

**Could you describe the special initiatives proposed by France, including the *Charte éthique*?**

On the day before the Paris meeting, the French Internet industry and the Ministry of Industry signed — voluntarily — a

charter of good practices focusing on the problem of cyber-hate, among other related issues. The charter stipulates that when Internet service providers are alerted to illegal content, they should remove the problematic sites.

Let me just add that the French Internet industry has been consistently pro-active for quite some time now in combating illegal content online, as seen in its close involvement in INHOPE, the Association of Internet Hotline Providers. This network of 18 members in 16 countries receives and processes reports from the public with a view to banning illegal material from the Internet.

**Given the international and transboundary nature of the Internet, do you think France's "legalistic" approach is effective?**

You have zeroed in on the crucial issue. France, just like most countries of the European Union, prohibits hate speech. It is precisely the Internet's transboundary nature which makes co-ordination of efforts absolutely essential, since hate sites can use — or rather, misuse — opportunities presented by diverse legal traditions or gaps in specific legal provisions. In other words, it is fairly easy for hate sites to move around, from country to country, from provider to provider, depending on where it is easiest for them to spread their inflammatory messages.

**Doesn't the legal approach imply restricting freedom of expression and stifling the media?**

I really don't see any contradiction, provided the necessary safeguards are ensured. Freedom of expression and the media are, in fact, legally protected in most OSCE countries. What is actually at stake here is the basic issue of regulating content on the Internet — whether there should be regulation, and if yes, whether this regulation should be exercised by the govern-



ment, by the industry itself or both.

It seems to me that, at the meeting, there was a broad consensus on the need to follow closely the ongoing debates on this specific issue, with a view to arriving at an understanding on possible solutions.

**What kind of self-regulatory measures can the Internet industry take on?**

We cannot expect the Internet industry to do everything on its own. This could even prove dangerous, as it would be shifting to the industry the responsibility of applying a new kind of censorship. We would prefer promoting new partnerships based on a dynamic interaction between all actors involved, especially between NGOs and the Internet industry.



**Ambassador Yves Doutriaux has been Head of the Delegation of France to the OSCE since February 2003. Prior to his assignment in Vienna, he served as Deputy to the French Permanent Representative at the United Nations in New York for four years. Previous positions included Deputy Spokesperson at the French Foreign Ministry in Paris, Consul-General in Toronto and adviser at the French representation to the European Union in Brussels. Ambassador Doutriaux is a graduate of the Institut d'études politiques in Paris and attended the Ecole nationale d'administration.**

## Respecting freedom of speech on the Internet and combating prejudice can go hand in hand

**BY DANIEL J. BRYANT**

The Government of the United States deplores racist, xenophobic and anti-Semitic speech on the Internet. In our efforts to combat intolerance, however, it is important that we do not lose sight of the forest for the trees. The development of the Internet represents an enormous step forward in the history of communications and holds significant promise for a wide range of human endeavours. Among other attributes, the Internet empowers individual citizens, both by putting an amazing array of knowledge at their fingertips and by giving them a far greater ability to voice their views and, ultimately, influence public debate.

It is, therefore, the policy of the United States to promote the continued development of the Internet and the expansion of

**Education is one of the priority themes under the Bulgarian OSCE Chairmanship. How relevant is this to the problem of racist material on the Internet and hate crimes?**

Education is the key word: the education of young people, the education of parents and the education of teachers. We should do our utmost to provide our children with tools they can use to protect themselves from racist literature, and we should give parents access to filtering devices and software and other instruments which they can use to protect their children from harmful contact with sites disseminating hate and intolerance.

access to it. We also believe that to realize the full potential of the Internet, government regulation must be kept to a minimum, and the fundamental freedoms of speech, expression and the press must be respected. Robust debate lies at the cornerstone of our constitutional tradition, and we believe that all individuals must be permitted to add their voices to that debate. While we may not like what every participant chooses to say, democracy is premised, at least in part, on the notion that the best viewpoints will ultimately win out in the marketplace of ideas.

Moreover, once government is given the power to restrict speech it disagrees with, where does one draw the line? While all participating States no doubt condemn racism, xenophobia and anti-Semitism, granting governments the authority to suppress speech that they disagree with puts at risk





the right to free speech of all individuals holding unpopular viewpoints. We are concerned, for instance, that laws restricting hate speech may be hijacked and used by governments as a guise for silencing opposition voices.

In addition, there is social value in allowing those holding intolerant views to express their opinions and ideas freely. While it is certainly possible to punish those engaging in bias-motivated 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 we may confront those embracing intolerance by addressing their falsehoods directly.

Our experience in the United States demonstrates that respecting the freedoms of speech and expression, on the one hand, and combating prejudice, on the other hand, are not mutually conflicting goals; indeed, we believe they go hand in hand. The United States today is a much more tolerant society than it was 50 years ago. Significantly, this progress has occurred during a period when freedom of expression was steadily broadened. Indeed, some of the most significant U.S. Supreme Court decisions of this era that aimed to expand freedom of speech worked to the advantage of those in the civil rights movement who were struggling to bring about racial equality.

These are the reasons why the United States believes that government efforts to regulate bias-motivated speech on the Internet are fundamentally mistaken. We also believe, however, that there are areas where participating States and NGOs should take action to combat racism, xenophobia and anti-Semitism on the Internet.

◆ Firstly, in their efforts to combat cyberhate, participating States and NGOs should focus on children, both by developing educational programmes and by encouraging parents to exercise greater supervision and control over their children's use of the Internet — through the use of filters, for example.

◆ Secondly, more study is needed of the nature of the relationship, if there is one, between hate speech on the Internet and bias-motivated crime.

◆ Third, we must recognize the important role that should be played by NGOs and industry groups. Private organizations perform a valuable service by monitoring racist, xenophobic, and anti-Semitic expression on the Internet, and these groups should share information regularly. In particular, NGOs are very effective at alerting Internet service providers to hate speech, which often violates "Terms of Service" clauses that prohibit intolerant material.

◆ And finally, the United States agrees that governments themselves must take certain steps to address this problem. Participating States, for example, should investigate and, where appropriate, prosecute threats of violence transmitted over the Internet. Likewise, participating States should train investigators and prosecutors on how to address bias-motivated crimes on the Internet, given the complexities of these prosecutions.

At the conclusion of the meeting in Paris, the United States delegation offered a ten-point action plan containing specific recommendations for making progress in each of these four areas. We hope that the plan can serve as a basis for immediate action in the fight against racism, xenophobia and anti-Semitism.

While participating States may differ on the question of whether or not hate speech should be regulated, we believe that there are broad areas of consensus where they can work together in the coming months to combat intolerance on the Internet.

**Daniel J. Bryant, Assistant Attorney General for Legal Policy in the U.S. Department of Justice, is responsible for planning, developing and coordinating the implementation of major legal policy initiatives. Previous functions include Counselor and Senior Adviser to the Attorney General; Assistant Attorney General for Legislative Affairs; and Majority Chief Counsel of the House Judiciary Committee's Crime Subcommittee.**





# What the media said

Most news reports and commentary on the OSCE meeting in Paris played up the contrasting traditions of free speech in the United States and Europe's more hands-on approach in combating hate speech on the Internet. Excerpts from a small selection of articles follow.

## U.S-French gap narrows over fighting Web hate

A trans-Atlantic gap over fighting Internet hate crime is narrowing as the United States and France put aside differences to seek a common strategy against Web sites spreading racism and anti-Semitism, experts said.

One French delegate said approvingly that Washington and Paris were now holding "a sustained dialogue" on the issues. "They thought countries would come here to criticize U.S. laws," he said on condition of anonymity. "But we're not trying to change the First Amendment. There is no hidden agenda."

"The Atlantic divide is bridgeable," said Brian Marcus, head of the Anti-Defamation League's Internet monitoring project.

*Reuters, 17 June*

## International conference targets Internet hate speech

Purveyors of hate have found a potent tool in the Internet, spreading fear with such grisly images as the beheading of *Wall Street Journal* reporter Daniel Pearl in 2002. The new technology has proven to be a boon for hatreds of old, many experts say. But differing views about the limits of free speech and the ease of public access to the nebulous, anonymous Web largely stymied officials hoping to find common ground in Wednesday's talks. The dilemma is all the more acute because the Internet is global, easy to use and tough to regulate — as shown by widespread sharing of music online, an illegal practice that has confounded record companies. Terror groups have also used the Internet to plot attacks. There are no easy solutions, delegates said. Many urged more youth education, better co-operation between governments and Internet service providers, or new studies on links between Web racism and hate crimes.

*CNN/AP, 17 June*

## Racism on Internet: OSCE puts onus on NGOs and Web providers

Divided on the need for new legislation to fight racism on the Internet, the OSCE countries have given the responsibility of cleaning up the "Net" to Web users, NGOs and the Internet industry. At the end of a two-day conference, the OSCE published general "conclusions", but no concrete measures.

The OSCE calls especially for the strengthening of educational measures and for promoting co-operation among the actors, in particular NGOs and associations that are engaged in the fight against fascist, anti-Semitic and xenophobic propaganda on the Internet.

The two days were marked by constant disagreement between the United States, who — in the name of freedom of expression — is opposed to any regulation, and European countries, who are in favour of a policy of controls and sanctions.

*Libération/AFP, 17 June*

## Brussels Declaration: "Acts of intolerance pose threat to values of civilization"

"We now have a clear route mapped out. Action is called for and the OSCE is determined to provide a strong lead," OSCE Chairman-in Office Solomon Passy announced at the end of an OSCE conference in Brussels, on 14 September. The event was the third in a series held this year to promote tolerance. It brought together more than 700 government representatives and leaders of civil society.

By adopting the "Brussels Declaration", participants

recognized that acts of intolerance pose a threat to democracy, the values of civilization, and, therefore, to overall security in the OSCE region. Specifically, participating States:

- ◆ condemn without reserve all forms of racism, xenophobia and anti-Semitism and other acts of intolerance and discrimination, including against Muslims;
- ◆ condemn organizations and individuals promoting hatred

or acts of racism, xenophobia, discrimination, or related intolerance, including against Muslims, and anti-Semitism;

- ◆ urge OSCE participating States to adopt effective measures to combat acts motivated by intolerance and to speak out publicly against such acts;
- ◆ examine the need for a structural follow up within the OSCE to ensure implementation of the commitments on tolerance and non-discrimination;

- ◆ reject firmly the identification of terrorism and extremism with any religion, culture, ethnic group, nationality or race; and
- ◆ declare unambiguously that international developments or political issues never justify racism, xenophobia or discrimination.

The official document is on: [www.osce.org/events/conferences/tolerance2004](http://www.osce.org/events/conferences/tolerance2004).



## This fight is not virtual any more

Michael Wine, director of the Community Security Trust, which seeks to protect British Jews, said: "We know there has been an explosion of the number of sites encouraging hatred and racism on the Internet, and at the same time, we are witnessing an alarming increase of tensions between religious and ethnic communities." Wine said riots across several cities in northern Britain in 2002 followed racist calls over the Internet by far-right groups.

The Paris conference, called to discuss a code for Internet providers to weed out racist messages, revealed the extent of hatred on the Web. Up to 60,000 racist sites function across the world, according to Marc Knobel, founder of *J'accuse* ("I accuse"), a French association against racism on the Internet. [French Foreign Minister Michel] Barnier said that "between 2000 and 2004, the number of racist sites grew 300 per cent".

*Inter Press Service, 17 June*

## Hate online, role of industry debated

[Senior analyst Mukul] Krishna argued that the Internet and its users would be better served by improvements in the way Internet service providers (ISPs) and others handle complaints about racist or other offensive materials and help law enforcement to keep tabs on hate groups.

"It makes more sense being able to leave them out so law enforcement can keep tabs on them," Krishna said. "Shutting sites down and canceling accounts doesn't do anything. If law enforcement can have certain deals with ISPs before shutting down sites, they can track them. I always feel that monitoring what may be deemed illegal and being able to check them is better."

*TechNewsWorld, 17 June*

## OSCE meets in Paris to tackle online racism

"The problem is clearly there and it faces the whole world," said the U.S. Ambassador to the 55-member OSCE, Stephan M. Minikes, who agreed that there was a lack of consensus on the issue. "The private sector are certainly smart enough in dealing with non-governmental organizations and others to decide on their own," he argued.

The Vienna-based OSCE is currently studying answers to a questionnaire sent to participating States concerning national legislation on racism and the Internet.

*AFP, 15 June*

## Disagreement on racism on the Internet between France and U.S.

For now, there is no immediate prospect of an agreement among the countries that are taking part in a meeting in France on how to fight cyber-racism. The disagreement is particularly evident between France and the United States. It is not the first time sparks are flying as a result of conflicting opinions between the U.S. and France over the regulation of the Internet.

*Politiken (Denmark), 17 June*

*"Respect" was a common thread running through the keynote addresses of Prince Philippe of Belgium and Prince El Hassan bin Talal of Jordan at the conference in Brussels:*

We are fortunate to live in a country where respect for the other is becoming a culture — a country which is, in essence, multicultural, where we are constantly searching for an equilibrium and for harmony between the various cultures, languages and opinions of our citizens. In searching for this equilibrium, this harmony, we breed pure respect for the other.

This is what I hope my country can bring to this conference: not only that we continue to denounce all acts of intolerance and racism, but that we commit ourselves to an attitude of active respect for the dignity of the other.

*Prince Philippe of Belgium*



With all due respect to all this talk of tolerance, Mr. Chairman, may I say I prefer the word "respect". I do not want to tolerate you and you do not want to tolerate me. But I think if we can learn to respect each other's traditions, particularly at this point in world history when it seems to me it is being determined by exceptions rather than the rules. We need to develop a continuum of commitment to respect for the other.

The three traditional baskets for discussion — economics, politics and security — which can be traced from Helsinki through to Barcelona have had humanity and culture as an after-thought. How long will culture remain an after-thought? A fourth basket, culture, should be added if we are to make a real change in the human, as well as our physical environment.

*Prince El Hassan bin Talal of Jordan*