



Hate Speech





Hate Speech

There isn't a single definition of hate speech

Problems?



Definition - European Union Agency for Fundamental Rights

The incitement and encouragement of hate, discrimination or hostility against a person, which are motivated by prejudices against said person because of a certain characteristic.



Definition - Committee on the Elimination of Racial Discrimination (OHCHR)

The Committee on the Elimination of Racial Discrimination notes that those who promote hate speech exploit the principles and mechanisms of democracy to legitimize racism, hatred and hate speech.



Definition - Committee of Ministers- Council of Europe

All manners of expression that spread, promote, or legitimize racial hate, xenophobia, antisemitism or other forms of hate that are based on intolerance, aggressive nationalism or ethnocentrism, discriminations and enmity against minorities and migrants.



European Court of Human Rights

Gündüz v Turkey (2003)

All manners of expression that spread, promote or justify hate based on intolerance.



European Court of Human Rights

Vejedland v Sweden (2012)

It is not a necessary element that hate speech directly introduces the hate crimes because, said speech has as a result to insult, mockery or slander against certain groups of the populous and those things by themselves constitutes acts of hatred.



Academic Definition(Example)

Greenawalt: Expressions that reflect stereotypes about race, ethnic groups, religion and gender and can dangerously promote prejudices and feelings of inferiority

Thoughts and comments about the definitions?



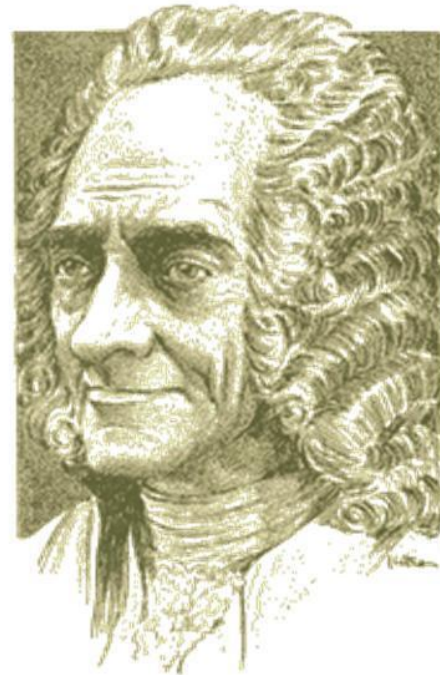
General comments

The meaning hate speech is not limited only in written or spoken word, but also can include pictures, idols, electronic and other games as well as actions that aim in expressing or spreading a message.



Freedom of expression;

I disapprove of
what you say, but
I will defend to
the death your
right to say it.



Voltaire



Freedom of expression

Article 10 – Freedom of Expression – European Convention of Human Rights
1. Everyone has the right to freedom of expression. This right includes freedom of opinion as well as the reception and transmission of information and ideas without interference by a public authority and regardless of borders.

1. The exercise of these freedoms, as it entails duties and responsibilities, may be subject to formalities, terms and restrictions or sanctions as they are described in the legislation and are necessary in a democratic for national security reasons, territorial integrity or public safety, to prevent, or divert a crime, for the protection of health and morals, to protect the reputation or the rights of others, to prevent the disclosure of information that was collected in confidentiality, or for the protection of the prestige and impartiality of the judiciary.



Freedom of expression?

The balance between hate speech and freedom of expression is a field of constant and difficult reflection. What differentiates the first from the second is, in particular, incitement to acts of violence or direct targeting of individuals or social groups due to their particular social, physical or spiritual characteristic.



Militant Democracy

Goebbels - 'it will always remain one of the best jokes of democracy that it provides its own deadly enemies with the means with which it can be destroyed.'

Militant democracy was developed as an idea in 1937 by Loewenstein who emphasized the need of a democracy to protect from anti-democratic threats

Examples?



Militant Democracy

Article 17 – Prohibition of abuse of rights (European Convention of Human Rights)

Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent that is provided for in the Convention



Militant Democracy

Ždanoka v Latvia (2006)

The European Court of Human Rights noted that a nation can take certain provisions to infuse the existence of a democracy.

Examples?



Hate Speech?

They call this,
"a hate
speech"



They call
this, "free
speech"





Hate Speech?



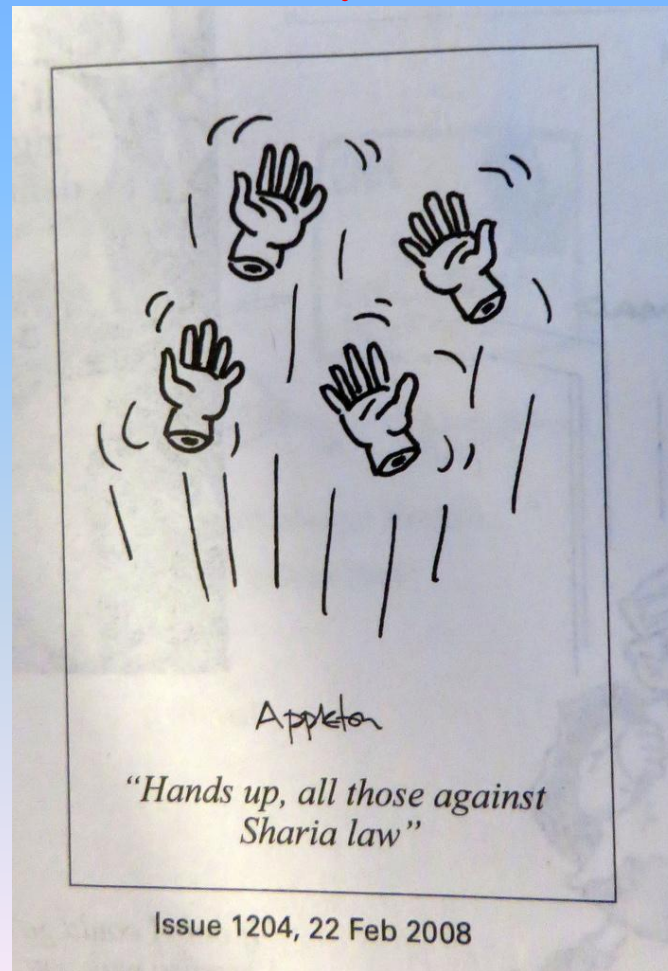


Hate Speech?





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The journalist's role

Jersild v Denmark (European Court of
Human Rights) 1994



Hate Speech?

Sfakiannakis case:

<https://www.youtube.com/watch?v=6s4FZUDo5uY>



Consequences

Social isolation– example;

Hate crimes

Genocide – Rwanda

Others;



Questions

