

## Working group II: Challenges of cyberhate

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### ABOUT

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Research has shown that in today's era of social media where public and private lives intermingle, the internet may also be used as a platform for hate and harassment, in particular for antisemitism, LGBT-hate speech, and racism or intolerance towards migrants and minorities.

This working group will stimulate debate about the challenges to combating hate crime on the internet – cyberhate = and what could be done. State and civil society practitioners throughout Europe will participate and share views, experiences, questions and tentative solutions, join forces and ideas and produce conclusions that will help feed EU policy.

The working group will make practical suggestions about legal or policy tools, human capacity and technical resources. It will also share about promising initiatives from state and non-state actors that could effectively prevent and confront cyberhate at EU and national level.

### CHAired BY:

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**Marnix Auman** is the Head of Cyber Intelligence at the European Cybercrime Centre at Europol. His team is responsible for capturing cybercrime information from a wide range of sources and translating that into actionable intelligence for use by different stakeholders. Over the years Mr Auman has run a number of key projects for the Belgian Police and Europol, including drafting Belgium's Serious and Organised Crime Threat Assessment during his time as Strategic Analysis Coordinator at Federal Police HQ in Brussels; setting up a Command and Control Centre while serving as Europol's Operational Intelligence Coordinator; and, most recently, implementing an organisation-wide Innovation Programme at Europol. His expertise covers strategic and operational intelligence analysis, data protection and security, information handling, change management and international cooperation.

## **PRESENTATIONS:**

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**Melinda Losonczi- Molnár**, Acting Deputy Chief Prosecutor of the V-XIII District Prosecution Office of Budapest, Hungary

**Gabriella Cseh**, Head of Public Policy for CEE, Facebook

## **FACILITATORS:**

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**Miltos Pavlou**, Programme Manager, Freedoms and Justice Department, FRA

**Sara Sighinolfi**, European Parliament Officer, Communication Department, FRA

## **GUIDING QUESTIONS:**

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1. What additional legal instruments and policies should be in place at the EU and Member State level to address cyberhate and to prevent the internet from further developing into a sphere where fundamental rights can be violated with impunity?
2. What practical measures could be implemented by governments, internet providers, civil society organisations and citizens to recognise, prevent and confront, combat cyberhate?
3. Which possible solutions could be explored by the different actors and synergies developed to best address hate crime online?

Crosscutting questions leading to the WG outcome:

- What can be done in practice?
- What would it take in terms of technical improvements or resources?
- What would it take in terms of human capacity and training?
- What would it take in terms of legal or policy reforms at EU and national level?

## **RELEVANT FRA EVIDENCE:**

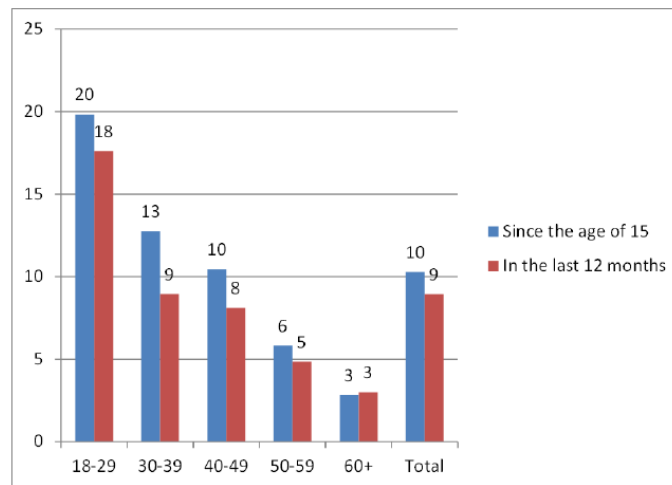
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- FRA research has shown that hate crime on the internet is of particular concern with respect to the exposure to hate incidents that young people can experience during their formative years. EU Member States should ensure that young people have a safe and supportive environment, such as in schools, that is free from bias-based bullying, harassment or other forms of hate incidents.

- LGBT respondents of the FRA EU LGBT Survey reported that almost one in 10 of the most recent incidents of hate-motivated harassment and 6% of the most serious experience of discrimination were committed on the internet. In average 9% of harassment against LGBT persons happens on the internet, ranging from 14% of bisexuals and 10% of transgender to 7% of Lesbian women. (FRA EU LGBT Survey)
- The FRA survey on gender-based violence against women asked respondents about their experiences of sexual harassment through information and communication technologies, such as emails, text messaging and social networking sites. One woman in 10 (10 %) in the EU says that she has been a victim of cyber harassment since the age of 15 years, with 'cyber harassment' being the most common form of harassment experienced by women in the 12-month period before the survey. The risk of young women becoming a target is much higher than that for older women.
- The FRA survey on discrimination and hate crimes against Jews similarly shows that online antisemitism is seen as a particular problem. Among seven specific manifestations provided to the interviewees, online antisemitism is seen as a particular problem: three quarters of all respondents (75 %) consider this either 'a very big' or a 'fairly big problem', and almost as many (73 %) believe that it has increased over the past five years. Overall, 10 % of respondents have experienced offensive or threatening antisemitic comments made about them on the internet.
- The FRA proposed concrete step in fighting cyber-hate. In particular, in its Opinion on the Framework decision on Racism and Xenophobia proposes a set of actions, among which:
  - Internet is increasingly important as a communication tool for many Europeans, but the anonymity afforded by it may lead some users to publish offensive or ill thought out material online. With the support of the EU, the EU Member States should consider developing educational tools and materials concerning good practices when writing for the internet, and including them in the school lesson plans for writing and mother tongue.
  - EU Member States should assess whether the police and public prosecutors' offices are sufficiently staffed and equipped, including to investigate and prosecute hate crime committed on the internet, to address cyber hate to the extent necessary to meet Member States' responsibilities and standards of due diligence. The police and public prosecutors' offices should be granted the resources needed to address hate crime on the internet. Member States should explore the option of establishing specialised police units that monitor and investigate hate crime on the internet, as well as measures to encourage users to report to the police whenever they detect content amounting to hate crime.

- EU Member States should consider taking steps to enhance the legal basis for the investigation and prosecution of hate crime in line with Article 9 of the Framework Decision, which obliges EU Member States to establish jurisdiction in certain cases of cybercrime.
- The EU Member States should explore the option of establishing specialised police units that monitor and investigate hate crime on the internet, as well as measures to encourage users to report to the police whenever they detect antisemitic content.
- The ratification of the Additional Protocol to the Convention on Cybercrime of the Council of Europe would be a means of enhancing cross-border police and judicial cooperation. EU Member States should provide criminal justice authorities with the necessary procedural law powers to investigate and prosecute such crime and engage in international cooperation as foreseen in the Convention. Those EU Member States that have not yet done so should become party to the Additional Protocol to the Council of Europe Convention on Cybercrime.

Figure 2: Survey on gender-based violence: cyber harassment since the age of 15 years in the last 12 months, by age group (%<sup>\*,\*\*</sup>)



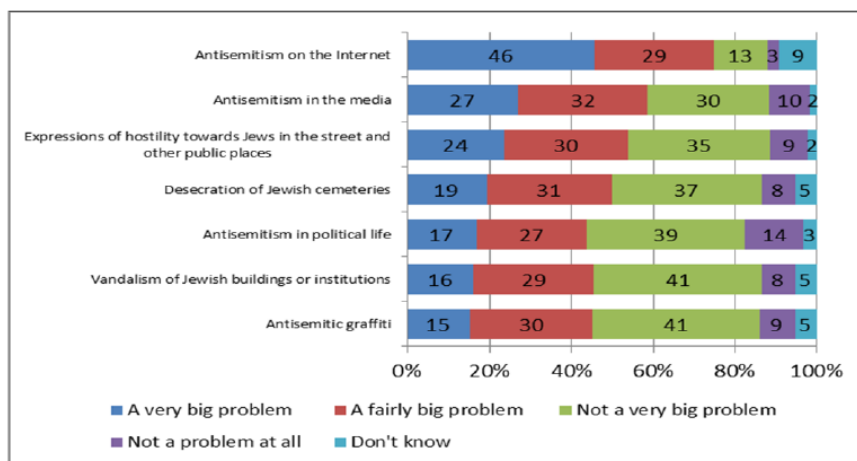
Notes: \* Since the age of 15: out of all women (N=42,002).

\*\* In the last 12 months: out of all women who have been sexually harassed at least once in their lifetime (N=23,205).

Source: FRA (forthcoming 2014), Violence against women survey

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Figure 3: Survey on discrimination and hate crimes against Jews: assessment of manifestations of antisemitism against the Jewish community today (%<sup>o</sup>, average of the eight EU Member States surveyed)



Question: B04a. In your opinion, how big a problem, if at all, are each of the following in [COUNTRY] today: (Items as listed in the figure)?

Note: N=5,847

Source: FRA (forthcoming 2013), Discrimination and hate crime against Jews in EU Member States: experiences and perceptions of antisemitism

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EU LGBT Survey (2013) – Harassment on the internet

**Violence and harassment / LAST incident of harassment in the past 12 months - Where did it happen?**

