

# HATE SPEECH

**Recognise // React #Report**

*How to deal with online hate speech*

*An information booklet published by the  
Refugee Council of Thuringia*

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Recognise // React #Report

## ***How to deal with online hate speech***

An information booklet published by the Refugee Council of Thuringia (Flüchtlingsrat Thüringen e.V.)

What is hate speech?

(Organised) hate comments on social media

From reporting to filing a criminal complaint

How can I react and what do I need to keep in mind?

Reacting means showing solidarity

Criminal complaints are important and make a difference!

Further information

*Hate Speech – INFO BOOKLET*

*“Since the number of refugees in Germany has increased, there has also been a continued rise in the amount of hate speech against refugees. In particular, social networks like Facebook serve as platforms for this.”*

*MOBIT e.V., a Thuringia-based initiative against far-right activity, October 2016*

## **Hate Speech?!**

The term hate speech is a collective term for discriminating statements on the internet and is therefore also part of political debate. 'Hate speech' is an imprecise term which gives no indication of whether or not individual comments or posts could lead to criminal charges. In contrast to the criminal offence of insult, which targets individuals, hate speech is **an interlinked group of comments which make disparaging generalisations about people or target abuse at entire population groups.**

## ***Hate Speech on Social Media***

According to a survey conducted in 2016 by the polling institute Forsa, two thirds of all those questioned had already come across hate speech on the internet. Around 25% of all respondents even reported encountering hate speech online on a regular basis, but this was as much as 50% among those under 24. The majority of respondents were appalled by hate speech; however, in most cases, hate speech is not reported and simply ignored.<sup>1</sup>

At least since 2015, there has also been growing demand from German politicians for Facebook and other social networking sites to take more effective action against hate speech. In autumn 2015, Heiko Maas, Germany's then justice minister, formed a task force against illegal hate speech on the internet.

Until now, Facebook itself has been passing the buck to its users. Although the company supports civil society initiatives like 'Laut gegen Nazis' (Loud Against Nazis), which promote **counterspeech** online, it has not introduced any additional binding regulations for its platform. Experts consider it unlikely that the company's strategy will be effective in the long run and won't ultimately lead to less hate speech.<sup>2</sup>

**COUNTERSPEECH** Counterspeech means opposing discriminatory comments. It can be as simple as rejecting and refuting the discriminatory statement. Counterspeech is more effective when it clearly labels discriminatory comments for what they are. Well-founded arguments invalidate hate speech and strengthen your own standpoint. **Reject, reveal, reason.**

Algorithms working in the background determine which content on Facebook could be interesting for users. This creates a **filter bubble**; many users almost exclusively see content which lines up with their own political views and this dynamic leads to users feeling that their stance is constantly being confirmed. This creates spaces in which the anti-Islam movement Pegida, as well as other racist movements on the street and online, can encourage what they portray as the unrestricted expression of opinion. However, hate speech does not simply arise from a personal opinion, but rather it is an instrument and a strategy of discriminatory and inhumane attitudes.

The Amadeu Antonio Foundation has already been involved in several projects concerning hatred and hate speech online and, in doing so, has observed that hate speech is found particularly often among certain articles of websites and groups often associated with racist behaviour. This is what leads to a normalisation of racist hate speech, which then becomes radicalised even further in terms of language and behaviour.

**FILTER BUBBLE** In the background of social networking sites, programmes running in the background determine the displayed news (News Feed) for each profile. These algorithms are driven by the individual personal activities and interests of each user, filtering out certain news and presenting items which closely correspond to each person's profile, i.e. displaying similar topics and content. **This results in a homogenous picture, offering users a wealth of news and opinions, yet no diversity.**

## ***Systematic hate speech and the connection with violent offences***

When we talk about racism, it is important to understand it from the perspective of historical continuity. The starting point of modern racism was the colonial era. At that time, efforts were made to divide people into “races”, an attempt which was scientifically refuted a long time ago, but significantly shaped the origins of the modern social order and remains influential today. As a result, racist stereotypes, attributions, positive or negative discrimination and ostracism can therefore be found across all areas of society. Racism must be seen as an inherent part of our society and not dismissed as a “right-wing” side issue. As was also the case during National Socialism, today’s organised racist groups on the right-wing extremist scene take advantage of this racist system to further radicalise people.

Today the internet is the most important propaganda medium used by organised racist groups. In this respect, websites with an unprofessional appearance are meant to suggest that they contain the opinions of people who are not part of organised political groups. Examples of this are the various offshoots of 'Nein zum Heim' (No to the shelter) pages on Facebook. Yet it is generally organised racist groups who are behind these pages too. Their content is supplied by fragments of (New) Right ideologies, while additional links often refer to portals and websites commonly associated with racist activity.

The language chosen is intended to enable links between fragments of ideologies and is not chosen at random. Violent and inflammatory language (e.g. *Volksverräter*), as well as newly-coined words, establish subtle ideology and its related thought patterns completely without the use of clearly insulting and unacceptable terms. This negative stereotype is reinforced by fake news, generalisations from individual cases and the representation of an apparent threat from 'the others'. Stating their right to freedom of opinion is a way people attempt to legitimise statements which constitute a crime and to provide an excuse for ideologies of social inequality. This leads to an escalation of the language used. The conscious overstepping of boundaries consequently breaks the taboo surrounding thought and action.

Hate speech removes people’s inhibitions and ties an increasing number of people in the digital sphere to partially (New) Right ideologies. As a result, we then see the elimination of boundaries, as well as citizens showing solidarity with organised neo-Nazi groups on the streets. Racist hate speech on the internet thus forms part of the (acts of) violence which can be observed on a daily basis, both online and on the streets. In this sense, language creates reality.

### **VOLKSVERRATER**

The legal term *Volksverrat* (treason against the people) originates from the National Socialist period in Germany. The use of the term is based upon the concept of a homogeneous (as the case may be, biological) 'people', whereby those belonging to the ethnic people perceive themselves to be both a homogeneous group and a majority. At the same time, this group feels threatened by the

'*Volksverräter*' (traitors of the people), who pose a threat to the 'true people', usually in the context of a similarly imagined group of 'foreigners'.

In 2016, EZRA, the advice centre for people affected by racist, anti-Semitic and extreme-right violence, recorded an increase of more than 30% in acts of violence of this kind in Thuringia compared with the previous year. With 160 attacks and at least 277 people affected, this was the highest registered figure since 2001.<sup>3</sup> By 2015, the number of acts of right-wing and racist violence had already doubled in comparison to 2014.<sup>4</sup> Advice centres in other federal states are also seeing this trend. Christina Büttner, project coordinator at EZRA, commented:

*“The high number of racist attacks is shocking and once again shows that racism has been socially acceptable for a long time.”*

Those particularly affected are victims of racially motivated attacks, but also people who are committed to supporting refugees or publicly oppose racism. Dr Matthias Quent from the Institute for Democracy and Civil Society in Jena stated:

*“It is obvious that this violence goes hand in hand with political polarisation, extreme provocations and targeted discourse shifts in political culture.”*

## **What can you do? Take action!**

In the course of the debate surrounding hate speech, the first half of 2016 saw an increased number of house searches and convictions as a result of comments on social media which constituted criminal offences. In light of their often inadequate technical equipment and the multitude of discussion platforms, the investigating authorities frequently rely on the general public to record and report hate speech.

*How can I file a criminal complaint against hate speech and what do I need to keep in mind?*

### **1. Report it!**

Hate speech against people and groups on the basis of 'ethnic origin', nationality, religious affiliation or sexual identity violates the guidelines or community standards of many platforms. It is quick to report and is processed within a few hours. Facebook, for example, allows you to follow the status of your complaint. Experience shows that individual posts are removed more quickly than full profiles or pages, even if their operators attract attention through regularly posting hate speech.

## **2. Take a screenshot**

The law enforcement authorities cannot react to comments which have been amended or deleted. This is why if you're considering filing a criminal complaint, it's important to take screenshots. Ideally, these should contain the relevant comment, the context (such as the original post and the discussion thread), as well as the URL (link to the web page). To better identify the perpetrators, it is useful to make a record of their profile. If at all possible, the screenshots should contain a time stamp and the URL, since sites are often deleted and names changed. In this way, the discussion thread can still be followed months later and the perpetrators can still be identified.

## **3. How can I file a criminal complaint?**

A criminal complaint can be filed orally or in writing at the public prosecutor's office or police station. In some federal states there are already internet portals specifically for this purpose, although there is not currently an online reporting facility in Thuringia. It is possible to submit a criminal complaint and the relevant documentation using an anonymous email address, or, alternatively, you can also post criminal complaints and documents through the letterbox of the relevant public prosecutor's office or police station.

**Why file a complaint anonymously? An anonymous complaint can prevent the accused person from accessing personal information about the complainant (e.g. his/her private address) by accessing the file through a lawyer. The only disadvantage is that the complainant cannot be informed about the outcome of the proceedings.**

## **4. What can I file a criminal complaint against?**

As a general rule, you need to assess whether a comment is covered by freedom of opinion or whether it constitutes a criminal offence. For instance, discriminatory posts which violate platform guidelines may be unpleasant and offensive, but in accordance with Article 5 of the German Basic Law (Freedom of Opinion) they are legitimate and therefore do not constitute a criminal offence.

## ***Comments which constitute a criminal offence***

### **Art. 130 German Criminal Code – Incitement to hatred**

Many cases of hate speech fall under the criminal offence of incitement to hatred. This clause is always relevant when hatred or violence is incited against individuals and groups. Anyone who trivialises or endorses National Socialist violence or denies the Holocaust is also committing incitement to hatred.

### **Art. 111 and 140 German Criminal Code - Public incitement to crime and/or approving of offences**

Comments are frequently seen in social media which encourage or condone crimes. These predominantly relate to crimes such as murder and manslaughter but also include the incitement to commit arson, for example against refugee shelters. People who glorify terrorist organisations such as the National Socialist Underground (NSU, a neo-Nazi terror cell uncovered in November 2011) are also liable to face prosecution in accordance with Art. 140 German Criminal Code.

### **Art. 86a German Criminal Code - Using symbols of unconstitutional organisations**

In addition, the use of symbols of unconstitutional organisations (Art. 86a German Criminal Code) is a criminal offence. This relates to comments such as 'Heil Hitler' and 'Sieg Heil', the use of the swastika, the runic insignia of the SS (the Third Reich paramilitary organisation) and the anthem of National Socialist Germany.

**The law enforcement service must investigate when notified of any of these crimes.**

### **Art. 185 German Criminal Code - Insult**

In contrast, only the person directly affected can file a criminal complaint on grounds of insult. Initiating civil proceedings with legal support is usually the most appropriate route to achieve this.

## **Reacting works!**

Awareness of the consequences of hate speech and the motives behind it has risen. Proportionally, however, there are still very few court proceedings. The majority of instances, such as in the comment sections of regional media or on public Facebook profiles, are perceived as hate speech by readers; however, in most cases they are not followed up. Many people doubt the effectiveness of the (legal) remedies available. It is solely individual sentences which briefly attract media attention. **One such media splash was about the Hamburg resident threatened with a €250,000 fine if he insulted German journalist and TV broadcaster Dunja Hayali again.**

In the first half of 2016, a woman from Berlin with no previous criminal record was given a five-month suspended prison sentence for committing incitement to hatred. **Similarly, in May 2016, Lutz Bachmann, the founder of the anti-Islam movement Pegida, was sentenced to pay a fine of €9,600 for posting comments on Facebook amounting to incitement to hatred.** These sentences demonstrate that hate speech can lead to severe penalties.

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## German founder of Pegida fined €9,600 for Facebook posts

**German court found posts by Lutz Bachmann calling refugees 'cattle' and 'scum' counted as racial incitement**

Philip Oltermann Tue 3 May 2016 18.27 BST © Guardian

Hate speech is deleted more quickly when someone reports it. This counteracts the distribution of the content and therefore stops the propaganda effect. Criminal complaints filed by third parties have continually resulted in prosecutions, which also means that the comment posters and participants experience the consequences of their inhumane acts. Even if criminal complaints are filed against just a fraction of hate speech, it means that this hatred does not go unchallenged. **At the same time, each report or complaint against hate speech is an important way of showing solidarity with those affected.**

**LABEL, EXPOSE AND CONTRADICT!** It is particularly important that we also clearly label racist and discriminating posts for what they are. Otherwise, inhumane comments are left in place and assumed to be normal. Even a simple sentence such as "That's racist!" or commenting with SharePics (linked images displaying explanations) are easy ways to help achieve this. To give more weight to your argument and show solidarity with those affected, you can also alert friends to the discussion thread in question. Alongside these suggestions, there are also other possible responses – the website **fakten-gegen-vorurteile.de** (German) and the Amadeu Antonio Foundation **topic booklet 'Hate Speech against Refugees in Social Media'** (English and German versions available) give information on when it is appropriate to engage in a discussion and how you can do so.

### **Why reporting hate speech is important - a case study**

An incident in Thuringia in the summer of 2015 demonstrates the importance of filing complaints against hate speech. A conflict arose between residents at an oversubscribed initial reception centre which led to the police intervening. The first comment in response to this incident was on the Facebook page of the known neo-Nazi 'Tommy F'.

The biased comment led to a discussion with more than 50 comments. Many of the posts called for violence against the residents of the shelter.



“Seeing and reading that, I’m bursting to do something. Shame I’m in Hessen... [angry emoji]”

“Someone there needs to just step on it!”

‘S’, one of the commentators, used his real name and called for the situation to be sorted out “using armed force if necessary” and called for the emergency crews to “gun down everything that doesn’t speak German”.



“and don’t be squeamish about it! Sort it out using armed force if necessary!”

The message and many of the hate comments, some of which constituted criminal offences, remained on the Facebook profile of ‘Tommy F’ for months. ‘S’, however, deleted his comments. It is possible that this was **because a complaint was filed against his call for violence on grounds of incitement to hatred.**



“hope the emergency crew in the building are OK? storm the thing and gun down anything that doesn’t speak german! disgusting cattle!”

In the case of ‘S’, who on Facebook called for violence against the residents of the initial reception centre, the Refugee Council of Thuringia filed a complaint. ‘S’ did not appear at trial. The court issued a six-month suspended prison sentence with a probationary period lasting three years. The stipulations also included payment of €2,000 to the German Child Protection Association.

## **Further information:**

**Refugee Council of Thuringia (Flüchtlingsrat Thüringen e.V.)**

[www.fluechtlingsrat-thr.de](http://www.fluechtlingsrat-thr.de)

**EZRA – mobile advice centre for people affected by racist, anti-Semitic and extreme-right violence**

[www.ezra.de](http://www.ezra.de)

**Mobit – Thuringia-based mobile advice initiative against far-right activity**

[www.mobit.org](http://www.mobit.org)

**Fakten gegen Vorurteile – Thuringian Training Institute of the German Union Association (Deutscher Gewerkschaftsbund - DGB)**

[www.fakten-gegen-vorurteile.de](http://www.fakten-gegen-vorurteile.de)

**Website which investigates and challenges accounts of alleged crimes committed by refugees**

<http://hoaxmap.org>

**Amadeu Antonio Foundation**

[www.amadeu-antonio-stiftung.de](http://www.amadeu-antonio-stiftung.de)

**Information booklets:** [www.amadeu-antonio-stiftung.de/w/files/pdfs/hatespeech.pdf](http://www.amadeu-antonio-stiftung.de/w/files/pdfs/hatespeech.pdf) (German version only) // [https://www.amadeu-antonio-stiftung.de/w/files/pdfs/eng\\_hetze-gegen-fluechtlinge.pdf](https://www.amadeu-antonio-stiftung.de/w/files/pdfs/eng_hetze-gegen-fluechtlinge.pdf) (English and German versions available)

**Council of Europe’s Europe-wide campaign against online hate speech**

[www.no-hate-speech.de](http://www.no-hate-speech.de)

## Notes

1 [www.lfm-nrw.de/fileadmin/user\\_upload/lfm-nrw/Service/Veranstaltungen\\_und\\_Preise/Medienversammlung/2016/EthikimNetz\\_Hate\\_Speech-PP.pdf](http://www.lfm-nrw.de/fileadmin/user_upload/lfm-nrw/Service/Veranstaltungen_und_Preise/Medienversammlung/2016/EthikimNetz_Hate_Speech-PP.pdf) – letzter Zugriff am: 01.03.2017

2 [www.zeit.de/digital/internet/2016-02/hatespeech-counterspeech-facebook-forschung](http://www.zeit.de/digital/internet/2016-02/hatespeech-counterspeech-facebook-forschung) – letzter Zugriff am: 01.03.2017

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[www.ezra.de/aktuell/artikel/?tx\\_ttnews%5Btt\\_news%5D=10966&cHash=79e8a74d223879f737850e945b34476e](http://www.ezra.de/aktuell/artikel/?tx_ttnews%5Btt_news%5D=10966&cHash=79e8a74d223879f737850e945b34476e) – letzter Zugriff am: 01.03.2017

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[www.ezra.de/aktuell/artikel/?tx\\_ttnews%5Btt\\_news%5D=10629&cHash=9e9e1dc05c01468c63474acde9709694](http://www.ezra.de/aktuell/artikel/?tx_ttnews%5Btt_news%5D=10629&cHash=9e9e1dc05c01468c63474acde9709694) – letzter Zugriff am: 01.03.2017

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