

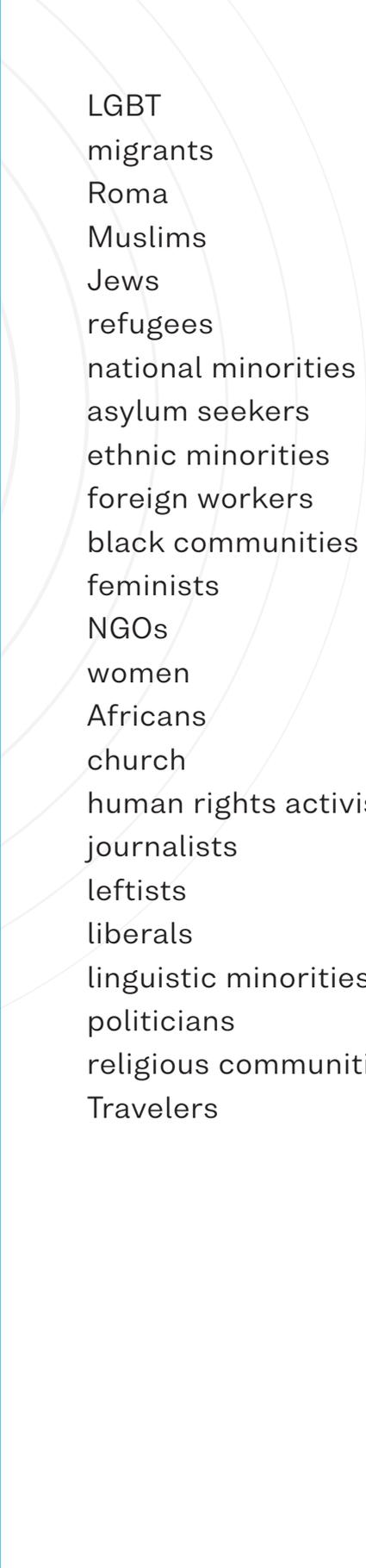
They are brazen, feral, anthropoids that demand pay without work and collect sickness benefits without being sick.

US/THEM They receive child benefits for children Hate Speech at the Service of Politics that play with pigs on the street, and for women that have the instincts of stray dogs\*

/ edited by Miłosz Hodun



projekt:polska®



LGBT  
migrants  
Roma  
Muslims  
Jews  
refugees  
national minorities  
asylum seekers  
ethnic minorities  
foreign workers  
black communities  
feminists  
NGOs  
women  
Africans  
church  
human rights activists  
journalists  
leftists  
liberals  
linguistic minorities  
politicians  
religious communities  
Travelers





US/THEM

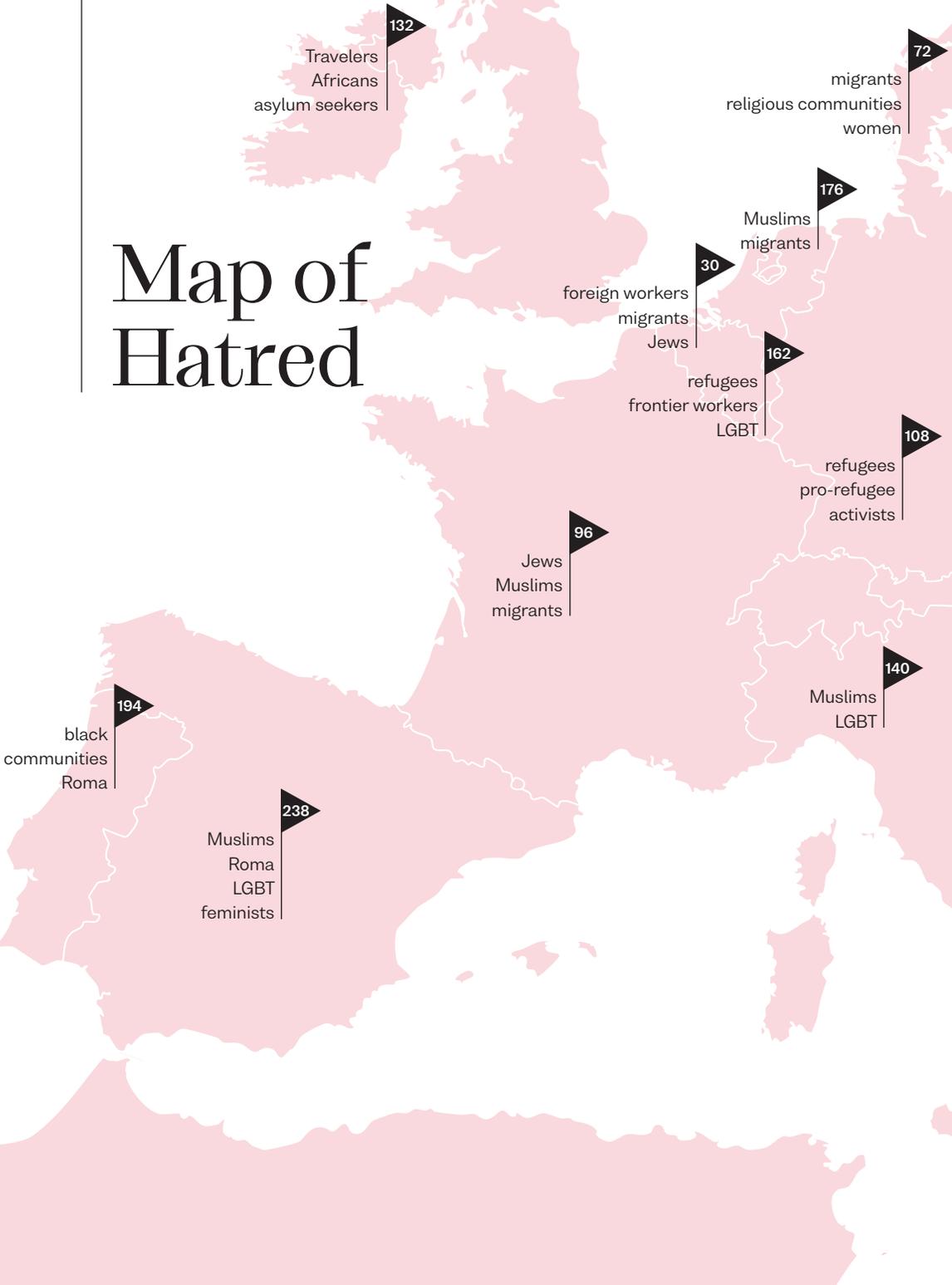
European Liberal Forum  
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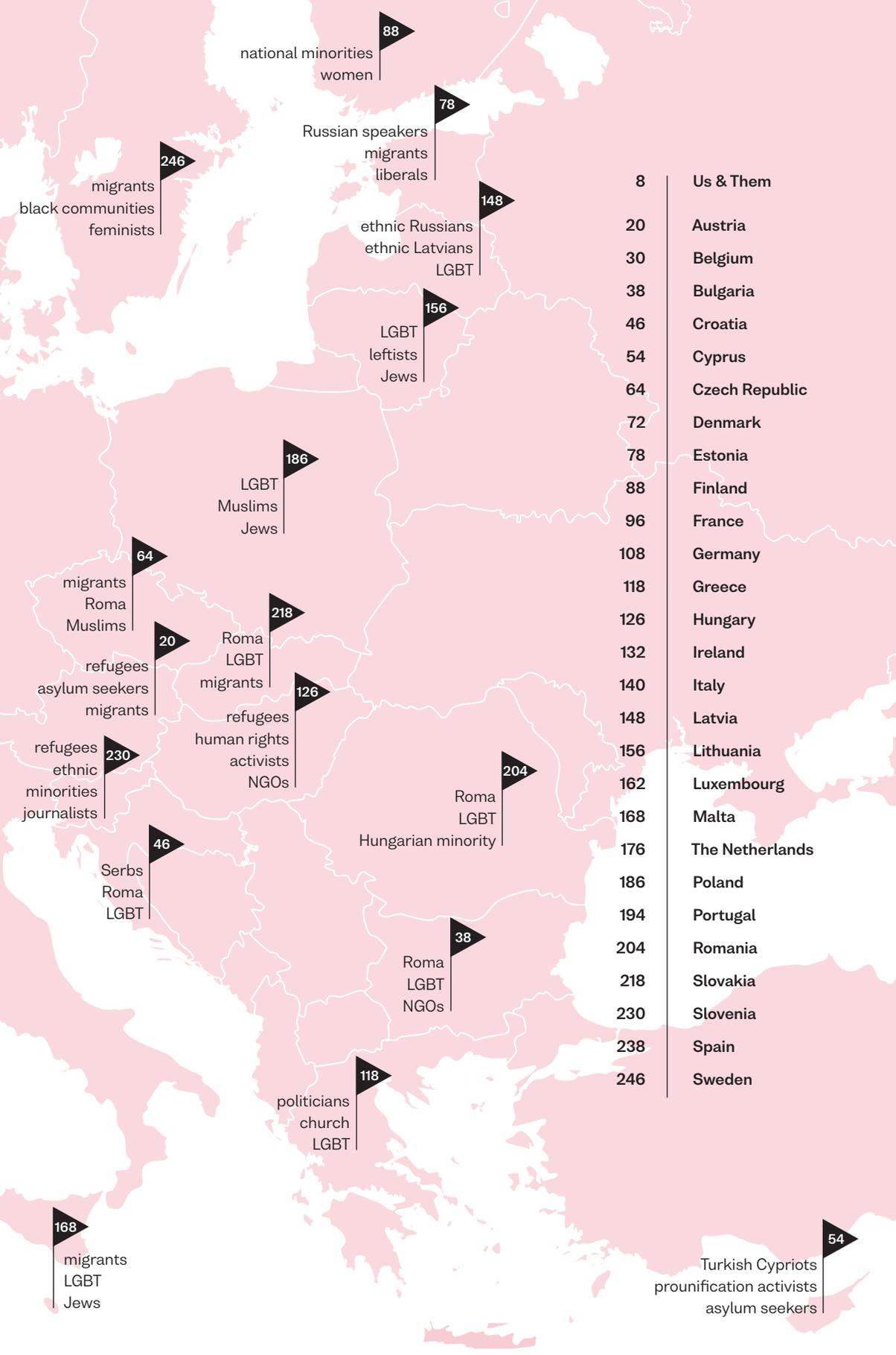
US/THEM

Hate Speech at the  
Service of Politics

edited by Miłosz Hodun

# Map of Hatred





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# Us & Them

## Mitosz Hodun

PhD. President of the Projekt: Polska Foundation and legal expert at HejtStop programme. Second Vice-President of the European Liberal Forum. Author and editor of various publications on hate speech.

We are now handing over to you another publication of the European Liberal Forum and Project: Poland, devoted to hate speech and populism. In 2014 we jointly published “Liberal Agenda Against Online Hate Speech”, an analysis of the current situation of online hate speech in Europe in 2018. “The European Atlas of Democratic Deficit”, in which the authors identified hate speech as one of the most difficult challenges for the modern European democracy. Our “Liberal Agenda” started with ‘hate speech is everywhere: on the walls of our cities, in the mainstream and online media as well. It is impossible to avoid. It’s impossible to run away from it’. Unfortunately, nothing has changed in this respect. None of the observers of social life has any doubt that it is only worse.

According to a 2018 Eurobarometer survey, hate speech is the type of online illegal content that Europeans encounter very often, it was most mentioned by respondents in 10 countries<sup>1</sup>. Eurostat, in the report “Being young in Europe today – digital world” shows concerns about the behaviours of children and young people<sup>2</sup>. According to the study, they may be exposed to potentially harmful content, which may create dependency, anxiety or aggression. A bit older results, 2016 Eurobarometer, show that three-quarters of EU citizens have already experienced hate speech on social media<sup>3</sup>. More detailed data from individual Member States are even more frightening. The COVID-19 pandemic and its adverse consequences will only, like any other socio-economic crisis, make this situation worse.

After many years, hate speech has finally become the subject of political debate. At the European level, the best example of this was seen in the recent State of the Union Address by Ursula von der Leyen at the European Parliament Plenary session<sup>4</sup>. The President of the European Commission said:

I am proud to live in Europe, in this open society of values and diversity. But even here in this Union — these stories are a daily reality for so many people. And this reminds us that progress on fighting racism and hate is fragile — it is hard won but very easily lost. So now is the moment to make the change. To build a truly anti-racist Union — that goes from condemnation to action. And the Commission is putting forward an action plan to start making that happen. As part of this, we will propose to extend the list of EU crimes to all forms of hate crime and hate speech — whether because of race, religion, gender or sexuality. Hate is hate — and no one should have to put up with it.

This problem can no longer be ignored because it is like a virus that attacks liberal democracy, an open society and the rights and freedoms of European citizens organically linked to it. This virus has already entered the central nervous system of modern democracy, of politics, from where it sends destructive impulses in every direction. The hate speech in politics is associated by many of us with Donald Trump and the new standards of American politics, which are mercilessly and consistently introduced overseas. Trump set the precedent of normalising hate speech as President of the United States. Trump's xenophobic rhetoric, echoed by his staff, harms immigrants, Latinos, African-Americans, Muslim-American, and other minority and marginalised groups. A prominent US civil rights group the Southern Poverty Law Centre (SPLC) have reported hundreds of cases of attacks against minorities — including instances of violence and intimidation — as a direct effect of Trump's speech and called him to “take responsibility for what's occurring, forcefully reject hate and bigotry”<sup>5</sup>. In 2019, Democrats in the House of Representatives, and even some Republicans, passed a “nonbinding resolution” denouncing Trump's “racist comments that have legitimized and increased fear and hatred of new Americans and people of colour”<sup>6</sup>.

But if anyone in Europe wants to feel at ease thinking ‘oh, those awful Americans’, it is high time to face the truth and look around in their backyard. For years now, hate speech has been devastating public space and mercilessly invading the private sphere, even at that side of the Atlantic that often sees itself as better, more civilised and more culturally developed. Looking from above, laughing at others only prevents us from seeing our problems, analysing them, understanding the seriousness of the situation and taking the necessary measures. That is why we decided to prepare this publication. We wanted to check, country by country, what is the status

of hate speech in the European Union. In particular, how it affects politics and politicians. Also, how and via which channels it returns from politicians to society. And what havoc it wreaks.

Together with the authors, we have visited the 27 EU Member States. We travelled from Helsinki to Lisbon, listened to the parliamentary debates in The Hague, Prague and Valetta, looked at the codes written in Hungarian and Greek, listened to the television news in Slovak and Finnish. All this to provide readers with possibly the most complete picture of the situation in Europe, where no corner has been overlooked because at first glance it might seem irrelevant or free of weaknesses. In addition to the geographical cross-section, our subsequent atlas offers a variety of authors and perspectives. On the following pages, the voices of politicians at various levels, academics, experts from recognised think-tanks and activists will be heard. The voice of a former Minister for European Affairs and the voice of the youngest councillor in the country. The voice of the victim of hate crimes and the voice of a person who has devoted her professional life to combating this phenomenon. This multiplicity of experiences is also reflected in the multiplicity of styles. From academic articles from Berlin or Ljubljana to a metaphorical essay sent from the Dutch Bergen op Zoom, in which the Hague turns into the Ancient Troy. We aimed to give the authors the initiative and show the national context through their eyes and their words.

The starting point was the same for all authors: hate speech in politics. However, I soon realised that the understanding of this subject could be extremely different. Of course, the very concept of hate speech is vague. There is no single definition. Moreover, there is the problem of a multitude of definitions, which many authors are facing. Some people give up, even without trying to enter the field of theoretical deliberations on this topic by focusing on more specific and/or practical issues. Others authoritatively point to a definition that will apply, at least within their article. There is nothing wrong with any of these approaches because, on the one hand, the discussion about the definition of hate speech is an indispensable part of the discussion about the phenomenon itself and, on the other hand, any non-theoretical considerations also help to clarify the concept.

However, it is not the case that everyone adopts the legal definition which I have been using for years as the most complete, namely: the term 'hate speech' shall be understood as covering all forms of expression which is used to spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms

of hatred based on intolerance, including intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin'. What is more, in the publication many authors go far beyond legal definitions, resorting to a more common, much broader, understanding of the term.

Joanna Grabarczyk warns against the latter in her article on Poland: 'Unfortunately, there is also a tendency to use the term "hate speech" in a much broader sense. Some from the Polish political class and media identify it with the most aggressive and offensive defamation or insult. These are not the same phenomena. An attempt to equate these notions contributes to the degradation of the meaning of a crime motivated by prejudice, as well as hate speech'. And that was my first reflection after reading some of the articles. After the initial reading, I wondered whether what the authors were writing about was hate speech. Or perhaps they described the wider phenomenon of language vulgarisation in politics. However, I quickly realised that I assessed these texts not so much from the perspective of theories and definitions adopted in my environment (the interface between the legal and political sciences), but from my national perspective. And the Polish view has left a very strong mark on the interpretation of the phenomenon of hate speech. Hate speech — so pure, leaving no room for doubt — is omnipresent in Polish politics. Hate speech has been part of the language of the ruling party and the parliamentary majority for years and is a strategy deliberately chosen to polarise the society and mobilise its electorate. Hate speech in Polish politics is not subtle or veiled, it is direct and perfidious. Its most obvious examples are Jarosław Kaczyński's statement about parasites carried by refugees, evoking associations with the darkest pages of 20<sup>th</sup>-century history, or the regular campaign against the LGBT community, in which people belonging to minorities are denied the attribute of humanity and are directly called abnormal, worse than other Poles.

When you hear similar words daily and analyse similar patterns of speech, it is difficult to accept that in other countries, hate speech can be understood in completely different ways. It is difficult to understand that in other countries there is no consistent destruction and intimidation of entire groups using hate speech by people in key state functions. Does this mean, however, that we should cross out or disregard a different understanding of hate speech, different sensitivity to this phenomenon? Are they more trivial? Definitely not. An analysis of texts depicting situations in

other countries shows that there are negative language phenomena everywhere which aim to destroy an opponent, an individual or a group. In each country, the limits of freedom of speech are intentionally crossed to achieve political benefits. In each country, there is a progressive brutalisation of language and trivialisation of verbal violence. The fact that, at some point, the frequency and intensity of these phenomena have not taken on Polish or Hungarian dimensions does not mean that we can turn a blind eye to them. On the contrary, we should observe the stages in the development of hate speech, from prejudice and discrimination, and combat them so that they do not turn into their final, most ruthless forms. A broad European comparative perspective allows us to distinguish between the different stages of hate speech in politics and to look for the best solutions for a particular state of development.

In today's Europe, no place is free from hate speech in politics. Portugal and Spain, which experienced years of fascist dictatorship, have long seemed immune to this phenomenon. Until now. In recent years, with the emergence of new far-right parties in the parliaments of the Iberian Peninsula, the phenomenon of hate speech in politics has become widespread. Scandinavia, which wins the peace

and prosperity rankings and is associated with a perfectly developed civil society and a culture of dialogue, is also struggling with a wave of hate speech that not only reshapes parliaments and shakes up a stable political system but calls into question the philosophy on which Nordic societies are based.

There is no doubt that in every Member State of the EU, the intensity of hate speech in politics is closely linked to the popularity of populist forces, in the vast majority – the populist extreme right, to a lesser extent – the populist left. Wherever right-wing populists are triumphant, hate speech has become an inherent feature of political language. Where right-wing populists are only just

clearing the way, hate speech is pushing itself into public space as a new phenomenon, causing shock to voters and embarrassment mixed with deep shame on the existing elite. There are still exceptions in the EU, such as Luxembourg, where the extreme right has not yet raised its head and isolated cases of hate speech in politics are attributed to the mainstream parties, which channelise the radical electorate. But the Grand Duchy is a unique case because of

Wherever right-wing populists are triumphant, hate speech has become an inherent feature of political language.

## Feedback between politics and the media leads to the full normalisation of hate speech in public debate.

its political system, the composition of society, economic situation or history. Another small country, Malta, is already quite different.

Although it has a de facto two-party system, eccentric radicals wearing swastikas are destroying the language of the entire political class.

Such destruction takes place wherever traditional politics has been put to the test of co-existence with right-wing populism. Unfortunately, it seems that this traditional policy, identified with values such as respect for human rights and the (albeit limited) culture of speech resulting from respect for the opponent, is doomed to lose and retreat in linguistic space when confronted with aggressive extremism. Hate speech in politics is being mainstreamed. First, it is ignored by traditional parties, then its elements are accepted and finally adopted by mainstream politicians.

The media play an invaluable role in this process, starting with the promotion of hate speech as a seemingly harmless titbit, a little controversy to ensure better sales or click-through, and ending with the recognition of this phenomenon as an integral part of politics. Feedback between politics and the media leads to the full normalisation of hate speech in public debate.

One cannot ignore that this phenomenon is currently progressing particularly rapidly due to the development of electronic media. It is the Internet today that is the soil in which the hate speech is growing most lavishly. It is soil but at the same time a fertiliser which, thanks to a lack of effective state and social control, a culture of laissez-faire which translates into the favour of advertisers and a sense of anonymity, causes hate speech to grow unnaturally fast and ensures its resistance to most of the external factors. The need to combat online hate speech is highlighted by almost all authors of this publication. This is both urgent and extremely difficult challenge, as no effective instruments have yet been invented for monitoring all content appearing online or for eliminating those considered to be hate speech. The development of new solutions must take place in dialogue not only between the state and society but with the third key actor — the technological giants. Today, there is no doubt that it is in the hands of large corporations to develop and implement solutions to civilise the language of the online public debate. The state and society should encourage or ultimately force, such action as soon as possible. When I write ‘state’, in the

The European Union, as a global player, built on liberal foundations, has a key role to play in the process of negotiating a new order with the large corporations, where there will be no room for racism, extreme xenophobia, homophobia and so on.

European context, I also mean the European Union, which, by the will of its members, exercises part of the powers arising from their sovereign power. The European Union, as a global player, built on liberal foundations, has a key role to play in the process of negotiating a new order with the large corporations, where there will be no room for racism, extreme xenophobia, homophobia and so on.

The liberals recognise the crucial importance of the European Union's commitment to stop the devastating march of hate speech. It seems that the liberals have understood that the fight against hate speech in general and hate speech in politics, in particular, must become an EU priority. Hate speech is incompatible with European values, and its normalisation undermines the foundations of liberal democracy based on openness, inclusiveness, social pluralism and competition of ideas. Fewer and fewer liberals in Europe are clinging to 'freedom of speech' as an overriding value in the sense that it prevents any activity restricting hate speech. The fight against hate speech is not a fight to restrict freedom of speech, but a fight for the right to safely exercise that freedom for as many Europeans as possible.

Liberals across the continent point out that the answer to the hate speech must be free speech. An example of this strategy was the election campaign of Emmanuel Macron, who opposed racism and extreme xenophobia with a positive message and a vision of France which unites rather than divides and which can realise its full potential as part of a strong European Union. Such a strategy is applauded by the liberals as being the least intrusive, the least interfering in the freedom of expression of others. It stems from liberal optimism and benevolence, a love of free discussion and a belief in the victory of better visions and arguments.

Another typically liberal method of combating hate speech is education. An investment in education is an investment in democracy. Modern education means, above all, a modern curriculum. Students whose curricula focus on critical thinking are less likely to accept hate speech because they understand its consequences. Compulsory classes in civic education or

anti-discrimination — in the form of separate courses or in the form of material woven into other courses — help to shape attitudes of acceptance of difference and to appreciate the benefits of diversity and respect for other opinions for the development of society. Finally, media literacy should become the foundation of modern education in every European country. In a situation where, for the vast majority of teenagers, the internet is the main source of knowledge when preparing for school, but small percentage double-checks information found online<sup>8</sup>, it is necessary to equip them with knowledge and skills to distinguish facts from opinions, detect manipulation and indicate the benefits of complying with the Internet etiquette. There is no doubt that the weak education system — ideologized and based on the fetish of memorising facts instead of understanding, combining and drawing conclusions — provides the greenhouse conditions for developing hate speech. This is understood by politicians obsessed by authoritarian

models who deliberately destroy education in their countries to raise new generations of their voters, for whom hate speech is becoming a fully acceptable method of fighting for power.

What is extremely important is that education, as a tool for combating hate speech, cannot be limited to children and young people alone, or formal education. Adults should also be constantly made aware of the risks arising from hate speech, in particular those related to the development of new technologies, the functioning of which need not be obvious to them. Knowledge of hate speech can be passed on to adults in very different forms, from folk schools operating, for example, in Denmark, through information activities of specialised government agencies, to social

campaigns run by non-governmental organisations at local, regional or even European level. The latter is indicated by the authors of the publications as the most effective tools for combating hate speech in individual countries, and the foundations and associations that stand behind them are praised for carrying out tasks that countries do not want or cannot carry out. The creativity of the non-governmental sector is limitless, and much inspiration can be found on the following pages of this publication. The role of the media in limiting the spread of hate speech through responsible and ethical journalism is also invaluable.

Students whose curricula focus on critical thinking are less likely to accept hate speech because they understand its consequences.

Hate speech is not only an evil committed against society, but it is also a violation of individual rights. It is a violation of human rights, and its consequences mostly affect many people at the same time.

The liberals are also calling for legislative changes. Such changes seem necessary because existing laws are not keeping pace with technological progress. Almost everywhere, there is a lack of regulation to remove hate speech from the Internet, in particular, from social media and commentary sections. In some countries where legal solutions have already been put in place to address this problem, particularly in Germany, the Liberals have spoken out against them fearing to shift too much responsibility for removing harmful content onto companies, which could result in far-reaching restrictions on freedom of expression by private entities that are afraid of severe financial penalties. This does not mean that such regulations are not necessary, but that they should be based on other assumptions, such as the creation and strengthening of bodies responsible for

monitoring content in close cooperation with civil society organisations and the prosecution of perpetrators responsible for promoting hate speech instead of just removing the content.

However, the expected amendments also concern fundamental issues such as the adoption or update of the very definition of hate speech. A definition that is broad enough to effectively protect individuals and groups at risk of hate speech. The protection of victims of hate speech is also an objective that is resounding in the statements made by liberals across Europe. Hate speech is not only an evil committed against society, but it is also a violation of individual rights. It is a violation of human rights, and its consequences mostly affect many people at the same time. It results in discrimination and a sense of exclusion, which often leads to personal and family tragedies.

The changes concerning hate speech in penal law seem to be the most controversial from a liberal perspective. For some liberals, such changes should be the last resort. This claim is controversial for some critics on the left side of the political

scene, but from a liberal perspective, it seems understandable, because penalisation should always be the last resort when other methods of combating a negative phenomenon are ineffective. Furthermore, it must be agreed that the phenomenon of hate speech is already so widespread and so dangerous, and since the non-penal

measures are insufficient, that using the force of criminal law has become a necessity long ago. Some societies understood this decades ago by introducing appropriate standards into their legislation. Others still do not have adequate regulations, and the perpetrators of hate speech are prosecuted based on, among others, regulations on the violation of personal rights, incitement to racial or national crimes and the Holocaust denial. It is important that the provisions are sufficiently broad and do not exclude from legal protection groups which are exposed to discrimination. Where there are catalogues of groups that are legally protected against hate speech, it is important that, in addition to the typical and long-established characteristics of such nationalities, ethnic origins or religions, they include 'new' characteristics such as disability, age or gender identity. The fuller catalogue, the better protection of human rights in a country.

Hate speech is a global phenomenon and the fight against it should be transnational. This obviously does not mean taking away the competence of individual countries to prevent hate speech. On the contrary, action at the national and regional level is likely to be most successful, because policies at this level still attract the most public interest and the phenomenon concerns living languages, whose understanding is most accurate where they are used. It is, however, difficult to imagine, particularly in Europe, that effective action would be designed and implemented by individual countries alone, in isolation from what is happening in their neighbourhood. Some, like the aforementioned cooperation with the technological giants, only makes sense if the European Union acts as a united power. Others may be successful if they are coordinated between the individual capitals. The exchange of knowledge, information and experience between the members of the EU is a necessity which enables the most effective solutions to be identified faster. Today, Europeans can no longer knock on the door that someone has long since broken down. Europeans need solutions. The key is broad coordination at national level between the competent authorities. The European Commission has already taken several initiatives against hate speech. It has supported the thematic discussion 'Providing justice, protection and support for victims of hate crimes and incitement to hatred'. EC works with civic organisations, the European Union Agency for Fundamental Rights (FRA), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Council of Europe's European Commission against Racism and Intolerance (ECRI).

In addition to changing the letter of the law, the key is to change the attitude of the law enforcement authorities. Police officers,

Police officers, prosecutors and judges need to know that hate speech is not a triviality that they can ignore 'because there are more important matters'.

prosecutors and judges need to know that hate speech is not a triviality that they can ignore 'because there are more important matters'. For this to happen, good research, reliable statistics, training, the cooperation of state agencies with universities, research units, non-governmental organisations, etc. are essential. A climate is needed in which victims and potential victims will feel safe and will not be afraid to report for help to the institutions set up for this purpose. For this, we need increased financial resources. This requires political will and consistency. Liberals can and should be promoters of such attitudes because every euro spent on fighting hate speech is a euro spent at the same time on security policy, health care or social integration.

Hate speech in politics is a phenomenon that threatens the achievements of liberal democracy. It destroys politics understood as a constructive dispute and competition in the vision of society's development, turning it into 'anything goes' model, where all tricks are allowed, while discrimination and fear play a fundamental role in dividing society into tribes. A policy in which hate speech has become standard practice is a cynical and cruel fight in which the deeper the divisions between people are created, the better. US/THEM is becoming a call to justify all forms of intolerance and all means of attacking the enemy. And anyone can become an enemy. Overnight. By the will of the leader, subject to his whim. Refugees, Jews, gays, Muslims, feminists, priests, doctors, lawyers, teachers... The US/THEM language is used to divert public attention from major issues and direct them towards unnecessary, emotional disputes. The logic of US/THEM is causing the community to fall apart, the goals and visions that require social consensus to be achieved are being pushed into the background. Finally, the desire to destroy a community that is based on the cynicism of US/THEM thinking never ends with a hate speech; on the contrary, it always leads to hate crimes, including the most tragic and cruel ones. The liberal vision of politics and society is based on completely different values, which are incompatible with acceptance of hate speech in any sphere, particularly politics. The liberals, therefore, have to oppose a vision of society and politics based on the US/THEM slogan. You can read how they do this on the following pages of this publication.

- 1 Eurobarometer (September 2018). *Flash Eurobarometer 469: Illegal content online*.
- 2 Eurostat (2020). *Being young in Europe today*. Retrieved from [https://ec.europa.eu/eurostat/statistics-explained/index.php/Being\\_young\\_in\\_Europe\\_today](https://ec.europa.eu/eurostat/statistics-explained/index.php/Being_young_in_Europe_today)
- 3 Eurobarometer (November 2016). *Media pluralism and democracy*. Retrieved from [https://ec.europa.eu/information\\_society/newsroom/image/document/2016-47/sp452-summary\\_en\\_19666.pdf](https://ec.europa.eu/information_society/newsroom/image/document/2016-47/sp452-summary_en_19666.pdf)
- 4 Van der Layen, U. (2020, September 16). *State of the Union Address by President von der Leyen at the European Parliament Plenary*. Retrieved from [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_1655](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655)
- 5 “‘Trump effect’ led to hate crime surge, report finds” (2016, November 29). *BBC News*. Retrieved from <https://www.bbc.com/news/world-us-canada-38149406>
- 6 Luqman, M. (2018). *The Trump Effect: Impacts of Political Rhetoric on Minorities and America’s Image*. Master’s thesis, Harvard Extension School
- 7 Recommendation No. (97) 20 of the Committee of Ministers of the Council of Europe
- 8 Bogdan, W., et al (December 2018). *Digital Poles – e-revolution accelerates*. Warsaw: McKinsey&Company. Retrieved from <https://www.mckinsey.com/pl/-/media/McKinsey/Locations/Europe%20and%20Middle%20East/Polska/Raporty/Cyfrowi%20Polacy%20Przyspieszenie%20E%20rewolucji/Digital-Poles--e-revolution-accelerates.pdf>

# Hateful Rhymes

## Malwina Talik

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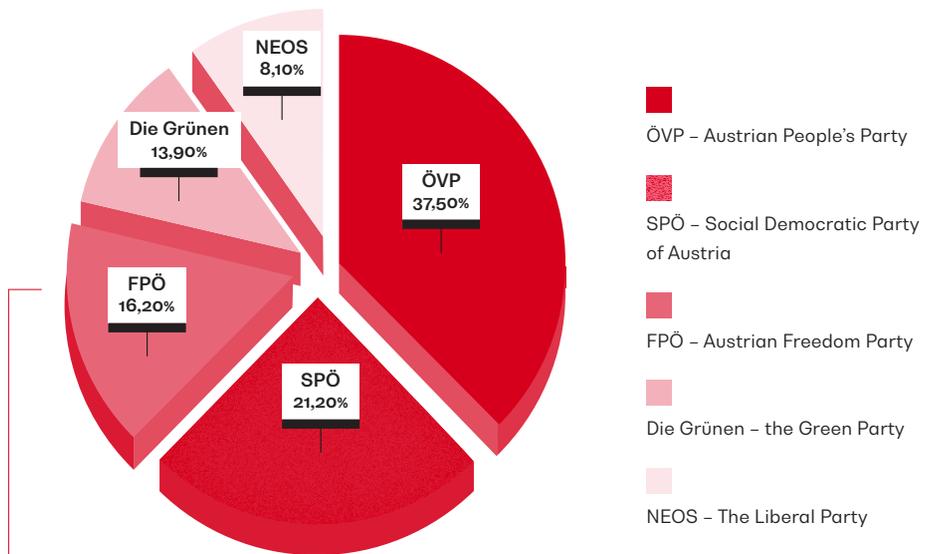
Politicians carry special responsibility for their words. Given their visibility and presence in media and public life, they have more opportunities to spread their views widely and influence voters' attitudes and behaviors. They can set a good example, but they may also turn the previously unacceptable rhetoric into common practice and reinforce harmful prejudices to achieve their political goals. In the Austrian context, hate speech remains a distinctive trait of populist politicians. However, with time their language became more insulting and an effective social media strategy allowed them to reach and attract wider audiences.

## Major political players

The major political actors set the tone and boundaries of acceptance in the Parliament and political discourse. Since January 2020 Austria has been ruled by the coalition government of the conservative party ÖVP and the Green Party, led by Chancellor Sebastian Kurz. The incumbent president, Alexander van der Bellen is a member of the Green Party. From December 2017 until May 2019 the populist party FPÖ<sup>1</sup> served as a junior partner in the government with nearly 26% of places in the Parliament<sup>2</sup>. With the FPÖ suffering severe losses in the 2019 elections, parties whose rhetoric is characterized by political correctness gained more ground in the Austrian National Council.

## Definition and legal consequences of hate speech in Austria

Hate speech, referred to as Verhetzung (incitement), is defined in Article 283 of the Austrian Criminal Code. Since 2016 it also addresses cyber-bullying and online hate speech. It is understood as (1) incitement to violence against a group based on race, language, religion or world views, nationality, origin, sex, disability, age, sexual orientation; (2) insulting those groups in order to belittle and



### Austria. 2019 election results

Source: Bundesministerium  
Inneres

disparage them in the eyes of the general public or to offend their human dignity (Austrian Criminal Code). Sharing hateful materials online is also punishable unless it aims at protesting against its content. It should be noted that not every racist or offensive content is regarded as hate speech. Depending on the degree of severity and the size of the audience hate speech can be punished with a fine or imprisonment ranging from a couple of months up to six years. The Human Rights organization “Article 19” points out the lack of clear division between various levels of hate speech which results in contradictory decisions by courts in comparable cases and causes legal uncertainty<sup>3</sup>.

In 2018, authorities obliged social network providers to remove contributions considered as hate speech within 24 hours<sup>4</sup>. However, Ingrid Brodnig, an Austrian social media expert, suggests that to enforce it Austria should introduce the solution already adapted by Germany in which each large online platform designates an authorized representative<sup>5</sup>. Currently, a comprehensive law on effective tackling of hate speech online is being prepared; it aims, among other, at facilitating cooperation between authorities and online platforms, faster reactions, and guaranteeing victims inexpensive ways to enter into the legal proceedings<sup>6</sup>.

### Political actors exercising hate speech

Offensive language and hateful remarks are characteristic of the FPÖ politicians. The situation deteriorates significantly

during election campaigns. According to the report on anti-Muslim hate speech in politics, there were 21 confirmed cases of such statements in 2019, out of which 19 are by FPÖ politicians and 2 are by ÖVP<sup>7</sup>. Hate speech is also common among the far-right groups, e.g. the Identitarian Movement Austria (Identitäre Bewegung Österreich, IBÖ), alleged to have had close ties with the FPÖ politicians<sup>8</sup>. The FPÖ denies this vehemently, especially since the IBÖ had been accused by media of maintaining contact with the gunman responsible for Christchurch mosque shootings<sup>9</sup>.

The FPÖ uses diverse communication channels to reach its audience and is particularly active on social media. The official Facebook account of Hans-Christian Strache, the former leader of the FPÖ, boasted 786.000 followers and used to be one of the most popular in Austrian politics until his exclusion from the party and subsequent removal of the account<sup>10</sup>. His role was soon taken on by Dominik Nepp, the vice-mayor of Vienna, and Norbert Hofer, the leader of FPÖ, and Herbert Kickl, known as the wordsmith behind the party's notorious rhymes and slogans.

The FPÖ is very skillful in its social media strategies; it regularly publishes images and videos. Strache also used to record

political rap songs to get the message across.

The language used by FPÖ tends to be accusatory, excluding, and humiliating. However, especially during the election campaigns, the hateful content relies on catchy, creative, rhyming and — in the eyes of some — humorous slogans and juxtapositions e.g. “Pummerin statt Muzzein” (Pummerin, a famous bell of the St. Stephan's cathedral in Vienna, instead of a muezzin), “Deutsch statt nix verstehn” (German instead of I don't understand). Since FPÖ also uses cartoons and simple messages, it may be more appealing to the younger audiences as well.

#### **Religious and ethnical minorities as primary targets**

In its report on Austria, ECRI notes that “Political speech has taken on highly divisive and antagonistic overtones particularly targeting Muslims and refugees”<sup>11</sup>. This is not a new phenomenon since populists have had a long tradition of hostility against those groups. Already in 2006, “At home instead of Islam” was FPÖ's election slogan. In 2012 August Penz, the FPÖ candidate in the Innsbruck

especially during the election campaigns, the hateful content relies on catchy, creative, rhyming and [...] humorous slogans and juxtapositions



“It does not matter if  
in 1529, 1683, or 2020.  
Vienna must not  
become Istanbul!”

Tweet: “In our history, we have successfully defended our identity and values. If the Turkish migrants think that they can bring their ethnic conflict to our streets, then I am informing you: go home and leave our beautiful Vienna alone.”  
Source: <https://twitter.com/DominikNepp>

municipal elections used the slogan “Love for motherland instead of Moroccan thieves” for his campaign. It sparked public outrage which led to his exclusion from the party and mass cancellations of reservations in the hotel that he owned<sup>12</sup>. He also had to pay a fine of 8000 EUR<sup>13</sup>.

Data on discrimination at schools also reflects this resentment. The most common incidents were based on religion (48%) with most cases being directed against Muslims<sup>14</sup>. It was followed by ethnic discrimination (45%), which affected mostly people coming from Sub-Saharan Africa (53%) and Turkey (36%).

The verbal attacks on those groups have a systematic and long-term character. There are numerous degrading and harmful portrayals, but most seem to have common denominators. One of them presents Muslims, asylum-seekers, and refugees as a threat to security, social order, and health. Muslims are intentionally referred to as “Islamists”. A proposal to designate places for barbecuing at the Danube canal, a popular recreation area in Vienna, met with a firm protest of an FPÖ politician J. Gudenus who wrote: “Enough of early election gifts from SPÖ to Islamists!”<sup>15</sup>. They are also depicted as “aggressive and dangerous”, and so the rise in violent incidents at schools was blamed on “Sharia parents” (Nepp/FPÖ)<sup>16</sup> or aggressive Turkish and Arab youth (Blümel/ÖVP)<sup>17</sup>. Most recently, D. Nepp blamed the increase of Corona cases on an outbreak in the shelter for asylum seekers: “The increasing coronavirus



The deleted video portraying "Ali" attempting to abuse the health system (Source: YouTube channel of OE24, "FPÖ: Rassistisches Video wieder gelöscht" Source: <https://www.youtube.com>, 13.11.2018)

numbers in Vienna can only be attributed to asylum seekers"<sup>18</sup>. In his remark, he used the word "Asylant", which has a derogatory connotation in German.

Populist politicians often use the alleged threat of "Islamization" of Austria to incite fears against the Muslim community. Lately, the leader of the FPÖ stated that he is not afraid of the Coronavirus because "it is not dangerous. The Koran is more dangerous than Corona"<sup>19</sup>.

Another usual target of populist attacks is the Turkish community, depicted as the old archenemy (apparently with no prospects of reconciliation). In this context, the Ottoman sieges of Vienna are brought into the discussions. Turks are also portrayed as unwilling to integrate and taking advantage of the welfare system. In 2018 the YouTube channel FPÖ TV published a video in which a man named "Ali", who avoids paying for his health insurance, tries to abuse the health system by using Mustafa's eCard ("a social and health insurance ID"). The video was heavily criticized, also by the Liberal Party NEOS, and eventually removed from the website<sup>20</sup>.

Recently, Nepp suggested on his Facebook account that "To protect us from the Coronavirus, we keep a distance of one meter from each other. To protect our freedom of speech, I am asking

the Turkish Culture Association to keep a distance of 2000 km from Austria”<sup>21</sup>.

On a positive note, political speech — but not necessarily the society — is free of homophobic rhetoric. Austria introduced same-sex marriages in 2019. On the occasion of the “Pride month” many politicians, including the President, posted a photo with a rainbow flag. There are also barely any cases of anti-Semitic language in politics. The last scandal broke out in June 2016 and involved an FPÖ politician, Johannes Hübner, who was forced to step down from the party ahead of the 2017 elections<sup>22</sup>.

### **Individuals as a target: the case of Alma Zadić**

The appointment of Alma Zadić of the Green Party as the Minister of Justice in the conservative-green government unleashed an unprecedented wave of hateful attacks, both from the populist politicians and online users alike. The reason? Zadić is a naturalized Austrian citizen, who together with her parents fled the war-torn Bosnia at the age of 10. The FPÖ vehemently opposed her appointment, calling the President to withdraw her nomination<sup>23</sup>. Populist politicians used social media to show their discontent, also suggesting her links to Islamists<sup>24</sup>, which stirred more hateful comments, e.g. “a criminal Muslim woman is becoming justice minister: sharia law is coming soon”, “Foreigners become ministers. Austria’s downfall”<sup>25</sup>. She received numerous hateful messages and death threats. Those attacks were widely condemned by politicians, who expressed solidarity with Zadić including (after some hesitation) chancellor Sebastian Kurz. Zadić announced that she wants to use her office to fight against hate speech more effectively<sup>26</sup>.

That was not the first time that Alma Zadić experienced discriminatory language in her brief political career. Back in 2018, her speech on the protection of intelligence officials held in the Austrian Parliament was interrupted twice with comments of an ÖVP lawmaker: “You are not in Bosnia, don’t mix this up”, and an FPÖ politician: “Alma, you are safe with me”<sup>27</sup>. Both verbal attacks were condemned by Wolfgang Sobotka, the President of the Austrian National Council of ÖVP, and by the SPÖ, and the NEOS<sup>28</sup>. Neither politician ever apologized.

### **“Solidarity storms” or shifted boundaries of acceptance?**

#### **Responses to hate speech in Austria**

Solidarity with Alma Zadić shown by high-ranking politicians indicated a positive trend. Most of the cases presented in this paper

## If hate speech does not resonate among the target audience, it becomes a useless weapon

were vehemently condemned by politicians from the SPÖ, Green Party, and the Liberal Party NEOS. The high-ranking FPÖ politicians are facing trials because of the use of hate speech, i.e. Dominik Nepp, Herbert Kickl, Norbert Hofer. However, SOS Mitmensch

report suggests that as of 2019 less support was offered by political forces in case of attacks on targeted groups. In recent years, no politician who was involved in spreading anti-Muslim hate speech was forced effectively to step down from the party for that reason nor to apologize, which could reflect the shifting boundary of acceptance of the hateful speech of populists<sup>29</sup>.

There are many Human Rights NGOs and organizations in Austria that stand up for refuting hate speech by the use of a counter-narrative, e.g. the National Committee of the “No Hate Speech” Movement (inspiring youth to stand

up for human rights online), ZARA (Civil courage and countering racism and discrimination), bOJa (youth education, citizen education), SOS Mitmensch (countering racism and discrimination). The representatives of targeted communities (e.g. Turkish Culture Association) also protest and condemn the verbal attacks.

Also, the cultural circles found their response to hate speech. A short political play “Alles kann passieren” (“Anything can happen”) compiles excerpts of European hateful statements (in addition to FPÖ politicians it also includes Mateo Salvini, Viktor Orbán, Jarosław Kaczyński, and Mateusz Morawiecki) to warn against the dangers of illiberal views. It quickly achieved spectacular success and after 2 years its popularity is far from fading. It has been performed in many theaters, including Burgtheater, one of the most prestigious in Vienna.

### Conclusions. How to tackle hate speech in Austria effectively?

If hate speech does not resonate among the target audience, it becomes a useless weapon. Therefore, the most effective way of opposing hate speech is by applying a non-coercive approach, raising awareness of the general public and changing the views of individuals with possible hateful beliefs. Only some incidents of hate speech were condemned directly by the highest-ranking politicians. Therefore, it is crucial that all political parties exercise social and political pressure against hate speech to make it unacceptable and shameful. ECRI also notes that the Parliament and political parties

should adopt codes of conduct that sanction members for using hate speech<sup>30</sup>. Reacting with a strong counter-hate speech message is a practice already used by some NGOs (e.g., ZARA, bOja). To make it more visible and audible, it should become a part of a larger public campaign involving public figures (journalists, artists, and celebrities) condemning hate speech in political discourse through the same channels that populists use.

Moreover, discrimination and verbal abuse often start at schools, when children and youth repeat harmful phrases said by politicians without always recognizing their impact. Therefore, it is important to raise their awareness by incorporating Human Rights education into curricula of other subjects, at all school levels, and training teachers on how to respond to hateful and degrading language in a diverse classroom<sup>31</sup>. Last but not least, the targeted minorities do not always know how to counter hate speech, or they fear to show decisively publicly their discontent with hateful remarks made by politicians, e.g. through protests, petitions, and bringing attention to such incidents. Making them aware of their rights and ways to oppose it peacefully and publicly would offer another step to remedy the situation.

**1** FPÖ, the Freedom Party of Austria — a far right populist party, founded in 1956 with its first chairmen being former SS officers. It represents nationalistic, anti-elitist, xenophobic views and considers itself as a protector of traditional Austrian values and lifestyle. It has been associated with extreme right-wing movements, although it officially denies it. In 2000 the party's inclusion in the government was initially boycotted by 14 EU Member States; Israel also recalled its ambassador from Vienna.

**2** The coalition ended abruptly in 2019 after the so called "Ibiza scandal" which involved the top politicians of FPÖ HC Strache and Johannes Gudenus.

**3** Article 19, Austria Responding to „hate speech“. Country Report (2019), p. 4. Retrieved from <https://www.article19.org/wp-content/uploads/2018/09/Austria-Responding-to-Hate-Speech-.pdf>

**4** Council of Europe: *European Commission Against Racism and Intolerance (ECRI), ECRI Report on Austria (sixth monitoring cycle): Adopted on 7 April 2015* (2020, June 2), p. 7. Retrieved from <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

**5** "Hasspostings: Mehr Opferschutz" (2020, January 10). *ORF.at*. Retrieved from <https://steiermark.orf.at/stories/3029388/>

**6** "Gemeinsam gegen „Hass im Netz“". *Bundesministerium Justiz*. Retrieved from <https://www.justiz.gv.at/home/ministerium/bundesministerium-fuer-justiz-954.de.html>

**7** *SOS Mitmensch: Antimuslimischer Rassismus in der österreichischen Politik. Bericht 2018* (January 2019). Retrieved from [https://www2.sosmitmensch.at/dl/OMuJJKJKNmKJqx4KJK/Bericht2018\\_Antimuslimischer\\_Rassismus\\_in\\_der\\_Politik\\_SOS\\_Mltmensch.pdf](https://www2.sosmitmensch.at/dl/OMuJJKJKNmKJqx4KJK/Bericht2018_Antimuslimischer_Rassismus_in_der_Politik_SOS_Mltmensch.pdf)

**8** Bruns J., Glösel, K., Strobl, N. (2017). *Die Identitären. Handbuch zur Jugendbewegung der Neuen Rechten in Europa*. Münster: Unrast Verlag

**9** E.g. "Identitäre: Sellner wollte mit Christchurch-Attentäter 'auf ein Bier gehen'" (2019, September 15). *Die Presse*. Retrieved from <https://www.diepresse.com/5628349/identitaere-sellner-wollte-mit-christchurch-attentater-auf-ein-bier-gehen>

- 10 "Ich komme nicht nur auf Facebook wieder" (2019, October 21). *Die Presse*. Retrieved from <https://www.diepresse.com/5708781/strache-versichert-ich-komme-nicht-nur-auf-facebook-wieder>
- 11 ECRI 2020, p. 19
- 12 "Stornos im Hotel Penz wegen FPÖ-Slogan" (2012, April 26). *ORF News Tirol*. Retrieved from <https://tirol.orf.at/v2/news/stories/2530507/>
- 13 „Marokkaner-Diebe: Ex-FPÖ-Kandidat zahlt 8000 Euro" (2012, October 4). *Die Presse*. Retrieved from <https://www.diepresse.com/1297426/marokkaner-diebe-ex-fpo-kandidat-zahlt-8000-euro>
- 14 ECRI 2020, p. 12
- 15 SOS Mitmensch 2010, p. 19
- 16 "Nepp fordert härtere Strafen für Scharia-Eltern" (2019, February 15). *OTS*. Retrieved from [https://www.ots.at/presseaussendung/OTS\\_20190215\\_OTS0087/nepp-fordert-haertere-strafen-fuer-scharia-eltern](https://www.ots.at/presseaussendung/OTS_20190215_OTS0087/nepp-fordert-haertere-strafen-fuer-scharia-eltern)
- 17 SOS Mitmensch 2010, p. 34
- 18 "Asylantenvirus. Scharfe Kritik an Nepp" (2020, May 5). *Kurier*. Retrieved from <https://kurier.at/politik/inland/asylantenvirus-scharfe-kritik-an-nepp/400832225>
- 19 "„Corona" vs. Koran: Muslime empört über „Entgleisung" Hofers" (2020, June 17). *ORF News*. Retrieved from <https://orf.at/stories/3169902/>
- 20 „Pech gehabt Ali!: FPÖ löscht rassistisches Video aus dem Internet" (2018, November 14). *Kurier*. Retrieved from <https://kurier.at/einfache-sprache/pech-gehabt-ali-fpoe-loescht-rassistisches-video-aus-dem-internet/400323894>
- 21 "2.000 km Abstand für türkische Kulturgemeinde!" (2020, June 19). *Heute*. Retrieved from <https://www.heute.at/s/fpoe-2000-km-abstand-fuer-tuerkische-kulturge-meinde-100087838>
- 22 Temel, P. (2017, July 26). Hübners Antisemitische Anspielungen Im O-ton. *Kurier*. Retrieved from <https://kurier.at/politik/inland/dokumentiert-antisemitische-anspielungen-des-fpoe-abgeordneten-huebner-im-original-ton/277.038.759>
- 23 Klein, F., Konzett, E. (2020, January 14). Ich weiß, wie schnell eine Gesellschaft auseinanderreißt. *Falter*, 03/2020. Retrieved from <https://www.falter.at/zeitung/20200114/zadic-muss-man-das-aushalten>
- 24 "Identitäre und FPÖ gegen Alma Zadic: Anatomie einer Kampagne" (2020, January 7). *Der Standard*. Retrieved from <https://www.derstandard.at/story/2000113003357/identitaere-und-fpoe-gegen-alma-zadic-anatomie-einer-kampagne>
- 25 "Rassistischer Hass gegen grüne Zadic nach Posting von FPÖ Politiker" (2020, January 1). *Der Standard*. Retrieved from <https://www.derstandard.at/story/2000112802978/rassistischer-hass-gegen-gruene-zadic-nach-posting-von-fpoe-politiker>
- 26 Ich weiß, wie schnell 2020
- 27 "Zwischenrufe bei Zadic-Rede sorgen für Aufregung" (2020, June 12). *ORF News*. Retrieved from <https://orf.at/v2/stories/2442486/>
- 28 *Ibid*
- 29 SOS Mitmensch 2019, p. 54
- 30 ECRI 2020, p. 20
- 31 ECRI 2020, p. 13

<b>What political actors use hate speech in politics?</b>	The Austrian Freedom Party (FPÖ), esp. Dominik Nepp, Herbert Kickl, Norbert Hofe, ex-member HC Strache; a few incidents among Austrian People's Party (ÖVP).
<b>What other actors use hate speech in politics?</b>	Far-right groups, e.g. Identitarian Movement Austria.
<b>What groups are mainly targeted?</b>	Muslims, refugees, asylum-seekers, migrants from Turkey and Africa.
<b>One symbolic quotation of hate speech used in political discourse</b>	N. Hofer (June 2020): "The Koran is more dangerous than the Corona virus".
<b>Who is seen as the main opponent of hate speech in politics?</b>	Parties: the Liberal Party NEOS, the Green Party, Social Democrats – SPÖ; Human Rights NGOs, e.g. ZARA, SOS Mitmensch); Media, e.g. ORE, Der Standard, Die Presse, Kurier.
<b>Is there legal framework enough to combat hate speech in politics?</b>	It provides many legal tools to tackle hate speech. However, there is no clear division between various levels of hate speech which results in contradictory decisions by courts in comparable cases and causes legal uncertainty.

Q&A

# Under the Watchful Eye of the Civil Society

## **Nikolay Terziev**

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Being a modern, capitalist country with a very extensive social system<sup>1</sup>, Belgium faces a large influx of expats each year. Many newcomers often move to work and study in the capital, Brussels, but also in some of the international cities of Flanders<sup>2</sup>, such as Antwerp, Ghent, and Bruges. Although the constant presence of foreigners might be considered by some as bringing a multi-cultural and vibrant atmosphere, many Belgians perceive it as a threat<sup>3</sup>. In fact, during the last five years, the Belgian immigration policy has tightened, even toward Europeans<sup>4</sup>.

This change of attitude is willingly exploited by some of the influential political parties in the country. Being a federal state, Belgium has a complex political landscape that requires examination of the socio-political reactions per region. Thus, while the Walloon region is traditionally associated with an openness toward other cultures and anti-racism<sup>5</sup>, the Flemish part often shows a more defensive attitude<sup>6</sup>. Parties, such as Vlaams Belang (Flemish Interest) and New Flemish Alliance, have spread right-wing populism and Flemish nationalism<sup>7</sup> while some of their members and supporters occasionally are found in the center of scandals related to their ideology. The third region – Brussels Capital – presents difficulties to provide conclusive evidence whether the Walloon or the Flemish model is prevailing, since each Community exercises control through its representing institutions<sup>8</sup>.

Overall, it is internationally accepted that human rights in Belgium are generally respected and the law and the judiciary ensure effective means of addressing individual instances of abuse<sup>9</sup>. The Belgian legislation provides for protection against hate speech and discrimination mainly through the federal Law of 30 July 1981 to suppress certain acts inspired by racism or xenophobia (“Anti-Racism Law”)<sup>10</sup>. The law criminalizes incitement to discrimination, hatred, or violence against a person, group, community, or its

members on account of race, color, origin, or national or ethnic descent, in the circumstances given in Article 444 of the Belgian Penal Code<sup>11</sup>. The later circumstances cover a wide spectrum of situations of public display, both in oral and in written forms. Dissemination of hate speech is also considered a criminal offense<sup>12</sup>.

To ensure enforcement of the provisions of the Anti-Racism Law, the Belgian civil society is often engaged in signaling cases of offline and online hate speech to the authorities<sup>13</sup>. Although the majority of the legal proceedings, commenced on the basis of these signals, are discontinued, a body of case-law in this area has been gradually formed<sup>14</sup>.

Hate speech has also been politically and socially condemned in Belgium. As announced by the Interim Prime Minister Sophie Wilmès in January 2020: “More than ever, we need to realize that hate has no place in society [...] Free speech is sacred, but racism is not an opinion — it is a crime”<sup>15</sup>. Wilmès also informed that the government was drawing up an inter-federal plan to tackle racism<sup>16</sup> and that setting up an inter-ministerial committee to fight racism is under consideration<sup>17</sup>. Following the lead of the government, various sectors of the industry have developed codes of conduct<sup>18</sup>, similar to the European Commission’s Code of Conduct on illegal online hate speech<sup>19</sup>.

Furthermore, a number of measures are being taken in Belgium to combat hate speech by developing a “counter-narrative”<sup>20</sup>. Apart from international initiatives, such as the Council of Europe “No Hate Speech” Campaign, a federal campaign against racism was launched in 2019 to denounce stereotypes through videos broadcast on social media and in train stations<sup>21</sup>. There are also examples on the regional level, such as the Integratiepact project, subsidized by the Flemish Community, which promotes mutual respect and measures to combat discrimination and racism<sup>22</sup>. The Parliament of the French Community, on the other hand, has adopted a decree on fostering citizenship and interculturalism and promoted a campaign on combating prejudice that was co-run with associations in Brussels and Wallonia in 2017<sup>23</sup>.

Nevertheless, despite the efforts of the Belgian government and civil society representatives, there are still some cases of hate speech worth mentioning. Coincidentally or not, they all involve the mentioned earlier right-wing party *Vlaams Belang*. Active on the political scene since 1991, the party is known for its platform of extreme-right proposals such as abolishing “multicultural indoctrination” in schools, setting up a “foreigners’ police” charged with

tracking down illegal immigrants in Belgium, and a series of limitations on the rights of foreigners in the country<sup>24</sup>.

In fact, the party was initially known by the name of Vlaams Blok (Flemish Block). In 2004, Vlaams Blok was condemned by a court ruling of the Ghent Court of Appeal for violating the Anti-Racism Law through three of its linked associations<sup>25</sup> (*Nationalistische Omroep Stichting*, *Nationalistisch Vormingsinstituut* and *Vlaamse Concentratie*)<sup>26</sup>. Reportedly, the associations belonged to and provided aid to a group (i.e. the party) that “repeatedly incited to hatred and discrimination on the basis of race and ethnic origin”<sup>27</sup>. The complaint that led to the ruling, which subsequently was confirmed by the Court of Cassation, had been lodged jointly by the Centre for Equal Opportunities and Opposition to Racism and the Human Rights League in Belgium. The NGOs challenged the party’s 1999 election agenda and 1997 platform where Vlaams Blok, allegedly, had called for a separate education system for foreign children, a special tax for employers employing non-European foreigners, and a restriction of unemployment benefits and child allowances for non-European foreigners<sup>28</sup>. Due to risks of further litigation (and other adverse measures) based on the previous ruling, the party decided to disband, and start its activities under the new name of Vlaams Belang<sup>29</sup>.

Despite the changes, the party continued being in the center of attention with respect to hate speech. In 2012, a participant in a demonstration organized by Vlaams Belang, opposing the construction of a new mosque in Ostend<sup>30</sup>, was prosecuted for hate speech involving “Islamophobic” behavior<sup>31</sup>. After the demonstration, the participant tore up the Koran in the presence of a small group of Muslims, with whom he reportedly “exchanged words”<sup>32</sup>. For this act, he was charged with incitement to hatred, discrimination, and violence on the basis of race and ethnic origin<sup>33</sup>.

As a result of these cases and, in general, its ideology Vlaams Belang was politically marginalized for nearly three decades. Surprisingly, in the last “triple”<sup>34</sup> elections in May 2019, Vlaams Belang managed to come second behind New Flemish Alliance, Belgium’s largest party, with 18,5% of votes in Flanders<sup>35</sup>.

During the election campaign, the party relied a lot on the popularity of a recently recruited young right-wing activist — Dries Van Langenhove. With millions of social media followers, even before the start of his “career” at Vlaams Belang, Van Langenhove is considered as a phenomenon in Flanders when it comes to conservative, outspoken views<sup>36</sup>. Due to his opinions, often resulting

in hate speech, he had his messages deleted and was blocked by Facebook several times<sup>37</sup>. One of the cases, where the young activist was banned from posting anything on his personal account for 30 days, involved a video of his speech at the “March against Marrakesh” — a right-wing demonstration against the UN Migration Pact of Marrakesh<sup>38</sup>, which took place in December 2018<sup>39</sup>. At the event, Van Langenhove reportedly said: “Don’t be fooled that mass migration is something of all times”, or that “those people are suddenly here in our country”. These are lies of politicians and journalists who want nothing more than the complete destruction of everything that makes Flanders Flemish, and everything that makes Europe European<sup>40</sup>.

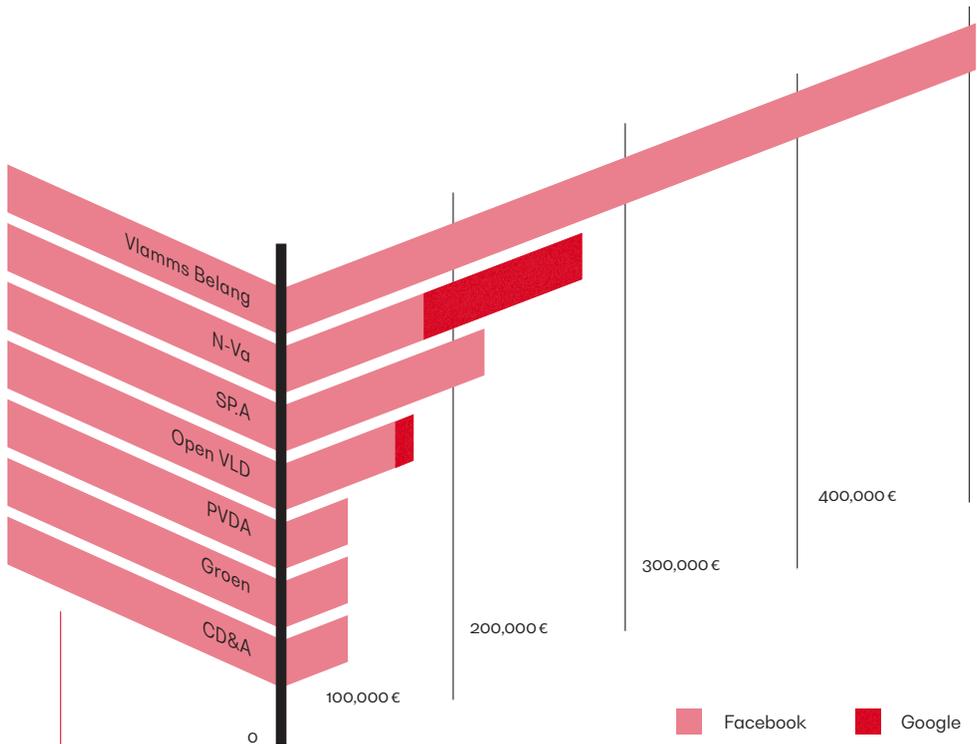
Moreover, Van Langenhove was the leader of an extreme-right youth movement called “Shield and Friends”<sup>41</sup>. In September 2018, the Belgian public broadcaster VRT NWS documented<sup>42</sup> how the group was running “blatantly anti-Semitic and racist online chatrooms on platforms like Facebook and the gaming app Discord”<sup>43</sup>. Van Langenhove dismissed the accusations, claiming that he was misinterpreted<sup>44</sup>. After the 2019 elections, he reportedly said that the new seat in Belgium’s federal parliament would help protect him

from censorship for hate speech on social media platforms<sup>45</sup>. Nevertheless, due to the fact that the acts had occurred before he took the parliamentary oath, in June 2019, Van Langenhove was charged by the Ghent prosecutor with hate speech, along with other accusations<sup>46</sup>.

Van Langenhove’s behavior was not the most concerning element in Vlaams Belang’s election campaign. Taking inspiration from the Brexit and Donald Trump’s campaigns, the party focused all its resources on last-minute Facebook promotion, successfully attracting young (mostly male) voters aged 18 to 34<sup>47</sup>. In total, Vlaams Belang spent nearly the same amount of money on Facebook and Google promotion as the other six Flemish parties altogether (see the figure below)<sup>48</sup>.

The success of Vlaams Belang’s strategy and the fact that hate speech cases associated with the party continued even after the elections<sup>49</sup> caused a major political outcry and raised many questions that still remain unanswered. Such questions concern the effectiveness of the hate speech protection measures in Belgium. Several suggestions have been made with

Vlaams Belang spent nearly the same amount of money on Facebook and Google promotion as the other six Flemish parties altogether.



Expenses for online ads by Flemish parties  
March 2019–May 2019

Source: Politico 2019 —  
Facebook, Google via  
VRT NWS

respect to amending the existing legislation. For example, ECRI<sup>50</sup> recommends in its report of 2020 that the exception for racist and xenophobic press offenses provided for in Article 150 of the Constitution<sup>51</sup> should be extended to incitement to homophobia<sup>52</sup>. At the moment, the wording of the constitutional provision leads to *de facto* impunity for press offenses other than racism or xenophobia<sup>53</sup>. It has also been suggested that legal aggravation of the sentence for the dissemination of hate speech by certain categories of persons exercising public office should be included in the Anti-Racism Law, since the impact of such messages is much greater and far-reaching for society<sup>54</sup>. Further deficiencies in the legislation have been identified with respect to the applicable international law, as Belgium has not yet ratified the Additional Protocol to the Cybercrime Convention concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems<sup>55</sup>.

In conclusion, it can be said that, although the legal protection from hate speech is not ideal and that Vlaamse Belang is still gaining growing support, Belgium is far from being a country that

provides a hospitable environment for racism and xenophobia. Any such act seems to be under the watchful eye of the civil society, who is determined to counter any attempt of sparking a regional or national conflict through hate speech. What further helps is the developing case-law on the matter, along with the active involvement of high-level officials, such as the Prime Minister. As shown in this paper, the judiciary and the executive power seem to take a firm stance on the fact that racism has no place within freedom of speech.

**1** *Social Security in Belgium* (2020). Belgium.be, 2020. Retrieved from [https://www.belgium.be/en/family/social\\_security\\_in\\_belgium](https://www.belgium.be/en/family/social_security_in_belgium)

**2** One of the three regions of Belgium — Flanders (Flemish Community), Wallonia (French and German Communities), and Brussels Capital (French and Flemish Communities).

**3** Hackwill, R. (2016). Belgium says Europeans not welcome if they don't take on work. *Euronews*. Retrieved from <https://www.euronews.com/2016/03/11/belgium-says-jobless-europeans-not-welcome>

**4** *Ibid*

**5** Billet, J., Maddens, B., Beerten, R. (2003). National Identity and Attitude Toward Foreigners in a Multicultural State; A Replication. *Political Psychology*, 24(2), p. 243. Retrieved from <https://www.rethinkingbelgium.eu/wp-content/uploads/2019/08/Billet-et-al.pdf>

**6** *Ibid*

**7** Bieling, H. (2015). Uneven development and 'European crisis constitutionalism', or the reasons for and conditions of a 'passive revolution in trouble'. In Jäger, J.; Springler, E. (Eds). *Asymmetric Crisis in Europe and Possible Futures: Critical Political Economy and Post-Keynesian Perspectives*. New York: Routledge, p. 110

**8** Billet, J., Maddens, B., Beerten, R. (2003). National Identity and Attitude Toward Foreigners in a Multicultural State; A Replication. *Political Psychology*, 24(2). Retrieved from <https://www.rethinkingbelgium.eu/wp-content/uploads/2019/08/Billet-et-al.pdf>

**9** Bureau of Democracy, Human Rights and Labor (2008). *2008 Human Rights Report: Belgium*. United States: Department of State. Archived from the original on 2009, February 26. Available at: <https://web.archive.org/web/20090226175505/http://www.state.gov/g/drl/rls/hrrpt/2008/eur/119070.htm>.

**10** Full text of the law in French is available here: <https://www.equalrightstrust.org/sites/default/files/ertdocs//Loi%2030%20July%201981%20-%20racial%20hatred%26xenophobia.pdf>

**11** Article 20 of the Anti-Racism Law

**12** Article 21 of the Anti-Racism Law

**13** Such as, for example, Unia, which is an independent public institution that combats discrimination and promotes equal opportunities, both on federal and regional levels. Their website is available here: <https://www.unia.be/>.

**14** For instance, the Court of Antwerp handed down a ten-month suspended prison sentence to the administrator of the Facebook page of the Vlaamse Verdedigings Liga for incitement to racial hatred. Other examples are provided here: ECRI Report on Belgium (sixth monitoring cycle), 2020, para. 47. Available here: <https://rm.coe.int/ecri-sixth-report-on-belgium-/16809cegfo>.

**15** The announcement follows a surge of racist comments posted online following a rescue operation launched after a boat carrying migrants capsized in the coastal town of De Panne. See Galindo, G. (2020, January 24), *Racism is a crime: Belgian PM announces action plan to fight online hate speech*, The Brussels Times, 2020. Available here: <https://www.brusselstimes.com/belgium/91442/racism-is-a-crime-belgian-pm-announces-action-plan-to-fight-online-hate-speech-sophie-wilmes-free-speech-online-comments-inciting-hate-xenophobia-racism-laws/>.

**16** "Premier Wilmès veroordeelt haatspraak" (2020, January 23). *De Standaard*. Retrieved from [https://www.standaard.be/cnt/dmf20200123\\_04818314](https://www.standaard.be/cnt/dmf20200123_04818314)

- 17 Galindo, G. (2020, January 24). Racism is a crime: Belgian PM announces action plan to fight online hate speech. *The Brussels Times*. Retrieved from <https://www.brusselstimes.com/belgium/91442/racism-is-a-crime-belgian-pm-announces-action-plan-to-fight-online-hate-speech-sophie-wilmes-free-speech-online-comments-iciting-hate-xenophobia-racism-laws/>
- 18 For example, the Audiovisual Council, the Council for Journalism or Raad van Journalistiek and the Journalists' Ethics Council. See ECRI Report on Belgium (sixth monitoring cycle), 2020, para. 45. Available here: <https://rm.coe.int/ecri-sixth-report-on-belgium-/16809cegfo>
- 19 European Commission [press release] (2016, March 32). *European Commission and IT Companies announce Code of Conduct on illegal online hate speech*. Retrieved from [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_16\\_1937](https://ec.europa.eu/commission/presscorner/detail/en/IP_16_1937)
- 20 ECRI Report on Belgium (sixth monitoring cycle), 2020, para. 43. Retrieved from <https://rm.coe.int/ecri-sixth-report-on-belgium-/16809cegfo>
- 21 *Ibid*
- 22 *Ibid*
- 23 *Ibid*
- 24 Cokelaere, H. and Van Dorpe, S. (2019, July 27). Inside the far right's Flemish victory. *Politico*. Retrieved from <https://www.politico.eu/article/inside-the-far-rights-flemish-victory/>
- 25 The reason for prosecuting the associations instead of the party itself had to do with the fact that, under Belgian law, most political parties are not legal entities, and cannot be prosecuted.
- 26 Vrieliink, J. (2013). 'Islamophobia' and the law: Belgian hate speech legislation speech and the willful destruction of the Koran. *IJDL I*, 12, p. 6. Retrieved from [https://dial.uclouvain.be/pr/boreal/object/boreal%3A203347/datasetstream/PDF\\_01/view](https://dial.uclouvain.be/pr/boreal/object/boreal%3A203347/datasetstream/PDF_01/view). Accessed on: 21.06.2020
- 27 *Ibid*
- 28 Coffé, H. (2005). The adaptation of the extreme right's discourse: the case of the Vlaams Blok. *Ethical Perspectives: Journal of the European Ethics Network* 12.(2), p. 214–215. Retrieved from <http://ethical-perspectives.be/?LAN=E&TABLE=EP&ID=914>.
- 29 'Islamophobia' and the law 2013
- 30 Flemish city in Northwest Belgium.
- 31 'Islamophobia' and the law 2013, p. 2
- 32 *Ibid*
- 33 Article 20 of the Anti-Racism Law
- 34 Federal, regional and to the European Parliament.
- 35 Inside the far right's Flemish victory 2019
- 36 De Backker, D. (2018, December 23). Facebook blokkeert Dries Van Langenhove 30 dagen voor toespraak. *SCEPT*. Retrieved from <https://sceptr.net/2018/12/facebook-blokkeert-dries-van-langenhove-30-dagen-voor-toespraak/>
- 37 Mouton, L. (2018). *Hate speech op facebook en twitter. Het verwijderen van berichten en accounts versus de vrijheid vanmeningsuiting*. Gent: Universiteit Gent, p. 82. Retrieved from [https://lib.ugent.be/fulltxt/RUG01/002/508/492/RUG01-002508492\\_2018\\_0001\\_AC.pdf](https://lib.ugent.be/fulltxt/RUG01/002/508/492/RUG01-002508492_2018_0001_AC.pdf)
- 38 An international agreement that aims to facilitate family reunification and regulate migration.
- 39 De Backker, D. (2018, December 16). HERLEES: 'Mars tegen Marrakesh', alle hoogtepunten. *SCEPT*. Retrieved from <https://sceptr.net/2018/12/live-mars-tegen-marrakesh/>
- 40 *Ibid*
- 41 Inside the far right's Flemish victory 2019
- 42 "Wie is Schild & Vrienden écht?" (2018, December 5). *VRT NWS*. Retrieved from <https://www.vrt.be/vrtnws/nl/2018/09/05/waarom-van-langenhoves-verdediging-weinig-aanmemelijk-is/>.
- 43 Inside the far right's Flemish victory 2019
- 44 Wie is Schild & Vrienden écht? 2018
- 45 Inside the far right's Flemish victory 2019
- 46 New Vlaams Belang star accused 2019
- 47 *Ibid*
- 48 *Ibid* and Inside the far right's Flemish victory 2019
- 49 For example, in February 2020, the Belgian politician Axel Weydts (sp.a) filed a complaint due to the use of homophobic and racist language on the Facebook page of Vlaams Belang Kortrijk (the party's section in the Belgian city of Kortrijk) by supporters. See Lanssens, P. (2020). Oproep na nieuwe rel rond Vlaams Belang: "Ga met respect met elkaar om". *HLN*. Retrieved from <https://www.hln.be/in-de-buurt/kortrijk/oproep-na-nieuwe-rel-rond-vlaams-belang-ga-met-respect-met-elkaar-om-abe38bde/?referer=https%3A%2F%2Fwww.google.com%2F>
- 50 European Commission against Racism and Intolerance.
- 51 Article 150 of the Constitution states that "A jury is sworn in for all criminal matters, as well as for political and press offences, with the exception of press offences motivated by racism or xenophobia".
- 52 ECRI Report on Belgium (sixth monitoring cycle), 2020, para. 49. Available here: <https://rm.coe.int/ecri-sixth-report-on-belgium-/16809cegfo>.
- 53 *Ibid*
- 54 *Ibid*, para. 50 and 52
- 55 *Ibid*, para. 53

<b>What political actors use hate speech in politics?</b>	Vlaams Belang (ex-Vlaams Blok); Dries Van Langenhove.
<b>What other actors use hate speech in politics?</b>	Supporters of Vlaams Belang; Commentators on the Internet.
<b>What groups are mainly targeted?</b>	Foreign workers and their families; Migrants; Muslims; Jews.
<b>One symbolic quotation of hate speech used in political discourse</b>	Dries Van Langenhove at 'March against Marrakesh': "Don't be fooled that 'mass migration is something of all times', or that 'those people are suddenly here in our country'. These are lies of politicians and journalists who want nothing more than the complete destruction of everything that makes Flanders Flemish, and everything that makes Europe European."
<b>Who is seen as the main opponent of hate speech in politics?</b>	Interim Prime Minister Sophie Wilmès; Axel Weydts (sp.a); Centre for Equal Opportunities and Opposition to Racism; The Human Rights League in Belgium.
<b>Is there legal framework enough to combat hate speech in politics?</b>	Yes, but there are certain deficiencies identified.

# Q&A

# The New Normal

## **Martin Dimitrov**

Editor of Kapital Quarterly and former correspondent for the Balkan Insight and the Bulgarian Capital Weekly. Member of the Association of European Journalists (AEJ) — Bulgaria and co-founder of a bilingual website for school students-made journalism, sCOOL Media.

Politicians and public figures of all colors use abusive language so often, that the general public hardly distinguishes it from a regular debate anymore.

Novelist Chimamanda Adichie famously highlighted the dangers of telling a single story, saying it “creates stereotypes, and the problem with stereotypes is not that they are untrue, but that they are incomplete”<sup>1</sup>.

There are, however, cases where this principle can work in reverse — a single anecdote can tell so much, so well, that one needs not make up any stereotypes at all. When it comes to the topic of hate speech in Bulgaria, there is one such story that can illustrate well how the political elite, the institutions, and most citizens alike, view the concept of inciting hate through public discourse.

## **Valeri Simeonov, professional hater**

Enter Valeri Simeonov, leader of the National Front for the Salvation of Bulgaria (NFSB), a small nationalist fraction, currently backing the cabinet of Prime Minister Boyko Borissov and his GERB party. Simeonov, who entered politics in 2011 as an owner of a regional patriotic TV channel, and the country’s National Assembly in 2014, is a man of colorful and unapologetic language that rose to prominence through bashing socialists, liberals, environmentalists, Turkey, asylum seekers, but most vehemently — the Roma.

His parliamentary career began with a bang, with him saying from the highest political tribune that “parts of the Roma ethnicity” in Bulgaria have become “arrogant, ferocious anthropoids” while Roma women had the “instincts of stray bitches” in December 2014. At the time, Bulgarian civil society was at the peak of its strength after a year of active protests against the previous socialist-led government, and civic organizations felt emboldened to take actions against the transgressions of anyone in power.

Two Bulgarian journalists and activists of Roma origin, Kremena Budinova and Ognyan Issaev, took Simeonov to court for inciting hate against the second largest ethnic minority in the country. The tribunal in his native city of Burgas decided (albeit almost three years post factum, in October 2017) that his words have indeed “led to harming the dignity... and creating a hostile, degrading, humiliating, and offensive environment which can affect anyone with a Roma ethnic background”.

### **Normalization? Not really**

Human rights organizations, activists, and liberal media in Bulgaria and abroad hailed the unprecedented court decision as the first victory against the pervasively hateful and profane language that has taken over the public realm in the past few years. One of the plaintiffs, Ognayn Issaev, even told Balkan Insight that it gives him and others “hope that things in this country will normalize”<sup>2</sup>.

However, that was not meant to be so.

The sentence has not failed to lead to any political reprisals for Simeonov, who, in 2017 was already an acting deputy Prime Minister for demography and, ironically, head of a National Council for Cooperation on Ethnic and Integrational Issues<sup>3</sup>. No high-level politician from his coalition partner, the center-right GERB party, asked for his resignation, despite the fact he had humiliatingly become the first acting member of the government to be sentenced for the hate speech.

His popularity did not dwindle, as it had not when he called the co-chair of the European Parliament’s Green Party, Ska Keller a “green Jihadist” and asked for her deportation<sup>4</sup> after she backed an environmental protest in the country, nor after he threatened a TV presenter that he could lose his job<sup>5</sup>.

Ultimately, he succumbed to the public pressure to resign in November 2018, after calling mothers of children with disabilities who protested for better social support “shrill women”<sup>6</sup> — not without weeks-long protests. His punishment? He went back to parliament, where he would soon be voted deputy speaker, a position Simeonov holds until this very day.

Well, at least he got sentenced, an optimist could say, and they would be wrong. On 18 January 2019 the High Administrative Court — the last court of the last instance — decided that the comment made by Simeonov did not in fact amount to discrimination<sup>7</sup> against the Roma community or any particular representative of it and canceled his 500 euro fine by the Bulgarian Commission for

the Protection Against Discrimination. The language used by Simeonov was an expression of his personal style of talking, to which he was entitled to, the judges decided.

Instead of making an example out of one of the most foul-mouthed Bulgarian politicians, the court vindicated him.

The icing on top of the cake in this story of political and institutional negligence towards hate speech is the public reaction to it. Comment sections in popular news websites, including those on the liberal spectrum, were sprawling with opinions that would be embarrassing — or even unethical — to recite. From “he didn’t say anything wrong” to “I don’t like him, but...”, Simeonov’s “stray bitches” statement seemed not to have felt offensive to most observers. On the contrary, they saw the attempts of the “liberal circles”, including prominent rights NGOs like the Bulgarian Helsinki Committee, whose human rights lawyers represented the plaintiffs in the hate speech trial, to silence free speech and impose a politically correct “newspeak”.

#### **Offending “the other” as the norm**

As absurd as it may sound, this case remains the highest-profile attempt to curtail hate speech in Bulgarian politics — and it failed spectacularly. This should come as no surprise to anyone who follows public discourse in Bulgaria, where the degradation of the media environment, politics, and many public institutions in the last decades has made a hateful speech the norm rather than the exception<sup>8</sup>. Elements of the Simeonov’s case have become such a commonplace that members of the general public barely bat an eye when they observe it.

“In Bulgaria, the brutal, brusque language is considered the norm of public speaking: people think that [when someone talks like that] they are being told the truth”, cultural anthropologist Prof. Alexander Kyosev told DW in 2019<sup>9</sup>. He is not alone in his observations — all reports by international observers and Bulgarian researchers on the topic come alike to the same basic conclusions: untamed bashing of “the other”, be it a political opponent or someone ethnically or sexually different, is considered to be normal in the country.

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However, it became the norm when the degradation of Bulgarian media landscape due to digitalization, the economic crises of 2008—2009, and the capture of most of the outlets by oligarchs, who started using them to vehemently attack opponents, took its toll.

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Nowadays there is hardly a public actor that has either not used or helped to spread hateful language. One of the most recent overviews of that problem comes from a report of the Institute for Social Integration on the use of hate speech during the election campaign of May 2019 for the European Parliament.

“Bulgarian politicians fail to grasp that by using offensive words they set up models of communication that are often imitated by adolescents. The media, willingly or unwittingly, become culprits in the spread of hate speech when they cite such offensive words and even highlighting them as titles in a news piece”, the report concludes<sup>10</sup>.

The effects are more than visible — the public is aware of the existence of hateful speech, but fails to differentiate it from what is considered as the public debate. According to a poll carried out by Open Society Institute — Sofia in the spring of 2018, about half of the respondents in a nationally representative public opinion survey (51%) reported they had heard public statements expressing disapproval, hatred, or aggression towards ethnical, religious, or sexual minority groups in the preceding year. Yet, the researchers found out that “hate speech is not seen as a separate problem by citizens. They do not recognize hostile speech among the general background of aggressive and ill-meaning political statements”<sup>11</sup>.

#### **When everyone is a target, no one is**

While the major targets of hate speech are not different from those abroad — refugees and asylum seekers, ethnic minorities (especially the Roma), and the LGBTI community, in the recent years all sorts of perceived or real supporters of equal human rights become the targets of spiteful, dehumanizing language. Attacks against

the so-called “Sorosoids” or “Grant-eaters” are coupled with those against a particular minority.

No one is safe from hate speech, even the main abusers. Very often politicians from the same nationalist specter fall prey to the same language that they use to describe their liberal opponents. In one such case, Vesselin Mareshki, the leader of a nationalist business party “Volya” (“will”), allied with the French National Front, used a plethora of cynicisms during the campaign, to describe his political frenemies from VMRO.

“Everybody in VMRO is a political scoundrel and a totally decadent type. [MEP Angel] Dzhambazki and others like him in the European Parliament are godless national apostates without a country who voted for a resolution that would force all countries to ratify the Istanbul Convention. [Defence Minister Krassimir] Karakachanov is a national apostate and a pathetic dweeb”<sup>12</sup>.

This is merely the translatable part of his treatise that spanned half of a TV’s commentary show in May 2019. Before you start feeling sorry for Dzhambazki or Karakachanov, bear in mind that their party’s popularity skyrocketed by mainstreaming hate against the imaginary liberal left, the LGBT community, the refugee “Muslim invaders” and, of course, the always criminal Roma.

The use of hateful language goes higher than the coalition partner. Prime Minister Boyko Borissov himself is often degrading and humiliating his opponents and critics on TV. Most recently, he compared female journalists approaching him for a press conference to “misirki”, which is the Turkish word for “turkeys.” The use of this epithet not only failed to attract much of public anger, but became the commonplace term to describe journalists, both by members of the guild and the general public. The report by the Institute for Social Integration notes that Borissov called the leader of the main opposition party, Kornelia Ninova, “a despicable poor woman” in the electoral campaign – without suffering any legal or electoral losses from that<sup>13</sup>.

Yet, it is hard to wholeheartedly sympathize with Ninova, who jumped on the anti-Istanbul Convention bandwagon in 2018. It was not without her help that the word “gender” became an offensive term and using it is akin to calling someone “a freak”. It was through the efforts of Ninova and her party (alongside the far-right VMRO and “Ataka”) that the meaningless term “gender ideology”<sup>14</sup> that the Convention was supposed to carry, came to prominence, describing a conspiracy against the traditional family and Christian values.

These, alongside various other stories, lead the Council of European Commissioner for Human Rights Dunja Mijatović to conclude that “the lack of reaction to some of the very serious instances of hate speech by some of the high-level politicians, which systematically go unsanctioned, is worrying” in December 2019<sup>15</sup>.

The toxic debate surrounding the Istanbul Convention led to the failure of its ratification, yet there are much more tangential ramifications of institutionalized hate speech in the country. Vilification of the anti-Roma language by top officials, such as the Defense Minister and VMRO’s head Krassimir Karakachanov, contributed to the exacerbation of violence and collective punishment against members of the Roma communities on several occasions in 2019, Amnesty International noted<sup>16</sup>.

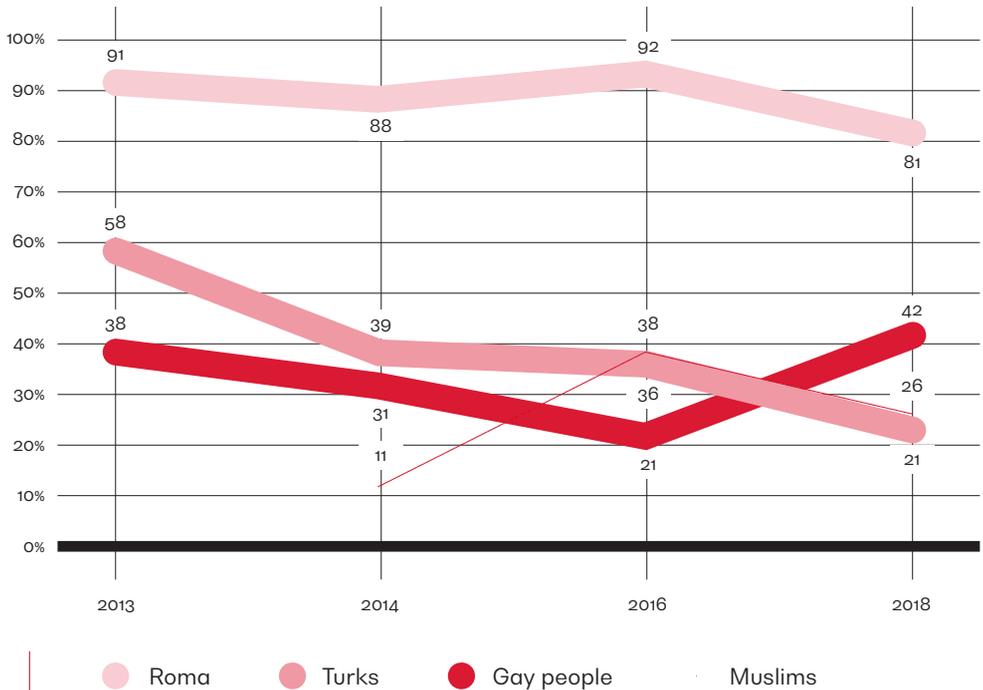
### Turning a blind eye

When it comes to the legal framework for prosecuting hate crimes, the famous rule described in the 19<sup>th</sup> century by satirist Mikhail Saltykov-Shchedrin’s aphorism, stating that “the severity of Russian laws is alleviated by the lack of obligation to fulfill them”, applies fully to modern Bulgaria.

While the Criminal Code of the country provides for one to four years’ of imprisonment for incitement of hate speech, police fail to separately record cases of hate crime, incitement to hatred, and discrimination, usually filing them as “hooliganism”, despite the fact that separate penalty enhancements exist for hate crime cases since 2011. Sentences are also few and far in between.

It is observed that, despite the fact that NGOs report an increasing number of cases, national data reported to the Organization for Security and Cooperation (OSCE) shows a huge decrease in the number of recorded and prosecuted cases of hate speech or hate crimes in the country<sup>17</sup>. “Within only a few weeks, we gathered more information on hate crime cases and incidents than was ever recorded by the official statistics”, said Stana Iliev, a representative of the Bulgarian Hate Crime Recording Coalition, for the 2019 Annual Report of the OSCE Office for Democratic Institutions and Human Rights<sup>18</sup>.

Years ago, Amnesty International had noted that even though the legislation exists in Bulgaria to prosecute hate crimes linked to racism and xenophobia, the authorities consistently fail to identify and adequately investigate them. Such inaction is not without consequence: “Bulgaria’s long-standing failure to adequately investigate and prosecute hate crimes fuels fear, discrimination, and ultimately encourages further acts of violence”<sup>19</sup>.



**Dynamics among the main targets of hate speech: which is the most targeted group?**

Source: Open Society Institute — Sofia 2018

Of course, there are islands of hope — human rights advocates, like the above-mentioned Helsinki Committee, persist in their advocacy and legal work against the proliferation of hate speech and many NGO and academia researchers monitor the situation adequately, while educational organizations such as the Safer Internet Centre organize trainings in hate speech education and awareness-raising in primary schools<sup>20</sup>.

Some campaigns involving foreign foundations, embassies, or NGOs have put targeted pressure on governments, bringing particular results. Examples of these are the endorsement of the Sofia Pride by the capital city's municipality, or this year's suppression of the far-right Lukov March by the authorities, which had plagued the capital for over a decade, after years of lobbying by the US, Israeli, and some EU embassies.

Often, however, the effects of such targeted pressure are a mixed bag, as anti-liberal opponents use them to advance their nativist agenda. In the end, while hate and derogatory language come from all sides of the political spectrum, are transmitted via media uncaring of ethical standards, and go unpunished by unconcerned institutions and legal system, these will remain niche efforts akin to repairing a sinking ship with duct tape.

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- 2 Cheresheva, M. (2017, October 25) Bulgarian Deputy PM Convicted of Hate Speech. *Balkan Insight*. Retrieved from <https://balkaninsight.com/2017/10/25/bulgarian-deputy-pm-convicted-of-hate-speech-10-25-2017/>
- 3 <https://www.dw.com/en/right-wing-populist-appointed-integration-minister-in-bulgaria/a-39086764>
- 4 <https://www.greens-efa.eu/en/article/press/bulgarian-vice-prime-minister-wants-to-expulse-ska-keller-out-of-bulgaria/>
- 5 <https://nova.bg/>
- 6 Harris, Ch. (2018, November 11). Bulgaria's deputy PM Valeri Simeonov quits after calling disabled rights activists "shrill women". *EuroNews*. Retrieved from <https://www.euronews.com/2018/11/17/bulgaria-s-deputy-pm-valeri-simeonov-quits-after-calling-disabled-rights-activists-shrill>
- 7 <https://www.svobodnaevropa.bg/>
- 8 Spassov, O. (2016). *Public Attitudes towards Hate Speech in Bulgaria*. Sofia: Center for Modern Policy and Media Democracy Fund. Retrieved from [http://antihate.europe.bg/sites/default/files/uploads/antihate\\_index.pdf](http://antihate.europe.bg/sites/default/files/uploads/antihate_index.pdf)
- 9 Как проташкият език стана норма в България (2019, September 20). *DW.com*. Retrieved from <https://www.dw.com>
- 10 *Analysis of the European Elections – Citizen Participation, Messages for Europe and Hate Speech (2019)*. Sofia: Institute for Social Initiatives. Retrieved from <http://www.isi-bg.org/files/custom/Book.pdf>
- 11 Stoytchev, G. (Ed) (2018). *Public Attitudes To Hate Speech in Bulgaria in 2018*. Sofia: Open Society Institute. Retrieved from <https://osis.bg/wp-content/uploads/2019/02/2018-Hate-speech-ENG.pdf>
- 12 *Analysis of the European Elections 2019*
- 13 *Ibid*
- 14 <https://btvnovinite.bg/bulgaria/kornelija-ninova-ne-na-dzhendar-ideologijata-v-uchilishte.html>
- 15 <https://www.coe.int/en/web/commissioner/-/bulgaria-should-counter-harmful-narratives-endangering-human-rights-and-step-up-efforts-to-fight-hate-speech-and-domestic-violence>
- 16 *Bulgaria in 2019, Amnesty International report*. Retrieved from <https://www.amnesty.org/en/countries/europe-and-central-asia/bulgaria/report-bulgaria/>
- 17 ODIHR (2020, March 19). *Democracy and Human Rights in the OSCE. Annual Report 2019*. Retrieved from <https://www.osce.org/odihr/annual-report/2019?download=true>
- 18 *Ibid*
- 19 Amnesty International (2015, February 9). *Bulgaria must investigate and prosecute hate crimes to end climate of fear*. Retrieved from <https://www.amnesty.org/en/press-releases/2015/02/bulgaria-must-investigate-and-prosecute-hate-crimes-end-climate-fear/> Retrieved from <https://www.amnesty.org/en/press-releases/2015/02/bulgaria-must-investigate-and-prosecute-hate-crimes-end-climate-fear/>
- 20 Loznaova, D., et al (2017). *Mapping Out the National Context of Online Hate Speech in Bulgaria*. Sofia: Positive Messengers. Retrieved from <https://ec.europa.eu/migrant-integration/librarydoc/mapping-out-the-national-context-of-online-hate-speech-in-bulgaria>



# Blurred Boundries

**Boško Picula**

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Croatia had experienced the peak of populist politics and hate speech earlier than other Central and Southeast European member states of the European Union; *i.e.*, the group of countries where it belongs in virtue of its specific geographical and cultural position. Whereas populist parties — mostly right-wing oriented — gained their first momentum in Europe amid and in the wake of the two crises: the great financial and economic crisis of 2008–2009 and, subsequently, the European migrant crisis of 2015–2016, Croatia had gained experience of populism in politics as early as in the late 1980s as well as during the 1990s war and its aftermath in particular. Until 1991, Croatia was part of Yugoslavia as a socialist federation, which, apart from Croatia, was composed of five other republics and two autonomous provinces. Shortly after the death of its President Josip Broz Tito in 1980, Yugoslavia had entered a financial and economic crisis, while in the second half of the 1980s it faced an unresolvable political crisis that resulted in the country's disintegration during the early 1990s war, which is deemed to be the most severe violent armed conflict in Europe after World War II and the Greek Civil War.

While other European socialist countries from the Baltic to the Black Sea were part of the Soviet bloc prior to the beginning of the democratic transition in 1989, the former Yugoslavia had an autonomous foreign policy position and a considerably more liberal situation within its society, especially after Tito's death. When Slobodan Milošević, subsequently a war crimes indictee, became the head of the League of Communists of Serbia in 1986, the Yugoslav crisis gradually assumed the character of a conflict of political actors and ideas that can be labeled as populist from today's point of view. The League of Communists of Yugoslavia had a political monopoly in all of the federation's republics and provinces, and, accordingly, the League of Communists performed this role in

Serbia. Nevertheless, albeit being basically a left-wing party, Serbia's League of Communists led by Milošević became a typical nationalist party with a program of Serbian political domination in Serbia and Yugoslavia. Strengthening of the political options opposed to this program was a logical reaction by other republics, especially after the legalization of the multi-party system in the early 1990s. In Croatia, the populist reaction to Milošević's political organization and leadership did not arise within the Croatian League of Communists nor through the activities of the coalition of opposition parties led by former Croatian communist dissidents from the Croatian Spring of 1971.

It was the political party called the Croatian Democratic Union (HDZ). The party in question was founded in June 1989 by future Croatian President Franjo Tuđman, also a former communist dissident sentenced to prison for Croatian nationalism, which was liable to criminal prosecution in the former Yugoslavia. In Croatia's first democratic multi-party elections that were held in April and May of 1990, it was Tuđman's HDZ that triumphed. Tuđman's plan of Croatian independence was recognized by most Croatian voters as the strongest barrier to Milošević's program of weakening the position of the republics within the Yugoslavian federation and increasingly reaching out to the parts of Croatian territory

inhabited by Serbs, especially in the border areas with the neighboring republics of Bosnia and Herzegovina and Serbia. The HDZ of that time was very similar to the now-ruling political parties in Hungary and Poland, *Fidesz* and *Law and Justice* respectively, and to the once leading party in Slovakia, the *People's Party – Movement for a Democratic Slovakia*. The roots of today's populism in Croatian politics and the cases of hate speech are directly related to the peak of the Yugoslavian political crisis in the early 1990s and to the consequent war, which blurred the boundary between political confrontation on one hand and armed clashes and violence on the other. Specifically, it was through the series of wars from 1991 to 2001 (the short war in Slovenia in 1991; the war in Croatia from 1991 to 1995; the war in Bosnia and Herzegovina from 1992 to 1995; the NATO military intervention against Serbia and the war in Kosovo in 1999; and the war in Macedonia in 2001) that interethnic tensions in

Interethnic tensions in the former Yugoslavia laid the foundations for later verbal targeting of individual political actors and entire ethnic groups from the angle of intolerance and hatred.

the former Yugoslavia laid the foundations for later verbal targeting of individual political actors and entire ethnic groups from the angle of intolerance and hatred.

### **Stages of Populism in Croatian Politics and Hate Speech under Control**

Thus, when compared to the rest of Europe, where it is possible to detect the populist use of certain segments of society as targets in terms of blaming for problems in the state and society, even though Croatia has a different timeline its continuum is clear. The first period in this continuum is related to the populist activities and hate speech while Croatia was still a part of Yugoslavia and while these activities and speeches were primarily related to the nationalist and increasingly chauvinistic policies of the leadership in Serbia of that time. This was followed by the process of gaining Croatia's independence through the war in which intolerance towards the Serbian side intensified and often became generalized, regardless of whether people in question took part in the armed rebellion against Croatia or not. This kind of discourse was typical for the part of the political parties that could be placed further to the right of the HDZ on the political spectrum, yet it was not absent even within the ruling party itself. In this sense, the post-war period brought about the silencing of hate speech, primarily as a consequence of Croatia's aspirations to join the European Union and NATO, and more pronouncedly after 2000 when the opposition parties came to power. The somewhat reformed HDZ won again in 2003 and remained in power until 2011. These years, during which Croatia successfully negotiated accession to NATO and the European Union, can be identified as the period characterized by markedly the lowest amount of hate speech in Croatian politics. This was conditioned by the aspirations of the Prime Minister and leader of the HDZ at that time – Ivo Sanader – to lead the party to the utmost shift away from nationalist populism and closer to the ideas and the way of functioning of the European People's Party, a conglomerate of Christian Democrats and moderately conservative parties, whilst taking into account the HDZ's roots.

With the new political change in Croatia, first through the 2010 presidential election and then through the 2011 parliamentary election, conditioned by Sanader's departure from power amid certain corruption charges that would subsequently be confirmed, Croatia's political and social climate was increasingly changing. Although the social democrats of the SDP (Social Democratic Party

of Croatia) returned to power, a more severe financial and economic crisis — when compared to other central and southeast European countries — favored the return of the opposing HDZ to conservative nationalism. Moreover, the HDZ had formed a coalition with more right-wing parties. Previously, this had been avoided by the HDZ's founder Franjo Tuđman, primarily because of his desire for the party to be a political movement of a broader ideological spectrum and also due to the party's dominance in all of the parliamentary and presidential elections during the 1990s. At the same time, in the 2010s, even in European politics, populism began to impose itself as an increasingly influential combination of ideology and the movement, whose main feature is a set of political ideas that advocate the primacy of the interests of “the essentially honest people” over the interests of “the essentially dishonest elite deprived of national identity”. It should be added that from the very beginning of its activities in Croatia, the HDZ presented itself as the exclusive representative and protector of the Croatian people against the former communist government deprived of ethnic identity and its successors in the form of “non-national” social democrats, as the strongest opposition option since 1990 until today.

Thus, Croatia, when compared to other former socialist countries in Europe that have since become members of the European Union, had inherited a different historical, social, and institutional framework for its leading political parties coming into being and operating, political communication, and the emergence of populism. In this sense, the decisive events were the decision on independence of the state of Croatia expressed in the referendum and the war for independence. The opposing side in this war consisted of a part of the Serbian ethnic minority supported by Serbia and a part of the former federal army. For this reason, even today, twenty-five years after the end of the war in which Croatia defeated the rebel's militarily, the Serbian ethnic minority is the most common target of hate speech, mostly by far-right political parties and individuals. Yet, this ethnic minority is not the only one among social groups that have become the subjects of verbal aggression (among which there are members of the LGBT community and, more recently, migrants from the Middle East)<sup>1</sup>. Although it may seem that the environment that had experienced war and war suffering is permanently liable to hate speech against the opposing side, it should be noted that the Croatian government during the most difficult periods of the war, both independently and under pressure from the international community, sought to control hate speech. However, the notion of “Serb

Chetnik aggression” has been entrenched since the war. In reality, as it was responsible for the outbreak of the uprising and the war itself in the 1990s, the Serbian side used to be dubbed by the name of the Serbian quisling, *i.e.*, the fascist movement during the Second World War. Exactly in the same fashion, politics and the media in Serbia in the first half of the 1990s called Croatia’s struggle for independence “Ustasha” after the name for the Croatian quisling regime during the Nazi and fascist occupation of the country. In general, both the war of the 1990s and the Second World War are the most important historical events in terms of (self)-identification of the majority of Croatian political actors, and the notions of domestic quisling forces in the period from 1941 to 1945 are most often used to defame political opponents.

### **Crises and Conflicts as Generators of Populism and Hate Speech: Who Acts?**

Compared to the first half of the 1990s, after the last two decades, such defamation in the Croatian political arena has been restricted mainly to the extra-parliamentary opposition, whose political views are more right-wing than the views of the HDZ, the country’s main conservative party. Until 2019, Croatia did not even have an option that could jeopardize the HDZ’s political primacy from right-wing populist positions. From the 1992 parliamentary election to the 2007 election, the only influential right-wing party was the Croatian Party of Rights (HSP). Subsequently, Ruža Tomašić, a former member of the HSP who had arrived in the country at the beginning of the war as an immigrant from Canada, took on the status of leader of this part of the political spectrum on the occasion of the first European Parliamentary election that was held in Croatia in 2013. On the eve of the election campaign, she uttered a sentence that ensured her success among like-minded people. The sentence reads: “I think this is Croatia, and everyone else is a guest in this country; if they don’t love it, let them leave it, but at least, they may respect it”. Although she did not directly mention members of the Serb ethnic minority or their strongest political party, the Independent Democratic Serb Party (SDSS), led by MP Milorad Pupovac, it was clear who she had referred to. Ruža Tomašić was on the HDZ’s coalition list in the European election and won the largest number of preferential votes, which was the second-highest score at the level of all lists and candidates in that election. She had repeated the same result in 2014, when Croatia held the European election again, this time at the same time as all members of the European Union.

Finally, in the last European election in 2019, Ruža Tomašić ran, without HDZ's support, on the coalition list of a group of right-wing populist parties, including her new Croatian Conservative Party. This time she won the largest number of preferential votes among all candidates, thus finding herself at the helm of the third political option in the whole country (8,52% of the votes, just behind the first-placed HDZ with 22,72% and the second-placed SDP with 18,71%). Further strengthening of the option to which Ruža Tomašić belongs occurred in the presidential election six months later. Although this election was eventually won by former SDP Prime Minister Zoran Milanović, followed by the runner-up Kolinda Grabar Kitarović, the HDZ candidate and Head of State since 2015, it was Miroslav Škoro, a popular singer and entertainer, who won the third place by garnering almost a quarter of the votes in the first round. On the wave of this success, Škoro founded his political party, the Homeland Movement, which leads a coalition of ideologically related parties, thus imposing itself as the third option in the country. His controversial statement in the campaign was related to „digging” Jasenovac, a death camp of the Ustasha's regime during the Second World War, as he advocates re-determining the number of victims — mostly Serbs, Roma, and political opponents of that regime — due to the fact that he calls into question the truthfulness of the official number<sup>2</sup>. These statements, given the context, never came under scrutiny of the law.

On the other hand, the Croatian Constitution and the Criminal Code severely sanction hate speech. Article 39 of the Constitution of the Republic of Croatia reads: „Any call for, or incitement to war or use of violence, to national, racial or religious hatred, or any form of intolerance shall be prohibited and punishable by law”, while Article 325 of the Criminal Code prescribes: „Whoever, through the press, radio, television, computer system or network, at a public gathering or otherwise publicly encourages or makes available public leaflets, images, or other materials calling for violence or hatred directed against a group of people or a member of a group because of their race, religion, nationality or ethnicity, origin, skin color, gender, sexual orientation, gender identity, disability, or any other characteristics, shall be punished by imprisonment for up to three years”.

Apart from collective targets of hate speech, most often the Serbian ethnic minority, verbal aggression is also experienced by their political representatives individually; namely by Milorad Pupovac who had received written death threats in his native village.

In several cases, the Croatian police managed to identify and arrest the perpetrators of such acts, whereas Internet communication, as the main medium for spreading hate speech, remains the grey zone. The Government and the majority of the opposition strongly condemn hate speech against members of ethnic and other minorities, and the ruling HDZ has been in a coalition with the SDSS since 2016, which was made possible due to the latest change at the helm of Croatia's strongest political party. Since the fall of the government and the 2016 parliamentary election, this party has been led by Andrej Plenković, who is trying to profile the party as a Christian democratic center party similar to Angela Merkel's CDU. Yet, the most vivid response to hate speech comes from civil society through a number of NGOs that systematically point to this problem and suggest adequate solutions. Among such, there is the publication "Hate Speech and Unacceptable Speech: A Guide for Politicians" written by a group of authors and published in 2016 by the Human Rights House Zagreb and GONG<sup>3</sup>. It sensitizes the public to hate speech and makes recommendations, from condemning all hate speech, discrimination, and intolerance to taking an active position in creating and promoting the principle of democratic openness to reasoned debate. Despite certain legal gaps, Croatia has an adequate legislative framework for sanctioning hate speech and governmental and non-governmental actors that prevent this type of communication in the wider political space. However, the extremely traumatic past and occasional crises are favorable for actors who can and do make political gains through hate speech. Therefore, a trans-ideological and cross-party effort is the most important approach to the problem of keeping such actions marginalized.

<sup>1</sup> Human Rights House Zagreb (2019). *Human Rights in Croatia: Overview of 2019*. Retrieved from <https://humanrightshouse.org/articles/growing-nationalism-hate-speech-croatia/>

<sup>2</sup> Prtorić, J. (2020, June 3). Why Won't Croatia Face its Past? *New Internationalist*. Retrieved from <https://newint.org/features/2020/04/07/feature-why-wont-croatia-face-its-past>

<sup>3</sup> Georgiev, M., et al (2016). *Govor mržnje i neprihvatljiv govor: Vodič za političare/ke*. Zagreb: Kuća ljudskih prava Zagreb i GONG. Retrieved from [https://www.kucaljudskihprava.hr/wp-content/uploads/2017/05/govor\\_mrznje\\_vodic\\_final.pdf](https://www.kucaljudskihprava.hr/wp-content/uploads/2017/05/govor_mrznje_vodic_final.pdf)

## Development of populism in Croatia

	<b>The key political context in Croatia from 1989 to the present</b>	<b>The exponents of populism in Croatian politics</b>
1989/90	Yugoslav political crisis generated by the leadership in Serbia and the introduction of a democratic multi-party system in Croatia accompanied by the coming to power of the advocates of Croatian independence	The Croatian Democratic Union (HDZ) as a nationalist political movement with the aim at making Croatia independent
1991	The break-up of the former Yugoslav federation, the independence of Croatia, and the beginning of an armed uprising by a part of the Serbian ethnic minority supported by Serbia	The Croatian Democratic Union (HDZ), which presents itself as the exclusive protector of the interests of the Croatian people
1992—1995	International recognition of Croatia, the war for the preservation of territorial integrity, and Croatia's victory in the war	The Croatian Democratic Union (HDZ) beating its opponents on the right side of the political spectrum — the Croatian Party of Rights (HSP)
1995—1999	The post-war period and the beginning of the economic crisis	The Croatian Democratic Union (HDZ), led by President Franjo Tuđman, dominates the Croatian political space
2000—2003	Victory of the SDP-led coalition of opposition parties and the beginning of Croatia's NATO and EU accession process	The Croatian Democratic Union (HDZ) reviving nationalist populism using the weaknesses of the new government
2003—2011	The HDZ wins parliamentary elections twice in a row, first economic prosperity, then the economic crisis and the completion of the country's NATO and EU accession process	The Croatian Democratic Union (HDZ) is partly moving away from populism and nationalist rhetoric, which are briefly taken over by the HSP
2011—2016	the peak and consequences of the economic crisis during the second SDP coalition government and the return of the HDZ to power	The Croatian Democratic Union (HDZ) first gathers a broad right-wing coalition, and after the fall of the Government moves towards the center, leaving the ideological space to right-wing non-governmental organizations that implement the constitutional provision on the impossibility of same-sex marriage
2016—present	a period of political and economic stability with the inclusion of political representatives of the Serbian ethnic minority in the parliamentary majority	New populist political actors established through presidential and parliamentary elections: the trans-ideological Human Shield (Živi zid) advocating social populism and the Homeland Movement bringing together populists that can be placed further to the right on the political spectrum than the HDZ



# A Divided Island

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Written with the contribution of

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Hate speech in politics of Cyprus is an issue deeply rooted in the history of the state, and the form in which it exhibits itself today cannot be seen outside of the context of the national problem and the roots of its initialization. In the course of the years, and following the accession of Cyprus to the European Union, more challenges and thus targets have appeared so the issue has also taken up more of the contemporary characteristics that fit in the context of growing concerns of xenophobia and nationalism and trends faced in many countries of European Union. The repercussions of the fear of the "foreigner" which is cultivated in Europe, particularly following the refugee crisis on the continent, are aggravated on the island due to the pending Cyprus problem and create a more poisonous and dangerous mix as all targets of hate speech can be in some way linked to the national threat and the fear of "extinction" from the island.

Following close to four hundred years under the Ottoman and British Empires, the Republic of Cyprus (RoC) was established as a bi-communal state in 1960 with Cypriot citizens being members either of the Greek or the Turkish community. The island has been divided since 1963 when the bi-communal state collapsed with the withdrawal of members of the Turkish Cypriot community from all power structures which led to inter-ethnic violence. A coup by the Greek junta in 1974, aiming at union with Greece, was followed by the Turkish invasion. Negotiations on a federation that would unify the island have been ongoing, but fruitless since 1977. The RoC, which is under the law of emergency since 1964, does not exercise effective control on the northern part of the island, where the Turkish Cypriots have created a secessionist state which is only recognized by Turkey. The remnants of the antagonism cultivated between the two communities that had led to hate crimes in the years of inter-ethnic violence are still evident today in the RoC,

as hatred and enmity are extended to anyone who threatens the perceived “Greek” character of the island. This threat can come either from “within” or “outside” of the community. Politicians have long used nationalistic rhetoric which is at times directed against Turks, Turkish Cypriots, as well as Greek Cypriots supporting rapprochement between the two communities — even though on a more subtle level, as a way to remain relevant in the local political scene. The situation has worsened since the emergence of the brother movement of Greek Golden Dawn in Cyprus, the National Popular Front (ELAM), a party with ties to neo-nazi groups and organizations<sup>1</sup>. ELAM is openly against any form of participation of Turkish-Cypriots in the state, portrays the inflow of migrants and refugees as a threat that will lead to the “Islamisation of the island”, and opposes the bi-communal aspects of the country’s constitution.

The normalization of hate speech in the context of the national problem, by politicians, has provided fertile ground and in a way paved the way for the far-right and organizations like ELAM to take root and rise in influence as their rhetoric mirrors and exploits existing perceptions, fears, and grievances that have been in existence even before their emergence. This phenomenon has led to numerous cases of hate crimes, such as the attacks against cars of Turkish Cypriots, the stabbing of a Turkish Cypriot in 2011 by far-right Cypriots, and attacks against Turkish Cypriots by young high-school students in 2015<sup>2</sup>. Verbal attacks are also lashed against anyone who embraces a multicultural understanding of the country or supports the agreed political solution, a bizonal, bi-communal federation, people whom ELAM has openly labeled as “traitors” and “pro-Turkish”. This Cypriot peculiarity heightens the significance of tackling hate speech as the more hate speech is exhibited, either subtly or bluntly in the political and online spheres, the more a Cyprus problem solution is hindered.

Although not defined as hate speech in the law, the national legislation of 2011 criminalizes some forms of expression and any person who deliberately and publicly disseminates and incites to violence or hatred in any manner against a group of persons or a member of such a group defined by reference to race, color, religion, descent, national, or ethnic origin<sup>3</sup>. In a separate provision of the Criminal Law, sexual orientation and gender identity are similarly protected<sup>4</sup>. Despite the existence of the legal framework, however, there have had not been any coordinated actions against hate speech in a way that would also create a precedent in the country, aside from sporadic cases. On the contrary, the Cyprus problem is

sometimes used as an excuse in the interpretation of the law, as it had happened in an alleged case of hate speech against the Archbishop of Cyprus that the Attorney General dismissed<sup>5</sup>. The Cyprus Attorney has also been reluctant to enforce the law on other hate speech probes<sup>6</sup>, ordered by the LGBTQI movement, concerning statements by leading religious figures that hold great influence within the community.

The pending national problem along with the fears, prejudices, and concerns it is linked had given a fertile ground — and a good excuse — for nationalistic, xenophobic, and outright racist ideals to prevail in political discourse and to become normalized. When the refugee crisis emerged, the seed had been sown in the country for hate speech against the new “targets” to be spread. Cyprus is currently the country with most asylum-seeking applications per million of the population in the EU<sup>7</sup> and the large increase in the number of migrants and refugees arriving in the country is currently dominating political and civic discourse on the island. ELAM, which has two seats in the parliament and whose electoral share is on the rise, has openly targeted and stigmatized migrants as the source of increased instances of crime in the country. This approach, however, is not only limited to the far-right but is shared by the governing conservative party, Democratic Rally (DISY), and smaller parties, one of which claims to be socialist. The only bulwark against this rhetoric is the opposition party, the leftist Progressive Party of Working People (AKEL), which despite being the second-largest in parliament, has a limited impact on such issues when the majority of the political system appears tolerant, to say the least, towards inflammatory and discriminatory rhetoric.

With the exception of ELAM, which openly declares to be a nationalist party, all other parties are keen to reiterate their anti-racism stance, openness, and humanitarian impulses. This divergence between words and actions in the absence of scrutiny by the media creates a perplexed setting in which political parties can claim to be anti-racist while using outright racist rhetoric and practices. In the latest revealing instance of tendencies ahead of the May 2021 parliamentary elections, Deputy Mayor of Limassol (Cyprus’s second-largest city), belonging to DISY, wrote an openly xenophobic social media post in which he openly labeled himself as “racist”, opposing to the influx of migrants in his home town. Even though he later removed the post, he did not receive any public scrutiny or condemnation by his party, proving that hate speech has become normalized in such a way that parties are

not even interested to keep pretenses that they would once have attempted to keep. In absence of any balancing voices of objection by DISY's more moderate or pro-European voices, the populists are those who get to set the agenda, being the most vocal ones in political discourse.

Realizing that it was losing voters to the far-right party ELAM, the right-wing government party DISY appears to have set aside its alleged aspirations to be a "liberal, European party" and in the recent years has been adopting an openly conservative and xenophobic approach, particularly in response to the refugee issue. The rise in prejudice and intolerance in the public is thus not happening in a vacuum but is clearly linked to the government's and political parties' portrayal of the issues at hand for electoral gains. Politicians have often opted to use statistics that do not correspond to the truth, like in the case of Minister of Interior, Nikos Nouris, who has repeatedly stated that the number of asylum seekers in Cyprus has reached 3.8% of the Cyprus population. At his admission, this number includes the people who have already received international protection through the years, but the latter is always overlooked when covering the implications of the statistics presented<sup>8</sup>. The use of misleading statistics stirs up sentiments of fear and mistrust by the public that are heightened when they are accompanied by references to a possible "danger of demographic change" in Cyprus caused by the influx of migrants and refugees<sup>9</sup>. This danger is, once again, linked to the overarching fear of Cyprus' "Turkification" as the refugee issue is being presented as a part of Turkey's "grand scheme" of taking over the whole island and "eliminating Hellenism" from it.

The current situation poses concerns regarding the rule of law and respect for human rights in the country itself. There have been incidents where far-right ELAM organized patrols<sup>10</sup> in areas that have been labeled by the Minister of Interior himself as "ghettos", calling Greek Cypriots to assume the responsibility of protecting their region, accusing the government of not taking the situation seriously. Groups of self-declared "supervisors" who claim to be acting with the acquiescence of the police have appeared in these areas, attempting to "enforce law and order". In a distorted perception, cultivated by the intentional mixup of terms in political and civic discourse, any "foreign-looking" person is labeled as "an illegal migrant" and is in danger of being harassed or attacked. The danger that Cyprus will move from the stage of inflammatory rhetoric to actual hate crimes or organized attacks against foreigners on the island

is more evident now than ever, but it does not seem to be a matter of concern for politicians nor the media.

Traditional and mainstream media have been facilitating the trends described above and the negative depiction and scapegoating of migrants in the country, sometimes through the overt dramatization of facts or events and the stigmatization of migrants or through the lack of scrutiny in the face of politicians who embrace inflammatory rhetoric. One newspaper even went as far as to refer to the influx of migrants and refugees as “a third Attila” (referring to Turkey’s military operation in 1974). Partly due to the relaxed journalistic ethics and practices in the country, the fact that journalists are often marred by prejudices themselves and partly due to a reluctance to scrutinize government policies, no investigative journalism takes place, offering no counter-arguments and no scrutiny to the government rhetoric. A chorus is created by now, with politicians, the media, and social media users alike, creating the dominant impression that foreigners pose a major threat to the country, committing crimes, and will change the “demographic structure” on the island. The issue of migration is in fact slowly becoming more salient in the political discourse, in the absence of any developments on the Cyprus problem, but it is itself linked to it as well.

The media regulatory and self-regulatory authorities have been vocal in their attempts to tackle instances of hate speech and to promote pluralism and diversity. However, despite the codes of conduct and ethical standards adopted, these bodies have not managed to bring about substantial improvements to the media setting and practices on the issue. On the contrary, the level of discourse on some media is deteriorating and while complaint proceedings are in place for people to oppose manifestations of hate speech, their impact is minimal, particularly as some media and online sites are adopting an openly xenophobic approach, demonizing refugees and migrants, in defiance of any regulatory frameworks.

Despite the attempts at regulating the media, the platforms on which hate speech can multiply have increased in recent years, particularly with the surge of social media. The regulations that allegedly bind the media do not extend to digital technologies nor even to the sites that mainstream media have on social media platforms. The toxic environment created by hate speech in politics is taken up online and exacerbated through the polarisation that is evident on the various social media channels. The newly available

options are mostly seized by those who choose the incitement to hate, extremism, and conspiracy theories; while these tendencies constantly feed off international social media trends and lies. Moreover, rights defenders and pro-solution activists are personally targeted with their pictures posted online and direct incitement of hate against them. Social media platforms enable the “bubbles” in which differences are exaggerated and “dehumanization” takes place in a setting in which extremist content and lies are spread. There have also been instances in which fake news stigmatizing groups of people referring to alleged attacks against Cypriots circulated in no time, stirring hatred and exacerbating polarisation, proving the potency of such means. Hate speech in politics in Cyprus and hate speech on social media in a way feed off each other as populist politicians embrace the trends that appear on social media, in lack of real policy suggestions.

Combating hate speech, xenophobia, and prejudice is one of the greatest struggles for democracy today and while policy frameworks and even the relevant legislations are in place in Cyprus, these efforts are often jeopardized by the normalization of discriminatory language by the relevant actors in the political spectrum. In this context, the role of civil society and academia becomes salient; nevertheless, in Cyprus, these groups are also victims of hate speech and vilification when uttering their objections to the political practices and rhetoric. In all of the issues described above, any organized group or person who dissents from the mainstream narrative is in danger of being labeled as “traitor”. In practices that remind one of Orbán’s Hungary, the Minister of Interior, the leader of the government party, as well as all of the political parties, except for the Green Party and AKEL, have lashed out against non-governmental organizations (NGOs) claiming that they profit from the increased influx of refugees on the island. At the same time, hints that pro-unification groups are “paid by foreign agents” constantly reappear in local discourse. The Minister of Interior has explicitly accused unnamed NGOs of “enriching” in the current setting, assisting in the wider demonization of NGOs that is fuelled by a group of media and explicit targeting of people and organizations on social media. While NGOs working on a range of issues exist — including against hate speech online — their impact and appeal is not facilitated in mainstream discourse and remains on the fringes. At the same time, academia is mostly absent, with academics choosing to remain in the comfort of their university classes rather than engage in a toxic civic discussion and risk

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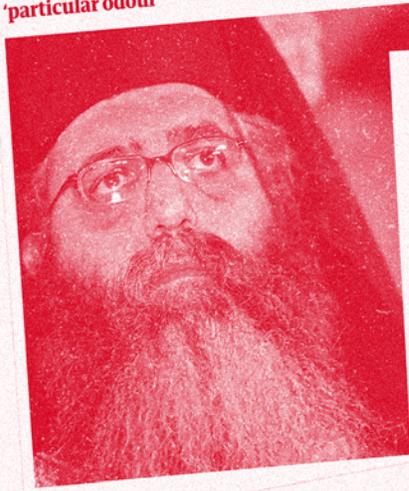
Cypriot bishop faces hate speech inquiry over homophobic remarks

«Η ρητορική μίσους δεν καλύπτεται από την ελευθερία της έκφρασης»



Greek Orthodox cleric claimed gay men recognisable from 'particular odour'

07 Mar 2019



ΠΑΡΑΣΚΗΝΙΟ

**ΠΙΣΤΟΛΕΡΟ: Τρίτος Αττίλας η παράνομη μετανάστευση που προελαύνει**

«Ε τρίτο αττίλο εδώ πρωτ-αντ»

Κενά στη νομοθεσία για θέματα ρητορικής μίσους

News/ Politics/ Σάλος απ' την ανάρτηση Σύκα «είμαι ρατσιστής» - Τι λέει ο ίδιος (BİNTEO)

**Σάλος απ' την ανάρτηση Σύκα «είμαι ρατσιστής» - Τι λέει ο ίδιος (BİNTEO)**

NO FREEDOM FOR HATE SPEECH

IMMIGRANTS, ISLAM NOT WELCOME

being vilified. In such a setting, democracy may find itself at threat as counter-narratives are dismissed and not allowed to be heard through the mainstream channels of communication, and as a result, checks and balances towards government practices cannot be enforced. Thus, Cyprus is immersed in a toxic environment of hate speech against the dominant rhetoric on some of the most crucial issues in the absence of any substantial discussion on government practices, institutional deficiencies, and mistakes. Discussion is not taking place on substance but only on appearances, conspiracy theories, and demonizations of groups of the population.

The intensity of inflammatory rhetoric by the government and political parties in recent months has caused reactions and led to the mobilization and demonstrations of anti-racist and anti-fascist groups, independently from political parties. These mobilizations remained on the fringes and were not covered by the majority of mainstream media. As a result, they had failed to have their message receive wider public attention and have a counter-balancing effect in the public discourse. On the contrary, some media that covered the demonstrations referred to them as “far left-wing groups” and tried to portray demonstrators as “intolerant to opposing views”<sup>11</sup>. Interestingly, while the media in Cyprus are ready to cover the wave of international anti-racism mobilizations, they have not looked inwards or made any attempt at self-scrutiny regarding similar practices in the country. As long as the groups opposing these practices remain outside of the political and civic discussion, no profound change is possible as deliberation and competition of ideas are not facilitated. Maybe these groups have something to learn from the way LGBTQI organizations mobilized in the country, taking advantage of the international and European wave favoring their cause and pushing forward the regulation of hate speech based on sexual orientation and gender identity. Even though the regulation should be made stricter and a lot remains to be done for law enforcement agents to be apt to apply the law, when it comes to the political sphere, LGBTQI activists have managed to establish hate speech as not acceptable, even if the Cypriot society remains in its majority conservative and still heavily influenced by the orthodox church. The European Union should use its positive influence to guide attempts to move forward in eliminating hate speech from politics in the two issues described above and where it is more intensely exhibited, taking into consideration Cyprus’ complexity and the parallel nature of the issues.

The characteristics of hate speech in the country are merely the traits of wider problems with which democracy in Europe is faced; at a time when Cyprus, just like the Union itself, struggles with populism and troubled and limited public discourse, what is needed are the means to safeguard the respect, rights, diversity, as well as European and universal ideals. In the absence of fact-checking, counter-narratives, and abundance of fake news, the way hate speech takes over the online world limits the prospects for rational debate and deliberation instead of extending them. Thus, tackling hate speech transmitted through digital technologies, in a way that does not infringe on freedom of expression, should be a priority. A solution to problems that are commonly faced around the EU should not remain at a local level but should be a part of a wider collaborative and decisive initiative. These traits shake the foundations of the European Union itself, while their salience is heightened in the Cypriot setting with deeply entrenched roots of nationalist and divisive rhetoric and an unsolved national problem.

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<b>What political actors use hate speech in politics?</b>	National Popular Front (ELAM), Democratic Rally (DISY).
<b>What other actors use hate speech in politics?</b>	Members of the church hierarchy. Social media platforms are propagating and multiplying the impact of hate speech.
<b>What groups are mainly targeted?</b>	People granted international protection status, asylum seekers, economic migrants, activists working in support of refugee rights, pro-unification and peace activists, Turkish Cypriots.
<b>One symbolic quotation of hate speech used in political discourse</b>	“Traitors”, “paid agents promoting Turkification of the island”, “invasion of migrants with a view to a demographic change”.
<b>Who is seen as the main opponent of hate speech in politics?</b>	KISA — Action for Equality, Support, Antiracism, a grassroots NGO — Its members receive direct attacks and targeting for their work. AEQUITAS — an NGO working on the promotion of Human Rights Education — trying to tackle hate speech online, with a limited impact though.
<b>Is there legal framework enough to combat hate speech in politics?</b>	A 2011 national legislation criminalizes some forms of expression and any person who deliberately and publicly disseminates and incites to violence or hatred against a group of persons or a member of such a group.

Q&A

# Loud Minority and Passive Bystanders

## Šárka Prát

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The topic of spreading hatred in society and trying to prevent it is a timeless and topical problem. Hatred can grow everywhere – in an environment of strong leaders, or even among marginalized individuals who feel they have been forgotten. Hate speech can include all public speech that spreads, incites, supports, or justifies hatred against a group of people based on, for example, their race, nationality, ethnicity, religion, etc.

Across Europe, including the Czech Republic, we encounter some disturbing trends. There are backward sections of society that feel that they have no voice and, most importantly, are prone to extremist manifestations and the spread of hatred. Most of us may think this is just an economic consequence. Nevertheless, it is about setting up a society that consciously and unconsciously pushes certain groups of people to the social margins.

A spread of hatred deepens a division among people even more. Furthermore, it produces distrust in democratic mechanisms, frustration, and increased susceptibility for people to absorb information emotionally and irrationally. In other words, it is one of the tools of populist right-wing politicians and movements used to scare and polarize society. Hate speech is becoming a global issue, mainly due to the possibilities of easier connections of like-minded people through social media. It is, therefore, important to figure out strategies on how to combat this matter not only in the Czech Republic but everywhere.

Manifestations of hate speech in the Czech Republic are usually very loud. In addition to that, the society is influenced by the belief that hate speech is approved by a silent majority. Some experts consider groups utilizing hate speech as a “loud minority”, as this group of people is prone to be more active. Conversely, the majority of us are innocent bystanders to a hate speech displayed in reality and through social media. Being a passive bystander does not

automatically mean approval of a hatred. Some people are afraid to stand out, while others do not consider it to be important. Nevertheless, Czechs are characterized by the fact that the silent majority ceases to be silent as soon as it starts to get tough.

Despite that, it is necessary to get more of diverse opinions into a discussion and encourage their spread; preferably of some moral authorities that will say that the type of hate speech is not right. Unfortunately, hate speech spreads very well, especially in a fearful society. When people are afraid, they will naturally choose those who offer them protection from the cause of their fear. However, we must not forget that they usually also vote for those who have built their campaigns on fear, and there is nothing easier than to scare your constituents.

### **Why are the media full of hate speech?**

We don't like negative news, but we remember them longer and they attract more attention. This is also the reason for their success on social networks. The media exacerbates the issue of sensationalism by showing a situation in a more dramatic way than it is in reality. The reason is simple — the more scandalous the headline, the higher the readability, and thus the advertising revenue. On the other hand, it will cause some degradation of content and mistrust. The central question is what media owners prefer. And readers, of course, too.

Dozens of citizens are shot dead in the US every day. However, sensationalism in news highlights, often specifically, cases when a Muslim or an immigrant shoots. Despite that being a relatively small number of instances, this portrayal by the media makes us feel that foreigners are the greatest danger we face. At the same time, you are much more likely to be run over by a car or crash in a plane than to be killed by a terrorist in America or Europe.

In many media sources, for example, Muslims or minority nationalities are reported on in a manipulative style. Mere informative articles, even if supplemented by clear statistics that do not evoke emotions, have a much smaller impact than articles strumming a string of negative feelings. For example, it is easy to recall the silly lie spread by the Czech senator Jaroslav Doubrava (Severočeši.cz, a former member of the communistic party), who claimed that the European Union wants to abolish the letter „ř“ in the Czech alphabet. As foolish as it may seem at first glance, his article has provoked a wide debate among the uninformed, and a whirlwind of criticism of what the EU is once again allowing. In other words,

politicians use hate speech and fake news and have a large share in its dissemination. The populism of top politicians on social networks, with the generous support of their marketers, of course, is only flourishing.

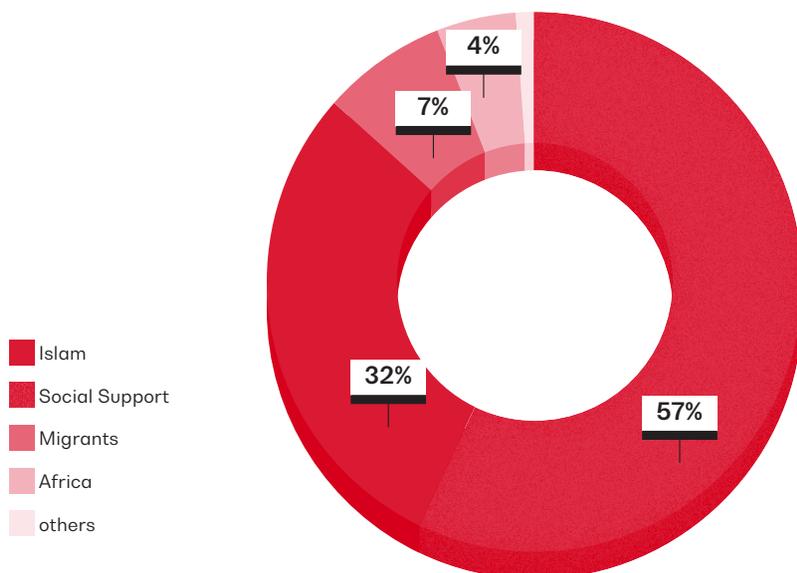
### **Hate Speech in the Czech Politics**

In the Czech Republic, hate speech is used by politicians, movements, and ordinary people. Probably the best-known party, known for spreading hate speech, is currently Freedom and Direct Democracy – Tomio Okamura’s movement (SPD). This party was founded in 2015, and in 2017 became a political party in the Czech Parliament holding 22 seats out of 200. People are tired of the current bureaucracy and feel that they lack voter efficacy. Politicians, such as Tomio Okamura, capitalize on this distrust and disinterest. In the Czech Republic some citizens feel, often because of fake news and hate speech, that the government does not work for them and does not sufficiently protect them; for example, from migrants<sup>1</sup>. The SPD utilizes this frustration for political gain and voter mobilization. Tomio Okamura came out and said what the citizens wanted and needed to hear. At the same time, Okamura used the strategy that we can see deployed across European countries – he used the fears of voters to gain popularity.

SPD’s political campaign consisted predominantly of spreading fears of “Islamization”. According to Okamura, Islam is not a religion, but a “hateful ideology” which he likens to “Hitler’s Nazism”. He opposes the refugee quotas proposed by the European Commission and criticizes the alleged “dictation of the European Union” to stand up to migration. According to Okamura, even the Soviet Union did not allow itself to determine the Czechoslovakian immigration policy. This argument suggests that the current hate speech could turn into something more dangerous.

Moreover, their leader’s Facebook page is filled with many articles, posts, and videos containing discriminating statements. Apart from sharing their views in press conferences, the Internet (especially social media) has become the new channel for promoting their hate speech. Nonetheless, his party shows success – they are, in fact, the fourth-strongest political entity, garnering 10,4% of the votes in the parliamentary elections.

The Faktus project<sup>2</sup> wrote a letter to Okamura in February 2016, which confronted him to change some of his statements on the topic of inclusion in schools. Tomio Okamura, at the time, spoke out strongly against inclusion. He described the inclusion



**Facebook comments in hate groups according to the researched categories**

Source: People in Need

of other children in mainstream classes is a mistake which, wherever it is introduced, only reduces the level of education of ordinary pupils. Moreover, he stated that children who require an individual approach do not receive sufficient care. A year before these statements, Tomio Okamura voted for quite the opposite in Parliament, so that other children could get involved in mainstream education and the inclusion would continue. In the letter to Okamura, Faktus pointed out that inclusion in Czech education has been going on for more than 10 years and that the number of children diagnosed with mild mental disabilities fell by 40% between 2010 and 2014. Using examples from Finland and Canada, it also showed that although there is a high level of inclusion in these countries (only 1% of children outside mainstream education in Finland), their pupils are placed at the top of the international PISA benchmarks. Tomio Okamura responded to the letter through the executive secretary of the SPD, Jaroslav Staník, who wrote that he did not understand why Faktus wrote to the chairman of the movement at all, as his statements should not provoke hatred and Okamura only dared to tell the truth.

On the occasion of honoring the memory of the victims of the Roma Holocaust in July 2014, Tomio Okamura gave an interview to the online broadsheet *Parlamentní listy*<sup>3</sup>, in which he described the allegations about the Lety concentration camp as a false myth. In his opinion, it was a labor camp for people who

were avoiding work. He denied that the internees were in the camp because of their ethnicity and that people who died in the camp as a result of the typhus epidemic were victims of the Holocaust. He then described the opposite statement as “an insult to the real victims of the Holocaust, whether Jews or Roma”. The chairman of political party TOP 09, Miroslav Kalousek, indirectly described Okamura as a denier of genocide. Politicians across the political spectrum have joined the criticism of Okamura’s statements.

In 2019, Tomio Okamura received a golden Wandering Boulder from the Czech Skeptics Club Sisyphus in the team category for “blabbering and spreading nonsense in the field of healthcare and science”. During the laudation, his statements about the occurrence of West Nile fever and monkey plague, diseases non-existent in the European Union, were mentioned.

Tomio Okamura is not the only master of negative comments. The other source of this trend is located in the presidential palace. President of the Czech Republic Miloš Zeman and his spokesman Jiří Ovčáček are the central actors in creating hate speech in Czechia. Their most common topics include hateful statements towards migrants, Romani people, and journalists. For example, Zeman regretted that Czech journalists have not yet been eradicated, comparing them to extinct animals<sup>4</sup>. Although his spokesman demurs criticism towards this behavior, emphasizing the freedom of speech, it can be somewhat surprising to deprecate the very free media.

Moreover, his xenophobic statements towards migrants and Romani have been noticed even by Amnesty International, which expressed its concern in their human rights report. Zeman once stated: “I am decidedly no friend of communism, but during communism, Romani people had to work. Most of them worked as ditch-diggers, and if they refused to work, they were designated as work-shy and went to prison<sup>5</sup>.” In response to the criticism of Zeman, Ovčáček either rejects the accusations, degrades them, or publishes his own, similar, opinions on Twitter. Besides, Ovčáček and Zeman provoke the people of Prague by giving them “nicknames” with

President of the Czech Republic Miloš Zeman and his spokesman Jiří Ovčáček are the central actors in creating hate speech in Czechia. Their most common topics include hateful statements towards migrants, Romani people, and journalists.



## “Money for decent people — not for parasites”

Campaign slogan  
of Tomio Okamura.

Source: Official Facebook  
fan page of Tomio Okamura

a pejorative character. They aim to divide society and put the “city” people into a separate group. For instance, Ovčáček stated that the “Prague’s café society” (inhabitants of Prague) are “a misfortune of Czech history”<sup>6</sup>.

Nevertheless, the reaction of Czech politicians and journalists is present. There has been a back-

lash from many politicians of moderate right and left after Zeman shared a stage with a xenophobic far-right movement “Extremist Bloc against Islam” during the celebration of the Velvet revolution.

### Is Hate Speech Illegal?

One could argue on how far a politician or his party can influence the nation through his statements. Anyhow, a large number of actors using hate speech are “ordinary people” who gather on Facebook, join discussions under web articles, or in blogs. Often, this group does not create its content. Instead, this group usually comments on and shares content from a politician, an article, or a video with a hateful message. Moreover, according to the research of Člověk v tísni (2016)<sup>7</sup>, the majority consists of middle-aged men with secondary education and a lower-middle-class background.

Hate speech in the Czech Republic is not seen as illegal or as an issue that should be brought up to the court. This apathy towards taking an action on hate speech may be due to the Czech’s totalitarian past which fosters an appreciation of the freedom of speech to an

exaggerated point. Also, there is an idea that hate speech comes from another law and historic tradition. Thus, an adequate definition of this term is absent, making a potential law procedure difficult. Besides, hate speech producers often know how to stay within certain boundaries making it harder to accuse them of a hate crime.

Due to these challenges, it is necessary to have a clearer vision of the situation. Specifically, hate crimes must be correctly labeled in the law. It is also essential to work on the quality of hate crime statistics and to be able to interconnect them among the (Czech) institutions.

It is also essential to address the administrators of social media and internet platforms. Policymakers must demand responsibility from sites that are directly influencing the ways of communication and visibility of certain statements that could be considered insulting to vulnerable groups.

Luckily, the Czech Republic has actors who are opponents of hate speech in politics. For example, initiatives such as Demagog are fact-checking statements of politicians and political parties. Moreover, the NGO Hate Free makes stories of victims and aggressors more visible. State institutions, such as the Ministry of Interior, show interest by releasing policy-papers researching hate crime. Lastly, international institutions and institutions of the EU serve as a “watchdog” upon Czechia, making sure human rights and dignity are preserved.

**1** The Czech Republic undertook to receive 50 refugees in 2017 during the migration crisis. In the end, 12 of them who were accepted fled to Germany within a month. Therefore, Okamura's claim is more of a game of emotion and fear. Source: <https://eurozpravy.cz/zahranicni/205601-kolik-cr-prijala-uprchliku-a-do-ktere-zeme-prisel-vet-si-pocet-migrantu-posledni-statistiky-o-migraci/>

**2** Faktus is a web portal and project of the People in Need, which focuses on misleading and untrue statements by politicians on the topic of minorities and human rights. The aim of the project is to verify these statements and subsequently provide politicians with feedback in the form of a letter or discussion on social networks and thus support the use of relevant, credible sources in political communication.

**3** Parlamentní Listy is a discussion, news, and commentary internet portal. They are not institutionally connected with the Parliament of the Czech Republic. In the general discourse, Parlamentní listy is one of the media sources blamed for pro-Russian propaganda in the Czech Republic. They are also referred to as propagators of racist, anti-refugee, and anti-Muslim hoaxes. The server uses manipulative techniques, like labeling and evoking negative emotions such as fear.

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# In the Land of the Glorified Freedom of Speech

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Secretary general of the Liberal Adult Education Association and chairman of the Danish Adult Education Association.

How is a small country with a high level of trust and nearly unconditional love for the freedom of speech dealing with hate speech? Is the light stronger than the darkness?

Every year on the 4<sup>th</sup> of May many people in Denmark light candles in their windows. They do so to mark and remember the end of the Nazi German occupation of Denmark in 1945. In 2020, even a larger number of people have had participated in this quiet and evocative manifestation. The COVID-19 pandemic resulted in many events planned for the 75<sup>th</sup> anniversary of the end of World War II being canceled. However, the candles were still lighting up windows in many big and small homes all over Denmark.

Likewise, events during WWII prompted persons and groups in the Danish society to put an effort into ensuring that the light would persist and that the dark forces would not return to the Danish shores nor the minds and souls of the Danes. One such initiative was the Danish Youth Council, which was established in 1940 with the objective of politicizing the youth. Not politicizing in the sense of planting a specific political ideology in the young minds but rather as an attempt to raise awareness among the youth about their rights and obligations as citizens in a democratic society. The perspective was also to make the young appreciate that they can agree to disagree. Also, today, when the Youth Council has celebrated its 80 years birthday, political youth organizations from the entire political spectrum are interacting there with each other and many other types of youth organizations.

Right after the war, a group of people within Venstre, the liberal party of Denmark, got together to form the Liberal Adult Education Association. The aim was to prevent Nazism and other totalitarian ideologies from coming back by means of non-formal learning for adults. A similar initiative born out of the World War was the Danish Adult Education Association, where organizations working with non-formal

adult learning meet and cooperate despite many of them being either offsprings of political parties or quite different in other ways.

All three of these organizations are still around. They were established to protect democracy against authoritarian tendencies and the hate speech of those days. They all represent an approach to democracy and hate speech that prioritizes active citizenship, dialogue, non-formal adult learning, and freedom of expression over formalities and legislation. Some might say that it is the Danish way. That could be true, but we dare to claim that this approach might be able to inspire politicians and civil society actors in other parts of the world.

### **15% hate speech**

Let us have a look at the actual occurrence of and the growth conditions for politically motivated hate speech in Denmark. In 2017, The Danish Institute for Human Rights published a report on hate speech in the public online debate<sup>1</sup>. The report is mainly based on an analysis of comments on the Facebook pages of the major public service television stations and media houses — DR, Danish Broad Casting Cooperation, and TV2. The report states that 15% of the contributions from the users on the Facebook pages can be characterized as hate speech. Through the moderation of their Facebook pages the media houses only manage to stop the worst cases of hate speech — often those that contain direct threats against concrete persons — while other hateful posts normally pass through. Mainly the following themes are commented with hate speech: religion, refugees, migration, and gender equality. There is a tendency that hate will breed hate. It is often news stories containing hateful statements that cause hate speech being posted on the Facebook pages. There is also one more interesting finding: more than 75% of the hate speech is coming from men.

### **Mainly the right-wing**

Uneven representation of the genders is also a theme in the study that the IT University of Copenhagen conducted in 2019<sup>2</sup>. The basis of the study was a data analysis of postings on social media by supporters of political parties. The researchers used a computer program to analyze 200 of the most recent posts and the related comments from each of the 14 parties standing in the national election in Denmark, in June 2019. One finding was that when a concrete individual was mentioned in an aggressive comment, that individual ended up being a woman in more than eight cases out of ten.

When a concrete individual was mentioned in an aggressive comment, that individual ended up being a woman in more than eight cases out of ten.

The study from 2019 shows a somewhat lower frequency of hate speech than in 2017, but since the studies cannot be compared directly we cannot conclude that hate speech is decreasing in the online public debate in Denmark. The study from the last year also sees Islam and Muslims as prominent targets of hate speech.

Another finding is that hate speech is found among the supporters of nearly all of the 14 political parties. Nevertheless, one party distinctly stood out from the rest. That is the newly established ultra-right-wing anti-migrant party the Hard Line, which stood for the first time in the national elections of June 2019. This new party got quite some of the media's attention up to the election. Understandably, the established parties were worried and the clear majority of democratically-minded voters were relieved when the Hard Line party did not make it to the Danish parliament. However, they were not that far from the goal. The Hard Line got 1,8% of the votes; the threshold in Denmark is 2%. Therefore, it cannot be ignored that hate speech does have a market in

the electorate in Denmark. The leader of the Hard Line party has developed in a short time from being a marginal figure fascinating some young people with his extreme views in YouTube videos to nearly becoming an MP. In 2020, the leader of the Hard Line party became well known for the burning of the Quran. In 2020 he was sentenced to three months in prison – among some things for racist statements.

The numbers two and three on the list of parties with supporters sharing hate speech on social media go to the quite well established the Danish People's Party and another new kid on the block, the New Right. In recent years, the Danish People's Party has developed into being a more mainstream party containing a certain amount of realpolitik. But on the other hand, it has recently been challenged from the right by the two newbies. Consequently, the Danish People's Party is now back in the hate speech business. Examples of that have been doubting the loyalty of Danish civil servants (e.g., of Afghan origin), as well as connecting COVID-19 to ethnicity.

As mentioned, the far-right comes first in this infamous ranking. However, the supporters of the two Danish ALDE members, Det

Radikale Venstre (Social Liberal Party) and Venstre (Liberal Party of Denmark) are not saints either. The researchers from the IT University and their software had put the two parties on the list as number 6 and number 8 respectively, out of 14 parties. It looks alarming, but it ought to be said that the researchers behind this study themselves stress that very little data in Danish, from Denmark, has been collected in this way so far. Consequently, we would warn against seeing these results as gospel truth.

### **The Danes and their freedom of speech**

Danish law does not say anything specifically about online bullying or harassment. However, section 266b(1) of the Danish Criminal Code criminalizes anyone who publicly makes a statement by which a group of people is threatened, insulted, or degraded on account of their race, color, national or ethnic origin, or sexual orientation. The provision entered Danish law 50 years ago to allow Denmark to have the ability to ratify the UN Convention on Racial Discrimination. Section 266 does immunize against hate speech, for example, based on gender or disability. Furthermore, section 266b(1) is not uncontroversial in the political debate in Denmark. For some politicians “the racism section”, as it is popularly known, is seen as a politically-correct stray jacket that limits the somehow sacred freedom of expression. Danes are not very fond of fundamentalists, but we do have our own breed of freedom-of-expression-zealots, who sometimes confuse the freedom to express oneself with the duty to do so; they are among other people affiliated with the Danish People’s Party. That was, for instance, also the case back in 2005, when the World could witness how the Danes are dealing with these issues. The Danish newspaper *Jyllandsposten* printed 12 cartoons of the Prophet Muhammed, which were offending – so say the least – to Muslims. The “cartoon-crisis” 15 years ago, as well as the growing problem of online hate speech, represent genuine challenges to the freedom-loving Danes.

### **What to do? Are old-fashioned answers the way forward?**

For sure. It is a dilemma. Freedom of expression is one of the crown jewels in and prerequisites

For some politicians “the racism section”, as it is popularly known, is seen as a politically-correct stray jacket that limits the somehow sacred freedom of expression.

To be a competent active democrat in the 21<sup>st</sup> century you need to possess a number of competencies. It is hardly something the state can teach you.

of a well-established liberal democracy like Denmark. However, freedom of expression is not absolute. No doubt that democracy would die from lack of oxygen if the freedom of expression is limited to a too large of an extent. Nevertheless, one has to take into consideration the need to protect vulnerable groups against hate, discrimination, and racism.

It is likely that the Danish laws could use some modernization in this field — e.g., within media law to handle things such as digital and social media better. Likewise, it goes without saying that it is paramount that the member states must let the EU act as a united force in this matter so that the democratic considerations are stronger than the economic interests of the global tech industry. Furthermore, global solutions must be found in the UN and other fora to prevent the tech industry from taking democratic processes hostage to please their shareholders.

However, the above-mentioned measures cannot stand alone. Definitely not in the small kingdom called Denmark, nor probably anywhere elsewhere. Decades back, the public debate was

moderated. That was the case in community halls and newspapers or other media. Nowadays we are all potential publicists and we are much more on our own when we enter the public debate. Furthermore, the media that reached many different kinds of people had, to a large extent, been replaced by social media, which are not always that social and act as echo chambers where we are seldom confronted with opinions or perspectives very different from our own. Consequently, it has in some ways become more complicated to be an active citizen in a democratic society. To be a competent active democrat in the 21<sup>st</sup> century you need to possess a number of competencies. It is hardly something the state can teach you. It is more likely that a free and active civil society can provide learning opportunities for people who want to be more active citizens. These learning opportunities can partly be learning-by-doing through active participation in CSO's and partly be relevant offers from civil society within non-formal education targeted at active citizenship. In the 19<sup>th</sup> century, the Folk high schools were very instrumental in turning commoners into active, responsible, citizens through non-formal adult education. As mentioned, civil society in Denmark had an important role in immunizing people against undemocratic

viruses after World War II. Likewise, civil society and non-formal adult education can and must play a role in enabling people in the 21<sup>st</sup> century to become digitally literate, active citizens.

CSO's and non-formal learning for adults cannot prevent hate speech alone. The same goes for national laws and initiatives at the European or global level. However, combined efforts in these three areas have a good chance of limiting the devastating effects hate speech can have on democracy.

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# Provoking, Escalating, Improvising

## Laura Danilis

The youngest member of the City Council of Tartu (Reform Party). The Community of Democracies #CoDYouthLeads campaign ambassador.

Written with the contribution of Gaspar Shabad

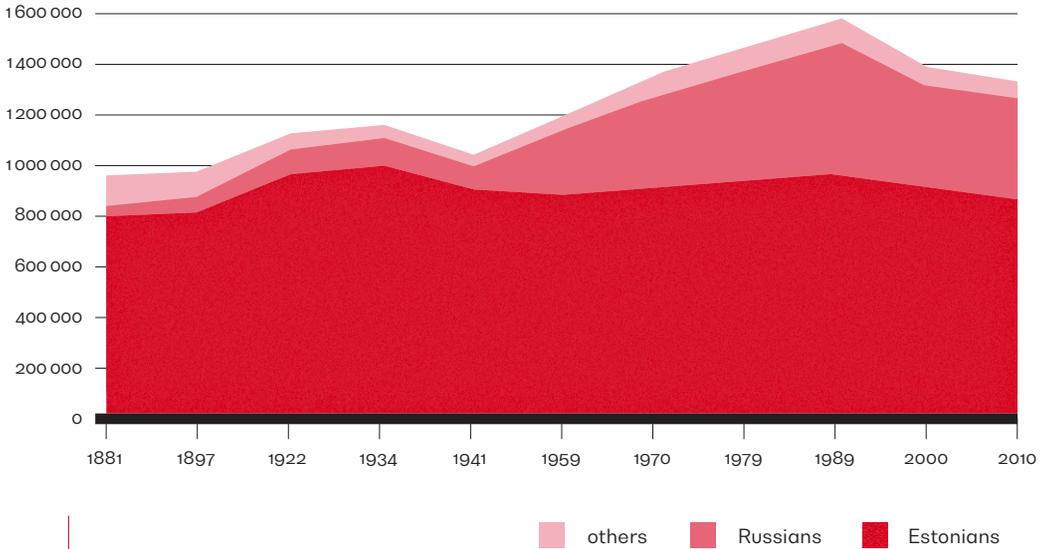
Populism is nothing new — it has existed for as long as there have been politicians. However, populism is spreading across the continent, with the rise of populist parties accelerating rapidly during the last decade. Back in 1998, only two small European countries — Switzerland and Slovakia — had populists in government. Two decades later, many more countries do. According to the Guardian, every fourth European votes for populists<sup>1</sup>. Across Europe, populist parties have succeeded in influencing policy and political culture.

Estonia has always been a famously liberal country. Since joining NATO and the EU, Estonia is a good example of democratic values, tolerance, innovation, and openness<sup>2</sup>. By most metrics, Estonia has been the most open, successful, and developed country of the former USSR, surpassing its neighbors in median wages, press and internet freedom indexes, PISA schooling test scores, etc. This was true until an unexpected change occurred in 2019 and the political landscape in Estonia was shaken up, with the inclusion of Estonia's far-right Conservative People's Party as one of the three parties that formed the small Baltic nations government<sup>3</sup>.

## Estonian Conservative People's Party (EKRE)

The rise of EKRE has been somewhat of a stroke of lightning, arriving both loudly and unassumingly. The Estonian Conservative People's Party was founded in 2012 on the merger of the fledgling remains of the once well-established *Rahvaliid* (People's Union) and the significantly smaller *Eesti Rahvuslik Liikumine* (Estonian Patriotic Movement). Since its inception the party has been led by Mart Helme as chairman and his son Martin Helme as vice-chairman, with the roles reversed at the latest EKRE Congress on the 4<sup>th</sup> of July, 2020.

EKRE appeared to be a project designated to the sidelines of mainstream Estonian politics, with Martin Helme's 2013 maxim:



**Changes in Estonian population 1881–2010**

Source: [www.statistikaamet.ee](http://www.statistikaamet.ee)

“If you’re black, go back” still very much tied to the party’s image<sup>4</sup>. That would have been so until 2014 when the coalition in power decided to adopt a civil partnership law intended for both hetero- and homosexual citizens. This provided EKRE’s powder keg the spark it needed and with a dangerous concoction of public gatherings for “preserving normality” and ravings about the LGBT dictate and ideology of Brussels, the father-son duo at the helm of the party were able to get their message into mainstream media outlets, thus beginning to earn some notoriety.

If the civil union law was the start of EKRE’s rise to stardom, the real catalyst, as was the case in many other European nations, was the migration crisis of 2015. Adopting a hardline anti-immigration stance and operating within the terms of a coalition government that had problems agreeing on and efficiently communicating official government policy, EKRE soon found support among many Estonians. A particularly important bullet point in this regard was likening Brussels to Moscow and forced migration during the USSR’s regime to the EU’s quota system. This message of another foreign capital dictating how many foreigners Estonia must accept found sway among many in the older generation that had watched the demographics, as well as cultural and linguistic profile, of their hometowns change during Soviet resettlement programs, with over 300,000 Russians and Russian-speakers moving into Estonia during the time of USSR (see the graph above).



Pictured: on the right – Estonian President Kersti Kaljulaid (the sign reads “Traitor of Estonian people nr1”), on the left – a “noose for traitors” with a mixer hanging from it, as the Foreign Minister at the time was Sven Mikser (SDE). Source: Kaupo Lepasepp

The rhetoric used is best exemplified by Urmas Reitelman, current EKRE parliamentarian and chairman of the party’s Council: “Estonia already has 300,000 parasitic tiblas, that have not adapted, so how do You think we could turn into humans the millions of comfort cockroaches wishing to come here?”<sup>5</sup>. For clarification, the term *tibla* is a derogatory term used against Estonia’s Russian-speaking population, akin to the “n-word” in Western Europe. On the back of these anti-LGBT and anti-immigration stances, EKRE was able to obtain 8,1% in the 2015 parliamentary elections, giving them 7 seats in the 101-seat *Riigikogu*.

This rhetoric continued upon being elected to Parliament. The most abhorrent example of this came during discussions surrounding the UN Migration Pact in 2018. In response to debates in parliament, EKRE organized a public gathering for those against the treaty. Attendees showed up with a noose for “traitors” and physically assaulted Social-Democrat MEP Indrek Tarand, as he was trying to explain the substance to those gathered<sup>6</sup>. Other examples of provocations include then-parliamentarian and current MEP Jaak Madison, who in 2015 responded to an off-duty black NATO soldier being assaulted by proclaiming that minority NATO troops

At the subsequent swearing-in ceremony of the new government both Mart and Martin Helme, as well as former youth wing leader Ruuben Kaalep, held up the ‘White Power’ symbol used by Christchurch shooter.

should wear their uniform or a distinguishing badge to avoid abuse<sup>7</sup>. Jaak Madison, who has previously talked about his admiration for the “economic miracle”<sup>8</sup> of the Third Reich, also went on record in 2019 -as recently elected MEP- stating: “Die endgültige Lösung ist erforderlich” in reference to Syrian migrants in Europe. When questioned by the Estonian media, Madison admitted that it was a deliberate adaptation of “die Endlösung” or “Final Solution” used by the Nazi regime in reference to the “Jewish question”<sup>9</sup>.

The latest parliamentary elections in Estonia were held

on the 3<sup>rd</sup> of March, 2019. Before the elections, all party leaders, with the exception of conservative *Isamaa* (Pro Patria), had stated that their values are not compatible with EKRE. Despite such public statements, Estonian politics took a sudden turn when, following a public statement by the winning Reform Party’s leader Kaja Kallas that they will not negotiate with EKRE, then-Prime Minister and leader of the runner-up Centre Party announced that they are entering negotiations with Pro Patria and EKRE. Thus, as a result, a coalition was formed between the social-liberal Centre Party, Christian-conservative Pro Patria, and far-right populist EKRE, with each one of them having five allocated ministerial positions.

During the coalition talks, several different protest actions were going on by various interest groups (scientists, students, feminist and LGBT+ activists, local start-up community, etc.) against the inclusion of EKRE, to which then vice-chairman and soon-to-be Finance Minister Martin Helme replied, “If the deep state, media industry, and Reform Party succeed in ruining these negotiations, then the demonstrations currently organized by hung-wei-ping’s are a chil-

dren’s party compared to what our supporters will do”, adding that “If our ‘thing’ gets foiled and we throw a matchstick in the powder keg, there will be an explosion”<sup>10</sup>.

At the subsequent swearing-in ceremony of the new government both Mart and Martin Helme, as well as former youth wing leader Ruuben Kaalep, held up the ‘White Power’ symbol used by Christchurch shooter Brenton H. Tarrant. During a later visit by France’s National Rally party, Kaalep convinced delegation leader Marine Le Pen

## Martin Helme said, “We control the narrative in a classic way: provoking, escalating, improvising”.

to make the hand gesture with him, causing outrage and the swift removal of the said photo, once news reached France<sup>11</sup>. Such shock-tactics are the hallmark of EKRE’s communication strategy. During a keynote speech hosted by the Traditional Britain Group in London,

Martin Helme said, “We control the narrative in a classic way: provoking, escalating, improvising”. He went on to elaborate, “The moment you say something [provocative], everyone starts running around and shouting, we don’t apologize, this lasts for roughly a week. When the dust settles, we have succeeded in expanding the political discourse with our narrative”<sup>12</sup>.

### The key connector

Of the utmost importance, particularly for the spread of fake news, is social media – the 21<sup>st</sup> century’s strategic weapon. Media, especially social media, is the key connector between political actors and the public. On one hand, populism might increase representation and give a voice to groups of citizens that do not feel heard by the current political elite. The power of Facebook groups and social media communities is unbelievably strong. For example, EKRE’s *Sõprade Klubi* (Friend’s Club), *Vaba Sõna* (Free word/speech), and *Eesti Vennaskond* (Estonian Brotherhood), each boast several thousand members. Moreso than the official Facebook pages of Estonian mainstream parties.

Social media groups are used by EKRE in two primary ways. Firstly, it is used to mock and shame opposition politicians and people that the party’s leadership deems a threat. This is done primarily by easy-to-grasp memes, combining unflattering pictures with nicknames they wish to assign to said politicians. For instance, the leader of the opposition Kaja Kallas was quickly assigned the abbreviation “KaKa” (poo in Estonian), the Estonian President Kersti Kaljulaid renamed as “Buratino” (Estonian for Pinocchio) or more recently using a photo from World Cleanup Day as “Koni Kersti” (cigarette-butt Kersti). These memes are then shared from EKRE-friendly closed groups to the wider public, usually depending on what is trending at the time (e.g. if the week’s news have revolved around forestry, relevant Facebook groups will see heightened activity by trolls). Secondly, the groups are used to actively keep track of what talking points speak to supporters. Posts and subjects that get the most ‘likes’ will shortly find coverage in the form of long articles on EKRE’s

official online news site *Uued Uudised* (New News), from where they are shared by high-ranking party members back into the same groups, in turn creating a snowball effect of confirmation bias.

Supporters of EKRE are also ramping up their efforts to turn public radio stations into state propaganda outlets. EKRE has established its own radio station (TRE raadio) which has weekly broadcasts and is meant to promote an anti-establishment political agenda. It has thousands of listeners daily and its popularity is growing. It is important to emphasize that the owner of TRE Radio, Siim Pohlak, is as of 2019 also the Head of EKRE's parliamentary faction. During one of the broadcasts, Mart Helme insulted Finnish Prime Minister Sanna Marin, saying that she was a "cashier" — referring to an earlier job she had held<sup>13</sup>. He questioned the competence of Marin, paraphrasing the first Soviet communist leader: "I would recall Vladimir Ulyanov Lenin saying that every kitchen maid could become a prime minister — or how he said. So now we see how a cashier that has become a prime minister and how some other street activists and uneducated people have also become members of the government". He also added that the five-party coalition she leads is stocked with "reds" intent on selling out Finland to EU<sup>14</sup>.

Needless to say, there are big problems with the freedom of the press. Several journalists decided to leave Estonia's largest and oldest daily newspaper *Postimees* over the appointment of Peeter Helme as editor-in-chief. Peeter Helme, who has written science fiction novels about Estonian life in a post-war Thousand-Year Reich, is also the nephew of the Minister of Interior and former leader of the EKRE party, Mart Helme. A journalist was fired for her story against EKRE, which showed us the first step of censorship<sup>15</sup>. People from EKRE have constantly criticized journalists who have expressed views that are not suitable for them. Peeter Helme also changed the nameplate of *Postimees*, which now features the slogan "We stand for the preservation of the Estonian people, language, and culture through the ages". Whilst it refers to the Estonian Constitution, it is strongly connected to EKRE's political agenda. Quite shortly it came out that Peeter Helme had pressured the Head of the opinion column to censor a daily commentary that supported gay marriage. Helme had noted that *Postimees* wasn't a newspaper that supported gay marriage<sup>16</sup>. The daily commentary section of the paper is one where journalists express their own opinions, not those of the newspaper. Under Helme's governance this changed, with several journalists and members of the editorial team walking out. Most famously, on the 15<sup>th</sup> of September, Peeter Helme

published his lead for the week titled “Do you wish for total war?”<sup>17</sup>. Questions quickly arose regarding the title’s similarity to the Reich’s propaganda minister Joseph Goebbels’ infamous *Sportpalastrede* under the “Totaler Krieg – Kürzester Krieg” banners. One of the first journalists to have had left, Vilja Kiisler, responded to the op-ed with her own, titled “Postimees’ editor-in-chief uses Goebbels to normalize EKRE”<sup>18</sup>. Public and internal pressure led to nineteen journalists of Postimees giving Peeter Helme an ultimatum on November 1<sup>st</sup>, threatening to resign unless he leaves his post. Luckily, after having a crisis meeting he stepped down.

Notably, Estonia is still ranked 14<sup>th</sup> out of 180 countries in the 2020 World Press Freedom Index by Reporters Without Borders, a drop from last year’s 11<sup>th</sup> place<sup>19</sup>. A significant role is played by Estonia’s richest oligarch Margus Linnamäe, who alongside having a monopoly on the local pharmaceutical industry, major shares in the cinema and bookstore industry, also owns one of the two media houses – Postimees Grupp, flagshiped by the aforementioned Postimees newspaper. Mr. Linnamäe is also a registered member of the conservative Pro Patria and one of the party’s biggest donors. The 2019 index pointed out that he had personally appointed leading staff and promoted conservative ideology in the new newspaper section he opened right before the parliamentary elections.

On the other hand, populism might lead to political tribalism, which impedes civil discourse and discourages political compromise. As social media drives information dissemination based on popularity rather than accuracy, alternative media and fake news are seemingly everywhere. People have lost their minds and critical thinking.

### **Law, regulations, and battle against hate speech**

There is only one question: how far can hate speech go and where are the boundaries of acceptance? In Estonia, there have been many discussions about the legal and social consequences of hate speech. On one hand, Estonia has always been a very liberal country, where freedom of speech is highly valued. EKRE has caused a storm in a teacup since they got into our government. Due to EKRE, Estonian political culture has changed a lot. Estonian Human Rights Centre has urged our government to clamp down on hate speech and amend the penal code. They believe that hate speech laws are too soft and it needs to be criminalized<sup>20</sup>. They have mentioned that the current penal code is futile against hate speech for its wording that requires words to be accompanied by direct danger to one’s life or well-being, thus they are worried that hate speech can become

a hate crime. Carri Ginter, associate professor at the Faculty of Law of the University of Tartu is sure that the provision to incite hatred of the penal code would need to be amended and penalties made more severe. According to Ginter, the law should interfere with hate speech, especially in situations where society itself can no longer cope. He also believes that most hate speech cases can be settled under the current law<sup>21</sup>. On the other hand, Rait Maruste, a former judge of the European Court of Human Rights, finds that people must also have the right to express themselves hostilely, unless it is accompanied by violence. Rude and offensive speech should rather be heard and tolerated than banned. “Everyone has the right to their own convictions and opinions. You can’t be criminally punished for that” he says<sup>22</sup>. Although hate speech can’t be put into frames, it needs to be discussed and condemned worldwide.

How do you deal with the popularity of a movement and individuals who use hate speech in public discourse? There are some excellent examples of citizen activism on how to combat hate speech. The *Kõigi Eesti* (#myestoniato) movement was started by residents of Estonia from all walks of life and various communities in Estonia, connected by their concern about the developments in Estonian politics. In March 2020, they started a massive action in social media by communicating in Estonian, English, and Russian, with 28,000 people attaching the movement’s frame to their profile photos.

On the 31<sup>st</sup> of March, a different movement called “Yes to Freedom, No to Lies” organized simultaneous protests against the coalition government being formed<sup>23</sup> numbering 2,000 participants in Estonia and among the diaspora. The aforementioned opinion piece written by Peeter Helme was a response to a different protest organized by the same movement the day before, with a picture from the event used as the column’s cover photo<sup>24</sup>.

We, as liberals, should remain calm and not go with the populistic and extremely bad flow. The classical liberal Reform Party, whilst leader of the opposition, is a strong proponent of free speech, with hate speech legislation far out-of-sight. Estonian liberals believe that freedom of speech must support the freedom of an individual or a community to articulate their options and ideas; freedom of speech is precious

All these cases have made the country feel more like current-day Poland of PiS or Hungary of Fidesz, rather than the Nordics to which we used to aspire to.



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# Hate Speech as a Political Method

## Astrid Thors

Chair of the Liberal International's Human Rights Committee. Former minister of migration and European affairs, former member of the European Parliament (Swedish People's Party).

Hate speech, as a political method, seems to have originated mostly from Finnish sources. It has exploited xenophobia in the same way it did in other European countries, even using the same examples, but with the Finnish context. The use of the method led to the electoral success of the True Finns Party and resulted in policy changes among many other parties. Early on there was no possible realization of how small of a group it was that has orchestrated the informational campaign. The followers of the xenophobic circles have intimidated politicians, researchers, and officials working on migration issues, yet they have not stifled the research. The political debates about these issues still continue to be polarized, while in the parliament they became more vulgar.

Additionally, the gender factor should not be forgotten; more often women than men are the target of such social media campaigns.

## The rise of the populists

The parliamentary elections of 2011 saw the great ascension of the populist party, the True Finns (Perussuomalaiset<sup>1</sup>; later referred to as the TF<sup>2</sup>). I would attribute that ascension to the three phenomena:

- 1 The economic crisis after the fall of Lehman Brothers and others,
- 2 Years of discussion in the media about financial misconducts of parliamentarians belonging mostly to the conservative and center parties,
- 3 The use of social media to induce a hostile environment in regards to migrants and refugees.

At that point, the True Finns had adherents from quite different strands of the political spectrum. Some have been in a predecessor to the TF – the earlier party which has been successful in the 1970s and 1980s but afterward went bankrupt. Another group was made up of people with local misgivings, caused by closures of a factory or

a public institution. Finally, there was also a xenophobic group. One common enemy for the TF was of course the EU, due to all of the difficult financial agreements that had to be made to save the Euro and the banking systems after 2008–2009.

In my mind, it is clear that those who were in the xenophobic faction of the party were among the first to have used social media with great success to create a support basis and to spread their ideas, thus in a way exemplifying that populist parties, until now, have been more successful in using different forms of social media for their purposes.

As I was responsible for the migration policy, as the Minister of Migration and European affairs, during those years, I got a certain insight into how the populists have worked and how their followers have targeted people working with migration. Frankly, I also have to admit that in the administration we were not always ready to act and answer “stories” that were introduced to the media; now, fortunately, there are more journalists who understand the complexities of the questions as well.

### **Two ways of using social media**

As it was said, I believe it has been recognized that the populists during the earlier days of social media were more skillful than others in using it for political purposes. In regards to Finland and the TF, it is worth mentioning two of such ways – blogs and discussion forums.

When the nationalists in Finland began to spread xenophobic content through social media, one would often see that they had used the same examples of acts allegedly committed by immigrants as were used by xenophobic sites in other Nordic countries or Europe in general. I believe that this pattern has been recognized at later times quite often, as a way in which the populists or trolls work; the same story or picture is used and reused many times over and over again.

Here is the paradox: the nationalistic parties are well connected across borders to share information and stories, which was long before there was any talk in Europe about Steve Bannon.

Also, in Finland, materials from the blog Gates of Vienna<sup>3</sup> can be found; it is of no coincidence that the ideological leader of the xenophobic fraction, Jussi Halla-aho, published texts from his blog in the booklet called “Kirjoituksia oppoavasta lännestä” (translated as “Writings From the Sinking West”). I did not visit the website myself, but I did see the texts reminding remarkably of the ideas

of the Gates of Vienna. One should not forget that Halla-aho's texts are said to have inspired Breivik in Norway.

It is also worth mentioning that this same Halla-aho was convicted by the Highest Court of Justice in 2012 for incitement of hatred and other crimes through posts on the net<sup>4</sup>. For instance, in his blog texts, Halla-aho wrote that "to rob by-passers and living idly, benefitting from social welfare, is a national, maybe even genetic, special feature of the Somalis". This sentence was considered as hatred-inciting against the group of people. The court stated that the sentence contains things that can raise hatred, contempt, and prejudice against the groups mentioned and thus does not fall under the protection of freedom of speech. That was one of the early public cases where the populists tested the boundaries of the law and made allegations that the conviction was an infringement of freedom of speech. We should note that they continue to challenge the boundaries of freedom of expression set up by the Strasbourg Court on Human Rights. That became clear when there was a vote on what their MP had said in a debate in the Parliament when he had compared asylum seekers to invasive species. The National Attorney general had requested the immunity to be lifted, but the required majority was not reached<sup>5</sup>.

The other channel for the populists and xenophobes was the "discussion forum" Homma Foorum, where all kinds of half-truths and hatred were spread very quickly. One typical trait for these kinds of fora is that there is no moderation, so the liability rules for media cannot be applied to them.

### Targets and victims

In Finland, much of hate speech and many hate crimes go unreported, despite the efforts of making it easier for victims to get assistance and help. The estimate is that 70% of hate crimes target ethnic and national minority groups<sup>6</sup>. For other minority groups, the distribution of hate crimes is as such: religion or belief based – 13–15%, sexual identity or orientation – around 5%, and disability – 4%. According to the EU FRA survey, Finland, unfortunately, stands out as a country where persons with African roots encounter more harassment and hate than in many other countries<sup>7</sup>. Similar findings are reported in a publication by the Ministry of Justice<sup>8</sup>.

It is nothing new that persons who look different or follow distinct social traditions different from a majority are the targets of verbal harassment – over the past centuries, Europe has accumulated plenty of such storytellings. Unfortunately, this harassment

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Even though the direct targets are minority people, the ultimate aim for much of the harassment is to undermine the confidence in authorities, science, and media. In a climate of distrust, populists believe that they and their alternative truths can gain more popularity. The experience in Finland is similar to that in other countries.

It might be a bit far fetched and somewhat early to say, but the COVID-19 spring of 2020 has shown that it is not that easy to undermine the fundamental trust the Finnish people have in their public bodies. When authorities are transparent and explain the reasons for the decisions, trust is not eroded, as the authorities are given the space to be listened to. The popularity of the populists has declined during the spring.

To get back to the direct targets of hate speech and online bullying — in our experience journalists, researchers of certain subjects, and politicians are also the targets. It is clear that dealing with certain subjects makes you more vulnerable in that context, that is especially the case when dealing with migration issues. Some researchers refrain from being seen in public, while some representatives and authorities are

also not eager to be there either. However, fortunately, the research on the issues continues to be vigilant and interesting.

The question also has a dimension of gender — women are targeted much more frequently than men<sup>9</sup>, while the content is often sexist. You could even say that the common knowledge is: a woman speaking in favor of migration or to an advantage of a minority, belongs herself to a minority and seems to be considered as a typical target of hate speech.

In addition to the above, if you belong to the Swedish speaking population, the de-facto minority in Finland, the danger also lies in that. One obvious factor contributing to this is that the circles around the TF party want to diminish considerably the role of the Swedish language in the country.

Thus, it is no secret that representatives of the Swedish People's party, a liberal party of Finland, and especially those who are active

in questions related to migration, anti-discrimination, and equal rights are quite exposed to hate speech. There was even a period when many Swedish-speaking politicians got letters with threats. One example of such being the MP Eva Biaudet, who has gotten many aggressive letters wishing that she and her children would be raped.

On the other hand, similar experiences can be found among the Green Party's female activists, who also have been the targets of cyberbullying through sexual connotations and also had been called a lot of awful things. However, in the Green Party, in Finland, there used to be quite many who have had been active in the Liberal Youth, a defunct organization nowadays.

### **Bullying of politicians**

The statistics on cyber harassment of politicians are not public; questions related to their validity can be raised. Therefore, only some cases are known and that's contingent on whether the media promoted them through their channels.

One case, in which I was the target and have decided to take the legal action, was discovered by the media early on. They had noticed that a person had set up a Facebook group asking to join those who were ready to endure a criminal sentence in jail for committing a crime against me; for example, killing me.

I had decided to take the legal action, and in this case, the perpetrator was found and convicted for unlawful threats and public incitement to commit a crime, as the names of the crimes were called according to the law. However, it is to be admitted that sometimes it is hard to find those who are responsible, as the IP-addresses are hidden or are based in another jurisdiction where authorities would not help. If an IP address or a server is located in the USA, there is the additional difficulty of the different notion of freedom of speech.

However, co-operation with Europol and Eurojust can also be efficient in these cases.

### **The Russian factor?**

In many European countries, the populist parties are believed to be co-operating with Russian actors or are being supported by such circles. So far, this has not been the case concerning the TF. One obvious reason is that such cooperation would forcefully back-fire on the partner in Finland, most certainly because of historical reasons. The old populists in the TF drew their strength from the opposition to president Kekkonen's realpolitik towards the Soviet Union<sup>10</sup>.

Finland has also been considered as one of the countries better prepared for hybrid influence through social media, as the level of education of the entire population is rather good. There is a long tradition of teaching media literacy in compulsory school. Of course, nothing can be taken for granted; it is possible that the public and the authorities have not been aware of the methods to amplify social media storms used by Russian and Chinese bots. I note and take for granted that the authorities are alert of any efforts of exerting influence through the compatriots' policy.

The way Finland is portrayed in Russian media is also of interest. Fortunately, we have had journalists highlighting how reporting about Finland was done. Some years ago, alleged discrimination of Russian children by the social authorities was widely reported through media. The Russian Child Ombudsman, at the same time a host for the popular tv-show, both forced a visit to Finland and hosted sessions on the cases in his program portraying the “danger” children born in Finland to Russians encountered. News of this kind has not been seen lately.

Instead, interpretation of history has become a factor in Russian-Finnish relations, exemplified by the discussion on the Molotov-Ribbentrop pact and the treatment of interns during WWII.

### **The relation to the troll factories in Russia**

However, there is one exception in regards to the Russian factor — it is what happened to Jessikka Aro, an investigative journalist who has studied the “troll factories” in St Petersburg and published a book on that subject in 2019.

She has been attacked online, largely by two individuals and circles, as she was investigating. An online newspaper MV-lehti, led by Ilja Janitskin, has initiated smear campaigns against her that resulted in vast consequences; fake videos were produced, her looks were criticized, she was called a whore, and accused of being a spy<sup>11</sup>. The intention of these smear campaigns was to undermine her credibility as a journalist. These campaigns have led her to leave Finland. Nevertheless, Janitskin and her other aggressor Johan Bäckman<sup>12</sup> were convicted to prison sentences for these smears and hate speech, and ordered to pay huge amounts as compensation. The decision was appealed; meanwhile, Janitskin died of cancer.

Some years ago Bäckman was in a lot of the spotlight, as he was always in Russian media explaining the Finnish Politics in very strange ways, while later on, he said he was representing the “Donetsk and Luhansk republics”, the separatist entities

of Ukraine hardly recognized by any other entities. I have also learned that Bäckman has been spreading fake news about me and Eva Biaudet at an international event.

### De lege ferenda

The present government has combatting hate speech high on the agenda. It is not considering changing the definitions of what incitement to hate against some ethnicities is, an article that has been criticized by the populists and the youth wing of the Conservative Party. Instead, there are discussions on how to improve the prosecution of hate speech and increase resources for the police to follow what is happening on social media. Legislation on increasing the responsibility of publishers or owners of news sites is not on the agenda, owing to the long tradition of media freedom and responsibility in the country.

**1** Perussuomalaiset, the TF, was established as a political party when the Suomen maaseudun puolue, SMP (The Rural Party of Finland,) had gone bankrupt. Until 2011 it had only a couple of the MPs, but in the parliamentary elections that year it grew from 5 MPs to 39 MPs and came out as the second largest party. In the parliamentary elections of 2015 they also came out as the second biggest party, and at that point became a government party. However, when the long time chairperson Timo Soini resigned in 2017, the xenophobic faction of the party managed to have its candidates elected to all of the leading positions. As the result the party split, with the long standing leader Soini and circles close to the ministers setting up a new party – the Blue, and remaining in the government. In the elections of 2019 only the TF, now led by Jussi Halla-aho, managed to get 38 MPs, while the Blue did not get anyone elected. Now, the TF openly say that they are the only party against immigration.

**2** Since 2011 the party prefers to call itself only as The Finns. In the European Parliament they belong to the Identity and Democracy Group, where the Vlaams Belang, Danish Folksparti, Lega and Rassemblement National and German AfD also work.

**3** Gates of Vienna is a counter-Jihad blog/movement, that also has had links to Halla-aho's writings.

**4** The case went all the way to the Highest Court of Justice and the verdict was published as nr 2012:58.

**5** In a recent decision of the Parliament (2020, June 16), the parliamentary immunity was not lifted in regards to the TF MP Juha Mäenpää; the TF, the Christian democrats, some Conservatives, and few from Keskusta opposed the immunity lift.

**6** The annual reports of the Police. Retrieved from [https://www.poliisi.fi/tietoa\\_poliisista/seuranta\\_ja\\_arviointi](https://www.poliisi.fi/tietoa_poliisista/seuranta_ja_arviointi)

**7** *EU-MIDIS II: Second European Union Minorities and Discrimination Survey* (2018, October 13). Retrieved from [https://ec.europa.eu/knowledge-4policy/dataset/dso0141\\_en](https://ec.europa.eu/knowledge-4policy/dataset/dso0141_en)

**8** Ministry of Justice, publication 7/2016.

**9** Pöyhtäri, R., Haara, P., Pentti, R. (2013). *Vihapuhe sananvapautta kaventamassa*. Tampere: Tampere University

**10** Urho Kekkonen was the president of the Republic of Finland from 1956–1982. However, immediately after the WWII he was already central in defining a new policy of cooperation with the Soviet Union; this was a form of realpolitik of Finland. The reasoning was that the better the relations were with the USSR, the bigger was the margin to co-operate with Western Europe. However, some considered that Kekkonen used his relationships with the leaders of the eastern neighbour to dominate too much of the national political arena.

**11** A lot of information on the case can be found on yle.fi

**12** Johan Bäckman, PhD in sociology, a person used extensively by Russian Kremlin-oriented media, who also has said that he is the representative of the Donetsk and Luhansk republics. I believe that many of us have our suspicions on who is paying for his services.



# Outsourcing Hate Speech

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## Introduction

Hate speech in France has been generated and disseminated by the far-right, namely the Front National (National front, hereafter FN) and radical groups at its fringes. Marine Le Pen, who took over the FN in 2011 and re-baptized Rassemblement National (National Rally, hereafter RN) in 2018, worked hard to shake off the far-right label and “de-demonize” the party established by her father Jean-Marie Le Pen in 1972.

Purging the discourse of its original anti-Semitic, xenophobic, homophobic, and racist references was a crucial part of this process. It is important to note that the party members were not encouraged to change their thinking or attitudes; they were only instructed to express them in politically acceptable terms. “The Nazi salute was in order as long as it stayed between us”<sup>1</sup>. Normalization similarly entailed public, but not actual, distancing from certain disreputable associations with notorious anti-Semites, neo-Nazis, Holocaust deniers, racists, and xenophobes. It culminated in the spectacular exclusion in 2015 of the Front National’s founder Jean-Marie Le Pen who infamously claimed that the gas chambers were a mere “detail” of the Second World War.

Marine Le Pen’s strategy since 2011 has been to impose its political agenda on the right and fight for power democratically. Keeping a lid on hate speech within the ranks of the Front National has been the condition sine qua non for its mainstream electoral success. However, the FN also had to cater to much more radical voters, loyal to the ‘old’ FN leadership. Since the constraint of the democratic process does not bind other far-right groups and groupuscules, the FN used its connections to those other channels to disseminate hate speech. Marine Le Pen has been disciplining and excluding members who slip down the hate speech slope with considerable fanfare, yet closer scrutiny shows that

despite the Front National's new window dressing, its backroom remains intact.

In the first part, this contribution overviews the radical right universe that generates and disseminates hate speech in France, explores the personal, institutional, and ideological links between these fringe groups and the Front National, exposes its outsourcing of hate speech, and shows that the normalization is merely a stepping stone on the path to power. The second part will focus on the concrete example of the *Gilets Jaunes* (Yellow Vests) and the ways in which the far-right exploited the protests for ideological (hate speech) and electoral (European elections) ends. The concluding part will examine the liberal responses to the FN discourse, using the example of the 2017 presidential electoral campaign. Emmanuel Macron countered the FN and won the election with a campaign that was firmly pro-European and based on the notion of *bienveillance* (benevolence, kindness).

### **The Front National and its satellites<sup>2</sup>**

From the very beginning, the Front National maintained close links with the neo-Nazi, pro-Pétain, and anti-Semitic militant groups. The founders of the party include the collaborationist Roland Gaucher and the former *Waffen SS* Léon Gaultier. The ambition to normalize the party forced Marine Le Pen to distance herself publicly from some of those cumbersome relations, yet personal friendships and ideological links remained intact. For example, Frédéric Chatillon, former president of *Le Groupe Union Défense* (hereafter GUD), a violent far-right student union created in 1968, is Marine Le Pen's close friend. He has played a crucial role in organizing her rallies and election campaigns. Axel Loustau, another friend and former GUD member, known for his anti-Semitism and Nazi salutes, is the FN's regional councilor for *Ile de France* and Marine Le Pen's campaign treasurer.

Other radical fringe groups that gravitate around the Front National include *Les Jeunesses Nationalistes Révolutionnaires* (The Revolutionary Nationalist Youth, — hereafter JNR), the youth wing of the group *Troisième Voie* (Third Way). JNR was created in 1987 by the former leader of the Paris neo-Nazi skinheads, Serge Ayoub. The government of Manuel Valls disbanded both groups in 2013, following the aggression and death of an antifascist extreme left activist Clément Méric. Two other far-right militia groups were disbanded in 2013: *Oeuvre Française* (French Work) and its youth wing, *Nationalist Youth*. *Oeuvre Française* was the oldest active

far-right group, founded in 1968 by former members of Organisation de l'Armée Secrète (OAS)<sup>3</sup>. It was known for its virulent anti-Semitism, Nazi salutes, incitement to hatred and violence, honoring the Waffen SS, and glorification of the collaborationist Vichy regime of Maréchal Pétain.

The founder of Oeuvre Française, Pierre Sidos boasted about the presence of his group within the Front National: "We are certainly better informed about what's going on within the Front National as Le Pen himself. Many members of Oeuvre Française belong to the FN, whether Marine Le Pen likes it or not"<sup>4</sup>. In addition to these far-right anti-Semitic and neo-Nazi connections, the Front National also draws support from Renouveau Français (French Renewal). This ultra-nationalist, royalist, catholic, anti-Semitic, pro-Pétain group, was formed in 2005 by the dissidents of the Front National de la Jeunesse (FNJ), the Front National youth wing. Similarly, one can observe a significant porosity between the Front National and Civitas, the fundamentalist catholic movement fighting for a 'rechristianisation of Europe' and against "gay madness". Front National inherited the legacy of pro-fascist movements and former collaborationists, such as Action Française, which supported anti-Semitism, nationalism, and "authoritarian ethnocentrism"<sup>5</sup> till the end of World War II.

Last, but not least, Front National has been increasingly integrating members of Les Identitaires, formerly Bloc Identitaire (Identitarians, Identitarian Bloc) and its youth branch Génération Identitaire (Generation Identity). Philippe Vardon, the group's historical leader is a member of FN's national bureau since 2018. He was the elected regional councilor of Provence Alpes Côte d'Azur on Marion Maréchal's list in 2015<sup>6</sup> and was heading the FN list at the municipal elections in Nice in 2020<sup>7</sup>. The group was created in 2003, following a failed assassination attempt perpetrated by Maxime Brunerie against the then French President Jacques Chirac, and after the dissolution of the Unité Radicale (Radical Unity), the successor of GUD. They advocate virulent anti-Islam, anti-Zionist, and anti-American politics, direct democracy<sup>8</sup>, the theory of great replacement<sup>9</sup>, and ethnic regionalism<sup>10</sup>. Les Identitaires, who have chosen a pig as their symbol, have instigated a number of actions against "Islamisation of France": wine and pork sausage parties in the vicinity of Muslim places of worship, or an attack against the mosque in Poitiers. Génération Identitaire also had staged an extensive anti-immigrant operation "Defend Europe" at the Col de l'Echelle in the Alps in April of 2018. Using helicopters, cars marked "Defend Europe,"

blue uniforms, they “played the anti-immigrant gendarmes”<sup>11</sup> and deliberately misled immigrants into thinking they were police officers<sup>12</sup>. Three of their members<sup>13</sup> were sentenced to six-month jail terms and a fine in 2019<sup>14</sup>.

On the other end of the spectrum, the Front National also attracts the likes of Alain Soral, former communist, conspiracy theorist, Holocaust denier, homophobe, antifeminist, and founder of the national revolutionary faction *Égalité et Réconciliation* (Equality and Reconciliation). Alain Soral was sentenced twenty times for hate speech and was implicated in fifty-seven violations against the same targets, namely Jews and the Holocaust. For example, in a video posted on his website following the burial of Simone Veil and her husband at the Panthéon in 2018 Soral called the mausoleum for the remains of distinguished French citizens a “kosher waste dump”<sup>15</sup>. He received a one-year prison sentence for Holocaust denial in April 2019. He had published a drawing of a cover page of a fictional paper *Chutzpah Hebdo* bearing a caption reading “disoriented historians” and illustrated by the face of Charlie Chaplin asking “Holocaust, where are you?”<sup>16</sup> with a Star of David, a shoe, a wig, a lampshade and a bar of soap in the background<sup>17</sup>.

Portraits of French politician and Holocaust survivor Simone Veil defaced with swastikas in Paris.



In September 2019, he was sentenced to a two-year prison sentence and a fine of 45,000 euros for posting the Yellow Vests rap, in which we see prominent French Jews such as Jacques Attali, Bernard Henri Levy, and Patrick Drahi thrown into the flames, references to the Rothschilds, the parasites, and Emmanuel Macron at the dinner organized by the Representative Council of Jewish Institutions in France (CRIF)<sup>18</sup>.

Another colorful character in Le Pen's orbit is Dieudonné M'bala M'bala, a French comedian, actor, and political activist. Originally active in the anti-racist movement, Dieudonné shifted to the far-right and has been convicted eight times for hate speech, revisionism, and anti-Semitism, in France and Belgium. During a show in Liège, Belgium, he had encouraged hatred against Jews, homosexuals, and disabled people, praising the Nazi methods of dealing with them. The gig won him a two-month prison sentence and a fine of 9,000 euros. In March of 2015, he was fined 22,500 euros for publicly regretting the "gas chambers" every time he heard journalist Patrick Cohen speak. In March of 2015, he also received a two-month prison sentence for "apology of terrorism". He had published, three days after the terrorist attacks in Paris, "I feel Charlie Coulibaly", a reference to Amedy Coulibaly, the perpetrator of the attack against the Jewish supermarket Hyper Cacher. Between November of 2007 and January of 2015, Dieudonné received fines ranging from 5,000 to 50,000 euros for parodying the famous song *L'aigle Noir* (Black Eagle) by the French Jewish chansonnière Barbara as *Le Rat Noir* (Black Rat), for transforming a song from *Chaud Cacao* (Hot Cocoa) to *Shoah Nanas* (Shoah Girls), for having organized a *persona non grata* award, presented to the revisionist historian Robert Faurisson by an extra disguised, in striped pajamas of a concentration camp, inmate, for having called the *Ligue Against Racism and Antisemitism* (Licra) "an Israeli outpost", for having called the commemoration of the Shoah "memorial pornography", and for having called Jews "négriers" (slave drivers).

### **Yellow Vests movement and the far-right**

The Yellow Vests movement started in October of 2017 and the extremes immediately saw an opportunity to regain their popularity by appropriating the cause. Frank Buhler, one of the movement's initiators, whose video appeal for "general mobilization" on 17 November 2017 was viewed 4,5 million times on Facebook, is a former FN member and a member of the *Conseil National de la Résistance Européenne* (National Council of European Resistance)<sup>19</sup>. The latter

The anger and hatred targeting the elites, the rich, the Jews, Freemasons, the intelligentsia, globalism, capitalism, etc., that the movement released and generated was a potentially formidable electoral stake, adroitly manipulated by the FN.

was founded on 9 November 2017 by the French author and creator of the great replacement theory, Renaud Camus. Camus was expelled from the FN because of his racist and Islamophobic Tweets and joined the sovereigntist *Debout la France* (*France Arise*)<sup>20</sup>. In a statement that reflects the tactical alliance of extreme right and extreme left that may be the most important aspect of the Yellow Vests movement, Buhler said that he “dreamt of a day when Jean Luc Mélanchon [leader of the left-wing populist party *La France Insoumise*], Laurent Wauquiez [then leader of *Les Républicains*] and Marine Le Pen marched hand in hand”<sup>21</sup>.

While the political far-right maintained a certain distance from the Yellow Vests movement — Marine Le Pen never wore a yellow jacket — the entire radical fringe got involved quite spectacularly. Various militant groups (*GUD*, *Identity Bloc*, *Action Française*, *Soral*, *Dieudonné*<sup>22</sup>, etc.) participated in the demonstrations with their fascist paraphernalia. Skirmishes with the extreme left-wing groups, also present among the Yellow Vests, as well as with the police, were frequent. Yvan Benedetti, excluded from the FN and in charge of *Oeuvre Française*, disbanded in 2013, set the tone when he said: “We should not recuperate the Yellow Vests, but guide and direct them”<sup>23</sup>. Ultra-right disseminated its ideas — namely around ‘Islamic Invasion’ — via social media and in the streets, while some of those ideas made it into the list of Yellow Vests’ demands (the referendum proposed by popular initiative, for example)<sup>24</sup>.

Violent, racist, homophobic, anti-Muslim, and anti-Semitic incidents took place during the protests and hate speech, generated by numerous far-right agitators, spread through the movement. Its targets were mostly migrants and Jews. Alain Soral and Dieudonné were very much mobilized during the protests. Their

followers among the Yellow Vests were responsible for a number of anti-Semitic actions, such as performing the *quenelles* (an inverted Nazi salute, invented by Dieudonné) in *Montmartre*<sup>25</sup>. The number of anti-Semitic attacks increased by 74 percent<sup>26</sup>. Portraits of Simone Veil and the memorial to Ilan Halimi<sup>27</sup>

were vandalized, the word *Juden* and swastikas were sprayed on the windows of the bagel shop Bagelstein, the Jewish cemetery in Quatzenheim was daubed with swastikas, “Death to the Jews” graffiti had been found on the wall of the synagogue in Bry-sur-Marne, and the French Jewish philosopher Alain Finkelstein became a victim of anti-Semitic insults (“dirty shitty Zionist,” “you will die”, “go back to Israel”, “France is ours”);<sup>28</sup> President Macron and his wife were also called “Jewish whores” and banderoles with texts like “Macron demission, en prison, pute à Juifs, pendaison”<sup>29</sup> (Macron, resignation, to prison, Jewish whore, hanging) ornated several barricades put up by the Yellow Vests.

When the Yellow Vests discovered six migrants hiding in the cistern, they delivered them to the gendarmes and called for “a giant barbecue” with the migrants. The French border guards union filed a complaint about incitement to hatred that resulted in a 23-year old Yellow Vests protester being condemned in May 2019<sup>30</sup>. Colored members of the parliament received death threats<sup>31</sup>, Muslim women were forced to take off their veils<sup>32</sup>, homosexuals were beaten up<sup>33</sup>, and immigrants harassed. Although these incidents actively involved only a fraction of the Yellow Vests movement, it is significant that the majority, with its silent acquiescence, enabled the agitators to voice and disseminate consistent and systematic hate speech that became one of the hallmarks of the protests. The anger and hatred targeting the elites, the rich, the Jews, Freemasons, the intelligentsia, globalism, capitalism, etc., that the movement released and generated was a potentially formidable electoral stake, adroitly manipulated by the FN.

When Marine Le Pen launched her European elections campaign on 13 January 2018, the Yellow Vests protests were in full swing and she surfed the wave skillfully to her advantage. While Jean-Luc Mélanchon trumpeted “popular insurrection”, Le Pen spoke about the “France of the forgotten”, pointed out that she had been fighting for them since 2012, and underlined the similarities between their demands and her program. Marine Le Pen has been continuously positioning the Front National as the main channel through which voters could express their discontent and distrust of the political establishment and vent their anger and frustration. Her strategy paid off. The polls show that 44% of the Yellow Vests intended to vote for the Rassemblement National at the European elections in May 2019. “The political expression of the Yellow Vests movement at the European elections, is very clearly RN”, analyzed Jérôme Sainte-Marie, president of PollingVox<sup>34</sup>.

### Emmanuel Macron's winning strategy

As the previous two sections showed, the far-right and its anti-Muslim, anti-Semitic, racist, homophobic, xenophobic, conspiracist, anti-European, authoritarian, and ultranationalist universe, have been the major source of hate speech and ethnically or religiously motivated violence. As much as anti-Semitism, racism, collaborationism, and homophobia inspired the Front National discourse in the early years (and still persist on the fringes), the “new” FN focuses on topics that are more compatible with the conservative right, such as immigration, multiculturalism, authority, order, national preference, secularism, etc. This does not mean that Le Pen's party abandoned hate speech as a means of attracting voters; it just uses it more adroitly, namely by outsourcing it to the affiliated fringes. FN furthermore presents itself as the only party that speaks on behalf of the French people, the “patriots” and dares to address sensitive issues. “Neither left nor right, but working for France”, was the gist of the party's new slogan. With remarkable political skill, Marine Le Pen managed to capitalize on the frustration, anger, fear that eventually led to the Yellow Vests movement, and reaped the fruits of her strategy at the European elections of 2019.

However, in 2017, France elected a president whose campaign was the antithesis of everything that the Front National stands for. Emmanuel Macron appropriated the Front National's slogan “neither left nor right” and proceeded to eliminate his opponents on the right and the left to find himself confronted with Marine Le Pen's in the second round of the presidential elections. While Marine Le Pen hammered that “the divide no longer separates left and right, but globalists and patriots”<sup>35</sup>, Emmanuel Macron retorted that “the real divide is between progressives and conservatives”<sup>36</sup>. The rejection of the left/right divide allowed Macron, like Le Pen before him, to present himself and his party as an outsider to the political establishment. When she talked about the “forgotten France”, he promised “not to leave anyone on the curb”. When Marine Le Pen slipped into the armory of a contemporary Joan of Arc ‘defending our civilization, our value, our traditions, our way of life’ against ‘an implicit jihad’, ‘a demographic jihad’ and immigration that she qualifies as a “weapon of mass destruction” of the French identity, Macron established that “France needs a Jupiterian president”<sup>37</sup> and spoke about the spirit of conquest: “I want to be the country where new mobility, new energy will be invented and developed”<sup>38</sup>.

Macron countered the ethnocentric, xenophobic, anti-European discourse of the populist nationalists with a vision of a strong,

## Macron furthermore opposed hate speech with an explicit call for *bienveillance* (kindness, benevolence) and concrete legislative proposals to fight hate speech online and offline.

conquering, entrepreneurial France, one that can only develop its full potential within an equally strong, protective Europe. His European focus was successful because he was able to transpose the concepts such as protection, strong borders, security, control of immigration, and sovereignty on the European level. As Charles De Gaulle and François Mitterrand before him, Macron presented Europe as a way in which France could maintain its diminishing power in world affairs. “Only Europe can give us some capacity of action in today’s world”, he said in his Sorbonne speech<sup>39</sup> outlining his European strategy.

Macron furthermore opposed hate speech with an explicit call for *bienveillance* (kindness, benevolence) and concrete legislative proposals to fight hate speech online and offline. When the crowd booed Marine Le Pen at rallies, Emmanuel Macron, like Barack Obama before him, systematically stopped the booing and said: “Do not boo her, fight her, persuade, make people go out and cast their vote”. And it worked.

### Conclusion

This brief overview showed the heterogeneous sources of hate speech in France and its political expression via Front National and its

network. Aiming for the highest office, Marine Le Pen sanitized and renamed the Front National to Rassemblement National and left the “excesses” (hate speech, violence, expressions of racism, anti-Semitism, anti-Islam, homophobia, etc) to the more or less affiliated fringes. Marine Le Pen aims to keep the party within a legally acceptable discourse and outsource hate speech to the fringes, tacitly or explicitly endorsing it afterwards<sup>40</sup>. The FN/RN adopted a customized strategy for the recruitment of members and voters: in the deindustrialized north, Marine Le Pen focuses on immigration, secularism, security, and order, whereas in the south, Marion Maréchal caters for the needs and expectations of catholic, homophobic, anti-abortion clients.

For many years, the Front National and even more so the far-right fringe, have been barred from the traditional media that very quickly resulted in the adoption of the more accessible social media. Marine Le Pen — who has more than 1,5 million followers on FB — used social media to “talk directly to the people”, without

passing through (allegedly) biased media. The majority of fringe groups and individuals are present on social media and use it skillfully. Unlike FN/RN that participates in the democratic process and therefore needs to monitor its publications, other groups are free (within the laws of 1 July 1972, 3 February 2003, and 27 January 2017) to publish whatever they like. The radical fringe as well as FN targeted the usual suspects: Zionists, Jews, Muslims, homosexuals, Freemasons, elites, intellectuals, and media. Several FN/RN parliamentarians or regional and local councilors have been convicted of hate-speech, including Jean-Marie Le Pen, and many other members of the far-right nebula have been prosecuted and convicted for hate speech and incitement to hatred, mostly for anti-Semitism and Islamophobia<sup>41</sup>. Marine Le Pen herself slipped several times, most famously in 2010 when she compared the public Muslim prayers to the German occupation. As a result, her parliamentary immunity in the European Parliament was lifted, so that she could be prosecuted for incitement to racial hatred. She was cleared of the charges in 2015<sup>42</sup>.

The liberal response to hate speech that was immensely successful in France was the one embodied by President Macron. It consisted of appropriating the crucial elements of FN's discourse (left-right divide, outsider, sovereignty, security, conquest, economic protection, etc.) in a way that allowed Emmanuel Macron to portray Marine Le Pen as defeatist, lame, timid, and ignorant. The last debate before the second round of the 2017 presidential elections is an excellent example of this winning strategy<sup>43</sup>.

1 Crépon S. (2015). *Les faux-semblants du Front national: Sociologie d'un parti politique*. Paris: SciencesPo.  
 2 For a detailed analysis, see Mestre, A., C. Monnot (2011). *Le Système Le Pen: Enquête sur les réseaux du Front National*. Paris: Denoel and Gautier, J.-P. (2017). *Les extrêmes droites en France: De 1945 à nos jours*. Paris: Syllepse  
 3 Short lived right-wing French dissident paramilitary organization during the Algerian war. OAS carried out terrorist attacks, including bombings and assassinations, in an attempt to prevent Algeria's independence.

4 "L'OEuvre française: 40 ans d'entrisme au FN" (2013, July 24). *Mediapart*. Retrieved from: <https://www.mediapart.fr/journal/france/240713/oeuvre-francaise-40-ans-dentrisme-au-fn?onglet=full>  
 5 The expression was coined by political scientist Nonna Mayer. For a deeper analysis of the authoritarian ethnocentrism model, see Chirumbolo A., Mayer N., De Vitte H. Do right — and left — wing extremists have anything in common? in Klandermans B., Mayer, N. (Eds) (2006). *Extreme Right Activists in Europe: Through the Magnifying Glass*. Oxon: Routledge.

6 "Albertini, D., P.Vardon, rassemblement brun Marion" (2015, July 10). *Liberation*. Retrieved from: [https://www.liberation.fr/france/2015/07/10/philippe-varidon-rassemblement-brun-marion\\_1346028](https://www.liberation.fr/france/2015/07/10/philippe-varidon-rassemblement-brun-marion_1346028)  
 7 "Municipales: le Rassemblement national présente ses têtes de liste dans la Métropole Nice Côte d'Azur" *France 3 Régions*. Retrieved from: <https://france3-regions.francetvinfo.fr/provence-alpes-cote-d-azur/alpes-maritimes/nice/municipales-rassemblement-national-presente-ses-tetes-liste-metropole-nice-cote-azur-1751689.html>

- 8** Les Identitaires take the Swiss ultranationalist party UDC as a model for their ideology and Greenpeace for their actions.
- 9** A conspiracy theory, created by the French author Renaud Camus, which claims that a global elite is colluding against the white population of Europe to replace them with non-European peoples.
- 10** Europe of 100 Flags is a concept, developed by Breton nationalist Yann Fouéré. It proposes a redrawing of European borders in terms of ethnically homogenous 'authentic' historic regions and ethnically 'pure' states.
- 11** "Generation identitaire bientôt jugée pour avoir joué les gendarmes anti immigrants" (2019, June 3). *Le Figaro*. Retrieved from: <https://www.lefigaro.fr/flash-actu/generation-identitaire-bientot-jugee-pour-avoir-joue-les-gendarmes-antimigrants-20190603>
- 12** Marine Le Pen congratulated Les Identitaires, qualifying their action as "a remarkable communication operation". See "Les identitaires, nouveau vivier du FN" (2018, May 11). *Le Parisien*. Retrieved from: <https://www.leparisien.fr/politique/les-identitaires-nouveau-vivier-du-fn-11-05-2018-7711248.php>
- 13** Clément Gandelin, 24, Romain Espino, 26, and Damien Lefèvre, 29.
- 14** "French court jails far-right activists over anti-immigrant Alps stunt" (2019, August 29). *The Guardian*. Retrieved from: <https://www.theguardian.com/world/2019/aug/29/french-court-jails-far-right-activists-over-anti-migrant-alps-stunt>
- 15** "Alain Soral condamné à un an de prison ferme pour injure publique antisémite" (2019, October 2). *Le Monde*. Retrieved from: [https://www.lemonde.fr/societe/article/2019/10/02/alain-soral-condamne-a-un-an-de-prison-ferme-pour-injure-publique-antisemite\\_6013953\\_3224.html](https://www.lemonde.fr/societe/article/2019/10/02/alain-soral-condamne-a-un-an-de-prison-ferme-pour-injure-publique-antisemite_6013953_3224.html)
- 16** A reference to the controversial cover of Charlie Hebdo depicting a young man asking "Daddy, where are you?" surrounded by dismembered body parts, published in the wake of the terrorist attacks in Brussels of 22 March 2016.
- 17** "Alain Soral condamné à un an de prison ferme pour négationnisme" (2019, April 15). *Le Monde*. Retrieved from: [https://www.lemonde.fr/societe/article/2019/04/15/alain-soral-condamne-a-un-an-de-prison-ferme-pour-negationnisme\\_5450421\\_3224.html](https://www.lemonde.fr/societe/article/2019/04/15/alain-soral-condamne-a-un-an-de-prison-ferme-pour-negationnisme_5450421_3224.html)
- 18** "Alain Soral condamné à 18 mois de prison ferme pour avoir diffusé un clip de rap antisémite" (2019, September 19). *Le Figaro*. Retrieved from: <https://www.lefigaro.fr/actualite-france/alain-soral-juge-dans-l-affaire-d-un-clip-de-rap-gilet-jaune-qualifie-d-antisemite-20190919>
- 19** By analogy to the French National Council of the Resistance during World War II
- 20** The party was founded by Nicolas Dupont-Aignan in 1999 who called to vote Marine Le Pen at the 2017 presidential elections.
- 21** "Frank Buhler, l'ex-FN que les 'gilets jaunes' veulent marginaliser" (2018, November 26). *Le Monde*. Retrieved from: [https://www.lemonde.fr/societe/article/2018/11/23/gilets-jaunes-qui-est-frank-buhler-l-ancien-frontiste-qui-appelle-a-l-invasion-de-paris\\_5387621\\_3224.html](https://www.lemonde.fr/societe/article/2018/11/23/gilets-jaunes-qui-est-frank-buhler-l-ancien-frontiste-qui-appelle-a-l-invasion-de-paris_5387621_3224.html)
- Jean-Luc Mélançon is the leader of the left-wing populist France Insoumise (Unsubmissive France), Laurent Wauquiez was the elected president of the Republicans from 2017 to 2019, known to have moved the party to the right.
- 22** Dieudonné even had special yellow vests made, harboring his emblem (a pineapple), and sold them for 20 Euros apiece.
- 23** "Derrière les «gilets jaunes», l'extrême droite en embuscade" (2019, February 16). *France Inter broadcast* Available online: <https://www.franceinter.fr/emissions/secrets-d-info/secrets-d-info-16-fevrier-2019>
- 24** Référendum d'initiative populaire (RIC).
- 25** "Quenelle et salut nazi à Montmartre parmi des Gilets jaunes : l'UEJF réclame des sanctions" (2018, December 22) *LCI*. Retrieved from: <https://www.lci.fr/social/quenelle-et-salut-nazi-a-montmartre-parmi-des-gilets-jaunes-l-uejf-reclame-des-sanctions-2108296.html>
- 26** From 311 incidents in 2017 to 541 in 2018.
- 27** Halimi was a 23-year old Frenchman of Moroccan Jewish ancestry who was kidnapped, tortured and killed in February 2006 by a group that calls itself The Barbarians. His case has attracted national and international attention as an example of French anti-Semitism.
- 28** "Sale sioniste de merde", "tu vas mourir", "rentre chez toi en Israël", "la France est à nous". See "Qu'entend-on sur la vidéo de l'altercation entre Finkielkraut et des gilets jaunes?" (2019, February 17). *Libération*. Retrieved from: [https://www.liberation.fr/checknews/2019/02/17/qu-entend-on-sur-la-video-de-l-altercation-entre-finkielkraut-et-des-gilets-jaunes\\_1709882](https://www.liberation.fr/checknews/2019/02/17/qu-entend-on-sur-la-video-de-l-altercation-entre-finkielkraut-et-des-gilets-jaunes_1709882)
- 29** "Les gilets jaunes, étouffés par la gangrène antisémite" (2019, February 18). *Libération*. Retrieved from: [https://www.liberation.fr/france/2019/02/18/les-gilets-jaunes-etouffes-par-la-gangrene-antisemite\\_1710174](https://www.liberation.fr/france/2019/02/18/les-gilets-jaunes-etouffes-par-la-gangrene-antisemite_1710174)

- 30** “Un gilet jaune condamné après s’être filmé en train de proférer des injures racistes” (2019, May 7). *Huffington Post*. Retrieved from: [https://www.huffingtonpost.fr/entry/un-gilet-jaune-condamne-apres-setre-filme-en-train-de-proferer-des-injures-racistes\\_fr\\_5cd1a222e4b0e4d75738e07b](https://www.huffingtonpost.fr/entry/un-gilet-jaune-condamne-apres-setre-filme-en-train-de-proferer-des-injures-racistes_fr_5cd1a222e4b0e4d75738e07b)
- 31** “Un député LaREM reçoit une lettre raciste le menaçant de mort” (2019, January 4). *Le Figaro*. Retrieved from: <https://www.lefigaro.fr/flash-actu/2019/01/04/97001-20190104FILWWW00304-un-deputelarem-recoit-une-lettre-raciste-le-menacant-de-mort.php>. “La députée LREM Laetitia Avia menacée de mort dans une lettre raciste” (2018, February 28). *Le Point*. Retrieved from: [https://www.lepoint.fr/politique/la-deputee-lrem-laetitia-avia-menacee-de-mort-dans-une-lettre-raciste-28-02-2018-2198533\\_20.php](https://www.lepoint.fr/politique/la-deputee-lrem-laetitia-avia-menacee-de-mort-dans-une-lettre-raciste-28-02-2018-2198533_20.php)
- 32** “Aisne: des gilets jaunes forcent une femme musulmane à retirer son voile” (2018, November 18). *France Soir*. Retrieved from: <http://www.francesoir.fr/societe-faits-divers/aisne-des-gilets-jaunes-forcent-une-femme-musulmane-retirer-son-voile>
- 33** “Un couple gay agressé par des «gilets jaunes»” (2018, November 18). *Le Figaro*. Retrieved from: <https://www.lefigaro.fr/flash-actu/2018/11/18/97001-20181118FILWWW00050-ain-un-couple-gay-agresse-par-des-gilets-jaunes.php>
- 34** “Résultats européennes 2019: pour qui les gilets jaunes ont voté” (2019, May 26). *Huffington Post*. Retrieved from: [https://www.huffingtonpost.fr/entry/resultats-europeennes-2019-pour-qui-ont-vote-les-gilets-jaunes\\_fr\\_5ceaf34ee4b0e0385707bc5](https://www.huffingtonpost.fr/entry/resultats-europeennes-2019-pour-qui-ont-vote-les-gilets-jaunes_fr_5ceaf34ee4b0e0385707bc5)
- 35** For a detailed analysis of the left/right divide in French politics see Lorimer, M. ‘*Ni droite, Ni gauche, Français! Far right populism and the future of the Left/Right politics*. Available online: [http://personal.lse.ac.uk/lorimer/documents/ni\\_droite\\_ni\\_gauche.pdf](http://personal.lse.ac.uk/lorimer/documents/ni_droite_ni_gauche.pdf)
- 36** “Macron: La gauche aujourd’hui ne me satisfait pas” (2016, April 23). *Le Monde*. Retrieved from: [https://www.lemonde.fr/politique/article/2016/04/23/macron-la-gauche-aujourd-hui-ne-me-satisfait-pas\\_4907700\\_823448.html](https://www.lemonde.fr/politique/article/2016/04/23/macron-la-gauche-aujourd-hui-ne-me-satisfait-pas_4907700_823448.html)
- 37** “Macron ne croit pas au président normal, cela déstabilise les Français” (2016, October 16). *Challenges*. Retrieved from: [https://www.challenges.fr/election-presidentielle-2017/interview-exclusive-d-emmanuel-macron-je-ne-crois-pas-au-president-normal\\_432886](https://www.challenges.fr/election-presidentielle-2017/interview-exclusive-d-emmanuel-macron-je-ne-crois-pas-au-president-normal_432886)
- 38** Speech at the Vivattech fair in June 2017.
- 39** Initiative pour l’Europe – Discours d’Emmanuel Macron pour une Europe souveraine, unie, démocratique. Available online: <https://www.elysee.fr/emmanuel-macron/2017/09/26/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique>
- 40** Marine Le Pen praised the Generation Identity’s stunt in the Alps as “a remarkable operation of communication”, “Les identitaires, nouveau vivier du FN” (2018, May 11). *Challenges*. Retrieved from: <https://www.leparisien.fr/politique/les-identitaires-nouvea-vivier-du-fn-11-05-2018-7711248.php>
- 41** “For a recent overview of the judicial treatment of racist violations see “Comment la justice traite les infractions racistes” (2019, September 16). *Mediapart*. Retrieved from: <https://www.mediapart.fr/journal/france/130919/comment-la-justice-traite-les-infractions-racistes?onglet=full>
- 42** “Marine Le Pen relaxée par la justice” (2015, December 15). *24 heures*. Retrieved from: <https://www.24heures.ch/monde/marine-pen-relaxee-justice/story/10049595>
- 43** The full debate with English interpretation is available online: <https://www.youtube.com/watch?v=dHguXWh3n-Y>

# From On-line Comments to Real-life Violence

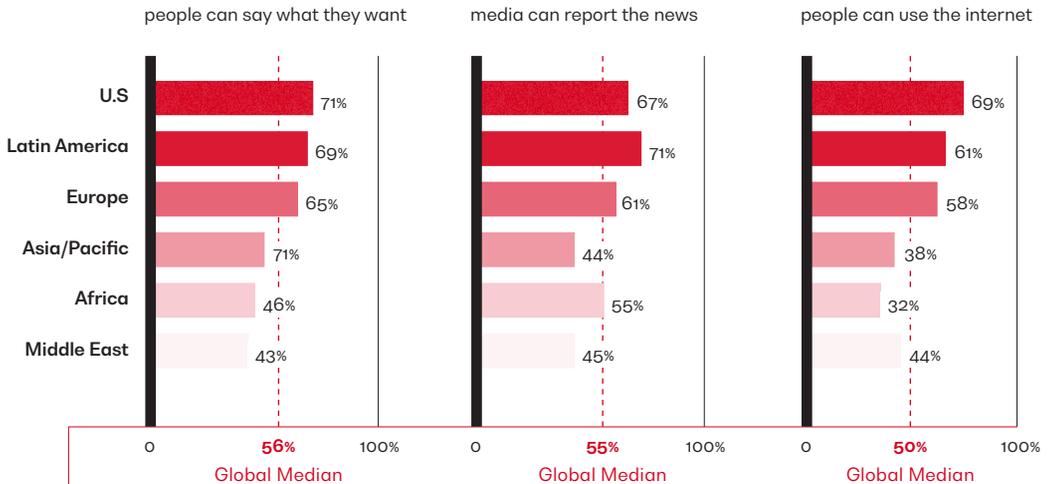
## Maximilian Spohr

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The Holocaust, a mere “bird shit” in the otherwise “glorious history” of Germany? The controversial 2018 quote of Alternative für Deutschland’s (AfD) chair Alexander Gauland illustrates how subliminal right-wing populist hate speech can be like today. The rising populism of recent years has mainly benefitted right-wing populist parties like AfD. Therefore, the present article focuses on this form of populist hate speech exclusively, to describe its current patterns and impacts. It argues that answers and solutions to a phenomenon this complex cannot be one-dimensional. Instead of simply relying on regulation, which has negative side effects, it suggests a multi-stakeholder approach, as increasingly implemented in Germany.

## Hate speech

Despite a broad policy and academic debate, the term “hate speech” remains ambiguous in its exact meaning<sup>1</sup>. A universally accepted definition does not exist, yet. However, several key characteristics that help in understanding this phenomenon can be described. These mainly fall within three different groups that relate to the intention of the speaker, the content of the message, and the consequences<sup>2</sup>. Others emphasize the expression of prejudices related to a particular group<sup>3</sup>. Similarly, the Council of Europe centered its understanding of hate speech around the spread of hatred based on intolerance against minorities, migrants, and people of immigrant origin. Common use reflects these traits<sup>4</sup>. Hate speech, furthermore, has a legal dimension, which refers to criminal offenses, such as libel, defamation, or sedition. In this context, hate speech as a phenomenon is a part of the larger debate on hate crimes<sup>5</sup>, a term historically connected to U.S. civil rights legislation<sup>6</sup>. The illegal sphere of hate speech, however, is subject to national interpretations and legislations, which differ considerably. Touching upon the fundamental understanding of the freedom of speech



### Support for Free Speech, Press Freedom and Internet Freedom

Regional median saying it is very important that \_\_\_\_\_ without state/gov't censorship in our country...

Source: PEW Research Centre - Global Attitudes Survey 2015

itself (see figure 1) they continue to stimulate controversial discussions<sup>7</sup>.

### The German Perspective

Historically, hate speech is, of course, a well-known phenomenon in Germany. However, research focused more on right-wing extremism and racism since World War II, with a debate on “hate crimes” only emerging from the early 2000s and on<sup>8</sup>. While some similarities exist, the two concepts differ considerably with hate crimes following a much wider research approach<sup>9</sup>. In 2015, the quickly rising tensions over the refugee question in Europe then catapulted the term into mainstream media and common parlance<sup>10</sup>. In the run-up to the 2017 general elections, regulating hate speech and disinformation became a campaign issue to the ruling coalition of Christian-Democratic Union and Social Democrats. As a result, Germany adopted one of the first hate speech and disinformation laws with its much-debated *Netzwerkdurchsetzungsgesetz* (Network Enforcement Act). In 2019, tragically, a series of right-wing extremist attacks in Germany shifted the focus of the debate to the question of how online hate speech translates into real-life violence.

### Forms

Hate speech is not a new phenomenon, but a product of a society which reflects all of its general forms of discrimination. In Germany, as in many other places, it mainly stems from racism, antisemitism,

## Diverse patterns of hate speech

Patterns of Hate Speech	Examples
Deliberately spreading uninformed or false statements	„The refugees all have expensive cell phones.” „The refugees don't have to pay at the supermarket.”
Disguise as humour or irony	„I want a new smartphone, too. I'll just become an asylum seeker in my next life.”
Degrading and denigrating terms; sexist and racist insults	„Paki.” „Faggot.” „Bitch.”
Supporting stereotypes and prejudices through specific terms and language patterns	„Gay lobby.” „Asylum Seeker Flood.” „The boat is full.” „Foreigners out.” „Threat of Islamization.”
Generalizations	„All Greeks are lazy.”
Us/them rhetoric	„They threaten ‚our’ women.”
Conspiracy Theories	„The state wants to raise our children as homosexuals.” „Politics supports the Islamization of Germany.”
Striking visual language	Racist portrayal e.g. of black people wearing raffia skirts. Images that reproduce stereotypes, for example by associating Muslim men with sodomy.
Equations/ Comparisons	Jews = Israel Equation xof homosexuality with pedosexual Crime, incest or sodomy.
Endorsement or threat of sexualised violence – often in concentrated form	Example: In 2014, under the #GamerGate, a massive wave of social media hate speech in the form of murder and rape threats was organized against feminist video blogger Anita Sarkeesian, which forced her to cancel public events and to go undercover for a while.
Endorsement of or call to violent acts	„They should all be shot/burned/gashed.” „Take them to the gallows!”

Racist and islamo-phobic messaging of AfD does not come along in the form of a crude hate speech only. Regularly it is mixed in with general and seemingly constructive, pro-democracy, criticism of Islam (Islamkritik); for example on women's rights, which is mostly covered by the freedom of speech.

islamophobia, sexism, homo- and transphobia, but also targets activists that speak out against such discrimination<sup>11</sup>. Patterns of hate speech are very diverse and sometimes difficult to detect. They range from openly degrading and denigrating language, generalizations, and stereotypes to the systematic spread of false information, or even humor (see the figure above). In light of its mass dissemination and exponential growth, online hate speech has been at the center of attention over the past few years<sup>12</sup>. Regarding the political motivation behind it — recent numbers indicate a clear majority of it stemming from a right-wing or right-wing extremist motivation<sup>13</sup>. In 2018, German federal law enforcement allocated up to 77% of all registered hate speech offenses to this political motivation<sup>14</sup>.

#### Hate Speech in Politics

Populism, understood as a specific idea of democracy, defined by the distinction between “true people” and “corrupt elites”, the idea of a general “people’s will”, and the idea of societal homogeneity<sup>15</sup> is on the rise in Germany too. According to a recent survey, about one-third of the country’s electorate holds populist views, with a particular increase among centrist voters<sup>16</sup>. According to the same research, right-wing populism has profited the most from this development, which translated into the recent success of *Alternative für Deutschland* (AfD). Created as an EU-sceptic movement in 2013, AfD quickly grew into the largest oppositional fraction in the federal Parliament, gaining 12,6% of the votes during the 2017 general elections.

Hate speech plays an important role in the communication-strategy of AfD. Its rhetoric mainly revolves around typical right-wing populist themes like “anti-establishment”, the promotion of the “sovereignty of the people”, and “anti-pluralism”. The party’s main theme, as with many other right-wing populists, is the question of immigration. Targeting the background, often Islamic, of many refugees arriving in Germany, AfD systematically promotes negative stereotypes

towards Muslims. It attempts to amplify fears of an “over-Islamisation” of the country, which connect to the internationally promoted populist conspiracy theories of a “great (population) exchange”<sup>17</sup> and the systematic exploitation of national social systems<sup>18</sup>. In 2018, for example, AfD parliamentary group chair Alice Weidel caused a scandal in the federal Parliament by calling Muslims “headscarf girls” and “knife men”<sup>19</sup>. This strategy systematically targets racist feelings and a widespread Islamophobia<sup>20</sup>, to which up to 50% of German voters show a certain susceptibility to<sup>21</sup>. However, racist and islamophobic messaging of AfD does not come along in the form of a crude hate speech only. Regularly it is mixed in with general and seemingly constructive, pro-democracy, criticism of Islam (*Islamkritik*); for example on women’s rights, which is mostly covered by the freedom of speech. This subversive hate speech strategy, however, which “combines xenophobic argumentation with islamophobic resentments”, has increasingly raised the attention of Germany’s Federal Intelligence Agency *Bundesamt für den Verfassungsschutz* (Federal Office for the Protection of the Constitution), and was named by the agency as one of the main reasons for putting AfD partly under observation in 2019<sup>22</sup>.

Based on its anti-immigration rhetoric, AfD’s and other far-right groups’ hate speech furthermore targets those “responsible” for the “mass immigration”. Most prominently, Chancellor Merkel serves as the “big enemy”, because of the “welcome culture”<sup>23</sup> she established initially towards refugees. This was famously emphasized by AfD chairperson Gauland’s quote “We will hunt down Mrs. Merkel” during his election night address in 2017 (“Wir werden Frau Merkel jagen”). In the same vein, other politicians have come under attack, such as then the Federal Government Commissioner for Migration, Refugees, and Integration Özoguz, which Gauland wanted to “dispose of in Turkey”<sup>24</sup>.

More generally, AfD embeds this kind of hate speech in an overall “anti-establishment” narrative, which uses common us/them categories, stigmatizing other parties as “System Parties” (*Systemparteien*) or “Old Parties” (*Altparteien*). Naturally, mainstream media are an important target to the right-wing populists too, which successfully established the term “Lying Press” (*Lügenpresse*) in this context. A systematic bashing of critical journalism also forms part of AfD’s communication strategy, thereby addressing the overall growing distrust in the mainstream media<sup>25</sup>. Accordingly, research indicates that the media distrust ranks highest among AfD voters<sup>26</sup>. With alternative news and media outlets becoming more

relevant to their supporters, the party largely relies on social media and online campaigning, regularly ranking highest among parties in the content sharing by users (“organic coverage”)<sup>27</sup>. Research shows, however, that AfD thereby relies on questionable practices<sup>28</sup>, channeling alt-right and right-wing extremist hate speech into the mainstream discourse<sup>29</sup>.

On a more general level, AfD systematically relies on rhetorically breaching taboos. As chairman Gauland phrased it in an interview, in 2018: “We want to expand the boundaries of what can be said”<sup>30</sup>. In the same interview, he defended himself for referring to the Holocaust as a mere “bird shit” in the otherwise “glorious German history”, arguing that he had been simply misunderstood. Gauland did, in fact, express regret for the 12 years of Nazi rule in that same speech. His choice of words, however, clearly addressed nationalist sentiments with his metaphor indirectly downplaying the genocide and questioning responsibilities. Disseminating such a typical hate speech, right-wing populists in Germany also address the so-called *Schlussstrichmentalität*, which describes a long-existing sentiment of dissociation with all questions and responsibilities related to the Holocaust, found not only among right-wing voters<sup>31</sup>. Furthermore, such premeditated provocation works well in Germany, where anti-Semitic and nationalist language has been particularly ostracised in public discourse since World War II.

### Consequences

Current debates on the negative impacts of hate speech in Germany focus on its consequences for public discourse, democracy, and its connection to real-life violence. According to a recent study, more than half of all German internet users regularly abstain from expressing their opinions due to a fear of hate speech<sup>32</sup>. Furthermore, a certain brutalization and disinhibition of public discourse is clearly detectable<sup>33</sup>. This matches earlier research which demonstrated how exposure to hate speech increases prejudice by desensitization<sup>34</sup>. Considering all of this, it seems clear that hate speech, particularly when used, echoed, or amplified by populist parties has a damaging effect on democracy. More dramatically, a series of right-wing extremist attacks in Germany in 2019 and 2020<sup>35</sup> have raised the question of how online hate speech translates into real-life violence. Similar to the comparable attacks around the world, the attackers were a part of far-right online networks and, in some cases, even broadcasted their attacks live on social media. While populist hate speech and terrorist attacks are, of course, not

It seems clear that hate speech, particularly when used, echoed, or amplified by populist parties has a damaging effect on democracy. More dramatically, a series of right-wing extremist attacks in Germany in 2019 and 2020 have raised the question of how online hate speech translates into real-life violence.

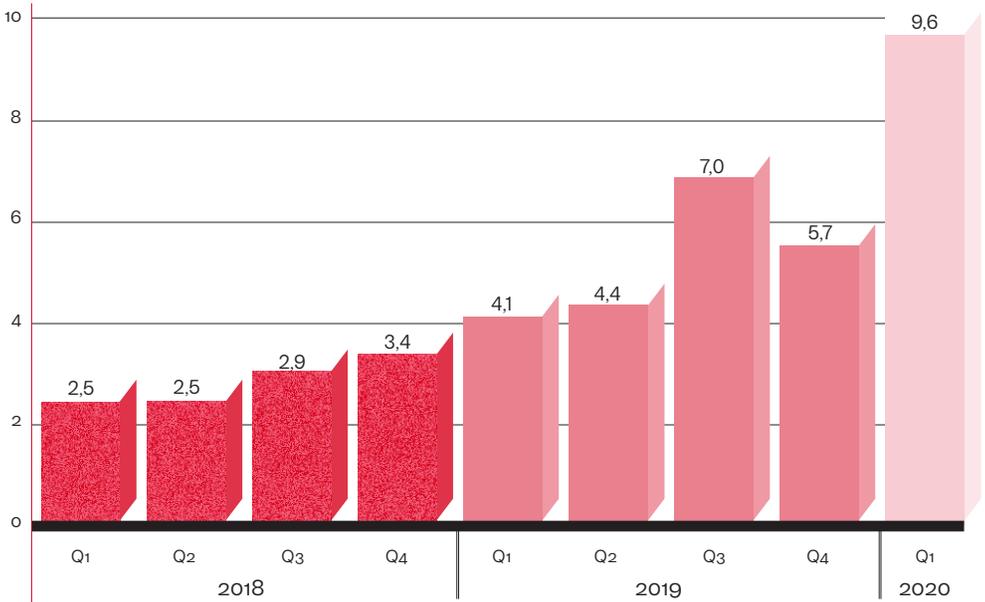
the same thing, recent research does suggest that a link exists<sup>36</sup>. The language of the right-wing populism delegitimizes existing institutions and at the same time leads to an institutional legitimization of social brutalization and disinhibition<sup>37</sup>. Hate speech and propaganda, particularly when channeled into mainstream media and discourse by legitimate parties, therefore help in creating an atmosphere in which potential perpetrators feel motivated to take action.

#### Answers

With a phenomenon as complex as Hate Speech, there are no easy solutions. Regulations do not prove to be perfect answers and have negative side effects. "Hate speech laws", such as the German *Netzwerkdurchsetzungsgesetz (NetzDG*, "network enforcement act") of 2017, simply shift law enforcement responsibilities to the network companies, thereby creating a threat to the freedoms of online expression and the press through over-blocking<sup>38</sup>. Furthermore, the empirical need for new laws in this field remains questionable. Hate speech is already addressed by the penal codes as libel, defamation, or sedation. Missing regulations, such as the obligation for networks to create a legal address for service in every country they operate in, would have systematically made more sense as an addition to the existing laws, such as the German Telemedia Act. Exposing network companies to the legal liability of up to 50 Million Euros, as through NetzDG, might have helped to raise their attention. However, since national

legislation has only limited effects on transnational corporations, it was arguably the drastic loss of trust by users around the entire world that forced networks like Facebook to take up serious content moderation (see figure on next page).

German liberals, along with a broad civil society coalition, continue to criticize *NetzDG*. They favor a different approach, which focuses more on creating specialized law enforcement units that closely cooperate with State Media Authorities (*Landesmedienanstalten*), mainstream media, and civil society. The government



Facebook against hate speech. Number of deleted hate content by Facebook in millions  
 Source: Statista

of North Rhine-Westphalian, partly led by the Free Democrats of FDP, was among the first to implement this approach in its model project “prosecute, not only delete”<sup>39</sup>. Combining enhanced law enforcement with media literacy and civil society engagement allows tackling the root causes of hate speech, which reflect the growing division of society itself. In this context, Germany profits considerably from its large number of civil society organizations, institutions, and movements against hate speech, such as #ichbinhier, #dabei, “Das NETTZ”, “No Hate Speech Movement”, or the Amadeu Antonio Foundation. Furthermore, governments need to tackle the rapidly expanding online networks that systematically disseminate hate speech. According to a recent study in Germany, these networks operate on the basis of a comparatively small number of accounts. Hence, shutting down fraudulent accounts in cooperation with the networks should be a part of the strategy.

**Conclusions**

The rapid growth of hate speech and the related threats to our democracies specifically call liberals and Free Democrats to action. They need to speak out and draw a clear line between them and the political forces that use such demagogic tactics for short-term political success. Reluctant demarcation proved largely

unsuccessful in Germany. At the same time, liberals have to counter threats to the free speech and press online that occur as negative side effects to the often highly popular “hate speech laws”. Only an approach that tackles hate speech on all of its levels, bringing together law enforcement, media, and civil society, while continuing the dialogue with the network companies, will ultimately have a chance to be effective in countering hate speech and the threat it poses to our democracies.

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# From Left to Right

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In the last fifteen years, the European political landscape has witnessed important shifts in the post-Cold War liberal consensus. In 2005, the Freedom House first observed the global<sup>1</sup> retreat of democracy and a few years later the Eurozone crisis began. These financial and political crises had a serious impact on entire Europe, leading to observable changes in party systems and regional politics. This was especially evident in Greece, where one notable effect was, and remains to be, the rise of populism, left or right, that occasionally takes an aggressive form that leads to the expression of discriminatory hatred towards people.

It has been argued that for many people simply having a democratically structured government and holding elections is enough<sup>2</sup>, but in essence, this would lead to an authoritarian interpretation of democracy<sup>3</sup>. In Southern Europe, and especially in Greece, the sovereign debt crisis has led to extreme polarisation between the conservative Right and the radical Left, providing fertile ground for populist elements to grow and acquire a significant portion of attention, especially in social media. In the Greek case, that negative climate, rooted back in the Greek Civil War (1946–1949), produced rather toxic rhetoric of hate, corrupting the nature of democracy in the country. Therefore, the purpose of this paper is to locate the origins and the causes of hate speech, analyze its content and the idiosyncrasy of the parties using it, and lastly, to evaluate its impact on society. The last section aims to identify solutions from the liberal perspective, in order to provide a new framework targeting the increase of freedom and improvement of democracy.

**The political origins in historical perspective**

Hate speech is a term lacking uniform definition under international law and in principle it is understood as an emotive term<sup>4</sup>.

The authors recognize that the realm of hate speech extends to views crossing public debate from both extremes of the spectrum, targeting tolerance and diversity, and exacerbating xenophobia, discrimination, and euro-skepticism. When it comes to politics, it is hard to deny that there is a common perception, containing parties such as *Jobbik* in Hungary and *Alternative für Deutschland* in Germany. Greece, on the other hand, is a unique case for two reasons: first, racist and segregationist speech was never popular among the people; second, observing the post-1974 period (*Metapolitefsi*) it is apparent that a high endorsement of, or conformity to the norms of the traditional populism extends horizontally across the political system. Thus, it is suggested here that hate speech in Greece developed around the political rivalry of the major parties and it grew in a populist environment.

Historically, the Social Democratic Party of PASOK (and its leader Andreas Papandreou) is renowned for carrying out Greece's experiment in populism<sup>5</sup>. Since its establishment in 1974, it demonstrated a controversial anti-capitalist and anti-American message, approaching that of the non-aligned leaders of the Cold War. The party's leadership was very suspicious of the United States and the European Economic Community (EEC), while the party's base had disapproved of Greece's accession to NATO and the EEC based on conspiracy theories. When Papandreou ascended to power, one of his tools was the government-friendly (or controlled) media, such as the newspaper *Avriani*, which was assigned to damage the reputation or credibility of political adversaries, frequently expressing hate speech<sup>6</sup>. With time, the conservative *New Democracy* (ND) had developed similar manners in its struggle to seize the power, incorporating ultra-right elements. When the economic crisis erupted in 2009, the radical Left party of SYRIZA adopted the same role model, taking it as a window of opportunity<sup>7</sup>.

### **The contemporary framework**

Hate speech in public statements of populist politicians and political parties is a common phenomenon. As stated previously, populism penetrates the political system of Greece horizontally, and very often radical views are heard by the establishment parties. For instance, a recently published paper demonstrates the rise of the New Right in Greece, both in rhetoric and practice, and its consequences for law institutions, human rights, and foreign affairs<sup>8</sup>. This section analyses the far-right and conservative cases, indicating the common ground among them.

Very interestingly, far-right elements who express hate speech exist in the ND, a party member of the European People's Party (EPP) in the European Parliament. The party's Vice-President and incumbent Minister of Development, Adonis Georgiadis, questioned the Greekness of the NBA superstar Giannis Antetokoumpo, claiming that he was not born in Greece. The same way, he added, the "Skopjans" will be named "Macedonians", in reference to the Macedonian name dispute. Georgiadis, who was also the publisher of an anti-Semitic book (2010), has expressed McCarthy-style reservations about the Left's political legitimacy, saying that "the Leftish are not democrats"<sup>9</sup>. Another ND MP and a former journalist, Constantinos Bogdanos, attacked several social minorities and confessed that he has "a problem with vegan lesbians because they want to impose their veganism violently"<sup>10</sup>.

In the national elections of 2012, Golden Dawn (GD), an extreme-Right party with neo-Nazi affiliations, was set to enter Parliament for the first time with a hard anti-establishment platform. The party's rhetoric stigmatized migrants and minorities, whipped up hatred of Islam, and offended the Jewish Greeks. Sadly, hate speech was coupled with physical violence against the aforementioned groups, while in September of 2013 a GD member killed a leftish musician. The decline of the GD (partly due to the prosecution with charges of directing and participating in a criminal organization) left enough space for similar movements and parties to build political networks<sup>11</sup>.

Following the anti-foreigners rhetoric of the GD, the *Assembly of the Greeks*, led by former merchant Artemis Sorras, exerted racist criticism to all non-Greeks. Sorras was running a network of local branches across the country, mocking and bullying handicapped citizens and even Paralympic athletes. He had convinced more than 12.000 naive voters that he owns bank shares worth 600 billion EUR, which he would donate for the payoff of the Greek sovereign debt<sup>12</sup>. Sorras was sentenced to jail time for embezzlement in 2018 and his political influence has ended.

As the above political groups disappeared from the political scene, another one, *Greek Solution* (GS), emerged, and during the elections of July 2019 made it to the Hellenic Parliament. The GS is founded by Kyriakos Velopoulos, a former MP for the nationalist, xenophobic, and homophobic *Popular Orthodox Rally* (LAOS). Velopoulos, once a telemarketing salesman of books and various other products, launched his party in 2015 on an openly pro-Russia agenda, also expressing anti-Semitic, anti-globalization, and

anti-systemic rhetoric. After his election, he saluted GD's defeat, stating that he was satisfied that the Nazis were left out of Parliament. He has denied that he is on the right side of the ND, arguing that his priority is the prosperity of the Greeks. The party's voice is exclusively Velopoulos, who has been criticized for his claims that one of his books contains "authentic epistles of Jesus Christ", or that his bestseller wax ointment protects from COVID-19.

In recent years, he has toned down comments related to Zionism but raised his voice against Islam and the Muslim migrants who come to Europe claiming that they are incompatible with the legal culture and ethics of Western societies. He is openly against the relocation and integration of Muslims to Greece's mainland; he has proposed to send them to some of the inhabited islets in the Aegean Sea. He is also a firm supporter of the deportation of everyone who enters Greece illegally. A question he usually addresses is why the refugees are not going to Qatar or Saudi Arabia, but choose to come to Greece. His verbal attacks continue to the residents of accommodation structures, with assertions such as that they enjoy feeding with stray dogs. In a written question to the Parliament, he had expressed the complaint that migrants receive a bonus of 2.174 EUR while Greeks are starving, essentially reproducing fake news. At last, he also targets the ND and SYRIZA as "traitors" for adopting the Global Compact for Migration – "The two major parties have long agreed to fill Greece with millions of illegal immigrants", he has said<sup>13</sup>.

Velopoulos also went public on the COVID-19 pandemic. Although he did not deny the authenticity of the virus, in contrast to the like-minded people, he expressed severe concerns that Greece would become the lab rat in search for the vaccine. The study of Velopoulos's speech reveals patterns of vague populist arguments aiming at people with poor education or limited access to quality information. To reach his target group he makes intensive use of the social and traditional media, as he is a frequent discussant at most of the TV and radio stations in Greece. He is very active on Twitter, with approx. 22.000 followers.

Hate speech does not derive exclusively from the Right of the political spectrum, but also its Left. The leftish hate speech was born amid the Greek economic crisis in 2011. Big masses of protesters used to rally outside of the Parliament at Syntagma Square against the deliberations between Greece and the IMF for the second adjustment program (memorandum). At the square, people from different political backgrounds came across cultivating simplistic

but divisive rhetoric, calling politicians “traitors” and visualizing their exodus from the House in helicopters, remembering untoward incidents in Latin America. The protesters who joined the social media, especially Twitter, expressed hate speech, including threats and personal attacks, to every user with a slightly different opinion or a doubt, creating a toxic environment of a virtual civil war that has not been overcome to this day. In the same context, a small group of libertarian counter-protesters was formed, using hate speech against civil servants, the state, and even democracy, supporting the unconditional privatization of every public asset. This group was soon marginalized and stigmatized as the “extreme center”.

### Hate speech in the Show-Biz and the media

Beyond the political hate speech, another form of structural hatred comes from ordinary citizens and popular individuals express controversial views from various traditions or national origins or spontaneous reaction groups to political developments. Actors and singers who repeatedly speak out against “illegal immigrants” are reported. One singer claimed that the Syrian refugees have

cowardly deserted their own fatherland, while he expressed his admiration for the GD party. Professionals of the Show-Biz who have been exposed in hate speech deny that their views are racist; nevertheless, they feel comfortable with calling themselves nationalists.

Direct channels, through which hate speech reaches the public, certainly include small daily newspapers that receive significant advertising revenue due to their conspiracy content. These papers reproduce fake news about globalization, religion, national integrity, and other similar topics while they tend to normalize discriminatory behaviors. The most notorious publications are in *Eleftheri Ora* (Free Time) which is associated with the GD and *Makeleio* (Massacre), followed by the *Star Press* and the tabloid *Espresso* which ignite hate speech through the systematic posting of fake news.

These papers present theories about international threats to Greece and Orthodoxy, consider the migrants in Greece as a designated enemy, and declare their appreciation for Vladimir Putin. Regularly, their headlines aim at readers’ lower

Professionals of the Show-Biz who have been exposed in hate speech deny that their views are racist; nevertheless, they feel comfortable with calling themselves nationalists

Applications like WhatsApp and Viber are not merely the means of communication, but as it has been pointed out by several scholars, they tend to play the role of an incubator for hate speech.

instincts, igniting anger or hostility through usual dramatization of facts and distortion of events. Regular victims of their accusations are the political world, as well as prominent figures of the Church and the Academia. They are usually portrayed as Freemasons or pawns of conglomerates, like George Sorros. On COVID-19, *Eleftheri Ora* claimed that the pandemic is a deception and it put its hopes on Russia. In regards to the lockdown imposed by the Greek Government for hygienic reasons, it wrote that the real plan is to shut down the Churches, blaming the Head of the Church of Greece for not reacting. The publisher George Michalopoulos has publicly adopted the views reflected in the newspaper, even those about metaphysical and spiritual phenomena; when he was asked whether they are unreasonable, he replied that it depends on how reason is defined<sup>14</sup>.

#### Hate speech on “unconventional” platforms

Applications like WhatsApp and Viber are not merely the means of communication, but as it has been pointed out by several scholars, they tend to play the role of an incubator for hate speech<sup>15</sup>. Greece is not an exception in that norm, but so far the use of these platforms is not very developed.

Youtube, on the other hand, is popular but it has established community standards banning fake news and hate speech<sup>16</sup>; it is not rare for Greek users to see their material deleted if they violate the rules. However, the Greek language remains a significant problem for fact-checking of the reported videos, especially when malevolent content has a neutral or deceptive title. In this case, Content-based, Knowledge-based, Collaborative, and Context-aware searches fail to detect hate speech<sup>17</sup>. Twitter, on the other hand, has become a powerful tool for campaign reporting and mobilizing social groups. Greek Twitter has become a “battleground” for every political issue that breaks out, but the most active users come from various factions of the radical Left. These users tend to attack mainstream political ideas such as liberalism, rejecting privatizations, the rule of law, and the European Union. During the lockdown of March and April 2020, they aimed at the Greek Orthodox Church because of the debate on the closure of temples and other religious

spaces. A user called the Greek Orthodox clergy a “luxurious gang of obscurantists, supposed representatives of an imaginary God”<sup>18</sup>. Another user wrote that the priests are equal to rapists<sup>19</sup>, while a third one, an influential leftist who uses infographics, called them “Christian-Taliban”<sup>20</sup>. The reasons for these attacks are more ideological than political. The Greek Church is not as strong as many people tend to believe; however, it is a part of the traditional establishment and it supports a conservative way of life. Therefore, in the imagination of the leftist groups, it plays the role of scapegoat and it “must” be attacked.

### Conclusions

Disputing is the sine qua non of politics. However, hate speech, a temporal issue in Greece, has escalated the debate into dysfunctional levels, normalizing hatred, ad hominem attacks, and disrespect for political pluralism. In theory, some scholars hold that the regulation of speech limits freedom while others assert that the potential risks of hate speech are too high and not compatible with the democratic system. This paper, in its limited space, has portrayed some ways in which hate speech reproduces selective viewpoints building an intolerant, xenophobic, and illiberal domain, on the very grassroots of the Greek society. The economic crisis polarized the majority of the citizens to a seemingly irreversible point, thereby hurting the quality of democracy and the ability of the lawmakers to make dispassionate and realistic decisions.

Today, hate speech is visible in the public sphere across the political spectrum and thus is something that needs to be addressed. Respecting the sensitive balance between freedom of expression and human dignity it is strongly recommended to have a strict political consensus among the parliamentary groups for the establishment of internal controls against hate speech. The parties must be held accountable for their peers’ actions. Moreover, social training and education are always crucial in helping to create a tolerant culture, especially toward minorities. Last, victims of hate speech should have access to legal aid and psychological support. It is the authors’ view that liberal democracy is based on individual responsibility, which means that every citizen has a sacred duty to protect civil and human rights. Hate speech corrupts democracy, and in the digital age, Europe requires perspectives that will prevent it from passing the threshold of authoritarianism.

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# Who to Blame?

## Legal Regulation and Political Critique of Hate Speech

### Dániel Mikecz

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Due to its inherent inconsistency and uncertainty, language, or — as it is used in social sciences — discourse can be the arena, the stake, and the means of political struggles. In fact, modern politics cannot be detached from public communication. Politics, as we know it, emerged in the late 18<sup>th</sup> century, at the same time as high circulation newspapers appeared. Nevertheless, communication is not merely about giving information about one's political claims, actions, or grievances, but it also involves the naming, the framing, the interpretation of agents, public issues, and adversaries. The concept of hate speech itself is the object of communicative actions since the punishment for use of hate speech is about setting limits on the freedom of public speech to guarantee the safety and dignity of certain groups and individuals. Hence the content of hate speech regulation is a sensitive issue. It does not imply, however, that all of those who put the idea of the punishment of hate speech into question are concerned with the freedom of speech, but rather wish to promote the discursive repression, intimidation of minorities or their political opponents.

Hate speech became a more serious issue in the recent decade as the spread of social media contributed to the democratization of the public sphere. User-generated content can be accessed by millions, the same amount of consumers as professional, mainstream media. The democratization of social media evoked pessimistic views, according to which the democratization of the public sphere, the so-called “echo chambers”, the diminishing role of gatekeepers, which is professional media's editorial boards, contributes to the polarization of politics and the spread of hate speech. However, while some studies can confirm this relation<sup>1</sup>, others could not find a correlation<sup>2</sup>. While these social and cultural developments can be observed in Hungary as well, an important difference to other countries is the reaction and relation

of the state to hate speech. On one hand, the Hungarian state restricts the freedom of speech to a certain level to combat hate speech, as the discursive protection of social groups is guaranteed in the Hungarian Fundamental Law. On the other hand, the Hungarian government uses state funds to agitate against refugees or NGOs. In this function, the state's infrastructure is used for voters' mobilization by strengthening political polarization, which the United Nations Human Rights Committee called as *de facto* hate speech<sup>3</sup>.

In this article, I would like to investigate these two different phenomena, namely the constitutional regulation of hate speech and the political agitation against social and political groups by governmental campaigns and the right-wing mainstream media. First, the article reviews the regulation and the current state of hate speech in Hungary based on research findings and then the analyses of those political efforts follow, which are contesting anti-hate speech measures by claiming that political correctness restricts the freedom of speech. The conclusions will be made based on the assessment of constitutional and political praxis related to hate speech.

### **Hate speech in Hungary: regulation and empirical evidence**

The Hungarian criminal law punishes an *incitement against a community*, the wording of which implies a narrower understanding of hate speech as in the English usage of the concept. The Hungarian regulation of hate speech can be dated back to the democratic transition in 1989. During the democratization and the political pluralization process, it was a legitimate demand to have a free public sphere and that the freedom of speech should not be restricted by administrative means. On the other hand, the peaceful transition into liberal democracy required avoidance of violent radicalism. The Hungarian regulation of the early 1990s wished to satisfy these contradicting preconditions<sup>4</sup>. The regulation of hate speech in the revised Criminal Code from 1989 stated, that „(1) Whoever incites hatred with great publicity, (a) against the Hungarian nation or any nationality, (b) against any people, faith, or race, or single groups of the population, commits a crime which is punishable by imprisonment of up to three years. (2) Whoever, with great publicity, uses an expression that is offensive or demeaning to the Hungarian nation, any nationality, people, faith, or race, or commits other similar acts shall be punished for a misdemeanor by imprisonment of up to one year or a fine”. The Hungarian Constitutional Court defined the second paragraph of the regulation as unconstitutional and ruled that

no consequences, such as physical violence, should be allowed for the punishment of the incitement<sup>5</sup>.

The Fourth Amendment of the Fundamental Law changed this undoubtedly liberal regulation of hate speech, as stated, to that “the right to freedom of speech may not be exercised with the intent of violating the human dignity of others”<sup>6</sup>. The Amendment gave a constitutional background to the new Civil Code, that took effect in 2014, which allowed the civil prosecution of hate speech. According to the “Amicus Brief for the Venice Commission on the Fourth Amendment to the Fundamental Law of Hungary” the Fourth Amendment and the new Civil Law grants less protection to the freedom of speech, as it would be appropriate according to the European standards<sup>7</sup>. As the judiciary practice demonstrated, the liberal, American tradition of hate speech regulation was exercised by the Constitutional Court, while the parliament wished to introduce a stricter punishment for hate speech. The latter reflected public expectation as well, such as in the case of a skinhead leader Albert Szabó, who has been acquitted of charges of incitement against Jews and Roma<sup>8</sup>. The issue of hate speech became an issue of political debates, especially the denial of the Holocaust and the communist regimes’ crimes against humanity. While the Hungarian parliament introduced a stricter regulation of hate speech in 2004, the Constitutional Court found the law unconstitutional and thus the more permissive praxis came into effect<sup>9</sup>. Nevertheless, while legislators wished to tighten hate speech regulation with administrative instruments, as a recent study of social media discourses revealed, beyond media political agenda has an influence on hate speech in Hungary<sup>10</sup>.

### **Contesting anti-hate speech: the alt-right in Hungary**

The critique of anti-hate speech and political correctness in Hungary gained a new impetus from the American alt-right movement, which gained media and academic attention after the election of Donald Trump. Similar to other right-wing movements, the alt-right is a heterogeneous social phenomenon, associated with online subcultures. The root of the alt-right is the American paleoconservative political philosophy, which defined itself against the neoconservatives of the 1980s and relied on the French intellectual trend of the late 1960s, the *Nouvelle Droite* (‘new right’). The term ‘alternative right’ was coined by Richard Spencer, a white-nationalist journalist, activist, and founder of the online magazine *AlternativeRight.com*<sup>11</sup>. As it is typical of radical right-wing movements, the alt-right also shows

an ideologically varied picture, where several currents can be distinguished. These include white nationalism, right-wing anarchism propagating a strong state and a weak federal state at the same time, anti-feminism, and anti-enlightenment<sup>12</sup>. The movement is organized on the Internet, delivering its messages via memes, linking to sites that share user-generated content such as 4chan, 8chan, and Reddit. Another feature of internet communication is frequent trolling<sup>13</sup>, which is especially striking in discursive proceedings against politically correct speech.

In Hungary, the presence of the more moderated version of alt-right, the alt-light, can be observed. A certain part of the right-wing online media (888.hu, pestisracok.hu) regularly refers to the American alt-right movement and the critique of politically correct language is a recurring topic<sup>14</sup>. Similar to the American movement, the proponents of the Hungarian alt-right refer to the freedom of speech while criticizing political correctness. Prominent figures of the American alt-light, such as Steve Bannon, co-founder of the online newspaper Breitbart, and Milo Yiannopoulos, a political commentator, were invited to public events organized by Hungarian right-wing organizations. Also, a government-friendly think tank regularly publishes a biting review of anti-hate speech and political correctness cases from Western countries<sup>15</sup>. Anti-political correctness appears in the right-wing political mainstream as well. Prime Minister Viktor Orbán himself interpreted political correctness as mental repression<sup>16</sup>. At this point, the infamous billboard campaign of the Hungarian government during the 2015 refugee crisis should be also mentioned as a manifestation of state promoted hate speech. The text on the billboards accused members of a certain group, namely refugees, for not respecting Hungarian culture and taking away the jobs of Hungarians<sup>17</sup>.

The ethnographic study of the Hungarian anti-hate speech discourses could differentiate four distinct narratives<sup>18</sup>. The first one assumes that hate speech is a „politically motivated neologism” that could criminalize certain rhetoric. According to the second, the hate speech agenda is a trendy global, American, phenomenon equivalent to political correctness that contradicts the reality of East-Central Europe. The third includes claims about the ideological inconsistency of anti-hate speech agenda, as it restricts free speech it does not take into account hate against ethnic Hungarians, and anti-discrimination should also be applied to the discrimination of the majority in Hungary. Finally, according to the fourth — those who wish to combat hate speech also hate their political adversaries.

### Conclusions

The article reviewed two different practices related to hate speech in Hungary, namely — the constitutional, legal, punishment for incitement against minorities, and the anti-hate speech political efforts. Since the 1990s, the left and the right-wing parties of the Hungarian legislation aimed to introduce stricter regulation of hate speech; however, the Constitutional Court consistently annulled such laws. Hence in Hungary, a more liberal, permissive regulation came into effect, which punished incitement against social groups, not hate speech itself. The new Fundamental Law adopted during the second Fidesz government in 2011 and the following revision of the new Civil Code in 2013, allow stronger restrictions on freedom of speech for the benefit of protecting human dignity. Also, the new regulation made civil prosecution possible as well. At the same time, however, the government-friendly media outlets, think tanks, and Prime Minister Viktor Orbán himself continuously criticize political correctness, an anti-hate speech instrument.

The framing of anti-hate speech and political correctness interprets these concepts as being alien from Hungarian reality and as a Western, global, trend that is politically biased. In recent years, the influence of the American alt-right in this matter can be observed as well, particularly in the case of the right-wing online media, which is the main channel of the anti-hate speech agenda. This practice of the populist right in Hungary addresses refugees and migrants on one hand and more frequently the anti-hate speech groups and initiatives on the other. The narrative strategy here is not to target the minorities directly, but the anti-hate speech agenda itself, which is perceived as less radical than an incitement against vulnerable groups.

The assessment of the constitutional regulation and the political interpretation of hate speech by the Hungarian government revealed contradictions between legal and political aspects, a cultural praxis. This is not an administrative nor

a political mistake, but it belongs to the norm of operation of the Orbán-regime, where inconsistency does not spoil governance but rather opens political opportunities for action and for overcoming political critique. Since the right-wing pundits do not incite directly

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against minorities but aim to ridicule anti-hate speech, there are no legal consequences, which creates a hostile social climate against tolerance. As the right selectively utilizes extreme cases of political correctness to promote their anti-hate speech agenda, liberal political forces unwillingly interfere with the topic. A public debate over political correctness would elevate the issue for the benefit of the Hungarian alt-right. Non-mainstream political forces, social movements that are concerned for minorities, tend to be focused more on economic redistribution rather than on cultural recognition.

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# It Was Done to Us so We Can Do it Back

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## Definition of hate speech?

Hate speech, as defined by Cambridge Dictionary, is “public speech that expresses hate or encourages violence towards a person or group based on something such as race, religion, sex, or sexual orientation”. The above definition is a broad one. Perhaps it is more important to ask: How does one identify hate speech?

Article 19 of the Universal Declaration of Human Rights views freedom of opinion and expression as a fundamental human right. States are required to guarantee all people the freedom to seek, receive, or impart information or ideas. And therein lies the problem. To paraphrase Winston Churchill, “everyone is in favor of free speech. However, some people’s idea of free speech is that they are free to say what they like, but if anyone else says anything back, that is an outrage”.

So, the scope of free speech is a broad one and may include ideas and opinions that others find offensive. International human rights law guarantees non-discrimination for all people, and states are obligated to guarantee that. For people, protection of dignity is the usual motivation for identifying and objecting to “hate speech”.

## What is Hate Speech?

Internationally, there are varying standards and definitions of what constitutes hate speech. Some definitions are in response to specific incidents or situations and the definition changes over time. In the UK, for example, there was a successful campaign to remove the word “insulting” from the legal definition in the Public Order Act that touched on hate speech and what it was<sup>1</sup>. Well-known comedians were involved in the campaign as the word ‘insulting’ was too difficult to define and varied regularly.

The United Nations Human Rights Council tries to avoid using the contested term ‘hate speech’ and instead prefers terms like

intolerance, negative stereotyping, and the spread of prejudice and discrimination. The Hate and Hostility group has suggested replacing the word hate with “bias”, and that bias can be defined to include hate, prejudice, and hostility<sup>2</sup>.

Hate crime is a crime motivated by prejudice. This is easier to identify, as a criminal offense has occurred and the victim was targeted by the culprit, in part, due to their ethnicity, religion, disability, sexual orientation, or any other bias. Labeling such crimes as “hate crimes” aims to build confidence in minority groups and to show that the full effect of the crime is in the public domain.

Hate itself is an emotional concept, and speech has evolved to include more than the spoken or written word. The tone and content of the words are the factors as are the targeted person or a group of people.

What hate speech does is also a factor. Does it inspire fear or action, an emotional response, from the victim? Does it affect or influence society’s attitudes by stirring up hatred towards a group? Whatever its definition, hate speech targets people because of who they are.

### **The Irish Experience**

Bunreacht na hÉireann, the Irish Constitution guarantees people the right “to express freely their convictions and opinions, subject to public order and morality”. The Prohibition of Incitement to Hatred Act of 1989 made it an offense to make, distribute, or broadcast “threatening, abusive or insulting” words, images, or sounds with intent or likelihood to stir up hatred, where “hatred” is against a group of persons in the State or elsewhere on account of their race, color, nationality, religion, ethnic or national origins, or sexual orientation.

One of the first convictions from this act was in 2000, in the case of a bus driver who told a Gambian passenger “You should go back to where you came from!”.

This conviction was successfully appealed as the court felt that regardless of the racist aspect to the comment, there was no intention to incite others to hate. There have been 44 prosecutions under the Act since 2020, of which just 5 resulted in convictions<sup>3</sup>. The main reason given for such a low number of convictions is that the focus on the act was on inciting others, not on the act itself. Assaults and other offenses were prosecuted through the courts and the aggravating fact of it being racially motivated was a factor in the evidence given, but not a central tenet of the offense of the law.

An example of the difficulty in enforcing the law is a case that had happened in 2011, where an Irish citizen was charged with inciting hatred towards members of the Traveller Community in Ireland by creating an Anti-Traveller Facebook page<sup>4</sup>. The presiding judge dismissed the case, ruling that there was reasonable doubt that the page was intended to incite hatred towards Travellers even though the posts and comments were, in his words, “obnoxious and revolting”.

It is fair to say that the Act is outdated and is no longer relevant. It does not effectively tackle incidents of hate speech and hate crime as highlighted in the submission by the Immigrant Council of Ireland to the Department of Justice and Equality<sup>5</sup>. Online incitement, for example, is not adequately addressed in the current legislation; hence the call for the modernization of the legislation.

### Politics in Ireland

There are at least thirty-one political parties in the Irish Republic. Eleven sit in Dáil Éireann (Irish Parliament). Another ten are

represented in local councils. Many small parties had been started in the 2000s in response to issues and perceptions of policies. Individuals and groups opposed to abortion legislation left major parties and established smaller parties, with a generally shared ethos in most matters but opposed on the line taken with abortion. Some left-wing parties were not seen as left-wing enough and splinter parties developed.

Indeed, if one was to look at the original of the species, the Sinn Féin party from 1917 (I say 1917 because prior to the Rising of 1916, Sinn Féin had been a royalist, peace endorsing party that ceased to exist), growing from the reward of the Rising, became the largest political party in Ireland and later splintered into Fianna Fail, Fine Gael, Provisional Sinn Fein, Official Sinn Fein, Sinn Fein the Workers Party, Republican Sinn Féin, Democratic Left, Éirígí, Aontú and Saoradh with its policies evolving along the way, from right to left and back again.

Parties viewed as right-wing also emerged as a response to a challenge to our democracy, a call to reclaim what is ours, or simple anti-immigrant policies. Social media and populist

In recent political elections, high-profile politicians employed racist sentiment and used divisive language to cause tension and hostilities in communities towards minority groups including Travellers and asylum seekers.

“Brits Out” is the mantra for thousands of people in the country, which is casually and spitefully used on many occasions.

commentary are essential in these parties and fear is fermented. The call to restrict their voice is usually identified as the one to restrict hate speech in general. This is counted as an attack on free speech.

In recent political elections, high-profile politicians employed racist sentiment and used divisive language to cause tension and hostilities in communities towards minority groups including Travellers and asylum seekers. This led to a united call by community groups and civil society organizations to all Parties and independent candidates in the run-up to the 2020 General

Elections to avoid using divisive language in their campaigns. The Fianna Fáil Party, along with most other parties endorsed the Irish Anti-Racism Election Protocol, ensuring that elections are “conducted in such a way that they do not incite hatred or prejudice on the grounds of ‘race’, color, nationality or ethnic origin, religious belief and membership of the Traveller Community”<sup>6</sup>.

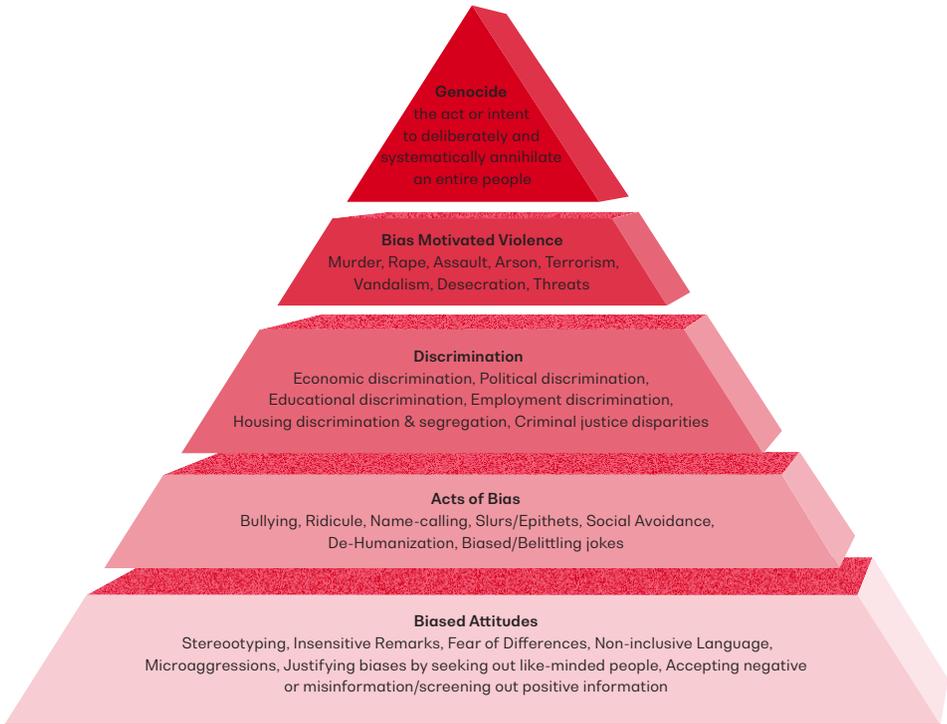
In 2019, the Government through the Department of Justice and Equality, and as part of the legislation on hate speech review process, decided to consult with the public to see how the law in this area could be improved.

Subsequently, an independent Anti-racism committee was set up in June of 2020 to draft an antiracism strategy within one year with rec-

ommendations for Government’s consideration. One of the goals is to ensure that Ireland’s legislation on hate speech and hate crime is effective and meets the needs of the community. It is one measure that they hope will address intolerance in the Community at large.

### “Brits Out” as Hate Speech

The woman who would be the Taoiseach (Prime Minister) proudly stands behind banners in America with the legend “Brits Out” emblazoned across it. “Brits Out” is the mantra for thousands of people in the country, which is casually and spitefully used on many occasions. It fulfills what could be seen as the definition for hate speech in that it targets a set group of people, a minority on the Island, denigrates them, ridicules them, has called for their killing and supports their killing as a political or legitimate cause. “Brits” include the English primarily; Scots are okay (except Rangers



### Hate Speech Pyramid

Source: ADL

Soccer supporters who are Brits) and the various colors of Protestants in Northern Ireland, be they tan, tangerine, black, or orange.

When this is mentioned as hate speech or discriminatory and prejudiced, it usually brings the “what about” responders out; the “No Blacks, No Dogs, No Irish” legend that was everywhere, yet seen by none, on shop windows in England and the USA. So, in short, it was done to “us” so we can do it back.

### Confronting Hate Speech

There is a hierarchy for hate speech as shown in the above diagram, the “Hate Pyramid” as it is sometimes called. It starts with biased attitudes and ascends to actions, active discrimination, violence, and then, at the top of the pyramid, genocide.

This has been seen everywhere: Australia and New Zealand against the native populations; the USA against the natives and later against Africans and African descendants; in the 1930’s and 1940’s in Europe and later in Russia; in South Africa, African countries like Rwanda, India and across the Middle East through religious hatred and bias.

In Ireland, there were reports of a meeting to help a Syrian refugee family being infiltrated by far-right people and anti-immigration campaigner's frustrating plans for direct provision centers in local towns<sup>7</sup>.

In all cases, speech, through words, images, and accepted wisdom, was the precursor to violent acts and state repression. Whether it was the color of the skin, the tribe, the religion, or societal advancement, depicting 'the other' as wrong, ignorant, or dangerous, a threat was common. Action followed. That is why the idea of hate speech is emotive and strong.

But how can it be regulated?

### **A shift in policy?**

Legislation and sentencing policy that clearly and directly addresses actions inspired by bias is currently absent and is needed to tackle this problem. New hate crime legislation is needed to adequately address crimes that are motivated by hate or prejudice.

The vast majority of criminal acts that are committed, in general, are dealt with at the District Court level. Offenses such as criminal damage or assault with weapons are by law "arrestable offenses" in that they may incur a prison sentence of at least 5 years in the Circuit Court. Almost 90% of such cases are dealt with at the District Court. Outside of imposed fines and service orders, the maximum custodial sentence open to a District Judge to impose for an offense is 12 months of imprisonment.

A guilty plea guarantees a lesser sentence and the custodial policy ensures that a third of the sentence imposed is not served. If the maximum penalty is to be increased to a possible 24 months for a single offense, the scope of the judges would be open to allow them to impose a harsher penalty (especially in the cases of repeat offenders) and allude to aggravating factors of bias.

With this policy, a concerted effort from all public bodies to confront hate speech or openly declared bias in all media forms would yield results.

### **Advocacy (Ethical Witnesses)**

Another way to combat hate speech is to counter it with truth and counter-speech. Supporting victims of hate speech, especially on social media, also helps to silence populists and help build confidence. Receiving tweets or comments of support often helps victims of online abuse feel less isolated and more welcome in the online community that we reside more in these unprecedented times.

Educating people to become critically aware of social injustices will also prompt witnesses to ethical social actions. Inequalities often arise from attitudes towards people that we feel are different from us (by race, gender, age, religion, sexual orientation, mental or physical ability, education, or nationality) or policies causing unequal access to opportunities and resources for a cohort in society. Acknowledging our differences opens the channels for learning and understanding, which will lead to a united community, strengthened by our diversity.

An inclusive society is the one that encourages socio-economic participation of all by ensuring equal access to education, employment, healthcare, and housing, elects diverse public representatives, and celebrates its multicultural heritage.

Bias and prejudice will remain a part of society. However, allowing acts of intolerance to operate without being confronted would become the norm and a more pluralist society would result.

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<b>What political actors use hate speech in politics?</b>	Presidential & General Election Candidates
<b>What other actors use hate speech in politics?</b>	Nationalist Party Leader; Journalist.
<b>What groups are mainly targeted?</b>	Travellers, Africans, Irish citizens from migrant background, Asylum seekers, Refugees.
<b>One symbolic quotation of hate speech used in political discourse</b>	“Freeloaders coming to our country”.
<b>Who is seen as the main opponent of hate speech in politics?</b>	Individuals, Anti-Racism Organisations, Senators, TD’s, Councillors, Activists, Religious Institutions.
<b>Is there legal framework enough to combat hate speech in politics?</b>	No. Without punitive measures, there will be little incentive to discontinue the propagation of hate speech.

# Q&A

# Degradation of Public Discourse

## Marco Maria Aterrano

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The use of hatred as a political tool in the public arena is not a novelty. Plenty of authoritarian and democratic regimes in the past have drawn from more or less refined rhetorical techniques to polarize the political landscape, redirect their population's malcontent towards newly identified enemies, and capture their electorate's attention<sup>1</sup>.

More recently — thanks to a fatal combination of the unchecked spread of more immediate and pervasive communication platforms, the brewing of social resentment, and the worsening of economic inequality inherited from the collapse of the global economy since 2008 — politicians from all across the globe have resorted to exploiting similar tactics to harness the growing, generalized discontent to their political advantage.

The cavalier use of misinformation and derogatory language has now become a staple in the communication of a considerable part of the political establishment. The rise of xenophobic, racist, and intolerant political movements in Europe over the past decade is a direct consequence of the degradation of public language as much as it is one of its main causes. The election of Donald Trump in the United States and Jair Bolsonaro in Brasil, the successful Brexit campaign in the United Kingdom, and the growth of extreme right-wing parties in France, Germany, and elsewhere on the continent — adopting simpler, often discriminatory languages — all fall within this scope.

In this fragmented and increasingly polarized global framework, Italy has played and still plays a major role. As in the past, the Peninsula has recently been a laboratory at the frontline of the populist wave, a sort of trial run for better-known phenomena elsewhere in the world. Among the hardest hit by the 2008 financial crisis, Italians have witnessed the rise of new political experiments that were ready to fully capitalize on the disintermediation of modern

societies by developing a more direct, efficient relationship with the electorate.

The never-ending electoral campaigning that characterizes the chronically unstable Italian parliamentary democracy pushes politicians towards building and maintaining a constant presence in the public eye – be it on television or social media – seeking to capture the attention of the public with ever stronger and bolder statements. The affirmation of this new political environment, marked by a stark simplification of messages and by use of colloquialisms and vulgarisms, has carried with it a sharp deterioration of the public language: in the contemporary political arena, political representatives seem to no longer be held to a higher standard, as the only metrics for the values they express remain to be polls and electoral results.

The Italian population has been subjected to the decades of decrease of standards in the public discourse, thanks in no minor way to the role played by commercial television since its success in the late 1980s<sup>2</sup> and later by the reduction to its basic essence of language that followed the proliferation of social networks. Additionally,

traditional media – especially on their social media profiles – have too often abdicated to their responsibility towards society, limiting their job to amplification of politicians' tweets, declarations, outbursts, without either fact-checking them or questioning their tones.

Inextricably tied to this general degradation of language is the degradation of contents. Several international watchdogs have denounced a sharp increase in derogatory and violent terminology in the Italian political and public discourse in the past few years, which has often led to “concerns regarding the situation in Italy with respect to hateful speech”. As highlighted by the United Nations Office of the High Commissioner for Human Rights (OHCHR), “the prevalence of problematic statements appears to indicate that they are not occurring sporadically or in isolated cases. Rather, they occur quite regularly in the public discourse, including at high political levels, leading to strong risks of an increase in racial discrimination and hate crimes in society at large”<sup>3</sup>.

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Data retrieved by the United Nations and several NGOs confirm that the increase in problematic use of language with the potential to incite violence is currently an issue in Italy. Since at least 2015, hate speech in the Italian political and public discourse has had an undisputed target: migrants. In a recent analysis conducted on the data available on the subject, 91% of social media posts that were flagged as violent or insulting concerned migrants, a target that often overlapped with the Islamic religious community at large (11%)<sup>4</sup>. Not unlike in similar western countries, the preferred victims of degrading language in Italy are ethnic and religious minorities, as well as the LGBT community.

Causing this pervasive attack on minorities is the re-adaptation of nationalist and identitary sentiments that emerged as an attempt to counter the alienating effects of globalization. As the UN has observed in a recent report, “hateful speech is often justified based on the defense of national identity and security, the criminalization of migration, the economic crisis, and the principle of ‘national’ preference or ‘Italians first’ – which can have the effect of making racial discrimination more socially acceptable”<sup>5</sup>.

It needs to be pointed out that the pollution of the public (and private) debate is not limited to the expression of anger towards the “other”. On the contrary, while that is a possibly more conspicuous factor because of its often racist contents – insults, personal attacks, and the general impoverishment of the conversation have affected all exchanges between Italian citizens as well, whether it is on the web, on TV, or in the Parliament.

Reasons for the recrudescence of the discriminatory language are also to be found in the sensibly worsening socio-cultural context of the second decade of the 21<sup>st</sup> century. The dramatic intersection of the three factors has created optimal conditions for such ideas to take root. The pauperization of the middle and lower classes and the ensuing social rage that emerged in the post-financial crisis have been compounded by a wave of terrorist attacks in Europe and an even bigger wave of immigration in Italy. While the first element has weakened the more vulnerable Italians’ capacity for empathy, the other two have redirected the national attention towards the vague but resilient reconstruction of patriotic and religious values, becoming the focal point of the public and private debate.

The combination of these three factors, aggravated by the ineffective and insufficient solutions adopted by both the Italian Government and the European Union, have ushered in a manifest deterioration of the national conversation. A perfect storm of hatred,



Baner of the far-right  
Forza Nouva:

## “Enough migration. We will stop the invasion. Italians first”

extreme partisanship, and refusal of traditional politics was allowed to spread unregulated, instigated by new or deeply renovated political parties. This has had a profound effect on the tone, language, and message of the political discourse in Italy ever since.

In this framework, politicians are hardly blameless. The dissemination of these ideas, while facilitated by mass access to social media by the general population and the viral spread of fake news concerning privileges accorded to migrants and minorities to the detriment of the Italian population, has been significantly accelerated and strengthened by the intervention of political representatives, ready to exploit the mounting social rage to their advantage.

According to the UN, “Italy is experiencing an increase of intolerance, racial and religious hatred, and xenophobia, which in some cases is allowed or even encouraged by political leaders and members of Government”<sup>6</sup>. Herein lies the short-circuit: while politicians follow the perceived feelings of the population in order to ride the wave of their malcontent, at the same time they help stoke them through a relentless barrage of slogans, videos, and

posts that target those same feelings, not only acknowledging, but also emboldening them.

The issue of political language inciting hatred among the electorate, however, is not as clear-cut as some observers have pointed out. For instance, only 7% of the posts flagged by Amnesty International in 2018 directly incited violence, while an additional 17,5%, albeit of a more ambivalent nature, did not constitute a recognizable discriminatory call<sup>7</sup>. Rather, most of the instances of derogatory discourse analyzed by international observers in Italy fall within a larger grey area created by the lack of a universally shared definition of hate speech on one hand, and problematic coexistence of freedom of speech principles with the need for the limitation of violent language on the other. However, generally speaking, most of the politicians involved in these operations seem to be careful not to step, in their public statements, beyond the legal boundaries of their recognized freedom of expression, trying and succeeding in not explicitly inciting racial discrimination or violence among their supporters, while at the same time conveying problematic messages.

Some data might help in putting this phenomenon into its right context. During the last three weeks of the campaign for the national elections of 2018, possibly the first that took place in a fully social media-oriented information, Amnesty International has monitored public declarations and social media posts of more than 1.400 candidates from all parties, running an in-depth analysis of hate speech in the Italian political discourse. The results of the project, aptly titled *Count to 10*, were staggering: 129 candidates (77 of which were finally elected) were responsible for more than 787 instances of “offensive, racist, and discriminatory messages”. Almost the majority of these messages came from right-wing parties such as Lega (51%), followed by Fratelli d’Italia (27%), and Forza Italia (13%) (including neo-fascist group Casapound at 4%)<sup>8</sup>. Similar data have been published in regards to the European elections of 2019<sup>9</sup>.

A more recent event lets us put the mutual influence that social media and politics exercise over each other into focus. In May of 2020, upon the liberation of Silvia Romano — a 24-year-old Italian NGO worker, kidnapped and held hostage for 18 months in Somalia by local Islamic terrorist cell Al-Shaabab — a national controversy erupted in Italy. In the first parliamentary session following Romano’s return to Milan, a Member of Parliament for the Lega referred to her as a “neo-terrorist”, prompting the immediate indignation of his colleagues of the Assembly. The attack also continued

online: a few hours later, a local representative of his party, member of the city council of Asolo, reposted an image of a woman covered with a *hijab* and accompanied by the caption: “Hang her”<sup>10</sup>. Having had been pushed into the background of the national debate by more pressing concerns during the COVID-19 health crisis, the troubled relationship with Islam has rapidly bounced back to the surface of social commentary thanks to Romano’s conversion under captivity, highlighting the pervasiveness of certain arguments and the central role of politicians in enabling them.

However hazily defined, hate speech can contribute not only to the surge in hateful and insulting comments online but also, in its gravest form, to the commission of actual hate crimes, which Italy has seen a progressive growth of over the past five years. As reported by the OSCE-ODIHR, from the 555 cases registered in 2015, the number of hate crimes the judicial authority had to deal with jumped to 736 in 2016, 1.048 in 2017, and 1.111 in 2018, highlighting the worsening nature of the phenomenon and its link with the “normalization” of hateful speech in Italian politics<sup>11</sup>. According to the study, “this climate of intolerance could not be separated from the escalation in Italy in hate incidents against groups and individuals, including children, based on their actual or perceived ethnicity, skin color, race and/or immigration status”<sup>12</sup>. The role played by some politicians in fuelling a public discourse that incites hatred and discrimination is becoming more and more evident, as most of these derogative interactions take place on social media platforms such as Facebook<sup>13</sup>, where users contribute to amplification of their hateful messages with even more hateful comments. While the offensive language of the carefully crafted posts is difficult to restrict due to the ample liberties of expression granted by the Constitution, its effect is nonetheless disruptive. It is, in fact, in the comment section of their profiles, among their followers, where we can actually detect hate speech. Therefore, even though hate speech is not clearly identifiable in declarations, posts, and interviews, some politicians tend to “legitimize, stimulate, and provide platforms for violent expressions of hatred” for their supporters<sup>14</sup>.

According to the definition adopted by the International Covenant on Civil and Political Rights, hate speech goes beyond the expression of an offensive opinion against a certain group, containing a clear incitement to discriminate or act violently against it. Even in the absence of a specific law targeting hate speech, however, the legal framework to prosecute cases of discrimination is solid and ever-expanding. In addition to Article 3 of the Italian

## What are the limits of intervention for social media platforms such as Twitter and Facebook, for instance? As the Roman poet Juvenal famously quipped, “quis custodiet ipsos custodes”?

Constitution, proclaiming that “all citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal, and social conditions”, the 1993 *Legge Mancino* inflicts imprisonment of up to 18 months to whoever spreads ideas of racial superiority and ethnic or religious discrimination, and up to 4 years for incitement to commit racially or religiously-motivated violence.

Such an outdated legal framework that pre-dates the era of social media, further weakened by the lack of a certain definition of hate speech, makes it difficult for law enforcement and the judiciary to prosecute instances in which online comments posted by often anonymous users result in distinctly discriminatory remarks or even death threats. Striking a balance between the inalienable right to free speech and the need to contain the spread of hatred is a very delicate issue, and one of the true challenges of our time. Article 20 of the Covenant “requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception”<sup>15</sup>. Even the calls for a deeper intervention of social media platforms in containing the spread of disinformation and hate speech should always be balanced off against the concrete risks of censorship.

What are the limits of intervention for social media platforms such as Twitter and Facebook, for instance? As the Roman poet Juvenal famously quipped, *quis custodiet ipsos custodes* [who will guard the guardians]?

The degradation of public discourse is not, however, an inevitability of modern societies. A combination of preventive and repressive measures is not only possible but necessary to keep in check the steep rise of hate speech in the political and public debate. The sustained indignation in response to such instances does not offer a viable solution to the problem, as it tends to lose its effectiveness over time, and more effective ways to oppose the vulgarization of public discourse are needed. Several solutions have recently been proposed to counter this ever-worsening state of affairs, from instituting control boards for social media activities to linking personal profiles to forms of ID that would make it easier to identify authors of unlawful posts.

However, as long as the vulgar and offensive language continues to be normalized by television programming, the press, and political mouthpieces, even in the most formal of contexts, no solution will be sufficient to counter the degradation of public discourse that fuels the rampant discrimination in our society. It is therefore imperative that stricter codes of conduct for all public personae – representatives of political parties and professional orders, particularly journalists – be implemented.

<sup>1</sup> See Glaeser, E. (2005), *The Political Economy of Hatred*. *Quarterly Journal of Economics*, 120(1), p. 45–86.

<sup>2</sup> “How trashy TV made children dumber and enabled a wave of populist leaders (2019, July 20). *The Washington Post*

<sup>3</sup> UN OHCHR (2019). Report of mission to Italy on racial discrimination, with a focus on incitement to racial hatred and discrimination, p. 12

<sup>4</sup> Amnesty International (2018). Report Conta fino a 10: Barometro dell’odio in campagna elettorale, p. 4

<sup>5</sup> UN OHCHR 2019, p. 10

<sup>6</sup> UN OHCHR 2019, p. 9

<sup>7</sup> Report Conta fino a 10 2018, p. 3

<sup>8</sup> *Ibid.*

<sup>9</sup> Il barometro dell’odio – Elezioni europee 2019, Amnesty International 2019

<sup>10</sup> “Silvia Romano ‘neo-terrorista’ poi deputato leghista si scusa” (2020, 13 May). *Ansa*. Silvia Romano, Treviso, consigliere venetista choc su Facebook: «Impiccatela» (2020, May 12). *Corriere del Veneto*

<sup>11</sup> Data available at <https://hatecrime.osce.org/italy>.

<sup>12</sup> UN OHCHR 2019, p. 9

<sup>13</sup> 73% of total problematic interactions, see Report Conta fino a 10 2019, p. 3

<sup>14</sup> Il barometro dell’odio – Elezioni europee 2019, p. 5

<sup>15</sup> UN OHCHR 2019, p. 9

# From Marginal Groups to Masses

## Kristiāns Vasiļevskis

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Political forces that extensively use hate speech in Latvia are not sizable, nor they receive the amount of support that their ideological counterparts in Western Europe do. Nevertheless, in recent years, those fringe ideas got a bit of momentum, with the creation of internet-based political movements. It should be mentioned that signs of hate speech are also seen from some of the ruling political forces in Latvia, albeit their level of hate speech tends to be toned-down relative to those political forces that are out of political mainstream, closer to aggressive and discriminatory language.

## Usage of discriminatory language among major political forces

Parliament in Latvia (*Saeima*) has three political forces that are prone to use discriminatory language as an instrument of political propaganda. Albeit they do not use hate speech in their rhetoric openly and outright, some of their statements tend to be quite harsh. These three are: a national-conservative the National Alliance (*Nacionālā apvienība*), a conservative, anti-corruption oriented, the New Conservative Party (*Jaunā konservatīvā partija*), and a right-wing populist Who Owns the State? (*KPV LV*); if the first one tends to base its discriminatory speech oriented language on nationalist and xenophobic rhetoric, then the two later ones target more on the anti-establishment rhetoric, aiming their aggressive rhetoric against individuals who they perceive as corrupt, oligarchical, vile, etc. All three of them are also taking part in the five-party ruling coalition.

The National Alliance is the oldest out of the three political forces mentioned above, dating its history back to the Latvian nationalist dissident group in the USSR established in 1988 — the Latvian National Independence Movement (*Latvijas Nacionālās Neatkarības Kustība*)<sup>1</sup>. Currently, the National Alliance presents itself as a national-conservative force that will preserve Latvian

cultural space from non-native influences. For example, in 2018, before the Baltic Pride, the Secretary-General of the party, Raivis Zeltīts, was comparing pride's calls to end homophobia to Russia's propaganda efforts against perceived "Russophobia". He stated that in both cases the methods are similar — to present yourself as "victims advocate and to shamelessly defend your position"<sup>2</sup>.

In 2019, one of the National Alliance's Board Members and the MP, Jānis Dombrava, embraced the "great replacement"<sup>3</sup> by using the far-right conspiracy theory and stated that the migration to Europe will inevitably replace native populations with "representatives of hostile ideology" [sic]<sup>4</sup>. Latvian center of investigative journalism Re: Baltica found out after conducting research that the National Alliance members have a connection to neo-Nazi Azov Battalion in Ukraine<sup>5</sup>.

The New Conservative Party is a political force that focuses its efforts predominantly on anti-corruption politics; nevertheless, they are similar to the National Alliance in some of the ideological stances. For example, the party member Ainars Bašķis, in 2020, outlined an understanding of the "Latvian conservatism" in which one of the points was support for "healthy families; normal families" — a father, a mother, kids, and close relatives<sup>6</sup>. By using these somewhat insulting expressions towards other types of families, the party's representative indicated that the party is not ready to accept same-sex families and single-parent families to the same degree as opposite-sex families.

In regards to the examples of the New Conservative Party's aggressive rhetoric in anti-corruption politics, the most suitable would be of their antagonism towards the so-called oligarchs of Latvia. For example, in May 2020, the New Conservative Party's Board Member recorded a video address in which he stressed that the oligarch's lawyers and former KGB agents (the prosecutor's office and the political elite) are behind the criminal process that was taking place against him, in regards to the declassification of illegal information<sup>7</sup>.

The rhetoric of Who Owns the State? (*KPV LV*) (as of May 2020 it has 10 MP) toned down after the Parliamentary elections of 2018, if we are to compare it to their rhetoric during the election campaign. However, during the 2018–2019 coalition talks Who Owns the State? continued to focus their aggressive rhetoric predominantly on the anti-establishment ideas. For example, in December of 2018, Who Owns the State? prime minister candidate Aldis Gobzems decided to exclude the liberal Development/For! (*Attīstībai/Par!*) from coalition talks and attacked several of the prominent politicians

from this force, including Artis Pabriks, for being “marionettes” and Edgars Jaunups for being the ‘black cardinal’ of the casino business, Russian money, etc.<sup>8</sup> In 2019, after failures to form a government and conflict with then the head of the party Artuss Kaimiņš, Aldis Gobzems left Who Owns the State?<sup>9</sup>.

### **Hate speech usage by minor political parties**

Compared to the mainstream political parties that are represented in the government and tend to use aggressive rhetoric, but keep it in the frame of general acceptance, some of the minor political parties in Latvia are more prone to the display of hate speech, often accompanied by fringe political ideas. In some cases, hate speech has led their representatives to criminal prosecution.

The political force that holds one MEP, albeit it fails to get elected to the national parliament, the Latvian Russian Union (*Latvijas Krievu savienība*), presents itself as an advocate of the Russian minority in Latvia. Their ideological stances are somewhat hard to define and best described as a mix of left-wing populism and Russophilia. In recent years, two of the prominent party representatives have been accused by the Security Police [now the State Security Service] in the spread of hate speech. One of the cases occurred in May 2018, when Vladimirs Lindermands was accused of spreading hate speech based on the national basis and organization of mass disorders. The events occurred during the All Latvia’s Parents Meeting<sup>10</sup>, where Vladimirs Lindermands said that Russians in Latvia face the choice of either to assimilate or to “get out of the country” and that Latvian nationalists are using Cold War-like situation between West and Russia to “do a soft ethnic cleansing, that would have not been possible during peacetime”<sup>11</sup>.

The second case was opened in April 2018 against the party member Aleksandrs Gaponenko who has made some controversial and undisclosed statements that had signs of hate speech during the above mentioned All Latvia’s Parents Meeting. It should be noted that the State Security Service has closed criminal charges against both Vladimirs Lindermands and Aleksandrs Gaponenko in 2020, noting that even though the statements they made are controversial, they do not classify as a hate speech<sup>12</sup>. This situation in itself prompts questions about the limits of hate speech and the willingness of prosecutors to investigate politically fueled cases.

A particularly unusual example of hate speech could be seen from a small political party the Action Party (*Rīcības partija*), whose

head of the electoral list for the European Parliament election of 2019, Einārs Graudiņš, presented such statement during the televised debates: “The question that has not been addressed yet is of the illegal immigration. This question should be addressed immediately and should be addressed surgically; all of those black masses that wander right now uncontrollably around Europe should be put to boats, sent to Malta, Sicily, and then back to where they came from. To all the others who swim into our united country [federal Europe], we immediately open fire”<sup>13</sup>.

### **The surge of hate speech publications on Latvian Facebook pages**

In recent years, the daily average of users of Facebook in Latvia keeps on growing, which makes this social network particularly susceptible to political propaganda usage, especially by political groups that use hate speech in their political communication.

A small Latvian far-right party the National Union “Justice” (Nacionālā savienība “Taisnīgums”), that bases its political activities mostly around its Facebook page, publishes daily information that could be interpreted as a hate speech. By using derogatory language towards racial minorities, Russians, sexual minorities, mainstream politicians, and immigrants it tries to build an audience and to promote hatred against minority groups. For example, on 26 May 2020, the party published a post on their Facebook page that included the screenshot with a news piece about the temperature of +47C in Deli, India. The screenshot was subtitled that “life in India is a literal hell, this is why the stream of [Indians] are coming to Latvia”. They urged to stop migration from India, otherwise “we” [Latvians] will cease to exist<sup>14</sup>. During the six years of existence of their Facebook page, it was a home for all sorts of hate declamations.

Another far-right Facebook page is the Latvian “Guardians of the Fatherland” (*Tēvijas Sargi*), which has a much higher following than the previous one (approximately 9.000 vs. 1.400 followers), that presents itself as a combat club for the patriotic Latvians. The majority of the content on the page is focused on the combat techniques and only a smaller portion focuses on the ideological content. It is less pronounced in the display of hate speech, but some of the news content of the pages of the National Union “Justice” and the “Guardians of the Fatherland” tend to overlap, albeit presented in a less aggressive manner in the second case<sup>15</sup>.

### Prosecution of 'Hate Speech' in Latvia from a Legal Perspective

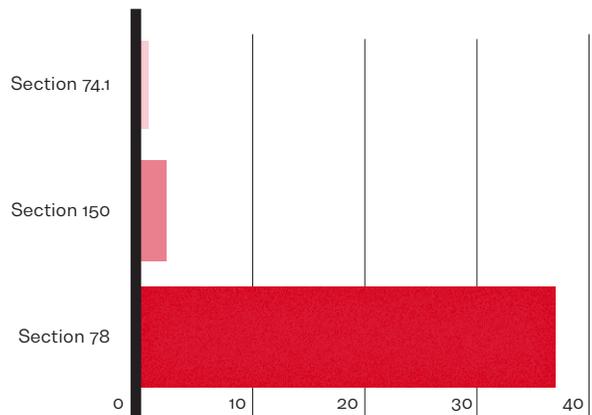
Latvia's main source of definition for the term "hate crime" is the Criminal Law, where several sections are dedicated to the different instances of hate speech, with possible ranges of punishments for the offense. For example, Section 78 of the Criminal Law specifically focuses on the cases of hate speech based on national, ethnic, and racial grounds. Under Section 78, the punishment for private individuals is deprivation of liberty for a period of up to three years, and if violence threats were involved the punishment goes up to ten years of liberty deprivation. For public officials involved in instances of hate speech, under Section 78, the punishment is up to five years of liberty deprivation, with the rule regarding threats of violence also being applicable<sup>16</sup>.

Section 150 of the Criminal Law covers cases of incitement of social hatred and enmity, banning what is effectively a hate speech against age, gender, disabilities, and other characteristics. Punishments are up to four years of liberty deprivation<sup>17</sup>. Unfortunately, the current revision of Section 150 is vague in definition, as it covers cases of social hatred towards gender, age, and disabilities, but then refers to "other characteristics", lacking specific mention of such social behavior characteristics as political orientation or sexuality.

Criminal Law of Latvia also has a specific ban, under Section 74.1, on the public glorification of genocides, crimes against humanity, denial, gross trivialization of committed genocide, or crimes against humanity. Including genocides and crimes against humanity committed by USSR's and Nazi Germanys' totalitarian regimes, with a possible punishment of liberty deprivation of up to five years<sup>18</sup>.

Based on the information provided by the Supreme Court's Case Law and Scientific Analysis Department in their report about such criminal prosecutions under the above-mentioned Criminal Law sections, in a period from 2012 to 2018 there were 42 court judgments. Of which, 38 court judgments were based on Section 78 of Criminal Law, which covers general cases of hate speech, 2 court judgments were based on Section 150, which covers cases of incitement of social hatred, and 1 case under Section 74.1, which covers genocide and denial of crimes against humanity<sup>19</sup>. From the above, it follows that the court cases of hate speech in Latvia predominantly concern hate speech on the basis of ethnic, racial, and national grounds.

It is important to mention, that Latvia's constitution (*Satversme*) has no mention of hate speech<sup>20</sup>, hence there is no constitutional ban on a hate speech in Latvia. Hate speech is covered under



### Court Cases of Hate Speech 2012–2018

the Criminal Law. One possible explanation for this situation could be that there is a particularly conservative attitude towards constitutional changes in Latvia. Latvia's constitution does not get revisions often; moreover, it is preserved in a relatively simplistic and short manner.

### Possible Action Plan to Lower Hate Speech Presence

First and foremost, it is important for mainstream political forces to take care of a political discourse culture in Latvia. Even if it is up for debate whether certain expressions are hate speech or just use of the rights of the freedom of speech and expression, there is little to no doubt that in recent years the political discourse in Latvia has become more emotional and prone to insulting expressions. This is certainly a worrisome tendency for the democratic development of the country. Moreover, once hate speech gets justifications from mainstream political forces, it just adds momentum to fringe political forces to express themselves even in a more inflammatory manner, to get the attention of masses.

It is important to mention that investigative journalism also holds an important role in preventing the spread of hate speech in political discourse. The recent efforts from the center of investigative journalism Re: Baltica, investigative division of Delfi.lv, and other media outlets put light on to the cases of hate speech in Latvian public sphere that might not necessarily fall under the current legal definitions, but nevertheless present an alarming tendency in political discourse.

There is also a dire need to add definition and protection against “hate speech” to the Latvian constitution; this will provide a solid

There is also a dire need to add definition and protection against “hate speech” to the Latvian constitution; this will provide a solid ground to revise every legislation which is hierarchically lower to compel with constitutionally defined protection against hate speech.

ground to revise every legislation which is hierarchically lower to compel with constitutionally defined protection against hate speech. However, it is important to remember that adding references of “hate speech” to the constitution might not be the easiest process, as it would certainly provoke a debate on boundaries between hate speech and freedom of speech. Nevertheless, this debate might prove to be fruitful and provide needed momentum for solving many challenges related to the presence of hate speech in society and politics.

The last important action that must be taken is a revision of sections of Criminal Law that concern hate speech. Currently, definitions of “hate speech” provided by the Latvian Criminal Law are lacking several groups of subjects of protection such as sexual minorities, transgender individuals, etc., and lack several social characteristics, such as political beliefs or employment position. Revisions of sections of Criminal Law might be beneficial in the long run, to acquire a more comprehensive case law regarding hate speech, as there will be a less vague definition of ‘hate speech’.

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- 3 'The great replacement theory' is a far-right conspiracy theory based on the white-nationalist sentiments that state that European white population is being progressively replaced with people of non-European background, in particular with Muslim populations from the Middle East and Africa.
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# A Line in the Sand

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For a relatively small country of 2,8 million residents, Lithuania is rather rich in the number and variety of populist parties that have sprung up in recent years and months, vying for the hearts and minds of voters in advance of elections to the *Seimas* (parliament) held in October 2020.

No political party in Lithuania, populist or otherwise, makes open and systematic use of hate speech, but an increasing number of politicians and public figures have employed rhetoric that deliberately treads the line. They appeal to the disaffected with symbols drawn from a historical tradition of integral nationalism and anti-Semitism, while raising a shield of *faux* political correctness.

This summer, a public controversy over the decision of the liberal Mayor of Vilnius Remigijus Šimašius to establish a small sand-covered ‘beach’ on the historic, central square for Lithuanians tired of COVID-19 quarantine, provided a telling illustration of how the nation’s traumatic past of occupation by German and Soviet forces during WWII continues to be manipulated for political ends.

The Mayor described the initiative as a playful and inexpensive way for Lithuanians unable to travel for their summer vacations to enjoy some sun and sand in the centre of their city. The ‘beach’ was in fact popular, filled every day with adults and children; but for others this public space — Lukiškės square — seemed an improper place for frivolity.

Faced by the building that once housed the KGB and Gestapo headquarters, the square was a site of public executions under the Russian imperial rule and featured a monument to Lenin during the Soviet period. The fight against communism symbolically culminated here in 1991 with the tearing down of the statue of the Bolshevik leader, and the debate on what to put in Lenin’s place has dragged on for nearly three decades.

Unfortunately, reasonable debate over the proper use of the

square has recently become overwhelmed by hateful rhetoric. Liberals were accused by populists of vandalism, the desecration of public morals, committing an offense to a sacred site of Lithuanian national history and identity, dancing on the bones of martyrs, and so on. Petras Gražulis, an especially rabid defender of “traditional values” criticized the Mayor for “pouring sand on the square so that some castrated homosexuals could sunbathe, once again showing contempt for Lithuania and its independence”. Another “activist” was arrested by the police for spreading manure on the sandy recreational area.

Lithuania’s populist parties, as well as the traditional-conservative Homeland Union party, joined in the attack. Lithuanian populists are of the “oligarch” variety that has eroded the constituencies of the traditional Social Democratic Party. Controlled by wealthy businessmen, they base their appeal in the sense of economic disenfranchisement of those who lost in the post-communist transition. These were joined in the summer of 2020 by the Freedom and Justice party, established by three long-standing politicians.

Meanwhile, the conservative Homeland Union party was seen to be in danger of losing its hold on the right to a number of recently created splinter parties like the anti-gay Christian Union party created in February 2020 by Rimantas Dagys, or the Eurosceptic National Union, established by the ultraconservative political philosopher Vytautas Radžvilas. It is these latter “values-based” parties, and especially the social movements and prominent personalities who back them, that sought to fuel anti-liberal sentiment and are most inclined to resort to hate speech.

As with other small countries, especially in the post-communist world, politics in Lithuania are driven by the actions and interpersonal relations of prominent figures as much as formal party structures and processes. The leader of the Homeland Union is Gabrielius Landsbergis, the grandson of Vytautas Landsbergis, who led the anti-Soviet popular movement in the late 1980s and became the first head of state after the restoration of independence in 1991.

The election of young Landsbergis to chair the Homeland Union in 2015 at the tender age of 33 and with little prior political activity was meant to demonstrate the modern, forward-looking orientation of the party in the wake of an electoral defeat in its stronghold of Kaunas, the “second capital” of Lithuania. At the time, the party was reacting to accusations of elitism, insensitivity to social issues, and the hateful arrogance shown by some prominent media figures supporting the right.

The sociable young Landsbergis raised the ire of ultraconservative elements, who sounded the alarm against his alleged liberalism. And so instead of working together to reclaim the political center, the young Landsbergis was challenged by ultraconservatives bent on shifting the terms of political debate to the extreme right. This was evident in party rankings published on the eve of the October elections, where one of the top positions was taken by the young and ultra-conservative Laurynas Kasčiūnas.

Flirtation with the rhetoric of intolerance has come from within the Landsbergis clan itself. Landsbergis the elder, now 82, was criticized in 2019 for using a pejorative word for Jew (*žydelka*) with reference to the leader of the Lithuanian Jewish Community<sup>1</sup>. In 2017, he addressed a sharp commentary to the author of a best-selling book on the Holocaust in Lithuania, Rūta Vanagaitė, in response to her false suggestion that an anti-Soviet partisan had not been tortured during his interrogation by the Soviet NKVD. In this commentary, instead of addressing Vanagaitė by her proper name, he called her ‘Dušanskienė’, as though she were the wife of the infamous KGB officer Nachman Dushanski, and implied that she should hang herself<sup>2</sup>.

Such commentaries encapsulate the style of recent debates about traumatic historical issues, amounting to a contemporary revival of what cultural critic Yevgeny Dobrenko called the Soviet “Art of Hatred” during WWII. Such discussions frequently deploy classical techniques of atrocity propaganda, evoking in graphic detail the abuse suffered by Lithuanian political martyrs at the hands of KGB officers, singling out those instances where these KGB officers like Dushanski happened to have been Jewish<sup>3</sup>.

The exploitation of traumatic affect for political and criminal ends was even more visible in the advance of elections of 2015, when the national media and politics were consumed by a contrived pedophilia case that led to the murder of five adults<sup>4</sup>. This web of deceit and crime served to launch the populist Path of Courage party led by Neringa Venckienė into Parliament.

Notably, the imagined pedophile scandal was exploited by politicians to make gratuitous attacks against state-run social services. “Liberal childcare” was portrayed as a conspiracy of “pedophiles” and “whores”, meaning members of the LGTBQ community and women. While Venckienė fled the country in the face of criminal charges, the motif of Lithuanian children being stolen and abused was taken up by populist parties and movements to discredit the government and the EU institutions in general. Several high-profile members of the conservative party were prominent supporters of

Venckienė, who was eventually extradited from the US to Lithuania to face criminal charges.

These splinters of Lithuanian conservatism bonded together in the populism of civic movements that feed the “value-base” of marginal ultranationalist and populist parties. The most vocal of them, called Pro Patria, manipulates the public memory of the nation’s traumatic past under Nazi and Soviet occupation to score points against political opponents in the present. In the name of unity and security, and drawing on the symbols associated with a political tradition of anti-Semitism, it seeks to exacerbate social divides and overcome its marginal political standing by targeting and vilifying liberal individuals and initiatives, using Facebook and the media.

The hate speech of this political segment is based on a relatively fixed constellation of keywords and concepts that tellingly resemble the polarizing political discourse of Russian chauvinists, in spite of the ostensible anti-Russian and anti-Soviet stance of its leading proponents. “Liberast” has long been a general term of opprobrium, in Russia and Lithuania alike, combining “liberal” and “pederast”, along with Stalinist stalwarts like “fifth column” to signify individuals

working for foreign interests. More specific to Lithuania, liberals now are more routinely called “*liberalkomjaunuoliai*” or “liberal-Komsomol-members”, referring to the highly politicized communist youth movement of Soviet times.

The battle against “liberal-Komsomol-members” and the “lefties” (“leftards”) who allegedly force the ideology of multiculturalism, political correctness, and globalization upon Lithuanians also form the core of the National Union party, founded by the already mentioned Vilnius university philosopher Vytautas Radžvilas. With a history of political activism going back to the popular anti-Soviet movement, Radžvilas was paradoxically one of the founders of the Lithuanian Liberal Union back in 1990 and was elected as its first chairman. Since then, he has emerged as a leading voice of Euroscepticism, based on a critique of the EU as having renounced its origins in ancient and Christian civilization.

Radžvilas and his competitor Arvydas Juozaitis, another ultra-nationalist politician supported by ‘values-based’ populist social movements, were

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most vocal during a bizarre incident in the spring of 2019, during their failed bid for the European parliament, when another marginal candidate hammered down a controversial commemorative plaque, dedicated to the memory of the anti-Soviet partisan Jonas Noreika. Revered by some Lithuanians for his role in the armed resistance to Soviet occupation, Noreika is reviled by others for his role in the Holocaust as a local administrator who signed off on measures forcing Jews into the ghetto.

Shortly after the plaque was destroyed, the two appeared at the scene, broadcasting a call for Lithuanians to unite behind heroes like Noreika at the risk of losing their sovereignty and independence. The defense of Noreika has become a *cause célèbre* for Pro Patria and related movements, and a source of international embarrassment for Lithuania, seeking to drive a wedge between the nationalist and European perspectives on the nation's future.

Members of Pro Patria deny charges of anti-Semitism, but the symbols and ideas used by the movement draw directly from a clear political tradition of integral nationalism and anti-Semitism. For example, the motto of the National Union party, "Raise your head, Lithuanian!" is the title of an antisemitic pamphlet published in 1933 by the same Noreika, where he urges Lithuanians to "liberate themselves from economic slavery to the Jews".

In defending their use of this motto they invoke all sorts of *double entendre*, such as how the act of raising one's head is about reaching for higher values, and so on. And yet the history of the matter is well known, and the exclusionary logic that has led to communal genocide in these lands is having its effect. Hate speech flourishes in online forums, as evidenced by a recent landmark decision where the European Court of Human Rights has condemned Lithuania's failure to investigate online hateful comments against a gay couple (see *Beizaras and Levickas v. Lithuania*)<sup>5</sup>.

Liberals and true conservatives alike have resisted the appeal of populists and online "haters" by stressing the practical value of multilateralism for a small country like Lithuania. They cede no ground to Eurosceptics on matters of military and civil preparedness for crises and conflict, emphasizing the essential value of European and Euro-Atlantic unity as the chief guarantor of national security. With NATO forces stationed in each of the Baltic states and Poland as a part of a strengthened posture of deterrence, this argument is much stronger now than it was in 2014 when Russia invaded Ukraine.

Meanwhile, initiatives like the Open Beach in central Vilnius were based on the idea that the public spaces of the city should promote

communal integration. The idea of creating urban play areas has emerged over the past several years, responding in part to the fact that Lithuania has one of the highest suicide rates in the EU, and the level of happiness is rather low. The supporters of this idea argued that the beach embodied an attempt to overcome collective trauma through a communal play. They, including the Mayor himself, claim they had no idea that the project would generate such anxiety, be it real or feigned. That said, the Mayor is a politician himself, and allegations that he staged this confrontation to consolidate his base of his young urban voters before the October elections cannot be dismissed out of hand.

To close the matter, the Lithuanian parliament declared that any future initiatives on the square will be controlled directly by the national government and that a new monument, featuring a mounted medieval knight, will be erected in the place where Lenin once stood. The hopes of liberals in the Lithuanian parliament that this decision, supported by all populist and conservative parties, might still be vetoed by the President, failed to materialize.

Although some argue that the Open Beach helped in exposing the hypocrisy and aggressiveness of the populists and mobilizing liberal constituencies, the decision of the parliament underlined the sensitivity of the present course of politics to the past.

At the end of the day, the populist movements failed in the October elections. The conservative Homeland Union regained its traditional leadership position, relegating those who promote intolerance to the political fringe. Going forward, hopefully, Lithuanians of all political persuasions will draw a line in the sand against the emergence of open hate speech in public discourse.

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# Grand Duchy of Diversity

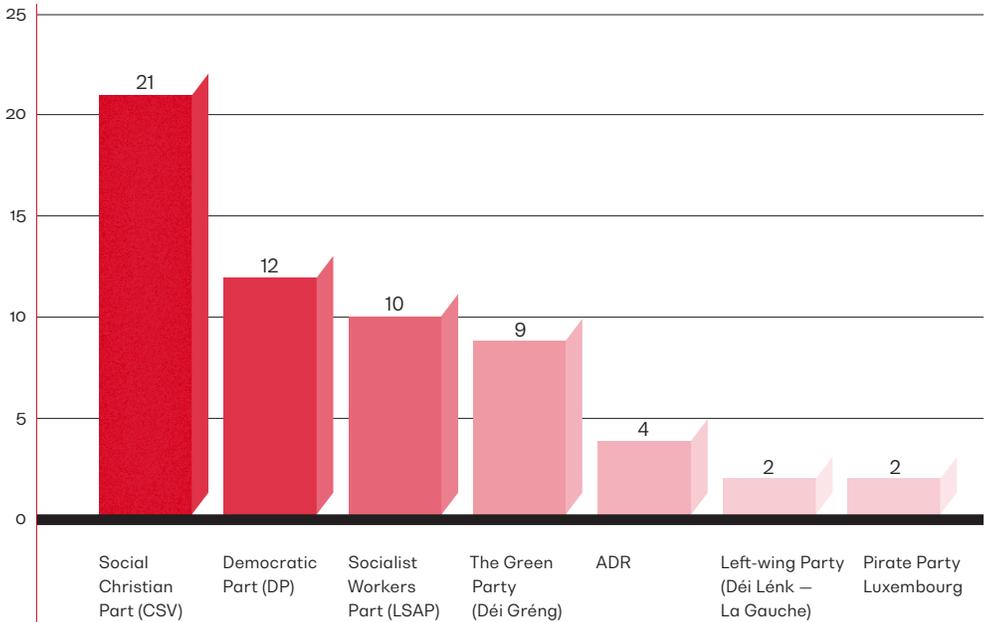
## Aleksandra Kozak

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The Grand Duchy of Luxembourg's motto 'we want to remain what we are' (Lux: 'mir wëllebleiwewatmirsinn') nowadays has the particular importance in the country which is a true example of diversity. According to the 2020 statistics, the country has over 626.000 inhabitants and almost 48% of the population does not have a Luxembourgish nationality<sup>1</sup>. Representing over 170 nationalities, the Grand Duchy resembles a melting pot of cultures, beliefs, races, and languages. With such diversity, cases of discrimination, as well as hate speech online and offline, seem more and more common in Luxembourg.

The Grand Duchy of Luxembourg is a parliamentary democracy within the framework of the constitutional monarchy in which the crown is passed hereditarily in the Nassau-Weilbourg family. In accordance with the principle of separation of the powers, the legislative power is executed by the Chamber of Deputies, composed of 60 deputies, who are elected for five years through the direct universal ballot. The Chamber currently consists of the representatives of seven political parties: center-right Social Christian Party (CSV) and Democratic Party (DP), center-left Green Party and Luxembourg Socialist Workers' Party (LSAP), right-wing to far-right Alternative Democratic Reform Party (ADR), Left-wing Party (Déi Lénk) and Pirate Party Luxembourg.

Being a representation of a multi-party system, Luxembourg is considered to be one of the very few EU member states that "have been able to resist populism"<sup>2</sup>. There seems to be a divergence between the sources assessing which of the very few political parties represent populist views. According to the FERA's 2018 Report "The State of Populism in Europe"<sup>3</sup>, the left-wing Déi Lénk is named as the only populist party in Luxembourg. The party is, however, a minor political force, having only around 5% support of the voters. In the 2018 elections, Déi Lénk received only 2 seats in the 60-seat Chamber of Deputies.



**Number of mandates in the 2018 general elections in Luxembourg**

Source: Statista 2019

Other sources point out the right-wing ADR<sup>4</sup>, holding 4 seats in the Chamber of Deputies, as an example of populism in the politics of Luxembourg. ADR, even though being the sole representative of right-wing politics in the Chamber of Deputies, is considered as not comparable to the far-right parties of the neighboring countries, such as France and Germany<sup>5</sup>.

The Grand Duchy of Luxembourg has in its disposal a myriad of legislative measures helping it to combat various acts of discrimination, including those of racist and xenophobic nature. Racism and discrimination were introduced to the Luxembourgish Code Pénal<sup>6</sup> through the Law of 19 July 1997 (racism) and the Law of 28 November 2006 (discrimination). Article 454 et seq of the Code Pénal prohibits any form of discrimination (also being voiced through hate speech) in any medium, including online, and provides for a punishment of eight days to two years of imprisonment, as well as a pecuniary punishment of 251 to 25,000 EUR. To cope with the presence of any type of illegal content online, the Grand Duchy has put in place the BEE SECURE center<sup>7</sup>, where content, which raises concerns, can be reported via an anonymous phone call or online.

The above examples show that the Grand Duchy has already developed the proper framework and campaigns to combat illegal

## Discrimination is on the agenda of the Luxembourgish government, whose leader, Prime Minister Xavier Bettel, is one of the very few openly gay leaders in the world.

content. Such content includes hate speech that is found mostly online and takes place among members of the general public.

As it was mentioned previously, the right-wing populist political representation in the country is still minor. Despite the international character of the Grand Duchy and the city of Luxembourg itself, public cases of politicians using hate speech with a racist, xenophobic, or a discriminatory context, in general, are still rather exceptional<sup>8</sup>. Political parties, including the ones supporting a more nationalistic approach, normally avoid using controversial language in their messages. There are, however, a few cases of hate speech in politics concerning Luxembourgish politicians, mostly members of the ADR.

Luxembourg is currently one of the very few, if not the only, EU member states not being affected by the growing tide of the world-wide right-wing nationalism. Discrimination is on the agenda of the Luxembourgish government, whose leader, Prime Minister Xavier Bettel (Democratic Party), is one of the very few openly gay leaders in the world. Taking into account the existing diversity, cases involving discriminatory treatment and hate speech targeting the race or nationality are likely to appear often in the Grand Duchy<sup>9</sup>. A few examples of these can be noticed in the activity of the members of the opposing populist party, ADR.

ADR, as a political group, does not refer in its programme to hate speech<sup>10</sup> and is rather supportive of linguistic or cultural diversity<sup>11</sup>. Ahead of the local elections held in autumn of 2017 in the Grand Duchy, ADR along with four political parties — DP, LSAP, CSV, and Déi Gréng — signed an agreement to refrain from any personal attacks or insults in their campaigns. Interestingly, Déi Lénk refused to sign the statement, officially declaring that the party disagreed with the rules on the campaign's financing included in the document. Moreover, both ADR and Déi Lénk refused to sign another agreement, aimed at fighting social media abuse, related to propagating fake news or hate speech during the election campaign<sup>12</sup>.

ADR had been associated with individual cases of hate speech in social media before. In 2017, Joe Thein, a local ADR councilor in Pétange, faced disciplinary measures due to his "liking" of a hate speech comment on Facebook<sup>13</sup>. The said comment claimed that

the Minister of Foreign Affairs Jean Asselborn “should drive in a convertible around Dallas”. Shortly after the incident, ADR issued a statement criticizing the comment, which was a clear reference to the assassination of the U.S. President John F. Kennedy in 1963.

In early 2018, another ADR representative, MP Fernand Kartheiser, was sued<sup>14</sup> by the Luxembourgish NGO “Committee for a fair peace in the Middle-East” (CPJPO) for a defamatory speech<sup>15</sup> that he gave in the Chamber of Deputies a few months earlier. MP Kartheiser described the CPJPO as “anti-Semitic” and accused the committee of “supporting murderers”. He also verbally attacked the NGO’s president, Martine Kleinberg. The same year, MP Kartheiser incited heated debates again, following the submission of a parliamentary question with a clearly homophobic context. The ADR member questioned the necessity of displaying in primary schools a play tackling the issues of homosexuality (German production called “Ein Känguru wie Du” / “A kangaroo like you”) instead of familiarising children with content about “heterosexual, traditional, and natural families”. Unexpectedly, ADR’s president, Jean Schoos, supported MP Kartheiser’s questions stating that they reflect the party’s ethos, and demanded that the expression “natural family” should be put into context<sup>16</sup>.

The cases of hate speech among the members of the ADR are also present higher up the ladder. In 2019, the vice-president of the party, Sylvie Mischel, resigned from her duties following xenophobic comments that she made under the Minister of Foreign Affairs Jean Asselborn’s post, informing about the resettlement action on 48 refugees from Niger to Luxembourg. Mischel reportedly criticized the statement saying that “there is a lot of misery with people here [Luxembourg] but taking care of that does not seem to interest the Government”<sup>17</sup>.

Finally, it is worth mentioning several cases of hate speech involving Pierre Peters — a controversial activist and creator of the far-right party National Movement (National-Bewegung), which was active between 1989–1994. Peters was condemned several times for incitement to hatred through the dissemination of leaflets among the citizens of Luxembourg stating that “influx of foreigners to Luxembourg will destroy the country”<sup>18</sup> or “the immigrants are to blame for higher taxes in Luxembourg”<sup>19</sup>.

Despite the above examples, the Grand Duchy of Luxembourg still remains a country with a relatively small number of hate speech cases, especially in politics. In its latest report, the European Commission Against Racism and Intolerance (ECRI) noted that “political

parties, politicians, and the principal media generally do not resort to hate speech". The report also points out that the residents do not openly engage in hate speech due to "a very significant element of social control" present among the inhabitants of Luxembourg<sup>20</sup>. Without a doubt, all of these could be considered as the primary reasons for which cases of hate speech in the Grand Duchy are not that common, compared to other member states. With a relatively sound legal framework, maintained lack of popularity of the far-right movement, and strong anti-hate speech campaigns (also promoted by the Luxembourg's Prime Minister himself)<sup>21</sup>, Luxembourg manages to keep a low rate of hate-speech addressing LGBT.

However, the number of cases related to xenophobic or racist behavior, although still limited, is growing and is becoming a subject of concern for some NGOs, who call for the politicians to have a more "courageous" approach in fighting such harmful discourse<sup>22</sup>. Additionally, the ECRI report points out several legislative measures that raise concerns about the efficiency of the Luxembourgish legislation in combating hate speech. In particular, ECRI notes that the Constitution of Luxembourg establishes the right to equality only for Luxembourgiens (Article 10bis) and that several grounds for discriminatory behavior are still missing in the Code Pénal<sup>23</sup>.

For now, the individual cases of hate speech in the political discourse, both online and offline, should not be ignored. The legislative elections scheduled for 2023 will, therefore, serve as a true test for the Grand Duchy's political scene in this regard.

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**6** Code Pénal, consolidated version of 2020, March 2, available at: <http://legilux.public.lu/eli/etat/leg/code/penal/20200320>

**7** BEE SECURE is the Luxembourg's safer Internet and national awareness raising center. <https://www.bee-secure.lu/fr/risques/discours-de-haine/>

**8** However, the number of cases of racial discrimination has risen from 28 in 2017 to 43 in 2018, according to the latest 2018 Activity Report of the Luxembourgish Police. See <https://police.public.lu/fr/publications/2019/rapport-activites-2018.html>, p. 15

**9** See <https://luxembourg.public.lu/en/living/quality-of-life/discrimination.html>

- 10** However, in its electoral programme for the European elections of 26 May 2019, ADR expressed regret that the “freedom of opinion” is being treated in a too strict of a way, “including in the framework of directives aimed at combating discrimination, disinformation, or hate speech”. The party also pointed out that these terms “are not clear, arbitrary, or are oriented towards what suits certain political trends”. Programme électoral de l’ADR pour les Elections européennes du 26 mai 2019 – Pour une Europe des Nations, available at: [https://adr.lu/wp-content/uploads/2019/05/adr\\_programme\\_europeennes\\_2019\\_fr.pdf](https://adr.lu/wp-content/uploads/2019/05/adr_programme_europeennes_2019_fr.pdf).
- 11** ADR’s general programme of 2006 states: „Our commitment to global linguistic and cultural diversity includes standing up for the rights of ethnic, religious, or linguistic minorities in other countries.” See <https://adr.lu/unsere-themen/immigratioun-an-integratioun/>
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# Unsafe Port

**Timothy Alden**

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In April 2019, shortly before the European Union Parliamentary elections, Lassana Cisse Souleymane, an Ivorian migrant in Malta, was shot and killed. Two Maltese soldiers stand accused. Two months earlier, a 17-year-old migrant from Chad was hit by a car and was left unconscious by the side of the same road. In the following European Parliamentary election, the far-right gained the highest vote share of any third party outside of the country's two-party system, increasing its vote share since the last election<sup>1</sup>. During the COVID-19 pandemic, Malta shuts its borders to illegal migrants, declaring Malta an unsafe port. Four hundred migrants were recently housed on private commercial vessels outside of the country's territorial waters, to avoid international responsibilities. Despite all this, Malta is home to the European Asylum Support Office. During the recent wave of Black Lives Matter protests, activists met in the capital city, Valletta, to pay tribute to the memory of Lassana Cisse Souleymane. There was a counter-protest, but it was dwarfed by those who turned out to protest against racism. So, what is the real state of racism in our country today, and how can it be explained? In picking apart the question of Maltese identity and its influences, we will understand racism to be a consequence of historic events as well as attitudes imported from abroad.

Racial attitudes in Malta have evolved from over two-thousand years of rule by various powers, and as Malta switched hands, its people became a blend of drastically different influences, giving rise to a nation largely professed to the Catholic faith, and yet speaking a Semitic tongue. Today, Maltese, though written in the Latin alphabet, is similar to Tunisian Arabic, but with a lot of words borrowed from Italian and English. To an extent, a Maltese person can understand a Tunisian in conversation. Our language arises out of the fact that Malta was conquered from the Eastern Roman Empire by the Arab Aghlabids dynasty in 870. Malta became

Christian again only after Count Roger the Norman conquered the islands in 1091.

However, emphasizing the similarity between Arabs and Maltese is often taken as an offense by Maltese people. Calling most Maltese people Arab is usually taken as a grave insult. If one asks a Maltese person why they do not like being associated with Arabs, many will state that they are proud of their distinctive culture and that they see themselves as Europeans; sometimes they will also mention that they are Christians. For example, many will point to the myth that the colors of the flag of Malta, red and white, were given to the people of the islands by Count Roger after his victory over the Arab rulers. It has been disproven that Malta has been Christian since Biblical times. In truth, during Arab rule, much of the population converted to Islam. It is during this period that we obtained our language. This fear of being labeled Semitic arises in part due to colonialism.

During the various periods of foreign rule, Malta always maintained a class of educated Maltese elites and nobles of its own. These elites learned that to prosper, it was better to be seen as European rather than Arabic, due to the prejudices of our various European rulers. Therefore, the Maltese language, being so close to Arabic, was sidelined by the elites in favor of Italian. By speaking Italian, the Maltese elites were able to trade and form strong relationships with mainland Europe and thus gain power and status.

Under British rule, the elite class entered into conflict with itself, as it split into two factions — those who wished to speak English and those who wished to speak Italian. To emphasize the degree to which the Maltese people wished to disassociate themselves from Arabic, there was even a myth at this time that the Maltese language originated from Phoenician times, due to their presence on the islands in the ages that had past. Out of this language conflict, a period known as the Language Question, Maltese eventually triumphed regardless of the national language. However, the Language Question clearly illustrates the difficulties of Maltese identity. Today, the Maltese language is considered the single most important identifier of national identity. Foreigners making an effort to speak the language are therefore appreciated accordingly, but because of the official status of English, it is rare to find foreigners speaking Maltese and this is considered a point of tension. There are fears that the language will be lost.

Maltese identity can, therefore, in part be seen as a struggle by the Maltese people to prove that they are European. Driven by this

As a result of this animosity with the Turks, calling something or someone Turkish is a practice of casual, cultural racism amongst older generations, but is not considered as hate speech.

need to prove themselves European, a historic dislike of Arabs and Islam lying beneath the surface of the country can in part be explained. It is even more clearly understood when one considers that Malta was ruled for centuries by crusader Knights — the Knights of St. John — whose very existence was based around defending

Europe from Islam, while dreaming of eventually reclaiming Jerusalem. During their rule, the island of Gozo was depopulated due to Ottoman corsairs, and Malta resisted a massive invasion in 1565. This Great Siege is celebrated as a national holiday and thus shapes Maltese attitudes to Islam<sup>2</sup>.

As a result of this animosity with the Turks, calling something or someone Turkish is a practice of casual, cultural racism amongst older generations, but is not considered as hate speech.

Repeatedly raided and plundered by Islamic pirates, and then defended by Christian crusader Knights, it was reaffirmed as a fundamental tenet of Maltese national identity that the country is Christian and European. The fact that the island is mentioned in the Bible as having been converted by St. Paul after he was shipwrecked is also commemorated as a national day, and the island recognizes Catholicism as the state religion.

Eventually, Malta came under British rule in 1800, and over the next century and a half, the Maltese nation developed in different directions, pulled one way and the other thanks to its many historic contradictions. Today, as an

independent state on the border of Europe, and as the first place many migrants arrive in, Malta finds itself particularly challenged. As the far-right resurges across Europe, Malta is once again a point of tension. So what does the far-right really look like in Malta?

The country is victim to a traditional two-party system like the United States, where two dominant parties have taken turns ruling the country since Independence. The Labour Party, considered to be center-left, has been in government since 2013. Despite its affiliation with the Socialists and Democrats in the European Parliament, it consistently favors crony business interests and practices tribal politics and clientelism at the expense of those who oppose it. The other party, the Nationalist Party, is a party of Christian Democrats that belongs to the European People's Party. It functions today

as an uncomfortable coalition of liberals and conservatives. Both of these parties tend to ultimately reflect the xenophobic concerns of the population. As soon as Labour took power in 2013, for example, it came into conflict with the European Court of Human Rights in Strasbourg, which blocked Malta from a “push-back” of Somalian asylum seekers. The Nationalists, on the other hand, have flirted with far-right politics, as its leader, Adrian Delia, has appealed to Malta as a Latin and Catholic country. He has also gone on record stating that migrants are “eroding our values and our principles” and “causing havoc with our Maltese identity”. He urged his followers to “stand up for your Christian values, show who you are and declare you are Maltese and Gozitan”. While both parties tend to perform publicity stunts to come across as being open to multiculturalism, in practice, their policies have demonstrated clear limitations in the direction of true integration.

Ultimately, however, two main parties can hardly be classified as far-right, as they reflect the wider attitude of the entire population, and it is not productive to dismiss Malta as a far-right country, given that its concerns also arise out of fears of overpopulation. Malta, being one of the smallest countries in the world, has seen a population explosion in recent years. People’s concerns must therefore also be contextualized not only in terms of historic attitudes but also under present pressures. In 2011, the foreign population of Malta was 20,289 or 4.9% of the population. In 2019, this figure jumped to 98,918 or 21.0% of the population<sup>3</sup>.

It is in this climate that the far-right in Malta finds further fertile ground. There are three far-right parties in Malta; Imperium Europe, Moviment Patrijotti Maltin, and Alleanza Bidla. Of these three, the first two are primarily concerned with migration. Alleanza Bidla, on the other hand, focuses on opposing LGBTQ+ rights. Its leader, Ivan Grech Mintoff, has threatened legal action to try and prevent proper sex education in schools, and considers European standards in the topic to be “harmful gender indoctrination”. In February 2019, he was forced to pay EUR 3,000 in damages to a gay rights activist group for defamation, as he had stated that activists were “taking money from murdered children to fund their own personal agenda” and they “took money from people who killed children”, referencing abortion.

In terms of migration, Patrijotti strikes a more inclusive approach than Imperium Europa, having fielded an Egyptian born Maltese citizen with a disability, Dr. Naged Megally, for the European Parliamentary elections. Nonetheless, its slogan is “Make Malta For

The Maltese Again”, and its message is therefore clear – assimilation rather than integration<sup>4</sup>.

The most powerful of these parties, Imperium Europa, was founded by Norman Lowell, a Nazi sympathizer and Holocaust denier. He has referred to the Holocaust as such: “How can one deny something that never happened?... This whole hoax is the biggest lie since the Virgin Mary”<sup>5</sup>. Specifically on Jews, Lowell has referred to them in his writing as “THEM! That Hidden Enemy! Preaching multiculturalism, multiracialism to us, Europids: while practicing the most rigid ethnocentrism, themselves. THEM! The World Enemy! Why don't they take a few thousand Blacks as refugees? Why don't they use their navy to escort them to Tel Aviv? THEM! The Enemy of Mankind. The cancer of the world: gnawing at our vitals. Them! Who flushed Jewish Falasha blood, down toilets!”<sup>6</sup>

Lowell gained prominence and eventually popularity in Malta for his fiery, over the top speeches and character. For example, Lowell always carries a signature metal walking stick and has memorable moments on television such as theatrically saluting the memory of a Maltese Fascist who was executed by the British government during the Second World War. This combination of traits has made him a meme, which in turn has given him a certain appeal amongst the youth. It is doubtful that Lowell actually targets certain segments of the population, but his followers nonetheless draw from the working class and youths from various demographic groups. Many initially take him as a joke but then find themselves aligning with his ideas<sup>7</sup>.

Lowell started making his presence felt in speeches in public streets and meetings behind closed doors. He also published a book. His belief is that there exists a European race and that the Maltese are a part of it and act as a bastion on its frontier. Lowell wishes to create a European Empire, led by political and cultural elites, rather than by the masses. His elitist approach is nonetheless overshadowed by his severe focus on anti-immigrant sentiment, which is what gains him his popularity. On the 23<sup>rd</sup> of June, he gave a speech in Maltese outside Parliament, claiming that George Floyd, the face of the Black Lives Matter protests, had been a criminal of the worst kind, stating that he had died of an overdose and that the police were in fact the victims. He went on to warn that multiculturalism was a global disaster<sup>8</sup>.

Lowell's popularity is partly limited by his more extreme beliefs. In Catholic Malta, abortion is still a taboo subject. Lowell, on the other hand, believes in eugenics, and therefore the termination of

With 3,59% of the national vote, one might be fooled into thinking the far-right as not being an effective threat in Malta. The truth, however, is that much of the far-right vote has generally been captured by the dominant parties in power, which more closely align with the national myth and identity.

disabled children in the womb. Lowell's beliefs, therefore, paint him into a corner. Nonetheless, in the European Union Parliamentary elections in 2019, he gained 3,59% of the national vote, making him the strongest party outside of the established duopoly. He stood out during that electoral campaign through shock value and because he has become somewhat of a cultural icon over the years. He is

therefore popular because he is also entertaining, much in the same vein as Donald Trump, and not because he is taken altogether seriously with his ambitions to create a Europe-wide Empire. In that sense, he is also a source for protest votes against the establishment, rather than because he is seen as a serious solution to problems, and various memes are made about him.

Normally, the far-right in Malta does not gain much media attention aside from when they are overly controversial or make public appearances. Therefore, Norman Lowell managed to completely overshadow rivals in the far-right with his bombastic personality, and shocking statements, and his flowery speech in television interviews. With 3,59% of the national vote, one might be fooled into thinking the far-right as not being an effective threat in Malta. The truth, however, is that much of the far-right vote has generally been captured by the dominant parties in power, which more closely align with the national myth and identity. Lowell's weakness is his divergence from national identity, despite being a racial elitist.

Of the two major parties, the Nationalist Party, currently in opposition, has its roots in Italian Fascism, and elements within that party still hark back to sentiments from that age. The Labour Party, currently in government, tried a push-back strategy some years ago, which was only interrupted when Prime Minister Joseph Muscat made a secret deal with Libyan militias to deter migration. Meanwhile, Muscat embarked on

a glitzy campaign to charm the liberals of Europe, with the objective of trying to clinch a top European position after the last European Parliamentary elections. Indeed, his successor as Prime Minister, Robert Abela, shut the country to migrants in distress during the

COVID-19 pandemic using the excuse that the country was not a safe port, and has since continued negotiations with Libyan authorities to try and prevent migrants making the crossing across the Mediterranean.

In October 2019, the government inaugurated a new Hate Crime and Speech Unit to tackle the overwhelming amount of hate speech online. However, this has proved ineffective, especially in light of the fact that the amount of hate speech on Facebook is so overwhelming in Maltese circles that it would be impossible to pick and choose in a fair manner, as well as prove electorally suicidal. While the independent media in Malta tries to battle hate speech and provide a liberal narrative, its influence is nonetheless limited due to the fact that the major parties control television, radio, and their newspapers; people are, therefore, mostly only exposed to whatever the political elites want them to believe.

As a result of the Black Lives Matter protests, some in Malta called for the removal of statues related to the British colonial era and the period of the Knights of St. John. Polls showed this to be overwhelmingly unpopular, with generally only one in ten people approving of the idea. In Malta, our history and identity are incredibly complex despite our size, and as colonized people ourselves, our relationship with minorities cannot be framed in the usual context. Therefore, to move towards a more harmonious society in Malta, it would be more productive instead to reframe our past and offer new interpretations that are more inclusive, rather than try to rewrite the history books.

A case in point would be the George's Cross on the country's flag — during World War II, Malta was alone as an Allied outpost in the Mediterranean and one of the most bombed places on Earth. Despite this, Malta did not surrender to the Axis powers and was awarded the George Cross by the British King. It is on our flag today and remains a symbol of pride for the nation. While Norman Lowell, for example, admires Hitler, his brand of nationalism can be countered by looking to the George Cross — an anti-fascist symbol that is held in high esteem by the nation.

As Malta has been ruled by various powers and has been influenced by them, Maltese identity going forward should focus on celebrating its various distinctive components, rather than trying to abandon identity altogether or pick and choose convenient elements while leaving out all the rest. In this way, our heritage and our past can be used to produce a more tolerant society. It is this approach that has been taken by the center-left and more liberal

Opposition in Malta, spearheaded by Partit Demokratiku. I believe it is this approach that holds the most potential for the country moving forward.

1 <https://electoral.gov.mt/ElectionResults/MEP>

2 One can therefore further understand how this long period of rule by a religious order cemented Maltese attitudes towards Islam and those who practice it. It was in 1551 that Ottoman pirates raided Malta's sister island of Gozo, taking almost the entire population into slavery. It would take 150 years for the island's population to recover. Maltese historians also acknowledge that the Great Siege of 1565 was one of the most formative moments for Maltese identity.

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# Discontent in Tailcoat Cynical Contribution to Democracy

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When in 2019, after having won the Dutch Provincial elections, the right-wing politician Thierry Baudet proclaimed his victory, he held a *discourse* comparable to that of the poet Demokos in Jean Giraudoux' *La guerre de Troie n'aura pas lieu*<sup>1</sup> (1935; hereafter *Troie*), but only better. Baudet (1983) was educated as a historian and lawyer and got his PhD with a thesis calling for a revival of the nation-state, inspired by conservative thinkers like Roger Scruton and Carl Schmitt. He defends a formal vision on democracy, valuating the people's voice and the supremacy of national culture over fundamental rights and international cooperation. He flirts with Alt-right thinking and national conservatism, defends a Next, a predominantly white Europe, suggesting the EU conspires to weaken national identity by importing African immigrants. Explicit hate speech is rare, but he excels in provocative remarks suggestive of racism, anti-feminism ("women love strong men"), climate change denial, and judicial partiality ("dikastocracy"), thereby making his conservative, sectarian, and anti-liberal thinking mainstream. To draw attention to this kind of, what can be called, preparatory hate speech, I will use Giraudoux' play to analyze the methods this kind of populist discourse uses to persuade its audience and point to the fact that it reacts to certain features of modern government.

**La guerre de Troie n'aura pas lieu**

Giraudoux wrote his play in the midst of the pre-war troubles in Germany, but transferred the threat of war to ancient Troy, setting it just before the outbreak of the Trojan War. According to Homer's *Il-liad*, the Trojan war was caused by the capture of the Greek Princess Helen, the Spartan King Menelaus' wife, by the Trojan Prince Paris. At the onset of *Troie*, the Greek warships lie in front of the Trojan harbor, ready to get Helen back. Will the Trojan War happen or will it be prevented by abandoning Helen? The gravity of the question is

emphasized by the main prop, the Gates of War (*Portes de la guerre*). When they're open, war will happen. If they can be closed, then it is peace. It is up to Prince Hector, his wife Andromaque, and his mother Hécube, united in the pacifist party, to close the Gates, an almost insurmountable task, as the Gates are normally open. Hector is tired of war and has discovered the face of humanity in the face of a fallen friendly soldier. Hector c.s. has to confront a belligerent party consisting of the poet Demokos, king Priam, a mathematician working as land-surveyor, as well as a choir of veteran soldiers<sup>2</sup>.

In Act II, Demokos organizes a *Conseil de guerre*, since it is up to intellectuals to inspire soldiers. Apart from arms and sweet wine, soldiers also need *l'ivresse morale* in the form of songs and symbols, because beauty makes the world go round. Helen symbolizes all of that, so they will not let her go. For the mathematician, Helen is the measure of all things and according to Priam, she offers the veterans a kind of absolution by proving these old and weary soldiers that, after all, their life and battles had a sense. Helen is a new beginning, embodying the importance of "delight", because what would life be without delight and desire? Helen is worth going to war for.

Against this rhetoric, Hector, Andromaque, and Hécube offer arguments of common sense. The end of the last war has finally brought peace and the possibility of love, happiness, and economic wealth (19). Why would you fight a war over a woman? If one would listen to women, one would stop a war immediately to spare them the suffering caused by the loss of sons and husbands for the sake of the death of other men. Men better demonstrate their courage by fighting wolves instead of fighting other men. And those soldiers who manage to come home safely and march "under triumphal arches are merely death's deserters". Peace is not the first step towards decay, but instead demands bravery (23).

Supposedly to end the debate, Demokos enlists the help of an expert of international law, Busiris. This vain and empty-headed lawyer interprets the Treaty of War in some absurd literal way, concluding that, in light of the Greek fleet maneuverings, war is justified. When Hector protests and threatens to jail him, the lawyer sees room for interpretation and qualifies the Greek behavior as innocent. As, finally, Paris consents to abandon Helen, since he is fed up with all discussions, peace seems close at hand. Helen will be handed over to Ulysse who has arrived to the city for negotiations. During these peace talks, Ulysse acts as an astute negotiator and manages to convince Hector of the fact that a war is strictly speaking a matter

of destiny. His fatal words are corroborated by the end of the play, because, although Ulysse is allowed to take back Helen, Demokos acts as if he has been attacked by a Greek soldier causing war to break out after all.

The play tunes into the strong pacifist feelings reigning in France, after World War I. At the same time, however, the play reflects the eternal question of war and peace and, by foregrounding how the characters use language to have their way, demonstrates the risk of language getting instrumentalized on behalf of unconscionable political stances, thereby breaking down what holds a political community together, to know debate. With this, the play stresses the importance of a well-functioning democracy and Rule of Law.

### Religious appeal

Like Demokos, the Forum leader presents his victory speech as inspired by wisdom, by poetically referring to Minerva's Owl spreading its wings<sup>3</sup>. The speech appeals to the belief in the value of the nation and superb European civilization, keying into the fear of its downfall due to immigration, political correctness, climate frenzy, and the elite's hesitancy to defend national values (oikophobia). Instead, Baudet urges his audience to resist the invasion of foreign values and tasteless pluralism, presenting himself as called to the political front. He promises a renaissance of the "boreal world".

With this intellectualism and appeal to faith, the Forum leader differentiates himself from Wilders, the other Dutch populist leader who excels in one-sided Islam criticism and discriminatory remarks. Wilders had been sued twice for insults, most recently in 2014 for having made calls for chasing Dutch people of Moroccan origin, urging his audience to cry out "less, less" and promising to organize the matter. This raises the question of how Baudet's "suave populist discourse"<sup>4</sup> relates to law and, if not remedied by legal means, how it should be responded to.

Giraudoux' *Troie* illustrates the performative force of this kind of discourse. Demokos c.s. appeal to the use of violence and pervert values by promoting battle and death over life and moral courage. He connects this message of death to the ideal of beauty. His speech limits the field of vision of his audience by leaving out the consequences of war, as compared to those of peace, and neglects the fact that abandoning Helen concerns, strictly speaking, only one person, Paris. It also neglects the economic and quality of life arguments brought forward by the "pacifist party". Demokos' message is strengthened by giving the empty symbol of Helen

After having changed concerns into fear and perverted universal values of care and recognition into the need for self-preservation, salvation must then come from the speaker as a messianic leader.

a religious connotation (“the absolution”). The discourse is deliberately Manichean; it translates ambivalences into stark black and white oppositions. The dead and the battle frame is hidden, as it is clothed in a point of view presented as intellectual and poetic.

Populist discourse, as exemplified by Baudet’s victory speech, mirrors this strategy by the way of its intellectualistic presentation, appeal to the cherished values such as civilization and beauty, thereby opposing “us” (Dutch, European?) to “them” (immigrants) and using a discourse of battle (the political front). Like Demokos’ speech, this discourse offers national pride as a kind of salvation, offering absolution from supposed feelings of guilt related to political correctness and climate action. It transfigures socioeconomic discontent and frustration about the impervious Dutch culture of negotiation and consultation into a cultural register. With this, the empty or at least ambivalent notion of civilization functions as a kind of Helen. Just like Demokos refrains from dealing with any of the consequences of war, the speech neglects other perspectives, such as the atrocities of World War II, the diverse roots of European civilization, and its potential for renewal. Finally, no concrete solutions are offered other than introducing referenda, direct scrutiny of local officials, and the reform of the national broadcasting organization, proposals that will not cure any of the socioeconomic or bureaucratic concerns of his audience. After having changed concerns

into fear and perverted universal values of care and recognition into the need for self-preservation, salvation must then come from the speaker as a messianic leader.

With this, the speech delineates otherness, construes conspiracy, and prepares its public for action. More importantly, by presenting a *logos* of fatal downfall, supported by an *ethos* of knowledgeability and a *pathos* of primarily negative emotions of fear and guilt, it produces the conditions for its success, while cutting off a substantive debate about the real problems the political community faces today. So, while presenting itself as political, it is definitely apolitical. However, by its use of a religious register, this discourse appeals to something that has become rare in a political context: faith.

Since it certainly hints at messages of exclusion, uses stereotypes, stresses otherness by opposing some of ‘us’ to some of ‘them’ through the use of myths and imagery, leaves things unsaid while playing around with ambivalences and background narratives, it could be called a dissimulated hate speech.

### A legal answer?

Reading Baudet in the light of Demokos makes us aware of the overall persuasive strategies being used, but as the speech does not contain any direct expression of hatred and discrimination, it is not easily admissible for legal complaints. Since it certainly hints at messages of exclusion, uses stereotypes, stresses otherness by opposing some of ‘us’ to some of ‘them’ through the use of myths and imagery, leaves things unsaid while playing around with ambivalences and background narratives, it could be called a dissimulated hate speech. However, as it is very oblique and is not directed to anyone in particular, it is difficult to prove this<sup>6</sup>. Furthermore, democracy and law are cultures of argumentation and rhetoric is a part of this. Framing, focusing attention, playing into emotions, presenting oneself as knowledgeable, and referring to myths is part of the deal and guaranteed by the freedom of expression. Art. 10 ECHR also protects language that shocks the conscience<sup>6</sup>. Politicians enjoy enhanced protection<sup>7</sup>. Limitation of this right is subjected to strict scrutiny, although the Court leaves countries a certain margin of appreciation.

Apart from this, the adverse effects of legal lawsuits might be even bigger than any advantages. Legal procedures for these kinds of cases draw the judiciary into a political role, merely contributing to the willed effect of this discourse. The populist politician will also only win press attention by positioning himself or herself as an underdog. Finally, legal action does not address the underlying problem consisting of the feelings of confusion and fear that populist discourse taps into. Instead, populist discourse should be read as a signifier of these problems and be taken seriously, as it aims at changing standards of truth and value underlying the system of democracy and the rule of law, thereby influencing the quality of debate needed for solving these problems. Giraudoux’ play helps in exploring some of these problems.

### Politics of faith and skepticism

For this, we have to pay attention to the role of the gods in Giraudoux' *Troie*. Nearly at the end of the play, a messenger delivers their advice. Aphrodite proclaims that love is the rule of the world implying that Helen may not be handed over or war will break out. For Athena, however, reason governs the world, entailing that Paris and Helen should be separated, leading to war as well. Zeus rejects both perspectives. Wisdom says to sometimes make love and sometimes not to, implying that Ulysse and Hector should start their negotiations.

With this, the scene refers to the problem of secularity. Zeus' judgment refers the case of war versus peace back to humans, making them responsible for themselves. The gods cannot be blamed anymore. This is a heavy burden and, as the tragedy shows, a task that is beyond human capacity. With this, the scene also presents two rationalities, one of faith (in love or reason) versus one of skepticism consisting of accepting one's limits and dealing with the challenges that reality presents us with.

This problem of secularity also plays a role in the populist discourse we are discussing. To explain this point, I refer to the historian of ideas Michael Oakeshott. In *The Politics of Faith & the Politics of Skepticism*<sup>8</sup>, he distinguishes two styles of governing. In the politics of faith, governing is considered to be "in the service of the perfection of mankind". This politics is optimistic, as it believes in human perfection that can be achieved by human effort in this world, not in some other paradise. It reflects faith in human power and entails an omniscient government (23, 24). The politics is tied to modernity, Enlightenment ideals, and is voluntaristic in outlook. By willing certain things, one may achieve them.

The politics of skepticism consider human perfection as an illusion, not so much out of radical doubt, but foremost as a matter of prudence. While the politics of faith depart from human nature, the politics of skepticism focus on human conduct. In this vision, the government limits itself to prevent conflicts between competing interests. It is therefore rather juridical and procedural. Skepticism politics is therefore not so much less powerful, but more restrained in activity, aiming at maintaining order and adapting and improving it in light of changing circumstances. Skepticism politics also takes itself as only one of many structuring activities of a society. It welcomes discussion. It dislikes perfect order as much as it dislikes total disorder.

Both political styles have their proponents, with Rousseau and Marx figuring as believers and Montaigne or Tocqueville as skeptics.

Both styles have their advantages and disadvantages and may turn into extremes (30–36). None of these styles occur in a pure form. The styles can only be distinguished conceptually. In reality, political styles present a mix of both orientations.

### **Mirroring voluntarism**

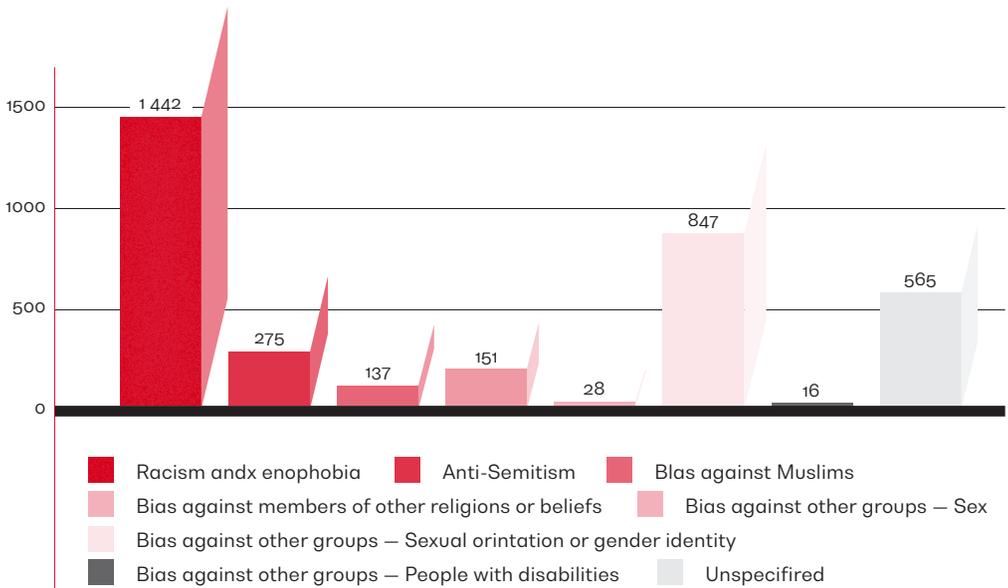
Applying Oakeshott's distinction to *Troie*, we see that Zeus represents scepticism, leaving it to men to negotiate the matter of Helen. Hector's efforts to achieve peace are propelled by faith in humanity. Demokos, notwithstanding his cynicism, convinces by appealing to faith in beauty and vigor.

Likewise, the populist discourse comes forward as set in the tone of the politics of faith. It presumes civilization can be achieved by fighting for it. However, as such, it reacts to a comparably voluntaristic politics of modern government wanting to combine freedom and social justice. The populist discourse keys into the frustration fed by the failure to achieve this promise of freedom, especially since nowadays inequality is only enlarged. To this Enlightenment-inspired voluntarism, populist discourse proposes an alternative, rooting in Romantic thought, to be achieved by the will of the leader and the assembled force of his followers. Therefore, it mirrors the voluntarism of the modern government. However, underneath this superficial voluntarism lies a skeptic argumentation, saying that man cannot be perfected and a battle is part of the rule of this world. To sum it up, the politics of populism is of a skeptic nature but presents itself as one of faith.

Besides the fact that it presents itself as a politics of faith in the Oakeshott sense, it also appeals to feelings of religious faith. It addresses feelings of loss, loneliness, and confusion tied to modernity while offering enthusiasm and some kind of absolution, all the things a modern government cannot provide. It promises a community to belong to and to fight for as an answer to the political community failed due to minute governmental control.

### **Honest politics respecting the rule of law**

As it became clear above, legal action may not be the best strategy to counter populist discourse. Although there are many other responses available for countering populist discourse and hate speech<sup>9</sup>, Oakeshott's analysis of political styles shows the importance of political recognition of the cultural problems lying underneath citizen's discontent that populism taps into. Giraudoux' *Troie* shows that a well-functioning democracy starts with honest politics



Hate crimes recorded by the police disaggregated by bias motivation

Source: OSCE

that maintains the rule of law. For today this means clarity of law and procedures, fair demands in reference to citizen's cooperation, impartial and well-motivated decisions, as well as procedural fairness and empathy. This is a heavy task for today's politicians and government officials, almost as heavy as closing the Gates of War for the sake of peace.

1 Giraudoux, J. (1959). *La guerre de Troie n'aura pas lieu*. In Grasset, B. (Ed.), *Théâtre*, vol. II. Paris: CFL. English translation: *Tiger at the Gates*. Transl. Fry, Ch., Samuel Franch 1955. References in text are to English text, unless in French.

2 For extensive explanation of the play, see Elion-Valter, C. (2017). *De burger als ongelogive Thomas, geloofwaardigheid, legitimiteit en dialog*. Tilburg: Tilburg University. Retrieved from [https://pure.uvt.nl/ws/portalfiles/portal/17575537/Elion\\_Valter\\_De\\_burger\\_08\\_05\\_2017\\_emb\\_tot\\_09\\_08\\_2017.pdf](https://pure.uvt.nl/ws/portalfiles/portal/17575537/Elion_Valter_De_burger_08_05_2017_emb_tot_09_08_2017.pdf), including English summary.

3 For the text, see <https://www.trouw.nl/nieuws/spreektekst-thierry-baudet-verkiezingsavond-20-maart-2019-be2a1539/>. Also: Tempelman, O. (2019, March 21). *De opmerkelijkste overwinningsspeech in de Nederlandse politieke geschiedenis ontleed*. *De Volkskrant*, see also: de Vries, J. (2019, April 3). Meet Thierry Baudet, the suave new face of Dutch rightwing populism. *The Guardian*. Margulies, B. (2019, April 24). Why Europe should worry about Thierry Baudet, *Europb*. Retrieved from <https://blogs.lse.ac.uk/europblog/2019/04/24/why-europe-should-worry-about-thierry-baudet/>

4 Joost de Vries 2019

5 Baider, F., Constantinou, M. (2019). *Discours de haine dissimulée, discours alternatifs et contre-discours, Définition, pratiques et propositions*. *Semen* vol. 47, p. 9–22. Retrieved from <https://pufc.univ-fcomte.fr/semen-47.html>

6 *Handyside v. the United Kingdom*, 1976, para 49

7 *Castells v. Spain*, 1992, para 46

8 Oakeshott, M. (1996). *The Politics of Faith & the Politics of Scepticism*. London: Yale University Press

9 Baider 2019

CHOLERA IN THE  
ISLANDS, DYSENTERY  
VARIOUS KINDS OF  
PROTOZOA, WHICH  
HARMFUL IN THE  
OF THESE PEOPLE  
DANGEROUS HER

JAROSŁAW KACZYŃSKI / 13<sup>th</sup> of October 2015

THE GREEK  
LITERATURE IN VIENNA.  
OF PARASITES,  
WHICH ARE NOT  
THE ORGANISMS  
THEY AND CAN BE  
THEY.

# Creating Enemies Before Elections

## Joanna Grabarczyk

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Since the coalition of conservative parties took power in 2015, Poland has seen a shift in the boundary of public discourse and the increasing use of contempt/discrimination language and hate speech in public space.

The Polish Penal Code does not define either hate crimes or hate speech itself, but it does contain several provisions relating to the acts of hatred. Since 2011, both the Police and other state bodies have been using a working definition based on the OSCE definition, according to which: “a hate crime is any criminal offense which results in the victim, premises, or another object of a crime being selected based on their factual or alleged association, affiliation, membership, or support of a group distinguished by certain characteristics which are common to its members, such as factual or alleged: race, nationality or ethnic origin, language, color, religion, gender, age, physical or mental disability, sexual orientation or other similar characteristics”.

The Polish Penal Code provides for the punishment of any behavior such as:

- Incitement to hatred on the grounds of national, ethnic, racial, or religious differences, or on an account of lack of religious denomination (Article 256 of the Penal Code).
- A public insult of a group of people or an individual on the grounds of their ethnic, racial, or religious affiliations or because of their lack of religious denominations, or violation of bodily integrity for the same reasons (Article 257 of the Penal Code).

Outside the Code remain premises such as gender, sexual orientation, gender identity, or disabilities.

In its decision of 1 September 2011, the Polish Supreme Court noted that “incitement to hatred” is associated with the desire to arouse in third parties the strongest negative emotion (similar

to “hostility”) to a particular nationality, ethnic group or race<sup>1</sup>. It is, therefore, a deliberate action to cause other people to look at a minority with reluctance, so that they start to arouse fear and disgust. This is not the same as expressing an opinion. In practice, it also means that every case of forbidden hate speech requires an in-depth and individualized analysis.

Unfortunately, there is also a tendency to use the term “hate speech” in a much broader sense. Some from the Polish political class and media identify it with the most aggressive and offensive defamation or insult. These are not the same phenomena. An attempt to equate these notions contributes to the degradation of the meaning of “a crime motivated by prejudice, as well as hate speech”.

Until 2015, in the public space, the language of hatred was used only by the extreme right-wing, populist parties and groups of a radical, neo-fascist or extremist nature. Today, hate speech is used by the ruling party as an element of propaganda, for its electoral benefit. New enemies are being created in order to use them in electoral campaigns. What is more, organizations, extreme right-wing parties, and radical groups are reaching for it with an increasing willingness and social consent, without any consequences. Simple language based on emotions is used, as well as manipulated photographs and videos that an average recipient of the content is unable to verify.

From 2015 onwards, prejudicial crimes and hate speech are used in current political fights. Both, the seriousness of the crimes themselves and the perception of these events by the victims are being depreciated.

In an interview for the magazine *Sieci* in 2019, the president of Law and Justice Jarosław Kaczyński said: “I reject the notion of ‘hate speech’, which is being attempted on this occasion. This notion is being used to introduce unilateral censorship only of the Right. You can play ‘The Curse’ [a controversial theatrical performance, author’s note], you can urge to murder me, and you cannot, in extreme cases, quote the Holy Scriptures”<sup>2</sup>.

Jarosław Kaczyński’s words, describing the refugee crisis, began a new era of using the language of hatred in public discourse: “After all, there are already symptoms of the emergence of very dangerous and long-unseen diseases in Europe. Cholera in the Greek islands, dysentery in Vienna. Various kinds of parasites, protozoa, which are not harmful in the organisms of these people and can be dangerous here”<sup>3</sup>. The prosecutorial proceedings, in this case, were discontinued without questioning Jarosław Kaczyński and examining the motivation of the spoken words.

In Poland, it is almost impossible for a hate speech politician to be held criminally responsible — he is protected by immunity, and the penalties imposed by the Parliamentary Ethics Committee are incredibly weak.

A populist narrative about a young, aggressive Muslim who comes to Europe to destroy it was built around the theme of refugees and migrants. The campaign of the ruling party, supported by disinformation content on the Internet, has permanently changed the attitudes of Poles towards refugees, Muslims, and members of minority communities.

Hatred, multiplication and perpetuation of national, ethnic, racial or religious stereotypes is a weapon of politicians such as Janusz Korwin-Mikke and Krzysztof Bosak, MPs of the Confederation of Freedom and Independence (extreme right-wing and anti-European party), Adam Andruskiewicz (in the past Confederacy, nowadays Law and Justice), or today's MEPs Patryk Jaki or Dominik

Tarczyński (both Law and Justice), who have been building up hateful populist narratives for years. We can observe an increase in popularity and media's recognition along with the radicalization of the language and views of politicians.

The main channel used by populist politicians to distribute content is popular social media, such as Facebook, YouTube, and Twitter. Importantly, they use a different style of communication and vocabulary in different media, so that the content is not removed by social networking sites. This indicates a very well-thought-out communication strategy, the authors of which are perfectly familiar with the rules and practices of removing content by these sites. They have mastered to perfection the use of their activists to spread hateful content on the Internet. The content is not removed by the websites, and the politicians themselves do not bear any responsibility for it, even politically. In Poland, it is almost impossible for a hate speech politician to be held criminally responsible — he is protected by immunity, and the penalties imposed by the Parliamentary Ethics Committee are incredibly weak. Unfortunately,

condemnation by the public opinion does not discredit the politician but very often contributes to his popularity.

The use of hate speech and disinformation content is increasingly being used by politicians. An effective narrative about foreigners was built, which changed the attitudes of Polish women and men. At the beginning of 2015, 72% of Poles were in favor of receiving

## In homogeneous Poland, the created narratives and applied speech of hatred have found fertile ground.

refugees from countries where there was an armed conflict. During the election campaigns — presidential and parliamentary — in 2015, a wide disinformation campaign and manipulation of public opinion on the refugee crisis took place. A change in attitudes towards refugees was visible at the end of 2015<sup>4</sup>. In February 2016, a survey was repeated — 57% of Poles replied that Poland should not accept refugees from countries under military conflicts<sup>5</sup>. In December 2016, the Polish Academy of Sciences published a study in which it asked the Poles: “What would you do if the European Union instructed Poland to accept refugees? 51,2% of the respondents answered that they would be against it, even at the price of Poland leaving the European Union<sup>6</sup>. The political narrative was supported by large-scale disinformation campaigns in both, traditional media and the Internet. The picture was based on emotions such as fear of terrorism, diseases or attacks, and a natural fear of some-

thing new and alien. In homogeneous Poland, the created narratives and applied speech of hatred have found fertile ground.

Radical organizations, such as the Independence March Association (the organizer of marches distorting the idea of celebrating the anniversary of Poland’s independence on 11<sup>th</sup> of November)<sup>7</sup> and groups that are getting radicalized, using the emotions stirred up by politicians, are becoming more and more active and gain more and more of public acceptance. Thanks to the popularity and support of politicians and the ability to engage people, they are becoming increasingly powerful political forces with increasing financial backing.

Since 2014, there has been a steadily growing proportion of young people describing their political views as right-wing. The most active negative commentators on Facebook in the areas such as refugees and the LGBT+ community are the male accounts. And according to the National Prosecutor’s Office, the majority of perpetrators of hate crimes are young men. This is directly influenced by the increased interest of young people in radical right-wing organizations by groups of young men, who are the driving force of these organizations and the values they promote.

In order to maintain power, a sense of fear of a stranger is created in citizens. The ‘alien’ in all election campaigns since 2015 was the “refugee/migrant”. In the 2019 elections, a new image of the “alien” was created — the LGBT+ community. A false image

of the LGBT+ community was presented, built around notions such as pedophilia, deviation, perversion, a threat to the family, threat to children or homosexual terror, and so on. Jarosław Kaczyński said: “The LGBT movement and gender threaten our identity, threaten our nation, threaten the Polish state”<sup>8</sup>.

The hate campaign was supported by the voice of the Church with the figure of Archbishop Jędraszewski, who compared “LGBT ideology” to “rainbow plague walking on this earth”<sup>9</sup>, as well as by the governmental media and the right-wing weekly *Gazeta Polska*, which published one of its issues with the “LGBT-free zone” sticker.

In June 2019, Rafał A. Ziemkiewicz (right-wing journalist) wrote in his column: “You have to shoot at LGBT! Not in the literal sense, of course — you have to fight it, you have to know that these are not people of goodwill, but new Bolsheviks, new Nazis, who want to destroy us in the name of their insane ideology”<sup>10</sup>. He did not bear any criminal responsibility for these words. Why? Articles 256 and 257 of the Penal Code do not mention sexual orientation or gender identity. LGBT+ people are therefore deprived of criminal law protection in this regard.

In the summer of 2019, there were attacks on LGBT+ people during the Pride Parades. In one of the Parades, an attempted terrorist attack was also foiled<sup>11</sup>.

On 22 September 2017, the Polish government at the United Nations pledged to amend the Penal Code on Hate Crime and Hate Speech, expanding the catalog to include sexual orientation and gender identity, as well as changes in criminal law to provide protection against discrimination of LGBT+ individuals.

The amendment of Article 256 of the Penal Code was called for by many international institutions, including the UN Human Rights Committee in November 2016. To date, none of these changes have been introduced.

The last five years have seen a significant increase in crimes biased against members of the Muslim, Jewish, Ukrainian, and Roma communities, as well as attacks on places of worship, religious ceremonies, burial sites, and memorial sites important to minority groups. The number of hate crimes and hate speech reported to the police is marginal. The majority of victims seek support from religious organizations and a few NGOs in Poland, which register the reports and provide legal support to the victims. Since 2016, the government administration has stopped providing financial support to organizations dealing with crimes motivated by prejudice or supporting refugees. Victims of the hate speech and communities

affected by it seek support and voices of condemnation for the perpetrators and their acts from the Ombudsman, as well as from NGOs, parts of the Polish media, and some liberal and left-wing politicians or public figures, who are often their only allies nowadays. In 2016 and 2019, bills extending the catalog of crimes motivated by prejudice were submitted to the Sejm but were not adopted. Despite the submission of reports to the prosecutor's office, or public condemnation of the acts of violence and hate speech, the scale of violence is still growing and more and more of the victims are left without support. In the last five years, there have been only very few convictions of the perpetrators; most cases have been discontinued or the perpetrators have not been identified.

The populist policy of hatred affects the victims' sense of security. In the long run, it leads to radicalization on the part of both, citizens fed by hate speech and victims.

Through the political climate and as a result of political pressure, the interest of the judiciary in prosecuting perpetrators has decreased. Most cases are discontinued and no procedural steps are taken, e.g. to identify the motivation of the perpetrators. The biggest problem for the justice system is crimes committed on the Internet and social media. The Polish Police and the Public Prosecutor's Office demonstrate helplessness in these cases.

Despite European pressure on the Internet content providers and social media, the results are too disappointing. Hateful content is still not removed or is being removed too slowly. Internet users are not encouraged to report hateful content. Most local ISPs do not take any action beyond the "notice and takedown" obligation, i.e. removing content after the user reports it, which is enforced by law.

It is worth noting the planned actions to strengthen the messages about "aliens" by automatic or semi-automatic "content pumping" on the Internet and Internet media. Also, by supporting the operation of service algorithms aimed at providing the user with hateful and manipulative/disinformation content, tailored to the individual needs, emotions and preferences of the recipient (microtargeting), which, when hitting the vulnerable ground, are aimed at changing attitudes or confirming the recipient's belief in the truthfulness of the received narratives, built in the country for years. This in turn leads to an increasingly strong social polarization in which aversion, contempt, and hate speech are increasingly used.

Over the past five years, hate speech has been used by entities such as the ruling coalition, public media, right-wing media (which supports the ruling coalition), some of the hierarchs of the Catholic

The ruling coalition is very careful in examining the electorate and the hateful narrative is very precisely addressed to the potential recipients.

Church, radicalizing groups, public figures, and ordinary citizens. The ruling coalition is very careful in examining the electorate and the hateful narrative is very precisely addressed to the potential recipients. These activities are supported by lobbying from ultra-Catholic organizations such as Institute for Legal Culture Ordo Iuris or Pro-Right to Life Foundation. Hateful statements of the political class, according to the Polish jurisprudence, often do not bear the features of a crime motivated by prejudice, but are widely echoed in public opinion; they influence the attitudes and views of Polish women and men.

Both, the Polish legal framework and the practice of applying existing legal measures are not a sufficient response against hate speech in political discourse. A real change can be achieved by extending the protection under the Penal Code to cover grounds such as gender, sexual orientation, gender identity or disability, as well as the practice of law enforcement by prosecutors in areas such as examining the offender's motivation through bias indicators, language analysis, and expanding the range of court experts.

The justice system should guarantee the proportionality and inevitability of the penalty, as well as the obligation to compensate for damage. A process of social rehabilitation of the perpetrators is also necessary. Action should be taken under European law to make it easier for law enforcement authorities to obtain data on hate and bias crimes on social networking sites.

- 1 Supreme Court's order of September 1, 2011. V KK 98/11 [www://sn.pl/sites/orzecznictwo/Orzeczenia1/V%20KK%2043-11.pdf](http://sn.pl/sites/orzecznictwo/Orzeczenia1/V%20KK%2043-11.pdf)
- 2 "J. Kaczyński w „Sieci”: odrzucam pojęcie „mowy nienawiści” (2019, February 11). *PAP*. Retrieved from <https://www.pap.pl/aktualnosci/news%2C402728%2Cj-kaczynski-w-sieci-odrzucam-pojecie-mowy-nienawisci.html>
- 3 "«Cholera na wyspach greckich, dezynteria w Wiedniu». Kaczyński pyta o uchodźców" (2015, October 13). *TVN24*. Retrieved from <https://tvn24.pl/polska/kaczynski-zastanawia-sie-czy-imigranci-sprawdza-do-europy-zarazy-ra585502-3315116>
- 4 CBOS Public Opinion Research Center research report number 172/2015. Retrieved from [www.cbos.pl/SPISKOM.POL/2015/K\\_172\\_15.PDF](http://www.cbos.pl/SPISKOM.POL/2015/K_172_15.PDF)
- 5 CBOS Public Opinion Research Center research report number 1/2017. Retrieved from [https://www.cbos.pl/SPISKOM.POL/2017/K\\_001\\_17.PDF](https://www.cbos.pl/SPISKOM.POL/2017/K_001_17.PDF)
- 6 "Wolimy wyjść z Unii Europejskiej niż przyjąć uchodźców?" (2017, July 5). *Dziennik.pl*. Retrieved from <https://wiadomosci.dziennik.pl/wydarzenia/artykuly/553529,sondaz-polacy-uchodzcy-ue-kryzys-migracyjny-ibris.html>
- 7 "Poland's president addresses far right at independence march" (2018, November 11). *The Guardian*. Retrieved from <https://www.theguardian.com/world/2018/nov/11/poland-far-right-independence-centenary>
- 8 "AP: Kaczyński mówi, że ruch LGBT zagraża przyszłości narodu" (2019, April 25). *Rzeczpospolita*. Retrieved from <https://www.rp.pl/Prawo-i-Sprawiedliwosc/190429694-AP-Kaczynski-mowi-ze-ruch-LGBT-zagraza-przyszlosci-narodu.html>
- 9 "Arcybiskup Jędraszewski o «tęczowej zarazie»" (2019, August 2). *TVN24*. <https://tvn24.pl/polska/arcybiskup-marek-jedraszewski-teczowa-zaraza-zamiast-czerwonej-ra957818-2308295>
- 10 "Interia kończy współpracę z Rafałem Ziemkiewiczem. Przyczyną homofobiczny felieton" (2019, June 9). *Gazeta Wyborcza*. Retrieved from [https://wyborcza.pl/7,75398,24875837,interia-konczy-wspolprace-z-rafalem-ziemkiewiczem-przyczyna.html?fbclid=IwARoStSLppFDS7x\\_fvWLkoosFbrUkYazk59ZR6fkEdGdfLZhkElkWfHoCzrU#S.main\\_topic-K.C.B.6-L.1.maly?utm\\_source=facebook.com&utm\\_medium=SM&utm\\_campaign=FB\\_Gazeta\\_Wyborcza](https://wyborcza.pl/7,75398,24875837,interia-konczy-wspolprace-z-rafalem-ziemkiewiczem-przyczyna.html?fbclid=IwARoStSLppFDS7x_fvWLkoosFbrUkYazk59ZR6fkEdGdfLZhkElkWfHoCzrU#S.main_topic-K.C.B.6-L.1.maly?utm_source=facebook.com&utm_medium=SM&utm_campaign=FB_Gazeta_Wyborcza)
- 11 "Kaczyński: Wojenny kształt życia publicznego? To nie wina PiS" (2020, April 25). *Rzeczpospolita*. Retrieved from <https://www.rp.pl/Kosciol/190429693-Kaczynski-Wojenny-ksztalt-zycia-publicznego-To-nie-wina-PiS.html>

# Mild Manners

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In January of 2020, a motion was presented in the Portuguese Parliament by the center-left party “Livre” (translated as “Free”), to return to the former Portuguese colonies some of the museum collections that originated in those countries, that are on the display in Portugal. Using the fact that the motion was presented for discussion, a recently elected, in the Parliamentary elections of fall of 2019, Member of Parliament and the leader of a recently formed extreme-right party “Chega” (translated as “Enough”), decided to use Facebook for a “statement”. This poor version of a wanna-be authoritarian, in the line of Donald Trump or Viktor Orbán, going by the name André Ventura, thought that he would win some political points with his constituency by writing in the Facebook post that: “I would like to propose that the Member of the Parliament [that presented the motion] be sent back to her country of origin”. This Member of the Parliament was indeed born in the former Portuguese colony of Guinea Bissau, but presently is holding double nationality — also being Portuguese. She is also a woman of color and with a speech impediment. The firestorm was large and ferocious — coming from almost all sectors of society, journalists, opinion-makers, news outlets; the condemnation was swift and decisive. In the Parliament, the President of the Parliament stated that the “xenophobic declarations of Member of Parliament Ventura deserve a vehement condemnation”. During the session of Parliament following the Facebook post, in a meeting with the leaders of each parliamentary group, from the right-wing to the far-left, all were in agreement with the President of the Parliament about the need to denounce that kind of speech in the political arena.

In Portugal it is said that the country benefits from, what can be loosely translated into English, “mild manners”. The dictatorship of António Salazar, from 1933 to 1974, that was repressive in particular towards political and social dissent, spawned a counter-reaction

to censorship, to persecution, to imprisonment for ideas and speech. After the Revolution of April 25<sup>th</sup> of 1974, which set the country free to pursue a democratic society, the reformulated Portuguese Constitution was drafted. When presented for approval to the Parliament in 1976, two articles were principally important: Article 37, which assures the defense of free speech and information, and Article 38, relating to freedom of the press. In the subsequent years, Portugal developed a wide range of tolerance to ideas and speech, both to the left side of the political spectrum, more closely associated to a Marxist-Leninist theory of society, and to the most right-wing expressions of regret of the Revolution and the longing for a return to the “good old times” of Portugal under the rule of António Salazar, when “certain things didn’t happen”, or, translated into other terms, where “certain things were not done or said”.

In 2018, a report was published by the Council of Europe – European Commission against Racism and Intolerance (ECRI) concerning the Portuguese reality regarding the existence of those kinds of attitudes. A positive indicator in that report is that “politicians and other public figures do not, in general, make racist, homophobic, or transphobic comments”<sup>1</sup>. However, as it is expected, not all is well. In the same paragraph, we can also read that, indeed, hate speech and racism are present in public discourse. It aims mostly at black people and Roma nationals.

Some of the cases presented in the report are valid, like when a former Member of the European Parliament published a tweet, curiously enough against a colleague of the same political party, at the time a Member of the Portuguese Parliament, saying that the colleague, a woman, was “a gypsy and not only in figure, but also because it pays the [political] favors due to the votes that are aligned with centrists”<sup>2</sup>. Again, at the time, the response was swift and decisive, being one of the examples when the leader of the party, the Socialist Party, and Portugal’s Prime Minister, António Costa said publicly that the declarations were a “shame to the party” and defended the expulsion of the former MEP for “racist preconceptions”<sup>3</sup>.

Importantly, other examples in the same ECRI report are correctly pointing out the results of misconceptions of hate speech. One such example relates to the former Prime Minister of Portugal and at the time of the complaint the leader of the biggest opposition party, the Social Democrats, Pedro Passos Coelho. Passos Coelho was accused of racism for not wanting “any person” living in Portugal<sup>4</sup>. When he was expressing concerns about the law

proposed at the time, which would guarantee a residence permit to any emigrant if he, or she, could provide proof of a “work contract promise”. Passos Coelho stated that he thought it would be a mistake to grant one thing in exchange for another since a promise is not a guarantee. A less racially biased interpretation of those words could easily lead to an interpretation that Passos Coelho, who was the Prime Minister that had to oversee one of the most difficult periods in the modern history of Portugal after the country almost went bankrupt and needed external help to maintain the “lights on”, was using a financial and economic argument, not the racial one<sup>5</sup>.

It is interesting to note that in the Portuguese legal system, since 2007, the number of hate speech cases that lead to actual legal ramifications, either with jail sentences or fines, totaled to... 13, as reported by the Portuguese Ministry of Justice<sup>6</sup>. The question one can pose right away, but we will get back to that later, is if there is a serious under-reporting of hate speech cases in Portuguese society, or whether there are cases not being persecuted to the maximal extent the law provides. It is a fact that the number of criminal complaints has been rising since 2012, but since then the number of cases received by the Portuguese Directorate of Politics Justice has been only 63. From 2016 to 2020, the Public Prosecutor's Office opened 160 inquiries regarding discrimination and incitement of hate. However, one needs to remember that an inquiry does not necessarily translate to a criminal referral<sup>7</sup>.

One possible explanation of these numbers is the fact that Portugal is viewed, mostly, as a tolerant society. Portugal ranks third in the 2019 Global Peace Index, just after New Zealand and Iceland, and is moving up two positions since the previous index<sup>8</sup>. Portugal is deemed to have a 66% overall score regarding achieving LGBTI human rights and an 8<sup>th</sup> place, out of 49 countries, in protections to LGBTI people<sup>9</sup>. With this group, some more statistics are worth to be mentioned: the 100% score in civil society space, 90% score for families, including marriage equality, joint adoption, second-parent adoption, automatic co-parent recognition, and medically assisted insemination for couples and singles.

Naturally, there is more work needed, and one of the areas where it is necessary relates to protection against hate crime and hate speech, where Portugal has a paltry 51%. There are hate crimes and hate speech laws that relate to sexual orientation and gender identity, but more can be done regarding policies to tackle behaviors of hatred based on sexual orientation, gender equality, and intersex<sup>10</sup>. However, when we get to the number of cases that are reported by

the institutions that relate more directly to the problem, even if one case is one too many, the situation in Portugal can be viewed as encouraging. In a 2017 study by the most well known, and the first one to be constituted, organization for the protection of LGBTI people in Portugal, ILGA, it was reported that in 188 cases recorded by the Portuguese Observatory for Discrimination, 39 were incidents motivated by hatred against LGBTI people, as defined by the Organization for Security and Cooperation in Europe. Regarding hate speech, 11 situations were identified as directed against this minority<sup>11</sup>.

However, possibly similar to how it happens in other countries with low numbers of complaints and legal persecutions, this can be due to a distance between the law and the contemporaneous needs to control hate speech, especially in the digital era. The Portuguese Association for Support of Victims (APAV in the original) and the European Council, warn that the Portuguese Penal Code may be incomplete, or ineffective, for application in a satisfactory fashion<sup>12</sup>.

Also, the European Council warns that the Portuguese authorities have a narrow definition of hate crimes and are deficient of a solid basis for legal punishment in a new era of increased cases of hate speech, especially through the use of social media (ECRI, 2018). In a provocative suggestion, the head of APAV mentions that if the Penal Code is not changed to better reflect the times we live in, we will never know if Portugal is, or is not, a racist country<sup>13</sup>. All of these concerns need to be connected to another major flaw in the system for the redress of grievances, which poses difficulty in presenting a complaint and seeing the process move to a legal conclusion. A survey organized by APAV in 2019 on hate crimes and discriminatory violence showed that half of the victims of those kinds of offenses did not file a complaint with the authorities. The reasons given ranged from “it wasn’t that important” and “they didn’t believe it was worth it” to “because they did not know that they could file a complaint or how to do it”<sup>14</sup>.

On the other hand, some caution is necessary to resist the temptation to consider everything as hate speech and to create “safe spaces”, develop “trigger warnings”, and engage in “virtue signaling”. Political correctness should not be a solution preventing people from confrontation with unpleasant thoughts or

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troublesome ideas. Getting back, once more, to the fact that Portugal lived under a dictatorship for so many years, where political discourse was stifled and free speech controlled, the Portuguese society developed an equilibrium between being frontal, even abrasive, and being mannered.

Of course, there will always be senseless people, even elected ones, which will test, over and over, the boundary of what is acceptable regarding speech in the liberal and democratic society that Portugal is. This is particularly important due to the utilization of the new, easy, and inexpensive medium — digital platforms for social media, which allow anyone to be a commentator with a wide reach in society. Still, even with the remarkable penetration of the internet in Portugal, the report from ECRI could not find, in 2018, too many reasons for concern. In fact, the number of cases of hate speech that led to criminal persecutions, again, is small.

However, the report also mentions that “the civil society informed the ECRI of the existence of hundreds of messages of hate, especially in forums from extreme right-wing parties” (of which there are three in Portugal, but two of them with almost with no expression in the political arena, or even awareness of in the society).

Also, this “civil society” warns that in Portugal, hate speech “aims (...) especially gypsies, black people, Muslims, and LGBT people”<sup>15</sup>. Here, caution should be applied. One needs to know who are these members of the “civil society” that are warning about the “hundreds of hate-filled messages”. What are the criteria they are using? What legitimacy do they have? Could they be confusing hate speech with offensive speech, something that Portuguese people are willing and able to produce?

The low numbers of complaints seen in Portugal could be in part explained by the fact that the legislation could be enhanced, the reactions of authorities improved, the mechanisms for presenting complaints, and seeing them taken to the extent of legal protections be more responsive. However, it could also be a reflection of the attitude of the Portuguese society towards hate speech, including when it is related to the political processes: there is a low threshold for acceptance of hate speech in political and social

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discourse. All the way from the Prime Minister or the President of the Assembly, as mentioned before, to the person sitting in an outdoor café reading the daily newspaper. Normally, transgressions and transgressors are punished, with very little exceptions, and the effect of marginal groups on Facebook or Reddit is not enough to affect the public opinion<sup>16</sup>. In addition, the three far-right parties, and also the two far-left ones, do not look like they have traction in Portuguese society: in the Portuguese Parliamentary elections of 2019, the far-right parties had an aggregate 1,6% of votes of the electorate, while the far-left only 1,2%.

Unfortunately, liberal political forces in Portugal are few and not very expressive at the level of society. The first fully formed and declared as a liberal party, the *Iniciativa Liberal*, was constituted in December of 2017. The party did have an interesting result in the last Parliamentary elections, with almost 68.000 votes that resulted in the election of one Member of the Portuguese Parliament. With a longer time of existence, since January of 2005, the *Movimento Liberal Social*, the social liberal think tank, has been active in talking about liberal values and ideas with the civil society and political class.

Hate speech and hate speech in politics, has not been a major concern for these liberal organizations, again, because this kind of speech is not a structural problem in Portuguese society. It is of note that the Member of the Portuguese Parliament, which is also the leader of *Iniciativa Liberal*, avoided a direct response to the comments made by his fellow Member of Parliament from *Chega*, with the xenophobic and racist remarks presented above. However, he did say, as he was expected to do so, that he “condemned all forms of discrimination, particularly racism”, but added that more fiery discussion regarding stated opinions should not be a reason for limitations on free expression<sup>17</sup>.

The other positive factor in Portugal, that explains the lesser need for a liberal organization to demarcate themselves in this area, is that even if suspicious of the word “liberal”, for historical reasons and the recent memory of neo-liberal policies in times of austerity, liberal values are the basis for Portuguese society, where freedom of speech, equality, and acceptance are the reality. It is true that dissent and even rudeness are also accepted, but there is a low threshold for the immediate response and condemnation of hate speech.

Importantly, the Portuguese government and civil society are doing work to fight hate speech in the field: being in schools, with the help of the media, and on the internet. The Portuguese



Two examples of work done to fight hate speech, the image on the left being a promotional poster for a community event, and on the right a governmental 'good practices' book to be shared with stakeholders.

Institute for Sports and Youth<sup>18</sup>, part of the Ministry of Education, under the auspices of the Council of Europe created a National Committee<sup>19</sup> to fight hate speech with the name “No to Hate”. This Committee is constituted by 28 organizations from several areas of society. The Institute’s youth department is especially active regarding hate speech, even during sports events and especially in football stadiums. They also organize several events in an attempt to raise the consciousness of the problem.

These events take forms either as initiatives in the community<sup>20</sup>, or the production of manuals on how to fight hate speech<sup>21</sup>, or being in direct discourse, or online<sup>22</sup>. These centralized initiatives create an echo on the Town Councils across the country, which can either associate themselves with the projects from the conception or can replicate them locally.

In the civil society, work is done by several organizations, from the ones specific to the problem, like LGBTI people (<https://ilga-portugal.pt/>), equality of gender (<https://www.cig.gov.pt/>), International Amnesty (<https://www.amnistia.pt/>), and racism (

[www.sosracismo.pt/](http://www.sosracismo.pt/)), all the way to academic student associations in universities.<sup>23</sup>

As mentioned previously, in Portugal, hate speech and particularly hate speech in politics has not been so far something that's an urgent problem that needs to be solved, or that demands a special vigilance. Fortunately for this country, some of the major conditions for production and acceptance of hate speech, both in society and in politics, are mostly absent. This comes from having very strict laws on what constitutes hate speech, absence of illiberal tendencies, both in society and in elected politicians, and a large influence of religious figures from the Catholic Church that, as an institution, has been beaten down by decades of secularism.

At the same time, there are historical events that are ingrained in collective memory, like feelings of guilt due to the way that Portugal acted during the struggle of the African colonies for their independence, or the struggle of minorities to reach equality and acceptance, or of stories of the times when ones had to talk in hushed tones and had to escape the State Police during the dictatorship to be able to meet with like-minded citizens.

However, there are no guarantees that this reality will continue to be in this way. As presented before, there is data that shows an increase in hate speech in social media and political blogs, particularly the ones from the far-right. For now, that increased digital activity has not extrapolated to the real-world in a way to observe a significant increase in the number of cases that need to be persecuted by the legal system.

Also, more investigation is necessary to understand if the low number of complaints is because they have no merit and are rightfully dismissed, or because the system in place for the complaints is not as good as it needs to be, or (and more worrisome if that is the case) if the victims feel that it is not worth to go through the process, either because of the attitude of the authorities, the bureaucracy associated with the procedures, or the sluggishness of the decision making.

The other factor that the Portuguese society and political actors need to pay close attention to is what the voting intentions in the far-right political parties, especially the "Chega" party, are. André Ventura expressed the certainty that this party, in eight years, will become the most voted for in Portugal. The probability of that happening is non-existent. However, it can appeal to an increased number of voters. There is no guarantee that it will not happen. If the leader of this party, like others in the fringes of the political

mainstream, already use the kind of language that could be considered as borderline hate speech in their political proclamations and desired policies, what will happen if their parties grow and become more influential? If a wave of populism sweeps Portugal, as unlikely as that seems, will they feel more emboldened to cross the line that separates innuendo from full-frontal attacks on the dignity and condition of people and groups?

For now, the national discourse in Portugal, originating in the media, from opinion makers, in replies from fellow politicians, is: “let’s not pretend that it is not happening, let’s not act as if we are not listening. On the contrary, let’s engage and show the ridiculousness, the vulgarity, the counterproductiveness, and the cruelty of that kind of language. Also, there is the need to keep defending liberal values and ideas in this country, even if we don’t, collectively, use that word: values like multiculturalism, inclusion, and equality, at the same time protecting free speech, the possibility to receive and impart information, to contribute to the marketplace of ideas, and to present our arguments in the political arena.”

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# A Political Tool for Hypocrisy

## Mihai Polițeanu

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In the last 30 years, the political discourse in Romania has been always impregnated by populism, homophobia, racism, ethnic nationalism, and xenophobia. However, although being a constant in the Romanian politics, the usage of the corresponding hate speech has varied greatly, and its intensity and prevalence have been dependent on the global political context, on the objectives of the Romanian foreign policy, on the political, or even personal interests of the political parties and of the politicians.

Briefly, with few marginal exceptions (extremist nationalist parties and hate groups), hate speech has been used just like a dishonest, opportunistic, discursive tool for power and votes, rather than an expression of deeply rooted beliefs. It is both good news and bad news. It is good news because the mainstream politics in Romania is neither dominated, nor firmly influenced by powerful, extremist, anti-liberal political forces, or strongmen politicians. It is also bad news as most of the parties and politicians lack any moral and political integrity or compass. Romanian politics is seldom driven by values, principles, and visionary programs, while politicians easily turn to hate speech and populism if it serves their political or personal purposes.

## What is the real agenda of the Romanian populists?

So, what is their agenda? Why have they started to turn populist, even though they are not real believers? To put it shortly: in Romania, populism has become a political means to stop the fight against corruption, to undermine the rule of law, and also to discredit political opponents, liberal-minded political and civic groups, and to easily gain votes by shifting away the public debates from complex political and social topics, such as corruption, poverty, education, reform of the administration, and others to assigning blame for social and economic problems on ethnic, racial, or sexual minorities.

**The context is the following:**

- a) **National context** – roughly between 2005 and 2016, under the supervision of the European Commission, Romania has run probably the most powerful and successful anti-corruption campaign Europe has ever seen. Thousands of high and mid-level politicians (prime ministers, ministers, MPs, mayors, local councilors, etc.), public servants, policemen, and magistrates have been indicted and sentenced for corruption offenses. The Romanian anti-corruption agency (DNA) became a successful model in the region, and even in the EU, and a kind of a rock star in Romania. However, this institution has been feared and hated by most of the politicians in Romania. In the last 15 years, there were many attempts by the Parliament, or of the Government, to weaken the fight against corruption – to amend the criminal codes or to dismantle the anti-corruption agency. They were stopped every time by the civil society (national and international NGOs), by Romania's international allies (US, UK, Netherlands, etc.), by the European Commission, or by the Constitutional Court. So, what have the politicians decided to do? Because they were not successful in directly attacking the agency, they have started to discredit its supporters. Thus, here come into the spotlight the regional and international contexts.
- b) **International context** – for the last few years, we have witnessed a global upheaval following the rise of terroristic Islamist groups in the Middle East, Islamic terror attacks in Europe, a huge influx of migrants from Syria to Europe, the rebirth of Russian expansionism and export of its autocratic, nationalist, dominant ideology, a growth in illiberal attitudes and political actions in Central and Eastern Europe (e.g. Poland and Hungary). Of course, all of these had consequences also in Romania: small radical groups started pushing their agendas against ethnic or sexual minorities, against foreigners and international companies, against Western liberal values and supranational structures, such as the European Union, against national and international NGOs, and those who financially support them. Fortunately, against all of those who have supported the fight against corruption in Romania in the last 15 years.

That was the opportunity many politicians in Romania have been expecting: to use “popular topics” (marginal in Romania initially, but globally relevant) in order to undermine the rule of law and anti-corruption in Romania, thus saving themselves from imprisonment

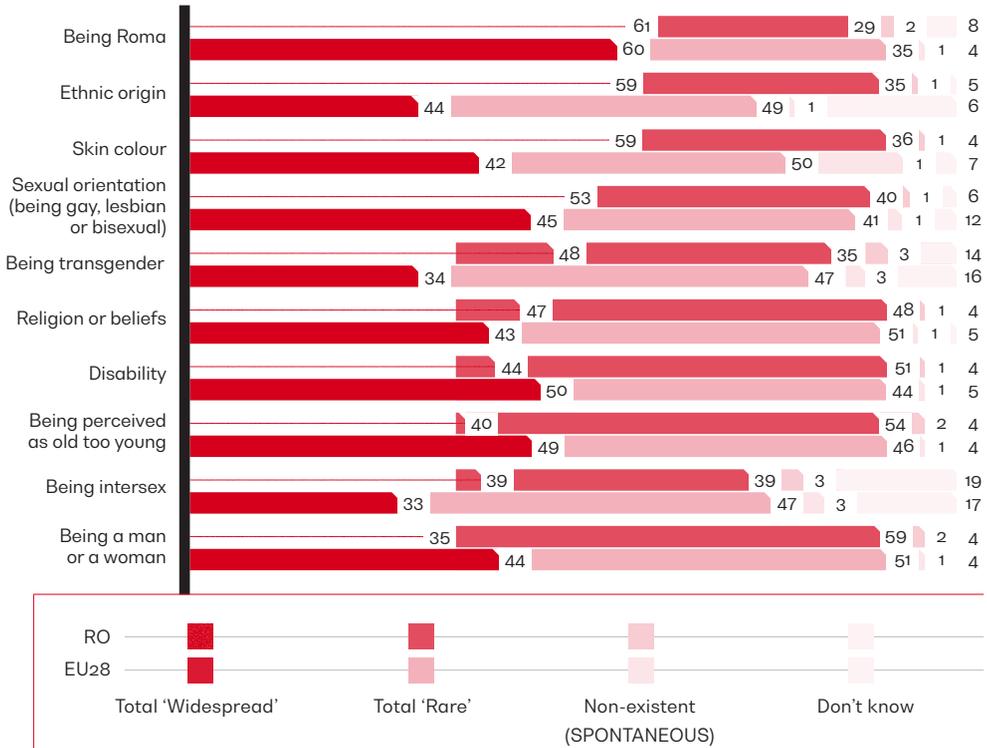
Now, one can witness a reorientation of the political discourse towards the anti-Western, anti-liberal, and populist propaganda of the ethnoreligious nationalism of the early 20<sup>th</sup> century.

and political corruption networks from accountability. Ideological collusion between the enemies of open society and the enemies of anticorruption was born, as it suited their objectives. As the result, the main political parties have started to bring to the mainstream agenda issues like initiatives for constitutional reforms against the LGBTI minority, accusations of anti-Romanian conspiracies towards the NGOs, multinational companies and Western partners, nationalist ethnoreligious stands regarding the immigrants, etc. Now, one can witness a reorientation of the political discourse towards the anti-Western, anti-liberal, and populist propaganda of the ethnoreligious nationalism of the early 20<sup>th</sup> century. Its sole purpose is to undermine the values, the regulations, and the institutions that support the fight against corruption and the rule of law. The discourse has not yet become dominant in Romanian politics, but there is a real threat of that happening.

#### Who is targeted by hate speech in Romania?

**I** Probably, the most discriminated minority group in Romania and the easiest target for hate speech is the Roma community. It is a reality that did not surface recently, but it is rather an attitude towards them lasting for centuries. They are far from being integrated; there is a clear division between the Roma people and the rest of the Romanian citizens (huge economical and educational discrepancies). The institutions have not been able, until now, to develop and implement proper policies to address this problem. On the contrary, they have developed an abusive and discriminatory attitude towards the members of this community. In addition to this, the public hate speech against the Roma people is still resilient and present in all levels of society, not only at the political or administrative level.

For example, on May 1, 2020, Traian Basescu, former President of Romania and current Member of the European Parliament, during a TV show about the overuse of violence by the police against some citizens, who were in breach of the social distancing rules during the COVID-19 pandemics, said:



**How widespread is discrimination against different groups according to Romanians and citizens of EU28.**

Source: Special Eurobarometer 493 – *Discrimination in the European Union*

I believe that in this case, once again, it was proved that the kindness and the tolerance of the Romanians resulted in damages to the Romanians themselves. And this is because we have named them Roma people in 1991 [...] This minority has created an appalling image for the Romanian people. It is time to say it, and in the end, to stop using this phantasmagorical name as Roma people. They are gypsies! This is the ethnic group we are talking about. [...] and the gypsies must understand that they cannot be tolerated with their lifestyle anymore<sup>1</sup>.

The same kind of opinions, at the highest political level, can also be traced back 12 years, when two politicians, members of two political parties, which did not share, in theory, any common values whatsoever, found themselves on the same side of the populist barricade, using the common language of hate against the Roma community. When in 2007, a Romanian citizen robbed, raped, and killed an Italian woman in Rome, thus sparking a fierce debate in the media about the responsibility of the Romanian state, the Minister of Foreign

Affairs at that time, member of the National Liberal Party, Mr. Adrian Cioroianu, and the president of the extremist Greater Romania Party, Mr. Corneliu Vadim Tudor, rushed to express similar views: the perpetrator was not, in fact, a true Romanian, but a gypsy.

Regarding the scandal that was provoked by the assassination of the wife of an Italian admiral by a gypsy from Sibiu, I declare out loud: the Italians are perfectly right, this is sheer barbarism [...] However, I urge not to use the word “Romanian”, because the bastard is not a Romanian, but a gypsy [...] The gypsies have become a huge problem for the whole continent. Unfortunately, when I and the Greater Romania Party proposed firm solutions to stop the gypsies’ criminality, we were labeled as extremists, xenophobes, and racists<sup>2</sup>,

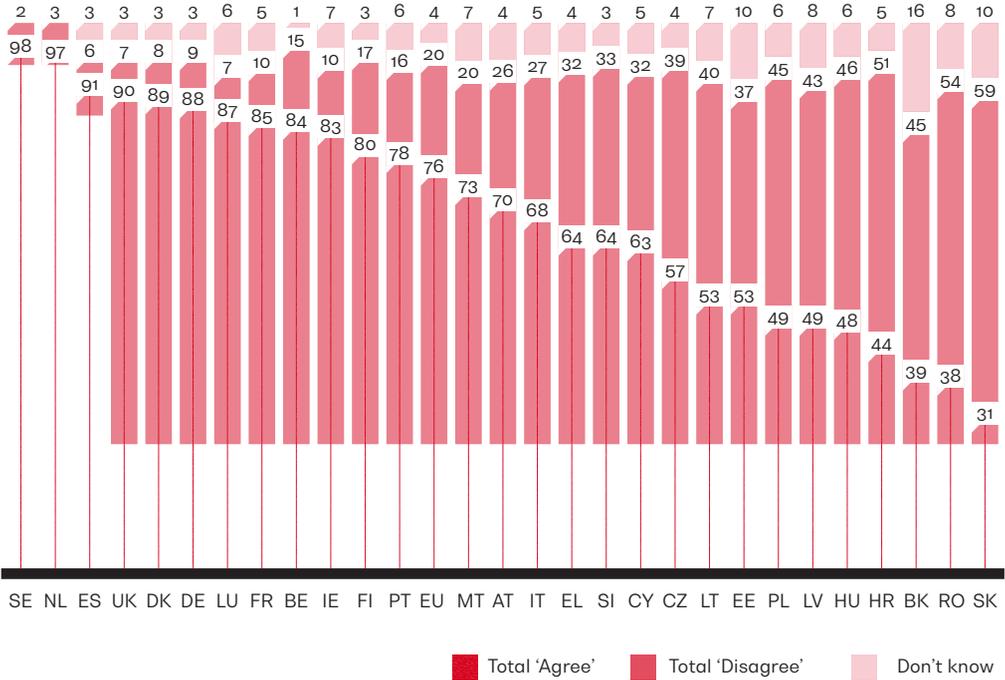
declared Mr. Vadim Tudor, while Mr. Cioroianu said in a TV interview:

Unfortunately, these people [...] should not be sent to a prison cell with TV. They should be put to the hardest work and sent to penal battalions [...] Believe me, I was on my way from Alexandria to Cairo [...] I was in the middle of the desert and I was thinking if we could buy some land in this Egyptian desert and displace here these people who bring shame on us<sup>3</sup>

Likewise, many local politicians (mayors and local councilors), no matter what their political affiliations are, have expressed similar views using the same rhetorical means, sometimes close to the rhetoric of the 1930s:

I propose a mandatory social investigation of the couples that want to have a child, an investigation regarding proof of a job and a stable residence; adequate financial situation; a minimum level of education [...] if there is an exceptional case in which the couple does not meet the required criteria, but has a child, I think that the state should take the child [...] I have (ed. in the city of Târgu Mureş) the highest number of gypsies in the country [...] Gypsies are a serious problem for Romania, and we pretend that we don’t see it. Since they stopped being slaves, they have remained the same<sup>4</sup>,

declared in January of 2020 the mayor of Târgu Mureş, one of the most important cities in Transylvania, inhabited by large communities of Romanians, Hungarians, and Roma people.



Should LGBT+ people have the same rights as heterosexual people?

Source: Special Eurobarometer 493 — Discrimination in the European Union

**2** A newer target of hate speech, intolerance, and, sometimes, violence in Romania is the LGBTI community. In fact, the target is not only the LGBTI community, but also the liberal groups and the liberal values. As a very large part of the population is still deeply religious and conservative, the sexual minorities are an easy target of a hate speech, by which the hate groups try to prove their point: the Western “decadence” and the moral weakness of the liberal world.

In 2018, the LGBTI community was targeted by a referendum initiative promoted by a religious group called the *Coalition for Family*, which proposed constitutional reform for redefining the family as the union between a man and a woman. In fact, such referenda took place in several Eastern European countries and were generated and supported by lobbyists having ties with American conservative religious groups and Russian officials, and had the full support of the Kremlin propaganda machine, even of the Russian embassy in Bucharest. The referendum intended to stop any future attempts of the LGBTI community to initiate legislative proposals allowing same-sex marriages.



Banner in downtown Bucharest during the referendum's campaign:

“Defend the family and the children of Romania. If you are not coming to vote, then two men will be allowed to adopt your child!”

All of the parliamentary political parties, with the exception of the liberal progressive Union Save Romania (ALDE member), have publicly supported the initiative. Representatives of the Social Democratic Party (PES member), the National Liberal Party (EPP member), the Alliance of Liberals and Democrats (former ALDE member), the Peoples' Movement Party (EPP member), the Hungarian Party (EPP member), campaigned publicly and asked people to come and vote for, essentially, a constitutional ban on same-sex marriages. Why? Not because they were believers, not because they were conservative and shared religious values, but because for all of them the referendum seemed to be an easy way of gaining popular support, both of the citizens and the powerful Romanian Orthodox Church.

For example, in 2017, during the public debate preceding the vote, the National Liberal Party MP Leon Dănăilă said in a media interview:

A gay can buy children, can steal them, and can acquire them by other means. A gay can teach them to become gay. This is something I do not understand, my mind cannot comprehend. One is a woman, one is a man. This, I cannot understand. Dress both of them as men. You like men? Here we go! Sodom and Gomorrah. God forbids! This is a regress of the human species<sup>5</sup>.

Because there was a legal threshold of participation (30% of the voters) for the referendum to be valid, the Government extended the voting period from one day to 2 consecutive days, a decision that was never taken for regular ballots (presidential, parliamentary, nor local elections). Basically, the hate was instrumentalized and put to vote in Romania for 2 days, as politicians thought that the topic of the referendum will be highly popular. Contrary to all expectations, people did not go to vote, and the threshold was not met.

**3** Since 1990, the politicians' rhetoric is periodically abundant in hate speech towards the Hungarian minority. Conversely, the Hungarian party (UDMR) also fuels the hate speech in the political debates whenever they feel that their traditional voters, the members of the Hungarian community in Romania, drift away from the party because of its corruption or its incompetence in solving the daily problems of the community.

The hate speech against the Hungarians in Romania is usually constructed around conspiracy theories regarding attempts to divide the country's territory, especially Transylvania. In January 2018, for example, then the Prime Minister, the social democrat Mihai Tudose, reacted to a proposal regarding the autonomy of the *Szekely Land* (a region in the middle of Romania inhabited mainly by Székelys — a subgroup of Hungarians):

If the Szekely flag will wave on the public buildings, then all of them (*ed: the ethnic Hungarians working there*) will wave by the flag<sup>6</sup> (*ed: a double entendre, having as a second meaning that the Hungarians will be hanged by the flag*)

The Prime Minister was, in fact, by no means an extremist. He just used hate speech because it was the cheapest, figuratively and literally at the same time, way to gain votes and popular support: *one constructs an enemy that conspires with the Hungarians to steal a part of our land.*

Conversely, as aforementioned before, the Hungarian Party

(UDMR) fuels hate speech for electoral grounds. Following an ethnic scandal in June of 2019 regarding a cemetery of soldiers fallen during the World Wars, in which both the Hungarian and the Romanian hate groups were involved, the President of the UDMR, Mr. Kelemen Hunor, declared:

Romania has shown its true face during the incidents in Valea Uzului (ed: the village where the cemetery is located)<sup>7</sup>,

thus, directly offending not only the Romanian political parties, but also the ethnic Romanians.

These kinds of ping-pong declarations between the Romanian and the Hungarian politicians in Romania are relentless. Not because they hate each other, nor because nationalism is at the core of their party ideologies. In fact, the Hungarian party has had seats in the Romanian Government almost continuously since 1996, being a part of every conceivable parliamentary majority, while its corruption and inefficiency have been as present as in the Romanian political parties. Nationalist quarrel and, sometimes, the usage of hate speech just help the political parties in consolidating their voters' base.

### **Means of communicating hate speech.**

#### **Institutional and social reception**

There is nothing fancy in how the politicians deliver such messages and how they are spread. There is a high degree of tolerance in the media for the delivery of hate speech, not for hate speech *per se*, because it creates scandals and high ratings. Therefore, political hate speech is delivered out in the open, on TV shows and interviews, in journals, and through social media. It might be a sign of a free press, but also an indication of the low standards of responsibility and professional accountability.

Also, I must underline it again, hate speech is not continuous and ubiquitous in political life and political debates. Luckily, it remains a somewhat marginal and rare characteristic of the Romanian political discourse. Moreover, the legal framework for containing hate speech is already in place, including the criminalization of hate speech by the Penal Code and the civil and administrative sanctioning of hate speech by institutions such as the National Committee for Combating Discrimination (CNCD). The latest (2019) report on Romania, of the European Commission against Racism and Intolerance of the Council of Europe<sup>8</sup>, provides a list of 20 recommendations, out of which only two refer to the amendment of the legislation.

However, what is worrying and adds to this reality, which theoretically is not so grim, are the following:

- Hate speech is actively pushed and spread on social media by domestic hate groups and Kremlin affiliated communication channels, such as Sputnik.
- Hate speech is always linked to and is spread on social media with the help of anti-vaxxer movements, homophobic religious groups, anti-American and anti-EU conspiracists, nationalist and anti-immigrant groups, fake news web pages, etc.
- Prejudices, hate, nativism, religious extremism, conspiracies, and ethnic nationalism are still pervasive in the Romanian society and are fertile soil for political hate speech and populism, as all the surveys show.
- The National Committee for Combating Discrimination (CNCD), although quite active, is a highly politicized institution and, thus, lacks trust and credibility in the society.
- The national and local authorities are completely absent in preventing (through education and awareness campaigns) hate speech, as well as in sanctioning it (criminal cases are rarely open by the police and by the prosecutors, and even less lead to convictions).
- Many high-level politicians deny or, at least, relativize the Holocaust in Romania. I did not cover this topic in this paper, as antisemitic hate speech is not a characteristic of the Romanian political discourse, no matter what the political party is. However, politicians continue to perpetuate the myths provided by the communist education system regarding the denial of the Holocaust in Romania.

### **The liberal response to a hate speech in Romania**

None of the old political parties, which currently have parliamentary representation, are extremist parties. In varying degrees, they all evolved and have contributed, throughout time, in cleaning the public debate from the hate and the intolerance of the 1990s. At the same time, it is true that these changes were made only as a consequence of the pressure of the European Union and represented obligations, including legal, made prior to joining the European Union. The National Liberal Party, the Social Democratic Party, the Hungarian Party, the Alliance of Liberals and Democrats, and the Peoples' Movement Party have had neither a coherent strategy nor a firm and continuous stance against hate speech and populism. On the contrary, as exemplified throughout the paper, many of their high-level representatives

and, sometimes, the parties themselves have been active agents and promoters of hate speech. Most of them are not believers, but have no remorse or limits in using hate speech as a political tool for gaining votes and as a short-term political tactic.

The only parliamentary political party that, at least until now, did not give up to populism and hate speech is the Union Save Romania (USR). In 4 years of its existence, USR has taken a firm stand against these trends, yet without being able to promote coherent public policies for preventing and combating them. The partial reason for this is that the party does not have local representation, except in the local councils of Bucharest, and it is just a 9% opposition party in the Parliament. Also, as a very young party, it lacked in the first years of its existence the maturity for creating and lobbying for long-run reform policies. In 2019, USR was the only political party that had the courage, against all odds and despite all the surveys, to publicly oppose the anti-LGBTI referendum initiated by the religious group Coalition for Family and supported by all of the other parliamentary parties. Those efforts paid off, as the referendum was not validated and the people, no matter how religious, did not participate in voting, as they understood that this referendum was only a political hate tool targeting the minority.

- 1 "Traian Basescu a fost reclamat la CNCD pentru "declaratii discriminatorii si incitatoare la ura" la adresa rromilor" (2020, May 3). *Ziare.com*. Retrieved from <https://ziare.com/basescu/pmp/traian-basescu-a-fost-reclamat-la-cncd-pentru-declaratii-discriminatorii-si-incidente-la-ura-la-adresa-rromilor-1609476>
- 2 "Vadim Tudor: Tigani ne fac tandari imaginea in lume" (2017, November 2). *Ziare.com*. Retrieved from <https://ziare.com/corneliu-vadim-tudor/prm/vadim-tudor-tigani-ne-fac-tandari-imaginea-in-lume-165306>
- 3 Blagu, B. (2007, November 7). Noua ONG-uri cer demisia lui Cioroiu pentru declaratii 'de tip nazist'. *HotNews.ro*. Retrieved from <https://m.hotnews.ro/stire/1005547>

- 4 "Primarul din Târgu Mureş vrea să decidă statul cine are voie să facă copii: „Țigani sunt o problemă serioasă a României”" (2020, January, 13). *Digi24*. Retrieved from <https://www.digi24.ro/stiri/actualitate/politica/primarul-din-targu-mures-vrea-sa-selecteze-cuplurile-care-vor-sa-aiba-copii-tigani-sunt-o-problema-serioasa-a-romaniei-1244824>
- 5 "Senatorul Leon Dănăilă, amendat pentru afirmația „Un homosexual poate să cumpere copii, poate să-i fure”" (2018, January 5). *Digi24*. Retrieved from <https://www.digi24.ro/stiri/actualitate/senatorul-leon-danaila-amendat-pentru-afirmatia-un-homosexual-poate-sa-cumpere-copii-poate-sa-i-fure-855277>

- 6 "Mihai Tudose, despre autonomia" (2018, January 11). *HotNews*. Retrieved from <https://www.hotnews.ro/stiri-politic-22219717-mihai-tudose-despre-autonomia-tinutului-secuiesc-daca-steagul-secuiesc-flutura-institutiile-acolo-toti-vor-flutura-linga-steag-reactia-udmr-mesaj-evul-mediului-amenintat-comunitatea-maghiara-isi-ceara-sc.htm>
- 7 Ruscior, C. (2019, June 7). Kelemen Hunor la RFI: România și-a arătat fața adevărată, prin incidentele din Valea Uzului. *RFI Romania*. Retrieved from [www.rfi.ro/politica-112102-kelemen-hunor-romania-incidente-valea-uzului](http://www.rfi.ro/politica-112102-kelemen-hunor-romania-incidente-valea-uzului)
- 8 *ECRI Report on Romania* (2019, April 3). Retrieved from <https://rm.coe.int/fifth-report-on-romania/168094c9e5>

<b>What political actors use hate speech in politics?</b>	Representatives of the Social Democratic Party (PES member), the National Liberal Party (EPP member), the Alliance of Liberals and Democrats (former ALDE member), the Peoples' Movement Party (EPP member), the Democratic Union of Hungarians in Romania (EPP member).
<b>What other actors use hate speech in politics?</b>	The Coalition for Family (federation of religious groups); Some priests of the Romanian Orthodox Church; Marginal hate groups (e.g. The New Right).
<b>What groups are mainly targeted?</b>	The Roma, the LGBTI and the Hungarian communities.
<b>One symbolic quotation of hate speech used in political discourse</b>	"If the Szekely flag will wave on the public buildings, then all of them [ed: the ethnic Hungarians working there] will wave by the flag" – Mihai Tudose, Prime Minister of Romania at the time of the statement.
<b>Who is seen as the main opponent of hate speech in politics?</b>	The Union Save Romania Party (USR). The National Committee for Combating Discrimination (CNCD). Countless human rights NGOs and journalists/media outlets.
<b>Is there legal framework enough to combat hate speech in politics?</b>	Mostly yes. The latest (2019) report on Romania of the ECRI provides a list of 20 recommendations, out of which only 2 refer to the amending of the legislation. The problem is the passivity of the local and central state agencies.

# Q&A

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MILAN MAZUREK / 2<sup>nd</sup> of October 2016

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# The Role of the Far-Right Extremists in a Public Discourse

## Irena Bihariová

Leader of the Progressive Slovakia party. Lawyer focusing on extremist crimes and former director of People Against Racism.

Over the past ten years, there has been a gradual but unquestionable penetration of the agenda of right-wing extremists into the political mainstream in Slovakia. At the same time, the level of political discourse in the field of human rights has been long devalued not only by hate speech against minorities, but also by the influence of ultra-conservative narratives and disinformation being spread by various online conspiracy platforms. These have significantly contaminated any public debate not only on human rights issues, gender equality, and women's rights but also on liberal democracy as such. It is precisely these topics that the right-wing extremist scene, part of the Catholic Church, and representatives of ultra-conservative politicians were able to find a common ground on, having a large part of the public succumbed to their influence. It is safe to say that hate speech and the rhetoric of right-wing extremists have gradually become an accepted part of public and political discourse and have entered the political mainstream.

## Far-right extremism

The far-right spectrum in Slovakia has long been dominated by the “Kotlebovci – People's Party our Slovakia” party (Slovak acronym: ĽSNS).

Marián Kotleba, the founder and leader of the ĽSNS, first tried to fulfill his political ambitions in 2005, when the Slovak Togetherness – National Party (SP-NS) was formed under his leadership. Shortly afterward, however, the Supreme Court dissolved it, on the grounds that it promised in its political program a restriction of the right to vote, following the example of the fascist regime<sup>1</sup>. Around 2009–2010 the former member core of Slovak Togetherness – National Party regrouped into the People's Party Our Slovakia (ĽSNS).



Slovak Togetherness made a name for itself by torch marches in uniforms imitating the Slovak wartime fascist state troops. Photo: Press Agency of Slovak Republic. Source: Matúš Tremko, under Creative Commons BY-SA 4.0 license.

LSNS surprised for the first time in the 2013 municipal elections when Marián Kotleba became the chairman of the self-governing region in Banská Bystrica<sup>2</sup>. In the parliamentary elections held in 2016, for the first time, they crossed the gates of the parliament with a gain of 8,04%<sup>3</sup> and gained 14 seats in the National Council of the Slovak Republic (National Parliament, Slovak acronym NR SR). In 2019, they won two seats in the European Parliament, but due to their extremist attitudes, they are not a part of any of the official EP political factions. In 2020, in February's parliamentary elections, they confirmed their position as a parliamentary party, with their election results reaching 7,97%<sup>4</sup>. They have 17 MPs in the National Council of the Slovak Republic.

### Mainstreamisation of hate speech

It can be stated that the former neo-fascist current has managed to transform into an opinion-forming political party over the past

**ZATOČÍME S ASOCIÁLMI A POLITICKÝMI ZLODEJMI  
POŠLEME ICH DO PRACOVNÝCH TÁBOROV!**

Voľte skutočnú zmenu č. 19

**88 Marián Magát**  **Marián Mišún 87**

**SME PRIPRAVENÍ POČÚVAŤ VÁŠ HLAS A POMÁHAŤ SLOVENSKU!**

“We will deal with antisocials and political thieves. We’ll send them to labor camps”

Campaign to the National Council of the Slovak Republic in 2016. Photo: blog of Ján Benčík, 2017

decade, whose agenda and rhetoric have inspired other parties and shifted the degree of sensitivity to the level of hate speech:

#### Anti-gypsyism

ĽSNS launched its persistent field campaign based on incitement to hatred of the Roma minority in 2009. Their activities took the form of local protests, organized wherever a trigger event (usually a crime against a member of the majority committed by a Roma)

occurred, or simply in locations where there is a higher concentration of the Roma minority. In their speeches, they roused against the “crime committed by antisocials” (a nickname used for Roma), complained about “discrimination against whites,” and described democracy as a system that protects “parasites” at the expense of the majority of society. Due to the fact that Slovakia has shown a high degree of animosity and intolerance towards the Roma minority, as seen in several surveys and opinion polls for many years, it was not difficult to gain the sympathy of an increasing part of the population through this topic<sup>5</sup>.

In relation to the Roma, the most “infamous” statements are

made by Milan Mazurek, who is an MP and one of the leading members of the ĽSNS. He was prosecuted for his statements in a discussion on local radio station Frontinus, f.e. “One hundred and fifty million euros will be used only for houses for people from these gypsy communities, from gypsy settlements. This means people who have never done anything for our nation, for our state budget, for our culture; on the contrary, they have decided to live this antisocial way of life and suck up our social system<sup>6</sup>”. Mazurek was convicted for this speech and sentenced to a financial fine of several thousand euros. As a result of this judgment, he had to leave the parliament shortly before the end of his 4-year term as MP. In the parliamentary elections in 2020, he was again elected to be a member of the parliament with some 60.000 votes and was one of the most visible candidates of the ĽSNS party.

Milan Uhrík appeared on his billboards during a campaign with the slogan:

## “More money for Slovaks, instead of benefits for migrants”

Source: Official Facebook fan page of Milan Uhrík

### Islamophobia and antimigrant attitudes

ĽSNS gradually added anti-migration rhetoric to the anti-Roma agenda. In their online periodical “Our Slovakia”, a successful candidate for MEP, Milan Uhrík, alarmed that “Europe is flooded with hordes of illegal immigrants and jihadists, often raping and murdering just for fun, and at this time the EU wants to ban us legally-held weapons, which would protect us from the crime of such people<sup>7</sup>”.

It is noteworthy that it was due to the anti-migration policy that the right-wing extremists found allies across the entire political spectrum. Moreover, they played the role of an agenda-setter in driving this agenda into wider public and political debate. Representatives of standard parties,



such as the leader of the right-wing liberal party SaS, Richard Sulik, reacted to the refugee crisis using some of the same xenophobic narratives<sup>8</sup>. In the elections to the National Council in 2016, also then the ruling, social-democratic SMER<sup>9</sup> party bet the entire campaign on defending Slovakia against migrants. The headline of the campaign was: “We will protect Slovakia<sup>10</sup>”.

### LGBTI people

So far, there is no legal regulation of the coexistence of LGBTI couples in Slovakia.

LSNS found strong allies on this topic not only in the ranks of the Catholic Church and ultra-conservative politicians but also in the ranks of the other mainstream political parties. In Slovakia, one of the most famous individuals fighting against the LGBTI community, gender equality and liberals is the Catholic priest Marián Kuffa. For example, regarding gay relationships, he had said, “They are not ordinary murderers, but I say they are mass murderers. That is the genocide of our nation<sup>11</sup>”.

Slovak society has long been plagued by a toxic political discourse that has mainstreamed wild conspiracy theories about the LGBTI community. LGBTI community was accused of intending to take children from traditional families for same-sex couples or to promote additional genders that would affect the gender of men and women.

These hoaxes were also spread by some of the Catholic Church priests<sup>12</sup>.

### Attitudes towards liberals and discourse on human rights issues

At present, all negative attitudes towards minorities, gender equality, or other human rights issues are communicated as “protecting the country from liberals and liberal fascism.”

The narrative associated with “liberal fascism” speaks mainly of the threats of disintegration of the nation, culture, family, and traditional values posed by human rights activists and liberals represented by political party Progressive Slovakia or “elites from the Brussels”. Liberals and defenders of human rights values are perceived as hostile elites or literally as “traitors” to the Slovak nation.

This narrative is not only the domain of right-wing extremists but is also being spread by other socially relevant actors, including several high-level representatives of the catholic or protestant Church. The presidential campaign in 2019 serves as a good illustration of this trend, when some priests called on all Christian

believers to definitely reject the liberal candidate for president Zuzana Čaputová. They intimidated believers by stating that voting for Zuzana Čaputová constitutes a grave sin<sup>13</sup>.

Also, several MPs from the OĽaNO party, which won the parliamentary election in 2020 and is the leading party of the current ruling coalition, show a high level of alignment with the ultra-conservative SNS agenda on gender equality, the LGBTI rights, women's reproductive rights, and the abortion law<sup>14</sup>.

### Activities and methods of communication

Like other entities, SNS makes full use of Facebook, YouTube, Vimeo, and various blogging portals or online discussions to communicate their program through them. This includes activities such as publishing online magazines or creating websites with “alternative news.”

At the same time, they have created a well-organized infrastructure in the online space, composed of the associated, semi-assisted, or externally neutral, virtual communities that interpret and promote their agenda. As a result, they were able to overcome the barriers that standard media had created for them in the past in an effort not to provide extremists with media space.

The extreme right has always made sure that their agenda remains attractive to young people as well. They managed to do so by using specific narratives and themes (hateful rhetoric against minorities, resistance to the system, taking on the role of a new alternative to current elites, etc.) and through fieldwork at the grass-roots level. These included various local ecological activities (cleaning forests and creeks, buying food for animal shelters, etc.), through the occasional purchase of food for the socially deprived families of Slovak nationality, up to various other forms of involving young people in local activities (protests, building local party structures, petitions for leaving the EU and NATO, etc.). At first glance, some of these activities might seem beneficial, but in fact they serve to promote and disseminate their ideology among young people.

### Consequences of hate speech

#### Political discourse distorts public opinion

The topic of migration is one of the examples that illustrate how the public opinion and attitudes of Slovaks towards refugees were significantly affected under the influence of disinformation and hate speech in the political discourse. Thanks to a number of hoaxes and selective highlighting of information on migrant criminality



Over the course of ten years, extremists have taken several controversial actions. For example, in the period 2016–2017, they organized the so-called train patrols, when they deployed their “squads” on trains dressed in party uniforms to oversee the safety of passengers and their protection against “antisocial individuals”.

Source: Ec1801011, under Creative Commons BY-SA 4.0 license.

in Germany, Sweden, and other EU member states, far right has succeeded in making the migration as one of the most important political and public topics, even though there are virtually no migrants in Slovakia.

This correlation was also shown by several surveys in Slovakia, confirming the deterioration of the attitudes of the majority towards Muslims or migrants in recent years, precisely under the influence of the above-mentioned political debate<sup>15</sup>. Muslims thus became the second most hated group in Slovakia after the Roma in terms of national, ethnic, religious, or sexual minorities.

#### The radicalization of discourse and legitimization of right-wing extremist politicians

Politicians of the democratic spectrum are expected to distance themselves from the agenda of right-wing extremists and contribute to their marginalization. However, the trend in Slovakia was the opposite: the rhetoric of far-right also became an inspiration for mainstream politicians that led to the acceptance of some radical statements against minorities. In the end, it is the extreme right

that benefits, as its agenda becomes an accepted part of public discourse. At the same time, this leads to a radicalization of public attitudes and mainstreamisation of its narratives. This is also confirmed by the words of the well-known political scientist and researcher from the NGO Institute for Public Affairs, Grigorij Mesezhnikov, who regularly maps the public's attitudes towards minorities: "Representatives of mainstream political forces are radicalizing their rhetoric on issues related to the relations of the majority population with the minority. There is a radicalization of public life. Radical, extremist, and anti-systemic political forces are strengthening"<sup>16</sup>.

#### Mainstreamisation of hate speech leads to a weakening of the will to prosecute hateful statements, even though they constitute a crime

In the last decade, illegal hate speech has been addressed very poorly by law enforcement. This can be explained by the fact that the social perception of what is socially undesirable behavior worthy of punishment by the state has shifted. However, since 2017, the detection, prosecution, and punishment of hate speech have improved significantly due to a major change in the criminal justice system<sup>17</sup>. The creation of a special online hate speech screening center, operated by the National Criminal Agency, also contributed to the improvement of detection and investigation of such cases.

In this context, it should also be added that hate speech is always related to hate crimes and discriminatory behavior. In 2016, under the influence of anti-immigration rhetoric during the refugee crisis, the number of physical attacks against Muslims increased as well<sup>18</sup>.

#### Legislative implications

Conspiracy theories and narratives about fictitious threats caused by minorities also contributed to the change in legislation in Slovakia. As a result of this discourse, even the Constitution has been changed: in its current wording, it is enshrined that "*Marriage is a unique bond between a man and a woman*", thus preventing the legalization of same-sex relationships<sup>19</sup>.

In 2017, the conditions necessary for the official registration of churches were tightened by the legislation. The original condition of 20,000 members was increased to 50,000 by the Act No. 39/2017, which made it impossible for Muslims to become an officially registered religious community in Slovakia (official registration gives a church the right to a state financial contribution and the right to conduct religious education in schools).

### Possible answers and recommendations

#### Proposal for political parties: Don't adopt the far-right populists' agenda. Far-right cannot be defeated by logic and facts only in a public debate

It is useful to point out the mistakes of right-wing extremists and their incompetence, but not in the public TV debates broadcasted nationwide and in their presence. Lured by the prospect of attracting additional votes from populist voters democratic politicians are tempted to use similar populist narratives and messages. Yet, as the experiences of many countries confirm, voters will always choose the more authentic populist — the one who is not bound by social norms or respect to dignity and rights of others. Democratic politicians are doomed to fail in such race and by accepting the rules defined by the populists, the political discourse is becoming even more poisonous. There is almost zero chance that the voters of far-right parties (such as ĽSNS) would change their minds after such a discussion, yet the public and political debate would be changed forever<sup>20</sup>.

#### For activists and NGOs: Be local changemakers

In Slovakia, there is a tradition of NGOs working in the field of human rights to focus on expert and research activities. As a result, there is a lack of actors dedicated to human rights activism at the grassroots level. It is useful if activism originates locally and is in the nature of a grassroots movement. Activists defending democracy and human rights should find a way to be the bearers of a positive change in their locality, so that local people would see the beneficial impact of their activities. These could be ecological activities, helping the needy, abused women, or single mothers. In demonstrating the practical benefits of human rights principles applied in their local circumstances, they can communicate fundamental democratic values and principles.

At present, there is no shortage of young people interested in activism and public affairs, but they often lack easily accessible ways of being involved in meaningful activism on a local level. Therefore, it is crucial that a similar offer for activism and involvement be made to them by democratic forces.

Without building critical opposition and civic activism that engages in online and offline activities, it is not possible to increase the level of discussion about minorities and strengthen immunity to disinformation spread by the populists. Online, it is possible

to apply 3 known communication strategies: debunking, positive storytelling, or using the irony and humor to deride the far-right and their agenda.

#### Hate speech must be regulated by criminal law

The purpose of using criminal law is not to criminalize opinions, as right-wing extremists falsely argue, but to protect the dignity, honor, and reputation of persons who are despised for their race, ethnicity, or being a sexual minority. That is also why liberal democratic parties should not resign themselves to punishing hate speech.

The purpose of using criminal law is not to criminalize opinions, as right-wing extremists falsely argue, but to protect the dignity, honor, and reputation of persons who are despised for their race, ethnicity, or being a sexual minority.

#### Institutionalized fight against disinformation

There is no public office or structure dedicated to combating disinformation in Slovakia. However, to defend democracy, it is necessary for the state to address this issue seriously. It would be appropriate to establish a national entity that could detect, react to, and debunk hoaxes and disinformation. To reach a wider impact, it is also important that such an office would cooperate with the creative sphere and NGOs. These would mainstream the strategic narratives and counter-argumentation and disseminate them in the form of graphically attractive outputs using channels that are followed by the target audiences. Such an office should be strictly neutral, ideologically and politically.

#### Conclusion

In the past period, the democratic forces were surprised and unable to react effectively to the growing popularity of far-right and various informal conspiracy groups. These groups gradually dominated relevant social issues, contaminated them with their disinformation and hateful narratives, and took the initiative in the public debate from mainstream parties. Additionally, they became the inspiration for many standard parties that competed with right-wing extremists in the race to the bottom.

Hate speech aimed primarily at Roma, LGBTI people, and currently liberals is no longer the domain of the Slovak extremist scene. Hatred dominates discussions on any minority-related topic and has

become a standard part of the regular online and offline discussions between people of all ages and backgrounds, including social elites and political representatives.

Therefore, it is more important than ever that liberals do not resign their role and they offer a positive, courageous, and full-fledged alternative to extremist or hateful populists.

- 1 Judgment of the Supreme Court of the Slovak Republic, 3 Sž 79/2005–54
- 2 Statistical Office of the Slovak Republic (2013). *Elections to the self-governing region 2013*. Retrieved from [https://volby.statistics.sk/osk/osk2013/VUC/Tabulka7\\_sk.html](https://volby.statistics.sk/osk/osk2013/VUC/Tabulka7_sk.html)
- 3 Statistical Office of the Slovak Republic (2016). *Elections to the National Council of the Slovak Republic 2016*. Retrieved from <https://volby.statistics.sk/nrsr/nrsr2016/sk/data02.html>
- 4 Statistical Office of the Slovak Republic (2020). *Elections to the National Council of the Slovak Republic 2020*. Retrieved from <https://volby.statistics.sk/nrsr/nrsr2020/sk/data02.html>
- 5 In annual opinion polls, which measure social distance, respondents answer the question of who they would not want as a neighbor. Usually, approximately 80% of Slovaks always state that they do not want a member of the Roma minority as a neighbor. In Bútorová, Z. Mesežnikov, G. (2017). *Zaostrené na extrémizmus*. Bratislava: IVO, p. 17. Retrieved from <http://www.ivo.sk/8226/sk/aktuality/zaostrene-na-extremizmus-vyskumna-studia>
- 6 “Mazurek povedal len to, čo si myslí takmer celý národ, vyhlásil Fico” (2019, Septeber 5). *SME*. Retrieved from <https://domov.sme.sk/c/22205786/mazurek-povedal-co-si-mysli-takmer-cely-narod-vyhlasil-fico.html>
- 7 Uhrík, M. (December 2019). EÚ vám chce zobrať legálne zbrane! *Noviny Ľudovej strany Naše Slovensko*. Retrieved from <http://www.naseslovensko.net/wp-content/uploads/2019/12/noviny-lsns-2019-12.pdf>
- 8 Richard Sulík’s statements are well known, such as: “Islam is only one and it is not compatible with our culture. No, Mrs. Merkel, Islam is not really compatible with our culture”. See for example, the interview in *Denník N* of 2017, February 21: *Richard Sulík: Yes, I am a Slovak nationalist*. Retrieved from <https://dennikn.sk/688253/richard-sulik-sas-som-slovensky-nacionalista-rozhovor/>
- 9 SMER is self defined as a social democratic party. It was a member of the ruling coalition for the last 12 years, until the February of 2020 elections, and since 2006 has been a 4-time winner of the parliamentary elections
- 10 “Smer mení kampaň, ide chrániť Slovensko” (2015, October 18). *Denník N*. Retrieved from <https://dennikn.sk/271525/smer-meni-kampan-ide-chronit-slovensko/>
- 11 Kuffa, M. (2014, August 25). Kuffa pre časopis týždeň: Homosexuáli – genocída národa? *YouTube* [video interview]. Retrieved from <https://www.youtube.com/watch?v=JaQ2ddcDfIE>
- 12 For example, on the website of the parish of the town of Púchov still hangs an extensive interview (probably fake) with a Russian respondent, which is meant to document the perverted system of taking children in Norway and to guard Slovakia from a similar system, see <http://puchov.fara.sk/kniznica/unos-deti>
- 13 “Podpora Čaputovej je ťažký hriech, tvrdil arcibiskup” (2019, March 11). *Denník N*. Retrieved from <https://dennikn.sk/1406263/podpora-caputovej-je-tazky-hriech-tvrdil-arcibiskup-predstavitelia-cirkvi-odsudili-aj-radicovu-pred-desiatimi-rokmi/>
- 14 Several deputies of OĽaNO voted in favor of the LSNS’s proposal tightening the abortion law. They thus broke the unwritten principle that democratic parties never vote with extremists. See for example *Viacerí poslanci OĽaNO a Sme rodina hlasovali za návrhy LSNS o sprisnení potratov* (2020, July 15). *Aktuality.sk*. Retrieved from <https://www.aktuality.sk/clanok/807157/niektori-poslanci-olano-a-sme-rodina-hlasovali-za-navrhly-lsns-o-sprisneni-potratov/>

**15** According to the 2008 Institute for Public Affairs (IVO) survey, 32% of respondents said that they would not want a Muslim as a neighbor. In 2018, it was already 73% of respondents.

Bútorová, Z., Mesežnikov, G. (2017). *Zaostrené na extrémizmus*. Bratislava: IVO, p. 17. Retrived from <http://www.ivo.sk/8226/sk/aktuality/zaostrene-na-extremizmus-vyskumna-studia>. See also "Názory Slovákov sú xenofóbnejšie, najhoršie v prieskume dopadli moslimovia a prístahovalci" (2017, December 15). *Webnoviny.sk*. Retrived from <https://www.webnoviny.sk/nazory-slovakov-su-xenofobnejsie-najhorsie-v-prieskume-dopadli-moslimovia-pristahovalci/>

**16** "IVO: Xenofóbne nálady v SR sa zhoršili pre migračnú krízu aj politikov" (2017, December 17). *Press Agency of Slovak Republic*. Retrived from <https://www.teraz.sk/slovensko/ivo-xenofobne-nalady-na-slovensku-sa-zho/298123-clanok.html>

**17** Since 2017 all hate speech and hate crime cases are dealt with by a set of special police, prosecution, and court bodies, thus ensuring that such crimes are properly detected, investigated, and prosecuted. This has led to rapid increase of officially registered and prosecuted cases since 2017.

**18** "Na Slovensku sa množia útoky na moslimky, Somálčanku v Bratislave napadli šesťkrát" (2016, September 7). *Hospodárske noviny*. Retrived from <https://slovensko.hnonline.sk/822288-na-slovensku-sa-mnozia-utoky-na-moslimky-somalcanku-v-bratislave-napadli-sestkrat>

**19** Constitutional Act 161/2014 Coll. to Article 41 (2) 1 of the Constitution of the Slovak Republic inserted sentence: "Marriage is a unique union between a man and a woman", Constitution of the Slovak Republic 460/1992 Zb.

**20** Some mainstream media have dropped the policy of denying extremists the prime time space in political debates. As a result, several politicians tried to argue with them in prime time TV discussions and hoped to achieve easy wins. Given the stable preferences of SNS, this approach does not seem to be working and led to unnecessary mainstreamisation of their agenda. However, the previous approach of denying extremists any media space did not work either, since they were able to circumvent such a blockade by effective use of social media and the internet without any criticism or opposition. Finally, Steven Levitsky and Daniel Ziblatt, the authors of the book *How democracies die* on the example of historical and contemporary anti-democratic regimes showed how they were prevented through the mainstreaming of dictators and fascists instead of being pushed out of accepted discourse. See Levitsky, S., Ziblatt, D. (2018). *How democracies die*. New York: Crow

# Unsteady Caselaw

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In the time of a digital ruling, modern forms of communication, mainly digital platforms, play an important role as a source or an agent of information. This period is characterized by an enormous quantity of data<sup>1</sup> among which there is a multitude of fake and discriminatory information. Despite the absolute advocacy of the freedom of expression, the possibility of regulation of media and social networks is being questioned more and more<sup>2</sup>. One has to pay attention to traps, as automated systems increase the spread of questionable content that might pose a threat to democracy due to incitement to violence and hate speech online. Such hate speech is often connected to different political campaigns<sup>3</sup> and presents a socially unacceptable discourse<sup>4</sup> that incites discrimination and hatred, owing to its populist tendencies and a desire to influence voters through electoral or referendum campaigns. Meanwhile, by advocating the freedom of expression, technological corporations behind web networks often enable the possibility of spreading fake news, namely in the form of paid promotion campaigns<sup>5</sup>. Being conscious of the latter ensures formation of mechanisms for effective elimination of questionable content, among which hate speech and other “toxic content” can be found. The spread of modern information technologies and social networks, therefore, leads to the spread of hate speech which, as such, violates basic human rights of privacy, dignity, reputation, and good name.

In Slovenia, hate speech is used as a means of communication, addressing and manipulating voters. It is mainly used by right-wing political parties and most often targets deprived groups such as refugees, immigrants from the ex-Yugoslav countries, Roma, and also women, as it will be presented in this paper. The distinction between a socially unacceptable discourse and a criminal act is difficult to determine in Slovenia, thus prosecutions of hate speech often have not been successful in the past. Hate speech is also

the frequent subject of public polemics and debates. At the forefront of those debates is the strive after the balance between freedom of (political) expression and rights of others involved.

### **Criminalization of hate speech in Slovenia**

Hate speech in Slovenia is already prohibited at the constitutional level – in Article 63 of the Constitution of the Republic of Slovenia<sup>6</sup>, where incitement to discrimination, hatred, and intolerance is considered to be unconstitutional. Furthermore, hate speech is subject to criminalization by Article 297 of the Penal Code<sup>7</sup>; criminal offense is named as public incitement to hatred, violence, and intolerance. From the description of the criminal offense, it is evident that the essential part of the qualification prohibits hate speech based on different aspects of discrimination. A similar formulation is also used in Article 14 of the Constitution of the Republic of Slovenia, which speaks about equality before the law regardless of the above-cited personal circumstances of an individual which can be a means to discrimination. The criminal offense is cited if it has been committed in such a way that it threatens or disturbs public law and order, or resorts to using threats and insults. The offense is punishable by two-year imprisonment. Interestingly, the criminal offense is listed as an offense against public law and order, although one would say that it firstly protects human rights, especially human dignity.

It is important to know that the hate speech discourse in Slovenia is largely conditioned by the prosecuting policy. Until 2019 the legal position, also taken into account by the prosecuting authorities, had stated that the criminal offense is in no case committed if the consequence of the act does not lead to threats and violations against public order. The legal position of the Office of the State Prosecutor General of the Republic of Slovenia noted that while prosecuting this criminal offense it has to be taking into consideration that “while leading criminal proceedings state prosecution intervenes upon constitutional rights of freedom of expression and freedom of the press”, so the prosecution in a case of hate speech has to be an extreme measure<sup>8</sup>. By issuing the judgment nu. I Ips 65803/2012 dated 4 July 2019, the Supreme Court of the Republic of Slovenia eventually approved of numerous legal experts who called attention to the fact that the above interpretation of the criminal offense is too narrow. This criminal offense does not only protect public law and order, but also human dignity, which has a special significance in a democratic society. The above-cited judgment widely opened the door to prosecution of a greater

number of cases of hate speech, yet it is not clear from the publicly available data that this had actually happened in the last year.

### Some examples from Slovenian politics

Unfortunately, there are numerous examples of hate speech in politics that have never been prosecuted as such nor had the conviction imposed. The most evident ones are presented hereinafter.

After the parliamentary elections in 2011, a note (most probably invented) by Tomaž Majer appeared on the website of the Slovene Democratic Party, stating that the left-wing had won those elections since it was supported by immigrants from the ex-Yugoslav republics. The reason was that Slovenia was too generous in granting citizenship and a large number of immigrants (Slovene citizens) was the result of their high “fertility rate”. It was also stated that due to their participation in the elections Slovenia thereby got “a Serb and a socialist tycoon in one person”. The prosecution rejected the report since it established that the signs of a criminal act had not been fulfilled. The situation was fairly similar to the case presented before the European Court of Human Rights (ECHR) *Le Pen vs France*. Because of the hate speech against the Muslim community that would have gained power over France, Le Pen was convicted by French tribunals. The decision was also confirmed by ECHR, which stated that their comments had reflected unfavorably upon the whole Muslim community, thus inciting intolerance and hatred between the majority population and the Muslim community<sup>9</sup>. It would be interesting to know what the decision of the ECHR might have been if it had dealt with Tomaž Majer’s case – unfortunately, the latter did not appear even before the national tribunal.

Furthermore, in 2016 the present Prime Minister of the Republic of Slovenia and the leader of the right-wing Slovene Democratic Party Janez Janša used Twitter to label two female journalists of the national radio and television as “raddled prostitutes”, selling themselves for 30 and 35 euros respectively. Both journalists claimed compensation for insults and defamations in the civil procedure that also upheld the claim, but the Supreme Court of the Republic of Slovenia repealed the judgment and took the position that the freedom of political expression shall prevail over the freedom of personal dignity, as well as over the freedom of journalistic writing, regardless of the fact that the tweet did not criticize their professional work and was orientated towards the journalists’ *ad personam*<sup>10</sup>. The judgment has wide repercussions in public and once again demonstrated the traditional political Slovene division

This case certainly shows restraint on the prosecution of authorities when it comes to the prosecution of such criminal acts – so much the more if such acts are committed publicly and if the offender has an important social or political function.

between “left” and “right”. The differences in political views date back to the end of World War II, when “left” were considered as communists and “right” were seen as collaborators with German and Italian occupiers of the (then Yugoslav) soil. As for the content of the tweet, there is no doubt that it was the case of intolerance inflammation, based on gender and social position of the two journalists, meant to insult them. The prosecution of the politician using hate speech never even started. This case certainly shows restraint on the prosecution of authorities when it comes to the prosecution

of such criminal acts – so much the more if such acts are committed publicly and if the offender has an important social or political function. The reasons can be found (until 2019) in the unsteady caselaw, the lack of political will, and also the lack of a culture of taking responsibility to report hate speech.

Here we should also expose the statement hanging on the office door of the parliamentary group of the Slovene National Party referring to the so-called “erased” inhabitants of Slovenia, who used to be the citizens of ex-Yugoslav republics and were erased from the list of permanent residency after the independence of Slovenia. The Constitutional Court of the Republic of Slovenia defined the erasure as a breach. In the statement on the door of Slovene National Party, the erased were invited to a dance where the party leader Zmagaj Jelinič would play the machine gun rifle. All the members of the parliamentary group denied being involved and the criminal report was filed against the anonymous perpetrator whose identity was never established. The former President of the National Assembly stated that it would be unfair to prosecute and publicly lynch someone without solid evidence for the involvement in the incident. As previously mentioned, because of the anonymity of the perpetrator,

the prosecution for this act never even started, although there was a heated public debate. Left-wing parties strongly condemned the statement, while the Christian party New Slovenia said that the statement was “a bad joke” and the Slovene Democratic Party remained quiet<sup>11</sup>.

Another case of hate speech concerns the writings of a journalist who had been at that time a member of the Slovene Democratic Party. He was involved in a political debate concerning the refugee crisis, on Twitter. This awarded journalist wrote: "I have even a more radical one. Allow approaching the border to 500 m only. Whatever is more, shoot everyone. God will know his own". Because of the statement, he lost the party membership, which is definitely a positive response, as the party acknowledged and therefore assumed its part of social responsibility<sup>12</sup>. On the other hand, the response of the prosecution was different. It had claimed that in the statement it was not possible to recognize the signs of a criminal act<sup>13</sup>.

#### **Hate speech in Slovenia illustrated by numbers<sup>14</sup>**

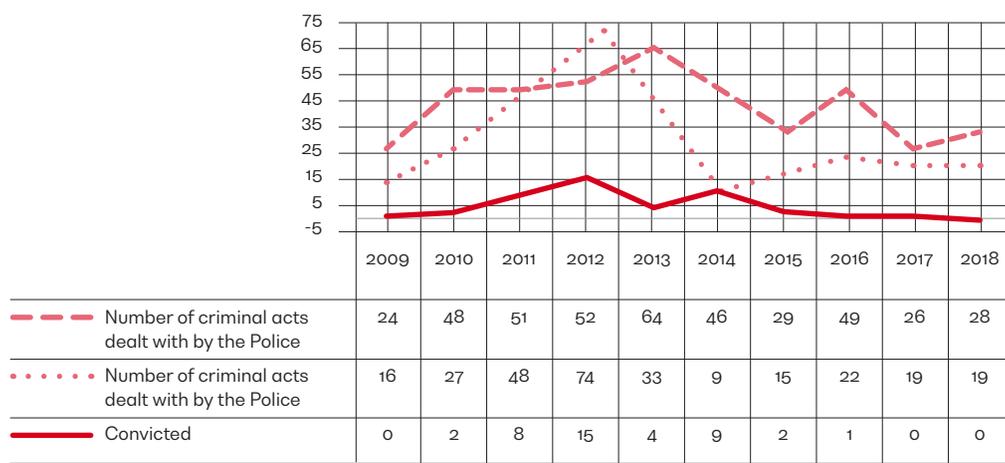
Data on crime, collected by the Statistical Office of the Republic of Slovenia<sup>15</sup> shows that between the years of 2006 and 2018, 42 people were convicted because of the hate speech. Unfortunately, there is no publicly available data from which it can be seen if there were any politicians among the convicted. The timeline between 2011 and 2013 is particularly interesting, as it coincides with the previously mentioned political campaign for the parliamentary elections of 2011. There are fewer and fewer criminal convictions of hate speech in Slovenia, and as it was

stated previously there are different reasons for that. The graph shows that the number of criminal acts that the Police dealt with is on the decrease from 2011 to 2013, after which it grew again until 2016, whereas the number of criminal reports brought before the prosecution, after reaching its lowest level in 2014, increased. In the whole research period, there were 282 criminal reports brought before the prosecution and 417 cases that were investigated by the police.

Given numerous social networks and various commentators, the sensitivity of people, who often do not even recognize hate speech, may be reduced, so we can even speak of the normalization of hate speech. Moreover, the reason

for the decrease of criminal convictions could also be found in the vague prosecution policy and unsteady caselaw. In Slovenia, we have recently witnessed practices that are atypical for the EU. New media are not used, nor created, to express freedom of speech,

**Moreover, the reason for the decrease of criminal convictions could also be found in the vague prosecution policy and unsteady caselaw.**



### Public incitement to hatred, violence and intolerance

Source: Statistical Office of the Republic of Slovenia.

but rather to manipulate an audience and to discredit political opponents. Such practices are mainly adopted by the voters of extreme parties, while the majority of the population merely tolerates it and views it as a special phenomenon. Understanding and describing this phenomenon lies beyond the scope of this paper, so we only summarized it briefly, for a better understanding of the process of hate speech toleration.

As a demonstration of what the Slovenian courts consider to be a criminal act of hate speech, the statement of the perpetrator from the above-cited groundbreaking judgment of the Supreme Court of the RS is given: “A couple of inches of ammonal, a couple of M75 bombs, and a couple of AK-47s just in case, I don’t think it will go any other way. Or that one-by-one variant would also go to make them think a little. Radio Krka, I ask for a musical wish; Korado / Brendi, where all the gypsies went. Thank you”. It is evident that the statement had been directed against the Roma Community. They are a national community in Slovenia which has, because of disadvantages and discrimination, a special status given by Roma Community in the Republic of Slovenia Act. It is evident that the writer wanted to have them killed through cruel military methods.

### Instead of an epilogue

In Slovenian political discourse, hate speech is undoubtedly used to maintain authority and enhance political power. Due to its vague definition, it is difficult to prosecute it and consequently, an assumption of moral responsibility by politicians is practically

null. They usurp nearly unlimited freedom of speech, but when they are the targets of criticism, due to their political activity, they want to limit this freedom<sup>16</sup>. As it was shown, criminal convictions due to hate speech are rare in Slovenia, but there is hope that the recently adopted position of the Supreme Court of the Republic of Slovenia will change this practice. By all means, it is encouraging that the non-governmental institutions and institutions of civil society, such as hotline Spletno Oko, (i.e. point of reporting of a hate speech and sexual abuse on the Internet), The Peace Institute, and others keep a vigilant eye on the use of hate speech. The first step in changing the attitude towards hate speech must be made by raising people's awareness and increasing their sensitivity in detecting such statements. A hate speech may have significant consequences for all of the involved and indisputably takes the dignity of those who use it, as well as those who are its targets. According to Završnik, the intervention of criminal law regarding hate speech is by all means justifiable, as hate speech prepares a transition from words to acts of violence<sup>17</sup>.

This article shows that there are connections between the increase in numbers of hate speech cases and intolerant communication during political campaigns. These can be interpreted as acts that are a threat to democracy, because of incitement to discrimination. These threats and intentional direct discrimination, that are used by the hatred policies, call for a reflection on ways of more direct regulation of socially unacceptable discourse on the Internet and a redefinition of public incitement to hatred, violence, and intolerance used up to this point. More thorough research will lead to clearer resolutions in the future. At the same time, we cannot avoid the fact that publicly unacceptable discourse is difficult to prosecute as hate speech, even if it is produced by politicians in democratic societies in the period of the digital ruling.

- 1 Završnik, A. (2019). *Big Data, Crime and Social Control*. London: Routledge
- 2 Kerševan, S., et al (2019). Igra mačke z mišjo: medijska regulacija v Evropski uniji v času algoritimizacije komuniciranja. *Journal of the European Institute for Communication and Culture*, 26, 82–99
- 3 Gorjanc, V. et al (2018) Twitter in razmerja moči: Diskurzna analiza kampanj ob referendumu za izenačitev zakonskih zvez v Sloveniji. *Slavistična revija*, 66(4), 473–495
- 4 Fišer, D. et al (2020) *The dark side of digital platforms: Linguistics investigations of socially unacceptable online discourse practices*. Ljubljana: Filozofska fakulteta
- 5 Igra mačke z mišjo 2019
- 6 Official gazette of the Republic of Slovenia, št. 33/91-I, 42/97 – UZS68, 66/00 – UZ80, 24/03 – UZ3a, 47, 68, 69/04 – UZ14, 69/04 – UZ43, 69/04 – UZ50, 68/06 – UZ121,140,143, 47/13 – UZ148, 47/13 – UZ90,97,99 in 75/16 – UZ70a.
- 7 Official gazette of the RS, št. 50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16, 27/17 in 23/20.
- 8 Legal position of the Office of the State Prosecutor General of the Republic of Slovenia on the prosecution of criminal offence public incitement to hatred, violence, and intolerance according to Article 297 of Penal Code from 27. 2. 2013. Available <https://www.spletno-oko.si/sovrazni-govor/pravna-podlaga>
- 9 Compare Čeferin, R. (2012). Hate speech in ECHR case law. *Odvetnik*, 55, p. 7
- 10 Judgement of the Supreme Court of the RS, nu. II Ips 75/2019 from 6. 2. 2020
- 11 The statement about the erased upset Hanžek. Available at <https://www.rtvsllo.si/slovenija/napis-o-izbrisanih-razburil-hanzka/32337>
- 12 Sebastjan Eralah expelled from the SDS due to hate speech tweet, Siol.net, published 2015, Septemembr 3.
- 13 Motl, A., Bajt, V. (2016). *Hate speech in Slovenia: a review*. Ljubljana: Mirovni inštitut, p. 20–23
- 14 Data provided by SiStat Statistical Office of the Republic of Slovenia. Available at <https://pxweb.stat.si/SiStat/en>. Republic of Slovenia, Ministry of the Interior (2020), POLICE. Available at <https://www.policija.si/eng/areas-of-work/border-matters-and-foreigners/illegal-migration-statistical-data>
- 15 Data is supplemented with data gathered from Slovenian law enforcement.
- 16 E.g. one of the right-wing and presently governing party (Slovene Democratic Party) sues ex Prime minister Marjan Šarec, the president of centre-left Marjan Šarec's Party, who, when the latest government was constituted, said that it is difficult to collaborate with a party that uses methods such as hate speech.
- 17 Završnik, A. (2008). Hate speech in the proposal of new Penal Code, *Pravna praksa*, 4, p. 22

# Growing Toxic Environment

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The present article focuses on the use of hate speech in political discourse in Spain. For the purposes of this text, hate speech is defined as any expression that may spread, incite, promote, or justify any forms of hatred based on intolerance. In spite of the fact that hate speech is widely utilized by many actors in society, this article will focus specifically on the discourse of political actors.

As in other parts of Europe, in Spain hate speech is on the rise. On one hand, the irruption of social media has facilitated the diffusion of this kind of intolerant utterances, particularly among the young. On the other, although for decades this country had been known for a mostly moderated political discourse — in part a consequence of the absence of a successful extreme right-wing movement — this situation has recently changed: in 2019, for the first time since 1982, a far right party, Vox, entered the Spanish parliament. This had a considerable impact on the political debate, due to a strong anti-migrant and anti-minorities discourse making it to the mainstream media.

**Hate speech**

In the context of Europe, hate speech has been widely used as a communicative tool by political actors. More concretely, since the rise of Fascism, hate speech is known to be used by political actors to dehumanize minority groups, to limit the capacity of showing sympathy towards people who are perceived to be not a part of the in-group; this frequently ends in justifying different kinds of inhuman treatment, from discrimination to deportation.

Pursuant to the General Policy Recommendation No. 15 on Combating Hate Speech of the European Commission against Racism and Intolerance (ECRI), hate speech may be defined as follows: "[T]he use of one or more particular forms of expression that is based on a non-exhaustive list of personal characteristics or status

that includes “race”, color, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity, and sexual orientation”<sup>1</sup>.

Consequently, hate speech may include any form of expressions that spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism, or other forms of hatred based on intolerance, such as: “(t)he advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression”<sup>2</sup>.

## Hate speech in Spain

### Background

Before delving into the issue of hate speech in Spanish politics, it is important to pay attention to some particularities of this country. Contrary to the majority of Western European democracies, modern Spanish democracy was not built on the defeat of Fascism at the end of World War II. In fact, it was not until the Constitution of 1978 that the dictatorship ended, three years after the death of General Francisco Franco. Since the end of the dictatorship, which lasted almost four decades, Spain has done little effort to come to terms with its past — in particular regarding the legacy of the Spanish Civil War of 1936–39 and the subsequent repression. One clear example of such is that around 114.000 victims of the War and the Francoist repression are still missing. Another is the up to this day legality of the Francisco Franco Foundation, an organization that defends the legacy of the dictatorship, despite different calls to make it illegal<sup>3</sup>.

This legacy impacts the consideration of hate speech in the country. On one hand, the fact that the transition was based on a “pact of silence” prevented the building of a strong liberal and anti-Fascism culture in the country. One clear example is education: as the Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, Pablo de Greiff, noted during his mission to Spain in 2014, although the school curriculum has come to include some references to Franco regime’s repression in recent years, “[s]ome textbooks, however, still referred to those data in general terms, perpetuating the idea of symmetrical responsibility”<sup>4</sup>. On the other hand, conversely to other European countries that suffered Fascism, until very

recently, Holocaust denial and other genocide-related crimes were prosecuted very rarely.

### Legal framework

The years 2014–2015 have seen important changes in the legislation relating to hate speech and hate crime. At the international level, Spain had ratified in 2014 the *Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems*, which entered into force in 2015.

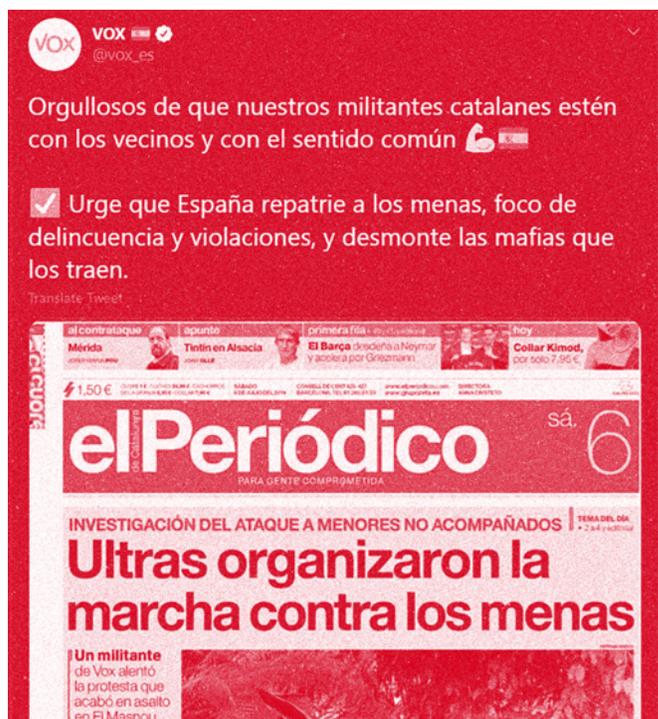
At the domestic level, the Spanish criminal code was amended in 2015 to introduce new components to the crime of hate speech, which is made punishable under Article 510. This article explicitly criminalizes public incitement to violence, hatred, or discrimination (1a), as well as the production, storage, and distribution of racist materials (1b). Furthermore, Article 510.2 regulates the infringement on human dignity through actions involving humiliation, contempt, or disparagement on the grounds of ethnicity, race, nationality, national origin, or sexual orientation. Lastly, this article also increases the penalties if the acts are committed on the Internet and makes it possible to destroy racist material and to block racist content.

Moreover, a special mention should be made to the regulation of the public denial and justification of genocide. Indeed, prior to the reform of the Criminal Code in 2015, Article 607(2) prohibited denial and justification of genocide. However, the Constitutional Court held in the *Librería Europa* case of 7 November 2007<sup>5</sup> that the prohibition under the criminal law of the mere denial of genocide, that is, without inciting to genocide, was contrary to the freedom of expression.

Partially in response to this case-law, a new article (510.1.c) was adopted, which criminalizes the public denial, trivialization, and glorification of crimes of genocide, crimes against humanity or against persons protected in armed conflicts, provided that the acts promote or encourage a climate of violence, hostility, hatred or discrimination. Nonetheless, according to the ECRI, the standard required by this new wording (promoting or encouraging a climate of violence, hostility, hatred, or discrimination) may be difficult to demonstrate in practice<sup>6</sup>.

In fact, since the approval of this reform in the Criminal Code, there have been complaints about the misinterpretation of the offense of hate speech that had led to illegitimate restrictions

Tweet of the far-right Vox party supporting a march against unaccompanied foreign minors.



on freedom of speech<sup>7</sup>. Apart from that, there is a relevant absence of national legislation targeting hate speech in new media<sup>8</sup>.

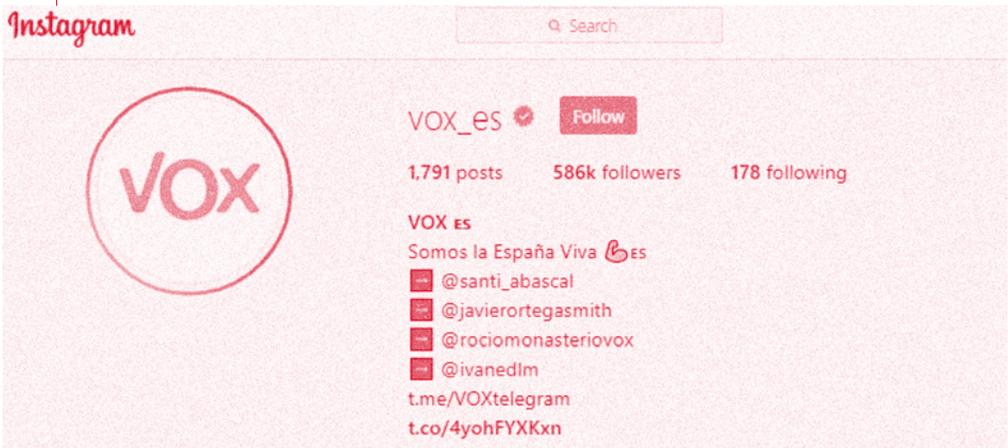
### Hate Speech in Politics

Despite the lack of anti-fascist culture, as explained above, until 2018 no far-right political party or movement was able to obtain parliamentary representation or significant influence in the political landscape since the transition. This situation remained unchanged even during the economic crisis that hit Spain since 2010, and after the terrorist attacks in Madrid (2004), and in Barcelona and Cambrils (2017). As it was stated in a 2017 study on the “Evolution of racism, xenophobia and other related forms of intolerance in Spain” prepared by the Spanish Ministry of Employment and OBERAXE: “[I]t is worth highlighting the peaceful acceptance of the negative consequences of the recession, the persistence of social harmony, the low number of racist or xenophobic incidents, and the low level of politicization of the migration issue during the period”<sup>9</sup>.

However, there were some notorious exceptions. In fact, in a 2011 report, the UN's Special Rapporteur (SR) recommended for the Spanish Government to strengthen the mechanisms for preventing and eliminating hate speech and xenophobic discourse among politicians and political leaders<sup>10</sup>. The SR was particularly concerned about reports indicating that some representatives of the Popular Party (PP), which was the current ruling party at the time, have made populist and xenophobic comments against the Roma and migrants. He referred to the case of the PP mayor Xavier García Albiol, who was prosecuted for making xenophobic remarks during the 2010 municipal elections in Badalona (Catalonia)<sup>11</sup>. Another prominent example is the case of Javier Maroto, a PP politician in the Basque Country, who stated during a radio program in 2014 that immigrants did not want to work or integrate but live off social benefits<sup>12</sup>. In particular, the SR highlighted the need for a clear and more visible political leadership in combating racism and xenophobia, affirming that “the struggle against racism cannot be effective unless it is led by the most senior political leadership”. He welcomed, however, that there was no extremist political party with seats in the national Parliament.

Vox became extremely popular on social media (586k followers on Instagram).

Almost a decade after, the situation worsened, as Vox, an extreme-right party, entered the institutions, bringing a more common use of hate speech into politics. The party had been established in December 2013 by former members of the Popular Party, who were disappointed with the leadership of the party at the time, which was perceived as too moderate. Five years later, in 2018, this party gained 12 seats in the Andalusian parliament, and since then,



More recently, during the COVID-19 pandemic, both Vox and the Popular Party have resorted to scapegoating, accusing some vulnerable groups such as the Roma and migrants of spreading the virus.

it has further consolidated its electoral basis. Nearly a year later, in the November 2019 general elections, Vox obtained a 15% share of the vote, being the third most-voted party, and 52 seats in the national parliament.

This event has changed the situation of hate speech in political discourse in Spain. As a result of this group entering the Spanish institutions, the anti-migration, anti-LGBTI, and anti-feminist discourse has found its way into the media-political debates. In some cases, Vox's discourse may amount to punishable hate speech.<sup>13</sup> More worryingly, Vox has successfully managed to contaminate other political parties' discourses<sup>14</sup>. For example, the PP's leader resorted to anti-migration discourses during Andalusia's campaign, stating that migrants shall not be welcomed in Spain if they do not respect traditions<sup>15</sup>.

More recently, during the COVID-19 pandemic, both Vox and the Popular Party have resorted to scapegoating, accusing some vulnerable groups such as the Roma and migrants of spreading the virus. Very recently, in September 2020, the president of the Autonomous Community

of Madrid, Isabel Díaz Ayuso, blamed migrants leaving in the outskirts of Madrid for the high presence of the virus cases in those areas, particularly pointing at their lifestyle<sup>16</sup>.

Therefore, the influence of Vox on the political landscape must be considered, especially as it is conducting an effective social media campaign. Vox is very active on social media platforms, using micro-targeting messaging and disinformation strategies<sup>17</sup>. For example, it is the Spanish political party with the highest number of Instagram followers (more than 586.000)<sup>18</sup> (see Figure 1).

### Consequences

Hate speech has important effects at individual and community levels, despite the fact that some of its consequences, such as hate crime, are difficult to prove in practice. As noted in General Policy Recommendation No. 15, victims are "not only afraid and insecure but also — without any justification — guilty or ashamed and humiliated, leading to a loss of self-confidence and self-esteem". In addition, ECRI regarded as especially serious the impact that this kind

of speech has “the willingness (of victims) to participate in society”<sup>19</sup>. Moreover, although it is difficult to establish direct consequences between hate speech and hate crime, it is also hard to deny the impact that this kind of speech has on the justification of hate crime.

Regarding the specific case of Spain, the case of unaccompanied foreign minors (MENAs or “Menores Extranjeros No Acompañados”) is highly relevant. During the electoral year of 2019, Vox politicians, among other extreme right-wing groups, linked young migrants to a rise in crime, particularly in the surroundings of minor centers. This kind of speech led to a series of attacks during that year, including a grenade attack in the migrant center for children in Madrid, which fortunately reported no victims<sup>20</sup>.

### Conclusions

At present, different contextual factors facilitate the spread of hate speech. On one hand, the rise of extreme-right movements and parties in Europe and other parts of the world provides international allies and information that help similar nation-based movements to grow. On the other, the general disinformation environment in traditional and social media is helping these movements to communicate their message, contributing to the dissemination of hate speech. The recent entrance of the extreme-right into Spanish institutions demonstrates the influence of that trend.

However, answers and solutions to this problem are complex, as political discourse is also protected by free speech laws and the line between protected and non-protected speech is difficult to draw. Thus, political responses to the problem of hate speech in politics should be multifaceted and should go beyond the use of criminal law. In the particular case of Spain, it should involve critical actions such as improving human rights education, which should include a critical analysis of the ideological and historical foundations of the extreme right in the country. Moreover, building a healthy media environment that critically assesses hate speech of political actors is also of crucial importance. Lastly, considering the growing toxic environment and the normalization of hate speech in the country, it is important to pay attention to how the Spanish society as a whole is perceiving and responding to this political change.

- 1 ECRI (2015, December 8). *General Policy Recommendation No. 15 on Combating Hate Speech*. Retrieved from <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/recommendation-no.15>.
- 2 *Ibid*
- 3 See „Hundreds of thousands of Spaniards call for ban on Franco foundation” (2017, November 23). *The Guardian*. Retrieved from <https://www.theguardian.com/world/2017/nov/23/spaniards-call-ban-franco-foundation>
- 4 De Grieff, P. (2014, July 22) *Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, General Assembly of the United Nations, Mission to Spain*. United Nations, A/HRC/27/56/Add.1
- 5 See [https://www.boe.es/diario\\_boe/txt.php?id=BOE-T-2007-21161](https://www.boe.es/diario_boe/txt.php?id=BOE-T-2007-21161)
- 6 See <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Spain/ESP-CBC-V-2018-002-ENG.pdf>.
- 7 See [https://elpais.com/landing\\_oferta/#/campaign?prm=elpais\\_dmp\\_epmas\\_capa\\_desktop\\_disfrutar-cultura\\_ES&t=4337765931](https://elpais.com/landing_oferta/#/campaign?prm=elpais_dmp_epmas_capa_desktop_disfrutar-cultura_ES&t=4337765931)
- 8 PRISM (2016). *Hate Crime and Hate Speech in Europe: Comprehensive Analysis of International Law Principles, EU-wide Study and National Assessments*. Retrieved from <https://sosracismo.eu/wp-content/uploads/2016/07/Hate-Crime-and-Hate-Speech-in-Europe.-Comprehensive-Analysis-of-International-Law-Principles-EU-wide-Study-and-National-Assessments.pdf>
- 9 *Ibid*
- 10 UN General Assembly (2013). *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere*. Retrieved from [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-56-Add2\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-56-Add2_en.pdf)
- 11 “Badalona mayor faces trial on race-hate rap” (2013, April 12). *El País*. Retrieved from [https://english.elpais.com/elpais/2013/04/12/inenglish/1365795341\\_087401.html](https://english.elpais.com/elpais/2013/04/12/inenglish/1365795341_087401.html)
- 12 As reported here [http://www.sosracismo.org/wpcontent/uploads/2017/01/WAS\\_Spagna\\_hatespeech\\_national-report-SPAIN-SOS-RACISME.pdf](http://www.sosracismo.org/wpcontent/uploads/2017/01/WAS_Spagna_hatespeech_national-report-SPAIN-SOS-RACISME.pdf)
- 13 “La Fiscalía alerta de que algunos mensajes de Vox podrían alentar el discurso de odio” (2019, January 19). *El Mundo*. Retrieved from <https://www.elmundo.es/espana/2019/01/19/5c430a8e21efao88018b46ac.html>.
- 14 Antequera, J. (2019, April 17). Vox contamina la campaña con su discurso de odio. *Diario16*. Retrieved from <https://diario16.com/vox-contamina-la-campana-con-su-discurso-de-odio/>.
- 15 Fernández de Castro, P., González-Páramo, A. (Ed) (April 2019), *La Franquicia Antimigración*. PorCausa. Retrieved from <https://porcausa.org/wp-content/uploads/2019/04/Franquicia-Antimigratoria-de-porCausa-abril-2019-1.pdf>.
- 16 See „Madrid residents call new protest against ‘discriminatory’ localised lockdowns” (2020, September 23). *RFI*. Retrieved from <https://www.rfi.fr/en/europe/20200923-madrid-residents-call-new-protest-against-discriminatory-localised-lockdowns-ayuso-immigrants>
- 17 *La Franquicia Antimigración* 2019
- 18 Last accessed on 24 September 2020.
- 19 *General Policy Recommendation No. 15 on Combating Hate Speech* 2015
- 20 See „Migrant children’s centre in Madrid ,targeted in grenade attack’” (2019, December 5). *BBC News*. Retrieved from <https://www.bbc.com/news/world-europe-50672023>

# Dog Whistle Politics

**Lennart Nordfors**

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Discussing the content and the extent of hate speech is, in itself, a challenge. The reason is that the concept of “hate speech” is open for definition and that it is defined in different ways, depending on the context. In a popular context, the meaning of “hate speech” varies between individuals. In fact, what is meant is in itself a political issue: does a given statement — say, that a given group is more prone to commit a crime — constitute “hate speech” or is it a “neutral” description of reality (without regard to whether it is factually correct or not)?

At the same time, “hate speech” is a legal concept used in courts of law. In this context, we can expect a greater degree of precision, even if it does not fully reflect a popular meaning. This discrepancy opens the field for “dog whistle” — politics, among populist parties, where the language that isn’t forbidden by law but nevertheless carries an implicit meaning that can be understood (e.g. by racists) as supporting their cause is used.

In this short paper, I will start by giving an overview of Swedish law concerning hate speech and how it is applied. I will also relate statistics describing development over time. After that, I will proceed to the trickier questions of hate speech, including dog-whistle strategies and focus on the dominant populist party “Sweden Democrats” (a party that, at the time of writing, is polling around 20%).

**Law, legal consequences, and development**

The law regulating hate speech dates back to 1948 and has been amended since then. The leading passage runs as follows:

“A person who, in a statement or other communication that is disseminated, threatens or expresses contempt for a population group by allusion to race, color, national or ethnic origin, religious belief, sexual orientation, or transgender identity, or expression is guilty of *agitation against a population group* and is sentenced

to imprisonment for at most two years or, if the offense is minor, to a fine.” (Swedish Criminal Code, chapter 16, section 8)

Recent cases where the court has found defendants guilty include presenting yourself with a Hitler-style mustache and swastika on the internet, a blog claiming that white people are more intelligent than people with black skin, and claiming that gays are promiscuous, cause AIDS, and support pedophilia (SOU 2019:27). Thus, the law does have force; people are charged and get convicted.

However, Ågren shows that the law is difficult to apply<sup>1</sup>. Application of the concept of “contempt” seems to be especially difficult. Discussions occur concerning the use of symbols and clothes, especially after members of the far-right group “Nordic Resistance Movement” (NMR) were acquitted after a rally due to the use of symbols that were not immediately evident as references to Nazism.

Another widely discussed case is the Supreme Court’s acquittal of an evangelical pastor who in a sermon had said that gay people are a “cancer on the body of society”. Of the special interest was that the court has based its decision on ECHR (which was adopted as an independent source for Swedish legal practice in 1995) and rulings of the European Court of Justice. The issue was that if the use of a European definition of “hate speech”, when interpreting the concept of “contempt”, led to a laxer application than was the case previously.

How has the incidence of hate speech developed over time? BRÅ report<sup>2</sup> shows that the number of police-reported cases of hate speech has increased by 87% from 2013 to 2018 (from 621 cases in 2013 to 1164 cases in 2018). Most of them do not result in court proceedings; as shown above, prosecuting this kind of crime is a complicated matter.

Furthermore, we can expect the number of actual episodes of hate speech to be much higher, since not all hate speech is reported to the police. However, the trend showing a sharp increase is relevant, and a large part of the increase has occurred during 2016–2018.

BRÅ report also shows groups that are the victims of “hate crimes”, which is a broader category than the hate speech. Since “hate crime” and “hate speech” tend to be connected, it is reasonable to assume that this also illustrates who is the object of hate speech. The categories are immigrants in general (most frequent), people of African origin, Roma, Jews, Muslims, Christians (e.g. graffiti on church walls), and sexual minorities. Hate crimes against

## The Sweden Democrats stand out from many other European populist parties. While others are formed around different kinds of dissatisfaction among voters, SD has its roots in neo-nazism.

Muslims is the category that has grown most rapidly since 2013, while crimes against Jews have grown most rapidly if you consider 2016 as the base year.

The BRÅ-research also offers clues about which communication channels are used for hate speech. The broader category of “hate crimes” mainly take place in public spaces, followed by the Internet. A reasonable conclusion is that the Internet plays a dominating role when we are dealing with hate speech, given that the number of hate crimes (such as an assault) must be performed in public places.

### Sweden Democrats – balancing between populism and racism

The Sweden Democrats stand out from many other European populist parties. While others are formed around different kinds of dissatisfaction among voters, SD has its roots in neo-nazism.

At the beginning of the '90s a less ideologically tainted but still xenophobic party, New Democracy, won seats in parliament, but soon showed weaknesses resulting in it losing the election of 1994 and subsequently dissolving. SD tried to fill the gap but failed due to its Nazi ideology.

This experience led to the reformation of the party. Nowadays, the Sweden Democrats ideas roughly follow the definition of populism offered by Mudde<sup>3</sup>. Swedes are characterized by the essence of “Swedishness” that represents the true will of the people. This “will of the people” is counteracted by a liberal, or social-liberal, elite that includes virtually all leading strata in society, including media. The mission of SD is to liberate the will of the people – “Swedishness” – and secure its influence in society. A negative view towards migration follows quite naturally from these ideas, and it is for the issue of migration that SD is most known for in broader circles. Issues of the migration policy explain a large part of the party’s success. Nothing very original here.

However, is the party fully reformed, in the sense that it has broken away from its ideological, more explicitly racist, history?

Holmberg shows that this is not the case<sup>4</sup>. Reform has been a difficult process; it wasn't until 2002 that they left the idea

On one hand, they have no interest in estranging xenophobic or racist groups within or outside of the party. On the other hand, they want to attract broader segments of voters and to be accepted as a “normal” party

of forbidding adoption of non-European children. Today, SD claims that it stands for something they call “open Swedishness” which means that the existence of national minorities, such as Jews, is accepted but that *these people* cannot be described as “Swedish”. They belong to the Jewish nation, but still, have a right to live in Sweden. The distinction between “nationality” and “state citizenship” is thus very important for SD.

As Holmberg shows, the line between populism, ethno-nationalism, and racism (which in turn can drive hate speech) is thin. For SD, it is not just a question of finding the right rhetorical nuances given their history. With success, their constituency has changed. Jylhä et al show that 43% of their voters agree (strongly or somewhat) with the proposition “I do not want my children to marry an immigrant”<sup>5</sup>. Similar ratios are found when respondents are confronted with statements such as “Some peoples are more intelligent than others”.

All this means is that the Sweden Democrats have to perform a balancing act. On one hand, they have no interest in estranging xenophobic or racist groups within or outside of the party. On the other hand, they want to attract broader segments of voters and to be accepted as a “normal” party in the Parliament.

This explains how the party’s leadership can declare “zero-tolerance against racism” acted on by, for example, excluding individual party members, while such ideas at the same time keep on popping up from local, and sometimes national, representatives. It is easy to identify a pattern where the proclaimed “zero-tolerance” leads to consequences only when you are spotted by journalists, but where racism and hate speech is tolerated when it is used within closed quarters, away from the eyes of the general public.

It is probably no coincidence that the increase of hate speech coincides in time with the rise of SD. The causality, presumably, goes both ways.

Increased skepticism against immigration has been a factor behind SD’s success. The converse also holds. There has always been a lunatic fringe of militant xenophobes — as shown, the SD has its roots among such groups. SD emergence as a big

political party has legitimized and stimulated the development of hate speech.

Even if the party, in its official statements, manages to stay within legal bounds, the general populist view expressing “us and them” philosophy offers a framework where hate speech fits in. Combined with a dog-whistle way of expressing oneself and silence of when people get caught expressing hate speech, claiming that they were merely “joking”, etc., the SD plays a legitimizing role. In short, the populist ideas offer a “philosophical” platform for what previously was more of a raw, gut-reaction, kind of hate.

### A process of normalization

When SD first appeared as a political actor to be taken account of, the general reaction from other political parties, press, etc., was to form a *cordon sanitaire*. The ambition was not to normalize the party but quite the contrary, to picture it as something foreign and abhorrent. Media discussed whether ads from SD should be published, political parties discussed whether they should invite SD-representatives to political debates, headmasters of schools felt uncertain about whether they should invite SD as a part of civic education when all other parties, by tradition, have had access on such occasions.

This is one reason why SD, and xenophobic groups in general, have been the early adopters of the Internet for political causes<sup>6</sup>.

While other political groups focused on communicating through traditional media, the SD have created an entire ecosystem of news sites, social media groups, blogs, etc. These, in turn, form the kernel of a digital universe of groups and sites. Some are indirectly connected to SD forces, others are informally or maybe even covertly connected, and some are independent. But they all share the same kind of segment of followers. One of the SD-related news sites, *Nyheter Idag*, reaches out to about 10% of Swedish news-consumers. This is more than most of the traditional newspapers succeed in doing.

Over time, and with SD progress, the *cordon sanitaire* has weakened. An analysis of reporting in some of the most important news outlets from May 2014 to October 2016

While other political groups focused on communicating through traditional media, the SD have created an entire ecosystem of news sites, social media groups, blogs, etc.

shows that SD, while the image of them as an outcast still exists, to a growing extent is described as a conventional political party<sup>7</sup>.

In the Parliament, two conventional right-of-center parties, the Moderates (conservatives) and the Christian Democrats, have displayed an ambition to interact with SD leadership and build a future government on their support.

The Liberal Party has strived to uphold the *cordon sanitaire*. This resulted in the deal, in 2018, allowing the Social Democrats to stay in power provided that the socialists accepted a number of high-profile liberal reforms. However, the idea of isolating the SD from direct or indirect parliamentary power, at the time of the writing, is debated on within the Liberal party. Whether this will end in a softer approach towards them or not, remains to be seen.

Notably, all this has happened without any noticeable change within SD. Dog-whistle and sometimes openly xenophobic statements about, mainly, immigrants and Muslims are made in much the same language as when the party first gained seats in Parliament in 2010. Recurrent “scandals” where party officials engage in open hate speech, under their own names or pseudonyms, have not subsided.

### **What to do? Liberal responses**

The populism that stimulates and legitimizes hate speech is by now firmly entrenched in Swedish politics and public discourse. There is no “silver bullet” to make it go away. A strategy to weaken it and limit its political influence includes the following points:

- As shown above, a causal connection can be observed between the incidence of hate speech and the normalization of the dominant Swedish populist party. Liberals should oppose such normalization in public discourse and when acting in the Parliament.
- The issue of immigration policy is an important explanation for why the Sweden Democrats have grown and is, at the time of the writing, polling as Sweden’s second-largest party. Indeed, many see the party as a “one-issue party”.
- Liberals must constantly remind people of the more general, authoritarian, ideology that the Sweden Democrats represent. This is not a conservative party with a certain nationalist flavor. This is a party that wants to radically transform our system of democracy. Such ideas have a far less popular appeal than critical attitudes towards aspects of immigration policy.
- Liberals must further improve the ability to communicate over the Internet. Even if this has become much better during the past years, populists have a first-mover advantage.

The generic strategies of establishing efficient news outlets and finding a more general presence in different forums must be implemented with even more energy.

- Clarifying the legal definition of “hate speech” will make things easier for courts of law and will improve the rule of law when applying the statute. However, with more precise legal definitions, the statements that are recognized by the broad public as hate speech risk not being included. On the other hand, with more open legal definitions there is always the risk that the law will be viewed as conflicting with the principle of the freedom of speech. This is not to say that amending the law regulating hate speech is uninteresting. However, such action cannot be the main strategy to counteract a hate speech.

1 Ågren, J. (2013). *Hets mot folkgrupp – tolkning och tillämpning av en omstridd lag*. Örebro: University of Örebro

2 BRÅ (2019). *Brottsförebyggande rådet. Hatbrott 2018*

3 Mudde, C. (2017). *Populist Radical Politics in Europe*. Cambridge University Press

4 Holmberg, H. (20187). *Den farliga mångfalden*. Stockholm: Premiss förlag

5 Jylhä, K., Rydgren, J., Strimling, P. (2018). *Sverigedemokraternas väljare. Vilka är de, var kommer de ifrån och vart är de på väg?* Stockholm: Institutet för framtidsstudier, Stockholm. (English summary in Scandinavian Political Studies 2019)

6 Lundberg, J. (2019). *Sverigevänner: Ett reportage om det svenska nätkriget*. Stockholm: Piratförlaget

7 Bowers, I., Hadzic, E., Spanne, J. (2017). *SD in i värmen – en diskursanalytisk studie av hur Sverigedemokraterna skildrades i svensk rikspress 2014–2016*. Lund: University of Lund

<b>What political actors use hate speech in politics?</b>	The Sweden Democrats do this occasionally. We can see it on all political levels within the party, including the party leadership.
<b>What other actors use hate speech in politics?</b>	Mainly smaller actors that act on the fringes of society. They include far-right groups, some of them openly Nazi, and far-left groups. Religious fundamentalist groups strongly opposed to the idea of tolerance.
<b>What groups are mainly targeted?</b>	Immigrants, Muslims, Jews, Swedes of African origins, feminists, Roma, LGBT+ people, Christian churches.
<b>One symbolic quotation of hate speech used in political discourse</b>	“As a Sweden Democrat I view (the growing Muslim community) as the greatest foreign threat to Sweden since WW2” — Jimmy Åkesson, party leader of the Sweden Democrats.
<b>Who is seen as the main opponent of hate speech in politics?</b>	Liberal and liberally-minded politicians, human rights NGOs, established media (with a few exceptions), the small media outlet EXPO (specialized in fighting hate speech, founded by Stieg Larsson, author of the Millenium trilogy).
<b>Is there legal framework enough to combat hate speech in politics?</b>	No, it can be improved. On the other hand, legal action cannot be the main strategy to combat hate speech.

Q&A

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International

Lundi au vendredi 14H00 Samedi 12h00



Wherever right-wing populists are triumphant, hate speech has become an inherent feature of political language. Where right-wing populists are only just clearing the way, hate speech is pushing itself into public space as a new phenomenon, causing shock to voters and embarrassment mixed with deep shame on the existing elite.

from the *Introduction*

Hate speech in politics is a phenomenon that threatens the achievements of liberal democracy. It destroys politics understood as a constructive dispute and competition in the vision of society's development, turning it into 'anything goes' model, where all tricks are allowed, while discrimination and fear play a fundamental role in dividing society into tribes. A policy in which hate speech has become standard practice is a cynical and cruel fight in which the deeper the divisions between people are created, the better.

from the *Introduction*

\* VALERI SIMEONOV — MP  
(National Front for the Salvation  
of Bulgaria), ex-deputy Prime  
Minister / December 2014