

EUROPEAN CAUCUS
Topic A: Hate Speech and Freedom of
Expression in Europe

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SALMUN 2014

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Background Information

Overview

Hate speech is a problem all over the world, just as prejudice and racism. Europe however, has been experiencing rapid growth of organized groups for and many European countries have witnessed a proliferation of hate speech. Something to keep in mind is when does hate speech influence freedom of speech. Hate speech is speech that offends, threatens, or insults groups, based on race, color, religion, national origin, sexual orientation, disability, or other traits. Should hate speech be discouraged? The answer is easy—of course! However, developing such policies runs the risk of limiting an individual's ability to exercise free speech. When a conflict arises about which is more important—protecting community interests or safeguarding the rights of the individual—a balance must be found that protects the civil rights of all without limiting the civil liberties of the speaker.

Today, national hate speech laws have increasingly been invoked to criminalize speech that is merely deemed insulting to one's race, ethnicity, religion, or nationality. Article 10 of the European Convention on Human Rights (ECHR), for example, grants the freedom of expression to all, but the exercise of this right is conditioned on conformity with the restrictions necessary, "for the protection of the reputation and rights of others." Given the nebulous standards on which much of Europe's hate speech laws are based—indeed, there is not even a universally agreed upon definition for what constitutes hate speech.

There are immense movements in Europe involve anti-immigration, neo-Nazism, skinheads and homophobia.

Anti-immigration

Immigration in the modern sense refers to movement of people from one nation-state to another, where they are not citizens. The principal concerns expressed by those opposed to immigration are the perceived: economic costs (job competition and education and social services burdens); negative environmental impact from accelerated population growth; increased crime rates and, in some cases, the distortion of the national identity. In addition, when the immigration is illegal, opposition is focused on the economic and environmental costs and the violation of the receiving nation's law.

- **Spain-** A January 2004 survey by Spanish newspaper El País showed that the "majority" of Spaniards believe immigration was too high. Small Neo-fascist parties, such as Movimiento Social Español, openly campaign using nationalist or anti-immigrant rhetoric.

- **Portugal-** The country has right-wing parties that support curbs in immigration quotas. Any resident of a Portuguese-speaking country is free to live and work in Portugal, and vice-versa. In recent years, the growth of the Portuguese far-right "National Renewal Party", known as PNR, has targeted the immigration and ethnic minorities issues.
- **France-** In 2002, four Muslim organizations filed a complaint against author Michel Houellebecq for stating that Islam was "stupid" and "dangerous" in an interview. Although the court acquitted Houellebecq, it refrained from doing so on free speech grounds. In 2005, politician Jean Marie Le Pen, runner-up in the 2002 presidential election, was convicted of inciting racial hatred for comments made to Le Monde in 2003 about the consequences of Muslim immigration in France. Jean Marie Le Pen's daughter Marine Le Pen, party recently won a large quantity of seats in the European parliament. She advocates to "vote for the abolition of the law enabling the regularization of the illegal immigrants". In her view, "this measure corresponds with the interest of France, the respect of its authority and the most elementary justice"
- **United Kingdom-** Sec. 1) of the Public Order Act of 1986 (POA) states that "a person who uses threatening, abusive, or insulting words or behaviour, or displays any written material which is threatening, abusive, or insulting, is guilty of an offence if: a) he intends to thereby stir up racial hatred, or; b) having regard to all the circumstances racial hatred is likely to be stirred up thereby." Among the panoply of other British hate speech laws is Section 5 of the POA, which makes it a crime to use or display threatening, abusive, or insulting words "within the hearing or sight of a person likely to be caused harassment, alarm, or distress thereby." Indeed, it was under this incredibly low threshold that Christian hoteliers Ben and Sharon Vogelenzang, accused by a Muslim patron of calling Muhammad a "warlord", were charged, but ultimately acquitted, in 2009. Conversely, Harry Taylor, an atheist who placed drawings satirizing Christianity and Islam in an airport prayer room, was convicted in April 2010 under Section 5 and given a six-month prison sentence.

Neo-Nazism

Neo-Nazism consists of post-World War II social or political movements seeking to revive Nazism. Neo-Nazism borrows elements from Nazi doctrine, including militant nationalism, racism, xenophobia (find key terms for definitions), homophobia, anti-Semitism (find key terms for definition) and initiating the Fourth Reich. Holocaust denial is a common feature, as is incorporation of Nazi symbols and admiration of Adolf Hitler. Neo-Nazi activity appears to be a global phenomenon, with organized representation in many countries, as well as international networks. Some European and Latin American

countries have laws prohibiting the expression of pro-Nazi, racist, anti-Semitic or homophobic views. Many Nazi-related symbols are banned in European countries in an effort to curtail neo-Nazism.

- **France-** Neo-Nazi organizations in France are outlawed, yet a significant number exist. Legal far-right groups are also numerous, and include the Bloc identitaire, created by former members of Christian Bouchet's Unité Radicale group. Close to National Bolshevism and Third Position ideologies, Unité Radicale was dissolved in 2002 following Maxime Brunerie's assassination attempt on July 14, 2002 against then-President Jacques Chirac.
- **Greece-** The far right political party Golden Dawn (Chrysi Avyi) is often labeled as neo-Nazi, although the group rejects this label. In the elections of 17 June 2012, Golden Dawn received 6.92% of the votes, entering the Greek parliament with 18 representatives.
- **Russia-** Many Russian neo-Nazis openly admire Adolf Hitler and use the German Nazi swastika as their symbol. Russian neo-Nazis are characterized by racism, anti-Semitism homophobia, Islam phobia and extreme xenophobia towards people from Asia.[69] Their ideology centers on defending Russian national identity against what they perceive as a takeover by minority groups such as Jews, Caucasians, homosexuals, Central Asians, East Asians, Roma people, Poles, and Muslims.

Homophobia

Homophobia is the hatred or fear of homosexuals - that is, lesbians and gay men, sometimes leading to acts of violence and expressions of hostility.

- **Russia:** Public opinion in Russia tends to be among the most hostile toward homosexuality in the world—outside predominantly Muslim countries and some parts of Africa and Asia—and the level of intolerance has been rising. A 2013 survey found that 74% of Russians said homosexuality should not be accepted by society (up from 60% in 2002), compared to 16% who said that homosexuality should be accepted by society. In a 2007 survey, 68% of Russians said homosexuality is always wrong (54%) or almost always wrong (14%).
- Other European countries tend to have more liberal views but homophobia is still an issue to be dealt with.

Timeline

615- Italy. The earliest referral to the *Juramentum Judaeorum* (the Jewish Oath): the concept that no heretic could be believed in court against a Christian. The oath became standardized throughout Europe in 1555.



1348 - European Jews are blamed for the plague in the Black Death persecutions. Charge laid to the Jews that they poisoned the wells. Massacres spread throughout Spain, France, Germany and Austria. More than 200 Jewish communities destroyed by violence. Many communities have been expelled and settle down in Poland

1881–1884 - Pogroms sweep southern Russia, propelling mass Jewish emigration from the Pale of Settlement: about 2 million Russian Jews emigrated in period 1880–1924, many of them to the United States (until the National Origins Quota of 1924 and Immigration Act of 1924 largely halted immigration to the U.S. from Eastern Europe and Russia). The Russian word "pogrom" becomes international.

1925- Adolf Hitler publishes *Mein Kampf*

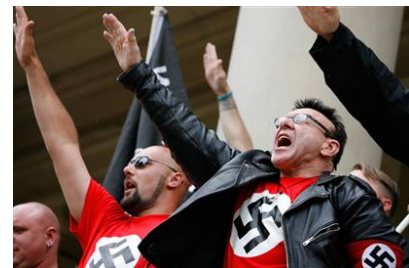
1933- Homosexuality is criminalized in Russia

1933–1941- Persecution of Jews in Germany rises until they are stripped of their rights not only as citizens, but also as human beings. During this time anti-Semitism reached its all-time high.

1960s- Some skinheads in the United Kingdom (including black skinheads) had engaged in violence against South Asian immigrants (an act known as Paki bashing in common slang).

1960s and 1970s- Greece, Ireland, Italy, Norway, Portugal, Spain and the United Kingdom were primarily sources of emigration, sending large numbers of emigrants to the Americas, Australia and other European countries (notably France, Switzerland, Germany and Belgium).

1970s- Skinheads progressed, racially-motivated skinhead violence in the United Kingdom became more political, and far right groups such as the National Front and the British Movement saw a rise in white power skinheads among their ranks. By the late 1970s, the



mass media, and subsequently the general public, had largely come to view the skinhead subculture as one that promotes racism and neo-Nazism.

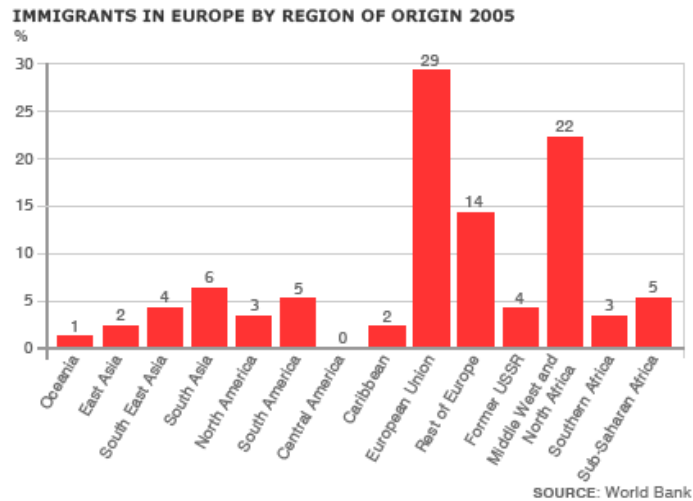
1980- Some scholars, like sociolinguists (Hayley Johnson and Katlyn Archer), have said that the increase in immigration flows from the 1980s, are an expression of the growing of global inequalities between poor and rich countries

1997- Homosexuality is legalized in Russia

2002- Massive European wave of attacks on Jews and Jewish institutions between March and May, with largest number of attacks occurring in France.

2004 September- The European Commission against Racism and Intolerance, a part of the Council of Europe, called on its member nations to "ensure that criminal law in the field of combating racism covers anti-Semitism" and to penalize intentional acts of public incitement to violence, hatred or discrimination, public insults and defamation, threats against a person or group, and the expression of anti-Semitic ideologies. It urged member nations to "prosecute people who deny, trivialize or justify the Holocaust". The report was drawn up in wake of a rise in attacks on Jews in Europe. The report said it was Europe's "duty to remember the past by remaining vigilant and actively opposing any manifestations of racism, xenophobia, anti-Semitism and intolerance... Anti-Semitism is not a phenomenon of the past and... the slogan 'never again' is as relevant today as it was 60 years ago."

2013- 16% of Russians surveyed said that gay people should be isolated from society, 22% said they should be forced to undergo treatment, and 5% said homosexuals should be "liquidated".



Key Terms

Neo-Nazism consists of post-World War II social or political movements seeking to revive Nazism. The term neo-Nazism can also refer to the ideology of these movements.

Immigration is the movement of people into another country or region to which they are not native in order to settle there especially as permanent residents or future citizens. Immigrants are motivated to leave their countries for a variety of reasons, including a desire for economic prosperity, political issues, family re-unification, escaping conflict or natural disaster, or simply the wish to change one's surroundings.

Skinhead is a member of a subculture that originated among working class youths in London, England in the 1960s and then soon spread to other parts of the United Kingdom, and later to other countries around the world. Named for their close-cropped or shaven heads, the first skinheads were greatly influenced by West Indian (specifically Jamaican) rude boys and British mods, in terms of fashion, music and lifestyle.

Anti-Semitism (also spelled anti-Semitism or anti-Semitism) is prejudice against, hatred of, or discrimination against Jews as a national, ethnic, religious or racial group. A person who holds such positions is called an anti-Semite". As Jews are an ethnoreligious group, anti-Semitism is generally considered a form of racism.

Freedom of speech is the political right to communicate one's opinions and ideas using one's body and property to anyone who is willing to receive them. The term freedom of expression is sometimes used synonymously, but includes any act of seeking, receiving and imparting information or ideas, regardless of the medium used.

Hate speech is, outside the law, speech that attacks a person or group on the basis of e.g. race, religion, gender, disability, or sexual orientation

Xenophobia- an unreasonable fear or hatred of foreigners or strangers or of that which is foreign or strange.

Right-wing nationalism- Some were supremacists who, in accordance with Social Darwinism, applied the concept of "survival of the fittest" to nations and races. Right-wing nationalism was influenced by romantic nationalism, in which the state derives its political legitimacy from the organic unity of those it governs.

Discussion Questions

- Why is hate speech surging specifically in Europe? What are its causes and consequences?
- To what extent should freedom of speech allow hate speech?
- Does hate speech inherently violate freedom of speech?
- What separates genuine hate speech from the expression of personal opinion?
- Should there be a universal definition of hate speech? If so, what should it consist of?
- How involved should nations be in reducing the instances of hate speech?
- What should be the role of the international community towards combatting hate speech?

Further Research

<http://www.bbc.com/news/world-europe-22563843>

<http://newint.org/blog/2013/05/17/homophobia-europe/>

<http://www.telegraph.co.uk/women/womens-politics/10819884/Islamophobia-why-do-so-many-young-men-hate-Muslims.html>

<http://www.legal-project.org/issues/european-hate-speech-laws>

<http://www.nytimes.com/2008/06/11/world/americas/11iht-hate.4.13645369.html?pagewanted=all>

<http://www.indexoncensorship.org/2014/01/eus-commitment-freedom-expression-freedom-information-hate-speech/>