“Member states should take appropriate measures to combat all forms of expression, including in the media and on the Internet, which may be reasonably understood as likely to produce the effect of inciting, spreading or promoting hatred or other forms of discrimination against lesbian, gay, bisexual and transgender persons. Such “hate speech” should be prohibited and publicly disavowed whenever it occurs.”

*Recommendation CM/Rec(2010)5 of the Council of Europe Committee of Ministers*
The publication
“Toolkit on combating LGBTQ directed hate speech on-line”
was prepared by the board of ANSO (Association of Nordic and Pol-Balt Lesbian, Gay, Bisexual, Transgender and Queer Student Organizations) within the “Combating hate speech on-line” project during a workshop that took place in January 2013 in Warsaw, Poland. Participants of the workshop under the supervision of experts discussed the root and impact of hate speech on-line on LGBTQ young people and developed potential strategies to combat the harmful phenomenon. The project was financed by the European Youth Foundation.

The content of the publication reflects only the authors’ views and opinions.
Introduction

Freedom of speech is one of the basic human rights. But how to find the thin line when it starts violating other people’s freedom, dignity and feeling of safety? How to define when free speech becomes hate speech instead, one of the cruelest tools the humanity can use to dehumanize and threaten vulnerable others, those who are – or are perceived as – members of stigmatize groups.

The alarming level of suicides and suicide attempts among the LGBTQ youth caused by hateful acts and words made ANSO – Association of Nordic and Pol-Balt LGBTQ Student Organizations – want to react. Because where the free speech turns into type of speech that not only causes significant harm to the dignity of minority groups but also, more importantly, diminishes the public good of diversity and inclusiveness which are an essential attribute of modern societies – that’s where we should stand up and say ‘no’!

And we all have tools to put an end to hate speech manifestations. Even though we may sometimes not be aware of how powerful we really are. In this brochure you’ll find smaller and bigger steps each of us can take to help save human dignity and to provide inclusion and respect for everyone, regardless their psycho-sexual orientation, gender identity or gender expression.

In this toolkit you'll find strategies that can be easily applied in your own background – easy steps everyone can take to oppose to the psychical violence that hate speech is.
Definitions

- **Hate speech**

  Outside the law, hate speech is any form of communication that abuses or puts a person or a group down on the basis of one or more characteristics; for example due to their disability, ethnicity, gender, race, religion, sexual orientation and/or other.

  In law, hate speech is any speech, gesture, conduct, writing or display, which is forbidden because it may encourage violence or prejudice against an individual or group, or because it disparages or intimidates an individual or group.

- **Free speech**

  Freedom of speech is the political right to communicate one's opinions and ideas. In practice, the right to freedom of speech is not absolute in any country and the right is commonly subject to limitations (as with slander, obscenity, or other).

  The right to freedom of expression is recognized as a human right under Article 19 of the Universal Declaration of Human Rights and recognized in international human rights law in the International Covenant on Civil and Political Rights (ICCPR) roughly as follows:

  Everyone shall have the right to hold opinions without interference and everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. The exercise of these rights carries special duties and responsibilities, and may therefore be subject to certain restrictions when necessary for respect of the rights or reputation of others or for the protection of national security or of public order (order public), or of public health or morals.

- **Defamation**

  Also called calumny, vilification, traducement, slander and libel (for written, broadcast, or otherwise published words) - is the making and/or communicating statements or claims that may give an individual or group a negative or inferior image. This can be also any disparaging statement made by one person about another, which is communicated or published, whether true or false. In common law it is usually a requirement that this claim be false and that the publication is communicated to someone other than the person defamed.

  In common law jurisdictions, slander refers to a malicious, false, and defamatory spoken statement or report, while libel refers to any other form of communication such as written words or images.

- **Stalking**

  Stalking is a term commonly used to refer to unwanted or obsessive attention by an individual or group toward another person. Stalking behaviors are related to harassment and intimidation and may include following the victim in person or monitoring them.

- **Bullying**

  Bullying is the use of force or coercion to abuse or intimidate others. The behavior can be habitual and involve an imbalance of social or physical power. It can include verbal harassment or threat, physical assault or coercion and may be directed repeatedly towards particular victims, perhaps on grounds of race, religion, gender, sexuality, or ability.

  Bullying consists of three basic types of abuse – emotional, verbal, and physical. It typically involves subtle methods of coercion such as intimidation.

  Bullying can occur in any context in which human beings interact with each other, both face to face or online.

Hate speech influence on youth

Hate speech can have a damaging effect on the LGBTQI community, words can hurt and specially if you are a young person who is in a search of your identity. Now that social media web pages like Facebook, Twitter, Tumblr and so on are ruling the internet it has become easier to express your thoughts with words. People put stuff out there online without careful consideration or knowledge of what effect it might mean to others. Internet bullying is not an uncommon thing and it's mostly common with young kids and teenagers, bullying is a form of hate speech. Words can hurt and that is a prove, approximately 25% of LGBTQI
students and university employees have been harassed due to their sexual orientation. Numerous studies have also shown that LGBTQI youth have a higher rate of suicide attempts than heterosexual youth. The Suicide Prevention Resource Center synthesized these studies and estimated that between 30% and 40% of LGBTQ youth, depending on age and sex groups, have attempted suicide and most of the suicide attempts come from bullying.

Human rights and legislation

The idea of human rights originated from ideas found in religion and philosophy in Western Europe. The modern Western idea of human rights started in the European Enlightenment. In the 16th century, some people started suggesting that everyone had the religious and political right to choose their religion and their leaders. This sort of thinking was important in the English Civil War. After the war, the philosopher John Locke argued that people should have these rights; he was one of the first people to call them "human rights." These ideas were also important in the American revolution and the French revolution in the 18th century.

In the 19th century, John Stuart Mill was an important philosopher who thought about human rights. He said that people should be able to control their own bodies and minds. He talked about three special ideas:

- freedom of speech
- freedom of assembly
- freedom to do what a person wishes if it does not harm others (even if other people think it is bad)

Hegel was a philosopher who talked about the idea of free will. He also talked about what makes a person free: that a person has to have certain relations with other people to have true freedom. A person has to be able to:

- own property
- make contracts with other people
- make moral promises to people
- live with anyone
- get protection from laws
- have a voice in government

Human rights law

Because people believe that human rights are important, countries make laws to protect them. These laws say that governments cannot take away people's basic rights. They make sure people who take away other people's rights are punished.

Some major political organizations have made statements that promote human rights. These are not laws, but they affect us anyway. If groups or countries do not follow these statements, others will condemn them; and then people may not talk with them, do business with them, or help them.

Some of the important places that human rights laws are written is in constitutions. The United States’ and France’s constitutions are two of the oldest set of laws based on human rights.

In 1948 the United Nations made the Universal Declaration of Human Rights. This is a widely respected document that says what the United Nations believes are human rights. It is not a law, but is the basis on which two important agreements are written:

- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights

These are United Nations human rights Covenants: agreements between people or countries. The countries who sign these two covenants agree to follow them.
In addition to those Declaration and Covenants, there are many treaties and documents made by United Nations and other international organizations. Those treaties and documents are called "International human rights law".

The European Convention on Human Rights (formally the Convention for the Protection of Human Rights and Fundamental Freedoms) is an international treaty to protect human rights and fundamental freedoms in Europe. Drafted in 1950 by the then newly formed Council of Europe, the convention entered into force on 3 September 1953. All Council of Europe member states are party to the Convention and new members are expected to ratify the convention at the earliest opportunity.

The Convention established the European Court of Human Rights. Any person who feels his or her rights have been violated under the Convention by a state party can take a case to the Court. Judgments finding violations are binding on the States concerned and they are obliged to execute them. The Committee of Ministers of the Council of Europe monitors the execution of judgments, particularly to ensure payment of the amounts awarded by the Court to the applicants in compensation for the damage they have sustained. The establishment of a Court to protect individuals from human rights violations is an innovative feature for an international convention on human rights, as it gives the individual an active role on the international arena (traditionally, only states are considered actors in international law). The European Convention is still the only international human rights agreement providing such a high degree of individual protection. State parties can also take cases against other state parties to the Court, although this power is rarely used.

**Sexual orientation and gender identity**

Sexual orientation and gender identity rights relate to the expression of sexual orientation and gender identity based on the right to respect for private life and the right not to be discriminated against on the ground of "other status" as defined in various human rights conventions, such as article 17 and 26 in the United Nations International Covenant on Civil and Political Rights and article 8 and article 14 in the European Convention on Human Rights.

Through the way many because of their religious beliefs claim that they support human rights in general while denying that LGBT rights are human rights, LGBT rights stand prominent in the very defense of the universal principle of the human rights. If human rights are understood in a way that makes it possible to exclude the basic rights of certain groups only because of certain religious and cultural prejudices, we find that the principle of universality is taken right out of the human rights, and human rights are transformed to a set of rules only reflecting certain historically values.

Homosexuality is illegal in 76 countries, and is punishable by execution in seven countries. The criminalization of private, consensual, adult sexual relations, especially in countries where corporal or capital punishment is involved, is one of the primary concerns of LGBT human rights advocates.

Other issues include: government recognition of same-sex relationships, LGBT adoption, sexual orientation and military service, immigration equality, anti-discrimination laws, hate crime laws regarding violence against LGBT people, sodomy laws, anti-lesbianism laws, and equal age of consent for same-sex activity.

A global charter for sexual orientation and gender identity rights has been proposed in the form of the 'Yogyakarta Principles', a set of 29 principles whose authors say they apply International Human Rights Law statutes and precedent to situations relevant to LGBT people's experience. The principles were presented at a United Nations event in New York on November 7, 2007, co-sponsored by Argentina, Brazil and Uruguay.

The principles have been acknowledged with influencing the French proposed UN declaration on sexual orientation and gender identity, which focuses on ending violence, criminalization and capital punishment and does not include dialogue about same-sex marriage or right to start a family. The proposal was supported by 67 of the then 192 member countries of the United Nations, including all EU member states and the United States. An alternative statement opposing the proposal was initiated by Syria and signed by 57 member nations, including all 27 nations of the Arab League as well as Iran and North Korea.
Bad and Good Practices

When communicating online there are different interactions than in real life. What might initially sound like hate speech, might be a misunderstood try of sarcasm. Through textual medias, the lack of body language, tone of voice etc. flattens the communication, and misunderstandings should hopefully be solved through dialogue. Humour is key, as well as trying to understand the other person's point of view as well as cultural and social background.

At the same time, there is a fine line between what might provoke you and be a violation of the social contract and actual hate speech. Sharing experience with others, can help you to evaluate the content, as well as sharing your burden.

Besides this there is a balance between turning the other cheek and hitting back. Both self-victimizing and shouting “wolf” are bad practices.

Do-it-yourself

Monitoring

Human rights monitoring is a broad term that describes the active collection, verification and immediate use of the information to prevent human rights violations. These violations may be caused by both the law and the practice of its application as well as the lack of proper legislation. There are various methods to be used in monitoring: gathering information about events or government policies, observations of lawsuits, elections, demonstrations and public hearings, visiting prisons, nursing homes and others, conducting interviews with witnesses, victims of violations, activists, organizations, analysis of legislation, press releases and media materials, documents or correspondence. The fundaments of monitoring are methodology, regularity and consistency. The aim of monitoring is possession of valuable and reliable data that describes the situation and is a base for recommendations and reactions.

Example of on-line hate speech monitoring: Campaign Against Homophobia – a polish LGBT NGO created a yahoo e-mailing group aimed at gathering and sharing hate speech in the polish on-line media (news portals, on-line podcasts and radios, blogs). The group that started out as having 5-10 members grew to hundreds of members, who send links and quotes of articles found in the on-line media that are connected to the situation of LGBT people, including hateful statements and human rights violations. The organization and all members of the group receive these e-mails on their inboxes, which enables the usage of it in reports, advocacy, but also writing other materials such as bachelor’s and master’s thesis’.

Reporting to the administrators

Reporting online hate speech does not have to be a long legal procedure. There are other ways to report, less formally, for instance by contacting a website’s administrator, and reporting the hate speech. Through this, one can by few clicks help eliminating the hate speakers from specific websites.

One example is Facebook, who actively is trying to help combating hate speech. Facebook is cooperating with LGBTQ-specific organizations, such as GLAAD (the Gay and Lesbian Alliance Against Defamation) and GLSEN (the Gay, Lesbian and Straight Network), in their, NOS – Network of support – for LGBTQ people. Furthermore, it has been made easier to report content or people on Facebook. Examples are the following;

If a Facebook-page is hateful to minorities, one can simply press the "report page" button, and choose "other/abusive content". Then you can choose "contains hate speech or attacks an individual".

The same can be done towards a person, by clicking "report and/or block this person". Simply choose "submit a report" and afterwards either "Report ______’s account" or "report content shared by _______".

On most newspages and debate fora, there is the same option, to reply, share or report

Another option available online, is to report the hate speech to a formal institution. Through different webpages, you have the option to share experience and gather data. Through gathering data, the institutions know where to target their resources to help combating hate speech. This can happen anonymously most places.
Dear Sir/Madam,[name],

It has come to my attention that your website/forum works as a platform for hate speech online. [Describe the issue: What, where, who]

Please note that any form of communication that abuses or puts a person or a group down on the basis of their gender, sexual orientation or other is considered hate speech and should not be tolerated. The information provided/shared on your website/forum encourages prejudice and enforces stereotypes against LGBTQIA people, and I kindly ask you to take action to eliminate this issue as soon as possible.

I hope you will show good example in the future by not allowing such information to appear on your website/forum again, and remain vigilant in taking immediate counteraction when and as they occur.

Thank you in advance.

With regards,

[name]

[organization/position/or just “concerned citizen”]

Outro

The language we use on a daily basis shapes our social consciousness, shapes the world we’re all living in. Yet words not only create but can also destroy. That’s why way we describe our world and the people in it is of utmost importance and needs our reaction whenever the freedom of speech becomes violating human rights!

The short toolkit you’ve just read have presented some of many many possible examples of how everyone can say "no!" to hate speech online. You've learnt how to recognize hate speech and how, using various methods, to counteract different forms it can manifest.

We hope that the materials gathered in this publication will help you, your organization, your families and friends and all the activists worldwide, to stand up against hate speech and to fight for respect for everyone.

If you have other great examples of small or bigger steps that can be easily taken to help combating such psychological violence – please share them with us at: anso@anso.dk and we’ll make sure they will be added as good practices and useful examples in the next editions of this toolkit.

Let’s stop LGBTQIA-directed hate speech online together!
ANSO is the Association of Nordic and Pol-Balt Lesbian, Gay, Bisexual, Transgender and Queer Student Organizations, working in the interest of LGBTQ students all over the Nordic and Pol-Balt regions.
ANSO fights discrimination based on homophobia and transphobia in universities and aims to increase the quality of higher education by fighting heteronormativity; supports local student organizations so they can both be safe places for LGBTQ students and be an important part of its local university community.

ANSO has member organizations in Denmark, Norway, Lithuania, Sweden, Faroe Islands, Finland, Iceland, Poland, and Estonia. We believe in solidarity across borders and that's why we work for LGBTQ rights internationally, creating networks for our member organizations and being part of Pan-European networks.

ANSO is a member of IGLYO, ILGA Europe, TGEU and ESU.

www.anso.dk