



# ACT NOW!

## how to moderate online hate speech

### Building up your community

#### The fine line to walk on

When stating your opinion, talking about current events or discussing different viewpoints **controversial** or **political** statements can occur. This is fine as long as the main goal is to **inform** and not attack others or spread lies.

#### Be open to your community

You will encounter those who will post things on your platform that might provoke others. A small disclaimer stating that you do not share opinions or statements posted by others may help to **settle issues beforehand**. Be aware that this will **not exclude** you from being held **liable** for what is written on your webpage<sup>1</sup>!

#### Create a policy that suits your needs

In order to have a tool that you can work with it is good to have a **policy** that is accessible to every user. This way you can moderate the comments on an **unbiased ground**. The policy can for example contain that *„the moderator may delete comments attempting to side-track, are off-topic or are of hateful content.“*

#### Be aware of different media

It is important to take into consideration which type of media is used to convey a message. When moderating, you must consider the influence that a certain type of media (like photos or videos) has on its audience.

### Content matters!

#### Handling freedom of expression

Deleting a comment means that you restrict someone's freedom of expression. Therefore you must decide for **every statement** if it is still protected or not. According to the ECoHR, the following statements should be handled with care and the freedom of expression shall rather be prioritized. This is the case if the statement ...

... is **aimed at informing** or spreading ideas on matters of public interest<sup>2</sup>

... **contributes** to an ongoing public debate<sup>3</sup>

... is **of interest** to a political discourse/campaign<sup>3</sup>

... is a **part of** an ongoing debate among historians<sup>4</sup>

#### Moderation based on the topic

In addition to the mentioned points, it is important to be aware of **the debate's topic**. A statement can be provocative and can still contribute to the debate. Always consider the whole debate and do not take the statement by itself before moderating. Also keep in mind that the debate gives room for all points of view<sup>5</sup>.

#### Limits to freedom of expression

On the other side the freedom of expression ends where the freedom from discrimination begins. There are some rather clear cases where you as a moderator need to act. This is the case if the expression ...

... is generally incompatible with human right values

... insults or offends morals or religious convictions<sup>6</sup>

... calls for violence, hostility or hatred<sup>7</sup>

... creates or reinforces existing prejudices

### The people involved

Since **freedom of expression includes the right to information**, it is important to notice who contributes to the debate and how this influences it.

#### The provider of information

A special status is granted to the people who either have a **fundamental role** in a political debate or act as **provider of information** (e.g. journalists or reporters). Due to the necessity of these individuals to **spread information** their freedom is **less limited** compared to a private individual<sup>8</sup>.

#### People with influence

Some actors in society are considered to be **trustworthy**, due to their profession - such as teachers, doctors and officials. They have a special status when they issue a statement in their specific capacity. However this status **does not apply** if these people make a statement that is not in their **function** or is **discriminating**<sup>9</sup> (see „Limits to freedom of expression“). This also **applies** for the „provider of information“.

#### Status of the targeted person

When moderating, one must also consider the status of those people who are addressed by certain statements. If a statement **criticises** a politician or the government **reasonably**, it still falls under the freedom of speech<sup>6</sup>. These public figures are therefore **not as heavily protected** as private individuals.

On the other side, a non-elected public official or civil servant (such as police officers) can also be criticised. If the critique is aimed towards them as **acting in the capacity of their profession**<sup>10</sup> they do **not enjoy as much** protection as an individual but **more than** a politician<sup>11</sup>. If attacked as a private individual they - of course - enjoy the **same rights** as any other private individual.

### The Cases

Across this guideline, you see numbers after statements. The numbers are referring to cases we have discussed while creating the statement

- 1, *Delfi v. Estonia\** (case is currently pending)
- 2, *Jersild v. Denmark*; *Lehideux and Isorni v. France*
- 3, *Erbakan v. Turkey*
- 4, *Lehideux and Isorni v. France*
- 5, *Jersild v. Denmark*
- 6, *Wingrove v. The United Kingdom*
- 7, *Glimmerveen/Hagenbeek v. the Netherlands*; *Pavel Ivanov v. Russia*; *Sürek v. Turkey*
- 8, *Incal v. Turkey*
- 9, *Seurot v. France*
- 10, *Lingens v. Austria*; *Castells v. Spain*
- 11, *Pedersen and Baadsgard v. Denmark*

This document is a simplified version of the original guideline. You can download the extended edition, which also contains a short summary of the cases we have used by following this link: [http://files.elsa.org/AA/OHS\\_Guideline.pdf](http://files.elsa.org/AA/OHS_Guideline.pdf)

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