



International Network Against CyberHate

Annual Report 2005

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INACH – ANNUAL REPORT 2005

....As long as we have a Government that insists on denying the fact that discrimination and racism is a part of society, and that it needs to be countered, action against these issues [on internet] will depend on private organizations that have limited resources. We can only hope and work for an improvement of attitude from the relevant authorities on the subject.

DACoRD, Denmark

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1 Introduction

Internet is a global medium. The World Wide Web, chats, forums and other Internet services are used nowadays by billions of youngsters and adults all over the world for entertainment, information or education purposes. During the last few years not only the number of providers, users and web sites increased rapidly but also the dissemination of discriminatory content. Racists, antisemites and Holocaust deniers are very much aware of the possibilities the Internet offers; the Net allows them to upload their hate, making it available around the globe within minutes, facilitating for members of their organizations or racist comrades in regional neo-Nazi groups, using the web to mobilize for marches, demonstrations and other activities. But they also recruit kids and adolescents through public forums, chats and other online communities, trying to influence them with racist, antisemitic and undemocratic ideas and using the internet as their tool of choice for command and control.

In a number of countries the public dissemination of neo-Nazi or discriminatory material is illegal. Nevertheless not all these states agree that what is considered illegal offline is also illegal online. Although the connection between hate-speech and hate-action is obvious – there have been enough cases in which hate speech led to violence In Real Life and by now the relationship between both is a everyday reality – there still exist different opinions on what endangers peaceful coexistence in democratic societies and what should be allowed or not. For example in the USA racist and defamatory expressions are protected by the first Amendment of the constitution, which guarantees a broad freedom of speech. In spite of these differences, the gap between the USA and Europe regarding hate speech is not as large as it seems. For example, most US hosting providers use Terms of Services that prohibit the dissemination of hateful or discriminatory content, and those often, after being informed by complaints bureaus or Internet users about such abuse, remove this kind of content.

Freedom of speech goes hand in hand with the responsibility for the rights of others and the protection of minorities. Certainly we need to be extremely careful in setting boundaries to the freedom of speech, but we also need to be very careful lest we give racists, antisemites, Muslim-haters, homophobes and all other kinds of extremists a free reign. History has proven that censorship lurks around the corner, but also that free speech without ethics and respect for human rights, speech threatening the lives of people and aiming at destroying civil society, can have devastating and dreadful consequences.

More than ever since the Holocaust, hate and its ideologies are alive and well, giving rise to violence, misery, conflict, murder, genocide and war. Humanity is repeating its historical mistakes, seemingly unable to learn from the past. The political climate in this world is hardening. The contemporary problems are not only all forms of hate or terrorism and jihadism but also the fact, that the ideas of citizenship and universal human rights values are being abandoned in favor of ethnic, religious and political agendas, spawning more of the “us and them” feelings on which extremists and fundamentalists thrive.

You do not even have to look at war zones to see the effects of incitement through the Internet. Hit lists targeting groups in society, individuals or organizations, conspiracy theories, defamation, Holocaust denial, it's a long list and the effects are terrible. Attacks on Jews in Russia and France, firebombing of synagogues, attacks on homosexuals in Sweden, attacks against Muslims, Mosques and anti-fascists in the UK, jihad-recruitment in the Netherlands, death-threats by e-mail against Asians, racially motivated murders and shooting sprees in the US, attacks on migrants in Flanders, threats and violence against anti-fascist activists in Poland and Russia, all incited through websites and web forums.

Within the European Union (EU), consensus exists that racist violence has no place in modern societies. The additional protocol to the Cyber Crime Convention, created by the Council of Europe, moves us in the right direction. Unfortunately up to

now only seven member states have ratified it. During the last three years the Organization for Security and Co-Operation in Europe (OSCE) held several conferences on discrimination, racism, antisemitism, Xenophobia and related intolerances. During these meetings awareness was raised with the member states on Cyber hate and most of them agreed that citizens, civil society and governments have to develop measures to counteract the problem. This includes legal activities, online complaints mechanisms and raising awareness, respectively media literacy projects to educate Internet users.

The International Network Against Cyber Hate (INACH) unites NGOs that combat online hate on a daily basis. The vision all network nodes share is that all forms of discrimination have to be countered. Each INACH member has developed effective strategies to achieve the removal of cyber hate and to files cases with judiciary or court in order to get hate mongers convicted. Education on tolerance and non-discrimination and the promotion of attitude change is also part of their daily work.

This booklet is the first annual report of INACH. It consists of reports that network nodes have produced on their work and on developments in their countries concerning online hate within the last year. It also includes a report about the activities of the network, its secretariat and its board.

The information presented by the INACH-members shows that cyber hate is a growing problem and that a huge effort is necessary to stem the tide. Still, many are not aware or do not take serious these dangers and the importance of combating hate on the Internet. INACH sees it as part of its mission to inform politicians and public in order to secure a broader and more tangible support for its work. It is our hope that the commitments on hate on the Internet, made at many levels, will be followed by real support.

2 From a vision to a trans-national network

An international network of organizations counteracting cyber hate was a dream in the minds of the German online complaints bureau jugendschutz.net and the Dutch Magenta Foundation since 1997. Despite the fact that Germany and the Netherlands are neighbours it took until 2002 to find each other to realize that vision and to found INACH. We started with four members and since then grew to a network of 14 nodes, dealing with all kinds of online hate.

Network Nodes

Since its start INACH aims to establish network nodes in all countries from which hate is uploaded to the Internet. Members deal with complaints on a daily basis and take effective measures against cyber hate and online hate mongers. INACH also supports organizations that are planning to set up a complaints bureau. In 2005 and 2006 INACH organized workshops in Warsaw and Bratislava, training Central -and Eastern European NGOs to combat racism on the Internet by transferring practical know-how. The 2005 Warsaw workshop was supported by the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE and its Tolerance and non-discrimination programme. As a result of those events, four Eastern European organizations started complaints bureaus against racism on the net and joined INACH.

Sharing know-how on a regular basis

Each INACH node shares expertise about the phenomenon of cyber hate in general and its country-specific characteristics, e.g. regional developments or legal aspects. As cross-national network one important aim is to exchange this expert knowledge and best practices to tackle cyber hate to enhance the effectiveness of the member organizations. This includes bilateral contacts on single instances of cyber hate, the permanent exchange of information by means of mailings lists and the annual INACH conference, which gathers all nodes and asso-

ciated organizations to discuss current trends, new strategies to counteract hate mongers on the net and future plans of the network. The annual conference is organized each time by a different member organization; in 2005 it took place in New York, hosted by the Anti Defamation League, the 2006 conference will be in Warsaw, hosted by Never Again Association.

Joint action against trans-national cyber hate

During the last 4 years INACH members handled about 15.000 cases of online hate and more than 5576 discriminatory web sites, discussion threads, videos and music files were removed as a result of this. Nevertheless the range of INACH is limited by national laws, state frontiers or language barriers. Neo-Nazi web forums, 'Blood and Honour' sites or other trans-national platforms are often hosted abroad. Frequently requests for removal are not acted upon. This makes it essential that member organizations in the involved states act together, put pressure on providers, law enforcement authorities or public prosecutors in order to secure the removal of racist or discriminatory content and to get the perpetrators convicted. Since 2003 there have been several cases in which such concerted efforts of two or three members led to the removal of hate sites.

Advocacy for international legislation or guidelines

Racism is a cross-border phenomenon and racism on the net even more so: the fight against cyber hate has to be carried out on several levels. Legislative and executive bodies, Internet industry, individual users and teachers are challenged to take their responsibility. And the fight against cyber hate will be more successful if international regulations and a harmonization of the various articles on hate speech in national laws are brought in to place.

INACH is advocating such international guidelines and their implementation. During OSCE Conferences in Berlin, Paris and Cordoba on the issues of racism, antisemitism, Xenophobia and other forms of intolerance within the OSCE region, INACH and its members raised awareness on cyber hate and

all of its implications, presented results of monitoring and introduced successful approaches to counteract the problem. In the meantime the OSCE participating states articulated the need to combat hate motivated crimes including crimes fuelled by hate propaganda on the Internet. To further these goals all OSCE states have made commitments to examine their existing legislation for its effectiveness in regulating Internet content.

Raising awareness and promoting attitude change

Apart from taking measures against discrimination on the net, INACH aims to raise awareness on cyber hate and increase the sensitisation of youth, students and educators. To achieve this, some of the network nodes (e.g. *jugendschutz.net* from Germany) have developed and implemented didactical concepts for the education of students and teachers, and are realizing workshops, training youngsters and encouraging internet users in general to counteract hate speech online. Especially amongst pedagogues exists an enormous need for information and practical handouts on the issues of racism and right-wing extremism on the Internet. Other members (e.g. the Dutch *Magenta Foundation* or the Slovakian node *People Against Racism*) organize training workshops for the police force in order to provide information on racism on the net and how to take action based on national and international laws.

Complaints, Assessment and Action – How nodes operate

Flexibility is the key. All network nodes operate in different ways. Each member has a complaints mechanism on its website. Users, authorities and others can send their complaint by mail or via a web form. INACH members handle complaints about websites, web forums, guest books, chat sessions, video clips, music files, and other material. Members investigate and process the reported content or the content found by own research, and trace its origin. After this the legal experts of the node assess the material and decide if the content is

illegal according to the laws of the country where the content or the responsible user is located.

Procedures can differ, depending on where content is hosted, if the responsible user is known, et cetera. In all cases the goal is the same: getting racist material removed from the net and take action against perpetrators.

Sustainable work needs lasting support

As Racism on the net is not a temporarily phenomenon, successful and sustainable work on the problem needs a solid ground. A sustainable network can only be guaranteed when the financial basis is safe. Since its start INACH is aiming at getting regular funding, but still the only income is the small membership fee, which does not even cover the cost of the secretariat.

INACH consists of long established and well-equipped organizations on the one hand and on the other hand of fledgling nodes with talented experts, working with an almost zero budget, but with a huge commitment and level of dedication. Unfortunately motivation and enthusiasm of those nodes with fewer resources are often hampered by a lack of political encouragement, financial and structural support. If INACH and its work against cyber hate wants to gain real sustainability it is necessary that network nodes succeed in securing lasting support.

3 Country reports from the network nodes

In total twelve of the INACH network members were able to turn in reports over 2005: Spain, Sweden, Canada, USA, Netherlands, Germany, Denmark, Russia, Slovakia, the United Kingdom, Poland and Moldova. Latvia has just started up, so was not able to provide data yet.

In this chapter you will find, country-by-country, reports on hate on the Internet cases registered and handled by INACH members. Some members work on the basis of complaints coming in; others do their own research and/or take on sites or material they happen to find on the net.

Nodes need online registration system and state support

Two things were proved very clearly by the data and narratives provided by the members of INACH:

1. A central registration system is imperative. Members register in a vast number of different ways, making it at this point in time very hard to generate central data on hate speech on the Net. It is very timely that at the moment this report is written the building of a centralized online reporting system is in the final stages, securing direct online input by the members and a comprehensive 2006 report with comparable data. This new system will be introduced during the 5th annual INACH Conference in Warsaw on October 7 & 8, 2006.
2. States need to start taking cyber hate seriously. Although those states participating in the OSCE all have committed themselves to combat hate motivated crimes, including crimes fuelled by racist, xenophobic and antisemitic propaganda on the Internet, real support for combating cyber hate has been noticeably lacking in most of the states where INACH has a bureau, with Denmark as a prime ex-

ample of a country with a government in denial. Sadly it is not the only one.

INACH nodes handling 4.200 instances of cyber hate

Still, the number of cases handled by the INACH network members was impressive; more than 4.200 in 2005. Out of those, 638 instances of cyber hate assessed as illegal, single expressions or complete web sites, were removed from the web. Together with all our other activities this provides a huge contribution towards a better Internet environment.

INACH continues to grow. We have seen an improvement in the quality of the individual bureaus and are going to focus more on continuing this trend in the coming year. Now to get things really on track we need to secure funding for a number of network nodes. 2007 will also be very important for the correct implementation of our new registry system by the participating organizations to insure dependable and consistent reporting of data. The use of this data will allow the network to continue informing inter-governmental organizations such as the OSCE, the Council of Europe and the E.U., on ways to implement tangible measures to combat cyber hate.

3.1 Canada – CAERS/Richard Warman¹

In March of 2005, the federal government launched A Canada for All: Canada's Action Plan Against Racism. This much-heralded initiative was depicted as a call to action and partnership with representatives of civil society, unions and employers in order to eliminate racism. In addition to the government's commitment to continue working with community groups in this regard, the government also undertook to work with police to better address hate-motivated crime. This co-operation was to include the collection of consistent data for such offences, the pursuit of hate-crimes research to address the needs of victims and prevent offender recidivism, and collaboration with Internet service providers and stakeholders to counter the distribution of hate propaganda.

On July 8, 2005, Canada became the first non-European signatory to the Council of Europe's Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

If adopted without reservation, the cybercrime Protocol would require Canada to undertake to criminalize racist and xenophobic threats where such material advocates, promotes, or incites hatred, discrimination or violence. Article 6 of this agreement necessitates criminalization as well of the denial, gross minimization, approval or justification of genocide or crimes against humanity, while Article 7 makes it clear that the aiding or abetting of such offences should also be included.

In Canada, sections 318 and 319 of the Criminal Code already criminalize advocating genocide and the willful promotion of

¹ Editor's note – This is just an excerpt of the original report. You can read the full report at <http://www.bnaibrith.ca/audit2005.html>. Except where otherwise mentioned, the author filed the federal human rights cases discussed.

hatred against identifiable groups on the basis of colour, race, religion, ethnic origin, and sexual orientation. The explanatory report for Article 3 of the cybercrime Protocol, however, makes clear that the 'making available' of racist and xenophobic material through computer systems is also intended to extend to the creation of publicly-posted hyperlinks to such material elsewhere on the Internet. Interpretations consistent with this would ensure that individuals would not be able to, in effect, sub-contract their hate to jurisdictions where such material may not be illegal.

As well as these encouraging developments at the national level, there were numerous strides forward in individual cases across the country in the struggle to eliminate hate on the Internet.

British Columbia

On February 18, 2005, the British Columbia RCMP hate crimes unit and others raided the Fort St. John home of Bill Noble who uses the pseudonym 'Extermination' on the Internet. Noble's computer hard drive and other personal effects related to the alleged offence were seized. The search warrant was obtained based on the allegation that Noble had engaged in the willful promotion of hatred contrary to s. 319 of the Criminal Code through material on his website www.extermination.org and other Internet postings. As of January 2006, no charges had yet been laid, although the requirement for approval of the Attorney General's office before any such charge is laid can sometimes lengthen the process considerably. Noble has since moved to Edmonton, Alberta.

During 2005, Internet postings continued to be made to the Canadian section of the US neo-Nazi forum Stormfront by a number of individuals claiming to reside in British Columbia. A number of these individuals were remnants of the now defunct Western Canada For Us, including Coquitlam residents Ciaran Paul Donnelly and his girlfriend Jessica Beaumont. Federal human rights complaints filed against Donnelly and Beaumont

in December of 2004 and January of 2005 respectively, allege that both individuals posted material to the Stormfront website that was likely to promote hatred and contempt of individuals on the basis of race, religion, sexual orientation, and disability. Both complaints were investigated by the Canadian Human Rights Commission (CHRC) and have now been referred to the Canadian Human Rights Tribunal (CHRT) for a full hearing expected some time in 2006.

In November of 2005, formal complaints to the British Columbia RCMP hate crimes unit and Bell Sympatico resulted in the rapid shutdown of a BC neo-Nazi skinhead group's free MSN website, which had been hosted by Bell Sympatico and MSN. The site was operated by a youth named Dan along with his girlfriend Brittany from Comox, BC. It provided photos of both of them, including one of Brittany holding their young son, while proudly displaying the swastika-treads on her boots. Under a heading called 'diejewishscum', the website featured an image depicting a Jew as a rat, with a swastika-shaped knife plunged into its back and blood spilling out onto the ground. In addition, there were pictures glorifying Adolf Hitler, grotesque caricature cartoons of blacks, and threats that white "race mixers" will be slaughtered on the 'Day of Reckoning'.

Quebec

An openly neo-Nazi website created in October 2005, which purported to represent a new group called the Wolf Division of Montreal, had a short lifespan after formal complaints were filed with Yahoo Canada and the Quebec provincial police hate crimes unit. The free website was operated on Yahoo's Geocities, and although it contained predominately English-language materials, it appeared to be run by one or more francophones. In addition to antisemitic and anti-black materials, the site called on readers to send in the home addresses and other personal information of human rights activists involved with Montreal's Anti-Racist Action, using inflammatory language implying that such information would be used for violent attacks.

In December of 2005, Montreal saw the first-ever successful mediation of a federal human rights complaint dealing with Internet hate propaganda. The respondent, Alexandro Di Civita, had become involved in the neo-Nazi group formerly known as the World Church of the Creator (WCOTC) in 2002 at the age of 16. In August of 2003, a federal human rights complaint was filed against Mr. Di Civita and others involved in the group, alleging that material the group had put onto the Internet was likely to promote hatred or contempt against Christians and Jews, as well as blacks and other non-whites, contrary to s. 13 of the Canadian Human Rights Act. One of the few benefits of the slowness of the processing of such complaints is that by the time the matter was finally referred to the CHRT for hearing in August of 2005, Di Civita indicated that he had long since left the group and repudiated its beliefs.

With the assistance of Tribunal member Karen Jensen acting as mediator, and Monette Maillet, a lawyer for the CHRC, the parties were successful in crafting an agreement. The terms of the agreement include Mr. Di Civita willingly writing an open letter of apology to the Christian, Jewish, and black communities, and agreeing to perform substantial volunteer service in order to make amends for the harm caused to the community as a whole.

The remaining human rights complaint against the WCOTC group itself will likely proceed to Tribunal hearing sometime in 2006. This is largely a move to prevent any future efforts to resurrect the group in Canada. The WCOTC has largely self-destructed internationally, following the forty-year prison sentence handed to overall leader Matthew Hale in the US, for attempting to solicit the murder of a federal judge.

Conclusion

While the importance of Canada's new international commitment to fighting Internet bigotry should not be underestimated, a simple amendment to the Canadian Human Rights Act would go a long way towards such efforts. We recommend that suc-

successful complainants dealing with Internet hate be able to obtain their costs, as is currently the case with all other types of complaints under the Act. Room for further federal action by Industry Canada and its partners also exists under the government's official strategy for dealing with Illegal and Offensive Content on the Internet. Although laudable steps have been taken to deal with child pornography on the Internet, including the establishment of a Canada-wide reporting centre, Industry Canada's efforts with regard to web-based hate have sometimes seemed to lag behind.

The past year has seen some indication that the Canadian Human Rights Commission, as gatekeeper to the federal human rights process, is taking positive steps to lessen the amount of time it takes to render a decision about whether to refer a complaint to the Canadian Human Rights Tribunal for hearing. In addition, the hosting by the Commission in December of 2005 of an international forum to address the issue of hate on the Internet demonstrates an invigorated resolve to treat the matter as a serious problem. In the future, the Commission will need to maintain its recent efforts to ensure consistent enforcement of Tribunal and Federal Court orders. This will maximize the value of an ounce of prevention in early cases being worth a pound of cure in terms of deterrent to later misconduct by others.

Lastly, the dialogue begun between the Commission, law enforcement agencies, NGOs, and Canadian ISPs needs to continue, in order to ensure the most coordinated and cooperative approach possible to addressing the scourge of hate on the Internet.

3.2 Denmark – The Documentation and Advisory Center on Racial Discrimination (DACoRD)

The Documentation and Advisory Centre on Racial Discrimination (DACoRD) is an independent institution working on racial discrimination under the relevant rules of international law. The centre carries out fact-findings in reported cases of racial dis-

crimination and gives advice, guidance and legal assistance to persons who claim to be victims of racial discrimination or have witnessed racial discrimination. Furthermore, the centre works with general information in the Danish society through conferences, seminars, courses and debate meetings.

Statistics on hate speech in general

There are no official statistics in Denmark regarding hate on the Net. For this reason DACoRD can only provide general figures concerning registered incidents of hate speech.

The Danish police provide statistics on the number of complaints according to section 266 b (hate speech) of the Danish Penal Code.

Year	Number of complaints²
2005	54
2004	27
2003	28
2002	36
2001	65
2000	37

The numbers of convictions regarding hate speech (or other crimes with a racist motive) is unfortunately not published systematically, and the attempt to collect the complete and valid information from the authorities has been unsuccessful.

In relation to complaints about hate speech on the Internet received by DACoRD during 2005 we have registered 5 com-

² Denmark/The annual statistics on filed complaints from the Danish police, http://www.politi.dk/NR/rdonlyres/59FE6247-8CDD-4FF2-AA28-618BA51B12A2/0/statistik_4_kvartal_2005.pdf (27.04.2006)

plaints. Two of the complaints concerned racist statements published by politicians on web pages in relation to an election campaign for the Copenhagen City Council in autumn 2005. One of the cases is thoroughly explained below in paragraph 3, as it illustrates the difficulties in Denmark in bringing these types of cases before the courts. None of the two complaints led to prosecution.

Two cases concerned racist statements on private web pages and one case concerned the publishing of a list of named persons who according to the web page should be considered traitors as they worked for human rights and equality issues. One of the cases concerning racist statements on a private web page led to prosecution and the other case did not.

DACoRD has no records concerning the case on the list of named persons accused of treason, as we did not assist the victim in the case. In the 5 cases the illegal material was removed from the web pages. As it follows below it is very difficult to get a conviction in cases concerning violation of section 266b in the Danish penal Code.

An individual case of racism on the internet – Louise Frevert

Member of the National Parliament for the Danish Peoples Party Mrs. Louise Frevert published on her web site www.louisefrevert.dk, in connection with the Danish local election on the 15th of November 2005, a long line of statements against immigration in general and Muslims in specific.

The statements were placed under the headline "Articles no one dare to publish" and contained amongst other statements the following lines related to Muslims: "... cause they think its us who must adapt ourselves to Islam, and they are being confirmed in this by their priests and leaders. (...) Whatever happens, they think it is their right to rape Danish girls and knock down Danish citizens."

Later on in the text on the web page, Mrs Louise Frevert talks about the possibility of deporting young immigrants to Russian prisons. In relation to this suggestion she adds: "Even this solution is pretty short-sighted, because when they return they will be even more determined to kill Danes."

It also appears from the web site that: "We spend billions of Kroner and hours in the attempt to integrate Muslims in the country, but the result becomes what the doctor observes. The cancer is spreading unhindered while we are talking."

Mrs. Louise Frevert has in 2004, previously to the publishing of the statements on her web page, published a book with the title *"In short - a political statement"*. Several of the above mentioned phrases on the web page were originally printed in the book along with other statements against Muslims.

After the publication and debate about the material on the web site, Mrs. Louise Frevert censored some of the material on the site. A couple of days after the public debate had begun she gave an interview to the Danish newspaper Politiken (30th of September 2005). In the interview she upheld her statements and added:

"It has to be viewed in light of the perception that the Koran in certain places states that you can behave as you please in a male chauvinist spirit towards women. (...) I am allowed to write exactly what I find fit. If they rape and kill other people the way they are doing with suicide bombs etc. - well, they can't do that in our country, can they?"

In a complaint dated September 30, 2005 DACoRD informed the police in Copenhagen that, in their view the statements on the web page were a violation of Danish penal code section 266 b, paragraph 1 and 2, as they were directed against a specific group of people (Muslims) and were insulting and degrading. Furthermore, DACoRD stated in the complaint that the statements on the web page had a propagandistic character as they were disseminated through a web site reaching a

large audience, and at the same time were sent to various Danish newspapers with the purpose of publication.

DACoRD further drew attention to the fact, that according to several judgements by Danish courts, statements published on web sites are seen as "*dissemination to a wide circle of people*" as laid down in the Danish penal code section 266 b, paragraph 1.

By letter of October 10., 2005 the police in Copenhagen rejected the complaint of September 30., 2005 on the grounds that there was no reasonable evidence to support that an unlawful act had been committed.

At the time of the complaint and the press coverage of the case the Webmaster who had helped Mrs. Louise Frevert constructing her web site took full responsibility for the disputed statements. His explanation in the media and to the police was that Mrs. Louise Frevert had no knowledge about the articles published on her web-side. The police in Copenhagen chose to believe this explanation despite DACoRDs mention in her October 3., 2005 letter to the police concerning the convergence between the statements on the web page and the statements in the book "*In short*".

By letter of October 17th, 2005 DACoRD on behalf of the complainant complained to the State Attorney of Copenhagen, Frederiksberg and Tårnby. The complaint related to the rejection from the police in Copenhagen to prosecute Louise Frevert for the statements published on her web page. By letter of December 13, 2005 the State Attorney agreed with the decision of the police in Copenhagen not to prosecute her.

In May 2006 DACoRD then filed a complaint to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) stating that Denmark is not fulfilling its obligation according to the Geneva Convention to ensure effective protection to victims of racial discrimination or hate speech, since no prosecution was initiated of Louise Frevert. The Committee is now examining the case.

The Internet Service Providers of the Internet Trade Association

During 2005 DACoRD has used a lot of resources trying to establish a special monitoring mechanism for racism on the Internet in Denmark. During the 2001 UN World Conference Against Racism in Durban the Danish Government obligated itself to take the dissemination of hate speech on the Internet seriously, and to effectively counter it.

From 2001 up to now the effort in trying to get the Government to enter the issue has not been successful. No concrete initiatives have been taken to fight racism on the Internet. Several times DACoRD has urged the Government to establish a monitoring mechanism to register hate speech or other discriminatory statements on the Internet. In this relation we have referred to the filter mechanism that the Danish NGO "Red Barnet" (Save the Children) has established, paid by public funding, in order to monitor cases of child pornography on the Internet, and we have offered the Government to be the instigator and initiator of a hate-speech monitoring mechanism.

Instead of waiting for Government to take initiatives on the subject, in 2005 DACoRD has started an initiative itself. We have managed to establish cooperation between DACoRD and the Internet Service Providers (ISP) of the Internet Trade Association, with the purpose of developing tools to counter illegal material on the Internet. Several meetings have been held on this issue amongst the ISPs and DACoRD and the cooperation has resulted in the forming of a trade code in which the responsibility of monitoring of illegal material on the Internet is put on the ISPs themselves, who then are obligated to report any illegal acts to the police.

Obviously this is a positive initiative but it would still be preferable if the Government would start taking responsibility in terms of recognizing the problem and allocate money to solve it in a more effectively and official manner.

The lack of funding to monitor racism on the Internet

DACoRD has – as already mentioned – several times urged the Government to fund a monitoring mechanism for racism on the Internet. In April 2004 DACoRD applied for funding to start a project in cooperation with the Ministry for Refugees, Immigrants and Integration. The then Minister of Integration Mr. Bertel Haarder rejected the application on the grounds that the question of a monitoring mechanism on the Internet in relation to racism was not a subject under his competence. In April 2006 the Ministry – once again – refused the application on the ground that it should be a public matter and not a matter for NGO´s to handle, but that the Minister would discuss the matter with the Minister of Justice and the Minister of Science.

This process clearly shows that no Governmental authorities wish to take responsibility for cyber hate and that the political will to act is very sparse, if it even exists at all. The last response from the Minister of Integration is peculiar in the sense that DACoRD during the past many years has urged the Government to take the initiative themselves to establish a monitoring mechanism – a suggestion which has been declined. When DACoRD then offered to handle the monitoring mechanism the suggestion got rejected in terms of funding as the Ministry think it is a project for the official authorities! Furthermore it can be mentioned that when it comes to monitoring other illegal material on the Internet as e.g. child pornography, the Government has no reservations in terms of assigning the task to a NGO (“Save the Children”).

It can be concluded that the situation in Denmark is still an uphill battle in relation to an effective protection of victims of hate speech on the Internet as well as an official recognition of the problem. As long as we have a Government which insists on denying the fact that discrimination and racism is a part of society, and that it needs to be countered, action against these issues will depend on private organizations that have limited resources. We can only hope and work for an improvement of attitude from the relevant authorities on the subject.

3.3 Germany – jugendschutz.net

Right-wing extremists use the Internet as a modern medium for disseminating racist, anti-Semitic and xenophobic propaganda. Neo-Nazi groups use their Web sites to mobilize for marches and address young users in order to recruit them for the right-wing extremist scene. Increasingly, they are advertising in communities and trying to infiltrate youth cultural scenes.

In recent years, the project team of jugendschutz.net has developed and tested numerous ways and means to stop right-wing extremist propaganda on the Internet at national and international level. More than 750 right-wing extremist Web sites have been shut down as a result since 2001. The project team held more than 150 workshops and published educational brochures. The project made an important contribution within the effort to deal with right-wing extremism on the Internet.

Continuous Internet monitoring is essential

Continuous monitoring of the extreme right-wing scene on the web forms the condition for developing and implementing suitable counter-measures. This allows us to deal with new phenomena in an appropriate way and get sites removed that may harm children and teenagers. Internet monitoring was further systematized in 2005 so that the team was able to gain important insights into the use of the Net by right-wing extremists.

Internet-based Right-wing extremism on the rise

In 2005, the project team recorded a total of 1,030 new URLs associated to 771 different right-wing extremist Web sites. 75% of the Web site owners used German hosting services to present their right-wing extremist content on the Net. The team staff researched 83% of the new cases themselves, sites with guest books and forums (42%) as well as link lists and 'top 100 lists' (28%) being the primary sources for research. 5% of all of the new addresses were found in German search engines.

On December 31, 2005, the project database of jugendschutz.net registered a total of 1,066 different right-wing ex-

tremist Web sites that were accessible on the Net at 1,304 active URLs. In total, jugendschutz.net dealt with 1,466 different Web sites (1,968 right-wing extremist URLs) in 2005.

The largest increase was registered among the so-called Kameradschaften (regionally acting neo-Nazi groups), right-wing extremist bands and mail-order firms who frequently conduct their business via Internet. Sites of right-wing extremist parties, mail-order firms, Kameradschaften and bands showed the most constancy in 2005. 72% of these sites documented during 2005 were still accessible at the end of the year.

Professional use of the Net by right-wing extremists

The use of the Internet by right-wing extremists is progressively becoming more professional. Today, complete Web sites are Flash animated. Most of the sites are up-to-date, provide a well structured overview and rely on the power of symbols instead of large amounts of text. In addition to advertising right-wing extremist ideas, they also aim at recruiting new comrades-in-arms. Operators increasingly use content management systems that enable rapid and automatic deployment of content on the Internet.

Beyond that, the scene has established its own Internet services. Right-wing extremists from Germany and abroad operate as hosting providers for like-minded persons in order to ensure the permanence of right-wing extremist Web sites. 100 of the 771 newly recorded sites in 2005 use that kind of service. Besides, right-wing extremists have their own online auction company; numerous mail-order firms (end of 2005: 117 Web sites), online dating communities and they have recently begun to offer professional Web design.

Kameradschaften increasingly use Web for mobilizing purposes

In the meantime right-wing extremists employ the Internet as an everyday tool for achieving their goals. In 2005, the project team recorded 195 new URLs belonging to Kameradschaften

(123 Web sites). Towards the end of the year, 150 of those groups' sites were accessible (end of 2004: 110). This shows how this scene is continuing to advance on the Net. Kameradschaften in general rely on grass-roots actions. Their Web sites serve recruiting purposes through the reference to regional and local neo-Nazi groups. They mobilize for activities and try to familiarize youngsters with right-wing extremist ways of thinking, especially through the combination of events (e.g. concerts, demonstrations or parties) and extreme right positions and stereotypes. In this process, right-wing extremists deliberately mix the entertainment value of the Web with racist theories and racist rhetoric.

Demagogical campaigns to emotionalize and stir up hate

Right-wing extremists often rely on an emotionalizing effect in their campaigns. Social issues have repeatedly been abused as propaganda in the past. Activists called upon people to join protest campaigns against social reforms while canvassing with xenophobic and anti-Semitic theories that pretend to be the reasons for social problems. This strategy of making use of current topics has become an integral part of the scene's repertoire. It especially takes advantage of fears and insecurities of people and is targeted at youngsters' enthusiasm for action.

In terms of content, in 2005, right-wing extremists made the 60th anniversary of the end of World War II subject of numerous campaigns. In this context, though, the perspective of liberation from National Socialism was not in the forefront. On the contrary, right-wing extremists used this occasion to spread theories that distorted history. On many sites, the authors denounced alleged war criminals with terms "Allied bombing terror" or "bombing holocaust" while keeping silent about the Nazis' gruesome acts.

Music and free "Schulhof CDs" to lure teenagers

Again, in 2005, right-wing extremists used music to lure children and teenagers. In the meantime, the distribution of so-called "Schulhof CDs" (Schoolyard CDs) has become an integral part of right-wing agitation. A campaign of Kameradschaften and mail-order firms to distribute a CD ("Aktion Schulhof" or "Project Schoolyard") that had already been announced for 2004 failed, because the CD was rated 'highly endangering' for minors and was subjected to a confiscation order. Nevertheless, the content of the CD, except those parts that had been labeled illegal, can be found on a corresponding Web site (schulhof.net). During the period under review, numerous right-wing extremist sites and campaigns with flyers and posters in places like schools and facilities for children and teenagers were used to promote schulhof.net.

Harmful racist and antisemitic content on NPD Web sites

In the course of the German parliamentary elections in 2005 the Project Team investigated the NPD's Web sites for illegal and harmful content. During the period under review, the number of NPD Web sites increased by approximately 25% to 120. The NPD of North Rhine-Westphalia had the largest number nationwide with 24 sites. The team also registered growing Web activities in Lower Saxony (15 Web sites), Baden-Wuerttemberg (14 Web sites), Bavaria (13 Web sites) and Saxony (11 Web sites).

The research confirmed the relevance of NPD Internet activities for the protection of youth. Their Web sites frequently contained elements potentially addressing young Internet users. Music downloads and means of communication (e.g. forums) played dominant roles in this context and also topics that are interesting for youngsters (e.g. their future prospects, social issues, violence, peace or nuclear weapons). Harmful and illegal content was especially disseminated in connection with campaigns and corresponding flyers.

A marked increase in the success rate

In 2005, the project team documented a total of 345 violations of provisions relating to the protection of minors and the penal code; 60% of them were found on foreign Web servers. In 280 cases, the team staff found evidence warranting legal proceedings (previous year: 169, 78% increase) and achieved the removal of the illegal contents from the Net in 255 of the cases of objection (previous year: 131, 104% increase) in Germany and abroad. Accordingly, the national and international success rate rose from 78% in 2004 to 89% in 2005.

The table below describes the number of cases, instances and removals with regard to illegal Web content.

Category of discrimination	Number of cases			number of instances	re-removed
	Total	Legal	Illegal		
Ethnic background	796	626	170	147	141
Antisemitism	227	88	139	106	90
Holocaust denial	25	/	25	17	14
Denial of genocide/war crime	9	2	7	6	6
Geder/-sexual preference	6	2	4	4	4
Religious sundry	3	3	/	/	/
total	1066	721	345	280	255

The results show that taking actions against harmful and illegal Web sites is getting more and more effective and that continuous work abroad has also yielded successful results that had, until recently, been considered unattainable.

Even when taking content into account against which no action was taken for lack of possibilities, the team nowadays is able to get rid of 72% (previous year: 60%) of all illegal right-wing extremist content.

Workshops promoting tolerance and non-discrimination

Sensitizing people to the dangers of right-wing extremist propaganda on the Web and making insights gained from practical experience available for school and extracurricular education forms a basic element of jugendschutz.net's project work. The project team conducted a total of 26 media educational workshops in 2005 and presented its successful approach at 14 expert talks and at several national and international conferences. The staff also continued to work on ways to integrate the topic in school curricula.

In early 2005, the project team held a series of workshops for teachers on didactics and methodology leading to a media literacy certificate in "Right-Wing Extremism on the Internet". In these seminars, the participating teachers were given the opportunity to acquire basic knowledge and to discuss possibilities for taking a critical look at the subject in an everyday school setting.

There still exists an enormous need for support in educational practice and for dedicated information material. The CD-ROM "Right-wing extremism on the Internet – research, analyses, pedagogical concepts" represents an acknowledged collection of material and information along with suggestions for workshops and pedagogical settings. Last summer, on behalf of the State Central Authority for Political Education of Hesse (HLZ), the project team created the brochure "Crosslinked hate on the Web – Act!". It informs about right-wing extremist propaganda

on the Net and offers suggestions for how Internet users can tackle racism on the Web.

3.4 Moldova – Helsinki Citizens' Assembly

On 26 October 1994 the Parliament of the Republic of Moldova passed a press law, including article 4 that prohibits, among other things, publication of materials inciting national, racial or religious hatred. Moldova's parliament adopted the resolution "On Ratification of the Framework Convention for the Protection of National Minorities" on 22 October 1996. A law prohibiting any form of national discrimination was passed on 19 July 2001. On 23 January 2002, the government issued a resolution regulating the activities of the Department on Interethnic Relations, forbidding ethnic or linguistic discrimination and providing equal rights to all ethnic groups residing in the republic.

Activity against cyber hate in 2005

Racism is often expressed in the form of Holocaust revisionism and Holocaust denial, the facts of the genocide against Jews and other groups during the Romanian-fascist occupation of Moldova of 1941-1944 are questioned or distorted. Most antisemitism is expressed on the Internet, which is becoming increasingly popular among Moldavian youth. Internet web sites and discussion forums, such as *moldova.net*, *www.curaj.net* and *yam.ro*, have been used to spread ultra-nationalist and revisionist ideas. Such forums play an important role in Moldova, filling a gap that existed in the market of youth-oriented media.

HCA-Moldova has monitored the tendencies expressed on such websites with a view to further action. Nevertheless, opportunities for such action are limited until a reliable INACH partner in Romania will be able to assist with the sites that are hosted there.

There are also extremist activities of Russian-oriented groups such as the National-Bolshevik Party, which has a small

branch in Moldova that promotes totalitarian, fascist and Stalinist messages through the Internet. In cooperation with other Moldavian NGOs, HCA-Moldova has monitored the site and passed details about their Dutch-hosted site <http://www.nazbol.tk> to the Dutch complaints bureau.

Due to lack of resources HCA-Moldova was not able to develop large activity in combating cyber hate in 2005 but important first steps were taken in cooperation with INACH, such as the participation of HCA representatives in INACH meetings and trainings in Warsaw and New York as well as the registration and creation of the new HCA-MD website, which is going to serve as a complaints center for Moldova: www.hca-moldova.org. In 2006 new staff members will be appointed with the specific responsibility to continue and develop the struggle against cyber hate in Moldova.

3.5 The Netherlands – Complaints Bureau for Discrimination on the Internet (MDI)

Summary

	2002	2003	2004	2005
Number of complaints	1008	1242	1812	1289

Fewer complaints in 2005

The MDI received 1289 complaints throughout 2005, totalling 1308 individual reported expressions of discrimination on the Internet. In 2004, the number of complaints that the MDI received was 1812. The number of complaints received in 2004 was exceptionally high, due several reasons. In the period shortly after the assassination of filmmaker Theo Van Gogh, the Internet was flooded with hateful expressions, both from people calling for a halt to Islam, and those expressing jubilation at the murder and joy ‘that jihad had come to the Netherlands’.

There were three reports of ultra-rightwing spam runs in 2004. These spam runs were responsible for hundreds of complaints in 2004. This manner of widespread circulation of racist expressions occurred only once in 2005.

Discrimination grounds

The largest categories of complaints received by the MDI in 2005 are:

Discrimination of Moroccans	186 expressions
Anti-black racism or Afrophobia ³ :	175 expressions
Muslim hate / Islamophobia:	371 expressions
Antisemitism:	302 expressions
Other forms of racial discrimination ⁴	306 expressions

Complaints of discrimination toward Muslims have increased considerably in 2005. The same applies for the category 'other forms of racial discrimination'. Complaints about Afrophobia and discrimination of Moroccans have also increased in number.

Antisemitic expressions, and to a lesser degree, discriminatory expressions concerning Dutch nationals have decreased. Chapter 2 takes an in-depth look at different grounds of discrimination and how the MDI dealt with them.

More active management in 2005?

It appears those primarily responsible for keeping the Internet free of discrimination have been fulfilling this role more actively. Moderators of a number of web forums have improved

³ Discrimination of people with dark skin

⁴ This includes general terms such as 'foreigners' or 'migrants'.

their activities, whether having contact with the MDI or not. An example of this is described in the framework below.

The number of expressions removed before the MDI could confirm or initiate any steps increased (192).

Providers are also playing a more active role. For example: the MDI regularly sent requests for the closure of accounts on MSN (on-line community for chatting). In 2005, MSN closed some groups before the MDI could even verify the existence of the offensive content.

Internet users are becoming more active themselves. Before complaining to the MDI, users increasingly inform the management or the provider about the perceived discrimination they've encountered.

The removal percentage⁵ in 2005 was 96%, between the removal percentage of 2003 (95%) and 2004 (97%). This high percentage and the large number of expressions removed before the MDI intervened (14% of total) indicate a willingness of Internet sites to remain free of discrimination. However, as in previous years, the rate of removal says nothing about the number of expressions that the MDI, which for a variety of reasons, did not send a request for removal. The chapters below deal with this in more detail.

The coming years will show if this is temporary or an ongoing trend. As it stands the MDI complaints handlers have their hands full with processing complaints and sending out requests for removal.

⁵ The total number of expressions removed after intervention by the MDI in ratio to the total number of expressions which the MDI issued notice to remove.

Emphasis on a prosecutorial approach to discrimination

In 2005, the MDI put considerable effort into encouraging prosecution of discrimination on the Internet. However, the problems the MDI observed in the criminal process and treatment of discrimination on Internet by the police and judicial authorities have not changed in 2005. This is described in more detail in chapter three.

Having stated that, in 2006 MDI has seen indicators of raised awareness and activity concerning criminal treatment of discrimination on Internet. Three guilty verdicts were delivered this year from cases derived from complaints that MDI filed in 2004 and 2005. However, the fact remains that the Dutch part of the Internet is still awash with *cyber hate*; racist, hateful expressions as well as those that incite violence.

Furthermore, in 2005 the MDI noted that it is very difficult for the ordinary citizen to make a formal complaint to authorities regarding discrimination on Internet. Either police officials do not formally record the statement; the complainant is referred on to the MDI or the statement gets lost in bureaucracy.

Finally, discriminating expressions in 2005 about which the MDI received complaints, appear for the largest part on interactive Internet sites such as web forums and web logs; and the majority of the expressions are done on Dutch Internet sites.

Discrimination grounds

The MDI registers expressions of discrimination on the Internet, amongst other things on the specific ground for discrimination, to gain insight into social developments. The MDI uses the anti-discrimination categories as laid down in the Dutch penal code; race, religion or belief, hetero or homosexual orientation, gender and – as from 1 January 2006 – disability and chronic illness.

The table on the next page describes the number of expressions per category of discrimination.

Expressions per category of discrimination	2005
Discrimination on the basis of race	
Discrimination of asylum seekers/refugees/illegal immigrants	29
Roma and Sinti	4
Asians	6
Discrimination of indigenous Dutch	38
Anti-Black racism/Afrophobia	175
Discrimination of Moroccans	186
Discrimination of Turks	56
Other origin	306
Antisemitism	
Antisemitism	303
Of which involved holocaust denial	71
Discrimination on the basis of religion or beliefs	
Islam	371
Other religions or beliefs	41
Discrimination on other grounds	
Gender	11
Disability	11
Sexual preference	45

3.6 Poland – Never Again Association

'NEVER AGAIN' Association is Poland's leading anti-racist organization since 1996. In response to a large number of inquiries concerning the growing problem of Polish-language racist websites on the Internet, 'NEVER AGAIN' initiated the campaign 'Delete Racism' in 2004. The campaign is inspired by the experiences of similar activities in other countries and 'NEVER AGAIN' has benefited greatly in terms of good practice and valuable guidance from the participation in the International Network Against Cyber Hate (INACH).

In April 2005 together with the INACH and the Warsaw-based OSCE Office for Democratic Institutions and Human Rights 'NEVER AGAIN' Association co-organized training for non-governmental organizations from several East European countries interested in the struggle against hate websites in their own countries.

'NEVER AGAIN' acts against racist and neo nazi websites on the basis of complaints that are sent in by Internet users either by email or by a special form that was created on the 'NEVER AGAIN' website www.nigdywiecej.org . The form is accompanied by relevant excerpts from the Polish law, pertaining to the promotion of racial and nationalist hatred (Article 13 of the Constitution, Articles 256 and 257 of the Penal Code).

In 2005 alone, 169 websites were registered on the basis of the complaints. The number of complaints itself (far from being exhaustive) testifies to the seriousness of the problem on the Polish Internet. 62 of the sites were subsequently closed down as a result of action by 'NEVER AGAIN', action which usually focuses on direct contact with Internet companies responsible for providing hosting for those sites, citing their own codes of conduct and terms of contract at them as well as drawing their attention to the existence of the above mentioned legal regulations forbidding incitement to racial, nationalist and religious hatred.

In some cases action was not taken, when it was decided that the grounds for closing down a the site were insufficient or when such action was not feasible due to limited resources; the task of taking action against hate-sites is coordinated by Bartłomiej Gutowski and conducted by 'NEVER AGAIN' members on a voluntary basis, using private equipment. In another category of cases, we were met with indifference or hostile reactions from the relevant companies hosting unacceptable material.

Nevertheless, results achieved by 'NEVER AGAIN' Association in combating cyber hate in 2005 provide an optimistic start for continuing and developing activity in this increasingly important field in 2006 and beyond.

3.7 Russia – SOVA Center for Information and Analysis

In it's activities the SOVA Center takes into consideration the necessity of reaching balance between restraint of the hate propaganda and protection of the freedom of speech. It's not easy to keep this balance in all European countries, especially in today's Russia. In particular, there is a real danger that the authorities may take a strong control over the Internet. We try to avoid provoking such control, because it would have a much more negative result than the existence of a certain amount of neo-Nazi and other ultra-nationalist sites.

That's why SOVA decided to seek for the removal of only those sites that advocate hate-related violence. We haven't appealed to the law-enforcement machinery either. We write letters to the Internet providers and include in our letters references to the Russian legislation and examples of gross law-less propaganda on these sites.

Sometimes we get negative replies. The motivation of some of the providers is that they are not ready to take control over the content of the sites. Still, we don't want to inform the Prosecutors Office about it and just continue to persuade the providers.

Usually, we don't get compliance-replies, that's why when a site is closed down, we don't know for sure whether it happened because of our letters or somebody else's. However, the following sites were closed after our appeals:

1. "Russkaja volya" ("Russian will" or "Russian liberty") - <http://www.russianwill.org>. This site not only published calls for violence, but also instruction on terrorism, manuals for explosives, et cetera. The provider (USA-based) deleted the site after our appeal. We had drawn the ISP's attention to the photos and home addresses of several antifascists on the site, accompanied by an open call to murder.
2. Russian mirror sites of the "Russkaja respublika" ("Russian republic") site - <http://www.rusrepublic.ru> – which publishes "death sentences" to antifascists. Sadly the main site is still up.
3. The main site of the neo-nazi "Partia svobody" ("Liberty party")- <http://www.nrpr.ru> (and also it's mirrors and the Moscow regional site). This site contained a chronicle of neo-nazi violence and calls for hate-related violence.
4. Some of the less important but still popular neo-nazi sites:
 - St. Petersburg branch of the "Natsionalno-derzhavnaya partia" ("National Sovereign Party" - ??????? – <http://ndpr-lenobl.narod.ru>)
 - The National-socialist portal of Rostov-on-Don – <http://rus88.fatal.ru>)
 - "NS Molot Sibiri" ("NS Siberian Hummer" – <http://nazi14.h12.ru>)
 - "Russkaja Kuban" ("Russian Kuban") <http://ruskuban.cjb.net>
5. Some were closed down, but reappeared again, and we haven't contacted their new providers yet, e.g. the "Za russkoe delo" ("For the Russian cause") newspaper site - <http://zrd.spb.ru>

6. Some of the Russian extreme-right sites were closed down together with the foreign portals where they were hosted (e.g. <http://www.ns-wp.org> – just starts to recover). The "NS Siberia" site had been closed down in Russia and moved to <http://volkermord.com>, which was also closed.

3.8 Slovakia – People Against Racism

Internet hate-speech monitoring by People Against Racism (PAR)

Since the start of Internet hate speech-monitoring project of People Against Racism, approximately thirty hate sites have been monitored and consequently removed. The overwhelming majority of the sites we discovered through monitoring of neo Nazi groups activities on the Internet. Substantially, one fifth of the known cases have been reported by the public and found by PAR volunteers. Abusive web sites are reported to us through the hotline (telephone number 02/16356) or emailed to monitoring@rasizmus.sk, both provided as a service of our cyber hate monitoring department.

Hate speech spreads mostly within Internet forums, chat rooms and through common email communication. Therefore, we systematically monitor and observe these hate sites as well as communication on Internet forums.

This working method to combat cyber hate appears to be the most effective one. By using fake identities (nickname and fake personal information) we succeed in gathering information about neo Nazi groups as well as specific persons – perpetrators. Obtained data and information are processed and consequently passed on to the police. We have successfully managed to remove web sites hosted at Slovak or Czech domains (approx.80%) through communication with providers; by drawing providers' attention to the hate sites, which are violating their Terms of Service (ToS) and conditions by domain administrators, and in some cases violate the Slovak Penal Code as well.

Almost in all cases the providers comply with our request in order to remove and back up data from hate speech sites, for possible prosecution. Chat forums and Internet sites, which contain strongest demonstrations of hate speech and against which criminal proceedings would be most probable, are hosted on servers based in the US, where the freedom of speech is protected by the Constitution. Hence it is very difficult or even impossible to punish perpetrators. We have had cases when requests to remove the content on the basis of TOS violations have been rejected.

The most frequent hate speech offences are: incitement to hatred on the basis of nationality, race and ethnicity, defamation of nationality, race and belief, support and promotion of movements aimed at suppression of human rights and freedom, public sympathy with fascism and holocaust denial. Around 25 –30% of the content in these cases is illegal (containing elements of criminal offences). Therefore, last year we filed a reports with the police for the start of criminal prosecution against the web sites www.svetovlada.host.sk, www.pospolitost.sk and www.referaty.atlas.sk, for antisemitic propaganda, dissemination of material aimed at the suppression of human rights and freedoms and holocaust denial.

As seen in practice, the Slovakian police have no experience with cyber hate. All of three submitted reports have been dismissed; due to „non existing breach of law - the act does not contain features of a crime“ (namely Holocaust denial). When the prosecutor justified his decision to dismiss the reports because of ‘freedom of speech; PAR filed an official complaint. In fact holocaust denial is still a criminal offence under the Slovak Penal Code. Our appeal was not taken into account. Considering apparent lack of knowledge and experience of police officers in the area of cyber hate, we strongly recommend training and courses on cyber hate, not only for police officers, but also for prosecutors and judges.

People Against Racism, together with the Friedrich Ebert Foundation and jugendschutz.net (Germany) organized the

training „Hate on the Net – Practical Solutions to Countering Racist, Xenophobic and Neo-Nazi Web Sites“, which took place in Bratislava on June 28, 2006. The training consisted of lectures and a practical workshop. Participants (3 from PAR and 4 volunteers) were trained in the various ways of dealing with hate on the net.

3.9 Spain, Movimiento Contra la Intolerancia

Background

Internet has become the main instrument for the development of the extreme-right in Spain. Its rapid growth since 1995 has consolidated what the neo nazis coined as “the white revolution”. The first well-known site we had to deal with was the StormFront White Nationalist Community, located on a server in Florida, USA, owned by Don Black, a former “Grand Dragon” of the Ku Klux Klan. It has the aim of being a “forum for strategic and political training of groups in society, in order to maintain the white western culture”

Spain’s hate groups are using the information produced by Stormfront and the Ku Klux Klan since 1997. That year marked an important turning point and a change of tendency. The growth of hate sites started to increase spectacularly.

Developments in 2005

The hate sites detected in during year are several hundred, part of what Nazis call ‘the Nazi Community’, in which neo nazi organizations and skinhead-gangs spread their discourse of hate all over the Hispanic world.

www.nuevorden.com is the main hoster of Nazi-material directed at Spain and Latin America. It is located in Atlanta (United States) and offers up to 350 sites “interesting for the comrades”. Also important for the ‘Latino extreme-right’ is the Argentinean hosting provider www.libreopinion.com

Nuevo Orden is the more important of the two and a more stable hoster, acting as a 'mother-site' to lots of neo-nazi initiatives on the web. It was born under the slogans "Time has come for neo-fascist to have our place on the net and in history", "Time has come for the re-conquered", "Time has come to reposition Spain in a White Europe". During the last few years more than 200 sites were linked to this "mother site", until the attacks against the United States on 9/11, when a number of those sites openly supported and welcomed the attacks. This caused them to be closed down for several months. The capacity and will to reorganise itself brought the site 'up' again, until now without any problems.

Movimiento contra la Intolerancia had several meetings with the Attorney General (Fiscal General del Estado) and the Minister of the Interior about Nuevo Orden, but nothing effective has been done by the authorities.

The Spanish Security forces have done a number of operations directed at racist and neo-nazi sites. 6 people were arrested in Zaragoza and charged for their links to 'KRIPO'. The KRIPO site, using the name of the third Reich Police organisation, used to threaten individuals and also incited violence against homosexual, migrants, leftwing organizations, and "other targets". The police acted only when personal data of particular persons (and a reward was offered to attack them) were published on the site.

Another police operation against neo-nazis gangs took place in Madrid in 2002, directed against the neo-nazis of The Madrid district of Canillejas, a gang linked with *Ultrassur*, the supporters club of the Real Madrid soccer team. Their site used to spread antisemitic, racist and neo-nazi propaganda. Some members of this group were also arrested and charged with attacking Rumanian migrants.

Two complaints were made in those days against neo-nazi sites. The first one against a site on which pictures of prostitutes, migrants, Basque citizens, homosexuals, Punks and others were published. The other one against a nazi-gang

based in Valladolid whose members owned a web site called Espacio Vital. They defined their site as being about 'Race politics and Military info' (Which in Spanish has connotations of ETA, Politics, and Army). On the site calls were made for "all comrades to gather bombs and weapons, or information about how to do it"

Page 13 of the Raxen Report 2006 includes a list of hate site for 2005, page 27 has a compilation of the penal code and legislation against hate crime.

<http://www.movimientocontralaintolerancia.com/html/raxen/raxen.asp> (Spanish)

3.10 Sweden – Expo

During 2005 Expo applied for EU-funding for a hotline together with the organizations RFSL—The Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights and CMR – Center Against Racism. Unfortunately the application was turned down. Sweden is so far not handling complaints due to lack of funding.

Instead two reports were written about the Internet in 2005 and released in 2006. The first report, a part of an anthology, was written for the Swedish Integration Board which is a governmental organization promoting integration and equal rights. The report focused on antisemitic and Islamophobic expressions, mainly on extreme-right web sites. The report also briefly describes INACH and how a complaints bureau works. The report concludes that the legal way of dealing with antisemitism and Islamophobia on the Internet is not a very effective way. If Sweden wants to deal with these kinds of expressions a hotline is imperative. The report got media attention through Sweden's biggest news show.

The second report was based on the same research material as the former but focused on homophobic expressions. The report was published by RFSL—The Swedish Federation for

Lesbian, Gay, Bisexual and Transgender Rights and got a lot of media attention.

Example from 2005: The London bombs

There are numerous different Internet sites that are published on the Internet with discriminatory content. Besides that there are for example *Direct Connect hubs*, discussion forums and web shops that promote racism and discriminatory ideas. Among the web sites there are about twenty that have been in existence for years and continuously provide new content.

There are some differences in content, especially concerning Islamophobia and antisemitism, between the more nazi-oriented web sites and xenophobic sites as www.sverigedemokraterna.se, which is the official web site of the biggest party outside the parliament, the Sweden Democrats. The more militant groups see Jews as the main conspirators who use Muslims as occupant forces, while groups as the Sweden Democrats do not mention Jews.

When the bombs exploded in London on July 7, placed by a group of Muslims, this difference became clear. Even more surprising was that the bombings were not used for propaganda to a wider extent by any of the Swedish extreme-right groups. For example England's British National Party (BNP) started a campaign with the slogan "Don't get mad – get even". In Sweden the bombings generated quite a few texts on the Internet, mainly by the xenophobic parties 'Sweden Democrats' and 'the National Democrats'.

Interesting is how the nazi site www.patriot.nu commented. Patriot.nu complains about "how these two parties once more are focusing on the Muslim "threat"". *Instead they should be focusing on the real threat, which is not Al-Qaida, the mullahs or resistance groups in Iraq. Rather the enemy is described as the politicians who supports Israel, and in the end, the "cosmopolitan parasites"*.

3.11 United Kingdom – Community Security Trust (CST)

The CST is the defence agency of the Jewish community in the UK. It was established in 1994 as a charitable trust and succeeded the Community Security Organisation of the Board of Deputies of British Jews. The establishment of the CST was aided by the Home Secretary (minister of the interior) and the Commissioner of the Metropolitan Police Service. The CST works closely with the police and relevant departments of state.

The work of the CST falls into two areas: security; information. Communications and government affairs departments exist to promote the work of the CST, to work reactively and proactively with the media, to publish internal and external publications, to provide advocacy services for the Jewish community's defence requirements, and to work with and advise international organisations.

We research the publication of hate online and the use of the Internet for command and control by extremist groups opposed to the Jewish community.

The CST is primarily a voluntary organisation, managed by headquarters staff with offices in London and Manchester. It is a national organisation which spans the Jewish community, from secular to strictly orthodox.

The CST is an associate member of INACH; we do not provide complaints bureau services. We nevertheless do receive complaints, and we refer offensive websites or postings to the police and the Internet Watch Foundation (IWF).

Information provided by the IWF

The remit of the IWF is to minimise the availability of potentially illegal Internet content, specifically:

- images of child abuse hosted anywhere in the world
- criminally obscene content hosted in the UK.

- incitement to racial hatred content hosted in the UK

The Public Order Act 1986 makes it an offence to stir up racial hatred against a group of persons in Great Britain defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

The IWF can process reports on UK hosted Internet content which users believe stirs up such hatred.

The Act makes it an offence for a person to use threatening, abusive or insulting words or behaviour, or to display any written material which is threatening, abusive or insulting, if:

- he intends thereby to stir up racial hatred, or
- having regard to all the circumstances racial hatred is likely to be stirred up thereby.

On 31 January 2006, Parliament passed the Racial and Religious Hatred Act which makes it a criminal offence to use threatening words or behaviour with the intention of stirring up hatred against any group of people defined by their religious beliefs or lack of religious beliefs, but the Act has yet to come into force. Any prosecutions under either Act require the consent of the Attorney General.

In the UK, virtually all Internet Service Providers (ISP's) will remove content if it is deemed to breach their terms and conditions. Most ISPs do not want race hate content on their servers, and the government has published advice to enable complaints to pursue service providers who fail to enforce contracted obligations.

In 2005, the IWF received 446 reports from members of the public alleging criminally racist content. Of this, 104 (23.3%) were assessed to be potentially illegal or racially abusive. None of the potentially illegal material was hosted in the UK.

7 reports were passed to the National Community Tension Team of the Association of Chief Police Officers (ACPO). Although not hosted in the UK, the information was passed to

Police for intelligence purposes. 5 reports alleged antisemitism. 2 reports referred to the Israeli/Palestinian conflict, 2 reports were of Holocaust denial, 1 other with regards to other areas of complaint. 18 reports referred to white power/extreme right material, 17 reports referred to anti black material, 13 reports were about right wing political groups, 11 reports were about anti-Muslim postings

Further to this, the IWF contributed to The All-Party Parliamentary Inquiry into antisemitism, which is due to report to Parliament in Autumn 2006.

The IWF website is at www.iwf.org.uk and contains an easy to use guide to making a complaint, the IWF remit, background information on Internet regulation, hotline details, online protection, website ratings, public campaigns, IWF newsletter.

Internet use by Extremists

As reported in 2004, extremist political groups in Britain increasingly use the Internet to: advertise themselves and their ideologies; advertise their activities; communicate with their members; raise funds. The most prolific users are the far-right (neo-Nazis and white supremacist groups) and Islamist groups.

Legal Decisions and Prosecutions

In April 2006, the High Court in London ruled that Internet Service Providers would not be held liable as publishers of defamatory material when their only involvement was as the provider of a service through which defamatory postings were transmitted.

In August 2005, Jeremy and Jacqueline Oakley were convicted at Leeds Crown Court for posting hate material on the White Nationalist Party website, and imprisoned for 18 months and 9 months respectively.

In April 2006, two men were arrested in Yorkshire in connection with postings on the far right and antisemitic heretical.com

website. Papers are now with the Crown Prosecution Service who will decide if they are to be prosecuted.

3.12 USA – Anti Defamation League

The Anti-Defamation League receives complaints about websites, emails, blogs and other electronic media through a variety of contact points, including: the reporting feature on the “Contact Us” section of the ADL website, through direct email and calls to our National and Regional offices, as well as through physical (“snail”) mail.

The ADL took in well over 1,000 complaints related to various hate sites and emails – in most cases these were reports or queries about hate sites that ADL was aware of already, and the response to the complainant included information on what ADL already knows about a particular site/group/individual. In cases where new materials are reported the information is shared with Regional offices and through the ADL National staff. The sites are investigated and actions – including monitoring, reporting to host companies or even the authorities in some cases – are determined on a case-by-case basis.

Some notable examples in 2005-06 include working with our Polish and British counterparts to gather information on the Redwatch websites based in the US, and reporting them on to the hosting companies; also contacting the host companies and the US Treasury Department regarding the hosting of Hezbollah media websites by US companies – a possible violation of US law regarding support for terrorism, as the Al Manar television and Al Nour radio websites were specifically designated by the US government as integral to Hezbollah’s operations in March of 2006.

ADL has introduced a new system of reporting via the online form on the ADL site that will enable better database analysis of the numbers, types and resolution of various complaints regarding online hate, and these innovations will be integrated into the reporting for next year’s analysis.