

Counteracting Hate Speech

Project narrative

1. BACKGROUND

As the world economy continues to recover from the 2008 recession, new geopolitical challenges have emerged as the nature of conflicts shifts away from state to state conflict and towards conflicts between non-state actors. At the same time, flows of immigration to escape poverty and political struggles has exacerbated economic, political, and ideological tensions in both developing and developed nations¹ — the effects of which are spreading in an ever more inter-connected world².

Attempting to grapple with the “worst humanitarian and refugee crisis since the Second World War as people flee armed conflict, violence, and persecution”³, states are faced with a sharp rise in xenophobia, racism, hate speech, within a broader context of attacks on basic human rights and fundamental freedoms⁴. This is the result of *de facto* discriminatory strategies - with particular reference to the priority given to structural policies centered on fostering economic growth over those facilitating social inclusion and the safeguarding of migrants and minorities’ rights, as well as to hardened migration policies⁵ - tapping into migrants and minorities’ suffering, discrimination, and isolation while also leveraging the fear and economic woes of local populations against them to win support both at home and abroad⁶.

As new forms of media emerge - including digital broadcasting, the Internet⁷ and social networks -, they open up new forms of communication⁸ whereby language has been playing a crucial role, both deliberately and unintentionally, in exacerbating the fears and concerns of the various segments of society. Dehumanizing language⁹, (over)generalizations, and misunderstanding/misrepresentations of facts/opinions based on a repertoire of platitudes and prejudices¹⁰ are indeed widespread on social media, often resulting in abusive rhetorical excesses that give rise to a climate

¹ Cf. United Nations Alliance of Civilizations (UNAOC), “#SpreadNoHate: A Global Dialogue on Hate Speech in the Media”, 2015, available at: <http://www.unaoc.org/what-we-do/projects/hate-speech/>; Unione Forense per la tutela dei diritti umani, “Observations submitted to the Committee on the Elimination of Racial Discrimination for the Thematic Discussion on for the Thematic Discussion on RACIST HATE SPEECH”, 28 August 2012, Palais des Nations, Genève, a p.4; available at: <http://www.unionedirittiumani.it/wp-content/uploads/2012/07/Information-paper-on-racist-hate-speech-Italian-network-on-racial-discrimination.pdf>.

² *Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*, Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR, in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012; p.2. Available at: http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf.

³ United Nations Alliance of Civilizations Group of Friends Ministerial Meeting - Summary Report, New York, 23 September 2016; available at: <http://www.unaoc.org/resource/2016-sept-23-unaoc-gof-ministerial-meeting-report/>

⁴ *Ibid.*; See also: United Nations Alliance of Civilizations (UNAOC), *ibid.*

⁵ Unione Forense per la tutela dei diritti umani, *ibid.*

⁶ United Nations Alliance of Civilizations Group of Friends Ministerial Meeting - Summary Report, *ibid.*

⁷ “If the pen is mightier than the sword, today’s computer keyboards may be mightier than tanks and machine guns and just as destructive. The Internet offers a cloak of anonymity which often leads people to type things they would never say to someone’s face. Even in its infancy, the Internet became a powerful vehicle for hate” (Shaw, L. (2011) “Hate Speech in Cyberspace: bitterness without boundaries”, *Notre Dame Law Journal*, Vol. 25).

Not surprisingly, already back in 2010 the Secretary General of the United Nations himself declared that the use of the Internet to spread hate speech is one of the most important challenges to human rights to have arisen from modern technological development (The Secretary-General, Preliminary Rep. of the Secretary-General on Globalization and Its Impact on the Full Enjoyment of All Human Rights, 11 26-28, U.N. Doc. A/55/342, Aug. 31, 2000).

⁸ *Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence*, *ibid.*, p. 7.

⁹ Cf. Tsesis, A. (2009), “Dignity and Speech: the regulation of hate speech in a democracy”, *Wake Forest Law Review*, Vol. 44, p. 517.

¹⁰ “Prejudicial speech initiates, perpetuates, and aggravates socially accepted misrepresentation about out groups [...]. The greater the barrage of mis-ethnic and subordinating stereotypes, the more likely it is that persons with intense hatreds will release their pent-up frustration and angers on vulnerable minorities” (Tsesis, A. (2002), ‘Destructive Messages: How hate speech paves the way for harmful social’, Loyola University School of Law: Chicago).

of bigotry, discrimination and violence¹¹. The result is a palpable tension between those who seek an unrestricted right to speech, and those who want to protect society from excesses that might derive from it¹². In many societies a conflict has indeed emerged over the ideological limits and boundaries of free speech and how those limits and boundaries interact with other ideologies — religion and politics at the forefront.

What is clear, is that policing hate speech is a complex issue and that debates on the topic are therefore needed due to the sensitivity and novelty of the many issues involved — with important consequences in terms of human rights¹³ on either side of the debate¹⁴. Concrete solutions are crucial and cannot be further postponed, as emphasized by Mr. Peter Thompson, President of the 71st session of the General Assembly: “communities around the world require more than ever empathy, compassion, collaboration, and partnership in order to address this global situation¹⁵”.

2. INITIATIVE AND RELEVANCE TO THE SPECIFIC CONTEXT

The rhetoric of xenophobia, racism, hate, Islamophobia, discrimination, and ethnic and sectarian divides - “*hate speech*” in its broader sense - constitute the narratives underlying the many conflicts facing Jordan in particular. Many have indeed voiced their concern over the end of a “model of peaceful co-existence” and the beginning of a new “dark” era for the Kingdom¹⁶ — a clear example of which stands in the recent shooting of prominent Jordanian writer and cartoonist Nahed Hattar.

Indicted for sharing a cartoon that allegedly incited sectarian strife and insulted Islam¹⁷, Hattar was killed by a gunman outside the court where he was facing charges. The episode gave rise to mounting tensions in the country and throughout the Arab world, resulting in a severe polarization in both in the public and virtual spheres. Many condemned Hattar's killing as a “heinous crime” or even “a clear case of intellectual terror”¹⁸ which endangered freedom of thought and opinion as

¹¹ Cf. United Nations Alliance of Civilizations (UNAOC), 2015, *ibid.*; Gitari N.D., Zuping Z., Damien H. and Long J. (2015), “A Lexicon-based Approach for Hate Speech Detection”, *International Journal of Multimedia and Ubiquitous Engineering*, 10(4), p. 216, available at: <http://dx.doi.org/10.14257/ijmue.2015.10.4.21>; Unione Forense per la tutela dei diritti umani, *ibid.*, p.15

The causal connection has been explained by sociologist Milton Kleg in the following terms: “Stereotypic beliefs form the rationale for feelings of disdain and disparagement. When tied to prejudiced attitudes, stereotypes help create a number of behaviors ranging from avoidance to violence. Our review of stereotypes indicates that one’s perceived reality is not reality itself, but is a mixture of fact and fiction, if not total fiction. Yet when people act upon these stereotypes, the actions are carried out in the real world, not in their stereotypic world... The sources of prejudice are varied. But regardless of how and why prejudices form, the fact remains that, like seeds, prejudice takes root, grows, and blossoms into what may become violent hate” (Kleg, M. (1993), *Hate, Prejudice and Racism*, p. 155; in Tsesis, A. (2009), *ibid.*, p. 520).

¹² On the discussion, see for example Massaro, T. (1991), “Equality and Freedom of Expression: the Hate Speech dilemma”, *William and Mary Law Review*, Vol. 32(211), and “Bennett, J. T. (2016), “The Harm in Hate Speech: A Critique of the Empirical and Legal Bases of Hate Speech Regulation”, *Hastings Constitutional Law Quarterly*, Spring, 43(3).

¹³ “Dignity is at stake. From one perspective, human dignity demands autonomy. A government that does not respect people’s choices and beliefs may violate their dignity. It is crucially important that people are allowed to shape their own identities. In many situations, the conceptions of dignity are arguably at odds with each other. Dignity as liberty demands freedom of expression, but dignity as constraint suggests that unfettered hateful or racist speech should not be permitted because it demeans the victims as well as the community’s social rule. (...) Achieving a balance between these two important human rights values remains quite difficult (...)”. Unione Forense per la tutela dei diritti umani, *ibid.*, p.15.

¹⁴ Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, *ibid.*

¹⁵ United Nations Alliance of Civilizations Group of Friends Ministerial Meeting - Summary Report, *ibid.*

¹⁶ Wehler-Schoek, A., resident director of the Friedrich Ebert Foundation in Jordan, in *Aljazeera*, *ibid.*

¹⁷ Hattar, 56, was arrested on August 13 after posting a caricature on his Facebook account that depicted a bearded man in heaven smoking in bed with women, asking God to bring him wine and cashews. He removed the cartoon shortly thereafter, saying “it mocks terrorists and their concept of God and heaven. It does not infringe God’s divinity in any way”. He had however been released on bail in early September (*Aljazeera*, “Jordan: Nahed Hattar shot dead ahead of cartoon trial”, 26 September 2016, available at: <http://www.aljazeera.com/news/2016/09/jordan-nahed-hattar-shot-dead-cartoon-trial-160925080745317.html>).

¹⁸ *Ibid.*

well as the right of expression. Others celebrated the writer's death as a just punishment for his blasphemy, and insult against Islam, attacking him for being Christian and a secularist. Against this backdrop, Jordan's spokesperson for the Ministry of Media call for efforts to eliminate all rhetoric that is discriminatory in nature or that promotes hatred as well as to fight extremism (and therefore *hate speech* as a whole) "not with a bullet but with a better idea"¹⁹ - at the United Nations Alliance of Civilizations (UNAOC) Group of Friends Ministerial Meeting held in New York last September 2016 - could not be more timely.

In its struggle with hate speech and attempt to contain it, however, Jordan's government significantly curtailed freedom of expression - and that of media in particular - detaining and bringing charges against activists, dissidents, and journalists, often relying on broad and vague provisions of the country's counterterrorism law²⁰. Amended in 2014, it added up to the national law already criminalizing speech deemed critical of the king, foreign countries, government officials and institutions, as well as Islam and speech considered to defame others. The 2015 penal code overhaul proposed by the Ministry of Justice only provided alternatives to imprisonment, such as community service, but did not amend or remove articles long-used by authorities to limit free expression²¹.

Considering all the above, in an attempt to 'mitigate' such excessively strict measures, and in line with the recommendations of the Rabat's Plan of Action to strategic responses to incitement to hatred both non-legal and legal in nature²², Out&About (henceforth **O&A**) in partnership with Partners-Jordan (henceforth **PJ**) are hereby proposing an initiative to induce a tightening of Jordanian criminal law to more clearly define *hate speech* and to ensure the implementation of clear and stricter penalties in cases of *hate speech*, together with the creation of a Jordanian *Hate Speech Observatory*, following the lead example of other Arab countries — Bahrain, Morocco and Tunisia.

2.1 Expected impact, targets and beneficiaries

The work completed through the proposed Project addresses the imperative to 'educate' Jordanian people about *hate speech* and what differentiates it from *freedom of speech*, so as to pave the way for a more nuanced, conscious and attentive use of language 'in the streets', media, and social media platforms. As such, the initiative is expected to ultimately benefit the Jordanian civil society as a whole in that it will represent the first country case²³ of an organization specifically devoting its efforts to reverse the *hate speech*-trend and create/strengthen a culture of peace, harmony and social inclusion, fostering tolerance, empathy, and mutual respect. This is perfectly in line with the Policy Conclusions (Section C) of the 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', according to which legally responding to the challenges of hate speech only represents a part of a larger toolbox — which should also envisage "initiatives coming from various sectors of society

¹⁹ United Nations Alliance of Civilizations Group of Friends Ministerial Meeting - Summary Report, *ibid*.

²⁰ Worth mentioning are the cases of senior Muslim Brotherhood member Zaki Bani Irsheid (February 2015), university professor Eyad Qunaibi (June 2015), freelance columnist Jamal Ayoub (April - August 2015), journalist Seif al-Obeidat and publisher Hashem al-Khalidi (January - March 2015) — all of them detained for speech offenses; see Human Rights Watch, 'World Report 2016', pp. 339-340; available at: https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf.

²¹ Human Rights Watch, *ibid*.

²² Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, *ibid.*, p.1.

²³ Despite the high number of NGOs/CBOs/CSOs in the country (The Media Observatory, International Euromed, the National Center for Human Rights, just to name a few), none is specifically centered on this concept, as they all tend to deal with it in a marginal way and, even when they do, they do not take actions in institutional terms as their activities are mainly restricted to delivering information/reporting. The same applies to local media initiatives.

geared towards a plurality of policies, practices and measures nurturing social consciousness, tolerance and understanding change and public discussion”²⁴. To this end, the Project will target:

- (1) *public officials, policy makers, and members of the judiciary, Government and Parliament*: to encourage them to leverage their positions to promote intercultural understanding and contesting discriminatory statements or behaviour as well as, most importantly, take concrete steps to end hate speech offenses impunity
- (2) *media organizations and journalists*: in light of their undeniable power to form and guide public opinion, the aim is to help them be more ethically aware and socially responsible — e.g. reporting in a contextual, factual, sensitive, and inclusive manner; bringing acts of discrimination to the public’s attention; raising awareness of the harm caused by discrimination and negative stereotyping etc.²⁵;
- (3) *community/religious leaders*: together with other leadership figures, they also have a crucial role to play in speaking out firmly and promptly against statements that might promote discrimination or undermine equality, while also making clear that violence can never be tolerated as a response to incitement to hatred;
- (4) *human rights organizations activists as well as NGOs/CBOs/CSOs’ representatives*: directly acting on the field, they can play a crucial role in creating mechanisms and dialogues to foster intercultural and inter-religious understanding and learning. Importantly, they can support the ability of various members (especially marginalised groups) to voice their perspectives and concerns, in a way that recognises the internal diversity of communities²⁶;
- (5) *youth initiatives/organizations*: to empower them providing them with the possibility to express their views and make their voices louder and heard, thereby acknowledging their great potential as weapons against violent extremism, and key drivers of positive change. In this sense, the Action is expected to also significantly contribute to Jordan’s pioneering role in the areas of youth, peace and security, demonstrated by both the country’s efforts to put youth at the forefront of the United Nations and the Security Council’s agenda and the adoption of the Amman Declaration and UN Security Council Resolution 2250 — as stressed at the United Nations Alliance of Civilizations (UNAOC) Group of Friends Ministerial Meeting²⁷.

3. DESCRIPTION OF THE ACTION

3.1 Overall objective

To tighten Jordanian criminal law ensuring the implementation of a clear definition for hate speech under law and stricter penalties whenever a case of *hate speech* is detected, as a way to reduce the cases of hate speech in public and virtual life.

3.2 Specific tactical objectives

Relying on a holistic approach, the project’s objectives are the following:

1. to suggest a clear and specific definition of *hate speech* (and its practices) to be submitted to the Parliament for approval by June 2017;
2. to create a statistical Observatory and an interactive electronic Observatory (on multiple social media platforms) by the second half of 2017;

²⁴ Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, *ibid.*, p.7 (Section C, 23).

²⁵ Cf. The Camden Principles on Freedom of Expression and Equality, Principle 9, p. 7; available at: <https://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf>

²⁶ Cf. The Camden Principles on Freedom of Expression and Equality, *ibid.*, p. 8.

²⁷ United Nations Alliance of Civilizations Group of Friends Ministerial Meeting - Summary Report, *ibid.*

3. to conduct awareness campaigns through various media channels, parallel to capacity-building training workshops targeting 100 people active within the digital, radio and television media fields, over the two-year period 2017-2018.

3.3 Description of the activities

ACTIVITY 1: Draft of a clear and specific definition of *hate speech*

An ill-defined concepts both within and outside the country²⁸, the notion of *hate speech* - with its blind spots and limitations - still requires discussion and clarification in order to be integrated in domestic legislation and policies in a manner that respects basic international human rights. The provision of an internally accepted definition of “hate speech” represents the first step towards an effective implementation of criminal law provisions against all forms of hatred expression in public life, while also - in the shorter term - enabling the Observatory (please refer to Activity 2) to work from a standard reference point with no ambiguity. Increased clarity in how to define ‘hate speech’ and all the related concepts it calls into question - freedom of speech/expression, freedom of thought, etc.- will indeed serve to create a consistent and concrete baseline for participants and facilitators of the program to start from.

This will be done with the help and support of specialists in the field - e.g. lawyers, human rights scholars/researchers, journalists - but will also involve members from NGOs and CBOs/CSOs active in the humanitarian sector, as well as university representatives. Individual consultations as well as collective meetings are envisaged.

ACTIVITY 2: Creation of a Statistical and an Electronic observatory

Parallel - and at the same time functional - to the ‘legal’ approach of the Action, the Statistical Observatory represents a complementary way to combat incitement to hatred through the establishment of a specialised, independent monitoring institution. Specialists and professionals will be involved in its creation; on the basis of specifically set criteria (aimed at ‘unpacking’ the hate speech mechanisms), they will collect data that will then inform official reports and publications to be drafted — and will also be translated into English, in order to share experiences and solutions on an international level.

In this sense, monitoring is not to be intended as an end in itself, as it will feed into trends and quantitative analysis with the view of extracting findings above and beyond particular instances, and ultimately integrate a response and action strategy in terms of policy and action development.

As to the Electronic Observatory will be available to the general public on multiple social media platforms as a way to allow people to document and report any hate speech episode/act/action they may witness. This is meant as a ‘window’ to further encourage public debate and raise civil society’s awareness on this topic, offering people a way to actively engage with it. By the same token, it will also fully exploit the potential of the new blogosphere²⁹ to enable free expression as a promising platform for a healthy, effective, integrated and inclusive dialogue.

²⁸ “There is no universally accepted definition of the term “Hate Speech” in international law (...), despite its most frequent use by a vast number of actors, including politicians, policy makers, lawyers, judges, civil society, the Media, etc.” COMMENTS AND RECOMMENDATIONS ON ECRI General Policy Recommendation No. 15 on Combating Hate Speech, Dr. Agnes Callamard, Director, Global Freedom of Expression @Columbia, May 20, 2015.

²⁹ Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, *ibid.*, p. 8.

ACTIVITY 3: Design and conduction of awareness raising campaigns on Hate Speech

This stage involves the development of a strategic media campaign to disseminate and share key messages on hate speech and its impact on the society, combined with a series of teaching and training workshops in different regional locations on key concepts regarding hate speech and awareness raising strategies.

Participants of the workshops will be 100 carefully selected individuals from influential spaces in the media. The trainees will take part in teaching and training sessions in order to learn how to address the topic of hate speech from a local as well as regional/global perspective, with a focus on specific (national and international) case studies and challenges. Particular emphasis will be placed on engaging the local/regional media space and journalists, especially those who are well positioned to report, comment on, and investigate xenophobia, hate speech, violent extremism and prejudice. Other participants will include representatives of online social networking services, government officials, academics, representatives of United Nations entities and NGOs.

The training sessions will also be combined with regular public events geared to promote and develop a strong cooperation between media operators, universities, civil society organizations and publishers to assure the sustainability of the project on the long term — in line with their A&O and PJ' *vision* of a Jordanian community ruled by the art of dialogue, and culture of acceptance.

4. ORGANIZATIONS' BACKGROUND AND PARTNERSHIP RATIONALE

Established in 2010, **Out&About Group for Social Development's** mission is to build a global society with a unified set of values - Love, Peace, Acceptance, Forgiveness and Benevolence - and spread the concept of Global Citizenship. Throughout the years, it has been able to attract members from all walks of life through their diversified initiatives, programs and activities — counting more than 10,000 participants to the various initiatives, and enjoying great popularity on social media.

O&A initiatives' successful initiatives include the Weekly Book Club, the Sports Day, the Hand in Hand project (design and implementation of multiple charity programs), the Mashaweer Program (trips throughout Kingdom fostering historical and cultural insights), the Circles program (a series of "discussion circles" inclusive of: life coaching, English Conversation, Awareness, and Marriage Law); and the Social Bubbles initiative — aimed at allowing the groups' member to come up with their own ideas which will then be evaluated and integrated into the different existing programs.

A&O activities' *fil rouge* - as can clearly be seen - is the focus on the individuals and on making them actually *experience* the *values*, rather than (or, better said, in addition to) just theoretically reflect upon them — as a way to ultimately make them experience, and embody, the encompassing concept of Global Citizenship.

Partners-Jordan's vocation to positively reverse the challenges Jordan faces in its path towards greater democracy can - and should - be read in the same vein. As a local Jordanian not-for-profit organization established in 2006, PJ's mission since initiation has indeed been to advance civil society, promote mediation, conflict management and a culture of change, while encouraging citizen participation in Jordan's social and political development and facilitating government-civil society dialogue and cooperation, so as to strengthen the ongoing political reform efforts.

PJ's strength relies on its approach based on an implicit *theory of change*: increasing individual knowledge and skills, building relationships between civil society and government, setting up participatory/cooperative processes whereby people can use their skills and maintain their relationships would pave the way for the empowerment of citizen, and for more accountability on the part of governments towards to its citizens — all of which would ultimately facilitate and lead to solutions that

meet shared goals. This, combined with PJ's exposure to the most updated international standards and learning practices due to its membership of several regional and international networks tackling good governance and civic participation (e.g. Partners for Democratic Change International — PDCI, CIVICUS, Global Partnership for Social Accountability – GPSA, Arab Network for Social Accountability – ANSA, Arab Anti Corruption Network – ACNET, Affinity Group for National Associations – AGNA, Transparency, Accountability and Participation — TAP Network), ensures PJ's capability to work closely with A&O towards a successful implementation of the proposed Project. The two organizations, building on longstanding collaboration and mutual respect, will thus leverage - and maximize - such synergies while stimulating joint action.