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Europeans Outlaw Net Hate Speech

By [Julia Scheeres](#) | [Also](#) by this reporter

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The Council of Europe has adopted a measure that would criminalize Internet hate speech, including hyperlinks to pages that contain offensive content.

The [provision](#), which was passed by the council's decision-making body (the Committee of Ministers), updates the European [Convention on Cybercrime](#).

Specifically, the amendment bans "any written material, any image or any other representation of ideas or theories, which advocates, promotes or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent or national or ethnic origin, as well as religion if used as pretext for any of these factors."

It also obliquely refers to the Holocaust, outlawing sites that deny, minimize, approve or justify crimes against humanity, particularly those that occurred during World War II.

"The emergence of international communication networks like the Internet provide certain persons with modern and powerful means to support racism and xenophobia and enables them to disseminate easily and widely expressions containing such ideas," the council's report on the amendment states. "In order to investigate and prosecute such persons, international cooperation is vital."

Many European countries have existing laws outlawing Internet racism, which is generally protected as free speech in the United States. The council cited a report finding that 2,500 out of 4,000 racist sites were created in the United States.

Critics say that the measure may push hate groups to set up virtual shop in the United States, pointing to a decision last year by a U.S. judge who ruled that Yahoo did not have to block French citizens' access to online sales of Nazi memorabilia, which are illegal in that country. The judge determined that U.S. websites are only subject to American law.

"This could lead to a clash of cultures," said Cedric Laurant, a Belgian lawyer and staff counsel with the [Electronic Privacy and Information Center](#). "What will happen if the French police start asking local U.S. police to give them information about the people running a site?"

European countries may decide to censor U.S. content themselves, as Spain has done, suggested Carlos Sánchez Almeida, a cybercrime lawyer [located](#) in Barcelona.

Spain recently passed legislation authorizing judges to shut down Spanish sites and block access to U.S. Web pages that don't comply with national laws.

"If European countries adopt the (anti-racism) amendment of the European Council in their legislatures, they'll also be able to block websites from the U.S.A., despite the First Amendment."

Representatives of the 44 European countries on the European Council must decide whether to adopt or reject the measure during the next Parliamentary Assembly session in January. Countries who support the amendment will then need to ratify it in their national legislatures before making it law.



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