

# The Regulation of Online Hate Crime

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## Online Hate Crime v Online Hate Speech

Online hate crime deals with **illegal behaviour**, evidenced through the perpetrator demonstrating hostility towards the victim's identity (i.e. race, religion, sexual orientation).

Online hate speech deals with **illegal content**, evidenced through the perpetrator spreading hate towards the victim and not specifically targeting his/her identity.

## What is the issue and what must be regulated?



The sheer amount of online hate crime on social media platforms made it very difficult for governments to control the influx of online hate crime and thus the need for new regulatory approaches.

What must be regulated is user generated content from social media platforms spreading online hate.

## How can we regulate online hate crime?



### Reactive Measures

This is where content is taken down only **after a complaint**. Governments typically impose notice and take down obligations in relation to this.

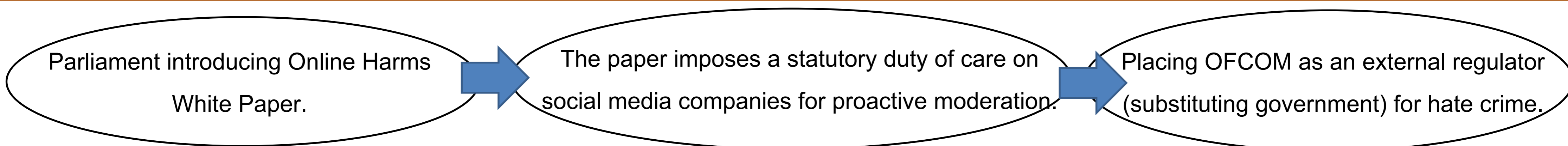
-  Ensures careful scrutiny before removing material
-  Hate crime escalates quickly and take-down might be too late

### Proactive Measures

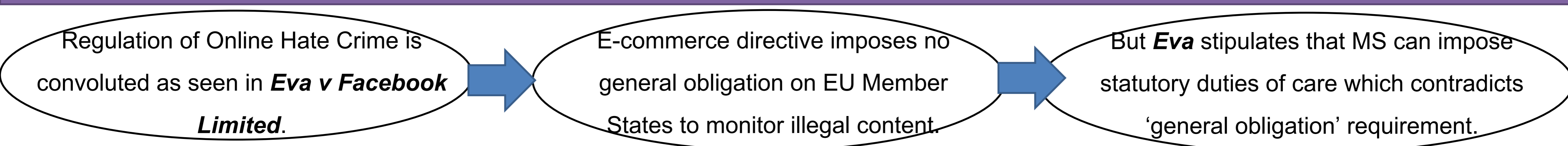
This is where content is taken down **before being posted** thus preventing content to be noticed by anyone.

-  Preventing dissemination of hate speech/crime
-  Over moderation of material can remove legal content which infringes freedom of expression rights

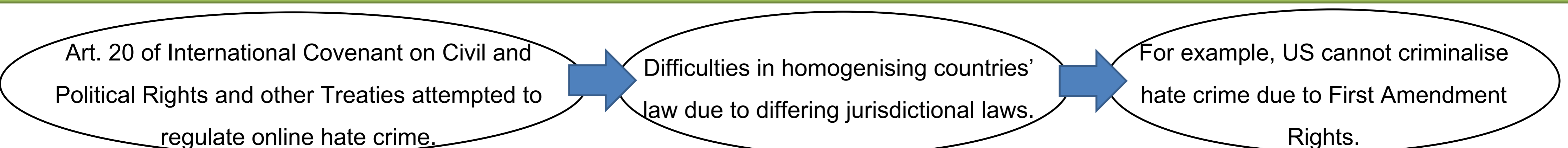
## The Local Dimension: Regulating Online Hate Crime in the UK



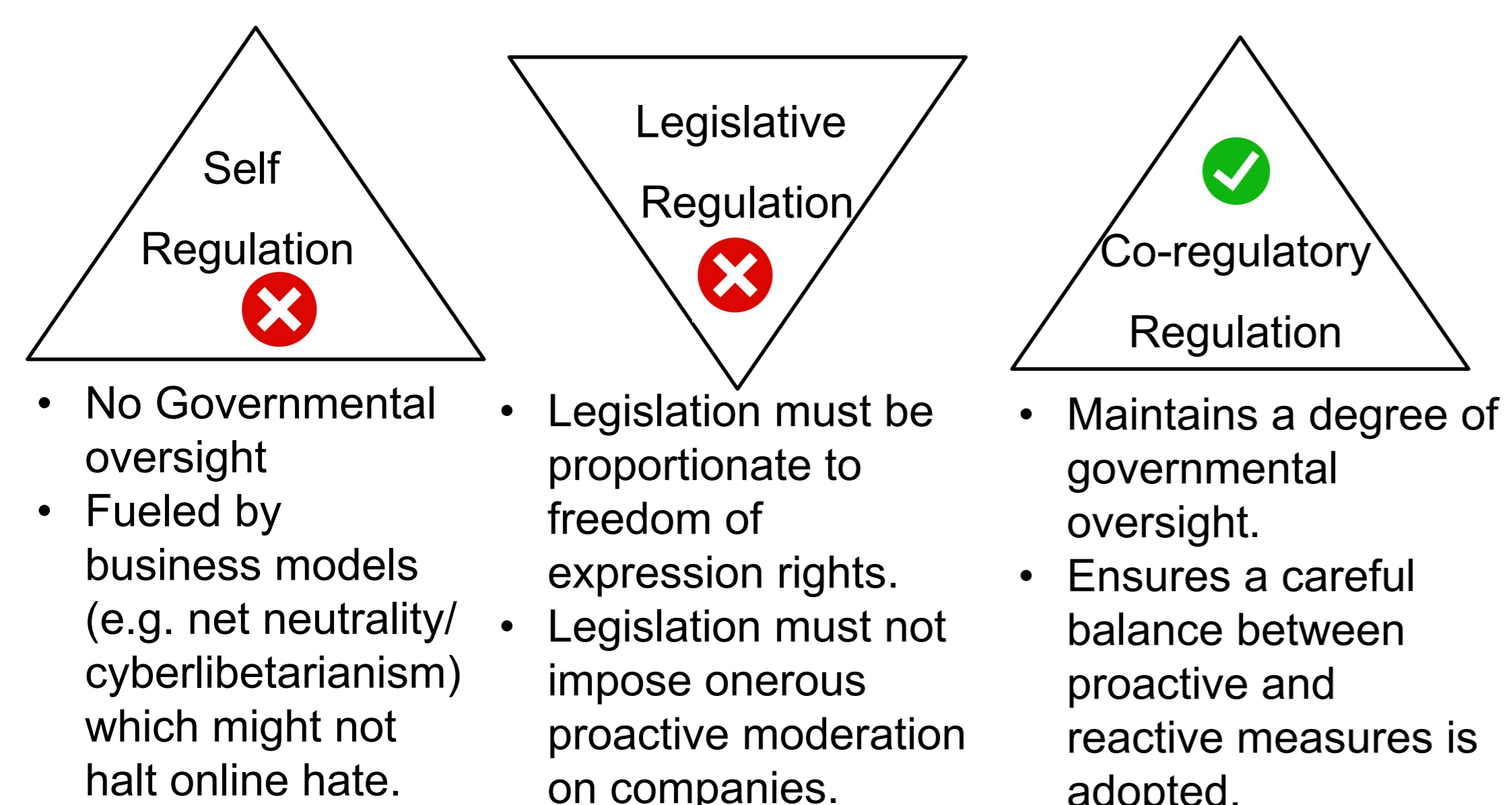
## The Regional Dimension: Regulating Online Hate Crime in the EU



## The International Dimension: International Treaties Regulating Online Hate Crime



## Options for Regulation in the UK



## References

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- Case C-18/18 Eva Glawischnig-Piesczek v Facebook Ireland Limited [2019] ECR
- Chara Bakalis and Julia Hornle, 'The Role of Social Media in the Regulation of Online Hate Speech' (2019) Oxford Brookes Radar
- Chara Bakalis, 'Regulating Hate Crime in the Digital Age' (2018) Oxford Brookes Radar