



Combating online
Hate Speech by
engaging online mEdia

**Online hate speech on the grounds of
gender/gender identity:
legal framework analysis and
mapping of existing response
practices**



symplexis



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Part A





Foreword

Project “Combating online hate speech by engaging online media” (C.H.A.S.E.)—implemented in Belgium, Cyprus, France, Greece, and Italy and funded by the Citizens, Equality, Rights, and Values Programme (CERV) Programme of the European Union—aims to respond to the EU challenge of tackling online gender and gender identity-based hate speech, which flourishes on online mass media and has dire consequences, fueling violence and discrimination.

In the context of the project, the partners in Cyprus (Center for Social Innovation), France (European Center for Human Rights), Greece (Symplexis), and Italy (CESIE European Center of Studies and Initiatives) conducted primary and secondary research to investigate the existing national legal frameworks, including the incorporated European and international legislation, in the participating countries regarding online hate speech based on gender and gender identity. They also studied past hate speech cases that reached court, and identified challenges related to police investigation and reporting, the exercise of legal rights, and prosecution. Moreover, the research aims to identify existing best practices and suggest improvements and methods for more effective detection, investigation, prevention, and combat of online hate speech, particularly based on gender and gender identity.

Partners implemented the provisions of a research protocol developed by Symplexis for the project's research purposes. Following these research guidelines, partners involved in the research activities conducted desk research as well as personal interviews with human rights legal experts and law enforcement agencies and organized focus groups with experts and professionals on gender/gender identity and/or (online) hate speech issues. Symplexis also organized, with the support of CHASE project partners, and hosted an online international workshop with media stakeholders and professionals from across the EU. We conducted all research activities with the informed consent of the participants, adhering to the provisions of the EU's General Data Protection Regulation (GDPR). Project partners would like to warmly thank all interviewees, focus groups, and the international workshop's participants for their extremely valuable insights.





Executive summary – main findings

Legal framework and court jurisprudence/case law

Cyprus's legal framework is shaped by the 1960 Constitution, which established a power-sharing system between Greek and Turkish Cypriots. The country has been divided since 1974, with the Republic of Cyprus under Greek Cypriot control and the northern part governed by the Turkish Republic of Northern Cyprus. The Constitution was amended in 2004 to grant European law supremacy over national laws and the Constitution itself. Cyprus's criminal justice system is governed by the Criminal Code and the Criminal Procedure Act. Hate speech laws in Cyprus are fragmented, with no specific definition of hate speech. The country ratified the Istanbul Convention in 2018, but its legal framework on hate speech does not yet comprehensively address sexism, misogyny, or transphobia in online and offline contexts.

In France, the rise of the internet and social networks has led to the spread of hate speech, including sexist, homophobic, and racist content. The country's legal framework for online hate speech is based on the La loi du 29 Juillet 1881, which protects freedom of expression. However, the French Criminal Code has not always been effective in punishing internet users. The case "la ligue du LOL" in 2019 and the Marvel Fitness case in 2020 are examples of how the French legal framework has been adapted to online hate speech.

In Greece, the legal framework for hate speech is primarily governed by the Greek Penal Code and specific laws and regulations. Key aspects of the Greek Constitution include Article 14 ("Freedom of the Press"), which guarantees freedom of speech, and Article 15 ("Cinema, phonography, radio, television"), which restricts the control and imposition of administrative sanctions. The ratified (by Laws No 4285 of 2014 and No 4491 of 2017) "Anti-Racism Law" No 927 of 1979, criminalizes racist and xenophobic speech, imposing penalties for intentional conduct that incites discrimination, hatred, or violence against individuals based on race, color, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, sex characteristics, or disability. The Penal Code (Law No 4619 of 2019) increases penalties for crimes against individuals targeted by these factors. Greece is subject to the European Convention on Human Rights - which protects freedom of expression but allows for restrictions for the protection of others' rights and freedoms - as well as to the UN



International Convention on the Elimination of All Forms of Racial Discrimination – which condemns propaganda and organizations based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, and commits to adopting measures to eradicate such discrimination. Greece is also subject to EU directives and regulations that combat discrimination and hate speech, including the Framework Decision on Combating Racism and Xenophobia (2008/913/JHA).

Greek courts have the authority to adjudicate cases involving hate speech, with three notable examples: Metropolitan Bishop Amvrosios Lenis's 2015 article claiming homosexuality is a "social felony" and a "sin," Metropolitan Bishop of Piraeus's 2017 complaint for homophobic and antisemitic hate speech, and former footballer Vasilis Tsiartas's 2017 post claiming the "first sex changes" should be imposed to the children of those who voted for a law on legal gender recognition. The Observatory for the Protection of Human Rights Defenders expressed concerns over the sentencing of Panayote Dimitras and Andrea Gilbert, and the ongoing harassment against human rights defenders advocating against hate speech and racism in Greece. Greece has a legal framework that restricts hate speech through laws and international conventions, but it has limitations and gaps. Law No 927 of 1979 - as it was ratified - targets hate speech only under specific circumstances, and there are no explicit references to gender as a protective feature.

The Italian legal framework has comprehensive legislation against hate speech based on racial, ethnic, or religious grounds, with amendments such as Law No. 101/1989 and the Mancino Law expanding protections to include religious intolerance. However, the legislation lacks specific coverage for hate speech based on the victim's gender, gender identity, or sexual orientation. This lack of specific legal provisions perpetuates systemic discrimination and marginalization, leading to underreporting and a lack of adequate support mechanisms for victims. The lack of legal frameworks for hate crimes motivated by gender-related bias hinders effective prosecution and deterrence. The jurisprudence on hate speech reveals the complexity judges face in recognizing the prejudice underlying hate speech and how expressions can be qualified as "incitement" to hatred. The regulatory framework of AGCOM ensures compliance with principles of human dignity, non-discrimination, and combating hate speech. The Zan Bill, an Italian legislative proposal, equated acts of homophobia, transphobia, misogyny, and ableism with those of racism and religious hatred under Article 604 bis of the



Penal Code. However, it did not pass, leaving a gap in Italian legislation on matters of gender-based discrimination, including gender-based hate speech.

CHASE primary (field) research findings

The research conducted in Cyprus reveals that online misogynist/transphobic hate speech is a significant issue, with reports of such hate speech often occurring in response to specific events. The study found that while Cyprus has robust legislation, such as Law 26(3)/2004 criminalising xenophobic and racist acts online, concerns remain about the protection of human rights, particularly for victims of gender-based violence, sexist speech, and LGBTI individuals. The lack of clear definitions and insufficient action from law enforcement contributes to a lack of prosecutions, and victims' mistrust of the system further exacerbates the problem. The lack of clear definitions and insufficient action from law enforcement contributes to the lack of prosecutions, leaving victims vulnerable and the system inadequate.

The Cyprus police have established a cyber patrol team to monitor the internet for problematic content, with each case requiring a unique case file. However, the current framework for regulating online hate speech is complex, with no specific national regulation beyond the 2022 EU Regulation on Digital Services. Support services for victims of hate speech are lacking, and victims, particularly from vulnerable groups, often hesitate to report incidents due to their vulnerability and untrust. The lack of user-friendly mechanisms and the absence of legislative provisions criminalizing misogynistic speech in Cyprus further complicates the situation. The police department manages cybercrime, but challenges arise from regulating online platforms and moderating comments. The broader issue of gender and gender identity remains unaddressed, and targeted actions are needed to address stereotypes effectively.

Participants in the focus group discussed the lack of clear definitions of hate speech and online hate speech, highlighting the need for empirical and practical inputs. They noted that international bodies have established criteria for determining hate speech and criminal prosecution, but many instances fall into a grey area. They also noted a gap between the legal framework and its application, and the lack of educated individuals in society, which hinders clear communication and action.



In France, online hate speech is a growing issue, with cases often involving online comments directed against individuals or groups. The legal framework does not establish a procedure for identifying and punishing hate speech, and judges rely on the penal code and related laws. The media plays a crucial role in the fight against hate speech, as it often tolerates or normalizes such content. The 'English or Spanish' trend on social networks, for example, is a typical example of hate speech that is easily passed on.

To detect online hate speech, various tools have been put in place, including government-run platforms, social networking platforms, and citizen initiatives. Users can report hate content directly via the Pharos platform, while social networking platforms have reporting mechanisms. Associations and police applications also offer helplines for victims. In cases where perpetrators are located outside France, authorities can work with social networking platforms and technology companies to obtain necessary information. Major platforms often work with governments and law enforcement agencies to provide user data, even when users are located in different jurisdictions.

In Greece, online hate speech, particularly against women and trans people, is a widespread issue. The Police Service for combatting Racist Crime is not responsible for cases of hate speech on the grounds of gender but on the grounds of gender identity. The phenomenon is particularly prevalent in news media, closed social media groups, and blogs. Misogynist and transphobic online hate speech is more widespread than other forms, as it is more socially visible than other characteristics. The toxicity of patriarchy targets gender, and the internet's algorithm and social media engagement contribute to the prevalence of this phenomenon. Some research participants consider such behavior an honorable one, as they feel safe, accepted, and encouraged in an online circle where hate speech comments are considered a "normality."

Moreover, in Greece, there is a lack of awareness and reporting of cases of online hate speech, particularly on the grounds of gender and gender identity. Legal experts interviewed in Greece have noted that there is both "under-reporting" and "under-recording" of such cases, as people are not aware of how to sue someone for online hate speech. When these cases reach court, they are often handled as "online verbal abuse" cases. Reports for online hate speech incidents can be submitted to any Police Station and, of course, the Greek Police's Cyber Crime Unit or the Service Combatting Hate Crime, while the latter one is more "specialized" on hate crime/hate speech Police Service. However, there is a debate on the



efficiency, provisions, and limitations of the national legal framework, with some arguing that only two or three comments can be prosecuted for hate speech.

Legal experts in Greece argue that proving the motivation behind hate speech is difficult, and that online hate speech is often spread through the internet. They also note that offenses solely concerning the internet are rare, as it is easier to spread and reach a wider audience. The issue lies in the implementation of legal provisions, with many professionals not aware of the offenses and the need for better treatment of victims. Legal experts also question the legal obligations of owners and moderators of online media platforms, and the use of specific tools for police investigations. The Greek national legal framework applies to online hate speech comments submitted by Greek-based media, but cooperation between the justice ministries in different countries is rare.

Moreover, legal experts in Greece have identified several challenges in identifying online hate speech perpetrators. They noted that identifying the perpetrator is difficult due to various factors, such as the difficulty in tracking their traces and the lack of a mechanism to delete hate speech comments. The police also face challenges in preventing and combating online hate speech, particularly targeting socially vulnerable populations, such as trans people. Research participants also noted a lack of awareness and education among online users about the phenomenon and its impact. They also noted that online platforms and social media platforms do not always provide sufficient community guidelines and reporting procedures. The research participants were also asked about effective tools and practices used to detect, prevent, and combat online hate speech, but most of them were unaware of any specific practices or tools.

Finally, in Italy, the research found that online hate speech is neither marginal nor uniformly addressed across Europe, with gaps in protections against gender-based hate speech. The research also found that legal frameworks addressing hate speech are inconsistent and often inadequate, particularly regarding gender and gender identity. The issue has intensified since the current government took office, with a significant increase in hate crimes and online hate speech targeting LGBTQ+ individuals. The regulatory environment for online hate speech remains complex and fragmented in Italy, with the Digital Services Act requiring social media platforms to adapt to new regulations. Platforms like X and "fringe platforms" complicate efforts to manage and mitigate hate speech effectively.



Gender-based hate speech in Italy is underreported, with only six cases reported in the last three years. This issue is exacerbated by stigmatization and lack of knowledge about existing legislation and procedures. Victims, particularly from marginalized communities, may feel unprotected or supported by authorities. Standardized procedures for identifying perpetrators of online hate speech are challenging, with algorithms often insufficiently trained to recognize context-specific hate speech. Few cases reach the courts in Italy, partly due to victims' unawareness and challenges in gathering sufficient evidence. To combat this issue, measures such as non-violent communication, educational resources, and international police cooperation centers can be implemented. These efforts aim to balance freedom of expression with the prevention of hate speech.

Recommendations from research participants

The research participants in Cyprus suggest several recommendations to combat online hate speech. These include implementing existing directives, educating frontline professionals, and raising societal awareness. The legislative framework should include gender in directives, reconsider the Attorney General's role in sexual orientation and gender identity cases, and provide targeted training for legal professionals. Prevention should involve educating professionals and raising societal awareness about prohibited forms of speech. Collaboration among relevant agencies is crucial for effective tackling. The European Union's directive on violence against women addresses online motivation to violence or hatred based on gender, but misogynistic speech remains unpenalized.

In France, research participants suggest that while legal actions like the Avia Act can prosecute hate speech perpetrators, identifying them behind pseudonyms or anonymous accounts remains challenging. Civil society organizations provide psychological support and awareness campaigns. To combat hate speech, education should instill empathy in younger generations, and the role of judges should be simplified to simplify cases. In Greece, research participants suggest changes to the current legal framework for hate speech, including a more specific provision and treating it as a separate offense. They also suggest civil society organizations can sue online users for hate speech comments targeting population groups. Legal experts disagree, suggesting legal responsibilities for media channels, internet safety, and mandatory training for professionals. The focus group discussed measures to detect,



prevent, and combat online hate speech, particularly in media comments sections, based on gender/gender identity.

The research participants in Greece also suggested updating the media's code of conduct, providing information and awareness campaigns, disincentives, and positive motivations. They also emphasized the importance of journalists' responsibility and the connection between online hate speech and social inequalities. Raising public awareness about hate speech and its consequences is also crucial. Legal experts suggested creating an "observatory" for hate speech in Greece and encouraging users to exercise their legal rights. Education and awareness activities at school are also suggested. Police detection and investigation could be improved using AI tools. The group suggested features such as identifying keywords, patterns, and correlations, understanding the meaning of comments, and warning users about the legal framework for hate speech.

Finally, research in Italy highlights the importance of prevention, detection, and response mechanisms to gender-based online hate speech. It suggests collaboration between public and private sectors, investment in education, improved content moderation practices, transparency, and collaboration with civil society organizations. Law enforcement agencies should receive proper training on identifying and addressing hate speech, and the EU should harmonize policies and legal frameworks across member states. The Digital Services Act (DSA) and other regulations can hold platforms accountable for user-generated content and improve access to justice and support for those affected by hate speech.

International workshop: findings and recommendations from media professionals and stakeholders

The international workshop with media professionals and stakeholders focused on the status and prevalence of online hate speech, particularly directed at (both cisgender and transgender) women in various countries. Participants shared their experiences and insights, highlighting the need for effective strategies to combat this issue. They discussed the recent increase in targeted campaigns against the LGBTQI+ community, the vulnerability of women journalists to online attacks, and the mental "toll" of harassment. Participants also discussed the importance of addressing daily harassment and the lack of physical security measures in their workplaces.



Gender-based hate speech in Belgium and measures taken by the UN Human Rights Council were also discussed. Participants from France highlighted the role of fact-checkers in monitoring campaigns against the LGBTQI+ community and the need for safety measures for online journalists and fact-checkers. They also shared links to an online training course for journalists and fact-checkers on digital security and handling online harassment.

In the framework of effective measures and policies adopted by other online media platforms to combat hate speech and misinformation, participants from Spain and France discussed the importance of awareness-raising, capacity building, peer support networks within newsrooms, factual neutrality in reporting, and promoting accurate definitions and understanding of transgender identities and gender expressions. They also highlighted the role of media literacy in combating misinformation and the need for internal action within media outlets to tackle this issue.

When the workshop coordinators informed participants about the project's consortium intention to develop an ICT tool to identify online hate speech based on gender and gender identity in real-time, participants highlighted the importance of user-friendliness, multilingualism, clear information, and provision of legal advice. They also suggested the involvement and introduction of a trusted community member or user of online media, who has a stake in their community and is more likely to feel a responsibility towards other community members.



Part B: Research Findings





“Cyprus”, by Paschalia Leventi

Introduction. The national legal framework and court jurisprudence/case law

The **1960 Constitution of Cyprus** established a complex power-sharing system between Greek Cypriots and Turkish Cypriots, with the presidency reserved for a Greek Cypriot and the vice-presidency for a Turkish Cypriot. Both communities had shared responsibilities in government, but this bicomunal arrangement collapsed in 1963 after inter-communal violence. Since the Turkish invasion of **1974**, Cyprus has been divided, with the Republic of Cyprus operating as a unitary state under Greek Cypriot control, while the northern part of the island is governed by the self-declared "Turkish Republic of Northern Cyprus". Recognised only by Turkey¹ [UN Security Council resolution 541 (1983) [Cyprus]].² Despite the division, the **1960 Constitution** remains the supreme law of Cyprus, and its provisions have not been formally amended to reflect the absence of Turkish Cypriot participation. **Article 1 of the Constitution** defines Cyprus as an independent and sovereign republic with a presidential regime, founded on the principles of legality, the separation of powers (executive, legislative, and judicial), and the protection of human rights.³ After Cyprus joined the **European Union in 2004**, the Constitution was amended to grant European law supremacy over national laws and even the Constitution itself. The **Fifth Amendment of the Constitution** (Law 127(I)/2006) explicitly established that EU law takes precedence, leading to changes in national legislation to align with EU directives.⁴

Cyprus's criminal justice system is governed by the **Criminal Code and the Criminal Procedure Act (Cap. 155)**, which outlines the definitions of criminal offenses and the procedures for arrests, investigations, and trials. Hate speech laws in Cyprus are somewhat

¹ Cyprus Profile. (2023). *Government & Politics*. Available at: <https://www.cyprusprofile.com/page/country-information/politics?lang=en>

² UN Security Council. (1983). *Security Council resolution 541 (1983) [Cyprus]*. Available at: <https://www.refworld.org/docid/3b00f16528.html>

³ Law Office of the Republic. (2017). *Cyprus's Constitution of 1960 with Amendments through 2013*. Available at: [https://www.law.gov.cy/law/law.nsf/1D2CDD154DCF33C9C225878E0030BA5E/\\$file/The%20Constitution%20of%20the%20Republic%20of%20Cyprus%20as%20amended%20until%202013.pdf](https://www.law.gov.cy/law/law.nsf/1D2CDD154DCF33C9C225878E0030BA5E/$file/The%20Constitution%20of%20the%20Republic%20of%20Cyprus%20as%20amended%20until%202013.pdf)

⁴ European e-Justice Portal. (2024). *National Legislation*. Available at: https://e-justice.europa.eu/content_member_state_law-6-cy-maximizeMS-en.do?member=1



fragmented.⁵ There is no specific definition of hate speech within the legal framework, but various laws criminalise certain forms of expression, particularly those targeting individuals or groups based on their race, ethnicity, religion, color, gender identity or sexual orientation. **Law 134(I)/2011**,⁶ which incorporates the **EU Council Framework Decision (2008/913/JHA)**,⁷ whilst being the primary legislation addressing violence or hatred based on ethnic origin, nationality, or race. The **2015** amendment to the **Penal Code (Law 87(I)/2015)** added provisions that criminalise hate speech targeting sexual orientation and gender identity; [Article 99A Incitement to violence or hatred based on sexual orientation or gender identity⁸] without explicit reference to gender, eliminating any protection against sexist hate speech.⁹

There is also the **2004 law** implemented in Cyprus through its national legislation; **the legislation of the European Council's Budapest Convention on Cybercrime (Law 22(III)/2004)**, where hate speech is criminalised in a general framework, including online expressions; electronic communication and the internet, without reference on gender or gender identity.¹⁰ Gender identity and sexual orientation are treated as separate issues requiring specific authorisation from the Attorney General for prosecution, following the 2015 amendment unlike cases of racism or xenophobia.

Cyprus ratified the **Istanbul Convention in 2018**, which marked a significant step towards addressing gender-based violence.¹¹ In **2021**, Cyprus enacted **Law 115(1)/2021** to combat violence against women and domestic violence, bringing the country in line with the requirements of the Convention.¹² This law includes provisions criminalising various forms of

⁵ CYLAW. (2024). *The Criminal Code Law (CHAP. 154)*. Available at: https://www.cylaw.org/nomoi/enop/non-ind/0_154/index.html

⁶ CYLAW. (2024). *The 2011 Law on Combating Certain Forms and Manifestations of Racism and Xenophobia through Criminal Law (L. 134(I)/2011)*. Available at: https://www.cylaw.org/nomoi/indexes/2011_1_134.html

⁷ European Union. (2008). *Council Framework Decision 2008/913/JHA of 28 November 2008 on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>

⁸ CYLAW. (2024). *The Criminal Code Law (CHAP. 154)*. Available at: https://www.cylaw.org/nomoi/enop/ind/0_154/section-sc6b5f2a28-2aba-4385-6ce7-07d5b97c9d6f.html

⁹ Dılmaç, et al., (2021). *Public Discourses of Hate speech in Cyprus: Awareness, Policies and Prevention*. Available at: <https://library.fes.de/pdf-files/bueros/zypern/17404.pdf>

¹⁰ European Union. (2023). *Convention on Cybercrime*. Available at: <https://eur-lex.europa.eu/EN/legal-content/summary/convention-on-cybercrime.html>

¹¹ Council of Europe. (2024). *Key Facts About the Istanbul Convention*. Available at: <https://www.coe.int/en/web/istanbul-convention/key-facts>

¹² CYLAW. (2024). *The Prevention and Combating of Violence against Women and Domestic Violence and Related Matters Law of 2021 (L. 115(I)/2021)*. Available at: https://www.cylaw.org/nomoi/indexes/2021_1_115.html



violence, online harassment, and sexism. Online sexism, stalking, and harassment were separately criminalised under the Combatting of **Sexism and Online Sexism Law [The Anti-Sexism and Online Sexism and Related Matters Law of 2020 (L. 209(I)/2020)]¹³** and the **Protection from Harassment and Stalking Law (114(I)/2021)**.¹⁴

Cyprus's legal framework on hate speech does not yet comprehensively address sexism, misogyny, or transphobia in online and offline contexts. In practice, these cases are not consistently documented or prosecuted, creating gaps in protection for LGBTIQ+ individuals and women. While these laws offer some protection, gaps remain, leaving the National Law unclear despite several amendments.

In conclusion, while the 1960 Constitution of Cyprus remains the supreme law and safeguards fundamental rights, the evolving landscape of EU legislation and international human rights conventions continue to shape Cyprus's legal framework. With its commitment to European law and the protection of human rights, Cyprus must persist in enhancing its legal provisions, particularly in areas like gender and gender identity online hate speech, to ensure comprehensive protection for all its citizens, in both online and offline environments. While Cyprus has made significant progress in recent years there is still much work to be done, especially on what concerns these areas. While Cyprus has made significant progress in recent years there is still much work to be done, especially on what concerns these areas.

Due to the complex historical background of the country, impacting its legal framework, no specific cases have been identified that provide clarity in interpreting the regulatory framework. The **primary legislation addressing hate speech**, (L 134(I)/2011),¹⁵ has encountered challenges in its implementation, particularly as it does not include gender as a protected category. Even in the areas it covers, there have been no prosecutions, further highlighting a lack of clarity among law enforcement regarding the necessary procedures. The **International Convention of 1979 for the Elimination of Discrimination Against Women**, which Cyprus has ratified, includes provisions obliging states to combat gender stereotypes.¹⁶

¹³ CYLAW. (2024). *he Anti-Sexism and Online Sexism and Related Matters Law of 2020 (L. 209(I)/2020)*. Available at: https://www.cylaw.org/nomoi/indexes/2020_1_209.html

¹⁴ CYLAW. (2024). *The Protection from Harassment and Harassment Monitoring Law of 2021 (Law 114(I)/2021)*. Available at: http://ns1.cylaw.org/nomoi/indexes/2021_1_114.html

¹⁵ CYLAW. (2024). *The 2011 Law on Combating Certain Forms and Manifestations of Racism and Xenophobia through Criminal Law (L. 134(I)/2011)*. Available at: https://www.cylaw.org/nomoi/indexes/2011_1_134.html

¹⁶ United Nations. (1979). *Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979*. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against->



However, in order to impose criminal sanctions, gender must be explicitly recognised as a category within the legislation on misogynistic discourse. Also, as gender identity and sexual orientation incidences necessitate authorisation from Attorney General for prosecution, cases are not consistently recorded, leading to gaps in protection for LGBTIQ+ individuals. Without these inclusions and clarifications, current laws inadequately address sexist, misogynist or transphobic language, in offline spaces, much less in online environments.

Online misogynist/transphobic hate speech in Cyprus

The field research was conducted using personal interviews with Law Enforcement Representatives, Human Rights Legal Experts, and focus groups with professionals and experts working in civil society organizations, the academic and research community and support services, specialized in gender/gender identity-related issues experts, reaching a total of 9 participants primary data collection. Due to the complex and busy schedule of the experts who would participate in the focus group, in comparison with some last-minute cancellations, CSI had to conduct two focus groups. Specifically, CSI conducted 2 interviews with Human Rights Legal Experts, 1 interview with a Law Enforcement Representative, and 2 focus groups with experts on gender and gender identity with a total of 6 participants. All data collection activities were done face to face and were audio recorded. All interviews and focus groups were conducted and collected between **late July 2024 and early September 2024**, and they all lasted for one hour approximately. The focus groups and one interview were conducted in our offices in Nicosia and two interviews were conducted in the offices of the participants in Nicosia.

Regarding the profile of the Human Rights Legal Experts interviewed:

1. A postgraduate in International Human Rights Law and over 20 years of experience at the Office of the Commissioner for Administration and Human Rights in Cyprus; currently holding a senior officer position; played a key role in Cyprus' ratification of the Istanbul Convention and is an active member of European Directory of Equality of Bodies (Equinet), focusing on gender issues.

[women#:~:text=The%20Convention%20gives%20positive%20affirmation,human%20rights%20and%20fundamental%20freedoms](#)



2. An Associate Professor of International Law and Human Rights at the University of Cyprus; with over 10 years of experience, specialising in hate speech, gender discrimination and violence against women; and has conducted a study on hate speech for the Cyprus police.

The **Law Enforcement Representative** has over 30 years of police experience, has served as Director of the Cybercrime Subdivision in Cyprus for the past 11 years, oversees cases involving internet and financial crimes while working with individuals and institutions to combat these issues.

The **focus group participants** included two **Associate Professors** and members of the **UNESCO Chair in Gender Equality and Empowerment** at a University in Cyprus, one of whom is a member of the **Journalistic Ethics Committee**; a **Sociology lecturer** specialising in men, masculinities and sexuality; a **Sociologist** and board representative of YEU - Youth for Exchange and Understanding Cyprus; a **Project Manager** specialising in gender-related issues with a Master's in Gender Studies and a **Helpline Officer** from the Association for the Prevention and Handling of Violence in the Family (SPAVO).

Contextualising hate speech in online platforms in regards to patterns of appearance, it was stated that reports of gender-based hate speech are occasional and often arise in response to specific events, such as the pride parade or other significant incidents. The police have established serious guidelines to combat these phenomena effectively, leading to arrests. However, the reporting of such incidents is not consistently noticed unless they arise from notable occurrences. Although observations of online behaviour related to these issues are made, they are often overlooked until a triggering event occurs. Such incidents usually target specific groups; women, children, migrants, and LGBTQI+ individuals.

Participants commented upon the overall protection of Human Rights; The Law Enforcement representative noted that Cyprus aligns its legislation with EU directives and will soon enact a new directive requiring the removal of online hate speech materials and increasing prosecution responsibilities. While Cyprus has maintained robust legislation since 2004, such as Law 26(3)/2004 criminalising xenophobic and racist acts online, concerns remain about the protection of human rights, particularly for victims of gender-based violence, sexist speech, and LGBTI individuals, as Human Rights Legal experts have noted. This issue is further compounded by the fact that few cases reach court, further raises concerns about the effectiveness of police investigations and the classification of hate speech, both online and offline. Participants noted that the criminal justice system, including the police and



legal services, may lack sufficient awareness, resulting in inadequate protection for victims. For LGBTI victims, there is a legal barrier that does not exist for women, yet both groups are insufficiently supported by the broader system. While the Supreme Court demonstrated a strict stance in the one known case of hate speech that reached it, this remains an isolated incident, suggesting broader systemic flaws. The focus group also expressed that while hate speech, particularly online, is a widespread issue, the lack of clear definitions and insufficient action from law enforcement has contributed to a lack of prosecutions. This underreporting stems from victims' mistrust in the system, further exacerbating the problem. Ultimately, gaps in both legislation and its implementation leave victims vulnerable and the system inadequate.

According to the Law Enforcement representative, the police have established a cyber patrol team that monitors the internet for problematic material. When such content is identified, a unique case file is created and examined. Each case is distinct, and the investigation process may vary depending on its characteristics. In uncertain situations, the team consults the legal service before proceeding with investigations. Additionally, it was noted that, if reports originate from abroad, there is a platform for exchanging information with other countries, allowing the police to notify the relevant national authorities of any potential issues and the actions taken. While it is rare for the police to be directly aware of such cases, the process for international cooperation is established and is being followed, on what regards the detective processes. From the perspective of Human Rights Legal experts, it was noted that regulating online hate speech in Cyprus is complex, with no specific national regulation beyond the **2022 EU Regulation on Digital Services**.¹⁷ This regulation mandates large platforms to monitor content, including hate speech, but smaller platforms remain largely unregulated, leaving the current framework somewhat unclear.

Regarding the reporting, participants stated that in Cyprus, individuals can file complaints through several official mechanisms, including the police-physically, telephone and online via www.cyberalert.cy- the Office of the Ombudsman and the Committee of Media Ethics, regarding media and journalists. Taking a step further, participants stated that, while these avenues exist, support services specifically for victims of hate speech are lacking.

¹⁷ European Union. (2022). *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance)*. Available at: <https://eur-lex.europa.eu/eli/reg/2022/2065/oj>



Although there are services for physical violence, they are unaware of the existence of any state-sponsored psychological support in this context. Victims, particularly from vulnerable groups, often hesitate to report incidents, due to their vulnerability and untrust to the system.

Another issue that may raise further concerns is the lack of user-friendly mechanisms. Internationally, hate speech is frequently reported by organised groups, as noted by participants, but it is unclear if such groups in Cyprus can make these reports. Notably, while some female MPs have reported incidents of hate speech against them, broader women participation in reporting remains low, due to reluctance. From the perspective of the Law Enforcement representative, it was stated that the police take measures to isolate and collect online hate speech material, creating case files for any necessary investigations. Focus group participants also shared the reporting tools offered by online media platforms, but they are unaware on what basis reports are considered as hate speech incidents. All participants commonly identified tools for reporting hate speech, however, following the report, individuals are often unaware of the subsequent handling of their situation and the legal ramifications.

Participants noted that very few cases have progressed to a significant stage, particularly regarding gender, as there is currently no legislative provision criminalising misogynistic speech in Cyprus. Both sexual orientation and gender identity face legal obstacles, compounded by the reluctance of victims to report incidents, which can be attributed to a lack of trust in the justice system. Expanding on that, they have commented that this mistrust arises from the perception that justice system personnel are often uninformed or biased, resulting in insufficient guidance and protection for victims. Consequently, underreporting incidents is frequent. Human Rights Legal experts added that, while the Supreme Court has issued commendable decisions in some cases, there remains a notable absence of cases related to gender or gender identity. However, there have been instances reported to the Committee of Media Ethics, where decisions have been made against specific TV stations or journalists for hate speech, resulting in significant penalties. The broader issues concerning gender and gender identity are largely unaddressed, as commented. In terms of cybercrime, the police department manages these issues; however, it is often easier to take action against the promotion of pornographic material than against hate speech, which is more abstract. Additionally, challenges arise from regulating online platforms and moderating comments, regarding how this is done, particularly on news



websites where derogatory comments frequently occur. Regarding social media, the extent to which the police can intervene in incidents on social media platforms like Facebook or TikTok remains unclear. Participants further expanded on this, stating that, the situation calls for intervention, as it can have consequences for schools and young people.

Specific actions implemented by relevant authorities were shared only by the Law Enforcement representative. It was stated that the police, along with the cybercrime department and the police communication unit, regularly issue public announcements encouraging citizens to be mindful of their comments and to show respect towards children and women. The departments engage in discussions with various organisations and schools to raise awareness about appropriate online expression and the importance of respectful communication. Similarly, other participants emphasised the importance of raising awareness among the wider public, particularly within schools, to educate individuals and affected parties. It is crucial that the broader community engages in various actions to combat harmful stereotypes and promote equality and equity. The more frequently such initiatives are undertaken, the fewer incidents of misogynistic and sexist discourse will arise, leading to greater societal recognition on misogynistic and sexist incidents. As long as systemic inequalities and stereotypes persist in our society, such incidents will continue to manifest. In terms of legal and practical gaps, targeted actions are needed for professionals in the wider community to address stereotypes effectively. There should be multiple initiatives aimed at raising awareness with positive messaging, yet very few of these initiatives are currently being implemented, enhancing the prevention stage.

During the focus group discussion, participants expressed that the definition of hate speech remains vague, highlighting the need for more empirical and practical inputs to clarify what constitutes hate speech. Legal professionals recognise existing legislation on sexism, and the context of hate speech, emphasising the importance of the wider community understanding the impact of its practical application in daily life. Expanding further, international bodies have established criteria for determining when speech qualifies as hate speech and permits criminal prosecution, but applying these criteria can lead to disagreements, as specialized knowledge is required to differentiate them. Due to this, while there are clear cases, as Human Rights Legal experts stated, many instances fall into a grey area. In Cyprus, few individuals possess the necessary expertise. Notably, from what the Law Enforcement Representatives are aware of, no cases of online hate speech have reportedly



gone to court, with the only significant case reaching the Supreme Court concerning national origin. As most participants concluded, the need for clearer definitions on the issue of hate speech and online hate speech, including how incidents of online hate speech are detected, reported and responded. This further underscores the necessity for enhanced legislation to effectively address such incidents and to criminalise hate speech and sexism in response to reported cases.

Regarding good practices, most of the participants were not able to recall a best practice. One of the Human Rights Legal experts stated that Germany is often recognised for having one of the most stringent legal frameworks, especially with laws enacted a few years ago, imposing very strict measures on platforms, along with fines and regulatory approaches. It was noted that Germany has a traditionally strict approach due to its historical context, leading to strict laws against hate speech and the denial of genocide. There is greater awareness in this area. Germany's legal framework, along with its robust political discourse, addresses these issues. The participant was unsure if the country has specific provisions regarding gender identity or gender but mentioned that some EU countries have such provisions, though they were unsure how they define them. Regarding online speech, Germany has a strict framework and imposes fines.

A couple of challenges were identified, especially in regard to the legal framework of the country; The law addresses racist and xenophobic attitudes that promote discriminatory behaviour, but its interpretation in Cyprus seems to be narrow, primarily focusing on physical characteristics, colour, or national and ethnic origin. This creates a gap, particularly regarding the inclusion of social racism against LGBTQI+ individuals, and generally on sexual orientation or gender. While it is internationally accepted that regulations for offline environments also apply online, any hate speech online requires approval from the Attorney General for prosecution. It was further noted that the country is lacking on political action; by including such thematic areas in the political agendas, they could become priorities, and priorities could become realities. Generally, all participants identified the gap between the legal framework and its application, as well as the actions taken by relevant police departments. Additionally, they noted the lack of educated and informed individuals in society, which blurs the ability to clearly connect the dots among these key actors.



Recommendations

Participants shared a couple of recommendations focusing on front line professional groups, the broader society, the monitoring of platforms and the legal framework of the country.

Effective implementation of existing directives is crucial, including oversight for misogynistic speech. Within the legislative framework, three key interventions should be made: first, gender should be explicitly included in the application of these directives; second, the Attorney General's role in investigating sexual orientation and gender identity cases should be reconsidered; and third, targeted training is essential for legal professionals (such as lawyers, judges, law enforcement and journalists) on understanding and applying the law in everyday practice, suitably. Thus, the legislative framework may need to more clearly define what constitutes hate speech. Also, the vitality of awareness and training for front line professionals (educators, police, journalists, and legal services), was also highlighted. The legal services are now prioritising these issues and have initiated training academies for judges, which is a positive step, but they are not enough, in both quality and quantity. This can enable a greater understanding of the topic of online hate speech based on gender and gender identity, allowing relevant cases to be approached in more targeted ways and ultimately reaching the courts.

Prevention is another critical area that requires attention. This includes educating (via trainings) the involved professionals and raising broader societal awareness about prohibited forms of speech, the dangers they pose, and the importance of protecting victims. Familiarising the community with prevention is crucial, such as in schools, and youth organizations, and the role of media engagement in regard to the prevention phase. As a next step, further emphasis should be placed on developing/enhancing user-friendly and trustworthy mechanisms for immediate reporting, enabling individuals—especially marginalized communities—to feel safe and supported when reporting incidents.

Overall, greater societal awareness is required to foster respect for diversity and protect vulnerable groups from discrimination. While the state is currently at an adequate level, there is room for improvement. Ongoing efforts to raise awareness and educate the public about respect must continue and be further enhanced. Empathy, sensitisation and public awareness were greatly emphasized in the focus groups, while all participants



highlighted the importance of education from early stages. Additionally, developing educational tools (such as lesson plans and films) can aid in expanding the understanding of what constitutes hate speech. Given the challenges in defining hate speech, raising awareness about its impact on affected populations is crucial for prevention.

On a national level, participants, and especially the Law Enforcement representative, specified that greater collaborations and partnerships amongst relevant agencies is crucial to effectively tackle the issue. Agencies such as the educational sector, equality committees, the Ministry of Education and NGOs should be engaged. With better coordination and collaboration among these organisations, more effective results could be achieved.

On a European level, the **European Union's legal framework**, includes the directive on violence against women, which features **Article 8** that addresses online motivation to violence or hatred based on gender.¹⁸ This is a positive step, as commented by the participants, however, misogynistic speech remains unpenalized, despite being explicitly prohibited. While this directive represents an important initial move, it is still limited; the overall practical application should be assessed to address any emerging gaps. Also, the new EU directive, particularly concerning online issues, is expected to have a significant impact. By **May 2024**, Cyprus must comply with **the new EU Directive on violence against women**,¹⁹ requiring the criminalisation of incitement to gender-based violence, including sexist speech, within three years. This applies to public, ICT-disseminated hate speech but excludes private contexts. member states are required to introduce stricter laws against online violence and provide improved support to victims. While a positive step, the directive is not comprehensive, as it will only be applied on incitements publicly disseminated to a broader audience. The implementation of this evolving directive promises essential changes; however, so far, only limited substantial progress has been made, and many setbacks in certain areas remain to be addressed. Overall, it is observed that numerous actors play a crucial role on a national level

¹⁸ European Union Agency for Fundamental Rights. (2007). *EU Charter of Fundamental Rights: Article 8 - Protection of Personal Data*. Available at: <https://fra.europa.eu/en/eu-charter/article/8-protection-personal-data#:~:text=1.,basis%20laid%20down%20by%20law>

¹⁹ European Sources Online. (2024). *Directive (EU) 2024/1385 on combating violence against women and domestic violence*. Available at: <https://www.europeansources.info/record/proposal-for-a-directive-on-combating-violence-against-women-and-domestic-violence/#:~:text=It%20establishes%20minimum%20rules%20concerning,an%20appropriate%20time%20after%20criminal>



in combating online hate speech as well as the role of the EU is significant. The EU serves a central driving force in shaping and enforcing measures to address this issue effectively.

General conclusions

Balancing freedom of expression with criminalising hate speech is challenging. The distinctions between permissible expression and restrictions are often subtle, raising questions about what constitutes hate speech and when it should be prosecuted. Though the European Court of Human Rights excludes hate speech from free speech protections, lawmakers remain cautious, needing clear guidelines to distinguish between hate speech and protected expression. Focusing on the national **legal framework**, a refined and more controlled framework should be employed, to target gaps identified in regards to gender and gender identity. On a broader level, society should be educated, awareness campaigns should be implemented that will further sharpen a clear understanding of (online) hate speech to the wider community as well as to the main actors involved. There is a notable gap in **journalism**, characterised by prevalent underreporting and a significant lack of information on these issues. **Education** emerged as a key topic of discussion, both within and outside school boundaries. While initiatives promoting diversity have been implemented in schools, they appear to be insufficient. The **societal response**, which should involve all individuals, remains inadequate. This inadequacy reflects the outcome of the issues previously mentioned.

The obligation to combat gender stereotypes has been recognised for decades. Countries should implement comprehensive actions targeting these stereotypes through education and outreach across all societal levels. Misogynistic and transphobic speech does not emerge in isolation; it is rooted in established gender and gender identity stereotypes. By addressing these underlying issues, society can mitigate the prevalence of sexist, misogynistic, and transphobic language. A society eliminating gender and gender identity stereotypes will naturally inhibit the rise of such harmful speech, emphasising the need for serious and **sustained measures to combat these societal norms, accompanied with target legal framework improvements.**

To effectively strengthen society, emphasis must be placed on **awareness, prevention, and the easy identification of online hate speech against gender and gender identity.** For this to be achieved, **political action** is crucial in order to prioritise these issues on the national



agenda. Over the past two decades, law enforcement has made considerable improvements, particularly in addressing domestic violence; similar advancements should be applied to combating online hate speech on gender and gender identity. Victims must be empowered to **report** incidents without fear of judgment, ensuring that appropriate actions are taken, leading to criminal prosecutions. Agencies involved should address the identified gaps to strengthen a comprehensive system and mechanism for detection, prevention, reporting, response and prevention, ensuring legal protection for all individuals against misogyny and transphobia in online environments.





“France”, by Kofi Busumsi

Introduction. The national legal framework and court jurisprudence/case law

The advent of the Internet and social networks has created a platform for exchange where the public is no longer just a passive receiver of information, but also an actor and disseminator of information. Social network users have become vectors of communication who can share information with the public without limit. This proliferation has given rise to numerous sources of information on social networks including hate speech in which sexist, homophobic, racist or any other form of discrimination is conveyed. This raises the question of the legal framework and whether the existing means of penalizing the perpetrators of hate speech and discord in the traditional media are equally effective in punishing Internet users.

Here are key aspects of the legal framework for online hate speech in France:

- “La loi du 29 Juillet 1881”: In France, freedom of expression is based on this law. This law covers all forms of public expression, and protects freedom of expression. He has demonstrated its effectiveness and adaptability over the last century but he doesn't always seem to adapt to internet.²⁰
- “La loi AVIA”: In 2020, this law was initiated to combat online hate content. This law had among its main measures the setting of a 24-hour deadline for censoring hateful content. It was first censored and then adopted after the measures had been eased.²¹
- “La loi LCEN – 2004”: imposes obligations of vigilance and cooperation with judicial authorities on web hosts and publishers.²²
- “Loi pour l'égalité réelle entre les femmes et les hommes – 2014”: This law includes provisions to combat violence against women, including online violence and discrimination.²³
- “Code Pénal”: Articles 222-33 (moral harassment), 222-33-2-2 (cyberstalking), 226-1 (invasion of privacy), and 226-8 (recording or transmission of words or images of a sexual nature without the consent of the person concerned) of the Penal Code are mobilized to

²⁰ Légifrance. Available at: <https://www.legifrance.gouv.fr/>

²¹ Ibid

²² Ibid

²³ Ibid



punish hateful behavior, including online penalties can include fines, imprisonment and bans on social networks.²⁴

In France, there are a number of case law precedents for online hate speech, two of which are presented here.

- **The case “la ligue du LOL” - 2019²⁵:** This is a high-profile case. This is a case in which a group of journalists and communicators on Twitter, known as ‘Ligue du LoL’, have been accused of massive cyber-harassment, particularly against women for sexist comments and also homophobic comments. The judges based their decision on article 222-33-2-2 of the French Criminal Code, which provides that online harassment is punishable by two years imprisonment and a fine of €30,000. Given the length of time over which the charges have been brought, no criminal action can be taken. The real sanctions in this case will be the measures taken by the publishing houses where the accused journalists work, several of whom will be dismissed as a result. However, a number of journalists will lodge complaints of unfair dismissal and will win their cases and receive compensation. In 2022, the Paris public prosecutor's office shelved the harassment investigation on the grounds of ‘insufficiently serious offences’.
- **The Marvel Fitness case – 2020²⁶:** This case remains a unique and landmark case, because for the first time in the history of French justice, a firm sentence was handed down in a case of cyber-harassment. The YouTuber Marvel Fitness was known for making abusive comments about other youtubers, particularly women. In this case of cyber harassment, the courts are relying on the law of August 4, 2014 for real equality between women and men. It introduces into the Penal Code the aforementioned article 222-33-2-2. Despite the seriousness of the facts, this decision nevertheless remains severe compared to other cases with physical violence. This decision shows that the judge has decided to punish cyber harassment very severely. However, the primary aim of the trial was to stop the harassment of the victims. From this point of view, the decision was a failure, since despite Marvel fitness's conviction, the harassment did not stop - in fact, it has intensified since.

²⁴ Ibid

²⁵ Adrien Sénécat et Anne-Aël Durand - 2019. Available at: <https://www.lemonde.fr/adrien-senecat/>

²⁶ Murielle-Isabelle CAHEN - March 2020. Available at: www.murielle-cahen.com



Online misogynist/transphobic hate speech in France

To provide a general overview of hate speech in France, we conducted interviews with several different people. We met with a lawyer who is a professor of family law at Strasbourg University and president of a women's rights association in Strasbourg, a human rights expert specialising in the fight against social inequality, LGBT and Roma rights, and the vice-president of a human rights association specialising in women's rights. In the absence of an interview with a member of the police force, we relied on police website ARCOM reports to obtain statistics on the extent of online hate speech in France.

We also organised a focus group discussion attended by eight representatives of various organisations, including 1 representative of an association fighting for the rights of LGBT people, 1 representative of the defence of women's rights, 2 representatives of the city of Strasbourg Eurometropole, 1 of whom specialises in the fight against discrimination and the other in crime prevention, 1 representative of the Council of Europe, a human rights expert, 1 representative of an association fighting homophobia, 2 representatives of the Radical Party, a movement fighting against social discrimination.

In France, hate speech is not a crime and no one can be penalised for hating others. France's legal framework on online hate speech does not set out an operating procedure for identifying and punishing hate speech as a crime. It is up to the judge to base his decision on the penal code and related laws. In the course of the various interviews we conducted, we gathered testimonies and experiences from the people we interviewed and the participants in the discussion group to take stock of online hate speech in France.²⁷

Online hate speech against women and LGBT communities seems to be a growing scourge. From our various discussions with the people we met, it appears that hate speech and its consequences do not have the same impact depending on whether it is global hate speech or individual hate speech. In fact, the cases most often encountered that have led to a complaint followed by legal proceedings are generally cases of online comments on networks or in the media directed against an individual. The complaints of online harassment received by associations combating violence against women are cases linked to domestic disputes, where a spouse takes revenge online or harasses his ex-wife on social networks.

²⁷ Anne-Marie Sauteraud ED Dallos June 2015. Available at: <https://shs.cairn.info/revue-legipresse-2020-HS3-page-37?lang=fr>



These cases are often very frequent and are the subject of complaints from the victims. On the other hand, in more general cases where no specific person is targeted, it is more often difficult to find responses or counter-attacks to this type of hate speech. Why this difference?

There is a legal vacuum and a role for the media. When hate speech is not aimed directly at a specific person, it is more complicated to take legal action, and this is often the role played by certain associations. In France, in cases of online or physical violence against women or the LGBT community, it is up to the judge to use the penal code and its various articles to judge the case. In the case of a woman who files a complaint about online violence, the judge may base his decision on the laws on harassment of women or defamation. If it is an LGBT person who is making the complaint, the judge will be able to base his decision on anti-discrimination laws relating to the LGBT community. This is where the role of the media becomes important in the fight against hate speech because the propaganda of online hate speech stems precisely from this inaction, which tends to tolerate or even normalise this kind of online speech. It is not uncommon to come across comments on online media linked to an article in which sexist or homophobic remarks are posted, and which are tolerated without any further procedure.

Compared with the system put in place for terrorist or extreme right-wing speech, cases of hate speech against women or the LGBT communities are given less consideration and enjoy a degree of tolerance. To illustrate this example, the 'English or Spanish' trend that went viral around the world and also in France during the summer of 2024 on social networks such as TikTok is a typical case where homophobia is easily passed on social networks in the form of a playful phenomenon that is quite simply tolerated. The principle of the game is to launch a challenge saying that the first person to move is gay, and we see in the video that nobody wants to move for fear of being thought gay. This kind of video conveys the following message: 'Being gay is bad, it's shameful, so don't move to show that you're not gay'.

The answer to the question **"Is there a European model for combating online hate speech?"** depends on what we're looking for. When we're talking about violence against women, the model people often refer to is the Spanish model in the fight for women's rights, where there is a well-defined legal framework for women's rights, compared with the French model, where it's up to the judge to draw on different legislative resources to respond on a case-by-case basis. But when it comes to online discrimination, the model often put forward is the German Netzwerkdurchsetzungsgesetz (NetzDG), on which France wanted to draw



inspiration when drafting the Avia law, which makes it possible to punish fake news and hate content on social networks.

To detect online hate speech in France, several tools have been put in place, both at the government level and by organisations and associations, as well as citizens' initiatives. Organisations such as “SOS Homophobie” and the “Fondation des Femmes” play an important role in detecting hate speech, particularly through reporting platforms where victims or witnesses can report discriminatory comments. There are also citizen initiatives such as #BalanceTonPorc and #MeToo, which have helped to highlight the extent of gender-based verbal abuse online.

There are various ways of reporting sexist or discriminatory content in France. The majority of cases of online hate speech come from reports made by citizens. In France, users can report hate content directly via the Pharos platform, which is managed by a government agency.²⁸

The main social networking platforms (Facebook, Twitter, Instagram, TikTok) have set up reporting mechanisms that allow users to notify the presence of hate content, but it should be noted that these mechanisms are often deemed insufficient in terms of speed and effectiveness.²⁹ Several associations also offer helplines for victims, such as “SOS Homophobie” and SOS Femmes, which have platforms for collecting complaints from victims. There is also a police application called Flag, which allows victims of harassment or discrimination to report their attackers in real-time.³⁰

Where the perpetrators are located outside France, the French authorities can work with social networking platforms and other technology companies to obtain the necessary information. Major platforms, such as Facebook and Twitter, often work with governments and law enforcement agencies to provide user data, even when users are located in different jurisdictions, particularly in the context of legal proceedings.

²⁸ For more info visit <https://www.internet-signalement.gouv.fr/PharosS1/>

²⁹ For more info visit <https://www.arcom.fr/>

³⁰ For more info see <https://www.flagasso.com/application-flag.html>



Recommendations

In the event of hate speech, there are legal actions that enable the perpetrators of hate speech to be prosecuted, such as the Avia Act, which requires platforms to remove hateful content or face penalties. However, legal action remains limited by the difficulty of identifying the perpetrators behind pseudonyms or anonymous accounts.

Civil society organisations play a role in responding to hate speech by providing psychological support to victims and organising awareness campaigns to educate the general public about the dangers of online hate. Case law shows that the French system now faces a challenge in effectively combating online hate speech. Laws exist to punish hate speech, but the role of the judge is to deliver justice to the victims of hate speech. Hate speech, which is widespread and increasingly common among teenagers, is a societal phenomenon that starts at a very young age. It is all the more important to put tools in place to curb this phenomenon. There are several ways of tackling this phenomenon.

Regarding education, it is important to instill the notion of empathy in the younger generation at a very early age. In France, the notion of kindness and empathy can be perceived as weakness and a lack of self-assertion, unlike in the Nordic countries where these moral values are part of young people's education. Someone with empathy measures the impact of the words they post on social networks and the harm they can cause.

Finally, on the legal front, the role of the judge is important and should remain so given the complexity of online hate speech cases, but it should be noted that the judge is also a human being and a product of our society, and this can sometimes have an impact on his or her decisions. In order to simplify the role of the judge in online hate speech cases, it would be important to restrict the legal framework by simplifying the choice of judge in online hate speech cases.

General conclusions

Compared with other European countries, France is active in terms of regulation and reporting, thanks to structures such as ARCOM, which monitors and evaluates the actions of online platforms. According to the latest data from the European Commission and ARCOM,



France is facing increasing challenges in the fight against online hate speech, but it is not alone: the situation is similar across many European countries.

Overall, the rate of removal of reported hate content has fallen in Europe, from 71% in 2020 to around 63,6% in 2022. The French legal framework against hate speech is robust and includes specific provisions to combat misogynistic and transphobic speech. Case law shows a willingness to firmly punish these offenses, especially in the context of digital communication. The French authorities actively pursue the perpetrators of hate speech to protect victims and promote a more inclusive society that respects the rights of all. But a weak point in this legal system is the power left to the judge. We must not forget that judges are still human and are also pure products of the society in which they live, and can be influenced in their decisions by their personal convictions. The involvement of the media in the fight against hate speech is more than important to reach success.



“Greece”, by Thanasis Theofilopoulos

Introduction. The national legal framework and court jurisprudence/case law

The Greek legal framework for hate speech is primarily governed by the Greek Penal Code and various specific laws and regulations that address issues related to discrimination, hate speech, and incitement to violence. Key Aspects of Greek Hate Speech Legislation are:

- **Greek Constitution:** The Greek Constitution, specifically Article 14 (“Freedom of the Press”), guarantees freedom of speech “orally, in writing and through the press” but “in compliance with the laws of the State”.³¹ According to the same Article, “press is free” and “Censorship and all other preventive measures are prohibited”.³² Furthermore, “The seizure of newspapers and other publications before or after circulation is prohibited”.³³ On the other hand, “Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of” “an offense against the Christian or any other known religion” and/or “an insult against the person of the President of the Republic” and/or revealing “information on the composition, equipment and set-up of the armed forces or the fortifications of the country” and/or aiming “at the violent overthrow of the regime” and/or targeting “the territorial integrity of the State” and/or in case of “an obscene publication which is obviously offensive to public decency, in the cases stipulated by law”.³⁴ According to Article 15 (“Cinema, phonography, radio, television”), “The protective provisions for the press in the preceding article shall not be applicable to films, sound recordings, radio, television or any other similar medium for the transmission of speech or images”.³⁵ The same Article also provides that “Radio and television shall be under the direct control of the State” and that “The control and imposition of administrative sanctions belong to the exclusive competence of the National Radio and

³¹ (THE) CONSTITUTION OF GREECE - Revised by Resolution of November 25, 2019 of the IXth Revisionary Parliament, Hellenic Parliament. Available at:

https://www.hellenicparliament.gr/UserFiles/ebooks/ekdoseis/2019_THE-CONSTITUTION-OF-GREECE/index.html

³² Ibid

³³ Ibid

³⁴ Ibid

³⁵ Ibid



Television Council, which is an independent authority, as specified by law”.³⁶ According to the same Article, “The direct control of the State, which may also assume the form of a prior permission status, shall aim at” – among others - “the respect of the value of the human being and the protection of childhood and youth”.³⁷

- **Law No 927 of 1979** (as ratified by laws No 4285 of 2014 and No 4491 of 2017), widely known as the “Anti-Racism Law”: This law addresses racist and xenophobic speech, providing more detailed regulations about discrimination and incitement to violence. In more detail, this law criminalizes intentional conduct that “publicly, orally or by press, via the internet or by any other means or means, incites, provokes, stimulates or prompts in acts or actions that may cause discrimination, hatred or violence” against a person or group of persons on the grounds of “race, color, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, sex characteristics or disability” and “in a way that endangers public order or poses a threat to the life, liberty or physical integrity of the aforementioned persons”.³⁸ The penalty for such conduct is imprisonment of from three months to three years and a fine of €5,000 to €20,000.³⁹ The same penalties are applied against anyone who “intentionally, publicly, orally or by the press, via the internet or in any other means or manner, condones, belittles or maliciously denies the existence or seriousness of crimes of genocide, war crimes, crimes against humanity, the Holocaust and crimes of Nazism” and his/her behavior “is directed against a group of persons or against a member of it” on the grounds of “race, color, religion, ancestry, national or ethnic origin, sexual orientation, gender identity, sex characteristics or disability” and “when such behavior is manifested in a way that may incite violence or hatred or is threatening or abusive towards such a group or a member of it”.⁴⁰ But if the perpetrator of the aforementioned act (belittling or maliciously denies war crimes, the Holocaust, etc.) is “a public official or employee” who committed this offense while exercising his/her duties, then the penalties are “imprisonment of six (6) months to three (3) years and a fine of ten thousand to twenty-five thousand (10,000 - 25,000) euros”.⁴¹ According to the same law,

³⁶ Ibid

³⁷ Ibid

³⁸ Law No 927 of 1979 [in Greek] (ratified). Available at:
<https://www.kodiko.gr/nomothesia/document/307515/nomos-927-1979>

³⁹ Ibid

⁴⁰ Ibid

⁴¹ Ibid



when all the aforementioned acts “are committed via the Internet or another means of communication, the place of perpetration is also considered the Greek Territory, as long as access to the specific media is provided on its territory, regardless of their location”.⁴² Lastly, the aforementioned acts are investigated and prosecuted ex officio; therefore, there is no need for a report from or an accusation by a victim(s) before the initiation of an investigation and/or prosecution.⁴³

- **Penal Code** (Law No 4619 of 2019, as it was ratified by Law No 5090 of 2024): Article 82A of the Penal Code (Law No 4619/2019) increases penalties for “crimes” against a person who was targeted because of his/her “race, color, national or ethnic origin, ancestry, religion, disability, sexual orientation, gender identity or sex characteristics”.⁴⁴ In more detail, “in the case of a misdemeanor punishable by up to one (1) year in prison, the minimum sentence is increased by six (6) months” and “in other cases of misdemeanors, the minimum limit is increased by one (1) year”.⁴⁵ Moreover, “in the case of a felony, the minimum sentence is increased by two (2) years”.⁴⁶
- **European Convention on Human Rights:** Greece, as a member of the Council of Europe, is bound by this Convention, which protects freedom of expression under Article 10 but also allows for restrictions when necessary for the protection of rights and freedoms of others.⁴⁷ In more detail, according to Article 10 of the Convention, the exercise of freedom of expression,

since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.⁴⁸

⁴² Ibid

⁴³ Ibid

⁴⁴ Law No 4619 of 2019 [in Greek] (ratified). Available at:

<https://www.kodiko.gr/nomothesia/document/529099/nomos-4619-2019>

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ European Convention on Human Rights (as amended by Protocols Nos. 11, 14 and 15 supplemented by Protocols Nos. 1, 4, 6, 7, 12, 13 and 16). European Court of Human Rights & Council of Europe. Available at:

https://www.echr.coe.int/documents/d/echr/convention_eng

⁴⁸ Ibid



At the same time, the Convention prohibits discrimination: according to Article 17 of the Convention,

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.⁴⁹

- **UN International Convention on the Elimination of All Forms of Racial Discrimination (1965 – entry into force in 1969):** This UN Convention was incorporated into the Greek legal framework in 1970 by Law No 494.⁵⁰ According to Article 4 of the Convention,

State Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.⁵¹

According to the same Article, State Parties must proceed to the criminalization of “dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination” as well as all “incitement” to “acts of violence “against any race or group of persons of another color or ethnic origin”.⁵² Being a member of organizations “which promote and incite racial discrimination” must also become punishable by law, according to the same Article. Finally, State Parties “Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination”.⁵³

- **European Union Legislation:** As a member of the European Union, Greece is subject to EU directives and regulations that combat discrimination and hate speech. For example, Greece is bound by EU directives that promote anti-discrimination and protection against hate speech, including the Framework Decision on Combating Racism and Xenophobia (2008/913/JHA) by means of criminal law, that requires member states to criminalize public incitement to violence or hatred against groups based on “race, color, religion, descent or national or ethnic origin”.⁵⁴ Furthermore, according to Article 8 of the EU

⁴⁹ Ibid

⁵⁰ Law No 494 of 1970. Available at:

http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2011/02/ND-494_1970.pdf

⁵¹ UN General Assembly resolution 2106 (XX) - International Convention on the Elimination of All Forms of Racial Discrimination. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

⁵² Ibid

⁵³ Ibid

⁵⁴ COUNCIL FRAMEWORK DECISION 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>



Directive 2024/1385 on combating violence against women and domestic violence, EU member states (including Greece)

shall ensure that intentionally inciting violence or hatred directed against a group of persons or a member of such a group, defined by reference to gender, by publicly disseminating, by means of ICT, material containing such incitement is punishable as a criminal offence.⁵⁵

Greek courts have the authority to adjudicate cases involving hate speech. Several notable legal cases have addressed (online or not) hate speech (on the grounds of gender identity and/or other characteristics) in the country. Here are three significant examples, which received important public attention in the country:

- **Metropolitan Bishop for Kalavryta and Aigialeia (Greek Orthodox Church) Amvrosios**

Case: In 2015, Bishop Amvrosios Lenis published an article on his blog claiming that homosexuality is a “social felony” and a “sin” while calling LG people “the scum of society”, “defective”, “mentally ill”, and asked people to “spit on them”.⁵⁶ This article was widely disseminated on the internet.⁵⁷ Initially, the Bishop was found not guilty by the “first-instance court” which decided that “his remarks had targeted members of parliament [because of their support to a new law allowing same-sex couples to form civil unions] and not homosexual people”.⁵⁸ But, later, “following appeals by the Aigio and Patras public prosecutors, the appellate court found him guilty of both misdemeanors” sentencing him to imprisonment (7 months with three years suspension).⁵⁹ Then the Bishop “lodged an appeal on points of law with the Court of Cassation” which “confirmed the finding of the Court of Appeal that the applicant’s freedom of expression had not been violated as his article had been liable to cause discrimination and hatred against homosexuals. It reduced his sentence to five months, suspended”.⁶⁰ Despite this negative for the bishop and

⁵⁵ Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. Available at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32024L1385>

⁵⁶ European Court of Human Rights [ECHR] (2023 August 31). Press Release - Homophobic article by senior official of Greek Orthodox Church was incompatible with the Convention. Available at: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7730562-10691849&filename=Decision%20Lenis%20v.%20Greece%20-%20Homophobic%20article%20by%20senior%20official%20of%20Greek%20Orthodox%20Church%20was%20incompatible%20with%20the%20Convention.pdf>

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Ibid



positive for human rights development, Bishop Amvrosios appealed at European Court of Human Rights complaining “that his criminal conviction for publishing the article on his personal blog violated his freedom of expression under Article 10 of the Convention” but the Court rejected the appeal, as it “agreed with the Greek courts’ conclusions that most of Mr Lenis’s remarks had targeted homosexuals in general” and

reiterated that in cases concerning Article 10 of the Convention, Article 17 (prohibition of abuse of rights) came into play if it was immediately clear that the statements sought to use the right to freedom of expression for ends clearly contrary to the values which the Convention sought to promote.⁶¹

- **Metropolitan Bishop of Piraeus (Greek Orthodox Church) Seraphim Case:** In 2017, human rights activist Panayote Dimitras of the Greek Helsinki Monitor together with other human rights organizations (Athens Pride etc.) lodged a complaint for homophobic and antisemitic hate speech against the Metropolitan Bishop of Piraeus, Seraphim for statements he made during a TV-Show of a private Greek TV-Channel.⁶² More than 2 years later, the prosecutor dismissed the aforementioned complaint “arguing the statement should be seen in the context of the doctrine of the Christian Orthodox church” and then bishop Seraphim filed a complaint against the aforementioned activists own complaint “for allegedly making false statements against him”.⁶³ In 2022, the court convicted (prison sentence with three years suspension) the activists after finding them guilty of “falsely accusing”.⁶⁴ The Observatory for the Protection of Human Rights Defenders (a partnership of the World Organisation Against Torture) expressed “its concerns over the sentencing of Panayote Dimitras and Andrea Gilbert, on the basis of a public prosecutor accusation brought forward without conducting a previous investigation as is prescribed by law” adding that it (the Observatory) “is more generally concerned over the ongoing harassment against human rights defenders advocating against hate speech and racism in Greece”.⁶⁵

⁶¹ Ibid

⁶² Greek Helsinki Monitor (2017 February 3). “Lawsuit for homophobia and anti-Semitism against Metropolitan Seraphim – again the expedited procedure was not applied” [“Μήνυση για ομοερωτοφοβία και αντισημιτισμό κατά Μητροπολίτη Σεραφείμ – πάλι δεν εφαρμόστηκε η αυτόφωρη διαδικασία” – available in Greek]. Available at: <https://greekhelsinki.wordpress.com/2017/02/03/1-29/>

⁶³ Smith, H. (2022 February 15). Activists convicted of ‘falsely accusing’ Greek bishop of hate speech, *The Guardian*. Available at: <https://www.theguardian.com/world/2022/feb/15/activists-convicted-of-falsely-accusing-greek-bishop-of-hate-speech>

⁶⁴ Ibid

⁶⁵ Observatory for the Protection of Human Rights Defenders [OMCT] (2022 March 11). Greece: Sentencing of GHM members Panayote Dimitras and Andrea Gilbert. Available at:



- **Former Footballer of Greek National Football Team Vasilis Tsiartas Case:** In 2017, just days before the Greek Parliament votes for a law on legal gender recognition, the former footballer Vasilis Tsiartas made a post in his personal Facebook account, claiming *“I wish the first sex changes will be made to the children of those who voted for this disgrace. Let’s see with what pride they will come out. PS You also legitimize pedophiles too, to complete the crimes”*.⁶⁶ The then – and memorable – President of the Greek Transgender Support Association (GTSA), Marina Galanou appealed to justice.⁶⁷ Five years later, on November 3, 2022, Tsiartas was sentenced (ten months imprisonment with a three-year suspension) in the first instance by a Court in Athens, for inciting violence against transgender people.⁶⁸ The court decision was celebrated as “The first conviction for public incitement to violence or hatred based on gender identity” in the country.⁶⁹ But, finally, Tsiartas appealed to justice against the decision above and the appellate court acquitted him on all charges.⁷⁰ GTSA publicly accused the judges of unprecedented bias in favor of Tsiartas and a lack of knowledge and understanding regarding gender identity.⁷¹ Moreover, GTSA noticed the openly transphobic and misinformative claims of Tsiartas during the trial regarding the purpose of the law for legal gender recognition.⁷²

In summary, while Greece upholds the principle of free speech, it has a legal framework that allows for the restriction of hate speech through various laws and international agreements, aimed at protecting individuals and communities from violence and discrimination. On the other hand, there are some major limitations and gaps. The most important one is the fact that law No 927 of 1979 – as it was ratified – specifically targets hate

<https://www.omct.org/en/resources/urgent-interventions/sentencing-of-ghm-members-panayote-dimitras-and-andrea-gilbert>

⁶⁶ Greek Transgender Support Association [GTSA] (2022 November 4). Press Release - Subject: «A particularly important victory for the trans community: The first conviction for public incitement to violence or hatred based on gender identity». Available at:

<https://tgender.gr/press-release-a-particularly-important-victory-for-the-trans-community-the-first-conviction-for-public-incitement-to-violence-or-hatred-based-on-gender-identity/>

⁶⁷ Ibid

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ Greek Transgender Support Association [GTSA] (2024 July 2). Δελτίο Τύπου - «ΚΑΤΑΓΓΕΛΙΑ ΚΑΙ ΑΙΤΗΜΑ ΓΙΑ ΑΜΕΣΗ ΠΑΡΕΜΒΑΣΗ ΕΙΣΑΓΓΕΛΕΩΣ ΤΟΥ ΑΡΕΙΟΥ ΠΑΓΟΥ ΓΙΑ ΑΘΩΩΣΗ ΤΡΑΝΣΦΟΒΙΚΟΥ ΜΙΣΑΛΛΟΔΟΞΟΥ ΛΟΓΟΥ» [Press Release - COMPLAINTATION AND REQUEST FOR IMMEDIATE INTERVENTION OF THE PROSCUTOR OF AREIOS PAGOS SUPREME COURT FOR ACQUITTAL OF TRANSPHOBIC SPEECH» - available only in Greek]. Available at: <https://tgender.gr/deltio-typou-kataggelia-kai-aitima-g/>

⁷¹ Ibid

⁷² Ibid



speech only under specific circumstances: if this hate speech “endangers public order or poses a threat to the life, liberty or physical integrity of the aforementioned persons”. Moreover, while there are explicit references to gender identity, sexual orientation, and sex characteristics in both Law No 927 of 1979 (ratified by laws No 4285 of 2014 and No 4491 of 2017) and the Penal Code (Article 82A - Law No 4619 of 2019, as it was ratified by Law No 5090 of 2024) as protected - from hate speech - features, there are no explicit references to “gender” as a protective feature as well. Finally, the cases above illustrate the ongoing challenges Greece faces in balancing free expression with the need to protect individuals and communities from hate speech and discrimination.

Online misogynist/transphobic hate speech in Greece

To investigate the situation of online hate speech in Greece, specifically in the comment sections of Greek media platforms, I conducted one in-person interview with a male police officer from a law enforcement agency, two in-person interviews with female legal experts specializing in human rights and/or gender identity-related issues, and a focus group comprising six professionals, including four women and two men, one of whom is transgender. Interviews with legal experts focused on national and European legal frameworks as well as on past relevant cases that reached court. The law enforcement agency conducted interviews that centered on the characteristics and extent of the phenomenon, the police's methods for detecting, combating, and reporting incidents of online hate speech, the use of effective tools and best practices in the country and other EU member states, and suggestions for enhancing policing. Focus group discussion focused again on the characteristics and extent of the phenomenon, good practices implemented in the country and abroad (EU), and recommendations regarding the application tool that will be designed in the framework of the CHASE project.

In order to understand the background and profile of the interviewees and focus group participants, I conducted an interview with a police officer who works in the Hellenic Police's Service Combating Hate Crime, which is also responsible for incidents of hate speech. The police officer had graduated from the Hellenic Police Officers School. Despite lacking any specific postgraduate studies on online hate speech, the interviewee has gained valuable experience as a staff member of the aforementioned Police Service over the past six years. As



a police officer working in this service, the interviewee investigates hate crimes and hate speech incidents. Among the legal experts interviewed, one holds a position in an NGO's children's protection program and operates a private office specializing in domestic violence cases. In 2021, the interviewee participated in the foundation of an NGO that focuses on raising awareness of gender-based violence and gender equality in digital media, and since then he/she has also worked for the aforementioned organization. Since 2020, the second legal expert has been a staff member of an NGO that advocates for women's rights and supports survivors of GBV. Initially, he/she supported refugees on a Greek island, and since 2022, he/she has been working at the organization's headquarters, offering legal support to GBV survivors irrespective of their nationality or legal status. Both legal experts have graduated from law school and have postgraduate studies: the first one holds a master's degree in international law and human rights, while the second one holds two master's degrees, one on international and European law and another in labor law.

Finally, addressing the background of the focus group participants, two are employed by the same human rights NGO, which specifically targets young people, as project managers, researchers, and/or trainers on EU-funded projects related to human rights, gender-based violence, hate speech, and other related areas. An NGO that supports LGBTQI+ individuals employs another participant as a psychologist, specializing in mental health issues and managing a private office. The same participant has been involved in numerous EU-funded projects on LGBTQI+ issues and has also served as the Head of the Board of an LGBTQI+ organization. The fourth participant, who is a founding member of an NGO that advocates for gender equality and combats gender stereotypes, serves as an adult trainer and organizer of various activities and events. Another participant works in a university as a teaching staff member and in a human rights NGO as a project manager, researcher, and trainer for EU-funded projects on human rights, GBV, gender equality, etc. The sixth participant provides support services to women who have experienced GBV or discrimination in a counseling center for women.

Regarding their undergraduate studies, two individuals have completed their studies in theater, two others in psychology, one in social work, and one in media and communication. Moreover, one of them holds a Master's Degree in Marketing, one of them has a Master's Degree in Gender Studies, one of them holds a PhD in Media and Communication Studies, and another one is a PhD candidate on gender issues.



I audio-recorded all interviews and the focus group after gaining the informed and signed consent of the research participants. All interviews and the focus group took place between July and October 2024.

I asked the focus group participants and the police officer interviewed to describe the country's situation with regard to online hate speech in general, hate speech based on gender and gender identity in particular, and, particularly, hate speech in the comments sections of online media.

The police officer who conducted the interview initially stated that the Police Service responsible for combating racist crime does not handle cases of hate speech based on gender but rather on gender identity, among other characteristics. The interviewee argued that online hate speech is quite widespread both in Greece and in Europe ("pan-European phenomenon"), adding that "LGBTQI+ persons" and "foreigners" (migrants/refugees) are the most usually targeted populations. Focus group participants also argued that online hate speech is widespread, as well as online hate speech against women and/or trans people in particular. A participant asserts that the phenomenon is so pervasive that one can find comments that are "at least negative" about gender/gender identity-related issues, even under posts of irrelevant content.

According to the police officer interviewed, online hate speech comments are commonly found under posts on social media such as Facebook and Instagram and then in the comments section of news media websites. He/she added that the percentage of hate speech comments in news media's websites' comment sections is similar to the percentage of such comments under posts on news media's social media accounts. The participants in the focus group suggest that certain news media, (closed/private) social media groups, social media channels (e.g., YouTube channels), and blogs are particularly prone to hate speech comments against women and/or the LGBTQI+ community, which are not unusual and can sometimes be especially extreme. For example, according to a participant, online users may share women's photos (obviously without their consent and for defamation reasons) in closed social media groups.

Another participant questioned why many media outlets fail to delete hate speech comments. The participant, a founding member of an NGO promoting gender equality, mentioned that their organization's official social media posts often feature relevant comments. The same participant also observed that some online users "tagged" the names of



other online users in the comments sections under the organization's page, effectively inviting them to leave negative comments. He/she further stated that one can find similar comments on posts from art organizations' social media accounts. For instance, online users have left hate speech comments on a theater's social media account, which features a drama play about the assassination of a trans person.

A participant asserts that misogynist and transphobic online hate speech is more pervasive than other forms of hate speech, citing the fact that everyone has a gender identity, which is more socially visible than other characteristics such as a person's religion. Another participant emphasized that online hate speech based on gender can manifest in indirect ways, such as reiterating gender roles and stereotypes or diminishing the severity of issues like violence against women. Conversely, online hate speech based on gender identity can take a more direct and explicit form, such as labeling trans people as "sick" due to their gender identity, accusing them of destroying society, or suggesting that they should not exist. Another participant observed that "current affairs" can influence online hate speech. For example, if there are any developments regarding migration or refugee policy, antimigrant and antirefugee online hate speech may increase. The same participant asserts that gender-related issues have gained popularity and mainstream recognition, resulting in "counter-actions."

The same participant was impressed by the fact that some online users find time to make hateful comments under posts in the news media. However, the participant expressed that "something" "fuels" their behavior. He/she observed that the "toxicity of patriarchy" initially targets gender. A participant added that the internet's "algorithm" contributes to the prevalence of the phenomenon, meaning that when an online user comments on an online post on gender issues, then this "algorithm" suggests a similar post to the online user. Moreover, according to the same participant, social media's "engagement" also contributes to the phenomenon: when an online friend of an online user makes an online comment, then the latter one will find this activity at the top of his/her timeline. Some participants noted that online users occasionally express hate speech without hesitation, even when their identity or name is publicly visible. One participant said they "don't consider" such comments "hate," so they don't feel "ashamed" or "hide." On the contrary, they view such behavior as "honorable" because they belong to a "circle" where such comments are common. They seek to express their opinions and, more importantly, receive encouragement from other users who share



their views, earning "likes" for their "clever" opinions. In other words, they feel safe, accepted, and encouraged in an online circle where hate speech comments are considered "normal."

The majority of focus group participants were unaware of whether the responsible authorities receive reports on cases of online hate speech in general and/or on the grounds of gender/gender identity in particular. According to one of the legal experts interviewed, there is both "under-reporting" and "under-recording" of online hate speech in general, and specifically on the grounds of gender and gender identity. One of the reasons for this underreporting is that individuals often lack knowledge about their legal rights when it comes to online hate speech. Moreover, some people may have no time or the necessary financial resources to proceed with legal action against perpetrators. Other people may think that the authorities "won't find" the perpetrator(s). The same interviewee claims that most courts handle these cases as "online verbal abuse" cases. The legal expert added that one of the results is the lack of official data on online hate speech—or at least the inability to find such data.

According to the police officer, they file approximately five official reports for online hate speech incidents every week, or a few more. He/she cited the instance of online hate speech comments containing transphobic content, which appear in posts linked to a transphobic hate crime under police investigation. The police officer was unaware of any reports the media had filed against online users regarding online hate speech comments made on the media's websites or under posts in the media's social media accounts. Online users surfing the internet and/or civil society organizations typically file reports, not the victims themselves.

Some of the focus group participants mentioned that the Greek Police's Cyber Crime Unit or the Service Combating Hate Crime can receive reports for online hate speech incidents. One of the participants expressed a lack of knowledge regarding the filing of reports when hate speech targets not just an individual but an entire community. The police officer interviewed explained that the respective procedure is "very easy" because hate speech is an "ex officio" crime and a "suit" is not required. The interviewed police officer stated that anyone can report an online hate speech incident by simply sending an email or calling the police, providing evidence of the incident's location, and providing a link or screenshot of the incident. The police officer clarified that individuals can report such incidents to any police service, not just the Police Service Combating Racist Crime, as it falls under the category of



"ex officio crime." However, he/she clarified that the aforementioned service, being more specialized, should receive these reports.

When it comes to cases of online hate speech in general and/or on the grounds of gender/gender identity that have reached court in the country, few focus group participants referred to the case of the former bishop of the Greek Orthodox Church who was convicted for online hate speech (through his personal blog) against LGBTQI+ people. One of these participants also referred to other cases of non-online hate speech by the media that reached court. One of the legal experts interviewed also referred to the case of a lawyer who made online fat-phobic comments about women who were going to the beach. Despite bringing the case to justice, he did not receive a conviction.

The other legal expert interviewed referred to a case he/she handled personally. A Twitter user re-published the photo of a woman working in a human/gender rights civil organization, along with sexist and other insulting comments. However, the lack of a specific legal framework forced the legal expert to invoke the legal provisions regarding "online verbal abuse." They are still investigating the case and trying to identify the perpetrator. The same interviewee also referred to another case he/she handled. A parent of a trans person sued online users for hate speech comments in a post on LGBTQI+ issues.

The interviewees also commented on the efficiency, provisions, and limitations of the national legal framework. In "social terms," hate speech may consist of "ten thousand comments," but in "legal terms," only two or three of these comments can initiate a prosecution due to the legal framework's "too many conditions." Similarly, one of the legal experts interviewed argued that for a case to reach court, the offense must be "blatant." In a broader context and discussion, the other legal expert identified a "discussion" or "clash" occurring "in the legal field between freedom of speech and hate speech." He/she asserts that the primary "weighing" or "criterion" determines whether something qualifies as hate speech or as a freely expressed opinion. He/she added that there are many supporters on both sides (i.e., those who advocate for unrestricted speech and those who advocate for setting limits)—both domestically and internationally.

The same legal expert who was interviewed also acknowledged that, similar to the criminal code, which criminalizes acts, hate speech also has a "racist motivation." However, it can be challenging to prove the role of this motivation, which could be hate or prejudice, in a hate speech case. For this reason, the examination of a case may seek additional evidence,



such as the perpetrator's involvement in extreme political organizations. According to the same legal expert, an individual has the right to sue someone who makes online hate speech comments against a population group in general, rather than specifically against them. However, the individual must prove that their "association" with the targeted population group gives them a "legal interest" and that the perpetrator's "act" directly offends them.

A legal expert also pointed out that "offenses" that "exclusively concern the Internet" are "rare." The expert clarified that the internet serves as a tool for committing crimes. The same legal expert asserts that the ease with which hate speech can spread and reach a larger audience makes the internet an "aggravating form" in certain cases. However, the same legal expert asserts that the issue in Greece is not the "what" of the legal provisions but rather the "how" of their implementation.

He/she added that there is a lack of "training" for "professionals" who are in "key positions," e.g., "judges," "police officers," and even "lawyers" who handle cases of online hate speech. For instance, many of these professionals are unaware that such "actions" (online hate speech) are "actually offenses," and/or they lack the knowledge of "how to treat the victims." According to the same interviewee, the issue lies in the victims' "access" to justice. For instance, if a victim visits a police station to file a report, the officers may ridicule them. The interviewee gave an example of a prompt and positive response from responsible authorities in another EU member state: in Cyprus, authorities promptly removed an online user's "Rape is Good" video. This user—male and gymnast by profession—was followed by many men—including young ones—and provided them with "advice" on how to pick up women and how to behave with them when it comes to sex. The other legal expert was unaware of a more efficient and inclusive legal framework for online hate speech (based on gender and/or gender identity) in other EU member states.

When it comes to the legal obligations of the owners as well as the moderators of online media platforms, one of the legal experts interviewed was not sure if, in legal terms, they should be brought to justice in case they leave or allow hate speech comments from online users under posts in their news website platforms or social media accounts. The same interviewee was not aware of any relevant cases or court decisions. Similarly, the other legal expert interviewed stated that prosecuting a media owner or the moderator of the media's online website for hate speech comments made under their posts by other online users would be "difficult"—if not impossible.



Regarding police investigation, the police officer interviewed explained that besides reports from citizens, organizations, etc., police officers of the aforementioned service visit the most popular websites as well as websites that use “extreme right rhetoric” in search of online hate speech content. For the same purpose, they also visit the websites of organizations that collect data and reports for hate speech and hate crimes in the country. He/she added that the service does not make use of any “specific tool” for investigation purposes. When the police officer was asked if he/she was aware of any relevant tools that are being used by other police forces, he/she mentioned a tool used by the Norwegian Police to track online hate speech comments.

When a Greek-based media post receives an online hate speech comment, the Greek national legal framework takes effect, according to the interviewed police officer. Moreover, Greek Police can receive information (e.g., the IP address) from social media platforms about violators who have made online hate speech comments. However, the interviewee asserts that if the perpetrator resides in a different country, both countries' ministries of justice should become involved, as such involvement is uncommon for incidents such as online hate speech. The interviewee further stated that the incident must be significantly more serious for cooperation to occur. On the other hand, the police will even try the perpetrator in absentia if they are a Greek citizen living abroad.

The legal experts interviewed also identified several challenges when it comes to police investigation and identification. One of the legal experts who participated in the interview acknowledged that it can be challenging to identify the individual behind an online profile that makes hate speech statements. For example, if the online perpetrator is “an unknown person,” then the Greek Police’s Cyber Crime Unit “will be involved” and will try to identify the person “who is behind this profile.” According to the same legal expert, tracking the perpetrator's traces is not always straightforward due to various factors. However, the perpetrator may be in a Greek city despite their online traces indicating otherwise.

Moreover, the other legal expert interviewed argued that the Cyber Crime Unit of the Greek Police depends on whether or not social media platforms or companies will “give them permission” and “on time” to acquire the personal information of an online user. This implies that although an individual may file a lawsuit against another for online hate speech, the legal means at their disposal almost guarantee its cancellation. Furthermore, according to the same legal expert, the Cyber Crime Unit itself cannot delete online hate speech comments, while a



user who manages a webpage can delete them under posts on his/her page. This implies that the individual's willingness to comply with the law is paramount, as there is no established mechanism to "directly conduct research" and remove such comments. On the other hand, the same interviewee "is not sure" if she would "support" the operation/existence of such a mechanism. The fact that the victim and perpetrator may spend a significant amount of time exchanging "extrajudicial documents" (e.g., the victim's side may request the removal of the comments, while the perpetrator's side may refute them as hate speech) underscores the practical difficulty in addressing the phenomenon. Lastly, one of the legal experts interviewed highlighted that obstacles associated with identifying the perpetrator(s) and the previously mentioned insufficient training of involved professionals impede victims' access to justice.

When questioned about the police's other efforts to prevent and/or combat online hate speech in general and on the basis of gender/gender identity in particular, the police officer pointed to awareness and information activities. These activities included the police's website and social media accounts, as well as the distribution of a leaflet to civil society organizations. These organizations then distributed the leaflet to people, encouraging them to file a report to the police. As he/she clarified, there are no information/awareness activities implemented by the police that specifically target trans people, but these activities target "socially vulnerable populations" (including trans people). He/she was also not aware of any other relevant activities (e.g., awareness campaigns) implemented in other EU member states.

I asked focus group participants about the active and/or efficient role of various factors, such as law enforcement agencies, the justice system, online platforms, government, and European policies, in preventing and addressing online hate speech, particularly on the basis of gender/gender identity. A participant argued that online media either do nothing to prevent such phenomena or only react after something happens, such as by deleting comments. Another participant wondered whether the (online) media are "actually interested" in creating a "safe space" or not, as well as why online media give online users the option to comment on their posts and not just ask them to send an email if he/she wants to complain. The same participant also questioned whether any individual, acting on behalf of online media, regularly reviews the content of online comments within a reasonable timeframe. Some participants added that some deliberately use "provocative titles and



themes” to “cause comments,” “increase their audience,” and/or “attract an audience that wants to adopt the bad logic of gossiping”.

Moreover, participants pointed out there is a lack of awareness and education among online users regarding the phenomenon and its impact. A participant also argued that if somebody asked the general public what hate speech was, eight out of ten wouldn’t be able to answer. The same participant asserted that some online users may intentionally abuse available online reporting options to flag accounts with positive content related to gender/gender identity issues, leading to the removal of their posts or accounts or restricting their reach. In other words, according to the same participant, the available “community guidelines” and “reporting procedures” provided by online platforms, social media, etc. are not always sufficient as they can be used against accounts and online users—via abusive multiple reports against them—that do not have hate speech online content.

I also asked focus group participants to identify effective tools and/or good practices used in the country or other EU member states to detect, prevent, and/or combat online hate speech in general and online hate speech on the grounds of gender/gender identity in particular.

Most participants were not aware of any specific practice or tool. One participant mentioned the role of staff members on the website of a Greek newspaper, who are responsible for identifying and removing hate speech and other comments. Another participant mentioned that “managers” of “small [online] groups” or “networks” are responsible for monitoring online hate speech comments, either by deleting them or by expelling the users who make them. The same participant also mentioned the implementation of special warning labels by Google Chrome or Facebook for websites or accounts, respectively, that may contain transphobic content or have received reports for it. Another participant referred to the practice of some news media websites to have a warning “notice” according to which “any racist, homophobic, transphobic, and comment will be deleted” or a list of comments/behaviors of online users that “are prohibited.” He/she added that some private companies have very strict online communication rules that their staff members have to follow.

Recommendations



The interviewees recommended changes to the current legal framework. According to one of them (legal expert), the national legal framework should be much more "specific," including a "special provision"—rather than considering the presence of hate or prejudice in the motivation of a criminal offense perpetrator as an "aggravating factor" for harsher penalties—regarding hate speech on the grounds of gender as well as on the grounds of other characteristics. He/she emphasized the legal treatment of hate speech as a "separate offense." He/she also suggested that civil society organizations should have the right to sue online users for online hate speech comments that target specific population groups, while acknowledging that, as an organization is a legal entity and not an individual, there are multiple legal challenges and limitations. The police officer who conducted the interview highlighted the "legal" nature of the "main issue" surrounding hate speech, particularly on social media—that is, the need for a change in the legal framework, as there are too many prerequisites to prosecute an individual. The interviewee specifically suggested that the legal framework for hate speech should exclude the risk of "public order" as a prerequisite to prosecuting hate speech. He/she concluded that detecting hate speech is achievable, as it is ubiquitous in the media, but the main challenge lies in the legal aspect.

One of the legal experts interviewed, did not support the idea of making laws and penalties even stricter, highlighting the fact that such actions would be ineffective. On the other hand, he/she suggested that owners or managers of (media, etc.) channels or (news) websites, blogs, etc. should have legal responsibilities for the content of such comments and should "ensure the safety" of the internet. He/she also emphasized the necessity of mandatory by-law training for professionals, which would equip them better to handle incidents of hate speech. Furthermore, he/she believed that there was no need for a new, relevant EU Directive, or for the adaptation or change of an existing one. On the contrary, the other legal expert interviewed highlighted the need for an EU Regulation to address the phenomenon because, in contrast with an EU Directive, it forces the member states to take action in favor of human rights. Furthermore, he/she highlighted the importance of the European Court of Human Rights in effectively shaping a legal framework.

I asked focus group participants to suggest measures that the state, the media, the media's platform managers/coordinators, the police, and other important actors should adopt to better detect, prevent, and combat online hate speech—particularly in media comments' sections—based on gender/gender identity. The participants suggested numerous measures,



adopting a multi-level approach to the phenomenon. These measures include updating the media's code of conduct to include provisions regarding hate speech, relevant information, and awareness campaigns from the media themselves; providing media with disincentives, such as fines, to "produce politics" against, for example, transphobia; and providing media with positive motivations, such as rewarding them for taking steps to prevent or combat the phenomenon. A participant also emphasized the significance of "journalists' responsibility," stating that the media "can and should educate their audience," for instance, by using "inclusive language" or refraining from using "provocative titles or themes." Another participant argued that "social inequalities" are connected to online hate speech and other negative phenomena such as "femicides" or "racist attacks." Therefore, addressing the aforementioned inequalities is crucial to prevent such phenomena.

One of the participants argued that there is a need to raise awareness among the general public, citing a lack of knowledge about hate speech and the misconception among those who use it that their comments incite violence and may have dire consequences. The police officer interviewed suggested the creation and promotion of awareness messages—e.g., through TV or advertisements on Google—regarding available reporting options, as they could also play an important role in addressing the phenomenon. One of the legal experts suggested the creation of an “observatory” for hate speech in Greece. He/she emphasized the significance of official statistics on online hate speech, as well as the importance of raising awareness and providing information to online and media users, such as whether they have the right to sue someone who uses hate speech on social media. All of these measures, according to the interviewee, are intended to encourage the exercise of legal rights for those affected.

Some focus group participants also highlighted the importance of relevant education and awareness activities at school, starting from an early age. One of the legal experts interviewed also recommended awareness activities for children as a preventive measure, noting that these activities primarily rely on the goodwill of teachers or schools, who could invite experts from a specialized NGO to discuss the issue with the students. In general, he/she argued we should focus on preventive measures.

When it comes to police detection and investigation, the police officer interviewed suggested that the use of some “tools” could help the police detect hate speech incidents,



adding that this is something that can be done if the government or the police themselves want.

I also asked the focus group participants about their thoughts on the development of an AI tool within the CHASE project, which the media could use to automatically detect, prevent, and combat hate speech based on gender identity in their platforms' comment sections, without requiring reports from media users or consumers. Participants agreed that such a tool could be useful, but one participant added that a tool that deletes hate speech comments could potentially rally online users who make such comments "against the system." In other words, according to the same participant, punitive measures like an AI tool that automatically detects and deletes comments could make some users feel excluded, leading them to form alliances and seek "other ways to express themselves."

Participants shared their suggestions regarding the features of this AI tool. One of these suggestions was the ability of the AI tool to identify "keywords," "patterns," and "correlations," thus identifying "messages." Another suggestion was for the AI tool to comprehend the meaning of a comment even in the absence of keywords. Moreover, it was argued that an online comment may simultaneously incorporate "sexist elements," prejudice, and "stereotypical elements," making the task of an AI tool to manage this "discourse complex" challenging. In this context, a thorough examination of the criteria for comment deletion, whether by the AI tool or a human moderator, is a crucial issue.

Another suggestion was for the AI tool to promptly intervene when a user is about to submit a comment, alerting them to the impending deletion of their comment due to its identification as hate speech. In other words, when the user submits a hate speech comment by clicking "enter" on his/her device, the AI tool will immediately identify it before it becomes visible to other users. The AI tool could also inform the user about the reasons behind the denial of their comment. Another suggestion was that the AI tool could warn online users about the existing legal framework for hate speech. It was also suggested that when the AI tool identifies a hate speech comment, it could inform the user who made it about the potential outcome of such comments, e.g., femicide or suicide, providing examples of past real cases as well. Similarly, there was a suggestion that the AI tool could transform users by educating them about the negative effects of hate speech comments on others; essentially, it aims to prompt the online user to consider the impact of their words on others.



General conclusions

In conclusion, it is common knowledge and undoubtful truth that online hate speech in general and on the grounds of gender and/or gender identity, in particular, is a widespread phenomenon in the Greek part of the internet, including comments sections of online media's platforms and social media accounts.

The legal framework for (online) hate speech in Greece strikes a balance between freedom of speech and protection from hate speech. It is also considered comprehensive, explicitly designating several characteristics as protected, including gender identity, and incorporating both European and International legislation. On the other hand, the prosecution of hate speech incidents faces significant challenges, particularly when it comes to meeting prerequisites such as identifying whether a speech incites violence and/or discrimination. Relevant cases that have reached court and their outcomes shed light on both legal challenges and the preparedness of judicial authorities to handle such cases.

In addition to the comprehensive legal framework and easily accessible official (police) reporting procedures, there is a need for increased citizen awareness activities about their legal rights, the concept and impact of hate speech on others, the available reporting options, and the publication of collective data regarding the phenomenon. We should also develop awareness and training programs that target specific population groups, such as school students, and all professionals (judges, lawyers, and police officers) involved in investigating and prosecuting (online) hate speech incidents. Additional technological tools could aid police investigations and online media in detecting and combating online hate speech comments made by their visitors.



“Italy”, by Luciano Cortese

Introduction. The national legal framework and court jurisprudence/case law

In the Italian legal framework, **comprehensive legislation exists against hate speech based on racial, ethnic, or religious grounds**. Originating from the ratification of the 1966 United Nations Convention against Racism, Law No. 654/1975 initially penalised the dissemination of ideas promoting racial or ethnic superiority and inciting discrimination on these bases. Amendments such as Law No. 101/1989 and the Mancino Law (Law No. 205/1993) extended protections to include manifestations of religious intolerance.⁷³ The Penal Code's Articles 604 bis and 604 ter, introduced by Legislative Decree No. 21 of 2018, further criminalise actions promoting hatred or violence based on racial, ethnic, national, or religious motives to deter and penalise offenders.⁷⁴

At the same time, the legislation currently **does not provide the same specific coverage for hate speech based on the victim's gender, gender identity or sexual orientation**. Instances of homophobic and transphobic motives in crimes have occasionally been addressed through the general aggravating factor of abject motives (Criminal Code Article 61, paragraph 1, no. 1). This absence of specific legal provisions addressing gender and gender identity in hate crime legislation poses significant challenges.⁷⁵ Firstly, it fails to recognize and protect individuals who are targeted specifically because of their gender expression or identity. This gap perpetuates systemic discrimination and marginalisation, contributing to underreporting and a lack of adequate support mechanisms for victims. Moreover, the lack of legal frameworks tailored to these forms of discrimination hinders effective prosecution and

⁷³ Commissione straordinaria per il contrasto dei fenomeni di intolleranza, razzismo, antisemitismo e istigazione all'odio e alla violenza (2022) “Documento conclusive sull’indagine conoscitiva sulla natura, cause e sviluppi recenti del fenomeno dei discorsi d’odio, con particolare attenzione alla evoluzione della normativa europea in materia (Doc. XVII, n. 6)”. Available at:

https://www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=18&id=1355283&part=doc_dc-allegato_a#_ftn372

⁷⁴ Criminal Code, article 604 bis – propaganda e istigazione a delinquere per motivi di discriminazione razziale etnica e religiosa. Available at:

https://www.brocardi.it/codice-penale/libro-secondo/titolo-xii/capo-iii/sezione-i-bis/art604bis.html?utm_source=internal&utm_medium=link&utm_campaign=articolo&utm_content=nav_art_prec_top

⁷⁵ See (72).



deterrence of hate crimes motivated by gender-related bias.⁷⁶ The consequences are profound, affecting the ability of law enforcement and judicial systems to effectively address and mitigate instances of violence and discrimination against gender minorities. It reflects a broader societal issue where gender-based prejudice and intolerance remain inadequately addressed in legal protections. The legislative framework's failure to explicitly include gender and gender identity as protected grounds perpetuates a cycle of impunity for perpetrators and continued vulnerability for victims.

The jurisprudence on hate speech reveals the complexity judges face in recognizing the prejudice underlying hate speech and the ways such expressions can be qualified as **"incitement" to hatred**, thereby representing a danger. There is a difficulty in anticipating the consequences of spreading ideas or incitement to acts of discrimination. Judges must assess the real offence of any act because not every expression of ideas, even if racist in content, can be considered a crime. For instance, the Supreme Court's ruling No. 41819/2009 indicates that the legal interest protected by the law is the peaceful coexistence of various ethnic groups, dignity, and freedom of expression. Therefore, an offence against equal dignity must be sanctioned regardless of whether the incitement or provocation is perceived by individuals.⁷⁷

Regarding the regulatory framework of **AGCOM, responsible for oversight in electronic communications, audiovisual media, and online platforms**, its regulations ensure compliance with principles of human dignity, non-discrimination, and combating hate speech. Providers under Italian jurisdiction must adhere to guidelines preventing stereotypical representations that could promote discrimination or offend human dignity.⁷⁸

The **Zan Bill**⁷⁹ was an Italian legislative proposal aimed at increasing penalties for crimes and discrimination against homosexuals, transsexuals, women, and people with disabilities. Approved by the Chamber of Deputies in November 2020 and blocked later on by the Senate, the bill equated acts of homophobia, transphobia, misogyny, and ableism with those of racism and religious hatred under Article 604 bis of the Penal Code, punishing

⁷⁶ Buffagni, E. (2022) "Hate speech in rete: profili discriminatori e performativi del discorso d'odio", *Altalex*, 5 August 2022. Available at: <https://www.altalex.com/documents/news/2022/08/05/hate-speech-in-rete-profil-discriminatori-performativi-discorso-odio>

⁷⁷ See (72).

⁷⁸ AGCOM (2019) "Regolamento recante disposizioni in materia di rispetto della dignità umana e del principio di non discriminazione e di contrasto all'hate speech". Available at: <https://www.agcom.it/documents/10179/13511391/Allegato+23-5-2019+1558628852738/5908b34f-8c29-463c-a7b5-7912869ab367?version=1.0>

⁷⁹ For further information see: <https://www.theflorentine.net/2021/06/07/ddl-zan-italy-why-it-is-necessary/>



discrimination with sentences of up to four years in prison. Compared to current legislation, the Zan Bill would have extended the protection of the Mancino Law by including safeguards against discrimination based on sex, gender, sexual orientation, gender identity, and disability, focusing on incitement, discrimination, and violence. However, the Bill did not pass, leaving a **gap in the Italian legislation on matters of gender-based discrimination, including gender-based hate speech.**

Online misogynist/transphobic hate speech in Italy

The field research conducted in Italy employed a qualitative approach, utilising personal interviews and focus groups, to gather in-depth insights into the phenomenon of hate speech. This methodological combination ensured comprehensive data collection, capturing diverse perspectives.

Individual interviews conducted respectively with **two human rights legal experts** provided the opportunity to explore the national and EU legal frameworks on hate speech, the challenges in legal identification and prosecution of online hate speech, and recommendations for legal improvements. The first interviewee has extensive experience in hate speech projects, particularly focusing on hate speech against Muslim women and intersectionality issues. The second interviewee has extensive experience in gender issues gained while working at the Committee for Equal Opportunities at an Italian research institute, which aims to ensure equal opportunities and combat discrimination based on sex, sexual orientation, and other grounds.

Additionally, two different **focus groups** with five participants were organised. The discussions in the focus groups covered the prevalence and nature of gender-based online hate speech, the effectiveness of existing legal frameworks and policies, and best practices for the detection, prevention, and combat of hate speech. The focus groups consisted of a diverse range of participants: two project managers with extensive **experience in hate speech and gender issues**, a social worker with years of on-the-ground experience dealing with the escalation of **hate speech both online and offline**, a sociology professor with numerous publications on **combating online hate speech and promoting inclusion**, and a **trans-feminist activist and LGBTQAI+ lawyer with expertise in advocating for marginalised communities.**



An additional **interview** was conducted with a **representative of the Local Police at the Prosecutor's Office in Trento**, specifically from the **Interception and Technologies Center with expertise in hate crimes and hate speech against women**. The primary role of the Center is to manage prevention activities by capturing and intercepting technological communications during preliminary investigative activities. They use advanced technologies, such as OSINT (open-source intelligence), to analyse and study predictive elements related to various criminal phenomena, including online hate speech. This Center is unique in the Italian prosecutorial landscape. The team comprises diverse police forces, providing a transversal perspective that allows them to present comprehensive issues to judicial authorities.

Field research indicates that online **hate speech targeting gender and gender identity is neither a marginal phenomenon nor uniformly addressed across Europe**. It is often **difficult to distinguish criminal behaviour from stereotypes or language deemed hateful**. Hate speech is an umbrella term encompassing various forms of derogatory language or imagery targeting individuals based on their vulnerability or group affiliation (sex, race, religion, etc.). In Italy, there is a **growing trend of violence, especially among political oppositions**, where hate speech has become **common online rhetoric**. Online content, such as videos or posts, tends to generate polarised debates, often escalating into conflict and hate.

Despite perceived increased awareness and education on gender-based hate speech among participants of the field research, the reality on social networks and mass media often contradicts this progress. Instances of online hate speech frequently **spill over into real-world violence**, indicating the issue's severity. **Intersectionality** further complicates the issue, as it often overlooks the distinct characteristics targeted by different forms of discrimination.

At both national and European Union levels, legal frameworks addressing hate speech are inconsistent and often inadequate, particularly regarding gender and gender identity. In Italy, primary legal instruments like Articles 604-bis and 604-ter focus on ethnicity, race, and religion, leaving significant **gaps in protections against gender-based hate speech**. The Mancino Law of 1993 also excludes gender and gender identity, a gap the Zan Bill aimed to fill before it was blocked in the Senate. This exclusion is significant because **while anti-Semitic language is widely condemned, transphobic language is often normalised and perpetuated by the media**. **Legislative efforts to protect LGBTQ+ individuals** from hate speech have not only failed but have been **criticised as threats to freedom of expression**. This discrepancy



highlights a **societal bias** that views anti-trans and anti-gender identity hate speech as less problematic.

According to interviewees, data from UNAR (National Office Against Racial Discrimination), discrimination centres, and anti-violence centres support this assertion. The problem has intensified since the current government took office, with a **significant increase in hate crimes and online hate speech targeting LGBTQ+ individuals**. Funding cuts to UNAR's anti-discrimination centres, including those addressing gender issues, have reduced resources for educational programs in schools. Legislative efforts to protect these groups have been blocked and criticised as threats to freedom of expression.

The **regulatory environment for online hate speech remains complex and fragmented in Italy**. The implementation of the Digital Services Act⁸⁰ last year began to shift this landscape, requiring social media platforms to adapt to new regulations, although its application at the national level is still pending. Under the 2008 Framework Decision on combating racism and xenophobia through criminal law⁸¹ and the 2016 Code of Conduct on countering illegal hate speech online,⁸² the European Union is working towards harmonising policies and guidelines for all service providers.

As noted by participants, when analysing major social media platforms, the prevalence of hate speech varies significantly depending on the platform. This variation is primarily due to the target audience and user base, influenced by each platform's interface, functionalities, and information circulation methods. **Reporting mechanisms for hate comments also differ among platforms**. While there is a common pattern in reporting processes, these mechanisms vary according to the frequency of reports, response strategies, and the level of freedom of expression permitted by each platform. For instance, platforms like X (formerly Twitter) do not censor any content and have ceased active monitoring and responding to reports from NGOs or law enforcement for the past two years. Additionally, "fringe platforms" like Reddit, Yulp, and Telegram, which are not mainstream social media and are not signatories to the EU Code of Conduct, complicate efforts to manage and mitigate hate speech effectively.

⁸⁰ Digital Services Act, <https://eur-lex.europa.eu/EN/legal-content/summary/digital-services-act.html>

⁸¹ Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008F0913>

⁸² EU Code of conduct on countering illegal hate speech online, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/combating-discrimination/racism-and-xenophobia/eu-code-conduct-countering-illegal-hate-speech-online_en



Citizens can report hate speech through several channels: directly to platforms if the comment violates specific policies, to UNAR, via email to the State Police or *Carabinieri*, or directly to any Law Enforcement Agency, providing all necessary documentation. **Key elements for effective reporting** include the URL, screenshots, and saved messages; missing evidence can lead to case dismissals due to insufficient proof. However, **there have been few reported cases**, approximately six in the last three years, according to the Trento Prosecutor's Office, suggesting a significant underreporting issue. It appears that gender-based hate speech reports are less frequent than ethnicity-based ones, possibly due to greater stigmatisation. **Gender-based reports in Italy often arise in sports contexts**, where collective factors amplify the issue, unlike single posts affecting individual victims.

Underreporting of gender-based hate speech is a critical issue. Victims, especially those from marginalised communities such as **transgender individuals or migrants, may not feel protected or supported by authorities**. According to interviewees, the decision to report a discriminatory comment to authorities can be influenced by various factors. For example, a transgender person may feel unprotected or at risk when dealing with authorities due to prevalent **transphobia**. Similarly, a migrant individual might avoid contact with authorities due to irregular documentation, **fearing legal repercussions**. Additionally, a sex worker might choose not to engage with authorities to avoid further stigmatisation and scrutiny. Another significant problem is the **general lack of knowledge regarding existing legislation and procedures**. Many individuals are unaware of what is protected under the law, what constitutes a violation, and how to proceed with legal actions. **This lack of awareness further complicates efforts to combat online hate speech and protect people in a state of vulnerability**. These factors contribute to the underreporting of discriminatory incidents to judicial authorities, making legal recourse marginal for these individuals. People affected by gender-based hate speech frequently do not recognize their victimhood due to deeply ingrained societal norms, further complicating reporting and legal redress. **Without a strong support network, individuals are less likely to report hate speech to authorities. Education and awareness are crucial in preventing online hate speech.** Current initiatives in Italy focus on **integrating digital literacy and respect for diversity into school curricula** to change long-term cultural perceptions and reduce stereotypes and prejudices. However, recent funding cuts to anti-discrimination centres and educational programs have hampered these efforts.



The Ministry of Equal Opportunities has also taken a stance that does not fully acknowledge gender plurality, further limiting inclusive policies.

According to the views of interviews, **standardised procedures for identifying perpetrators** of online hate speech include requesting information from platform operators, identifying IP addresses, data locations, and account registration details. This process involves cross-referencing data to ensure accuracy in identifying the perpetrator. However, the detection and reporting of online hate speech are fraught with challenges. **Algorithms used by social media platforms to detect offensive content are often insufficiently trained to recognize context-specific hate speech, particularly gender-based.** The **reliance on user reporting** means harmful content can remain visible for extended periods, continuing to victimise individuals. Additionally, anonymity and the prevalence of fake profiles further hinder the identification and prosecution of offenders.

Few cases of gender-based hate speech reach the courts in Italy, partly due to victims' unawareness and the **challenges in gathering sufficient evidence**. A recent landmark decision highlighted this issue: a person was ordered to pay compensation for a transphobic online comment deemed aggravated defamation, marking a precedent in legal responses to online hate speech. However, misinformation and lack of awareness about such legal provisions leave many users unaware of the potential legal consequences of engaging in online hate speech, particularly against vulnerable minorities.

Interviewees highlighted **some promising measures** aimed at preventing hate speech and promoting non-violent communication. Recently, the National Council of Social Workers promoted a manifesto advocating non-violent communication, providing guidelines for group moderators. **Prevention and protection are considered the most effective solutions, and systemic changes are needed to eliminate the normalisation of hateful language.** Platforms like TikTok have implemented measures to direct users to educational resources when they search for potentially hateful terms. Similarly, Meta has introduced features prompting users to reconsider before posting potentially offensive comments. These measures help mitigate the spread of hate speech but need wider adoption and consistent application. These practices aim to **balance freedom of expression with the prevention of hate speech.**

From an investigational point of view, **international police cooperation** centres, such as the one in Thörl Maglern, Austria, near the borders of Italy and Slovenia, can be functional. As pointed out by the contribution of the Police, these centres facilitate collaboration among



law enforcement agencies from different countries, allowing them to access and share information from each other's databases. This cooperation is structured around established protocols, ensuring that information sharing and joint operations are efficient and effective. The exchange of knowledge and resources ensures that law enforcement agencies across the EU can benefit from the latest techniques and strategies in combating online hate speech. It also fosters a culture of continuous improvement, where successful methods are regularly reviewed, refined, and implemented across different jurisdictions.

Recommendations

In addressing gender-based online hate speech in Italy and across the EU, several **recommendations** have emerged from the interviews with experts and stakeholders, emphasising the **importance of prevention, detection, and response mechanisms** across various sectors. These insights highlight the need for **better collaboration, enhanced education, and robust legal frameworks**.

One of the critical issues identified is the **lack of cooperation between public and private sectors**. Despite increased awareness and attention to hate speech at local, regional, national, and European levels, the isolation of respective spheres hinders effective action. For example, if an expert team analysing hate speech comments could collaborate and communicate effectively with public institutions, the outcomes would be significantly improved. Currently, **the public often remains uncertain about handling and reporting hate speech incidents, especially in understanding what falls under the application of Article 604 bis**. Thus, **bringing together individuals who work daily in this field to achieve common goals and facilitate these collaborations is crucial**.

Investing in education is paramount to changing the cultural perception of discrimination. All forms of discrimination should be recognized and treated equally, without deeming some less severe than others. Educational initiatives should aim to create a broad consensus that supports the adoption of comprehensive laws addressing hate speech and discrimination based on various characteristics.

For online media platforms and moderators, there is a need for **improved content moderation practices that employ advanced algorithms and human oversight** to identify and swiftly remove hate speech. **User-friendly reporting tools** should be developed to allow users



to flag harmful content easily, with clear guidelines on what constitutes hate speech. **Platforms should also engage in educational campaigns** to inform users about the impacts of hate speech and promote respectful online behaviour. **Transparency is key**, and platforms should publish regular reports detailing their efforts to combat hate speech and the effectiveness of their policies. **Proactive measures**, such as warning users about potentially offensive comments before they are posted, can help reduce impulsive hate speech. **Collaborating with civil society organisations (CSOs)** that specialise in combating discrimination can provide platforms with valuable insights and improve their response strategies.

Law Enforcement Agencies need to receive proper training on identifying and addressing hate speech, particularly those targeting gender and gender identity. Strengthening reporting systems and creating specialised units for handling online hate speech can ensure that incidents are addressed effectively. **Collaborating with CSOs can build trust with communities** often targeted by hate speech, providing valuable support and insights.

At the governmental level, strengthening the legal framework to include protections against hate speech based on gender and gender identity is essential. This involves updating existing laws and introducing new legislation that explicitly addresses these forms of discrimination. Providing adequate funding for organisations and initiatives that combat hate speech and support victims is crucial, along with running nationwide campaigns to raise awareness and promote a culture of respect and inclusion.

The EU plays a vital role in harmonising policies and legal frameworks across member states to ensure consistent and effective responses to hate speech. **Implementing and enforcing the Digital Services Act (DSA)** and other relevant regulations can hold platforms accountable for user-generated content and improve access to justice and support for people affected by hate speech. The EU should also provide funding for projects that combat hate speech and support victims while establishing a unified methodology for monitoring and reporting incidents to ensure consistent and comparable data across member states. The DSA shifts the EU's strategy towards a proactive paradigm by giving the Commission oversight over cooperation between social media platforms and other key actors, alongside powers to fine platforms and scrutinise social media algorithms. With the creation of roles such as National



Digital Services Coordinators (DSCs) and Trusted Flaggers, the DSA aims to hold platforms accountable if they fail to act against illegal hate speech after being notified.

General conclusions

Gender-based online hate speech is a growing and serious issue in Italy, manifesting across various digital platforms. **Despite some progress in raising awareness and implementing educational initiatives, these efforts have not fully addressed the widespread nature of the problem.**

One of the main problems regards the current legal framework in **Italy which does not adequately protect against gender-based hate speech**. Existing laws primarily focus on issues related to ethnicity, race, and religion, leaving significant **gaps in coverage for gender and gender identity**. The lack of specific legal protections highlights a broader issue where certain forms of hate speech receive less attention and enforcement. Moreover, **normalisation of transphobic and gender-based hate speech in media and society** contributes to the problem, creating an environment where such behaviour is often overlooked.

Reporting mechanisms for hate speech are complex and often ineffective, with many victims facing barriers such as fear of stigma or legal repercussions. Additionally, difficulties in gathering and presenting evidence contribute to underreporting and a low number of cases reaching the courts.

Addressing gender-based online hate speech requires comprehensive changes, including **stronger legal protections, improved reporting systems, and enhanced educational programs**. **A unified approach** that addresses these gaps and **promotes better awareness and support** is essential for effectively tackling and reducing gender-based hate speech.



“Findings from the international workshop with media professionals and stakeholders”, by Thanasis Theofilopoulos

Objective and organization of the workshop

The workshop’s objective was to bring together online media professionals and stakeholders working in EU member states to share their thoughts and experiences on gender/gender identity-based hate speech by users/consumers of online media as well as to suggest measures to detect, prevent, and combat the phenomenon along with relevant good practices (if any) already implemented by online media across the EU. Symplexis organized and hosted the workshop, and all C.H.A.S.E. project partners disseminated it. It took place online in July 2024. In total, 28 people participated in the workshop.⁸³ All participants gave their informed consent for the audio recording of the workshop.

Workshop’s findings, including recommendations

The workshop’s participants were asked to discuss and share their thoughts, experiences, and opinions regarding a group of main topics, based entirely on a set of questions included in the project’s research protocol, which was developed by Symplexis and approved by the project’s partners. These main topics were: the status in the participants’ countries and the EU (regarding online hate speech expressed by online media users/consumers on the grounds of gender/gender identity), detecting, preventing, and addressing hate speech comments (policies and measures already adopted by online media, good practices, if any), recommendations (positive measures recommended by participants in order to tackle the phenomenon), and the development of an ICT tool in the framework of the C.H.A.S.E. project (what features should it have).

⁸³ This number does not include the host and coordinator on behalf of Symplexis (Thanos Theofilopoulos) as well as the technical support officer of the organizations (George Papastefanou), who was responsible for audio-recording the meeting and to immediately respond to any technical issue (e.g., in relation to the Zoom platform) that would come up during the workshop.



The workshop focused on the status and prevalence of online hate speech, specifically targeting women and gender identities, across various countries represented. Participants shared their experiences and insights, highlighting the need for effective strategies to combat this issue. A participant working in France discussed the recent increase in targeted campaigns against the LGBTQI+ community, particularly during the Pride season. A participant working in Moldova highlighted the specific vulnerability of women journalists to online attacks, while another participant from Moldova who works in Norway expressed his/her concerns about the mental “toll” of harassment and the need for support and solidarity within the media community. Similarly, a participant working in Spain said that “we have a problem” and warned that he/she has “lots of journal friends who are journalists, male and female, who either sort of censor themselves, avoid certain topics, or are no longer vocal on social media” because “it's... a day-to-day toll that people cannot stand anymore, and that it's affecting the social and psychological well-being of journalists, of readers, and of everyone else.”

The participant working in Norway also shared his/her experiences with daily harassment and the lack of physical security measures in their workplace, emphasizing the importance of addressing these issues. A participant working in France suggested that the aforementioned participant working in Norway should reach out to Reporters Without Borders (Rsf) for potential support, which he/she hadn't considered before. A participant working in Bulgaria shared his or her experiences and concerns about how widespread the hate speech is in the country, mainly against women in public roles.

A participant working in Brussels also discussed gender-based hate speech in Belgium and the measures taken by the UN Human Rights Council to combat it. The participant acknowledged that they are “much more familiar [in relation to online media] with how the social media platforms do or do not in many cases tackle this kind of gender-based hate speech and transphobia [and] misogyny.” They also mentioned that “the UN Human Rights Council adopted a Belgian resolution (...) on the 11th of July [2024], on combating technology-facilitated gender-based violence online.” A participant working in France highlighted the role of fact-checkers in monitoring campaigns against the LGBTQI+ community and the need for safety measures for online journalists and fact-checkers. Another participant from France shared that his/her agency has guidelines to respect the LGBTQI+ community and that journalists are advised to be anonymous online. The first participant also shared a link to an



online training course for journalists and fact-checkers on digital security and handling online harassment.

A participant working in Greece at a well-known mainstream and popular media shared his/her insights on the measures his/her media had adopted to tackle the phenomenon of hate speech by online users/consumers/visitors under news and posts of the media he/she works for. The participant explained that their media website already uses AI technology for the pre-moderation of comments, which has increased the volume of comments received while minimizing insults and personal attacks. A participant working in Cyprus expressed concern about online hate speech and shared his/her suggested strategy of focusing on the articles rather than the comments. Another participant from Cyprus, who works in a mainstream media outlet, acknowledged that he/she was uncertain about his/her media's approach to handling hate speech, but acknowledged that they make an effort to filter comments. A participant working in France also raised concerns about the handling of hate speech and misinformation in online media, particularly regarding gender and gender identity, and he/she sought confirmation on whether an automatic AI solution was being implemented to tackle this issue.

In the framework of the discussion on effective measures and policies adopted by other online media platforms to combat hate speech and misinformation, a participant working in Spain shared his/her insights on the importance of awareness-raising, capacity-building, and peer support networks within newsrooms. A participant working in France reiterated the need for factual neutrality in reporting and the potential benefits of reminding journalists of commonly accepted definitions. The same participant, along with another participant who also works in France, discussed the significance of promoting accurate definitions and understanding of transgender identities and gender expressions. They highlighted the role of media literacy in combating misinformation and the need for internal action within media outlets to tackle this issue.

Finally, the project consortium informed the workshop's participants about their intention to develop an ICT tool to identify online hate speech based on gender and gender identity in real-time. I asked the participants to share their thoughts on this initiative and recommend specific features for this tool to ensure its effectiveness and ease of use. Participants emphasized the importance of user-friendliness (for example, a participant working in Greece noticed that user-friendliness is important as not everybody is familiar with



“technological features”), multilingualism, very clear information about what it does and how it works, and the provision of legal advice. The participants also explored the potential of the tool to encourage user engagement and tackle hate speech and online abuse. A participant working in Brussels also suggested the involvement and introduction of the trusted community member/user of online media, who is “some kind of trusted flagger like audience user” who, therefore, “has a stake in their community” (of users of online media) and is “more likely to feel a responsibility towards the other community members.” The same participant added that “if you promote that and then you reward that, then you get [a] more and loyal user base and you get more trust from users as well.” He/she/they also added that “there could be levels of use” or, in other words, “certain levels of flagging”: as he/she explained, a person violating the rules could, initially at least, lose the right to comment. He/she also suggested examining how big platforms like Facebook’s reporting and detecting mechanisms fail “and how those failings might be overcome on a smaller scale” (meaning the ICT tool).

Finally, I asked participants to share any final thoughts or comments at the end of the workshops. Some participants expressed their interest in the project's next stages, while others expressed their appreciation for the opportunity to discuss an important issue and share their thoughts.