

Hate Speech and Hate Crime

Hate speech and hate crime have received increased attention during recent years, and it is widely agreed that this constitutes a serious societal problem with significant harmful consequences. Hate and prejudice expressed through criminal acts or speech affect individual persons and threaten democracy. This does not only affect whoever is directly exposed; it also affects whole groups that identify with the person exposed. Hate speech – both legal and illegal – sustains prejudice, creates fear, and weakens democracy by limiting various groups’ participation in public life.

GOAL:

Kristiansand is a safe, inclusive city where no one is exposed to hate speech or hate crime.

Target groups and strategies:

Hate speech and hate crime are two overlapping phenomena merged into one focus area. Some hate speech is punishable and referred to as hate crime. To combat damage caused by both legal and illegal hate speech, both forms of speech are included in the plan for Kristiansand.

The plan has the general population as its target group but aims specifically at exposed groups protected by the Anti-Discrimination Act. No distinction has been drawn between the various grounds of discrimination, as a more general approach to prevention efforts is prioritized. Hateful speech and acts against participants in public debate and persons in political positions are also included in the plan.

Hate crime encompasses more than illegal hate speech. It may also include issues such as threats, vandalism, reckless behaviour, violence, etc. Hate crimes are characterized by (1) being criminal offences, and (2) being motivated by hate or prejudice. The municipality’s efforts to prevent hate crime are directed at the motive itself – that is hate and negative prejudice.

[The municipality’s equality, inclusion, and diversity strategy](#) is key to these efforts and contains the more universal measures for creating an open, generous, and inclusive city. The crimes, which are motivated by hate and prejudice, are also covered by the other parts of the crime prevention plan. With this focus area, hate speech and hate crime will be combated through specific crime prevention strategies that help prevent, reveal, and handle various situations where hate speech and hate crime occur.

Facts

- Hate speech and hate crime are a substantial problem in Norway (*Norwegian Equality and Anti-Discrimination Ombud, 2015*).
- Improved registration with the police and increased focus on the topic have resulted in more police reports in this area during recent years. There are also trends in society indicating an actual increase in the incidence of hate crime (*Bjørgo, 2018*).
- This area is assumed to have significant dark figures. A number of offences are not reported to the police, and the motive of hate is not captured well enough in the reported cases, leading to so-called “double dark figures” (*National Police Directorate, 2019*).
- Dark figures are present especially in hate crime cases against persons with disabilities. It is assumed that this is strongly due to a lack of attention to and public mention of hate against this group (*CRDP, 2019*).

Number of police reports with a hate motive in Norway

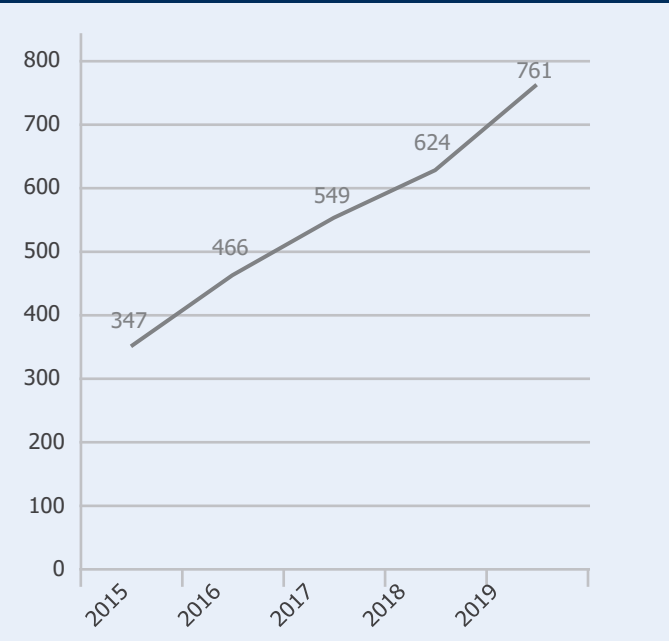


Figure 1: Number of police reports with a hate motive in Norway, 2015–2019. Source: PAL STRASAK. (extracted on 16.02.15, 04.04.16, 09.08.17, 20.04.18, 04.01.19, and 13.01.20)

DEFINITIONS

Hate speech

Hate speech is degrading, threatening, harassing, and stigmatizing speech (...) which, by means of linguistic and visual effects, promotes negative feelings, attitudes, and perceptions based on characteristics such as ethnicity, religion, gender, disability, sexual orientation, gender expression, gender identity, and age.

(Norwegian Equality and Anti-Discrimination Ombud, 2015)

Kristiansand operates from this definition of the term and also incorporates hate speech and hateful acts, against participants in public debate and persons in political positions, in the understanding of the term.

Criminal hate speech

Section 185 of the Penal Code:

A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who with intent or gross negligence publicly makes a discriminatory or hateful statement. «Statement» includes the use of symbols (...) «Discriminatory or hateful statements» means threatening or insulting a person or promoting hate of, persecution of or contempt for another person based on his or her:

- a) skin colour or national or ethnic origin,
- b) religion or life stance,
- c) sexual orientation,
- d) gender identity or gender expression, or
- e) reduced functional capacity.

Hate crime

Hate crime is a collective term for a number of offences based on hate or negative prejudice and includes both actions and statements which are hateful. *(Fladmoe and Nadim, 2016)*

Hate crimes are criminal offences motivated, wholly or in part, by negative attitudes to a person's actual or perceived ethnicity, religion, sexual orientation, gender expression, and/or disability. The same applies to criminal offences motivated by negative attitudes and committed against persons whose political engagement involves the mentioned categories. *(Norwegian Equality and Anti-Discrimination Ombud, 2015)*

***Kristiansand aims to be a city for all,
and the municipality has zero tolerance to hateful and racist speech.***

City Council decision of 23 September 2020 (case 129/20)

- Repeated hateful statements directed at selected groups can contribute to legitimizing harassment and discrimination, and ultimately result in violence directed at individuals belonging to these groups (*Norwegian Equality and Anti-Discrimination Ombud, 2015*).
- Hate crime can result in psychological after-effects such as depression, anxiety, lack of self-confidence, poor self-esteem, anger, difficulties sleeping, difficulties concentrating, and a general sense of insecurity (*Eggebø and Stubberud, 2016*).
- Hate crime can result in systematic underrepresentation of vulnerable groups in the public sphere and constitute a major democratic problem (*Eggebø and Stubberud, 2016*).
- Hateful statements, including the legal ones, can result in many people refraining from participating in public debate because of the negative tone and the many offensive, threatening statements they risk receiving in reply (*Bjørge, 2018*).
- Groups that are already exposed to other forms of discriminatory behaviour experience exposure to hate speech in the public sphere as more stressful than persons and groups who are exposed to discriminatory behaviour to a small extent or not at all (*Norwegian Equality and Anti-Discrimination Ombud, 2015*).
- Public persons in positions of power have a strong influence on the content and tone of public debates. There is reason to be vigilant against polarizing rhetoric from persons in such roles (*Norwegian Equality and Anti-Discrimination Ombud, 2018*).
- Hate speech against politicians and other public debaters can result in persons withdrawing from politics or not choosing to participate in the public debate (*Ipsos, 2019*). There is fear that the amount of hate speech will complicate the recruiting of candidates for future local government elections (*Ipsos, 2020*).
- Hate crime in the form of violence, harassment, and threats still occurs in physical spaces (stores, parks, bars and restaurants, public transport, etc.), but a great deal of the hated has now taken the form of hate speech and harassment in social media (*Bjørge, 2018*).
- Online hate speech differs from similar speech elsewhere through its availability, reach, anonymity, and immediacy (*Nadim, 2018*).
- Statements on the Internet can live long in different formats and on different platforms, and can be linked to repeatedly (*Nadim, 2018*).
- Senders of online hate speech are not always motivated by a strong feeling of hate. Factors such as sensation seeking and conformity to a cyberculture of foul language may be equally important. However, there is a proven connection between hate speech in social media and the ability and will to carry out acts of violence (*Norwegian Equality and Anti-Discrimination Ombud, 2015*).
- Several schools experience students calling each other insulting names and using bad, rough language. Fag, whore, Jew, Muslim, nigger, dyke, mongo, retard, etc. are insults that are not uncommon in the school yard (*Dembra, 2020 and CRDP, 2019*).
- Group-based insults are problematic because they can be used both as hate speech that is so offensive that they fall within the Penal Code, and loosely, «just for fun», among friends (*Dembra, 2020*).
- Aggressive jargon and hate speech among youth may be part of their usual language, but children and youth rarely use hate speech as an expression of «hate» in the usual sense (*National Strategy against Hate Speech*).

Number of police reports in Norway according to hate motive							
Hate motive	2015	2016	2017	2018	2019	Per cent change 2018–2019	Per cent change 2015–2019
Race/ethnic affiliation	235	348	373	455	533	17.1%	126.8%
Religion	79	97	120	112	144	28.6%	82.3%
Sexual orientation	58	63	83	92	122	32.6%	110.3%
Disability	4	7	18	24	34	41.7%	750.0%
Other	2	3	1	1	2	100.0%	0.0%
Anti-Semitism				15	19	26.7%	–

Figure 2: Number of police reports in Norway according to hate motive, 2015–2019
 Source: PAL STRASAK (extracted on 02.01.13, 02.01.14, 16.02.15, 04.04.16, 09.08.17, 20.04.18, and 04.01.19)

STRATEGIES

Crime prevention should be based on:

Knowledge	Contribute to ensuring that local mapping and research are conducted on the extent of hate speech and hate crime for all grounds of discrimination.
	Ensure that existing surveys, such as student surveys, youth surveys, and other population surveys include questions on hate speech and hate crime.
	Contribute to increasing knowledge and awareness among the population concerning the personal and societal consequences of online hate speech.
	Pursue the municipality's participation in various national, Nordic, and international networks against extremism and hate crime, in order to ensure knowledge on global trends and development in the area.
Efforts	Help make sure that hate crime against persons with disabilities is given attention within the police force, the municipality, and in other institutions.
	Prepare an action guide providing employees with the necessary knowledge to discover, handle, and follow up on persons exposed to hate crime.
	Ensure clear routines for processing applications for celebrations, stands, and demonstrations, including displaying posters, distributing flyers, etc., for non-profit, religious, and political purposes and organizations.
	Prepare information material providing an overview of various links, websites, and services for how to handle situations if hate speech and discrimination are experienced online.
	Ensure access to legal advice and assistance, for people who have been exposed to hate speech and hate crime.
	Contribute to ensuring that politicians and employees set a good example and follow up on the City Council's decision on zero tolerance to hateful and racist statements (City Council decision of November 2020). This field will be integrated into the municipality's ethical guidelines for employees and elected officials.
	Ensure that hate speech and hate crime are integrated as part of the elected officials training programme and in the municipality's emergency preparedness work.
	Ensure that schools and kindergartens include hate speech and group-based insults in existing anti-bullying programmes and in their systematic efforts to promote children's health, safety, and environment.
	Further develop an overall plan in schools, where critical reflection, netiquette, and democracy and human rights education are systematically included in the teaching.
	Strengthen projects and measures which contribute to mobilizing youth in efforts against hate crime, hate speech, and undemocratic attitudes.
Cooperation	Develop systematic cooperation with the Mediation Service and the police on mediation in relevant cases where people have been exposed to hate crime.
	Ensure the preparation of good cooperation routines and clarification of roles between the police and the municipality in the prevention of hate speech and hate crime. The field will be integrated as a permanent element in the local Community Safety Partnership (<i>politiråd</i>) and in the overarching cooperation agreement.
	Strengthen voluntary organizations', including sports organizations', efforts to prevent and counter harassment, discrimination, and hate speech.
	Develop systematic cooperation with the county municipality and upper secondary schools in Kristiansand on the prevention of hate speech and hate crime.
	Develop cooperation with faith communities and other clubs and associations to come up with tools for how to prevent and handle hate crime.
Contribute to ensuring that more civil society organizations take the opportunity to apply for grants from national assistance schemes in order to prevent discrimination and hate speech.	

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