

Hate is hate

Even when it's online

A Short Guide to Dealing with Online Hate Speech

© Coalition for Racial Equality and Rights

1. Introduction

The internet is a global space for sharing and promoting a variety of content and ideas. As more people look towards social media as a way to communicate with the world – often anonymously – the risk of experiencing online hate speech has increased significantly.

Experiencing online hate speech can have negative effects on children and young people. Online hate speech can also lead to in-person violent hate crime.

Because of this, recognising and reporting online hate speech is an important part of tackling hate crime.

This guide will help you better recognise online hate speech and hate crime, and report it to authorities to help stop future incidents.

2. What are online hate speech and online hate crime?

'Hate speech' is not just speech. It can be all types of communication – spoken, written, or online – that supports or encourages violence, hatred, or discrimination against other people, especially because of their race, religion, sexual orientation, transgender identity, or disability.

Sometimes online bullying (also called cyberbullying) and trolling can also be hate speech if they are driven by hatred towards a specific group.

A hate crime is a crime that is driven by hatred towards a particular group.

If someone in Scotland is a victim of a crime that is driven by hatred based on certain characteristics, that crime can be punished as a hate crime. The characteristics that are included in hate crime law are race, religion, sexual orientation, transgender identity, and disability.

Hate crime can target a particular person or an entire group.

Online hate crime can include verbal abuse, offensive or violent websites, abusive or violent messages or posts, threatening behaviour, bullying, and trolling.

3. What is illegal or against the rules?

Not all hate speech is hate crime. Because of this, not all hateful speech, messages, videos, or pictures are illegal.

However, anything that is dangerous or abusive towards someone (especially a child or young person), directly threatens a person or group, or stirs up hatred or violence should be reported to the police or a trusted adult who can help.

In Scotland, hate crimes that happen online are covered by the same laws that would be used if the crime happened in person.

Online communications that stir up hate, target a person or group because of hate, threaten or encourage violence, or are extremely (the legal term is 'grossly') offensive can be considered crimes in Scotland.

Many popular websites and apps have rules against online hate speech and hate crime, including Facebook, Google, Instagram, Reddit, Snapchat, Tumblr, Twitter, YikYak, and YouTube.

4. How can I report online hate speech or hate crime?

Reporting hate speech or hate crime to the police or to the people in charge of a website or app is very important. **If no one reports hate, nothing can be done to stop it. By reporting, you could help to protect other people from facing the same abuse in the future.**

You can report any hate speech that you see – it does not have to be aimed at you. Everyone is responsible for reporting hate.

When reporting online hate speech to the police or to a website/app, it is helpful to:

- Write down all important information, including which site or app you saw it on, who posted it (real name or username), and the date/time of the post/message.
- If possible, save the original message/post on the site or in the app. If not, copy the original by downloading it or taking a screenshot.
- Write down why you think this message/post was hate speech or a hate crime.
- Try not to respond to the person or group sharing the hateful messages/posts, as this will probably only encourage the abuse.
- If you do not feel comfortable reporting this on your own, you can ask an adult who you trust to help you.

5. How can I report to a site/app?

Sites/apps that allow people to send messages or post information should have rules about what is allowed on their sites/apps.

Often, complaints can be sent in through the 'Contact Us' or 'Help' link located on the site's homepage.

Some apps also have tools that can be used specifically for reporting online hate speech.

Check pages 17-20 in CRER's guide to responding to online hate crime and hate speech, "Hate Online," for specific information. This can be found at www.crer.scot/crer-publications

A staff member from the site/app should get back to you to say what they will do about your complaint.

6. How can I report to the police?

If hate speech is aimed at a person or threatens violence, it should be reported to Police Scotland.

This can be done through phoning 999 if it is an emergency or 101 if it is not an emergency.

You can also report in person at any police station.

There is also an online form that can be filled out if you think you were the victim of a hate crime, saw a hate crime, or are reporting a hate crime on behalf of someone else. This is available on Police Scotland's website.

If you're worried about giving your name when reporting, you can report anonymously – you don't have to say who you are. You also don't have to say who the other people involved are. However, remember that it will be harder for action to be taken if the person who has faced the hate crime or hate speech doesn't give their name.

If you think you might be in danger, you should tell this to the police.

If you don't think the person you are reporting to is taking it seriously, you can ask to speak to someone else.

7. Now what happens?

It is not your job to prove that hate speech or hate crime occurred. The police must gather evidence when they look into your report.

When you report, the police do not decide then and there if it is a crime. They have to look into it more. If they decide they have enough evidence to show a crime was driven by hate, then they will call it a hate crime.

The police then pass this information along to the Crown Office and Procurator Fiscal Service (COPFS), who decide if they will prosecute the crime. This means, they decide if someone will be charged with a crime.

The Procurator Fiscal can decide what action is appropriate to take. This could include prosecution in court, fiscal fines, compensation offers, social work diversions, and warnings. It could also mean that no action is taken.

If your case goes through to court, there are organisations who can support you and help you if you are asked to be a witness, such as Victim Support Scotland.

If the crime was committed by someone under the age of 16, the case can be passed along to the Scottish Children's Reporter Administration (SCRA). They will decide how to proceed.