



# Hate Online

A guide to responding to online hate speech and hate crime



Every minute on the internet, there are approximately 500 new websites, 300,000 Tweets, 40,000 Facebook updates and 600 hours of YouTube video posted. Included in that massive amount of material are hate-filled posts, pictures, videos and comments – postings intended to intimidate and harass the targets (typically minorities), to recruit and encourage haters, to mislead vulnerable children and too frequently, to provoke real world attacks on people. Online hate is more than simply “pollution;” it affects people in seriously harmful ways.

Chris Wolf, *Viral Hate: Containing its spread on the Internet*.<sup>1</sup>



# Who we are

The Coalition for Racial Equality and Rights (CRER) is a Scottish anti-racism organisation which focuses on helping to eliminate racial discrimination and harassment and promote racial justice.

CRER's key mission is to:

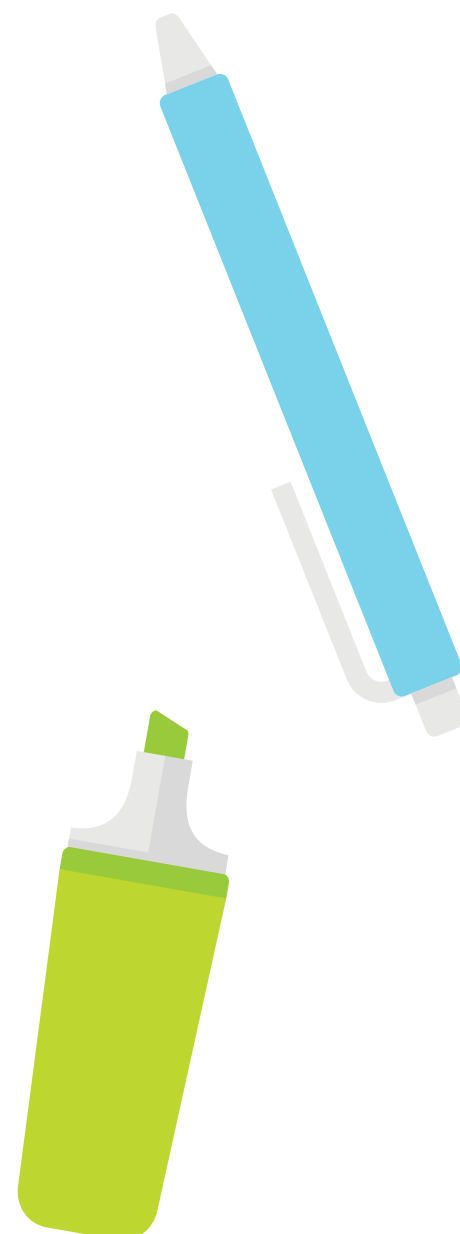
- Protect, enhance, and promote the rights of minority ethnic communities across all areas of life in Scotland; and to,
- Empower minority ethnic communities to strengthen their social, economic, and political capital.

CRER takes a rights-based approach, promoting relevant international, regional, and national human rights and equality conventions and legislation.

For more information on this report or the wider work of CRER, or to request this report in an alternative format, please contact:

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CRER is a charity registered in Scotland (SC029007)



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# 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.

The rise of online hate speech has led to passionate debates about freedom of speech and expression, and its limitations on the internet. Some people believe individuals have a right to say anything they want on the internet; others believe online hate speech and hate crimes should be dealt with in the same way as in-person hate speech and hate crimes.

There is great concern for children and young people, who are particularly affected by online hate speech. According to Ofcom, children as young as seven are encountering offensive language and images through access to the internet via their mobile phones, tablets, computers, and game consoles.<sup>2</sup> While the perpetrators of online hate speech are often anonymous, victims of online hate speech are very real. Research found that 10% of bullied British young people have tried to die by suicide, with 30% turning to self-harm.<sup>3</sup>

Furthermore, online hate speech can lead to in-person violent hate crime. Because of this, recognising and reporting online hate, harassment, and abuse is one of the first steps in tackling online hate crime, and demonstrating that hate speech, whether in person or online, is unacceptable.

This report will clarify some of the confusion regarding online hate speech and hate crime and provide:

- A definition of online hate speech and hate crime;
- Information on how online hate speech and hate crime can be identified; and,
- Guidance on how to record and report online hate speech and hate crime.

A Quick Reference Guide can be found on page 26 of this report.



## From 7yrs

According to Ofcom, children as young as seven are encountering offensive language and images through access to the internet via their mobile phones, tablets, computers, and game consoles.

## Defining Online Hate Speech and Hate Crime

### What is online hate speech?

There is not one universally agreed definition of hate speech. Most countries have created laws that ban expression that could be understood as 'hate speech,' although the laws are different from country to country.

In general, hate speech describes forms of communication or expression that promote or encourage violence, hatred, or discrimination against others, particularly because of their ethnicity, religion, gender, sexual orientation, transgender identity, disability, national origin, or immigration status.<sup>4</sup>

Defining online hate speech is a more difficult issue. However, an addition to the Council of Europe's (CoE) Convention on Cybercrime defined online hate speech as:

*"Any written material, any image or other representation of ideas or theories, which advocates, promotes, or incites hatred, discrimination or violence, against any individual or group of individuals, based on race, colour, descent, or national or ethnic origin, as well as religion if used as a pretext for any of these factors."*<sup>5</sup>

While CoE's definition addresses only racial hatred, it has become an accepted definition across Europe that can be applied to many characteristics, including gender, religion, sexual orientation, transgender identity, and disability.

In short, online hate speech is online communication which advocates or encourages hatred, discrimination, or violence against a protected group. Hate speech is directed against a person or group because they may belong to a certain group or have a certain characteristic.

This definition can also apply to cyberbullying in which people are targeted, harassed, or attacked online. Bullying is most common among children and young people, although adults can also be bullied. It can also apply to trolling, which is making a purposefully offensive or provocative online post with the aim of upsetting someone or causing an angry response.



### What is it?

In short, online hate speech is online communication which advocates or encourages hatred, discrimination, or violence against a protected group. Hate speech is directed against a person or group because they belong to a certain group or have a certain characteristics.

## Defining Online Hate Speech and Hate Crime

### What is online hate crime?

The Scottish Government defines hate crime as:

*“Crime committed against a person or property that is motivated by ‘malice or ill-will towards an identifiable social group.’ ”<sup>6</sup>*

In other words, a hate crime is a crime against someone because of who they are. Characteristics covered by Scots law include race, religion, sexual orientation, transgender identity, and disability.

Hate crime legislation does not cover crimes against someone because of their gender, although other laws may apply based on the crime.

It is important to note that not all hate speech is hate crime. When hate speech becomes a criminal offence, it is known as hate crime. A criminal offence is an act which breaks the law. Any criminal offence can become a hate crime if it was carried out because of hatred or prejudice based on race, religion, sexual orientation, disability, or transgender identity. Actions that can be hate crime include assaults, harassment, murder, sexual assault, theft, and hate mail.<sup>7</sup>

Hate crime can target an individual, or target an entire group without the need for a particular victim.<sup>8</sup> For example, a social media post that expresses hatred towards a racial group can be a hate crime, even if a particular person is not targeted.

Someone does not need to be a member of a minority community to be a victim of hate crime. The identity of a victim is irrelevant; the motivation of the perpetrator is the key factor in defining an act as a hate crime.<sup>9</sup>

Hate crime can take many forms. Online hate crime in particular can include:

- Online abuse, including verbal, emotional, or psychological abuse;
- Offensive literature and websites;
- Abusive private messages and hate mail; and,
- Threatening behaviour and cyberbullying.

When an act is identified as a hate crime, the law treats it as an *“aggravated offence”* which means that the judge must take the motivation behind the crime into account when deciding on the sentence given.<sup>10</sup> This allows hate crime to be monitored and shows that hate will be taken seriously.



### Hate crime

A hate crime is a crime against someone because of who they are. Characteristics covered by Scots law include race, religion, sexual orientation, transgender identity, and disability.



## Defining Online Hate Speech and Hate Crime

### What is the law?

Everyone has the right to be protected from discrimination and violence. Article 20(2) of the United Nations' International Covenant on Civil and Political Rights requires that, *“any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.”*<sup>11</sup>

This means that freedom of speech and expression does not cover speech and expression that provokes discrimination, hatred, or violence. The European Court of Human Rights confirms that it may be necessary for societies to sanction or otherwise prevent expression which spreads, incites, or justifies hatred based on intolerance.<sup>12</sup>

It is important to remember that the use of bigoted or prejudiced language in itself does not violate hate crime law. However, if the language was used in a way that could cause fear and alarm, such as a threat of violence, then the hate crime laws would apply.<sup>13</sup>

In Scotland, hate crimes that occur online are subject to the same laws that would apply if the crime occurred in person. People have been prosecuted for racist and sectarian posting on social media.<sup>14</sup>

While there is not a law that deals specifically with online hate speech itself<sup>15</sup>, several laws can be applied to cases of online hate speech and harassment.

In the UK, these include:

- **The Public Order Act 1986**<sup>16</sup> – This Act made it illegal to stir up racial (including colour, race, ethnic origin, and nationality) hatred, and includes actions which are threatening and written material that is intended to cause harassment.
- **The Racial and Religious Hatred Act 2006**<sup>17</sup> – This Act added religious hatred to the Public Order Act 1986<sup>18</sup>,
- **The Criminal Justice and Immigration Act 2008**<sup>19</sup> – This Act added sexual orientation to the Public Order Act 1986.<sup>20</sup>
- **The Criminal Justice and Public Order Act 1994**<sup>21</sup> – This Act made it illegal for anyone to cause alarm or distress through threatening, abusive, or insulting words or actions, or through the display of words or images that are threatening, abusive, or insulting.
- **The Communications Act 2003**<sup>22</sup> – This Act banned online communication that is highly offensive, obscene, or threatening.



### Did you know

In Scotland, hate crimes that occur online are subject to the same laws that would apply if the crime occurred in person.

## Defining Online Hate Speech and Hate Crime

In Scotland particularly, these include:

- **The Criminal Law (Consolidation) (Scotland) Act 1995**<sup>23</sup> – This Act addresses racist behaviour, harassment, and speech, and allows a charge to be brought against someone for causing alarm or distress that is motivated by racial hatred.
- **The Crime and Disorder Act 1998**<sup>24</sup> – This Act addresses crimes motivated by racial hatred, and allows an extra charge to be brought against someone for this motivation.<sup>25</sup>
- **The Criminal Justice (Scotland) Act 2003**<sup>26</sup> – This Act addresses crimes motivated by religious hatred, and allows an extra charge to be brought against someone for this motivation.<sup>27</sup>
- **The Offences (Aggravation by Prejudice) (Scotland) Act 2009**<sup>28</sup> – This Act addresses crimes motivated by hatred towards others based on disability, sexual orientation, or transgender identity, and allows an extra charge to be brought against someone for these motivations.<sup>29</sup>
- **The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012**<sup>30</sup> – This Act addresses offensive behaviour at football, and threatening communications that would encourage violence, or result in fear or alarm.

In December 2014, the Crown Office and Procurator Fiscal Service (COPFS) issued guidance dealing specifically with social media, which aims to make it clearer which communications can be considered criminal.<sup>31</sup>

The four main types of behaviour that prosecutors will consider are:<sup>32</sup>

- Communications which target a person or a group that are seen to be hate crimes, domestic abuse, or stalking.
- Communications which are seen as credible threats of violence to someone or something, or which are meant to promote public disorder.
- Communications which are considered highly offensive, indecent, obscene, or which are false or result in negative consequences for a person or group.
- Communications which may break a court order or the law, which would make it illegal to publish certain types of information.

The guidance was written to make sure people understood the difference between criminal and non-criminal communications on social media, and to show that crimes committed via social media will be taken as seriously as crimes committed in person.



### Laws that prohibit online hate speech and hate crime include:

The Criminal Law (Consolidation) (Scotland) Act 1995

The Crime and Disorder Act 1998

The Criminal Justice (Scotland) Act 2003

The Offences (Aggravation by Prejudice) (Scotland) Act 2009

The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

## Defining Online Hate Speech and Hate Crime

Additionally, the then Scottish Executive's 2004 Working Group on Hate Crime stated that the Public Order Act 1986 "...covers the use in public of words or behaviour, the display, publication, or distribution of written material, the public performance of plays, and the public distribution, showing, playing or broadcast of video or audio recordings, if the material concerned is intended to, or is likely to, stir up racial hatred."<sup>33</sup>

**This means that it is illegal to use materials and various types of communication to stir up hatred.** This can include online communications. It furthermore notes that the possession of such material with an intent to make it public is also illegal.<sup>34</sup>

### How is hate speech communicated online?

Hate speech can be communicated online in many different ways, whether on websites, through emails and messages, or on social media. The anonymous and ever-changing nature of online communications makes monitoring and controlling these communications challenging.

Websites that display hate speech are sometimes known as 'hate sites.' They can be difficult to control, as a site can be shut down, only to have a new one created shortly after. The hate groups who run these sites may try to recruit members, share their hateful message, or stir up hatred or violence in a variety of ways.

Hateful ideas, speech, and images can be shared on social media, and individuals and groups can experience harassment and bullying through emails and private messages. Illegal online material can include words, pictures, videos, and music which could stir up hatred and violence.

Online hate speech can occur in the following ways:

- Messages or posts calling for violence;
- Websites with pictures, videos, or words that glorify violence against particular groups;
- Chat forums where people encourage others to commit hate crimes;
- Very offensive social media posts or comments;
- Direct attacks on an individual through their email or other personal accounts;
- Threats;
- Cyberbullying;
- Trolling; or,
- Other forms of online communication which could spread, stir up, promote, or justify hatred towards a particular group or person.



## Hate speech

Hate speech can be communicated online in many different ways, whether on websites, through emails and messages, or on social media.

## Defining Online Hate Speech and Hate Crime

### What are online media or social media app regulations?

To control online hate speech and make rules about acceptable content on their sites, online media outlets have created guidelines and policies with their own definition of hate speech. Prohibited content appears to be similar across many online media outlets, with small differences about the groups which have been highlighted for protection. Below are examples from popular websites and social media apps. Please note, these may have changed since the time of publication.

#### Facebook

Facebook states, *“Content that attacks people based on their actual or perceived race, ethnicity, national origin, religion, sex, gender, sexual orientation, disability or disease is not allowed.”* However, it clarifies that they do allow *“clear attempts at humour or satire that might otherwise be considered a threat or attack,”* including content that other people may, *“find to be in bad taste.”*<sup>35</sup>

#### Google

Google makes special mention of hate speech in its User Content and Conduct Policy, which states, *“...we don’t support content that promotes or condones violence against individuals or groups based on race or ethnic origin, religion, disability, gender, age, nationality, veteran status, or sexual orientation / gender identity, or whose primary purpose is inciting hatred on the basis of these core characteristics.”* It clarifies, *“... if the primary purpose is to attack a protected group, the content crosses the line.”*<sup>36</sup>

#### Instagram

Instagram’s Community Guidelines states, *“It is never OK to encourage violence or attack anyone based on their race, ethnicity, national origin, sex, gender, gender identity, sexual orientation, religious affiliation, disabilities, or diseases.”* It notes that if hate speech is being shared to *“challenge it or raise awareness,”* it may be allowed if the intent is expressed clearly. Serious threats of harm to public and personal safety are also banned.<sup>37</sup>

#### Reddit

Reddit has created guidance which bans content that is illegal; encourages or incites violence; or *“threatens, harasses, or bullies or encourages other to do so.”* Content or individuals may be restricted, removed, or banned.<sup>38</sup>



### Online control

To control online hate speech and make rules about acceptable content on their sites, online media outlets have created guidelines and policies with their own definition of hate speech.

## Defining Online Hate Speech and Hate Crime

### Tumblr

Tumblr has community guidelines that ban certain types of content including harassment, unlawful uses of content, and harm to minors. Hateful or malicious speech is also banned, and guidelines forbid encouraging violence or hatred on the basis of *“race, ethnic origin, religion, disability, gender, age, veteran status, or sexual orientation.”* It will remove anything overtly hateful.<sup>39</sup>

### Twitter

Twitter does not provide its own definition, but does not allow behaviour that is abusive, including behaviour that harasses, intimidates, or uses fear to silence others. This includes violent threats, harassment, or hateful conduct. It also states that users may not, *“Promote violence against or directly attack or threaten other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or disease.”*<sup>40</sup>

### YikYak

YikYak’s Terms of Use states that when using the app, users agree not to: *“defame, abuse, harass, stalk, threaten, or otherwise violate the legal rights... of others; use racially or ethnically offensive language; discuss or incite illegal activity; post any image or language that is obscene or offensive, threatening or demeaning to any individual or group; or post anything contrary to our public image, goodwill, or reputation.”*<sup>41</sup>

### YouTube

YouTube’s website clearly states that it does not permit hateful content, which it defines as, *“content that promotes or condones violence against individuals or groups based on race or ethnic origin, religion, disability, gender, age, nationality, veteran status or sexual orientation / gender identity, or whose primary purpose is inciting hatred on the basis of these core characteristics.”* It also bans threatening behaviour and harassment.<sup>42</sup>

Please note, these are simply examples. Other popular site and apps (such as Snapchat, Vine, and Pinterest) have similar rules in their content policy.

## Defining Online Hate Speech and Hate Crime

### Is this online hate speech or an online hate crime?

A common problem in reporting online hate speech is that people often do not recognise or know how to identify it. Also, people may have become so used to online abuse that they do not consider it worth reporting, as it has become part of their everyday lives. Online hate speech needs to be recognised and reported to show the real-life consequences it can have on individuals and communities.

A balance must be struck between the right of individuals to express opinions that others may find offensive or insulting, and the right of others to be protected from hatred, abuse, and discrimination. Because of this, the context or situation in which the communication is shared is very important.<sup>43</sup>

The Crown Office and Procurator Fiscal Service (COPFS) published guidance in 2014 that made a distinction between “*offensive*” material and “*grossly [highly] offensive*” communication. It stated, “It is not sufficient for a communication to be simply offensive to constitute a criminal offense. Section 127 [of the Communications Act 2003] requires that the communication be “*grossly offensive*.”<sup>44</sup> This means that speech or materials must be highly offensive to be illegal.

The House of Lords decided in the 2006 case *Director of Public Prosecutions v. Collins* that the test for “*grossly offensive*” was to determine if the message would cause significant or gross offence to those it relates to, even if they were not the target of the speech or material. The context is very important.<sup>45</sup>

This means that there is a difference in the law between something that is offensive and something that is illegal. Messages which can be seen as highly offensive are those that were likely intended to cause great offence and upset. However, internet users are not expected to understand details about the law, and what is deemed illegal online.

In all instances, users should report to the police content that:

- Endangers or abuses anyone, especially a child;
- Directly threatens a group or individual; or
- Stirs up violence, hatred, or abuse against groups or individuals.

Even if you’re not sure whether the law is being broken, it is best to report any serious examples of online hate to the police. They can investigate and determine whether there may have been a breach of the law.



### Report it

Even if you’re not sure whether the law is being broken, it is best to report any serious examples of online hate to the police. They can investigate and determine whether there may have been a breach of the law.

## Reporting Online Hate Speech

### Why should I report online hate speech?

For some groups, online hate speech is so common that people do not think about reporting crimes to the police. Even when hate speech escalates to hate crime, many people do not report it, either to the site administrators or to the police.

However, if the police do not know about something they cannot act to protect victims and communities. By reporting an online hate crime to the police, you can help stop the behaviour and give the police important information to understand what is happening and how best to tackle it. Victims can also prevent further crimes, and get access to support.<sup>46</sup>

By reporting an online hate crime to the site administrators, the perpetrator can be stopped, and other people can be protected from seeing the hate speech and abuse. This can prevent further incidents, and stop minor incidents online from escalating into in-person violence.

Online hate speech does not have to be repetitive or consistent to violate someone's rights; one time is enough. Furthermore, online hate speech does not have to be experienced directly by someone in order for that person to report it – everyone is responsible for reporting online hate speech that they see.

It is also important to remember that it does not matter if you were the victim of a hate crime, but are not a member of the group that the crime targeted. Only the motivation of the perpetrator, not your actual identity matters.<sup>47</sup>

Reporting raises awareness of the issue, and could lead to an arrest or conviction. By doing this, you are standing up for your rights and the rights of all groups, as well as challenging prejudice and hatred. Nothing can happen if no one knows about it, and only by reporting a potential hate crime can action be taken to address it and prevent further incidents.



### Do your bit

Nothing can happen if no one knows about it, and only by reporting a potential hate crime can action be taken to address it and prevent further incidents.

## Reporting Online Hate Speech

### How can I respond to an incident?

The more information that can be given, the stronger the claim that online hate speech or online hate crime occurred will be.

These steps can help collect all important information to make a report to a social media site, website, hosting site, the police, or a third party reporting centre.<sup>48</sup>

1. Record all important information about the incident. This should include the website or social media app it was posted on (website address), who posted it (real name, username, or email address, if possible), the date and time of the upload, and any comments.
2. Record how the content made you feel, and why you think the post or message was hate speech or a hate crime.
3. If possible, keep the original message, comment, photo, etc. that was sent.
4. If possible, copy the original item. Posts, images, or videos may be removed before the police can see it; copying the content can make sure police can see it. Screenshots can be taken on a computer or mobile phone.<sup>49 50</sup> Images can also be copied and saved. Videos or music can be downloaded and saved.
5. Contact the local police department or third party reporting centre to give them the information collected.
6. Contact the owners of the site, and give them the details about the incident or content.

It is also important not to respond or engage with the person or group creating or sharing the hateful content. Often, responding to hate messages only encourages the abuser to continue the abuse.

When you make the report, make sure to state that you think the crime was motivated by hate, and explain why. This will help the site administrators and the police properly address the issue.



### Gathering information

These steps can help collect all important information to make a report to a social media site, website, hosting site, the police, or a third party reporting centre.



## Reporting Online Hate Speech

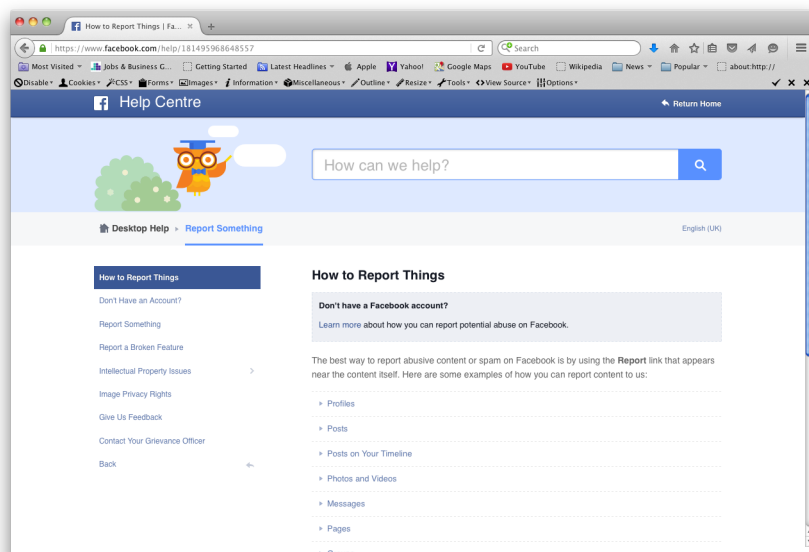
### How can I report to online media site or social media app administrators?

Online media sites and services which allow people to post content should have policies about what is acceptable to post on their sites and apps. Often, complaints can be submitted through the ‘Contact Us’ or ‘Help’ link, located on the site’s homepage.

Some sites and apps also have tools that have been developed specifically to report online hate speech. Below are some examples from popular websites and apps. Please note, the links to these pages can be found in the endnotes.

#### Facebook

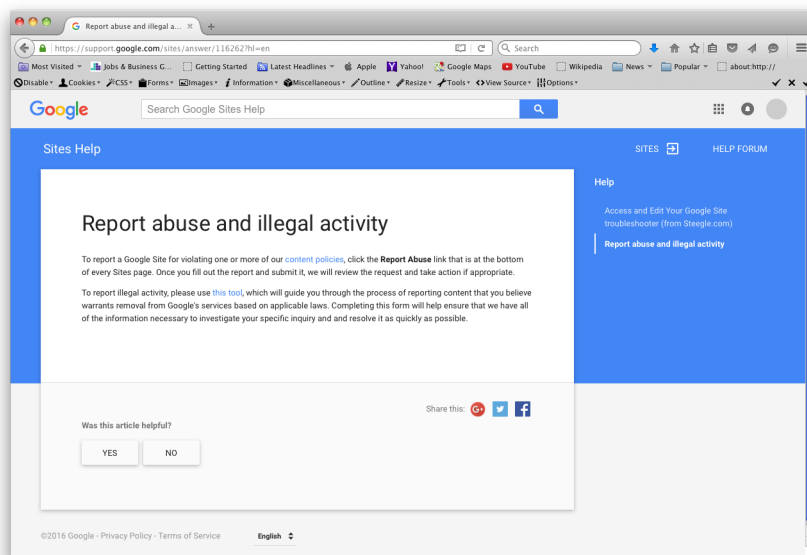
Facebook allows its users to report different types of offensive content, including profiles, posts, photos, videos, messages, pages, groups, events, and comments. Abusive content can also be reported by using the ‘Report’ link that appears near the content itself.<sup>51</sup>



## Reporting Online Hate Speech

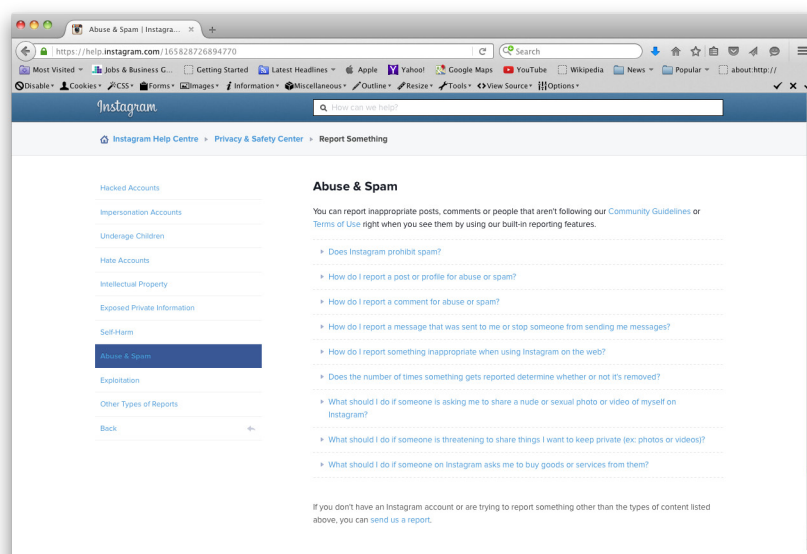
### Google

Google allows anyone using Google services to report offensive content or an offensive site, regardless of whether they have a Google account. A Google website can also be reported for violating content policies by clicking the ‘Report Abuse’ link in the footer at the bottom page, and submitting a report.<sup>52</sup>



### Instagram

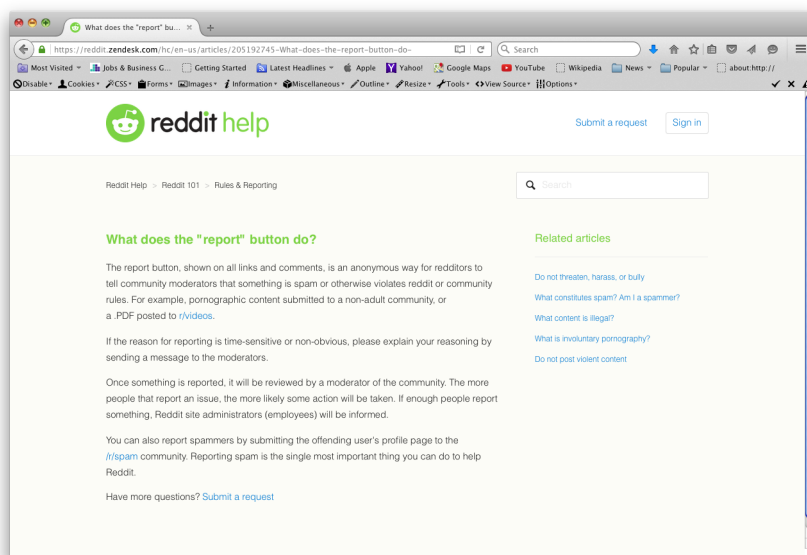
Inappropriate posts, comments, or users can be reported to Instagram using the built-in reporting features. Anyone, whether or not they have an account, can file a report.<sup>53 54</sup>



## Reporting Online Hate Speech

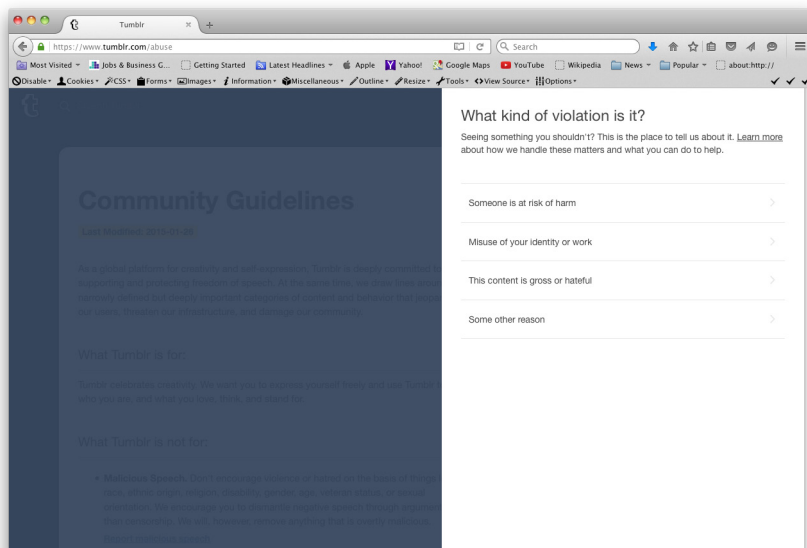
### Reddit

All Reddit links and comments have a report button, which offers an anonymous way for users to tell community moderators that there is a violation of Reddit community rules. Reports are reviewed by a moderator of the community, and, if enough reports are received, Reddit site administrators will be informed and consider appropriate action.<sup>55</sup>



### Tumblr

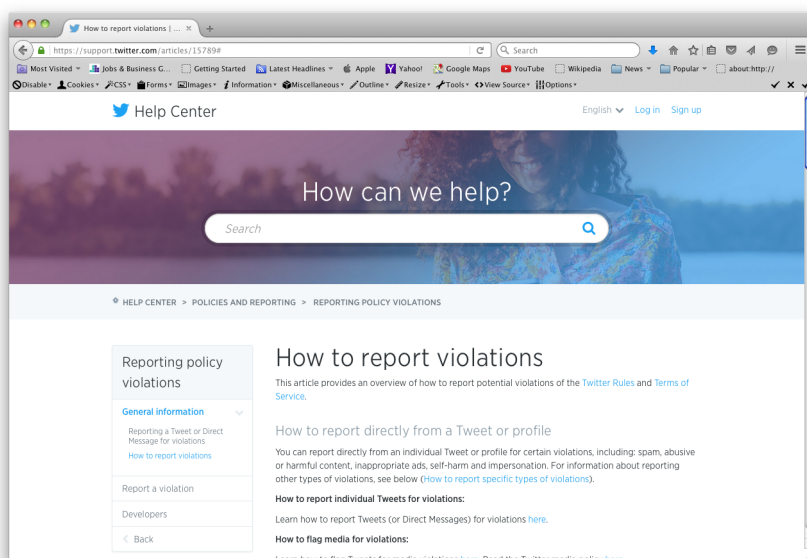
Abuse and hate speech on Tumblr can be reported on the Tumblr Abuse page. When viewing content, users can also click the question mark in the top right corner to utilise the Help Centre. When the screen pops up, type in 'report,' and follow the directions.<sup>56</sup>



# Reporting Online Hate Speech

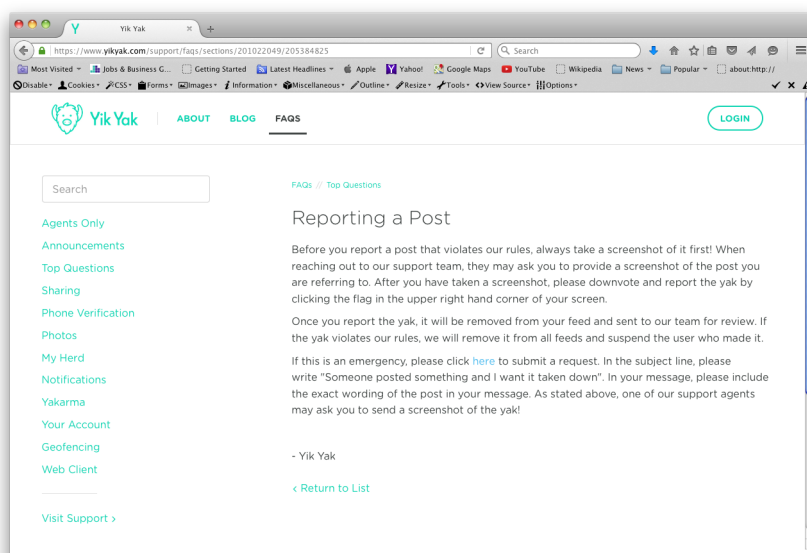
## Twitter

Twitter allows its users to report any offensive content on their own accounts, or the accounts of others. Individual tweets or profiles can be reported for posting abusive or harmful content.<sup>57</sup>



## Yik Yak

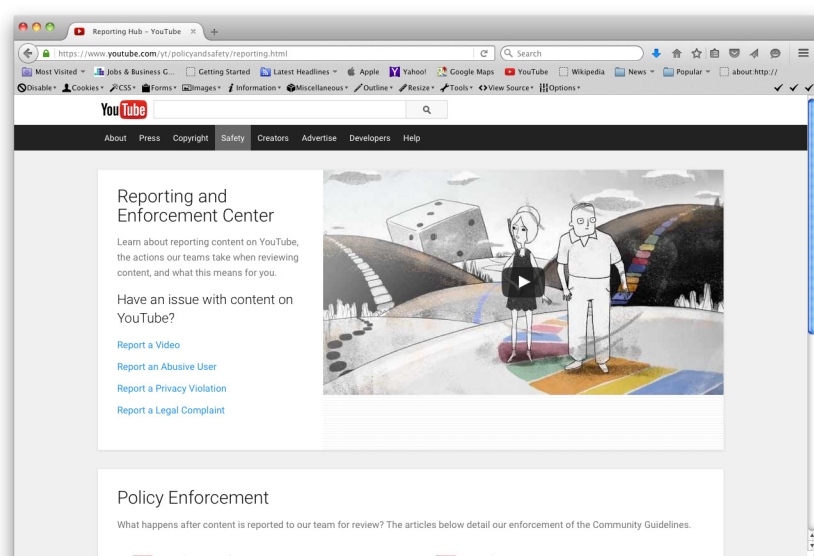
Yik Yak has the right to remove content and accounts that violate Terms of Services, and report illegal actions to law enforcement. Users can contact Yik Yak's support team and send a screenshot of an offensive post. Within the app, users can also downvote a post that violates the terms of use, and report the post by clicking on the flag in the upper right corner of the screen. In-app contact requests can also be sent.<sup>58</sup>



## Reporting Online Hate Speech

### YouTube

YouTube allows its account holders to flag offensive videos. Videos may be flagged as having inappropriate content; flagged videos are reviewed by YouTube staff for violation of Community Guidelines. More detailed reports can be filed with the online reporting tool.<sup>59</sup>



Please note, other sites and apps (such as Snapchat, Vine, and Pinterest) have similar services. Links to reporting forms can often be found in the Terms of Use or Terms of Service pages.

### How can I report to a hosting company?

If the content of a website is hateful, or if it supports violence, it can be reported to the hosting company. The hosting company provides a place for the website to be. The website “Who is Hosting This?” can tell an internet user who is hosting a website.<sup>60</sup> The host can then be contacted to make a report. Internet suppliers can also be contacted for more information.

### What happens after I report?

After you report, it is up to the social media app or site administrators to take action. The person responsible may be contacted and reminded of the rules of the app or site. If the incident is particularly threatening or abusive, the person may be banned from using the app or site and reported to the authorities. Posts may be removed, and users may be blocked.

If particularly harassing messages were involved, or if a specific person or group was threatened with violence, it may be necessary to involve the police.

## Reporting Online Hate Speech

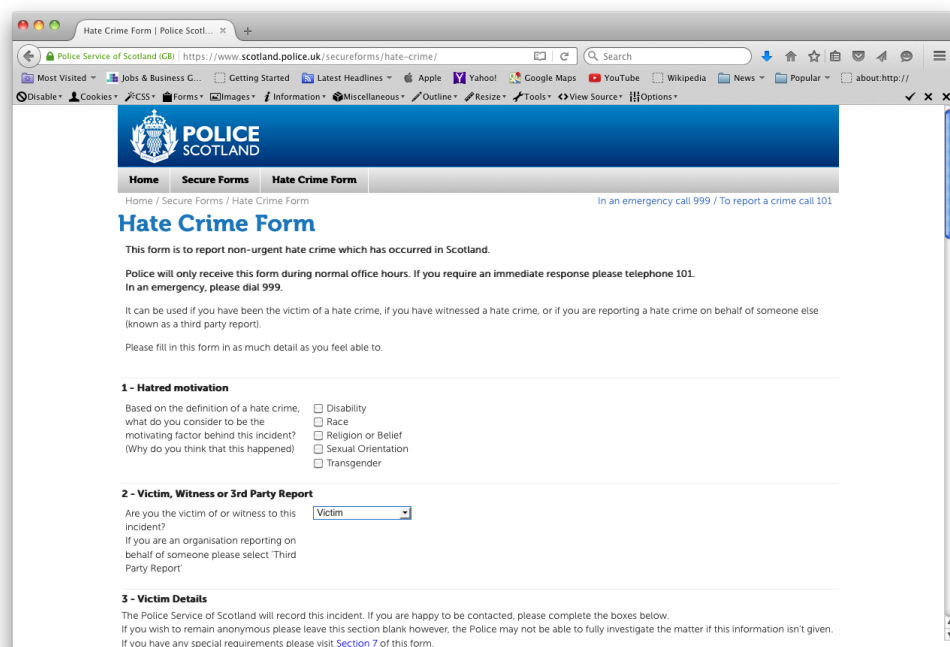
### How can I report to the police services?

Police Scotland encourages internet users to report incidents of online hate speech to website owners. However, if online hate speech is directed at an individual, whether or not it poses clear immediate danger to the person, the incident should be reported to Police Scotland. It may be a hate crime, and would be treated as such.<sup>61</sup>

This can be done through phoning 999 for direct emergencies (immediate danger), or 101 for non-emergencies. It can also be reported in person at any police office. Additionally, a form exists which can be completed online, and can be used if someone has been the victim of a hate crime, if someone has witnessed a hate crime, or if someone is reporting a hate crime on behalf of someone else (this is also known as third party reporting). The Hate Crime Form can be found on Police Scotland’s website.<sup>62</sup> You can also call Crime Stoppers on **0800 555 1115**.

If you think the person you have reported to is not taking the incident seriously or is treating you disrespectfully or unsympathetically, ask to see someone else, and ensure the incident is recorded as an incident motivated by hate.

You can identify yourself, report on behalf of someone else, or remain anonymous if you wish. If you believe you may be in danger if identified by the person you are reporting, you should explain this to the police.



## Reporting Online Hate Speech

### How can I report to third party reporting centres?

In some instances, victims or witnesses of online hate crimes do not feel comfortable approaching the police directly, and may wish to speak to someone they are more familiar with. In this case, individuals can make use of Third Party Reporting Centres. Staff at these centres are trained to assist victims or witnesses in submitting a report to the police, and can make a report on behalf of the victim or witnesses. The individuals involved do not have to speak directly to the police if they do not wish to. The police will treat these reports as if they have received a report directly from a victim.<sup>63</sup>

Third Party Reporting Centres include housing associations, voluntary groups, and victim support offices. There is a range of centres to best accommodate the needs of those involved.<sup>64</sup>

### What happens after I report?

It is not your job to prove that a hate incident has occurred. The police must gather evidence during their investigation. To help with this, it is important to record as much about the incident as possible.<sup>65</sup>

Police must investigate the incident as a hate crime if the victim or the person reporting the incident believes it was motivated by hate. Your impression of the act matters.

When an incident is reported, the police do not immediately decide if it is a crime. It will be recorded as a hate incident, and investigated. If the police believe they have enough evidence to show the crime that was committed was motivated by hate or prejudice, then the report will be logged as a hate crime.

Investigations of online hate speech and hate crimes can be more difficult to conduct due to the nature of the incident. For this reason, it is important to record all the information you can when the incident occurs.



## What happens

Police must investigate the incident as a hate crime if the victim or the person reporting the incident believes it was motivated by hate. Your impression of the act matters.

## Reporting Online Hate Speech

If the police believe the evidence could support a prosecution, they give a report to the local Procurator Fiscal, who works for the Crown Office and Procurator Fiscal Service (COPFS) to prosecute crime. The Procurator Fiscal considers the report and determines what, if any, action must be taken. This includes warnings, fines, social work diversion, and prosecution in court. The Procurator Fiscal can also decide not to take any action.<sup>66</sup>

At this point, the police are no longer responsible for the case, and you must contact the Procurator Fiscal instead for information on your case.<sup>67</sup>

You may have to go to court if the Procurator Fiscal believes that court proceedings are appropriate, and the accused pleads not guilty. Most of the time, this is not necessary. However, if you do have to go to court, you can contact the Victim Information and Advice service.<sup>68</sup> The Procurator Fiscal will also decide which type of court proceedings will occur in, which will depend on the crime and the powers of the courts.<sup>69</sup>

If you are concerned about giving evidence, particularly about your privacy and safety, you should tell the Procurator Fiscal and special measures may be considered. If you are concerned for your safety at any time, you should tell the police or the Procurator Fiscal.

If the crime was committed by someone under the age of 18, the case may be referred to the Scottish Children's Reporter (SCRA). Victims and witnesses do not attend these, as confidential information will be discussed.<sup>70</sup>



### What happens

**The Procurator Fiscal considers the report, and determines what, if any, action must be taken. This includes warnings, fines, social work diversion, and prosecution in court. The Procurator Fiscal can also decide not to take any action.**



## Conclusion

Individuals are at risk of experiencing hate speech and hate crime while online through websites, social media, email, messages, etc. However, this does not mean that it is okay, or that things will never change.

It is important to report this harassment and abuse when you encounter it. Only by reporting these incidents and speaking out against them can action be taken against the perpetrators to make the internet a safer place for everyone.



## Quick Reference Guide

1. Online hate speech is online communication that advocates or encourages hatred, discrimination, or violence against a protected group because of who they are.
2. A hate crime is a crime committed against someone because of who they are. **In Scotland, these protected characteristics include race, religion, sexual orientation, transgender identity, and disability.**
3. The law protects groups from discrimination and violence. While the use of bigoted or prejudiced language itself does not violate hate crime law, language or images used in a way that could cause fear or alarm does break the law. Not all hate speech is a hate crime, but a criminal offence can become a hate crime if it was motivated by hatred.
4. Examples of online hate crime can include online abuse, offensive websites, abusive or offensive messages and posts, threatening behaviour, cyberbullying, trolling, direct attacks, and encouragement of violence.
5. Many social media sites and apps have rules against hate speech, harassment, and threatening behaviour, and will address problems reported by users. If content or communication is worrisome, or if it endangers or threatens a person or a group, it should be reported.
6. By reporting an incident, the perpetrator can be stopped and other people can be protected from seeing the hate speech or abuse. This can prevent future incidents and stop minor incidents from escalating into in-person violence. Only by reporting can action be achieved.
7. You can report an incident to a social media app or website administrator, the police, or a third party reporting centre.
8. You do not have to be the target of the hate speech or hate crime to report it.



## Quick Reference Guide

9. When reporting an incident, make sure to:

- Record all important information about the incident, including the perpetrator, what was said or shared, and when the incident happened.
- Record how the content made you feel and why you think hate was the motivation.
- Keep the original message or content, or a copy if possible.
- Contact the administrators of the app or site and give them all the details you can.
- Contact the police or a third party reporting centre, especially if you believe violence may occur as a result of the incident.

10. Most popular apps or websites have an email address to contact the administrators, or an in-built reporting feature to report an incident. Posts or content may be removed, and the perpetrator may be banned from the app or site. If particular threats were made, the individual responsible may be reported to the authorities.

11. You can report an incident to the police through calling 999 for direct emergencies or 101 for non-emergencies, reporting in-person to a police office, or completing an online form.

12. You can also report to a third party reporting centre if you do not wish to speak to the police. These centres include housing associations, voluntary groups, and support offices.

13. After you report to the police, they will gather information. If the police find enough evidence to support charging someone with a crime, they will give the information to the Procurator Fiscal, who will then decide what action to take. This could include warnings, fines, or prosecution in court.

14. However, only by reporting hate speech and hate crimes can any action be taken. Reporting is the first step to tackling hate online.



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## Endnotes

Please note, the links to the below references can be found on the electronic version of this document, available at [www.crer.org.uk](http://www.crer.org.uk).

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