



Fighting Hate Speech on the Internet

The current Swiss system and proposed improvements

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I. Introductory remarks

Revolutionary! The Internet is an incomparable medium that allows us to reach a multitude of people in real time. No other traditional form of publication enables us to express our opinion so cost efficiently even from the most remote alpine valley in Switzerland.

But where there is light, there is also shadow: Hate has become widespread on the Internet. Every day people are insulted, attacked and harassed online.¹ The fight against hatred is an ongoing problem for politics, the judiciary and companies such as YouTube or Facebook. The big tech companies have significantly invested in their instruments to fight hate speech. Facebook, Twitter and YouTube do check 89 percent of flagged content within one day and remove 72 percent, which represents an improvement of more than 50 percent compared to 2016.² But what about the remaining percentages, which are not deleted in the first place? And what about the subsequent prosecution, which should be the usual reaction to a crime? In particular, criminal prosecution in Switzerland is rarely, if ever, enforced and the majority of perpetrators enjoy impunity.³ Therefore, many people continue to believe that the Internet is a legal vacuum.⁴ Behind their screens they feel safe enough to say things that they would never say in public.

This paper will be divided into two main parts. The first part will address the main problems regarding hate speech and the legal provisions that apply to them in Switzerland. In a second part, solutions will be presented to solve the described problems.

¹ BALDAUF/BANASZCZUK/KORENG, p. 9; WÜSTHOLZ.

² GERNY.

³ BAUMGARTNER; Postulate by Manuel TORNARE no. 143908.

⁴ Cf. LANGER, p. 9.

II. What is hate speech?

There is neither a Swiss, nor an internationally recognized definition of hate speech.⁵ Various organizations have defined hate speech in different manners.⁶ However, I will focus on the Council of Europe's definition, as it is often referred to,⁷ covers most cases and is still relatively general, leaving room for future interpretation and challenges.

The Council of Europe defined hate speech as follows: “*All forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin.*”⁸

Racist and xenophobic motives are at the forefront of this definition. However, the phrase “*or other forms of hatred based on intolerance*” clearly indicates that other manifestations, for example hate speeches against women, are also covered.

III. Why do we need new measures against hate speech?

The virtual world is flooded with hate speech. Besides the psychological injury inflicted,⁹ the danger is evident that hatred can be transferred to the real world, thus lowering the threshold

⁵ ARTICLE 19, p. 9; PÁLMAÐÓTTIR/KALENIKOVA, p. 6.

⁶ E.g. for different definitions of hate speech; CERD/C/GC/35, no. 10; BACOVSKA/MIHAJLOVA/SHEKERDJIEV, p. 24.

⁷ E.g. HERTIG, p. 5; MUSY, p. 2; PÁLMAÐÓTTIR/KALENIKOVA, p. 6; RODRÍGUEZ, p. 1.

⁸ Rec R (97) 20, appendix.

⁹ Interpellation by Priska Seiler GRAF no. 19.3787.

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for hate crimes.¹⁰ In France for example, there was a large increase in antisemitic incidents in 2018, this after a rise in anti-Semitic comments on the Internet was noted.¹¹

Let's take an anti-Semitic statement as a starting point: It is regularly pointed out in literature that the anonymity of the authors is an issue and creates the basis for commentators to write such remarks.¹² However, the Swiss Federal Council justifiably stated that the person could usually be found via his or her IP address. A motion to this effect, which called for measures, was rejected accordingly.¹³

On the other hand, the cross-border nature of hate speech on the Internet is the main problem.¹⁴ In order to determine the jurisdiction of a Swiss court and the applicability of Swiss law, the general rules of art. 3 ff. of the Swiss criminal code must be applied.¹⁵ In particular art. 8 § 1 of the Swiss criminal code states that "*A felony or misdemeanor is considered to be committed at the place where the person concerned commits it or unlawfully omits to act, and at the place where the offence has taken effect*". According to prevailing doctrine, the place of action is where the perpetrator is located.¹⁶ On the other hand, the place where the result occurs is controversial.¹⁷ However, the opinion can be upheld that an effect within the meaning of art. 8 § 1 exists if one becomes aware of the illegal content and even if there is the possibility of gaining knowledge of the same content.¹⁸ This would imply that

¹⁰ BAUMGARTNER; Interpellation by Priska Seiler GRAF no. 19.3787.

¹¹ BAUMGARTNER.

¹² Cf. BAUMGARTNER; SCHULZ, p. 4; WEBER.

¹³ Motion by Jean Christophe SCHWAAB no. 14.3905.

¹⁴ MUSY, p. 17; Postulate by Manuel TORNARE no. 143908.

¹⁵ MUSY, p. 17.

¹⁶ GILLIÉRON, p. 182.

¹⁷ MUSY, p. 17.

¹⁸ MUSY, p. 18.

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there is a form of universal jurisdiction, since an Internet publication can be accessed anywhere on the world.¹⁹ A court of cassation of the Canton of Geneva found an elegant solution in this regard. In addition to the fact that information can be retrieved in Switzerland, the perpetrator must have a criminal intent to have individuals perceive the information in Switzerland.²⁰ I believe that this broad interpretation deserves to be followed. Given the globality of the Internet and the simplicity of disseminating information, national courts should have as much leverage as possible to establish their jurisdiction.

The determination of jurisdiction is not the only problem in cross-border situations. The majority of Internet publications liable to prosecution are located on foreign servers²¹ and many of the Internet companies are based in the United States. The US has a much broader understanding of freedom of speech than Switzerland. This makes it difficult to enforce a ban on hate speech,²² since one condition of mutual assistance in criminal matters is the double criminality of the internet comment.²³

As a result, Swiss prosecution authorities cannot take immediate action. For example, evidence cannot be collected directly but must be requested in accordance with the law on international mutual assistance in criminal matters,²⁴ which is just not possible if the foreign government doesn't cooperate.

¹⁹ MUSY, p. 18; The Swiss department of justice and police disagrees in this respect. For further information see the interpellation by Martin NAEF no. 14.3888.

²⁰ SJ 2005 I 461, consid. 3.8; GILLIÉRON, p. 183.

²¹ Postulate by Manuel TORNARE no. 143908.

²² GERNY; STAFFELBACH p. 32.

²³ WEBER.

²⁴ Postulate by Manuel TORNARE no. 143908; WEBER.

Even though some people think they enjoy impunity behind their screens, it is clear that Internet users are not in a legal vacuum.²⁵ In principle, the same legal boundaries are equally applicable to them as to authors in traditional media, such as newspapers or books. The state has not enacted a new Internet law that suddenly grants Internet users immunity.²⁶ But can the law, which is designed for traditional media, also be applied seamlessly to Internet publications? I will outline the advantages and disadvantages of the relevant legal provisions in Switzerland in the following sections.

IV. What laws apply to hate speech?

A. Freedom of expression

Freedom of expression can be found at different levels of law. At the international level, art. 19 UDHR and art. 19 ICCPR should be mentioned. On the regional level the right is found in art. 10 ECHR. Finally, freedom of expression is codified in art. 16 of the Swiss federal constitution. Freedom of expression protects any form of speech and therefore also the dissemination of content on the Internet, provided that it contains ideological and not only commercial information.²⁷

It is not always simple to distinguish between statements considered to be "hate speech" and therefore violating the law, and legitimate statements. In the landmark judgement *Handyside v. United Kingdom*, the European Court of Human Rights ruled that statements which "*offend, shock or disturb*" others, are to be protected as well.²⁸ The reason for taking

²⁵ LANGER, p. 10; MEILI/GALFANO, p. 38.

²⁶ MEILI/GALFANO, p. 38.

²⁷ MEILI/GALFANO, p. 39.

²⁸ *Handyside v. UK*, § 49.

this approach lies in the democratic function of freedom of expression.²⁹ It is important to protect minority opinions in order to preserve the pluralism, tolerance and the liberal-mindedness of a society.³⁰

Freedom of expression under the ECHR may be restricted if it is prescribed by law to protect 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. Furthermore, such restrictions are only permissible to the extent that they are necessary in a democratic society (art. 10 § 2 ECHR).³¹

The European court of human rights takes various factors into account when examining if the right can be restricted or not. It looks at the objective, the content and the context of the expression. Furthermore, it examines the publicity and potential impact of the expression and the nature and gravity of the restriction.³²

B. Art. 261bis Swiss criminal code

*“Maybe we need another Kristallnacht... this time for mosques... so the government finally wakes up.”*³³ For this tweet, the perpetrator made himself criminally liable according to art. 261bis, the prohibition of racial discrimination.³⁴ This should be the usual consequence,

²⁹ HERTIG, p. 8; Cf. BACOVSKA/MIHAJLOVA/SHEKERDJIEV, p. 5.

³⁰ Cf. Gündüz v. Turkey, § 40; Cf. Young, James and Webster v. UK, § 63.

³¹ See also art. 36 of the Swiss constitution regarding the restriction of Swiss fundamental rights. This article requires, in addition to a legal basis and a public interest or the protection of fundamental rights of third parties, the observance of the principle of proportionality.

³² RODRÍGUEZ, p. 1.

³³ BGE 6B_627/2015, facts.

³⁴ BGE 6B_627/2015, consid. 3.

as the majority of hate speech in Switzerland is covered by art. 261bis.³⁵ Not to forget on the other hand are art. 259 of the Swiss criminal code, the prohibition of public incitement to commit a felony or act of violence and art. 261 Swiss criminal code, the prohibition of attack on the freedom of faith and the freedom to worship, which may be relevant as well in cases of hate speech.³⁶

Reference must be made to art. 28 of the Swiss criminal code, which applies to the entire act. Writers of an Internet publication are considered authors within the meaning of this article.³⁷ They are solely liable to prosecution if the punishable publication takes place in a medium and is exhausted therein (art. 28 § 1 Swiss criminal code). If the author cannot be identified due to anonymity, the responsible editor is liable instead. If such an editor is missing, as it is usually the case with online comments, the person responsible for the publication is liable (art. 28 § 2 and art. 322bis Swiss criminal code). An exception is made by the Swiss federal court for art. 261bis § 4 of the Swiss criminal code. Any person involved in the publication is liable for the public disclosure of racially discriminatory statements.³⁸

C. Art. 173 ff. Swiss criminal code

The violations of honor under art. 173 ff. apply mostly when the more specific conditions of racial discrimination are not met.³⁹ For example, xenophobic statements that do not refer to an ethnic group are excluded from the scope of art. 261bis.

³⁵ MUSY, p. 2.

³⁶ MUSY, p. 2.

³⁷ MEILI/GALFANO, p. 39.

³⁸ BGE 125 IV 206 ff.

³⁹ MUSY, p. 2.

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The Swiss federal supreme court therefore ruled that the terms “foreign pig” and “dirty refugee” do not constitute racial discrimination within the meaning of art. 261bis.⁴⁰ If one were to apply the definition of the Council of Europe to these examples, it would be a clear case of hate speech.⁴¹ However, the policeman, who publicly made the following statements to an Algerian asylum seeker, made himself liable to prosecution under art. 177 of the Swiss criminal code.⁴²

The problem with offences against honor is that the statement must be addressed to an identifiable or specific person. Statements made to a group of people, as it is often the case on the Internet, are no longer protected.⁴³ The following dilemma arises from this. Statements against groups, who are not protected by art. 261bis of the Swiss criminal code, such as people who are part of the LGBTQ community, are simply not criminally punishable in Switzerland.⁴⁴

Violations of honour will only be prosecuted on the basis of complaints (art. 173 ff. Swiss criminal code). The state cannot investigate them on its own initiative. The criminal complaint must be filed within three months by the person entitled to file it (art. 31 Swiss criminal code). If this deadline has been missed, the person whose rights have been violated can still proceed in accordance with art. 28 of the Swiss civil code.⁴⁵

⁴⁰ MUSY, p. 4.

⁴¹ See section II above.

⁴² SCHLEIMINGER, p. 308 f.; However, the federal supreme court did not address the question of criminal liability under art. 177 of the Swiss criminal code in the present case (BGE 140 IV 67).

⁴³ BGE 124 IV 262, consid. 2a, p. 266 f.; The case concerned an affront to all people who are surgeons; BGE 100 IV 43, consid. 3, p. 48; The case was about an insult to all people who are hunters.

⁴⁴ Cf. MUSY, p. 12; There were several attempts to change art. 261bis, e.g. Motion by Daniel JOSITSCH no. 09.3395; Initiative of the Canton of Geneva no. 13.304.

⁴⁵ MEILI/GALFANO, p. 40.

D. Art. 28 ff. Swiss civil code

The Swiss civil code offers extensive legal protection for the honor of a person. Protected by art. 28 ff. Swiss civil code are the social and professional prestige, the feeling of being an honorable person and the good reputation.⁴⁶ In short, the personality protects the totality of a person's individual basic values.⁴⁷ In addition to natural persons, legal persons are also protected.⁴⁸ A violation is not subject to a statute of limitations,⁴⁹ which represents an advantage over criminal law.

An action can prohibit an impending infringement, eliminate an existing infringement and can declare an infringement to be unlawful. Furthermore, compensation and satisfaction may be claimed (art. 28a Swiss civil code) and there may be a right to a counter-argument (art. 28g ff. Swiss civil code). Problematic is that only the person whose rights have been violated can pursue civil action (art. 28 § 1 Swiss civil code). Furthermore, the general principles of production of evidence apply (art. 55 § 1 Swiss civil procedure code).

V. Possible improvements for Switzerland

A. Introduction

There are many approaches on how a society should address the problem of hate speech.⁵⁰ I will not reinvent the wheel in this paper. Possible solutions have been discussed before and

⁴⁶ MÜLLER.

⁴⁷ AEBI - MÜLLER, HK, § 2 of art. 28 ZGB.

⁴⁸ AEBI - MÜLLER, HK, § 4 of art. 28 ZGB.

⁴⁹ AEBI - MÜLLER, HK, § 6 of art. 28 ZGB.

⁵⁰ A good overview of the possibilities can be found in BACOVSKA/MIHAJLOVA/SHEKERDJIEV, p. 42 ff. and PÁLMADÓTTIR/KALENIKOVA, p. 24 ff; A useful guide on how to respond to online hate speech in daily life can be found in: BALDAUF/BANASZCZUK/KORENG, p. 22 ff.

I've sought out what I think are the best. However, while analyzing the literature, I have formed strong opinions which will be incorporated into the proposed solutions.

B. Reinforcement of art. 261bis

As already explained, there is a legal gap if a group of people is attacked on the Internet without one of the special groups of art. 261bis of the Swiss criminal code is being affected. This is due to the fact that the norms of art. 173 ff. Swiss criminal code only prohibit comments that are directed against identifiable individuals.⁵¹

Other countries in Europe have much more detailed criminal norms.⁵² For example art. 225 § 1-4 of the French criminal code prohibits the discrimination on the base of origin, sexuality, political opinions, religion etc. The list covers a larger number of groups and is more precise than the Swiss criminal provision.

National council member Mathias Reynard had already identified this problem in 2013 and submitted a parliamentary initiative to extend the scope of application of art. 261bis. He suggested that hate speech against groups of people on the basis of their sexual orientation should be forbidden by criminal law.⁵³ The National Council and the Council of States were in favor of amending art. 261bis, however, a referendum was initiated.⁵⁴

On the other hand, the question arises whether it is sufficient to only add one more protected group to the norm. Hate speech towards e.g. disabled or elderly people as a group is still

⁵¹ See section IV C above.

⁵² HAUSAMMANN, p. 5.

⁵³ Parliamentary initiative by Mathias REYNARD no. 13.407.

⁵⁴ MELZL.

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possible.⁵⁵ Is it justifiable to exclude certain vulnerable groups?⁵⁶ In my opinion that is not an option.

I would go as far as to introduce a general clause such as for example the one provided in the hate speech definition of the Council of Europe.⁵⁷ Of course, one could contest that criminal law must have very precisely defined criminal offences. Opponents argue that even the proposed extension of the article 261bis is too vague.⁵⁸ Mr. Markus Melzl asserted in the BaZ that pedophilia is a sexual orientation and that it is therefore protected by the amendment of the article.⁵⁹ Such an argumentation is dangerous. It influences the population and could have effects on the voting result. In practice, however, this opinion would probably not even be mentioned by a Swiss court.

Of course, the main argument of the opponents is the restriction of freedom of expression. But I can't help asking myself if allowing an e.g. homophobic argument would not be even worse: Don't homophobic comments on the Internet have the effect that homosexuals won't express themselves, can't live out their sexual orientation freely and won't dare to speak out in public? Hate and freedom of expression must not be equated. Hate poisons the public discourse and has exactly the opposite effect. By believing that you are upholding an ideal, you sacrifice it without being aware of it. This is the very reason why it is important that the state is given the opportunity to combat hatred effectively. Mathias Reynard's proposal is a good first step and it remains to be seen if the Swiss population will have the same opinion.

⁵⁵ HAUSAMMANN, p. 4.

⁵⁶ PÁLMAÐÓTTIR/KALENIKOVA, p. 6.

⁵⁷ Rec R (97) 20, appendix.

⁵⁸ MELZL.

⁵⁹ MELZL.

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C. Responsibilities for social networks

As already described, the biggest legal problem is that companies hide behind US legislation.⁶⁰ Germany has found a tough solution for this problem by regulating social networks with more than 2 million users.⁶¹ At the beginning of 2018, the country introduced the Network Enforcement Act.⁶² Instead of concentrating on the author of a comment, this law holds the platform operators accountable.⁶³ The NetzDG forces companies to delete criminal content within 24 hours (art. 3 § 2 no. 2 NetzDG). Failure to comply with the deadline could result in severe penalties (art. 4 NetzDG). The NetzDG also sets standards on how a complaint or the flagging of hate speech should be handled by the operators.⁶⁴ The law neglects to define hate speech. Instead, it relies on existing legal regulations and refers to the German criminal code for "illegal content" (art. 1 § 3 NetzDG).

The efforts for the networks are considerably high in view of the strict obligations. There are 1200 content moderators working for Facebook in Germany.⁶⁵ In comparison, Facebook has employed 20,000 content moderators worldwide.⁶⁶ For a single country, protection is correspondingly auspicious.

A problem is that the employees are not jurists. Moreover, they only have eight seconds on average to take a decision if a comment is unlawful or not.⁶⁷ It is unclear how a detailed legal assessment of the same comments would turn out.

⁶⁰ See section III above.

⁶¹ Cf. TWOREK/LEERSSEN, p. 2.

⁶² TWOREK/LEERSSEN, p. 1.

⁶³ KAESLING, p. 156; TWOREK/LEERSSEN, p. 2.

⁶⁴ KAESLING, p. 156.

⁶⁵ HERMANN.

⁶⁶ FINCK, p. 5.

⁶⁷ HERMANN; KUNZ.

At the same time, these figures demonstrate how numerous the hate comments are which Facebook is confronted with every day.⁶⁸ Furthermore, this volume renders it impossible for state courts to deal with every case.⁶⁹ It is therefore legitimate to impose the duty to control hate speech on the originator. Without the Internet and social platforms, there might not be such a multiplication of hate comments as we are experiencing it today.⁷⁰

Of course, the question arises why comments cannot be deleted by artificial intelligence. The problem is that a machine badly puts a statement into an overall context.⁷¹ For example, political satire is not recognized and dismissed as hate speech.⁷² Facebook deleted over 2.5 million hate comments in 2018. Of these 2.5 million, only 38% were correctly recognized and flagged by AI precociously.⁷³

On the other hand, AI is already operational in certain cases. In the UK, AI is being used to detect and block IS propaganda before it is actually uploaded.⁷⁴ It remains to be seen how significant the future potential of AI actually is.⁷⁵

Unfortunately, the reactions of the population on the NetzDG were negative. There were accusations of state censorship and excessive restrictions on freedom of expression.⁷⁶ In particular, the accusation is made that networks delete too much in a case of doubt to avoid

⁶⁸ Cf. FINCK, p. 5.

⁶⁹ Cf. GEORGE/SCERRI, p. 10; Cf. SCHULZ, p. 3.

⁷⁰ KAESLING, p. 158; Cf. GEORGE/SCERRI, p. 10.

⁷¹ FINCK, p. 6.

⁷² FINCK, p. 6; Cf. GOLLMER.

⁷³ FINCK, p. 6.

⁷⁴ FINCK, p. 5.

⁷⁵ FINCK, p. 11.

⁷⁶ BAUMGARTNER; Cf. Motion by Balthasar GLÄTTLI no. 18.3306.

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high fines and to comply with the strict deadlines.⁷⁷ A legitimate comment does therefore not become part of the public discussion and freedom of expression is unnecessarily restricted.⁷⁸ But there are also voices that claim exactly the opposite and argue that not enough is being deleted. When journalists reported 15 hate comments on Twitter, not a single one of them was deleted by the platform.⁷⁹ In consideration that the law was passed very recently, it remains to be seen which side is actually right.⁸⁰ But even without answering the question which side is right, I argue that it would be advantageous to restrict freedom of expression in a few cases if, on the other hand, democratic ideals were upheld by preventing hate speech due to regulation.⁸¹

Switzerland could take Germany as an example and thereby limit hate speech effectively by imposing additional obligations on platform operators. The NetzDG could of course serve as a model.⁸² Even Russia has recognized how severe the problem is and passed a law shortly after Germany that virtually is a blueprint of the NetzDG.⁸³

Certainly, the most serious problems arise in social networks, but from an objective point of view, any website that allows public comments could be held responsible.

Switzerland has already taken a first step: The Council of States and the National Council have approved a motion by National Councilor Balthasar Glättli, which demands a mandatory delivery domicile for large commercial Internet platforms.⁸⁴ The same obligation can also be

⁷⁷ TWOREK/LEERSSEN, p. 3.

⁷⁸ FINCK, p. 3; HERMANN; KUNZ.

⁷⁹ WOLF.

⁸⁰ TWOREK/LEERSSEN, p. 7.

⁸¹ Cf. TWOREK/LEERSSEN, p. 3.

⁸² Contrary opinion KAESLING, p. 163.

⁸³ KAESLING, p. 152.

⁸⁴ Motion by Balthasar GLÄTTLI no. 18.3306.

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found in art. 5 NetzDG. Because of such a domicile, it would be no longer necessary to file a lawsuit via international legal assistance, but it could be submitted directly in Switzerland.⁸⁵

However, this only means a shortening of the legal process, but not a material change in the law.⁸⁶ There will be no change in the legal evaluation whether or not a company delivers data to Swiss authorities.⁸⁷

However, if Switzerland would introduce further regulations for platform operators, there could certainly be a risk that a provider would simply withdraw from Switzerland and exclude users via geo-blocking.⁸⁸ The Swiss market is rather small compared to the German one and hence the Swiss authorities have less economic leverage in their hands to force large social networks to act.

A further problem is that the Swiss criminal code does not offer sufficient protection in respect to hate speech. As already discussed, there is a significant gap in the law.⁸⁹ One could not simply refer to the existing law as the NetzDG does in art. 1 § 3 for "illegal content" but would first have to complete the Swiss criminal code. A second option would be to define hate speech. However, this would be considerably more complicated for the legislator than merely refer to existing criminal law. Furthermore, the legislator would create a separate internet law should he define hate speech. Separate, since the definition of hate speech would exist alongside the provisions of the law and the jurisprudence of art. 261bis and art. 173 ff. of the Swiss criminal code. Such a coexistence would obviously be questionable as there is no objective reason to treat comments on the Internet differently than in traditional media forms.

⁸⁵ MÄDER.

⁸⁶ MÄDER.

⁸⁷ HOSP, p. 7.

⁸⁸ Cf. HOSP, p. 7.

⁸⁹ See section IV C and V B above.

On the contrary, the absence of such an objective reason is the legitimizing basis to enact a new law. The aim is to stop hate speech online, as civil and criminal law achieves in the majority of cases with comments outside the Internet. And that is exactly what could be accomplished by imposing responsibilities on operators.

VI. Closing remarks

Swiss society must never forget that words are powerful tools. Hate must be prevented at its source and we must all work towards the goal of a tolerant multicultural society in the future.

In its first part, this essay showed how important it is to intensify the fight against hate speech on the Internet and how Swiss law is a step behind reality.

In the second part I presented solutions to address the problem. I am aware that these are difficult to reconcile with the current political situation in Switzerland and will probably not be taken into account, especially as this work will suffer from a lack of publicity. In particular, freedom of expression enjoys a strong position in Switzerland and restrictions are therefore difficult to impose.

Nevertheless, there is a chance that this essay could be found and read, for example online, and thus encourage people to think about the issue.

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List of abbreviations

AG	Aktiengesellschaft (public limited company)
AI	Artificial Intelligence
art.	article
BaZ	Basler Zeitung (Basel)
BGE	Bundesgerichtsentscheide (official compilation of the decisions of the Swiss federal supreme court) (=ATF in French and DTF in Italian)
CC	Classified compilation of swiss federal law
CERRE	Centre on Regulation in Europe
CERD	Committee on the elimination of racial discrimination
cf.	confer, 'compare'
consid.	consideration(s)
ECHR	European convention on human rights
ed.	edition
e.g.	exempli gratia (for example)
ELR	Erasmus Law Review (Den Haag)
etc.	et cetera (and so forth)
f.	following page
ff.	following pages
fp	forumpoenale (Bern)
GRA	Stiftung gegen Rassismus und Antisemitismus (foundation against racism and anti-Semitism)
HIIG	Alexander von Humboldt institute for internet and society
HK	Handkommentar (hand commentary)

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ICCPR	International covenant on civil and political rights
IS	Islamic state
JILT	Journal of Information, Law and Technology (Coventry)
LGBTQ	Lesbian, gay, bisexual, transgender and queer
NetzDG	Netzdurchsetzungsgesetz (network enforcement act)
no.	number
NZZ	Neue Zürcher Zeitung (Zurich)
OSCE	Organisation for Security and Co-operation in Europe
p.	page
publ.	publisher
Rec	recommendation
SJ	la Semaine Judiciaire (Geneva)
SKMR	Schweizerisches Kompetenzzentrum für Menschenrechte (Swiss competence centre for human rights)
SLS	Summer law school
SRIEL	Swiss Review of International and European Law (Zurich)
StGB	Schweizerisches Strafgesetzbuch (Swiss criminal code)
TA	Tages Anzeiger (Zurich)
UDHR	Universal declaration of human rights
UK	United Kingdom
UN	United Nations
US	United States (of America)
v.	versus
WOZ	die Wochenzeitung (Zurich)
ZGB	Zivilgesetzbuch (Swiss civil code)

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“I declare that I am the author of this text and certify that any statement contained therein that is not the result of my personal reflection is attributed to its source and that any passage copied from another source is placed in quotation marks.”

Place: Switzerland, Geneva

Date: 25.08.2019

Signature:

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'AB' followed by a long horizontal flourish.