

# Regulating Misandry: Expanding the Protection Against Online Hate Speech

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## INTRODUCTION

Internet and social media have become a significant weapon to disseminate and share information around the globe. Yet, the above mentioned are also being misused for hate-crime activities. Hate crimes are criminal offences motivated by prejudice and committed against someone's identity, such as race, national origin, religion and/or other characteristics.

Perpetrators of such crimes are now able to reach a wide audience easily and inexpensively and they are able to carry out such activities in the digital world and commit criminal offences on the basis of prejudice and of certain immutable and innate characteristics of the victim. The so-called hate crimes target groups, such as women and children, disabled people and refugees.

Another type of hate crime can also be consider the online hate speech, or "cyberhate", under specific circumstances. A quite recent research revealed that men - along with women - can also be considered as victims of online hate crimes/cyberhate. More specifically, an Australian survey revealed that 54% of the victims of the reported incident of online abuse were men. The survey also pointed out that men were often subjected to abuse and insults, trolling and malicious gossip and/or rumours.

In the United Kingdom at the same time, the British Law Commission has already decided to review the existing legislation on hate crime. As the 40% of the victims of abuse are men, the Law Commission deliberated to extend the groups of people which could be considered as hate crime victims and be protected by hate crime legislation by including women, men and elderly people.

To that extent, the present contribution focuses on the inefficiencies of the existing legislative measures regarding the online hate speech and demonstrates some good practices. It also gives a general overview of the notion of "misandry" and how it is expressed in the digital world. Finally, it emphasises the need for particular protective measures, not only for women and children, but also for men.

## BACKGROUND

Internet has the ability to cross borders, to repeal the existing distances and to set aside the communication barriers (Johnson & Post, 1996, pp. 1347 – 1402). Moreover, internet and social media have become a significant weapon to disseminate and share information around the globe. Still, these digital tools are also being misused for hate-crime activities.

Hate crimes are defined as criminal offences motivated by prejudice and committed against someone's identity, such as race, national origin, religion and/or other characteristics. The perpetrator of a

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hate crime selects the victim based on its membership of a particular group. In some cases that the crime involves damage to property, and in these cases the property is chosen as well because of its association with a victim group. Furthermore, prejudice or bias could be defined as a preconceived negative opinion, intolerance or hatred directed at a particular group. The group must share a common characteristic that is immutable or fundamental, such as “race”, ethnicity, language, religion, nationality, sexual orientation, or other characteristics (Organisation for Security and Cooperation in Europe, 2014, pp. 21 - 22).

Since internet became very popular, “cyberhate” has emerged as a type of hate speech (Williams, 2006). “Cyberhate” has been manifested as the hateful speech used in an online communication. In particular, cyberhate is connected with social media platforms, such as Facebook and Twitter (Gerstenfeld, 2013; Awan & Zempi, 2016). Unfortunately, there is not a globally accepted current definition of what “cyberhate” consists. For instance, the United States Anti-Defamation League defined cyberhate as “any use of electronic communications technology to spread anti-Semitic, racist, bigoted, extremist or terrorist messages or information. To these, electronic communications technologies belongs the Internet as well as other computer and cell phone-based information technologies” (Anti-Defamation League, 2010). Yet, most of the cyber hate definitions are based on the definition of hate speech or rather hate crime itself.

“Cyberhate crimes” and hate crimes in general target groups, such as women and children, disabled people and refugees. However, a recent study showed that men can also be considered as victims of online hate crimes/cyberhate. The Australian survey demonstrated that 54% of the victims of online abuse were men (Hunt, 2016). The survey also pointed out that men were often subjected to abuse and insults, trolling and malicious gossip and/or rumours.

At the same time, the United Kingdom Law Commission has already decided to review the possibility of extending the already existing legislative protection against hate crime so as to make the current legislation more effective. In fact, the UK Law Commission is examining whether it is necessary to add more features in the protective sphere, such as gender characteristics, age and belonging to a specific subculture (United Kingdom Law Commission, 2018). Since 40% of the victims of abuse are men, the Law Commission deliberated to extend the groups of people which could be considered as hate crimes victims and covered by hate crime legislation by including women, men and elderly people (United Kingdom House of Commons, 2018, p. 9).

The above leads to the following aspects to be examined: First of all, there will be a review of the current international and national legislative framework on regular hate crimes and hate crimes committed in the digital world. Following the review of the existing legislative framework, the present contribution seeks to raise the inefficiencies of the existing legislative measures with regards to the online hate speech and to recognise some good practices. It also reviews the notion of “misandry” and how it is expressed throughout the digital world. Finally, it emphasises the need for particular protective measures, not only for women and children, but also for men.

### International and Regional Legal Texts on Hate Crime

Hate crime is grounded in the principles of equal rights and tolerance which are incorporated in several international and regional human rights legal texts. To this end, the national policies and legislative measures towards the prevention of hate speech are developed to fulfil the international standards and to comply with the obligations of States. Therefore, to identify the effectiveness of the online hate speech regulations, it is worth pointing out briefly some of the most important international and regional legal instruments applicable to this matter.

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