

LAW STUDENTS PROVIDING LEGAL SUPPORT IN AN INTERNATIONAL HATE SPEECH PROJECT / Sandra Žatková

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1. INTRODUCTION

During the past years, the Faculty of Law of the Comenius University in Bratislava has been running “legal clinics” which are courses that provide students with an opportunity to develop their legal skills and prepare them for their future careers as lawyers. One of them is focused specifically on the non-profit sector, thus merging practical education with non-profit agenda where the resources are scarce.

Students who apply for the Legal Clinic for the Non-Profit Sector are instructed by clients, non-governmental organisations, to work on specific legal problems. The tasks can be various, from delivering a legal analysis, drafting a lawsuit to joining longer-term projects. This is usually the first opportunity for aspiring lawyers to work on a real case involving communication with the client¹ and requiring professionalism and respect for ethics and advocacy principles. Of course, students are assigned to mentors and supervisors involved in the clinic who are a combination of *pro bono* attorneys, faculty employees and other legal professionals.

For this academic year 2022/2023, the faculty selected five students based on their motivation, previous skills and/or study accomplishments. They were assigned to a non-governmental organisation called Forum for Human Rights (hereinafter referred to as “FORUM”). FORUM focuses on international human rights litigation and advocacy in Central Europe, including the Slovak Republic. It is active before the UN human rights bodies, the European Court of Human Rights and the European Committee of Social Rights. Besides, the organisation represents dozens of cases before national courts.

¹ Despite the term „client“, legal support is provided to non-governmental organisations always *pro bono*.

2. HATE SPEECH PROJECT

One of the projects that FORUM is implementing is called "Challenging Online and Offline Roma Discrimination in Europe" (hereinafter referred to as the "project" or "hate speech project").² This project is simultaneously being implemented by FORUM's partners in other countries as well, namely in Bulgaria (EOA) and Romania (ROMAJUST), under the coordination of the European Roma Rights Centre (ERRC). Project aims is to tackle challenges of online hate speech as well as other crimes and discrimination Roma people face daily in the above-mentioned countries.

FORUM contacted various institutions, including the Faculty of Law of the Comenius University in Bratislava, and presented its call for volunteers of both, Roma and non-Roma origin. The five law students participating in the Legal Clinic for the Non-Profit Sector joined forces with the lawyers from the FORUM under the mentoring and supervision of Mrs. Sandra Zatkova, PhD. from the Department of International Law and International Relations, who acts as a volunteers' coordinator and of Mr. Adam Koszeghy, PhD. from the Department of Legal History and Comparative Law, who is the contact person and head of the clinic.

The project represents a joint cooperation of five law students from the Comenius University, other thirteen volunteers with a different academic/work background and lawyers of the FORUM, together defending victims of discrimination and hate speech. The main task is to collect evidence of hate speech on social media, which will form the basis for subsequent legal action against perpetrators or other responsible actors. Participation of students with legal background in the project is therefore essential.

The project is still ongoing, but the team has already achieved some preliminary goals and is on a good track to continue to build upon the work which has been done so far and to, hopefully, fulfil its potential to promote equality and respect towards all and to mobilise people not to remain indifferent to discrimination and hate speech. The next parts of this report provide a chronological overview of the activities, cooperation, accomplishments and upcoming plans.

3. ACTIVITIES & ACCOMPLISHMENTS

In order to achieve the best results, synergy and teamwork among all the actors involved in the project is important. The ERRC, as the coordinator of all participating countries, suggested creating a distinct identity of the individual teams. During the introductory meeting, which took place at the premises of the University Library in Bratislava (project's partner), the Slovak team came up with the name "ROMAntici" (in English "ROMAntics"), created profiles on social media and a webpage which serves as a blog to publish articles. Since October 2022, ROMAntici have been using a hashtag #svietinasieti. In English, it means "light on the internet", since the aim is to share positive, inspirational and educational content. One of the law students, for example, suggested to publish short articles informing public in a friendly (non-legal) language about important judgments of the European Court of Human Rights concerning rights of vulnerable groups. The first article that will be published summarises the case Lakatosova and Lakatos v. Slovakia (Appl. No. 655/16, 11 December 2018) concerning

² The project is funded by the European Commission Citizens, Equality, Rights and Values Programme (CERV-2021-EQUAL). Views and opinions expressed are however those of the author only and do not necessarily reflect those of the European Union or the granting authority. Neither the European Union nor the granting authority can be held responsible for them.

the failure of Slovak authorities to investigate the possible racist motive behind the shooting and killing of members of a Roma family by a police officer.

As it was indicated above, the main task of all volunteers is to collect evidence of hate speech on social media. These findings are then properly documented and will serve as a basis for any upcoming legal steps. Students and other volunteers are also supposed to report hate speech to social media and document this process. To learn the best practices for documenting and reporting illegal content (tools, tips and challenges), FORUM organised an on-site training in Bratislava with digiQ, a Slovak NGO specialising in internet security, fake news and hate speech. The legal context concerning hate speech and freedom of expression was provided to the volunteers by FORUM lawyers at the beginning of the project.

As a follow-up, law students were asked to prepare a more complex insight into the relevant legal regulation and possible legal strategies. They reviewed an already existing report from the Czech Republic prepared by FORUM and amended it to reflect the Slovak situation. In the sixty pages long document, the students covered mainly national and international framework of protection against online hate speech. The last part is dedicated to legal strategies in hate speech cases. The report will serve as a practical tool for assessing the most appropriate litigation strategies in cases that will be dealt with by the FORUM and volunteers within the project.

One of the strategies that has already been undertaken by volunteers and FORUM lawyers after a consideration, is filing several complaints to the newly established Council for Media Services (until 1 August 2022 as Council for Broadcasting and Retransmission). Volunteers identified hate speech cases that were serious (incited violence against Roma people) but were not deleted by social media even though the volunteers reported them as illegal using tools provided by the social media. According to the Act No. 264/2022 Coll. on Media Services, the Council is entitled to warn the reported platform or eventually, to impose a fine. Hate speech project participants now await an update concerning the procedure and steps undertaken by the Council in the reported cases.

In the series of trainings, students and volunteers took part in a workshop designed for them by the Slovak Academy of Sciences (SAV). The workshop took place at the Comenius University Information Centre and online simultaneously as a part of the Week of Science and Technology in Slovakia.³ The scientists from SAV presented aspects of the online environment, indicators of hate speech, but also possible motives and typology of people who tend to express themselves hatefully. Important was the discussion about how to "burn but not burn out", what to do with potential frustration caused by monitoring hate speech and what are the possible symptoms of burnout syndrome. During discussions, participants also shared their personal experiences with discrimination and feelings during documenting hate speech.

This aspect of the project, namely students and volunteers of non-Roma and Roma origin working together, sharing their thoughts, shall be underlined as one of the highlights of the project and an example of good synergy, equality and inclusion.

4. CONCLUSION

Participation in the Legal Clinic for the Non-Profit Sector, specifically in the project run by FORUM, enables students of the Faculty of Law to be part of a longer-term

³ The event can be found here (in Slovak): <https://tyzdenvedvy.sk/podujatia/cyberhate-prevencia-frustracie-avyhorenia-pri-monitorovani-nenavistnych-prejavov-skolenie-pre-dobrovolnikov/> (cited on 6 December 2022)

project where strategic litigation is used as a tool for improving the situation of a vulnerable group. It is not only a great opportunity for law students to improve their legal skills, but also vice versa, they are a great benefit for the project. Students and volunteers are not only assigned challenging tasks, but they have a real opportunity to form the project and realise their ideas. Besides discussing and recommending legal strategies, the project has also other dimensions which are creative and can help achieve the goals of the project. For example, the participants can engage in counterspeech or create campaigns and use online tools and their expertise to spread the voice supporting important values, including tolerance and the protection of human rights. During the introductory meeting in September, Mr Miroslav Broz discussed with them the topic of activism and online/offline campaigns. As the head of the Czech association Konexe, he told the story of a tough, but eventually successful campaign against the situation in Lety u Písku – a place where Roma genocide took place, but the communist Czechoslovak government decided to build there a pig farm instead of a cemetery or a memorial.

Even though the urgency of the problem of hate speech against Roma seems to be overshadowed in media by the COVID pandemic or the war in Ukraine, it is still a pressing issue in our society supported not only by reports⁴ and statistics,⁵ but also by the empiric data gathered by the project participants. In the upcoming months, students, volunteers and lawyers will consider further legal actions, starting with the criminal complaints towards the perpetrators. Besides drafting legal documents, the documenting and reporting of the evidence will continue. Since some of the participants are academics or aspiring academics and scientists, more ideas related to legal and interdisciplinary research have been discussed. Results and further achievements of the project will be presented in the next report.

⁴ See e. g. Report on the Slovak Republic by ECRI: <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088> (cited 6 December 2022)

⁵ See the graph by digiQ: <https://digiq.sk/ako-sme-zvladli-boj-s-nenavistou-v-roku-2021/> (cited 6 December 2022)