[DE] Bills to Step Up Fight Against Hatred on the Internet

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On 16 December 2010, the Bundestag (lower house of parliament) adopted two bills ratifying and implementing the Additional Protocol of 2003 to the Council of Europe's Convention on Cybercrime (see IRIS 2001-10/3) and taking into account Framework Decision 2008/913/JHA of the Council of the European Union of 28 November 2008 (see IRIS 2009-2/5).

The Additional Protocol to the Convention on Cybercrime generally criminalises the dissemination of racist and xenophobic material via computer and distribution systems such as the Internet. This includes "any written material, any image or any 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".

The Council Framework Decision essentially requires member states to take measures necessary to ensure that publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin is punishable.

As a result, the Bundestag proposed that Article 130 of the Strafgesetzbuch (Criminal Code - StGB) be amended so that, in future, it should cover incitement to hatred and violence not only against segments of the population, but also against national, ethnic or religious groups, groups defined by their traditions, and individual members of such groups.

The concept of "group" should, in the Bundestag's view, not be limited to the list in Article 130 StGB (new version), but should also include all groups of people that stand out as a discernible entity through some permanent external or internal distinguishing feature. The same legal situation therefore applies to attacks on individuals on grounds of homosexuality or disability, for example, as to those based on religion or nationality.

Entwurf eines Gesetzes zu dem Zusatzprotokoll vom 28. Januar 2003 zum Übereinkommen des Europarats vom 23. November 2001 über Computerkriminalität betreffend die Kriminalisierung mittels Computersystemen begangener Handlungen rassistischer und

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fremdenfeindlicher Art

http://dip21.bundestag.de/dip21/btd/17/031/1703123.pdf

Bill on the Additional Protocol of 28 January 2003 to the Council of Europe Convention of 23 November 2001 on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems

Entwurf eines Gesetzes zur Umsetzung des Rahmenbeschlusses 2008/913/JI des Rates vom 28. November 2008 zur strafrechtlichen Bekämpfung bestimmter Formen und Ausdrucksweisen von Rassismus und Fremdenfeindlichkeit und zur Umsetzung des Zusatzprotokolls vom 28. Januar 2003 zum Übereinkommen des Europarats vom 23. November 2001 über Computerkriminalität betreffend die Kriminalisierung mittels Computersystemen begangener Handlungen rassistischer und fremdenfeindlicher Art

http://dip21.bundestag.de/dip21/btd/17/031/1703124.pdf

Bill on the implementation of Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law and on the implementation of the Council of Europe Convention of 23 November 2001 on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems

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