

Seminar FS 2025

Criminalising Hate Speech: European Perspectives

Subject: Law / Criminal Law / EU Criminal Law / European Human Rights Law

Examination type: Seminar paper

Language: English

Lecturers: Dr. Anna Pingen and Dr. Filip Vojta

ECTS: 5

Seminar Description & Learning Outcome:

Hate speech poses a significant challenge to modern democracies, raising critical questions about the role of law in balancing freedom of expression with the need to protect vulnerable groups and maintain social cohesion. Across Europe, legal responses to hate speech vary, reflecting diverse historical, cultural, and constitutional contexts, which consequently shape normative responses in different ways. The legitimacy and effectiveness of these responses have recently been called into question, particularly in the context of the apparent rise in hate speech in Europe following the conflicts in Ukraine and Gaza (European Parliament Briefing, 5 September 2024).

This seminar, «Criminalising Hate Speech: European Perspectives», will examine the legal frameworks and key decisions and jurisprudence governing the criminalisation of hate speech in different European normative frameworks, including the European Union, the Council of Europe, and selected European states. Students will analyse distinctions between ordinary and legal definitions of hate speech, examine relevant case law and legal frameworks, and critically assess the effectiveness and limitations of criminalising hate speech. The seminar will also explore the historical roots of hate speech laws, including their development in response to antisemitism and denial of atrocity crimes, and their application in contemporary contexts.

By the end of the seminar, students will have a nuanced understanding of the hate speech regulation within the European Union, the Council of Europe, and selected European states, the intricate balance between legal restrictions and societal values, and the key debates surrounding the criminalisation of hate speech. They will also address key legal and ethical questions, including whether criminalisation is an effective tool for combating hate speech or whether alternative approaches might better achieve the desired balance between freedom of expression and protection from harm.

Seminar Structure & Didactic Methods:

The seminar combines teaching with independent research by students, overseen by lecturers. Students will be required to write seminar papers (maximum 15 pages) that compare and analyse European national legal frameworks and case law pertaining to hate speech. These papers will also take into account developing legislation and jurisprudence at the international and supranational levels. Students will also be required to give a short presentation (maximum

15 minutes) on their research during the seminar, followed by a discussion session. The presentations will serve as a basis for “peer review” feedback from other students and the lecturers on the progress of their work and will not be graded. However, students are encouraged to take useful comments and suggestions made during the discussion of the presentations into account when completing their papers.

In addition to the seminar itself, which will take place in May, students will be required to attend two teaching sessions at the beginning of the semester. One session will take place immediately after the introductory meeting, and the other will take place a week later. These teaching sessions will prepare students for research on their seminar papers by introducing them to the topics relevant to their seminar papers and explaining the important methodological aspects of their research. Prior to the presentation of research findings in May, students and the lecturers will convene in mid-April to briefly discuss progress and any potential challenges.

The objective of the seminar is to assist students in developing their comparative legal research skills. Participants will acquire the capability to identify key legal frameworks, instruments, and scholarly perspectives that regulate and analyse hate speech in Europe. This encompasses international conventions, EU directives, and national hate speech legislation in specific countries. Furthermore, students’ socio-legal analytic skills will be enhanced through the ability to explain the intricate interaction between hate speech regulation and different historical, political, cultural, and social factors within diverse European normative contexts. Collaborative activities, such as discussions, will be encouraged to promote constructive feedback among students, thereby fostering a deeper exchange of ideas within the course. In addition, the students will further develop their legal English language skills. This is of particular value for students aspiring to pursue an international career, as it enhances their ability to operate effectively in a global professional and academic environment.

Relevant Dates:

- Introductory meeting: 28.02.2025, 10:15-12:00, UniS (Room A 015)
- 2nd Meeting: 07.03.2025, 10:15-12:00, UniS (Room S 201)
- Progress Briefing: 11.04.2025, 10:15-12:00, UniS (Room A 015)
- Seminar: 08.05.2025, 10:15-13:00, UniS (Room A 015)
- Seminar Paper Submission: 06.06.2025

Target Audience & Admission Requirements:

Admission to the seminar is open to **law students** at the **Master’s level**. A maximum of **14 students** will be admitted to the seminar. The seminar is also open to international students. Good English skills are required to participate in the seminar.

Registration:

Applications with the name of the seminar, confirmation of participation, student’s name, e-mail, matriculation number, and semester number within the Master’s programme should be

sent from **15 January 2025, 10:00 a.m.** to: filip.vojta@unibe.ch (letter of motivation or similar not required). Places in the seminar will be allocated on a first-come, first-served basis.

Contact Person:

For questions and further information, please contact:

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