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## Policy Analysis

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# Towards Effective National Policies to Confront Hate Speech in Palestine

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# Towards Effective National Policies to Confront Hate Speech in Palestine

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## Introduction

Hate speech thrives on bigotry, involves humiliation, and deepens or leads to divisions. The United Nations has defined hate speech as "Any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."<sup>1</sup> In the Palestinian context, divisions and the prevailing social culture fuel hate speech, leading to more verbal and physical violence and posing a significant threat to Palestinian society.

Hate speech in the Palestinian society has become the interest of programs and activities of civil society institutions, which work on identifying and raising awareness about its dangers by referring to the approaches and strategies employed by international organizations. Some Palestinian laws have directly or indirectly contributed to addressing hate speech, including incitement, defamation, insulting religious sentiments, and threats.

Therefore, this policy paper aims to understand the nature of hate speech in the Palestinian context, its reality, and its underlying causes, in an attempt to propose comprehensive solutions capable of mitigating and reducing hate speech. It also addresses the root causes of hate speech, taking into consideration the feasibility, flexibility, and effectiveness of implementing these solutions.

## The Policy Problem and its Causes

The Palestinian society is witnessing a notable increase in the use of hate speech in light of the occupation and political turmoil, including division, strikes, and union and social demonstrations. This has further fueled the use of hate speech politically, socially, and professionally, encompassing various segments of society beyond politicians. Media outlets, unions, associations, and student movements have all engaged with it. The Internet and social media have provided new tools and a fertile environment for the use of hate speech in Palestinian society.

Despite all of this, there is no comprehensive description or specific definition of hate speech in the Palestinian context, nor are there deterrent penalties for holding individuals accountable for it, despite there being provisions in the Palestinian law that prohibit incitement, verbal assault, and fueling strife in general. This is also due to the fact that the institutions of the Palestinian Authority in the Gaza Strip and the West Bank, such as the government and the judiciary, which are supposed to be responsible for preventing hate speech, are divided.

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<sup>1</sup> United Nations (2020). United Nations Strategy and Plan of Action on Hate Speech. <https://bit.ly/3LIAeTG>

Therefore, it is of great importance to research on how to curb the spread of hate speech in Palestine and deal with it by involving relevant official and non-official institutions, addressing its causes to minimize the problem and address its underlying factors, and intervening promptly to mitigate its consequences. This is particularly important since the division has been deepening and a new generation has been raised in an environment saturated with hate speech. The main causes of the problem can be summarized as follows:

### **Israeli policies**

The Israeli geographic fragmentation of the Palestinian territories has created administrative challenges including the inability of the PA to extend its regulatory and executive tools to its areas. These challenges have weakened the authority's ability to enforce policies and laws and address issues related to threats, defamation, incitement, and other forms of hate speech. It should be noted that several individuals who engage in hate speech online are difficult for the Palestinian authorities to reach or subject to Palestinian jurisdiction. Additionally, this hate speech is fueled by feelings of regional discrimination experienced by residents of certain communities and marginalized groups within them. On the other hand, the occupation directly incites hate speech through the media and the fabrication of misleading news to encourage negative interactions.

### **Political division**

The division has played a significant role in the emergence of hate speech in an unprecedented manner by members of Palestinian, parties, their leaders, and their affiliated student bodies<sup>2</sup>. Hate speech is also perpetuated by their media outlets, which manipulate and exploit any mistakes made by their opponents to gain political advantage. Hate speech intensifies whenever reconciliation efforts fail and during elections, whether at the level of local councils, unions, or student councils.

### **Social norms**

Social norms often allow certain groups to verbally abuse and incite against less privileged groups and intervene in their affairs through any means possible. For example, publicly criticizing women and stereotyping their roles and responsibilities (such as the idea that "a woman's place is the kitchen"). And since those who repeat these stereotypes are unaware of their danger, they contribute to spreading hate speech, which infringes on the rights of various groups and leads to violence.

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<sup>2</sup> Sherif Suleiman, (2018): Training Manual on Confronting Hate Speech in Palestine, Palestinian Center for Development and Media Freedoms - MADA, p. 27.

## **Lack of technology usage morals**

Lack of awareness in terms of social media usage morals is part of the societal culture that contributes to the exacerbation of hate speech, lack of self-censorship, and ignorance in terms of the difference between freedom of expression and hate speech.

## **Lack of clear definition for hate speech**

One of the main factors exacerbating the spread of hate speech is the fact that the criteria used to define hate speech are limited to international and Western criteria. With every new political, social, or economic development in Palestine, new terminology emerge that may implicitly carry characteristics of hate speech known internationally.

## **Hate speech in Palestine**

The concept of "hate speech" remains controversial due to the absence of a comprehensive definition under international human rights law, which does not directly prohibit "hate speech", rather than "incitement" to discrimination, hostility, and violence. Article 20 of the International Covenant on Civil and Political Rights states: "1. Any propaganda for war shall be prohibited by law. 2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."<sup>3</sup> Some Western and Arab studies have identified operational indicators of hate speech, which involve mobilizing one group against another. These indicators include incitement, making accusations, insults and disparagement, stigmatization, derogatory labelling, and incitement.<sup>4</sup> Additionally, hate speech refers to any attempt to implicitly or explicitly provoke feelings of hatred for others.<sup>5</sup>

The division has exacerbated the spread of hate speech among decision-makers. With the institutionalization of the division, hate speech has permeated various segments of Palestinian society despite its dangerous consequences. This can be seen in opinion polls on hate speech or abuses in Palestinian society conducted by the Arab Center for Social Media Advancement (7amleh). In a study entitled "Hateful Network: Hate Speech on Social Media Platforms among Palestinians and Its Impact on Their Digital Rights," 7amleh indicates a noticeable increase in the use of hate speech on social media platforms.

The results indicate that 85.7% of respondents were exposed to hate speech on Facebook, and 11.4% on Instagram. This can be attributed to the fact that Facebook is the most popular and

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<sup>3</sup> Article 20 of the International Covenant on Civil and Political Rights.

<sup>4</sup> Hanan Abu Skein (2021). Non-traditional Threats to Security: Hate Speech as a Model. Arab Journal of Political Science, Vol. 18, No. 3, pp. 28-48. Page 30.

<sup>5</sup> Heba Abdel Razek. (2020). Determinants of Egyptian Youth Awareness of the Concept of Hate Speech and Its Strategies through Digital Media: A Field Study. Arab Journal of Media and Communication Research, Issue 29, p. 57.

widely used social media platform among Palestinians. Furthermore, 45.4% of the respondents stated that the majority of hate speech on social media platforms among Palestinians is related to political opinions, and 7.9% said it is related to religious opinions. Almost 9 out of every 10 Palestinians who were surveyed experienced hate speech on social media platforms on political or gender-related backgrounds.<sup>6</sup>

According to the Central Bureau of Statistics (PCBS), 2020 witnessed an increase in the rates of assaults and crimes. However, it is difficult to directly attribute these incidents to incitement. Nonetheless, some of these assaults were motivated by hatred and incitement, especially following strikes and demand campaigns in the Gaza Strip and the West Bank.<sup>7</sup>

PCBS also said that every 100,000 population were subjected to 134.6 threats—which are identified in some studies as a form of hate speech—in the West Bank and 93.5 in the Gaza Strip.<sup>8</sup>

Some Palestinian media outlets played a role in fueling the division through blind mobilization of the masses by negating the other, calling for their elimination, and describing them in the harshest and bloodiest terms. Despite the Palestinian public rejects these practices, some media outlets have turned into platforms for incitement to violence, hatred, and negation of the other.<sup>9</sup>

In the same context, PCBS indicated that 10% of married women or previously married women, and 12% of unmarried females, have experienced violence through social media platforms. Thus, the digital space has become an extension of violence against women and an unsafe environment for them.<sup>10</sup>

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<sup>6</sup> 7amleh conducted a study titled "Network of Hatred: Hate Speech on Social Media Platforms among Palestinians and Its Impact on their Digital Rights" on September 29, 2021. <https://bit.ly/3ziln5H>

<sup>7</sup> Yahya Qaoud, Duad Mahmoud (2022): "Hate Speech and Its Implications on Civil Peace and Social Cohesion," Analysis Paper, PalThink for Strategic Studies, p. 6.

<sup>8</sup> <https://bit.ly/3PI7WU0>

<sup>9</sup> Sherif Sulaiman, (2018): "Training Guide on Confronting Hate Speech in Palestine," Palestinian Center for Development and Media Freedoms - MADA, p. 13.

<sup>10</sup> The Palestinian Central Bureau of Statistics (2023). Dr. Awad reviews the status of Palestinian women on the eve of International Women's Day, 2023/03/08. [Link: <https://bit.ly/41i39Ow>]

## Political and Social Factors Contributing to the Spread of Hate Speech

Hate speech escalates in the Palestinian society at specific times in a notable manner, depending on the developments taking place in the political and social arenas, especially in an environment governed by division and occupation, the most prominent of which are:

### The failure of reconciliation talks

Every time a reconciliation round fails, social hope for achieving reconciliation recedes, and hate speech escalates, as each party holds the other party responsible.

### Electoral competition

Hate speech rises during partisan and factional competition in municipality, syndicate, and student council elections.

### Society and women's issues

The Palestinian society has witnessed an escalation of hate speech when it comes to women or other social issues or the enactment of related laws, such as the Family Protection Law.

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## Law and Hate Speech

The Palestinian laws have been formulated to ensure the criminalization of incitement, verbal assaults, and the provocation of discord. Former Palestinian President Yasser Arafat issued a decree that criminalized inciting racial discrimination, insulting religions, encouraging violence, and inciting masses against agreements with Arab and foreign countries while preserving political pluralism and freedom of expression.<sup>11</sup> The Palestinian Penal Code stipulates imprisonment on individuals who insult the religious sentiments of others, whether by uttering insults in a public place, within the hearing of another person, or by disseminating the insult in printed form, a picture, drawing, or symbol.<sup>12</sup>

Article 22 of the Cybercrime Law prohibits arbitrary interference in the lives of others and the use of technology to disseminate information about the private lives of others, even if they were true. Additionally, Article 24 of the same law criminalizes the use of technology to disseminate

<sup>11</sup> Presidential Decree No. 3 of 1998 on National Unity and Prevention of Incitement <https://bit.ly/3RllvsY>

<sup>12</sup> Article 278 of Penal Code No. 16 of 1960. <https://bit.ly/3oQ6F4O>

words and behaviours that incite racial or religious hatred or engage in racial discrimination against a group based on their race, religion, colour, appearance, or disability.<sup>13</sup>

Previous legal provisions and others have been established to ensure the achievement of civil peace in Palestine, away from fueling discord and disputes for political or religious reasons, and to protect the rights of individuals and communities. Overall, Palestinian laws combat hate speech in its various forms and manifestations, even though these laws may not mention "hate speech," directly. However, a significant portion of Palestinian society continues to surpass these laws and exploit the weaknesses in the enforcement and regulatory tools in Palestine.

## Policy alternatives

### First: Awareness of the dangers of hate speech

The indications of the policy problem have shown that the Palestinian environment is fertile for the spread of hate speech, particularly given the diverse party affiliations and cultural backgrounds in light of the geographical divisions imposed by the Israeli occupation. Additionally, there is a lack of awareness about hate speech, its nature, and its consequences on society and civil peace, especially in the absence of laws that restrict hate speech. The danger of the spread of hate speech becomes clear when it is practised by various segments of society and transforms into a societal culture that even politicians engage in within the context of political competition, often unaware that their words or publications are hate speech.

This calls for:

- Educating the Palestinian community about the nature of hate speech and its ramifications, with each social group addressed based on its specific context, through a participatory process involving both official and non-official institutions.
- Enhancing a culture of reporting hate speech through coordinated efforts between civil society institutions and the authorities in the West Bank and Gaza. This should involve providing comprehensive protection and creating a bridge of communication and trust between victims or witnesses of hate speech and the relevant entities.
- Raising awareness about the dangers of hate speech cannot be accomplished through pamphlets or advocacy campaigns only. It requires a comprehensive system of integrated work carried out by civil society organizations through collaboration, rejecting hate speech, and cooperating with official institutions through a sustainable action plan to bridge the gap and mitigate hate speech.
- Reducing the chances of the emergence of hate speech can be achieved by promoting ethical standards in dealing with social media platforms. This is particularly important for highly reactive and engaged youth who may be susceptible to hate speech.

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<sup>13</sup> The decision or law number (10) of 2018 regarding electronic crimes. <https://bit.ly/3Azod8c>



- Close monitoring by relevant institutions is essential to address hate speech from its early stages and limit its spread, expansion, and circulation among the Palestinian public through more intense and aggressive means

## **Second: Comprehensive program plan “hate speech is everyone’s responsibility”**

The United Nations, in its strategic plan regarding hate speech, has outlined a set of principles to guide nations and communities. Among the most important principles is the shared responsibility of addressing hate speech, which falls within everyone’s—governments, communities, and the private sector—responsibility. Everyone has a role to play in curbing hate speech, and it is incumbent upon all individuals to assume this responsibility.<sup>14</sup> By adopting the UN's strategic approach, it is possible to determine the policies and roles required for each party within a comprehensive programmatic plan, as follows:

### **Official institutions**

1. Sectoral ministerial plan to combat hate speech: Official institutions and the Council of Ministers should take proactive measures to combat hate speech while preserving societal cohesion and safeguarding freedom of opinion and expression. This includes relevant ministries that are responsible for monitoring hate speech, developing policies, implementing executive measures, and imposing deterrent penalties in collaboration with law enforcement and judicial bodies.
2. Ministry of Education: Education plays a direct role in shaping prevailing patterns of thinking in society, which intersect with political, social, and cultural conditions. Therefore, UNESCO recognizes that education helps develop the necessary capacities to recognize and reject hate speech.<sup>15</sup> This calls for the development of educational policies that counter hate speech in Palestinian society among the youth. In addition to nurturing students and raising their awareness on how to confront hate speech and respond to it, or not respond, according to well-designed curricula.

### **Civil society**

The political and social responsibility lies with the civil society in its broadest sense. Here are some aspects that can be addressed:

**Political parties:** Hate speech is fueled by political competition in general, particularly between the Fatah and Hamas movements. Often, this competition and criticism transform into hate speech in a divisive and adversarial environment. Therefore, it is essential for parties and factions to work on:

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<sup>14</sup> António Guterres, *ibid* .

<sup>15</sup> UNESCO (2022). "Are there Educational and informational activities to address hate speech? Discussion paper." United Nations Educational, Scientific and Cultural Organization (UNESCO), p. 3.

- Differentiating between hate speech and opposition: Being an opponent or a political competitor does not mean using or engaging in hate speech.
- Political parties and factions should consider, in their political and programmatic speeches, the line between competitive party rhetoric and hate speech. Hate speech often transforms into incitement, which can lead to violence.

**Civil society organizations:** The response of from civil society institutions, which operate outside the political authority, focus on preventive measures that enhance freedom of opinion and expression as well as countering hate speech.<sup>16</sup> This is achieved through:

- Confronting traditional and digital hate speech, through pressure and advocacy campaigns and community initiatives that directly target hate speech and its consequences.
- Applying positive pressure on decision-makers to take legal and technological measures that mitigate hate speech.
- Monitoring and tracking hate speech and its implications on peace and social cohesion through think tanks and human rights organizations.
- Analyzing the phenomenon in terms of its scope, time, and location to provide a comprehensive understanding that assists decision-makers in formulating necessary policies to counter hate speech and deter its perpetrators.
- It is necessary for the Palestinian Journalists' Syndicate to enhance professional awareness regarding hate speech in order to mitigate its impact. The Palestinian Center for Development and Media Freedoms (MADA) has called for the adoption of a document to confront internal hate speech in Palestinian media in the past. This document was signed by 21 Palestinian media outlets, both in the West Bank and Gaza Strip.<sup>17</sup> This calls for expanding the methodology of media and information studies, both in terms of dissemination and training for journalists.

**Media and publishing companies (the private sector)** have a responsibility in combating hate speech. These companies, which primarily engage in areas such as advertising, page management, social media, and printing, have a social responsibility to abstain from and report any content that promotes hate speech.

### **Third: Establishing a national guide to address hate speech**

Despite the existence of laws and governmental decrees regarding national unity and combating violence, there is no specific law addressing hate speech or a national guide for dealing with the phenomenon, the Palestinian society's need—in light of political division, geographic disparities, and the spread of hate speech by groups, parties, regions, and families—for a Palestinian national discourse to confront hate speech. Such discourse cannot be separated from the promotion and

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<sup>16</sup> Antonella Berni, Ann. (2022). **Working Paper: Addressing Hate Speech on Social Media: Contemporary Challenges**, United Nations Educational, Scientific and Cultural Organization (UNESCO), p. 8.

<sup>17</sup> The Palestinian Center for Development and Media Freedoms (*Mada*) announced on August 3, 2019, that **21 Palestinian media outlets** have adopted a document to confront hate speech. <https://bit.ly/3HzBC44>

strengthening of state institutions and their ability to protect and meet the interests of individuals, making the individual's allegiance to the state stronger than their familial or partisan affiliations.<sup>18</sup>

This requires developing an effective response to hate speech. It is necessary to monitor and analyze the phenomenon more accurately by relying on clear and documented data.

Civilized societies have legal systems that guarantee the protection of their diverse interests. With the political and religious turmoil, it has become extremely important to keep legislation updated to address such phenomena.<sup>19</sup> Several countries have been prompted to enact laws to counter and combat hate speech and related crimes, such as the United Arab Emirates, which introduced the UAE Anti-Discrimination and Hate Crime Law in 2015. It is important to draw inspiration from laws that specifically address hate speech and limit the behaviours of hate speech instigators.

- The enactment of a Palestinian law specifically addresses hate speech, defining it in a manner that aligns with the particularities and values of the Palestinian society. This includes identifying the characteristics and indicators of hate speech and implementing a system of penalties that corresponds to the nature, extent, and levels of such speech.
- The criminalization of individuals involved in the production and dissemination of materials that promote hate speech. This supports the efforts to combat the production of hate speech.
- Taking comprehensive and deterrent measures against promoters of hate speech, whether through traditional or modern-digital media platforms.

## Complementation of the alternatives

The policy paper presented complemented solutions to mitigate hate speech, calling on relevant entities to fulfil their respective roles and collaborate to ensure the enforcement of existing laws and the introduction of new ones that effectively combat hate speech while respecting freedom of expression and preserving political pluralism. It also emphasizes the importance of fostering a culture of dialogue and publication within the framework of Palestinian laws and ethical values.

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<sup>18</sup> Personal Interview: Raed Musa, Political and Legal Researcher, Wednesday, March 29, 2023.

<sup>19</sup> Faisal Al-Banna (2021). The Crime of Incitement of Hatred Speech and Related Crimes: A Critical Analytical Study of the UAE Anti-Discrimination and Hate Crime Law. *Journal of Security and Law*, Vol. 29, No. 1, pp. 59-123. Page 60.

