
“Hate speech and fake news: the impact on working conditions of local and regional elected representatives”

Congress of Local and Regional Authorities of the Council of Europe

Recommendation 478 (2022)

(Reply adopted by the Committee of Ministers on 14 September 2023
at the 1474th meeting of the Ministers' Deputies)

1. The Committee of Ministers has examined Recommendation 478 (2022) of the Congress of Local and Regional Authorities of the Council of Europe on “Hate speech and fake news: the impact on working conditions of local and regional elected representatives”, which it has forwarded to the European Committee on Democracy and Governance (CDDG), the Steering Committee for Human Rights (CDDH), the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and the Steering Committee on the Media and the Information Society (CDMSI), for information and possible comments.
2. The Committee of Ministers is aware of the serious and sometimes dramatic impact that hate speech and dis- and misinformation can have on political leaders, including at local and regional level.
3. It recalls its Recommendation CM/Rec(2022)16 to member States on combating hate speech, adopted in May 2022, the implementation of which should help to address the concerns expressed by the Congress. In this text, the Committee invites member States to adopt a comprehensive approach “to prevent and combat hate speech effectively offline and online, comprising a coherent strategy and a wide-ranging set of legal and non-legal measures that take due account of specific situations and broader contexts”.
4. Paragraph 2 of Recommendation CM/Rec(2022)16 considers hate speech to be all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as “race”¹, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation. Being an elected representative does not per se constitute such a personal characteristic, but elected representatives are targets of hate speech when they are attacked by reason of one or more real or attributed personal characteristics contained in this list. Disinformation is one of the root causes of hate speech (paragraph 44 of CM/Rec(2022)16).
5. Paragraphs 7 to 27 of CM/Rec(2022)16 and associated paragraphs of its Explanatory Memorandum contain detailed recommendations and explanations regarding the elements which the legal framework of each member State should contain with regard to criminal, civil and administrative law provisions on hate speech. Paragraph 4 of the recommendation compiles the factors that enable member States and other key stakeholders to assess the severity of hate speech and determine the type of legal or non-legal measures that should be taken to tackle each case. Paragraphs 11 and 22 contain recommendations regarding the efficient investigation of hate speech prohibited by criminal law.

¹ Since all human beings belong to the same species, the Committee of Ministers rejects, as does the European Commission against Racism and Intolerance (ECRI), theories based on the existence of different “races”. However, in this document, the term “race” is used in order to ensure that those persons who are generally and erroneously perceived as “belonging to another race” are not excluded from the protection provided for by the legislation and the implementation of policies to prevent and combat hate speech.

6. In paragraphs 16 to 27 and 30 to 37, a specific focus is put on the duties and responsibilities of internet intermediaries not to make accessible or disseminate hate speech online, and regarding its swift and effective removal. Multilevel and multi-stakeholder dialogue and co-operation are addressed in paragraph 62 of Recommendation CM/Rec(2022)16. The prevention of hate speech through awareness raising, education, training, counter speech and policies of elected bodies to combat hate speech, in particular in the context of electoral campaigns and in the debates of representative assemblies, are dealt with in paragraphs 28, 29 and 43 to 54.

7. The Committee also draws attention to other instruments and, in particular, to Recommendation CM/Rec(2022)2 on democratic accountability of elected representatives and elected bodies at local and regional level which refers specifically to the issue of violence targeting public decision makers as something unacceptable in a democratic society in which established peaceful mechanisms should be used to express dissatisfaction with the conduct of policies or actions of public decision makers and/or to hold them to account.

8. The Committee will remain mindful of the need to combat hate speech and dis- and misinformation against local and regional politicians in the conduct of its future activities.