

# Protocol on xenophobia and racism

On 28 January 2003, the **Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems**, was opened for signature in Strasbourg, France.

The purpose of this Additional Protocol is to supplement, as between the Parties to the Protocol, the provisions of the **Convention on Cybercrime**, known as the **Budapest Convention**, as regards the criminalisation of acts of a racist and xenophobic nature committed through computer systems.



The **Budapest Convention** was drafted to provide for a set of offences against and by means of computers, for procedural powers to investigate **cybercrime and collect electronic evidence** in relation to any offence and to engage in effective **international cooperation** on cybercrime and electronic evidence.

The **first additional Protocol** extends the list of offences to provide for the criminalisation of the dissemination of **racist and xenophobic material through computer systems**; racist and xenophobic motivated threat and insult, and the denial, gross minimisation, approval or justification of genocide or **crime against humanity**. Parties to this Protocol can make use of the procedural powers and the tools for **international cooperation** of the **Budapest Convention** with respect to these additional offences.

The Protocol on Xenophobia and Racism helps **reinforcing the international legal framework** to address radicalisation contributing to terrorism and violent extremism.

## Why the need for a Protocol on Xenophobia and Racism?

The Council of Europe has a mandate to secure full and **effective implementation** of all human rights, without discrimination.

Xenophobic and racist acts violate human rights and threaten the rule of law and **democratic stability**.

Consistent substantive criminal law provisions concerning offences related to xenophobia and racism committed through computer systems are a precondition for **domestic investigations and international cooperation** on such offences.

**Computer systems** facilitate freedom of expression and communication, but also dissemination of xenophobic and racist information.

The need to ensure a proper balance between the **freedom of expression** and effective measures against acts of a xenophobic or racist nature.

The Protocol is not intended to affect established principles relating to the freedom of expression in **national legal systems**.



#BC20cybercrime



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