



# Octopus Project

to support implementation of the  
Budapest Convention on Cybercrime and its Protocols

Version 30 January 2023

## Conference on xenophobia and racism committed through computer systems

Strasbourg, France, 30-31 January 2023

Held on the occasion of the 20<sup>th</sup> Anniversary of the First Additional Protocol to the  
Convention on Cybercrime

in cooperation with the Icelandic Presidency of the Committee of Ministers of the  
Council of Europe

### Outline

#### Background

The rise of xenophobia and racism committed through computer systems has become a major concern for governments, civil society organizations, and the tech industry around the globe.

Online hate speech can fuel violence and discrimination, have a harmful and devastating impact on victims and communities, and undermine the values of inclusivity and respect.

Strong links with various forms of violence, including cyberviolence, terrorism, the ongoing Russian aggression against Ukraine, suggest that online hate speech can contribute to a culture of violence and intolerance which can also escalate into offline violence and abuse. In some cases, hate speech can even pave the way for genocide, crimes against humanity or war crimes. Online platforms and social media pose specific challenges. For instance, their misuse can be an essential contributing factor in the radicalization and recruitment of terrorists, as well as in the spread of terrorist propaganda.

Addressing xenophobia and racism committed through computer systems is an important part of efforts to counter these forms of violence and create a safer and more inclusive online and offline environment.

In many countries, laws and regulations exist that criminalize certain forms of online hate speech and address hate crimes, and it is important that these laws are enforced effectively. This may involve training law enforcement and other criminal justice professionals on how to identify and investigate hate crimes and hate speech, as well as working with community organizations and advocacy groups to ensure that such crimes are reported and addressed.

At the same time, the right to freedom of expression is a fundamental human right that must be protected. Determining the boundaries between hate speech and the freedom of expression can be a complex and challenging task.

The First Additional Protocol to the Convention on Cybercrime, also known as the Protocol on Xenophobia and Racism, is an important step towards addressing these issues. It is an international treaty that aims to address the use of computer systems to commit crimes related to xenophobia and racism.

There are several benefits to this protocol:

1. **Stronger legal framework:** The protocol strengthens the legal framework for combating xenophobia and racism online by providing a clear framework for the investigation and prosecution of these crimes.
2. **Enhanced international cooperation:** The protocol promotes international cooperation in the investigation and prosecution of crimes related to xenophobia and racism online, which is particularly important given the cross-border nature of many of these offenses.
3. **Increased protection for victims:** The protocol helps to protect victims of crimes related to xenophobia and racism online, and sets out measures to ensure that they are able to access justice and receive support.
4. **Improved awareness and education:** The protocol helps to promote awareness and education about the harms of xenophobia and racism committed through computer systems, and encourages the development of measures to prevent these forms of hate.

Overall, the First Additional Protocol in conjunction with the mechanisms of the Convention on Cybercrime and its Second Additional Protocol on enhanced co-operation and disclosure of electronic evidence provide a valuable toolkit for addressing the use of computer systems to commit crimes related to xenophobia and racism online, help to promote justice, guarantees human rights, protect the rights of victims and ensure justice and fairness in cyberspace.

This year marks the 20th anniversary of the First Additional Protocol, and presents an opportunity to reflect on the progress made in addressing xenophobia and racism committed through computer systems, as well as the challenges that remain.

## **Objective**

The objective of this conference is to strengthen policies, cooperation and criminal justice capacities against online xenophobia and racism and to provide guidance to the implementation of the Protocol on Xenophobia and Racism.

## **Expected outcomes**

- Increased understanding of the provisions, benefits and implementation challenges of the First Additional Protocol;
- cooperation promoted between governments, the tech industry, and civil society in promoting responsible online speech;
- Further guidance in the form of good practices and recommendations to facilitate implementation of the Protocol on xenophobia and racism available (inputs to the good practice study).

## **Participants**

This conference will bring together a diverse group of participants, including representatives from international organisations, government, law enforcement, judiciary, private sector, civil society organizations, academia and other experts in the field of online hate speech.

## **Administrative arrangements**

The conference will take place in person and online through a dedicated platform. Participation is free of charge but subject to registration. Interested stakeholders were invited to register until 23 January 2023.

Link for online participation will be sent closer to the event to registered participants only. Livestreaming will be ensured and available at [the Conference website](#).

The working languages of the conference are English and French.

Further details and updates on the administrative arrangements will be provided to registered participants closer to the conference date.

## Agenda

The indicated time refers to the CET (Strasbourg) time zone

Day 1 – 30 January 2023	
09h00	Registration
09h30	<p><b>Welcome and opening remarks</b></p> <ul style="list-style-type: none"> <li>▪ Ragnhildur Arnjóltsdóttir, Ambassador of Iceland</li> <li>▪ Patrick Penninckx, Director of Information Society Department, Council of Europe</li> </ul>
10h00	<p><b>Setting the scene: “Phenomena and impact of online xenophobia and racism”</b></p> <p>Moderator: Alexander Seger, Head of the Cybercrime Division, Council of Europe</p> <p>Keynotes:</p> <ul style="list-style-type: none"> <li>▪ Papa Assane Toure - Current Trends and Challenges in Addressing Online Hate Speech in Senegal</li> <li>▪ Anastasiia Ponarina, Security Service of Ukraine [online] – Online xenophobia and racism in the context of the Russian aggression against Ukraine</li> </ul> <p>Panel discussion:</p> <ul style="list-style-type: none"> <li>▪ Menno Ettema, Programme Manager at the No Hate Speech and Anti-Discrimination Cooperation unit, Anti-Discrimination Department of the Council of Europe.</li> <li>▪ Alexander Brown, Associate Professor in Political and Legal Theory, University of East Anglia</li> </ul> <p>Questions and Answers session</p>
11:00	Coffee-break and group photo
11:30	<p><b>Good practices and challenges in implementing the First Additional Protocol to the Convention on Cybercrime</b></p> <p>Moderator: Pedro Verdelho, Chair of the Cybercrime Convention Committee, Portugal</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ Alexander Seger, Head of the Cybercrime Division, Council of Europe – The Convention on Cybercrime and its protocols: Legal framework for addressing online xenophobia and racism</li> <li>▪ Alexander Brown, expert / author of the Good Practices Study - Presentation of findings</li> <li>▪ Elvira Tejada de la Fuente, General Prosecutor’s Office of Spain</li> <li>▪ Xavier Leonetti, Ministry of Justice, France [online]</li> </ul>

	Discussion and Questions & Answers session
13:00	Lunch break
14:30	<p><b>Hate speech vs freedom of expression: criteria and boundaries</b></p> <p>Session Moderator: Giulia Lucchese, Council of Europe</p> <p>Panellists:</p> <ul style="list-style-type: none"> <li>▪ Chara Bakalis, Oxford Brookes University</li> <li>▪ Urska Umek, Council of Europe</li> <li>▪ Ireneusz Kondak, European Court of Human Rights</li> <li>▪ Emilar Gandhi, Content Policy, META</li> <li>▪ Joanna Szymanska, Senior Programme Officer, Article 19</li> </ul> <p>Topics to be covered:</p> <ul style="list-style-type: none"> <li>▪ the legal and policy frameworks for addressing hate speech online</li> <li>▪ the impact of hate speech on freedom of expression and the right to dignity</li> <li>▪ best practices to define criteria and boundaries</li> </ul> <p>Questions and Answers session</p>
16:00	Coffee-break
16:20	<p><b>Cooperative approaches to addressing online xenophobia and racism</b></p> <p>Moderator: Alexander Seger, Head of the Cybercrime Division, Council of Europe</p> <p>Speakers:</p> <ul style="list-style-type: none"> <li>▪ Nick Bauer, Head of Public Policy, Google [online]</li> <li>▪ Johan Friestedt, Executive Secretary, European Commission against Racism and Intolerance</li> </ul> <p>Topics to be covered:</p> <ul style="list-style-type: none"> <li>▪ The role of different stakeholders in online xenophobia and racism, including government, law enforcement, civil society, and the tech industry</li> <li>▪ Best practices for collaboration and partnerships in addressing online xenophobia and racism</li> <li>▪ The importance of involving diverse voices and perspectives in the development and implementation of strategies to combat online xenophobia and racism</li> <li>▪ Challenges and lessons learned in collaborating to combat online xenophobia and racism</li> <li>▪ The role of specialized, international and regional organizations in supporting collaborative efforts to address hate speech online</li> </ul> <p>Questions and Answers session</p>
17:20	Concluding remarks for the first day
17:30	End of Day 1
17:30-19:00	<p><b>Reception co-hosted by the Icelandic Presidency of the Committee of Ministers of the Council of Europe</b></p> <p>Foyer G03, Agora</p>

**9:30 Criminal justice action: experience and challenges in the investigation, prosecution and adjudication of online xenophobia and racism**

Moderator: Pedro Verdelho, Chair of the Cybercrime Convention Committee, Portugal

Panellists:

- Fernanda Teixeira Souza Domingos, Federal Circuit Prosecutor, Federal Prosecution Service, Brazil
- Samia Elhandaoui, Magistrate at the Public Prosecutor's Office, Head of the Terrorism and Organized Crime Unit at the Presidency of the Public Ministry of the Kingdom of Morocco
- Ana Minevski, Senior Adviser, CIRT, Montenegro
- Upeksha Madukalpani Sapukotana, Legal Draftsman's Department Sri Lanka,

The session will draw on examples and case studies from different regions. Topics could include experiences and challenges in:

- identifying and tracking online hate crimes, including the role of reporting mechanisms and data collection
- collecting and presenting evidence in cases involving online xenophobia and racism
- developing, implementing and interpreting laws and policies that are effective, rights-respecting and consistent with international standards (including role of judicial decisions, case law etc)
- sentencing and other forms of accountability
- building the capacity of criminal justice authorities to address xenophobia and racism (training and resources for law enforcement and judicial officials),

Interactive discussion with the audience

**11:00 Coffee break**

**11:30 Guidance to the implementation of the Protocol on Xenophobia and Racism**

Moderator: Alexander Seger, Council of Europe

Panellists: representatives from government, law enforcement, and judicial officials from Parties to the Protocol.

- Pedro Verdelho, Chair of the Cybercrime Convention Committee, Portugal
- Eirik Trønnes Hansen, National Criminal Investigation Service, Norway
- Xavier Leonetti, Ministry of Justice, France [online]

This session will provide guidance on how to effectively implement the Protocol on Xenophobia and Racism, with a focus on key areas such as legislation, safeguards, investigating and prosecuting online xenophobia and racism, adjudicating cases, cooperation with service providers, and international cooperation. It takes the form of an open discussion with an audience following brief introduction of topics by experts.

**12:45 Conclusions of the Conference**

**13:00 End of Conference**

## Contacts at the Council of Europe:

**Nina Lichtner**  
Programme Manager  
Octopus Project  
Cybercrime Division  
[Nina.lichtner@coe.int](mailto:Nina.lichtner@coe.int)

**Jan Kralik**  
Programme Manager  
T-CY Secretariat  
Cybercrime Division  
[Jan.kralik@coe.int](mailto:Jan.kralik@coe.int)

