

ALER-T (2011) CB 07

Strasbourg, 30 March 2011

Awareness Lab for Early Response - Team (ALER-T)

Seventh meeting, 28 March 2011, 2 – 3 p.m.

SYNOPSIS

Participants

Thorsten AFFLERBACH (DG III); Alexander BARTLING (Congress); Despina CHATZIVASSILIOU (PACE) ; Stefano DOMINIONI (DGIV); Simona GRANATA-MENGHINI (Venice Commission); Matjaz GRUDEN (PO); Claudia LUCIANI, Daniil KHOCHABO, Uwe MÜLLER (DG-DPA); Jeremy MOAKES (DC).

DPP: Michael REMMERT (Secretary, representing the Chair), Anna DOLGIKH, Ruth GOODWIN, Suzette SAINT-MARC, Oliver JOSEPH (trainee).

Apologies: Piotr ŚWITALSKI (Chair); Lauri SIVONEN (CommHR); Patrick TITIUN (ECTHR).

Opening of the meeting and next meeting

This meeting heard an introduction from Despina Chatzivassiliou (PACE Secretariat) on the issue of political extremism before holding an exchange of views.

During the discussion, frequent reference was made of freedom of speech and its possible limits when it comes to hate speech, it was agreed that the **8th ALER-T meeting on Monday 4 April at 2 p.m. in the Private Office meeting room would focus on freedom of speech**. This topic will be introduced by a colleague from DG-HL (tbc).

Substantive theme: “Political extremism”

Introduction

The recent PACE Recommendation 1933 (2010) – “Fight against extremism: achievements, deficiencies and failures”¹ is based on a thorough analysis of the subject. The accompanying report offers a definition of extremism as ‘a rejection of basic values and rules of the game in a democratic constitutional state’. The accompanying Resolution 1754 (2010) proposes ways to address the root causes of political extremism including action against discrimination, fostering civil education, intercultural and inter-religious dialogue and the involvement of civil society. It also calls for clear and sustainable immigration policies, legal mechanisms to block financial support to extremist groups and a continuation of the fight against terrorism. Moreover, the Assembly calls on CoE member states to ensure that anti-extremism legislation is applied systematically and consistently to all forms of extremism and avoid all risk of arbitrariness in its implementation.

The legal framework behind much of the CoE’s work on political extremism are Articles 10 (Freedom of Expression), 11 (Freedom of Assembly and Association) and 17 (Prohibition of abuse of rights) of ECHR².

¹ At their 1096th meeting (21 October 2010), the Deputies agreed to communicate the Recommendation to several relevant CoE bodies for information and possible comments. The Rapporteur Group on Human Rights (GR-H) will examine any comments received in due course with a view to preparing a draft reply for adoption by the Deputies.

² Relevant CoE texts on the issue of political extremism include: CM Rec. N°(97)20 on ‘[hate speech](#)’ (1997); [Charter of European Political Parties for a Non-Racist Society](#) (1998); [ECRI Declaration on the use of racist, antisemitic and xenophobic elements in political discourse](#) (2005); Venice Commission Report on ‘[The relationship between freedom of expression and freedom of religion: the issue of regulation and prosecution of blasphemy, religious insult and incitement to religious hatred](#)’ (2008); [Manual on hate speech](#) (2009); PACE texts on the ‘[Fight against extremism: achievements, deficiencies and failures](#)’ (2010); PACE texts on ‘[Democracy in Europe: crisis and perspectives](#)’ (2010); PACE texts on ‘[The political consequences of the economic crisis](#)’ (2010); ‘[The Strasbourg Declaration on Roma](#)’ (2010); [Guidelines on Political Party Regulation](#) by OSCE/ODIHR and Venice Commission (2010); Activities of CommHR on Roma, rise of hate speech, rise of identity politics, security discourse.

Exchange of views on political extremism

Both the introduction and the exchange of views stressed the significance of a relatively new situation where statements with extremist content are being made not only by members of extremist parties, but are also finding their way into the discourse of mainstream politicians. The cause of this may be fear of losing some of their electorate to more extreme parties.

The effect of this is that extremist ideas, which used to be considered unpalatable when held by extremist groups, now seem to have become accepted as part of the political landscape when expressed by mainstream politicians. This may be in part because extremist parties are now sitting in parliaments and are even to be found in government coalitions. It would seem that a line has been crossed and the differences between extremist and mainstream viewpoints have become blurred.

In the light of these trends, and of the fact that currently the CoE's yardstick is shifting according to who is expressing an extremist idea, the Organisation needs to review and update its definition of extremism, moving beyond a simple institutional perspective.. It may be that in the past, political correctness has been counter-productive in that this has led to the extent of the threat being hidden. There is a need to prevent the political agenda in member states being set by extremist policies. It should be legitimate to condemn extremist speech and policies even if they are made by people or parties in power.

The CoE could develop criteria to identify when a statement or policy is so damaging that it should intervene. At the same time, it is not reasonable to expect the CoE to react to all extremist utterances; we should distinguish between statements and policies and consider the potential effectiveness and impact of our intervention.

The CoE reflection on extremism also needs to consider appropriate governance models for internet sites; our existing *acquis* may not be adapted to, for example, hate speech found on social networking sites.

Discussion on the causes behind the rise of extremism highlighted weak social cohesion. It was also suggested that different countries exclude different groups, for example in some member states it may be Muslims, in others Roma. The underlying cause seems to be fear of identity loss. There seems to be a trend in some countries for people to vote for extremist parties because of economic grievances rather than because of these parties' policies on issues of race and migration. Worryingly, in many cases there is often a fear of Europe and European institutions behind extremist statements, with Europe being seen as posing a threat to cultural and political identities.

Using legal remedies for prohibiting or banning extremist parties is of limited use; much of the work of the Venice Commission on the prohibition of political parties is used to counter attempts by those in power to outlaw 'unwanted' parties. It needs to be noted, however, that identifying links with terrorism has been used to outlaw political parties, and this has been confirmed by the ECtHR. Rather than resorting to the dissolution or prohibition of political parties that incite hatred, legislation against hate speech should be implemented. Although, most member states have legislation to prohibit hate speech, it is rarely used because definitions are not sufficiently robust.

Pointers for future action

Combating extremism is tackled by different sectors of the CoE. It may be advisable to monitor extremism and hate speech and encourage each sector of the CoE to react according to its instruments, thereby ensuring consistency across the spectrum.

CoE standards and instruments on democracy provide the legal framework to react to political extremism but concretely it is difficult to legally define extremist politics. Preparing consistent and comprehensive guidelines for member states on the issue, drawing from the *acquis* and experience of the different CoE sectors, would provide a useful tool.

It is somewhat easier to define hate speech and the CoE has clear and strict – although to some extent dispersed – standards on this. We should examine our *acquis* and elaborate an updated statement on hate speech in order to reinforce its criminalisation.

The CoE should take into account the form and context of hate speech as well as the utterance itself, and could react by working with the CommHR who has the mandate and autonomy to respond, and by encouraging Ombudsmen in member states to take up the issue.