### *"Combating racism, xenophobia and intolerance in Europe"*

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Ladies and Gentlemen,

It is a pleasure for me to address today the modern challenges of racism and intolerance, a subject which has a particular importance in my work as Commissioner for Human Rights and which is topical in all Council of Europe member states.

Internet has become a global public space for exchanging information and is now one of the most important channels by which people express themselves worldwide. Internet, including social media, provides new opportunities to reach out, create, use and share content in a multitude of ways. At the same time, this space of creativity and participation presents the threat of abuse and human rights violations, whose dimensions and impact are often difficult to measure. However, experience has already showed that hate speech is one of the most prominent dangers of Internet, with serious consequences both online and offline.

I would like to highlight immediately the necessity to fight hate speech. I have found that hate speech and hate crimes are interrelated. Words and images can create an atmosphere in which discrimination and violence are legitimised and become socially acceptable. In particular, direct calls to discrimination, hatred, and violence can be perceived as an authorisation to take action.

The challenge faced by European democracies is to distinguish speech which, although offensive, shocking or disturbing, is fully protected by the right to freedom of expression[1] from speech which does not enjoy such protection. The European Court of Human Rights has stressed that "forms of expression which spread, incite, promote or justify hatred based on intolerance" fall under the second category.[2] Last year, the Court applied these principles to homophobic hate speech for the first time, in a case in which the applicants had distributed leaflets containing insulting statements about members of the LGBT community (*Vejdeland and Others v. Sweden*). Moreover, the 2003 Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems requires parties to establish as a criminal offence the insulting of persons, through a computer system, because of their real or perceived association with an ethnic, racial or religious group. The distribution of "material which denies, minimizes,

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[1] *Handyside v. the United Kingdom*, 7 December 1976, paragraph 49.
[2] *Erbakan v. Turkey*, 6 July 2006, paragraph 56.

approves of or justifies crimes of genocide or crimes against humanity" must also be made illegal.

I wish to emphasise here the distinctive peril posed to our societies by racist speech and racist crimes. Studies show that racist crimes have a longer and deeper impact than other crimes on the victims whose integrity and dignity have been harmed; they also have a negative impact on entire communities, which feel threatened by the racist violence surrounding them. This is, for example, the situation of Roma, who continue to be the main targets of racist speech and the main victims of racist violence in several central and eastern European countries. It is also the situation of migrants, following hundreds of attacks perpetrated against them, for example, in Greece.

Most European countries have relatively complete legal frameworks for fighting hate speech and hate crime and have adopted policies allowing the application of these laws to crimes committed online. In the Czech Republic a helpline was set up which gives the public direct access to police officers specialised in cybercrime. In France, last June Twitter lost an appeal against a court order compelling it to hand over data enabling the identification of certain users who have posted anti-Semitic comments on its services. However, the Google [transparency report](#) reveals that only 2% of the requests and orders received by Google from government agencies and courts to remove content refer to instances of hate speech, while almost 40% of all requests are based on allegations of defamation. Moreover, only 20 Council of Europe member states have to date ratified or acceded to the Additional Protocol to the Cybercrime Convention.

The importance of giving victims of hate speech adequate protection cannot be stressed enough. Internet should not be a veil concealing the perpetrators and providing them with impunity. Law enforcement authorities and courts should treat online hate speech with no less attention than that devoted to hate speech committed in more traditional settings.

However, intolerance and crime cannot be fought only by law. The extensive presence of hate speech online is a reflection of the prevalence of racist attitudes and stereotyping offline. Combating hate speech online requires thus in the first place preventive measures that address the causes of racism in society. I will only mention a few key policies that should be pursued for this purpose.

I believe that a values-based education is crucial for preventing hate speech and hate crimes. The kind of education that children receive shapes the kind of adults they will become and the kind of society in which they will live. It is important to go beyond formal education and use novel methods to respond to the need to deal effectively with hate speech online. The "[No Hate Speech Movement](#)", a Council of Europe Youth Campaign launched earlier this year in order to combat hate speech on the Internet aims to equip young people and youth organisations with the competencies necessary to recognise and act against hate speech online. The first national campaign was launched in Serbia in February and national campaign committees are being set up in 36 countries. I encourage all member states to take into account the experiences of this campaign in order to better integrate the Internet and cyberspace as a space for human rights.

Also, I am pleased to note that the Youth Department of the Council of Europe has initiated a project in Armenia this year, aimed at combating intolerance and discrimination towards minority groups, specifically through online media, with an emphasis on fighting intolerance towards children and youth from religious minority groups. This project will include two essential components – education and awareness-raising.

Promoting equality and social inclusion is another central element in the prevention of hate crimes. As I have found in many of my country visits, the segregation and marginalisation of minority groups reinforce racist feelings and attitudes against them. The abolition of the criminalisation of migrants and the implementation of integration measures are indispensable for creating social cohesion between these groups and the host communities. Furthermore, anti-terrorism policies must be dissociated from migration and must incorporate the prevention of racism and religious intolerance.

I would also like to stress that political leaderships and parties bear a significant responsibility for promoting solidarity, tolerance and respect for the rights of all members of society. Conversely, the effects of political hate speech on public opinion and on a country's social cohesion are particularly corrosive. It is worrying that many parties and politicians engage in intolerant discourse and even incitement to violence in the context of organised political activism taking place on social media. I have been following with interest the developments and debates in Greece on the question of the possible imposition of sanctions on "Golden Dawn". As the Strasbourg Court found in a number of cases (e.g. *Vona v. Hungary*, judgment of 9 July 2013), states are entitled to sanction and even to ban associations which undermine the fundamental values of a democratic society. I encourage, however, political parties and parliaments to take the first step and adopt self-regulatory measures to effectively counter and sanction hate speech used by politicians.

In addition to this, monitoring reports of the Council of Europe, including those of the European Commission against Racism and Intolerance (ECRI), have underlined the link between stigmatising media reports concerning certain minority groups and racist violence. Self-regulatory media bodies can play an important role in the fight against racism through the adoption of media codes of conduct that can contribute to the elimination of hate speech from public discourse.

Finally, it is necessary that self-regulation exist on the Internet. This should contribute to addressing the tension between the global nature of Internet and local jurisdictions. Prominent players on the web must accept responsibility for hate speech prevention. Earlier this year Facebook gave way to a campaign in which more than 100 advocacy groups demanded that it recognise aggressive misogynistic content as hate speech and remove it. The company agreed to update its policies on hate speech, increase the accountability of content creators and train its staff to be more responsive to complaints. Recently YouTube started introducing advanced moderation features to ban altogether certain words from their channel's comments.

I would like to conclude by stressing that the fight against hate speech in the fast-developing world of Internet is a matter of urgency. It is high time to encourage a discussion on ways to delegitimise hate speech in all settings. That discussion could benefit from the standards developed by the Council of Europe and in particular by the European Court of Human Rights.