

**ADI/MSI-DIS(2020)02
30 October 2020**

**1st meeting, 29-30 September 2020
Online meeting via KUDO**

Meeting Report

Item 1. Opening of the meeting

1. Jan KLEIJSSSEN, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law, and Jeroen SCHOKKENBROEK, Director, Directorate of Anti-Discrimination, Directorate General of Democracy, opened the meeting and welcomed members and participants. They underlined the relevance and value of Council of Europe standard-setting work for the consolidation of the protection of human rights and fundamental freedoms in its member States, as well as the urgency of combating hate speech.

2. Mr Kleijssen stressed that the challenge of countering hate speech is a multidimensional task, requiring a comprehensive approach. He recalled the Council of Europe 2002 *Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems* and the *Committee of Ministers Recommendation CM/Rec(2018)1 on the roles and responsibilities of internet intermediaries*, of particular relevance for the committee's future work. *He also mentioned* the ongoing work of the Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG) on a recommendation on the impact of digital technologies on freedom of expression and on a guiding note on legal and procedural frameworks for self- and co-regulatory mechanisms of content moderation as sources to be taken into consideration by the Expert Committee. He drew participants' attention to the Conference of Ministers responsible for Media and Information Society issues taking place in June 2021 in Cyprus, which will address in a high-level, multi-stakeholder format, current challenges and opportunities for media and democracy.

3. Mr Schokkenbroek, referring to the case-law of the European Court of Human Rights in this field, recalled the need to strike a balance between freedom of expression and other human rights threatened by hate speech through a holistic approach which takes into account the varying degrees of gravity of different forms of hate speech. He stressed the issue of under-reporting of hate speech incidents as well as the different approaches to dealing with reported hate speech in the member States, as noted in particular by the European Commission against Racism and Intolerance (ECRI) and the Advisory Committee on the Framework Convention for the Protection of National Minorities. Mr Schokkenbroek pointed to the ECRI's General Policy Recommendation No. 15 and the Committee of Ministers' Declaration on the No Hate Speech Movement Youth Campaign and related Resolution as important texts to draw upon for the expert committee in its future work. In his closing remarks, he informed the Committee

that the upcoming German Chairmanship of the Committee of Ministers is planning an international conference on hate speech, which will provide an additional opportunity to obtain input into the preparation of the draft recommendation.

Item 2. Information from the Secretariat

4. Giulia LUCCHESI, co-Secretary to the ADI/MSI-DIS, Information Society Department, Media and Internet Division, presented the working methods and procedures of intergovernmental committees and subordinate bodies (Resolution [CM/Res\(2011\)24](#)), stressing that the Expert Committee is a sub-ordinate body of the Council of Europe's Steering Committee on Media and Information Society ([CDMSI](#)) and the Steering Committee on Anti-Discrimination, Diversity and Inclusion ([CDADI](#)). Menno ETTEMA, co-Secretary to the ADI/MSI-DIS, Anti-Discrimination Department – No Hate Speech and Cooperation unit, provided information regarding the Committee's terms of reference, expected deliverables and reference work on hate speech of the Council of Europe.

Item 3. Tour the Table

5. The members of the ADI/MSI-DIS and other participants to the meeting held a tour-de-table to introduce themselves and present their initial views on the main concerns and priorities to be addressed by the Committee.

Item 4. Elections

6. With only one candidate proposed for each of the functions, the ADI/MSI-DIS unanimously elected Alexander HOEFMANS (Belgium) as its Chair and Bastiaan WINKEL (the Netherlands) as its Vice-chair. María Rún BJARNADÓTTIR (Iceland) was appointed Gender Equality Rapporteur.

Items 5., 6., and 7. Discussion of the Terms of Reference of the ADI/MSI-DIS

7. The ADI/MSI-DIS subsequently discussed its [Terms of Reference](#) and held a preliminary exchange on the future structure and scope of the document to be finalized before the end of its mandate in December 2021, namely a draft recommendation of the Committee of Ministers on a comprehensive approach to addressing hate speech, including in the online environment, within a human rights framework. Participants noted that hate speech is a transversal issue requiring a multi-dimensional approach and multi-stakeholder involvement. The need to involve all relevant State and non-State actors was therefore stressed.

8. Participants also stressed the importance of ensuring that freedom of expression guarantees as enshrined in Article 10 of the European Convention on Human Rights and interpreted by the European Court of Human Rights are duly taken into account in the work of the Committee, in order to ensure that no undue limitations can be placed on this fundamental right. More generally, it was of crucial importance that the recommendation

should remain faithful to the pertinent case-law of the European Court of Human Rights, including with reference to Articles 8, 13, 14 and 17 of the Convention. Participants also stressed the need to take into due consideration the gender-dimension, cf. the Council of Europe Convention on preventing and combating violence against women and domestic violence.

9. Participants acknowledged that elaborating a common understanding of hate speech was challenging but necessary. Participants also considered it crucial in providing recommendations for action to member states to take into account the degrees of gravity and different forms and impact that hate speech can have. Tailored responses are needed to different types of hate speech, including preventive actions, effective criminal prosecution and alternative non-criminal measures and policies, with due respect to the free enjoyment of freedom of expression, both offline and online. Intersectionality of protected grounds and gender dimensions of hate speech were also raised.

10. As regards online hate speech, several interventions focused on the importance of monitoring data analysis and highlighted that online hate speech should be tackled by transparency and accountability. The issue of responsibility of social media platforms and limits of self-regulatory frameworks was highlighted, as well as the importance of an enhanced co-operation between law enforcement, online platforms and intermediary parties such as trusted flaggers.

11. With respect to the issue of prevention, experts noted that the collection of information, data and statistics should form an essential basis for developing preventive policies and understanding how to further engage relevant political authorities. From this perspective, adequately addressing the phenomena of under-reporting and under-recording of hate speech incidents was crucial. It was also mentioned that co-operation with the civil society sector is instrumental for developing effective prevention strategies. Likewise, experts highlighted the importance of strengthening efforts on better education, dialogue and awareness-raising activities on the hate speech phenomenon and the urgent need to more effectively prevent and combat it, including by addressing stereotyping of groups that feed into hate narratives. Many highlighted the urgency to further empower victims and their representatives, including by facilitating access to justice and providing effective legal remedies.

12. Participants referred to many useful sources and agreed that, in their effort to draft a comprehensive recommendation, they should build on existing legal frameworks and policies and avoid unnecessary duplication. It was furthermore agreed that bilateral and multilateral co-operation should find its place in the future recommendation and that relevant stakeholders should share best practices and tools.

Item 8. Selection of Rapporteurs

13. Nadejda HRIPTIEVSCHI, Tarlach McGONAGLE and Sejal PARMAR were appointed as Drafting Rapporteurs.

Committee of Experts on Combating Hate Speech



14. The ADI/MSI-DIS took note of the information provided by Alexander SCHÄEFER on the Hate Speech Conference to be held on 17-18 February 2021, under the German Chairmanship of the Council of Europe.

Item 9. Discussion of the road map for the ADI/MSI-DIS in 2020 and 2021

15. The Committee discussed its roadmap for 2020 and 2021 and agreed to hold its next meeting on 15-16 December 2020, which in view of the sanitary restrictions will be a hybrid or again fully online meeting.

Item 10. Any other Business

16. The Secretariat was instructed to send the draft meeting report to the Chair and Vice-Chair for consideration. Thereafter, the Secretariat will send the draft report to the ADI/MSI-DIS, allowing for comments within five full working days. In the absence of comments, the report will be deemed finalised and will be transmitted to the Bureau of the CDMSI and the CDADI for information and uploaded on the [website of ADI/MSI-DIS](#).