

**ADI/MSI-DIS(2020)7  
6 January 2021**

**2<sup>nd</sup> meeting, 15-16 December 2020  
Online meeting via KUDO**

## **Meeting Report**

### *Item 1. Opening of the meeting by the Vice-Chair*

1. Bastiaan WINKEL (the Netherlands), Vice-chair to the ADI/MSI-DIS, opened the meeting. He informed about the stepping down of Mr Alexander HOEFMANS as Chair of the Committee of Experts and thanked him for his excellent work for the Committee.

### *Item 2. Adoption of the agenda*

2. The ADI/MSI-DIS adopted the agenda.

### *Item 3. Information by the Co-Secretariat*

3. The Co-Secretariat presented key developments within the Council of Europe in relation to the work of the Committee of Experts. Giulia LUCCHESI, Information Society Department, Media and Internet Division, informed about the presentation of the outcome of the first meeting of the ADI/MSI-DIS to the CDMSI Plenary meeting, held on 2-4 December 2020. She also reported on the Secretary General's commitment to transmit regular reports to the Committee of Ministers on freedom of expression and media; informed about the appointment by the Committee of Ministers of Ambassador Rasmus LUMI, Permanent Representative of Estonia, as new Thematic Co-ordinator on Council of Europe's Information Policy; and, reported on the Organization's participation to the World Press Freedom Conference 2020 Digital Edition, which took place on 9-10 December 2020. Menno ETTEMA, Anti-Discrimination Department – No Hate Speech and Cooperation unit, provided information regarding the participation of the Council of Europe at the Fifteenth Annual Meeting of the Internet Governance Forum (IGF), hosted online on 9-17 November 2020 by the United Nations under the overarching theme *Internet for human resilience and solidarity* and on the several events organised by the Organisation and relevant outcomes, including a session on hate speech with contributions from Bastiaan WINKEL, vice-chair, Alexander SCHÄFER, Sejal PARMAR, members of ADI/MSI-DIS, and Albin DEARING, FRA and observer of ADI/MSI-DIS.

### *Item 4. Information by the Participants*

4. The members of the ADI/MSI-DIS and participants to the meeting were invited to update the Committee of Experts on key developments that have bearings on the terms of reference of ADI/MSI-DIS. Representatives from Austria, France, and Romania gave updates on

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legislative developments on hate speech, illegal online content and anti-discrimination; references to publication of the EC's Draft Digital Services Act were also made by participants.

5. Joe McNAMEE, independent expert, member of the Council of Europe Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG), provided information on the on-going work of MSI-ING. A guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation is under preparation. The Committee is also drafting a recommendation on the impacts of digital technologies on freedom of expression, to be approved by the CDMSI by the end of 2021 and subsequently submitted to the Committee of Ministers for adoption.

6. Jonathan MACK, general rapporteur of the 10<sup>th</sup> meeting of the Council of Europe dialogue with Roma and Traveller civil society, reported on the conclusions of that dialogue meeting on "Combating Hate Speech directed against Roma and Travellers".

7. María Rún BJARNADÓTTIR, in the quality of ADI/MSI-DIS Gender Equality Rapporteur, conveyed information on the outcome of the Council of Europe training for Gender Equality Rapporteurs held on 9-10 November, aimed at enabling a better promotion of gender equality within relevant fora.

### *Items 5., 6., 8. and 9. Discussion on the preliminary outlines for the Recommendation on a Comprehensive approach to Combating Hate Speech*

8. The ADI/MSI-DIS subsequently examined the preliminary outlines for the future Recommendation on a Comprehensive approach to Combating Hate Speech prepared by the drafting rapporteurs in cooperation with the co-Secretariat. Before opening the floor for discussion, drafting rapporteurs presented their work progresses, main challenges and outstanding issues.

9. It was reiterated that, for the purposes of the recommendation, a working definition of hate speech is necessary and that it should build on previous definitions, notably the one provided by ECRI, and on the case-law of the European Court of Human Rights while also be attentive to take into account recent developments, especially in the online environment. The importance of its inclusive character was therefore stressed. Some participants also put emphasis on the added value of distinguishing between three forms/categories of hate speech.

10. As general remarks, participants encouraged improvements intended to contribute to an appropriate distribution of the text amongst the appendix to the recommendation, its preamble and accompanying explanatory memorandum. Some also pointed out an imbalance with regard to the distribution of the text within the appendix, for example regarding the responsibilities of different stakeholders in addressing online hate speech. Participants highlighted the importance of building on the Court's case-law, including more recent judgments addressing issues of relevance for the online environment, and suggested to systematically recall relevant provisions of the European Convention on Human Rights and

Fundamental Freedoms as well as to make reference to existing relevant international and regional instruments, also with a view to avoid unnecessary duplication and overlapping.

11. Whether member States should ensure that illegal or otherwise unlawful online hate speech is deleted or blocked quickly and ensure that internet intermediaries set out in their terms of service what constitutes impermissible hate speech and apply procedures to quickly detect, review and remove from their platforms hate speech was the subject of a lively exchange. Many participants stressed the need to include such recommendations in the future draft and supported the distinction between the positive obligations of States and platforms' responsibilities, as already done by existing Council of Europe documents; others pointed out to the risk that quick removals may result in the deletion of evidence necessary in legal proceedings. It was remarked that the issue should be addressed taking in due consideration the case law of the European Court of Human Rights, and the guidelines provided in Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries.

12. With respect to the issue of countering hate speech, it was proposed to identify quality standards and criteria to assess the impact of counter-narratives, to highlight need to take into account concerns of marginalised groups and involve a wide range of relevant stakeholder when defining counter measures, and to encourage political parties to adopt codes of conduct. Discussing education and awareness-raising, participants suggested to highlight the cultural perspective as instrumental to fighting hate speech and to further focus on the possibility of developing responses addressed to the perpetrators, also drawing inspiration from successful experiences in the field of anti-radicalisation and exit programmes. Regarding the support for those targeted by hate speech, participants agreed to broaden the concept of "targeted" to both persons directly and indirectly impacted by hate speech, with a view to provide wider support at different levels.

13. Regarding the structure, proposals were made in particular to reconsider the current format and give more prominence to the chapter dealing with legal and policy frameworks.

### *Item 7. Election of the new ADI/MSI-DIS Chair*

14. With only one candidate proposed for the function, the ADI/MSI-DIS unanimously elected María Rún BJARNADÓTTIR (Iceland) as its new Chair.

### *Item 10. Discussion of the road map for the ADI/MSI-DIS in 2021*

15. The Committee of Experts discussed its roadmap for 2021 and agreed to hold its next meeting on 23-24 March 2021.

16. The ADI/MSI-DIS took note of the MSI-DIG proposed plan to designate members of its Expert Committee to prepare comments on the relevant parts of the draft recommendation on combating hate speech. To further facilitate the exchange between the two Committees, the ADI/MSI-DIS decided to designate members to provide written inputs on the MSI-DIG draft guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation.

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

### *Item 11. Any other Business*

18. 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 Bureaux of the CDMSI and the CDADI for information and uploaded on the [website of ADI/MSI-DIS](#).