



Combating Hate Speech

ECRI General Policy Recommendation No. 15: Key Topics

” Hate speech poses grave dangers for the cohesion of a democratic society, the protection of human rights and the rule of law. Action against the use of hate speech should serve to protect individuals and groups of persons rather than particular beliefs, ideologies or religions. Restrictions on hate speech should not be misused to silence minorities and to suppress criticism of official policies, political opposition or religious beliefs.

KEY MESSAGE

- Effective action against the use of hate speech requires
 - ▶ Recognition of the fundamental importance of freedom of expression, tolerance and respect for equal dignity;
 - ▶ Identification of the conditions conducive to the use of hate speech and taking appropriate measures to remove them;
 - ▶ The involvement and commitment of a wide range of private and non-governmental actors, in addition to public ones.

SELECTED RECOMMENDATIONS

1. Raise public awareness of the importance of respecting pluralism and of the dangers posed by hate speech but also demonstrate both the falsity of the foundations on which it is based and its unacceptability, by

- ▶ Combating misinformation, negative stereotyping and stigmatisation;
- ▶ Developing specific educational programmes for children, young persons, public officials and the general public;
- ▶ Supporting non-governmental organisations, equality bodies and national human rights institutions working to combat hate speech;
- ▶ Encouraging speedy reactions by public figures to hate speech that not only condemn it but which also seek to reinforce the values that it threatens.

2. Provide support for those targeted by hate speech both individually and collectively, by

- ▶ Endeavouring to help them, through counselling and guidance, to cope with any trauma and feeling of shame suffered;
- ▶ Ensuring that they are aware of their rights to redress and are able to exercise them;
- ▶ Encouraging and facilitating their reporting of the use of hate speech, as well as the reporting of it by others who witness such use;
- ▶ Sanctioning detrimental treatment or harassment of any person complaining about or reporting on the use of hate speech.

3. Provide support for self-regulation by public and private institutions (including elected bodies, political parties, educational institutions and cultural and sports organisations) as a means of combating the use of hate speech, by

- ▶ Encouraging the adoption of codes of conduct which provide for suspension and other sanctions for breach of their provisions and ensuring their effective implementation;
- ▶ Encouraging political parties to sign the Charter of European Political Parties for a non-racist society;
- ▶ Promoting the monitoring of misinformation, negative stereotyping and stigmatisation.

FACTS AND FINDINGS

"Amongst the findings of ECRI's country monitoring ... have been the explicit publication in certain media of clearly racist content, the praise of Nazism and the denial of the Holocaust, the use of offensive language and stereotypes in connection with particular minorities and the making of derogatory comments about persons belonging to them on the streets, in schools and in shops, as well as actual calls for the use of violence against them and certain campaigns against the use of minority languages ... the use of hate speech has not been limited to ones that are extremist and outside the mainstream. Thus, the employment of a rude tone in many parliaments and by state officials has been found to contribute to a public discourse that is increasingly offensive and intolerant ... Furthermore, attempts by public figures to justify the existence of prejudice and intolerance regarding particular groups, which only tends to perpetuate and increase hostility towards them, have also been noted. Not all the hate speech in use is so explicit, with some publications relying on "coded" language to disseminate prejudice and hatred." Explanatory memorandum to ECRI General Policy Recommendation No. 15.

"The Internet has become an important vehicle for promoting racism and intolerance. Hate speech through social media is rapidly increasing and has the potential to reach a much larger audience than extremist print media were able to reach previously." ECRI Annual Report 2014.

4. Clarify responsibility under civil and administrative law for the use of hate speech while respecting the right to freedom of expression and opinion, by

- ▶ Determining the particular responsibilities of authors of hate speech, internet service providers, web fora and hosts, online intermediaries, social media platforms, moderators of blogs and others performing similar roles;
- ▶ Ensuring the availability of powers, subject to judicial authorisation or approval, to require the deletion of hate speech from web-accessible material, to block sites using hate speech, to enjoin the dissemination of hate speech and to compel the disclosure of the identity of those using it;
- ▶ Providing standing for those targeted by hate speech, equality bodies, national human rights institutions and interested non-governmental organisations to invoke these powers.

ECRI – USEFUL LINKS

ECRI General Policy recommendation No. 15 Combating Hate Speech. <http://hudoc.ecri.coe.int/eng?i=REC-15-2016-015-ENG>

ECRI revised General Policy Recommendation No. 7 National legislation to combat racism and racial discrimination. <http://hudoc.ecri.coe.int/eng?i=REC-07rev-2003-008-ENG>

ECRI General Policy recommendation No. 6 Combating the dissemination of racist, xenophobic and antisemitic material via the Internet. <http://hudoc.ecri.coe.int/eng?i=REC-06-2001-001-ENG>

Additional Protocol to the Council of Europe Convention on Cybercrime. <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168008160f>

The European Commission's Code of Conduct on Countering Illegal Hate Speech Online. http://ec.europa.eu/justice/fundamental-rights/files/hate_speech_code_of_conduct_en.pdf