

Proposed initial comments of the Bureau of the Gender Equality Commission to the draft CM Recommendation on combating hate speech (version 30.03.2021)

The Gender Equality Commission (GEC) Bureau welcomes the initial opportunity to comment on the draft CM Recommendation on combating hate speech (version 30.03.2021) and welcomes the existing references made to gender equality issues in the draft.

The following are initial comments from the Bureau of the GEC in view of the 12-13 April meeting of ADI/MSI-Dis and request for written contribution for the 16.04.2021, without prejudice of a more thorough consultation of the GEC at a later stage. These comments should be read in conjunction with the document that includes proposed changes made in tracking changes to the text itself.

1) Consistency and full inclusion of sexist hate speech

While the GEC welcomes the reference to Recommendation CM/Rec (2019)1 on preventing and combating sexism in paragraph 7 and the inclusion of sex/gender in the second part of the proposed definition (paragraph 5), the GEC stresses that the word “sexist” should be added in the first part of paragraph 5 as well as in paragraph 12, in order to ensure that sexist hate speech is fully covered by the draft Recommendation on hate speech. Indeed, while the existing Recommendation on sexism provides for a series of measures to address sexist hate speech, the new draft Recommendation will provide the generally agreed Council of Europe definition and general measures to address the phenomenon.

The new text should therefore include this reference, in order to fully protect women and to take into account the fact that women are disproportionately affected by hate speech, because they are women and because they also represent a great part - often half - of the groups disproportionately affected by hate speech (Roma, migrants, LGBTI+ people).

2) Strengthening references to gender equality and gender-sensitivity

For the reasons mentioned in point 2 and in view of the commitment of the Organisation to the realisation of *de facto* equality between women and men and to gender mainstreaming, the GEC suggests some proposals to strengthen the gender-sensitivity of the proposal notably in paragraph h of the Preamble.

The GEC also suggests including the issues of intersectionality and gender-sensitivity with regards to the training of content moderators (paragraph 36).

The GEC would welcome the integration of a reference to gender-sensitivity in paragraph 3 (point c), which spells out the values and principles to be taken into account for a “comprehensive approach” to address hate speech.

3) Ensuring an approach inclusive of all persons and segments of the population affected by hate speech

The GEC proposes to use wording that allows for a more inclusive approach of different segments of the population particularly affected by hate speech. In paragraph 11, it would be important to complement (or clarify) the reference to “minority groups”, in order to ensure equal protection to all persons or segments of the population affected by “illegal” hate speech.

In paragraphs 45, 51, 55 and 56 the GEC suggests adding wording around human rights, non-discrimination and (gender) equality, in order to strengthen the text and to complement the notions of “diversity” and “intercultural dialogue”.

The GEC also suggests more focus on and using clearer wording regarding the “targets” of hate speech, in particular when it comes to ensuring a better knowledge of the phenomena through reporting and data collection (paragraph d of the Preamble and paragraphs 27 and 63 of the Appendix).

**Draft Recommendation of the Committee of Ministers to member States
on combating hate speech**

Proposed amendments by the Bureau of the Gender Equality Commission

Preamble:

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

- a. Considering that the member States of the Council of Europe have committed themselves to guaranteeing the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, “the Convention”) to everyone within their jurisdiction, and that human rights and freedoms are universal, indivisible, inter-dependent and inter-related,
- b. Recalling that human rights and fundamental freedoms apply equally offline and online,
- c. Noting that hate speech is a deep-rooted, complex and multi-dimensional phenomenon, which takes many pernicious forms on- and offline, causes many different harms, and affects individuals, communities and societies in multiple ways and with different degrees of severity, including instilling fear in those it targets and having an exclusionary impact and a chilling effect on participation in public debate to the detriment of democracy,
- d. Recognising that countering hate speech is an important dimension of the protection of human rights, and stressing that identifying and understanding the root causes, the deep societal context, the various articulations, **the main targets** and the different types of its impact is instrumental in more effectively combating this phenomenon,
- e. Reaffirming its profound attachment to freedom of expression and information, one of the essential foundations of a democratic society, underpinning other fundamental rights and freedoms, and recalling that, as guaranteed by Article 10 of the Convention and interpreted by the European Court of Human Rights (the ‘Court’), it protects the freedom to hold opinions and to receive and impart information and ideas, without interference by public authorities and regardless of frontiers, and is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also those that offend, shock or disturb the State or any sector of the population,

- f. Recalling that, while freedom of expression is not an absolute right, restrictions of this right must be in strict accordance with Article 10(2) of the Convention and thus narrowly construed and comply with the requirements of legality, necessity and proportionality,
- g. Aware that any expression aimed at the destruction of any of the rights and freedoms set forth in the Convention may not enjoy protection under it, as stipulated in Article 17 on the prohibition of abuse of rights, as interpreted by the Court,
- h. Taking into account that hate speech interferes with and often violates the right to respect for private and family life and the right to non-discrimination as enshrined in Article 8 and Article 14, which are essential for guaranteeing human dignity, **equality, including gender equality** identity and participation in pluralistic democratic societies,
- i. Conscious that certain individuals and groups are, because of the characteristics that define their identity, exposed to hate speech in a repeated, **disproportionate** and particularly intense way and therefore need special protection and that the intersectionality of such characteristics can further exacerbate the impact of hate speech on them,
- j. Being aware that 'hate speech' is defined and understood in differing ways at the national and international levels and that it is crucial to develop a common understanding of the concept, nature and implications of this phenomenon and to develop more effective frameworks and measures to tackle it, both domestically and internationally,
- k. Considering that, according to their level of seriousness, there are expressions of hate speech that should be prohibited under criminal law, but also hate speech that should be tackled under civil or administrative law, as well as hate speech which, although not illegal, may be harmful and needs to be addressed through other than legal measures,
- l. Acknowledging that, as part of their positive obligations with respect to the protection and promotion of human rights and fundamental freedoms in the digital environment, member States have a key role in addressing online hate speech and ensuring a safe and enabling environment for public debate and private communication on the internet in compliance with relevant international standards,
- m. Taking into account that internet intermediaries are key actors with important duties and responsibilities in ensuring respect and protection of the human rights of those in the digital environment, including protection against hate speech,
- n. Being aware of the importance of developing effective legal and procedural frameworks for self- and co-regulatory measures to protect human rights on the internet and to determine responsibilities and liability with regard to online hate speech,
- o. Recognising that regulatory and policy responses to online hate speech need regular review in order to take into account the functionalities and advances of the internet

and, more widely, digital technologies and their influence on information and communication flows in contemporary democratic societies, and that due account should also be taken of the dominance of certain online platforms, the power asymmetries between those platforms and their users, and the influence of these dynamics on democracies,

- p. Acknowledging the important role that competent public institutions, State officials, politicians, political parties and other relevant stakeholders including national human rights institutions, equality bodies, educational institutions, but also the media, academia, as well as private and non-governmental stakeholders can play in identifying and implementing measures to address and counter hate speech, to promote a culture of inclusiveness and empower those affected by hate speech,
- q. Underlining that a comprehensive approach is needed to address hate speech effectively, comprising a range of coherent and complementary strategies and legal and non-legal measures that take due account of specific situations and broader contexts,
- r. Building on existing Council of Europe treaties and other relevant standard-setting instruments, drawing upon the case law of the Court and the findings of the Council of Europe monitoring bodies and being cognisant of the relevance of the broader international and European human rights legal and policy standards,
- s. Aiming to provide guidance to all actors who are faced with the complex task of preventing and combating hate speech including in the online environment,

Recommends that member States:

- i. Take all necessary measures to ensure prompt and full implementation of the principles and guidelines appended to this Recommendation;
- ii. Take all necessary measures to give encouragement and support to national human rights institutions, equality bodies, civil society organisations and other stakeholders to adopt the measures that are outlined for them in the principles and guidelines appended to this Recommendation, as well as to ensure that internet intermediaries fulfil their responsibility to act in compliance with applicable laws and regulatory frameworks and respect human rights in all their activities, in line with Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries and other applicable Council of Europe standards;
- iii. Identify, address and counter the multiple, varied and complex threats posed by hate speech, offline and online,
 - a. by continuously and systematically monitoring the situation;
 - b. by adopting a comprehensive set of tailored and evidence-based measures to prevent and address instances of hate speech;

- c. by providing those affected by hate speech with appropriate and effective remedies, and raising awareness to encourage their use;
 - d. by ensuring that perpetrators are sanctioned in line with the applicable legislation;
 - e. by encouraging and optimising the use of counter speech, education and awareness raising to increase understanding of the risk that hate speech poses to **human rights and** democratic societies and build resilience against it;
- iv. Promote the goals of this Recommendation at national and international levels, and engage in dialogue and co-operate with all stakeholders to achieve those goals;
 - v. Ensure that this Recommendation is translated, also in minority languages, and disseminated, as widely as possible and through all accessible means, among competent authorities and stakeholders, including parliaments, independent authorities, specialised public agencies, national human rights institutions and equality bodies, civil society organisations and the private sector; and,
 - vi. Review regularly the measures taken to implement this Recommendation with a view to enhancing their effectiveness and inform the Committee of Ministers of the measures taken and progress achieved.

Appendix to the draft Recommendation of the Committee of Ministers to the member States on combating hate speech

Chapter I – Scope, approach and definition

1. The aim of the principles and guidelines provided in the appendix is to assist member States and other relevant stakeholders in addressing hate speech, including in the online environment, within a human rights, **democracy** and rule of law framework.
2. Hate speech is a complex and multidimensional phenomenon that has far-reaching consequences in contemporary democratic societies, in particular for human dignity, equality, participation and inclusion in society. The present principles and guidelines are designed to meet the many-faceted challenge of ensuring effective protection against the different harms of hate speech, while respecting the full range of human rights guaranteed by the Convention.
3. Member States should pursue a comprehensive approach to addressing hate speech that covers the different areas and involves the different stakeholders specified in the present principles and guidelines. When developing and implementing appropriate and effective measures against hate speech, member States should pay due attention to:
 - a. the pursuit of a principled, rights-based approach that takes account of the specific features of different media and digital technologies and their potential impact on those affected by hate speech;
 - b. the multi-dimensional nature of hate speech, which calls for a concerted and collaborative multi-actor approach;
 - c. the need for awareness of and sensitivity to intersectionality, **and to duly reflect a gender-sensitive approach**, whereby hate speech on multiple grounds can have a compounding and aggravating effect on those affected;
 - d. the importance of incorporating the perspectives of those affected by hate speech in law, policy and other responses to hate speech; and,
 - e. the importance of continuously striving, in the development and application of all legislative and non-legislative frameworks aimed at countering hate speech, to provide clarity as to where freedom of expression ends and (legal) responsibility begins.
4. In terms of severity, applicable liability and required responses, a distinction should be made between:
 - a. hate speech that is subject to criminal liability;
 - b. hate speech that does not reach the threshold for criminal liability, but is subject to civil or administrative liability; and,
 - c. hate speech that does not entail criminal, civil or administrative liability, but nevertheless intentionally or unintentionally causes prejudice and hate and raises concerns in terms of tolerance, civility, inclusion and respect for the rights of others, and should be addressed through other, non-legal, means.

Each of these three categories requires different responses and measures as outlined in this appendix.

5. For the purposes of this Recommendation, hate speech is understood as all forms of expressions, including harassment, threats, negative stereotyping, stigmatisation and racist, xenophobic, **sexist** and LGBTI-phobic insult, which spread, incite to, promote or justify violence, hatred, discrimination or prejudice against a person, or a group of persons, direct and public incitement to commit genocide, and the justification of all such preceding types of expressions, that is based on personal characteristics or status that includes *inter alia*, "race", colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity and sexual orientation.
6. The aforementioned encompasses all levels of hate speech. Hate speech subject to criminal liability is described in paragraph 11 and hate speech subject to civil and administrative liability in paragraph 13.
7. Specific provisions to be taken by member States and other stakeholders to address sexist hate speech are outlined in Recommendation CMRec(2019)1 on preventing and combating sexism. Any additional principles and guidelines provided in this appendix should be applied *mutatis mutandis* to sexist hate speech.
8. In assessing the severity of hate speech liable under criminal, civil or administrative laws, and further determining which type of liability, if any, should be attributed to that specific expression, States' judicial or other relevant public authorities and other stakeholders should apply the following criteria and their interplay, as outlined by the case-law of the Court: the political and social context at the time the speech was made; the intent of the speaker; the speaker's role and status in society; the content of the speech; the form of its dissemination; and the nature of the audience.

Chapter 2: Legal framework

9. Member States should develop and consolidate a comprehensive legal framework consisting of criminal, civil and administrative law provisions to prevent, combat and ensure protection against hate speech, including in the online environment, based on the present principles and guidelines and in line with the Convention and the Court's case-law.
10. Member States should, in this connection, use clear and precise terminology and definitions in their hate speech legislation, refrain from using vague or blanket terms, and, with a view to developing consistent case-law, provide guidance for the interpretation of hate speech related provisions, in line with the Convention and the Court's case-law.
11. Member States should establish effective legal and practical safeguards against misuse or abuse of hate speech legislation, in particular for inhibiting public debate, silencing critical voices, political opponents or **particularly affected segments of the population including** minority groups. They should ensure that any limitations to freedom of expression are narrowly construed, fully in line with Article 10.2 of the Convention and take

into account the criteria listed in paragraph 8 for the assessment of its severity and the appropriate level of response.

Criminal Law

12. Member States should clearly specify in their national criminal law when hate speech is subject to criminal liability, bearing in mind that such liability should only be applied as a last resort and for the most serious expressions of hatred, such as incitement to hatred, violence or discrimination, direct and public incitement to commit genocide, racist, xenophobic, **sexist** and LGBTI-phobic threats or, under the conditions set out in the Additional Protocol to the Cybercrime Convention, insults, denial of genocide, of crimes against humanity and dissemination of material that contains such expression. Those offences should cover the grounds listed in paragraph 5 of these principles and guidelines.
13. Member States should, in particular through their law enforcement and prosecution services, ensure that effective investigations are conducted in cases where there is reasonable suspicion that an act of hate speech punishable by criminal law has occurred. Such investigations should comply with the essential requirements of adequacy, thoroughness, impartiality and independence, promptness and public scrutiny, while also respecting due process, the principles of necessity and proportionality, in line with the guarantees contained in Articles 8 and 10 of the Convention and with applicable data protection laws.

Civil and Administrative Law

14. Member States should clearly define which expressions may constitute forms of hate speech prohibited under civil and administrative law, in particular under general tort law as violation of the right to protection of human dignity, and under anti-discrimination law as harassment or discrimination, and which claims result from such violations. All those offences should cover the grounds listed in paragraph 5 of these principles and guidelines.
15. Member States should stipulate in their anti-discrimination legislation that it applies to all forms of illegal hate speech covered by paragraphs 12 and 14.
16. Member States should define administrative offences for serious hate speech which does not reach the threshold of criminal liability. Also, Member States should clearly stipulate in their administrative legislation that public authorities, including schools, public media and the police, should actively prevent and combat hate speech, promote the use of tolerant and inclusive speech, and refrain from resorting to hate speech.
17. Member States should ensure that administrative legislation that regulates the activities of private bodies such as private media or internet intermediaries prohibits the use or dissemination of illegal hate speech and promotes inclusive speech.

Legislation regarding online hate speech

18. Member States should elaborate legal frameworks for countering hate speech online, where both the laws prohibiting hate speech and rules on liability are clear. In particular, member States should explicitly clarify that illegal hate speech must not be published on the internet and that published illegal hate speech should swiftly be removed from it, according to clear, transparent and predictable rules and procedures, as provided by the applicable legislation.
19. Member States should elaborate and delineate, in line with Recommendation CM/Rec(2018)2 of the Committee of Ministers to member States on the roles and responsibilities of internet intermediaries, the duties and responsibilities of the State, including the police and prosecution services, regulators, independent national human rights institutions and equality bodies, and of non-State actors including the media and internet intermediaries, in addressing online hate speech. Member States should create appropriate conditions for effective co-operation between those actors in the assessment and investigation of hate speech, whether under criminal, civil or administrative law.
20. Member States should require internet intermediaries operating within their jurisdiction to apply the principles of human rights due diligence throughout their operations and to take measures in line with existing frameworks and procedures to combat hate speech.
21. Member States should take into account the substantial differences in size, nature, function and organisational structure of intermediaries when devising, interpreting and applying the legislative framework, without prejudice to the independence of the courts, in order to prevent possible disproportionate impact on smaller intermediaries.
22. Member States should establish by law a framework that ensures the effective removal of hate speech by internet intermediaries that is subject to criminal, civil or administrative liability, disseminated by users through their services or networks. Procedures governing the removal of hate speech should be transparent and subject to due process, including adequate oversight and effective appeal mechanisms, and ultimately be subject to independent judicial review and remedies.
23. Member States should establish by law that internet intermediaries must take effective measures to fulfil their obligation not to make accessible or disseminate illegal hate speech, as defined by the national legislation, in particular through quickly processing reports of potentially illegal hate speech, removing hate speech that is clearly illegal without delays, securing related evidence and transmitting those cases with the related evidence to the law enforcement authorities, transmitting unclear and complex cases requiring further assessment to competent institutions and implementing, in unclear and complex cases, provisional measures such as de-prioritisation or contextualisation.
24. Member States should establish by law that internet intermediaries and authorities must provide the individuals and institutions concerned with a brief explanation of the reasons for their decision to block, take down, contextualise or deprioritise illegal hate speech or not to block, take down, contextualise or deprioritise reported items.

25. Member States should ensure that mechanisms are in place to enable those affected by hate speech, having filed a report to the internet intermediary, to file an appeal against the decision of the internet intermediary to an independent review mechanism and ultimately seek independent judicial review. The same possibility should be guaranteed to those whose content has been deemed to be illegal hate speech and has been removed.
26. In cases where competent authorities have assessed that online hate speech is illegal and authors and disseminators are anonymous, member States should ensure an appropriate legal basis for the disclosure of their identity to law enforcement authorities.
27. Member States should establish by law that internet intermediaries are under an obligation to regularly produce and publish transparency reports with disaggregated and comprehensive data on hate speech cases and removals on the basis of: the protected characteristics engaged; the type and forms of hate speech; **the targets**; the categories of actors; and any key drivers for increased occurrences. Such reports should also contain information on the technologies, automated systems and criteria used for the detection of hate speech cases and their treatment through content moderation, recommender and advertisement systems. Member States should further require internet intermediaries to make the data publicly available and proactively disseminate it to academic researchers, civil society organisations and other relevant stakeholders.
28. Member States should ensure that the competent authorities, in co-operation with internet intermediaries, equality bodies, civil society and other stakeholders regularly assess systemic risks with regard to online hate speech and its regulation and revise and improve their legal frameworks accordingly.

Chapter 3: Key Actors

Internet intermediaries

29. Internet intermediaries should fulfil their duty of **human rights due diligence care**, under which they should comply with legal obligations, and act upon their corporate social responsibility to address hate speech, taking due account of the Recommendation CM/Rec(2016)3 on Human Rights and Business.
30. Internet intermediaries should explicitly recognise, through public commitments, and ensure that human rights law and standards, including freedom of expression and the right to respect for private and family life, equality and non-discrimination, guide their content moderation policies and practices, as well as the decisions of their oversight mechanisms.
31. Internet intermediaries should ensure the greatest possible transparency and accessibility of their human rights and hate speech policies, the criteria for assessing what expressions may be removed as hate speech, related rules and procedures, ways of appeal, as well as any changes to them, and make them available to the public in all relevant languages, including regional and minority languages, where relevant and to the extent possible.

32. Internet intermediaries should subject themselves to regular independent, comprehensive and effective audits conducted by third parties holding relevant expertise in addressing hate speech, which stems from intermediaries' operations.
33. Internet intermediaries should conduct human rights impact assessments of their products, services and systems as openly and transparently as possible and with the active engagement of individuals and groups affected by hate speech.
34. Internet intermediaries should ensure that content moderation policies, including terms of service and the criteria for assessing which expressions constitute hate speech, take into account the criteria set out in paragraph 8 of these principles and guidelines, including by providing that the use of automation or artificial intelligence tools is overseen by human moderation or human-in-the-loop, where relevant and to the extent possible.
35. Internet intermediaries should, in addition to ensuring transparency of removal criteria and mechanisms, develop and apply alternatives, in particular for content that is not likely to be subject to criminal, civil or administrative liability, such as de-amplification and de-monetisation, supporting initiatives that encourage the reporting of hate speech and use education, counter-speech, promotion of human rights and positive social values to address hate speech. Internet intermediaries should carefully calibrate their responses to content identified as hate speech on the basis of the severity as outlined in paragraph 8 of these principles and guidelines.
36. Internet intermediaries are strongly encouraged that their content moderators, trusted flaggers and fact-checkers are trained in human rights standards that apply to hate speech, **including a gender-sensitive and intersectional approach** providing them with a sound understanding of relevant local, cultural, socio-political, and historical contexts.
37. Internet intermediaries should, to the extent possible, decentralise content moderation in order to ensure that specificities of local cultures and communities are properly taken into account in moderation decisions and take all available steps to ensure that content moderators are impartial and have adequate expertise.
38. Internet intermediaries should establish effective cooperation with civil society groups that work on hate speech, including on the collection and analysis of data, and support their efforts for improved policies and practices in addressing hate speech.
39. Internet intermediaries should review their online advertising models and the use of micro-targeting to ensure that they do not inadvertently promote the dissemination of hate speech and adversely impact on the diversity of opinions and ideas.

Public officials

40. Public officials, particularly those in leadership positions, should, given their position of influence, avoid engaging in, endorsing or disseminating hate speech as defined in national law. They should be encouraged to condemn hate speech expeditiously and

publicly, with due respect for freedom of expression and information, including criticism and information that may offend, shock or disturb the State or any sector of the population.

Elected bodies and political parties

41. Parliaments, other elected bodies and political parties, while subject to the applicable legislation on hate speech, should be encouraged to set up specific policies to address and combat hate speech, in particular in the context of electoral campaigns and in the debates of representative assemblies. To this end, they should adopt a code of conduct which relies on the existing definition of hate speech provided by national law and provides for an internal complaint and sanction procedure.

Media

42. Media organisations should make a substantial and effective contribution to addressing hate speech, in particular by developing, updating and applying, as appropriate, professional standards and codes of conduct, adhering to self-regulatory standards and implementing training programmes for journalists.

43. Supervisory mechanisms, including regulatory authorities and media self-regulatory bodies should play a positive role in addressing hate speech. They should be independent from the government, publicly accountable and transparent in their operations.

44. Media organisations should be encouraged to report in a context-specific manner and to ensure that hate speech incidents are brought to the attention of the public in a way which does not amplify the hateful message. Media organisations should provide accurate and reliable information and, in doing so, give voice to diverse groups and communities in society, especially when reporting on matters of particular public interest and in election periods. They should be alert to the dangers of proliferating prejudice and pay attention to avoiding any unnecessary references to personal characteristics or status.

45. Public service media in particular should **not avoid using and disseminating** hate speech targeting individuals and groups, and, as part of their public mission, promote intergroup dialogue and understanding, including through participation and representation in editorial decision making, and the airing of content that **contributes to the elimination of discrimination and stereotypes and** portrays the diversity in the community they serve.

Chapter 4: Awareness-raising, Education, Training, and Use of Counter and Alternative speech

46. Member States should, in addition to adopting legal and regulatory measures, prevent and combat hate speech by developing and implementing comprehensive strategies or action plans that contain concrete measures in fields such as awareness-raising, education and promoting counter-speech and intercultural dialogue. While such measures should be deployed to prevent and combat hate speech in general, they may prove particularly

effective in addressing hate speech that does not entail criminal, civil or administrative liability.

47. Member States should raise awareness of the extent of hate speech and the risks it poses for individuals, communities and democratic societies as a whole, the criteria to assess it, and ways to counter it, in particular through initiatives by relevant authorities, national human rights institutions, equality bodies and civil society organisations, including those representing parts of the population groups that are potentially affected by hate speech.
48. Member States should design and implement effective strategies to explore and address the roots of hate speech, including those stemming from the use of disinformation about, and negative stereotyping and stigmatisation of, individuals and groups.
49. Member States should ensure that human rights education, education for democratic citizenship, and media and information literacy is part of the general education curriculum and addresses online and offline hate speech. To this end, member States should provide for appropriate teacher training and make available textbooks and relevant online materials. Member States should further entrust relevant and independent educational organisations to conduct periodic reviews of textbooks, training materials and teaching methods to filter out stereotypes and promote equality and non-discrimination.
50. Member States should develop and strengthen education and awareness-raising initiatives, programmes and user tools for children and youth, parents and carers, educators, civil society actors and volunteers working with children that enable them to understand and deal with hate speech. These initiatives, programmes and tools should be aimed at promoting children's and youth's healthy development and well-being, as well as awareness of their rights and of the rights of others, including in the digital environment. Children and young people should be involved in their development.
51. Member States should take specific measures to support youth work, peer-to-peer and non-formal education activities and cultural programmes for the general public that enhance commitment to respect the rights of others as part of a pluralistic democratic society, harness critical thinking, promote equality, including gender equality and intercultural dialogue and strengthen competences to identify and push back against hate speech.
52. Member States should make available training programmes for relevant public bodies, their representatives, civil servants and public employees, including law enforcement agents and security forces, the judiciary and others involved in the administration of justice, the personnel of medical services, to avoid their use of hate speech, enable the prompt recognition of hate speech, combat and report its use by others, avoid its use and limit its impact on those affected.
53. Member States should ensure that members of police services and the judiciary and other relevant public bodies receive specific training on the needs of persons affected by hate

speech and refrain from resorting to unconscious or explicit biases, hostility and stereotyping, which may undermine the readiness of persons affected to seek redress.

54. Member States should support awareness-raising and training programmes that engage with perpetrators of hate speech in order to address their prejudices, discriminatory actions and utterances. Such programmes **could be imposed as alternative or additional sanctioning** by a court with the aim of achieving restorative justice in the interest of involved parties in a community.
55. Member States should, without encroaching on the independence of media, ensure that media professionals and journalists receive, as part of their initial and ongoing education, training on recognising, reporting on and reacting to hate speech as well as on avoiding its use and dissemination, as well as, more generally, on journalists/media's role in promoting a culture of human rights and a culture of **equality and** inclusiveness.
56. Member States should encourage public figures, such as politicians, high-level officials, **opinion-makers,** religious, economic and community leaders, to promote counter and alternative narratives, condemn the use of hate speech and promote **human rights, equality and** intergroup understanding, including by expressing solidarity with those affected by hate speech.
57. Member States should encourage national human rights institutions, equality bodies, internet intermediaries, the media and civil society organisations to develop and promote communication of counter and alternative narratives to all categories of hate speech and to involve those affected by hate speech into this process. Member States should furthermore support capacity-building and training initiatives to facilitate access to the media of persons belonging to a national minority, including through minority media organisations, and to other discursive fora where intergroup dialogue can take place.

Chapter 5: Support to those targeted by hate speech

58. Member States should put into place effective support mechanisms, including legal aid and assistance, medical, housing and psychological counselling, that help those targeted by hate speech to cope with the harm caused by hate speech. In this context, member States should support civil society organisations that assess related needs, provide such support and help empowering those targeted by hate speech.
59. Member States should develop and implement easily accessible and understandable awareness raising and educational activities for groups and individuals that are targeted by hate speech, tailored to their specific needs, that make them aware of their rights to redress through civil, administrative and criminal proceedings and enable them to enforce their rights.
60. Member States should encourage and facilitate the reporting of hate speech by those targeted by it and by witnesses and identify and promptly remove any legal and non-legal obstacles to such reporting. Member States should ensure that persons reporting hate

speech are protected against any adverse treatment or adverse consequence as a reaction to a complaint, and that, where such victimisation occurs, perpetrators are punished.

61. Member States should provide standing for those targeted by hate speech to challenge hate speech and seek redress before competent authorities or through legal proceedings under civil, administrative or criminal law. Member States should also provide such standing to national human rights institutions, equality bodies and civil society organisations, which have a legitimate interest in combating hate speech, to challenge hate speech in their own name and/or to represent those targeted by hate speech. Member States should ensure that individuals and groups targeted by hate speech can effectively participate in the proceedings.
62. Member States should ensure that there is a system in place by which people targeted by hate speech do not have to bear court and administrative fees or representation fees, in particular where their cases are taken up for strategic litigation.

Chapter 6: Monitoring and analyses of hate speech

63. Member States should identify, monitor and analyse hate speech, including through collecting and disseminating disaggregated data on hate speech and tracking evolving trends regarding means of dissemination, reach, type, **targets** and intersectionality of hate speech. In this framework, member States should also conduct periodic reviews of existing policies and activities undertaken by relevant national, regional and local authorities on the monitoring and recording of hate speech, offline and online.
64. Member States should ensure that responses to hate speech are evidence-based and duly reflect a gender-sensitive approach. As appropriate, member States should build capacity of, and collaborate with, key stakeholders, including media actors, academia and civil society organisations in this endeavour.
65. Member States should ensure transparency by making data, information and analysis on hate speech publicly available. To this end, member States should establish a data access framework allowing independent stakeholders and researchers to access relevant data on hate speech, especially in relation to the online environment.
66. Member States are encouraged to undertake base-line studies of the context of hate speech within their jurisdiction; to adopt a clear, specific and systematic methodology to track trends in and impacts of hate speech in official and local languages on all relevant platforms, online and offline, which are used for public information, communication and participation; and to monitor hate speech in a way that is ongoing and context specific.
67. Member States should take appropriate measures to ensure that law enforcement authorities effectively monitor and record complaints concerning hate speech and set up an archive of complaints, subject to data protection rules.

68. While recording and monitoring hate speech trends, member States should have regard to the role of the perpetrators and determine their motivations as well as the underlying drivers behind their expressions of hate speech.

Chapter 7: National Co-ordination and International Co-operation

69. Member States should allocate appropriate financial and human resources for the effective implementation of the measures set forth in the Appendix of this Recommendation in order to ensure a comprehensive approach to addressing hate speech, including when carried out by non-State actors.

70. Member States should engage in regular, inclusive and transparent consultation, co-operation and dialogue with all relevant national and international stakeholders, such as internet intermediaries; media outlets, including commercial, local and minority media organisations; other private sector organisations; political parties; public figures; civil society organisations; professional associations; and academic and research institutions. In this context, they should pay particular attention to the voices and needs of those affected by hate speech, with a view to ensuring that hate speech is comprehensively and effectively addressed.

71. Member States should co-operate with each other with a view to avoiding conflicting legislation and promoting harmonised and complementary approaches that are in accordance with the provisions of this Recommendation. They should furthermore adhere and effectively implement relevant international and regional instruments, engage with intergovernmental organisations and facilitate the exchange of information and best practices with equivalent authorities in other jurisdictions.