Implementing the First Protocol to the Convention on Cybercrime on Xenophobia and Racism: Good practice study

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems

Formal adoption 7 November 2002

Opening for signature 28 January 2003

Entry into force 01 March 2006

Currently 35 State Parties

Key provisions

- Dissemination of racist and xenophobic material through computer systems (Article 3)
- Racist and xenophobic-motivated threat (Article 4) and insults (Article 5)
- Denial, gross minimisation, approval or justification of genocide or crimes against humanity (Article 6)
- Relation between the Convention and this Protocol (Article 8)

The first Protocol on Xenophobia and Racism: implementation

Parties		Signatories
Albania	Monaco	Canada
Andorra	Morocco	Austria
Armenia	Montenegro	Belgium
Bosnia and Herzegovina	Netherlands	Estonia
Croatia	North Macedonia	Italy
Cyprus	Norway	Liechtenstein
Czech Republic	Paraguay	Malta
Denmark	Poland	Switzerland
Finland	Portugal	South Africa
France	Romania	Türkiye
Germany	San Marino	
Greece	Senegal	
Iceland	Serbia	
Latvia	Slovakia	
Lithuania	Slovenia	**Status as at 15 December 2023**
Luxembourg	Spain	
Moldova	Sweden	**▶ 35 Parties + 10 Signatories**
	Ukraine	

Methodology:

- Prepared by the [Octopus Project](#) and co-authored by Alexander Brown,

- Questionnaire on good practices completed by: France, Germany, Norway, Slovakia, and Spain

- Additional inputs from Brazil and Serbia

- Input gathered from states and non-state actors that participated in the webinars and the conference

Some good practices identified:

- Dedicated reporting mechanisms (e.g. online platforms, telephone hotlines)
- Specialised authorities (e.g. special police cybercrime units, special public prosecutors for cybercrime)
- Co-operation, domestic and international levels, among different agencies and stakeholders
- Capacity-building (e.g. hiring more specialists, dedicated training, capacity management)

The First Protocol:

- more consistent legal framework - specified conduct that constitutes a criminal offence. This also provides greater clarity for service providers

- international cooperation with other Parties: helps meet the dual criminality requirement.

- victims - a greater expectation to obtain justice.

- as part of a broader set of measures – contributes to greater awareness and education about the harms of xenophobia and racism committed online

Countering online xenophobia and racism: new study underlines increased relevance of the First Protocol to the Budapest Convention

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- [The official text of the First Protocol in official and non-official languages](#)
- [Conference](#)
- [Webinars](#)
- [Cyberviolence webpage](#)

Cyberviolence Resource

www.coe.int/cyberviolence

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