

Strasbourg, 21 December 2022

**Observations by the Steering Committee on Anti-Discrimination, Diversity and Inclusion on Congress of Local and Regional Authorities Recommendation 478 “Hate speech and fake news: the impact on working conditions of local and regional elected representatives”**

1. The Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) takes note with interest of the adoption by the Congress of Local and Regional Authorities of **Recommendation 478 “Hate speech and fake news: the impact on working conditions of local and regional elected representatives”**. It particularly welcomes the invitation addressed to the Committee of Ministers to encourage member states to pursue a comprehensive strategy at national level to deal with hate speech.
2. The CDADI would like to underline that [CM/Rec\(2022\)16](#) on combating hate speech, prepared by the CDADI and the Steering Committee on Media and Information Society (CDMSI) and adopted by the Committee of Ministers in May 2022, contains a comprehensive set of recommendations to member States and other stakeholders, the implementation of which will address the matters of concern expressed by the Congress in its Recommendation 478.
3. In this context, the CDADI would like to recall the definition of hate speech in paragraph 2 of CM/Rec(2022)16, which is understood as all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as “race”<sup>1</sup>, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation. Being an elected representative does not per se constitute such a personal characteristic, but elected representatives are targets of hate speech when they are attacked by reason of one or more real or attributed personal characteristics contained in this list. Disinformation is one of the root causes of hate speech (paragraph 44 of CM/Rec(2022)16).
4. Paragraphs 7 to 27 of CM/Rec(2022)16 and associated paragraphs of its [Explanatory Memorandum](#) contain detailed recommendations and explanations regarding the elements which the legal framework of each member State should contain with regard to criminal, civil and administrative law provisions on hate speech. Paragraph 4 of the Recommendation compiles the factors that enable member states and other key stakeholders to assess the severity of hate speech and determine the type of legal or non-legal measures that should be taken to tackle each case. Paragraphs 11 and 22 contain recommendations regarding the efficient investigation of hate speech prohibited by criminal law.
5. In paragraphs 16 to 27 and 30 to 37, a specific focus is put on the duties and responsibilities of internet intermediaries not to make accessible or disseminate hate speech online, and regarding its swift and effective removal. Multilevel and multi-stakeholder dialogue and cooperation are addressed in paragraph 62 of CM/Rec(2022)16. The prevention of hate speech through awareness raising, education, training,

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<sup>1</sup> Since all human beings belong to the same species, the Committee of Ministers rejects, as does the European Commission against Racism and Intolerance (ECRI), theories based on the existence of different “races”. However, in this document, the term “race” is used in order to ensure that those persons who are generally and erroneously perceived as “belonging to another race” are not excluded from the protection provided for by the legislation and the implementation of policies to prevent and combat hate speech.

counter speech and policies of elected bodies to combat hate speech, in particular in the context of electoral campaigns and in the debates of representative assemblies, are dealt with in paragraphs 28, 29 and 43 to 54.

6. In accordance with its mandate, CDADI, in co-operation with the CDMSI, has started to collect promising and good practices from member States on the implementation of CM/Rec(2022)16 in order to make them available to all member States. Paragraph 36 of CM/Rec(2022)16 deals with the use of artificial intelligence systems for micro-targeting, content amplification and recommendation systems and urges internet intermediaries to review those systems to ensure that they do not, directly or indirectly, promote or incentivise the dissemination of hate speech. Finally, the CDADI has embarked, together with the Gender Equality Commission, on the preparation of a study on the impact of artificial intelligence systems, their potential for promoting equality – including gender equality – and the risks they may cause in relation to non-discrimination.