

# Self-assessment tool to prevent and combat hate speech



Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)  
Steering Committee on Media and Information Society (CDMSI)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## Self-assessment tool

### 1. Scope, definition and approach

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**Key Objective No. 1 – There is a comprehensive approach to hate speech within the framework of human rights, democracy and the rule of law (§§ 1-6 of CM/Rec(2022)16).**

**Action 1.1 – A broad range of real or attributed personal characteristics or status such as “race”, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation are recognised.**

- ☐ Do you recognise less than 6 of the personal characteristics listed above?

*Prioritise action to actively consider whether the list of recognised characteristics should be further expanded to include all those identified in § 2 of CM/Rec(2022)16.*

- ☐ Do you recognise 10 or more of the personal characteristics listed above?

*Consider expanding the list of recognised characteristics to include all those identified in § 2 of CM/Rec(2022)16.*

- ☐ Do you recognise all of the protected characteristics listed above?

*Ensure procedures are in place to regularly review the range of protected characteristics so that they remain up to date with existing international standards, monitoring reports and guidance.*

**Action 1.2 – A range of properly calibrated measures is in place to effectively prevent and combat hate speech, depending on its level of severity (§ 3 of CM/Rec(2022)16).**

- ☐ Do your existing laws and policies sufficiently distinguish offensive or harmful types of expression which are not sufficiently severe to be legitimately restricted under the European Convention on Human Rights?

*Review your laws and policies according to the relevant case-law of the Court, and where relevant, consider implementing non-legal measures, including counter and alternative speech, education, and awareness raising.*

- ☐ Are you utilising a full range of legal measures, including civil and administrative as well as criminal?

*Consider further developing your administrative, civil and criminal provisions regarding hate speech.*

### **Action 1.3 – There is a concerted and collaborative multi-stakeholder approach to hate speech (§ 5 of CM/Rec(2022)16).**

- ☐ Are all relevant stakeholders aware of and involved in your approach to hate speech?

*Consider establishing mechanisms for regular information exchange, coordination and review activities with relevant stakeholders, including public officials, media, internet intermediaries, civil society and those targeted by hate speech.*

- ☐ Are all your laws, policies and other responses informed by the views and experiences of those targeted by hate speech?

*Actively reach out to those targeted by hate speech to incorporate their perspectives into laws, policies and other responses to hate speech.*

## **2. Legal framework**

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**Key Objective 2 – Legal measures to combat hate speech online and offline provide effective redress for those targeted while they respect the right to freedom of expression by recognising different levels of severity and are consistently applied with effective legal and practical safeguards against any misuse or abuse of hate speech legislation (§§ 7 et seq. of CM/Rec(2022)16).**

**Action 2.1 – Criminal law is applied consistently, as a last resort and for the most serious expressions of hatred.**

- ☐ Does your national criminal law clearly define which expressions of hate speech are subject to criminal liability in accordance with the relevant binding and non-binding international standards?

*Establish procedures to regularly review your national criminal law to ensure that you have fully complied with your obligations under international standards, notably ICERD, the Genocide Convention, the Additional Protocol to the Cybercrime Convention, the EUFD 2008/913/*

*JHA, the case-law developed by the European Court of Human Rights, ECRI's GPR No. 7 on national legislation to combat racism and racial discrimination, along with the Explanatory Memoranda to these documents and relevant general and country-specific recommendations that monitoring bodies and other instances of the Council of Europe, the UN and other intergovernmental organisations, have addressed to you. Where relevant, consider ratifying additional instruments.*

- ☐ Are investigations conducted effectively in cases where there is reasonable suspicion that an act of hate speech punishable by criminal law has occurred either offline or online?

*Establish procedures to regularly review investigations by the police, the prosecution or other bodies to ensure they are capable of establishing the relevant facts and determining whether the expression meets the legal definition of hate speech and lead to effective sanctions through an impartial analysis of all the relevant elements. Where necessary, amend procedures to improve effectiveness, determination and impartiality.*

- ☐ Does your anti-discrimination legislation apply to all expressions of hate speech prohibited under criminal, civil or administrative law?

*Extend the scope of protection afforded by your anti-discrimination legislation so that all those targeted by hate speech can obtain redress for hate speech without filing a complaint with the law enforcement authorities.*

## **Action 2.2 – Measures are in place to safeguard the right to freedom of expression (§ 8 of CM/Rec(2022)16).**

- ☐ Are there procedures to prevent hate speech legislation from inhibiting public debate and silencing critical voices, political opponents or persons belonging to minorities?

*Actively reach out to political opposition parties, critical voices in the media, persons belonging to minorities and other marginalised groups to incorporate their perspectives into laws, policies and other responses to hate speech.*

*Work closely with legal professionals to ensure that the legal framework allows for restrictions only when fully meeting the requirements of Article 10, paragraph 2, of the European Convention on Human Rights and the relevant case law of the Court.*

**Action 2.3 – Effective legal protection against hate speech is provided under civil law and administrative law, in particular general tort law, anti-discrimination law and administrative offences law (§ 13 of CM/Rec(2022)16).**

- ☐ Do your civil and administrative remedies for hate speech include compensation, deletion, blocking, injunctive relief and publication of an acknowledgement that a statement constituted hate speech, as well as, under administrative law, fines and loss of license?

*Consider amendments to extend the range of remedies available.*

- ☐ Are public authorities or institutions required by law to actively prevent and combat hate speech and its dissemination and promote the use of tolerant and inclusive speech?

*Consider introducing such legal requirements and ensure their activities in this regard are reviewed regularly, with the involvement of other relevant stakeholders, including those targeted by hate speech.*

**Action 2.4 – Both state and non-state actors, including internet intermediaries, have defined roles and responsibilities to assess, investigate and combat online hate speech that respect human rights standards and ensure due process (§§ 16 to 26 of CM/Rec(2022)16).**

- ☐ Does your legislation clearly distinguish the roles and responsibilities of state actors (e.g., police and prosecution services, regulatory authorities, independent national human rights institutions and equality bodies) and private actors (e.g., the media, relevant internet intermediaries, self-regulatory bodies and civil society organisations including so-called trusted flaggers) to review, report and respond to hate speech (§ 17 of CM/Rec(2022)16)?

*Involve all key stakeholders (both state and private actors) in the regular review of existing legislation to ensure that it is clearly defined, understood, and implemented.*

- ☐ Do internet intermediaries have legal responsibilities to prevent the dissemination of hate speech, complemented by transparent, fair removal processes and appeal mechanisms to ensure accountability and the protection of user rights (§ 22 of CM/Rec(2022)16)?

*Work with key stakeholders to ensure internet intermediaries understand their human rights obligations and have measures in place to both implement and review these obligations in their removal and appeal mechanisms.*

- ☐ Do legal and regulatory frameworks prevent overcompliance or discriminatory implementation?

*Ensure internet intermediaries will not be held liable if after careful factual and legal assessment, they EITHER do not remove content which is later qualified by competent authorities as being in breach of criminal, civil or administrative law OR they remove content which is later qualified as legal.*

### 3. Recommendations addressed to key actors

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**Key Objective 3 - Key actors work together to promote a culture of human rights and tolerance, condemning hate speech while respecting freedom of expression (§§ 28-54 of CM/Rec(2022)16).**

**Public Officials, Elected Bodies, and Political Parties**

**Action 3.1 - Public officials, elected bodies and political parties condemn hate speech and promote human rights values, including freedom of expression.**

- ☐ Have public officials, elected bodies and political parties consistently and publicly condemned hate speech and incorporated human rights values into their communications and policies?

*Work with relevant stakeholders to promote a human rights culture and draft or review codes of conduct, complaint or sanction procedures.*

**Internet intermediaries**

**Action 3.2 – Internet intermediaries identify and mitigate hate speech through transparent, human rights-aligned content moderation policies.**

- ☐ Have internet intermediaries established and transparently communicated content moderation practices that are guided by human rights standards and include human oversight?



*Develop and implement a comprehensive human rights assessment process for existing and new content moderation policies. This should include regular reviews by independent experts and consultations with civil society to ensure policies are effective, transparent, and respect freedom of expression while combating hate speech.*

## Media

### **Action 3.3 – The media promote public debate consistent with a human rights culture, ensuring accurate and diverse representation.**

- ☐ Do media reporting strategies actively avoid hate speech while promoting a culture of human rights and providing a voice to diverse communities?

*Encourage independent regulators and media co-regulatory and/or self-regulatory bodies to create and enforce a code of ethics for journalists and media outlets that includes guidelines for reporting on sensitive issues related to hate speech. This code should encourage responsible journalism that respects diversity and avoids stereotyping, with regular training sessions for media professionals on these topics.*

## Civil Society Organisations

### **Action 3.4 – Civil society organisations develop strategies to effectively combat hate speech through cooperation among key stakeholders.**

- ☐ Have civil society organisations developed specific policies against hate speech and engaged in effective partnerships to enhance these efforts?

*Organise collaborative projects or networks that facilitate the sharing of best practices, resources, and strategies for combating hate speech among civil society organisations. This should include partnerships with government agencies, internet intermediaries, and media outlets to coordinate efforts and amplify impact.*

## **4. Awareness raising, education, training, and use of counter and alternative speech**

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**Key Objective 4 – The development and implementation of awareness raising, education, training and use of counter-speech and alternative speech to prevent and combat hate speech (§§ 44-54 of CM/Rec(2022)16).**

#### **Action 4.1 – Adopt a multi-faceted strategy that tackles the root causes of hate speech through educating and raising awareness amongst the public.**

- ☐ Have comprehensive awareness-raising and educational initiatives been implemented to inform the public about the nature, consequences, and ways to counter hate speech (§§ 45-47 of CM/Rec(2022)16)?

*Work with key stakeholders to develop public awareness campaigns that utilise various media platforms to educate the public about hate speech, its impact on society, available redress measures and the importance of counter-speech.*

#### **Action 4.2 – Strengthen educational and awareness-raising initiatives to ensure children and youth develop the skills to understand and deal with hate speech.**

- ☐ Are comprehensive educational initiatives in place for children and young people to address both offline and online hate speech, integrating human rights education, democratic citizenship, and media literacy into their curricula (§§ 47-48 of CM/Rec(2022)16)?

*Work with educators, parents, carers, youth workers as well as children and young people to ensure human rights education, democratic citizenship, and media literacy is integrated into curricula and equips children and young people with the necessary skills to recognize and respond to hate speech effectively.*

#### **Action 4.3 – Strengthen capacity and skills amongst professionals and the public to identify, prevent and combat hate speech**

- ☐ Are targeted training programmes in place for professionals and the general public to identify, prevent, and respond to hate speech effectively (§§ 49-52 of CM/Rec(2022)16)?

*Work with key stakeholders to develop and review training programmes for law enforcement, judiciary, educators, and media personnel that focus on identifying hate speech, understanding its effects, and employing strategies to counter it.*

#### **Action 4.4 – Promote Counter-Speech and Alternative Speech Initiatives**

- ☐ Have efforts been made to support and encourage the use of counter-speech and alternative speech by public figures, media, and civil society (§§ 53-54 of CM/Rec(2022)16)?

*Work with key stakeholders to develop and review initiatives that enable public figures, media, and civil society to actively engage in and promote counter-speech.*

## 5. Support for those targeted by hate speech

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### **Key Objective 5 – Comprehensively support those targeted by hate speech (§§ 55-57 of CM/Rec(2022)16)**

**Action 5.1 – Create support systems for victims of hate speech and those targeted by hate speech that offer psychological, medical, and legal help which is easy to use and access.**

- ☐ Are there easy-to-use support services for victims and those targeted by hate speech, such as legal help, counselling, and information on their rights?

*Work with civil society organisations and other key stakeholders to offer services such as free legal aid, counselling, and education on rights, making sure they are accessible to everyone, in various languages and considerate of different ages and genders.*

## 6. Monitoring and analysis of hate speech

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### **Key Objective 6 – The monitoring, review and analysis of disaggregated data on hate speech underpins strategies to prevent and combat hate speech (§§ 58-61 of CM/Rec(2022)16).**

**Action 6.1 – Track and analyse hate speech with detailed and disaggregated data that respects human rights and privacy laws and covers both illegal and harmful speech.**

- ☐ Have mechanisms been established for the detailed tracking, analysis, review and public sharing of hate speech incidents, respecting privacy and focusing on the impact on various disaggregated demographic groups?

*Work with key stakeholders to establish and review methods to gather, study, and share detailed and disaggregated information on hate speech that respects privacy and human rights.*

## 7. National co-ordination and international co-operation

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**Key Objective 7 – Policies to prevent and combat hate speech are consistently well coordinated to ensure mutually reinforcing practices within and between member States (§§ 62-63 of CM/Rec(2022)16).**

**Action 7.1 – Member States foster national coordination through regular, open, and broad consultations with all stakeholders and collaborate internationally to harmonize legal standards and practices for combating hate speech, adhering to and implementing global and European standards and practices.**

- ☐ Have mechanisms been established for ongoing, transparent dialogue with stakeholders and international cooperation to align hate speech prevention and combat strategies with global standards?

*Set up a clear system for ongoing discussions with a wide range of relevant stakeholders within your state and create or join opportunities to cooperate with other member States via international organisations, networks or partnerships.*

This self-assessment tool was developed to facilitate reflection on the implementation of the Recommendation CM/Rec(2022)16 on combating hate speech by member States and key stakeholders. The self-assessment tool is intended to prompt reflective and critical conversations. It is organised according to the seven chapters in line with Recommendation CM/Rec(2022)16. Within the context of each chapter, a key objective and relevant action areas are identified. These objectives and actions should be read in conjunction with the related part of the Recommendation and its accompanying Explanatory Memorandum. A series of reflective prompts under each action point is there to guide users towards a critical appraisal of their existing practice, with suggested follow-up measures highlighted beneath these. This self-assessment tool was developed as part of a Compilation of promising practices on combating hate speech at national level, a report jointly produced by the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) and the Steering Committee on Media and Information Society (CDMSI).

Preventing and combating hate speech poses specific challenges in all Council of Europe member States. To address hate speech effectively and comprehensively within a human rights framework, the Committee of Ministers of the Council of Europe adopted the Recommendation CM/Rec (2022)16 on Combating Hate Speech in May 2022. This Recommendation provides guidance for member States to implement a comprehensive and calibrated set of legal and non-legal measures. It builds on international human rights standards and relevant case-law of the European Court of Human Rights and pays special attention to the online environment in which most of today's hate speech can be found. The Recommendation also addresses other key actors, including public officials, elected bodies and political parties, internet intermediaries, media and civil society organisations.

Find out more on the Recommendation and the Council of Europe's work on combating hate speech



Read the CDADI/CDMSI Compilation of promising practices on combating hate speech at national level



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