



Strasbourg, 29 September 2017

CDDH-EXP(2017)R2

STEERING COMMITTEE FOR HUMAN RIGHTS  
(CDDH)

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**DRAFTING GROUP ON FREEDOM OF EXPRESSION  
AND LINKS TO OTHER HUMAN RIGHTS  
(CDDH-EXP)**

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**REPORT**

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2<sup>nd</sup> meeting  
27-29 September 2017

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**Item 1: Opening of the meeting and adoption of the draft agenda**

1. The CDDH Drafting Group on freedom of expression and links to other human rights (CDDH-EXP) held its second meeting in Strasbourg from 27 to 29 September 2017 with Mr Hans-Jörg BEHRENS (Germany) in the Chair. The list of participants is contained in Appendix I. The agenda as adopted appears in Appendix II.

**Item 2: Discussion of a Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies**

2. Before discussing the content of the Guide to good practices, the Drafting Group was informed of related work undertaken by other sectors of the Council of Europe, in particular in the field of media and information societies, in relation to combating hate speech and with regard to gender equality. In the context of this work, good practices had already or would be collected.

**a) Exchange of views on the content and thematic issues to include in the Guide**

3. The Group exchanged views on the content of the Guide and agreed to include a number of related thematic issues which would appear in specific sections of the Guide.

4. The Group further discussed the intended target group of the Guide and agreed that in addition to policy makers and public authorities, it would include non-governmental organisations and National Human Rights Institutions involved in the implementation of policies in this field, as well as civil society, the private sector, media actors and internet intermediaries.

**b) Discussion on an appropriate structure of the Guide**

5. The Group prepared the provisional structure for the Guide which included more general headings as well as specific focus areas (see Appendix III). It was noted that the aim would be to produce a practical and user-friendly document.

6. The Group also discussed the title of the Guide and whether it should refer to thematic issues. It would return to this question at its next meeting when examining the preliminary text of the draft Guide.

**Item 3: Preparation of a questionnaire to the member States with a view to collecting national good practices**

7. The Group exchanged views on what should be considered a “good practice” and agreed that it would include legislation, action plans, policies or strategies (national, regional and local level), jurisprudence, administrative practices, projects, education and training of relevant professionals, data collection and research or awareness-raising campaigns.

8. The Group agreed that it would not be necessary to prepare a separate questionnaire to member States, but instead to indicate in the provisional structure of the Guide the sections for which good practices were requested.

9. It was further agreed that immediately following the meeting, the Chairperson would address a letter to the CDDH member and observers, inviting them to contribute with examples of good practices. For this purpose he would attach the provisional structure of the Guide with text element which also indicated sections for which good practices were requested. In his letter the Chairperson would recall the focus of the Guide to good practices, provide examples of features considered as national good practices, as well as invite member States to provide useful details such as whether any evaluation of the practices had been undertaken. Whenever information on recent initiatives was requested, the Chairperson would explain that the timeframe would be the past ten years.

10. The letter would indicate the deadline for member States to submit good practices (**Friday 24 November 2017, DGI-CDDH@coe.int**). A compilation of the contributions received would be made available for the CDDH meeting from 5 to 7 December 2017.

#### **Item 4: Adoption of the meeting report**

11. The drafting Group adopted its report at the end of the meeting on the understanding that the working document containing the provisional structure for the Guide would appear in Appendix III to the report.

#### **Item 5: Other business**

12. In light of all contributions to be received and taking into account any possible guidance to be provided by the CDDH at its 88<sup>th</sup> meeting (5-7 December 2017), the Secretariat was requested to prepare, in consultation with the Chairperson, a preliminary text for the draft Guide to good practices well in advance before the third meeting of the Drafting Group (21-23 February 2018).

Appendix I**List of participants****AZERBAIJAN / AZERBAÏDJAN**

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**POLAND / POLOGNE**

Ms Anita JANUSZ, Permanent Representation of Poland to the Council of Europe

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**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” / “L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE”**

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**European Commission against Racism and Intolerance / Commission européenne contre le racisme et l'intolérance (ECRI)**

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**INTERPRETERS / INTERPRÈTES**

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**Appendix II**

**Agenda**

**27 - 29 September 2017**

**Item 1:      Opening of the meeting and adoption of the agenda**

**Item 2:      Discussion of a Guide to good practices on the way of reconciling freedom of expression with other human rights and freedoms, in particular in culturally diverse societies:  
a) exchange of views on the content and thematic issues to include in the Guide  
b) discussion on an appropriate structure of the Guide**

**Item 3:      Preparation of a questionnaire to the member States with a view to collecting national good practices**

**Item 4:      Adoption of the meeting report**

**Item 5:      Other Business**

Organisation of the work for the next meeting, 21-23 February 2018.

**Appendix III**

**Preliminary structure consisting of text elements and indicating the sections for which good practices are kindly requested (see boxes below)**

***Draft Guide to good practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies***

prepared by the Drafting Group on freedom of expression  
and links to other human rights  
(CDDH-EXP)

Please note that this draft is a provisional working document. It will be finalised and edited following the receipt of good practices by member States and will be further worked on by the Drafting Group at its third meeting.

[Note to the reader: This document outlines the areas of focus for your submissions of good practices. For reference it contains the preliminary structure of the Guide, with brief descriptions or background of the intended focus areas where relevant. Please use this document as an aid to guide your responses].



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## I. INTRODUCTION

### HUMAN RIGHTS IN CULTURALLY DIVERSE SOCIETIES

1. This section will explain the concept of culturally diverse societies and the role of freedom of expression in their successful development. It will also outline the importance of pluralism, tolerance and inclusiveness in a democratic society.

### CONTEMPORARY CHALLENGES AND THREATS

2. The Guide will address current challenges and threats which include: the increasing use of the internet facilitating access to and sharing of information while at the same time posing certain new threats (e.g. hate speech and fake news); reactions over globalisation and massive flows of migrants and refugees; the rise in xenophobia and hatred; populism, extremist propaganda and terrorism (on this subject note the Secretary General's annual reports, the Committee of Ministers' *Action Plan on the fight against violent extremism and radicalisation leading to terrorism* and the complementary *Action Plan on Building Inclusive Societies (2016-2019)*).

## II. BACKGROUND TO THE GUIDE

3. This section will explain the technical aspects of this Guide in the following points:

### THE CDDH'S PAST RELEVANT WORK

4. The forthcoming Guide to good practice should include references to the CDDH's work undertaken under the heading 'Human Rights in culturally diverse societies', in particular the Council of Europe Manual on hate speech (2009) and most recently the CDDH 'Analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in culturally diverse societies'.<sup>1</sup> The Guide should also mention the work undertaken by the Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) relating to freedom of expression.

5. [Relevant work of other Council of Europe bodies and of international or regional organisations will be referred to where appropriate in the text of the Guide or in footnotes so as to provide the reader with a variety of tools.]

### TERMS OF REFERENCE

6. The current terms of reference for this Drafting Group are to prepare a Guide to good practices on the way of reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies. In addition, the Guide will provide some practical solutions on clarifying the limitations of the right to freedom of expression and balancing the variety of interests at stake in culturally diverse societies (see for example *Guidelines of the Committee of Ministers to member States on the protection and promotion of human rights in culturally diverse societies* adopted in 2016).

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<sup>1</sup> [Document CDDH\(2017\)R87 Addendum III](http://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH(2017)R87%20Addendum%20III_EN.pdf) available at [http://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH\(2017\)R87%20Addendum%20III\\_EN.pdf](http://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH(2017)R87%20Addendum%20III_EN.pdf)

## **THE TARGET GROUP OF THE GUIDE**

7. The target group includes policy makers/public authorities in member States, but the Guide should also be useful for non-governmental organisations (NGOs), relevant actors in the media and internet intermediaries, civil society, National Human Rights Institutions (NHRIs), and the private sector, involved in the implementation of policies in this field. The Guide may also serve as inspiration for other regions beyond Europe. [For the roles and responsibilities of internet intermediaries – see upcoming work of the Steering Committee on Media and Information Society (CDMSI)].

## **SELECTION CRITERIA FOR GOOD PRACTICES**

8. As concerns the selection criteria for the good practices in the Guide, “good practices” should include national practices which: represent the diversity of national approaches and reflect the various approaches of contributing member States; are transferable to other States; are of an innovative character. The good practices to appear in the Guide cannot be regarded as exhaustive and an evaluation of their effectiveness is not within the scope of the present work. Member States should also mention the eventual challenges that the practises face.

9. It should be noted that good practices can come in a variety of forms, including: **legislation, action plans, policies or strategies (on national or regional level), jurisprudence, administrative practices, projects, education and training of relevant professionals, data collection and research or awareness-raising campaigns.** It should be remembered that the Guide will focus on practices and positive developments which are relevant to the exercise of the freedom of expression.

10. However the submissions are expected to include a substantive explanation of any "good practice" and how it functions, as well as the intended outcomes and their envisioned effectiveness. If possible indicate where such practices **been evaluated** or **whether results have been achieved.** This is to ensure that the Guide can present in sufficient detail the included submissions and to help the reader understand the nature and the impact of each practice.

## **III. SCOPE AND CONTENT OF THE RIGHT TO FREEDOM OF EXPRESSION**

### **A. PROTECTION OF FREEDOM OF EXPRESSION**

11. This section will cover:

- the scope of the protected rights;
- the fact that freedom of expression both off- and online enjoy the same protection, however there are differences in how it is regulated off- and online;
- the permissible limitations (which include the duties and responsibilities of those exercising the right);
- the negative and positive obligations recalling the narrow interpretation of the conditions for State interference;
- the positive obligation in relation to securing to all the right to freedom of expression;
- the margin of appreciation taking into account historical and cultural differences among member States.

**12. Please provide good practices in relation to the above-mentioned topics (or other relevant aspects) within the protection of freedom of expression.**

- Freedom of expression and maintaining the authority and impartiality of the judiciary (e.g. restrictions that do not comply with Article 10.2; defamation of a judge by the press; publishing information regarding on-going criminal cases; remarks made by lawyers in and out of the courtroom)

**13. Please provide good practices in relation to that topic (you may include legislative and non-legislative measures, relevant jurisprudence, and so forth).**

- The issue of access to information, including on the internet: the internet allows individuals to easily seek, receive and impart information across national borders, and this should be available, accessible and affordable to everyone without discrimination.

**14. Please provide good practices in relation to access to information both on- and off-line (legislative and non-legislative measures and so forth):**

***a.* access to information in general**

***b.* access to public information and official documents.**

## **B. SPECIFIC ACTORS AND THEIR RELATION TO FREEDOM OF EXPRESSION**

15. This section will highlight particular issues for certain actors:

- The role of the media and their special responsibility to promote a climate of tolerance and intercultural respect, which is of vital importance for a culturally diverse society; and also how the media, NGOs and NHRIs can furthermore play the important role of “public watchdogs” in a democratic society.

**16. Please provide good practices in relation to the preceding topic (e.g. education programmes, campaigns, self-regulation).**

- The role, and ensuing responsibilities, that internet intermediaries have in the distribution of content online.

**17. Please provide good practices in relation to the preceding topics (education programmes, campaigns, self-regulation, legislation on responsibility of internet intermediaries (e.g. social media) etc.).**

#### **I. SPECIFIC FOCUS AREA: FREEDOM OF EXPRESSION AND POLITICAL DISCOURSE**

18. While there is often strong rhetoric on combating racism, this is sometimes not backed up by Government action, or indeed contradicted by other politicians. The damage that can be done by politicians either condoning hate speech, tacitly allowing it, or even spreading it themselves is severe. The use of hate speech by political parties and other organisations, and the failure to sanction their members increases the risk of amplification and further dissemination of neo-Nazism, racism and xenophobia and violent extremism. [relevant work of ECRI will also be referenced].

19. This section will focus on such responses as:

- The relationship between Article 10 ECHR and Article 11 ECHR in the case of the prohibition and dissolution of political parties and organisations that use hate speech.

**20. Please provide good practices in relation to the preceding topic.**

- The withdrawal of financial and other forms of support by public bodies to political parties and other organisations that use hate speech.

**21. Please provide good practices in relation to the preceding topic.**

- Self-regulation by public institutions (including elected bodies, political parties, etc.) 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.

**22. Please provide good practices in relation to the preceding topics.**

- It should also be indicated that political figures must have a higher tolerance towards criticism and that great care must be taken when limiting speech in political debates. However such figures are not expected to tolerate discrimination based on gender, race, etc. which is prohibited by Article 14 ECHR.

**23. Please provide good practices in relation to the preceding topic.**

## **II. SPECIFIC FOCUS AREA: FAKE NEWS (DISINFORMATION)**

**24. The rise of fake news is a contemporary issue concerning the freedom of expression. This section will cover current international and regional initiatives that attempt to address this phenomenon and limit its harmful effects.**

**25. Please provide additional good practices in relation to the preceding topic.**

26. Some examples of such initiatives:

- **the International Fact-Checking Network (IFCN)<sup>2</sup> at Poynter which has developed a code of principles for journalists to check facts and the *CrossCheck* project.<sup>3</sup>**
- **In Germany, Facebook has collaborated with the German NGO *Correctiv*;<sup>4</sup> in France, the programme *Poynter* and the campaign *On te manipule* has been developed;<sup>5</sup> in Russia, amendments to the Law on Information, Information Technologies and Protection of Information were adopted on 10 June 2016, whereby “news aggregators”, with more**

<sup>2</sup> <https://www.poynter.org/channels/fact-checking>

<sup>3</sup> Fourth annual report of the Secretary General of the Council of Europe on the state of democracy, human rights and the rule of law in Europe: [Populism - How strong are Europe's checks and balances?](#), p.54.

<sup>4</sup> Further details available at: <https://media.fb.com/2017/01/15/addressing-fake-news-in-germany/>

<sup>5</sup> Further details available at: <http://www.gouvernement.fr/on-te-manipule>.

**than 1 million users are required to check the truthfulness of “publicly important” information before dissemination.<sup>6</sup>**

27. Relevant work of the CDMSI may also be referenced.

#### **IV. HATE SPEECH**

28. There are a number of issues related to hate speech and incitement to violence that should be explored such as:

- The challenge of defining “hate speech”.  
[There are a number of international and regional instruments that include a definition of hate speech:
  - At the Council of Europe level, the Committee of Ministers’ Recommendation No. R (97)20 includes a definition of hate speech. Note the ongoing preparation of the Committee of Ministers’ reply to Parliamentary Assembly Recommendation 2098(2017) on “Ending cyberdiscrimination and online hate”; see also the references contained in the Council of Europe Manual on hate speech (2009).
  - At the EU level, there is the 2008 Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, of unlawful hate speech.
  - At the international level, guidance seems also to be emerging through the Office of the United Nations High Commissioner for Human Rights (OHCHR)’s *Rabat Plan of Action*. Additional United Nations instruments and works are to be taken into account see: ICCPR Article 20 and Human Rights Council General Comment No. 11.]

[relevant work of ECRI will also be referenced].

**29. Please provide good practices in particular with regard to the definition of hate speech in the national context.**

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<sup>6</sup> [Fourth annual report of the Secretary General](#), pp.53-54.

- The implementation of international and regional standards by way of:
  - Ratification of treaties/withdrawal of reservations
  - Training on the relevant international instruments

**30. Please provide good practices in relation to the implementation of international and regional standards.**

31. Concerning the phenomenon of online hate speech: note the Cybercrime Convention and its Additional Protocol concerning the criminalisation of a racist or xenophobic nature committed through computer systems of 28 January 2003.

- The development of integrated policy as concerns:
  - The use of national action plans, whether on hate speech in particular, or in a broader focus/context (in addition to enacting legislation, national action plans to combat racism and discrimination should focus on combating hate speech.)
  - The enacting of legislation (note the importance of such features such as: clear and precise definitions; regular periods for review and update; specification of bias categories e.g. discrimination by ethnicity, religion, sexual orientation; relevant or specialised to various sectors; e.g. employment, media, education, welfare, sports; criminal law provisions)
  - Law enforcement
  - Data, monitoring, and research
  - The education sector
  - Dialogue with internet actors, civil society and other relevant actors

**32. Please provide good practices on the preceding points (such as programmes and policies, including social integration policies, etc.).**

- Addressing the various challenges of reporting these abuses: e.g. under-reporting and/or barriers to reporting; insufficient or inconsistent training of relevant professionals; and challenges in identifying, investigating and prosecution in cases of hate speech, among others.
- Support to victims of hate speech, also in order to encourage them to report violations.



**33. Please provide good practices on any of the preceding points (programmes and policies, including social integration policies, etc.).**

- The need for sufficient training for law-enforcement agents and training for police on how to deal with hate speech offences.

**34. Please provide good practices on the preceding point.**

- Additional standalone measures (beyond the criminal context), for example:
  - Education and awareness-raising of the public in general
  - Measures which send the message that barriers, prejudice, intolerance and stereotypes have no place in our societies
  - Other measures that 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
  - Counter-narrative/speech

**35. Please provide good practices on any of the preceding points.**

36. Reference will be made to the work of other bodies within the Council of Europe where relevant – European Commission against Racism and Intolerance (ECRI), European Commission for Democracy through Law (Venice Commission), No Hate Speech Movement Campaign, etc.

## **V. RECONCILING FREEDOM OF EXPRESSION AND OTHER HUMAN RIGHTS**

37. Human rights are interconnected and sometimes may come into conflict with each other, in particular for certain issues pertaining to culturally diverse societies. This creates the need to strike a fair balance of competing rights.

38. Freedom of expression is necessary for the fulfilment and enjoyment of a wide range of other human rights, including the right to take part in cultural life, the right to vote and all other political rights related to participation in public affairs.

**A. FREEDOM OF EXPRESSION AND RIGHT TO PRIVATE LIFE**

39. This section will explore the following issues:

- The links with Article 8 ECHR where issues of privacy may come into conflict with the rights protected under Article 10 ECHR. This can be particularly relevant as concerns the press, both traditional and on the internet, e.g. in case of defamatory remarks and the protection of one's dignity or reputation (honour), and online commenting (third party responsibility).
- In addition to the primarily negative obligation on the State to abstain from arbitrary interference in the exercise of the right to private and family life, there are also positive obligations to ensure effective respect for private life, in particular the right to protection of one's reputation
- How rights under Article 8 and Article 10 are accorded equal respect, and when balancing these rights consideration should be given to: (a) whether the remarks contribute to a debate of general interest; (b) how well known is the person concerned and what is the subject of the report; (c) prior conduct of the person concerned; (d) method of obtaining the information and its veracity; (e) content, form and consequences of the publication; (f) severity of the sanction imposed (*Von Hannover v. Germany* (no. 2), *Axel Springer AG v. Germany*). [Note: Issues in this context can also concern the media and the right to private life].

**40. Please provide good practices (including relevant national jurisprudence).**

41. Issues related to protection of reputation can also be considered here. These will include:

- Issues relating to the protection of people against false statements which cause damage to their reputation and instances of defamation.
- Distinctions to make in connection with defamation:
  - criticism v. insults
  - valued judgement v. statement of fact
  - professional v. personal attacks
  - public figures v. private citizens
  - Private citizens
- Criminal and civil law, including defence in defamation proceedings (legal aid).

42. **Please provide good practices in relation to the preceding topics.**

**B. FREEDOM OF EXPRESSION AND FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION**

43. This section will cover the links with Article 9 ECHR as the expression of personal beliefs and ideas is for many an inherent part of the holding of those beliefs and ideas. This section will explore the ‘duties and responsibilities’ referred to in Article 10.2 ECHR (“– *in the context of religious opinions and beliefs – may legitimately be included an obligation to avoid as far as possible expressions that are gratuitously offensive to others and thus an infringement of their rights, and which therefore do not contribute to any form of public debate capable of furthering progress in human affairs.*”(Otto-Preminger-Institute case). Consideration may also be given to the rights of expression of religious communities, etc.

44. **Please provide good practices in relation to the preceding topics.**

[Note that Chapter IV will focus on hate speech. Good practices which appear here can be distinct from those that would be included in the previous Chapter IV on Hate speech].

45. Reference should also be made to:

- Freedom of expression in employment situations

46. **Please provide good practices in relation to the preceding topic.**

- The wearing of religious symbols

47. **Please provide good practices in relation to the preceding topic.**

**I. SPECIFIC FOCUS AREA: BLASPHEMY**

48. This section will cover:

- That there is no uniform European concept of ‘morality’ (*Handyside* and *Muller* cases); the wider margin of appreciation regarding limitations; and that there is no protection to the advocacy of religious hatred (*Otto-Preminger* and *Wingrove* cases). Reference to Article 20(2) of ICCPR will be made, also Parliamentary Assembly Recommendation 1805(2007) on blasphemy, religious insults and hate speech against persons on grounds of their religion and the Committee of Ministers’ reply thereto.

[Relevant work of the Venice Commission will also be referenced.]

**49. Please provide good practices in relation to guaranteeing freedom of expression and addressing the phenomenon blasphemy. These may include recent developments or changes of legislation, jurisprudence and practice in this area.**

**C. FREEDOM OF EXPRESSION AND FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION**

50. This section will address:

- The complementary relationship between Article 10 ECHR and Article 11 ECHR. Article 10 is to be regarded as a *lex generalis* in relation to Article 11, which is a *lex specialis*.
- Article 11 as a fundamental expression of pluralism. The right of individuals and groups to meet and express their views, including unpopular ideas or minority interests, is a feature of a healthy democracy.
- The links between Article 10 and Article 11 as individuals may wish to come together to express their ideas either in private or in public.
- Ensuring that measures taken by States to combat terrorism, or in times of crisis, do not impose undue restrictions on the exercise of freedom of expression and assembly. [See para. 100 of the above mentioned CDDH ‘Analysis of the relevant jurisprudence of the European Court of Human Rights and other Council of Europe instruments to provide additional guidance on how to reconcile freedom of expression with other rights and freedoms, in particular in culturally diverse societies’, which references several official documents, declarations and guidelines that warn against this].  
[Reference will also be made in a footnote to the Report of the UN Human Rights Council Special Rapporteur on freedom of expression ‘Contemporary challenges to freedom of expression’, A/71/373].

<sup>7</sup> Document CDDH(2017)R87 Addendum III available at [http://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH\(2017\)R87%20Addendum%20III\\_EN.pdf](http://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH(2017)R87%20Addendum%20III_EN.pdf)

**51. Please provide good practices in relation to the preceding topics [policies, action plans, legislation intended to safeguard fundamental rights in that context, judicial review of such measures, etc.]**

- How populism does not recognise the universal nature of freedom of peaceful assembly and association and efforts to combat this.
- That States have an obligation to foster a permissive environment for peaceful gatherings.

**52. Please provide good practices in relation to the preceding topics (procedures, remedies, etc.).**

[e.g. sending of notification in lieu of requesting permission for peaceful assembly; obligation of the police to provide protection during peaceful gatherings]

- Conditions encouraging the work of NGOs; they should be allowed proper conditions to function. [reference to the fourth annual report of the Secretary General, chapter III].

**53. Please provide good practices in relation to the preceding topic.**

- States have an obligation to create a favourable environment for participation in public debate by all persons, free from fear. This extends to private parties and may require redress for actions such as employment dismissals. This section will address some of the issues arising in this context.

**54. Please provide good practices in relation to the preceding topic.**

- Links between Article 10 and Article 11 in the context of freedom of expression within a trade union dimension which may also concern a matter of general interest. Trade-unions have a watch-dog function similar to that of the press when it comes to questions related to working life.

**55. Please provide good practices in relation to the preceding topic.**

- Freedom of expression as it extends to the workplace in general and to public servants in particular (*Guja v. the Republic of Moldova*). States need to make sure that the freedom of expression of public servants should not be unduly restricted. See also the relevant work of the European Committee on Legal Co-operation (CDCJ) on whistleblowing (including in the private sector) and Recommendation CM/Rec(2014)7 of the Committee of Ministers to member States on the protection of whistleblowers.

**56. Please provide good practices in relation to the preceding topics.**

#### **D. FREEDOM OF EXPRESSION AND PROHIBITION OF DISCRIMINATION**

57. This section will address the careful balance that needs to be struck between allowing societies to be plural spaces, in which all voices and viewpoints can express themselves, while also preventing hate speech which can lead to violence and the stigmatisation of whole cultures or groups. [Note to reader: The focus here should be on issues of discrimination. Avoid repetition of points made under the hate speech section.]

- Promoting diversity and countering stereotypes should be addressed here [reference will be made to Guidelines of the Committee of Ministers to member States on the protection and promotion of human rights in culturally diverse societies would be beneficial here].
- Reference to international work e.g. on racial discrimination [such as Article 4 ICERD as an example obligation for States to counter racist or xenophobic speech].

**58. Please provide good practices in relation to the preceding topics.**

- The employment context can also feature here (i.e. countering discrimination, discriminatory speech which is not hate speech at the work place, reference to ECRI).
- Relevant measures concerning education and awareness-raising on freedom of expression and the prohibition of discrimination may also appear here.

**59. Please provide good practices in relation to the preceding topics on freedom of expression and the prohibition of discrimination [note these will be other than those that address hate speech]. [affirmative action in certain areas, etc.]**

**APPENDIX I [IF NECESSARY]**