

**STATEMENT
OF THE EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE (ECRI)
ON PREVENTING AND COMBATING ULTRA-NATIONALISTIC
AND RACIST HATE SPEECH AND VIOLENCE IN RELATION TO CONFRONTATIONS
AND UNRESOLVED CONFLICTS IN EUROPE¹**

Adopted by ECRI at its 85th plenary meeting (30-31 March 2021)

ECRI is alarmed by the use of inflammatory rhetoric and the wide dissemination of hateful and dehumanising content, notably on the internet, as well as by reports of atrocities committed against persons or groups of persons on the grounds of their national, ethnic, linguistic or religious background or of their citizenship in the context of confrontations and unresolved conflicts in Europe, including in the recent past.

ECRI reaffirms its condemnation of hate speech and hate-motivated violence in all its forms and at all times, considers that combating racism and intolerance is of utmost priority in times of crises or in areas where groups of concern to ECRI face extreme violence in the context of confrontations or conflicts, given that such phenomena may lead to the most serious crimes of concern to the international community as a whole, in particular crimes of genocide, crimes against humanity and war crimes², and expresses its full support to all victims of ultra-nationalistic and racist hate speech and violence.

ECRI recalls that member states of the Council of Europe have pledged to pursue peace and collaborate sincerely and effectively for the purpose of safeguarding the ideals and principles which are their common heritage, notably through the promotion of human rights, democracy and the rule of law. In several country reports, ECRI has warned against the dangers of developing adversarial narratives and the depiction of specific groups of concern to it as “enemies” in relation to confrontations and unresolved conflicts, even more so where this is embodied in political and other public discourse. ECRI repeatedly called on the member states concerned to take action against such trends, regardless of their responsibilities, real or presumed, in the outbreak of hostilities.³

Failure to prevent and combat ultra-nationalistic and racist hate speech and violence in this context further fuels hatred between communities, leading to discriminations on the grounds of national, ethnic, linguistic or religious background or of citizenship, which can entail other grave violations of the European Convention on Human Rights⁴ and is likely to result in retaliatory practices and the descent into an inexorable vortex of violence and tragedies.

¹ ECRI recalls that its position is without prejudice to member State positions on the status of any specific territory subject to confrontations and unresolved conflicts (commonly referred to as “grey zones”).

² Reference is made, in this connection, to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions and the Additional Protocols thereto, as well as definitions contained in Articles 6, 7 and 8 of the Rome Statute of the International Criminal Court.

³ See in particular ECRI reports on Azerbaijan (2011, 2016) and on the Russian Federation (2019).

⁴ Under the case law of the European Court of Human Rights, States have an obligation to take all reasonable steps to prevent racially motivated attacks (see *Burlyka and others v. Ukraine*, No. 3289/10, judgment of 6/11/2018), to

In the context of confrontations and unresolved conflicts in Europe, ECRI therefore calls upon all stakeholders, in particular those at the highest political level:

- to prevent criminal offences motivated by hate or prejudice on the grounds of national, ethnic, linguistic or religious background or of citizenship, whether real or presumed,⁵ and refrain from any expression or action, in any form, which would qualify as the advocacy, promotion of or incitement to the denigration, hatred or vilification of a person or groups of persons on these grounds, as well as any harassment, insult, negative stereotyping, stigmatisation or threat in respect of such a person or groups of persons and any justification of all the preceding types of expression⁶;
- to challenge and condemn in the strongest terms any such manifestations of hatred and ensure that anyone instigating, inflicting or condoning such speech and violence is held accountable;
- to engage in confidence-building measures, possibly with the involvement of civil society, media and other relevant non-political actors (including, where appropriate, equality bodies and national human rights institutions) and to involve the youth to the greatest possible extent in the promotion of peaceful and inclusive societies.

establish whether violent incidents were racially motivated (see inter alia *Natchova and others v. Bulgaria [GC]*, Nos. 43577/98, 43579/98, judgment of 6/07/2005, §§ 160-168), to sanction the perpetrators of hate-motivated crimes (*Makuchyan and Minasyan v. Azerbaijan and Hungary*, No. 17247/13, judgment of 26/05/2020) and to provide redress against discriminatory statements (*Budinova and Chaprazov v. Bulgaria*, No. 12567/13, judgment of 16/02/2021). As regards the Court's criteria in assessing hate speech, see inter alia *Erbakan v. Turkey*, No. 59405/00, judgment of 6/07/2006, §§55-57, *Günduz v. Turkey*, No. 35071/97, judgment of 4/12/2003.

⁵ For further information about the notion of hate crime, see <http://hatecrime.osce.org/what-hate-crime>.

⁶ See, in this context, ECRI [General Policy Recommendation N°15 on Combating Hate Speech](#).