Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 453 (1966)[1]

Measures to be taken against incitement to racial, national and religious hatred

Parliamentary Assembly

The Assembly,

1. Considering that the aim of the Council of Europe is to achieve greater unity between its Members, in observance of the rule of law and of fundamental human rights;

2. Considering further that Article 14 of the European Convention on Human Rights stipulates that the rights and freedoms set forth in the Convention ?shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, political or other opinion, national or social origin...?;

3. Noting that scattered but increasingly numerous elements in member States, abusing the personal freedoms guaranteed by national constitutions and by the European Convention on Human Rights, are attempting to incite the public, in particular young people, to racial, national or religious hatred by means of political and quasi-political organisations, activities and propaganda, in some cases under cover of education given in schools and universities;

4. Believing that such abuses are gravely prejudicial to international understanding and, above all, to those values which form the essential part of the common heritage of the member States of the Council of Europe;

5. Recalling that the ?Declaration on the Elimination of all Forms of Racial Discrimination? adopted by the General Assembly of the United Nations on 20th November 1963, states that all incitement to or acts of violence, whether by individuals or organisations, against any race or group of persons of another colour or ethnic origin shall be considered an offence against society and punishable under law and calls upon all States to take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organisations which promote or incite to racial discrimination, or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin:

6. Addresses a solemn appeal to all Europeans, and especially to the legislative, governmental, judicial and educational authorities of member States to take appropriate measures, if necessary of a legislative nature, to eliminate such abuses and to ensure particularly that their youth are brought up in respect for the rule of law and the dignity of every human being, regardless of race, religion, nationality or ethnic origin,

7. Recommends the Committee of Ministers :

a. to invite member Governments to initiate effective legislation against incitement to racial, national and religious hatred and violence and, in member States where such legislation already exists, to invite member Governments to review the scope and effectiveness of such legislation in the light of present-day circumstances, and further, to request member Governments to take all steps in their power to ensure that such legislation as exists at present is rigorously enforced;

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1. Assembly debate on 27th January 1966 (22nd Sitting) (seeDoc. 2013, report of the Legal Committee). Text adopted by the Assembly on 27th January 1966 (22nd Sitting).

b. to transmit to member Governments this Recommendation and the attached model law which was drafted for their assistance, convenience and use in the initiation and reviews of legislation against incitement to racial, national and religious hatred, and which embodies the legal principles on which the Assembly considers that such legislation should be based;

c. to instruct a Committee of governmental experts to draw up a draft European convention relating to a uniform law against the incitement to racial, national and religious hatred, on the basis of the attached model law.

MODEL LAW

Article 1

A person shall be guilty of an offence :

a. if he publicly calls for or incites to hatred, intolerance, discrimination or violence against persons or groups of persons distinguished by colour, race, ethnic or national origin, or religion ;

b. if he insults persons or groups of persons, holds them up to contempt or slanders them on account of the distinguishing particularities mentioned in paragraph (a).

Article 2

a) A person shall be guilty of an offence if he publishes or distributes written matter which is aimed at achieving the effects referred to in Article 1.

(b) ?Written matter? includes any writing, sign or visible representation.

Article 3

A person guilty of an offence under Article 1 and/or Article 2 shall be liable...

Article 4

Organisations whose aims or activities fall within the scope of Articles 1 and 2 above shall be prosecuted and/or prohibited.

Article 5

(a) A person shall be guilty of an offence if he publicly uses insignia of organisations prohibited under Article 4 above.

(b) ?Insignia? are, in particular, flags, badges, uniforms, slogans and forms of salutes.

Article 6

A person guilty of an offence under Article 5 (a) shall be liable...