



Recommendation 1543 (2001)¹

Racism and xenophobia in cyberspace

Parliamentary Assembly

1. The Assembly considers racism not as an opinion but as a crime. The relevant international legal instrument to combat racism is the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The Assembly deplores that Andorra, Moldova and San Marino have not yet ratified this instrument.
2. Adequate legal instruments to combat racism already exist in some Council of Europe member states. The difficulties of combating racism on the Internet arise from the nature of this means of disseminating information itself and from the legal obstacles to the implementation of provisions against hate speech.
3. The Council of Europe now has a binding legal instrument: the Convention on Cybercrime, but that convention does not address the dissemination of racist propaganda using computer technology. An ad hoc committee of experts, with terms of reference approved by the Committee of Ministers, should be asked to prepare a protocol to remedy this shortcoming of the convention, as requested by the Assembly in its [Opinion No 226 \(2001\)](#).
4. An additional protocol to the Convention on Cybercrime aimed at punishing racism on the Internet will have no effect unless every state hosting racist sites or messages is a party to it. The Assembly's starting-point is that a dialogue must be initiated with all service providers to convince them of the need to take steps themselves to combat the existence of racist sites.
5. On an ethical level, the Assembly believes that the self-disciplinary efforts made by access providers and hosts should be encouraged. Self-discipline should be made the norm by labelling and classifying sites, setting up hotlines, filtering, drawing up rules of conduct and including clauses in contracts with technical providers prohibiting their clients from using their services for unlawful purposes.
6. Dialogue between Internet users, technical operators and prosecuting authorities must be encouraged. The Assembly considers that a consultation or joint regulation body could be set up within the Council of Europe to help prepare codes of conduct, serve as a mediator in specific disputes and function as a permanent observatory of racism and xenophobia on the Internet.
7. The Assembly would like education and training aimed at developing the discernment of Internet users, particularly the younger generations, to play an important role in the future. Not only racism, but also the dissemination of hate speech against certain nationalities, religions and social groups must be opposed.

1. see [Doc. 9263](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Tallo). Text adopted by the Standing Committee, acting on behalf of the Assembly, on 8 November 2001



8. For these reasons, the Parliamentary Assembly, in accordance with its [Opinion No. 226](#), in which it recommended that an additional protocol to the new convention be immediately drawn up, defining and criminalising the dissemination of racist propaganda and unlawful hosting of hate messages, recommends that the Committee of Ministers:

8.1. give the Committee of Experts on the criminalisation of racist or xenophobic acts using computer networks (PC-RX), which has been instructed to prepare a draft additional protocol to the Convention on Cybercrime, sufficient means to enable it to complete its task by 30 April 2002, when its terms of reference expire. The committee should complete its work in time for the additional protocol to come into force as soon as possible after the entry into force of the convention;

8.2. make specific mention of unlawful hosting in the terms of reference of this committee;

8.3. specify the means by which it is possible to eliminate racist sites from the Internet and to encourage the effective prosecution of those responsible.