



Doc. 15535
23 May 2022

The role of political parties in fostering diversity and inclusion: a new Charter for a non-racist society

Report¹

Committee on Equality and Non-Discrimination

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Summary

Racism is widespread and deeply rooted in Europe due to cultural and historical causes. Hate speech is rife and permeates public communication, including political discourse, particularly online.

Political parties are best placed to contribute to the fight against racism and intolerance, and to foster an inclusive society. They largely contribute to shaping the political conversation. They are the main gatekeepers of elected bodies and enjoy a wide autonomy in regulating their internal functioning.

The Charter of European political parties for a non-racist and inclusive society originates from the revision of the previous Charter which was drawn up in 1998 and is based on political parties' self-regulation power. It takes into account the evolution of Europe's social and political landscape, the emergence of new technologies in communication, and the increase in racism and intolerance. Political parties signing the Charter commit themselves to defending basic human rights and democratic principles and to rejecting all forms of racism and intolerance and hate speech. Signatories shall demand that members abide by these principles. For the Charter to have an impact, monitoring its enforcement is crucial. Civil society organisations, the media and voters at large have a role to play in holding political parties accountable.

1. Reference to committee: [Doc. 15329](#), reference 4598 of 27 September 2021.



Contents	Page
A. Draft resolution	3
B. Explanatory memorandum by Mr Momodou Malcolm Jallow, rapporteur	5
1. Introduction	5
2. Scope and nature of the revised Charter	6
3. Revision of the Charter: inputs and criteria	6
4. Conclusions	7
Appendix - Charter of European Political Parties for a Non-racist and Inclusive Society	8

A. Draft resolution²

1. Racism and intolerance are rife in Europe, in spite of the efforts to eradicate them on the part of public authorities, civil society organisations and many other actors. Forms of intolerance including Afrophobia, antigypsyism, antisemitism, Islamophobia and xenophobia, as well as online and offline hate speech, are on the rise. Moreover, certain individuals and groups that are habitual victims of structural discrimination and widespread bias face additional hostility and scapegoating each time that Europe is affected by an international crisis, such as the 2015 refugee crisis, the Covid-19 pandemic and most recently the war of aggression waged by the Russian Federation against Ukraine.
2. The Council of Europe has long been committed to combating racism and intolerance through the action of its bodies and organs, in particular the European Commission against Racism and Intolerance (ECRI). The Parliamentary Assembly has consistently contributed to these efforts by raising awareness of upsurges in racial hatred, hate speech and various forms of intolerance, and by calling on member States to urgently implement specific measures it has prescribed.
3. Recalling its [Resolution 1967 \(2014\)](#) “A strategy to prevent racism and intolerance in Europe” and [Resolution 2275 \(2019\)](#) “The role and responsibilities of political leaders in combating hate speech and intolerance”, the Assembly reiterates that government representatives and politicians in general should lead the efforts to eliminate racism, hatred and intolerance with resolve and set an example by publicly challenging, rejecting and condemning expressions of hatred, from whatever quarters they come. The Assembly also reiterates that politicians, along with other public figures, have a vital role to play in promoting a model of society that embraces diversity and respects human dignity, and in embodying this model, as their status and visibility allow them to influence a wide audience, to set the example for others and to define to a significant degree the themes and the tone of public discourse.
4. In this context, political parties are best placed to counter racism, intolerance and hate speech, promote diversity, and foster inclusion in European societies. In times of electoral campaigns and in their regular activity, their communication largely contributes to shaping the political discourse. They enjoy a wide autonomy in regulating their internal functioning and the duties of their members. In addition, as main gatekeepers of elected bodies, they are best placed to promote the political representation of all social groups and communities.
5. The Charter of European Political Parties for a Non-Racist Society, drawn up under the auspices of the European Union Consultative Commission on Racism and Xenophobia and opened for signature in Utrecht in 1998, was a praiseworthy initiative that gave political parties the possibility to formalise their commitment to defending basic human rights and democratic principles and rejecting all forms of racism, intolerance and hate speech. The Charter was based on the self-regulatory power of political parties. Over eighty European parties had adhered to the Charter by 2003.
6. The Assembly welcomes the revision of the Charter undertaken by its Committee on Equality and Non-Discrimination in co-operation with the European Parliament’s Antidiscrimination and Diversity Intergroup (ARDI), the European Commission against Racism and Intolerance (ECRI) and the European Commission for Democracy through Law (Venice Commission) and the document resulting from this process.
7. In view of the evolution of Europe’s social and political landscape and the manifestations of racism and intolerance that have emerged in the decades that followed the adoption of the original document, its revised version has a wider scope, reflected in a new title: Charter of European political parties for a non-racist and inclusive society.
8. In the light of these considerations, the Assembly:
 - 8.1. endorses the revised Charter of European political parties for a non-racist and inclusive society and calls on all democratic political parties to sign it and enforce it in their internal functioning and their public action, including by asking that all members formally commit to complying with its principles by signing the Charter personally, and by establishing independent complaints mechanisms;
 - 8.2. invites the European Parliament and calls on national parliaments of Council of Europe member States to endorse the Charter and promote it among political groups and parties;
 - 8.3. encourages civil society actors, including the media, to observe the conduct of political parties and play a proactive role in holding them accountable in case of non-compliance of their commitments under the Charter.

2. Draft resolution adopted unanimously by the committee on 12 May 2022.

9. The Assembly intends to review periodically the state of implementation of the Charter and considers that the No Hate Parliamentary Alliance should be associated with the relevant procedure, and that it should contribute to the promotion of the Charter among political parties and groups.

B. Explanatory memorandum by Mr Momodou Malcolm Jallow, rapporteur

1. Introduction

1. In the last years we have observed a rise in racism, intolerance and hate speech in Europe, as denounced on several occasions by the Parliamentary Assembly, which has called on member States to act urgently and on the basis of a strategic rather than a piecemeal approach. Racism is structural and has deep roots in European history and culture, as highlighted in previous texts of the Assembly, including the report “Combating Afrophobia, or anti-Black racism, in Europe”³ for which I was rapporteur. In addition to structural discrimination and the forms of bias that are widespread in Europe, I would like to underline that whenever a particularly concerning crisis affects our societies, certain groups face additional hostility, due to scapegoating. For instance, increased intolerance targeted migrants, refugees and people of Arab descent in coincidence with the 2015 refugee crisis, a spike in harassment and violence targeting people of Chinese origin or perceived as such was observed in the early times of the Covid-19 pandemics, and antisemitic conspiracy theories circulated blaming Jewish individuals or communities in connection with the same pandemic.

2. Political parties have a crucial role to play in countering racism and intolerance, promoting diversity and fostering inclusion. They are the main gatekeepers of elected bodies and largely contribute to shaping the political discourse. In addition, they enjoy a wide autonomy in regulating their internal functioning and the duties of their members. On this basis, in 1998, a Charter of European Political Parties for a Non-Racist Society was drawn up under the auspices of the European Union Consultative Commission on Racism and Xenophobia (predecessor of the Fundamental Rights Agency), and opened for signature in Utrecht. The Charter was endorsed by the Parliamentary Assembly of the Council of Europe and the European Commission against Racism and Intolerance (ECRI) and subsequently signed by numerous political parties. Signatory parties committed themselves to rejecting all forms of racist violence and pledged to strive for fair representation of groups that are victims of racism and intolerance.

3. Over twenty years after the original Charter was drafted, Europe’s political and social landscape has considerably evolved, with several elements that are entirely or partially new. Populist organisations have emerged, often originating as protest movements and then becoming increasingly structured. Some of these entities have anti-migrant and xenophobic political platforms, which normalise and encourage the spread of racism and intolerance in society. Another important development of the last decades is the emergence of online communication, with internet and more recently social media becoming central to political communication and campaigning. Sadly, the online environment has become an ideal theatre for hate speech and bullying. These phenomena, whose features are at least partly specific to the digital world, called for the provisions of the Charter to be reviewed and updated.

4. With [Resolution 2275 \(2019\)](#) “The role and responsibilities of political leaders in combating hate speech and intolerance”, the Assembly recommended that in view of the rise in racism, xenophobia and intolerance in Europe, the Charter be updated and relaunched.

5. The first step in the revision of the Charter was taken by the Assembly’s No Hate Parliamentary Alliance, which undertook co-operation with the Anti-Racism and Diversity Intergroup of the European Parliament (ARDI), the ECRI and the European Commission for Democracy through Law (Venice Commission) to define relevant and timely provisions and enhance political support to the forthcoming updated Charter. On 27 November 2020, a hearing was held jointly by the Alliance, the Committee on Equality and Non-Discrimination and the Committee on Political Affairs and Democracy, with the participation of representatives of all the actors concerned, including Ms Maria Daniella Marouda, Chairperson of ECRI, and Mr Nicolae Esanu, Substitute member of the Venice Commission. The hearing provided both relevant input from participants on the contents of the forthcoming updated Charter, and political support, expressed by Ms Samira Rafaela, member of the European Parliament and Co-President of ARDI, and Mr Andreas Nick, First Vice-Chairperson of the Committee on Political Affairs and Democracy of the Assembly.

6. The Charter as revised by the Congress of Local and Regional Authorities of the Council of Europe and adopted with its Resolution 415 (2017) has also been taken into account in the revision process. In its resolution, the Congress invited the local authorities of Council of Europe member States to endorse, circulate as widely as possible and promote the Charter in its revised version.

3. [Doc. 15306](#).

2. Scope and nature of the revised Charter

7. Just like the original version, the revised Charter (see Appendix) is based on the self-regulatory power of each political party, which freely adheres to the principles mentioned in the document and commits itself to implement them in its action. This also means that parties must, and have the power to, require their members to abide by the same principles in their individual action and political communication. To this end, as suggested by experts at the hearing, it was necessary to include sanctions for non-compliance in the text of the Charter. If the aim of this document is to have a tangible positive impact on the work of political parties and on political discourse in general, it is crucial to ensure the commitments mentioned in the Charter are more than pure rhetoric and a list of good intentions. As the Charter is based on political parties' self-regulation, the discussion here is not about legal sanctions imposed by public authorities against political parties, such as those described in the Code of Good Practice in the field of Political Parties adopted by the Venice Commission and endorsed by the Assembly. In fact, we are dealing with sanctions that political parties introduce in their internal regulations (typically contained in the party's statute) and impose against their members. Sanctions should be proportional to the gravity of the infraction committed. It is up to each political party to choose how to translate these principles into specific provisions. A credible and effective system should be graduated from less severe sanctions, such as admonitions, for occasional and less serious breaches, to harsher measures that have a substantial impact on the activities of the party member (for instance, the exclusion from internal mandates or even from electoral lists). The most radical measure would probably be the expulsion of a member from the party. As indicated in the Charter, sanctions may also be financial.

3. Revision of the Charter: inputs and criteria

8. On the basis of the exchanges within the committee and with our counterparts, the scope of the Charter in terms of the type of discrimination covered has been substantially expanded. It now includes not only discrimination and hatred based on ethnic origin but also the following phenomena: Afrophobia, antigypsyism, antisemitism, Islamophobia and xenophobia, bias against LGBTI people, and sexism. This takes into account the progressive expansion of the mandate of ECRI and the fact that online hate speech and cyberbullying often have an LGBTI-phobic and sexist motivation. The list is not exhaustive (the text refers to "all forms ... such as:") and, needless to say, does not express a ranking of priority. In fact, the order is alphabetical (based on the English version). An explicit reference is made to online communication and, in particular, to social media, which did not exist when the original Charter was drafted, and which are now a reason for particular concern when it comes to stigmatisation and hate speech. Based on this enlarged scope, the heading of the Charter has evolved and now refers to an "inclusive" as well as a "non-racist" society.

9. Further additions and amendments were made thanks to the opinion adopted by ECRI at its 88th plenary meeting (29 March – 1 April 2022), as requested by our committee. I welcomed ECRI's suggestions, which clearly aimed to strengthen the text. Among other things, ECRI has proposed to make a stronger reference to the European Social Charter (revised) (ETS No. 163), to add a reference to ECRI's relevant general policy recommendations and to harmonise the text with Council of Europe standards on hate speech, in particular through a reference to the definition contained in General Policy Recommendation No.15 on combating hate speech. The suggestion of renaming the part on sanctions as "Accountability" was also taken on board. Indeed, this section of the Charter referred to the important element of accountability, which is ensured by disciplinary sanctions but has a more general scope than the sanctions themselves. As underlined in ECRI's opinion, in addition to the tools based on political parties' self-regulation power, other forms of redress may be sought under the law.

10. During the preparation of the report, I had the pleasure of meeting and exchanging views with Sir Tony Lloyd (United Kingdom, SOC), rapporteur for opinion on this report for the Committee on Political Affairs and Democracy. Sir Tony expressed his interest and support for the revised Charter, which I can only appreciate. I understand his opinion will highlight among other things the important role of political leaders and particularly party leader in shaping a political discourse that is free of stigmatisation, negative stereotyping and any other factor leading to discrimination and intolerance. Indeed, party leaders largely contribute to define not only the political priorities but even the attitude and the language of their parties. I also agree with Sir Tony's idea that political parties should introduce independent complaints mechanisms to deal with complaints regarding racism and intolerance, hate speech, incitement to racial hatred and harassment. I look forward to the opinion of the Committee on Political Affairs and Democracy, which I understand will also insist on the importance of consistent follow-up on the implementation of the Charter, and I trust that the support provided by this committee will strengthen the Assembly's determination in endorsing it.

4. Conclusions

11. In view of the increase in racism, intolerance, hate speech and discrimination that we have seen in the last years, all actors of public life must step up efforts to prevent and combat these scourges. Political parties share this moral responsibility and have the power to make a positive contribution in this respect. The Charter of European political parties for a non-racist and inclusive society is a tool that may catalyse the efforts of political leaders and allow political parties to make formal and public commitments in this area. It is up to civil society and to voters, that is society at large, to hold political parties accountable and demand consistency in abiding by the Charter's principles.

12. Follow up is crucial: for the Charter to have a real impact on political discourse, it needs to be adopted by a large number of political parties and then actually implemented by them, which requires efforts that should be monitored and encouraged. In the final steps of the preparation of the report I received relevant input from the European Partnership for Democracy, a non-profit umbrella organisation that supports the democratic process through research, advocacy, and programmes in Europe and beyond. Civil society organisations could play an important role in monitoring the implementation of the Charter and holding political parties accountable in case of non-compliance. While adopting the Charter advertises the democratic credentials of a political movement and may reinforce its electoral appeal, abiding with its principles requires a consistency that cannot be taken for granted. I consider it crucial that the Assembly continues to co-operate and further strengthen synergies with civil society organisations in this area, in particular through the No Hate Parliamentary Alliance and its members.

Appendix - Charter of European Political Parties for a Non-racist and Inclusive Society

CHARTER OF EUROPEAN POLITICAL PARTIES FOR A NON-RACIST AND INCLUSIVE SOCIETY

WE, THE DEMOCRATIC POLITICAL PARTIES OF EUROPE,

Having regard to the international human rights instruments signed and ratified by our member States, in particular to the United Nations Convention on the Elimination of All Forms of Racial Discrimination;

Having regard to article 1 of this Convention, which defines racial discrimination as "... any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life...";

Having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and particularly to its article 14 prohibiting discrimination with respect to the rights under the Convention;

Having regard to Protocol no.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which introduces a general prohibition of discrimination that applies to the enjoyment of any right set forth by law;

Having regard to the Revised European Social Charter, in particular its article 19, paragraph 1, according to which the Parties undertake in particular to take all appropriate measures, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration, and its article E (non-discrimination);

Having regard to the Treaty of Amsterdam which enables the European Community to "... take appropriate action to combat discrimination based on... racial or ethnic origin, religion or belief..." and facilitates police and judicial cooperation in the framework of the member States in preventing and combating racism and xenophobia;

Having regard to the Charter of Fundamental Rights of the European Union, which at article 21 "forbids discrimination on grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or other belief, political opinion, membership of a national minority, property, birth, disability, age or sexual orientation;"

Having regard to the relevant texts adopted by the Commission on Democracy Through Law (Venice Commission), notably the Code of good conduct in the field of political parties and the Guidelines on Political party regulations, which encapsulate equality and non-discrimination among the principles for which political parties should strive;

Taking into account the general policy recommendations adopted by the European Commission against Racism and Intolerance (ECRI), in particular those on combating hate speech, anti-Muslim racism and discrimination, and antisemitism;

Taking into account the relevant texts adopted by the European Parliament and the Parliamentary Assembly of the Council of Europe, in particular those on combating hate speech, Afrophobia or anti-Black racism, antigypsyism, antisemitism, Islamophobia or anti-Muslim hate, and all other forms of intolerance;

Recognising that the fundamental rights as enshrined in the international human rights instruments signed and ratified by the member States and other relevant standards include the right to free and uninhibited political speech and debate;

Mindful that according to these same international human rights instruments, political freedoms are not absolute in view of the equally fundamental right to be protected against racial discrimination and that therefore political freedoms cannot be allowed to be abused to exploit, cause or initiate prejudice on the grounds of race, colour, ethnic origin or nationality, or for the purpose of seeking to gain the sympathy of the electorate for prejudice on such grounds;

Recalling that Europe derives from its history a duty of remembrance, vigilance and opposition to all forms of racism and intolerance, including Afrophobia / anti-Black racism, antigypsyism, antisemitism, Islamophobia / anti-Muslim racism, LGBTI-phobia, sexism, xenophobia, as well as crimes of genocide, crimes against humanity or war crimes and the public denial, trivialisation, justification or condoning of such crimes;

Deeply concerned about the resurgence of rhetoric presenting migrants and refugees as a threat to and a burden on society, which increases negative reactions among the public to immigration and immigrants;

Deeply concerned about the increase in hate crime in Council of Europe member States and the propagation of hate speech, including in political discourse, particularly online and especially through social media;

Aware of the special tasks and responsibilities of political parties as actors in a democratic political process, in defending, articulating and bearing witness to the basic principles of a democratic society; in providing a platform for discussion on issues where there may be differences of opinion, integrating different views into the process of political decision making, thereby enabling society to solve conflicts of interest and of opinion between various social groups through dialogue rather than through opting out and conflict; and in selecting representatives at various levels for active participation in the political process;

Convinced that free use of political rights can and must go hand in hand with firmly upholding the principle of non-discrimination and is inherent in the democratic process itself;

Convinced furthermore that representation of minority groups in the political process is an integral part of the democratic process, since political parties are, or should strive to be, a reflection of society;

ADHERE TO THE FOLLOWING PRINCIPLES OF GOOD PRACTICE AND COMMIT OURSELVES TO:

- **Defending** basic human rights and democratic principles and reject all forms of racism and intolerance, hate speech, incitement to racial hatred and harassment;
- **Taking** open, firm, and pro-active stands against racism, xenophobia, hatred and intolerance on whatever grounds and however they manifest themselves;
- **Refusing** to display, to publish or to have published, to distribute or to endorse in any way, including online, views and positions which advocate, promote or incite, or may reasonably be expected to advocate, promote or incite, in any form, denigration, hatred or vilification of a person or group of persons, as well as any harassment, insult, negative stereotyping, stigmatisation or threat in respect of such a person or group of persons and the justification of all the preceding types of expression, on the ground of “race”, colour, descent, national or ethnic origin, age, disability, language, religion or belief, sex, gender, gender identity, sexual orientation, social origin and other personal characteristics or status, dealing firmly with hate speech, sentiments and behaviour within our own ranks and engaging in counter-speech and alternative speech;
- **Dealing responsibly and fairly** with sensitive topics relating to such groups; avoiding negative stereotyping and stigmatisation;
- **Refraining from** any form of political alliance or co-operation at all levels with any political party which incites racial or ethnic prejudices and racial hatred;
- **Striving for** the fair representation of the above-mentioned groups at all levels of our political parties, with a special responsibility for the party leadership to stimulate and support the recruitment of candidates from these groups for political functions as well as membership;

And further pledge to take appropriate action to ensure that all persons who work for or associate themselves in any way with any of our activities, including election campaigns, are made aware of and at all times act in accordance with the above principles.

ACCOUNTABILITY

With a view to ensuring that these principles are complied with by party members so as to have the positive impact that they are meant to achieve, we commit ourselves to applying sanctions for non-compliance, based on the following rules:

- Disciplinary sanctions will apply to members of political parties whose words or actions, offline or online, breach the aforementioned principles, thus undermining their party’s contribution to creating an open, inclusive and non-racist society;
- Sanctions shall be proportional to the gravity of the infraction committed; they may be financial or otherwise and may include temporary exclusion from internal functions, exclusion from electoral lists, and expulsion from the party.

ELIGIBILITY FOR MEMBERSHIP AND DEFINITION OF POLITICAL PARTY

All democratic political parties are encouraged to sign the present Charter and to abide by its commitments. In this context, based on the definition provided by the European Commission on Democracy Through Law (Venice Commission) in its Guidelines on Political Party Regulation, a political party is “a free association of

individuals, one of the aims of which is to express the political will of the people by seeking to participate in and influence the governing of the public life of a country, *inter alia*, through the presentation of candidates in elections", irrespective of whether it refers to itself as a party, movement or otherwise.