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Ending cyberdiscrimination and online hate

Reply to Recommendation¹: Recommendation 2098 (2017)

Committee of Ministers

1. The Committee of Ministers welcomes Parliamentary Assembly [Recommendation 2098 \(2017\)](#) on “Ending cyberdiscrimination and online hate”, which it has brought to the attention of the governments of the member States and transmitted for comment to the Joint Council on Youth (CMJ), the European Commission against Racism and Intolerance (ECRI), the Bureau of the Steering Committee for Educational Policy and Practice (CDPPE) and the Steering Committee on Media and Information Society (CDMSI).

2. The Committee of Ministers reiterates that freedom of expression is one of the most important foundations of democratic societies and that, in accordance with Article 10 of the European Convention on Human Rights, member States are bound to preserve and promote it, including on the internet. It is also aware, however, that the internet increasingly provides a forum for hate speech, including incitement to violence, directed against countless individuals or groups on diverse grounds relating to identity, status and opinion. All forms of expression which incite intolerance are to be condemned as, in addition to the damage caused to the individual victim, they undermine democratic security and cohesion and pluralism in society.

3. The Committee of Ministers further notes that online hate is a pan-European problem that can best be tackled through member States sharing experiences and good practice, and on the basis of common standards. In this respect, it is important for member States to be guided by the standards and recommendations of the Council of Europe, notably the European Convention on Human Rights, the jurisprudence of the European Court of Human Rights, the Committee of Ministers’ Recommendation Rec(97)20 to member States on “hate speech” and ECRI’s country monitoring recommendations and its General Policy Recommendation No. 15 on combating hate speech.

4. The Parliamentary Assembly asks the Committee of Ministers to review and update Recommendation Rec(97)20, to ensure that it continues to provide an effective basis for combating all forms of hate speech, including online hate, and that it covers all the grounds on which victims may be targets of hate speech. The Committee recalls that “hate speech” is defined in Recommendation Rec(97)20 by reference to a non-exhaustive list of grounds for “hatred based on intolerance”. Moreover, the principles set out in this recommendation apply to both offline and online environments and cover the dissemination of all forms of hate speech through media of all kinds. The Committee therefore considers that Recommendation Rec(97)20 remains a valuable tool to assist member States in combating hate speech, but recognises the importance of further exploring ways to remove barriers to its implementation, including through ECRI’s general policy recommendations and country monitoring recommendations, as well as lessons learnt from the No Hate Speech Campaign Movement and education and youth policy measures.

5. With regard to the Parliamentary Assembly’s request for the Committee of Ministers to review and update its Internet Governance Strategy 2016-2019, it should be noted that the Strategy already envisages measures that are fully in line with Parliamentary Assembly [Resolution 2144 \(2017\)](#) and [Resolution 2143 \(2017\)](#). The relevant elements of the Strategy, including on education, are being implemented by the Council of Europe primarily through the No Hate Speech Campaign Movement, the Hate Speech Watch, the Platform to promote the protection of journalism and the safety of journalists, and through work with internet

1. Adopted at the 1297th meeting of the Ministers’ Deputies (17 October 2017).



intermediaries. The Committee has given the CDMSI the task of elaborating a draft recommendation on internet intermediaries, which should provide guidance on the obligations of States and responsibilities of intermediaries as regards the exercise of human rights and fundamental freedoms online. The draft recommendation will be submitted to the Committee of Ministers in the course of this year for adoption. The Parliamentary Assembly will be kept informed of the Committee's decision.

6. The Committee of Ministers further notes the Parliamentary Assembly's request that it launch work on education against racism and hate speech, focusing in particular on children. The Committee recalls that the Council of Europe has for many years been engaged in human rights education for young people as a means of preventing intolerance, racism and all forms of discrimination, primarily through the No Hate Speech Campaign Movement, using *inter alia* the manuals "Bookmarks", which has been translated into 15 languages, and "We CAN", which was launched in March 2017. In addition, the Education Department of the Council of Europe is engaged in ongoing work in the field of education for democratic citizenship and human rights, and has produced manuals entitled "Democratic Governance of Schools" and "Living Democracy" and a video entitled "Beat Bullying", which provides tools for school children to tackle bullying, including online. The CDPEE has moreover recently commenced a new project on "Digital Citizenship Education", launched at a conference in Strasbourg in September 2017, which seeks to respond to a variety of challenges associated with the need for public authorities to move beyond policies aimed at safety and protection online to empowerment and ensuring full and active participation for all children in digital society. The Committee underlines the importance of training legal professionals, including by having recourse to the Human Rights Education for Legal Professionals (HELP) programme of the Council of Europe, and particularly its online free course on hate crime/hate speech.

7. Finally, the Committee of Ministers notes the proposal concerning the designation of a European Day for Victims of Hate Crime, which it will reflect on.