

Compilation of promising practices on combating hate speech at national level



Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)

Steering Committee on Media and Information Society (CDMSI)

COUNCIL OF EUROPE



Compilation of promising practices on combating hate speech at national level

Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)

Steering Committee on Media and Information Society (CDMSI)

**Study prepared by:
Jennifer Jackson-Preece**

French edition: Compilation de pratiques prometteuses sur la lutte contre le discours de haine au niveau national

The opinions expressed in this work are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text.

The source text must always be acknowledged as follows “© Council of Europe, year of the publication”.

All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Directorate of Communications, Council of Europe (F-67075 Strasbourg Cedex or publishing@coe.int). All other correspondence concerning this document should be addressed to the Anti-Discrimination Department of the Council of Europe.

Council of Europe
F-67075 Strasbourg Cedex France
E-mail: cdadi@coe.int

Cover design and layout:
Documents and Publications Production
Department (DPDP), Council of Europe

Cover photo: Shutterstock
& Council of Europe

This publication has not been copy-edited by the SPDP Editorial Unit to correct typographical and grammatical errors.

© Council of Europe, October 2024
Printed at the Council of Europe

Contents

EXECUTIVE SUMMARY	5
Introduction	5
Key findings	5
Conclusion	7
INTRODUCTION	9
A. The problem of hate speech	9
B. Recommendation CM/Rec(2022)16 as a response to hate speech	11
C. Methodology	12
D. Terminology of assessment	13
E. Scope, definition and approach	14
I. LEGAL FRAMEWORK	19
A. General considerations	19
B. Criminal law and its enforcement	22
C. Civil and administrative law	26
D. Legislation regarding online hate speech	28
II. KEY ACTORS	37
A. Public officials, elected bodies, and political parties	37
B. Internet intermediaries	38
C. Media	41
D. Civil society organisations	44
III. AWARENESS RAISING, EDUCATION, TRAINING AND USE OF COUNTER-SPEECH AND ALTERNATIVE SPEECH	47
A. Awareness raising	47
B. Education	50
C. Training	53
D. Counter and alternative speech	57
IV. SUPPORT FOR THOSE TARGETED BY HATE SPEECH	61
A. Support mechanisms for victims and those targeted by hate speech	61
B. Victim Reporting	64

V. MONITORING AND ANALYSIS OF HATE SPEECH	67
A. Importance of evidence and disaggregated data	67
B. Data collection, monitoring and analysis	68
VI. NATIONAL COORDINATION AND INTERNATIONAL COOPERATION	71
A. Consultation, cooperation & dialogue with Key stakeholders	71
B. National action plans	72
C. International cooperation	75
VII. SELF-ASSESSMENT	77
Self-assessment tool	78

Executive summary

Introduction

The Committee of Ministers of the Council of Europe adopted Recommendation [CM/Rec\(2022\)16](#) to provide a comprehensive, multi-stakeholder approach for preventing and combating hate speech. The primary objective of this compilation is to draw attention to a wide range of promising practices by member States and other key stakeholders consistent with the Recommendation during its early implementation period. By distilling key insights and strategies from this emergent body of experience, the compilation offers concrete and practical guidance for the further development of good practices fulfilling the aims and objectives of CM/Rec(2022)16.

Key findings

Scope, Definition, and Approach: promising state practices recognise a broad range of real or attributed personal characteristics or status relevant to hate speech, including but not limited to “race,” colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity, and sexual orientation. They also include both legal and non-legal measures calibrated to the severity of hate speech.

Multi-stakeholder Engagement: it is evident that the successful implementation of Recommendation CM/Rec(2022)16 benefits from collaborative efforts among public officials, the media, civil society organisations, internet intermediaries, and other stakeholders. Such promising practices demonstrate the importance of engaging diverse actors to develop holistic strategies that address the root causes of hate speech while promoting inclusivity and dialogue.

Comprehensive Legal Frameworks: member States have made some noteworthy progress in better aligning their legal frameworks with Recommendation CM/Rec(2022)16. Such developments include legal remedies for both online and offline hate speech that offer proportionate redress while upholding freedom of expression through nuanced approaches and effective safeguards. Promising practices reserve criminal law for the most severe cases, with civil and administrative laws providing additional protection. Promising multi-stakeholder cooperation in this area clearly identifies the roles and responsibilities of state and non-state actors, including internet intermediaries, in accordance with human rights standards.

Key Actors: while there is still much work to be done to fully realise the Recommendation, there are already many promising examples of key actors working to promote a culture of human rights while condemning hate speech and upholding freedom of expression. Some public officials, elected bodies, and political parties have taken steps to denounce hate speech and advocate for human rights values, including freedom of expression. There are some interesting cases of internet intermediaries, in collaboration with other actors, beginning to identify and mitigate hate speech through more transparent and human rights-aligned content moderation policies. There are also promising examples of the media proactively helping to create a public debate that is more attuned to human rights culture and thus more aware of and resistant to hate speech. Civil society organisations are also making some important and, at times, highly innovative contributions towards the realisation of the Recommendation, including via multi-stakeholder cooperation.

Awareness-raising, Education, Training, and the Use of Counter and Alternative Speech: effective prevention of hate speech necessitates proactive efforts to educate and empower individuals to recognise and counter discriminatory attitudes. Promising practices highlight innovative educational initiatives and awareness-raising campaigns to promote tolerance, empathy, and critical thinking skills among diverse populations, with some especially noteworthy efforts focusing on children and young people.

Victim Support and Empowerment: addressing the impact of hate speech requires comprehensive support mechanisms for those targeted by it, including access to legal assistance, counselling services, and community resources. Promising practices showcase initiatives prioritising victim-centred approaches, empowering individuals to report hate speech and pursue appropriate redress.

Monitoring and Evaluation: robust monitoring mechanisms are essential for assessing the prevalence and impact of hate speech, as well as the effectiveness of interventions. Promising practices disclose the importance of data collection, analysis, and evaluation to inform evidence-based policymaking and ensure accountability in preventing and combating hate speech.

National Coordination and International Cooperation: promising practices demonstrate a commitment to well-coordinated policies for preventing and combating hate speech within and between member States. These show how national coordination efforts are demonstrably strengthened through regular and inclusive stakeholder consultations that ensure broad participation and open dialogue across relevant sectors to facilitate steady progress towards strategic priorities. Such promising collaborations are often supported by international organisations, networks, or partnerships, thus highlighting the benefits of regional and international efforts to prevent and combat hate speech.

Conclusion

Hate speech continues to be an urgent, and serious, issue. By leveraging these initial promising practices and early ‘lessons learnt’, stakeholders can work towards effectively implementing Recommendation CM/Rec(2022)16, thereby fostering cohesive societies built on respect, democracy, and human rights. Policymakers and other key stakeholders are encouraged to explore the full compilation for in-depth insights and actionable examples to guide their ongoing efforts in preventing and combating hate speech. A self-assessment tool to facilitate reflection on the implementation of the Recommendation CM/Rec(2022)16 on Combating Hate Speech by member States and key stakeholders is included at the end of the compilation.

Introduction

A. The problem of hate speech

1. The importance of measures to effectively combat and prevent hate speech cannot be overstated. According to the Preamble of Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech, hate speech is a complex and multifaceted phenomenon that harms not only the individuals that it targets but also both those groups which share their characteristics, as well as society at large. Individuals targeted by hate speech often experience increased stress, anxiety, depression and feelings of isolation as a result. In the longer term, these effects may harm an individual's well-being and sense of security. Hate speech may also incite violence and discrimination against individuals or groups based on their real or attributed characteristics or status such as "race", colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity, and sexual orientation (§ 2 of CM/Rec(2022)16). In so doing, hate speech can help to legitimise prejudice and provoke hate crimes (§ 1 of the Explanatory Memorandum – EM of CM/Rec(2022)16). In the longer term, hate speech poses a risk to social cohesion within societies because it may lead to division and hostility between different groups. Such divisions can have a chilling effect on freedom of speech, thus impeding constructive dialogue and understanding. Ultimately, hate speech may even undermine democracy itself by creating an intimidating environment in which individuals are afraid to express their opinions or participate in the political process and where minorities become increasingly marginalised (§ 3 – EM of CM/Rec(2022)16).

2. In recent years, the incidence, reach and severity of hate speech have all increased¹. In part, this is a consequence of the rise of digital technologies, including social media platforms. Hate speech can quickly spread through these platforms to reach potentially very large audiences not only within States but also between States². These dynamics are made worse in times of crisis, which tends to heighten public fear and anxiety³. In such circumstances, individuals may become more susceptible to hate speech that blames specific groups for broader societal problems. At such moments, the search for scapegoats, who are often minorities or other marginalised groups, increases discrimination, polarisation and even violence within societies. Such harmful and destructive patterns were apparent during the COVID-19 pandemic, in the aftermath of Russian Federation’s war of aggression against Ukraine, and again in the wake of recent events in Israel and Gaza⁴.

3. The growing incidence and severity of hate speech across Europe are documented in the various monitoring activities of the Council of Europe, including the European Commission Against Racism and Intolerance (ECRI), the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM), the Committee of Experts of the European Charter for Regional or Minority Languages (ECRML) and the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO). This evidence demands immediate action against hate speech, with the recent surge in antisemitism and anti-Muslim racism and discrimination⁵ in autumn 2023 further highlighting the critical need for such measures. Preventing further harmful escalation and promoting inclusive democratic societies, will require appropriate and effective national strategies and international cooperation to counter hate speech.

1. See the foreword to the [United Nations Strategy and Plan of Action on Hate Speech](#), 2019 and the [ECRI Annual Reports](#) covering past five years.
2. See European Union Agency for Fundamental Rights, [Online Content Moderation: Current Challenges in Detecting Hate Speech](#), chapter 1, 2023.
3. See Council of Europe Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), [Study on Prevention and Combating Hate Speech in Times of Crisis](#), 2023.
4. See United Nations (UN) Office of the High Commissioner for Human Rights, [Speaking out on Gaza / Israel must be allowed: UN experts](#), 23 November 2023.
5. See *The New York Times*, [Antisemitic and Anti-Muslim Hate Speech Surges Across the Internet](#), 15 November 2023.

B. Recommendation CM/Rec(2022)16 as a response to hate speech

4. In May 2022, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2022)16 on combating hate speech to facilitate comprehensive, consistent and coordinated national policy responses by member States and other key stakeholders.

5. For the purposes of the Recommendation (§ 2 of CM/Rec(2022)16 and §§ 15-23 – EM of CM/Rec(2022)16), hate speech is understood as:

all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as 'race', colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation.

6. Recommendation CM/Rec(2022)16 adopts a comprehensive approach to account for the diverse ways in which hate speech may be experienced, and the variety of legal and non-legal measures necessary to combat and prevent it both online and offline. The Recommendation thus proposes a multi-stakeholder strategy incorporating legal and regulatory frameworks, education and awareness raising, victim support, monitoring and data analysis. In so doing, the Recommendation aims to address not only the symptoms of hate speech but also its root causes, such as negative stereotypes and disinformation.

7. Developing a comprehensive approach to hate speech within the context of upholding human rights, democracy and the rule of law as part of different national realities, constitutional traditions and legal systems will require time. "Lessons learnt" in the early implementation period will be an invaluable part of this process. For a more strategic and systematic implementation of Recommendation CM/Rec(2022)16, the Committee of Ministers mandated the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and the Steering Committee on Media and Information Society (CDMSI) to develop two follow-up documents: (1) a compilation of

6. Since all human beings belong to the same species, the Committee of Ministers rejects, as does the European Commission against Racism and Intolerance (ECRI), theories based on the existence of different "races". However, in this document, the term "race" is used in order to ensure that those persons who are generally and erroneously perceived as "belonging to another race" are not excluded from the protection provided for by the legislation and the implementation of policies to prevent and combat hate speech.

“promising practices” at the national level of the implementation of relevant aspects of the Recommendation; and (2) a review of the implementation of relevant aspects of the Recommendation planned for 2027.

C. Methodology

8. This compilation is based on the qualitative analysis of data collected via a survey, oral contributions from 41 member States during the 8th CDADI meeting in December 2023, oral and written contributions received by members of the CDMSI Plenary, interviews with relevant stakeholders, and desk research: Written contributions to the survey were received from 37 countries⁷. This compilation does not claim to be complete: best efforts were made to gather as much information as possible, but some practices are still in progress or hard to find information on.

9. In preparation for the compilation of “promising practices”, and with the agreement of the CDADI and CDMSI bureaus, the members of the CDADI and the CDMSI received a survey on “promising practices” to prevent and combat hate speech at the end of 2022. The survey contained three open questions on combating hate speech, focusing on: (1) “promising” national practices; (2) topics that member States would like to work further on; and (3) experiences with addressing hate speech in times of crisis.

10. This survey information was supplemented by exchanges with relevant stakeholders, including the CDADI and CDMSI members, the review of relevant monitoring reports (e.g., by ECRI, FCNM, ECRML and GREVIO), various project reports of national approaches to combat hate speech in Armenia, Georgia, Bosnia and Herzegovina, Ukraine, the Republic of Moldova, and Spain prepared under the Council of Europe-European Union joint programmes, as well as project reports of different Council of Europe sectors working on hate speech. Further desk research (references in footnotes) and interviews were also carried out until February 2024 to ensure the final compilation of ‘promising practices’ was up-to-date and comprehensive at the time of publication.

7. CDADI members from the following member States replied to the survey: Albania, Andorra, Armenia, Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Latvia, Luxembourg, the Republic of Moldova, the Netherlands, North Macedonia, Norway, Portugal, Serbia, the Slovak Republic, Slovenia, Sweden, Switzerland and Türkiye.

CDMSI members from the following member States replied to the survey: Austria, Azerbaijan, Belgium, Cyprus, Estonia, Finland, Georgia, Germany, Greece, Iceland, Luxembourg, Malta, the Netherlands, Portugal, Romania, Serbia, Sweden, the United Kingdom and Ukraine.

11. This compilation of “promising practices” provides an overview of the state of play during the early implementation period of CM/Rec(2022)16 while still being concrete and offering practical guidance and inspiration to member States on what can be done to prevent and combat hate speech. It covers all chapters of the Appendix to the Recommendation and incorporates a wide range of grounds through the examples of practice.

12. The compilation should be read and understood in conjunction with Recommendation CM/Rec(2022)16 and its accompanying Explanatory Memorandum. Only in this way can the scope of protection and envisioned comprehensive strategy to combat and prevent hate speech be fully and effectively implemented. To facilitate the integration of this compilation and its examples of practice with the essential guidance already provided by the Recommendation, detailed references to CM/Rec(2022)16 and its Explanatory Memorandum have been included throughout. Readers are encouraged to use these references as a guide to unpack further and explore those key features which should be clearly present in “good practices” to prevent and combat hate speech.

13. Finally, the “promising practices” compilation is complemented with a self-assessment tool for member States and other key stakeholders. It may be found at the end of the compilation.

D. Terminology of assessment

14. When discussing strategies and approaches to combat hate speech within national and European frameworks linked to the implementation of CM/Rec(2022)16, the terminology used to categorise various practices is crucial for assessing their effectiveness and potential for broader application. These terms help individuals and organisations to recognise specific initiatives that meet certain criteria within a given action area identified by CM/Rec(2022)16. A compilation of such practices can thus serve both as sources of inspiration and as models for emulation by others seeking to achieve similar positive outcomes against hate speech, consistent with CM/Rec(2022)16.

15. For the purposes of this compilation, a “good practice” refers to an initiative with a well-established track record that has demonstrated a tangible and positive impact on tackling hate speech within society consistent with the approach outlined in CM/Rec(2022)16. This could be an ongoing effort or a one-time action or project that has successfully met its objectives in combating hate speech. As far as possible, this positive impact should be measured based on indicators. Good practices are characterised by their

effectiveness and the results they have produced, serving as benchmarks for others to follow in the implementation of CM/Rec(2022)16.

16. On the other hand, a “promising practice” is typically a more recent endeavour that shows some potential to evolve into a good practice, or a practice for which the impact has not been evaluated based on indicators. It may also be a practice that has made some progress towards the broad adoption of the principles outlined in Recommendation CM/Rec(2022)16. While these initiatives are in the earlier stages of implementation, they will have exhibited some indicators that suggest they could lead to significant, impactful outcomes if continued, deepened, or expanded.

17. Lastly, “lessons learnt” are a critical aspect of “promising practices”. They play a pivotal role in the iterative process of refining and improving practices to combat hate speech by pinpointing what has worked well and what has not within a specific context. These insights are instrumental in identifying benchmarks for quality or sustainability, which could inform the development of new good practices linked to the implementation of CM/Rec(2022)16. The process of evaluating and understanding “lessons learnt” is key to building on successful strategies and avoiding past mistakes, thereby enhancing the overall effectiveness of initiatives aimed at preventing and combating hate speech.

E. Scope, definition and approach

18. A key contribution of CM/Rec(2022)16 is the comprehensive definition of hate speech that it provides, which includes an extensive and not exhaustive list of ‘real or attributed personal characteristics or status such as “race”, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation’ (§ 2 of CM/Rec(2022)16). This definition purposefully identifies a broad range of targeted personal characteristics that may be involved in hate speech. This list of grounds is deliberately ‘open-ended’ to allow for adaptability and responsiveness in addressing evolving societal circumstances (§ 19 – EM of CM/Rec(2022)16). It also covers hate speech on ‘multiple grounds’ because the ‘cumulative effects’ of hate speech, for example targeting ‘women who belong to a national minority’ compounds its harmful effects (§ 19 – EM of CM/Rec(2022)16), that establishes “the need for an age- and gender-sensitive approach” (§ 6. d. of CM/Rec(2022)16).

19. The definition used in the Recommendation distinguishes different ‘layers of hate speech according to their severity’ (§ 3 of CM/Rec(2022)16 and §§ 24-31 – EM of CM/Rec(2022)16). These layers help assess the severity of

hate speech and guide appropriate responses. Such distinctions are essential in order to ensure a proportionate response to hate speech that is consistent with the rights and obligations of the European Convention on Human Rights (ECHR). Member States should address the ‘most serious cases’ of hate speech through criminal law⁸, where necessary in parallel with civil and administrative law to provide redress. Less severe cases of hate speech should instead be dealt with by administrative or civil law only, while the least severe should be addressed through non-legal measures.

20. This definition is thus integral to the ‘comprehensive approach’ that Recommendation CM/Rec(2022)16 adopts, which recognises both the many different ways in which hate speech may be experienced and the variety of legal and non-legal measures that are needed to combat and prevent it, both online and offline (§§ 5-6 of CM/Rec(2022)16 and §§ 36-42 – EM of CM/Rec(2022)16). The absence of a single universally agreed, legally enforceable definition of hate speech has resulted in a proliferation of definitions which impede coordinated efforts to prevent and combat hate speech⁹. A common understanding should promote legal certainty (particularly for internet intermediaries) and cross-border cooperation (§2 of CM/Rec(2022)16 and § 23 – EM of CM/Rec(2022)16). Member States should use the Recommendation’s definition as a benchmark to ensure that in their national laws and policies, the protected characteristics are sufficiently broad and the levels of severity are sufficiently clear. Such benchmarking will go some way towards ensuring a comprehensive and consistent European response, which CM/Rec(2022)16 envisions.

21. The definition of hate speech that member States employ should be commensurate with the distinct layers of severity outlined in CM/Rec(2022)16 to ensure that responses are proportionate (§§ 3-4 of CM/Rec(2022)16 and § 23 – EM of CM/Rec(2022)16). Thus, it is important to identify criteria which justify the criminalisation of the most severe expressions of hate speech. At the same time, there should also be due regard to an appropriate range of protected characteristics in civil and administrative law, as well as in non-legal responses to hate speech.

22. Some member States have already closely aligned their legal definitions of hate with the Recommendation and prior ECRI guidance to recognise “race”,

8. According to § 7 of CM/Rec(2022)16, “Criminal law should only be applied as a last resort and for the most serious expressions of hatred.” And § 11: “Member States should specify and clearly define in their national criminal law which expressions of hate speech are subject to criminal liability.”

9. See Roni Cohen, ‘Regulating hate speech: Nothing customary about it’, *Chicago Journal of International Law*, 2014, 15, 229.

colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation¹⁰. For example, in Croatia, the Criminal Code recognises hate speech targeting individuals or groups based on “race”, religion, national or ethnic origin, descent, colour, gender, sexual orientation, gender identity, disability or any other characteristics.

23. Other member States have extended their list of protected characteristics relevant to hate speech and clarified the grounds for aggravating circumstances in respect of these characteristics. Such changes are suggestive of the proportionate and comprehensive response that the Recommendation envisions. For example, Denmark expanded its list of protected characteristics in 2021 to include gender expression, gender identity and sex characteristics. Following amendments to the Criminal Code that year, verbal statements which threaten, insult or degrade someone on the grounds of being transgender or intersex have been criminalised. As a result, it is now considered an aggravating circumstance in Denmark if a crime, such as a threat, is motivated by the fact that the victim is transgender or intersex¹¹. Similarly, Armenia also revised its Criminal Code in May 2021, to recognise any public expression that incites or spreads hate, discrimination, intolerance, or animosity against individuals or groups based on their “race”, nationality, ethnic background, social status, religious beliefs, political stance, or other personal or social traits is prohibited¹². Armenian legislation now also treats the perpetration of crimes with hate as a motivating factor as an exacerbating circumstance. In 2022, the Republic of Moldova also extended its list of protected characteristics within its Criminal Code to include “race”, colour, ethnic, national or social origin, nationality, sex, gender, language, religion or religious beliefs, political opinions, disability, sexual orientation, gender identity, health status, age, and marital status¹³.

24. Recent updates to the Criminal Code in North Macedonia were also aimed at increasing the scope of recognition for hate-motivated crimes, including hate speech¹⁴. These changes specify that offences carried out fully

10. See also [ECRI General Policy Recommendation No. 15 on Combating Hate Speech](#), 2015.

11. See [ECRI Report on Denmark](#), 6th Monitoring Cycle, 9 June 2022, p.18.

12. See response from Armenia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

13. See response from the Republic of Moldova, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

14. See response from North Macedonia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

or in part due to actual or perceived characteristics or affiliations related to an individual's "race", colour, nationality, ethnic origin, religion or belief, mental or physical disability, sex, gender identity, sexual orientation, and political belief are now more clearly defined as acts of hate. Furthermore, Article 39, paragraph 5, of the Criminal Code mandates that the courts consider, when issuing a sentence, whether the offense was committed directly or indirectly against an individual or group, or property, because of their gender, "race", skin colour, belonging to a marginalised group, ethnicity, language, nationality, social origin, religion or religious belief, other types of beliefs, educational, political affiliation, personal or social status, mental or physical disability, age, marital status, property status, state of health, or on any other basis provided by law or ratified by international agreement.

25. In the future, it is hoped that more member States will use CM/Rec(2022)16 as an opportunity to reassess the list of protected grounds that they provide for hate speech to ensure it ensures a broad protection against hate speech, which takes into account the specific the situation in the relevant member State (§ 19 – EM of CM/Rec(2022)16). For example, in this spirit, Switzerland has recently reviewed its practices in this area¹⁵. In 2023, the Federal Council adopted a report¹⁶ in response to the postulate "Hate speech. Are there any gaps in the law?". This report identifies various difficulties in the criminal prosecution of hate speech. At the same time, it concludes that the existing legal remedies and laws in Switzerland are sufficient.

26. The general presumption of Recommendation CM/Rec(2022)16 is that the protected characteristics will have an 'evolutive nature' (§ 2 of CM/Rec(2022)16 and § 19 – EM of CM/Rec(2022)16). Accordingly, it is important to regularly review the range of protected characteristics that are identified in relevant legislation concerning hate speech, with a view to ensuring that these are informed by data collection, monitoring and analysis of hate speech, and remain appropriate to 'evolving societal developments' (§ 2 of CM/Rec(2022)16 and § 19 – EM of CM/Rec(2022)16).

27. Similarly, member States should actively reach out to those targeted by hate speech so that their perspectives can be incorporated into laws, policies and other responses to hate speech (§ 2 of CM/Rec(2022)16 and § 19 – EM of CM/Rec(2022)16). Thus, for example, in 2024, Croatia will initiate an analysis of the effectiveness of the reporting system on hate crimes and

15. See response from Switzerland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

16. Report available in German, French and Italian.

hate speech with groups in a vulnerable situation, particularly members of the Roma and Serbian national minority, third-country citizens, and Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) persons, aiming to examine and ensure their participation¹⁷. The results of the analysis are expected to feed into the improvements of the current tools for monitoring hate speech and hate crimes. It is also expected that the planned improvements will lead to the development of a new list of indicators for monitoring hate crime and hate speech.

17. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

I. Legal Framework

A. General considerations

28. The Recommendation offers a balanced approach to hate speech that respects freedom of expression and personal dignity, guided by relevant provisions of the ECHR and its associated case-law. It is informed by a respect for the right to freedom of expression (Article 10 ECHR) which is protected, meaning that any restriction on this right must be 'provided by law, pursue a legitimate aim and be necessary in a democratic society' (§ 7 of CM/Rec(2022)16 and § 45 – EM of CM/Rec(2022)16).

29. States have a 'positive obligation' under Article 8 ECHR – Right to respect for private and family life, to 'protect the victims of hate speech' that 'reaches a certain level or threshold of severity', with criminal law being used only for the most severe cases (§ 7 of CM/Rec(2022)16 and § 43 – EM of CM/Rec(2022)16). The Recommendation thus categorises hate speech based on the harm it causes and urges member States to implement 'appropriately calibrated provisions of civil, administrative and criminal law' that are commensurate with these differences (§ 7 of CM/Rec(2022)16 and § 46 – EM of CM/Rec(2022)16).

30. For example, in England and Wales (United Kingdom), there are a variety of legal measures, albeit with somewhat different legal terminology, to address different intensities of what CM/Rec(2022)16 considers to be hate speech: relevant criminal provisions for the most egregious cases exist under the Public Order Act (1986) while the Equality Act (2010) may be used for civil actions against less harmful forms. Similarly, the Communications Act (2003) gives the independent Office of Communications (Ofcom) the power to impose a range of sanctions (a do not repeat order, a correction order,

financial penalties or licencing penalties), on broadcasters in keeping with the seriousness of their breaches on hate speech¹⁸.

31. To ensure transparency and prevent abuse, it is crucial to establish the minimum threshold for criminalising hate speech (§§ 4 and 11 of CM/Rec(2022)16 and §§ 32-35 and 54-63 – EM of CM/Rec(2022)16). For example, in Sweden, the Constitution sets out the extent of freedom of expression and its reasonable limitations ('freedom of expression offences') as defined in law (see Swedish Fundamental Law on Freedom of Expression and Swedish Freedom of the Press Act). The criminalisation of hate speech in Sweden must comply with the international and constitutional framework.

32. Member States should regularly review their legislation to ensure that it is sufficiently calibrated to distinguish hate speech according to its level of severity appropriately (§ 6 of CM/Rec(2022)16). For example, in June 2023, the Estonian government agreed to amend the regulation on the incitement of hatred in the Penal Code so that instead of being a misdemeanour (as previously), it would become a criminal offence¹⁹. The draft amendment foresees that in cases of public incitement to hatred, violence or discrimination against a group of persons or a member of a group on the basis of nationality, "race", skin colour, gender, disability, language, origin, religion, sexual orientation, political beliefs or financial or social status is carried out in a manner that gives reason to fear, where following the incitement, an act of violence or a significant threat to the safety of society occurs, it would be punishable with a pecuniary punishment or imprisonment of up to one year. If the act is committed repeatedly or by a group, it will be punishable by a pecuniary punishment or up to three years imprisonment. Also, an act of a legal entity is punishable by a pecuniary punishment. The draft amendment also adds hate motives among aggravating circumstances.

18. The United Kingdom's approach is to address behaviours through legislation that prohibits the incitement of hatred against protected characteristics rather than adopting an overarching concept of hate speech. Thus, in England and Wales, there is not a legal definition of hate speech as a specific offence. Instead, the legal framework addresses actions that may be considered hate speech through various specific laws. The Public Order Act 1986, for example, criminalises the use of threatening, abusive, or insulting words or behaviour, or the distribution of such material, with intent to stir up racial hatred, and threatening words or behaviour, or the distribution of such material, with intent to stir up religious hatred or hatred on the grounds of sexual orientation. There are also broader public order and communications offences which criminalise certain forms of abusive or grossly offensive speech and content. These offences are not limited to the expression of hatred towards particular groups, but are often prosecuted in this context.

19. See response from Estonia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

33. Member States should use clear and precise terminology and definitions in their hate speech legislation, avoiding vague and blanket terms that could be misunderstood or misused (§ 8 of CM/Rec(2022)16 and § 47 – EM of CM/Rec(2022)16). Hate speech laws and regulations should never become a pretext for silencing those with different opinions, including journalists, the media, minority groups or any other contributors to public debates (§ 9 of CM/Rec(2022)16 and § 50 – EM of CM/Rec(2022)16). In Ireland, for example, the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 which is expected to be enacted and become law in 2024, includes specific provisions to protect freedom of expression explicitly and to provide defences for reasonable and genuine contributions to literary, artistic, political, scientific, religious or academic discourse²⁰.

34. Guidance for the interpretation and application of legal frameworks should be provided to ensure transparency and predictability in hate speech enforcement decisions (§ 8 of CM/Rec(2022)16 and § 47 – EM of CM/Rec(2022)16). For example, in Spain, the Ministry of the Interior has produced a *Protocol for Action by Law Enforcement Agencies for Hate Crime and Conduct in Breach of the Legal Provisions on Discrimination*²¹. This protocol outlines the criminal and civil law relevant to hate crimes, including hate speech, identifies key criteria for assessing the severity of actions ('polarisation indicators') under this legal rubric, and specifies the necessary 'phases of police action'.

35. Member States should ensure that equality bodies and national human rights institutions can provide legal advice and assistance to victims of hate speech and those targeted by hate speech that meets the minimum level of seriousness required by Article 8 ECHR (§ 10 of CM/Rec(2022)16 and §§ 51-52 – EM of CM/Rec(2022)16). Additionally, equality bodies and national human rights institutions should be equipped to initiate individual and structural discrimination and intolerance proceedings on their own behalf (§ 10 of CM/Rec(2022)16 and §§ 52-53 – EM of CM/Rec(2022)16). For example, the Non-Discrimination Ombudsman in Finland has legal standing before the courts to represent victims of discrimination, initiate legal proceedings with or without an identifiable victim, and present *amicus curiae* briefs²².

20. See response from Ireland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

21. See Spain, Ministry of the Interior, *Protocol for Actions by the Security Services and Corps in Cases of Hate Crimes and for Conduct Infringing Legal Provisions on Discrimination*, May 2020 (revised edition), available in Spanish.

22. See Finlex Data Bank, *Act on the Non-Discrimination Ombudsman*, 2014.

At the same time, the Non-Discrimination Ombudsman also carries out a broad range of activities to prevent discrimination and promote equality. These actions include organising training, awareness raising and communication activities, making recommendations on discrimination claims, undertaking investigations, monitoring national compliance, advising the government and networking with relevant domestic and international stakeholders.

B. Criminal law and its enforcement

36. Criminal laws on hate speech should meet international standards, which include the obligations already required under the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the First Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, and EU's Council Framework Decision (EUFD) 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law. "Good practices" in this area should conform to ECRI General Policy Recommendation No. 7 (Revised) on national legislation to combat racism and racial discrimination²³. "Promising practices" should demonstrate some positive efforts to respond to ECRI monitoring and take due note of any country-specific guidance.

37. Accordingly, national criminal laws should specify and clearly define which expressions of hate are subject to criminal prosecution decisions (§ 11 of CM/Rec(2022)16 and §§ 55-63 – EM of CM/Rec(2022)16). The Recommendation specifies various levels of severity for hate speech, and criminal law is reserved for only the most serious forms of it. There should be criteria for distinguishing the severity of these types of expressions (§ 11 of CM/Rec(2022)16 and §§ 57-58 – EM of CM/Rec(2022)16). In their efforts to fully implement these recommendations, member States should aim to review and, where necessary, amend their criminal law provisions to ensure they are fully up to date with both international standards, the Recommendation, ECRI guidance and contemporary societal and technological developments (§ 11 of CM/Rec(2022)16 and §§ 57-58 – EM of CM/Rec(2022)16).

23. See ECRI General Policy Recommendation No. 7 (Revised) on national legislation to combat racism and racial discrimination, 2017.

38. Ireland's recent updated hate speech legislation offers evidence of the sort of proactive response that CM/Rec(2022)16 seeks to encourage²⁴. It was already an offence in Irish law under the *Prohibition of Incitement to Hatred Act 1989* to speak, publish, display or broadcast threatening, abusive or insulting material where that material is intended or likely to stir up hatred against a person(s) on the basis of a protected characteristic. It was also an offence to prepare or possess such material with a view to its publication, broadcast or display. However, the Irish government recently deemed it necessary to update the existing incitement provisions to bring it more fully into alignment with European and international standards. The Criminal Justice (*Incitement to Violence or Hatred and Hate Offences*) Bill 2022 will repeal and replace the *Prohibition of Incitement to Hatred Act 1989*. This Bill is currently progressing through Parliament and is expected to be enacted and become law in 2024. The main updates include the following key changes: (1) It will be an offence to incite violence, in addition to hatred, towards individuals and groups based on a list of protected characteristics including "race", colour, nationality, religion, national or ethnic origin, descent, sex characteristics, sexual orientation or disability'; (2) The legislation introduces a new provision for the offence of condonation, denial or gross trivialisation of genocide against persons on account of their protected characteristics that will give full effect to European Framework Decision 2008/913/JHA to publicly condone, deny or grossly trivialise crimes of genocide, crimes against humanity and war crimes; The Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill also creates new hate offences based on an aggravated offences model that will allow a court to impose a sentence that recognises the hate component of an offence where it is motivated by hatred or where hatred is demonstrated during the commission of the offence.

39. In updating their criminal law provisions, member States may find it helpful to work with relevant international organisations. Here, North Macedonia offers an interesting example. A recent Law on Amendments and Supplements to the Criminal Code (Official Gazette No. 248/18) mostly incorporates international standards in the field of hate crime into domestic legislation. These amendments were developed over a long period with the support of the Organization for Security and Co-operation in Europe (OSCE) Mission in Skopje²⁵. In the framework of this project, several research

- 24. See response from Ireland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.
- 25. See response from North Macedonia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

investigations to review current practices and developments were carried out. The main goal of these amendments and additions to the Criminal Code was to raise the visibility of acts of hate by prescribing a legal definition of that term and predicting special forms of acts of hate in the Special Section, which, according to the principle of legality, will oblige the prosecuting authorities to detect, determine and process such acts. The Criminal Code now includes the following definition of a hate crime as a criminal offence against a natural or legal person committed in whole or in part because of a real or assumed (imagined, imaginary) characteristic or association of the person relating to "race", colour, nationality, ethnic origin, religion or belief, mental or physical disability, sex, gender identity, sexual orientation and political belief. This revised definition is now a good fit with the meaning of hate speech including in CM/Rec(2022)16.

Effective investigations

40. Member States are expected to conduct effective investigations into hate speech that aims for prosecution in line with the ECHR and the European Court of Human Rights (ECtHR) case-law (§ 12 of CM/Rec(2022)16 and §§ 64-69 – EM of CM/Rec(2022)16). To this end, the Slovak Republic has established a special force within the national criminal investigations police to address hate speech, hate crimes and extremism specifically. Such cases are then assigned to specialised departments within the prosecution services and courts. ECRI positively notes that these measures have resulted in 'a considerable number of strategic court actions'²⁶.

Investigations on online criminal hate speech

41. This same expectation regarding effective investigations also applies to criminal hate speech that is committed online (§ 12 of CM/Rec(2022)16 and §§ 55-57 – EM of CM/Rec(2022)16). Accordingly, several member States have created special police units to deal with online hate speech. In 2022, the Danish National Police established a new online police unit ('the Police Online Patrol') to patrol social media, internet for a, and gaming-related websites to establish a dialogue with citizens, prevent crime and support investigations of internet-related crime, including hate speech. It is possible to submit a tip to the online patrol via e-mail or the online messaging app Messenger²⁷. A similar arrangement exists in Norway, where each police

- 26. See ECRI Report on the Slovak Republic, 6th Monitoring Cycle, 8 December 2020, p.21.
- 27. See response from Denmark, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

district has a dedicated online patrol with a visible presence across social media and gaming platforms. The Norwegian online police patrols have created a Secure Chat to receive sensitive information when citizens want to share it²⁸. In Greece, the Cybercrime Division of the Hellenic Police investigates cybercrime, including online hate speech²⁹. The division has a special unit called the Electronic Crime Prosecution Directorate, which handles cases of online racism, xenophobia and discrimination. In the United Kingdom (UK), the UK Government fund the National Online Hate Crime Hub, which is run by the National Police Chiefs' Council (NPCC) and is made up of a team of specialist officers who provide support and guidance to local police forces in dealing with online hate crime cases³⁰. The Hub also reports illegal online content to social media platforms so it can be removed.

Investigations targeting individuals and groups in a vulnerable situation

42. Investigations into hate speech should prioritise cases that target individuals and groups in a vulnerable situation (§ 12 of CM/Rec(2022)16 and § 65 – EM of CM/Rec(2022)16). For example, Norway's National Competence Centre on Hate Crime and National Police Directorate work together on the registration of cases in the police's prosecution system, and have prioritised the inclusion of new minority groups with special legal protection as an ongoing focus area³¹. Prioritising individuals and groups in a vulnerable situation can also be accomplished by actively reaching out to them and taking effective measures to facilitate and encourage their reporting of hate speech prohibited under criminal law to law enforcement services. For example, the Irish National Police created a Diversity and Integration Strategy 2019-2021 with a view to fully understanding and engaging with various communities and stakeholders from across the 'diversity spectrum' of characteristics. As part of this effort, a 'National Diversity Forum' that included representatives of these communities and stakeholders was created to monitor and review the implementation of strategies, including those on

- 28. See response from Norway, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.
- 29. See [ECRI Report on Greece](#), 6th Monitoring Cycle, 22 September 2022, p. 14.
- 30. See response from the United Kingdom, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.
- 31. See response from Norway, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

hate speech, and improve communications between police and those most frequently targeted by hate speech and other hate crimes³². Similarly, in Croatia, the introduction of the individual victim assessment institute, which specifically includes victims of hate crimes, into the criminal procedural legislation of the Republic of Croatia aims to ensure that competent authorities take an individual approach towards victims³³. The purpose of individually assessing the victim is to determine the potential for secondary and repeated victimisation, intimidation, and retaliation during criminal proceedings. If such risks exist, specific measures should be applied, such as special interrogation methods, the use of communication technologies to avoid visual contact with the perpetrator, and other measures prescribed by law.

C. Civil and administrative Law

43. Administrative and civil law offers further opportunities to protect victims of hate speech and those targeted by hate speech (§ 13 of CM/Rec(2022)16 and § 70 – EM of CM/Rec(2022)16). Civil law is generally less restrictive of free speech and thus better suited to less egregious forms of hate speech. In determining which legal remedy shall apply to a particular case, member States should follow the scale of severity outlined in the Recommendation (§ 3 of CM/Rec(2022)16 and §§ 24-31 – EM of CM/Rec(2022)16). Where criminal prosecution services choose not to investigate, individuals who have been targeted by hate speech should have the right to seek redress through civil and administrative law, or private prosecution, if applicable (§§ 11-12 of CM/Rec(2022)16 and §§ 56, 62 and 69 – EM of CM/Rec(2022)16).

44. These rules and procedures should be clearly communicated to the police and courts, as well as those who work to support and advise victims of hate speech and those targeted by hate speech (§§ 14-15 of CM/Rec(2022)16 and §§ 76-78 – EM of CM/Rec(2022)16). For example, Spain's *Protocol for Action by Law Enforcement Agencies for Hate Crime and Conduct in Breach of Legal Provisions on Discrimination* summarises criminal and civil laws applicable to hate speech and instructs the police on how to proceed in each circumstance. It also makes clear that in some situations one course of action is more likely to be successful than the other, e.g., noting that conviction

- 32. See European Union Agency For Fundamental Rights (FRA), Compendium of practices on hate crime, *An Garda Síochána's Diversity and Integration Strategy 2019–2021*.
- 33. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

for criminal charges of discrimination in employment is 'difficult to prove in court' so 'most cases are brought before the Labour Inspectorate,' while still emphasising that if complaints are filed with law enforcement agencies, they should be investigated according to the prescribed rules.

45. Member States should provide various civil remedies such as compensation, content removal, fines or loss of license for hate speech violations (§ 13 of CM/Rec(2022)16 and § 75 – EM of CM/Rec(2022)16). For example, under the German Civil Code, victims of hate speech can pursue civil remedies for moral and financial damages caused by incitement to hatred, insult and defamation. They can also make tort claims under 'protection of personality rights' and seek damages for 'immoral intentional damage'³⁴.

46. Hate speech can also be considered discrimination or harassment under European and national laws. Anti-discrimination laws should cover all forms of hate speech and allow victims and those targeted by hate speech to seek help from equality bodies (§ 14 of CM/Rec(2022)16 and § 76 – EM of CM/Rec(2022)16). In the United Kingdom, the Equality Act (2010) prohibits discrimination, harassment or victimisation based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, "race", religion or belief, sex, and sexual orientation. Individuals can take legal action to enforce these rights through employment tribunals and courts³⁵.

47. The United Kingdom Equality and Human Rights Commission (EHRC) is the independent regulatory body established to enforce the Equality Act 2010. It has a wide range of powers that include the ability to: take legal action against individuals, organisations or public authorities that violate United Kingdom equality and non-discrimination laws; intervene in legal proceedings (including court cases) to provide expert advice and assistance; initiate strategic litigation on cases that address structural discrimination or that could establish important legal precedents; and provide support and assistance to victims. Thus, for example, following the ruling in Taylor v. Jaguar Land Rover Ltd., the EHRC signed a legal agreement with Jaguar Land

34. See Article 19, Germany: Responding to 'hate speech', 2018 Country Report, p. 35.

35. See Employment Tribunals, Ms RTaylor v. Jaguar Land Rover Ltd: 1304471/2018 – Judgment, 2020: for example, in 2020, Rose Taylor pursued a claim of discriminatory treatment based on her genderfluid identity against her employer, Jaguar Land Rover, via an employment tribunal. The claimant experienced hate speech, including abusive insults and jokes, from colleagues at work and received insufficient support from human resources and management. The Tribunal ruled in her favour, finding that gender fluid identities fell under the protected characteristic of gender reassignment.

Rover to improve its equality and diversity policies and practices³⁶. Going forward, the EHRC will monitor Jaguar Land Rover's implementation plan and will be able to use its powers to enforce compliance if necessary.

48. Strategic litigation based on civil and administrative law also offers scope for action by non-governmental organisations. For example, the GENDERDOC-M Information Centre in Republic of Moldova engages in strategic litigation, documenting cases of discrimination, hate speech, and hate crimes. This approach not only aims to bring justice to individual cases but also sets legal precedents that can protect the broader LGBTI community³⁷. Victims receive comprehensive support including legal and psychological assistance, ensuring they are not alone in their fight against hate and discrimination. This sort of proactive legal strategy is pivotal in creating a more accountable system that deters hate speech and promotes the rights of marginalised communities.

D. Legislation regarding online hate speech

49. The Recommendation underscores that online hate speech is a growing problem and urges member States to implement clear and effective legal frameworks to prevent and remove such content. It is thus encouraging to see many member States initiating action in this area. As outlined in paragraph 16 of CM/Rec(2022)16 and paragraph 81 of its Explanatory Memorandum, it is the member States that have the 'ultimate obligation to protect human rights and fundamental freedoms also in the digital environment'. Accordingly, member States should elaborate 'a clear legal framework for preventing and combating hate speech online', that is consistent with CM/Rec(2022)16 as well as CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries,. Such legal frameworks should 'primarily concentrate on online hate speech that is prohibited under criminal, civil or administrative law'. That said, they should also 'motivate internet intermediaries and other stakeholders' to combat 'offensive or harmful types of online expression' that fall beneath the level of severity to be legitimately restricted under the ECHR.

36. See Equality and Human Rights Commission, Jaguar Land Rover Ltd signs a legal agreement with the EHRC, 14 October 2021.

37. For an example of GENDERDOC-M's strategic litigation, see case of GENDERDOC-M and M.D. v. the Republic of Moldova.

50. France offers an interesting response to online hate speech in this context³⁸. The Act of 24 June 2020, known as the “Avia Law”, introduced a Pôle national de lutte contre la haine en ligne - National Centre for Combating Online Hate (PNLH), which is a centralised judicial centre at national level, under the direction of the Paris public prosecutor, that deals with significant cases of cyber-harassment and online hate. It has jurisdiction over offences of online harassment and hate speech. In 2021, the PNLH dealt with 502 cases, and the number of referrals is increasing every year. France has also established an observatory on online hate, to combat the spread of hateful content and to monitor and analyse trends in online hate, with the creation of working groups made up of the various players in society (ministries, associations or foundations, etc.).

51. Similarly, also in 2020, Azerbaijan amended the Law “On Information, Informatization, and Information Protection” to prevent the spread of harmful content online. These revisions ban both internet providers and individuals from sharing any content promoting violence, religious extremism, or inciting hatred. The law requires the immediate removal of such illegal content within eight hours of detection³⁹.

52. Ireland’s Online Safety and Media Regulation (OSMR) Act, enacted in December 2022, is another example of efforts towards comprehensive regulatory arrangements⁴⁰. The Act was commenced on 15 March 2023 and, on the same date, a new independent online safety and media regulator, known as Coimisiún na Meán (Ireland’s new Commission for regulating broadcasters and online media), was formally established. The OSMR Act provides for a regulatory framework for online safety, which will be applied and enforced by Coimisiún na Meán. As part of this, Coimisiún na Meán is currently developing its first online safety code. This code will initially apply to video-sharing platform services established in Ireland and is expected to be adopted in the coming months. The broad aim of the online safety code is to provide for systemic obligations that protect online users, particularly children, from some of the most serious forms of harmful online content, including hate speech, and to ensure online services are operating suitable user reporting and redress mechanisms. This legislation will complement the

- 38. See response from France, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.
- 39. See ECRI report on Azerbaijan, 6th Monitoring Cycle, 21 June 2023, p.5.
- 40. See response from Ireland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill in terms of combating hate speech online.

53. National legal frameworks should prioritise online hate speech prohibited by law while encouraging internet intermediaries to address less harmful forms of online hate in a way that respects human rights and due diligence (§§ 16-17 of CM/Rec(2022)16 and §§ 81 and 83 – EM of CM/Rec(2022)16). For example, Germany's Network Enforcement Act (NetzDG) requires social media platforms with more than two million users in Germany to remove "clearly illegal" hate speech within 24 hours of receiving a user complaint or face fines of up to 50 million euros⁴¹. Since 1 February 2022, operators of social networks with more than two million registered users in Germany have been obligated under the Network Enforcement Act to forward to the Federal Criminal Police Office (BKA) certain content that has been reported to them by way of a complaint and that they consider to be illegal⁴². These reports can be sent to the Central Reporting Unit for Criminal Content on the Internet which was set up specifically for this purpose at the BKA. In practice, the social networks concerned have not yet sent any such reports to the BKA. However, the BKA has received many reports from voluntary cooperation partners. Cooperation partners include dedicated offices in Hesse and Baden-Württemberg; state media authorities; and some state law enforcement authorities such as the central unit for combating online and computer crime at the general public prosecutor's office in Frankfurt and the central point of contact for cybercrime in North Rhine-Westphalia. The Central Reporting Unit examines whether the reports are relevant and constitute a threat; identifies the author, if possible; and, if successful, informs the local law enforcement authorities in the federal states, enabling them to conduct their own investigations. In addition, in cooperation with the state media authorities, providers of the relevant website or platform can be requested to delete reported criminal content that is usually still available on the internet.

54. Recent events offer an insight into how these new German arrangements are working. The conflict between Hamas and Israel poses new challenges to the fight against hate speech, in particular antisemitic and anti-Muslim hate speech. Since Hamas attacked Israel, the Central Reporting Unit of the BKA

41. See response from Germany, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

42. See response from Germany, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

has received 173 relevant reports (as of 3 November 2023). The vast majority of the reported content constitutes the offence of incitement to hatred (section 130 of the Criminal Code). In the context of the terrorist attacks on Israel, the BKA issued 143 removal orders to Telegram and ten removal orders to X (as of 21 November 2023). The service providers complied with these orders in due time. Since the beginning of the conflict, Germany's state media authorities have reported more than 450 items of content on online platforms to the European Commission (as of 10 November 2023), in order for the Commission to examine whether the online platforms fulfil their content moderation obligations under the EU Digital Services Act (DSA)⁴³.

55. Legal and regulatory frameworks should not produce overcompliance or discriminatory implementation that would unduly limit the scope for freedom of expression (§ 26 of CM/Rec(2022)16 and §§ 110-112 – EM of CM/Rec(2022)16). Therefore, removal procedures and conditions should respect freedom of expression and be transparent, clear, and predictable (§§ 20 of CM/Rec(2022)16 and § 88 – EM of CM/Rec(2022)16). ECRI, in its 6th cycle report (2020), has concluded that the restrictions imposed by Germany's NetzDG can be considered "necessary in a democratic society in the sense of Article 10.2 of the European Convention on Human Rights (ECHR), in particular, to protect the reputation and the rights of privacy and honour of the persons exposed to hate speech (Article 8 ECHR) and to prevent disorder and crime"⁴⁴. Other member States should ensure a similar balance in regulating online hate speech.

56. The Recommendation also stresses that the responsibilities and liability rules imposed on internet intermediaries should require a clear explanation for all decisions to block, take down, or deprioritise content (§ 23 of CM/Rec(2022)16 and §§ 99-101 – EM of CM/Rec(2022)16). If smaller intermediaries do not have the capacity for this, member States could consider limiting their obligations to timely responses to user requests for an explanation (§ 23 of CM/Rec(2022)16 and § 99 – EM of CM/Rec(2022)16). Thus, for example, Austria's Communication Platform Act (KoPi-G), which came into force in 2021, only applies to domestic and foreign communication platforms with more than 100,000 users in Austria or more than 500,000 euros in sales⁴⁵.

43. See response from Germany, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

44. See ECRI Report on Germany, 6th Monitoring Cycle, 1 October 2020, p.21.

45. See Organization for Security and Co-operation in Europe (OSCE) Office of the Representative on Freedom of the Media, Legal review of the Austrian Federal Act on measures to protect users on communications platforms, 15 October 2020, p. 16.

The law obliges platforms to delete “obviously illegal” hate speech within 24 hours and to report regularly on their compliance with the law⁴⁶. The law also establishes an independent authority to monitor the platform’s transparency reports and impose sanctions for non-compliance.

57. Systems should be put in place for ‘disclosure of subscriber information’ where ‘competent authorities’ have determined that online hate speech is ‘in breach of the law’ (§ 23 of CM/Rec(2022)16 and § 99 – EM of CM/Rec(2022)16). Internet intermediaries should be required to produce and publish transparency reports on the protected characteristics targeted, the different expressions of hate speech, and the number, nature, and legal basis of all content restrictions (§ 24 of CM/Rec(2022)16 and §§ 102-105 – EM of CM/Rec(2022)16). Accordingly, the United Kingdom’s Online Safety Act (2023) requires major platforms to publish annual transparency reports containing online safety information requested by the independent regulator, Ofcom. These reports may include how relevant content is dealt with and information about user reporting processes. Additionally, all services must provide an effective complaints process that allows users to seek redress for wrongful decisions⁴⁷.

Trusted flagger schemes

58. Independent authorities should regularly assess whether the existing systems, including automated systems, provide effective protection for those targeted by hate speech and strike an appropriate balance with the right to the freedom of expression for those who publish content on the internet (§§ 26-27 of CM/Rec(2022)16). One way to achieve this goal is via a ‘trusted flagger’ scheme. ‘Flagging’ describes a process through which any third party can report content for moderation review by internet intermediaries. ‘Trusted flaggers’ are third parties accorded a higher priority in moderation processes by internet intermediaries, usually via special points of contact⁴⁸. According to the Council of Europe *Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner*, paragraph 37:

46. See response from Austria, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

47. See United Kingdom Legislation, *Online Safety Act*, 2023.

48. See Naomi Appelman & Paddy Leerssen, *On “Trusted” Flaggers*, *Yale Journal of Law & Technology*, 2022, 24, 452.

"Platforms should collaborate with independent expert organisations specialised in protecting and representing vulnerable groups to develop transparent mechanisms to reliably identify, recruit, and empower "trusted flaggers" from vulnerable users and human rights advocates, so their warnings and complaints are duly prioritised. Platforms should develop inclusive mechanisms to recruit trusted flaggers from a variety of backgrounds and constituencies, and to effectively onboard and continuously support them so that they reliably and consistently apply platform policies. Platforms should also develop processes that empower their trusted flaggers to provide feedback and suggest reforms to existing policies to better incorporate the insights and experiences of specific vulnerable groups. Platforms should also work with independent professional news organisations and develop processes through which they can be integrated as trusted flaggers while safeguarding their independence from the platforms".

59. The EU Code of Conduct on Hate Speech also introduces a 'trusted flagger' concept by encouraging internet intermediaries to encourage the 'flagging of content that promotes incitement at scale by experts' via partnerships with civil society organisations⁴⁹. Under the code, member States and the European Commission will work with internet intermediaries to maintain a quality national and European network of trusted flaggers, and internet intermediaries will make information about trusted flaggers publicly available on their websites.

60. The EU's Digital Services Act (DSA) offers a more regulated 'trusted flagger' scheme, that defines trusted flaggers as those with expertise and competence in detecting, identifying, and notifying illegal or harmful content online⁵⁰. The DSA requires all but the smallest internet intermediaries (those who employ fewer than 50 people or whose annual turnover does not exceed EUR 10 million) to establish notice-and-action mechanisms for illegal content and to give priority and fast-track treatment to notices from trusted flaggers. The DSA also sets out the criteria and procedures for entities to apply for and obtain the status of trusted flaggers from the Digital Services Coordinators (DSCs) of the member States. The EU also provides guidance and support for the scheme's implementation, such as developing common standards and criteria, facilitating the exchange of information and experience, and monitoring the impact and outcomes of the scheme.

61. Spain has now introduced its own trusted flagger scheme based on the Protocol to Combat Hate Speech Online that was edited and distributed by the Spanish Observatory on Racism and Xenophobia (OBERAXE), a public body

49. See European Commission, EU Code of Conduct on Hate Speech.

50. See European Council/Council of the European Union, EU's Digital Services Act (DSA), 4 March 2024.

under the Ministry of Inclusion, Social Security and Migration⁵¹. According to the Spanish protocol, trusted flaggers are entities that have a proven track record of reporting hate speech online and that meet certain criteria of expertise, independence, accuracy, transparency, and accountability. They can be public bodies, such as law enforcement agencies or equality bodies, or non-governmental organisations, such as anti-discrimination or human rights associations. These trusted flaggers operate by submitting notices of hate speech online to the online platforms that host the content, using the mechanisms and channels established by the platforms. The protocol recommends that online platforms give priority and fast-track treatment to the notices from trusted flaggers, as well as provide them with feedback on the actions taken. The protocol also encourages online platforms to establish regular communication and cooperation with trusted flaggers, as well as to provide them with training and support.

62. The benefits of trusted flagger schemes are that they can enhance the cooperation between internet intermediaries and relevant stakeholders, increase the efficiency and effectiveness of content moderation processes, and provide better support to victims of online abuse. Such schemes also encourage internet intermediaries to provide feedback to trusted flaggers on the actions taken on their reports and to share data and best practices with them. But to work properly, they do require a multi-stakeholder approach that involves good communication and training about shared standards⁵².

63. A good example of such a multi-stakeholder approach is the ALRECO project in Spain which brought together all key stakeholders (government, internet intermediaries, and civil society) involved in the prevention of online hate speech to develop and establish protocols containing search criteria and indicators to identify and measure hate speech. Additionally, ALRECO designed warning indicators to evaluate the intensity, severity, distribution, and potential impact of hate speech, enabling the formulation of targeted recommendations for action.

64. Member States should require by law that online media not spread hate speech reaching a certain threshold of severity (§ 27 of CM/Rec(2022)16 and § 113 – EM of CM/Rec(2022)16). For example, in Sweden the Electronic Bulletin Boards Responsibility Act stipulates that service providers who share messages on an electronic bulletin board (text, image, sound or

51. See Spanish Observatory on Racism and Xenophobia (OBERAXE), Protocol to Combat Illegal Hate Speech Online.

52. See Suzanne Vergnolle, Putting collective intelligence to the enforcement of the Digital Services Act, in collaboration with Article 19, 2023.

other information) have some responsibility for what is posted there⁵³. Such providers must supervise these spaces, and if, for example, they identify a message that involves incitement (Penal Code 16, section 5) against those with protected characteristics, they are obliged to delete such messages⁵⁴. In Switzerland, there are interesting developments to extend this scope of coverage to the film and video game industries. On 30 September 2022, the Federal Act on the Protection of Minors in the Film and Video Game Industries was passed (not yet in force)⁵⁵. Among other things, the law requires providers to set up reporting systems, thereby making it possible to curb the spread and visibility of hate speech.

65. Finally, member States should also consider administrative and civil law provisions for redress against hate speech online (§§ 14 and 20 of CM/Rec(2022)16 and §§ 76 and 90 – EM of CM/Rec(2022)16). In Germany, there are efforts to extend civil law protection to hate speech online. The Federal Ministry of Justice is working on an Act against Digital Violence to support individuals in taking civil action when their personality rights have been violated online⁵⁶. Among other things, the draft bill aims to improve access to information that helps identify the author of illegal content. The draft bill specifies that, in case of serious violations of the law, accounts can be blocked following a court order to prevent further violations. Court proceedings are to be free of charge and efficient.

- 53. See Näthatshjälpen (Online hate helpline) – AV Make Equal, *Facts on Responsibility for Electronic Bulletin Boards (The BBS-Act)*.
- 54. See *Swedish Law on Responsibilities for Internet Information Providers*, 3 June 1998.
- 55. See response from Switzerland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.
- 56. See Bernstein Group, *Law against digital violence – what is the Federal Government planning in the fight against hatred and incitement online?*, 13 September 2022.

II. Key Actors

A. Public officials, elected bodies, and political parties

66. The Recommendation highlights the crucial role of public officials, elected bodies and political parties in addressing hate speech because, due to their position of influence, they have broader possibilities for spreading their speeches (§ 28 of CM/Rec(2022)16 and § 115 – EM of CM/Rec(2022)16). For the purpose of the Recommendation, the term ‘public officials’ is understood to include ‘members of the legislature, the government, the judiciary, and other public authorities’ (§ 28 of CM/Rec(2022)16 and §§ 115-117 – EM of CM/Rec(2022)16). Public officials should avoid using, endorsing, or promoting hate speech and instead foster a culture of human rights. They should be encouraged to uphold ‘freedom of expression’, including both ‘information or ideas’ that are ‘favourably received’ or ‘inoffensive’ as well as those which may ‘offend, shock or disturb the State or any sector of the population’ (§ 28 of CM/Rec(2022)16).

67. The implementation of special measures to address and counteract hate speech by parliaments, other elected bodies, and political parties should be promoted, particularly in the context of election campaigns and representative assembly debates (§ 29 of CM/Rec(2022)16 and § 119 – EM of CM/Rec(2022)16). For example, in 2021, Republic of Moldova’s Central Electoral Commission (CEC) updated the Code of Conduct for electoral campaigns to include a new provision defining and banning hate speech and incitement to discrimination. By August 2023, a new regulation developed by the CEC took effect, governing the creation and distribution of political and electoral advertising and public interest messages. This regulation also explicitly prohibits the use of any images or messages that promote hatred and discrimination.

68. Several member States have adopted codes of conduct for parliamentarians or political parties intended to prevent and combat hate speech as per Council of Europe Parliamentary Assembly (PACE) Resolution 2275(2019) on the responsibilities of political leaders in combating hate speech⁵⁷. The German Bundestag and the state-level parliaments have established guidelines that impose penalties for hate speech incidents. In Baden-Württemberg, two AfD members were removed from a session due in part to a racist comment they made and then further penalised by being banned from the next three sessions for failing to comply with this directive⁵⁸. Similarly, the Code of Principles and Ethics for Members of Parliament (MPs) in Cyprus prohibits hate speech, incitement to violence and sexist/racist behaviour by MPs in performing their duties⁵⁹. Compliance with the Code is monitored by a Special Parliamentary Committee on Ethics. The Code of Ethics for Members of the Greek Parliament provides for the prevention of hate speech against persons on the grounds of their racial or ethnic origin, religious or political beliefs, sex, age, disability or sexual orientation⁶⁰. The Albanian Parliament has also ratified a set of rules, including a provision that bars Members of Parliament (MPs) from engaging in racist, homophobic, or transphobic language while in session, along with any discriminatory or stereotypical behaviour, whether within parliamentary proceedings or elsewhere⁶¹. Breaching these guidelines may result in disciplinary actions taken against the offending MP.

B. Internet intermediaries

69. The Recommendation recognises the vital role that internet intermediaries now have in spreading ideas and information within and between member States. Internet intermediaries have their own corporate human rights responsibilities, and should be guided by national and international human rights standards (§ 30 of CM/Rec(2022)16 and § 123 – EM of CM/Rec(2022)16).

70. The section of the Recommendation addressing Internet Intermediaries largely builds on the Recommendation on the roles and responsibilities

57. See Council of Europe Parliamentary Resolution [PACE Resolution 2275\(2019\)](#) on the responsibilities of political leaders in combating hate speech, 10 April 2019.

58. See [ECRI Report on Germany](#), 6th Monitoring Cycle, 17 mars 2020, p. 20.

59. See [ECRI Report on Cyprus](#), 6th Monitoring Cycle, 7 mars 2023, p. 17.

60. See response from Greece, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

61. See [ECRI Report on Albania](#), 6th Monitoring Cycle, 2 June 2020, p. 16.

of internet intermediaries (CM/Rec(2018)2), providing guideline for shaping a rule of law-based policy for the relationship between state authorities and intermediaries and their respective human rights obligations and responsibilities, online and offline⁶². According to paragraph 1.3.8. of CM/Rec(2018)2:

"In order to ensure that illegal content – as determined either by law or by a judicial authority or other independent administrative authority whose decisions are subject to judicial review – is effectively prevented from being accessed, States should co-operate closely with intermediaries to secure the restriction of such content in line with the principles of legality, necessity and proportionality. They should also take into account the fact that automated means, which may be used to identify illegal content, currently have a limited ability to assess context. Such restrictions should not prevent the legitimate use of identical or similar content in other contexts".

71. Human rights should inform all internet intermediaries' corporate practices, including their terms of service, moderation and content removal, employment and training (§ 31 of CM/Rec(2022)16 and §§ 138-142 – EM of CM/Rec(2022)16). Concerning hate speech, this also means that internet intermediaries should act to identify and appropriately respond to hate speech according to its severity.
72. To effectively address the issue of hate speech, it is crucial that automated moderation processes are complemented by human moderators who are well-trained and adequately supported (§ 34 of CM/Rec(2022)16 and §§ 135-137 – EM of CM/Rec(2022)16). These moderators should possess cultural, legal, and social awareness to accurately identify and appropriately handle hate speech, considering each case's severity (§ 33 of CM/Rec(2022)16 and §§ 135-137 – EM of CM/Rec(2022)16). In less severe cases, alternative actions beyond removal should be taken. Trusted flaggers and fact-checkers must also be trained in human rights standards for hate speech.
73. Online platforms (including social media) should also scrutinise their algorithms and data-gathering methods to prevent indirect encouragement of hate speech via advertising, microtargeting, content amplification or recommendation (§ 36 of CM/Rec(2022)16 and §§ 147-149 – EM of CM/Rec(2022)16).
74. The Recommendation envisions a multi-stakeholder approach, so internet intermediaries should partner with civil society organisations engaged with hate speech on data collection and analysis, policy proposals and campaigns (§ 35 of CM/Rec(2022)16 and §§ 143-146 – EM of CM/Rec(2022)16). For example, most of the major internet intermediaries, e.g., Meta Platforms,

62. See Council of Europe, [Internet Intermediaries - Freedom of Expression \(coe.int\)](#).

Inc. (parent company of Facebook), Microsoft, X (formerly Twitter), YouTube, Instagram, Snapchat, TikTok, etc., have joined the European Commission's (EU) Code of Conduct on countering illegal hate speech online, which is a voluntary initiative that involves cooperation between public authorities and internet platforms. By signing the Code of Conduct, internet intermediaries have committed to review and remove illegal hate speech within 24 hours of notification, provide feedback to users who report such content, educate and empower its users on how to counter hate speech and collaborate with civil society organisations on awareness-raising activities.

75. At the level of the EU, the European Commission's Code of Conduct on Countering Illegal Hate Speech Online sets out several commitments for internet intermediaries to prevent the spread of illegal hate speech online and ensure respect for fundamental rights⁶³. The Commission also monitors the implementation of the Code of Conduct through regular evaluations based on feedback from civil society organisations and public authorities.

76. Innovative efforts to partner with internet intermediaries are also being made at the national level. For example, OBERAXE is building on the EU Code of Conduct in its efforts to prevent and combat online hate speech in Spain by collaborating directly with major internet platforms like YouTube, X (formerly Twitter), Facebook, Instagram, and TikTok. This initiative focuses on systematic daily monitoring of xenophobic, racist, and anti-immigration content across these platforms, a project initially spurred by the increase in hate speech during the COVID-19 pandemic. Using a methodology adapted from EU practices but tailored for Spain, OBERAXE manually searches for and classifies hate speech, communicating with platforms for timely removal. Unaddressed cases are escalated, and potentially criminal content is reported to legal authorities. The results of this monitoring are shared bimonthly in a bulletin designed to improve the monitoring process and inform strategies against hate speech. Additionally, the ALRECO project (see also paragraph 62) seeks to expand this monitoring framework by incorporating more organisations, enhancing the collective response to hate speech⁶⁴.

63. At the time of writing (June 2024), the European Commission was planning an enhanced code to better reflect the provisions of the Digital Services Act. 'The Code of Conduct+' will not only focus on content removal but also on enhanced prevention and the anticipation of threats.

64. See the Spanish Observatory on Racism and Xenophobia (OBERAXE), Monitoring of online hate speech by OBERAXE.

C. Media

77. The media and journalists play an important “public watchdogs” role in society. The Recommendation acknowledges the pivotal role they can play also in reporting on hate speech (§ 38 of CM/Rec(2022)16 and §§ 156-157 – EM of CM/Rec(2022)16), while also promoting a culture of tolerance and enhancing social cohesion. Notable examples include, in Poland, the independent online media outlet [OKO.press](#) regularly monitors and reports hate speech issues, and also promotes counter speech and alternative speech; and, [Valigia Blu](#), another independent online media outlet, which performs a similar role in Italy.

78. Media and journalists should be able to freely fulfil such roles by providing accurate and reliable information without becoming targets of undue editorial interference, inappropriate sanction by hate speech laws and regulations, or, indeed, hate speech itself (§ 38 of CM/Rec(2022)16 and §§ 156-157 – EM of CM/Rec(2022)16). For example, the [Ethical Journalism Network \(EJN\)](#), a coalition of journalists, press owners and media support groups from across Europe and the globe, works to promote just this sort of ethical journalism. The EJN has developed an [infographic](#) Five Point Test for Journalists to detect hate speech modelled on criteria similar to that used in the Recommendation and the Rabat Action Plan on the prohibition of advocacy of national, racial or religious hatred. This infographic is currently available in over twenty languages including [English](#), [French](#), [German](#), [Italian](#), [Spanish](#), and [Russian](#). The EJN also offers training in ethical journalism and has developed a [toolkit on migration reporting](#) in cooperation with the EU Fundamental Rights Agency, the European Broadcasting Union and the European Federation of Journalists⁶⁵. Through various projects and initiatives such as these, the EJM strives to support journalists, policymakers and human rights organisations in their dual mandate to prevent hate speech and promote tolerance and understanding.

79. Another interesting example in this context is the [SafeJournalist Network](#). The SafeJournalists Network is a regional platform of journalist associations and media trade unions in the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Kosovo⁶⁶, North Macedonia, Montenegro and Serbia) that advocates for media freedom and journalists’ safety, including from hate speech directed at them. The network was established in 2016 with

65. See EJN, [Migration reporting toolkit for journalists launches on World Refugee Day](#), 2019.

66. All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation’s Security Council Resolution 1244 and without prejudice to the status of Kosovo.

the support of the European Union. The network monitors and reports on the levels of media freedom and safety of journalists in the region, using an online database of attacks and threats against media professionals including instances of hate speech and hate crimes, as well as annual national and biannual regional reports. The network also engages in policy development and advocacy, proposing solutions and recommendations to improve the legal and institutional frameworks for media freedom and journalists' safety. The network collaborates with other civil society organisations, international institutions, and relevant stakeholders to raise awareness of these issues.

80. Special consideration should be directed at the rights of women and minority journalists and minority media who are particularly likely to encounter discrimination, hate speech and hate crimes (§ 38 of CM/Rec(2022)16 and § 157– EM of CM/Rec(2022)16). For example, women journalists frequently face insults and threats online and offline, many of which are sexist and rooted in gender stereotypes⁶⁷. Such hate speech negatively impacts their personal and professional reputation, and consequently, these attacks often remain unreported⁶⁸. An interesting example in this context is the campaign Women Journalists in the Front Line (an initiative of the SafeJournalists Network) which highlights the challenges and achievements of female journalists in the Western Balkans. The campaign aims to raise awareness about the specific risks and obstacles women journalists face in their work, such as hate speech, gender-based violence⁶⁹, harassment, discrimination, and stereotypes. The campaign features a series of portraits and interviews with various women journalists from Albania, Bosnia and Herzegovina, Kosovo^{*70}, Montenegro, North Macedonia, and Serbia. The interviews reveal their personal stories, motivations, and aspirations as journalists, as well as their views on the current state of media freedom and journalists' safety in the region. Dalija Hasanbegović-Konaković, a prominent TV journalist from Bosnia and Herzegovina is one of the female journalists profiled

67. See UNESCO, Safety of Women Journalists.

68. See UNESCO, The Chilling: Global Trends in Online Violence Against Women Journalists, 2019.

69. See GREVIO, General Recommendation No. 1 on the digital dimension of violence against women, 20 October 2021.

70. All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation's Security Council Resolution 1244 and without prejudice to the status of Kosovo.

in this initiative⁷¹. The Hasanbegović-Konaković case and others included in the project highlight the severe consequences of targeted online hate speech against female journalists. At the same time, the campaign also celebrates the courage, professionalism, and resilience of women journalists who report on various topics, including human rights, politics, culture, and sports. The online exhibition showcases the work of these women journalists, as well as some of their awards and recognitions.

81. Media regulators, media co-regulatory or self-regulatory bodies, should participate in the multi-stakeholder strategy envisioned by the Recommendation and develop their own codes of conduct regarding hate speech (§ 42 of CM/Rec(2022)16 and §§ 166-167 – EM of CM/Rec(2022)16). For example, the Observatory for Security against Acts of Discrimination (OSCAD) in Italy is a joint initiative of the National Office Against Racial Discrimination (UNAR) and the State Police that facilitates cooperation between civil society organisations, law enforcement agencies, and internet intermediaries to prevent and combat hate speech and hate crime. OSCAD has cooperated with the Facing Facts Network to investigate and report⁷² on the strengths and weaknesses of Italy's hate speech and hate crime recording system. As part of this collaboration, OSCAD also developed a comprehensive online training course to improve law enforcement responses to hate speech and hate crime. Similarly, in Bulgaria the Association of European Journalists Bulgaria with the financial support of the "Rights, Equality and Citizenship" program (2014-2020) of the European Union and the "America for Bulgaria" Foundation developed Guidelines for journalists - "Hate speech, not just words".

82. Journalists are crucial in ensuring access to pluralist and reliable information and diverse opinions and ideas, therefore safeguarding democratic societies. For this reason, journalists are acknowledged as "public watchdogs" by the ECtHR, which has linked the press's duty to disseminate information and ideas on all topics of public interest to the right of the public to access this information⁷³. Unfortunately, journalists face increasing threats that hinder their work, including physical and psychological violence,

71. Dalija Hasanbegović-Konaković has endured years of targeted online hate speech due to her husband Konaković's political role. Opponents use fake profiles to relentlessly spread national and religious hatred, sexist insults, and conspiracy theories aimed at undermining her husband's credibility. The hate speech extended to absurd accusations linking her to terrorism and religious conversion plots, exacerbating the stress and damage to her personal and professional life.

72. Report available in Italian.

73. See European Court of Human Rights, 'Chapter V The Role of Public Watchdog', Guide on Article 10 of the European Convention on Human Rights, 2022.

online threats, harassment, and intimidation. In response, in October 2023 the Council of Europe launched a Europe-wide Campaign for the Safety of Journalists, stemming from the Conference of Ministers responsible for Media and Information Society, held in June 2021. This Campaign aims to enhance journalists' safety by encouraging member States to effectively implement relevant legal and policy frameworks nationally, to be tailored to each country's specific needs and in line with existing relevant standards. The Council of Europe supports these efforts, including by facilitating the setup of national chapters. The Campaign, a 5-year initiative covering all member States, calls for widespread support and action to protect journalists, promoting their right to report freely and safely, and to raise awareness of their pivotal role. In this context, journalistic safety encompasses protection from hate speech as defined in CM/Rec(2022)16.

D. Civil society organisations

83. Civil society organisations are equally key actors that should be involved in the multi-stakeholder strategy the Recommendation puts forward. Civil society organisations are particularly important to efforts aimed at advocating for and otherwise supporting the victims of hate speech and those targeted by hate speech, collecting and analysing data on hate speech, and education, training and awareness to identify and combat hate speech (§ 43 of CM/Rec(2022)16 and § 168– EM of CM/Rec(2022)16). It should be acknowledged that there is a wide range of civil society organisations engaged in promising efforts to prevent and combat hate speech within member States and transnationally across member States, consistent with CM/Rec(2022)16. This compilation is only able to highlight a selection of these many promising activities and initiatives.

84. In Sweden, the Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Rights (RFSL) trains its staff and volunteers on how to apply a human rights-based approach to their work on combating hate speech and discrimination against LGBTI persons. A similar approach is taken by the Malta Gay Rights Organisation (MGRM), who also offer resources, information, support and training to the LGBTQI community, including young people and their parents. In 2023, MGRM launched an online Guide on Hate Speech and Hate Crime, which includes advice on reporting and victim support information. Meanwhile, in Poland, the 'NEVER AGAIN' Association campaigns against racism, antisemitism and xenophobia, conducts research and publishes reports on hate speech and hate crime, and provides education and training to teachers, journalists and activists on how to counter hate speech. It has also developed an open code for hate free communication in

partnership with other nationally based civil society organisations working to prevent hate speech. Civil society organisations should cooperate with one another as well as other key stakeholders to support an effective, comprehensive response to hate speech (§ 42 of CM/Rec(2022)16 and § 169 – EM of CM/Rec(2022)16).

85. For example, in France, the International League Against Racism and Antisemitism (LICRA) is an NGO that provides legal assistance to victims of hate speech and discrimination, monitors online hate speech, and organises campaigns and events to promote tolerance and diversity. LICRA has developed a number of partnerships to strengthen its activities in its overall fight against racism and antisemitism and related discrimination⁷⁴. In 2021, the President of the LICRA signed a partnership agreement with the Rector of the Grande Mosquée de Paris (The Great Mosque of Paris), Chems Eddine Hafiz. This agreement testifies to the convergence of LICRA and La Grande Mosquée de Paris in their joint adherence to the principles of secularism. LICRA has strengthened its partnerships in the field of training with the French Ministry of National Education and Sport, the Ministry of the Interior, the Ministry of Justice and the Human Rights Defender. Licra has also developed Sapio, its digital campus⁷⁵. It also cooperates with other civil society organisations or NGOs working on similar issues through platforms such as the European Network Against Racism (ENAR).

86. Similarly in Spain, the Movement Against Intolerance (MAI) is an NGO that offers psychological and social support to victims of hate speech and hate crime, coordinates a network of civil society organisations or NGOs working on these issues, and develops educational materials and tools to raise awareness and prevent hate speech. It also collaborates with other stakeholders such as media outlets, schools, local authorities, and religious communities.

87. International cooperation amongst civil society actors is another important strategy to combat and prevent hate speech. The “No Hate Speech Movement” is an interesting example of what can be done through such international civil society collaborations and projects. Originating

- 74. See response from LICRA, Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers, 25 January 2024.
- 75. The architecture of this digital campus offers content designed to provide keys to understanding a current event, a controversial issue or any other subject that has arisen in public opinion, with several approaches (understanding, enlightening and deepening) and ten themes: antiracism, antisemitism, racism, discrimination, negationism, complotism, memory, radicalisation, the city and sport.

from the Council of Europe's Youth Department in response to the terrorist attack in Utoya on 22 July 2011, the "No Hate Speech Movement" seeks to combat hate speech and promote positive discourse. It became a global initiative for young people, that champions education on human rights, media literacy, involvement of youth, and the development of counter and alternative narratives, with associated organisations coordinating the campaign in different national contexts. While the Youth Department of the Council of Europe completed the coordination of the global campaign in 2018, national committees and collaborations continue. For example, in Italy the "No Hate Speech Movement" is carried out by the National Coordination Group of young activists and youth organisations under the auspices of the Agency for Integrated Promotion of Citizens in Europe (APICE Association). The Italian "No Hate Speech Movement" is also part of the 'Rete nazionale per il contrasto ai discorsi e ai fenomeni d'odio' (National Network for the fight against hate speech and hate phenomena) that brings together various organisations and entities in Italy that have been actively engaged in researching, documenting, and fighting against hate incidents and hate speech for an extended period.

88. More examples of civil society contributions to the prevention and combat of hate speech can be found in ECRI's country monitoring reports.

89. Member States should encourage all public actors involved in preventing and combating hate speech to work in partnership with relevant civil society actors such as those outlined above (§ 43 of CM/Rec(2022)16 and § 171 – EM of CM/Rec(2022)16). The EU High Level Group on Combating hate speech and hate crime has Key Guiding Principles on Cooperation Between Law Enforcement Authorities and Civil Society Organizations (also the subject of § 18 of ECRI's GPR no. 11). It gives practical advice and examples of good practices for building trust, addressing challenges, and designing effective cooperation mechanisms. It also provides case studies and useful resources for further information.

III. Awareness raising, education, training and use of counter-speech and alternative speech

90. Legal and regulatory measures alone are insufficient to prevent and combat hate speech because they do not address its root causes (such as disinformation and negative stereotypes) and are not sufficient to tackle hate speech with a lower level of severity. A comprehensive approach to hate speech must also focus on awareness raising, education, training and the use of counter-speech, alternative speech and intercultural dialogue (§§ 44-45 of CM/Rec(2022)16 and §§ 173-177 – EM of CM/Rec(2022)16).

91. Member States should work with a wide range of other key actors, including human rights bodies, civil society organisations, the media, journalists, and educators, to achieve these objectives (§ 46 of CM/Rec(2022)16 and §§ 178-179 – EM of CM/Rec(2022)16).

A. Awareness raising

92. Ultimately, preventing and combating hate speech is about changing harmful beliefs and behaviours within society (§§ 45-46 of CM/Rec(2022)16 and § 175 – EM of CM/Rec(2022)16). The root causes of hate speech may be found in disinformation, prejudice, grievance, ideology and inequality, and the propensity to act upon them is made worse by the absence of free and secure offline and online spaces for dialogue. Awareness raising measures should make decision-makers and the wider public alert to the extent of hate speech within society, its underlying causes (disinformation, negative stereotypes etc.) and the harm that it causes to those it targets (§§ 44-45 of CM/Rec(2022)16 and §§ 175 and 177 – EM of CM/Rec(2022)16). Such measures should also identify available means to report and obtain remedies for hate speech. (§ 46 of CM/Rec(2022)16 and § 178 – EM of CM/Rec(2022)16).

93. For example, the Promo-LEX Association in the Republic of Moldova conducted the “Filter the words. Report Hate!” online campaign to promote respectful public discourse in online spaces, media, and public spheres. The campaign aimed to inform and sensitize the public about hate speech and discrimination, raise awareness among online users about its effects and prevention methods, and highlight the role of media institutions in combating hate speech. It produced five animated videos in Romanian and Russian, explaining what hate speech is, its impacts, frequently targeted groups, effects on electoral candidates, and actions for victims and witnesses. These videos are available on the Promo-LEX Association’s YouTube channel, contributing to fostering a more inclusive and informed online environment.

94. The Interethnic Contemporary Art Camp in Romania, which has been held since 2016 with its most recent edition in 2023, is an interesting example of awareness raising through culture⁷⁶. This unique cultural project, co-organized by the Department for Interethnic Relations and the Inter-Art Foundation, brings together Romanian artists from various ethnic backgrounds to combat discrimination and intolerance through art. By showcasing a variety of ethnic perspectives on life in Romania within a single visual art event, these exhibits help to counter negative beliefs and stereotypes about minorities, which are the root causes of hate speech directed at minorities. The resulting works of art are exhibited both nationally and internationally.

95. In Andorra, the Ministry of Social Affairs initiated an awareness campaign to counter LGBTI-phobia which is a major cause of hate speech directed at the LGBTI community. The campaign featured posters and signs on buses and traffic lights⁷⁷.

96. In 2022, the Office of the Government of the Republic of Slovenia for Digital Transformation launched the “Bite the hate speech!” campaign, featuring short videos starring Slovenian athletes who have been targeted by hate speech. The campaign sought to raise awareness about the growth of hate speech on social media in Slovenia. The videos depicted famous athletes confronting hateful posts directed at them on social media. Athletes showcased include football player Markos Tavares, Paralympian Tanja Cerkvenik, ski jumper Cene Prevc, handball player Barbara Lazović, and volleyball player Jani Kovačič. The videos were intended to evoke feelings of

76. See the resulting catalogue of the Cultural Diversities Interethnic Exhibition of Contemporary Romanian Art (2023) held in Los Angeles under the High Patronage of the President of Romania.

77. See ILGA-Europe, Annual Review of Andorra, 2024.

empathy in viewers, thereby further emphasizing the harmful impact hate speech has on its victims.

97. Awareness raising should be accompanied by campaigns to counter disinformation, promote diversity and equality (including respect for human and minority rights), and intercultural dialogue (§ 46 of CM/Rec(2022)16 and § 179 – EM of CM/Rec(2022)16). The Get the Trolls Out project led by Media Diversity Institute (MDI) with support from a range of relevant stakeholders from across Europe is a case in point. Get the Trolls Out aims to counter religious hate speech such as antisemitism and anti-Muslim racism and discrimination. It promotes awareness of hate speech by monitoring and exposing antisemitic and anti-Muslim incidents in the media and engaging with journalists, editors, media regulators and civil society organisations to improve media ethics and standards. It also offers training and mentoring to young activists who want to challenge antisemitic narratives and stereotypes. It accompanies awareness raising with campaigns to counter disinformation, promote diversity and equality, and intercultural dialogue by producing and distributing alternative media content, such as articles, podcasts, videos and cartoons, that debunk myths about Jews and Muslims and celebrate Jewish and Islamic culture and history. It also organises events and workshops that bring together media professionals, religious leaders, educators and policy-makers to discuss ways to combat religious hate speech and promote inter-faith dialogue.

98. Another promising practice is HateFree Česko, in Czechia⁷⁸. This project aims to prevent and combat hate speech by raising awareness and promoting dialogue among different groups. The project creates and distributes educational materials, such as videos, podcasts, articles, and books, that challenge stereotypes and prejudices and showcase the diversity of Czech society. It also organises events, such as picnics, concerts, workshops, and exhibitions, that bring together people from different backgrounds and foster mutual understanding and respect. Moreover, the project supports places that are open to all irrespective of their ethnicity or other group affiliation, such as cafes, libraries, schools, and cultural centres, by branding them as 'HateFree Zones'. These spaces offer a safe and inclusive environment for people to interact and exchange views. Furthermore, the project provides legal and psychological assistance to victims of hate speech and hate crimes through a network of partner organisations. Finally, the project engages with the public

78. See also ECRI Report on the Czech Republic (Czechia), 6th Monitoring Cycle, 8 December 2020, p. 20.

through social media, online campaigns, and media appearances to spread positive messages and counter hateful narratives.

99. Similarly, GENDERDOC-M in the Republic of Moldova spearheads various public awareness campaigns aimed at reducing prejudice and increasing acceptance of the LGBTI community. Notable events include the Moldova Pride Festival, Comingout Day Festival, and the Felice Conference for parents of LGBTI children. These campaigns provide platforms for visibility, dialogue, and education, challenging existing biases and promoting a message of equality and inclusiveness. By engaging the public and empowering LGBTI individuals, these initiatives play a vital role in shifting societal norms and reducing hate speech against marginalised groups.

B. Education

100. Education is also critical in this context. Member States should work with a broad range of relevant stakeholders (including equality bodies, civil society organisations, academics and educators) to ensure curricula and learning resources (textbooks etc.) are fully able to support these goals (§§ 47-49 of CM/Rec(2022)16 and § 183 – EM of CM/Rec(2022)16).

101. Member States should ensure human rights and democratic citizenship education equip young people to recognise hate speech and its root causes, and understand the risks that these pose to democratic societies (§§ 47-49 of CM/Rec(2022)16 and §§ 180, 184-186 – EM of CM/Rec(2022)16). For example, the Swedish Media Council (as of 1 January 2023, merged into the Swedish Agency for the Media) carries out a range of activities to address hate speech directed at and carried out by children and youth, and are responsible for the No Hate Speech Movement in Sweden⁷⁹. They provide information and training directed at these target groups and carry out research on hate speech among children. They also provide training to teachers and administrators in schools. In cooperation with ECPAT Sweden and the NGO Bris, they operate the Swedish Safer Internet Centre. Meanwhile, in Switzerland, the aim of the “Young people and the media” platform is to encourage children and young people to use digital media safely and responsibly. Key themes include online discrimination and hate, and extremism.

102. An understanding of the diverse cultures, histories, languages, religions and beliefs within society, including that of both minorities and

79. See response from Sweden, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

majorities as well as the experience of persons with protected characteristics is also important (§§ 47-49 of CM/Rec(2022)16 and § 181 – EM of CM/Rec(2022)16). The Peer Education to Counter Antigypsyist Online Hate Speech (PECAO) project offers an interesting example in this context. It aims to counter existing anti-Roma online hate speech by working with young people of Roma origin in Albania, Bulgaria, Czechia, France, Hungary, Italy, North Macedonia, Romania, Spain and Ukraine, and through a consortium of partner organisations in these countries. The project is funded under the Rights, Equality and Citizenship Program of the European Union (2014-2020) and co-financed by Google.org. The methods used are a combination of peer education and monitoring to achieve ‘two-sided results’: the peer education methodology serves to change the attitudes and actions of a large number of young people, and the monitoring contributes to a better understanding of the problem, as well as for more systematic policy change through advocacy, based on the results obtained through the monitoring performed. The project created a toolkit to share methodologies that help understand the phenomenon of online hate speech and its impact on Roma, as well as the importance of monitoring and reporting such speech⁸⁰.

103. The activities of the Youth Initiative for Human Rights (YIHR), a regional network of non-governmental organisations that works to promote truth, justice, accountability, equality, freedom, democracy and peace in the region of former Yugoslavia, also offer scope for promising practices in this area. YIHR was founded in 2003 and has offices in Croatia, Bosnia and Herzegovina, Kosovo^{*81}, Montenegro and Serbia. YIHR organises various programmes to educate young people about the heritage of war, to encourage dialogue and cooperation among the states and people in the region, to protect human rights and to challenge hate speech, nationalist ideologies and war crimes. Some programmes include regional exchange programmes, youth summits, festivals, training programmes, reports, studies, press releases, street actions, protests and legal cases. YIHR also supports the work of the Regional Youth Cooperation Office (RYCO), an intergovernmental office that fosters youth mobility and post-conflict reconciliation in the region.

104. Another good example is the Standup education programme on hate speech and hate crimes. This programme provides anti-discrimination

80. See response from Bulgaria, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

81. All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation’s Security Council Resolution 1244 and without prejudice to the status of Kosovo.

education to young people in mainstream secondary schools in London. The programme is funded by the Mayor of London and involves a partnership of groups that work on issues such as antisemitism, anti-Muslim racism and discrimination, homophobia, biphobia and transphobia. The programme offers workshops, training, resources and support to teachers, students and parents to raise awareness, challenge stereotypes and promote positive relations among diverse communities. The programme also encourages reporting of hate incidents and provides guidance on how to respond to them. In France, the Semaine d'éducation et d'actions contre le racisme et l'antisémitisme (Week on education and actions against racism and antisemitism) was celebrated in March 2024, with the aim to raise awareness among schoolchildren of the need to prevent racism, antisemitism and all forms of discrimination. It gathered all members of the educational and teaching community, including parents and school staff, student and high school organisations, as well as associations that complement education, in particular those involved in the fight against discrimination, xenophobia, racism and antisemitism. In Azerbaijan, the 'Friend of Pupil' project supports schools to monitor and counter hate-motivated bullying incidents⁸².

105. The education approach taken by the Icelandic Centre for Safer Internet (SAFT) is also noteworthy. SAFT strives to enhance understanding of safe and constructive Internet usage among children, parents, educators, policy-makers, and the IT sector. A pivotal aspect of SAFT's strategy involves direct engagement with young people. SAFT actively collaborates with UNGSRAFT, a youth council where youngsters can exchange their perspectives and experiences regarding hate speech, while also educating their peers about counter and alternative speech to foster a more positive online environment⁸³.

106. At the same time, continuing education for the general public should also be planned to support awareness raising, and the principles of human rights, respect for diversity and democratic societies (in this regard, cooperation with the media will be important) (§§ 47-49 of CM/Rec(2022)16 and § 187 – EM of CM/Rec(2022)16). For example, the 2023 #MakeRacismHistory Festival is a pan-European event that celebrates the achievements and aspirations of the anti-racism movement in Europe. It is organised by the European Network Against Racism (ENAR), an umbrella organisation coordinating more than 160 civil society groups working to combat racism and discrimination across Europe. The festival is part of ENAR's

82. The 'Friend of Pupil' project was recognised as a 'promising practice' in the ECRI Report on Azerbaijan, 6th Monitoring Cycle, 1st June 2023, p. 11.
83. AFT's activities in this area have been recognised as a 'promising practice' in the ECRI Report on Iceland, 6th Monitoring Cycle, 21st September 2023, p. 16.

25th anniversary celebrations, which aim to reflect on the past, present and future of the fight against racism in Europe. The festival took place from 10 to 17 October 2023, featuring various activities hosted by ENAR's members and partners in different European countries, such as conferences, exhibitions, performances, film screenings, workshops, debates and more. It also had a special appearance at the BlackTech Fest in London, a three-day event that showcases the influence of Black culture on technology. The festival invites everyone to join the movement to make racism history by raising awareness, challenging stereotypes, promoting solidarity and celebrating diversity.

C. Training

107. Appropriate role-specific training should be provided for all those involved in efforts to prevent and combat hate speech, including (but not limited to): law enforcement, prosecution, judges, medical and public services, medical professionals and journalists, educators, and public officials (§ 50 of CM/Rec(2022)16 and §§ 188-189 – EM of CM/Rec(2022)16). Such training should include a reasonable understanding of the definition of hate speech, the criteria for determining its severity, and the range of legal and non-legal measures to address it (§ 50 of CM/Rec(2022)16 and §§ 188-189 – EM of CM/Rec(2022)16). It should equip key actors to recognise and report hate speech, avoid using it themselves, and support victims and those targeted by hate speech (§ 50 of CM/Rec(2022)16 and §§ 188-189 – EM of CM/Rec(2022)16). It is encouraging to see a range of member State initiatives which are following through on this aspect of the Recommendation.

108. A training course on hate speech and help crime was developed in 2015 as part of the Council of Europe's European Programme for Human Rights Education for Legal Professionals (HELP), aiming at enhancing the necessary knowledge and skills of legal (and other) professionals in understanding the impact of hate crime and hate speech on victims and those targeted, communities and society and identifying effective responses. The course on hate speech was updated in 2021 under the Council of Europe project "Fighting discrimination, hate crime and hate speech in Georgia", and last updated in 2024.

109. GENDERDOC-M organises training sessions for various professionals in the Republic of Moldova who interact with the LGBT community, such as police officers, doctors, educators, psychologists, lawyers, and journalists. These trainings aim to educate participants on sexual orientation, gender identity, and the harmful impacts of stereotypes and prejudices. By enhancing the understanding and sensitivity of these key societal roles,

the initiative seeks to foster an environment where LGBT individuals can feel safer and more respected. Such educational efforts are crucial for the effective inclusion of LGBT persons and for reducing incidents of hate speech and discrimination.

110. Croatia has been active in undertaking various training initiatives⁸⁴. Between 2023 and 2024, the Croatian Law Centre collaborated with several public authorities to execute the “REASON” project. This endeavour, funded by the Citizens, Equality, Rights and Values Programme (CERV), aims to enhance responses to hate speech through legal research, advocacy, and training. “REASON” adopts a comprehensive and intersectional approach to combatting hate speech and addressing intolerance, racism, xenophobia, and discrimination, particularly concerning racial or ethnic origin, colour, religion, sexual orientation, and gender identity. It brings together various stakeholders, including law enforcement and judicial bodies, policymakers, monitoring institutions, and civil society representatives, to deepen the understanding of hate speech in Croatia through empirical research involving content analysis and focus groups. Primarily targeting key professional groups engaged in preventing and addressing hate speech, such as police officers, state attorneys, and judges from criminal and misdemeanour courts, “REASON” aims to bolster their knowledge, skills, and collaborative learning, thus facilitating more effective interventions in combating hate speech.

111. Similarly, the Judicial Academy (JA), serving as Croatia’s primary provider of judicial training, recognizes its responsibility to offer instruction on preventing hate crimes and hate speech. Such training is incorporated into its annual judicial training curriculum⁸⁵. For instance, in 2021 and 2022, the Judicial Academy hosted six workshops aimed at promoting diversity rights and combating intolerance and hate crimes among judges and prosecutors. These workshops aligned with the training mandates outlined in the National Plan to combat discrimination. Furthermore, in 2023, the Judicial Academy conducted an online workshop on hate crime prevention for judges and prosecutors as part of the DGREFORM Project, “Promotion of the

84. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

85. See Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (2021), *Fifth Opinion on Croatia*, p. 20.

Rule of Law and Fundamental Rights through High-Quality Online Trainings in the Croatian Judiciary⁸⁶.

112. In terms of educating police officers on human rights, discrimination, hate crimes, and hate speech, the Croatian Police Academy seeks to emphasise continuous education on safeguarding fundamental human rights, equality principles, and the prevention of discrimination across all levels of its educational programs, including university, basic, and lifelong learning. These topics are integrated into the standard curriculum of the Polytechnic of Criminology and Public Security, the "Josip Jović" Police School, which offers adult education programs for police officers and high school education (3rd and 4th grade), as well as various specialised seminars, courses, and training sessions⁸⁷.

113. Finally, as part of the "Support to Victims of Criminal and Other Offenses" project, practitioner education in Croatia is conducted through multidisciplinary and intersectoral collaboration at regional and national levels. The objective of this training is to enhance awareness and sensitivity towards victims, targeting police officers and representatives of other national authorities involved in addressing criminal and other offences. In 2022, a total of 8496 police officers participated in educational programs, while up to June 2023, this number decreased to 2239. Participants include those from the criminal investigation department and those in managerial roles⁸⁸.

114. Meanwhile, Latvia has launched the Preventing and Combating Intolerance in Latvia - CALDER project, which is supported by the European Commission⁸⁹. This initiative focuses on building capacity and raising awareness to prevent and combat intolerance in the country. The project encompasses several key activities. Firstly, an assessment of existing legal regulations and their efficacy concerning hate speech was conducted. Secondly, gaps in the legal framework were identified, and proposals for amendments were put forward. Thirdly, guidelines were developed for the

86. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

87. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

88. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

89. See response from Latvia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

identification and investigation of hate crimes and hate speech. Additionally, a needs-based training program was implemented to enhance the capacity of police, prosecutor's officers, and judges in effectively identifying and prosecuting instances of hate speech. Lastly, methodological material titled "Investigation of hate crimes" was developed as part of the project.

115. In Norway, the establishment of a new National Competence Centre on Hate Crime including criminalised hate speech aims to enhance the expertise of police districts and offer guidance in specific instances⁹⁰. Activities undertaken include improving the identification, documentation, and prosecution of hate crimes within individual police districts, a crucial aspect of the competency-building initiatives led by the National Competence Centre on Hate Crime. Prosecuting authorities are tasked with prioritizing and pursuing cases of this nature. Moreover, the Norwegian Police University College now provides a permanent study program on hate crime including criminalised hate speech, attracting participants from various police districts annually. Collaborative efforts between the National Competence Centre on Hate Crime and the National Police Directorate focus on streamlining case registration in the police's prosecution system and addressing the legal protections of emerging minority groups. The National Competence Centre on Hate Crime is mandated to enhance competency across all aspects of hate crime, including investigation and prosecution. Notably, hate crime including criminalised hate speech is designated as a priority by the national prosecuting authority, resulting in a slight increase in the percentage of cases leading to positive prosecution decisions, accounting for 38 percent in 2022.

116. Member States are encouraged to support training initiatives to increase awareness and provide education that involves individuals who commit hate speech to help them overcome their biases and discriminatory behaviour (§ 51 of CM/Rec(2022)16 and §§ 190-191 – EM of CM/Rec(2022)16). Where suitable, legal authorities may mandate involvement in these programs as a substitute for traditional penalties, striving to accomplish rehabilitative justice. An interesting example may be found in Luxembourg, where the governmental initiative BEE SECURE, gathers several actors in a restorative justice approach to hate speech⁹¹. BEE SECURE is part of the European networks INSAFE (awareness centres and helplines) and INHOPE

90. See response from Norway, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

91. See response from Luxembourg, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

(centres for reporting illegal content). With regard to online hate speech, BEE SECURE acts as a national platform for reporting potentially illegal content in Luxembourg, analysing content and then passing it on, where appropriate, to the law enforcement authorities for further processing and a final decision. As soon as BEE SECURE STOPLINE receives a report on the existence of illegal content encountered on the Internet, the competent public prosecutor and the police decide together whether or not it is necessary to open an investigation. Once the alleged perpetrator of an online criminal offence has been heard by the police, the competent public prosecutor may decide to offer him or her the opportunity to take part in the *“Dialogue instead of hate”* programme, organised by the NGO S.O.S. Radicalisation, on the initiative of the NGO Respect.lu. Supported by the Ministry of Family Affairs, Solidarity, Living together and Reception (MFSVA), this programme focuses on the consequences of hate speech on the Internet by addressing the following points: analysis and reflection on the offence, the reasons that led the perpetrators to express themselves in this way and more respectful forms of communication. The discussion will focus on legal standards, the importance of freedom of expression, its legal limits and the reasons for the existence of such limits. In addition, the perpetrators are made aware of the harmful effects of using this type of hate speech on the Internet, particularly in terms of social cohesion and living together. If the alleged perpetrator agrees to take part in this programme and completes it successfully, the competent public prosecutor may decide not to refer the case to the criminal court. However, it is also possible that an accused person may be sentenced to participate in this programme by the criminal court with a suspended prison sentence. Inspired by the concept of so-called restorative justice⁹², this programme can be seen as a promising practice in the fight against hate speech on the Internet, as it contributes in particular to the implementation of the aforementioned Recommendation from the point of view of awareness-raising, education, training and the use of alternative discourse.

D. Counter and alternative speech

117. Both counter and alternative speech are important additional tools to combat hate speech. Whereas counter speech is a direct and immediate reaction to hate speech, alternative speech changes the focus of the discussion. Counter and alternative speech work to deconstruct

92. See Luxembourgish government – ministry of Justice, Le facilitateur en justice restaurative, (The restorative justice facilitator), 13 December 2023.

and discredit hate speech narratives by promoting and reinforcing those values that hate speech threatens (human and minority rights, respect for diversity, democracy, etc.)⁹³. Member States should support the creation and promotion of such counter and alternative narratives by relevant stakeholders, including public figures, national human rights and equality bodies, internet intermediaries, media and civil society organisations (§§ 53-54 of CM/Rec(2022)16 and §§ 193-197 – EM of CM/Rec(2022)16).

118. There are a number of interesting examples of such efforts currently underway. Stop Hate UK is a national civil society organisation that challenges all forms of hate crime and discrimination, based on any aspect of an individual's identity. It provides a 24-hour helpline service that offers independent, confidential, and accessible reporting and support for victims, witnesses, and third parties. It also delivers training and education programmes, awareness campaigns, and advocacy projects to promote human rights and social justice.

119. Similarly, the Norwegian Government has increased its operational support for the Norwegian Stop hate speech movement⁹⁴. In 2021, the Government set up a national grant scheme for actions to combat racism, discrimination and hate speech. The aim of the grant scheme is to facilitate local, regional, and national initiatives and activities aimed at countering racism, discrimination and hate speech on the grounds of ethnicity, religion, and beliefs. The scheme seeks to promote anti-racism, diversity, and dialogue, as well as contributing to knowledge and awareness among the majority population about racism, discrimination and hate speech.

120. “Live Democracy” supported by the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in Germany is another interesting project which utilises alternative and counter speech to combat and prevent radicalisation. The project aims to combat various forms of extremism and hatred by endorsing civil participation at multiple levels of society. The program bolsters “Partnerships for Democracy” at the municipal level, regional centres for democracy, and the development of nationwide NGOs, focusing on countering group-specific hate and radicalization in both urban and rural settings. Since 2017, efforts have expanded to include projects promoting alternative speech via civic involvement and diversity in workplaces,

- 93. For a further discussion of this approach, see Council of Europe, WE CAN! Taking Action against Hate Speech through Counter and Alternative Narratives, 2017 Revised Edition.
- 94. See response from Norway, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

educational settings, and online spaces. A notable initiative funded by the program is the Violence Prevention Network, which proactively addresses and mitigates radicalization through early identification, classification, and the implementation of measures designed to halt and reverse radicalisation processes using counter and alternative speech.

121. There are also some important counter and alternative speech projects at the European level. The Council of Europe's WE CAN for Human Rights speech project is very relevant in this context. To assist organisations and young activists combat hate speech, this initiative offers them accessible tools based on evidence-based research. Additionally, it provides training to strengthen collaboration among these groups and activists across Europe, supporting them in forging new alliances with social media firms, other NGO networks, and government agencies. Counter and alternative speech approaches and tools for young people and human rights activists are integral to this endeavour. The Facing Facts group of NGOs is one of the project partners, and it offers a training course WE CAN - Understand and counter hate speech using materials derived from the WE CAN for human rights speech project. This course focuses on empowering individuals to address hate speech effectively and promote a more inclusive and respectful society.

122. Member States should encourage public officials to condemn hate speech and use counter and alternative speech to show solidarity with victims and those targeted by hate speech and promote intercultural understanding and dialogue within society. In this context, the activities the Parliamentary Assembly of the Council of Europe's (PACE) No Hate Parliamentary Alliance are instructive as an example of what legislators can do. This network is a collective of legislators who pledge to confront all forms of racism, hate, and intolerance actively and assertively. The Alliance facilitates various parliamentary initiatives, such as hearings, conferences, and awareness campaigns, to combat hate speech and racism in its many manifestations, including Afrophobia, anti-Gypsyism, antisemitism, anti-Muslim racism and discrimination, and discrimination against LGBTI persons. Membership in the Alliance is available to members of the PACE, to parliamentary delegations with observer or partner for democracy status, and to members of the European Parliament. Members formalise their participation by signing the Charter of Commitments, thereby joining the Alliance's efforts. Similar parliamentary networks and charters could be used as a focus for alternative speech and counter speech to prevent and combat hate speech at the national level, thus complementing or extending the provisions many member States have already adopted regarding Parliamentary codes of conduct (see previous discussion in the 'key actors' section).

123. In 2024, various State entities in Czechia embarked on a process of adhering to the International Holocaust Remembrance Alliance's non-binding working definition of antigypsyism. After the definition had been adopted by the Government Council on Romani Integration and the Government Council on National Minorities in February and March 2024, respectively, the following further endorsements were provided: on 27 March 2024, the definition was adopted jointly by three comities of the Parliament's Chamber of Deputies; on 10 April 2024, the definition was unanimously adopted the Government of Czechia; and, on 17 April, it was adopted by the Senate's plenary. While these developments at the highest political level in Czechia are symbolic, nevertheless they send an important message regarding zero tolerance for anti-Roma hate speech, hate crime and discrimination⁹⁵.

95. See Zdenek Rysavy and Gwendolyn Albert, 'Czech MPs on three lower house subcommittees endorse a working definition of antigypsyism', 2024.

IV. Support for those targeted by hate speech

124. While a comprehensive approach to hate speech will address its wide-spread effects, it must also recognise the harm caused to those individuals who are directly targeted by it. In this context, ‘victims’ are persons who have experienced the most serious forms of hate speech that come within the remit of civil, administrative or criminal law and are likely to require psychological, medical and legal assistance as a result (§ 55 of CM/Rec(2022)16 and § 198 – EM of CM/Rec(2022)16).

A. Support mechanisms for victims and those targeted by hate speech

125. Member States should ensure effective support mechanisms are in place to assist these victims and those targeted by hate speech. These could be offered by independent public or private organisations (e.g., national human rights institutions or equality bodies or relevant civil society organisations) (§ 55 of CM/Rec(2022)16 and § 200 – EM of CM/Rec(2022)16). Member states should work with civil society organisations and other relevant stakeholders to show solidarity with those targeted by hate speech and ensure that they are aware of their rights and know how to find both support services and redress via civil, administrative and criminal law (§ 56 of CM/Rec(2022)16 and §§ 206-213 – EM of CM/Rec(2022)16). “Persons targeted by hate speech” is a term used in Recommendation CM/Rec(2022)16 to designate all the persons that can be affected by hate speech, that is to say those who are directly targeted by hate speech, but also those who are indirectly targeted: for example, members belonging to the minority or the group of the person directly targeted (§ 7 – EM of CM/Rec(2022)16).

126. The guidance provided should be easily accessible and understandable, including in regional and minority languages (§§ 56-57 of CM/Rec(2022)16 and § 206 – EM of CM/Rec(2022)16). Information about non-legal responses (such as counter speech and information campaigns) should also be shared. For example, in Austria, the counselling centre #GegenHassimNetz (Against online hate) works within the NGO Civil Courage and Anti-Racism Work ZARA to support victims and witnesses of online hate. Counselling includes strategies for effective responses to hate messages and information on available legal remedies against perpetrators or website operators. This initiative has already yielded positive results, as shown by the increasing number of reported incidents concerning online hate speech⁹⁶. Similarly, in Germany, the Online Hate Speech Competence Network provides counselling for victims of hate speech, strengthens civil society networks and develops concepts and formats for media education. The accompanying project Bundesarbeitsgemeinschaft "Gegen Hass im Netz" (Federal working group against online hatred) aims to strengthen the link between civic engagement and research to ensure that the efforts to address digital hatred are evidence-based⁹⁷.

127. Those who provide victim assistance will require appropriate training on hate speech and should be able to work effectively with all relevant stakeholders including enforcement bodies (§ 57 of CM/Rec(2022)16 and § 210 – EM of CM/Rec(2022)16). In Denmark, the National Police engage in a continuous dialogue with key stakeholders within the field of hate crime and hate speech prevention, including both government institutions and civil society organisations⁹⁸. Specifically, in 2021 and 2022, the Danish National Police cooperated with key organisations in the field such as the Danish Prosecution Service, the Muslim Council, the Jewish community in Denmark, LGBTI Denmark and Disabled People's Organisations in Denmark in writing the information leaflet: 'Advice and Guidance to persons who work with victims of hate crimes'. The leaflet is aimed at organisations that advise and

96. See response from Austria, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022 and ECRI Report on Austria, 6th Monitoring Cycle, p. 20-21.

97. See response from Germany, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

98. See response from Denmark, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) And Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

help victims of hate crimes. It provides information about the legal process (e.g. the role of the police and the prosecution service) as well as information on the different ways to report a hate crime to the police.

128. Similarly, in four pilot districts of the Republic of Moldova (Soroca, Calarasi, Dubasari and Cimislia), local support networks for groups in vulnerable situations have been created. These support networks include representatives of local authorities, social assistance services, police, and local NGOs, to facilitate the creation of an effective multi-stakeholder system of cooperation in cases of discrimination, hate speech and hate crimes. The members of local support networks for vulnerable groups will collaborate under the general mechanism of intersectoral cooperation, with their core objectives to (a) develop a support system at the level of local public authorities and civil society to protect the rights of vulnerable groups (LGBTI, ethnic and religious minorities, persons with physical and mental disabilities, etc.) against hate speech and hate crime, as well as raise awareness, strengthen the efforts of responsible authorities, improve the legal framework and develop local policies and strategies in this field; (b) address identified problems/situations of people in need and facilitate their access to social protection; (c) support, inform and engage the community to prevent and address difficult situations; (d) pool resources, experience and knowledge of representatives of member institutions of local support networks for vulnerable groups; (e) ensure the exchange of information between members of local support networks for vulnerable groups; (f) monitor the situation of people in need at cross-sectoral level.

129. Another pertinent example is Directive 1/2021 issued by the Prosecutor General's Office of Portugal on protecting victims of crime, especially those particularly vulnerable, such as victims of hate crimes (including hate speech) motivated by racial, religious or sexual discrimination⁹⁹. The directive instructs prosecutors and police officers to ensure that victims are informed of their rights, and assisted, protected and supported throughout the criminal proceedings. The directive also recognises the importance of training for magistrates and police officers on the specificities of hate crimes and the needs of victims. The directive aims to enhance the prevention, investigation and prosecution of hate crimes, as well as the protection and compensation of victims.

99. See Directive 1/2021 of the Prosecutor General Office: Law on Criminal Policy Compendium of practices on hate crime, European Union Agency For Fundamental Rights.

B. Victim reporting

130. Victims cannot be supported or achieve redress unless they come forward to report what has happened. It is therefore, important to make sure victims and those targeted by hate speech know how to report (§ 57 of CM/Rec(2022)16 and §§ 208-213 – EM of CM/Rec(2022)16). In Greece, the Hellenic Ministry of Justice and the National Council against Racism and Intolerance collaborated on the development and publication of a guide titled "Guide for the Rights of Victims of Hate Crimes" as part of the project "Developing a Comprehensive Strategy against Racism, Intolerance, and Hate Crime"¹⁰⁰. This guide serves to raise awareness of the EU Code of Conduct aimed at combating illegal hate speech online. Additionally, an initiative by the Ministry of Justice resulted in the creation of a "Guide for the Rights of Victims of Racist Crime." This guide is available in a wide range of languages in addition to Greek (including English, French, Albanian, Russian, Georgian, Farsi, Arabic, Pashto and Urdu) to promote its accessibility to minorities and migrants. It was also made available in Braille format, to ensure equitable access to information for individuals with visual impairments. In December 2022, both the online dissemination of the accessible Word format and its distribution to organisations advocating for the rights of people with disabilities were successfully completed.

131. Victims of hate speech and those targeted by hate speech may often be reluctant to report because they fear they will not be believed, could experience repercussions, or that legal measures are complicated, costly or time-consuming. Consequently, member States should ensure that effective mechanisms exist to identify and remove any legal and non-legal obstacles to reporting hate crimes (§ 57 of CM/Rec(2022)16 and § 211 - EM of CM/Rec(2022)16). For example, free national telephone helplines or websites to report offline and online hate speech could be created. A case in point is True Vision, a police initiative to help victims of hate crime and hate speech in the United Kingdom. Funded by the UK Government, True Vision provides information on hate crimes, including hate speech, how to report it, and what support is available for victims. Crucially, True Vision enables victims to report hate crimes online without visiting a police station. The online report is forwarded to the relevant police force for investigation, and the victim can specify how they want to be contacted and if they need any support. True Vision works with partners who support victims of hate crimes, including hate

100. See response from Greece, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

speech, such as charities, community groups, and local authorities. True Vision also offers resources and guidance on how to prevent and respond to hate crimes, including hate speech. Similarly, in France the “AntiDiscriminations. fr” platform consists of a website and a dedicated telephone number, thus enabling people to talk to specialist legal experts and find local contacts via the Défenseur des droits’ (Defender of rights) territorial network. Nearly 17,000 users have visited the platform since it was launched, leading to an increase in referrals to the institution on all grounds of discrimination¹⁰¹. Meld Online Discriminatie (Report Online Discrimination - MOD), established in 2013 as MiND Nederland by the Ministry of Justice and Security, operates a similar service in the Netherlands. MOD receives numerous reports annually regarding potential online group discrimination based on various protected characteristics including ethnicity, religion, sexual orientation, and disability¹⁰². MOD then evaluates these reports against the relevant sections of the Criminal Code. If they appear to be punishable, MOD asks the platform hosting the offensive content to remove it. If the content is not removed, then MOD can file a report with the Public Prosecution Service¹⁰³. The Swiss Reportonlineracism platform is also used to report hate speech on the web. In its first year, 163 racist content items were reported, a quarter of which are criminally punishable¹⁰⁴. In Hungary, the National Media and Communications Authority (Media Authority) operates the Internet Hotline Service, providing a platform for reporting “illegal and harmful content, including online harassment, racism, and xenophobia”¹⁰⁵. It is encouraging that other member States are also considering the creation of online reporting mechanisms. For example, Romania envisages the creation of a digital platform to enable the anonymous reporting of online hate speech by victims¹⁰⁶.

132. A multi-stakeholder approach should be considered as civil society organisations are often the first point of contact with victims and those targeted by hate speech (§ 56 of CM/Rec(2022)16 and §§ 206-207 – EM of

101. See response from France, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

102. See Meld.Online Discriminate (Report Online Discrimination - MOD), ‘Wie zijn wij?’ ('Who are we?').

103. See MOD, ‘Melden werkt!’ ('Reporting Works').

104. See response from Switzerland, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January, 2024.

105. See ECRI Report on Hungary, 6th Monitoring Cycle, 9 March 2023, p. 19.

106. See response from Romania, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January, 2024.

CM/Rec(2022)16). Here Swevic, a project that was carried out by the Swedish Police Authority and the Crime Victim Support Sweden organisation between January 1, 2019 and December 31, 2020, is a promising example¹⁰⁷. The project was funded through the EU Rights, Equality and Citizenship Programme. The main goal of Swevic was to raise awareness about what constitutes a hate crime, including hate speech, and what support is available for victims. The project also aimed to increase the number of hate crime victims who report and seek support, as well as to improve the cooperation and knowledge between the police and the victim support services. The project involved developing and adapting methods for meeting and supporting hate crime victims, training victim support workers and police officers, and launching a social media campaign with the message 'Together against hate crime'. The project reached 1.8 million people with the campaign and showed that the public had gained more knowledge about hate crimes including hate speech and the support available from Crime Victim Support Sweden. The project also resulted in better communication and collaboration between the police and the victim support services, both at local and national levels.

107. See European Union Agency For Fundamental Rights (FRA) Swevic Together Against Hate Crimes, Compendium of practices on hate crime.

V. Monitoring and Analysis of hate speech

A. Importance of evidence and disaggregated data

133. Member States should ensure that their policies, legislation, strategies and action plans are grounded in evidence on perpetrators, targets, audiences, challengers and those factors that affect its severity (as per the criteria identified in the Recommendation). This data should be linear (across time), disaggregated (according to protected characteristics, including age and gender), regularly reviewed and publicly available (§ 58 of CM/Rec(2022)16 and §§ 216-217 – EM of CM/Rec(2022)16). For example, police-recorded data on hate crimes in England and Wales (United Kingdom) is published annually in the Home Office's Hate Crime Statistics publication. The police record hate crimes¹⁰⁸ based on five centrally monitored criteria or 'strands': "race" or ethnicity, religion or beliefs, sexual orientation, disability, and transgender identity. The police can flag an offence as being motivated by one or more of these 'strands'. The police data provide information on the number and types of hate crimes, as well as the outcomes of the investigations, and because this information is provided annually, it is possible to identify trends in hate crimes over time.

108. In England and Wales, the term 'hate speech' has no formal legal meaning. However, there are offences which could be said to broadly represent the criminalisation of 'hate speech' under certain circumstances. These are known as the Stirring Up offences. In England and Wales, these offences are in the Public Order Act (1986) and capture conduct which is:

- Threatening, abusive or insulting, and likely or intended to stir up hatred on grounds of race.
- Threatening, and intended to stir up hatred on grounds of religion or sexual orientation.

B. Data collection, monitoring and analysis

134. Member States should embrace a collaborative approach involving multiple stakeholders for data collection and analysis (§ 58 of CM/Rec(2022)16 and § 219 – EM of CM/Rec(2022)16). In the United Kingdom, civil society organisations play a role in gathering relevant data on hate speech. Tell MAMA, for instance, collects and reports information on anti-Muslim racism and discrimination based on reports received from victims and witnesses. The linear structure of Tell MAMA's data facilitates comparison and analysis, as demonstrated in reports like "A Decade of Anti-Muslim Hate" (2023)¹⁰⁹. Similarly, the Community Security Trust (CST) performs this function for antisemitism, annually publishing data and reports based on victim submissions.

135. In Austria, civil society organisations also contribute to data collection on hate speech through reporting mechanisms on their websites or dedicated telephone hotlines. Notably, the NGO Civil Courage and Anti-Racism Work (ZARA) publishes annual racism reports¹¹⁰, serving as a significant data source on hate speech.

136. Similarly, in the Republic of Moldova, Promo-LEX has produced a monitoring report on Hate Speech and Incitement to Discrimination in the public space and in the media in the context of the November 2023 local elections.

137. In Serbia, the Commissioner for the Protection of Equality conducted research on the attitudes of citizens and representatives of public authorities towards discrimination in 2023 based on a range of qualitative and quantitative data. By examining citizens' attitudes, biases, and first-hand experiences, this research offers valuable insight into the root causes contributing to hate speech within Serbian society. The study was supported by the European Union and Council of Europe joint project Combating Discrimination and Promoting Diversity in Serbia.

138. Academic research collaboration with public bodies can also assist data analysis and regulatory operations. In Ukraine, the National Council of TV and Radio Broadcasting, in collaboration with Associate Professor Tamara Martsenyuk from the National University of Kyiv-Mohyla Academy and with the support of Sweden and the National Democratic Institute (NDI), created a gender monitoring methodology in 2021. This tool aims to detect gender stereotypes and sexism in Ukrainian broadcast programming. This methodology was further refined in 2023 to take into account the context

109. See Tell MAMA, *A Decade of Anti-Muslim Hate*, 20 July 2023.

110. See ZARA, *Annual reports on Racism*.

of the Russian Federation’s war of aggression against Ukraine¹¹¹. The results, which are publicly accessible on the National Council’s official website, are used by the regulator for its monitoring activities. This data is also available for TV and radio organizations to support their ongoing work and self-regulation¹¹².

139. Norway is actively enhancing statistical and analytical measures for reported hate crimes, including hate speech¹¹³. The National Police Directorate publishes statistics on reported hate crimes in its annual report on reported crime and police criminal proceedings. Efforts are underway to expand national statistics to provide deeper insights into how hate crimes impact diverse groups. The National Competence Centre on Hate Crime in Norway published its inaugural “Hate Crimes in Norway 2022” report¹¹⁴ in June 2023, marking a significant milestone. Previously, hate crime statistics were part of the police’s annual report on reported criminal cases, with individual police districts also issuing their own crime/hate crime reports. Moving forward, the competence centre will produce national hate crime reports with detailed analyses and continue to develop hate crime statistics among other initiatives.

140. Member States should guarantee that law enforcement agencies adhere to appropriate human rights standards when recording and monitoring complaints by establishing an anonymized archive (§§ 60-61 of CM/Rec(2022)16 and §§ 220-223 – EM of CM/Rec(2022)16). For instance, in Croatia, the Government Office for Human Rights and Rights of National Minorities (GOHRRNM) oversees a Hate Crimes Protocol, a system designed to record hate-motivated crimes¹¹⁵. This protocol aims to ensure the accurate identification, processing, and monitoring of hate crime proceedings to enhance efforts in combatting, prosecuting, and statistically monitoring hate crimes. These newly implemented tools aim to be a significant advancement as they regu-

111. See National Council of TV and Radio Broadcasting of Ukraine (2024), ‘The regulator publishes an updated methodology for monitoring gender issues in the media, including in the context of war’.

112. See response from Ukraine, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

113. See response from Norway, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

114. Report available in Norwegian.

115. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

late the monitoring of cases from the moment a crime occurs to the conclusion of proceedings, allowing for the tracking of each case's progress and outcome, along with the collection of data on contributing factors. The Revised Hate Crimes Protocol, effective as of the beginning of 2022, is expected to yield higher quality and more comprehensive data for 2022 records. It delineates the responsibilities of competent authorities, outlines methods and cooperation details among participating authorities, and includes provisions for education on hate crime suppression.

141. Member States should also aim to understand and collect data on victim perceptions (§ 59 of CM/Rec(2022)16), and here again, Croatia's Hate Crimes Protocol is relevant¹¹⁶. The protocol introduces individual victim assessment measures, aiming to ensure that authorities adopt an individualised approach to victims of hate crimes, including criminalised hate speech. This assessment seeks to identify potential risks of secondary victimization, intimidation, and retaliation during criminal proceedings, allowing for the implementation of appropriate protective measures, as prescribed by law. Additionally, the Minister responsible for judicial affairs has adopted regulations on the implementation of the individual victim assessment method, effective since November 1, 2017. In 2024, an analysis of the reporting system's effectiveness on hate crimes and hate speech will commence with a focus on vulnerable groups, such as members of the Roma and Serbian national minority, third-country citizens, and LGBTI persons, with the aim of ensuring accessibility and informing improvements to current monitoring tools. These planned enhancements are also expected to lead to the development of a new set of indicators for monitoring hate crimes and hate speech.

116. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

VI. National Coordination and International Cooperation

A. Consultation, cooperation & dialogue with key stakeholders

142. Regular consultation, cooperation and dialogue between stakeholders are important to create and sustain a common understanding and awareness of hate speech, and to ensure the efforts to prevent and combat it pay attention to the voices and needs of those targeted (§ 62 of CM/Rec(2022)16 and § 225 – EM of CM/Rec(2022)16). For instance, the Latvian Ministry of Culture finances the #ApturiNaidu (#StopHatred) initiative, which is spearheaded by [Mozaïka](#), a non-profit organisation founded in 2006 to enhance the legal status of the LGBTI community in Latvia¹¹⁷. The project aims to scrutinise existing laws on hate speech and hate crimes and propose ways to improve the legislative framework. Additionally, the project will formulate a methodology for restorative justice specifically tailored to address hate speech and hate crimes from the perspective of those targeted by it, offering a novel approach for consideration by the appropriate governmental bodies. Throughout the project's duration, there will be a continuous focus on hate crimes and hate speech by relevant national and law enforcement agencies, with a view to ensuring that collaborative efforts tackle the issue successfully. The project also encompasses a public awareness campaign and outlines mechanisms for reporting hate crimes on social media platforms as well as to law enforcement agencies.

117. See response from Latvia, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

143. In January 2024, the Government Commissioner for Human Rights of Czechia established a working group on hate crime and hate speech gathering representatives of relevant ministries, institutions and other government bodies, as well as academics and civil society. This includes, for example, the Ministry of Interior, police and prosecution service, strategic communications officers and spokespersons, NGOs helping hate crime victims, or law and journalism focused academics. The working group's secretariat sits with the Department of Human Rights and Protection of Minorities at the Office of the Government. It convenes monthly, focusing each time on various thematic strands, with the goal of informing the Government Commissioner's recommendations on combating hate crime and hate speech, to be presented to the Government by the end of 2024. The thematic areas so far covered have included a) prevention and education, 2) communication and media. It will then address 3) support to victims and affected groups, 4) recording, data-collection and legislation, and will conclude with a meeting addressing 5) underreporting, participation and consultation with affected groups and communities.

B. National action plans

144. National action plans and strategies provide good scope for coordination and engagement between key stakeholders to enable a comprehensive approach to hate speech (§ 62 of CM/Rec(2022)16 and §§ 224-225 – EM of CM/Rec(2022)16). For example, the devolved Government of Scotland (United Kingdom) published a new Hate Crime Strategy for Scotland (2023) that is very much in keeping with the comprehensive approach to hate crime outlined in the Recommendation¹¹⁸. In the Scottish Hate Crime Strategy, hate crime can be verbal or physical and can take place online as well as offline¹¹⁹. The strategy was developed with the input of both the Hate Crime Strategic Partnership Group (a ministerial-led partnership with key public stakeholders and civil society organisations) and victims of hate crime. It has four main objectives: (1) to prevent hate crime (including hate speech) by tackling the root causes of hatred and prejudice, and promoting positive attitudes and behaviours; (2) to respond effectively to hate crime (including hate speech) by supporting victims and witnesses, holding perpetrators accountable, and delivering justice; (3) to build community cohesion by fostering a culture of respect, inclusion and belonging, and celebrating diversity; and (4) to monitor and evaluate the strategy's progress and impact. The strategy adopts a human

118. See Scottish Government, Hate Crime Strategy for Scotland, March 2023.

119. See Scottish Government, Hate Crime Strategy for Scotland, March 2023, p. 5.

rights-based, victim-informed approach to engagement, and recognises the different experiences and impacts of hate crime on different communities, especially those with intersecting characteristics. The strategy also considers the changing context of hate crime (including hate speech) in Scotland, especially due to the COVID-19 pandemic and the increased awareness of structural inequalities. The strategy identifies a range of actions to be implemented during the period 2023-27 to achieve these objectives.

145. In the Republic of Bulgaria's Strategy for equality, inclusion, and participation of the Roma (2021-2030), a distinct priority titled "Rule of law and anti-discrimination" has been established¹²⁰. This priority emphasizes the guaranteeing of citizens' rights, particularly focusing on women and children, safeguarding public order, and implementing preventive and counteractive measures against manifestations of intolerance and "hate speech." Among the overarching objectives of this priority are enhancing measures to identify, prevent, and support victims of anti-Roma sentiments, hate speech, and hate crimes; enhancing measures to ensure effective criminal justice in cases involving hate speech and hate crimes; strengthening the capacity of law enforcement agencies to combat crime and acts of discrimination, violence, or hatred based on ethnicity; and promoting awareness among Roma communities about appropriate responses to hate speech and misinformation that reinforce anti-Roma attitudes and discrimination. These measures are also set to be incorporated into the new National Action Plan for the period 2024-2027, which is currently in development.

146. In Croatia, the National Plan for the Protection and Promotion of Human Rights and Combating Discrimination until 2027 was adopted in March 2023¹²¹. A key objective within the Croatian National Plan is the enhancement of mechanisms to address hate crimes, raise awareness about combatting racism, xenophobia, and other forms of intolerance, and commemorate victims of genocide. Following European strategic guidelines, initiatives will focus on combating racial and ethnic stereotypes through media and educational channels. Educational programs on hate crime and hate speech are planned for civil servants and judicial officials, alongside the ongoing development of a hate crime data monitoring system. In areas such as employment, education, housing, and access to goods and services,

120. See response from Bulgaria, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

121. See response from Croatia, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

Croatian measures will be formulated to combat discrimination across all fronts, including those based on religion, “race”, and ethnicity. Action plans for 2024-2025 are presently in progress, spearheaded by a cross-sectoral working group comprising representatives from ministries, government bodies, academia, and NGOs. These plans emphasize raising awareness about various forms of discrimination experienced by marginalized groups, bolstering prevention efforts through training for public servants, educators, judiciary, and social and health workers.

147. France's National Plan for Equality, Countering Anti-LGBT+ Hate and Discrimination (2023-2026) outlines five key areas, sixteen strategic objectives, and nearly eighty operational objectives¹²². Developed through extensive consultation with grassroots associations, government departments, and contributions from institutions like the equality body (Défenseur des droits – Defender of rights), the Autorité de régulation de la communication audiovisuelle et numérique (Audiovisual and Digital Communications Regulator - ARCOM), and the national human rights institution (Commission nationale consultative des droits de l'Homme), these plans set ambitious goals. These goals aim to affirm the reality of racism and uphold the universalist model, improve the measurement against phenomena such as racism, antisemitism, antigypsyism, and discrimination, enhance education for young people and training for adults, enforce stricter punishment for offenders, and provide more effective support for victims and those targeted by hate speech. Specific objectives include training all civil servants by 2025, simplifying the process of lodging complaints through outreach initiatives, establishing a central platform for professionals to report online hate speech, implementing aggravating circumstances for non-public racist or antisemitic offenses by public officials, conducting regular testing of access to goods and employment, and empowering educational institutions to address racist or antisemitic behaviour through disciplinary proceedings. Each action is accompanied by indicators that will be monitored by committees set up by the Minister Delegate, comprising relevant ministries and national associations combating racism, antisemitism, and discrimination based on origin.

122. See response from France, *Compilation of contributions related to the implementation of Recommendation CM/Rec(2022)16 submitted by CDADI members, participants and observers*, 25 January 2024.

C. International cooperation

148. Sustainable cooperation at the international level is a prerequisite for ensuring a common and coherent European approach as envisioned in the Recommendations. Such cross-border and international cooperation is necessary because hate speech is a transnational issue (§ 63 of CM/Rec(2022)16 and §§ 226-229 – EM of CM/Rec(2022)16).

149. One interesting example of such a cross border initiative from the German-speaking region of Belgium, involves a transnational coalition known as 'Speak Up - Against Fake News and Hate Speech'¹²³. Since its inception, the Institute for Democracy Education, the primary organiser, has formed connections with additional partners both within Germany and internationally. The coalition aims to educate the public about the significance of combating fake news and hate speech, which they achieve through workshops and informational events. The alliance has held annual SpeakUp events in the autumns of 2021, 2022, and 2023, featuring a mix of academics, civic organisations, and institutions. These events provided platforms for sharing effective strategies and discussing preventative measures at the primary and secondary levels. A book chronicling the findings from the first conference was published in 2023. This publication will make the insights gained from the conference widely available.

150. Member States should work together and with a variety of key stakeholders to prevent and combat hate speech via existing international organisations and instruments (§ 63 of CM/Rec(2022)16 and §§ 228-229 – EM of CM/Rec(2022)16). They should also encourage and support other key stakeholders to adopt an international/transnational approach to preventing and combating hate speech. The Facing Facts Network exemplifies a promising practice of this kind. The network involves 31 members from 15 countries, including Belgium, France, Germany, Greece, Hungary, Ireland, Italy, the Netherlands, Poland, Romania, Spain, Sweden, Türkiye, the United Kingdom and the United States of America. These members are drawn from a variety of key stakeholders, including government ministries such as the Austrian Ministry of Interior, law enforcement bodies such as the Irish National Police, and both civil society organisations active in hate speech prevention such as the Croatian Law Centre, the Estonian Human Rights Centre, and the Online Task Force in Belgium, as well as those who represent the interests of communities frequently targeted by hate speech such as

123. See response from Belgium, Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI) and Steering Committee on media and information society (CDMSI) Survey on preventing and combating hate speech, 16 November 2022.

the European Roma Grassroots Organisations Network. Facing Facts offers online courses on various topics related to hate crime and hate speech, such as bias indicators, data collection, victim support and counter-narratives. It also conducts research on the current situation and gaps in hate crime recording and reporting in States.

VII. Self-Assessment

151. This compilation of “promising practices” is intended to share examples of practices that are evident in the early implementation period of CM/Rec(2022)16 with a view to informing and inspiring member States about what can be done to prevent and combat hate speech. “Lessons learnt” in this way are always an iterative process, and self-reflection and critical awareness on the part of member States and other key stakeholders are an integral part of this learning.

152. The self-assessment tool which follows is intended to prompt such reflective and critical conversations, with a view to fostering a shared understanding of and approaches to the development of “promising practices” in this area. It is organised according to the seven chapters which together comprise CM/Rec(2022)16. Within the context of each chapter, a key objective and relevant action areas are identified. These objectives and actions should be read in conjunction with that part of the Recommendation and its accompanying Explanatory Memorandum. A series of reflective prompts under each action point is there to guide users towards a critical appraisal of their existing practice, with suggested follow-up measures highlighted beneath these.

Self-assessment tool

1. Scope, definition and approach

Key Objective No. 1 – There is a comprehensive approach to hate speech within the framework of human rights, democracy and the rule of law (§§ 1-6 of CM/Rec(2022)16).

Action 1.1 – A broad range of real or attributed personal characteristics or status such as “race”, colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation are recognised.

Do you recognise less than 6 of the personal characteristics listed above?

Prioritise action to actively consider whether the list of recognised characteristics should be further expanded to include all those identified in § 2 of CM/Rec(2022)16.

Do you recognise 10 or more of the personal characteristics listed above?

Consider expanding the list of recognised characteristics to include all those identified in § 2 of CM/Rec(2022)16.

Do you recognise all of the protected characteristics listed above?

Ensure procedures are in place to regularly review the range of protected characteristics so that they remain up to date with existing international standards, monitoring reports and guidance.

Action 1.2 – A range of properly calibrated measures is in place to effectively prevent and combat hate speech, depending on its level of severity (§ 3 of CM/Rec(2022)16).

Do your existing laws and policies sufficiently distinguish offensive or harmful types of expression which are not sufficiently severe to be legitimately restricted under the European Convention on Human Rights?

Review your laws and policies according to the relevant case-law of the Court, and where relevant, consider implementing non-legal measures, including counter and alternative speech, education, and awareness raising.

Are you utilising a full range of legal measures, including civil and administrative as well as criminal?

Consider further developing your administrative, civil and criminal provisions regarding hate speech.

Action 1.3 – There is a concerted and collaborative multi-stakeholder approach to hate speech (§ 5 of CM/Rec(2022)16).

Are all relevant stakeholders aware of and involved in your approach to hate speech?

Consider establishing mechanisms for regular information exchange, coordination and review activities with relevant stakeholders, including public officials, media, internet intermediaries, civil society and those targeted by hate speech.

Are all your laws, policies and other responses informed by the views and experiences of those targeted by hate speech?

Actively reach out to those targeted by hate speech to incorporate their perspectives into laws, policies and other responses to hate speech.

2. Legal framework

Key Objective 2 – Legal measures to combat hate speech online and offline provide effective redress for those targeted while they respect the right to freedom of expression by recognising different levels of severity and are consistently applied with effective legal and practical safeguards against any misuse or abuse of hate speech legislation (§§ 7 et seq. of CM/Rec(2022)16).

Action 2.1 – Criminal law is applied consistently, as a last resort and for the most serious expressions of hatred.

Does your national criminal law clearly define which expressions of hate speech are subject to criminal liability in accordance with the relevant binding and non-binding international standards?

Establish procedures to regularly review your national criminal law to ensure that you have fully complied with your obligations under international standards, notably ICERD, the Genocide Convention, the Additional Protocol to the Cybercrime Convention, the EUFD 2008/913/

JHA, the case-law developed by the European Court of Human Rights, ECRI's GPR No. 7 on national legislation to combat racism and racial discrimination, along with the Explanatory Memoranda to these documents and relevant general and country-specific recommendations that monitoring bodies and other instances of the Council of Europe, the UN and other intergovernmental organisations, have addressed to you. Where relevant, consider ratifying additional instruments.

- Are investigations conducted effectively in cases where there is reasonable suspicion that an act of hate speech punishable by criminal law has occurred either offline or online?

Establish procedures to regularly review investigations by the police, the prosecution or other bodies to ensure they are capable of establishing the relevant facts and determining whether the expression meets the legal definition of hate speech and lead to effective sanctions through an impartial analysis of all the relevant elements. Where necessary, amend procedures to improve effectiveness, determination and impartiality.

- Does your anti-discrimination legislation apply to all expressions of hate speech prohibited under criminal, civil or administrative law?

Extend the scope of protection afforded by your anti-discrimination legislation so that all those targeted by hate speech can obtain redress for hate speech without filing a complaint with the law enforcement authorities.

Action 2.2 – Measures are in place to safeguard the right to freedom of expression (§ 8 of CM/Rec(2022)16).

- Are there procedures to prevent hate speech legislation from inhibiting public debate and silencing critical voices, political opponents or persons belonging to minorities?

Actively reach out to political opposition parties, critical voices in the media, persons belonging to minorities and other marginalised groups to incorporate their perspectives into laws, policies and other responses to hate speech.

Work closely with legal professionals to ensure that the legal framework allows for restrictions only when fully meeting the requirements of Article 10, paragraph 2, of the European Convention on Human Rights and the relevant case law of the Court.

Action 2.3 – Effective legal protection against hate speech is provided under civil law and administrative law, in particular general tort law, anti-discrimination law and administrative offences law (§ 13 of CM/Rec(2022)16).

- Do your civil and administrative remedies for hate speech include compensation, deletion, blocking, injunctive relief and publication of an acknowledgement that a statement constituted hate speech, as well as, under administrative law, fines and loss of license?

Consider amendments to extend the range of remedies available.

- Are public authorities or institutions required by law to actively prevent and combat hate speech and its dissemination and promote the use of tolerant and inclusive speech?

Consider introducing such legal requirements and ensure their activities in this regard are reviewed regularly, with the involvement of other relevant stakeholders, including those targeted by hate speech.

Action 2.4 – Both state and non-state actors, including internet intermediaries, have defined roles and responsibilities to assess, investigate and combat online hate speech that respect human rights standards and ensure due process (§§ 16 to 26 of CM/Rec(2022)16).

- Does your legislation clearly distinguish the roles and responsibilities of state actors (e.g., police and prosecution services, regulatory authorities, independent national human rights institutions and equality bodies) and private actors (e.g., the media, relevant internet intermediaries, self-regulatory bodies and civil society organisations including so-called trusted flaggers) to review, report and respond to hate speech (§ 17 of CM/Rec(2022)16)?

Involve all key stakeholders (both state and private actors) in the regular review of existing legislation to ensure that it is clearly defined, understood, and implemented.

- Do internet intermediaries have legal responsibilities to prevent the dissemination of hate speech, complemented by transparent, fair removal processes and appeal mechanisms to ensure accountability and the protection of user rights (§ 22 of CM/Rec(2022)16)?

Work with key stakeholders to ensure internet intermediaries understand their human rights obligations and have measures in place to both implement and review these obligations in their removal and appeal mechanisms.

- Do legal and regulatory frameworks prevent overcompliance or discriminatory implementation?

Ensure internet intermediaries will not be held liable if after careful factual and legal assessment, they EITHER do not remove content which is later qualified by competent authorities as being in breach of criminal, civil or administrative law OR they remove content which is later qualified as legal.

3. Recommendations addressed to key actors

Key Objective 3 - Key actors work together to promote a culture of human rights and tolerance, condemning hate speech while respecting freedom of expression (§§ 28-54 of CM/Rec(2022)16).

Public Officials, Elected Bodies, and Political Parties

Action 3.1 - Public officials, elected bodies and political parties condemn hate speech and promote human rights values, including freedom of expression.

- Have public officials, elected bodies and political parties consistently and publicly condemned hate speech and incorporated human rights values into their communications and policies?

Work with relevant stakeholders to promote a human rights culture and draft or review codes of conduct, complaint or sanction procedures.

Internet intermediaries

Action 3.2 – Internet intermediaries identify and mitigate hate speech through transparent, human rights-aligned content moderation policies.

- Have internet intermediaries established and transparently communicated content moderation practices that are guided by human rights standards and include human oversight?

Develop and implement a comprehensive human rights assessment process for existing and new content moderation policies. This should include regular reviews by independent experts and consultations with civil society to ensure policies are effective, transparent, and respect freedom of expression while combating hate speech.

Media

Action 3.3 – The media promote public debate consistent with a human rights culture, ensuring accurate and diverse representation.

- Do media reporting strategies actively avoid hate speech while promoting a culture of human rights and providing a voice to diverse communities?

Encourage independent regulators and media co-regulatory and/or self-regulatory bodies to create and enforce a code of ethics for journalists and media outlets that includes guidelines for reporting on sensitive issues related to hate speech. This code should encourage responsible journalism that respects diversity and avoids stereotyping, with regular training sessions for media professionals on these topics.

Civil Society Organisations

Action 3.4 – Civil society organisations develop strategies to effectively combat hate speech through cooperation among key stakeholders.

- Have civil society organisations developed specific policies against hate speech and engaged in effective partnerships to enhance these efforts?

Organise collaborative projects or networks that facilitate the sharing of best practices, resources, and strategies for combating hate speech among civil society organisations. This should include partnerships with government agencies, internet intermediaries, and media outlets to coordinate efforts and amplify impact.

4. Awareness raising, education, training, and use of counter and alternative speech

Key Objective 4 – The development and implementation of awareness raising, education, training and use of counter-speech and alternative speech to prevent and combat hate speech (§§ 44-54 of CM/Rec(2022)16).

Action 4.1 – Adopt a multi-faceted strategy that tackles the root causes of hate speech through educating and raising awareness amongst the public.

Have comprehensive awareness-raising and educational initiatives been implemented to inform the public about the nature, consequences, and ways to counter hate speech (§§ 45-47 of CM/Rec(2022)16)?

Work with key stakeholders to develop public awareness campaigns that utilise various media platforms to educate the public about hate speech, its impact on society, available redress measures and the importance of counter-speech.

Action 4.2 – Strengthen educational and awareness-raising initiatives to ensure children and youth develop the skills to understand and deal with hate speech.

Are comprehensive educational initiatives in place for children and young people to address both offline and online hate speech, integrating human rights education, democratic citizenship, and media literacy into their curricula (§§ 47-48 of CM/Rec(2022)16)?

Work with educators, parents, carers, youth workers as well as children and young people to ensure human rights education, democratic citizenship, and media literacy is integrated into curricula and equips children and young people with the necessary skills to recognize and respond to hate speech effectively.

Action 4.3 – Strengthen capacity and skills amongst professionals and the public to identify, prevent and combat hate speech

Are targeted training programmes in place for professionals and the general public to identify, prevent, and respond to hate speech effectively (§§49-52 of CM/Rec(2022)16)?

Work with key stakeholders to develop and review training programmes for law enforcement, judiciary, educators, and media personnel that focus on identifying hate speech, understanding its effects, and employing strategies to counter it.

Action 4.4 – Promote Counter-Speech and Alternative Speech Initiatives

Have efforts been made to support and encourage the use of counter-speech and alternative speech by public figures, media, and civil society (§§53-54 of CM/Rec(2022)16)?

Work with key stakeholders to develop and review initiatives that enable public figures, media, and civil society to actively engage in and promote counter-speech.

5. Support for those targeted by hate speech

Key Objective 5 – Comprehensively support those targeted by hate speech (§§ 55-57 of CM/Rec(2022)16)

Action 5.1 – Create support systems for victims of hate speech and those targeted by hate speech that offer psychological, medical, and legal help which is easy to use and access.

- Are there easy-to-use support services for victims and those targeted by hate speech, such as legal help, counselling, and information on their rights?

Work with civil society organisations and other key stakeholders to offer services such as free legal aid, counselling, and education on rights, making sure they are accessible to everyone, in various languages and considerate of different ages and genders.

6. Monitoring and analysis of hate speech

Key Objective 6 – The monitoring, review and analysis of disaggregated data on hate speech underpins strategies to prevent and combat hate speech (§§ 58-61 of CM/Rec(2022)16).

Action 6.1 – Track and analyse hate speech with detailed and disaggregated data that respects human rights and privacy laws and covers both illegal and harmful speech.

- Have mechanisms been established for the detailed tracking, analysis, review and public sharing of hate speech incidents, respecting privacy and focusing on the impact on various disaggregated demographic groups?

Work with key stakeholders to establish and review methods to gather, study, and share detailed and disaggregated information on hate speech that respects privacy and human rights.

7. National co-ordination and international co-operation

Key Objective 7 – Policies to prevent and combat hate speech are consistently well coordinated to ensure mutually reinforcing practices within and between member States (§§ 62-63 of CM/Rec(2022)16).

Action 7.1 – Member States foster national coordination through regular, open, and broad consultations with all stakeholders and collaborate internationally to harmonize legal standards and practices for combating hate speech, adhering to and implementing global and European standards and practices.

- Have mechanisms been established for ongoing, transparent dialogue with stakeholders and international cooperation to align hate speech prevention and combat strategies with global standards?

Set up a clear system for ongoing discussions with a wide range of relevant stakeholders within your state and create or join opportunities to cooperate with other member States via international organisations, networks or partnerships.

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE

