

ECRI

European Commission against Racism and Intolerance
Commission européenne contre le racisme et l'intolérance

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GENERAL POLICY RECOMMENDATION N° 6: COMBATING THE DISSEMINATION OF RACIST, XENOPHOBIC AND ANTISEMITIC MATERIEL VIA THE INTERNET

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Strasbourg



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The European Commission against Racism and Intolerance:

Recalling the Declaration adopted by the Heads of State and Government of the member States of the Council of Europe at their first Summit held in Vienna on 8-9 October 1993;

Recalling that the Plan of Action on combating racism, xenophobia, antisemitism and intolerance set out as part of this Declaration invited the Committee of Ministers to establish the European Commission against Racism and Intolerance with a mandate, *inter alia*, to formulate general policy recommendations to member States;

Recalling also the Final Declaration and Action Plan adopted by the Heads of State and Government of the member States of the Council of Europe at their second Summit held in Strasbourg on 10-11 October 1997;

Recalling Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;

Recalling Recommendation No R(92)19 of the Committee of Ministers to member States on video games with a racist content and Recommendation No R(97)20 of the Committee of Ministers to member States on "Hate Speech";

Recalling that, in its general policy recommendation N° 1, ECRI called on the governments of Council of Europe member States to ensure that national criminal, civil and administrative law expressly and specifically counters racism, xenophobia, antisemitism and intolerance

Stressing that, in the same recommendation, ECRI asked for the aforementioned law to provide in particular that oral, written, audio-visual expressions and other forms of expression, including the electronic media, inciting to hatred, discrimination or violence against racial, ethnic, national or religious groups or against their members on the grounds that they belong to such a group are legally categorised as a criminal offence, which should also cover the production, the distribution and the storage for distribution of the material in question;

Taking full account of the General Conclusions of the European Conference against racism held in Strasbourg on 11-13 October 2000 as the European regional contribution to the World Conference against racism, racial discrimination, xenophobia and related intolerance, which will be held on 31 August – 7 September 2001 in Durban, South Africa;

Noting that the European Conference against racism urged participating States to make every effort to prosecute those responsible for incitement to racial hatred on the internet and their accomplices;

Welcoming the fact that, in the Political Declaration adopted on 13 October 2000 at the closing session of the European Conference, the member States of the Council of Europe committed themselves to combating all forms of expression which incite racial hatred as well as to take action against the dissemination of such material in the media in general and on the Internet in particular;

Aware of actions and initiatives taken in this field by the United Nations, the OECD, the Council of Europe and the European Union;

Welcoming the progress made by the Council of Europe in suppressing cyber-crime, notably the work on the draft Convention on cyber-crime, and hoping for a prompt finalisation of this first international instrument for suppressing cyber-crime;

Regretting nevertheless that, for the time being, the draft Convention does not include provisions on racist, xenophobic and antisemitic crimes committed via the Internet;

Aware of the positive contribution that the Internet can make to combating racism and intolerance on a world scale;

Recognising that the Internet offers unprecedented means of facilitating the cross-border communication of information on human rights issues related to anti-discrimination;

Stressing that the use of the Internet to set up educational and awareness-raising networks in the field of combating racism and intolerance is a good practice which should be supported and further developed;

Deeply concerned by the fact that the Internet is also used for disseminating racist, xenophobic and antisemitic material, by individuals and groups aiming to incite to intolerance or racial and ethnic hatred;

Convinced of the determination of the member States of the Council of Europe to combat the phenomena of racism, xenophobia, antisemitism and intolerance which destroy democracy, and thus to act efficiently against the use of the Internet for racist, xenophobic and antisemitic aims;

Aware that the very nature of the Internet calls for solutions at international level, and thus a willingness on the part of all States to combat incitement to racial hatred, enabling the fundamental principle of respect for human dignity to prevail;

Recommends that the Governments of the member States:

- include the issue of combating racism, xenophobia and antisemitism in all current and future work at international level aimed at the suppression of illegal content on the Internet;
- reflect in this context on the preparation of a specific protocol to the future Convention on cyber-crime to combat racist, xenophobic and antisemitic offences committed via the Internet;
- take the necessary measures for strengthening international co-operation and mutual assistance between law enforcement authorities across the world, so as to take more efficient action against the dissemination of racist, xenophobic and antisemitic material via the Internet;
- ensure that relevant national legislation applies also to racist, xenophobic and antisemitic offences committed via the Internet and prosecute those responsible for this kind of offences;
- undertake sustained efforts for the training of law enforcement authorities in relation to the problem of dissemination of racist, xenophobic and antisemitic material via the Internet;
- reflect, in this context, on the setting up of a national consultation body which might act as a permanent monitoring centre, mediating body and partner in the preparation of codes of conduct;
- support existing anti-racist initiatives on the Internet as well as the development of new sites devoted to the fight against racism, xenophobia, antisemitism and intolerance;
- clarify, on the basis of their respective technical functions, the responsibility of content host and content provider and site publishers as a result of the dissemination of racist, xenophobic and antisemitic messages;
- support the self-regulatory measures taken by the Internet industry to combat racism, xenophobia and antisemitism on the net, such as anti-racist hotlines, codes of conduct and filtering software, and encourage further research in this area;
- increase public awareness of the problem of the dissemination of racist, xenophobic and antisemitic material via the Internet while paying special attention to awareness-raising among young Internet-users – particularly children – as to the possibility of coming upon racist, xenophobic and antisemitic sites and the potential risk of such sites.