

Summary of the European Commission against Racism and Intolerance Recommendation on Combating Hate Speech

The European Commission against Racism and Intolerance (ECRI), a human rights body of the Council of Europe, recently issued a [general policy recommendation on combating hate speech](#). The 66 page document contains a thorough set of policy recommendations that European member states are expected to implement, many of which are also relevant to Canada.

In general terms, the ECRI report recommends that European governments:

- Ratify the [Additional Protocol to the Convention on Cybercrime](#), concerning criminalisation of acts of a racist and xenophobic nature committed using computers
- Use regulatory powers with respect to the media (including internet providers), to promote action to combat the use of hate speech online
- Provide support for self-regulation by public institutions, including educational institutions, and encourage the adoption of appropriate codes of conduct which provide for suspension and other sanctions for breach of hate speech provisions.
- Withdraw all financial and other forms of support by public bodies from political parties and other organisations that use hate speech or fail to sanction its use by their members.

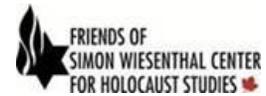
ECRI on Antisemitism and Holocaust Denial

The ECRI report also addresses the persistent issue of antisemitism throughout Europe, pointing out the “explicit publication in certain media of clearly racist content, the praise of Nazism and the denial of the Holocaust” in findings made during their 4th and 5th monitoring cycles.

It also re-iterates the importance of “taking of all necessary measures to combat antisemitism in all of its manifestations, including ensuring that criminal law in the field of combating racism covers antisemitism,” as well as the duty of remembrance and education:

“It is important to keep alive what happened in the past. This can be achieved through the commemoration of the Holocaust and other onslaughts against democracy, pluralism and human rights perpetrated in Europe and elsewhere in the course of our common history...and through ongoing programmes that raise awareness and understanding about what occurred and why reflecting on these events remains relevant today. In particular, it would be useful to draw attention to the similarities between the goals and activities of organisations that are currently promoting hatred and intolerance and ones that have previously done so with disastrous consequences” – *Article 92, ECRI General Recommendation No. 15*

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The Importance of Clear Codes of Conduct

The ECRI report also stresses the importance of developing clear codes of conduct that public and private institutions should follow when dealing with hate speech violations, which is especially relevant given the recent increase in antisemitic hatred on university campuses: “the provisions [currently] found in these codes do not always address the use of hate speech in specific terms. In all cases the formulations used in codes should be clear and accessible so that there can be no uncertainty about the conduct considered unacceptable.”

Commensurate with that is the need to implement sanctions with regard to violations by withdrawing “support by public bodies [to organisations] in all its forms...not only grants, loans and other forms of financing for the activities of the political parties and other organisations concerned, but also the making available to them of facilities or premises, the possibility to use staff and any other kind of practical assistance.”

Analysis

This Council of Europe report highlights the most important issues of the day pertaining to hate speech, and recommends policy approaches that can and should be replicated in Canada. Of particular note are the recommendations to address the proliferation of hate speech online, the development of unambiguous and enforceable codes of conduct on racism and antisemitism by public institutions (such as universities), as well as continued commitment to combating antisemitism and Holocaust education.

These priorities are shared by the Friends of Simon Wiesenthal Center, and we will continue to advocate for the implementation of similar protections with governments and academic institutions.