



Committee of Experts on Combating
Hate Speech (ADI/MSI-DIS)

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by email to adi-msi-dis@coe.int

Draft text of the Committee of Ministers Recommendation on Combating Hate Speech

Observations by the Human Rights Centre (Finnish NHRI)

The Finnish Human Rights Centre (HRC) is an autonomous and independent expert institution whose task is to monitor and promote the implementation of fundamental and human rights in Finland as well as to increase cooperation and exchange of information between various actors in the field. According to its founding legislation, one of the tasks of the HRC is to participate in European and international cooperation related to the promotion and protection of fundamental and human rights. The HRC represents the Finnish NHRI in international NHRI cooperation.

The HRC forms the National Human Rights Institution (NHRI), alongside with its pluralistic 38-member Human Rights Delegation and the Parliamentary Ombudsman.

The National Human Rights Institution in Finland was established by law in 2012. It received **A-status in 2014 and 2019.**

General

Human Rights Centre commands the working group for the draft text. The Draft recommendation covers hate speech in many of its forms and takes into consideration many groups often targeted with hate speech. Such recommendation is an important tool to help draw Member States' attention to this harmful and widespread phenomenon.

Many are unaware of the existence and extent of hate speech in the society or the fact that it often evolves to aggressive actions. The society at large does not discuss sufficiently the prevalence and the negative effects of hate speech. It is not universally condemned. The media, politicians and public do not take strong enough stand against it. Discrimination and hate speech are under-reported and even severe and long-lasting cases do not come to knowledge of authorities as legal processes are lengthy and the burden of proof is often too complicated. This recommendation has a possibility to increase attention to hate speech and help eventually bring an end to it.

Recommendations

The recommendations are general in nature. More specific details are included in the Addendum to the Recommendations. Human Rights Centre wishes to draw working group's attention to following details and encourages to include them in the actual recommendation document.

Women and gendered hate speech

The recommendation does not mention women specifically. Considering that women and girls are most often victims of hate speech and that sexism is rampant even in Europe together with widely spread anti-gender movement, specific attention to women as victims would increase the value and relevance of the recommendation.

Minorities, indigenous peoples and persons with disabilities

Hate speech and discrimination is common against minority groups and individuals (who are vocal members) or representatives of specific groups. This is the case, in addition to minorities also with regard to migrants and persons with disabilities. They are often invisible in the society which increases the likelihood of their victimisation. These concerns should be reflected in the recommendations.

Media and journalists

Media, together with many other actors, has an important role in preventing hate speech, promoting alternative speech and making hatred and hate speech in the society visible. This does not appear in the draft recommendation. Reference to the media should be added to recommendation VI.

At the same time, individual journalists are often victims of hate speech and harassment, resulting in silencing, self-censorship and avoidance of specific topics. Female journalist are even more targeted than their male colleagues. This reflects to the media and reporting as a whole. This should be reflected in the recommendations or at least in the addendum. Member states should be encouraged to prevent this and support media freedom and safety of the journalists.

NHRIs, EBs and CSOs

The fact that NHRIs, EBs, CSOs are included in the recommendations is important. However, giving encouragement is not sufficient. Necessary resources and mandates are needed for these bodies to promote the measures outlined in the addendum to the recommendations. This should be reflected in the text.

Statistics

The addendum to recommendations calls for baseline studies and clear methodologies to identify trends and impacts. In order to do this, statistics are needed. Currently many relevant statistics do not have sufficiently disaggregated data to base actions on. Statistics are also not mentioned in the recommendation or its addendum. Inclusion of the statistics in the recommendation would encourage Member States to pay attention to improve the data collection.

Victims of Hate Speech

As a final note it is worth mentioning that the recommendation fails to take into account those who are protecting individual victims, promoting human rights and countering hate speech as part of their tasks. In addition to media and journalists, mentioned above, also civil servants, politicians, national human rights institutions and equality bodies, NGOs, private activists etc. are all putting themselves into a vulnerable position when they act against hate speech. Accordingly, they often fall victims of that same hate speech and aggression. This needs also attention in the recommendation.

Thank you for the opportunity to provide these observations.

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Expert
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