

**OSCE MEETING ON THE RELATIONSHIP BETWEEN RACIST,
XENOPHOBIC AND ANTI-SEMITIC PROPAGANDA ON THE
INTERNET AND HATE CRIMES**

REPORT TO PLENARY SESSION

Introduction

One of the most difficult issues that we have had to tackle during this Meeting has been how to reconcile the different legal traditions of participating States in order to develop common standards and approaches at the international level. During our session, we felt that efforts to strengthen national legislation and to reach common ground on an international legal framework, using the Council of Europe's Convention on Cybercrime and its Additional Protocol as a basis, are essential. However, participants stressed that legislation alone is not enough and emphasised the need to concentrate on the enforcement of legislation and the development of a creative consortium approach that would build effective partnerships between governments, NGOs and the Internet industry. Participants also highlighted the need to think "outside the box" in order to develop new and innovative approaches to combat hate crimes and the dissemination of racist, xenophobic and anti-Semitic propaganda on the Internet.

1) Standard Setting

- Participating States are urged to sign and ratify the Additional Protocol to the Convention on Cybercrime
- Participating States need to strengthen standards at the national level, based on the principle that "what is illegal off-line should be illegal on-line"
- Participating States should work to develop domestic legislative frameworks based on the 14 June 2003 Amsterdam Recommendations on Freedom of the Internet

- The OSCE Representative on Freedom of the Media Participating States should conduct a study into the effectiveness of laws regulating internet content in those countries where they exist, specifically with regard to their effect on the rate of racist, xenophobic, anti-Semitic or racist crimes; such a study should also examine the enforcement of such laws paying attention to any potential misuse

2) Ensuring Enforcement

- Participating States should vigorously investigate and, where appropriate, prosecute criminal threats of racially-motivated violence transmitted over the Internet to the full extent of their national legislation.
- Participating States should provide further training to law enforcement authorities on their role in implementing existing legislation

3) Inter-Institutional Cooperation

- OSCE participating States are encouraged to develop codes of conduct. To this end, the Council of Europe expressed its willingness to work together with the OSCE and its participating States
- Cooperation should be based upon existing initiatives and good practices such as:
 - 14 June 2003 Amsterdam Recommendations on Freedom of the Internet
 - ECRI Policy Recommendation No. 6 on combating the Dissemination of racist, xenophobic and anti-Semitic material via the Internet
- Participating States should work in cooperation with the Internet Industry to use “user contracts” as a basis to take legal action against sites harbouring hate crimes.

4) Adoption of a “Consortium Approach”

- Participating States should encourage the building of partnerships between national agencies, NGOs, governments and the Internet Industry in order to monitor and bring incidents of racist, xenophobic and anti-Semitic speech and hate crimes to the attention of law enforcement authorities and the general public
- OSCE participating States should continue to support the establishment of agencies and organisations that handle, monitor and counteract cyberhate

5) The Importance of Follow-up

During our Session, the importance of ensuring concrete follow-up to this Meeting was highlighted. In particular, participating States, international institutions and NGOs should use the opportunity of the Human Dimension Implementation Meeting to promote the sharing of best practices; these could then be taken into account in the OSCE Ministerial Council Meeting in Sofia when considering the further role of the OSCE in promoting tolerance and combating racism, xenophobia and anti-Semitism

As the Director of ODIHR, I would like to share with you some of the priorities for my institution in following-up the recommendations made during the Session. ODIHR will:

- 1) Prepare for the HDIM so that it can be used as a major opportunity to promote the sharing of good practices and for channelling the results of the three 2004 conferences (Berlin, Paris, Brussels) into preparations for the OSCE Ministerial Council Meeting in Sofia.
- 2) Compile a list of best practices relating to efforts to combat dissemination of hate crimes on-line (based on Maastricht tasking)
- 3) Develop lists of offensive sites (in cooperation with other institutions, NGOs)
- 4) Report on on-line cases of hate crimes and violent manifestations of racism, xenophobia and anti-Semitism (updates to PC and HDIM)

ODIHR will also further develop its capacity to support participating States, where requested, in their efforts to implement the commitments arising from this meeting through the provision of legislative assistance and the dissemination of good practices throughout the OSCE area.