

## RECOMMENDATIONS OF THE JO COX COMMITTEE

On the strength of information and documentation gathered in the course of hearings, the Jo Cox Committee of the Chamber of Deputies can recommend a number of actions to prevent and counter hate speech.

The recommendations, which are consistent with the goals of the fact-finding inquiry, call for a series of regulatory interventions and the adoption of public policies, touching upon societal, cultural, educational and media-related aspects.

### A. Horizontal actions

- 1) Launch a **comprehensive national strategy to counter hate in all its forms** (racism, xenophobia, sexism, anti-Semitism, Islamophobia, anti-Ziganism, bullying and so on), encompassing specific plans of action to combat discrimination against individual groups;
- 2) adopt a legally recognised definition of “hate speech” based on the definition given by the European Commission against Racism and Intolerance (ECRI) in Recommendation no. 15, adopted on 8 December 2015;

### B. Improve data collection and knowledge of phenomena

- 3) Monitor ongoing developments in the sociocultural context that threaten to give rise to hate phenomena, hate speech and hate crimes, by gathering up-to-date and relevant information;
- 4) ensure that data collection is based on principles of verification and disclosure and that it meets common European standards;
- 5) ensure that the National Institute of Statistics documents hate phenomena by pursuing the following two distinct courses of action:
  - it should allocate resources to carrying out sampling studies to explore the less visible aspects of the phenomenon, whose presence cannot easily be inferred from the data currently available;
  - it should facilitate, ensuring full respect of privacy laws, the exchange of personal and aggregate data already held by the relevant institutions, and its integration into a statistical database that is constantly kept up to date.
- 6) extend the collection of data on hate crimes beyond the scope of criminal justice, and broaden the criteria used for the definition of what constitutes a hate crime;
- 7) adapt the metadata on hate crime stored in Italy’s inter-service information system (SDI) so that it is compatible and can be integrated with that used in the International Classification of Crime for Statistical Purposes (ICCS - United Nations Office on Drugs and Crime), also for purposes of international comparison;

- 8) recognise sexism as a discriminatory motive and a specific category of hate speech.

### **C. Regulatory action**

- 9) enact the citizenship reform bill to favour social inclusion and combat the stigma of foreignness also for people born, brought up and schooled in Italy;
- 10) enact the bill containing “provisions to combat homophobia and transphobia” (Senate Document 1052);
- 11) consider the possibility of measures to prevent religious-based radicalisation and violent extremism, to avert the emergence of hate and violence phenomena;
- 12) proceed with the examination of the bills containing “Provisions for the protection and equal treatment of the Roma-Sinti historical and linguistic minority” (Chamber of Deputies Document 3541) and “amendments to Law 482 of 15 December 1999, and other measures relating to the recognition of the historical and linguistic minority speaking Romani languages” (Chamber of Deputies Document 3162);
- 13) approve a comprehensive law on religious freedom that, by guaranteeing respect for all religious communities, freedom of worship and dignity in the exercise of religious rights, will combat institutionalised hate and discrimination both at a national and at a local level;
- 14) continue efforts to develop the legal status of Islam in Italy, both by expediting the procedures already envisaged in current legislation for the recognition of worship organisations and by paving the way to the signing of one or more agreements with the Italian State under the terms of article 8.3 of the Constitution;
- 15) systematise the procedures used for determining statelessness, and ensure that all the guarantees provided under international standards are respected;
- 16) enact the bills ratifying the Additional Protocol to the Convention on Cybercrime of the Council of Europe and Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- 17) subsume sexist, homophobic and transphobic hate speech under the laws on hate and discrimination;
- 18) criminalise hate campaigns (e.g. public insults, defamation and threats) that are directed against persons or groups on racial, linguistic, religious, nationalistic, ethnic, sexist, homophobic or transphobic grounds;
- 19) explore the possibility, based on the experience of other countries, of imposing self-regulation requirements on internet platforms so as to take down hate speech, prevent fake news stories from generating advertising benefits, and comply with the Code of Conduct agreed with the European Commission in May 2016;

- 20) adopt anti-hate speech rules without prejudicing the freedom of information on the internet; consider the possibility of making internet providers and social network platforms jointly liable under law, and of compelling them to take down without delay any content that has been flagged as offensive by users;
- 21) ensure the prompt approval of a proposal to amend EU Directive 2010/13/EU, with particular reference to the provisions that would reclassify social media platforms offering video sharing services as audiovisual content providers;
- 22) stringently check the adequacy of the measures taken by internet service providers to effectively regulate unlawful conduct;

#### **D. Political and institutional initiatives**

- 23) revisit integration procedures in light of the European immigration policy framework, particularly as regards the integration of asylum-seekers and people applying for protection under international law, by introducing measures that support social inclusion and forestall or oppose the marginalisation of applicants and intolerance among the public;
- 24) reinforce the mandate of UNAR (Italy's anti-racial discrimination department) by increasing its autonomy or by recognising it as an independent public agency, as the ECRI has recommended; sponsor the work of the UNAR in its day-to-day monitoring of online hatred, which it conducts through its "Media and Internet Observatory"<sup>1</sup>, and encourage it to publish its data; appoint a new UNAR director as soon as possible so that the department may properly discharge its functions;
- 25) promote a sense of responsibility among institutional and political figures who influence public discourse, and, also drawing upon amendments made in December 2016 to the Rules of Procedure of the European Parliament as a model, adopt regulatory mechanisms to suppress hate speech;
- 26) ensure that leading political and public figures are unwavering and resolute in their condemnation of episodes of racism, anti-Semitism, Islamophobia, sexism and anti-Ziganism;
- 27) enhance and coordinate the instruments used by the Ministry of the Interior (OSCAD) and the Ministry of Justice to monitor hate crimes;
- 28) encourage coordination between the Ministry of the Interior and the National Association of Italian Municipalities (ANCI), and expand the oversight and control duties of prefects to ensure that the right to open places of worship is respected throughout the country, as this right is a prerequisite of religious freedom and a necessary condition for the integration of religious communities in Italy;
- 29) enforce the law on incitement to racial hatred predicated "entirely or partly on the denial of the Shoah, of genocide, of crimes against humanity and of war crimes" (Law 115/2016);

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<sup>1</sup> Cfr. [http://www.unar.it/unar/portal/?page\\_id=7794](http://www.unar.it/unar/portal/?page_id=7794).

- 30) activate the national strategy for the inclusion of the Roma, Sinti and *Camminanti* (Traveller) people to put an end to segregated settlements and the clearing of nomad camps without the provision of alternative housing; promote the inclusion of members of the foregoing communities in schools, society, employment and housing;
- 31) make victims of violence more aware of their rights, including the right to administrative, civil or criminal compensation, by launching targeted information campaigns, setting up help desks in welfare offices and health centres, and enlisting schools, civil society associations and religious organisations in the campaign;
- 32) enlist help from and encourage cooperation among civil society associations for the provision of advisory services along with psychological and material support (such as safe houses) for victims of hate crimes;
- 33) give anti-hate organisations the right to file civil suits in the courts;
- 34) set up special offices within law enforcement headquarters staffed by officials who know how to listen, act appropriately and respect the privacy of the people they deal with;
- 35) cooperate more closely with anti-violence treatment centres, including those that work with aggressors;
- 36) promote and extend international collaboration with the “No Hate Speech” movement and the Council of Europe’s Parliamentary Alliance against Intolerance and Racism;

#### **E. Cultural and educational initiatives**

- 37) enforce and spread awareness of the rules enshrined in Law 71 of 29 May 2017, namely: “Provisions to protect juveniles from cyberbullying”, and extend the campaign against bullying, sexism, homophobia and transphobia into schools of all levels;
- 38) apply the “Guidelines for the prevention and combating of bullying and cyberbullying” drawn up by the Ministry of Education, Universities and Research;
- 39) develop, with reference to the guidelines and publications of the Ministry of Education, Universities and Research, teaching/learning and educational strategies to encourage the inclusion of Roma, Sinti and *Camminanti* pupils in the school system, avoiding all forms of stereotyping and stigmatisation;
- 40) implement the Protocol of Understanding between the Education Ministry and the Chamber of Deputies to acquaint students with the principles laid out in the Declaration of Internet Rights drawn up by the Chamber of Deputies’ Internet Rights Committee;
- 41) develop an effective system of training for teachers and educators with the assistance of associations for the defence of civil rights and the rights of families; encourage collaboration among the various individuals and entities working to

counter discrimination and hate speech, such as research institutes, teachers, the judiciary, law enforcers and civic associations;

- 42) approve new legislation on education and citizenship with a view to nurturing respect and openness between cultures and religions, and opposing intolerance and racism;
- 43) enhance gender education in schools to cultivate respect for differences of sex and sexual orientation;
- 44) develop educational syllabi for the study of religious traditions, including their historical, social, legal and cultural aspects; design programmes of primary, secondary and tertiary education (and, generally, programmes for all tiers of learning) to counter anti-Semitism and racism, beginning with Shoah remembrance; promote media and internet literacy and encourage counternarratives that oppose anti-Semitism, Shoah-denial and Islamophobia;
- 45) strengthen intercultural training programmes for law enforcers, members of the judiciary, and of civil society organisations;
- 46) engage the Italian Football Federation (FIGC) and other sports federations in a campaign against racism in stadiums and in sports in general, and demand enforcement of the rules on the suspension of matches and sporting contests in the event of racist or anti-Semitic behaviour or chants;

## **F. Media-related initiatives**

- 47) oppose stereotyping and racism by raising awareness and inculcating a sense of responsibility in the media, especially online, to prevent all forms of hate speech, which includes baseless, false and defamatory reports;
- 48) enjoin major social media platforms such as Facebook, YouTube, Twitter, Instagram and Google to follow the European Commission's Code of Conduct on countering illegal hate speech online, urge them to act with transparency, efficacy and promptness in installing filters and controls, and demand that they quickly remove offensive content and incitements to hatred that have been reported by individuals or by associations acting in the defence of individuals;
- 49) require social network platforms to set up offices with adequate staff numbers to receive complaints and promptly take down hate speech, to activate an alert function on webpages by which users can flag such material, and to set up helplines for the same purpose;
- 50) consider the possibility of allowing associations to delete hateful comments directly;
- 51) require internet platforms to include effective alert or early-warning systems to advise users of the possible penal repercussions of propagating hate speech;
- 52) guarantee "the right to be forgotten" for persons who have been harmed by hate speech;

- 53) make it easier for people to report acts of hatred by coordinating and monitoring, on a national scale, the systems that handle complaints of this nature; create mobile applications for the same purpose, and encourage greater cooperation among the bodies that already discharge this function;
- 54) support and promote “No Hate” blogs and activists, and publications that offer counternarratives or sponsor information campaigns against hate speech, especially if they are part of a non-profit organisation, school or university, including through the awarding of a “No Hate” certification issued by the Council of Europe’s Parliamentary Alliance against Intolerance and Racism;
- 55) set up an authority to guarantee accuracy of reporting, as envisaged in bills that have been presented during the current and previous parliaments;
- 56) urge the national register of journalists and the union of journalists to enforce compliance with professional standards by investing in training and in the contractual status of journalists.