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NOTE

From: General Secretariat of the Council
To: Delegations
Subject: Open Method of Coordination (OMC) Group on "Fight against hate speech in sport"
- Mandate

Delegations will find attached the mandate of the Open Method of Coordination (OMC) Group on "Fight against hate speech in sport", as agreed by the Working Party on Sport on 23 October 2024.

Open Method of Coordination (OMC) Group on “Fight against hate speech in sport”

set up under the EU Work Plan for Sport 2024-2027

- Mandate -

A. BACKGROUND

1. The EU Work Plan for Sport 2024-2027¹ under priority area 1 “Integrity and values in sport”, Key topic “Fight against hate speech”, envisages work on two themes:
 - 1) “Influence of social media and prevention of online verbal abuse” and
 - 2) “Manifestations of verbal and physical violence during sport events”.

As the working method, the EU Work Plan for Sport foresees the creation of a dedicated Open Method of Coordination (OMC) group “Fight against hate speech in sport”. The scope of the OMC group is further defined by this mandate. The work of the OMC group will provide a framework for cooperation, exchange and sharing of good practices among Member States and relevant stakeholders allowing for the development of non-binding recommendations for Member States and relevant stakeholders in and outside sport.

2. Sport can contribute to social integration and promote its values such as tolerance, equality, fair play and solidarity. These values, and those enshrined in Article 2 of the Treaty on European Union (‘TEU’), are shared by the Member States that uphold values of pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men.

¹ Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the European Union Work Plan for Sport (1 July 2024 — 31 December 2027), OJ C, C/2024/3527, 3.6.2024, ELI: <http://data.europa.eu/eli/C/2024/3527/oj>

3. Hate speech can seriously affect sportspeople and their entourage at any level and undermine the integrity and positive values in sport and society. In recent years online hate speech in sport has increased considerably, facilitated by the increased use of social media platforms. It is thus important to address the increasing prevalence of hate speech in sport, not only in professional sports, but also in grassroots sports, where children and young people are often particularly affected by hate speech.
4. Hate speech can manifest online and at sport events. It is understood to include discriminatory language, derogatory comments or threats based on various factors, including race, ethnicity, gender and sexual orientation. Attention is needed for the combined impact of verbal violence during sport events and online in sport that can aggravate the impact of hate speech. On some occasions, verbal violence during sport events degenerates into physical violence involving supporters, thereby disrupting sport events themselves. For instance, it can lead to fans being denied access to sport events altogether.
5. Despite an increased awareness about hate speech, public authorities as well as sports clubs and organisations face considerable challenges when trying to address it, such as lack of awareness about the impact of hate speech, prevention strategies, clear definitions and challenges with regards to sanctioning unacceptable behaviours.
6. In its activities, the OMC Group “Fight against hate speech in sport” will take existing initiatives, policy papers, etc. into account, such as those listed hereunder:
 - The EU-Council of Europe joint project “Combating Hate Speech in Sport” that explored innovative approaches to address hate speech, including online and offered technical assistance to both policymakers and practitioners (2022-2024);
 - The Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law that requires Member States to ensure effective criminal response to hate speech, i.e. the public incitement to violence and hatred targeted at individuals or groups defined by race, colour, religion, descent or national or ethnic origin;

- The Guidance Note on the practical application of the Framework Decision by the EU high-level Group on combating racism, xenophobia and other forms of intolerance; and the complementing paper by the EU high-level group on the 10 key guiding principles for ensuring justice, protection and support for victims of hate crime and hate speech (2017);
- The Commission Communication “A more inclusive and protective Europe: extending the list of EU crimes to hate speech and hate crime” (COM (2021) 777, 9 December 2021) that calls for a clearer, stronger regulatory framework to counter hate speech and hate crime;
- The Joint Communication “No place for hate: a Europe united against hatred” (JOIN (2023) 51, 6 December 2023), adopted by the Commission and the High Representative, which aims to step up EU efforts to fight hatred in all forms, by reinforcing action across a variety of policies and specifies that major sporting events in Europe should be used to raise awareness against hatred and to promote European values.

B. ROLE, SCOPE AND EXPECTED RESULTS OF THE OMC GROUP

1. In accordance with the principle of subsidiarity and in full respect of Member States' competences in the field of sport policy as laid down in the EU Treaties, the OMC Group should investigate how to tackle hate speech in sport, online and at sport events, taking into account that verbal abuse may incite physical violence.
2. The key objective of this OMC Group is to make non-binding recommendations to relevant actors to enhance cooperation in this field, in view of reducing occurrences of hate speech in sport, based on policy analysis, examples of good practices and evidence on awareness-raising on hate speech in sport; and on preventing and sanctioning actual occurrences of hate speech in sport.

3. To achieve this objective, the OMC Group will:

- a) Identify relevant legal provisions, policy initiatives, frameworks, projects, research, etc.
- b) Discuss and propose ways to raise awareness in Member States about the impact of hate speech surrounding sport events on the sport sector, notably organisers of competitions, athletes, spectators and, more broadly, on EU societies, educational settings and also taking into account the role of the media.
- c) Analyse cases of manifestations of hate speech in sport, both at sport events and online, and how these were addressed, in view of better understanding the challenges and impact. This should include analysing the occurrence of hate speech from a gender equality perspective and from the perspective of children and young people. Elaborate possible measures to prevent and reduce occurrences of hate speech.
- d) Identify, collect and analyse evidence, good practices and data, on local, regional, national and EU level, in view of identifying good examples with the biggest potential to be adaptable to different national contexts and regulatory frameworks and effectively implemented in EU Members States.
- e) Consider ways to prevent persons from reoffending, including in another Member State, while respecting existing legal framework, such as relevant EU and national data protection laws.

C. WORKING APPROACHES AND FINAL OUTPUT

1. The OMC Group will be composed of representatives to be designated by the EU Member States. The Member State representatives should have relevant expertise to address hate speech in sport.
2. The duration of the activities of the OMC Group should not exceed 18 months.
3. The representatives designated by the Member States for the OMC Group will elect a chair and a vice-chair amongst them. The European Commission will act as a secretariat and support the chair and vice-chair.
4. The OMC Group will decide about the frequency of meetings. Meetings will be held in-person, in principle in Brussels, and/or online, as appropriate. Indicatively, three in-person meetings could be foreseen for the duration of the OMC group.
5. Upon request of the Council Presidency, the OMC Group will report on its work to the Council Working Party on Sport.
6. The OMC group may decide to invite experts from third countries, as defined in the EU Work Plan for Sport, as observers.
7. The OMC Group may decide to involve additional external experts as observers or guest speakers, for further inspiration and input, such as:
 - a) Experts from international organisations (e.g. Council of Europe, United Nations, etc.);
 - b) Experts from the sport sector, such as national and international federations, sport clubs, athletes, and supporters; and from other relevant stakeholder groups, including from the scientific world;
 - c) Experts with relevant experience in dealing with awareness-raising, prevention and addressing hate speech, including social media companies, which are signatories to the EU Code of Conduct on Countering Illegal Hate Speech Online.

8. The non-binding recommendations, backed by evidence and examples of good practice will be compiled in a final report, drafted by the representatives designated by the EU Member States.
9. The OMC Group will aim to publish its final report no later than 3 months after the finalisation of works of the group and its last meeting and in due time, in view of providing input for the Commission’s report on the implementation of the EU Work Plan for Sport 2024-2027.
10. The OMC group will adopt Rules of Procedure governing the procedural aspects of the work of the OMC Group.
11. The work of the OMC group “Fight against hate speech in sport” will be conducted in a transparent manner. The OMC group’s secretariat will publish the mandate, Rules of Procedure and composition of the OMC group as well as the agendas and minutes of the meetings on a website.
12. The OMC group may invite relevant Commission services to participate in the meetings.
