The Council of Europe and Democratic Security: Reconciling the Irreconcilable?

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Abstract

The concept of security has remained in the shadows of the 'three pillars' of the Council of Europe (CoE) until 2015 when the annual report of its Secretary General presented the term 'democratic security'. This paper provides two alternative conceptualizations of the term and, through making a parallel with the two main approaches towards extreme speech, it looks at how the CoE could reconcile democracy and security in policies vis-à-vis extreme speech. The findings obtained via organizational analysis of the CoE's structure and review of approaches towards extreme speech point to the two models of dealing with extreme speech in relation to democracy and security. One is 'democratic security' where restrictions of rights such as freedom of speech pose more substantial threats to security than the harm that might be caused by their abuse. The other is 'militant democracy' where such restrictions are often viewed as a safeguard of security.

Key words

Council of Europe, Democratic Security, Extreme Speech, Militant Democracy, Freedom of Speech, 'Hate Speech', Organizational Analysis

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Introduction

In the 21st century, the challenges of both security and human rights have so far been multiple. Movements which—with various actions—try to undermine the foundations of democratic societies and attack them from outside or within seem to be almost countless. Democratic governments try to enact protective measures designed to prevent these movements from gaining overwhelming influence and planting fear into the hearts of the citizens. However, through these measures they gradually 'militarize' democratic regimes with all the risks of side-lining individual rights that it entails (Thiel, 2009; Tyulkina, 2015; Walker, 2011).

Given the complexity of contemporary governance, the question arises what is the role of international organizations (IOs) in this 'militarization process.' Can they have any impact on the security and/or human rights regimes in the states that are their members? Do they have a say on whether there is an effort to 'search for reconciliation between security and human rights […] within the existing climate of exceptionalism' (Lazarus & Goold, 2007, p. 4)? Can and does their effort counter the dominant trends in post-9/11 world characterized by a 'normalization of extraordinary means' in order to achieve alleged justice,[268] an 'us and them' rhetoric in daily politics (Masferrer, 2012) and a general belief in the zero-sum game between security and individual rights?

This paper looks at these questions through a general lens and an example of the Council of Europe (CoE), a key regional organization in promotion and protection of human rights, democracy, and the rule of law. The CoE with its 47 members at the time is an international organization often forgotten by contemporary scholarship focusing predominantly on the EU, although it played an important role in bringing European states together after the fall of communist regimes in 1989. By no means can it be declared unimportant, as there is a demonstrable impact it had (at least) on Central and Eastern Europe in the process of transition towards democracy (Fawn, 2013).

Looking at the relationship between security and human rights within the CoE, it is clear that security is not one of the 'three core pillars' of the CoE (democracy, human rights and the rule of law). This alone, however, does not have to mean that the CoE is not concerned with security. An introduction to the organization's functioning asserts that the CoE '[operates] in the field of soft security' (Bond, 2012, p. 5), and the 2015 annual report of the Secretary-General of the CoE is subtitled 'A shared responsibility for *democratic security*' in Europe (Jagland, 2015 emphasis added). This raises the general question what approach to security has the CoE set up to develop via its actions.

Although it is not possible to assess the CoE's approach in all security-related fields here, this paper looks at one of the most pressing areas where there seems to be a clash between security and democracy: the field of extreme speech and its regulation. For this purpose, Section 1 contextualizes the concept of democratic security and its two understandings, and explains the

[268] An example of this trend is the UK's anti-extremism strategy announced by David Cameron in July 2015 that allows the prosecution of 'nonviolent extremism' and therefore infringes harshly upon individual rights—not only freedom of speech but also the freedom to protest and some academic freedoms (Kazmi, 2015).

relevance of the debate on the approaches to extreme speech for the development of a model of security in the CoE's functioning.

Section 2 comprises a brief organizational analysis in order to identify which bodies and institutions of the CoE are key in forming the CoE's approach to extreme speech. Section 3 then uncovers the alternative models that can be pursued by the CoE in the field of extreme speech and finds out how those models are linked to the notion of democratic security. The results identify the 'militant democracy' as a contrasting position to democratic security. Finally, the likely consequences of the two models for the 'state of democracy and human rights in Europe' (cf. Jagland, 2015) are discussed.

Democratic Security and the Council of Europe

What is democratic security in the CoE's view, why is it important and how can it be squared with the 'three pillars' of the organization? This question becomes puzzling when taking into account that the CoE has so far been seemingly focusing on those 'pillars' and not on security.

Existing research on various aspects of the CoE's functioning (Brummer, 2012, 2014; Greer, 2006; Jordan, 2003; Madsen, 2007) reveals an interplay between the CoE and domestic politics in member states from the outset but this seems to be focused on the 'traditional triad' of human rights, democracy and rule of law, not on security. Therefore, the notion of security does not seem to be at the top of CoE's considerations. This has been different in 2015, though, when a particular concept of security has made it into the 'headlines' of the CoE's reports.

The Concept of Democratic Security

As early as in 1996 there was an understanding that the CoE had been paying some attention to 'the concept of "democratic security", in the firm belief that Europe can remain a peaceful and socially stable continent only if its member states espouse democratic values and practices while forging a spirit of tolerance and mutual co-operation' (Pinto, 1996, p. 41). However, the term 'democratic security' has not appeared often in relation to the CoE and in scholarship in general. In 1999, one report titled 'the quest for democratic security' described the challenges of the CoE with its new member states which did not have consolidated democracies but devoted very little attention to the term itself; it only mentioned that the 'bases' of democratic security are 'rule of law and parliamentary procedure' (Klebes, 1999).

It was not before 2015, after the Ukraine crisis marked a real, relatively long-lasting war between CoE members, that the concept 'celebrated a comeback' in the 2015 report of the CoE's Secretary-General. Here, democratic security has been considered as a 'shared responsibility' of European states which are 'only ever as secure as the states which surround [them]' (Jagland, 2015, p. 6). Instead of concretizing this relationship of security as responsibility of democracies, though, the report went on to what was claimed to be an 'assessment of democratic security' in five pillars, oddly resembling the three 'classic' pillars of the CoE.[269] With respect to the Ukraine crisis, that seems to have been very much in perspective of the drafters of the report, this security-focused

[269] These are 'efficient and independent judiciary, free media, vibrant, influential civil society, legitimate democratic institutions, and inclusive societies' (Jagland, 2015, p. 6). The legitimacy of democratic institutions component coincides with the need for stronger parliamentary control of security measures, especially of surveillance systems, i.e. the 'democratizing security' approach (Kinzelbach & Cole, 2006).

claim goes, in essence, as follows: 'we are more secure if we are democratic.' This is nothing more and less than a variation to one of the most discussed theories in International Relations: the theory of democratic peace (see e.g. Russett, Layne, Spiro, & Doyle, 1995). Consequently, the CoE believes that democracies bring peace understood as security. Thus, *through* supporting democracy, the CoE defends security.

So far this seems as a straightforward finding; however, it becomes peculiar when it comes to the particular approach or theory of democracy that is being promoted by the organization. This can be explained by the list of three criteria for 'democratic security' provided by Johansen (1991). Democratic security requires not only democratic decision-making in security policies and prioritizing the individual rather than the state (human security instead of state security) but also 'resistance to any and all encroachments upon human dignity and widely agreed-upon human rights' (Johansen, 1991, pp. 210–211).

In this understanding, approaches to democracy that allow for substantial limits on individual rights, even if the application of such rights could trigger security threats, do not comply with the notion of democratic security. The reason for the non-compliance of such measures is that they *alone* would pose a greater danger to democratic security than the abuse of the human rights they limit. A trade-off element remains present here between democracy and security but in contrast to equating democratic security with democratic peace, it poses more substantial requirements for achieving the condition of democratic security than the approach represented by democratic peace. Essentially, democratic security means viewing certain limits on human rights as more substantial threats to security than threats that could arise in case those rights are not limited and abused in the state. It is this 'thicker' understanding of democratic security that makes the analysis of approaches to extreme speech of an actor (such as the CoE) an important test case for the commitment to democratic security by that very actor.

Extreme Speech as a Test Case for Democratic Security

Extreme speech challenges the foundations of a democratic regime by questioning or trying to undermine the premises of freedom, equality, the rule of law and respect for individual rights. Therefore it has a potential to cause harm, create social instability, unrest and, in its most aggressive force, violence. These conditions run contrary to security in democracies but, in accordance with the aforementioned concept of democratic security, restrictions on extreme speech may cause greater danger to security than that speech itself. This is the reason why identifying the approach to extreme speech allows to hypothesize on whether an actor pursues or does not pursue a model of 'democratic security' via its actions.

The next section details which institutions of the CoE are relevant for dealing with extreme speech but before that, a brief terminological distinction is desirable. This distinction concerns the difference between extreme speech and 'hate speech'. Linguistically, while 'extreme' implies an element outside of normalcy or traditionally accepted range of views, 'hate' entails clearly negative connotations of an extreme that is 'wrong' as it is something 'outrageous [not] respectful'; in other words, hate represents 'extreme abhorrence that is likely to cause harmful effects' (Post, 2009, pp. 131–135). Fundamentally, if an expression is labelled as 'hate speech', it can justifiably be restricted by law in a democratic regime to protect (even democratic) security. In contrast, if it is 'only' an

instance of extreme speech, that standing alone does not justify restriction while upholding the commitment to democratic security.

Hence, in the subsequent analysis, the location of boundaries of the distinction between extreme speech and 'hate speech' becomes the crucial criterion of identifying whether an approach is a 'democratic security' or a 'militant democracy' one.[270]

'Hate speech' itself can be approached in two main ways, one content- and one context-based (see the contributions in Herz & Molnar, 2012), with the former allowing to restrict (including with criminal law) expressions that do not pose 'imminent danger' to life and security in a way that would make it possible to classify them as (violent) action in themselves. It is precisely this distinction (or the lack thereof) that has been called upon by a number of scholars researching security, in particular anti-terrorism legislation in the post-9/11 period at both national and international level (Cram, 2009; Galli, 2013; Lazarus & Goold, 2007; Moss, 2011).[271] The following section establishes the way how the CoE's approach can be researched and thus identified, whether the CoE as an organization joins the concerns of these scholars by criticizing and trying to minimize approaches that do not support the 'thicker' understanding of democratic security.

CoE Institutions Relevant for the Approach to Extreme Speech

It has been established that whether the CoE pursues a model of democratic security via its actions can be inferred from what kind of restrictions of extreme speech it supports; in other words, which particular instances of extreme speech it labels as 'hate speech'. It needs to be clarified, though, which institutions of the CoE play a role in building up such a model. Moreover, the degree of their discretion needs to be identified because depending on it, it can be assumed that the positions of the CoE will be more or less a result of internal unity between its components.

Figure 1 below introduces a classification of the CoE institutions that puts each of them relevant for an issue area (in this case extreme speech) into one dimension. The political dimension is the one where leaders of the member states meet on a regular basis and discuss the overall strategies and positions of the organization. Hence, in the case of the CoE, the Council of Ministers (CoM), the Parliamentary Assembly (PACE) and the Secretary-General (S-G) belong into this category, as they represent the intergovernmental nature of the organization (see also Bond, 2012).

However, it is not these institutions that are most usually referred to with regard to the CoE. The ECtHR, as the guardian of the perhaps most important legal document under the roof of the CoE,

[270] Militant democracy refers to the principle that democratic states need to defend their values with from undemocratic movements and initiatives. As Thiel (2009, p. 2) argues, 'only in a democracy the balancing of freedom and security, and the question of whether enemies of the democracy are allowed to use democratic structures and rights to destroy it (the 'weak flank' of every liberal democracy) culminate in the dilemma and debate around the idea of a "militant democracy".' Thus, militant democracy is clearly one way of dealing with the challenge posed by extreme speech, although a degree of care is necessary hear because of the distinction between 'extreme speech' and 'hate speech'.

[271] In particular, Galli highlights the pitfalls of regulating 'inchoate offences,' i.e. activities that usually (but not always) signal the support for some terrorist activities, such as the glorification of terrorism. The problem here is, in her view, that because the intent for such activities is not examined as they are banned at a general level, and because no investigation on whether the activity actually results in some kind of violent action is conducted either, 'glorification offences go too far in creating undue constraints on freedom of expression' (Galli, 2013, p. 107). In this vein, if the CoE supports or upholds glorification offences in its member states, it would be an indicator of turning away from 'democratic security'.

the European Convention on Human Rights, issues judgments that are binding upon the member states. It is understandable, therefore, that it has its role in determining the approach of the CoE towards particular rights and their limits, including freedom of speech. This right is enshrined in Article 10 of the Convention and through the decades, extensive jurisprudence of the Court has been produced on the proportionality of restrictions of speech in the name of other interests (e.g. Arai, 2014).

The monitoring mechanisms of the CoE (see Beco, 2012) are a specific set of institutions which follow the situation in a particular human-rights-related area in the member states and mainly publish regular reports about them. For extreme speech, the European Commission against Racism and Intolerance (ECRI) is most relevant (Hollo, 2012), as it devotes significant attention to, among others, analysing the status quo and providing recommendations for both legal and societal responses to speech in which the element of hatred could be identified.

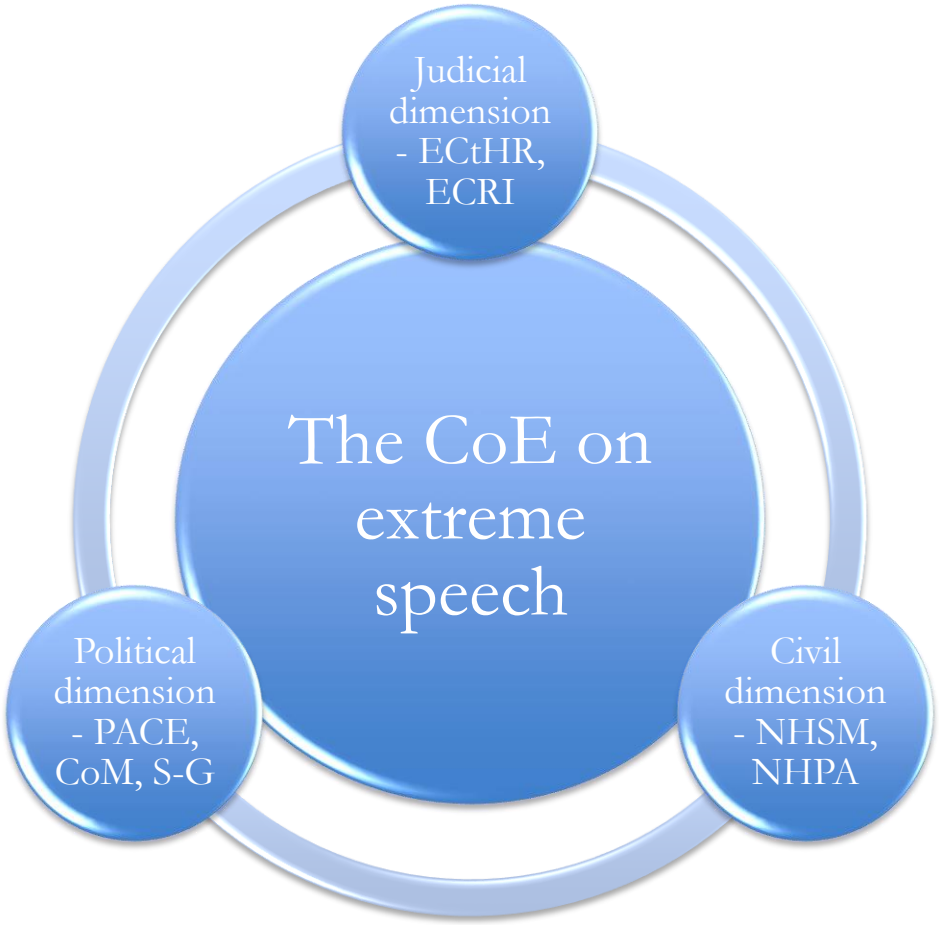


Figure 1. The three dimensions of activities of the CoE's institutions with regard to extreme speech. Source: author.

The CoE also maintains regular direct links to civil societies in the member states, and that applies also to issues linked to extreme speech. In particular, there is the No Hate Speech Movement (NHSM), focused on youth which consists of a series of national campaigns coordinated by the Youth Department of the CoE (Council of Europe, 2015). The movement is altogether successful,

which resulted in the launch of one with similar principles but at the level of PACE: the No Hate Parliamentary Assembly (NHPA). Because the tools available for these campaigns are neither legal, nor political, they need to be categorized into a third – civil – dimension that frames the CoE's position on extreme speech.

The three dimensions need to be viewed in their complexity without the effort to create a hierarchy among them. The following section focuses instead on combining the dichotomous approaches towards extreme speech presented in Section 1 with the three dimensions which shows the two models to the relationship between democracy and security via the case of extreme speech applied to the formulation of the positions in each of the dimensions.

Approach to Extreme Speech and Security Concerns: The Example of the CoE

What does it mean to adopt a 'democratic security' approach vis-à-vis extreme speech as opposed to the 'militant democracy' one? Applying the distinction on the CoE points to two possible hypotheses conceptualizing the implications of its approach to extreme speech on its model of security.

The CoE either considers restrictions on extreme speech, except those where the particular instance of speech leads to 'imminent danger' of physical violence as unacceptable in a democratic society, or it considers such restrictions as *necessary* in the same society. In the former case, the model of security it constructs is democratic security as defined by Johansen's criteria (see above). In the latter case, it does not construct a model of democratic security but of 'militant democracy' that, while it might on coincide with security concerns of the majority of citizens, does not have primarily the individual citizen in its focus (cf. the notion of "smart" militant democracy' in Walker, 2011; and the conditions of popular sovereignty and individual rights to political participation as cornerstone of a democratic debate in Weinstein, 2009)

Democratic Security v. Militant Democracy in Approaches to Extreme Speech

There are two approaches to extreme speech and two approaches to restrictions of rights in the name of security but in fact, they overlap because the context-based approach to extreme speech emphasizes that only those instances of speech can form a danger to security which can trigger direct violent actions as a result of their dissemination. It also sees a threat in content-based legal restrictions (Heinze, 2014) as the same speech may have different meaning in different contexts. On the other hand, the content-based approach which works widely with the 'harm' entailed in 'hate speech' (Parekh, 2012; Waldron, 2014) believes that certain content of speech can be a sufficient threat to be banned in a democracy regardless of the given context.

Similarly to the content-based approach, militant democracy allows to use the tools which are at the disposal of the state for the purpose of protection of democratic principles from being undermined by (also) expressions that create a hierarchy among citizens on the basis of race, religion, gender, political or sexual orientation or other characteristic and attacks some of the groups built on the basis of such distinctions. Democratic security, in contrast, reflects the content-based approach as it sees the restrictions of rights in the name of security, unless the threat is clearly present (via incitement to violence in this case) as illegitimate.

A democratic security approach to extreme speech is present, for example, in the argument of the 'assassin's veto' (Ash, 2015) according to which a threat to democracy is limiting freedom of speech when in case of the absence of such limitation, there is a potential that individuals or groups with tendencies to use violent actions against the authors of speech they dislike (a direct reference to the Charlie Hebdo case). The reason is that while one can hardly make sure that some forms of exaggeration, satire or artistic expressions will not go against the beliefs of at least some individuals, it is certain that speech restrictions of such kind, once they are introduced, can grow swiftly and soon have the ability to limit critical political speech which is at the heart of democracy (see Barendt, 2005; Mill, 2009).

Democratic Security v. Militant Democracy in Three Dimensions of the CoE

After laying the foundation of the distinction between democratic security and militant democracy, how can the dichotomy be captured in the three dimensions of the CoE's organization? Figure 2 depicts the proposed conceptualization, based on the activities in the three dimensions. While in the political and judicial dimension, the focus is on definition of 'hate speech' as that category of extreme speech which can be limited by the means of law, in particular criminal law, the civil dimension, where the definitions are applied from the two others, the general approach of the campaigns and cooperation with the civil society with regard to extreme speech is emphasized.

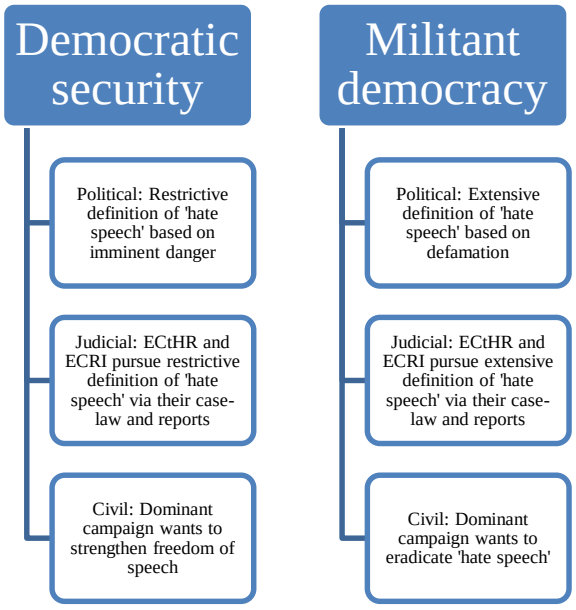


Figure 2. Two alternatives of CoE's approach to the relationship between democracy and security, and their indicators in the three dimensions. Source: Author.

While the empirical analysis of the CoE's approach to extreme speech and its impact on selected member states is done elsewhere (Steuer, 2015), some conclusions can be drawn already at this point. In the *political dimension,* there is a number of relevant documents issued by PACE, the CoM and the S-G that try to define 'hate speech' (Committee of Ministers, 1997, 2004, 2011; Jagland, 2015; Parliamentary Assembly, 2007; see also Weber, 2009) and all signs point to the predominantly content-based approach that matches with the view of extreme speech labelled as 'hate speech' as a threat to security as well as life in democratic societies in general.

Indirectly, this approach is confirmed by some provisions of the CoE Convention on Prevention of Terrorism, which in Article 5 requires the signatories to adopt

> such measures as may be necessary to establish provocation to commit a terrorist offence [which is defined as] the distribution, or otherwise making available, of a message to the public, with the message to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed (Council of Europe, 2005).

It was this provision that stimulated the introduction of more restrictive laws on glorification and support of terrorism (such as the UK, see Walker, 2011, pp. 1411–1412) even in cases where the intent of the speaker (i.e. whether he/she wants to stimulate an actual violent action) was not unambiguous. Overall, the institutions operating in the political dimension of the CoE have an approach towards extreme speech labelled as 'hate speech' that is generally favourable to criminal regulation.

In the *judicial dimension,* ECRI (2002) issued 'General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination' where it supports criminal law restrictions on various forms of expressions which may threaten individuals or (especially minority) groups. In contrast, the approach of the ECtHR that manifests via its case-law[272] is much more blurred although both summaries of jurisprudence issued by the Court itself (e.g. European Court of Human Rights, 2014) and recent legal analyses (Belavusau, 2014; Kiska & Coleman, 2012; Sottiaux, 2011; Stavros, 2015), some with a more positive, others with a rather critical standpoint point to the increasing similarity of the Court's approach towards extreme speech with ECRI, PACE and the CoM. In other words, militant democracy seems to be the approach which captures better the judicial dimension of the CoE's organization vis-à-vis extreme speech according to the distinction presented in Figure 2.

The *civil dimension,* the NHSM and recently the NHPA do not focus on restrictions themselves but on making young people aware of the dangers entailed in 'hate speech' (cf. Council of Europe, 2015). At the same time, their focus is not on strengthening freedom of speech and they do accept the definitions provided by the political and judicial institutions of the CoE (which is also necessary to preserve a degree of unity of the organization itself). Hence, it can be assumed that democratic security, as defined in this paper, is not the core focus for the campaigns, although because of the very positive attitude the movements have (focus on initiatives that support education and other progressive measures that could gradually lower the presence of instances of 'hate speech' in the public discourse), the dichotomy presented in Figure 2 might be somewhat limited to capture the essence of what they do.

In all three dimensions, the CoE's position vis-à-vis extreme speech seems to go as follows: 'dangerous' instances of extreme speech that defame minorities, glorify or support violence or deny part crimes pose a threat to stability, well-being and security of the organization's 'democratic' members. However, would this finding justify an assertion that if the CoE removed 'democracy' from its three pillars and replaced it with 'security', nothing would have changed with regard to

[272] For extreme speech, some of the best analyses are provided in Belavusau (2013) and McGonagle (2012).

the status quo? Such a claim would be unjustified as it reduces the dynamic between democracy and security into a linear opposition.

Bearing on mind Walker's (2011) idea of a 'smart' militant democracy, it can be concluded that the model the CoE pursues is, at least in the case of extreme speech not the one of democratic security, where restrictions of speech can potentially threaten security more than the speech itself, but one of a (smart?) militant democracy. Whereas this finding falsifies the hypothesis maintaining that democratic security (in its 'thicker' understanding) is of core concern for the Council of Europe and can be traced in its approaches towards all pressing security-related issues, the model of militant democracy remains a legitimately democratic one.

Conclusion

The dynamic relationship between security and democracy is deeply entrenched in the actions of the CoE, even though security, in contrast to democracy, is not one of the three pillars of this organization. Hidden for a long time and 'coming out' only in the 2015 report of the CoE Secretary-General, an understanding of security as democratic security seems to encompass the essence of the CoE's approach to security today. However, as has been demonstrated, democratic security has multiple meanings, ranging from a synonym for democratic peace theory to a 'thicker' concept according to which restrictions on core elements of democratic participation and public debate, that are embedded in the right to freedom of speech, are more dangerous for security than the threats that might emerge from some instances of extreme speech trying to undermine democratic values.

This paper has, using the example of the CoE and the case of extreme speech contrasted the 'democratic security' approach with the 'militant democracy' one. Militant democracy is an increasingly popular (e.g. Scotto, 2015) way to cope with potential threats to security, which, however, is at odds with the cornerstone of democratic security—proceeding towards security via fewer restrictions on individual rights and democratic participation. A detailed empirical analysis of the CoE's position broken down into three dimensions with the help of organizational analysis (political, judicial, civil) has not been presented here. However, the basic evidence gathered from the primary sources and scholarly analyses of the CoE's various institutions indicates that the CoE tries to see the link between security and democracy and integrates the pursuit for both. At the same time, it considers more restrictions on potential security threats caused by extreme speech as the appropriate mechanism to protect democracy.

References[273]

Arai, Y. (2014). Article 10: Freedom of Expression. In D. Harris, M. O'Boyle, E. Bates, & C. Buckley (Eds.), *Law of the European Convention on Human Rights* (3 edition, pp. 613–709). Oxford: OUP.

Ash, T. G. (2015, February 19). Defying the Assassin's Veto. *The New York Review of Books*. Retrieved from http://www.nybooks.com/articles/archives/2015/feb/19/defying-assassins-veto/

Barendt, E. (2005). *Freedom of speech*. New York: Oxford University Press.

Beco, G. de. (2012). Introduction: The role of European human rights monitoring mechanisms. In G. de Beco (Ed.), *Human Rights Monitoring Mechanisms of the Council of Europe* (pp. 1–16). Routledge.

Belavusau, U. (2013). *Freedom of speech: importing European and US constitutional models in transitional democracies*. London: Routledge.

Belavusau, U. (2014). Experts in Hate Speech Cases: Towards a Higher Standard of Proof in Strasbourg? In L. Gruszczynski & W. Werner (Eds.), *Deference in International Courts and Tribunals: Standard of Review and Margin of Appreciation* (pp. 254–271). Oxford: OUP.

Bond, M. (2012). *The Council of Europe: Structure, History and Issues in European Politics*. Routledge.

Brummer, K. (2012). Uniting Europe: The Council of Europe's Unfinished Mission. *European Review*, *20*(03), 403–418.

Brummer, K. (2014). The Council of Europe as an exporter of democracy, human rights and the rule of law. *International Politics*, *51*(1), 67–86.

Committee of Ministers. (1997). Recommendation No. R (97) 20 to Member States on "Hate Speech." Retrieved from http://www.coe.int/t/dghl/standardsetting/hrpolicy/other_committees/dh-lgbt_docs/CM_Rec%2897%2920_en.pdf

Committee of Ministers. (2004). Declaration on freedom of political debate in the media. Retrieved from https://wcd.coe.int/ViewDoc.jsp?id=118995&Site=CM

Committee of Ministers. (2011). Recommendation CM/Rec(2011)7 to member states on a new notion of media. Retrieved from

https://wcd.coe.int/ViewDoc.jsp?id=1835645&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

Council of Europe. (2005). Convention on the Prevention of Terrorism (CETS No. 196). Retrieved from http://conventions.coe.int/Treaty/EN/Treaties/Html/196.htm

Council of Europe. (2015). No Hate Speech Movement. Retrieved from http://www.nohatespeechmovement.org/

Cram, I. (2009). *Terror and the War on Dissent: Freedom of Expression in the Age of Al-Qaeda*. Dordrecht: Springer.

ECRI. (2002). General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination. Retrieved from

http://www.coe.int/t/dghl/monitoring/ecri/activities/gpr/en/recommendation_n7/ecri03-8%20recommendation%20nr%207.pdf

[273] All online sources cited as to 1 September 2015.

European Court of Human Rights. (2014). *Factsheet – Hate speech*. Strasbourg: European Court of Human Rights.

Fawn, R. (2013). *International organizations and internal conditionality: making norms matter*. Basingstoke: Palgrave Macmillan.

Galli, F. (2013). Freedom of thought or "thought-crimes"? Counter-terrorism and freedom of expression. In A. Masferrer & C. Walker (Eds.), *Counter-Terrorism, Human Rights and the Rule of Law: Crossing Legal Boundaries in Defence of the State* (pp. 106–127). Cheltham: Edward Elgar.

Greer, S. (2006). *The European Convention on Human Rights: Achievements, Problems and Prospects*. Cambridge University Press.

Heinze, E. (2014). Nineteen arguments for hate speech bans – and against them. Retrieved from http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them/

Herz, M., & Molnar, P. (Eds.). (2012). *The Content and Context of Hate Speech: Rethinking Regulation and Responses*. Cambridge; New York: Cambridge University Press.

Hollo, L. Y. (2012). The European Commission against Racism and Intolerance (ECRI). In G. de Beco (Ed.), *Human Rights Monitoring Mechanisms of the Council of Europe* (pp. 127–149). Routledge.

Jagland, T. (2015). *State of Democracy, Human Rights and the Rule of Law in Europe: A Shared Responsibility for Democratic Security in Europe*. Strasbourg: Council of Europe. Retrieved from https://wcd.coe.int/ViewDoc.jsp?Ref=SG%282015%291&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383

Johansen, R. C. (1991). Real Security Is Democratic Security. *Alternatives: Global, Local, Political*, *16*(2), 209–241.

Jordan, P. A. (2003). Does Membership Have Its Privileges?: Entrance into the Council of Europe and Compliance with Human Rights Norms. *Human Rights Quarterly*, *25*(3), 660–688.

Kazmi, Z. (2015). The United Kingdom's Extreme Anti-Extremism Policy. *Foreign Affairs*. Retrieved from https://www.foreignaffairs.com/articles/united-kingdom/2015-08-05/united-kingdoms-extreme-anti-extremism-policy

Kinzelbach, K., & Cole, E. (Eds.). (2006). *Democratising Security in Transition States*. Bratislava: DCAF / UNDP. Retrieved from http://www.dcaf.ch/Publications/Democratising-Security-in-Transition-States

Kiska, R., & Coleman, P. (2012). Freedom of speech and "hate speech" - unravelling the jurisprudence of the European Court of Human Rights. *International Journal for Religious Freedom*, *5*(1), 129–142.

Klebes, H. (1999). The Quest for Democratic Security: The Role of the Council of Europe and U.S. Foreign Policy. Retrieved from http://www.usip.org/publications/the-quest-democratic-security-the-role-the-council-europe-and-us-foreign-policy

Lazarus, L., & Goold, B. (2007). Introduction: Security and Human Rights: The Search for a Language of Reconciliation. In B. Goold & L. Lazarus (Eds.), *Security and Human Rights* (pp. 1–24). Oxford: Bloomsbury Publishing.

Madsen, M. R. (2007). From Cold War Instrument to Supreme European Court: The European Court of Human Rights at the Crossroads of International and National Law and Politics. *Law & Social Inquiry*, *32*(1), 137–159.

Masferrer, A. (2012). Introduction: Security, Criminal Justice and Human Rights in Countering Terrorism in the Post 9/11 Era. In A. Masferrer (Ed.), *Post 9/11 and the State of Permanent Legal Emergency: Security and Human Rights in Countering Terrorism* (pp. 1–11). Dordrecht: Springer.

McGonagle, T. (2012). A Survey and Critical Analysis of Council of Europe Strategies for Countering "Hate Speech." In M. Herz & P. Molnar (Eds.), *The Content and Context of Hate Speech: Rethinking Regulation and Responses* (pp. 456–498). Cambridge: Cambridge University Press.

Mill, J. S. (2009). *On liberty*. The Floating Press.

Moss, K. (2011). *Balancing Liberty and Security: Human Rights, Human Wrongs*. New York: Palgrave Macmillan.

Parekh, B. (2012). Is There a Case for Banning Hate Speech? In M. Herz & P. Molnar (Eds.), *The Content and Context of Hate Speech: Rethinking Regulation and Responses* (pp. 37–56). Cambridge: Cambridge University Press.

Parliamentary Assembly. (2007). Recommendation 1805. Blasphemy, religious insults and hate speech against persons on grounds of their religion. Retrieved from http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta07/EREC1805.htm

Pinto, D. (1996). The three pillars of democratic security. In Council of Europe (Ed.), *The Challenges of a Greater Europe: The Council of Europe and Democratic Security* (pp. 39–48). Strasbourg: Council of Europe.

Post, R. (2009). Hate Speech. In I. Hare & J. Weinstein (Eds.), *Extreme Speech and Democracy* (pp. 123–138). Oxford: Oxford University Press.

Russett, B., Layne, C., Spiro, D. E., & Doyle, M. W. (1995). The Democratic Peace. *International Security*, *19*(4), 164–184. http://doi.org/10.2307/2539124

Scotto, T. (2015, July 21). Extremism plan pushes the UK down a dangerously illiberal road. *NSNBC International*. Retrieved from http://nsnbc.me/2015/07/21/extremism-plan-pushes-the-uk-down-a-dangerously-illiberal-road/

Sottiaux, S. (2011). "Bad Tendencies" in the ECtHR's "Hate Speech" Jurisprudence. *European Constitutional Law Review (EuConst)*, *7*(01), 40–63.

Stavros, S. (2015, April 9). A Duty to Prosecute Hate Speech under the European Convention on Human Rights? Retrieved from http://ohrh.law.ox.ac.uk/a-duty-to-prosecute-hate-speech-under-the-european-convention-on-human-rights/

Steuer, M. (2015). The Council of Europe as Gentle Power: The Case of "Hate Speech" in the Czech Republic, Slovakia and Hungary. CEU.

Thiel, M. (2009). *The "Militant Democracy" Principle in Modern Democracies*. Farnham: Ashgate.

Tyulkina, S. (2015). *Militant Democracy: Undemocratic Political Parties and Beyond*. London: Routledge.

Waldron, J. (2014). *The Harm in Hate Speech*. Cambridge: Harvard University Press.

Walker, C. (2011). Militant Speech About Terrorism in a Smart Militant Democracy. *Mississippi Law Journal*, *80*(4), 1395–1453.

Weber, A. (2009). *Manual on Hate Speech*. Council of Europe.

Weinstein, J. (2009). Extreme Speech, Public Order, and Democracy: Lessons from The Masses. In I. Hare & J. Weinstein (Eds.), *Extreme Speech and Democracy* (pp. 23–61). Oxford: Oxford University Press.