

Thirteenth Session of the Forum on Minority Issues

Hate Speech, Social Media and Minorities

Concept Note

The Thirteenth session of the Forum on Minority Issues will be convened on **19 and 20 November 2020** in Palais des Nations in Geneva pursuant to Human Rights Council resolution 6/15 of 28 September 2007 and resolution 19/23 of 23 March 2012. This year, the theme of the Forum is "Hate Speech, Social Media and Minorities". A preparatory meeting for all participants will be organised on **18 November 2020**.

1. Background

Around the world, we are seeing a disturbing groundswell of xenophobia, racism and intolerance – including rising anti-Semitism, anti-Muslim hatred and persecution of Christians. Social media and other forms of communication are being exploited as platforms for bigotry. Neo-Nazi and white supremacy movements are on the march. Public discourse is being weaponized for political gain with incendiary rhetoric that stigmatizes and dehumanizes minorities, migrants, refugees, women and any so-called “other”.

UN Secretary-General António Manuel de Oliveira Guterres, [UN Strategy and Plan of Action on Hate Speech](#).

Though social media provides a platform and opportunities for expression, association, participation and empowerment for members of national or ethnic, religious and linguistic minorities, it unfortunately may also serve as a platform for incitement to discrimination, hostility and violence against minorities, as well as for racism and intolerance. Public discourse about individuals who are considered as ‘other’ can be weaponized for political gain with incendiary rhetoric that stigmatizes, dehumanizes and treats minorities as threats. Minorities, which can include also migrants and refugees, are not only disproportionately targeted in online hate speech, but overwhelmingly so. Some reports suggest more than three-quarters of hate speech and hate crimes target minorities in many parts of the world. Social media can in other words be used as much as a force for evil as it can be for good, particularly against the most vulnerable or marginalised whose daily life may be affected by systemic

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discrimination and inequalities, as warned the UN Special Rapporteur in a press release of 30 March 2020.

The UN Strategy and Plan of Action on Hate Speech states that hate speech may be understood as any kind of communication in speech, writing or behaviour that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor. Rather than prohibiting hate speech as such, international law prohibits the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and hate speech falling within this category. The right to freedom of expression can also be subjected to certain strict restrictions, under international law.

Expressions of online hate speech and discrimination targeting, vilifying, or scapegoating minorities often create a climate of intolerance and hostility that can contribute to exclusion and marginalisation. Such online expressions of hate can result in or increase the chances of human rights violations and abuses taking place offline against minorities. In the context of conflict, humanitarian crises or economic and political instability, negative stereotypes against vulnerable groups, including especially persons belonging to minorities, are often exacerbated, and may lead to violence, and even atrocity crimes.

There is a need for careful and delicate efforts to ensuring the respect for the right to freedom of opinion and expression while combating prohibited hate speech that overwhelmingly targets and harms minorities. States are often putting pressure on internet companies and social media platforms to remove online content that is deemed harmful, as well as temporarily or permanently shut them down. These measures may unlawfully, illegitimately and unnecessarily restrict the exercise of human rights, especially the right to freedom of opinion and expression online.

Some internet companies and social media platforms are responding to pressure to remove online content that is deemed harmful. Several concerns exist on the impact of content moderation as conducted by social media platforms today. This includes the arbitrary removal of content in the absence of any meaningful oversight mechanisms, but also the refusal to remove content which contains hate speech and may fuel the stigmatisation, discrimination, and even violence against minorities. Furthermore, some measures may have a disproportionate impact upon or target mainly persons belonging to minorities, as well as

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others such as political opponents, critics, and human rights defenders, while limiting the possibilities for information-sharing, which is also protected under international law.

The Rabat Plan of Action notes with concern that perpetrators of hate speech against minorities which constitutes incitement to discrimination, hostility or violence prohibited in Article 20 of the International Covenant on Civil and Political Rights are not always or systematically prosecuted and punished. At the same time members of minorities can de facto be persecuted through the abuse of vague domestic legislation, jurisprudence and policies. It also outlines a six-part test in order to determine whether the threshold of incitement to hatred is met or not.

In his first report to the UN Human Rights Council in March 2018, the Special Rapporteur on minority issues Dr Fernand de Varennes, presented the issue of hate speech, xenophobic rhetoric and incitement to hatred against minorities as one of the thematic priorities of his mandate, by building and further expanding the work carried out by his predecessors on this particular area (see report A/HRC/28/64). The Forum will also discuss the valuable contributions by other Special Procedures mandate holders, treaty bodies and human rights mechanisms, including their relevant recommendations.

It is also essential to point to the rise of hate speech in social media against minorities in the context of COVID-19. The Special Rapporteur on minority issues flagged on 30 March 2020 that “The coronavirus outbreak endangers the health of all of us, with no distinction as to language, religion or ethnicity”. In this regard, the #Faith4Rights toolkit includes peer-to-peer learning exercises on minority rights, specifically in responding to pandemics and incitement to hatred. In May 2020, the UN Guidance Note on Addressing and Countering COVID-19 related Hate Speech recommended to social media and tech companies to ensure that their hate speech policies “involve an evaluation of the social and political context, the status and intent of the speaker, the content and extent of dissemination, as well as the likelihood of harm on users and the public” (six-part threshold test of the Rabat Plan of Action).

General Objectives

The Forum on Minority Issues aims to provide a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as

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well as thematic contributions and expertise to the work of the Special Rapporteur on minority issues.

The Forum shall analyse practices, challenges, opportunities and initiatives in addressing hate speech against minorities in social media, in line with human rights law, paying attention to the principles and rights enshrined in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other relevant international instruments. The Forum shall, *inter alia*, examine effective state legislation, policies and programmes as well as initiatives of other relevant stakeholders, including international and regional organizations, national human rights institutions, internet companies and social media platforms and civil society.

2. Participants

The Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies, academics and experts on minority issues, internet companies and social media platforms, representatives of minorities, minority and non-governmental organizations.

3. Areas of Discussion

In light of the main objectives of the forum the discussions will address the following overarching themes that reflect the main challenges and issues in the field of hate speech in social media and the human rights of persons belonging to minorities:

- **Causes, scale and impact of hate speech targeting minorities in social media**
- **International legal and institutional framework**
- **Regulation of online hate speech: the role and responsibility of intergovernmental organizations, States, internet companies and social media platforms**
- **Towards a safer space for minorities: positive initiatives to address online hate speech: the role of NHRIs, human rights organizations, civil society and other stakeholders**

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A gender perspective will be applied to all areas of discussion to address the often ‘double’ marginalisation or targeting of minority women and girls in the context of ‘hate speech’ in social media.

4. Inputs and outcome

The UN Special Rapporteur on minority issues encourages wide participation from States, national human rights institutions, civil society representatives, as well as regional and international organizations, minorities and other stakeholders, including internet companies and social media platforms. Recommendations emanating from two regional forums (Asia and the Pacific and Europe) to be held in 2020 under the mandate of the Special Rapporteur on minority issues will also be considered, in order to include greater regional input and views on the issues to be discussed at the thirteenth session of the Forum.

All participants are encouraged to contribute to the discussion and dialogue by sharing experiences and views about the main areas of discussion of the Forum. Based on the dialogue and contributions of the participants a summary of the discussion of the Forum will be prepared by the Chairperson of the Forum, and the Special Rapporteur on minority issues will prepare a report on the recommendations of the Forum