
FORUM ON MINORITY ISSUES

THIRTEENTH SESSION

"HATE SPEECH, SOCIAL MEDIA AND MINORITIES"

19 AND 20 NOVEMBER 2020
PALAIS DES NATIONS, GENEVA and VIRTUALLY

SUMMARY BY THE CHAIR OF THE FORUM

Pursuant to Human Rights Council resolution 19/23 of 23 March 2012, the Forum on Minority Issues provides a platform for promoting dialogue and cooperation on issues pertaining to national or ethnic, religious and linguistic minorities, as well as thematic contributions and expertise to the work of the Special Rapporteur on minority issues, **Dr. Fernand de Varennes**. The Forum identifies and analyses best practices, challenges, opportunities and initiatives for the further implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The Forum meets annually for two days, on a different theme each year. The Special Rapporteur on minority issues is responsible for guiding the work of the Forum, preparing its annual meetings and reporting on its thematic recommendations to the Human Rights Council. The thirteenth session of the Forum took place on 19 and 20 November 2020. Due to the COVID-19 sanitary crisis, the Forum was held virtually, having the plenary sessions webcasted from the Palais des Nations in Geneva, Switzerland. **Dr. Natalie Alkiviadou** was appointed as Chair of the session, which focused on the theme: "**Hate Speech, Social Media and Minorities**".

About 400 participants took part in the session, including representatives of States, United Nations mechanisms, specialized agencies, other intergovernmental organizations, regional organizations and mechanism in the field of human rights, national human rights institutions, academics and experts on minority issues, internet companies and social media platforms, representatives of minorities, non-governmental organisations and human rights defenders. Interpretation in six official UN languages was provided during the Forum. The Concept Note, the Agenda of the Forum and the Program of Work were made available to all Forum participants in advance of the Forum on the webpage of the Thirteenth session of the Forum¹, and formed the basis for the discussions.

¹<https://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/Session13.aspx>

Format of the Forum

The Forum followed the procedure developed over its previous sessions. To help focus the discussions and ensure that they would be interactive, each agenda item was introduced by several invited panellists, followed by interventions from other participants.

Outcome documents

The present document is prepared in accordance with Human Rights Council resolution 19/23, which requests the Chair to prepare "a summary of the discussion of the Forum, to be made available to all participants of the Forum". This summary is to be complemented by the outcome document containing the recommendations of the Forum presented by the Special Rapporteur on minority issues to the Human Rights Council at its 46th session in March 2021.

This summary does not provide the full details of all presentations that were made during the Forum's proceedings. The list of speakers and the statements submitted to the Secretariat of the Forum on Minority Issues can be accessed at the Forum webpage.

Item I. Opening meeting

The President of the Human Rights Council H.E. Ambassador Elisabeth Tichy-Fisslberger welcomed all participants and thanked them for their flexibility in participating in the virtual session. She stressed that since its establishment in 2007, through the Human Rights Council resolution 6/15, the Forum has discussed some of the key challenges and issues affecting minorities globally, in a spirit of open dialogue and mutual respect and understanding. She also underlined that in order to meaningfully address the discussions, the full and effective participation of minorities themselves was required. In this light, she remarked she was pleased to see that, in spite of the challenges associated with virtual meetings, minorities from all over the world were part of the Forum, bringing their voice and personal experiences to the discussion on challenges and good practices in the protection and promotion of minority rights.

The President of the Council stated how minorities all over the world are the target on social media of the incitement to discrimination, hostility and violence, and other forms of intolerance and racist expressions that constitute hate speech. She added that blaming and scapegoating of minorities is at times exploited for political reasons, or it is present owing to longstanding and entrenched stigmatization and marginalization. She also mentioned that in the context of COVID-19, hate speech in social media against minorities has further increased.

The President of the Council expressed the commitment of the Human Rights Council and its subsidiary mechanisms to combat hate speech against minorities wherever it exists and to promote freedom of expression and equality for all and in all fields of life, particularly for those most marginalized.

She concluded that the potential of the Forum is fully realized thanks to the work of civil society organizations and human rights defenders around the world actively engaged in the promotion and protection of the rights of minorities, and often at risk of their own lives and that of their families. The Ambassador stressed that the Council does not tolerate any act of intimidation, harassment or reprisal against all those individuals who cooperate with the United Nations, its representatives and mechanisms; and that as President of the Human Rights Council, she'd remain vigilant regarding any such allegations.

The High Commissioner for Human Rights, Dr. Michelle Bachelet, highlighted that minorities have been disproportionately targeted with incitement to discrimination, hostility and violence. She also referred to the statement of the Secretary-General denouncing “a tsunami of hate and xenophobia, scapegoating and scare-mongering” unleashed amid COVID-19. However, she noted that hate speech was not born with the pandemic.

The High Commissioner mentioned the UN system wide Strategy and Plan of Action on Hate Speech and enumerated the four key principles of this Plan: the importance of freedom of opinion and expression; the responsibility of all to tackle hate speech; the need of a new generation of digital citizens; and the need of data.

The High Commissioner noted the complex challenge we face, on the one hand, evident cases of incitement to violence do not get prosecuted; and on the other, hate speech allegations can also be abused as an excuse to persecute anyone daring to criticize the authorities. The critical questions become: how can States manage their obligations to both uphold fundamental freedoms and democratic space yet, at the same time, address hate speech? And, at which point does free speech become hate speech and, if required, what should the legal or judicial response be?

She referred to the Rabat Plan of Action, and its six criteria to assess statements: context, speaker, intent, content, extent of the speech, and likelihood of harm. She reminded the criteria required for any restriction: legality, legitimacy, necessity and proportionality. She reminded the importance of the UN Guiding Principles on Business and Human Rights for social media companies, in particular regarding their responsibility to prevent, mitigate and remedy human rights violations. She also emphasised the recommendations set up on the UN Guidance Note on Addressing and Countering COVID-19 related Hate Speech.

The High Commissioner reaffirmed that tackling hate speech is the responsibility of all, including States, the private sector -including internet companies and social media platforms-, political and religious leaders and civil society. She stressed the need to consult minorities and civil society in the shaping of laws, policies or programmes; and to ensure their participation.

Finally, the High Commissioner reaffirmed the commitment of OHCHR to continue working to address all forms of hate speech, including through social media, while protecting freedom of speech. She pointed out that the Office was developing a guide for legislators on comprehensive anti-discrimination law and protection of minorities.

The Acting Special Adviser on the Prevention of Genocide, Ms. Pramila Patten addressed the Forum through a video message, where she regretted that reports from around the world reveal that minorities are often marginalized, stigmatized and discriminated against. She stated that minorities often find themselves in conditions of structural vulnerability which can lead to a vicious cycle of discrimination, hostility, insecurity and violence. She was concerned that the situation of minorities remains very precarious in many countries across the globe and that their situation has been further compounded by the COVID-19 pandemic, with an increase of hate speech based on ethnic and religious identity, as well as migration status. She mentioned that in this context, social media platforms have become powder kegs.

The Acting Special Adviser referred to the UN Secretary-General, who launched the United Nations Strategy and Plan of Action on Hate Speech stating that it represents the commitment of the organization to counter and address growing global trends of hate speech, in line with international human rights law, and in particular with freedom of opinion and expression. She underlined that her office - the UN Office on Genocide Prevention and the Responsibility to Protect – serves as the UN system-wide focal point for the implementation of this strategy and that they are providing support to UN Country Teams and peace operations to develop country and mission specific plans of action to combat hate speech. She also mentioned that her office has launched a Guidance Note that provides recommendations to political, religious and community leaders, education institutions and tech and social media companies, in order to fight the “tsunami of hate and xenophobia, scapegoating and scare-mongering” that the pandemic was unleashing, as stated by the United Nations Secretary General, in May 2020.

The Acting Special Adviser reiterated that Member States have the primary responsibility to protect minorities, including by addressing and countering hate speech. She noted that Government leaders need to act decisively and publicly condemn racism. They also have to adopt special public education initiatives, expand public outreach, promote respect for diversity, counter hate speech by disseminating positive and alternative narratives; investigate and prosecute hate crimes; and offer support to victimized communities. She added that all actors, including social media companies must play their part, in particular by protecting users against hateful and xenophobic content and investing adequate resources to addressing it and mitigating its harm.

The Special Rapporteur on minority issues, Dr. Fernand de Varennes, emphasized the challenges imposed by the coronavirus pandemic, as well as “the virus of the mind” which is infecting hundreds of millions of people and poisoning societies with misinformation, disinformation and hate.

The Special Rapporteur stated that, just as the pandemic does not affect everyone the same, hate speech does not target everyone equally in society: data from a number of countries show that national or ethnic, religious and linguistic minorities are the main targets of hate speech. He specified that in many countries, more than 80% of hate speech target minorities such as Jews, Dalits, Muslims, Roma, Travellers and other minorities. He underlined that

contrary to widely held views, hate speech is not limited to immigrants or refugees: it is also quite often widespread against national or ethnic, religious and linguistic minorities. He regretted that intolerance and stereotypes are being amplified and -even to some extent- in some countries normalized. He emphasised that minority women can be doubly targeted for some of the most vile and violent hate through social media.

The Special Rapporteur shared his concern that hate speech is unfortunately too often followed by hate crimes and violence. He stressed that hate speech in social media against minorities has prepared the ground for the dehumanisation and scapegoating of minorities, precursors for crimes against humanity and even what has been characterised as attempted genocide, as in the case of the Rohingya in Myanmar. He recalled that the lesson we should have learnt from history is that the demonization and dehumanisation of minorities can lead to the worst excesses of hate and violence and even genocide against minorities.

The Special Rapporteur finally reminded participants to not only identify the problems and their consequences, but to try to suggest ways and recommendations on the protection of the human rights of minorities against hate speech in social media and identify how this has been addressed in practice in a number of situations.

The Chair of the thirteenth session of the Forum on Minority Issues, Dr. Natalie Alkiviadou, stated that while social networks facilitate communication; allow for political, ideological, cultural and artistic expression; permit an inflow of news and raise awareness on human rights violations, at the same time, they constitute platforms through which hateful rhetoric is spread and normalized with minority groups being systematically targeted.

The Chair remarked that Internet and social networks have added new and complicated dimensions to the intricate topic of hate speech. She stated that determining the best recipe for tackling hate speech on social media and protecting the primary targets, namely minorities, is a multi-faceted process. She added that determining this recipe takes place within a lacking definitional framework of hate speech, which emanates predominantly from the fact that hate speech lies in a complex nexus between freedom of expression and concepts of dignity, liberty and equality.

The Chair drew the attention to the need to keep in line with freedom of expression, as provided for in Article 19 of the International Covenant on Civil and Political Rights (ICCPR). She reminded that to do this, the UN's Rabat Plan of Action had sought to clarify the standards and thresholds linked to Article 20 of the ICCPR, the UN's 'hate speech clause.' She added that this extrapolation could be applied in a variety of frameworks, ranging from online content regulation to the approach of Courts. She also mentioned that the Rabat Plan of Action refers to the need of a high threshold to apply Article 20 of the ICCPR.

She added that a multi-faceted and multi-stakeholder human rights approach is of paramount significance to deal with hate speech and that the Forum should allow to reimagine online speech in a manner which maintains freedom of expression and the empowerment that

social media has granted minorities to voice their realities. Simultaneously, there is a need to find mechanisms through which the hate targeted at minorities, which may cause psycho-social harm and may even lead to physical intimidation and acts, is effectively tackled.

Item 2: Causes, scale and impact of hate speech targeting minorities in social media

The Chair of the Forum introduced this item mentioning that worldwide on social media, minorities are the target of most of the incitement to discrimination, hostility and violence, and other forms of intolerance and racist expressions that constitute hate speech. Blaming and scapegoating of minorities is at times exploited for political reasons, or it is present owing to longstanding and entrenched stigmatization and marginalization. Hate speech is thus often a manifestation of deep-rooted bias, racism, intolerance and discrimination. Hateful messages may fall on particularly fertile ground where there are wider social, economic or political problems or divisions in society, and they can be an early warning sign of possible aggravation in the form of incitement to violence against minorities and other marginalized groups. Therefore, the advocacy of national, racial or religious hatred may become the principal tools and early warning signs of organized and systematic violence, which may even contribute to conflicts and instability, as well as to enabling and perpetrating atrocity crimes against minorities.

Participants were invited to describe the extent to which hate speech on social media targets minorities in particular, and the causes for the apparent overwhelming targeting of national or ethnic, religious and linguistic minorities. They were also expected to consider how misinformation and disinformation can serve to create conditions conducive to the spread of racism, intolerance and discrimination.

Participants were invited to offer recommendations on how to address the root causes and prevent the possible escalations of the scourge of hate speech on social media, and on how to better identify and acknowledge the disproportionate extent it affects minorities. Recommendations were also expected as to what initiatives could be put forward in order to focus on efforts to protect the main victims of hate speech, namely minorities.

Participants were also called to discuss the ways to address the consequences of hate speech, bearing in mind a gender perspective, as minority women and girls face multiple and intersecting forms of discrimination, which sometimes makes them more vulnerable to hate speech and its consequences. This is particularly true in situations of conflict, where minority women are at high risk of violence and abuse.

Presentations on the topic under discussion were made by the following panellists: Dr. Iulius Rostas, Visiting Professor at the National School of Political Science and Administration in Bucharest and Central European University; Ms. Beena J Pallical, General Secretary of the Economic and Educational rights wing within the National Campaign on Dalit Human Rights (NCDHR) and Ms. Lecia Brooks, Chief of Staff, Southern Poverty Law Centre.

Dr. Iulius Rostas, Visiting Professor at the National School of Political Science and Administration enumerated three factors that make Roma more vulnerable to hate crime: first, they are politically under-represented; and there are no mainstream parties taking up issues faced by Roma and representing the general interest of the Roma; second, weak state institutions fail to protect the rights of their citizens, including the Roma; and third, and may be most importantly, the persistent and wide-spread racism against Roma, anti-gypsism.

Dr. Rostas stressed that while hate speech against Roma is an everyday occurrence, since COVID-19 lock-down, the public discourse against Roma has reached unacceptable levels of racism. The ethnicisation of the pandemic is a feature of the situation of Roma. In the main narratives of the pandemic, Roma became the main responsible for spreading the disease. Politicians, law enforcement agencies and media framed the Roma as the main source of spreading the disease.

Dr. Rostas explained that the pandemic exacerbates social inequalities, there is a lack of access to basic services and public goods and in order to have access to minimal subsistence, members of marginalized groups, such as Roma, are indirectly forced to break these restrictions. They are then portrayed by law enforcement agencies as a social danger and those that spread the disease.

Dr. Rostas also emphasised that while law enforcement agents had been sporadically policing Roma communities, during the pandemic they showed up in significant numbers to isolate these communities using force and sending a message that the Roma represent a significant danger. He expressed concern about the excessive use of force during the interventions, including about the impunity, even more visible during the pandemic.

Dr. Rostas indicated that the European anti-discrimination legal framework is very weak in protecting minorities against hate speech. He stated that the protection under the penal law is stronger, although some states do not properly define hate speech and hate crime. In any case, the number of cases under the penal law is very low and in some countries, the number of penal cases based on hate speech are in single digits, if at all.

The recommendations formulated by Dr. Rostas included the following: states should monitor hate speech and racism against Roma and other minorities regularly, presenting disaggregated data on hate speech; and programmes and initiatives to combat hate speech (such as code of conducts for politicians and journalists, and prizes for inclusive discourses and practices, for political actors and media) should be developed

Ms. Beena J Pallical, General Secretary of the Economic Educational rights wing within the National Campaign on Dalit Human Rights (NCDHR) highlighted the caste-based discrimination endured by over 260 million Dalits, which has led to their exclusion and discrimination and being victims of violence, including atrocities and massacres.

Ms. Pallical stated that while traditional mainstream media resists to cover issues related to Dalits and other marginalized communities, social media has provided them with an opportunity to share their thoughts and ideas; even if they have difficulties to access these platforms. However, she regretted that in social media, an atmosphere of fear and intolerance has been created, where hate speech is present and perpetrators get away with impunity. She noted that there are seldom any mechanisms of accountability to address hate speech and when opinions are voiced against these perpetrators in the real world, it can lead to violence and death; including rape and murder threats to women. She was also concerned by misinformation and rumours that tend to create unrest that lead to casteism, patriarchy and religious intolerance, and fuel hate speech against minorities and marginalised communities. However, Ms. Pallical was encouraged by the use by certain social media platforms of layers to filter hatred and community standards and rules.

Ms. Pallical recommended that: all stakeholders have a Zero tolerance policy for hate speech; the UN supports a new generation of digital citizens; digital accountability clauses are included in legislation; community standards in social media are strengthened; and marginalised communities like the Dalits are included as part of the policy teams within the platforms. She emphasised that online spaces must be inclusive and equitable and safe, so people from all castes, class, race, ethnicity, sexuality and colour can use these spaces to further amplify their voices and opinions.

Ms. Lecia Brooks, Chief of Staff of the Southern Poverty Law Centre (SPLC) started her intervention with information on hate crime in the USA in 2019, which showed the highest numbers reported since 2008 and the highest number of hate crime murders since this data started being collected in 1991. She pointed out that race-based hate crimes were most numerous, the vast majority of them being directed at black people. There was also an increase in anti-Hispanic hate crimes, crimes against Jews and Jewish institutions and crimes against people and institutions on the basis of sexual orientation.

Ms. Brooks then proceeded with three points in her intervention. First, she highlighted a surging white nationalist movement in the United States. Second, she stated that this movement is rooted in a toxic, anti-democratic white supremacist ideology that is metastasizing on social media networks and other websites that traffic in hate. Finally, she pointed out that there are tools and tactics that can be used to effectively address this threat.

Ms. Brooks noted the techniques used by the SPLC that address this issue. These include a legal strategy adapted to the digital age suing major white supremacist organizations and individuals; promotion of anti-bias, anti-hate and democracy-building education programs in schools; and assistance to parents and caregivers to develop digital and civic literacy skills and build awareness and resiliency to radicalizing extremist content at home and in learning environments. She also stressed the importance of civic leaders and opinion molders to use their public platforms to condemn hate and extremism.

Discussion

Participants raised issues and presented initiatives, such as:

- Governments must adopt anti-hate speech legislation in line with international human rights norms and create the necessary administrative mechanisms to curb hate speech and hate crimes and ensure effective redress for victims and that perpetrators are held accountable. It was also stressed that internet intermediaries should uphold the UN Guiding Principles on Business and Human Rights and that social media platforms should ensure that their Community Standards and Terms of Service do not tolerate advocacy of national, racial or religious hatred and that the rules are swiftly, fully and consistently implemented to remove all hate speech. Social media platforms should recognize that they have a duty of care towards all their users.
- A high-visibility media and public awareness campaign to encourage an inclusive society comprised of many different cultures, languages and religions in order to counter hate speech and intolerance against minorities should be launched. It was also stated that governments should make sure that internet, and social media in particular, provide a safe platform, ensuring freedom of expression, and facilitating association, participation and empowerment for members of national, ethnic, religious and linguistic minorities.
- Fast removal or disabling of access to hate speech content online is often essential in order to limit wider dissemination and harm. However effective and appropriate safeguards should be put in place to ensure that action is taken in a diligent and proportionate manner in full respect for human rights and that the unintended removal of legal content is prevented. It was also mentioned that support should be provided to civil society in monitoring and reporting hate crimes and hate speech; as well as to victims in reporting hate crimes and hate speech.
- There is a need to understand the underlying phenomenon, the mechanisms and the dynamics through which certain types of content emerge, diffuse and lead – or not – to actual discrimination, hostility or violence. The links between hate speech online and other social phenomena, ranging from access to education to rising inequalities should be examined.
- A climate of respect towards human rights should be fostered and responsive attitudes towards the history and culture of different minorities based on recognition and reconciliation should be restored.
- The importance of nurturing and cultivating minority youth identity and providing spaces and opportunities that empower young people from minorities, so that they feel confident to address any kind of acts of hatred against them was stressed. In addition to the work carried out by minority youth organisations, institutions and governments need to address the lack of opportunities and space in formal educational systems

regarding minority topics, hate speech and responsible behaviour in online and offline spaces and development of critical thinking skills.

- A call was made for the adoption of an international definition of hate speech and development of monitoring mechanisms, by involving in the process a wide range of actors on different levels, including minority youth. It was also stressed the possibility of considering the adoption of an international Treaty on Protection of Minority Rights as well as a convention of human rights in the cyber-space.

Item 3: International legal and institutional framework

The Chair of the Forum indicated that although there is no international legal definition of hate speech, international law prohibits advocacy of national, racial or religious hatred that constitutes an incitement to discrimination, hostility and violence. In the absence of such a definition, the term “hate speech” may risk being abused to impose uniformity of views, curtailing dissent and shrinking civic space. It is thus essential to also ensure the protection of the right to freedom of expression when addressing hate speech. Freedom of expression is only subject to a very small number of strict permissible restrictions under international law.

Participants were invited to discuss the relevant international human rights obligations, in particular the importance of ensuring the complementarity between articles 19 (freedom of expression) and 20 (prohibition of advocacy of national, racial or religious hatred) of the International Covenant on Civil and Political Rights and articles 4 (prohibition of incitement to racial discrimination and hatred) and 5 (the right of everyone to enjoy, inter alia, the freedom of opinion and expression) of the International Convention on the Elimination of All Forms of Racial Discrimination.

Participants were called to discuss how legislative, human rights and institutional frameworks can address impunity and ensure accountability for hate crimes against minorities that are triggered by online hate speech. Participants were invited to offer possible effective solutions, inter alia, within the context of implementation of Sustainable Development Goal 16, which is aimed at promoting peaceful and inclusive societies for sustainable development; providing access to justice for all; and building effective, accountable and inclusive institutions at all levels.

In order to further clarify the international norms, participants were called to consider:

- (a) Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression (CCPR/C/GC/34);
- (b) Human Rights Committee general recommendation No. 35 (2013) on combating racist hate speech (CERD/C/GC/35);

(c) Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix);

(d) Beirut Declaration on Faith for Rights and its 18 commitments (A/HRC/40/58, annexes I and II).

Presentations on the topic under discussion were made by the following panellists: Dr. Tarlach McGonagle, Professor of law at the Universities of Leiden and Amsterdam; Dr. Sangyun Kim, Professor of law at the Graduate School of Ryukoku University, Kyoto, Japan; and Ms. Agustina Del Campo, Director, Center for Studies on Freedom of Expression and Access to Information (CELE), Universidad de Palermo, Buenos Aires

Dr. Tarlach McGonagle, Professor of law at the Universities of Leiden and Amsterdam stated that the topic of the Forum addressed one of the most pressing and problematic free speech issues of our generation. He indicated that the manifold harms of hate speech targeting minorities via social media are well-documented and that countering those harms starts with understanding the nature and extent of the problem; and also the rules that shape the right to freedom of expression and its limits.

Dr. McGonagle indicated that there is no authoritative legally binding definition of hate speech at the international level, nor a single regulatory instrument dealing with hate speech. He emphasised that the challenge is to examine and navigate different regulatory instruments at the international level and bring them together so that the nature and extent of state obligations becomes apparent.

Dr. McGonagle indicated the International human rights law recognizes a limited number of types of expression that States must prohibit and made a reference to article 20 of the ICCPR, article 3 of the Convention on the Prevention and Punishment of the Crime of Genocide and article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). He stressed importance of avoiding the use of broad, vague or catch-all terms as a basis for restricting freedom of expression; since reliance on such runs the risk of overbroad or arbitrary interpretation and implementation of relevant regulation, which in turn has a chilling effect on freedom of expression and leads to self-censorship.

Dr. McGonagle provided an overview of the relevant UN standards treating with freedom of expression. The Universal Declaration is the foundation and the details are framed in articles fleshed out in articles 19, 20 and 27 of the ICCPR. There are not only Treaty standards but also political standards and important actors and mechanisms that bring these standards to life. He provided a detailed explanation on articles 19 and 20 of the ICCPR and its General Comment 34. He also referred in detail to article 27 of the ICCPR.

Dr. McGonagle focused on the Rabat Plan of Action, which aims to clarify the importance and impact of articles 19 and 20. He referred to the need to make a clear

distinction between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable but may justify a civil suit or administrative sanctions; and expression that does not give rise to criminal, civil or administrative sanctions but still raises a concern in terms of tolerance, civility and respect for the rights of others. Mr. McGonagle also noted that the Rabat Plan of Action establishes a threshold test for expressions that can legitimately be criminalised under international human rights law and the points of attention are: the context in which an expression is made, the position of the speaker, the intent of the speaker, the content or form of the expression, the extent of the speech and the likelihood of causing harm, including imminence of causing harm.

Dr. McGonagle also referred to article 4 of the ICERD and the fact that it establishes requirements to states that go considerably further than prohibiting certain specified types of expression, as per articles 19 and 20 of the ICCPR. Article 4 of the ICERD declares certain types of expression punishable by law and states are required to criminalize them. However, this provision should be implemented taking into account article 5, which sets out safeguards for a range of human rights, including freedom of expression. He added that Recommendation n°35 seeks to realign article 4, with contemporary interpretations of the ICCPR and places emphasis on a number of key focuses within the media and internet environment; stressing the importance of informed, ethical and objective media, including social media and Internet; appropriate media legislation in line with international law; codes of professional ethics and press codes; media representations of groups, no stereotyping; local empowerment through media pluralism; access and ownership of media; and self-regulation and codes of ethics for Internet Service Providers.

Dr. McGonagle concluded that there is a complex system of international standards, which were developed in a general capacity. He mentioned that it is important to realise the susceptibility of minority groups to hateful rhetoric, particularly online and the added harms that are caused by the speed and intensity of online expression and the permanence of such expression in an online environment. He noted that adequate expressive opportunities for media can be a way of ensuring that their perspectives are disseminated and counter hate speech. It is important to be aware of the specific features of online technologies and to recalibrate regulatory approaches where appropriate, in order to take them into account and to ensure that the rights of minorities and the right to freedom of expression are effective also in an online environment.

Dr. Sangyun Kim, Professor of law at the Graduate School of Ryukoku University referred to the fact that the Japanese government joined the ICERD in 1995. He noted that Korean residents in Japan have been victims of discrimination and they have been victims of hate speech. In 2016, the first anti-discrimination law was enacted in Japan, but this law does not stipulate a prohibition nor a punishment of hate speech. He added that some countries, like the USA and Japan, do not regulate hate speech. Since hate speech crosses country borders in the digital age, it is important to establish internationally provisions that prohibit and criminalise hate speech. He added that without criminal regulation of hate speech in each country, it is very difficult to effectively overcome hate speech and establish this in a digital age.

Dr. Kim also referred to hate speech in the internet. He pointed out that when the internet appeared, it was expected that people would be able to share their experiences and knowledge and promote mutual understanding. However, especially through social networking services, hate speech by anonymous sender has caused serious risk to democratic society and violation of human dignity. In countries where hate speech is not punished, victims must search for the perpetrator and recover from damage on their own. He pointed out that access providers and host providers rarely give information of a user. He provided examples on this regard and on legislation adopted to address hate speech.

Dr. Kim concluded stating that hate speech is being recognised as a dangerous act of inciting violence and social exclusion, especially in the light of the extent and speed of the information remaining in the internet. He emphasised that unlawful and illegal postings must be quickly deleted to avoid expansion and continuation of the damage of the victims and noted that an international taskforce and legal measures regarding social networking service host providers are urgently needed. He also declared that disclosure systems of the sending information must be constructed and that codes of conduct for social networking service providers must be made compulsory.

Ms. Agustina Del Campo, Director of the Center for Studies on Freedom of Expression and Access to Information (CELE) stated that there is international consensus that Art 20 should be read in conjunction with art 19 and serve as a “lex specialis”. The prohibition of hate speech with incitement is the only mandated speech prohibition on the ICCPR. Lacking incitement, discriminatory speech can also be regulated and prohibited, ideally not through criminal law but through civil and administrative law, as long as the restrictions fulfill the requirements set out in article 19 of the Covenant.

Ms. Del Campo noted that despite existing efforts like the Rabat Plan, the lack of a clear and unambiguous definition of hate speech constitutes one of the main challenges towards the complementarity that should exist between articles 19 and 20 ICCPR. She added that current trends in the use and abuse of the term “hate speech” put political speech, dissent and also minority speech, at risk. She stated that it is necessary to be mindful of the relationship between intermediary liability law and international human rights law.

Ms. Del Campo noted that there is agreement that criminal liability for hate speech should be an exception reserved for instances that carry incitement and that for other discriminatory speech, civil or administrative measures are preferred. She added that the international community has consistently recommended education, campaigns, counter speech, and access to information as least restrictive and more effective means to combat discrimination. She pointed out that clear domestic legislative and institutional frameworks are essential to guarantee accountability for hate speech, promote equality and respect freedom of speech and expression.

Ms. Del Campo stressed that government officials have special duties vis a vis their public speech and that local legislation should reflect restrictions to public officials' discriminatory speech. She also recommended to distinguish and regulate, according to article 19 conditions, speech within contexts that could be prone to spark hate speech, such as: political campaigning, electoral processes and crisis management. In this regard, states should generate and disseminate public information pertaining to minority groups, capable of informing and effectively countering discriminatory speech as they spike in certain contexts.

Discussion

Participants raised issues and presented initiatives, such as:

- An explicit recognition of the relationship between the rights to freedom of expression, non-discrimination and equality as positive and mutually reinforcing rather than contentious is required. It was also mentioned that the clear distinctions between, and adequate implementation of, what constitutes incitement to discrimination, hostility and violence as opposed to other forms of hate speech is crucial to refrain from adopting measures that hinder minorities rights to dissent, to speak out, to challenge the structural obstacles that impair their recognition and the visibility of their interests.
- Online hate speech against minorities and others necessitates a multi-stakeholder approach for the effective implementation of a comprehensive regulatory and policy framework. It was mentioned that OHCHR could contribute through providing technical assistance and capacity building to the States, including through providing a compilation of best practices and elements of a model legislation for preventing hate speech and ensuring accountability. It was also highlighted that minorities highly benefit from developing and owning their own media, thus avoiding marginalization and ensuring their voice in a pluralistic society.

Item 4: Regulation of online hate speech: the role and responsibility of intergovernmental organizations, States, internet companies and social media platforms

The Chair of the Forum stated that some progress has been made by States, Internet companies and social media platforms in addressing hate speech on social media, although more is needed in light of the scale and specific targeting, and therefore vulnerability, of minorities. Addressing hate speech implies keeping the scourge of hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility and violence against minorities.

Participants were invited to provide examples of best practices by States to address online hate speech against minorities through both prevention and redress strategies, and to balance it with their obligation to protect the right to freedom of opinion and expression.

The Chair further stated that the role of States, Internet companies and social media platforms is also important in the current circumstances of hate speech on social media against

minorities in the context of the coronavirus disease (COVID-19) pandemic, as pointed out by the Special Rapporteur on minority issues in a press release in March 2020. A United Nations guidance note on addressing and countering COVID-19-related hate speech, issued on 11 May 2020, included recommendations that social media and tech companies should ensure that their hate speech policies involved an evaluation of the social and political context, the status and intent of the speaker, the content and extent of dissemination and the likelihood of harm to users and the public, reflecting the six-part threshold test contained in the Rabat Plan of Action.

Participants were called to discuss the role played by intergovernmental organizations, States, Internet companies and social media platforms; the responsibilities of those actors in addressing online hate speech and ensuring that their business operations are in full conformity with international human rights norms and standards, including the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework; and the examples of effective solutions put in place by Internet companies and social media platforms.

Presentations on the topic under discussion were made by the following panellists: Mr. Sajjad Hassan, Convenor, The South Asia Collective; Gerald Tapuka, Senior Correspondent and Deputy Director for Africa at The Organisation for World Peace; and Ms. Sejal Parmar, Lecture at School of Law at the University of Sheffield, United Kingdom.

Mr. Sajjad Hassan, Convenor, from The South Asia Collective started his intervention by highlighting recent examples of the offline effects of online hate speech, across the South Asian region. He noted that the widespread incidence and impact of online hate speech against minorities in South Asia exists within a broader political and social context, where hate-speech and discrimination against minorities are encouraged, and impunity is built into the justice-systems.

Mr. Hassan stressed that except for Bhutan, none of the South Asian countries has clear hate speech legislations in place aligned to international standards. Indeed, in some cases, state actions tend in fact to drive hate speech; and there are examples of Government officials often initiating hate speech, sparking further online and offline hate, which reinforces impunity.

Mr. Hassan recommended that States develop national legislation and institutional mechanisms – in line with international law - to counter hate speech and incitement; and act against perpetrators regardless of their status, to challenge impunity. They must also create intermediary liabilities, as well as provide independent judicial mechanisms for victims to seek justice and remedy. In addition, they should also favour countering hate speech through non-punitive measures, including public education, promotion of tolerance, publicly countering hateful or incendiary misinformation, and strengthening security to protect any threatened population.

Mr. Hassan also called internet companies to conduct thorough, honest and public human rights audit of the impact of their products and practices on minorities, in the context of hate speech; and hold a transparent dialogue with civil society, including those representing minority groups, on how they are addressing issues highlighted in the audit.

Finally, Mr. Hassan stressed that the United Nations and other intergovernmental organisations should continue to ensure that hate speech remains on the global agenda; and that they use existing soft law principles and standards to ensure stakeholders continue to engage and respond; whilst civil society, NGOs and minority youth continue to have a seat at the table, to be able to raise hate speech concerns with states and Internet companies, and obtain meaningful responses.

Dr. Sejal Parmar, Lecturer at the School of Law of the University of Sheffield, United Kingdom stated that internet companies and in particular social media platforms have a sheer and swelling power over our human rights and democracies, as well as over the possibility to influence people. As examples, she mentioned that there are 3.8 billion -just under half the world's population-, on social media platforms and that Facebook has more monthly active users than there are adherents of the world's largest religion.

Dr. Parmar noted that the efforts deployed by companies to address hate speech -and other ills-, such as apologies and PR efforts; the banning of certain accounts; explicit commitments to human rights in content policies; updates to their hate speech of policies; the release of transparency reports on hate speech removals have been deemed insufficient by many human rights advocates and observers. For them, companies are not only failing to respond effectively, they are actively and knowingly facilitating hate speech, and hence continuing to enable real world discrimination and violence. So what should companies be doing to address online hate speech, particularly against minorities, under international human rights law?

Dr. Parmar made specific reference to the 2019 report to the General Assembly of the former UN Special Rapporteur on freedom of opinion and expression, David Kaye. The report rightly cautions against online censorship of legitimate expression that can result from overbroad definitions of hate speech. Freedom of expression is essential for the realisation of minority rights, for the expression of minority claims, but it should be the online hateful expression what should be restricted, especially when it reaches the threshold of advocacy of hatred that constitutes incitement to discrimination, hostility or violence. The report's recommendations are grounded upon companies' duties to respect human rights under the UN Guiding Principles on Business and Human Rights, and the substantive standards of Articles 19 and 20 of the ICCPR, as well as the Rabat Plan of Action. These recommendations present a starting point and should themselves be built upon by other UN human rights bodies, including this Forum and the Special Rapporteur on Minority Issues in his future reports.

Dr. Parmar called companies to take several steps, including: expressly align their content moderation policies concerning hate speech and any oversight mechanisms with

international human rights law and standards, including the Rabat Plan of Action; ensure the greatest possible transparency, accessibility and consistency in the application of their content policies, decisions and actions, and clarity in the definition of their hate speech policies in particular; ensure that any enforcement of their own hate speech policies involves an evaluation of such factors as context and the harm of the content, including by ensuring that any use of automation or artificial intelligence tools involves human beings; and ensure that such contextual analysis involves groups most affected by content identified as hate speech by ensuring that such groups are involved in the development and implementation of the most effective approaches to address harms caused by hate speech on the platforms.

Dr. Parmar added that companies should also ensure that their content moderators and fact-checkers are trained in international human rights standards, and have a sound understanding of local cultures, contexts and languages including their nuances; translate content policies into at least all supported languages of the particular platform and that automated detections include most commonly used languages; support the capacity of civil society groups to counter hate speech, including by providing data analytics tools to inform their advocacy; and ensure the meaningful participation of communities from across the world, especially the Global South.

Mr. Gerald Tapuka, Senior Correspondent and Deputy Director for Africa at The Organisation for World Peace noted that States, intergovernmental organisations, internet companies and social media platforms must not remain indifferent to hate speech against minorities. He stated that intergovernmental organisations have a major role to play because their influence goes beyond boundaries with the leverage of government and internet companies, but very few make hate speech a priority. Intergovernmental organisations should organise encounters with states at the highest levels, organise educational measures and campaigns, train media workers, incorporate social media departments and track hate speech. He also provided an overview of the situation in some African countries. In this regard, he mentioned the fact that some of them have difficulties to trace, identify and counteract hate messages.

Mr. Tapuka noted the relevant role of education on hate speech and indicated the need to introduce social media related issues in schools. He highlighted the responsibility of internet companies in addressing hate speech; their need to improve their conduct and to collaborate with local actors, including local authorities. He concluded stating that in general, the problematic of hate speech should not cause media censorship or internet blackout in our society; and it should not be an opportunity for human rights abuses.

Discussion

Participants raised issues and presented initiatives, such as:

- Preparation of a legislative initiative aiming to place more responsibility on social media providers to monitor and quickly erase hateful content. The initiative includes extending the application of the criminal offence “incitement to hatred” also to individuals and

reducing the legal costs of lawsuits. The existence of a Centre against online hate was raised, offering free counselling for victims and witnesses of online hate.

- While states remain primary duty bearers, all relevant actors must contribute to address the challenges and combat hate speech, including the tech industry and in particular social media platforms. A Tech Ambassador responsible for engaging with tech companies in a constructive dialogue has been established.
- Importance of adopting measures to address racial and ethnic stereotypes, particularly regarding minorities within minorities, who are in a particularly vulnerable position, as for example sexual and gender minorities with an immigrant background. An initiative within the Ministry of Justice seeks to develop procedures for the collection of information for local cooperation. Education on hate crime and hate speech will be provided to local politicians and minority groups. In 2021, the Freedom Online Coalition will among other priorities combat disinformation and online hate speech.
- The “No Hate Speech Movement” campaign combats hate speech against migrants, women and young people among others. The “Movement Against Hate Speech” is an initiative that seeks to counter hate speech online against historically discriminated groups, creating inclusive narratives that invite to dialogue. The document “Myths and realities of the Caravan of Migrants and refugees” counters prejudices against people on the move.
- The expression of conflicts between different groups within and across societies requires a complex balancing act of protecting and promoting fundamental rights and principles including freedom of expression and the defense of human dignity.
- Intergovernmental organisations, States, internet companies and social media platforms have a duty to create a safe space for human rights activists, particularly in countries with discriminatory policies towards minorities.

Item 5: Towards a safer space for minorities: positive initiatives to address online hate speech: the role of national human rights institutions, human rights organizations, civil society and other stakeholders

The Chair of the Forum noted that hate speech against minorities on social media often occurs within a larger context, including the propagation of fake news, misinformation and disinformation, and it may be used to serve certain political and/or ideological goals and interests. She mentioned this can contribute to a climate of fear among minority communities, as it may create or contribute to growing racism, intolerance and discrimination, undermining the respect of human dignity and the protection of the human rights of minorities. Therefore, it is often necessary to focus on the role of influencers and leaders, including at international,

regional and national levels, in order to find possible pathways to engage them in the fight against hate speech targeting minorities on social media.

The Chair continued stating that international and regional organizations, national human rights institutions and civil society can also play an important role in supporting minorities affected by hate speech, including a preventive role, through gathering knowledge and information and ensuring effective action, including through facilitating or fulfilling the critical need of data collection on the degree to which minorities are targeted on social media by hate speech, including through research and advocacy for combating impunity and calling for accountability.

Participants were invited to further discuss the role of international cooperation and the sharing of best practices in the effective implementation of international and regional instruments on the promotion and protection of the rights of persons belonging to minorities. In addition, participants were called to address the important role of a new generation of young digital citizens and of new tools and platforms, as well as the need to empower minorities to stand up to hate speech.

Participants were also expected to discuss the role of other stakeholders, including religious leaders and faith actors; and consider the Beirut Declaration on Faith for Rights and its 18 commitments as well as the #Faith4Rights toolkit.

Presentations on the topic under discussion were made by the following panellists: Mr. Thomas Hughes, Director, Facebook Oversight Board Administration; Mr. Andre Oboler, Social media and online public diplomacy expert and Managing Director, Online Hate Prevention Institute; and Mr. Jerald Joseph, Commissioner of the Human Rights Commission of Malaysia (SUHAKAM)

Mr. Thomas Hughes, Director, Facebook Oversight Board Administration focused his intervention on the Oversight Board of Facebook which aims to have a positive impact on the way social media and corporate actors work to create safe spaces online.

Mr. Hughes explained that the Oversight Board of Facebook is a new body comprised of independent Members from around the world that will make binding decisions on what content Facebook and Instagram should allow or remove, based on respect for freedom of expression and human rights. He added that the Board is a deliberative body and that its relevance and impact will be on the cases it hears and the quality of its decisions. He mentioned that the Board would address some of the most significant content moderation decisions on Facebook and Instagram that are referred by both users and Facebook. This will encompass hate speech and incitement to discrimination or violence, potentially including minorities.

Mr. Hughes stated that freedom of expression will have a central role, as well as principles of equality and non-discrimination and that the UN's Rabat Plan of Action will be helpful for guiding approaches. He added that the Board aims to follow an inclusive strategy

and reflect the diversity of users, taking into account their need for privacy and safety. He explained that the decisions will be binding on the company, that those cases where many users are impacted or are of critical importance to public discourse or that raise questions about Facebook's policies will be prioritised. He added that all decisions will be made public and that Facebook will have to respond publicly to them. Finally, he explained that the Board will aim to redress the "black box" problem of social media decision making by publishing decisions and the rationale behind them. The Board will seek to illuminate its own decision-making on important cases, and it will be subjecting that reasoning to scrutiny, including through a human rights lens.

Dr. Andre Oboler, Social media and online public diplomacy expert and Managing Director of Online Hate Prevention Institute noted that in order to address online hate it is necessary to invest both economically and through political capital in real solutions; he stressed that a major shift is necessary.

Dr. Oboler provided a significant number of recommendations to address online hate, including the following ones: Governments can convene forums and give a platform to civil society; with the right structure, a broad range of experts and secretarial support, a solid picture can be created, even as technology and threats rapidly evolve. He mentioned that defining grand challenges spurs work on solutions and that the solutions are strongest when they can be discussed with peers and built on feedback. He explained that much of what we learn tackling one form of online hate is equally applicable to other forms of online hate.

Dr. Oboler referred to the need of deep technical expertise to do this work, particularly to keep up with new platforms and technological changes, and the existing skills gap. Dedicated civil society organisations with the appropriate skills and a broad perspective working for all are necessary, as well as collaboration between specialist civil society organisations and the people who live the reality of online hate and the organisations that represent them.

Dr. Oboler concluded reminding that governments are increasingly adopting the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism, which it is rapidly becoming a de facto standard, and it should be adopted by those that have not done so. He added that social media companies should clearly and explicitly ban both antisemitism and Holocaust denial and they should commit to using the IHRA Working Definition of Antisemitism and the IHRA Working Definition of Holocaust Denial and Distortion as tools to assist them in recognising and responding to online antisemitism. He stated that similar definitions and broad consensus are needed on hate affecting many other minorities. He explained that the work on antisemitism provides a model that should be applied to protect other communities as well and that the IHRA itself has recently adopted a Working Definition of anti-Roma hate, something Governments and Social Media Platforms should adopt and put into practise.

Mr. Jerald Joseph, Commissioner of the Human Rights Commission of Malaysia (SUHAKAM) stated that for decades equality has been a challenge in Malaysia because of the

legal and social notion that the majority ethnic community has more privileges and rights over others; thus, the real work to reframe equality for all in Malaysia and other countries is still needed. During his intervention, he provided examples of social media hate speech related to a journalist, the Rohingya and the Malaysian NHRI itself. These were examples to illustrate the huge unease about hate online, however, he noted that only a few complaints on hate speech were submitted to the Human Rights Commission of Malaysia (SUHAKAM).

Mr. Joseph provided some recommendations, such as: the strengthening the Complaints Mechanism of the NHRI; engagement with all Stakeholders as counter voices against hate; bridging the Information Gap; monitoring Law and Policy; and growing more business responsibility and investment (including adopting content policies that have zero-tolerance towards hate speech, investment in Artificial Intelligence and better content moderators that are trained in human rights). In this particular point, he highlighted that the network of NHRIs through GAHNRI and OHCHR could consider coordinating a focus on this subject matter with business partners, through the creation of an International Task Force.

Other recommendations mentioned by Mr. Joseph were the need of community education campaigns for communities to counter hate messages against minorities, which can be done in partnership between the NHRI, CSOs, businesses and government; widespread Public Messaging, including human rights messaging, in all local languages and considering all sectors of society; and youth partnership, including through universities and schools to expose them to knowledge and skills to identify hate speech that may enable them to counteract messages of hatred.

Mr. Joseph concluded stressing the need of all societies regarding informed legislative steps, clear policy actions and strategic social response to tackle the issues minorities face by the speech.

Discussion

Participants raised issues and presented initiatives, such as:

- The research programme “Innovative Monitoring Systems and Prevention Policies of Online Hate Speech” combines innovative methods of a multipronged approach for near-real-time detection of hate speech, identifying the triggers, the deconstruction and weakening of violent narratives, and raising media literacy awareness among the general public.
- Hate speech requires an intersectional approach from States, intergovernmental organisations, companies, national human rights institutions and civil society. It was also noted that human rights defenders, especially those belonging to minority groups, are often subject to threats, intimidation and harassment in both online and offline when they speak up against hate speech in social media. Those attacks can be exacerbated when they are also targeted for their intersecting identities such as gender, sexual orientation and disability.

- Creation of a grievance service to accompany people who face or endure discrimination, giving them administrative and legal assistance.
- National human rights institutions and civil society should be legally and financially supported to effectively counter the spread of hate speech online.
- The active involvement of NHRIs, NGOs, civil societies and other stakeholders including the representatives of minority groups is crucial in implementing initiatives to address hate speech. It was also noted that the empowerment of communities, especially minorities, with education and skills, is critical to addressing online and offline hate speech.
- Social media platforms should consult and engage with local communities to ensure that control of hate speech does not result in a backlash; and invest in resources and expertise in local languages so as to protect the linguistic minorities against content inciting hate.
- Civil society organizations working on human rights at the intersection of technology have an important role to produce empirical data, cyber forensic evidence and document hate crimes. It was also mentioned that independent oversight mechanisms should highlight violations and that pro human rights algorithms should be developed.
- There is a widespread need to increase understanding of prejudice and identity to build local resilience to bias; as well as to reinforce the capacities of those who are able to speak out. It was mentioned that there is underinvestment in prevention work and a lack of recognition of the importance of front-line organisations working to counter hate-speech.
- It is key to fight hate speech on an international level; the UN should lead the way by building a global strategy to monitor and collect data on hate speech. Private initiatives on the ground that have already established innovative approaches to fight online hate should be supported.

6. Concluding remarks

The Special Rapporteur on minority issues expressed his satisfaction for having managed to hold the Forum online, despite the many obstacles with the format. He praised the perseverance, determination and understanding of everyone involved in making it work. He also thanked the contributions and recommendations received.

The Special Rapporteur highlighted that despite the difficulties, it seemed that the Forum had managed to enhance the recognition that minorities are the chief target of hate

speech in social media and that the UN and other organisations must focus their efforts on this issue.

The Special Rapporteur emphasised that the regional approach must be continued. He announced that four regional forums (Americas, Africa and Middle East, Asia-Pacific and Europe) are projected for next year on conflict prevention and the protection of human rights of minorities.

The Special Rapporteur noted that hate speech in social media targets not only, but overwhelmingly minorities and at times it leads to violence and atrocities. He was concerned that very few of the initiatives from international or regional organizations acknowledge directly the scale and ferocity of hate speech. He stressed that it needs to be emphasised that everywhere, minorities are the main target of hate speech. Where data is available, it indicates that 70, 80 and even 90% or more of hate speech and hate crimes target minorities; and it must not be forgotten that migrants and refugees are almost all minorities of one kind or another.

The Special Rapporteur stated that we are running out of descriptives. He said that while some of the UN and international organisations' initiatives refer to anti-Semitism, Islamophobia, or even in a few occasions anti-Gypsyism, we are running out of descriptives for hate-speech against Asians, peoples of colour, members of different castes or different minorities. They are all minorities and they are targeted because it is easy and convenient for extremists, racists and politicians to scapegoat and dehumanise those who are minorities, those who are less able to defend themselves against usually the majority. He stated that we are facing a hugely complex interaction between freedom of expression, the allowable restrictions on international law to protect the human rights of others, including the human rights of minorities where necessary, and the legal obligation to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. He explained that these are the three levels of speech which are also identified the Rabat Plan of Action.

The Special Rapporteur note the need for clarity and certainty from some kind of international legal framework. He said that it is essential not only to guarantee freedom of expression, but also to be more precise on what is prohibited in respect of freedom of expression in relation to hate speech targeting and involving minorities. He drew the attention to the need of regimes of responsibility and accountability of the main actors involved; and also of productive dialogues, collaboration and positive awareness raising programmes. He also stated that there can be prohibitions or restrictions to hate speech which do not involve criminalisation, but it might still be necessary to protect the human rights of minorities; including the financial liability of social media platform owners. Their approach has been probably too timid. Mr. de Varennes declared that the profit of these platforms is money made through hate propagating hate speech.

The Special Rapporteur stated that the international community has still much more to do in order to concretely define hate speech and its limits against minorities. He noted that

hate speech is increasing with the existing instruments in place. The Rabat Plan of Action is a positive tool but it has to be built upon. He also stressed that very little has been proposed concretely to address the scourge of hate speech against minorities. Data is necessary and perhaps it should be a legal requirement on social media and platform owners to collect and divulge this data. Policies and ensuring respect for human rights cannot be based on repression. Education and awareness rising also needs to be part of the measures to address this “tsunami” as described by the Secretary General of the UN.

The Special Rapporteur said that in addition to bringing to the UN Human Rights Council in March 2021, a report with the recommendations of the regional Forums and this one, he’ll also be looking at setting up a Working Group to take the insights and suggestions presented. He would like to see if a practical guide can be built, with concrete suggestions on what constitutes prohibited hate speech against minorities; what should be the legal obligations states impose on social media platform owners; and other forms of regulation based on the responsibility of states, the responsibilities of the social media themselves, as well as awareness raising tools that could be presented at the United Nations.

The Chair of the Forum noted that it is very important to start re-imagining things. It is not sufficient for an issue such as hate speech to be tackled just by states, or NGOs or tech companies. She called for a proper synergy between the different stakeholders in order to facilitate effective and efficient results. She stressed that the Forum is one of its kind to allow for this kind of discussion. She encouraged to start focusing on collective cooperation, as in the past two days. She added that we really need to start de-constructing this “other” that has been created in our societies and subsequently manifested on social media. There is a need to re-conceptualise our identity and how beautiful our identity can be when we embrace that “other”, that we are often taught to fear and often taught to hate. She stressed that initiatives like this put us on a very good path. She concluded thanking everybody who allowed the Forum to take place, despite the difficulties of the digital mode and thanked all participants.