



13th Session of the UN Forum on Minority Issues
Item 3: International Legal and Institutional Framework
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Thank you, Chair.

ARTICLE 19 welcomes the timely discussion on online hate speech targeted against individuals and groups of national, ethnic, religious and linguistic minorities.

We recognise that intolerance, discrimination, and violence against minority groups disproportionately impacts individuals and communities' ability to speak, organise, interact and seek information, as well as to exercise other human rights. To effectively address this problem, which stems from historical and deep-rooted causes, ARTICLE 19 consistently calls for 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. It is under this framework that international human rights law provides sufficient guidance to identify when limitations to the freedom of expression are required and how to adequately uphold the protection of each respective right. It is therefore crucial to urge States, the private sector and civil society to consider the following in tackling online hate speech:

1. The Rabat Plan of Action, the 2015 report of the UN Special Rapporteur on minority issues, and ARTICLE 19's hate speech pyramid provide a tiered response to hate speech based on the severity of expressions. These serve as a general principle to identify different types of hate speech and the specific obligations of States in relation to each category, including hate speech that must be prohibited according to international criminal law and Art 20(2) of the ICCPR; hate speech that may be prohibited according to Art 19(3) of the ICCPR; and finally hate speech that must be protected from restriction but nonetheless raises concerns in terms of intolerance and discrimination of which States are required to adopt alternative positive measures to tackle.
2. 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.
3. The general notions of "hate speech is protected by the freedom of expression" or "freedom of expression is hate speech" does not exist under international human rights law. When

serious online manifestations of hate speech, such as incitement to violence against minorities or threats to their physical integrity and life, restrictions as well as effective and exhaustive investigations of the attacks are not only permissible but an obligation of the States to protect against those attacks.

Thank you, Chair.