

## **UN Special Rapporteur on Minority Issues**

### **Hate speech, social media and minorities**

#### ***Call for Submissions by 30 November 2020***

In accordance with his mandate pursuant to Human Rights Council resolution 34/6, the Special Rapporteur on minority issues, Dr. Fernand de Varennes, will present a thematic report at the 46th Session of the UN Human Rights Council, which will provide a detailed analysis and highlight the issue of “**Hate speech, social media and minorities**”. Previously, in his first report to the UN Human Rights Council in March 2018, the Special Rapporteur identified the issue of ‘hate speech’, xenophobic rhetoric and incitement to hatred against minorities as one of the thematic priorities of his mandate. In this regard, his report to the Human Rights Council will build and further expand upon the work carried out by his predecessors on this particular area (see report [A/HRC/28/64](#)), as well as the contributions by other human rights mechanisms and the work done by civil society in this field.

Inspired by the [Rabat Plan of Action](#), the [Beirut Declaration](#) and its [18 commitments](#) on “Faith for Rights” and the 2019 launch by the Secretary-General of the [UN Strategy and Plan of Action on Hate Speech](#), the present report will refer to the global discussions on ‘hate speech’ and incitement to discrimination, hostility or violence through social media and will highlight the significance of the promotion and protection of the human rights of minorities, whilst respecting the right of freedom of expression.

#### **Context**

Across the world, discriminatory practices and hateful messages serve to stigmatize and vilify those perceived to be the “other”, the “foreigner” or the “one who does not belong”. Most of those targeted by these messages are minorities – overwhelmingly so. Disaggregated data in some countries suggest that perhaps three-quarters or more of hate speech, for example, target ethnic, religious or linguistic minorities. ‘An ethnic, religious or linguistic minority is any group of persons which constitutes less than half of the population in the entire territory of a State whose members share common characteristics of culture, religion or language, or a combination of any of these. A person can freely belong to an ethnic, religious or linguistic minority without any requirement of citizenship, residence, official recognition or any other status’ according to the concept adopted in the UN Special Rapporteur’s [2019 annual report](#) to the UN General Assembly.

Expressions of hate and discrimination are increasingly present in certain political agendas and discourses and can contribute to a climate of fear amongst individuals and communities. They can at times also create a climate of rejection, exclusion and even scapegoating, threatening societal values and undermining the respect of human dignity and the protection of human rights. A state’s international obligations are thus central in any effort to address the direct challenges to and even rejection of the fundamental values at the core of the United Nations’ human rights’ architecture.

In the digital age, internet companies and social media platforms present opportunities for the online expression, association, participation and empowerment for members of ethnic, religious and linguistic minorities around the world, as well as for advocacy for the protection and promotion of their human rights. However, it has become increasingly obvious that there

have also been numerous and flagrant examples of social media platforms being exploited to spread hatred, unfounded and stigmatizing rumours, fostering a climate of insecurity and animosity, and in the most extreme cases, leading to violence against members of minorities. Thus, while platforms offer members of minorities expanding opportunities for generating, framing and sharing information and reporting on issues that affect these individuals and groups, the same platforms can also host online ‘hate speech’, including incitement to discrimination, hostility or violence against those perceived as “others”, mainly members of minorities. In extreme cases, they can even be used to propagate calls for genocide against minorities. Thus, unregulated online expressions of hate can increase the chances of human rights violations taking place offline against some of the most marginalised segments of society.

At the same time, some internet companies are responding to pressure to remove online content that is deemed harmful. This can occur through the imposition of intermediary liability, the application of filters, as well as automated tools. Some companies have also set their own content standards in this regard. Frequently, however, these measures have the purpose or effect of unlawfully, illegitimately and unnecessarily restricting the exercise of human rights – especially freedom of opinion and expression – online and operate in the absence of any meaningful oversight mechanisms. Furthermore, such measures may have a disproportionate impact upon or even target individuals from marginalised groups, particularly persons belonging to minorities (as well as political opponents, critics, and human rights defenders), while limiting the possibilities for information-sharing, awareness-raising and advocacy for civil society organisations, human rights defenders and representatives of persons belonging to minorities. Moreover, companies’ and social media platforms’ online content moderation policies can lack transparency and any precise and meaningful basis in international human rights standards, raising the possibilities that the decisions made by these actors undermine the human rights of individuals, including those belonging to minority groups.

Thus, the fundamental, two-pronged concern first raised by the Rabat Plan of Action in October 2012 ([A/HRC/22/17/Add.4](#)) – that members of minorities are effectively persecuted through the abuse of vague domestic legislation, jurisprudence and policies on ‘hate speech’, whereas actual incidents which meet the threshold of incitement to discrimination, hostility or violence under international human rights law are not addressed – has become an even more pressing issue at the beginning of the new decade, one that requires effective and urgent responses from States, social media platform owners, and other stakeholders which are based on international human rights law and standards.

Freedom of expression and the essential communication tools and services provided by or dependent on an open and accessible internet must be protected, as minorities and others who are marginalised or vulnerable must be protected from hate speech, incitement to discrimination, hostility or violence, and even calls to genocide.

### **Call for submissions**

In accordance with the established practice of thematic mandate-holders, the Special Rapporteur welcomes inputs by States, UN agencies, regional and international organizations, national human rights institutions, civil society, scholars and research institutions, private companies including those from the ICT sector, and others who may wish to submit for this

purpose. Such submissions may include, for instance, recommendations, evidence and case studies. The following questions are intended to guide submissions:

1. Please provide annual disaggregated data since 2017 if possible on hate speech in social media, and in particular hate speech targeting minorities (national or ethnic, religious and linguistic minorities). Please additionally indicate whether there are future plans to include specifically disaggregated data on hate speech targeting minorities, considering that in most countries, the victims of hate speech on social media are usually members of minorities.
2. Please identify the mechanisms and processes in place to remove, penalise or address hate speech in social media targeting minorities. Please also specify and include any studies or reports assessing their implementation and effectiveness.
3. Please provide (legal and non-legal) examples of good practices of appropriate responses developed by States, internet companies, civil society and other relevant stakeholders to address online ‘hate speech’, including incitement to discrimination, hostility or violence, against persons belonging to minorities. Please include assessments, if any, on the effectiveness of these examples.
4. Please identify legal, institutional and policy challenges to address online ‘hate speech’, particularly incitement to discrimination, hostility or violence, on social media against minorities, as well as how specifically is it being addressed so as not to infringe freedom of expression.
5. Please identify good practices to strengthen the participation of persons belonging to minorities and their representatives in the development of laws and policies dealing with hate speech and social media, including their representation in advisory or other similar bodies, as well as their participation in national and other forums on online ‘hate speech’ and the promotion of diversity.
6. Please provide examples of trainings or other initiatives to strengthen partnerships among various stakeholders and to build their capacity to address ‘hate speech’ against minorities specifically, especially incitement to discrimination, hostility or violence on social media platforms.

Submissions and inputs on the above-mentioned areas can be submitted in English, French or Spanish and addressed to the Special Rapporteur by email to [minorityissues@ohchr.org](mailto:minorityissues@ohchr.org) by 30 November 2020.

Submissions and inputs will be considered public records unless expressed otherwise and will be published on the website of the Special Rapporteur.