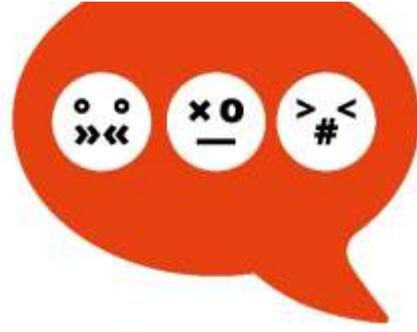


Asia-Pacific Regional Forum on Hate Speech, Social Media and Minorities

ONLINE EVENT:
OCTOBER 19-20, 2020



Concept Note - 2020

Regional Forums on 'Hate Speech', Social Media and Minorities

UN Special Rapporteur on minority issues

L'ignorance mène à la peur, la peur mène à la haine et la haine conduit à la violence. Averroès

Ignorance leads to fear, fear leads to hate, and hate leads to violence. Averroës

La ignorancia lleva al miedo, el miedo lleva al odio, y el odio lleva a la violencia. Averroes

الجهل يؤدي الى الخوف و الخوف يؤدي الى الكراهية و الكراهية تؤدي الى العنف

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](#).

Background

Across the world today, 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 and hate crimes are minorities – overwhelmingly so. There was a reported 90 per cent increase in religious-based hate-crimes in India between 2014 and 2018. Most of these crimes have been directed towards members of the Muslim minority, who make up about 13 per cent of India’s population. Islamophobia and antisemitic incidents online are on the rise in many parts of the world, including in Australia where the 2017 Report on Anti-Semitism in Australia

released by the Executive Council of Australian Jewry revealed a 10 per cent rise in anti-Semitic incidents reported nationally, and the 2018 report reported an unprecedented 60 per cent rise of incidents across the country. And as the Council of Foreign Affairs reported in 2019 in a backgrounder document, “A mounting number of attacks on immigrants and other minorities has raised new concerns about the connection between inflammatory speech online and violent acts, as well as the role of corporations and the state in policing speech.”¹ In Myanmar, military leaders and Buddhist nationalists used social media to demonize the Rohingya Muslim minority ahead of and during a campaign of ethnic cleansing. The UN fact-finding mission found that social media and hate speech had played a “determining role” in the campaign.² Analysts say trends in hate crimes around the world echo changes in the political climate, and that social media can magnify discord. At their most extreme, rumours and invective disseminated online have contributed to violence ranging from lynchings to ethnic cleansing.”

Such expressions of hate and discrimination increasingly dominate political agendas and discourses, and are mainstreamed through public life, creating a climate of fear amongst individuals and communities. They can at times also create a climate of rejection, exclusion and even intolerance, threatening societal values and undermining the respect of human dignity and the protection of human rights. This type of speech – often called hate speech, a concept which has no definition in international law, unlike the narrower notion of incitement to discrimination, hostility or violence, which does – in most cases target persons belonging to minorities, who are portrayed as a threat to national unity, societal harmony, national security and public order, or who are subjected to discrimination because of their distinct ethno-cultural identities, religions or languages.

In September 2019, the Special Rapporteur on minority issues, Dr Fernand de Varennes, jointly with 25 other Special Procedures’ mandate holders issued an [open letter](#) expressing concerns about the global increase in hate speech, while highlighting the need for accountability and due diligence. They also underscored the dangerous and destabilizing nature of hate speech, since it dehumanizes entire groups of people, exacerbates societal and racial tensions, and incites violence, often with deadly consequences, particularly targeting minorities. In the context of conflict, humanitarian crises or economic and political instability, negative stereotypes against vulnerable groups, including persons belonging to minorities, are often exacerbated. The displays of hatred become the principal tools of scapegoating, and ultimately of organized and systematic violence against them, which may even contribute to enabling or preparing atrocity crimes (namely, genocide, war crimes and crimes against humanity).

In the digital age, Internet companies and social media platform owners 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. Yet such digital technologies and social media platform owners may play a role in the undermining human rights. Indeed, in recent times, there have been numerous and flagrant examples of the “rallying power” of social media platforms being abused to spread hatred, unfounded and stigmatizing rumours, fostering a climate of insecurity and animosity, and in the most extreme cases, leading to violent campaigns 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 become the effective means for online hate speech, including incitement to discrimination, hostility or violence against those perceived as “others” and atrocity crimes against them, mainly members of minorities. Thus, such unregulated online expressions of hate can result in or increase

¹ Hate Speech on Social Media: Global Comparisons, <https://www.cfr.org/backgrounder/hate-speech-social-media-global-comparisons>

² https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf

the chances of human rights violations taking place offline against some of the most vulnerable segments of society.

At the same time, States are increasingly putting pressure on Internet companies and social media platform owners to remove online content that is deemed harmful, including the imposition of intermediary liability and by pushing them to take down content, apply filters and employ automated tools. Frequently, 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 vulnerable 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, Internet companies' and social media platform owners' own online content moderation policies 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 which are based on international human rights law and standards.

Rationale behind the regional forums

In his first report to the UN Human Rights Council in March 2018, the Special Rapporteur on minority issues (Special Rapporteur), 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](#)), as well as the valuable contributions by other Special Procedures mandate holders, treaty bodies and human rights mechanisms, including relevant recommendations formulated during the sessions of the UN Forum on Minority Issues.³

Inspired by the [Rabat Plan of Action](#), the [Beirut Declaration](#) and its [18 commitments](#) on “Faith for Rights” and the recent launch by the Secretary-General of the [UN Strategy and Plan of Action on Hate Speech](#), the Special Rapporteur wishes to bring the global discussions on hate speech and incitement to discrimination, hostility or violence through social media to the regional level and, in doing so, to highlight the significance of the promotion and protection of the human rights of minorities in the context of these ongoing discussions, through the organization of two regional forums focused on Asia-Pacific and Europe. Due to the Covid-19 global pandemic, these will be online events.

In support of the Special Rapporteur's regional forums, the UN General Assembly adopted Resolution A74/165 on the “Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities” on 18 December 2019:

26. [The General Assembly] Invites the Office of the High Commissioner, United Nations entities and Member States to support and collaborate in the organization of regional forums

³ Information about the Sessions and the Recommendations of the Forum on Minority Issues can be found at the Forum's webpage: <https://www.ohchr.org/EN/HRBodies/HRC/Minority/Pages/ForumIndex.aspx>

on minority issues initiated by the Special Rapporteur in accordance with his mandate, in order to complement and enrich the work and recommendations of the [UN] Forum on Minority Issues;

Objectives

The main purpose of the regional forums on “Hate Speech, Social Media and Minorities” is to provide regional insights, which will feed into the thematic work of the Special Rapporteur on minority issues for his report to the 46th session of the UN Human Rights Council in March 2021. Furthermore, discussions at the regional forums will also inform the work and recommendations of the 13th Session of the UN Forum on Minority Issues, which will take place in Geneva, on 19 and 20 November 2020.

The regional forums should aim towards distinguishing an international human rights-based framework for the protection of persons belonging to minorities against hate speech, particularly the incitement to discrimination, hostility or violence, on social media platforms, since minorities are overwhelmingly the main targets of hate speech.

The regional forums should have the following five more specific objectives:

1. To raise awareness about and to promote understanding of the forms of online hate speech, including incitement to discrimination, hostility or violence, against persons belonging to minorities, and the role played by social media in its dissemination, and its harmful impact, including the ‘chilling effect’;
2. Identify legal, institutional and policy challenges concerning the dissemination of online hate speech, particularly incitement to discrimination, hostility or violence, on social media against minorities;
3. Explore and identify appropriate responses – especially those of states, social media platforms and civil society - to the dissemination of hate speech against minorities on social media platforms, referring to good practices, in accordance with international human rights law and standards;
4. Strengthen the participation of persons belonging to minorities and their representatives in the development of laws and policies, as well as global discussions on online hate speech and the promotion of human rights and ethnic, religious, and linguistic diversity;
5. Strengthen partnerships among various stakeholders and to build their capacity to address hate speech against minorities, especially incitement to discrimination, hostility or violence on social media platforms.

Areas of Discussion

In light of the main objectives of the regional forums, the discussions will address the following overarching themes. These will be informed by the framework of international human rights law and standards:

1. Causes, scale and impact of hate speech targeting minorities in social media
2. International legal and institutional framework
3. Regulation of online hate speech: The role and responsibility of intergovernmental organizations, States, internet companies and social media platforms

4. 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

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.

Participation

The regional forums will be open to the participation of States, UN entities, international and regional organizations, national human rights institutions, civil society organizations, minority representatives, academics and experts on minority issues, and representatives of Internet companies and social media organisations. It is also expected to include in the regional forums other special procedures mandate holders and UN treaty body members.

The format of the regional forums will consist of plenary sessions and thematic working groups, which will address each thematic issue in greater detail.

Outputs

Based on the discussions and the contributions of the participants, the main output produced from each regional forum will be a document with practical recommendations reflective of regional contexts and challenges.

These documents will be available as reference documents for the UN Forum on Minority issues to be held in Geneva in November 2020, as well as the Special Rapporteur’s thematic report for the 46th session of the UN Human Rights Council in March 2021.

In addition, the Special Rapporteur on minority issues envisages the drafting of guidelines on the effective protection of the human rights of minorities in social media, particularly addressing how to tackle more effectively the threat of hate speech in legislation and social media whilst respecting freedom of opinion and expression as protected in international human rights law.