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Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P., in accordance with Human Rights Council resolution [52/36](#).

* The present document was submitted for processing after the deadline for technical reasons beyond the control of the submitting office.



Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P.

Summary

In the present report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance summarizes the activities that she has undertaken since the commencement of her tenure on 1 November 2022. She provides an analysis of the different manifestations and consequences of online racist hate speech. The Special Rapporteur subsequently presents an overview of the international legal framework as it relates to online racist hate speech and articulates the corresponding responsibilities of States and companies. She then analyses some of the challenges faced in preventing and addressing online racist hate speech. Finally, the Special Rapporteur presents her conclusions and recommendations on how States and other stakeholders can prevent and address online racist hate speech.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution [52/36](#), in which the Council requested the Special Rapporteur to submit an annual report to the General Assembly. In the present report, the Special Rapporteur addresses the issue of online racist hate speech.

2. To inform the report, the Special Rapporteur published a call for submissions from States and other stakeholders, including civil society organizations, academic institutions, United Nations entities and national human rights institutions. The Special Rapporteur is grateful to all those who submitted the inputs requested. She has drawn upon the extensive inputs that she received in the preparation of the report and remains open to an ongoing dialogue with all relevant stakeholders on this important issue. The focus of the present report is on global trends and relevant international human rights law standards, and the corresponding duties of States and other actors with regard to preventing and addressing online racist hate speech.

3. The present report on online racist hate speech is aligned with the Special Rapporteur's strategic focus on analysing the nexus between digital technologies and contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur takes note of the information provided in some of the submissions received about forms of online racism, algorithm bias and other issues relating to human rights in the digital space that fall outside the direct scope of the report. While recognizing the interconnectedness of different issues relating to digital technology and equality and non-discrimination, not all the issues included in the submissions received will be addressed in the present report due to limitations of scope and space. The Special Rapporteur may draw upon such information to inform future work on digital technologies and contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

4. In the present report, the Special Rapporteur summarizes the activities that she has undertaken since the commencement of her tenure on 1 November 2022. She provides an analysis of the different manifestations and consequences of online racist hate speech. The Special Rapporteur subsequently presents an overview of the international legal framework as it relates to online racist hate speech and articulates the corresponding responsibilities of States and companies. She then analyses some of the challenges faced in preventing and addressing online racist hate speech. Finally, the Special Rapporteur presents her conclusions and recommendations on how States and other stakeholders can prevent and address online racist hate speech.

II. Summary of activities

5. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was appointed by the Human Rights Council in October 2022, during its fifty-first session. She is the sixth Special Rapporteur appointed under the mandate. She took up her functions on 1 November 2022.

6. Since the beginning of her tenure, the Special Rapporteur has attended several international events and conferences. In November and December 2022, she attended the inaugural session of the Permanent Forum on People of African Descent in Geneva, where she gave a presentation on the racialized causes and consequences of the climate crisis, she spoke at the eleventh Forum on Business and Human Rights and she met with the Committee on the Elimination of Racial Discrimination during its 108th session. In March 2023, the Special Rapporteur attended the eleventh national conference on non-discrimination in Malaysia, which was focused on the impact of the Internet on racism and racial discrimination. In August 2023, the Special

Rapporteur took part in the ninth session of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action.

7. The Special Rapporteur presented reports to the Human Rights Council for the first time in July 2023. She presented a report on trends in the glorification of Nazism, pursuant to General Assembly resolution 77/204 (A/78/302). She also presented her first thematic report to the Human Rights Council, in which she outlined her strategic vision and initial priorities (A/HRC/53/60).

III. Online racist hate speech: a global phenomenon

8. The advent of multiple digital platforms with global reach, including social media platforms and communication applications, has caused a seismic shift in the way that people live their everyday lives, interact with others and share information.¹ Information received by the Special Rapporteur suggests that over half of the world's population uses social media.² While many positive benefits of these digital platforms for individuals and groups affected by racism, racial discrimination, xenophobia and related intolerance can be identified,³ they also have the capacity to compound existing societal inequities, many of which exist along racial and ethnic grounds (A/HRC/44/57).

9. Social media sites and communication applications provide an unprecedented platform for the dissemination of different forms of communication and materials, such as text, images, animations, music and videos, often referred to as content. Much of the material shared online is innocuous. However, some materials constitute racist hate speech, with real, in the most serious cases, life-and-death consequences for targeted individuals and groups.

10. In the present report, the Special Rapporteur will present a working definition of online racist hate speech, describe manifestations of online racist hate speech, reference the nexus between hate speech and disinformation and misinformation and analyse some of the actors involved in the dissemination of online racist hate speech. Subsequently, the Special Rapporteur will express her concern about the rapid and wide-reaching spread of online racist hate speech and describe the negative consequences of the phenomenon.

Defining online racist hate speech

11. While noting the lack of a specific and internationally agreed definition of online hate speech in human rights law treaties, the Special Rapporteur has drawn on elements in the United Nations Strategy and Plan of Action on Hate Speech and other international standards to suggest a working definition of online racist hate speech for the purpose of the present report.

12. The Special Rapporteur finds the way in which hate speech is understood in the United Nations Strategy on Hate Speech helpful. In the United Nations Strategy on Hate Speech, the term "hate speech" is understood as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor". The Special Rapporteur also refers to general recommendation

¹ Submission from Asociación por los Derechos Civiles.

² Matthew Woodward, "Social media user statistics: how many people use social media?", Search Logistics, 18 July 2023, cited in the submission from Maat for Peace, Development and Human Rights Association.

³ Submission from Guatemala.

No. 35 (2013) on combating racist hate speech of the Committee on the Elimination of Racial Discrimination. Paragraph 6 of the general recommendation serves to clarify that hate speech can include all the specific speech forms referred to in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and can be directed towards all groups protected under article 1 of the Convention. To define the most serious forms of racist hate speech, the Special Rapporteur refers to article 20 of the International Covenant on Civil and Political Rights, which prohibits any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Special Rapporteur interprets these elements as applying within an online context.

Manifestations of online racist hate speech

13. In line with paragraph 6 of general recommendation No. 35 (2013), online racist hate speech can manifest in various forms, including online racism and hatred based on race, colour, descent, national or ethnic origin and/or religion in cases where persons belonging to certain ethnic groups profess or practice a religion different from the majority. In the submissions on which the present report is based, the Special Rapporteur received reports about the targeting of multiple groups that fall under her mandate, such as people, including women, of African descent; Indigenous Peoples; migrants, including refugees and asylum-seekers; Asian individuals; Jewish communities; Muslim communities; those from oppressed castes; Roma; and Palestinian people. Online hate speech is often based on the “othering” of those perceived to be different and may target individuals and groups on multiple grounds. Submissions received by the Special Rapporteur indicated that online racist hate speech is often deeply interconnected with other forms of online hate speech, including based on gender; lesbian, gay, bisexual, transgender and intersex status; and/or disability.⁴

14. Online racist hate speech occurs in the context of online communication and the sharing of materials on digital platforms. It can include the sharing of racist imagery, including through memes, manipulated images and/or videos, that promotes stereotypes and spreads hatred towards members of groups that are the most vulnerable to racial discrimination. Online racist hate speech can also include racially discriminatory comments made by users of digital platforms and the dissemination of racist conspiracy theories targeting specific racial or ethnic groups, including on online news sites.⁵ It can include attacks or the use of pejorative or discriminatory language relating to extremism; accelerationist ideologies; white supremacist ideas; and the glorification of terrorist activities targeting members of racial or ethnic groups.⁶ Online racist hate speech often dehumanizes people belonging to racial and ethnic groups and scapegoats them for real or perceived societal problems.⁷ The originators and disseminators of online racist hate speech are sometimes anonymous and the targeting of individuals from racial and ethnic groups can involve bots, fake profiles and online mob attacks, whereby multiple users attack the same target.⁸

15. These different manifestations of racist hate speech can occur in a range of online spaces, including social media platforms, chat forums and group chats on

⁴ Submissions from Guatemala, Ireland, Lithuania and Mexico, as well as from the Ministry of Justice of Denmark, Ipas Latin America and the Caribbean and others, FakeReporter and the Federal Public Defenders’ Office of Brazil.

⁵ Submission from International Dalit Solidarity Network.

⁶ Submissions from the Kingdom of the Netherlands and from International Dalit Solidarity Network, iCure and WYK Advocate.

⁷ Submission from iCure.

⁸ [A/74/486](#), para. 40, and submissions from Asociación por los Derechos Civiles and FakeReporter.

communication applications. The Special Rapporteur also received information about the existence of racist hate speech in online gaming environments.⁹ Certain manifestations of online racist hate speech are serious enough to be considered incitement to discrimination, hatred or violence, which is prohibited under international human rights law. The Special Rapporteur elaborates on the criteria established by international law for determining when hate speech should be considered incitement in section IV.

Nexus between online racist hate speech and disinformation and misinformation

16. Online racist hate speech can be linked to the dissemination of misinformation and disinformation.¹⁰ The Special Rapporteur recognizes the lack of definitions for misinformation and disinformation within the international human rights law framework, as well as some of the inherent challenges of defining these concepts, as discussed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in her 2021 report to the Human Rights Council on disinformation (A/HRC/47/25, paras. 9–15). For the purpose of the present report, the Special Rapporteur has aligned herself with the definition presented in the aforementioned report, which states that “disinformation is understood as false information that is disseminated intentionally to cause serious social harm and misinformation as the dissemination of false information unknowingly” (para. 15).

17. The Special Rapporteur asserts that disinformation and misinformation are distinct from online racist hate speech. While the focus of the present report is on online racist hate speech, she believes that it is important, however, to recognize that there is a nexus between online racist hate speech on the one hand and disinformation and misinformation on the other, in particular in an online context. As elaborated on below, the way that communications and materials are shared in the online context provides for their rapid and wide-reaching dissemination and can, therefore, be fertile ground for disinformation and misinformation.¹¹

Rapid spread and vast reach of online racist hate speech

18. Given that anyone with access to the Internet can quickly communicate and spread materials and that there is little control over their credibility, veracity and potential to cause harm, the Internet serves as a tool for spreading racism, racial hatred and ideas of racial superiority. Such communications and materials, including online racist hate speech, can be spread quickly because of the ability of those sharing content to sometimes be anonymous online, as well as the broad reach of online platforms, given that they have become integrated into the everyday lives of people around the world, and the ease and commonplace nature of sharing such communications and materials on digital and social media platforms.¹² Furthermore, communications and materials shared online, such as images, memes and short videos, are often highly superficial, which makes it difficult for the users of digital platforms to contextualize and fact-check what is presented.¹³

19. Another crucial factor in the rapid spread and powerful reach of online racist hate speech is the use of content-shaping algorithms by online platforms to determine

⁹ Submission from Mazidatun Maftukhah.

¹⁰ Submission from Maat for Peace, Development and Human Rights Association.

¹¹ Submissions from Ecuador, Guatemala, Morocco and Romania, as well as from FakeReporter, the National Human Rights Commission of Mexico, Kailash Union and the Federal Public Defenders’ Office of Brazil.

¹² Submissions from the Kingdom of the Netherlands and WYK Advocate.

¹³ Submission from the Federal Public Defenders’ Office of Brazil and Nuurrianti Jalli, “TikTok’s poor content moderation fuels the spread of hate speech and misinformation ahead of Indonesia 2024 elections”, *The Conversation*, 10 April 2023.

how materials are disseminated to users. Online platforms often collect large amounts of data from users. These data are monetized by the providers of digital platforms through their sale to advertisers. Advertisers then use the data to target audiences with precision through advertisement placement.¹⁴ The longer that individuals stay on digital platforms and the more they engage while using them, the more effectively providers can monetize the use of their platforms through the sale of exposure to targeted advertising.¹⁵ As such, content-shaping algorithms often prioritize the dissemination of materials that generate high engagement, regardless of their credibility, veracity and potential to cause harm.¹⁶ Content-shaping algorithms can, therefore, lead to the quick dissemination of hateful materials to a wide audience, thus perpetuating harmful beliefs and narratives.¹⁷

20. Content-shaping algorithms also contribute to the creation of social media “echo chambers”, where people are only shown material that reinforces and amplifies pre-existing views and beliefs, increasing engagement but also deepening harmful racial stereotypes and spreading hate speech. As well as further disseminating harmful ideas and ideologies, the creation of these online echo chambers also limits the exposure of users to counterspeech that could challenge harmful beliefs and narratives.¹⁸ While content-shaping algorithms may not intentionally amplify and disseminate racist content online, the Special Rapporteur’s predecessor highlighted in her 2020 report that “colour-blind” or “race neutral” strategies towards digital governance could cause algorithm bias and indirect harm to racial and ethnic groups ([A/HRC/44/57](#)).

Multiple actors, motivations and contexts

21. Different forms of online racist hate speech can originate from and be disseminated by a range of actors with varied intentions. The online activities of such actors form a complex, opaque and mutually reinforcing interplay. Such actors may be motivated by racist, ethnonationalist and xenophobic ideologies. However, it is important to also acknowledge that significant commercial and political interests are involved in the dissemination of racist hate speech online.

22. Individuals who espouse racist ideologies may disseminate racist hate speech online in the context of their everyday use of digital platforms. Some sources suggest that most hateful online materials originate from individuals who are not associated with organized ideological groups, although more research is needed to truly understand the drivers of the phenomenon.¹⁹ Individuals may feel emboldened in an online context due to the ability to sometimes be anonymous, as well as the normalization of racist sentiments and ideologies within their highly curated online spaces, as determined by content-shaping algorithms.²⁰

23. Digital platforms have also allowed individuals and the groups to which they belong to form organizations, often at the international level, and to recruit and

¹⁴ Submissions from Amnesty International and the Federal Public Defenders’ Office of Brazil, and [A/HRC/46/57](#), para. 69.

¹⁵ Submission from Amnesty International and Access Now, *26 Recommendations on Content Governance: A Guide for Lawmakers, Regulators, and Company Policy Makers* (2020).

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Submission from iCure and Zachary Laub, “Hate speech on social media: global comparisons”, Council on Foreign Relations, 7 June 2019.

¹⁹ Daria Denti and Alessandra Faggian, “Where do angry birds tweet? Income inequality and online hate in Italy”, *Cambridge Journal of Regions, Economy and Society*, vol. 14, No. 3 (November 2021); [A/HRC/47/25](#); submission from Maat for Peace, Development and Human Rights Association; and Laub, “Hate speech on social media”.

²⁰ [A/77/512](#) and submission from WYK Advocate.

radicalize new members, who may then further the dissemination of online racist hate speech.²¹ The Special Rapporteur is mandated to report to both the General Assembly and the Human Rights Council on trends in the glorification of Nazism. Her predecessor, however, reported on how digital platforms have provided groups espousing racial superiority and hatred with effective platforms for spreading their messages, organizing events and raising money.²²

24. Online racist hate speech is not only originated and disseminated by those with ideological motivations. There are actors within the complex digital ecosystem who seek to instrumentalize underlying societal divisions and the fear and misunderstanding of “others” for personal and political enrichment. The Special Rapporteur received multiple submissions about the use of online racist hate speech for political gain. Prominent politicians, including members of Governments, have used online platforms to express racist and xenophobic sentiments that tap into existing polarization in society to exacerbate divisions in such a way that they gain political capital.²³ The Special Rapporteur received reports that online racist hate speech can often increase around election periods.²⁴ Online racist hate speech can be used to target those who run for office and/or express dissenting views, such as academics and human rights defenders who fight racism and racial discrimination, including those who work directly to combat online racist hate speech.²⁵ Targeted online hate campaigns against such figures can discredit them and have a chilling effect on others, who fear being subjected to similar treatment, and therefore protect existing political power structures, which often exclude individuals from racial and ethnic groups.²⁶

25. The Special Rapporteur is of the conviction that it is very important to highlight how the coronavirus disease (COVID-19) pandemic was a significant context within which online racist hate speech flourished. As stated by the Special Rapporteur’s predecessor: “The COVID-19 pandemic exposed interlinking crises that had been hiding in plain sight: a public health disaster, and ethnonationalist rhetoric and politics – the latter driving impacts of and responses to the former. It laid bare how dangerous climates of intolerance, racialized and religious suspicion and fear can be to the social fabric that sustains prosperous and safe communities” (A/77/512, para. 63).

26. In the United Nations Guidance Note on Addressing and Countering COVID-19-related Hate Speech, it is described how the crisis led to “scapegoating, stereotyping, stigmatization and the use of derogatory, misogynistic, racist, xenophobic, Islamophobic or antisemitic language”. In that Guidance Note, it is also acknowledged that online platforms played a significant role in the spread of online racist hate speech relating to the COVID-19 pandemic. It is also recognized in the Guidance Note that politicians were implicated in the origination and dissemination of online hate speech relating to COVID-19. The involvement of politicians in COVID-19-related online hate speech, including in the context of elections, demonstrates how the different contexts within which racial hatred is spread are interrelated and can be mutually reinforcing.

27. When looking at the motivations of different actors, it is necessary to highlight that commercial interests can play a role in the origination and dissemination of online racist hate speech. There are increasing numbers of individuals who routinely

²¹ Ibid.

²² Ibid.

²³ Article 19, “The politics of hate speech”, 27 November 2020.

²⁴ Submissions from South Asia Justice Campaign and FakeReporter.

²⁵ Submissions from AI for the People and the Federal Public Defenders’ Office of Brazil.

²⁶ Submission from 7amleh – The Arab Center for the Advancement of Social Media.

originate and disseminate online materials, which are monetized in various ways, including by allowing those who view them to donate money, as well as through the sale of merchandise related to materials shared and advertising revenue. There have been cases where individuals and groups have monetized racist and xenophobic content, notwithstanding efforts to prevent this.²⁷ At a more systemic level, the overall business models of digital platforms and advertising revenue, which is linked to content-shaping algorithms that can disseminate and amplify online racist hate speech, mean that powerful economic incentives and disincentives are at play.²⁸

Real life consequences of online racist hate speech

28. The consequences of the most serious forms of online racist hate speech can be life threatening. The most extreme cases of online racist hate speech can amount to incitement to discrimination, hostility or violence, as defined in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 20 (2) of the International Covenant on Civil and Political Rights and in the Convention on the Prevention and Punishment of the Crime of Genocide. In the present report, the subsequent section on international human rights standards serves to explore the most serious forms of online hate speech in more detail. More broadly, in paragraph 16 of general recommendation No. 35 (2013), it is stated that: “Incitement characteristically seeks to influence others to engage in certain forms of conduct, including the commission of crime, through advocacy or threats. Incitement may be express or implied, through actions such as displays of racist symbols or distribution of materials as well as words.” One of the most emblematic cases of online racist hate speech that amounted to incitement was the sustained demonization of the Rohingya ethnic group in Myanmar on Facebook ahead of and during a campaign of ethnic violence, which had horrific humanitarian consequences (A/HRC/46/57, para. 46).²⁹ The escalating and serious online hate speech directed towards the Rohingya ethnic group was met with inaction by the State and Facebook, notwithstanding multiple warnings of impending harm.³⁰ This case exemplifies the significant harm that online racist hate speech that meets the threshold for incitement, together with offline racist hate speech and policies, can generate, in particular when there is inaction by Governments and companies.³¹

29. It is important to note that it is not only the most serious cases of online racist hate speech that have negative consequences. Even in cases where online hate speech does not amount to incitement to discrimination, hostility or violence, it can be a factor in offline hate crimes. Hate crimes have an element of bias that can be influenced by hate speech, including online hate speech.³² Digital platforms can facilitate the global transmission of harmful stereotypes and related propaganda, which potentially make violence against targeted groups more acceptable and arguably more likely (A/77/512, para. 52).

²⁷ Paul Hosford, “Revealed: how racist Irish YouTube accounts profit by livestreaming protests”, *Irish Examiner*, 31 January 2023 and Sara Miller, “Big business: the monetization of antisemitism”, *The Media Line*, 4 January 2023.

²⁸ Submission from Amnesty International.

²⁹ See also A/HRC/44/57.

³⁰ Submission from Amnesty International.

³¹ Ibid.

³² Submissions from Romania, as well as from FakeReporter, the National Human Rights Commission of Mexico and the Federal Public Defenders’ Office of Brazil; Meagan Cahill and others, “Understanding online hate speech as a motivator and predictor of hate crime”, paper prepared for the National Institute of Justice, Office of Justice Programs, United States Department of Justice, April 2022; and Hogan Lovells, *The Global Regulation of Online Hate: A Survey of Applicable Laws*, special report prepared for PeaceTech Lab, December 2020.

30. The negative impact on individuals and groups who are targeted by online racist hate speech is significant, in particular given that they can be repeatedly exposed to pejorative and discriminatory speech. Online racist hate speech can have a significant and cumulative impact on the mental health of those targeted. The impact of online hatred can be compounded by chronic stress, which is experienced following exposure to other manifestations of racism and racial discrimination, as well as additional and intersecting forms of discrimination. Experiences of online racist hate speech, including those which directly target an individual and those that espouse more general racial hatred, are associated with decreased self-esteem, lower academic or professional performance and/or increased rates of alcohol and drug use among those targeted.³³ The Special Rapporteur is concerned about the online targeting of children and young people from racial and ethnic groups, including in the context of bullying, and the profound and lasting impact of this during their formative years.³⁴ Submissions received by the Special Rapporteur highlighted the vulnerability of children and young people in certain online environments, including online gaming.³⁵

31. Racist hate speech, including that which is disseminated online, also has a powerful detrimental effect at the societal level, destroying the social fabric of communities and undermining the norms of human rights and democracy, including equality and non-discrimination.³⁶ As noted by the Secretary-General at the launch of the United Nations Strategy on Hate Speech: “Hate speech is in itself an attack on tolerance, inclusion, diversity and the very essence of our human rights norms and principles. More broadly, it undermines social cohesion, erodes shared values, and can lay the foundation for violence, setting back the cause of peace, stability, sustainable development and the fulfilment of human rights for all.” General recommendation No. 35 (2013) also captures the society-wide impact of racist hate speech. In paragraph 5, it is made clear that speech can make a significant contribution to the creation of a climate of racial hatred and discrimination.

IV. Online racist hate speech and relevant international human rights standards

32. Article 4 is a central article of the International Convention on the Elimination of All Forms of Racial Discrimination. As highlighted in paragraph 10 of general recommendation No. 35 (2013), article 4 of the Convention “comprises elements relating to speech and the organizational context for the production of speech, serves the functions of prevention and deterrence, and provides for sanctions when deterrence fails”. The chapeau of article 4 explicates the obligation of States to address incitement to racial discrimination. It makes clear that States must take “immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination”. Furthermore, in paragraph 16 of general recommendation No. 35 (2013), it is indicated that: “Incitement characteristically seeks to influence others to engage in certain forms of conduct, including the commission of crime, through advocacy or threats. Incitement may be express or implied, through actions such as displays of racist symbols or distribution of materials as well as words.” General recommendation No. 35 (2013) also describes the provisions in article 4 (a) of the Convention and outlines how States parties “shall declare an offence punishable

³³ Submission from the Federal Public Defenders’ Office of Brazil and Koustuv Saha, Eshwar Chandrasekharan and Munmun De Choudhury, “Prevalence and psychological effects of hateful speech in online college communities”, *PubMed Central*, June 2019.

³⁴ Submissions from Mauritius and Mazidatun Maftukhah.

³⁵ Submission from Mazidatun Maftukhah.

³⁶ United Nations Strategy on Hate Speech and submissions from Ireland and Uruguay, as well as from LabSul.

by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof”.

33. Pursuant to general recommendation No. 35 (2013), States parties have an obligation under the Convention to adopt legislation to combat racist hate speech that falls within the scope of article 4. In paragraph 12 of the general recommendation, it is indicated that the criminalization of forms of racist expression should be reserved for serious cases and, in paragraph 13, specific guidance is provided on the forms of racist expression that should be declared as offences punishable by law within national legal frameworks. Paragraph 15 of the general recommendation states that contextual factors should be taken into account when making such determinations and provides relevant criteria that have been adapted from the 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), which will be discussed further below. In paragraph 17, the importance of the effective implementation of legal provisions is stressed, which is typically achieved through the investigation of offences and, where appropriate, prosecution. The importance of judicial assessment in determining the facts and legal qualifications of individual cases is also highlighted in paragraph 18. The general recommendation also focuses on articles 5 and 7 of the Convention.

34. The Durban Declaration and Programme of Action reinforces the relevant provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. In paragraph 77 of the Declaration, it was affirmed that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world. In paragraph 147 (e) of the Programme of Action, the rapidly evolving phenomenon of the dissemination of hate speech and racist material through new information and communications technologies was also recognized and Member States were called upon to consider a prompt and coordinated international response to the phenomenon.

35. The International Covenant on Civil and Political Rights bestows responsibilities on States parties to prevent and address the most serious forms of online racist hate speech. Article 20 (2) of the Covenant states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. Article 20 (2) should be read in conjunction with articles 2 (1) and 26 of the Covenant. Article 2 (1) makes clear that the rights recognized in the Covenant, inclusive of article 20 (2), are to be recognized without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 26 provides the general right of equality, the prohibition of discrimination and an obligation to take positive measures against discrimination.³⁷

36. Article 19 of the International Covenant on Civil and Political Rights protects the right to freedom of opinion and expression. The Special Rapporteur rejects the notion that preventing and addressing online racist hate speech and upholding freedom of opinion and expression is a zero-sum game, whereby advances in one area come automatically at the expense of the other. Equality, non-discrimination and fundamental freedoms reinforce one another as the cornerstones of international human rights law, democratic governance and the rule of law. Freedom of opinion and expression must, therefore, be seen as indivisible from provisions bestowing obligations on States to prevent and address online racist hate speech (see Rabat Plan

³⁷ William A. Schabas, *U.N. International Covenant on Civil and Political Rights: Nowak's CCPR Commentary*, 3rd revised ed. (Kehl, Germany, N.P. Engel Verlag, 2019).

of Action, para. 10). Provisions protecting this fundamental freedom, in particular article 19 of the International Covenant on Civil and Political Rights and article 5 (d) (viii) of the International Convention on the Elimination of All Forms of Racial Discrimination, are central to how States approach preventing and addressing online racist hate speech. This is not to say that ensuring full respect for freedom of opinion and expression and addressing online racist hate speech are easy tasks. There is, however, relevant guidance in international human rights law to help navigate such challenges and complexities.

37. The progressive interpretation of article 19 (3) of the International Covenant on Civil and Political Rights by the Human Rights Committee, including in paragraphs 22–36 of its general comment No. 34 (2011), as well as the work of the Special Rapporteur on the right to freedom of opinion and expression, has made clear that measures to restrict freedom of opinion and expression must meet the criteria of legality, necessity, proportionality and legitimacy.

38. The provisions under article 19 of the International Covenant on Civil and Political Rights are complemented by those in article 18 thereof. Article 18 protects the right to freedom of thought, conscience, religion or belief. In article 18 (3), it is stated that: “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”

39. As indicated in paragraph 19 of general recommendation No. 35 (2013) of the Committee on the Elimination of Racial Discrimination, article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination explicitly establishes that all measures taken to eliminate incitement and discrimination must afford due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. As elaborated on above, article 5 (d) (viii) of the Convention includes the right to freedom of expression and opinion. Vague or overly broad restrictions on freedom of expression are open to abuse and risk undermining the rights of groups protected by the Convention. It is those already facing discrimination and exclusion who are the most vulnerable to the effects of restrictions on freedom of expression that do not meet the criteria of legality, necessity, proportionality and legitimacy (A/74/486, para. 34).³⁸ Moreover, as indicated in the above-mentioned general recommendation and the Durban Declaration and Programme of Action, freedom of expression and opinion, including in an online context, play an important role in addressing harmful racial stereotypes and racial hatred.

40. As racist hate speech can amount to incitement to hostility, discrimination or violence, the Rabat Plan of Action provides additional guidance on the relationship between freedom of expression and the prohibition of incitement to hatred. The Rabat Plan of Action is the outcome document that followed a series of regional workshops organized by the Office of the United Nations High Commissioner for Human Rights in 2011. In paragraph 20 of the Rabat Plan of Action, it is recommended that distinction be made 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 concern in terms of tolerance, civility and respect for the rights of others. According to the Rabat Plan of Action, a high threshold is set for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the International Covenant on Civil and

³⁸ See also general recommendation No. 35 (2013), paras. 28 and 29.

Political Rights.³⁹ The Rabat Plan of Action provides a set of criteria to determine when expressions should be considered as criminal offences based on the following six factors: context;⁴⁰ speaker;⁴¹ intent;⁴² content and form;⁴³ extent of the speech act;⁴⁴ and likelihood, including imminence.⁴⁵ In the Rabat Plan of Action, it is outlined that all forms of incitement to discrimination, hostility or violence should be prohibited in national legal frameworks, but only the most serious cases, as determined by the threshold test, should be criminalized.

41. Regarding the forms of expression that warrant criminalization, the Special Rapporteur also wishes to highlight that the Convention on the Prevention and Punishment of the Crime of Genocide requires States to criminalize incitement to genocide (see [A/74/486](#)).

42. In most cases, online racist hate speech does not reach the threshold whereby it could be legitimately subjected to criminal sanctions under international human rights law. Accordingly, other measures to prevent and address online racist hate speech are very important. Counterspeech, education, community projects and steps to build societal support for plurality are critical to preventing and addressing online racist hate speech. The obligation to develop and effectively implement such measures has a basis in international law. As highlighted in paragraph 10 of general recommendation No. 35 (2013), article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination includes the obligation to implement “immediate and positive measures” to eradicate discrimination, which is complemented by broader obligations to dedicate the widest possible range of

³⁹ The Rabat Plan of Action threshold test is available in 32 languages on the website of the Office of the United Nations High Commissioner for Human Rights at www.ohchr.org/en/freedom-of-expression.

⁴⁰ In para. 29 (a) of the Rabat Plan of Action, “context” is defined as follows: “Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated.”

⁴¹ In para. 29 (b) of the Rabat Plan of Action, “speaker” is defined as follows: “The speaker’s position or status in the society should be considered, specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed.”

⁴² In para. 29 (c) of the Rabat Plan of Action, “intent” is defined as follows: “Article 20 of the International Covenant on Civil and Political Rights anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for ‘advocacy’ and ‘incitement’ rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.”

⁴³ In para. 29 (d) of the Rabat Plan of Action, “content and form” are defined as follows: “The content of the speech constitutes one of the key foci of the court’s deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed.”

⁴⁴ In para. 29 (e) of the Rabat Plan of Action, “extent of the speech act” is defined as follows: “Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public.”

⁴⁵ In para. 29 (f) of the Rabat Plan of Action, “likelihood, including imminence” is defined as follows: “Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.”

resources to the eradication of hate speech. Moreover, article 7 of the Convention obligates States “to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups”. It is clearly indicated in paragraph 30 of the general recommendation that article 7 is key to addressing the root causes of hate speech and is one of the “appropriate means” by which States parties can uphold the prohibition of racial discrimination established in article 2 of the Convention.

43. Companies that provide digital platforms have a huge influence over the content and may have significant commercial interests entangled within the complex web of online racial hatred. States are the primary duty bearers under international human rights law. However, a multi-stakeholder approach is necessary to address the proliferation of online racist hate speech and, according to relevant international standards, companies have the responsibility to promote, respect and remedy human rights.⁴⁶ In the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework ([A/HRC/17/31](#), annex), it is outlined that companies have a responsibility to prevent, mitigate and remedy human rights violations that they may cause or contribute to and must conduct human rights due diligence with regard to relevant business activities.⁴⁷ The mandate of the Special Rapporteur on the right to freedom of expression and opinion has provided guidance on the human rights obligations of business entities to address online hate speech in accordance with the Guiding Principles.⁴⁸ In the mandate holder’s 2019 report on hate speech, it was recommended that companies should use the Guiding Principles to ensure the integration of human rights into the design of their products and conduct periodic reviews of the impact of products on human rights ([A/74/486](#), paras. 41–43). The report also indicates that the principles of legality, necessity and proportionality apply to business practices and provides guidance on how companies can uphold these principles (*ibid.*, paras. 46–52).

V. Challenges in addressing online racist hate speech

44. In the present section, the Special Rapporteur presents an analysis of some of what she perceives to be the most pertinent challenges.

Legislative gaps

45. The Special Rapporteur acknowledges the information provided in many submissions from States about legislation that is aimed at addressing online hate speech. While it is beyond the scope of the present report to provide an assessment of those legislative provisions, the Special Rapporteur welcomes efforts to ensure that legislation is in place to address the dissemination of ideas that are based on racial superiority or hatred and incitement to racial discrimination, as well as all acts of violence or incitement to such acts. She is, however, concerned by global trends that reflect the significant gaps in legislative provisions in place to prevent and address online racist hate speech.

⁴⁶ United Nations Strategy on Hate Speech; submissions from Pakistan and the Federal Public Defenders’ Office of Brazil; and [A/HRC/47/25](#).

⁴⁷ United Nations, “Countering and addressing online hate speech: a guide for policy makers and practitioners”, July 2023 and [A/74/486](#), paras. 44 and 45.

⁴⁸ See [A/74/486](#) and [A/HRC/38/45](#).

46. The Special Rapporteur perceives that there is a significant degree of heterogeneity in the legal approaches to online racist hate speech.⁴⁹ Of significant concern to the Special Rapporteur is the absence of a legal prohibition of incitement to discrimination, hostility or violence in many domestic legal frameworks worldwide (see Rabat Plan of Action, para. 15). She is also concerned that in jurisdictions that have legislation in place, there are gaps in the degree to which provisions comply with the standards laid out in international human rights law. Legislative provisions can include overly broad restrictions on freedom of expression that, in certain cases, can be instrumentalized by Governments to repress dissent or silence individuals from racial and ethnic groups.⁵⁰

Ineffective implementation of legislation

47. Another key challenge to effectively preventing and addressing online racist hate speech is the ineffective implementation of legislation in place to address online racist hate speech that constitutes incitement and, in the most serious cases of such incitement that meet the threshold for criminalization, as defined by the Rabat Plan of Action, to punish perpetrators.⁵¹ As highlighted by the Committee on the Elimination of Racial Discrimination in paragraph 17 of its general recommendation No. 35 (2013), it is not enough to declare relevant forms of speech as offences; the provisions of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination must also be effectively implemented. This is achieved through the effective investigation of offences, and, where appropriate, prosecution and other remedial measures.

48. Given the importance of investigation and prosecution to the effective implementation of relevant legislation, the Special Rapporteur is concerned by reports that victims who have suffered harm, as a result of incitement, often cannot access justice and other forms of remedy. This is reflected in the relative paucity of jurisprudence on online racist hate speech (see Rabat Plan of Action). Barriers to access to justice and remedy can include a reluctance of victims to report incidents because of their lack of trust in public authorities and/or fear of reprisals; the withdrawal of complaints by victims owing to difficulties engaging with relevant authorities; and a lack of awareness among victims about their rights and how to seek remedy.⁵² Such trends have a negative impact on victims' right to access to justice, which is protected by article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 2 (3) of the International Covenant on Civil and Political Rights. They also create impunity for incitement, which emboldens perpetrators and further legitimizes and normalizes other forms of online racial hatred. As outlined in paragraph 18 of general recommendation No. 35 (2013), these trends impede judicial review of the facts of individual cases, which has been recognized as being of central importance to the interpretation and implementation of relevant international human rights law provisions at the national level.

Gaps in the non-legal measures of States

49. In most cases, online racist hate speech does not reach the threshold whereby it could be legitimately subjected to criminal sanctions under international human rights law. It could, however, still be harmful to those from racial and ethnic groups.

⁴⁹ Submission from Asociación por los Derechos Civiles and Hogan Lovells, *The Global Regulation of Online Hate*.

⁵⁰ Rabat Plan of Action and submissions from the Belarusian Helsinki Committee and Belarusian Association of Journalists.

⁵¹ Ibid.

⁵² A/HRC/47/25 and Council of Europe, "Hate speech and violence", available at <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/hate-speech-and-violence>.

Accordingly, other measures to prevent and address online racist hate speech, such as counterspeech, education, community projects and steps to build societal support for plurality, are critical to preventing and addressing online racist hate speech (see Rabat Plan of Action, para. 35). The Special Rapporteur is concerned by the lack of information about comprehensive and effective non-legal measures by States to prevent and address online racist hate speech. While noting some information received from some States on non-legal measures, the Special Rapporteur is concerned that there are gaps in the overall investment in non-legal measures to effectively address the root causes of online racist hate speech.

Lack of adequate investment by the providers of digital platforms in preventing and addressing online racist hate speech

50. The companies that provide and profit from the digital platforms on which online racist hate speech is disseminated have responsibilities to respect human rights. Their responsibilities under the Guiding Principles on Business and Human Rights and other international human rights standards were referred to in the section above. The Special Rapporteur notes some efforts by some digital platforms to prevent and address online racist hate speech. However, overall, she considers that investments made to that end are inadequate relative to the magnitude of the power and profits that such companies have acquired as a result of digital platforms becoming integrated into the everyday lives of a significant proportion of the world's population. Moreover, the fact that algorithms that disseminate online racist hate speech are central to the business model and profitability of companies that provide digital platforms compounds their responsibility to prevent and address the phenomenon.⁵³

51. Many large providers of digital platforms have developed definitions of online hate speech, which include the grounds for discrimination in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as community guidelines and policies on hate speech and content moderation. The Special Rapporteur is concerned, however, by the lack of clarity and transparency in the policies and guidelines of companies providing digital platforms.⁵⁴ The vagueness and opaqueness of these policies and guidelines and how they are implemented inhibit the scrutiny and participation of those from affected racial and ethnic groups. There have also been cases where those from racial and ethnic groups who have been targeted by online hate speech have had materials, which could be considered counterspeech, removed, but they had little understanding of why and no clear recourse.⁵⁵ Another area of concern is that the most serious action envisaged by providers of digital platforms is often the removal of content and banning of the user. If the content identified were serious enough to justify a restriction on online expression, removal and the banning of the user may not reflect a proportionate or effective response in all cases, in particular as users can often easily register again using different credentials.⁵⁶

52. The weakness in companies' efforts to prevent and address online racist hate speech that is of serious concern to the Special Rapporteur is the lack of investment in the cultural and linguistic knowledge necessary to assess online materials, including those that could be deemed as incitement. Digital platforms tend to use content moderation algorithms to identify hateful content and may use automation or employ staff to moderate content, among other measures. Such measures tend to be grounded in race-neutral approaches, as described below, which can lead to the replication or even exacerbation of societal racial and ethnic inequalities. Moreover,

⁵³ Submission from Amnesty International.

⁵⁴ Access Now, "26 recommendations on content governance" and submission from Pakistan.

⁵⁵ Ibid.; submissions from Fundación Karisma and El Veinte; and [A/HRC/47/25](#).

⁵⁶ Hogan Lovells, *The Global Regulation of Online Hate*.

investment in content moderation by companies tends to be highly unequal between different countries, with significant underinvestment in countries in the global South. Users from the global South can report hateful speech multiple times without action being taken, as was the case in Myanmar.⁵⁷ In 2018, the Chief Executive Officer of Facebook testified to the United States Senate that Facebook’s artificial intelligence systems had been unable to detect hate speech in the context of Myanmar (A/HRC/44/57, para. 24). In its submission, Amnesty International also highlighted that in the midst of the conflict in Myanmar in 2017, the region only had five Burmese-speaking content moderators. The organization also reported that weaknesses in detecting anti-Rohingya and anti-Muslim hate speech persist on the platform, notwithstanding some efforts to make improvements following the atrocities.

Race-neutral approaches

53. Another major challenge that the Special Rapporteur has identified in addressing online racist hate speech is the race-neutral approach to the design, development and governance of digital technologies. As highlighted by the Special Rapporteur’s predecessor:

The public perception of technology tends to be that it is inherently neutral and objective, and some have pointed out that this presumption of technological objectivity and neutrality is one that remains salient even among producers of technology. But technology is never neutral – it reflects the values and interests of those who influence its design and use, and is fundamentally shaped by the same structures of inequality that operate in society (ibid., para. 12).

The assumption about the neutrality of digital technologies and the absence of an approach that explicitly addresses the ability of such technologies to replicate and exacerbate racial and ethnic inequalities in and between societies make it challenging to effectively address online racist hate speech. Such trends can be exacerbated by the lack of racial and ethnic diversity within the technology sector and among those who design algorithms that determine content dissemination and moderation, as well as guidelines and policies relating to online racist hate speech (ibid., para. 17).

54. In his 2021 report, the Special Rapporteur on minority issues highlighted that even though minorities are the most affected by online hate speech, including that which would meet the threshold for incitement, their experiences and perspectives are not explicitly recognized within efforts to address the phenomenon. Instead, the “extent and brutality of hate speech is ignored, even camouflaged in a fog of generalities” (A/HRC/46/57, para. 22). The Special Rapporteur echoes such concerns in relation to the experiences and perspectives of those targeted by online racist hate speech. She is not aware of many initiatives that enable the meaningful participation of people from the most affected groups in the design, development and governance of digital platforms or initiatives at the national and international levels to prevent and address online racist hate speech.

Deep societal drivers of online racist hate speech

55. While the drivers of online racist hate speech are inadequately understood, as elaborated on below, the phenomenon does not occur in a vacuum. Societal trends can be identified that contribute to a climate in which online racist hate speech flourishes. Economic inequality and interrelated trends in political dissatisfaction and disenfranchisement have been identified as factors that can drive online racist hate

⁵⁷ Ibid.

speech.⁵⁸ The decline in important forms of counterspeech, including traditional media sources, the explosion of digital platforms without correlating increases in digital literacy, declining trust in traditional public institutions and weaknesses in public information systems are also pertinent factors.⁵⁹

56. Such trends interact with societal trends relating to racism and racial discrimination, including systemic forms of racism and racial discrimination, grounded in the negative legacies of colonialism and slavery. According to a 2021 report of the United Nations High Commissioner for Human Rights, systemic racism is broadly understood as:

The operation of a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism ([A/HRC/47/53](#), para. 9).

As articulated above, digital technologies, governed in a “race-neutral” or “colour-blind” manner, have the capacity to compound existing societal inequities (see [A/HRC/44/57](#)). The core features of systemic racism, therefore, make those from racial and ethnic groups particularly vulnerable to online racist hate speech. Moreover, pervasive and often inadequately addressed racial stereotypes, prejudice and bias provide fertile ground for such speech.

57. The way that online racist hate speech can harm society was articulated in the preceding section. As well as being destructive at the societal level, the phenomenon can also be seen as a symptom of the broader degradation of the social fabric, driven by the trends described above. The complexity and depth of the crises facing societies globally, and their bidirectional relationship with online racist hate speech, make it challenging to effectively address the phenomenon. Moreover, efforts by States and other stakeholders to prevent and address online racist hate speech that do not consider these contextual drivers are less likely to be effective.

Lack of research and disaggregated data on online racist hate speech

58. The Special Rapporteur is concerned that there is a dearth of research and data, disaggregated by race, colour, descent, national origin, ethnic origin and/or religion, on the drivers, prevalence, perpetrators, victims and impact of online racist hate speech.⁶⁰ The lack of such information inhibits the ability of Governments, companies and other stakeholders to develop laws and policies that will effectively target the root causes of online racist hate speech and meet the needs of those affected. It can also render the experiences of those from racial and ethnic groups less visible within initiatives to prevent and address online racist hate speech.

59. A lack of such information relating to online racist hate speech mirrors broader weaknesses in the collection and coordination of racially and ethnically disaggregated data across many different spheres of policymaking. In paragraph 92 of the Durban Programme of Action, States are urged to “collect, compile, analyse, disseminate and

⁵⁸ Denti and Faggian, “Where do angry birds tweet?”.

⁵⁹ Submissions from Maat for Peace, Development and Human Rights Association and Clínica Jurídica y Responsabilidad Social – Sección Derechos de la Niñez; Laub, “Hate speech on social media”; and [A/HRC/47/25](#).

⁶⁰ See communications AL OTH 125/2022, AL OTH 126/2022, AL OTH 127/2022 and AL OTH 128/2022. Communications are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance". It is also explicated therein that such data should be disaggregated in accordance with national law. United Nations human rights mechanisms working on racism and racial discrimination, including the Committee on the Elimination of Racial Discrimination and mandate of the Special Rapporteur, have consistently called upon States to improve the collection of disaggregated data. The failure of States to adequately respond to such recommendations impedes efforts to effectively address a multitude of forms of racism and racial discrimination, including online racist hate speech.

VI. Conclusions and recommendations

60. Online racist hate speech is a global phenomenon that has real life and, in the most serious cases, life-and-death consequences for those from racial and ethnic groups. Online racist hate speech has a powerful detrimental effect at the societal level, creating a climate of racial hatred, destroying the social fabric of communities and undermining the norms of human rights and democracy, including equality and non-discrimination.

61. Multi-stakeholder approaches to preventing and addressing online racist hate speech, which are grounded in the applicable norms and standards in international human rights law, are urgently needed. States, companies, civil society organizations, national human rights institutions and individuals all have an important role to play in preventing and addressing online racist hate speech. The Special Rapporteur's recommendations to States, companies and other actors on how they can take measures, as part of a multi-stakeholder approach, to effectively prevent and address online racist hate speech are set out below.

62. The Special Rapporteur recommends that States:

(a) Ensure that incitement to discrimination, hostility or violence is prohibited and, in the most serious cases, criminalized within national legal frameworks, in a manner that is consistent with international human rights norms and standards, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Rabat Plan of Action;

(b) Effectively implement the International Convention on the Elimination of All Forms of Racial Discrimination, in particular article 4, and ensure that all efforts to address online racist hate speech integrate all the provisions of the Convention;

(c) Consider a "prompt and coordinated international response" to online racist hate speech, in the context of "strengthening international cooperation",⁶¹ as an integral part of significantly stepping up efforts to implement the Durban Declaration and Programme of Action;

(d) Uphold the right to freedom of expression and opinion, a fundamental freedom contained within article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 19 of the International Covenant on Civil and Political Rights, as part of all efforts to prevent and address online hate speech;

⁶¹ Durban Programme of Action, para. 147 (e).

(e) **Improve access to justice and other forms of remedy for cases of online racist hate speech that amount to incitement to discrimination, hostility and violence and have led to harm to those from targeted racial and ethnic groups, by prioritizing access to judicial mechanisms, whenever possible. States should consider targeted action to address the barriers to access to justice and remedy, including the lack of awareness of rights and remedy mechanisms, low residual trust in law enforcement and public institutions and fear of reprisals;**

(f) **Enable the meaningful participation of those from racial and ethnic groups in the design, development and monitoring of all measures to prevent and address online hate speech;**

(g) **Invest in research and the collection and coordination of data, disaggregated by race, colour, descent, national origin, ethnic origin and/or religion, on the drivers, prevalence, perpetrators, victims and impact of online racist hate speech. In this respect, the Special Rapporteur recalls calls made by previous mandate holders to adopt an approach to data that is grounded in human rights, by ensuring disaggregation, self-identification, transparency, privacy, participation and accountability in the collection and storage of data;**

(h) **Significantly invest in initiatives focused on counterspeech, public awareness campaigns, education, community projects and steps to build societal support for plurality, based upon research and data on the societal drivers of online racist hate speech;**

(i) **Organize human rights-based training for relevant public officials, including civil servants, law enforcement officials and the judiciary, on the international human rights law standards relevant to preventing and addressing online racist hate speech;**

(j) **Consider developing community support projects and access to psychosocial services for cases where those from racial and ethnic groups have experienced adverse outcomes as a result of exposure to online racist hate speech.**

63. The Special Rapporteur recommends that companies that provide digital platforms:

(a) **Ensure the integration of human rights into product design and conduct periodic reviews of the impact of products on human rights, drawing upon the Guiding Principles on Business and Human Rights and other relevant international human rights law standards. In this process, companies should be mindful of the risks of a race-neutral approach and algorithm bias, and take active and specifically targeted steps to ensure the compliance of their products with equality and non-discrimination standards in international human rights law;**

(b) **Align their policies on hate speech and content moderation with international human rights norms and standards, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Rabat Plan of Action;**

(c) **Consider measures to ensure the meaningful participation of those from racial and ethnic groups in the design, development and monitoring of products and policies relevant to online racist hate speech;**

(d) **Ensure clarity and transparency about the scope and implementation of their policies on hate speech and content moderation;**

(e) Invest in developing diverse cultural and linguistic knowledge to ensure a more geographically equitable implementation of efforts to address online racist hate speech;

(f) Consider corporate social responsibility initiatives that leverage their powerful platforms to promote digital literacy, counterspeech and community initiatives to prevent and address online racist hate speech.

64. The Special Rapporteur makes the following recommendations to other actors:

(a) The ease with which individuals can communicate and post content on digital platforms is a factor in the origination and dissemination of online racist hate speech. However, it can conversely create opportunities for individuals to play a powerful role in preventing and addressing online racist hate speech. Individuals, as recommended by the United Nations, should refrain from making any hateful comments; fact-check online content; speak up and challenge hateful racist comments; support those targeted; report content that breaks community guidelines or would amount to incitement; publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility; educate others about online hate speech; and commit to community projects that address online racist hate speech;⁶²

(b) United Nations actors should support Member States in implementing the above recommendations, as well as in making efforts to both enhance international cooperation and improve research and disaggregated data collection. United Nations actors should make efforts to integrate the specific vulnerabilities and harm to those from racial and ethnic groups into efforts to prevent and address online racist hate speech;

(c) Civil society organizations should continue and expand their work to prevent and address online racist hate speech; build societal support for plurality and freedom of expression; and provide support to those targeted;

(d) National human rights organizations should contribute to efforts to prevent and address online racist hate speech in a variety of ways, including by supporting efforts to conduct further research and collect disaggregated data; receiving complaints of online racist hate speech and addressing barriers to access to justice; and contributing to initiatives focused on counterspeech, education, community projects and steps to build societal support for plurality.

⁶² United Nations, “Take action: engage – how to deal with hate speech?”. Available at www.un.org/en/hate-speech/take-action/engage.