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

19-20 October 2020

**Opening remarks**

by

**Cynthia Veliko**

Regional Representative

UN Human Rights Office (OHCHR) Regional Office for South-East Asia

It is a great pleasure to participate in this Asia Pacific Regional Forum on Hate Speech, Social Media and Minorities. I would like to thank the Special Rapporteur on Minority Issues for organizing this meeting together with the Tom Lantos Institute.

Over the past years across Asia we have seen increasingly draconian measures used to restrict fundamental freedoms, democratic governance and severely limit civic space. In a number of countries in the region, governments employ a host of existing laws and policies, including related to security, counter-terrorism and defamation to silence dissenting voices and impede the work of human rights defenders as well as political, social and environmental activists.

Restrictions of these rights extends into the **online sphere** through the adoption of laws and regulations, such as cyber and computer crime laws, “anti-fake news” laws and centres aimed at monitoring on and offline activities. This adversely affects the scope for media reporting and the overall ability for people to raise legitimate and critical issues of public concern. These laws and policies frequently include vague, overly broad provisions, and impose severe and disproportionate penalties.

At the same time in the region, we are seeing a rise in hate speech, xenophobia and dangerous campaigns of misinformation aimed at minorities based on religion, race, gender; at stigmatized groups such as refugees, migrants and indigenous people, as well as political opponents, government critics, activists and human rights defenders. This information is largely disseminated online through various social media platforms and have often been linked to communal tensions, civil unrest and incitement to and violence against individuals and groups.

The **impact of digital technologies**has profoundly changed the social and political landscape both globally and in the region. Opportunities for exercising fundamental rights to freedoms of expression and association and participation in public life have expanded in unparalleled ways. Yet, this expansion has brought with it new and significant threats to civic space and to individual and groups that require particular protection.

The critical question then is how States manage their obligations to both uphold fundamental freedoms and democratic space yet, at the same time, ensure zero tolerance for hate speech. The former Special Rapporteur on Freedom of Expression stated in his October 2019 report to the General Assembly, I quote: “…freedom of expression, the rights to equality and life and the obligation of non-discrimination are mutually reinforcing. Human rights law permits States and companies to focus on protecting and promoting the speech of all, especially those whose rights are often at risk, while also addressing the public and private discrimination that undermines the enjoyment of all rights.” End quote.

As online dialogue takes place largely on private platforms, global technology companies play a critical role in managing content as well as contributing to the establishment of well-articulated legal frameworks that adhere to international standards and are aimed at regulating public forms of expression. Companies often establish parameters for moderating content and can be instrumental in safeguarding freedom of expression; however they also have an obligation to ensure that hate speech and discriminatory misinformation campaigns are quickly and routinely removed, and accounts are shut down when such content is accurately identified.

This is obviously a complex balancing act for governments as well as for social media companies. Qualifying hate speech is not always straightforward, yet it is essential to determine the appropriate action including, if required, a legal or judicial response. There are many tools that have been developed to assist governments, policy makers, and lawyers and judges with the necessary information to devise and implement appropriate plans and strategies, as well as laws and policies.

In recognition of the increasing urgency to provide such support, the UN Human Rights Office engaged in a two-year process to develop the Rabat Plan of Action which contains six criteria to help policy-makers and judges assess three types of speech. They include speech that should be outlawed and face criminal, civil or administrative sanctions; speech that may be restricted, provided the restriction meets the criteria of legality, legitimacy, necessity and proportionality; and speech that, even if deemed inappropriate or hurtful, must be upheld and protected.

In addition to the Rabat Plan of Action, the UN has put forward considerable guidance material including the SG’s UN Strategy and Plan of Action on Hate Speech in 2019 as well as a Guidance Note on Addressing and Countering COVID-19 related Hate Speech this year. Special Procedures Mandate Holders have issued important reports on hate speech and the UN Committee for the International Convention on the Elimination of All Forms of Racial Discrimination published in 2013 General Recommendation 35 on combating racist hate speech. It is critical that governments across the region ensure that they have ratified the Convention and have strong enabling domestic legislation to support the implementation of their legal obligations when they are a State Party.

Our Regional Office stands ready to continue engaging with our partners and key stakeholders in the region to address all forms of hate speech, including through social media.

I wish you a very productive two days, and I look forward to hearing about the outcome of your deliberations. Thank you for the opportunity to be with you today.