**Explanation for recommendation process**

**and**

**Closing statement**

**20 October 2020**

Moderator: Anna-Maria

Good morning. Good afternoon. And good evening everyone from many time zones.

Yesterday I referred to one of the functions of these regional forums on the human rights of minorities as seeking to make the 2-day UN Forum held each year at the United Nations’ Palais des Nations more accessible and responsive to regional contexts and realities.

No one would seriously disagree that an event of only a day and a half in Geneva, with more than 600 participants sufficiently permits to truly consider or respond to the worldwide diversity and complexities. It simply cannot be done.

That’s why I announced in 2017 the objective of a regional approach to the mandate in order to try to give more space and time to regional voices, insights, experience and expertise, and in particular to enrich the rather rigid format in Geneva by providing recommendations which truly come from and reflect the reality in different regions of the world. Many of you already mentioned how important this regional forum was to give you access and a presence which you might not have otherwise.

It is for this purpose that you were asked to develop recommendations in each thematic session. These include recommendations by experts, moderators, interventions of participants and written submissions of recommendations made prior to and during the regional forum. I believe you can still make final comments on specific recommendations using the Zoom chat function – although I stand to be corrected if this is not the case.

All recommendations submitted, more than 50, were collated by the organisers, duplicates were excluded and some of them were clustered thematically together.

Recommendations which have nothing to do with the theme of the regional forum would also be excluded. The response has been overwhelming, as I think will be explained in a few moments.

I think it is important for you to also understand that while the recommendations emanate from this regional forum, it is an event which is organised under my mandate as Special Rapporteur, and that ultimately I must determine the final set of regional recommendations following the criteria I have just mentioned.

As occurred last year when we had the first three regional forums on the issue of education and the languages of minorities, these regional recommendations will be available to this year’s 13th UN Forum on Minority Issues, which is occurring on 19 and 30 November on the same topic, and form part of the formal recommendations in my annual report to the UN Human Rights Council. Eventually, I hope to be as Special Rapporteur in a position to also use these recommendations to draft guidelines or a practical guide on combating hate speech in social media which targets mainly minorities. As you have heard yesterday and today, this is perhaps one of the great challenges of this century.

As I have emphasised, the final recommendations must and will deal with how to address the increase of hate speech in social media targeting minorities. I will not yet comment on these right now, but will do so when I make my concluding remarks on the two days of the forum.

I must however now turn over the floor to Anna-Maria Biro, the director of the Tom Lantos Institute, who will be moderating your exchanges and discussions during this session on the recommendations which have emerged from the regional forum.

Anna-Maria…

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Distinguished experts, panelists, participants. Ladies and gentlemen.

This is the end, my friends. Welcome back, though really this is not the last leg of the journey, but hopefully the beginning of a new process.

First: Congratulations and thank you. I start with congratulations, because despite the pandemic which forced us to rely completely on an online platform to hold our regional forums this year, these have been two days of extremely fruitful and thoughtful discussions, of sharing of expertise and insights, and of course especially drafting recommendations. Zoom fatigue is now sometimes occurring, but I must say the level of participation for an online conference has been very high and was maintained on the second day – something which almost never happens.

This regional forum succeeded being our wildest dreams in what was really one of the main objectives of this regional forum: to get a more regional expertise, perspective and understanding, but also points of views and suggestions on addressing the extremely complex and topical issue of hate speech, social media and minorities.

Despite the limitations of this format it seems to me that we have had yesterday and today some of the most focussed and insightful descriptions of the challenges we’re facing. We had about 200 registered participants, and the level of overall participation and the quantity and breadth of the recommendations we’ve received are truly impressive.

You’ll recall that one of the aims for the regional forums is to complement the UN Forum which will be held in Geneva next month by providing additional fora which are more accessible and responsive to regional contexts and realities. The contributions of the expert panelists were for the purpose of illuminating and inspiring reflection on these dimensions of hate speech for you, the participants and all those being asked to make recommendations for this regional forum, to create regional spaces so that especially the voices of minorities at the regional level be better heard and taken into account.

So that the contributions of the panelists can continue to inspire and their knowledge recalled and referred to, the Tom Lantos Institute will be putting up the statements of the panellists and the opening statements in a few days when they are available and with their permissions.

While I will not summarise the content and insights of the panelists, and indeed the official spokespersons statements, allow me to make a few brief observations of the main thrust of these two days of exchanges, beginning by one which may have perhaps gone by unnoticed:

* many if not most of those from minority backgrounds have been warning us that hate speech, its scale but also its violence, is increasing, dramatically so in the last few years in some cases. In other words the situation is getting worse, not better, and that’s despite the growing number of initiatives and legislation which has been put in place

I will not try to summarise all of the expert panelists’ contributions in our four sessions on the causes, scale and impact of hate speech targeting minorities in social media, International legal and institutional framework, the regulation of online hate speech, and measures for a safer space for minorities through positive initiatives to address online hate speech. It would neither be comprehensive nor do them justice. They did however bring home the extent that there still needs to be clarification first, on the obligations and responsibility of states to criminalise and punish forms of hate speech amounting to prohibited incitement in human rights law, secondly on the need of accountability and even liability of social media platforms for the consequences of certain forms of hate speech which amount to incitement or meets the threshold of speech which it is necessary to restricted under human rights obligations in order to protect the human rights of individuals such as members of minorities, and thirdly the much needed institutionalisation of independent mechanisms which allows for collaboration with civil society and even oversight. It was suggested that online hate prevention institutes, where civil society has an important role to play on regional but perhaps also global levels, need to be put in place and supported, and that is perhaps something the UN and other partners could look into.

We have heard from social media platforms that much more is being done on terms of human rights assessments and audits. Many of you have however pointed out that the dangers that hate speech represent have not diminished – and they are in fact increasing.

I heard many concerns that human rights audits or assessments by social media platforms are not necessarily minority sensitive, and indeed often make no direct reference to or acknowledge the overwhelming targeting of minorities – which suggests areas of future dialogue and collaboration in order to rectify this surprising omission. There’s much more that can be said, but I’ll limit myself right now to saying how much the amazing expertise and insights from Asia-Pacific will I’m sure have a great deal of impact on the processes which I think could emerge as a result of all of your contributions.

This brings me also to one overall comment about the business model that seems to be in place for too many social media.

Are we still in a context where hate pays and minorities suffer? If I can be perfectly blunt, although working constructively with social media platform owners is always to be preferred, currently the approach has been timid in relation to what some have described as the greatest propaganda for profit machines in history, reaching as we’ve heard billions in the space of hours, with little risk or liability.

And social media have already been used to commit hate crimes, and even acts of genocide. Let me repeat it: it is getting worse, not better, so much more needs to be done to protect the main targets and the most vulnerable, minorities. I have not heard any commitment from any of the social media platforms that they are working to address specifically the fact that minorities are in most countries the overwhelming targets of hate speech – in many place more than three quarters of all cases of hate speech. We heard also the reality that hate speech is being used to dehumanise and demonise minorities, particularly minority women in some countries, resulting in rape, violence, even murders and calls for pogroms and genocide. Ignorance breeds hate and sometimes violence – it is an illness with very real consequences that many of you noted and shared with us.

Freedom of expression must always be respected, but freedom of expression in international law recognises the possibility of restrictions by states as has been mentioned in the Rabat Plan of Action in two types of expression, that of incitement to violence or discrimination which should be criminalised, as well as where it is necessary regulation by necessary legislation to protect the human rights of others and for public order. In both these situations minorities are most likely to be those vulnerable.

This dimension has to be looked at more closely, but even where national legislation is in place it is not always being enforced, – particularly when it comes to hate speech directed against minorities - or the self-regulation of some of the social media platform owners is so opaque or under-resourced that it makes a mockery of commitments to fight online hate speech. States have obligations and responsibilities, but sadly sometimes they are part of the problem. They need to be guided, pushed or even sometimes dragged towards the right path.

To use an English expression, “the proof of the pudding is in the eating”, which means that the real value of something should be judged from practical experience or results and not from appearance”. And right now, though it may still be early, the pudding does not look so good since there is yet no perceivable improvement or downward trend in relation to the scale of hate speech targeting minorities in social media. It is still not clear that social media platforms incorporate minority vulnerability in their awareness training, policy documents, in their human rights impact assessments, or in assisting minorities to counter-speech hate speech. National, ethnic, religious and linguistic minorities are almost never consulted or tools or initiatives, or there may only be a tokenistic appearance. It may be necessary to establish some sort of global oversight board to measure how well or not so well to there responsibility to hear and embrace the presence of those most affected by hate speech – minorities. Perhaps some kind of report cards on minority awareness and action impact for each social media platform should be publicised.

This brings me to another general observation: very, very few of the initiatives from international or regional organisations directly acknowledge the scale and ferocity of hate speech against minorities directly – despite available data, some of it acknowledged yesterday and today, it seems to be the case that everywhere minorities are the main targets of hate speech. As I said yesterday, where data is available, 70, 80 even 90 percent or more of hate speech and hate crimes target minorities, and we mustn’t forget that immigrants and refugees are almost all minorities of one kind or another.

Yet, while Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is a United Nations initiative which clearly and often refers to minorities as the main targets of hate speech, this does not seem to be sufficiently acknowledged, considered or addressed directly in most initiatives we are seeing in Asia-Pacific and the UN, though there is talk about anti-semitism, or Islamaphobia. But we’re running out of descriptives for hate speech against Asians, or people of colour, or members of different casts who are all minorities – and targeted because it’s easy and convenient for extremists and racists to scapegoat and dehumanise those who are less able to defend themselves against the majority.

It is not helpful nor illuminative to refer to more veiled language and simply or generally refer to ‘groups’ or ‘communities’. Groups or communities are not holders of human rights in international law, but minorities are – and this should figure prominently in documents and initiatives which are supposed to combat the demonising of some of societies most vilified or vulnerable. It is not helpful if governments or social media platform owners say they do not like to use the word minority – it hides the true scale and horror of those who are most of risk of hate speech and violence which may result – and does result very clearly as we heard concerning Dalits, Muslims and other minorities in some countries.

Having said that, it was made abundantly clear that we are facing a hugely complex interaction between freedom of expression, the allowable restrictions in international law to protect the human rights of minorities by law where necessary, and the obligation to prohibit with advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It was also made abundantly clear that there needs to be clarity and certainty offered by an international legal framework as an essential element, but this is clearly not a sufficient one. There needs to be regimes of responsibility and accountability for the main actors involved: states, social media platform owners, and individuals producing and spreading hate speech, but also constructive dialogues and collaboration and positive awareness raising programmes and other measures to counter hate speech, misinformation and disinformation.

I noted that there can be prohibitions or restrictions to hate speech which does not involve criminalisation, but might still be necessary to protect the human rights of minorities, including the financial liability of social media platform owners which in many countries is in fact non-existent, even though it exists for traditional media. Yes, I know it’s difficult with social media which do not exist physically in one country, but it is still a dimension to be looked at more closely.

Just to be clear: the international community still has much more to do in order to define hate speech, though there are some definitions floating around as we also heard yesterday, where states can and I would say must adopt the proper balancing act for regulation as contained in provisions such as Article 19 of the Covenant on Civil and Political Rights which is supposed to be the reference point for human rights in this area, including most Asia-Pacific states, that require regulation of hate and other speech in order to protect the rights of minorities, and also greater clarity and guidance where there is an international legal obligation to prohibit, through criminalization or other appropriate means, advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Rabat Plan of Action is a positive tool for this purpose in my opinion.

The need for disaggregated data on hate speech came up often, but I still wanted to emphasise how critical it is for this data to identify the who are the main victims of hate speech and hate crimes: minorities. Effective solutions cannot be tailored if there is no reliable data on which to base policies and other measures to combat hate and racism. Perhaps this should also be a legal requirement that states should impose on social media platform owners who it seems are not yet willing to collect or divulge this data – though we all know they collect huge amounts of personal data in order to monetize the vast amount of individual information they have on their users.

Policies and ensuring respect for human rights at this critical juncture cannot solely be based on repression. The core issue which has allowed to turn social media spread of misinformation, disinformation and obviously also hate into a virus which is poisoning our societies and must be addressed. As Averroes, the Arab philosopher pointed out, ignorance leads to fear, fear leads to hate, and hate leads to violence. Education and awareness-raising and the promotion of inclusive societies need also be an important part of the mix of measures to dam this tsunami, as described by the UN Secretary General last year, to tackle the ‘disturbing groundswell of xenophobia, racism and intolerance’ and prevent social media from ‘being exploited as platforms for bigotry’ and becoming the greatest propaganda tool in history – and benefiting by it.

Before concluding, let me mention again what I shared with you earlier. This regional forum is part of a process, and not an end in itself, a process which will be continuing next year. Although we haven’t done this before, my mandate will from now on forward recommendations to those to whom they are addressed. In the past, these recommendations were essentially only presented to the UN Human Rights Council. We will be exploring this new approach as a procedure which should be part of othe established practice for this mandate.

The recommendations will continue to be worked on and used at various stages, including being available for participants at the upcoming UN Forum on Minority Issues in Geneva next month, which it now looks will have to be mainly online, and hopefully to inspire and contribute to the eventual drafting of practical guidelines or other initiatives with the United Nations.

I hope that the two regional forums we’re holding before the Geneva UN Forum will allow us to contribute more in what is as we’ve heard one of the central challenges of this particular historical moment and unprecedented situation in a changing, uncertain and stressful world. I am also looking forward to working with many of you in these next steps in the process, including at the Geneva Forum for those who can make it.

By way of conclusion, on a much more positive note, let me now turn to congratulations and thanks, because I believe these regional forums and what you have contributed can make a difference.

Organising regional forums when you are an independent Special Rapporteur is not a simple task, and it would not be possible without the support and contributions of many, many parties.

Thank you to the chairs for their steady hands for a task well done in a format which is not always easy to navigate. Thank you Jerald, Meena, Sriprapa and Taisuke for their amazing moderating skills, tact and guidance in our four sessions.

This regional forum has been in my opinion absolutely outstanding in terms of the depth and breath of the insights and contributions made by the expert panelists: it has been one of the richest, most illuminating regional forums we have had up to now, and I hope we will continue to be able to pick the brains of many of you. So let me say to all the panelists, Myungkoo, Matthew, Manjula, Arjun, Puja, Naumana, Sangyun, Sajjad, Alex, Wai Wai, Andre, Mariya, James and Kathleen - well done, and thank you.

Among those who have contributed by supporting and collaborating on the organisation of this first 2020 regional forum on hate speech, social media and minorities, let me express my gratitude to the Asia-Europe Foundation, the International Movement Against All Forms of Discrimination and Racism, the Institute of Human Rights and Peace Studies Mahidol University, Minority Rights Group, and Pusat KOMAS of Malaysia. If I have omitted any partner organisation, my apologies in advance for my fault. It is a regret that we were not able, because of the pandemic, to hold this regional forum in Malaysia as planned, as we were not able to hold two other regional forums: one for the Americas and another for Africa and the Middle East.

To all of the staff and team from Tom Lantos Institute, as well as Lilia, Isabelle and Marina from the United Nations Forum staff in Geneva, for the many weeks, even months, and long hours of work while under some stress for the preparation of our first online regional forum. I wanted to point out to you that this in my opinion was an extremely well structured and coherently organised zoom conference. It may seem that it was all running smoothly and naturally, but let me assure you there was a lot of action behind the scenes by the many members of the Tom Lantos team, and probably a bit of a sleepless night last night.

And I do hope I don’t forget anyone by naming the members of the Tom Lantos team: Sean, Evelyn, Nikoletta, Markus, and Daniel. Thank you, you can go rest with a smile very, very soon.

To Anna-Maria, the director of the Tom Lantos Institute. Anna-Maria, your assistance, audacity and courage even in embarking of this journey where many said it could not be done, and your dedication and contributions to this regional forum is indeed appreciated and acknowledged. It could never have happened without you and the Tom Lantos Institute. Kosonom.

Finally and especially, thanks to all of you who as participants, experts, the representatives from the OHCHR, UNESCO, the Organisation of Islamic Cooperation, the Asia-Pacific Forum of National Human Rights Institutions, and the ASEAN Intergovernmental Commission on Human Rights, state representatives and especially representing minority groups and organisations and minority rights defenders and activists with whom I hope we can work together to make and a better world but also a better forum – but most especially, to contribute to a better understanding and guidance on how to more follow recognise and implement the human rights of minorities.

Thanks to all of you, and I look forward to continuing to work with many of you as this is obviously going to be a very long road to travel to find a difficult, but necessary, balance.

I’m happy also that we’re finishing on time, as I have been up since 1 in the morning in Eastern Canada and even United Nations special rapporteurs need to sleep and rest.

Good bye everyone, thanks to you all, and stay safe and healthy, and hope to be able to meet and work with some of you in the near future.