

# UNHRC: POLICING INTERNET HATE SPEECH

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## JACKRABBITMUN I

L.B. POLY - MAY 25th

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# BACKGROUND GUIDE TABLE OF CONTENTS

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Head Chair Letter.....3

Position Paper Guidelines.....4

Topic: Policing Internet Hate Speech.....5

Bloc Positions.....9

References.....11

Questions to Consider.....12



# HEAD CHAIR LETTER

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Dear Delegates,

Welcome to Jackrabbit MUN I and the United Nations Human Rights Committee. My name is Emily Hardesty, and I am a junior at Poly High School. I am born and raised in Long Beach but desperately want to move back East. On the weekends you will typically find me in Bixby Joe looking very confused trying to do my homework. I became involved in Model UN as a sophomore and have constantly been writing position papers since. Outside of MUN, I play varsity soccer at Poly and volunteer for political campaigns (you guys should seriously volunteer for Lena Gonzalez's state Senate campaign).

I am extremely excited to be your Head Chair and to be working with all of you. The issue of policing internet hate speech is a relevant issue across the globe with its own unique challenges. Policy widely varies between countries, and states that are usually enemies find themselves in a general consensus with each other. This modern issue could use some ideas from a new generation. With your insight and intellect, I am sure amazing ideas will be discussed. I look forward to seeing some great debate and creative solutions.

Sincerely,

Emily Hardesty

UN Human Rights Committee, Head Chair

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# POSITION PAPER GUIDELINES

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## JACKRABBITMUN I POSITION PAPER GUIDELINES

- Position Papers are due at 11:59 PM on May 15th, 2019
- Position Papers should be emailed to: **unhrc.jackrabbit@gmail.com**
- Papers should be 1-2 pages in length with an additional page for citations.
- Papers should be single-spaced in Times New Roman 12 pt. font and include no pictures.
- Please include the following sections for each committee topic:
  - Background
  - Past Actions by the Committee
  - Position of your Country/Person
  - Possible Solutions
- At the top of each paper, include your country/person, name, committee, and topic.



# TOPIC: POLICING INTERNET HATE SPEECH

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## BACKGROUND

After the conclusion of World War II, the UN released the Universal Declaration of Human Rights. While cementing basic human rights, it also laid the foundation for the contemporary debate over the regulation of hate speech and its role in perpetuating discrimination and violence--an issue that is complicated by the lack of an internationally recognized definition of hate speech. The UN has taken a firm stance on combating racism, racial discrimination, xenophobia and related intolerance at the national, regional, and international level. Even European countries that have historically championed free speech have taken a hard line on hate speech.

Hate speech perpetuates discrimination and, with the aid of the internet, spreads prejudiced ideas at an unprecedented rate. But hate speech is not just relegated to the virtual sphere; it has also inspired tangible violence. Mass killers have used media to gain notoriety and interact with people in a way that had formerly been impossible. Full manifestos can be widely circulated and explicit videos can be viewed easily through video sharing sites. The Christchurch, New Zealand shooter live-streamed his attack on a mosque, and the video and his manifesto have been widely circulated online. Despite attempted regulation, the video can still be viewed. Social media has encouraged mobilization of white supremacists, and through the use of Facebook, hate speech has also fueled genocide in areas including Rwanda, Myanmar, and Sri Lanka.

Regulating the internet has proven to be a difficult task because it walks a fine line between unjust censorship and protecting targeted groups. The controversial case of Mark Meechan has garnered international attention. Meechan, a Scottish YouTuber, taught his dog to do a Nazi salute on command. While he claims what he did was a joke, he has faced legal repercussions for what has been seen as a xenophobic act. This case magnifies the subjectivity of hate speech and the sometimes unpopular intervention of regulatory agencies. Governments have placed responsibility on social media platforms to better regulate their sites against intolerant speech. Facebook, Twitter, and Youtube have been highly criticized and have attempted to implement



new content review techniques and rely on users to “flag” content. However, because of the mass amount of content that gets uploaded to these platforms, and the partisan nature of many of the users that do the “flagging,” many posts get overlooked.

This line is especially difficult to navigate because the term “hate speech” does not have an internationally recognized definition. This ambiguity is necessary if the term is to remain applicable to the rapidly evolving situations of the cyberspace. However, it also causes discrepancies over what is considered hate speech. Governments are left struggling to address the issue with nothing more than vague and often qualitative guiding principles. For instance, the EU has stated that certain forms of racism and xenophobia may be punishable by criminal law. Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR) stated that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence may be prohibited by law. However, the ICCPR also promoted sweeping protections on “ideas of all kinds” only a few lines earlier and granted only some general exceptions to those protections in Article 19(3).

Europe has been at the forefront of mitigating online hate speech. In the 2015 case of *Delfi vs. Estonia*, the European Court of Human Rights declared that an internet news portal was liable for the online comments of its users. The court has also ruled that forms of expression that spread, incite, promote, or justify hatred based on intolerance may be sanctioned. This allowed Germany to pass its Network Enforcement Act, which requires companies to take down illegal content within twenty-four hours or risk fines and set the stage for a more direct strategy in British enforcement that detained 3,300 people in 2016 for comments they made online. Additionally, government officials in France are increasingly addressing intolerance. The French Interior Ministry announced that anti-Semitic attacks increased by 74% in 2018. President Macron responded to the vandalism of a Jewish cemetery by stating, “We will punish them. We will take actions that are strong and clear,” and Prime Minister Philippe condemned anti-Semitic incidents in a speech to the National Assembly. In the midst of the Yellow Vest protest, a protester was detained for making an anti-Semitic insult. The Council of Europe has also implemented several programs to combat hate speech and propaganda on the internet with a special outreach to youth, and media literacy has even become a required course in the UK, Sweden, and Ireland.



Regardless of various nations' differences in methodology, there is little disagreement that something must be done. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa adopted The Durban Declaration Programme of Action which urged for action against the spread of hate speech and propaganda online. The European Commission against Racism and Intolerance has also recommended policy for regulating hate speech. However, there are some notable exceptions to this ideology. Poland and Hungary have been vocal in their anti-EU and anti-immigrant views and have not been effective in ensuring minority protections. Other countries such as Italy, Germany, and Austria have seen a rise in right-wing movements and politicians due to their anti-immigrant platforms.

Within this issue, it is also important to note that the regulation of speech can contribute to an undemocratic state and set precarious precedents regarding free speech. Censorship laws in Venezuela have been used to prosecute journalists, and in Russia they have been used to silence critics of the Kremlin. Recently, Jamal Khashoggi, a critic of the Saudi government, was killed in Istanbul. Authoritarian governments and illiberal democracies like China use censorship as a tool to control national opinion. These examples should remind us of the need for balance between preserving free speech and the duty of state to protect against violence and intolerance.

## **UN INVOLVEMENT**

In 2015, the UN Alliance of Civilizations led a symposium on Tracking Hatred. UNAOC representatives called for all citizens to help regulate internet content and urged the UN to take greater action in monitoring online activity. Earlier in 2013, OHCHR advised the Rabat Plan of Action which made recommendations on the implementation of Article 40(2) of ICCPR. This plan evaluates the aspects and implications of speech. The UN has been adamant about condemning hate speech, with some factions focusing on extremist groups and groups that target Muslims and other UN affiliates going as far as to expand the scope of hate speech. In further affirmation against hate speech, UN Secretary General Antonio Guterres gave a speech to the United Nations Human Rights Council stating that “hate speech is a menace to democratic values, social stability, and peace. It spreads like wildfire through social media, the internet, and conspiracy theories.” This trend is not without resistance, however. The UN Special Rapporteur



on freedom of opinion and expression, David Kaye, acknowledged the growing concern about propaganda and “fake news” and warned that censorship could be contrary to human rights law. He also reported that private enterprises should not be able to censor, as it could pose as a violation towards human rights. He, along with other UN officials, have interpreted hate speech as an umbrella term that covers propaganda and misleading information.

The UN has also sent representatives to Silicon Valley and tried to build greater relationships with tech companies. The UN and Facebook officials have discussed the role of Facebook in the spread of hateful rhetoric in Myanmar. However, the UN is progressing at a slow pace, making it challenging to address the rapidly evolving issues of the online sphere.





# BLOC POSITIONS

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\*This council has 47 standing members. For the purpose of facilitating lively debate, the countries for this committee have been selected from the 114 countries that are currently members, or have been members of UNHRC. Special consideration has also been paid to the diplomatic policy of each country, and for that reason the US is absent from this committee. UNHRC distributes seats based on region with 13 seats going to African States, 13 seats to Asia-Pacific states, 8 seats to Latin American and Caribbean states, 7 seats to Western European and other states, and 6 seats to Eastern European states. The regional distribution of seats has been upheld in this committee.

## **WESTERN EUROPE & OTHER STATES: AUSTRALIA, GERMANY, FRANCE, UK**

Europe is dealing with an influx of migrants from war-torn regions, which has led to nationalist sentiments and greater intolerance of immigrants, especially Muslims. In response, many governments have passed policies to reduce the prevalence of hate speech. While the UK and France have policed hate speech, Australia has been apprehensive towards censorship, and Germany has a growing right-wing movement that is hostile towards migrants.

## **ASIA-PACIFIC STATES: CHINA, INDIA, MYANMAR, REPUBLIC OF KOREA, SAUDI ARABIA, IRAQ, JAPAN**

Most of these countries have have historically utilized censorship as a societal control and have typically supported regulations towards hate speech since many of their policies already highly regulate media. Japan has also passed laws against hate speech but censorship is considered unconstitutional . This region has also experienced genocides and extremism that have been facilitated by online hate speech.

## **AFRICAN STATES: EGYPT, KENYA, NIGERIA, RWANDA, SOUTH AFRICA, TUNISIA, UGANDA**

Hate speech has played a role in the political, ethnic, religious, and national violence in Africa. The Rwandan genocide, for instance, was facilitated by online social networks.

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South Africa has an anti-hate speech law that prohibits propaganda for war, incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender, or religion. However, some African states believe that free speech plays a role in peaceful communities. In Nigeria and Kenya there are no explicit policies to deal with hate speech, and although Uganda criminalized directing hatred, contempt, or disaffection towards someone based on religion or ethnic origin, no one has been convicted under this offense.

**LATIN AMERICA & CARIBBEAN STATES: ARGENTINA, BRAZIL, CUBA, MEXICO, PERU, VENEZUELA**

Racist speech about Afro-descendants is common in Latin America. Racism has manifested in Argentinian children's songs, Brazilian school textbooks, and Venezuelan pop music. Consequently, there has been a growth in black social justice organizations, and more Latin American nations are beginning to view hate speech laws, including the regulation of online media, as a way of combating racism. However, they have also used these ambiguous laws to censor media.

**EASTERN EUROPEAN STATES: HUNGARY, POLAND, REPUBLIC OF NORTH MACEDONIA, RUSSIA**

Poland, and Hungary have long-standing hate speech laws which appeared after World War II, but Hungary and Poland have been outspoken in their disapproval of migration to Europe and have not been proactive in protecting minorities. Russia has been in favor of prohibiting hate speech and has historically utilized censorship. Macedonia has seen a sharp rise in hate crimes related to sexual orientation, political beliefs, and ethnicity.



# REFERENCES

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- <https://bit.ly/2Pbrdip>
- <https://wapo.st/2GofzoI>
- <https://bit.ly/2O7txGK>
- <https://news.un.org/en/tags/hate-speech>
- <https://bit.ly/2XcZlNB>
- <https://bit.ly/THuHej>
- <https://wapo.st/2UUgfTX>
- <https://bit.ly/2JtHQm4>
- <https://nyti.ms/2twukYl>
- <https://bit.ly/2IAvlXR>
- <https://bit.ly/2v43Qyd>
- <https://n.pr/2ZcpyxM>
- <https://bit.ly/2Z9BC2R>
- <https://bit.ly/2GeJ1Fi>
- <https://bbc.in/2yv3hPS>



# QUESTIONS TO CONSIDER

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1. What are the implications and limitations of existing definitions of hate speech?
2. How does your country utilize censorship or promote free speech?
3. What role should private companies play in regulating hate speech?
4. Who is propagating or spreading hate speech, and who are the targets?
5. What are the risks of regulating speech?
6. What are efficient and effective ways of regulating internet speech?

