Hate Speech in Political and Ideological Discourse:

A Conceptual Framework\*

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Dignitaries, Excellencies, Distinguished Experts, Ladies and Gentlemen,

As of today May 6, 2019 and after about 20 years since DDPA was adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance Conference in 2001, I say with confidence that the Durban Declaration and Program of Action is still relevant to deal with the challenges of today to combat racism, racial discrimination and related intolerance.

We gather here at the United Nations in Geneva to reaffirm that all people and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights and to reaffirm that any doctrine of racial superiority along with ideologies of so called distinct human races are strongly rejected and must be declared as legally and morally wrong and dangerous and will not be tolerated.

In spite of progress achieved in the implementation of DDPA since its adoption in 2001, the battle against racism, racial discrimination, xenophobia and related intolerance seems far from over. Obstacles and challenges faced then remain to be overcome today. World peace, regional and national tolerance, social tranquility and human rights are threatened by the rise of violent incidents of racism, racial discrimination, xenophobia, and related intolerance in several places of the World fueled by a global rise of hate speech in political and ideological discourse, especially against immigrants, persons of different faith, cultures and languages or national minorities.

Cultural diversity is a cherished asset for the advancement and welfare of our nations and societies. Undoubtedly, cultural diversity must be valued, enjoyed, genuinely accepted and embraced as asset enriching human societies and adding to their strengths. Hatred that constitutes incitement to racial discrimination, hostility, or violence must be prohibited and criminalized by law in accordance with international obligations of States. All forms of racial discrimination and xenophobia based on political or ideological incitement to hostility, discrimination or violence must be declared as a serious offense punishable by national and international laws, while not undermining the guarantied rights of freedom of opinion and expression as stated in international human rights law. Political will and states’ commitment are essential requirements to ensure full and effective implementation of DDPA which constitutes a solid foundation to winning the fight against racism, racial discrimination, xenophobia, and related intolerance. In some areas, xenophobic attitudes and negative stereotyping of non-citizens by politicians, law-enforcement officers, and immigrations officials, in several countries and where in the social media, have led to violence and hatred to immigrants, refugees and racial and religious minorities. Almost all racial discrimination, hostile attitude, and violence found to be linked to political and ideological hate speech contains a component of incitement to national, racial, or ideological hatred.

Hate speech in political and ideological discourse played a major role and often responsible for hate crimes and violence which resulted in genocide and slaughters of hundreds of innocent men, women, young people and children at mosques, churches, synagogues, schools, markets, entertainment events and other public places. Political and ideological hate speech in all forms and manifestations must be taken seriously and hold individuals or organizations behind it legal and criminal responsibility. A minimum requirement, is to enact comprehensive national and international legislations against incitement to discrimination, hostility, and violence, including civil, administrative and criminal law and regulatory instruments, as well as regional and national cooperation, coordination with strategies and action plans.

Political and civil leaders must refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination against immigrants, racial and religious minorities and other individuals and groups of different cultures, gender, race or political and ideological associations.

Legislations, policies, political and ideological practices based on xenophobic fear must be condemned and strongly rejected.

DDPA paragraph 150 calls upon all states to oppose all forms of racism and take effective measures and act to prevent the emergence of political and ideological movements based on racism and discriminatory ideas concerning any communities. Furthermore, any advocacy of national, political or ideological hate speech that constitutes incitement to racial discrimination, hostility or violence must be prohibited and criminalized by law.

With all legal respect and protection, and human rights guarantees to freedom of speech and expression, hate speech can be restricted under articles 18 and 19 of the ICCPR on grounds of respecting rights of others, maintaining public order, and preserving national security. Additionally, under Article 20.2 of ICCPR, and under Article 4 of ICERD hate speech can be restricted and prohibited.

As a matter of importance to combat racism, racial discrimination, xenophobia and related intolerance, States are required to adopt a comprehensive anti-discrimination strategy that includes preventive and punitive measures to effectively combat political and ideological incitement to hatred. Political parties need to adopt and enforce ethical and legal guidelines in line of international law and human rights standards to ensure political accountability and legal responsibility of the conduct of their representatives, particularly with respect to pubic speech in political campaigns.

Unequivocal formal rejection of hate speech by high-level public officials and condemnation of hateful ideas expressed in political and ideological discourse play a critical role in promoting a culture of tolerance and respect to others who happen to be different. A prompt and coordinated international response must be taken to combat rapidly emerging acts of hate speech and racist material through the new information and communication technology including the internet.

Final Note:

In spite of all national and international conventions and conferences, legal and institutional measures, racism, racial discrimination, xenophobia and related intolerance persist and manifest itself in different forms of hostility, racial discrimination, and deadly violence incidents, presenting challenges and threats to World peace, economic and political development, regional and international cooperation and affecting social solidarity, tranquility and tolerance. Today hate speech in political and ideological discourse and violence are on the rise, especially in countries and societies where immigrants and racial and cultural minorities move in thousands fleeing regional and national arm conflicts, deteriorating quality of life, political instability and economic uncertainties in some countries in the Middle East, Africa, South Asia, and South America.

We have to ask ourselves if the World is losing the fight against racism, racial discrimination, xenophobia and related intolerance? Why hate speech in political and ideological discourse continue to rise and spread chaos, violence, discrimination, and hostility in many areas of the World? What is it that needed to be done more outside the traditional measures and means to deal with incitement to hatred and racial discrimination? Does the World need to look for a different legal and political paradigms to combat racism, racial discrimination, xenophobia, and related intolerance? Or is it a problem of execution and lack of political will and commitment to enforce our international laws and human rights standards already adopted by the international community? I thank you.

\*Methodological Clarifications:

I did not intend to present a conceptual review of hate speech literature but to briefly refer to the main work of different UN documents made available on the UN web site. I made an attempt to summarize major legal and contextual findings and directly quote relevant statements to containing general major recommendations and outcomes over the past 20-40 years in the UN endeavor to combat racism, racial discrimination, xenophobia and related intolerance. I particularly refer to:

* International Convention on the Elimination of All Forms of Racial Discrimination, 21 December, 1965.
* World Conference Against, Racism, Racial Discrimination, Xenophobia and Related Indolence, 31 August to 8 September 2001).
* CERD Annual Reports (A/73/18, A/69/18, A/67/18, A/66/18, A/65/18, A/60/18).
* Human Rights Committee Annual Reports (A/69/40, A/68/40, A/66/40, A/63/40, A/61/40, A/56/40, A/52/40, A/47/4),
* Special Reports on Freedom of Religion or Belief (A/HRC/13/40, A/HRC/25/58, A/HRC/28/64).
* Vienna Declaration and Program of Action, 25 June 1993).
* The General Conference of the United Nations Educational, Scientific, and Cultural Organization, 27 November 1978.
* Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatted that Constitute Incitement to Discrimination, Hostility or Violence, 5 October 2012.
* General Recommendation No. 35, Combating Racist Hate Speech, Committee on the Elimination of Racial Discrimination, 12-30 August 2013.
* Resolution Adopted by the General Assembly, 19 December 2017 to combat Racism, Racial Discrimination, Xenophobia and related intolerance.