

The Prohibition of Incitement to Hatred

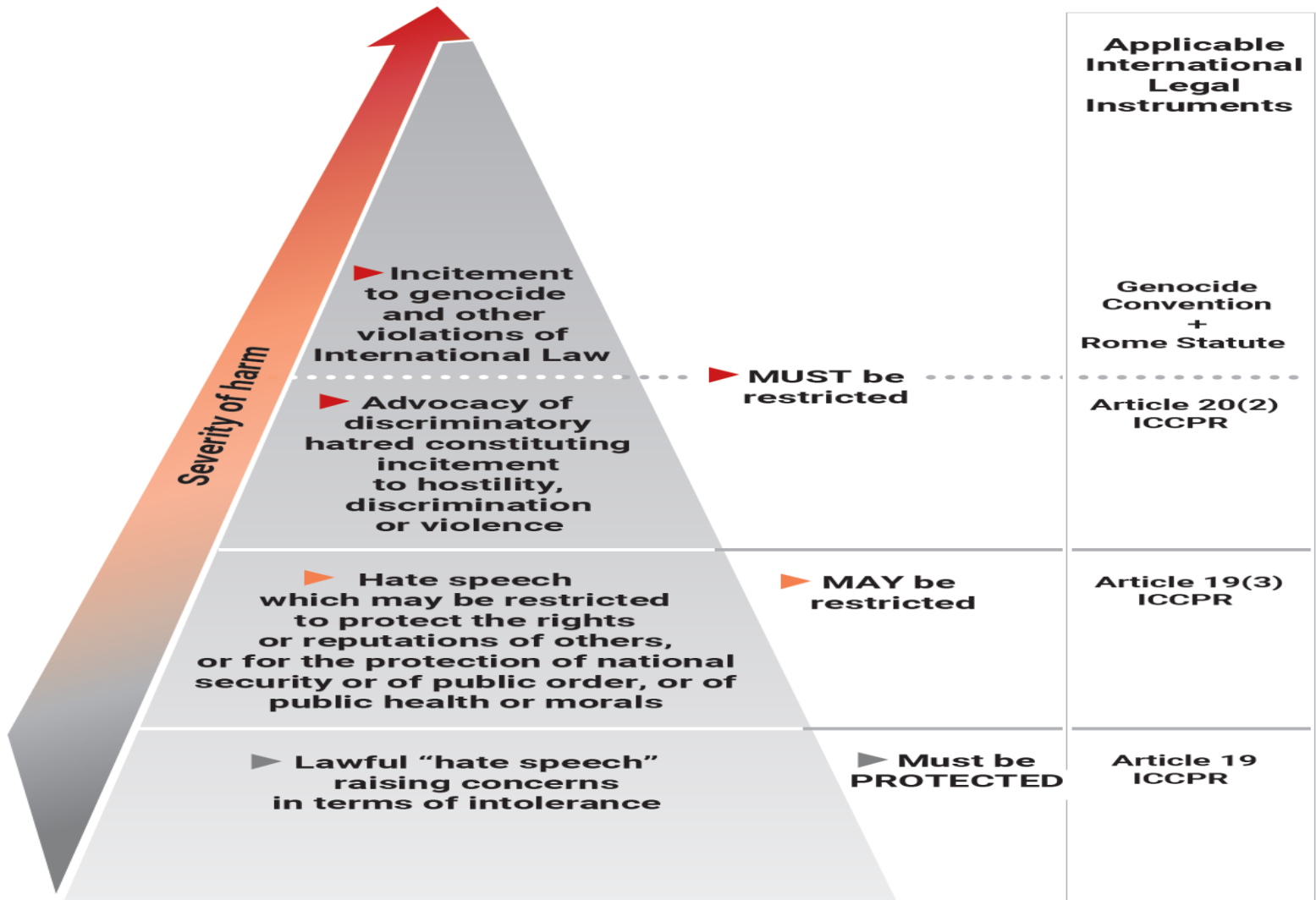
September 2025

Michael Wiener (michael.wiener@un.org)



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Hate speech pyramid (Article 19)



Related International Human Rights Standards

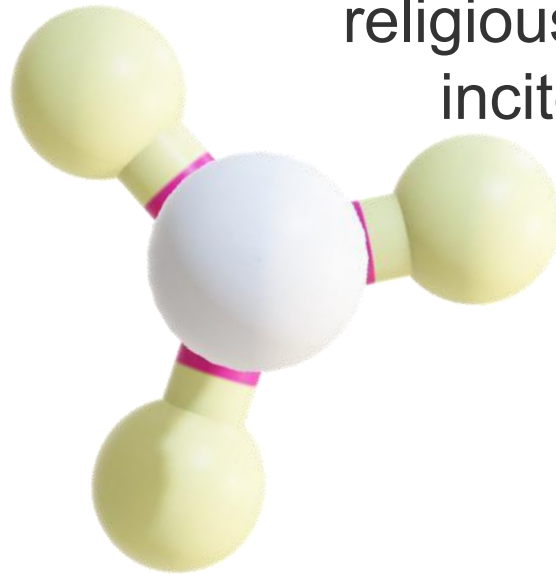
- **International Convention on the Elimination of Racial Discrimination (1965)**
- **International Covenant on Civil and Political Rights (1966)**
- **Human Rights Council resolutions**, including 16/18 (2011), 53/1 (2023) and 55/16 (2024)
- **Rabat Plan of Action** on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (2012)
- **Beirut Declaration on “Faith for Rights” (2017)**
- **UN Strategy on Hate Speech (2019)**
- **#Faith4Rights toolkit (2020)**



Overview of legally binding norms

Article 19 of ICCPR:

Freedom of opinion and expression



Article 20 of ICCPR:

Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

Article 4 of ICERD: Dissemination of ideas based on racial superiority or hatred

International Covenant on Civil and Political Rights (article 19)

1. Everyone shall have the right to hold **opinions** without interference.
2. Everyone shall have the right to freedom of **expression**; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain **restrictions**, but these shall only be such as are **provided by law** and are **necessary**:
 - (a) For respect of the **rights or reputations** of others;
 - (b) For the protection of **national security** or of **public order** (*ordre public*), or of **public health or morals**.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

International Covenant on Civil and Political Rights (article 20)

1. Any **propaganda for war** shall be prohibited by law.

2. Any **advocacy of national, racial or religious hatred** that constitutes incitement to **discrimination, hostility or violence** shall be prohibited by law.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

International Convention on the Elimination of Racial Discrimination (article 4)

- States Parties [...] with due regard to the principles embodied in the **Universal Declaration of Human Rights** and the rights expressly set forth in **article 5** of this Convention, inter alia:
 - (a) Shall declare an offence punishable by law all
 - **dissemination of ideas based on racial superiority** or hatred,
 - **incitement to racial discrimination,**
 - **acts of violence or incitement** to such acts
 - against any **race** or group of persons of another **colour** or **ethnic origin** [...]

Human Rights Council resolution 16/18

- Para. 5: “Notes the speech given by Secretary-General of the Organization of the Islamic Conference at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect, by: [...]
- (e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;
- (f) Adopting measures to criminalize incitement to imminent violence based on religion or belief”



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Rabat threshold test



Context of the statement



Speaker's position or status



Intent to incite audience against target group



Content and form of the statement

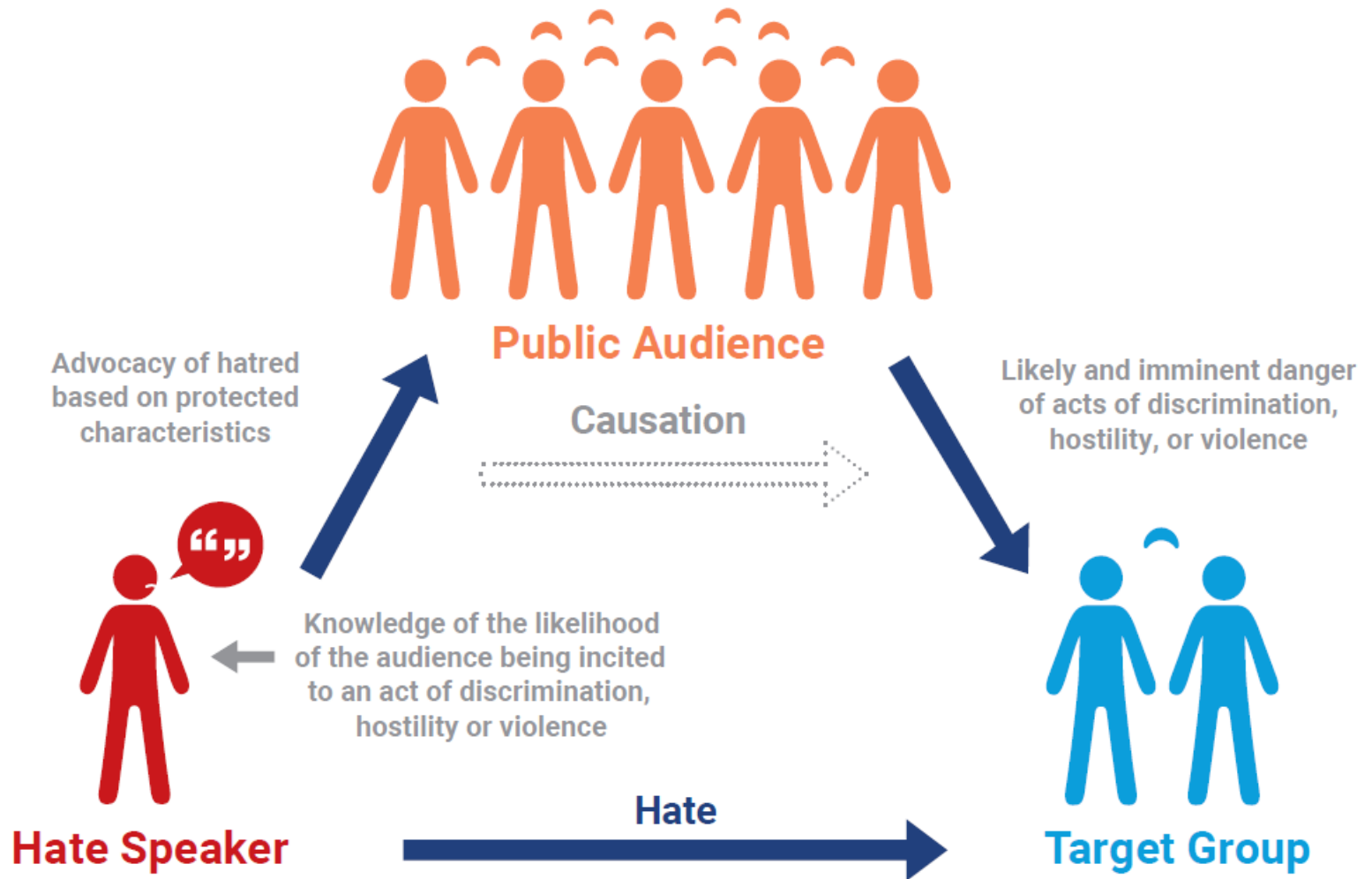


Extent of its dissemination



Likelihood of harm, including imminence

UN Strategy & guidance for UN field presences



Engagement with social media companies

- **Independent International Fact-finding mission on Myanmar**
- **Meta Oversight Board**, recent decisions citing:
 - UN Guiding Principles on Business and Human Rights
 - Human rights treaties (ICCPR, ICERD, ICESCR, CRC and CEDAW)
 - Rabat Plan of Action
 - General comments by UN treaty bodies
 - Reports by UN Special Rapporteurs



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Meta Transparency Center on hate speech



f 31.5M
Content actioned
Apr-Jun 2021



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Beirut Declaration and its 18 commitments on “Faith for Rights”

The 18 commitments on “Faith for Rights”

التعهدات الثمانية عشر حول "الإيمان من أجل الحقوق"

1 Conscience	2 Interaction	3 Interpretation	4 Secularism	5 Gender	6 Minorities	7 Hatred	8 Monitoring
18 Tools	<p>We commit... .. عهدينَا</p> <p>Faith for Rights</p> <p>الإيمان من أجل الحقوق</p>						9 Disqualification
17 Research	16 Spirituality	15 Non-coercion	14 Neutrality	13 Youth	12 Education	11 Criticism	10 Instrumentalization

Commitment VI on minority rights

- We pledge to stand up for the **rights of all persons belonging to minorities** within our respective areas of action and to defend their freedom of religion or belief as well as their **right to participate equally and effectively in cultural, religious, social, economic and public life**, as recognized by international human rights law, as a minimum standard of solidarity among all believers.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Commitment VII on incitement to hatred

- We pledge to **publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility**, including those that lead to atrocity crimes. We bear a direct responsibility to denounce such advocacy, particularly when it is conducted in the name of religion or belief.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Commitment VIII on continuous review

- We therefore pledge to establish, each within our respective spheres, policies and methodologies to **monitor interpretations, determinations or other religious views** that manifestly conflict with universal human rights norms and standards, regardless of whether they are pronounced by formal institutions or by self-appointed individuals.



Commitment IX on stigmatization and exclusion

- We also pledge to **refrain** from, **advocate against** and jointly **condemn** any **judgemental public determination** by any actor who in the name of religion aims at disqualifying the religion or belief of another individual or community in a manner that would expose them to violence in the name of religion or deprivation of their human rights.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Commitment X on instrumentalization

- We pledge not to give credence to exclusionary interpretations claiming religious grounds in a manner that would **instrumentalize religions, beliefs or their followers to incite hatred and violence**, for example for electoral purposes or political gains.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Commitment XI on critical voices

- We equally commit **not to oppress critical voices** and views on matters of religion or belief, however wrong or offensive they may be perceived, in the name of the “sanctity” of the subject matter and we **urge States that still have anti-blasphemy or anti-apostasy laws to repeal them**, since such laws have a stifling impact on the enjoyment of freedom of thought, conscience, religion or belief as well as on healthy dialogue and debate about religious issues.



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

#Faith4Rights toolkit

- Peer-to-peer learning exercises
- Modules on incitement to hatred, minority rights, critical voices
- Moot Court scenarios
- Cases to debate, including on hate speech by political and religious leaders in the COVID-19 context:

<https://www.ohchr.org/sites/default/files/documents/press/faith4rights-toolkit.pdf>



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Useful hyperlinks

Rabat Plan of Action:

www.ohchr.org/en/freedom-of-expression

“Faith for Rights” framework:

www.ohchr.org/en/faith-for-rights

UN Strategy and Plan of Action on Hate Speech:

www.un.org/en/genocideprevention/hate-speech-strategy.shtml

Combating intolerance based on religion or belief:

www.ohchr.org/en/minorities/combating-intolerance-against-persons-based-religion-or-belief



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER