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HUMAN RIGHTS
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UN Photo: Eric Kanolstein

INFORMATION NOTE

Hate speech and incitement to hatred in the electoral context

The right to participate in genuine elections is recognized by international human rights law.¹ A safe and enabling human rights environment is essential for genuine elections. This includes the enjoyment of the rights to equality and non-discrimination, freedom of peaceful assembly, and of association, and freedom of opinion and expression.²

Hate speech can present a threat to the enjoyment of these rights. Where hate speech amounts to incitement to hatred, it could even lead to violence.

However, in the absence of a universally agreed definition of hate speech, ambiguous national laws on hate

speech are also used to suppress dissent. At the same time, authorities often do not prosecute instances of incitement to hatred, including when marginalized groups are targeted.³

Any restrictions on freedom of expression need to be carefully considered and must be strictly in line with international human rights law.

This note aims to provide guidance to OHCHR staff on differentiating between lawful speech, and hate speech and incitement, as well as appropriate responses thereto.

— WHY ARE THE RIGHTS TO FREEDOM OF EXPRESSION AND NON-DISCRIMINATION VITAL IN THE ELECTORAL CONTEXT?

The right to freedom of expression and the principle of non-discrimination are essential prerequisites for genuine and credible elections.⁴

Everyone has the right to freedom of expression.⁵ Voters depend on this right to receive information and express their political affiliation, without fear or coercion. Candidates rely on exercising their rights through campaigning and communicating their political messages freely without interference or attacks, and on an equal footing with other contestants. Media and civil society organizations rely on the right to play their essential democratic role of informing the public, scrutinizing political parties and platforms, and contributing to providing checks and balances in the electoral process.⁶

At the same time, discrimination of any kind is prohibited.⁷ This ensures that individuals have equal access to participation in public affairs.⁸

— WHAT IS HATE SPEECH?

There is currently no universally agreed legal definition of hate speech under international law.⁹ The characterization of what is ‘hateful’ is disputed, making identifying and addressing hate speech difficult.¹⁰

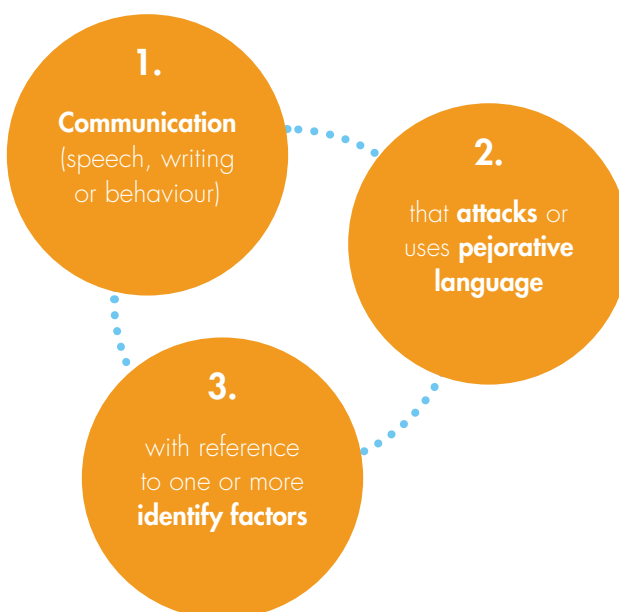
While not a universally agreed definition, the UN Strategy and Plan of Action on Hate Speech understands hate speech as “any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor.”¹¹

Hate speech does not exist in a vacuum. It is often a symptom of pre-existing, systematic inequality, deep-seated discrimination and tensions, fragile institutions, eroded trust between governments and the people they serve—issues which can become heightened during electoral periods.

At the same time, in the absence of normative clarity on what constitutes hate speech, there are concerns that allegations of hate speech are misused by authorities to impose uniformity of views, curtail dissent, shrink civic space and labelling legitimate criticism by political opponents as hate speech. The misuse of hate speech in this way can have severe implications on free and genuine elections.

HATE SPEECH

for the purposes of the Strategy, requires that these three components be present



Source: UN Strategy:
Detailed Guidance,
2020, p. 10

WHAT IS INCITEMENT TO HATRED?

Incitement to hatred refers to statements about national, racial or religious hatred which create an imminent risk of discrimination, hostility or violence, and which may be directed against persons belonging to those groups.¹² Under international human rights law, such statements are prohibited.¹³

The Committee on the Elimination of Racial Discrimination has expressed that incitement characteristically seeks to influence others to engage in certain forms of conduct through advocacy or threats. It may be express or implied, through actions such as displays of racist symbols or distribution of materials as well as words.¹⁴

TABLE 1: DEFINITION OF KEY TERMS

“Discrimination”	Any distinction, exclusion, or restriction based on one or more protected grounds that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms or preventing equal participation in any area of life regulated by law. ¹⁵
“Hatred” and “hostility”	Intense and irrational emotions of opprobrium, enmity, and detestation towards the target group. ¹⁶
“Advocacy”	Requiring an intention to promote hatred towards the target group. ¹⁷
“Violence”	Use of physical force or power against another person, or against a group or community, which either results in, or has a high likelihood of resulting in, injury, death, psychological harm, maldevelopment or deprivation. ¹⁸

International human rights standards offer a broader scope of protection against discrimination (see list of grounds in Table 2). Thus, the prohibition of incitement

should be understood to apply to the broader categories now covered under international human rights law.¹⁹

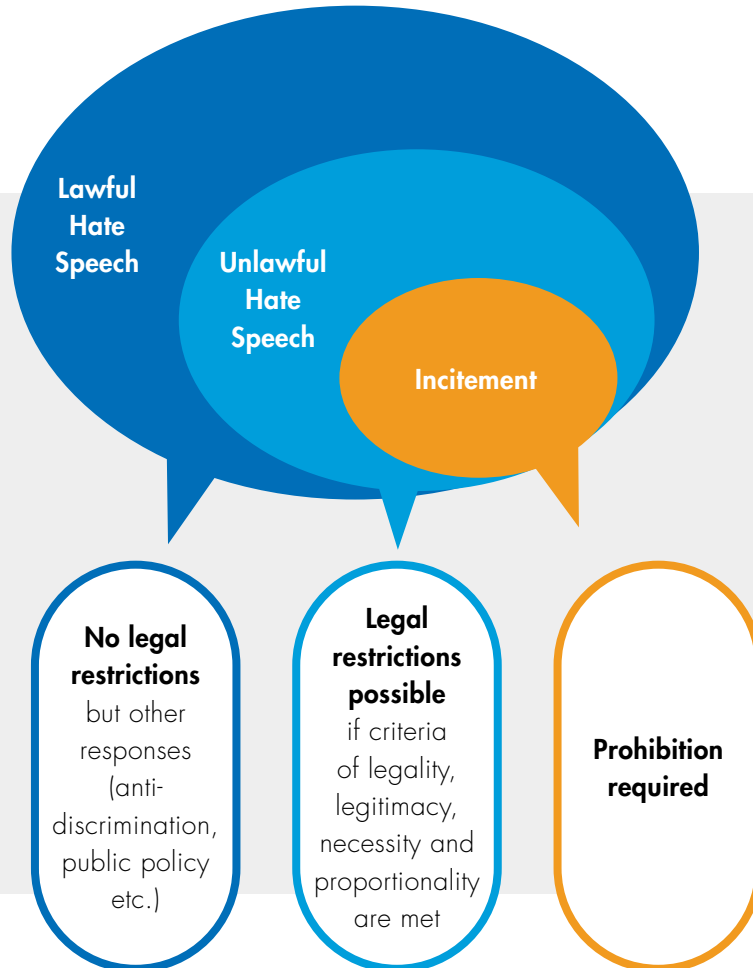
TABLE 2: GROUNDS OF DISCRIMINATION RECOGNIZED UNDER INTERNATIONAL LAW²⁰

Age	Indigenous origin	Religion or belief
Birth	Language	Sex and gender
Civil, family or career status	Marital status	Sex characteristics
Colour	Maternity or paternity status	Sexual orientation
Descent, including caste	Migrant status	Social origin
Disability	Minority status	Social situation
Economic status	National origin	
Ethnicity	Nationality	
Gender expression	Place of residence	
Gender identity	Political or other opinion	
Genetic or other predisposition towards illness	Pregnancy	
Health status	Property	
	Race	
	Refugee or asylum status	

In addition, under international law, States must maintain an “open-ended” list of grounds, including by prohibiting discrimination on the basis of “other status”.

WHAT IS THE DIFFERENCE BETWEEN HATE SPEECH AND INCITEMENT?

Hate speech, as defined in the UN strategy, is a broad concept that captures a wide-range of expression – lawful and unlawful. Incitement to hatred is the severest form of hate speech, prohibited under international law.²¹



Source: UN Strategy: Detailed Guidance, 2020, p. 12

WHY ARE HATE SPEECH AND INCITEMENT TO HATRED OF PARTICULAR CONCERN IN THE ELECTORAL CONTEXT?

Open debates are a critical component of elections.²² However, in polarized contexts, debates can often be marked by heightened tension and a lack of trust. Debates may focus on polarizing grievances on the basis of various identity factors.²³ In some cases, this may lead to an increase in both the frequency and severity of hate speech and of incitement to hatred both online and offline during the electoral cycle.

When present in political debate, hate speech and incitement to hatred can amplify tensions and

divisions by disrupting people's ability to make informed decisions. Such expression can also result in stigmatization of persons or groups and violence and may ultimately undermine inclusive electoral processes, especially the meaningful, inclusive and safe participation of marginalized groups in elections.

All forms of hate speech, including gender-based hate speech, and incitement to hatred in the electoral context can emerge as both a symptom of, and obstacle to, the promotion of a safe and enabling human rights environment, and thus, the ability of all electors and other stakeholders to carry out and participate in electoral activities.

— WHO ARE COMMON TARGETS OF HATE SPEECH IN THE ELECTORAL CONTEXT?

In addition to facing pre-existing discrimination, underrepresented and marginalized groups and individuals – including women, youth, ethnic and religious minorities, Indigenous Peoples, and LGBTQI+ persons – may be particularly vulnerable to hate speech in the electoral context.

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Public discourse is being weaponized for political gain with incendiary rhetoric that stigmatizes and dehumanizes minorities, migrants, refugees, women and any so-called “other.”

– **United Nations Secretary-General, António Guterres, May 2019**



Others who regularly and visibly engage with electoral and political issues also face increased targeting. This includes media workers and journalists, election officials and observers, human rights defenders, political activists, judicial personnel and especially political opposition leaders.²⁴ For example, political leaders may weaponize narratives and rhetoric hostile to the media and civil society organizations, including false claims of hate speech, disinformation and misinformation, foreign agents, sedition and terrorism, often leading to legal harassment, arbitrary arrest and detention, blanket convictions, violence and attacks.²⁵

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Globally, the spread of hate speech-related laws being misused against journalists and human rights defenders is almost as viral as the spread of hate speech itself. Broad laws – that license States to censor speech they find uncomfortable and to threaten or detain those who question Government policy or criticize officials – violate rights and endanger essential public debate.

– **UN High Commissioner for Human Rights, Volker Türk, June 2023**

UN Photo: Rick Bajornas

— HOW TO ADDRESS HATE SPEECH IN THE ELECTORAL CONTEXT?

States should seek to adopt a wide range of measures which can begin to tackle the root causes of hate speech ahead of elections, including:²⁶

- ensuring that relevant legal frameworks—including the constitution, electoral laws, media laws, political party laws, guidelines, and codes of conduct—give effect to the right to participate in public affairs and its enabling rights, in particular, the right to freedom of opinion and expression, including access to information;
- creating and maintaining a safe and enabling environment that is conducive to the exercise of the right to participate in public affairs;
- undertaking other measures that foster trust between government and their people, promote social cohesion and ensure fundamental human rights;
- respecting and ensuring to all individuals subject to their jurisdiction the rights enshrined under international human rights law without discrimination. Effective remedies should be available if those rights are violated.

Additional measures can range from adoption of legal and policy measures as well as the creation of societal programs to combat inequality and structural discrimination; special measures tailored to protecting those particularly at risk of being targets of hate speech and incitement; public policy measures to promote diversity; support to enable counter speech and the dissemination of positive narratives; creative policies and measures to promote a culture of peace and tolerance, including through public statements by leaders that counter hate speech and foster tolerance and intercommunity respect; education (including media and information literacy), awareness-raising, and intercultural dialogue; expanding access to information and ideas that counter hateful messages; the promotion of civil society initiatives, the promotion of an independent and pluralistic media; and the promotion of and training in human rights principles and standards.²⁷

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Addressing hate speech does not mean limiting or prohibiting freedom of speech. It means keeping hate speech from escalating into something more dangerous, particularly incitement to discrimination, hostility and violence, which is prohibited under international law.

— **United Nations Secretary-General António Guterres, June 2019**



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— WHAT IS THE ROLE OF POLITICAL LEADERSHIP?

Candidates and political actors (including public officials and religious, tribal and community leaders) exert powerful influence on public discourse and on the perceptions of their followers. Their words have a particularly wide reach and resonance online. They should avoid fanning the flames of discontent and inciting hatred, or even violence, against opponents, including by making broad declarations about allegedly “stolen” elections.²⁸

However, in some cases, such actors may stoke pre-existing ethnic, religious and racial tensions, divisions and violence by orchestrating campaigns of fearmongering, scapegoating and stigmatization, especially online; spreading hate speech targeting “others” for political gain; and inciting hatred, discrimination or violence.²⁹

Under international human rights law, everyone—particularly people in prominent public positions and other positions of leadership—should refrain from using such messages of intolerance or expressions which may incite violence, hostility or discrimination.

The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (“Rabat Plan of Action”) recognizes political leaders and public officials’ crucial role in speaking out firmly and promptly against intolerance, discriminatory stereotyping, and instances of hate speech and incitement. Furthermore, leaders should be clear that violence can never be tolerated as a response to incitement to hatred.³⁰

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Tackling hate speech is the responsibility of all . . . Everyone, everywhere can--and must--stand against hate and stand up for human rights.

— **Former UN High Commissioner for Human Rights, Michelle Bachelet, November 2020**

— WHAT ARE THE RISKS OF REGULATING HATE SPEECH WITHIN THE ELECTORAL CONTEXT?

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The limitation of any kind of speech or expression must, as a fundamental principle, remain an exception – particularly since laws limiting speech are often misused by those in power, including to stifle debate on critical issues.

— **United Nations High Commissioner for Human Rights, Volker Türk, July 2023**

Unlawful restrictions of expression can be just as dangerous as failing to address incitement to hatred. Hate speech legislation or bans can often result in violating prerequisite rights to free and fair elections. For example, restrictions may be wielded as a political weapon to suppress political opposition, media, and civil society actors, impose uniformity of views and shrink civic space.³¹ Marginalized people are also often persecuted by state authorities through the abuse of vague or overbroad domestic legislation, jurisprudence and policies under the guise of combating hate speech.³²

Restrictions can also take the form of general blocking of information channels, for example through internet shutdowns, with implications far beyond the right to freedom of expression.

— WHEN CAN EXPRESSION BE RESTRICTED IN THE ELECTORAL CONTEXT?

Under international human rights law, States may only restrict free expression in conformity with the strict criteria laid out in articles 19(3) and 20(2) of the International Covenant on Civil and Political Rights (ICCPR).

RESTRICTIONS UNDER ARTICLE 19(3)

In some circumstances, freedom of expression may be subject to certain permissible restrictions, such as in the run-up to elections.³³ Under article 19(3) of the ICCPR, any restrictions on freedom of expression must strictly meet the requirements of legality, legitimacy, necessity and proportionality.³⁴

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.

— Article 19, ICCPR

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

— Article 20, ICCPR

TABLE 3: ARTICLE 19(3) THREE-PART TEST FOR RESTRICTIONS ON EXPRESSION

“Legality”	Restrictions must be provided by law.
“Legitimacy” and “Necessity”	Any restriction must be necessary for the protection of a legitimate aim as exhaustively listed in article 19(3) (respect of the rights or reputations of others, national security, public order, public health or morals).
“Proportionality”	Any restriction should be proportional to harm being avoided and must be the least intrusive to serve the needs of protecting the legitimate aim.

The existence of hate speech alone is not a sufficient condition to restrict freedom of expression, including in the context of elections. Hate speech is an overbroad concept and would grant unfettered discretion to those charged with executing such a restriction, thus failing to meet the requirement of legality.

The first legitimate aim for restricting expression under article 19(3) is respect for the rights or reputations of others. While it may be permissible to protect voters

and others from forms of expression that constitute intimidation or coercion, such restrictions must not impede political debate.³⁵

Moreover, considerations of a restriction’s proportionality must also take account of the form of expression at issue as well as the means of its dissemination. In the electoral context, for instance, the value placed by the ICCPR upon uninhibited expression is particularly high in the circumstances

of public debate in a democratic society concerning figures in the public and political domain—including candidates and incumbent politicians standing for election as well as other relevant political actors.³⁶

UN human rights experts have identified several instances where expression should never be subject to restrictions, summarized in Table 4.³⁷

TABLE 4: WHAT TYPES OF EXPRESSION SHOULD NOT BE SUBJECT TO RESTRICTIONS?

- Criticism of religion or other belief systems and religious leaders or commentary on religious doctrine;³⁸
- Erroneous opinions or incorrect interpretations of past events;³⁹
- Discussion of government policies and political debate;⁴⁰
- Reporting on human rights, government activities and corruption in government;⁴¹
- Engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy;⁴²
- Expression of opinion and dissent, religion or belief, including by persons belonging to minorities or marginalized groups;⁴³
- Political discourse such as door-to-door canvassing;⁴⁴
- Expression considered to be insulting or disrespectful to public authorities or criticism of and political opposition to all public figures;⁴⁵ and
- Criticism of the government or the political social system espoused by the government.⁴⁶



DUTY TO PROHIBIT INCITEMENT

States are required to prohibit by law any incitement to hatred as defined under article 20(2) of the ICCPR.⁴⁷ Nonetheless, criminal sanctions related to unlawful forms of expression should be reserved for the most serious and extreme cases.⁴⁸

The Rabat Plan of Action provides a six-part threshold test to determine whether an expression of incitement to discrimination, hostility or violence is severe enough to require criminal sanctions by the State under the conditions of a particular legal, political, social and economic context.⁴⁹ The criteria for consideration and evaluation include: (a) the context of the expression; (b) its speaker, (c) the intent; (d) its content and form; (e) its extent and magnitude; and (f) the likelihood, including imminence, of inciting actual action against the target group.⁵⁰ Contextual analysis considers taking into account the political landscape, including the proximity of elections.⁵¹



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

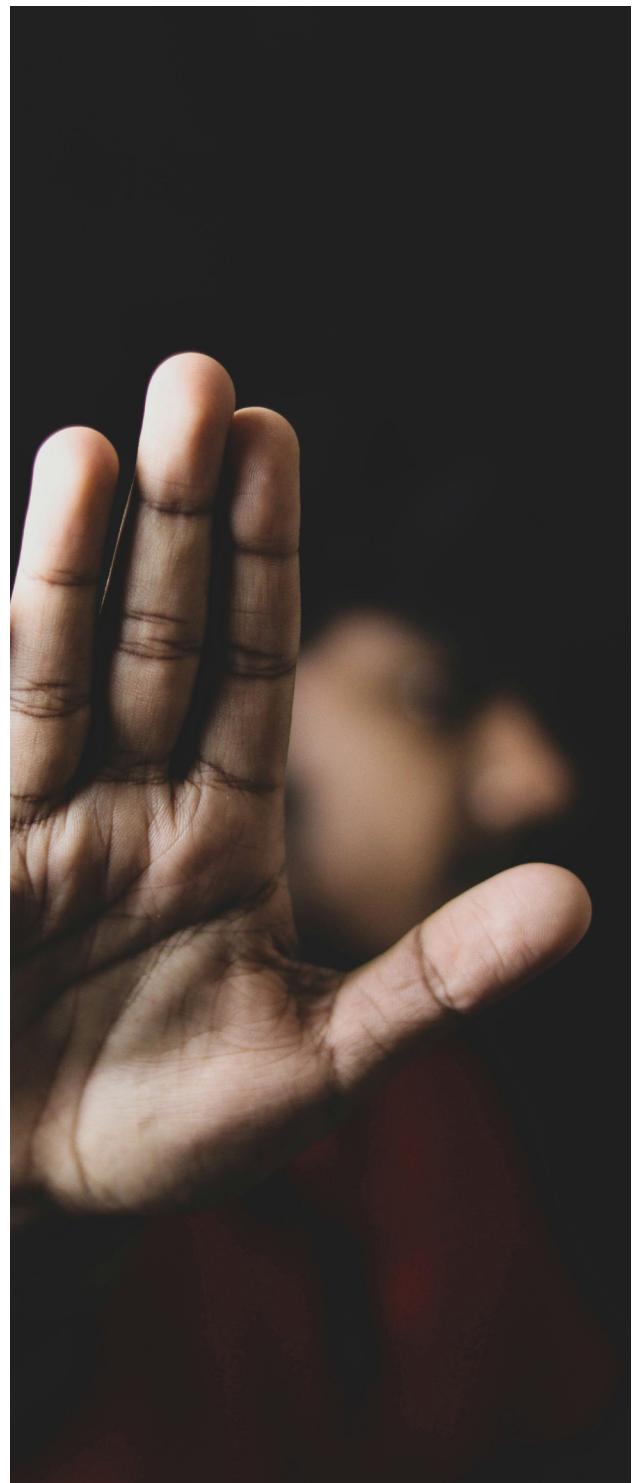
Source: OHCHR and freedom of expression vs incitement to hatred: the Rabat Plan of Action

Any prohibitions must also meet the requirements of legality, necessity, and proportionality outlined in article 19(3).⁵²

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Human rights law is clear – freedom of expression stops at hatred that incites discrimination, hostility or violence.

– UN High Commissioner for Human Rights, Volker Türk, November 2022



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ENDNOTES

- 1 Article 21 of the Universal Declaration of Human Rights (UDHR) and Article 25 of the International Covenant on Civil and Political Rights (ICCPR)
- 2 OHCHR, *Human Rights and Elections: A Handbook on International Human Rights Standards on Elections* (2021), paras. 27, 31 [hereinafter *Human Rights and Elections Handbook*]; OHCHR, *Guidelines for States on the effective implementation of the right to participate in public affairs* (2018), para. 14 [hereinafter *Guidelines on Participation*].
- 3 A/HRC/22/17/Add.4, appendix (2012), para. 11 [hereinafter *Rabat Plan of Action*]; see also A/HRC/46/57 (2021).
- 4 Human Rights Committee, General Comment No. 25 (1996), para. 12; A/HRC/26/30, paras. 10, 18; *Human Rights and Elections Handbook*, para. 39.
- 5 Article 19 of the UDHR; Article 19(2) of the ICCPR; Human Rights Committee, General Comment No. 34 (2011), paras. 11-12.
- 6 A/HRC/26/30, para. 11, 18; see also Human Rights Committee, General Comment No. 25, para. 12; *Human Rights and Elections Handbook*, paras. 39, 41; *Rabat Plan of Action*, para. 8; *Joint Declaration on Freedom of Expression and Elections in the Digital Age* (2020), https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclarationDigitalAge_30April2020_EN.pdf; *Joint Declaration on Politicians and Public Officials and Freedom of Expression* (2021), <https://www.osce.org/files/f/documents/9/4/501697.pdf>.
- 7 Article 2(1) of the ICCPR guarantees rights to all individuals “without distinction of any kind.” Article 26 expressly provides that “the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground.”
- 8 *Human Rights and Elections Handbook*, para. 32.
- 9 UN, *What is Hate Speech?*, <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>; Peacebuilding Fund, *PBF Tip Sheet on Hate Speech Prevention Programming* (2023), https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/pbf_tip_sheet_on_hate_speech_final_rev_12_june_2023.pdf.
- 10 Peacebuilding Fund, *PBF Tip Sheet on Hate Speech*; UN, *What is Hate Speech?*.
- 11 *United Nations Strategy and Plan of Action on Hate Speech* (2019), p. 2 [hereinafter *UN Strategy*]; *United Nations Strategy and Plan of Action on Hate Speech: Detailed Guidance on Implementation for United Nations Field Presences* (2020), pp. 10-11, figure 1 [hereinafter *UN Strategy: Detailed Guidance*]; UN, *What is Hate Speech?*.
- 12 *Rabat Plan of Action*, fn. 5; *Camden Principles on Freedom of Expression and Equality* (2009), principle 12.1; A/74/486 (2019), para. 13; A/67/357 (2012), para. 44.
- 13 Article 20(2) of the ICCPR states that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” Moreover, article 4(a) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires that State Parties “shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.” While relating only to racial superiority or hatred, it is important to note that article 4(a) of the ICERD encompasses a larger category of racist expression than article 20(2) of the ICCPR.
- 14 *Committee on the Elimination of Racial Discrimination, General Recommendation No. 35* (2013), para. 16.
- 15 *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (2023), p. 18 [hereinafter *Protecting Minority Rights Practical Guide*].
- 16 *Camden Principles on Freedom of Expression and Equality*, principle 12.1.
- 17 *Camden Principles on Freedom of Expression and Equality*, principle 12.1.
- 18 *Camden Principles on Freedom of Expression and Equality*, principle 12.1.
- 19 A/74/486, para. 9; A/76/258 (2021), para. 70.
- 20 *Protecting Minority Rights Practical Guide*, p. 23.
- 21 Article 20(2) of the ICCPR; Article 4 of ICERD.
- 22 See A/HRC/26/30 (2014), para. 12.
- 23 *Rabat Plan of Action*, para. 9; see also OHCHR, *Beirut Declaration and its 18 commitments on “Faith for Rights”*, A/HRC/40/58 (2019), annex II, commitment X, <https://www.ohchr.org/sites/default/files/Documents/Press/Faith4Rights.pdf>; *Joint Open Letter on Concerns about the Global Increase in Hate Speech* (2019), <https://www.ohchr.org/en/statements-and-speeches/2019/09/joint-open-letter-concerns-about-global-increase-hate-speech> [hereinafter *Joint Open Letter*].
- 24 UN, *Targets of Hate*, <https://www.un.org/en/hate-speech/impact-and-prevention/targets-of-hate>; *Human Rights and Elections Handbook*, 2021, paras. 10, 70-77.
- 25 UN, *Targets of Hate*.
- 26 *Guidelines on Participation*, para. 19.
- 27 A/67/357, paras. 56-57; *Rabat Plan of Action*, paras. 34-35; A/74/486, paras. 10, 18; *UN Strategy: Detailed Guidance*, table 1, pg. 16; *Protecting Minority Rights Practical Guide*, pg. 186; see also A/HRC/RES/16/18 (2011), paras. 5-9.
- 28 A/76/266, para. 39.
- 29 A/HRC/26/30, para. 5; A/67/357, para. 30; 2021 *Joint Declaration on Politicians and Public Officials and Freedom of Expression*; *Joint Open Letter*; IFES, *Countering Hate Speech in Elections: White Paper* (2018), p. 15; see e.g., A/HRC/50/29/Add.1 (2022), para. 63.
- 30 *Rabat Plan of Action*, para. 36; *Beirut Declaration on “Faith for Rights”*, para. 22 and commitment X; 2021 *Joint Declaration on Politicians and Public Officials and Freedom of Expression*.
- 31 See A/74/486, para. 1; *UN Strategy: Detailed Guidance*, p. 15; 2020 *Joint Declaration on Freedom of Expression and Elections in the Digital Age*; *Joint Declaration: Challenges to Freedom of Expression in the Next Decade* (2019), https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/JointDeclaration10July2019_English.pdf.
- 32 *Rabat Plan of Action*, para. 11.
- 33 *UN Strategy*, 2020, pp. 14, 16, Table 1; Human Rights Committee, General Comment 34 (2011), para. 27; A/74/486, para. 20.
- 34 See also Human Rights Committee, General Comment No. 34 (2011), paras. 22-24, 50-52; A/67/357, para. 41; *UN Strategy: Detailed Guidance*, p. 14; *Joint Declaration on Freedom of Expression and Elections in the Digital Age*, 2020;
- 35 Human Rights Committee, General Comment No. 34, para. 28.
- 36 Human Rights Committee, General Comment No. 34, para. 34.
- 37 Human Rights Committee, General Comment No. 34, paras. 11, 48-49; *Committee on the Elimination of Racial Discrimination, General Recommendation No. 35*, para. 14; *UN Strategy: Detailed Guidance*, pp. 5, 14-15; ARTICLE 19, ‘Hate Speech’ Explained: A Toolkit, p. 23, <https://www.article19.org/resources/hate-speech-explained-a-toolkit/>; A/66/290 (2011), para. 42; A/74/486, paras. 21-22.
- 38 Human Rights Committee, General Comment No. 34, para. 48.
- 39 Human Rights Committee, General Comment No. 34, para. 49.
- 40 A/66/290, para. 42.
- 41 A/66/290, para. 42.
- 42 A/66/290, para. 42.
- 43 A/66/290, para. 42.
- 44 Human Rights Committee, General Comment No. 34, para. 37.
- 45 Human Rights Committee, General Comment No. 34, para. 38.
- 46 Human Rights Committee, General Comment No. 34, para. 42.
- 47 Article 4 of the ICERD further requires criminalization of a larger category of racist expression and activity.
- 48 *Rabat Plan of Action*, para. 34; A/67/357, para. 47.
- 49 *UN Strategy: Detailed Guidance*, pp. 13, 17.
- 50 *Rabat Plan of Action*, para. 29; *UN Strategy: Detailed Guidance*, p. 14.
- 51 ARTICLE 19, *Hate Speech Toolkit*, pp. 78-9.
- 52 ICCPR, art. 19(3); Human Rights Committee, General Comment No. 34, paras. 22, 50-52; A/67/357, para. 41; *UN Strategy: Detailed Guidance*, pp. 5, 14.



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