

The hate speech barometer 1 h 5 min



FORB, OTHER RIGHTS AND DEVELOPMENT

GAME

PLENARY EXERCISE

About the exercise

THEMES

Freedom of religion or belief (FORB), freedom of expression, hate speech, Rabat plan of action.

TARGET AUDIENCE

Suitable for any audience for whom an understanding of the legal framework for hate speech is important. Requires a willingness to participate in participatory 'game' style learning. Assumes a basic understanding of FORB and of freedom of expression among participants.

PURPOSE

To help participants understand when freedom of expression crosses the line into unlawful hate speech/dangerous speech, using the threshold test of the Rabat Plan of Action as a tool.

DESCRIPTION

A game in which participants stand on a line between two corners of the room to signify how likely they think it is that a hate speech statement will lead to acts of discrimination, hostility or violence. The game illustrates the difficulty of defining hate speech and helps participants identify the factors that contribute to determining whether a statement constitutes illegal hate speech (as opposed to unethical but legal speech). The game concludes with a short knowledge input in which participants learn about the Rabat plan's threshold test for determining this.



Instructions

RESOURCES AND ADVANCE PREPARATION

- One copy per participant of the handout: '[Rabat plan of action – threshold test](#)' .
- Prepare yourself to lead the exercise by reading the [Rabat plan of action](#) and '[The Hate Speech Crisis](#) : Ways to start fixing it, A toolkit for civil society organizations and activists' from Minority Rights Group.

Find the handout and the documents referred to at www.forb-learning.org/exercises/hate-speech-barometer.

HOW TO INTRODUCE THE EXERCISE 5 MIN

Make the following points:

- The world is experiencing an unprecedented rise in hateful speech. We see this offline, on our streets but also, increasingly, online on our screens. Between 2011 and 2021, recorded incidents of online hate speech in Pakistan, for example, increased by 400%.
- There are many types of expression that might be considered 'offensive' or 'hateful'. Human communication covers an enormous and subtle scale when



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it comes to negative speech. People are often critical of others in constructive or unconstructive ways. People can be sarcastic, tactless and insulting, and sometimes tease, ridicule, use stereotypes and mock or put people down. Sometimes people are so hateful that they call for discrimination and violence. Human communication is often ill thought through, sometimes worthy of condemnation and at times down-right dangerous.

- So, what protection from negative speech should we have and what right do we have to speak negatively of people and things of which we are critical?
- Article 20 of the International Covenant on Civil and Political Rights (ICCPR) states that: ‘Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.’ This is a high threshold.
- Hate speech is a broad category of speech, not all of which is banned. Only advocacy of hatred that constitutes incitement is meant to be banned.
- That doesn’t mean that other types of hate speech should be quietly accepted. On the contrary, a great deal of work needs to be done to counter hate speech, as understood in broad terms. However, the law is a blunt and dangerous instrument to use to regulate human communication. Experience shows that such legislation is easily twisted by governments to suppress criticism of the government and to protect majorities instead of those that are vulnerable.

Explain that the group is going to do an exercise to explore why it is difficult to define what constitutes illegal hate speech and to explore the factors that help determine whether a statement amounts to illegal hate speech or not. (If you will do separate exercises to explore ways of working to counter hate speech broadly at a later point mention that here.)

HOW TO RUN THE EXERCISE 50 MIN

• **THE BAROMETER** (40 MIN)

Ask the group to imagine a line between opposite corners of the room. That line is a scale that represents the likelihood that a statement will result in acts of discrimination, hostility and violence, with highly likely at one end and highly unlikely at the other.

Explain that you will read out a statement and the group should place themselves on the line according to how likely or unlikely they think it is that the statement will result in acts of discrimination, hostility and violence. (In other words, whether the speech should be illegal according to international law.)

Ask participants to imagine that there is a religious minority community called the Alpha-centauri. Read out the following statement: ‘We should kill or banish all members of the Alpha-centauri religion.’

Ask people to move to the point on the line that represents how likely they think it is that this statement would lead to acts of violence. It is likely that most people will stand towards the highly likely end of the scale as the statement is extreme. Some may find it hard to decide where to stand and say they don’t have enough information. If this happens, comment that they have a good point!

Now explain that you are going to repeat the exercise giving them more information. They are going to imagine the exact same statement being made but with different contexts, different intents on the part of the person making the statement and different risks.

Read out the scenarios below. After each scenario, ask participants to move to the point on the line that represents the likelihood of the statement resulting in acts of discrimination, hostility and violence.

After each scenario ask a couple of people why they have stood where they are.

Ask questions like:

- What is it about this situation that makes you think it is likely/unlikely?
- Do you think the person involved intends for the statement to result in acts of discrimination, hostility or violence?

Try to draw out the following points from their responses: the likelihood depends on the social/political context, how influential the speaker is, who and how big the audience is and the speaker's intentions.

SCENARIOS

- A populist politician shouts 'We should kill or banish all members of the Alpha-centauri religion' while speaking at a large campaign rally. A small minority of Alpha-centauri followers live in the town and there have been previous incidents of violence.
- A member of the crowd shouts the statement at the same rally.
- The person saying the statement is sitting at home alone.
- Someone has written the statement as graffiti on a public wall.
- The statement is part of an art installation that highlights the negative impact of hate on Alpha-Centauri followers.
- The statement is made as part of a comedy show in a theatre.
- A social media influencer with a large following makes the statement in a YouTube video.
- An ordinary person, with no public profile puts the statement on their Facebook page.

• PLENARY DISCUSSION (10 MIN)

After going through all the scenarios, round off the exercise by asking participants what they thought of the game. Was it hard or easy? What thoughts struck them? Has it given them any ideas about what type of speech should be banned?

HOW TO CONCLUDE THE EXERCISE (10 MIN)

After exploring their ideas, conclude by explaining the following:

As we have seen from this game, it is hard to define what speech should and shouldn't be illegal because it depends on numerous factors.

The UN has tried to tackle this dilemma by providing concrete advice and guidance for governments and others in a document called the 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence'.

The action plan includes a six-part threshold test that can be applied to cases of hate speech to determine whether they constitute speech that should be illegal or whether they constitute protected speech (albeit immoral, inadvisable or unethical speech). You may recognise these points from our discussions.

Present the following points, pointing to a flipchart sheet or PowerPoint slide that lists the words in bold:

Whether speech is likely to result in acts of discrimination, hostility or violence depends on:

- **THE CONTEXT** – for example, the demographic, social and political context. Is the target of the hate speech a vulnerable group, have there been previous incidents of violence etc.
- **THE SPEAKER** – their status, role and level of influence over the audience.



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- **THE INTENT** of the speaker. Active intent is required to reach the threshold of ‘advocacy’ or ‘incitement’.
- **THE CONTENTS** (what was said) and the form (how it was said) – was the statement provocative and direct?
- **THE EXTENT OF DISSEMINATION/NATURE OF THE AUDIENCE:** how public was the expression, was it addressed to a large audience/did it have a wide reach, was it repeated frequently, or directed to an audience prone to act in response to such statements?
- Was there a **REASONABLE PROBABILITY** that the expression would incite harmful actions against the group (whether or not these actually took place)?

If, on the basis of the above points, the speech concerned IS likely to result in acts of discrimination, hostility and violence then the speech should be illegal.

These six points form a concrete tool that legislators can use in defining what should be considered an illegal act of hate speech, that courts can use in judgements and that monitoring bodies and civil society can use to monitor hate speech.

For example

- The Rabat threshold test is being used by the national authorities for audio-visual communication in Tunisia, Côte d’Ivoire and Morocco.
- The European Court of Human Rights has referred to the Rabat Plan of Action as relevant international materials in [judgements](#).
- The United Nations peacekeeping operation in the Central African Republic is applying the Rabat threshold test in its monitoring of incitement to violence.

Ask the group if anyone has ideas about how the plan could be used in their work/ context and allow some time for the sharing of ideas.

Thank the participants for their active engagement and useful contributions. Disseminate the handout to all participants.

Source

Katherine Cash, FORB Learning Platform. Inspired by and adapted from Minority Rights Group, ‘The Hate Speech Crisis: Ways to start fixing it – A toolkit for civil society organizations and activists’ 2022. <https://minorityrights.org/publications/hate-speech>