



Hate speech against refugees and migrants challenges and solutions

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Introduction

“We all have to remember that hate crimes are preceded by hate speech” This is how Adama Dieng, UN's Special Adviser on the Prevention of Genocide, starts the Stopping Hate Speech video, which indicates the seriousness of hate speech on societies and social peace, reflects the concern over the adverse impacts of hate speech resulting in incitement to violence and committing hate crimes against targeted groups, including migrants and refugees.¹

In recent years, the world has witnessed a marked increase in migration, asylum and mass displacement of millions of people as a result of conflicts, armed wars and economic crises. As the number of refugees and migrants has increased in many countries, the phenomenon of hate speech against them has worsened. This is evident in the fact that refugees and migrants are held accountable for the economic and social challenges of many host States, portraying them negatively and linking them to crime or terrorism. This has had a negative impact on social cohesion and world peace and has often led to the creation of social tensions, violence and systematic marginalization of migrant and refugee communities in many countries around the world.

Hate speech against migrants and refugees refers to speech that constitutes an insult, contempt or threat to migrants, refugees and asylum-seekers based on their ethnic, religious, sexual or any other characteristic. It refers in the common language, according to the UN, to abusive speech targeting a group or individual based on inherent characteristics such as race, religion or gender, which may threaten social peace. Hate speech against migrants and refugees fuels a variety of causes and challenges, including those related to misinformation and media and political incitement associated with the role played by the media and politicians in fueling racist hatred towards refugees and migrants through the dissemination of negative narratives, misinformation and false news about refugees and migrants, Accusing them of increasing crime rates or depleting public resources, which drives feelings of hostility towards them.

In light of the above, Partners for Transparency presents this study on **hate speech against refugees and migrants: the status quo and strategies to combat**, with particular emphasis on the international framework for the protection of migrants and refugees from hate speech, manifestations of hate speech against migrants and refugees around the world, and the causes and challenges associated with the escalation of hate speech against migrants and refugees, which will be addressed in some detail as follows:

¹ Responding to hate speech against migrants in social media: What can you do?, International Organization for Migration, link: <https://tiny1.io/BcLB>

International Framework for the Protection of Refugees and Migrants from Hate Speech

Migrants and refugees enjoy international protection under several international conventions and instruments, including from being subjected to targeting, discrimination, ill treatment, racist hate speech, including the UN convention on refugees of 1951 and its 1967 optional protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All forms of discrimination.

In this regard, the UN convention on refugees of 1951 and its 1967 optional protocol are the cornerstone for the protection of refugees' rights, as they define the term "refugee" and define the rights of refugees and include States' legal obligations to protect the rights of refugees. In this context, the 1951 Convention defines a refugee as "someone who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it".²

In fact, the 1951 Convention limited the refugee's description to persons who had to leave their home countries as a result of persecution based on race, religion, nationality, membership of a particular social group or political opinions and did not take into account persons fleeing their countries as a result of fear for their lives in the face of external aggression, domestic civil wars, occupation and foreign domination. However, the 1967 Protocol to the Refugee Convention addressed this deficiency, as it was also considered to be a refugee, in addition to the definition contained in the 1951 Convention, who was forced to leave his place of residence by external aggression, occupation, foreign domination or events that disturbed the State's public order, such as armed conflicts.

In addition, the 1951 Convention and its 1967 Protocol defined the rights of refugees in host States, including refugees' right to international protection and not to be forcibly returned or expelled to a State where they might be persecuted on the basis of race, religion, nationality, membership of a particular social group or political views, right to own movable and immovable property and other associated rights, their right to work and their right to industrial property, right to protect the rights of literary, artistic and scientific works, right to belong to non-political and non-profit associations and trade unions, and their right to free litigation before the courts of host States.

Although the 1951 Refugees Convention does not contain a specific article dealing directly with hate speech, nor does it explicitly provide for the right to protect refugees from racist hate speech to which they may be subjected in host States, However, articles guaranteeing refugees' right to respect and protection against degrading or discriminatory treatment

² Convention relating to the Status of Refugees, Human Rights Library, University of Minnesota, link: <https://tinyt.io/BcaL>

reinforce their right to protection against incitement to hatred and violence against them, including article 3 of the Convention, which provides that refugees must not be discriminated against on the basis of race, religion or country of origin, and article 16, which provides that refugees have the right to equal legal protection with nationals of the host State.³

The 1951 Refugees Convention also imposed on refugee host States a number of legal obligations to protect refugees' rights, as it stipulated that the host State should provide refugees the freedom to practice their religion and the freedom to provide religious education to their children, and that refugees residing systematically in its territory should be accorded the best possible treatment with regard to housing, Self-employment in agriculture, industry, handicrafts and commerce, and establishment of commercial and industrial enterprises. It also obliged the host State to grant refugees the same treatment as its citizens in respect of basic education, social security, labor legislation including salary and family benefits, working hours, arrangements for overtime, paid leave, restrictions on work at home, minimum working age, apprenticeship and vocational training, and women's and children's work.⁴

As for migrant workers working outside their country of origin, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the fundamental pillar of the protection of their rights. Although this Convention does not contain an explicit article directly addressing the term "hate speech", it does contain a number of articles that provide for the protection of migrant workers' rights against discrimination and degrading treatment, including article 7, which provides that States parties shall guarantee the rights of migrant workers and members of their families without distinction as to race, colour, sex, language, religion, political or other opinion, Article 10 provides that States parties shall protect migrant workers or any member of their family from torture or cruel, inhuman or degrading treatment or punishment.⁵

Moreover, article 20 of the International Covenant on Civil and Political Rights prohibits any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and article 4 of the Convention on the Elimination of All Forms of Racial Discrimination prohibits incitement to racial discrimination or the dissemination of ideas relating to racial superiority.

As rhetoric of racial hatred has increased in recent years, the UN has taken important steps to combat such rhetoric by launching a number of plans, initiatives and strategies aimed at addressing hate speech and racial violence against all persons, including migrants and refugees, such as the Rabat Action Plan adopted in 2012 under the auspices of the UN on

³ Convention relating to the Status of Refugees, op. cit.

⁴ Ibid.

⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 158/Adopted by General Assembly resolution 45 of 18 December 1990, United Nations, link: <https://tinyt.io/Bcd1>

the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. This plan provides guidance and instructions to States on how to balance the protection of freedom of expression with the prevention of incitement to hatred.⁶

In addition to the UN General Assembly's adoption on 19 September 2016, of the New York Declaration for Refugees and Immigrants, which included a clear commitment to combating all forms of hatred against refugees and migrants, including hate crimes and hate speech leading to violence, and calls for concrete measures to combat discrimination and racism against refugees and migrants.⁷

In June 2019, the UN adopted the United Nations Strategy and Plan of Action to Combat Hate Speech, a comprehensive framework aimed at addressing hate speech against all individuals targeted, both online and offline. This strategy was launched after the UN recognized the rise in hate speech and its negative impact on social peace and community cohesion, and aims to support global efforts to prevent incitement to violence and discrimination through anti-ethnic rhetoric, giving the UN space and resources to address hate speech, which poses a threat to the principles, values and programmes of the UN, and to address the root causes of racist hate speech.⁸

⁶ Between Freedom of Speech and Hate Speech: Rabat Action Plan, Practical Tool against Incitement to Hatred, United Nations, February 2013, Link: <https://tinyl.io/Bci4>

⁷ New York Declaration for Refugees and Migrants - Resolution adopted by the General Assembly on 19 September 2016, link: <https://tinyl.io/Bcik>

⁸ United Nations Strategy and Action Plan on Hate Speech, Link: <https://tinyl.io/Bcjl>

Manifestations of racist hate speech against migrants and refugees

Hate speech against migrants and refugees is currently sweeping the world, as hatred and intolerance now penetrate many countries. In recent years, the world has witnessed a marked increase in migration, asylum and mass displacement of millions of people as a result of conflicts, armed wars and economic crises. As the number of refugees and migrants has increased in many countries, the phenomenon of hate speech against them has worsened. This is evident in the fact that refugees and migrants are held responsible for the economic and social challenges of many host States, portrayed negatively, linked to crime or terrorism and considered a threat to national security. This has had a negative impact on social cohesion and world peace, and has often led to social tensions, violence and systematic marginalization of migrant and refugee communities in many countries around the world.

Hate speeches against refugees and migrants have been clearly exacerbated by the wide popularity of extremist parties that are hostile to immigrants and refugees, especially in European countries. Extremist parties participate in political life in many European countries, and although their programmes differ in their rhetoric, they often target refugees and immigrants with racist rhetoric. Hate speech and intolerance are no longer restricted to these parties alone in European countries, as European politicians of different orientations are using similar language towards migrants and refugees, especially those from the Middle East and Africa. Instead of addressing this issue, leaders and politicians often underestimate it and blame victims while urgent action is needed to stop violence and reduce the influence of racist parties without compromising freedoms.⁹

In this regard, recent years have seen a rise in anti-refugee and anti-immigrant rhetoric in many European countries. Some extreme far-right parties, as well as some politicians and public figures, used hate speech and committed racist hate crimes against these groups. In Sweden, for example, there has been a prevalent populist rhetoric for years by far-right parties, such as the Swedish Democrats, promotes and incites hatred against refugees and immigrants, especially those from Middle Eastern countries, and describes them as a threat to national identity, which has exacerbated hostile actions, policies and hate crimes against them.

For example, in November 2023, a far-right leader of the Swedish Democrats Party announced his desire to destroy Muslim mosques, ban the construction of new buildings and wiretap immigrants and refugees who profess the Muslim religion in Sweden in order to maintain order and public security and reduce the impact of Islam on Swedish society.¹⁰

In January 2024, the Chairman of the Legal Affairs Committee of the Swedish Parliament called for the prohibition of all Islamic symbols in public places such as crescent and minarets in

⁹ The spread of xenophobia threatens the future of Europe, UAE today, link: <https://tiny1.io/Bcky>

¹⁰ Concern grows over anti-Muslim hate incidents in Sweden, le monade, July 4, 2024, link: <https://tiny1.io/BQvs>

the same way as the swastika referring to Nazism, considering that Islamic symbols are "a very dangerous thing", mosques are a symbol of a religion that cannot be reconciled with the values and customs of Swedish society.¹¹ This is an explicit incitement against Muslim immigrants and refugees in Europe and a clear form of racial hatred.

In Poland, the leader of the extremist Law and Justice party, Jaroslav Kaczynski, used racist and extremist language inciting racial hatred against migrants and refugees, especially from Muslim-majority countries. This was demonstrated by the party's frequent association of refugees with terrorism and security threats as a means of gaining public support for access to power, especially during its election campaigns.

For example, in August 2023, the leader of the extremist Law and Justice party, Jaroslav Kaczynski, showed a video displaying a black man licking a huge knife in anticipation of committing a crime in a European country, commenting, "Do you want this to happen in Poland too? Do you want to stop being masters of your country?".¹² Jaroslav Kaczynski described the refugees as carrying diseases such as cholera and dysentery to Europe as well as all types of parasites and primary organisms. This raised the Polish public's feelings of fear towards refugees, and constituted a racial incitement against refugees and immigrants in Poland.¹³

Marine Le Pen, leader of France's far-right, also described immigrants and refugees living in Germany as slaves. She told supporters at a meeting in Marseille, south-eastern France, that Germany believed its population was moribund, it therefore seeks to reduce wages and continue to recruit slaves through mass migration". She also described the influx of refugees into Europe as the barbaric invasion of the fourth century.¹⁴

¹¹ Swedish Democrats come up with proposal to ban Islamic symbols, Azer news, 23 January 2024, link:

<https://tinyl.io/BSDa>

¹² Polish PM Morawiecki seeks referendum on irregular migration, Al Jazeera, 14 Aug 2023, link: <https://tinyl.io/Bcud>

¹³ Migrants carry 'parasites and protozoa,' warns Polish opposition leader, Politics, October 14, 2015, link:

<https://tinyl.io/Bcuy>

¹⁴ French far-right leader says Germany seeking 'slaves' in migrants, Reuters, link: <https://tinyl.io/Bcv2>

Causes and challenges associated with escalating hate speech against migrants and refugees

The escalation of racist hate speech against migrants and refugees is closely linked to a range of challenges and causes that are driving the exacerbation of this phenomenon, including challenges and causes of disinformation and media and political incitement, economic concerns, technological developments and social media platforms, and legal challenges. The main causes and challenges are as follows:

Disinformation and media and political incitement: Disinformation and media and political incitement are a major challenge and cause of the spread of racist hate speech against refugees and migrants. This is evident in the role played by the media and politicians in fueling racist hatred towards refugees and migrants through the dissemination of negative narratives, misinformation, false, misleading or exaggerated news about refugees and migrants. They are accused of increasing crime rates or depleting public resources and of being an economic burden on host States, which drives feelings of hostility towards them and contributes to portraying them negatively. This challenge is evident in the European States as mentioned above, where some extreme far-right parties, as well as some politicians and public figures, have used expressions of racial hatred against these groups as a means of gaining public support for access to power, especially during electoral campaigns.

Media also plays a key role in spreading hate speech towards refugees and migrants by adopting negative narratives towards them.¹⁵ In the USA, for example, some media outlets such as Fox News defame refugees and immigrants and amplify anti-immigrant sentiment by repeatedly portraying them as criminals or smugglers, promoting the idea that the influx of migrants constitutes an invasion or causes increased crime or depletion of resources, reinforces narratives of fear that may lead to increased negative feelings towards refugees and migrants.¹⁶

Economic concerns: Economic concerns are among the major challenges and causes exacerbating hate speech against migrants and refugees in many countries around the world, especially those whose citizens have economic problems such as unemployment and high living costs. When the number of migrants increases, there is a growing sense among their citizens that refugees and migrants form unfair competition for jobs and limited resources. This sentiment is usually exploited by some parties to fuel resentment among the local population against migrants, as they are perceived as an economic burden that contributes to the worsening economic conditions.

Technology and social media: Technological developments have provided a fertile environment for the dissemination of hate speech and incitement to violence against refugees and migrants. Hate speech has become easier to spread thanks to social media platforms that allow hate content to reach a wide audience in different countries of the world, especially

¹⁵ Three Ways the Media Introduces Bias to the Immigration Debate, ACLU, October 7, 2024, link: <https://tinyl.io/Bd1W>

¹⁶ How Fox News Distorts the Truth About Asylum, the nation June 6, 2022, link: <https://tinyl.io/Bd1C>

since these platforms provide individuals with the possibility to conceal and not disclose real identity so as to encourage them to express hate ideas and opinions without fear of direct consequences. The widespread prevalence of hate speech on social media has prompted some companies to conduct anti-racial hate speech campaigns aimed at deleting content identified as racial hate speech. For example, Facebook announced that it had deleted some 66 thousand posts that it considered to represent hate speech on a weekly basis as part of the company's campaign against racial hatred.¹⁷

Legal challenges: Many States face significant legal challenges in addressing worsening hate speech against refugees and migrants, which is evident in the fact that anti-hate legislation within these States remains weak or inadequately effective, as well as the lack of deterrent penalties for racial hate crimes in their legal framework. As well as incompatibility of freedom of expression with hate speech laws, especially in democracies that protect freedom of expression as a fundamental right. The right to freedom of expression protected under national constitutions is usually used as a justification for repealing or halting the enforcement of laws that combat hate speech under the cover of freedom of opinion, leaving migrants and refugees vulnerable to discrimination and verbal and physical violence. In France, for example, French authorities failed to adopt a law forcing social media platforms to delete hate speech within 24 hours following opposition from free speech activists. On 18 June 2020, the French Constitutional Court repealed the main clause of the law known as the "Avia Law", which stipulates that online platforms must remove hate speech from their platforms within 24 hours of filing a complaint, as this clause constitutes a violation of the right to freedom of expression and opinion, which left migrants and refugees targeted by hate speech in France unprotected.¹⁸

¹⁷ Facebook now deleting 66K posts a week in anti-hate campaign, republica, link: <https://tiny1.io/Bd3p>

¹⁸ France's watered-down anti-hate speech law enters into force, Universal Rights Group, July 16, 2020, link: <https://tiny1.io/Bd7b>

Recommendations for measures to be taken to reduce hate speech against migrants and refugees

In the light of the above, Partners for Transparency recommends following these recommendations, measures and solutions to reduce hate speech against migrants and refugees in various countries around the world:

1. Enhance the legal framework

- **Laws activation:** National and international laws criminalizing hate speech should be strengthened and enforced, and deterrent penalties, including financial fines and imprisonment should be imposed on perpetrators.
- **Reform of existing laws:** Efforts should be made to address the challenges facing anti-hate speech legislation, particularly with regard to incompatibility with freedom of expression, and to work towards a balance that guarantees the protection of freedom of opinion while countering incitement to hatred.

2. Awareness and education:

- **Community education:** Awareness-raising campaigns should be launched at the national level to raise awareness of the dangers of hate speech and its negative impact on social peace, in particular towards refugees and migrants.
- **Inclusion of educational programmes:** Topics on tolerance, coexistence and mutual respect in educational curricula should be promoted to create a conscious generation that rejects hatred against all persons, including migrants and refugees.

3. Monitoring media and political discourse:

- **Media monitoring:** Action should be taken to monitor the media outlets and discourse that promotes the negative image of migrants and refugees, and holding accountable the media that disseminate misinformation and inflammatory information.
- **Regulating media content:** Strict media standards should be established to ensure balanced and accurate coverage of immigration and asylum issues, as well as independent committees to monitor news reports on refugees and migrants, and sanctions to media that promote misinformation.
- **Supporting responsible media:** Action should be taken to promote the establishment of media platforms that disseminate positive narratives about refugees and migrants and clarify their contributions to host communities, as well as awareness-raising campaigns to counter hate speech.
- **Pressure on political parties and politicians:** Action should be taken to put pressure on political parties and politicians not to use refugees and migrants as tools for political propaganda, and to commit to moral discourse that does not incite hatred for electoral gain.

4. Addressing economic concerns:

- **Increased awareness of economic gains:** Work should be done to sensitize host communities on the potential economic benefits of refugees' and migrants' presence, such as their ability to set up businesses and boost demand in the local market.
- **Programmes to support the local economy:** Joint economic programmes between refugees and communities should be pursued in order to contribute to the improvement of both parties' economic situation, which could include small enterprise development and entrepreneurship support in cooperation with international institutions.

5. Reducing the impact of technology and social media:

- **Online Content Monitoring:** Governments should collaborate with social media platforms to develop more effective mechanisms for monitoring and eliminating hate content, and introduce legislation that obliges platforms to accelerate the process of removing hate content.
- **Promoting hate speech detection techniques:** Governments should invest in developing AI technologies that can automatically and effectively identify hate speech, and then delete or report it.