

## Briefing Paper

Committee: SOCHUM

Topic: The Question of Regulating Hate Speech Without Undermining Civil Liberties

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### Summary

The Question of Regulating Hate Speech without Undermining Civil Liberties is about the tension created between protecting individuals and minorities from harm while keeping fundamental rights such as freedom of speech. In the modern geopolitical landscape, this is one of the most polarizing and urgent challenges facing the international community.

Advocates for regulation that argues that hate speech can cause violence, potential discrimination in a community and silence marginalised voice. When hateful rhetoric goes unchecked, it frequently paves the way for systemic persecution, inter-communal violence, and severe psychological distress among targeted demographics. Conversely, there are profound legal risks associated with empowering governments to police language. Critics, however, warn that broad or vague restrictions risk government overreach, censorship and the voices of unpopular opinions. If a state is granted the unilateral power to define what constitutes "hate," authoritarian regimes can easily weaponize these frameworks to imprison political opponents, journalists, and human rights defenders under the guise of maintaining public order.

The challenge lies in creating precise laws and policies that address harm being created in our everyday world while keeping human rights such as free speech and democracy. Finding the exact legal threshold where an "offensive opinion" becomes a "dangerous incitement to violence" is the primary task of SOCHUM delegates in this committee.

### Definition of Key Terms

**Hate Speech:** Language, expressions, or actions that attack or demean a person or group based on characteristics such as race, religion, ethnicity, gender, sexual orientation, or nationality.

**Civil Liberties:** Fundamental rights and freedoms guaranteed to individuals, such as freedom of speech, freedom of religion, and the right to equal treatment under the law.

**Freedom of Speech:** The right to express ideas and opinions without government interference or punishment, even when those ideas are controversial or unpopular.

**Regulation:** Rules or laws created by authorities to control or limit certain behaviors in order to protect individuals, groups, or society as a whole.

**Censorship:** The suppression or restriction of speech, ideas, or information, often by governments or institutions, which can limit open discussion.

**Government Overreach:** When authorities exceed their proper limits of power, especially in ways that threaten individual rights and freedoms.

**Marginalized Groups:** Communities or individuals who experience social, economic, or political disadvantage and limited access to power or resources.

**Democratic Society:** A system of government and social organization based on participation, open debate, and the protection of individual rights and freedoms.

## **Background Information**

The issue of regulating hate speech has developed alongside the expansion of civil rights and democratic freedoms, particularly in the 20th century. Prior to the 1900s, state censorship was common, but it was rarely utilized to protect vulnerable minorities; instead, it largely protected political rulers and religious institutions from treason or blasphemy.

A profound ideological shift occurred globally following the conclusion of the Second World War. After the calamities of World War II and the Holocaust, many countries recognized that hateful propaganda could contribute to violence and mass harm, leading some governments—especially in Europe—to create strict hate speech laws. The international community realized that the systemic, state-sponsored hateful propaganda of the Nazi regime was the direct precursor to atrocity crimes, prompting an urgent need for preventative legal mechanisms.

At the same time, democratic societies have long valued freedom of expression as a principal of political participation and social progress, with documents like the First Amendment of the U.S. Constitution strongly protecting speech. This created a persistent philosophical friction: the belief that the best remedy for bad speech is not censorship, but more speech, contrasted heavily with the desire to proactively prevent hate-based violence.

While this debate has existed for decades, the medium of communication has fundamentally altered the threat level. As media and communication platforms expanded, and especially with the rise of the internet and social media, hateful speech became easier to spread quickly and widely, intensifying calls for regulation. Algorithms designed to maximize user engagement frequently amplify polarizing and hateful content because it generates immediate emotional reactions. This historical and technological context explains why the debate continues today: societies must respond to real harms caused by hate speech while remaining cautious not to weaken the civil liberties that protect open dialogue and democracy.

## **Major Countries and Organizations Involved**

**United States** – Strongly prioritizes freedom of speech under the First Amendment, allowing even offensive or hateful speech unless it directly incites violence or lawless action. This highly

permissive legal standard (often referred to in U.S. jurisprudence as the Brandenburg test) sets an incredibly high bar for government intervention. This makes the U.S. a central reference point in global free speech debates, as many of the world's largest multinational technology and social media platforms are headquartered there and heavily influenced by this philosophy.

European Union (EU) – Takes a more regulatory approach, with laws and frameworks that require member states to limit hate speech, especially when it targets protected groups or threatens public order. Recent sweeping legislations, such as the EU's Digital Services Act (DSA), place heavy obligations on technology platforms to swiftly remove illegal hate speech or face massive financial penalties.

Germany – Known for strict hate speech regulations due to its historical experience with Nazism; laws ban Holocaust denial and extremist propaganda. Germany's NetzDG law is considered one of the most aggressive digital regulation frameworks in the democratic world, serving as a model for nations prioritizing public safety over absolute free expression.

United Kingdom – Regulates hate speech through laws that criminalize speech intended to stir up hatred while still claiming to protect free expression. British law frequently grapples with the nuance of evaluating the "intent" of the speaker, leading to complex and sometimes controversial policing of digital communications.

Australia – Australia has recently become a focal point for modern legislative struggles regarding hate speech. In early 2026, the Australian government recalled parliament to debate the Combatting Antisemitism, Hate and Extremism Bill. While designed to prevent violence and racial vilification following tragic domestic incidents like the 2024 Bondi Beach attacks, the draft legislation sparked intense national debate. Notably, controversy arose over a proposed legal exemption that could allow individuals to use the quoting of religious texts as a defense against hate speech charges. Critics argue this creates a loophole allowing extreme rhetoric, while proponents argue it is essential to protect freedom of religion and theological discussion.

India – As the world's most populous democracy, India faces severe challenges balancing speech and public safety amidst deep political polarization. The spread of digital misinformation and hateful rhetoric has frequently resulted in communal violence. According to a 2026 report citing U.S.-based research groups, anti-minority hate speech in India rose significantly—by a reported 13% in 2025 alone—often peaking around periods of national elections and religious events. This highlights the immense difficulty of regulating speech in highly diverse, densely populated digital environments.

United Nations (UN) – Promotes a balance between freedom of expression and protection from hate through human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR).

## Timeline of Events (Relevant UN Treaties)

1945-1948 – After World War II and the Holocaust, global awareness grows about the dangers of hateful propaganda. The United Nations is founded, and the Universal Declaration of Human Rights (1948) affirms both freedom of expression and protection from discrimination.

1950s-1960s – Democratic nations expand civil rights protections. The United States strengthens free speech protections through Supreme Court rulings, while European countries begin supporting limits on speech that threatens public order or targets groups.

1966 – The International Covenant on Civil and Political Rights (ICCPR) is adopted, recognizing freedom of expression but allowing restrictions on speech that incites hatred or violence. Article 19 of the ICCPR heavily protects expression, while Article 20 requires states to prohibit advocacy of national, racial, or religious hatred.

1990s – The rise of the internet creates new challenges, as hate speech can spread globally and anonymously, prompting renewed calls for regulation.

2000s – European countries strengthen hate speech laws; the European Court of Human Rights issues rulings balancing free expression with protections against hate.

2010s – Social media platforms expand rapidly. Governments pressure tech companies to regulate harmful content, while debates intensify over censorship and free speech.

2020s-Present – Hate speech regulation becomes a global issue tied to online misinformation, political polarization, and digital rights, with ongoing efforts to balance safety, equality, and civil liberties.

## Previous Attempts to Solve the Issue

Over the years, several attempts have been made to address hate speech while protecting civil liberties.

Many countries have introduced hate speech laws that criminalize speech inciting violence or discrimination, with European nations generally favoring stricter legal limits and the United States maintaining broader free speech protections. However, national laws struggle to contain a digital ecosystem that is inherently borderless.

At the diplomatic level, international agreements, such as the International Covenant on Civil and Political Rights, have aimed to set global standards by allowing restrictions only when speech poses a clear threat to others. To interpret these broad treaties, courts, including the European Court of Human Rights and the U.S. Supreme Court, have played a key role by defining the boundaries between protected expression and punishable harm through case law.

Recognizing the slow pace of governmental legislation, the private sector has also attempted to intervene. In recent years, technology companies have implemented content moderation policies

to remove hateful or abusive content, often under government pressure. Platforms utilize algorithms and human moderators to police billions of posts daily. While these efforts have reduced some harmful speech, they have also sparked concerns about inconsistency, censorship, and the unequal enforcement of rules, showing that no single approach has fully resolved the issue.

## Possible Solutions

To properly balance this complex issue, delegates should consider drafting resolutions that incorporate the following mechanisms:

- **Narrowly Defined Laws** – Create clear and specific legal definitions of hate speech that target direct incitement to violence or discrimination, reducing the risk of vague or overly broad restrictions.
- **Strong Judicial Oversight** – Ensure independent courts review hate speech cases so that enforcement does not become a tool for political censorship or abuse of power.
- **Platform Transparency and Accountability** – Require social media companies to clearly explain their content moderation rules and decision-making processes, with fair appeal systems for users.
- **Education and Counter-Speech** – Invest in education, media literacy, and public awareness campaigns that challenge hateful ideas through dialogue rather than punishment alone.
- **Support for Affected Communities** – Provide legal, psychological, and social support for individuals and groups targeted by hate speech, helping reduce its real-world impact.
- **International Cooperation** – Encourage collaboration between countries and international organizations to set shared standards while respecting cultural and legal differences.

## Guiding Questions for Delegates

To properly prepare for the SOCHUM committee sessions, delegates should thoroughly research their respective nations' stances on the following inquiries:

- Does your nation prioritize the absolute protection of free expression (similar to the U.S. model), or does it prioritize the protection of societal harmony and minority dignity through legal regulation (similar to the EU model)?
- How should international law treat political figures or religious leaders who utilize coded language that stops short of explicitly calling for violence, but practically results in mob action against minorities?
- Should multinational technology companies be held legally and financially liable by international courts for the real-world violence caused by the hateful content their algorithms promote?

## Useful Links

1. <https://www.un.org/en/hate-speech/united-nations-and-hate-speech/international-human-rights-law>
2. <https://www.un.org/en/hate-speech/understanding-hate-speech/what-is-hate-speech>
3. <https://www.un.org/en/hate-speech>
4. <https://www.ibanet.org/Hate-speech-versus-free-speech>
5. <https://www.coe.int/en/web/freedom-expression/hate-speech>
6. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
7. <https://www.theguardian.com/australia-news/2026/jan/12/quoting-religious-text-could-be-defence-against-new-hate-speech-laws-draft-bill-shows-ntwnfb>
8. <https://www.theguardian.com/australia-news/2026/jan/12/pm-recall-parliament-hate-speech-reform-bondi-terror-attack-ntwnfb>
9. <https://www.news.com.au/national/politics/executive-council-of-australian-jewry-welcomes-bondi-reforms-warns-of-significant-shortcomings/news-story/8f6b6990aa622854c0330863fee86f77>
10. <https://www.reuters.com/world/india/anti-minority-hate-speech-india-rose-by-13-2025-us-research-group-says-2026-01-13>