

Addressing the Hate Speech Paradox

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Good afternoon and thank you for the opportunity to visit this beautiful city, to meet with such wonderful people, and to speak at this vital gathering. I'm honored to be part of a dialogue centered on Islamophobia— and to share thoughts with you regarding relevant legal frameworks for addressing it.

"Islamophobia" can be defined as a fear, prejudice against, or hatred of Muslims that leads to provocation, hostility and intolerance. It encompasses not only individual acts of bias but also structural and institutional discrimination. Obviously, it is a phenomenon often observed in societies where Muslims are in the minority. But the effects of Islamophobia can also be seen in Muslim-majority countries, and legal, political, and social developments in Muslim-majority countries are also relevant to this discussion.

Hate speech constitutes one of the most prevalent manifestations of Islamophobia. As noted by the legal scholar Khaled Abou El Fadl: "Words are not neutral. They can be instruments of beauty and truth, or they can be weapons that destroy and demean." This ambivalence at the core of freedom of speech undergirds the paradox at the heart of our discussion today.

The paradox is this: legal efforts to protect the cherished right to free expression and simultaneously to outlaw hate speech can end up protecting persecuting majorities rather than persecuted minorities.

The problem is this: when minorities, like Muslims, seek protection under hate speech laws, they often suffer a public backlash from the majority – who claim that their rights to free expression are being attacked. As a result, minority groups typically are reluctant to invoke hate speech remedies because doing so is likely to trigger additional hate speech attacks against them.

On the other hand, when the *minority* speaks out against majoritarian oppression, the majority may claim that *it* is being victimized by hate speech emanating from the minority. Those in the majority do *not* fear possible public backlash if *they* invoke the hate speech law. Thus, either way, the law is often most useful for the majority – which is usually the original hate speech aggressor.

The consequences of hate speech are real and devastating. Hate speech creates fear. It leads to policies that surveil, exclude, or vilify Muslim communities. It erodes belonging. In 2023, following escalations in the Middle East, anti-Muslim incidents in the U.S. and Europe

spiked. A 6-year-old Palestinian-American boy was stabbed to death in Illinois, allegedly by his landlord, in an attack law enforcement called a hate crime. This is the world words can help create.

To move forward, we must understand the dynamics that give rise to hate speech and Islamophobia, and find ways to counteract these dynamics without triggering the hate speech paradox.

Islamophobia is not simply spontaneous. It emerges from historical legacies, including:

- Colonialism -- many Muslim-majority societies were colonized by European powers during the 18th to 20th centuries and portrayed as backward – justifying a “civilizing mission”;
- Orientalist stereotypes -- Muslims have often been reduced in the West to caricatures in popular media and literature; and
- Post-9/11 securitization -- Muslims worldwide have become subject to extraordinary levels of surveillance, suspicion, and policy scrutiny because of the actions of a small number of extremists who invoked their faith as a justification for their actions.

Islamophobia often flourishes – and can be fanned by political opportunists -- when majority populations feel economically and politically insecure, and unsettled by perceived demographic trends in their countries. This is especially true within a media landscape that too often associates Islam with violence. Social isolation and algorithm-driven digital platforms amplify these dynamics. People who never interact with Muslims may only know about them through hostile media frames or viral misinformation.

At the same time, laws and practices in some Muslim-majority countries related to apostasy, blasphemy, and gender equality have also raised serious concerns among human rights organizations and UN bodies related to the treatment of minorities in *those* countries. Cultural differences in how speech, dignity, and religious convictions are valued and respected further complicate the global conversation. What counts as incitement in one society may be considered legitimate critique in another.

International law provides a vital framework for bridging these cultural divides and avoiding the hate speech paradox. The International Covenant on Civil and Political Rights, or ICCPR, protects free expression under Article 19, but also requires states to prohibit incitement to hatred under Article 20. The Rabat Plan of Action, developed by the UN in 2012, offers a six-part test to determine when speech crosses the line into criminal incitement. The test is designed to guide: *governments* in drafting legislation that complies with international standards; *courts* in adjudicating hate speech cases; and *civil society* in advocating for balanced approaches to freedom of expression and protection from incitement. Applying this approach can lead to rules and practices less likely to trigger the hate speech paradox.

The Rabat Plan of action's six-part test includes the following elements:

1. Context: Speech must be examined in light of its social and political context. For example, is the statement made in a volatile or sensitive environment where it could reasonably provoke harm?
2. Speaker: Consider the status or influence of the speaker. Is the speaker a political, religious, or cultural leader with the power to influence others?
3. Intent: The speaker must intend to incite discrimination, hostility, or violence. This test excludes speech that may be offensive but was not made with malicious intent.
4. Content and Form: The nature of the speech, including its tone and style, matters. Was the message provocative, direct, or coded? Does it use clear calls to action?
5. Extent of the Dissemination: How widely was the message shared? Was it distributed broadly through mass media or confined to a small group?
6. Likelihood of Harm: There must be a reasonable probability that the speech will result in real harm, such as violence or discrimination—not just a theoretical risk.

Countries apply these principles in different ways. Germany's NetzDG law mandates prompt removal of online hate speech. The UK criminalizes incitement to religious hatred but also protects freedom to criticize religion. The U.S., by contrast, protects even offensive speech unless it poses an imminent threat of violence.

In other parts of the world, we see a more varied landscape. In India, critics argue that laws banning religious insult are often used selectively, exacerbating tensions. In Indonesia, hate speech laws are enforced through internet laws regarded by some as overly broad. Selective applications of overly broad laws can exacerbate manifestation of the hate speech paradox. In South Africa, in contrast, the Equality Act provides civil remedies against hate speech, reflecting its post-apartheid commitment to dignity.

In general, legal regulation is not without risk. It can be vague, politicized, or used to silence dissent. Definitions of hate speech vary, and different civilizations offer different lenses. Western systems often focus on the speaker's intent; others focus on impact or social harmony. In Muslim-majority societies, speech is shaped by values of communal dignity and reverence for the sacred. In China, law emphasizes social stability and government authority. In Orthodox Christian countries like Russia and Serbia, speech is often constrained to protect traditional religious and national values.

And even when well-grounded, recourse to legal remedies can spark backlash. In France, when Muslim groups challenged anti-Muslim rhetoric through the courts, they were accused of threatening secularism. The result was a perceived increase in state surveillance of Islamic organizations. This type of backlash exemplifies the risk presented by the hate speech paradox.

The above examples underscore the need for a comprehensive approach that goes beyond legal measures. An important exercise reflecting this need was the “Faith for Rights” initiative, which was launched by the UN Office of the High Commissioner for Human Rights in 2017 and brought together faith-based and civil society actors to explore the role of religion in promoting human rights. This initiative culminated in the adoption of the Beirut Declaration and its 18 Commitments, which aim to foster peaceful societies that uphold human dignity and equality.

The Beirut Declaration articulates a vision where religious belief and human rights are mutually reinforcing. The accompanying 18 Commitments provide a framework for faith-based actors to engage in promoting human rights, including:

- Rejecting violence and discrimination in the name of religion;
- Supporting freedom of thought, conscience, and religion;
- Advocating for the rights of women, children, and marginalized groups; and
- Challenging interpretations of religious texts that justify human rights violations.

Most importantly, these commitments encourage religious leaders to use their influence to promote tolerance, inclusion, and respect for diversity.

We can expect that religious organizations, scholars, and government officials from around the world will continue to study ways to reduce frictions as our various cultures interact in this age of globalization. In the meantime, what further steps can be taken to reduce the damage of hate speech without violating human rights and without triggering the hate speech paradox? What can actors in the non-Muslim world, and in the Muslim world, do to help address these challenges?

Let me highlight four powerful fields of activity where communities and institutions are actively countering hate speech and building cohesion.

First, in the field of education, cross-cultural religious literacy (CCRL) and other important initiatives are equipping teachers, students, and the broader public with tools to recognize and reject hate-based narratives. Programs focus on critical thinking, counter-radicalization, and inclusive civic values. These efforts encourage respectful dialogue across lines of difference and foster skills that help people of different religions and beliefs to work together.

Second, in interfaith cooperation, religious leaders and organizations are working together to dismantle stereotypes and build solidarity. Through public messaging, shared events, joint service projects and joint advocacy, these alliances humanize Muslim communities and demonstrate shared moral commitments. They help shift public discourse from fear to fellowship.

Third, civic engagement programs empower affected communities—particularly Muslims—

to monitor hate incidents, support victims, and raise awareness. These efforts strengthen reporting mechanisms, build public accountability, and amplify voices often left out of mainstream narratives.

Fourth, in the tech sector, partnerships between civil society and technology companies are helping to shape responsible digital spaces. This includes developing transparent moderation policies, increasing cultural competence among content reviewers, and creating ethical frameworks for online engagement.

Endeavors in each of these fields are not only responding to hate, but proactively building a culture of empathy, dignity, and mutual recognition. These efforts show that progress is possible—when we act collectively and not just react legally.

Let me close with words attributed to the American writer James Baldwin: “The answer to hate is not just punishment; it is transformation.”

Law can create boundaries. But only empathy, education, and courageous coalition-building can transform societies. If we are to overcome Islamophobia and hate speech, we must pair strong legal norms with even stronger human connections.

Thank you.