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## **HATE SPEECH - LEGAL, POLITICAL, CULTURAL ASPECTS. WORLD EXPERIENCE IN LEGAL REGULATION**

***Annotation.** The article analyzes the topic of «hate speech», its legal, political, cultural aspects, as well as the world experience of its regulation. The article analyzes the growth of «hate speech» on social media and during the COVID-19 period. Considering the existing experience of «hate speech law», it is emphasized that paradoxes and contradictions between freedom of expression and restrictions on hate speech impede the achievement of positive results in this area. Legal norms are necessary to improve the general perception of the language of hatred, to improve the existing standards of combating the language of hatred, and to adopt measures against crimes committed on the basis of hatred.*

***Анотація.** У статті аналізується тема «мови ворожнечі», її правові, політичні, культурні аспекти, а також світовий досвід її регулювання. Аналізується зростання «мови ворожнечі» в соцмережах і в період COVID-19. Враховуючи наявний досвід «закону про мову ворожнечі», наголошується, що парадокси та протиріччя між свободою вираження поглядів та обмеженнями мови ворожнечі заважають досягненню позитивних результатів у цій сфері. Правові норми необхідні для покращення загального сприйняття мови ненависті,*

*вдосконалення існуючих стандартів боротьби з нею та вжиття заходів проти злочинів, скоєних на ґрунті ненависті.*

**Key words:** *hate speech (language), legal, political, cultural aspects, social networks, hate crimes, regulation, world experience, European Union, USA, Germany, Azerbaijan*

**Ключові слова:** *мова ворожнечі (мова), правові, політичні, культурні аспекти, соціальні мережі, злочини на ґрунті ненависті, регулювання, світовий досвід, Європейський Союз, США, Німеччина, Азербайджан*

**Introduction.** Violence - aggressiveness and extremism from the origin since society and manlife inseparable feeling -What happened? Numerous fields of science - psychology, pedagogy, sociology, political science, etc. studies have been carried out in numerous directions. At the same time, in the 21st century, manifestations of violence and hatred have not only been eliminated, but have even increased, neither among people in society, nor among states in the world.

In the modern world, religious, racial, ethnic and national factors, manifestations of various forms of intolerance, fanaticism, armed conflicts on religious grounds largely determine the socio-political situation and development trends in some regions.

Issues related to the fight against various types of terrorism and constructive prevention, the continuation of inter-ethnic and inter-confessional conflicts, the growth of national and religious extremism, which is a direct threat to the country's security, are of special relevance for many poly-ethnic and multi-confessional states like Azerbaijan. Especially. In modern times, the support for the spread of harmful teachings such as separatism, xenophobia, fanaticism and fundamentalism directed from foreign sources is clearly manifested.

The scale and international nature of terrorism make it necessary to develop a system of combating it and to coordinate the efforts of various states in the long term.

The conducted sociological studies and the data obtained as a result of public opinion polls show that, in principle, the majority of people do not appreciate violence and intolerant behavior, but in many cases they defend such behavior citing emotional and psychological reasons.

In many countries, people (up to 33-42%) admit that they often commit aggressive actions in their lives, even if they clearly understand the contradictions to social norms and rules, at the same time, they are forced to do the action in question or have the right to do it as a response to certain actions [1; 2].

In the conditions of the development of current information and communication technologies, an increase in the aggressive behavior of people on the Internet is observed.

Justifying the use of targeted violence, overthrowing legitimately elected governments, etc. disruptive activities, psychological trainings are conducted both online and offline-virtual space.

**The purpose of the article** is to study the topic of hate speech, which is widely discussed in modern times, as well as to consider its legal, political and cultural aspects. The article also considers a relatively new international and national legislative practice in the world related to the legal regulation of hate speech- hate speech law- and compares them.

**Research Results.** *Key terms, basic concepts*

According to sociologists, the ideology of national chauvinism is increasingly gaining support not only among the population, but also among the employees of the state apparatus, military personnel and law enforcement officers.

Hate speech is an emotionally charged concept. There is no universally accepted definition for this in international human rights law. Many believe that only when a person encounters hate speech is it possible to reason about it, but the criteria for this are often vague or contradictory [3].

According to the Cambridge dictionary, «hate speech is mass speech and speech that expresses hatred for people or groups of people or encourages violence based on racial, religious, sexual or sexual orientation factors» [4]. According to other researchers, incitement to hatred «refers to hostility or hatred toward any person or group of persons in general because of characteristics specific to the group, such as race, religion, national origin, gender, physical disability, religion, or sexual orientation» [5, p. 1277 - 1279].

The study of «hate speech» in world humanities began simultaneously in different fields of science in the middle of the 20th century. Thus, in 1954, in his revolutionary book «The Nature of Prejudice», the American psychologist G. Allport, presented by the author as a verbal self-expression, uttered for the first time what we call «hate speech» in the modern era, «neutralization», which will cause the discriminating group to show physical violence. assessed as the first step [6, p. 120 - 122].

In scientific studies, the «Hate speech» phenomenon has reached a relatively wide scope in the last 2 decades: political scientists, human rights defenders, linguists and other humanities representatives from all over the world are currently addressing hate speech. It is clear that the difficulty in its creation requires the investigation of the phenomenon against the background of a complex, interdisciplinary approach.

For example, in the researches of the Hungarian linguist Boromisza-Habashi, the "language of hate" is examined in the context of a cultural approach [7, p. 14 - 15].

But in the research of the American lawyer Saunders KW, the connection between obscenity and «hate speech» is traced: the author traces the legal trajectory of degradation, which begins with the description of obscene character and leads to hate speech [8, p. 91].

The studies of scientists around the world draw attention to the harmful consequences of using «hate speech». Legislative measures to regulate «hate speech» in various democratic countries are included in the works of European and American researchers [9, p. 201].

The relationship of «hate speech» to the theory of speech acts has been emphasized in many linguistic and legal works [10].

Some researchers consider it important to study «hate speech» as a social phenomenon. They classify the manifestation of hatred in their mass media according to ethnic, religious and other social affiliation.

It is considered that hatred is verbalization of hostility against certain ethnic groups of the population

Also, the analysis of activities of mass media, media and journalists is in the focus of researchers. For example, it describes the main strategies and tactics related to the manifestation of hostility in media texts. It is considered important to implement measures aimed at increasing the social responsibility of journalists.

All in all, «hate speech» is now defined in law, linguistics, media, etc. exceeding the framework of fields, it has become the most important issue of the social system such as politics, state administration and mutual relations in society.

Like any other social phenomenon, «hate speech» has certain conditions for its emergence and functioning, on the one hand, and on the other hand, it predetermines the development of society. For example, in the 1990s, the beginning of the regulation of «hate speech» in a number of educational institutions in America revived the discussion of certain legal, political and social processes in society. S. Ghosh writes that in the last twenty years in South Asia, with the emergence of right-wing movements that brutally oppress individual religious or ethnic communities, disputes over the legal regulation of «hate speech» have arisen.

Researcher J. Waldron notes that the use of hate speech not only leads to discrimination and violence, but also creates real nightmares in society. He describes hate speech as an environmental threat to the social environment, a gradually acting poison that will ultimately prevent even well-meaning members of society from supporting the well-being of society [11, p. 105].

According to the general conclusion, there is a great need to study hate speech as a socially dangerous phenomenon. So, these aspects are not limited to the field of interest of jurisprudence. By legislation, human speech and its activity, worldview, views, culture, morality, etc. The connection between the two is primarily related to the fact that the phenomenon of speech expresses the unity of many features along with relative independence. The fact that hate speech is a social phenomenon is revealed by its double-damaging consequences. First, this damage is directed against individuals and groups, causing psychological and moral damage. Secondly, by targeting the state as a whole, its social and moral structure, it can undermine the foundations of stability and coexistence [12].

*The fragile boundaries between free speech and hate speech. How is hate speech/language defined?*

The Special Rapporteur on Freedom of Opinion and Expression, David Kaye addressed the UN General Assembly on how exploitation of the term ‘hate speech’ has been used to limit lawful expression. He writes about the relationship between hate speech and freedom of expression: «If we carefully analyze the laws in the field of international human rights, we will see that at first glance they reflect contradictory and paradoxical values: On the one hand, the laws protect the right to freedom of expression and this right is strictly protected. At the same time, on the other hand, there is the right to be free from discrimination and violence, and to participate in public life. Sometimes we see that the right to freedom of expression conflicts with other rights. Thus, a dilemma emerges. A legal definition of «hate speech» is yet to be defined. It has not been done. It has entered everyday life as a concept. What is clear is that hate speech should be limited, and there are criteria for it» [13].

On 21 October 2019, David Kaye addressed the UN General Assembly’s Third Committee on his report , which addresses how the lack of a legal definition of the term ‘hate speech’ has allowed governments to punish and silence otherwise lawful expression such as political dissent, criticism or religious disagreement, by labelling

such expression as hate speech and thus illegal. «When the phrase «hate speech» is abused, it can provide ill-intentioned States with a tool to punish and restrict speech that is entirely legitimate and even necessary in rights-respecting societies», warned Kaye. [14].

According to Council of Europe Council of Ministers recommendation № R (97) Hate speech - as all forms of self-expression such as xenophobia, anti-Semitism, incitement, incitement or spreading of other manifestations of hatred, as well as aggressive nationalism, ethnocentrism, discrimination against minorities, migrants and emigrants is explained.

ARTICLE 19 organization works to protect freedom of expression and equality in the world.

The organization also periodically prepares guidelines in the field of hate speech.

In one of these guidelines, the ARTICLE 19 organization has provided guidance on the definition and meaning of the word «hate speech/hate speech» and some points on how to effectively fight against such cases on legal and legislative grounds.

For the current period, the questions arising in this field are classified as follows:

1. How to define «hate speech» that needs to be restricted, how to distinguish it? 2. What measures are taken by various states against hate speech? 3. What categories of «hate speech» and under what conditions should be banned by the state?

2. First of all, it should be noted that there is no universally accepted single definition of «hate speech» in international law - for now, it is rather a general concept that covers a wide range of expressions.

3. However, guided by the international legal obligations of states in the field of human rights, it proposes a typology to recognize and distinguish different forms of «hate speech» depending on the degree of severity.

Among other things, there are sources about the most obvious forms of «Hate Speech» and some of the exceptional cases where the state is obliged to apply the ban in accordance with international law.

Also, cases where each state can restrict «hate speech» due to its international obligations under international law. It includes guidance on preventing abuse of such bans and ensuring that sanctions, if imposed, are reasonable and proportionate, as well as providing support and redress for victims of hate speech.

To distinguish what constitutes «hate speech», one must first understand the importance of two interrelated rights:

1. freedom of expression;
2. the right to equality [15].

The right to freedom of expression and expression is a fundamental human right guaranteed by Article 19 of the Universal Declaration of Human Rights (UDHR) and legally recognized by all major and regional human rights treaties. It is true that the UNFCCC is not a legally binding document for states. However, many of its provisions are considered to have acquired the status of customary international law since its adoption.

International law has established the right to equality for all and the prohibition of discrimination. The protection of human honor and dignity without discrimination can play a key role in defining hate speech.

Hate speech and hate crimes poison societies by threatening individual rights, human dignity and equality, intensifying tensions between social groups, disrupting public peace and public order and endangering peaceful coexistence. It reduces social cohesion, solidarity and trust between society members. Hate speech inhibits rational public debate where no democracy can exist, it leads to the abuse of rights that threatens the rule of law. Hate and hate crimes have been on the rise for the past decade.

The most undesirable situation is that in some member states of the European Union, the transformation of hate speech into politics has begun to emerge at the highest level of public administration. The liberal stance against hate speech, the democratic standards of the state and the social majority in all circumstances, have been threatened when public officials remain silent or openly support hate speech.



No society is immune to hate speech. However, the deepening of hatred depends on the social environment and the measures that can be taken. State response, whether through speech, action, or inaction, creates certain social norms and informs society about existing standards.

According to recent academic literature, fighting against hate speech, counter-speech, racism and other intolerance is very important. It is considered necessary to support counter-speech, implement social programs to eliminate education, information and economic inequalities, and strengthen the institutional system to combat hate crimes.

*Hate speech in national and international law, normative acts and documents*

Currently, the introduction of legislation restricting hate speech has become a new trend in democracy. Legislating countries: Australia, Austria, Belgium, Brazil, Canada, Cyprus, Denmark, England, France, Germany, India, Israel, Italy, Sweden, Switzerland, etc. According to these laws, «prohibition of hate speech that does not contain incitement to violence may affect freedom of expression».

Every year on July 22 – «European Day of Hate Crimes and Victims» is celebrated.

In 2008, the OSCE ODHDP prepared a document entitled «Hate Crime Laws/Practical Guiding Principles». Representatives of the Prosecutor General's Office from Azerbaijan participated in the discussions on the document. One of the main questions that the document seeks to answer as a challenge is: «Hate crimes: a new type of crime or a toughening of existing penalties?» In general, the OHCHR considers it important to answer the main questions in order to achieve a solution to the problem of the functioning of hate legislation and the fairness and adequacy of punishment. Thus, banning hate speech that does not call for violence may «conflict» with the right to freedom of expression. In the guiding principles, the following 5 strategic questions are put forward, which are decisive in the bloodshed of hatred:

Strategic question 1: Should a new type of crime be defined in the law, or is it sufficient to impose tougher penalties for existing types of crime?

Strategic Question 2: What protected features should be included in the law?

Strategic Question 3: How should the motive of the crime be defined in the law?

Strategic question 4: How should the problems of affiliation, affiliation and misunderstanding regarding the victim's identity be resolved?

Strategic Question 5: What motives are required to be proven and what is the necessary degree of motivation ? [16].

Ahead of the European Parliament (EP) elections in May 2019, MEPs called for a resolution on neo-fascist violence in Europe. The court condemned «hate speech» by politicians and public officials because they directly normalize and reinforce hatred and violence in society.

The position of the international community regarding verbalization or other manifestations of hostility against representatives of a certain social group is confirmed by the adoption of international agreements aimed at limiting the use of «hate speech».

The purpose of implementing national «hate legislation», acts and norms, according to general opinion, is to ensure minimum and conditional relative protection of victims of hate crimes.

The researches in this field emphasize the positive effect of criminal legislation in solving serious conflict problems in society [17].

An overview of the issue also reveals that for hate crime laws or provisions to work, states need to reach a certain level of maturity in terms of democracy and the rule of law. In all cases, the first important issue is to understand the benefits of law-making. Changing the Criminal Code to address social tensions is cheaper, simpler, and faster than taking effective steps to address sociological, economic, and historical factors. However, the classification of hate crimes poses difficulties. Legislation is required to protect the so-called minority categories. This raises doubts about whether the branches of government can prepare perfect laws.

Within the framework of the researched topic, first of all, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, approved by the UN General Assembly Resolution № 2106 (XX) dated December 21, 1965, states: «Member States shall promote racial superiority makes it a crime by law to spread any activity such as disseminating hateful or hateful ideas, inciting racial discrimination, and at the same time criminalizes harassment and racist activities and their financing against any group of people of any race or ethnic diversity».

The International Covenant on Civil and Political Rights of December 16, 1966, and the European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950, declare media freedom, determines the relevant restrictions for the exercise of this right.

International Covenant on Civil and Political Rights: Article 19.2. Everyone has the right to freely express their opinion; this right includes the freedom to seek, impart and disseminate information and ideas of all kinds, whether orally, in writing or through written or artistic expression, or through any other means of their choice, regardless of national boundaries.

European Convention for the Protection of Human Rights and Fundamental Freedoms: Article 10. Freedom of expression. 1. Everyone has the right to freely express their opinions. This right includes freedom of opinion, freedom to receive and impart information and ideas without any interference by state authorities or state borders.

The European Union, in turn, has taken steps regarding hate speech. In 1997, the Committee of Ministers of the Council of Europe, noting the resurgence of racism, xenophobia and anti-Semitism, while recognizing the importance of freedom of expression, recommended that member state governments take measures to combat «hate speech» (Recommendation, 1997).

The use of legal mechanisms to limit hate speech has now become a new trend in democracy. Currently, according to law professor A. Tsesis, the introduction of criminal

laws prohibiting the dissemination of discriminatory statements to the public is a common trend in the world's democracies, and the spread of «hate speech» is among the countries that have adopted penal laws in 37 countries of the world. Among the countries that passed the law are Australia, Belgium, Brazil, Canada, Chile, Croatia, Denmark, Estonia, Europe, Finland, France, Germany, Greece, Iceland, India, Indonesia, Ireland, Japan, Jordan, Kenya, Malta, Netherland, New Zealand, Norway, Poland, Romania, Russia, Serbia, Singapore, South Africa, Spain, Sweden, Switzerland, Ukraine, UAE, UK [18, p. 52].

Universal Declaration of Human Rights (UDHR ) in 1948, the member states of the United Nations, all people regardless of race, ethnic origin, color, religion, personality and sexual orientation, etc. they accepted that they were born free without discrimination and that they were equal in dignity and rights [19].

The Rabat Action Plan was developed as a tool to guide its implementation.

The Rabat Action Plan sets out a six-part «test» mechanism to define the boundaries between protest, offensive but unpunished expression, and illegal hate speech. The six factors are: 1) *context*; 2) *the identity of the speaker*; 3) *intention*; 4) *content and form*; 5) *degree of speech reach* and 6. *extent and possibility of harm* . The particular importance of the Rabat Action Plan is that it highlights the differentiating factors that distinguish online speech from speech, which can have a higher social impact.

In 2018, the UN Secretary General launched the «UN Strategic Action Plan on «Hate Speech». The Strategic Action Plan identified 13 key commitments that represent a comprehensive social and political strategy to combat intolerance, without any mention of legal restrictions on speech.[20] The Organization for Security and Cooperation in Europe (OSCE)-OSCE Office for Democratic Institutions and Human Rights (OSCE-ODIHR) pays special attention to hate crimes. OSCE HATE CRIME National Pillars for Combating Hate Crimes, together with civil society organizations

and international organizations, assists participating states in drafting laws and justice systems that effectively address hate crimes

### *Effective mechanisms against hate speech*

The fight against bias-motivated actions can be grouped into two categories: *counter-speech* and counter-action. Both recognize that hate speech and hate crime are societal phenomena and that legal regulation and law enforcement are only the tip of the iceberg.

Key regulatory factors for long-term and sustainable growth:

- social insecurity, inequality and poverty;
- various fears in our risk-based society;
- unequal education;
- the weakness of the law enforcement system;
- populist political rhetoric [21].

### *Counter - speech*

The constitution of the state equally protects all persons within its jurisdiction. Ensuring protection against discrimination, racism and hate speech should not be a word, but an overt behavior that creates a social norm.

*States shall use their powers to the best of their ability to combat racism and intolerance.* Prejudice is likely to accompany humanity in the long run. The main thing to avoid here is to prevent prejudice from turning into politics or actively undermining the rule of law through institutionalized discrimination.

Real fears and anxieties make people vulnerable to populist, discriminatory and even racist views. Further research should be supported *to decipher* the «narratives of hate», to identify the underlying content and to identify *the real concerns behind the hate*. The following measures aim to build social resilience against discriminatory ideas. Some of them require mild measures, while others require strong laws:

- *Prevention of populist political rhetoric.*

Decision-makers should not only refrain from discriminatory and prejudiced statements, but also challenge them whenever they encounter such statements. This has been expressed in numerous documents by international institutions and legal philosophy. The leadership, government officials, authorities, schools and all state institutions, officials, schools, and public institutions of the European Union member states should call to oppose hate speech and hate crimes, and should state that this harms the values of the European Union.

All public administration institutions, government officials, authorities, schools and all public institutions should oppose it when they are faced with expressions of hatred and hate crime, and should not forget that they represent the values of the European Union and the United Nations, and generally the principles of all civilized peoples of the world.

*- Making democratic institutions defensible against populism.*

Demarcation, confrontation and co-option are political strategies to limit the institutional power of extremist parties . Belgium has established a «sanitary cordon» (cordon sanitaire - no contact with any other party) around its radical right party, which prohibits any political coalition with a party. Other countries do not have a similar «sanitary cordon». But the practice of demarcation-informal cordons including Germany, France, the Netherlands, and Sweden-reveals fissures between local and regional actors.

*«Own the narratives»*

As the narrative of a person or society is, so is the environment and social consciousness. Narratives based on hatred or sympathy are completely different from each other. From this point of view, «the way the story is, the way you think»; or «If you want to change your life and destiny, change the story» imperatives are important. It is important to pay attention to whether there is a hate factor in the content of the narratives.

Although it is important to react to discriminatory stories-narratives, it is recommended to form a shared culture of tolerance, to develop stories of human rights, identity and tolerance.

- *Action against hate speech and hate crimes* - countermeasures in this case would be weak without institutional support. Therefore, the rights of social groups that are the target of hatred are important. These means are first of all the activity according to the administrative and legal procedures.

- *Measures to be adopted based on EU experience in combating hate speech*

- The police must investigate hate crime incidents when they receive information.

- Cases of wrongdoing should be taken into account by investigative bodies.

- NGOs should have the right to notify the police that they need to investigate.

Police coordination with civil society can also build trust in the community and increase official reporting.

- The standards developed by the ECtHR regarding victims of hate crimes, such as special vigilance to investigate and uncover racist and other biased motives, even if committed by state acts, can be incorporated into part of EU law.

- The special needs of victims of hate crimes in the criminal process should be taken into account in accordance with the EU «Victims Directive» and more specific laws and recommendations should be provided if necessary. At the very least, its implementation should be closely monitored.

- *Monitoring the rule of law*- National law enforcement agencies are weakened if information about discrimination leaks into public administration - at this point only an independent judiciary or international oversight can correct the situation to some extent. The EU's regular rule of law mechanism - if any proposal from various institutions or a combination of these materializes - could be an important element in preventing a backlash and thereby returning to the institutional framework needed to effectively combat hate speech.

Monitoring the rule of law develops requirements to check whether states are fulfilling their obligations to fight hate speech and hate crimes.

*The spread of extremist speech during the Covid-19 global pandemic*

According to the research conducted during the outbreak of Covid-19 in the spring of 2020, the limited rights and freedoms of citizens, residents and foreigners have been restricted by moving away from the rights and freedoms reflected in the state constitutions.

Violation of human rights has become an inevitable process in the pandemic environment, which is dangerous from the point of view of the rule of law and foreign to the nature of democracy.

Pandemics in human history have regularly revealed situations in which human rights are violated in states and societies. It has clearly shown the further increase of existing problems and social tension in these times. Throughout history, during epidemics, «scapegoats» have been sought, and society's tension and anger have been directed at them. In the Middle Ages and modern times, doctors and nurses were blamed for their inability to stop the plague. In the 1500s, the rise of xenophobia and racial bigotry in Europe and the Asian continent was associated with the outbreak of infectious diseases. Even at that time, countries affected by the disease blamed neighboring countries or their enemies as the cause of what happened.

The latest Covid-19 pandemic was no exception. It not only caused the loss of millions of human lives, but also revealed the depth of the existing problems, intensified them, and also hit weaker countries more than the vulnerable and underprivileged.

In reality, there are quite a few diseases whose origins are not precisely traced and for which scientists have not found a cure. Conflicting, inconclusive scientific evidence is a feature of the post-modern world, but the resulting uncertainty, combined with information classified or withheld by states, offers fertile ground for guilt. In particular, the extremely rapid spread of conspiracy theories reached an unprecedented scale during the recent pandemic.



Thanks to Covid-19, new manifestations of xenophobia - cases of ethnic hatred - have also risen. For example, an analysis by the Austrian Anti-Discrimination Office of Styria reported an increase in posts blaming refugees for the spread of the virus, according to the anti-hate speech technology application Ban Hate. During the pandemic, reports that Gypsies (Romani ethnic minorities) were attacked, garbage was thrown at them, etc. clearly showed the influence of xenophobia and the use of racist insults.

To combat the spread of fake information (fake news) related to the virus, legal mechanisms and government ensuring the transparency of its activities should constitute a unified approach. «Transparency in government action can ultimately lead to the most positive results by building strong individual social responsibility based on transparency and ongoing expert advice». As the most basic condition, the state should not allow intolerance, should not create conditions [22].

#### *Hate Speech on Social Media: Global Comparisons*

UN Special Rapporteur on Freedom of Expression, David Kaye, notes that «Hate speech» on the Internet cannot be considered harmless. Governments and the private sector are not taking effective measures to combat hate speech on the Internet. For this reason, hate speech may gradually become a more frightening phenomenon than «fake news», which is the biggest problem of the modern age. Online hate speech cannot be deemed harmless just because it is on the Internet. On the contrary, hate speech spreads at a great speed in the virtual space, and as a result, it can have serious consequences in reality. And almost always the purpose of using it is to silence others. The question is not whether we can fight this phenomenon or not. The question is how we can do this without violating human rights. The human rights defender presented her report on hate speech today. Urged countries to refer to key international human rights instruments, including the Rabat Plan of Action, to prevent incitement to discrimination, hostility and violence .

It should also be noted that the UN Special Rapporteur on freedom of expression visits at the invitation of various countries and prepares reports on hate speech. Visits are carried out only on the basis of an official invitation. Last time, David Kaye was invited to Tajikistan and prepared a report.

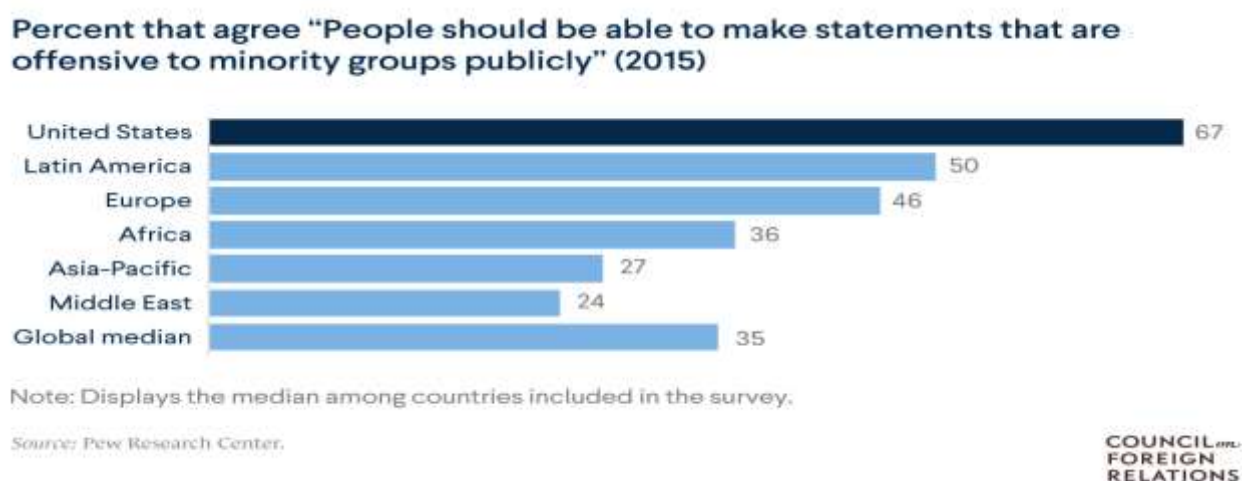
As mentioned, hate speech violence in the online space and social networks is increasing worldwide. Faced with processes that have become a global trend, it has brought to the agenda that societies should seriously deal with issues of speech and censorship on widely used technological platforms.

Numerous attacks against migrants and other minorities, hate speech content on the Internet by xenophobic, Islamophobic, etc. groups and violent acts have raised new concerns . Analysts observe that trends in hate crimes around the world reflect changes in the political environment and that social media is fueling discord. The social network phenomenon called «fake news» is at its most extreme, rumors, slander, etc. in the virtual space. the content has led to violence that can range from information warfare, to lynching of individuals, to ethnic cleansing.

In particular, it should be emphasized that the task of deciding why and how to censor the Internet has been complicated by the fact that it has fallen into the hands of a few companies that control the platforms on which the absolute majority of the world's population communicates. These companies are limited by their own internal laws. In liberal democracies, these laws can serve to eliminate discrimination and prevent violence against minorities. At the same time, such laws can also be used to cover up minorities and opposition groups.

Currently, most of the world communicates through social networks, about a third of the planet's population is active only on Facebook. As more and more people go online, racism, phobias, etc. intolerant people have found spaces that reinforce their ideas and lead them to violence. Social media platforms also provide opportunities for violent actors to publicize their actions.

Zachary Laub, in his study entitled «Hate speech on social media», notes that according to a survey conducted by the «Pew Global Research Center» (Pew Research Center) in 2019, the number of people who are positive about the idea that «people can openly make offensive statements against minority groups» there are still many. The fragile border between freedom of expression and restriction of hate speech is shown here. The largest percentage of those who agree with the stated opinion is the population of the United States (67%) [Laub Zachary]. Violence attributed to online hate speech has increased worldwide (Fig. 1) [23].



**Fig. 1. Violence attributed to online hate speech**

Also, to the Pew Research Center in 2015, 40% of «millennials» support, on the contrary, that expressions should be limited. Millennials (Millennials-Generation Y) are people born in 1985-2004. According to millennials, the main factor that unites people is not age, but values).

**Conclusions.** As can be seen, the use of legal mechanisms to limit hate speech has now become a new trend in democracy. There is information about the adoption of such laws in 37 countries of the world. Among the countries that passed the law are Australia, Belgium, Brazil, Canada, Chile, Croatia, Denmark, Estonia, Europe, Finland, France, Germany, Greece, Iceland, India, Indonesia, Ireland, Japan, Jordan, Kenya,

Malta, Netherland, New Zealand, Norway, Poland, Romania, Russia, Serbia, Singapore, South Africa, Spain, Sweden, Switzerland, Ukraine, UAE, UK.

As a result of the study, it can be concluded that the considered basic terms and concepts related to hate speech, as well as the legal, political, cultural and spiritual aspects of hate speech are closely related to each other.

In this regard, when drafting and applying legal mechanisms related to hate speech - the «hate speech law» - it is important to accurately determine the relationship between the multifaceted aspects of the concept. Also, this factor becomes a factor hindering the more intensive development and implementation of national legislation on hate speech.

Thus, the cultural and civilizational meanings of hate speech have different shades of meaning from country to country.

In addition, the problem of combating hate speech is an important issue in the legislation of many countries or is on the agenda.

It should be noted that there are very few legal instruments called "Laws on hate speech" in the national legislation.

Various aspects of hate crimes are included in the criminal codes of countries, as well as the inadmissibility of inciting ethnic and religious hatred, the inadmissibility of discrimination against individuals or groups on the basis of race, nationality, nationality, color or religion, racist statements, propaganda of interethnic insult, hatred or subject to the provisions reflected in express laws, legal acts, press codes, preventive, investigative, political, economic and other regulatory documents that ensure the prohibition of disrespect.

Regarding Azerbaijan there is no separate «hate speech law» yet or a specific definition of «hate crime», but, there is a practice of tougher punishments for acts related to hate crimes in the understanding of many of the countries mentioned.

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