



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Briefing Paper:**  
**Racial and Ethnic Minority Rights and**  
**Online Misinformation and Disinformation**

**April 2025**

## Table of Contents

<b>1.0</b>	<b>Introduction .....</b>	<b>3</b>
<b>2.0</b>	<b>International Human Rights Framework .....</b>	<b>4</b>
	UN International Covenant on Civil and Political Rights .....	5
	UN International Covenant on Economic, Social and Cultural Rights.....	7
	UN Convention on the Elimination of Racial Discrimination .....	8
	UN Convention on the Elimination of Discrimination Against Women .....	10
	UN Convention on the Rights of the Child .....	11
	UN Special Procedures.....	12
	UN Guiding Principles on Business and Human Rights.....	13
	European Convention of Human Rights .....	14
	Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence.....	18
	Council of Europe Convention on Cybercrime .....	19
	Council of Europe European Commission against Racism and Intolerance.....	19
	Council of Europe Commissioner for Human Rights .....	20
<b>3.0</b>	<b>Northern Ireland Context .....</b>	<b>20</b>
	Racial and Ethnic Minority Rights .....	20
	Online Misinformation and Disinformation.....	21
<b>4.0</b>	<b>Recommendations.....</b>	<b>25</b>

## 1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (NIHRC) is a statutory body established in 1999, in pursuance of the Belfast/Good Friday Agreement of 1998. Its purpose and statutory obligations are to promote and protect human rights for all people in Northern Ireland (NI). In accordance with the NI Act 1998, the Commission is obliged to keep under review the adequacy and effectiveness of law and practice relating to the protection of human rights in NI.
- 1.2 The NIHRC is also obliged, under section 78A(1) of the NI Act 1998, to monitor the implementation of Article 2 of the Windsor Framework, to ensure there is no diminution of rights protected in the “Rights, Safeguards and Equality of Opportunity” chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK’s withdrawal from the EU.
- 1.3 Misinformation, for the purposes of this briefing paper, is the dissemination of false information unknowingly. Disinformation, for the purposes of this paper, is the dissemination of false information intentionally to cause serious social harm.<sup>1</sup> While there is a multitude of other types of false and/or exaggerated narratives, misinformation and disinformation will be the main points of focus.
- 1.4 While misinformation and disinformation are not new the evolution of the internet and the development of the tech industry has made it easier to disseminate and to increase their influence. It has been advanced that misinformation and

---

<sup>1</sup> It is important to note that there is currently no universally accepted definition of misinformation or disinformation. The definitions of misinformation and disinformation used for this paper are the definitions used by the UN Special Rapporteur on the promotion of the right to freedom of opinion and expression, Irene Khan. See A/HRC/47/25 ‘UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan, Report on Disinformation and Freedom of Opinion and Expression’, 13 April 2021.

disinformation have been “produced and disseminated faster and easier through social media because of the low barriers that prevent doing so”.<sup>2</sup> It has been suggested that the spread of misinformation online has had severe offline consequences and has been described as “a crisis demanding urgent action”.<sup>3</sup> Racial and ethnic minorities have experienced the effects of these influences, specifically stemming from “identity-based and ideological disinformation”.<sup>4</sup>

- 1.5 The research collected to date is unlikely to give a full picture of the extent of online misinformation and disinformation or its effects on racial and ethnic minorities in NI. This is because of the paucity of targeted research. That also means that policy has been developed in the absence of clear, targeted and comprehensive research. Without that, it will be almost impossible to combat either. This briefing paper identifies the relevant international human rights standards with which States must secure compliance and provides recommendations to the NI Executive and NI Assembly to inform the response of public authorities to online misinformation and disinformation and its particular effect on racial and ethnic minorities in NI, who are more likely to be marginalised, isolated and disproportionately affected

## 2.0 International Human Rights Framework

---

<sup>2</sup> Esma Aimeur, et al, ‘Fake News, Disinformation, and Misinformation in Social Media: A Review’ (SNAM, 2023).

<sup>3</sup> Pica Johansson, et al., ‘How Can We Combat Online Misinformation? A Systematic Overview of Current Interventions and their Efficacy’ (TATI, 2023).

<sup>4</sup> A/HRC/47/25 ‘UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan, Report on Disinformation and Freedom of Opinion and Expression’, 13 April 2021.

## UN International Covenant on Civil and Political Rights

- 2.1 Article 2(1) of the UN International Covenant on Civil and Political Rights (UN ICCPR) states that State Parties must uphold the rights granted within the UN ICCPR to everyone in its territory and jurisdiction without distinctions based on race, colour, sex, language, or any other opinion. Article 26 of UN ICCPR affirms that all people “are equal before the law and are entitled without any discrimination to the equal protection of the law”. Article 2(1) and Article 26 of the UN ICCPR provide individuals the right to non-discrimination, which misinformation and disinformation can violate if it is targeted to a particular societal group like racial and ethnic minorities.<sup>5</sup> The UN Human Rights Committee has observed that “Article 26 [of the UN ICCPR] does not duplicate the guarantee already provided for in Article 2 but provides in itself an autonomous right.”<sup>6</sup>
- 2.2 Article 19 of the UN ICCPR states that everyone has the right to freedom of opinion and expression. However, freedom of expression is limited by Article 19(3) of the UN ICCPR, which requires respect for the rights or reputations of others.<sup>7</sup> In addition, Article 20(2) of the UN ICCPR dictates that the advocacy of racial hatred that promotes the incitement of discrimination, hostility, or violence is prohibited by law. The UN Human Rights Committee has observed that the relationship between Articles 19 and 20 of the UN ICCPR makes them “compatible with and complement each other”.<sup>8</sup> To put it plainly, misinformation and disinformation that meets the criteria of inciting hatred is not protected by the right to

---

<sup>5</sup> Global Partners Digital, ‘UN Special Rapporteur on Freedom of Opinion and Expression: Report on Disinformation Consultation’ (GPD, 2021).

<sup>6</sup> ‘UN CRC Committee General Comment No 18 – Non-discrimination’, 10 November 1989.

<sup>7</sup> Article 19(3)(a), UN International Covenant on Civil and Political Rights 1966.

<sup>8</sup> CCPR/C/GC/34 ‘UN CRC Committee General Comment No 34 - Article 19: Freedoms of Opinion and Expression’, 29 July 2011.

freedom of expression in Article 19 and is a violation of Article 20(2) of the UN ICCPR.

2.3 To assess if a form of expression is considered “incitement to hatred” a six-part threshold test was laid out in the Rabat Plan of Action, which was formed after a series of workshops held by the UN High Commissioner for Human Rights regarding Article 20(2) of the UN ICCPR.<sup>9</sup> The six elements chosen as thresholds to consider if a form of expression should be considered a criminal offense were context, speaker, intent, content and form, extent of the speech act, and likelihood including imminence.<sup>10</sup> The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, has referred to the six-part threshold test as “a relevant framework for addressing disinformation”.<sup>11</sup>

2.4 Under the recommendations for jurisprudence section of the Rabat Plan of Action, the UN High Commissioner for Human Rights states that:

national and regional courts should be regularly updated about international standards and international, regional and comparative jurisprudence relating to incitement to hatred because when confronted with such cases, courts need to undertake a thorough analysis based on a well thought through threshold test.<sup>12</sup>

---

<sup>9</sup> A/HRC/22/17/Add.4 ‘Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred’, 11 January 2013.

<sup>10</sup> Ibid.

<sup>11</sup> A/HRC/47/25 ‘UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan, Report on Disinformation and Freedom of Opinion and Expression’, 13 April 2021.

<sup>12</sup> A/HRC/22/17/Add.4 ‘Report of the UN High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred’, 11 January 2013.

## **UN International Covenant on Economic, Social and Cultural Rights**

- 2.5 Article 2(2) of the UN International Covenant on Economic, Social and Cultural Rights (UN ICESCR) requires that all States Parties must guarantee that all rights mentioned in UN ICESCR are exercised without discrimination based on race, colour, sex, language, or any other status. Article 3 of the UN ICESCR maintains the equal right of men and women to all rights set out within. Both provisions undertake that people have the right to equality and non-discrimination.<sup>13</sup> In this context, these rights are violated when the content of the misinformation and disinformation is discriminatory to racial and ethnic minorities.
- 2.6 The enjoyment of a broad range of fundamental economic, social and cultural rights for racial and ethnic minorities can be affected by misinformation and disinformation. For example, Article 12 of UN ICESCR states that all States Parties acknowledge the right of everyone to enjoy the highest standard possible of physical and mental health. A broad range of economic and social rights can affect a person's mental and physical well-being, including the right to health. In the UK, research has shown that exposure to racial discrimination in different domains has negative long-term effects on the mental health of ethnic minorities.<sup>14</sup> Where online misinformation and disinformation is intended to incite hatred and division against ethnic minorities is a domain of discrimination, this may constitute a violation of Article 12 of the UN ICESCR.

---

<sup>13</sup> E/C.12/GC/20, 'UN CESCR General Comment No 20: Non-discrimination in Economic, Social, and Cultural Rights', 2 July 2009.

<sup>14</sup> Stephanie Wallace et al., 'Cumulative Effects of Racial Discrimination on the Mental Health of Ethnic Minorities in the UK' (AJPH, 2016).

## **UN Convention on the Elimination of Racial Discrimination**

- 2.7 Article 4 of the UN Convention on the Elimination of Racial Discrimination (UN CERD) condemns all propaganda and organisations that uphold ideas of one group's racial or ethnic superiority or justify racial hatred and discrimination and requires States Parties to "adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination". Article 5 of the UN CERD dictates that States must endeavour "to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law".
- 2.8 In the context of misinformation and disinformation regarding racial and ethnic minorities, Articles 4 and 5 of the UN CERD require States to take effective action to prevent the spread of discriminatory misinformation and disinformation inciting hate against racial and ethnic minorities to promote equality for those under their jurisdiction.
- 2.9 The UN Committee on the Elimination of Racial Discrimination's (UN CERD Committee) has observed that Article 4(a) of UN CERD requires States parties to penalise four categories of misconduct:<sup>15</sup>
- (i) dissemination of ideas based upon racial superiority or hatred;
  - (ii) incitement to racial hatred;
  - (iii) acts of violence against any race or groups of persons of another colour or ethnic origin; and

---

<sup>15</sup> The UN CERD Committee has clarified that the four categories of misconduct also are applicable to ethnicity.



(iv) incitement to such acts.<sup>16</sup>

2.10 While the UN CERD Committee do not explicitly reference online disinformation, the misconduct categories of incitement to racial hatred and incitement to acts of violence against any race or groups of persons of another colour or ethnic origin complements the Rabat Plan of Action.<sup>17</sup> These misconduct categories clarify that incitement to hatred and/or violence based on racial hatred should be penalised, while the Rabat Plan of Action lists the elements that must be reviewed for a form of discriminatory expression to be criminalised.

2.11 In August 2024, the UN CERD Committee recommended to the NI Executive to “combat the proliferation of racist hate speech on the internet and social media, in close cooperation with internet service providers, social media platforms, and the communities most affected by racist hate speech.”<sup>18</sup>

2.12 The UN CERD Committee also recommended that the NI Executive “[adopts] a comprehensive legal framework to combat racist hate crimes, take effective measures to ensure its implementation and provide continuous training to law enforcement officials, judges, and prosecutors on addressing and investigating hate crimes”.<sup>19</sup>

---

<sup>16</sup> 'UN CERD Committee General Recommendation No XV: Article 4 of the UN CERD', 1993.

<sup>17</sup> A/HRC/22/17/Add.4 'Report of the UN High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred', 11 January 2013.

<sup>18</sup> CERD/C/GBR/CO24-26, 'UN CERD Committee Concluding Observations on the Combined Twenty-fourth to Twenty-sixth Periodic Reports of the UK of Great Britain and NI', 23 August 2024, at paras 20(a)-20(h).

<sup>19</sup> Ibid.

# UN Convention on the Elimination of Discrimination

## Against Women

2.13 Article 2 of the UN Convention on the Elimination of Discrimination against Women (UN CEDAW) states that “State Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women”.

2.14 While race or ethnicity are not explicitly mentioned in Article 2, the UN Committee on the Elimination of Discrimination against Women (UN CEDAW Committee) states that intersectionality is essential to understanding the scope of Article 2, recognising that:

the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race [or] ethnicity... discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways to men”.<sup>20</sup>

2.15 The UN CEDAW Committee observes that States Parties should acknowledge the intersectionality of discrimination and its compounded negative impacts upon women.<sup>21</sup> However, it is important to note that intersectionality looks at not just race and gender but all interconnecting social and political categorisations and how they overlap to create interdependent forms of discrimination.<sup>22</sup>

---

<sup>20</sup> CEDAW/C/GC/28, ‘UN CEDAW Committee General Recommendation No 28: Core Obligations of States Parties Under Article 2 of the UN CEDAW’, 16 December 2010.

<sup>21</sup> Ibid.

<sup>22</sup> Asha Allen, ‘An Intersectional Lens on Online Gender Based Violence and the Digital Services Act’ (VerfBlog, 2022).

2.16 This is relevant because online misinformation and disinformation can use multiple discriminatory narratives in addition to a racist and anti-ethnic rhetoric. An intersectional approach is necessary to fully comprehend how “a person may have to contend with multiple sources of oppression... and the unique impact from this multifaceted oppression”.<sup>23</sup> For example, women of colour are more likely to be subjects of online disinformation and experience online gender-based violence.<sup>24</sup>

## **UN Convention on the Rights of the Child**

2.17 Article 13 of the UN Convention on the Rights of the Child (UN CRC) guarantees the child the right to freedom of expression and to seek information of all kinds “regardless of frontiers” bar some restrictions. These restrictions include the respect of the rights/reputations of others and for national security.

2.18 The UN Committee on the Rights of the Child (UN CRC Committee) has expanded on Article 13 of the UN CRC by stating:

the digital environment can include gender-stereotyped, discriminatory, racist, violent... information, as well as false narratives, misinformation and disinformation... States parties should protect children from harmful and untrustworthy content and ensure that relevant businesses and other providers of digital content develop and implement guidelines to enable children to safely

---

<sup>23</sup> Dhanaraj Thakur and DeVan Hankerson Madrigal, 'Facts and Their Discontents: A Research Agenda for Online Disinformation, Race, and Gender' (CDT, 2021).

<sup>24</sup> Ibid.

access diverse content, recognising children's rights to information and freedom of expression, while protecting them from such harmful material in accordance with their rights and evolving capacities.<sup>25</sup>

2.19 Article 27 of the UN CRC acknowledges the right of all children to a living adequate for the child's physical, mental, spiritual, moral, and social development, while Article 30 of the UN CRC dictates that all children belonging to a minority will not be denied the right to enjoy their own culture or use their own language.

2.20 In its 2023 concluding observations of the UK and NI, the UN CRC Committee recommended that NI must "strengthen measures to protect children from intimidation, racist attacks and other forms of violence committed by non-State actors, including so-called paramilitary organisations... and from recruitment by such actors into violent activities".<sup>26</sup> This is a critically important obligation, which must be addressed as a matter of priority.

## **UN Special Procedures**

2.21 The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression Irene Khan, in a report to the UN General Assembly, deduced that States and companies have had insufficient responses to the threat of disinformation on human rights.<sup>27</sup>

---

<sup>25</sup> CRC/C/GC/25, 'UN CRC Committee General Comment No 25: Children's Rights in Relation to the Digital Environment', 2 March 2021.

<sup>26</sup> CRC/C/GBR/CO/6-7, 'UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Periodic Reports of the UK of Great Britain and NI', 22 June 2023.

<sup>27</sup> A/HRC/47/25, 'Disinformation and Freedom of Opinion and Expression: Report of the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan' 13 April 2021.

2.22 The UN Special Rapporteur stated that, “the causal relationship between the speech and the harm, and the severity and immediacy of the harm, are key considerations” when analysing if restrictions are necessary.<sup>28</sup> The restrictions must “be appropriate and proportionate to achieve the legitimate aim”.<sup>29</sup> In addition, the UN Special Rapporteur encouraged companies to analyse and correct the knowledge gaps regarding misinformation and disinformation about minorities to inform appropriate restrictions.<sup>30</sup>

2.23 Regarding State responsibility, the UN Special Rapporteur emphasised that the State bears the burden under law of ensuring companies respect human rights. The State must regulate social media in a way that focuses more on “enforcing transparency, due process rights for users and due diligence on human rights by companies”.<sup>31</sup>

2.24 The UN Special Rapporteur reaffirms that efforts to properly address misinformation and disinformation have a recognised and sound basis in international human rights law.<sup>32</sup>

## **UN Guiding Principles on Business and Human Rights**

2.25 Principle 13(b) of the UN Guiding Principles on Business and Human Rights states that businesses must prevent and/or mitigate harsh human rights impacts linked to the operations, products, and services they offer.<sup>33</sup> Principle 14 of the Guiding Principles states that “regardless of their size, sector,

---

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> UN Office of the High Commissioner for Human Rights, ‘UN Guiding Principles on Business and Human Rights’ (UNHR, 2011).

operational context, ownership and structure,” business entities have a responsibility to respect human rights.<sup>34</sup>

2.26 Additionally, Amnesty International has outlined that Principle 14 of the Guiding Principles on Business and Human Rights should urge social media companies to consider the human rights risks inherent in their operations in the context of disinformation.<sup>35</sup> Amnesty International has called on social media companies to take “concrete action to respond to the dissemination of false or misleading information”.<sup>36</sup>

## European Convention of Human Rights

2.27 Article 8 of the European Convention of Human Rights (ECHR), enforceable directly in domestic law by the Human Rights Act 1998, requires that everyone has the right to respect for their private and family life, their home and correspondence. This provides protection for an individual’s physical and psychological integrity.<sup>37</sup> Article 8 of the ECHR may also provide protection of individuals discussing, sharing or hosting misinformation and disinformation in certain confidential contexts. The European Court of Human Rights (ECtHR) has recognised that there is “a zone of interaction of a person with others, even in a public context, which may fall within the scope of ‘private life’”.<sup>38</sup> For example, letters of a private or professional nature,<sup>39</sup> telephone conversations,<sup>40</sup> and data on a smartphone, laptop, email,

---

<sup>34</sup> Ibid.

<sup>35</sup> Amnesty International, ‘A Human Rights Approach to Tackle Disinformation: Submission to the UN Office of the High Commissioner for Human Rights’, (Amnesty International, 14 April 2022).

<sup>36</sup> Ibid.

<sup>37</sup> *Denisov v Ukraine* (2018) ECHR 1061, at para 95; *S and Marper v UK* (2008) ECHR 178, at para 66.

<sup>38</sup> *Uzun v Germany* (2010) ECHR 2263, at para 43.

<sup>39</sup> *Niemietz v Germany* (1992) ECHR 80, at para 32.

<sup>40</sup> *Margareta and Roger Andersson v Sweden* (1992) ECHR 1, at para 72; *Ludi v Switzerland* (1992) ECHR 50, at paras 38-39; *Klass and Others v Germany* (1978) ECHR 4, at paras 21 and 44; *Amann v Switzerland* (2000) ECHR 1671, at para 44; *Petrov v Bulgaria* (2008) ECHR 428, at 51.

paggers, computer server and hard-drive.<sup>41</sup> It is therefore necessary to consider whether the medium for sharing the misinformation and disinformation can be categorised as private or not, and subject to protection under Article 8 of the ECHR. It can also require consideration of how to strike the right balance when there are competing rights involved.

2.28 Article 8(2) of the ECHR provides guidance on how to ensure the correct balance is struck in applying protections under this right. This provides that there should be no interference by public authorities unless it is within the law and “necessary to a democratic society in the interests of the prevention of disorder and crime... or for the protection of the rights and freedoms of others”. Any interference must also be proportionate to its lawful purpose. In assessing the extent of Article 8 of the ECHR protection, relevant unincorporated treaties such as many of those above, are used to interpret Article 8 of the ECHR so as to make them relevant directly to the protections that are enforceable directly.

2.29 In the context of misinformation and disinformation that particularly affects racial and ethnic minorities, the ECtHR has stated, in the case of *Aksu v Turkey* (2012), that “any negative stereotyping of a group, when it reaches a certain level, is capable of impacting on the group’s sense of identity and... self-worth... it can be seen as affecting the private life of members of the group” and applicable to Article 8 of the ECHR.<sup>42</sup> The ECtHR has also clarified in the case of *S and Marper v UK* (2008) that

---

<sup>41</sup> *Saber v Norway* (2020) ECHR 912, at para 48; *MP v Portugal* (2021) ECHR 732, at para 34; *Wieser and Bicos Beteiligungen BmbH v Austria* (2007) ECHR 815, at para 45; *Petri Sallinen and Others v Finland* (2005) ECHR 643, at para 71; *Taylor-Sabori v UK* (2000) ECHR 691.

<sup>42</sup> *Aksu v Turkey* (2012) ECHR 150.

ethnic identity is an element of a person's private life and therefore protected under Article 8 of the ECHR.<sup>43</sup>

2.30 Furthermore, the ECtHR has established a link between Articles 8 and 14 (freedom from discrimination) of the ECHR. The ECtHR has found violations of these provisions where "the authorities have failed to offer adequate protection in respect of the... [individual's] dignity (and more broadly, their private life), and to effectively investigate the real nature of the... abuse directed against them".<sup>44</sup> In *Budinova and Chaprazov v Bulgaria* (2021) the ECtHR stated in its assessment that:

since the statements in respect of which the applicants sought redress were (as is obvious from the very terms used in them) prima facie discriminatory in intent as regards Roma, in the present case that analysis must also be coloured by the duties stemming from Article 14 of the [ECHR] – in particular the duty to combat racial discrimination, which includes discrimination on account of someone's ethnic origin.<sup>45</sup>

2.31 Where misinformation or disinformation may incite violence, the ECtHR has gone a step further linking Articles 3 (freedom from torture), 8 and 14 of the ECHR, stating that:

the authorities' duty to prevent hate-motivated violence on the part of private individuals, as well as to investigate the existence of a possible link between a discriminatory motive and the act of violence (whether physical or verbal) can fall under the positive obligations

---

<sup>43</sup> *S and Marper v UK* (2008) ECHR 178.

<sup>44</sup> *Association Accept and Others v Romania* (2021) ECHR 451, at para 127.

<sup>45</sup> *Budinova and Chaprazov v Bulgaria* (2021) ECHR 248.



enshrined in Articles 3 and 8 of the [ECHR], but may also be seen to form part of the authorities' positive responsibilities under Article 14 of the [ECHR] to secure the fundamental values protected by Articles 3 and 8 [of the ECHR] without discrimination.<sup>46</sup>

2.32 Article 10 of the ECHR protects the right of freedom of expression for everyone. Article 10(2) states that:

the exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial identity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

2.33 The ECtHR noted the boundaries of Article 10(2) and the link with Article 14 of the ECHR in the case of *Féret v Belgium* (2009), finding that:

insults, ridicule, or defamation aimed at specific population groups or incitation to discrimination, as in this case, sufficed for the authorities to give priority to fighting hate speech when confronted by the irresponsible use of freedom of expression which undermined people's dignity, even their safety.<sup>47</sup>

---

<sup>46</sup> *Oganezova v Armenia* (2022) ECHR 367, at para 77.

<sup>47</sup> *Féret v Belgium* (2009) ECHR 121.

2.34 The ECtHR went on to identify that given the context of the case, there was a pressing social need to protect the public and rights of others that warranted an interference with the right to freedom of expression.<sup>48</sup> This serves as relevant case law for addressing online misinformation and disinformation concerning racial and/or ethnic minorities since it establishes that statements meant to incite racial and ethnic hatred and/or violence are valid interferences to the right of freedom of expression. However, it is still important to note that the justification to interferences to freedom of speech must be “relevant and sufficient”, after a full analysis of the wording, form, and tenor of the speech and/or expression.<sup>49</sup>

## **Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence**

2.35 Article 17 of the Council of Europe (CoE) Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) dictates that all Member States should engage with the media and the information and technology sector to implement policies, guidelines, and self-regulatory standards “to prevent violence against women and to enhance respect for their dignity”.

2.36 Since racial and ethnic minority women are more likely to be the subjects of online disinformation,<sup>50</sup> Article 17 of the Istanbul

---

<sup>48</sup> Ibid.

<sup>49</sup> *Terentyev v. Russia* (2018) ECHR 31.

<sup>50</sup> Dhanaraj Thakur and DeVan Hankerson Madrigal, ‘Facts and their Discontents: A Research Agenda for Online Disinformation, Race, and Gender’ (CDT, 2021).

Convention is a relevant and important part of the human rights framework protecting women of racial and ethnic minorities from the potentially violent effects of online misinformation and disinformation.

## **Council of Europe Convention on Cybercrime**

2.37 The Preamble of the CoE Convention on Cybercrime states that Member States must be “mindful of the need to ensure a proper balance between the interest of law enforcement and respect for fundamental human rights”.<sup>51</sup>

2.38 Article 15(2) of the Convention on Cybercrime provides for the “adequate protection of human rights and liberties” under a multitude of international human rights instruments in “the establishment, implementation, and application of the powers and procedures” of the Convention.

## **Council of Europe European Commission against Racism and Intolerance**

2.39 The European Commission against Racism and Intolerance (ECRI) has discussed combatting racist, xenophobic, and antisemitic material on the Internet. The ECRI recommends that Member States ensure “that relevant national legislation applies also to racist, xenophobic and antisemitic offences committed via the Internet,” in addition to undertaking “efforts for the training of law enforcement authorities in relation to the problem of dissemination of racist, xenophobic and antisemitic material via the Internet”.<sup>52</sup>

---

<sup>51</sup> Preamble, CoE Convention on Cybercrime 2001

<sup>52</sup> CR(2001)1, ‘ECRI General Policy Recommendation No 6: Combatting the Dissemination of Racist, Xenophobic, and Antisemitic Material via the Internet’ (ECRI, 2000).

2.40 A follow-up report 15 years after the issuance of ECRI's original recommendations discussed the general trends of cyberhate, stating that victims were often a specific cultural group in a country, like the Islamic community in the UK.<sup>53</sup>

## **Council of Europe Commissioner for Human Rights**

2.41 The CoE Commissioner for Human Rights, Michael O'Flaherty, has made a statement regarding misinformation and disinformation where he emphasised that "State measures must remain grounded in international human rights norms to prevent overreach that could stifle legitimate expression... transparency and accountability are the antidotes to both disinformation and overreach".<sup>54</sup>

## **3.0 Northern Ireland Context**

### **Racial and Ethnic Minority Rights**

3.1 The Race Relations Order (NI) 1997 was passed by the UK Parliament. The law across the UK was consistent until Great Britain legislated separately, causing a divergence in rights. The Race Relations Order (NI) 1997 offers "less protection against discrimination and harassment on grounds of colour and nationality... direct discrimination, victimisation and harassment on grounds of race".<sup>55</sup> This has been exacerbated in NI due to a piecemeal approach to equality law.<sup>56</sup> By way of example, in Great Britain, there is a single equality act (the Equality Act

---

<sup>53</sup> Chara Bakalis, 'Cyberhate: An Issue of Continued Concern for the CoE's Anti-Racism Commission' (CoE, 2015).

<sup>54</sup> Council of Europe, 'Press Release: Member States should enforce standards to combat online disinformation while protecting human rights for all', 9 January 2025.

<sup>55</sup> Natasha Black and Glenda Doherty, 'Comparative Study of Equality Legislation in the UK and Ireland' (NIA, 2024).

<sup>56</sup> The rest of Great Britain has the Equality Act 2010, which is a streamlined single equality legislation. This is one of the many divergences between Great Britain and NI in terms of equality legislation.

2010), which has consolidated, clarified and enhanced equality protections in Great Britain. NI has not benefitted from such consolidation and enhancement.<sup>57</sup>

- 3.2 The NI Affairs Committee reported in 2022 that “NI has struggled to make policy and deliver services to minority ethnic and migrant communities,” which they attributed partially to a visible lack of racial and ethnic minority representation in public life.<sup>58</sup> The NI Affairs Committee also noted that the NI Executive had not realised a number of actions from its two racial equality strategies,<sup>59</sup> such as implementation of ethnic monitoring or updating anti-discrimination and hate crime legislation.<sup>60</sup>
- 3.3 State support for racial and ethnic minority communities, such as language classes and interpretation services, have also often been found to be inadequate.<sup>61</sup> Such support can be crucial to empower and assist racial and ethnic minority communities to report and challenge misinformation and disinformation.

## **Online Misinformation and Disinformation**

- 3.4 It has been suggested, regarding misinformation and disinformation, that the rise of the internet with user-generated content has undermined public confidence in a post-conflict NI.<sup>62</sup> For example, it was found that the 2000s and 2010s saw inflammation of sectarian tension by misinformation and

---

<sup>57</sup> See NI Human Rights Commission, ‘Submission to the Committee for the Executive Office Inquiry into Gaps in Equality Legislation’ (NIHRC, 2024)

<sup>58</sup> NI Affairs Committee, ‘The Experiences of Minority Ethnic and Migrant People in NI’ (NIAC, 2022).

<sup>59</sup> The NI Executive has had two published racial equality strategies. There was a five-year strategy published in 2005 and a ten-year strategy published in 2015.

<sup>60</sup> NI Affairs Committee, ‘The Experiences of Minority Ethnic and Migrant People in NI’ (NIAC, 2022).

<sup>61</sup> Jack Crangle, ‘Left to Fend for Themselves: Immigration, Race Relations, and the State in Twentieth Century NI’ (2018) 36(1) *Immigrants and Minorities Journal* 20-44.

<sup>62</sup> Paul Reilly, ‘Digital Media and Disinformation in a Deeply Divided Society: Reflections from ‘Post-conflict’ NI’ (University of Sheffield, 2020).

disinformation on platforms like Facebook and Twitter (now X).<sup>63</sup>

- 3.5 In early August 2024, so-called anti-immigration protests took place in Belfast after misinformation and disinformation was disseminated about the identity of a murder suspect in Southport, England. This inflamed already heightened tension when it was claimed that the suspect was an individual seeking asylum who had entered the UK on a boat.<sup>64</sup> This was not true, but nonetheless it was repeated on platforms with some groups appearing to deliberately provoke tension.<sup>65</sup> Tensions were exacerbated by local commentators claiming there were attempts to cover-up the truth.<sup>66</sup> Such claims undermined (and appear to have been intended to undermine) the legitimacy of the agencies tasked to protect public safety. The combination of an escalation in tension, the inflammation of racial divide and the undermining of the security services makes an already tricky situation more difficult to counteract.
- 3.6 The UK is in the process of implementing the Online Safety Act 2023, which extends to NI. The 2023 Act is meant to create a regulatory framework for the internet in the UK.<sup>67</sup> The 2023 Act has created new criminal offences, including a summary offence of “sending false communications”<sup>68</sup> and “sending threatening communications”.<sup>69</sup> The 2023 Act requires the Office of Communications to establish an advisory board specifically for advising the Office of Communications and the UK Government

---

<sup>63</sup> Ibid.

<sup>64</sup> Sam Hall, ‘Timeline of events related to the Southport stabbings’, *The Independent*, 23 January 2025.

<sup>65</sup> Bot is short for the word ‘robot’ and refers to accounts functioning on an online platform that are controlled by an automated agent and not a human.

<sup>66</sup> Margaret Davis, ‘Southport misinformation ‘turbo charged’ by foreign bots online’, *The Irish News*, 20 November 2024.

<sup>67</sup> Section 1(1), Online Safety Act 2023.

<sup>68</sup> Section 179, Online Safety Act 2023.

<sup>69</sup> Section 181, Online Safety Act 2023.

on how to address online misinformation and disinformation.<sup>70</sup> However, the 2023 Act does not directly address online misinformation and disinformation.<sup>71</sup>

- 3.7 Since the so-called protests in August 2024, much of which manifested as racist and Islamophobic violence, an inquiry has been opened by the House of Commons Committee of Science, Innovation and Technology. The purpose of the inquiry is to examine the effectiveness of current and proposed regulations (like the 2023 Act) and evaluate what future measures are needed.<sup>72</sup>
- 3.8 In the aftermath of the racist violence, the Police Service of NI released an updated Hate Crime Control Strategy. It does not mention online misinformation and disinformation, but the strategy does include a goal to “exploit opportunities to more effectively work with partner agencies, key stakeholders, and Non-Governmental Organisations to raise awareness of hate abuse issues and trends”.<sup>73</sup> In addition, the strategy stated that there must be “regular engagement with relevant Police Service of NI Minority Support Associations”.<sup>74</sup> The Police Service of NI’s initiative was welcomed.
- 3.9 Office of Communications’ NI Advisory Committee’s first meeting addressed “the part which misinformation and disinformation played... and noted planned follow-up activity with industry and government”.<sup>75</sup> The Advisory Committee later

---

<sup>70</sup> Section 152, Online Safety Act 2023.

<sup>71</sup> Lorna Woods, et al, ‘Disinformation and Disorder: The Limits of the Online Safety Act’, *Online Safety Act Network*, 10 August 2024.

<sup>72</sup> UK Parliament Hansard, ‘Committee on Science, Innovation, and Technology: Oral Evidence: Social Media, Misinformation and Harmful Algorithms – HC 441’, 25 February 2025.

<sup>73</sup> Police Service of NI, ‘Hate Crime Control Strategy August 2024’ (PSNI, 2024).

<sup>74</sup> Ibid.

<sup>75</sup> Office of Communications, ‘NI Advisory Committee: The 93<sup>rd</sup> Meeting of the Advisory Committee for NI’, 10 October 2024.

discussed the importance of gathering more NI-specific data.<sup>76</sup> Office of Communications' NI Online Safety and Media Literacy lead, Bimpe Archer, announced that the Office of Communications would be pursuing research to examine media literacy services in NI, the goal of which is to "help people spot and avoid mis and disinformation through understanding how stories become news".<sup>77</sup>

3.10 A number of civil society organisations have been working on this issue.<sup>78</sup> For example, in August 2024, the Managing Director of FactCheckNI wrote an article detailing how misinformation and disinformation spirals into violent disorder and stressed the importance of accurate information if the harm is to be mitigated.<sup>79</sup>

3.11 There are a number of factors that influence the potency and spread of online misinformation and disinformation that require a true multi-agency approach. No one actor can moderate the internet, the creation of content, or access to that content, but every agency is affected and potentially vulnerable. Each agency, statutory service provider, tech company, educator, community leader has a role to play, but there is a need for a central co-ordinating body who takes primary control and oversight of the strategy.<sup>80</sup> While NI alone cannot deal with this global issue, NI must seek to protect its own online jurisdiction as the guardian of relevant local knowledge. It has an equally important part to play on the world stage and must cooperate with other actors if any progress is to be attempted. The harm

---

<sup>76</sup> Ibid.

<sup>77</sup> Bidstats, 'Untold Stories – A Media Literacy Response to Mis and Disinformation: A Tender Notice by Office of Communications'. Available at: [Untold Stories - A Media Literacy Response to Mis and Dis Information \[Notice\]](#)

<sup>78</sup> Meeting between NI Human Rights Commission and FactCheckNI, 4 March 2025; Committee on the Administration of Justice, Rabble Coop and Equality Coalition, 'Mapping Far Right Activity Online in NI Project Report: Case Studies on the Role of Social Media in Anti-Immigration Protests and Racist Incidents' (CAJ, 2025).

<sup>79</sup> Orna Young, 'Bad information is harming communities in NI. We all need to tackle it', *FactCheckNI*, 23 August 2024.

<sup>80</sup> Meeting between the NI Human Rights Commission and Stephen White, 4 March 2025.



that is likely to follow especially in respect of the violation of human rights must be limited. To be limited it must first be understood. Resources and effort must go into addressing the issue from a local as well as a global perspective. With that in mind, the NIHRC makes the following recommendations.

## **4.0 Recommendations**

### **4.1 The NIHRC recommends that:**

- The NI Executive and NI Assembly should take a human-rights-based approach to policy and legislation that considers and is able to address online misinformation and disinformation, and the harm caused to racial and ethnic minorities. In doing so, the NI Executive and NI Assembly must consider the full range of human rights standards.
- The NI Executive should coordinate the establishment and ongoing actions of a multi-agency strategy. This should include the meaningful consultation of relevant stakeholders.
- The NI Executive and NI Assembly should engage with civil society organisations in NI to better understand and tackle online misinformation and disinformation and its harm on racial and ethnic minorities.
- The NI Executive should invest in initiatives that promote media literacy and encourage fact-checking online sources to build a higher resilience to misinformation and disinformation.

- The NI Executive should ensure that its strategy is coordinated with initiatives across the UK and Ireland and be cognisant of the global risk and opportunities.

## Contact us

**[Colin.Caughey@NIHRC.org](mailto:Colin.Caughey@NIHRC.org)**

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987  
4<sup>th</sup> Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

