



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

June 12, 2024

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Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

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Special Rapporteur on the independence of judges and lawyers

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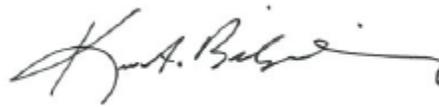
Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism  
Geneva, Switzerland

Dear Special Mandate Holders,

Please find enclosed the U.S. response to communication AL USA 8/2024 dated April 18, 2024.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Billingsley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelly Billingsley  
Deputy Permanent Representative  
Human Rights

## **U.S. response to communication AL USA 8/2024**

Thank you for your letter of April 18, 2024, regarding allegations of hate speech and incitement to violence on social media platforms headquartered in the United States, to include Meta, X, and Google.

The United States considers freedom of expression a critical component of a vibrant, functioning democracy. In the United States, the protection of freedom of expression, whether it is exercised offline or online, is enshrined in the First Amendment to our Constitution. The U.S. judicial system safeguards freedom of expression with among the strongest legal protections in the world. The media in the United States operate freely and independently and represent a diversity of viewpoints.

The U.S. Supreme Court has interpreted the right to freedom of speech under the Constitution broadly and has identified only a limited number of narrowly defined categories of speech, such as incitement to imminent violence and true threats of violence, that do not receive First Amendment protection. As a party to the International Covenant on Civil and Political Rights, the United States maintains a reservation as to Article 20, due to freedom of expression and constitutional concerns.

As a general matter, U.S. law does not impose an obligation on online platforms to remove, restrict, or otherwise regulate online content that is protected under the First Amendment. The removal of content that does not violate U.S. law is at the discretion of online platforms. Private sector companies may, and do, choose voluntarily to remove websites, accounts, or postings with content that violates their own terms of service and use agreements, but which does not violate U.S. law. Questions of whether particular online content violates U.S. law are addressed through civil or criminal legal processes. Generally, U.S. law does not impose civil liability on companies for online content hosted or removed by third parties, subject to certain exceptions. Again, such matters are typically addressed through the judicial process – with the attendant constitutional safeguards and protections.

While we routinely condemn hate speech at the highest levels of our government, we also recognize that suppressing the expression of such ideas does not make them go away. In fact, governmental action to ban intolerant or offensive speech can be counter-productive, often significantly raising the profile of the offensive speech as well as forcing hateful ideologies to fester in dangerous ways. We have learned through our own historical experience in banning offensive speech that such measures were not useful in promoting a vibrant democracy, in respecting human dignity, or in creating space for change and advancements to occur. We robustly protect freedom of expression because the cost of stripping away individual rights is far greater than the cost of tolerating hateful words.