

Bangladesh

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Statement of Bangladesh on to the UN Offices in Geneva

Agenda item 3

My delegation thanks **Mr. Frank La Rue**, Special Rapporteur on freedom of opinion and expression for his report.

The mandate on freedom of expression and opinion is one of the most important special procedure mandates. It is natural that the works of the special rapporteur would be closely followed by states, developed and developing as well as civil society. There is no dispute that the freedom of opinion and expression is a fundamental human right. This right should be promoted and nurtured by all to the maximum extent possible. However, this freedom is not absolute or infinite as some of us here want to emphasize. The permissible limitations of freedom of expression have been well articulated in article 19 and 20 of ICCPR. It is clear, this right has to be exercised with responsibility.

Mr. President,

We may differ on the threshold level when the limitations should apply. It is through continued deliberation, engagement and dialogue, we will be able to reach to a common understanding on the level of threshold. The Special Rapporteur has an important role to play in creating necessary space where such dialogue can foster. If he takes a particular position at the outset and negates views of others, the dialogue can not bear any fruit. For example, when Prof La Rue rejects the concept of defamation of religion outrightly, he in fact gives up his position as a catalyst for further clarification of the concept. It is important for the Special Rapporteur to remember that he is dealing with real life issues involving real situation and real people not in an academic context. In real life, we know there exists stereotyping on the basis of race, religion or other origins, there exists incitement to racial or religious hatred, there exist political platforms that propagate racist, xenophobic

ideology. States do not take any action on the pretext of their freedom of opinion and expression. Some individuals, sometimes just for share fun, insult religions and religious personalities affecting sentiment of billion people, and then claim it as his or her freedom without appreciating that such actions results in violation of human rights of others.

We do not say that religions have to be protected as much as rights are protected. We do not oppose constructive criticism of religions. The debate on religion and religious practices can be acceptable, not deliberate insult, stigmatization or ridiculing. It is a growing phenomena in certain parts of the world which often results in intolerance and hatred clearly prohibited under international human rights laws. Incitement to hatred in the name of freedom of expression and opinion, stereotyping or stigmatizing, instigating racial, ethnic or religious hatred and discrimination can not be acceptable to any civilized nation. It should be dealt with in a proper way. We merely want that the concerned governments deal with such phenomena. If there exist legal loopholes, international community addresses those. We are certainly aware that right belongs to individuals, groups and communities. But by defaming a religion, situation is created that result in violation of rights of its followers. This linkage is well established.

Mr. President,

We urge upon all not duel too much on the correctness of this concept as human rights issue. After all human rights regime has developed to allow human being to enjoy their freedom, live in peace, dignity and harmony. The regime continues to develop generation after generation precisely to tackle evolving situations. If we had taken black and white approach and rejected new concepts, we would have been stuck in the past. It is only logical that we deal with misuse of freedom of expression and opinion side by side as we promote exercise of these freedoms. The mandate of the Special Rapporteur reflects this aspect in a fair and balanced manner and it should be respected and followed scrupulously.

My delegation appreciates **Madam Joy Ngozi Ezeilo** for her report. We agree to most of the recommendations she has put forward.

Mr. President, trafficking in persons is one of the worst forms of exploitation of human being. These massive human right violations must be fought by the international community with resolve. As the report rightly points out, it is important to take a victim-centred and human rights-based approach to combating human trafficking.

Movement of people from one place to other, from one country to other, is a historical phenomenon. Obstacles to the natural movement of people force people to adopt risky paths of migration. If we are serious about fighting smuggling and trafficking, we have to promote orderly migration.

Our approach in addressing trafficking problem is - Prevention, Protection and Persecution - nationally, regionally and internationally by bringing together the countries of origin, transit and destination. As the operations are cross-boundary, it makes bilateral and regional cooperation all the more essential. States of origin, transit and destination should formulate legislation to criminalize traffickers and cooperate in disrupting trafficking chain.

Mr. President,

We will not be able to find a durable solution to the trafficking issue without addressing the root causes. Poverty and illiteracy as well as absence of adequate opportunities for legal migration are at the root of trafficking. People move out of the country and take risky route of migration for a better life, better economic opportunity in the destination country. In the process they fall victim to traffickers. They become victim of trafficking not by choice, but often because of lack of choices. We would request the SR to look into the broader picture and suggest remedial actions in her future work.

Mr. President,

The mandate on the extrajudicial killings is yet another important special procedure mandate. The successive Special Rapporteurs have indeed made significant

contribution in generating global awareness and support against the incidents of extrajudicial killings. Prof. Phillip Alston deserves special thanks for his steadfast in pursuing the mandate for the last six years. We had at times differences in opinion. But these differences were expressed logically. The healthy debates contributed in further clarifying different aspect of the mandate and elaborating the phenomena of extrajudicial killing in a broader context.