

## Draft EOP/EOV on HRC Resolution on Freedom Opinion and Expression

The European Union would like to thank the main sponsors of resolution L.14 for bringing forward this important issue to the UN Human Rights Council at this session. The freedom of opinion and expression is a fundamental human right that every member of this body must work to uphold, promote and protect.

Cornerstones of the EU's value system are our beliefs in tolerance, non-discrimination, freedom of expression, freedom of thought, and freedom of religion or belief. We demand that all people in all parts of the world are able to enjoy their right to hold opinions without interference as well as to freedom of expression, to seek, receive and impart information and ideas through any media, as set out in the Universal Declaration of Human Rights. Restrictions on the right to freedom of expression should be no more extensive than permitted by human rights law.

Respect for the freedom of expression and opinion is vital for strengthening democracy, combating racism, racial discrimination and related intolerance. The European Union is determined to continue to combat advocacy of hatred that constitutes incitement to discrimination, hostility or violence.

As called for in article 20 of the ICCPR, the EU has adopted legislation to criminalise incitement to violence or hatred directed against individuals or a group of persons on the basis of their race, colour, religion or belief, gender, descent, national or ethnic origin or other identity.

In terms of OP4 of this resolution, the EU wants to stress that this constitutes a final compromise for the EU since we firmly believe that debate on how to deal with these issues has to be grounded in international human rights law which protects individuals in the exercise of their freedom of religion or belief. Human rights law does not and should not protect belief systems. Hence the language on stereotyping only applies to stereotyping of individuals and not of ideologies, religions or abstract values. The EU rejects and will continue to reject the concept of "defamation of religions". The EU also rejects the misuse of religions or belief themselves for incitement of hatred, discrimination, hostility or violence. It is only through open public debate of ideas that we can truly combat hatred.

The European Union further would like to state that the notion of a moral and social responsibility of the media as expressed in OP6 is not only redundant with regard to OP9 but also goes well beyond the "special duties and responsibilities" as stated in article 19 of the ICCPR. In our view, this text does not in any way change the legal boundaries of limitations to the freedom of the press. Therefore the EU cannot subscribe to this concept in such general terms.

The European Union expresses its strong support for the work of this Council's Special Rapporteur on Freedom of Opinion and Expression. We encourage him to continue his work, including his efforts to highlight instances around the world where freedom of opinion and expression is unduly restricted.

The European Union firmly believes that respect for the independence of the media, including a free press, is fundamental for the promotion and protection of the freedom of opinion and expression. States should not seek to interfere or with the work of journalists and must enable editorial independence of the media.

Thank you, Mr President