



INTERNATIONAL HUMANIST AND ETHICAL UNION

1, GOWER STREET, LONDON WC1E 6HD, U.K.

Website www.iheu.org

Human Rights Council: Briefing Note

2009/HRC/023A

Draft resolution on Freedom of Expression

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds..." ICCPR, Article 19 (2)

The new draft resolution on freedom of expression fails to mention the fastest-growing threat to freedom of expression: intolerance in the name of religion. Recent years have seen a rapid escalation in expressions of hatred against one faith by followers of another. This problem is not confined to one particular religion but is widespread. Furthermore, expressions of hatred against minorities in the name of religion tend to go unchecked.

We suggest therefore that the definition of "religious hatred" should include expressions of hatred made *in the name of* any religion – since such expressions should clearly be subject to similar sanction. We suggest that the following wording might be appropriate:

OP4 bis Stresses that condemning and addressing, in accordance with international human rights obligations, including those regarding equal protection of the law, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including such hatred expressed in the name of a religion, ...etc.

At the same time, we would like to see a clear statement that insults should not be criminalized unless they constitute incitement to hatred. Legitimate criticism of any religion or belief must be explicitly permitted. We would suggest therefore that the resolution also denounce the growing intolerance to freedom of expression exemplified by the recent reintroduction of blasphemy laws, such as in Ireland and the Netherlands. It is believers, not beliefs, that have human rights and are entitled to respect and protection against hatred.

Lastly, the document should clarify that, while respectful dialogue is desirable, freedom of expression means the freedom to express views with which others strongly disagree and may regard as defamatory – emphasizing that exceptions should be limited to those permitted by the ICCPR. Respect and defamation are in the eyes of the beholder. Freedom to say only what opponents think is respectful is no freedom at all.

For further information on this issue, please contact:

Roy W Brown, IHEU Main Representative, UN Geneva.

Tel: +41 79 212 5603, email: roywbrown@gmail.com or

Sophie Erskine, IHEU Representative, UN Geneva

Tel: +44 77 99 218 166, email: sophieerskine@yahoo.co.uk