

Geneva, 11 March, 2010

**Letter from Civil Society Organizations to State Representatives:
'Defamation of Religion' at the 13th Session of the United Nations Human Rights Council**

Excellency,

We are writing to you to urge your government to reject the adoption of any resolution that undermines the right to freedom of expression at the current session of the UN Human Rights Council.

During this session, two resolutions which could seriously undermine international human rights law on the protection of the right to freedom of expression are expected to be tabled:

1. the draft resolution on combating defamation of religions, proposed by Pakistan on behalf of the Organisation of Islamic Conference (OIC);
2. the draft resolution on complementary standards to the International Convention on the Elimination of Racial Discrimination (ICERD), proposed by South Africa on behalf of the African Group.

We urge your delegation to vote against the resolution on defamation of religions because we are concerned that the concept of "defamation of religions" is contrary to freedom of expression, as protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), as well as the prohibition on any advocacy of national, racial or religious hatred that constitutes incitement to violence, discrimination and hatred which is provided for in Article 20 of the ICCPR. The concept of defamation of religions has polarized debates about the protection of religious groups and minorities, weakening the global fight against discrimination on religious grounds. During the Durban Review Conference, governments admitted that there was no international consensus around this concept and all proposals focusing on the issue of defamation of religions were withdrawn from the outcome document of the conference, agreed by consensus.

International human rights standards do not and should not protect religions *per se*, but rather individuals and groups from discrimination and harassment on the basis of their religion or ethnicity. Belief systems themselves should not be exempt from debate, commentary or even sharp criticism, whether internal or external. Furthermore, laws prohibiting defamation of religions are often counterproductive and prone to being abused against religious minorities that they purport to protect, as highlighted by the UN Special Rapporteurs on freedom of opinion and expression, freedom of religion or belief and contemporary forms of racism, racial discrimination, xenophobia and related intolerance in their *Joint Statement at the Durban Review Conference*.

We are also very concerned that the development of a legally binding instrument could include the concept of defamation of religions. We strongly believe that any attempt to codify defamation of religions in international law will have highly damaging and long-term implications for the international protection of the right to freedom of expression, as well as the international human rights system more generally.

The work of the Ad Hoc Committee on the Elaboration of Complementary Standards has not been successful in bridging the polarization and divide that exists around this issue. While some delegations are insisting on the need for legal standards in this field, an overwhelming number of UN experts have pointed out that it is not necessary to develop new international standards to respond to today's problems of discrimination based on religion or incitement to religious hatred. What is needed today is appropriate implementation of existing standards and political will to fight discrimination and hatred against individuals or groups, based on their religion.

We are convinced that intercultural and inter-religious understanding can only be promoted through open debate and dialogue involving state actors, politicians and public figures, the media and civil society organisations. Suppressing expression, including expression on religions, will not gain that result.

The consensual approach used to draft the Human Rights Council's latest resolution on freedom of expression led by Egypt and the United States shows that constructive negotiations aimed at depolarizing positions of

different groups of States are the best way forward to ensure the protection of human rights and the successful work of the Human Rights Council on these issues.

Our organisations believe that the international community should proceed on the basis of the emerging political consensus demonstrated by the *Outcome Document of the Durban Review Conference* of April 2009 and *Human Rights Council Resolution 12/16* of 2 October 2009, both of which omit any reference at all to the concept of defamation of religions.

We urge your government to strengthen the emerging consensus by voting against the adoption by the Human Rights Council of any resolution which refers to “defamation of religions” or which hastily endorses the development of draft norms to complement the Convention on the Elimination of Racial Discrimination. We also urge you to insist that any reference to “defamation of religions” be replaced with language which properly reflects international human rights law, in particular Articles 19 and 20 of the ICCPR.

Signatory Organizations:

The African Centre for Democracy and Human Rights Studies (Gambia)
African Democracy Forum
Angikar Bangladesh Foundation (Bangladesh)
Article 19
ARC International
Asian Forum for Human Rights and Development (FORUM-ASIA)
The Asian Legal Resource Centre (ALRC) (Hong Kong)
Baha’i International Community
Bahrain Centre for Human Rights (BCHR)
Cairo Institute for Human Rights Studies (CIHRS)
Canadian HIV/AIDS Legal Network
CELS (Center on Legal and Social Studies) (Argentina)
The Center for Military Human Rights (South Korea)
Christian Development Alternative (CDA) (Bangladesh)
CIVICUS (South Africa)
La Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH)
The Commission for Disappeared and Victims of Violence (Kontras) (Indonesia)
Commonwealth Human Rights Initiative (CHRI)
Conectas (Brazil)
Dominican Leadership Conference (USA)
Democracy Coalition Project (DCP) (USA)
Droits HUMAINS Sans Frontières (Belgium)
East and Horn of Africa Human Rights Defenders Project (EHAHRDP)
Egyptian Initiative for Human Rights (EIPR)
International Federation for Human Rights (FIDH)
Franciscans International
Fondation Humanus (Cameroon)
Human Rights Agenda Nigeria
Human Rights Development Centre (HRDC) (Bangladesh)
Human Rights First (USA)
Human Rights Watch (HRW)
IMPARSIAL – the Indonesian Human Rights Monitor (Indonesia)
International Catholic Centre of Geneva
International Commission of Jurists (ICJ)
International Institute for Vietnam
Justice Foundation (Bangladesh)
Korean House for International Solidarity (South Korea)
Lembaga Bantuan Hukum Masyarakat (Community Legal Aid Institute) (Indonesia)
Miguel Agustin Pro Juarez Human Rights Center (Center Prodh) (Mexico)
Mouvement Citoyen Senegal
National Movement of Catholic Students (NMCS) (Zambia)
OMCT (World Organization Against Torture)
Partnership for Justice (Nigeria)
Peoples' Vigilance Committee on Human Rights (PVCHR) (India)
People's Watch (India)
Right to Life Foundation (Bangladesh)
West African Human Rights Defenders Network