



STATEMENT

For immediate release – 19 March 2008

Human Rights Council: Leave Freedom of Expression Mandate Alone

ARTICLE 19 is deeply concerned by a proposal at the Human Rights Council to prevent the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression from examining issues involving “defamation of religion”. If adopted the proposal, sponsored by the Organisation of the Islamic Conference (OIC) and African States, would constitute a serious and unjustifiable limitation on the current system for the protection of freedom of expression.

ARTICLE 19 calls on the Member States of the Human Rights Council to reject the proposal to amend the mandate of the Special Rapporteur on Freedom of Expression for the following reasons:

- *First*, there is simply no reason to remove certain expressive activities from scope of the mandate. This mandate, like other human rights mandates, is designed to address human rights concerns in a holistic fashion. To ring-fence particular types of expression outside the scope of consideration of the Special Rapporteur would render the mandate incoherent and inconsistent. The Special Rapporteur would no longer be able to reflect on the comprehensive normative framework provided by international law and standards and the best practices of States in fulfilling their freedom of expression obligations. Similarly, it would make no sense to preclude the Special Rapporteur on Freedom of Religion or Belief from considering issues involving freedom of expression that relate to that mandate. Rather, the best way to address cross-cutting issues is through coordinated work between relevant mandates.
- *Second*, it is particularly important at this time that global institutions like the UN Special Rapporteurs are able to provide leadership and to mediate discussions on these sensitive issues in a principled and non-partisan way, rather than them being dealt with on a piecemeal and potentially inconsistent manner by individual States.
- *Third*, the idea of removing ‘defamation of religion’ from the scope of the freedom of expression mandate is essentially arbitrary and the reasons put forward provide no evidence to the contrary. Similar arguments could be made for many categories of expressive activity. To accept this narrowing of the mandate opens the door to further limitations in future.
- *Fourth*, from the perspective of international human rights law there are inherent problems with the very notion of ‘defamation of religion’, which gives the impression that religion *per se* should be protected against criticism. International law protects the equality and religious freedom of individuals, rather than religious ideas themselves. In recent years, a failure to respect this principle has led to religion being used as a

- justification for censorship of the media, and the stifling of academic research and artistic creativity.
- *Fifth*, there is no consensus over what the concept of ‘defamation of religion’ means, opening up the possibility that it will be interpreted expansively, obstructing the work of the mandate-holder.
 - *Sixth*, international law provides for a clear and carefully calibrated framework of standards in this area, found in Articles 19 and 20 of the *International Covenant on Civil and Political Rights*, which rule out incitement to hatred on the basis of religion but which protect criticism of religion. The current proposal to limit the freedom of expression mandate may be understood as an attempt to undermine this well-established framework.

In view of a global problem of growing intolerance, the Human Rights Council should place greater emphasis on the role of freedom of expression in combating hatred and in promoting the rights to equality and justice, as well as on States’ obligations to protect minorities, including religious minorities, against acts of hatred, oppression, violence.

NOTES TO EDITORS

- For more information, please contact Dr. Agnès Callamard, ARTICLE 19 Executive Director, tel: 0207-278-9292, agnes@article19.org
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees freedom of expression.