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PUBLIC STATEMENT

Protecting the belief at the expense of the believers: Another post 9/11 legacy?

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It happened quietly. There was no uprising. No emotional speeches. No angry debates. But on March 30, 2007, the UN Human Rights Council passed a resolution that violated international standards on freedom of expression. A resolution stating that freedom of expression may be restricted “to ensure respect for religions and convictions” was passed by 24 council members, with 14 against and 9 abstentions. The resolution was sponsored by Pakistan on behalf of the Organization of the Islamic Conference (OIC). The OIC could have made a wiser choice than to hand over that responsibility to a country where still people are put to death for blasphemy. The OIC might have been given pause by China’s support – a country hardly distinguished by its commitment to freedom of religion - or by Russia’s, whose treatment of religious minorities and religious freedom stands as a negative example to all. But perhaps, the OIC took its comfort in South Africa’s or Mexico’s endorsement.

Human rights and freedom of expression activists, on the other hand, can only be left wondering... Can the human rights destruction waged by President Bush’s version of America, justify undermining *the* human right that, ultimately, is among the most effective recourse and instruments against these abuses – the right to freedom of expression?

Since 9/11, as too often this newsletter has had to report, restrictions on and violations of universal human rights have multiplied all over the world, justified on the grounds of national security. At the same time there is evidence of growing intolerance and burgeoning discrimination within established democracies, especially vis-à-vis Muslims whether as residents or foreigners. There is little doubt that a number of governments have fed this intolerance through policies and laws targeting explicitly or implicitly Muslims.

In this environment, a resolution reminding the international community of its obligations under article 20 of the UDHR, particularly as far as Muslims are concerned, could have been important and timely. The proponents of the resolution could have insisted on strengthening the protection of all people’s and each individuals’ rights to life, equality, and justice and on the obligations of all states to protect minorities, including religious minorities, against acts of hatred, oppression, violence. But instead, states chose to focus their efforts on protecting religion itself: NOT the believers and NOT *freedom of religion*.

For example, paragraph 10 of the resolution distorts blatantly Article 19(3) of the ICCPR, by quoting largely from it but then adding, without acknowledgment a new “respect for religions and convictions” (“*le respect des religions et des convictions*”) to the otherwise carefully defined

grounds that may justify a restriction on freedom of expression. The resolution's frequent use of the term 'defamation' also suggests wider restrictions are being sought than are actually permitted under international law. In particular, while certain restrictions on speech are allowed to protect reputation of individuals these are not allowed in respect to religions, which cannot be said to have a "reputation" as such and thus cannot be said, under international law, to have been defamed. While international law does not entirely rule out restrictions on speech to protect religion, it very carefully circumscribes the scope of such restrictions.

Religious believers have a right not to be discriminated against on the basis of their beliefs, but they cannot expect their religion to be set free from criticism, even in its harshest or most sarcastic form. The equality of all ideas and convictions before the law and the right to debate them freely is the keystone of democracy. As international human rights courts have stressed, freedom of expression is applicable not only to "information" or "ideas" that are favourably received but also to those that may offend, shock or disturb any or all of us.

In many ways, the Human Rights Council resolution is in keeping with a trend that has resurfaced with great strength in our post 9/11 world: protecting the belief at the expense of the believers, of all believers.

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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 free speech.