

26 March 2015

**Open letter to delegates of the Inter-Parliamentary Union 132<sup>nd</sup> Assembly in Hanoi, Vietnam regarding the emergency resolution on “respect for religions and religious symbols”**

The undersigned organisations urge Members of Parliament delegations to the Inter-Parliamentary Union (IPU) to reject a proposed emergency resolution at its 132<sup>nd</sup> Assembly on “respect for religions and religious symbols, respect for freedom of opinion and expression”, as it is incompatible with international human rights law.

The initiative, tabled by Jordan, incorrectly underscores that “freedom of opinion and expression are fundamental rights for all but do not permit insults against religions or their symbols and followers”, and proposes the creation of “an international convention to prevent disrespect for religions and religious symbols”.

The draft resolution, and the instrument it proposes to create, contradict international standards on freedom of expression, which are clear that restrictions on this right for the protection of religions *per se*, or to shield the feelings of believers from offence or criticism, are illegitimate.

We are concerned that the draft IPU resolution, if adopted, would legitimise and encourage criminal prohibitions to “prevent” religious insult or so-called “defamation of religions”. As such, we fear this also threatens to undermine the crucial consensus achieved at the UN Human Rights Council (HRC) in Resolution 16/18.<sup>1</sup> That landmark 2011 resolution rejected the concept of ‘defamation of religions’ in favour of a consensus and human rights compatible approach to tackling religious intolerance. The IPU set a positive example by rejecting a previous draft proposal in 2012, which looked to criminalise “defamation of religions”, and we urge that the IPU continue to uphold this high standard.<sup>2</sup>

On the initiative of the Organisation of Islamic Conference (OIC), the HRC will this week likely adopt a follow-up to Resolution 16/18 at its 28<sup>th</sup> Session, stressing the importance of its implementation. Attempts to undermine the spirit of Resolution 16/18 by introducing concepts akin to ‘defamation of religion’ in other international forums, such as the IPU, must be resisted.

Contrary to the Jordanian delegation’s claim that the International Covenant on Civil and Political Rights (ICCPR) supports the purposes of the resolution, the Human Rights Committee, tasked with monitoring the implementation of the ICCPR, has been unequivocal that “prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant”.<sup>3</sup> Numerous HRC special procedures have observed that such laws are often abused to stifle open and critical debates, as well as to discriminate against religious minorities as well as non-believers.<sup>4</sup>

The positions of the Human Rights Committee and HRC special procedures are supported by the Rabat Plan of Action<sup>5</sup>, a United Nations OHCHR document that provides authoritative guidance to States on implementing their obligations under Article 20(2) of the ICCPR to prohibit “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.

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<sup>1</sup> UN Human Rights Council Resolution 16/18 on “Combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence, and violence against persons based on religion or belief”, A/HRC/Res/16/18, adopted without a vote, 24 Mar 2011

<sup>2</sup> Draft Resolution submitted by the delegation of the United Arab Emirates on “the international role of Parliamentarians in prohibiting the defamation of religions and the desecration of religious symbols and shrines by contributing to the conclusion of an international agreement on the criminalisation of such acts and by recognising respect for religions as a prerequisite for international peace, understanding and cooperation”, A/127/2-P.2, Annex III, 8 Oct 2012

<sup>3</sup> Human Rights Committee, General Comment No. 34 – Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 12 Sept 2011

<sup>4</sup> Report of the Special Rapporteur on minority issues, A/HRC/28/64, 2 January 2015; Report of the Special Rapporteur on freedom of religion or belief, A/HRC/28/66, 29 December 2014; Report of the Special Rapporteur on protecting and promoting the right to freedom of opinion and expression, A/67/357, 7 Sept 2012

<sup>5</sup> Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR, in 2011, and adopted by experts in Rabat, Morocco on 5 Oct 2012, and launched on 21 Feb 2013

Importantly, the Rabat Plan of Action distinguishes the protection of religions and ideas, which is not permissible under international law, from protecting individuals and groups from discrimination, violence or hostility on the basis of their religion or belief. In respect of the latter, limitations on freedom of expression are considered a last resort, and can only be imposed if shown to reach a very high threshold, in line with Articles 19 and 20(2) of the ICCPR.

As legislators and opinion-makers, we encourage IPU delegations to reflect on their potentially positive role in creating a climate of open but frank debate on all issues, which requires the full protection for the rights to freedom of expression and freedom of religion or belief. In line with HRC Resolution 16/18, and the Rabat Plan of Action, this would include, *inter alia*, supporting measures to repeal blasphemy laws, to enact comprehensive anti-discrimination legislation, and to speak out against instances of intolerance.

Should the draft IPU resolution proceed to consideration for adoption at the 132<sup>nd</sup> IPU Assembly, we urge all delegates to unequivocally reject it.

Yours Sincerely,

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Ioana Avadani, **Center for Independent Journalism**, Romania

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Sonia Randhawa and Jac sm Kee, **Centre for Independent Journalism**, Malaysia

Sini Maria Heikkila, **Christian Solidarity Worldwide**, United Kingdom

John Reichertz, **Forum of Argentine Journalism (FOPEA)**, Argentina

Krishna Sapkota **Freedom Forum**, Nepal

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Elizabeth O'Casey, **International Humanist and Ethical Union**, United Kindgom

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