



STATEMENT

The Demise of “Defamation of Religions”? Human Rights Council Should Support Resolution On Religious Discrimination

ARTICLE 19 and the Cairo Institute for Human Rights Studies (CIHRS) urge Member States of the UN Human Rights Council to support the draft resolution on combating intolerance, discrimination, violence and incitement to violence based on religious grounds, which has been proposed by Pakistan on behalf of the Organisation of Islamic Conference instead of one on “defamation of religions”.

The draft resolution on “Combating Intolerance, Negative Stereotyping and Stigmatisation of, and Discrimination, Incitement to Violence, and Violence Against Persons Based on Religion or Belief” (the “draft resolution”) calls on states to target discriminatory acts in ways that are in accordance with international human rights law. After more than a decade of resolutions on combating “defamation of religions” adopted by the Human Rights Council (“HRC”) and its predecessor, the Commission on Human Rights, as well as by the General Assembly, the proposed resolution is a seismic shift in the approach of the Organisation of Islamic Conference, which previously championed them. It also presents a momentous opportunity for the HRC to definitively reject “defamation of religions” and similar concepts.

ARTICLE 19 and CIHRS, which have long been leaders in campaigning against resolutions on “defamation of religions”, recognise the significant efforts already undertaken at the HRC to ensure that the wording of the proposed resolution does not infringe international human rights law, whilst addressing acts of discrimination against individuals and groups on the grounds of religion or belief. As voting patterns on previously-adopted resolutions at the HRC and General Assembly show, a burgeoning number of states recognise that such concepts as “defamation of religions” are contrary to international human rights law on freedom of expression, as well as counterproductive to global efforts to combat discrimination against religious minorities.

Besides the draft resolution’s complete omission of “defamation of religions” or similar terms, ARTICLE 19 and CIHRS welcome its focus on combating manifestations of discrimination against *persons* based on religion or belief. States are called to “foster a domestic environment of religious tolerance” through such actions as the development of collaborative networks, monitoring mechanisms, training of government officials, speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. We are also encouraged by the draft resolution’s recognition of the importance of an

“open public debate of ideas, as well as interfaith and intercultural dialogue ... [as] among the best protections against religious intolerance”, which reflects the positive approach to international human rights law embodied in the *Camden Principles on Freedom of Expression and Equality*.

At the same time, ARTICLE 19 and CIHRS emphasise that the draft resolution does not alter, but reinforces states’ existing international human rights obligations, including those under Articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR) concerning the right to freedom of expression and the prohibition of incitement. The text of the resolution leaves no doubt as to the primacy of these international human rights obligations, as highlighted by, for instance, paragraphs 2, 3, 5(e) and 5(f).

ARTICLE 19 and CIHRS also recognise that the draft resolution may be improved in numerous ways. Notably, the title is awkward, overly long and encompasses vague terms such as “intolerance, negative stereotyping and stigmatisation” alongside “discrimination, incitement to violence and violence against persons based on religion or belief”. The title of the draft resolution could be made shorter without changing its substantive scope by omitting the vague terms so that it concerns “combating discrimination, violence and incitement to violence against persons based on religion or belief”. Such drafting weaknesses, however, are minor in nature and should not dissuade states from supporting it.

ARTICLE 19 and CIHRS support ongoing efforts towards forging a consensus at the HRC around the draft resolution. If the draft resolution were adopted in its current form, we believe that it would be a significant breakthrough for the HRC and the international human rights system as a whole.

ARTICLE 19 and CIHRS strongly urge Member States of the Human Rights Council to support the draft resolution.

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- For the proposed resolution see A/HRC/16/L.38: www.article19.org/pdfs/press/unhrc-resolution-on-dor.pdf
- For the *Camden Principles on Freedom of Expression and Equality* see www.article19.org/advocacy/campaigns/camden-principles/index.html
- For ARTICLE 19’s campaigning work at the UN, including work with CIHRS on “defamation of religions” see www.article19.org/advocacy/campaigns/special-rapporteur.html
- 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.
- The Cairo Institute for Human Rights Studies (CIHRS) is an independent regional non-governmental organization which aims at promoting respect for the principles of human rights and democracy in the Arab Region.