

(Open) Letter to Delegations of UN Member States On Tackling the Question of “Defamation of Religions” at the Human Rights Council

Context

For over a decade, efforts have been made in several venues at the United Nations to promote the concept that states should have an obligation to implement laws against the “defamation of religions.” The Human Rights Council will address this issue again in its upcoming session in Geneva, in March 2010. In the meanwhile, the Ad Hoc Committee on Complimentary Standards is working on proposals to criminalize “defamation of religions”—hence supporting the codification of such a concept, as well as setting up new legally binding international standards.

Human Rights First’s Position on Defamation of Religion

Human Rights First (HRF) opposes all efforts to create internationally binding obligations to prohibit defamation of religions. At the same time, HRF advocates a comprehensive set of measures, described below, that governments should include as part of their efforts to fight violence and hostility against members of all religious and other minority communities.

The defamation of religions concept is inconsistent with universal human rights standards which are designed to protect individuals, not abstract ideas or religions. Promulgating norms designed to restrict defamation of religion risks promoting an atmosphere of hostility in which governments can restrict freedom of expression, thought and religion, preventing the peaceful expression of political or religious views. It would permit states to determine which ideas are acceptable.

This concept creates particular problems for those holding religious views that differ from the majority religion, as well as adherents to minority faiths that may be deemed by some to be heretical or blasphemous. U.N. experts and other human rights monitors have found that many national laws prohibiting blasphemy, religious defamation, injury to religious feelings and incitement to hatred have been abused by governments and others to target individuals for the peaceful expression of political or religious views, including in some countries that have vigorously promoted prohibitions on defamation of religion at the international level.

An Alternative to Defamation of Religion Prohibitions

Those who support defamation of religion laws argue that such laws are necessary in order to combat incitement to discrimination, hostility and violence, as well as to protect freedom of religion. To use one example, the growth of popular anti-Muslim sentiment and xenophobia in parts of Europe has been asserted as an argument to support the concept. Indeed, in its 2008 report on Violence against Muslims, HRF documented a worrying level of anti-Muslim violence and prejudice throughout Europe and North America.

However, for the reasons articulated above, we believe that the defamation of religion concept damages rather than advances efforts to combat this human rights concern. We advocate a different strategy, one that both supports existing international norms on freedom of expression and confronts the growing

problem of hostility and violence targeting members of religious and other minorities, whether they are Muslims in Europe or other minorities elsewhere in the world.

This proactive approach prioritizes:

- 1) The need to combat violent hate crimes.
- 2) The importance of fighting hate speech through political—rather than legal—responses.
- 3) Counteracting the impact of hate crime and hate speech by addressing discrimination, and ensuring respect for freedom of religion.

Appeal to U.N. Delegations

The timing of the Human Rights Council meeting is significant, due to a series of concerted efforts to establish international binding standards to render defamation of religions unlawful.

During the debate on “defamation of religions” scheduled for Human Rights Council members in March 2010, we call on UN Members to engage in two related efforts:

- 1) **Protect international norms on freedom of expression** by voting to block efforts to establish new norms that prohibit defamation of religion. We believe that restrictions on freedom of expression will not advance protection of members of Muslim, Christian, Jewish or any other religious community from discrimination, hostility or violence.
- 2) **Step up efforts to protect the universal rights of members of religious and other communities** by advocating comprehensive policies that aim to combat violent hate crimes, confront hate speech through political means, tackle discrimination, and ensure respect for freedom of religion.

By focusing on practical policies that confront problems of prejudice that are in line with existing international norms, HRF hopes that Council members can come together in their support for a positive set of measures that address widely-recognized challenges, but which do not require creating additional international norms.