

Freedom House  
Oral Intervention  
Human Rights Council 13<sup>th</sup> Session  
Agenda Item no. 3  
March 12, 2010



Thank you Mr. President.

Non-binding resolutions calling on governments to ban speech that is considered offensive to some religious believers have passed every year at the Council since 1999. Yet religious discrimination and intolerance has not abated and appears to have increased as moderate voices have been drowned out of the debate.

The OIC has also advocated for the creation of a new legal mechanism in the form of either a convention or additional protocol to the ICERD that would ban so-called “defamation of religions” under international law.

Freedom House—along with many other organizations that support fundamental human rights and existing international legal norms—opposes both these resolutions and steps to ban expression critical of religions under international law. We do so based on the position that the concept of “defamation of religions” itself is invalid in its basic assumption that a religion, rather than a person, can be defamed and protected under law.

We also oppose these efforts based on evidence that legal measures to protect religious beliefs from criticism are counterproductive to the goal of promoting religious tolerance. The fact that such measures are often used to settle personal or even political scores and to suppress the views of religious minorities has been well documented by human rights organizations, legal experts, and even the UN special procedures.

Furthermore, several states that have laws against religious “defamation” are considering repealing or revising such laws, including Indonesia and Pakistan, whereas other states with these laws on the books have not demonstrated their effectiveness in combating the problem of religious discrimination and violence, as in the case of Nigeria.

There can be no religious tolerance, and indeed no religious freedom, when individuals of the same or different faiths have cause to be fearful that the peaceful expression of their views can be construed as offensive, blasphemous or defamatory.

However, this does not mean that we disagree with the premise that discrimination and hate crimes based on a person’s religious belief is a serious problem that deserves the highest attention not only of the Council, but of all governments and human rights organizations.

Religious belief systems thrive and grow on the basis of their own teachings. They do not need governments to protect them from criticism or ridicule.

People, however, do need such protections and we call on members of the Human Rights Council to discuss this complex and often emotional issue of religious intolerance and practical ways to address it that both are effective and that do not violate fundamental rights, including both the rights to freedom of opinion and expression and the right to freedom of religion.