



ADF INTERNATIONAL

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Mr. President,

The Special Rapporteur on freedom of religion or belief, within his report, rightly stated: “Equality in and of itself cannot guarantee the right to freedom of religion or belief. For example, ‘doctrinal secularism,’ which, rather than creating an inclusive space for religious pluralism in a non-discriminatory manner, emphasizes State secularism over the right to freedom of religion or belief, could engender activities that reduce the space for religious or belief pluralism.”

We are concerned, however, that the report of the Special Rapporteur did not pay adequate attention to the actual current trends towards the establishment of such a negative system of “doctrinal secularism.” In violation of the rights under the ICCPR to freedom of religion or belief, opinion, expression, conscience, and association, numerous individuals in a number of countries have had their fundamental liberties curtailed and have been pushed out of the public square by an aggressive secular liberal polity which claims to be objective and ideologically neutral.

Proprietors of good will and sincere conviction in the United States, the United Kingdom, and other Western countries, have been forced to choose between either engaging in creative expression that violates their deeply-held religious beliefs, or ceasing to continue in their line of work as members of polite society. These include bakers, florists, photographers, and venue providers who have no objection to providing goods and services to people identifying as lesbian, gay, bisexual, or transgender, but who do not want to be forced by the hand of the State into using their skills to facilitate, condone, or promote what they sincerely believe as a result of their religious and moral beliefs to be wrong. This is not motivated by a desire to discriminate against persons, but rather a desire to uphold their beliefs regarding the nature and purpose of the marital union, and not to be strong-armed into telling what they believe would be a lie about that under the threat of having their livelihoods legally removed from them.

ADF International recognises the need to regulate forms of communication that can credibly and reasonably be said to constitute incitement to violence, whether against an individual or a group. The concern, however, is that so-called “hate speech” laws, are on the whole vaguely worded, largely subjective, do not necessarily require falsehood, rarely require a victim, often only protect certain people, are arbitrarily enforced, and are often criminal rather than civil in nature. It is on these grounds that laws ostensibly protecting specific “vulnerable classes” could be used to silence legitimate speech involving no incitement to violence, in violation of the right protected under Article 19 of the ICCPR. Without freedom of speech, there cannot be genuine discussion amongst citizens, and without discussion, there is no democracy.



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So called “hate speech” laws undermine freedom of religion or belief in cases in which people of faith and religious clerics have been investigated or even prosecuted for publicly speaking about traditional religious doctrine on politically charged topics such as marriage and the family, human sexuality, and abortion. The danger of an unchecked “doctrinal secularism” is no more apparent than the Catholic Archbishop of Hobart being hauled before the Tasmanian Anti-Discrimination Tribunal and being told he has “a case to answer” for his archdiocese having distributed a booklet in Catholic schools explaining the Catholic teaching on marriage. Whatever one’s personal position may be with respect to the debate on marriage, this sort of case should be chilling. We call upon the Special Rapporteur on Freedom of Religion or Belief to investigate and report on these issues in greater and deeper detail in future reports.

Thank you, Mr. President.