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31st Session of the Human Rights Council
Interactive Dialogue with the Special Rapporteur on Freedom of Religion or
Belief (A/HRC/31/18)
Item 3

Mr. President,

ADF International welcomes Mr. Heiner Bielefeldt, the Special Rapporteur on Freedom of Religion or Belief.

ADF International appreciates the comments of Mr. Bielefeldt in relation to the interconnection and mutual reinforcement between the right to freedom of religion or belief and the right of freedom of opinion and expression. “States should create favourable conditions for everyone to be able to enjoy this right without fear and without discrimination”¹.

The former Special Rapporteur, Ms. Asma Jahangir, stated that, “Freedom of religion primarily confers a right to act in accordance with one’s religion but does not bestow a right for believers to have their religion itself protected from all adverse comment”². Freedom of speech should not be restricted any further than international law currently allows as it “would not only shrink the frontiers of free expression, but also limit freedom of religion or belief itself. Such an attempt could be counterproductive and may promote an atmosphere of religious intolerance.”³

It must be noted that laws on “hate speech” and “blasphemy laws” constitute a serious threat to the freedoms of religion, belief, opinion and expression.

Without freedom of expression there cannot be genuine discussion amongst citizens, and without discussion there is no democracy. “Freedom of opinion and freedom of expression are indispensable conditions for the full development of the person. They are essential for any society. They constitute the foundation stone for every free and democratic society.”⁴

“Instead of accepting the current position, where speech that is insulting or offensive is outlawed, restrictions on freedom of speech should be extremely narrow and very well defined. Accordingly, the law should only restrict so-called “hate speech” when there is an *incitement to imminent violence*. Where there is no such incitement, citizens should

1 A/HRC/31/18, para 9.

2 A/HRC/2/3, para. 37.

3 A/HRC/2/3 , para 50.

4 UN General Comment No. 34, 12 September 2011 (CCPR/C/GC/34), § 2.



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be free to insult, offend, shock, mock, and criticize each other and the state, no matter how ridiculous, unpleasant, or unpopular the speech”⁵.

ADF International calls for the repeal of blasphemy laws as such laws may fuel intolerance, stigmatization, discrimination and incitement to violence and disrupt intergroup communication. We need to be reminded that not only those condemned, but also society as a whole are impacted by these egregious restrictions.

ADF International supports the recommendation from Mr. Bielefeldt declaring that: “States are responsible for creating the public space that facilitates intergroup communication, frank and open discourse, free and independent media and civil society activities”.

In conclusion, Mr. President, ADF International encourages the protection of freedom of religion or belief and true freedom of opinion and expression, including by urging States to limit “hate speech laws” to cases of *incitement to imminent violence* and to repeal “blasphemy laws”.

Thank you Mr. President.

5 COLEMAN, Paul, Censored: How European “Hate Speech” Laws are Threatening Freedom of Speech. Second Edition. First published 2012, Vienna, Austria.
Une alliance consacrée à la défense juridique de la liberté

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