



## Session in Review

*a Becket Fund for Religious Liberty report on HRC activities affecting religious freedom*

### 7th Session of the United Nations Human Rights Council

**3-28 March 2008**

*For further information, go to [www.becketfund.org](http://www.becketfund.org).*

GENEVA – Last month, the UN Human Rights Council held its 7<sup>th</sup> session in Geneva, and, despite the absence of the UN Special Rapporteur on Freedom of Religion or Belief (Asma Jahangir), religious freedom was a central issue of the session. Sadly, one of the most prominent issues at the Council now is the push for “religious defamation” measures.

Since 1999, Pakistan on behalf of the Organization of the Islamic Conference (OIC) has proposed resolutions which would condemn the religious defamation, usually with a focus on defamation against Islam. While a religious defamation resolution purports to advance civility, its application inevitably stifles the free expression of ideas and beliefs because they protect ideas and beliefs rather than people. Ultimately, they provide an international platform for advancing domestic anti-blasphemy legislation.

The original purpose of defamation laws was to protect people from mistruths that would publicly mar their character and their livelihood, but the essence of these laws was the protection of a person – not an idea. Protections against religious defamation seek to protect particular religious ideas and beliefs rather than a person’s right to hold those ideas and beliefs. All religions make truth claims that conflict with one another, thus making the interpretation of religious defamation laws subjective to the beliefs of the judicial authority. Naturally, the subjective nature of religious defamation laws creates dangerous situations for minority religions and their assurance of freedom of conscience.

- **Religious Defamation Resolution ([A/HRC/7/L.15](#)):**
  - With support from Egypt, the African Group, and the OIC, a resolution “combating the defamation of religion” passed with a vote of 21 in favor, 10 in opposition, and 14 in abstention. This vote is significant because the combination of delegations who opposed or abstained outnumbers those supporting the resolution. See the vote count [here](#).
  - The text of the resolution is very similar to the resolution passed in March 2007 at the UNHRC. Under pressure from the EU, sponsors sought to make this resolution more inclusive of all religions. However, the resolution maintained a focus on Islam throughout, in eight separate paragraphs.
  - During an intercultural dialogue in the main chamber, the Becket Fund made an intervention calling for a public square in which the peaceful free expression of ideas is welcomed and encouraged. Read the entire testimony [here](#).
- **Renewal of Mandate for Special Rapporteur on Freedom of Expression ([A/HRC/7/L.24](#))**
  - After long negotiations, Canada finally put forward a resolution meant to counter the religious defamation movement that included numerous compromises, especially a clause on the limitations of freedom of expression. When the resolution came to the floor, the OIC proposed an amendment, which read:

- 4C-bis: “To report on instances where the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination taking into account Articles 19(3) and 20 of the [ICCPR] and that General Comment 15 of the Committee on Elimination of All Forms of Discrimination which stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression.”
- This amendment was passed. Canada and most of the other co-sponsors consequently withdrew their sponsorship of the resolution. Nonetheless, Cuba offered to sponsor the resolution with one additional amendment addressing the importance for the media “to deliver information in a fair and impartial manner.” The mandate was passed with a vote of 32 in favor and 15 abstentions, including the original sponsor Canada. See the vote count for the amendment [here](#). Vote count for amended resolution [here](#).
- The Becket Fund intervened during the general debate of Item 3, in which this mandate is included, and addressed the balance between freedom of expression and freedom of religion. Read the full testimony [here](#).
- **Renewal of Mandate for Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance ([A/HRC/7/L.18](#))**
  - After efforts by Egypt and other North African countries to include “contempt for religion” (another way of saying “defamation of religion”) as in issue within this mandate because the Special Rapporteur for racism is friendly to religious defamation measures, the EU and other Sub-Saharan African countries were able to exclude religious defamation from this mandate. However, the issues of “anti-Semitism, Christianophobia, Islamophobia” and religious discrimination were included.
  - In testimony during the Review, Rationalization, and Implementation of this mandate, the Becket Fund addressed the characteristic differences between race and religion. Read the full text [here](#).
- **Durban Review**
  - In 2001, the UN held the “World Conference against Racism” (WCAR) in Durban, South Africa. Unfortunately, what was meant to be a constructive global discussion on racial hatred devolved into a platform for hatred itself. Responding to aggressive anti-Semitism and holocaust denial, the U.S. and Israel walked out of the conference. The EU continued to work toward creating a final Conference document that would be balanced. Review the document [here](#).
  - ‘Durban II’ is intended as a review of the implementation of the Durban Declaration and Programme of Action (DDPA). However, it is expected that religious defamation will play a central role at the upcoming conference in 2009.
  - The chairperson of the Preparatory Committee is from Libya. Vice-Chairs include representatives from Cameroon, South Africa, Senegal, India, Indonesia, Iran, Pakistan, Argentina, Brazil, Chile, Cuba, Armenia, Croatia, Estonia, Russia, Belgium, Greece, Norway, and Turkey. The Vice-Chair Rapporteur is from Cuba.

- Many are calling on Western countries to boycott the upcoming ‘Durban II.’ Read more from the Associated Press [here](#). The U.S. Department of State has made indications that the U.S. will not participate in ‘Durban II’ (read press briefing [here](#)).
- During the 7<sup>th</sup> Session of the UNHRC, Cuba and Egypt sponsored a [resolution](#) entitled “From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia, and related intolerance,” which encourages follow-up to the implementation of the DDPA and preparation for the Durban Review Conference (‘Durban II’). The resolution passed with 34 countries in favor and 13 abstaining.
- Upcoming: The first substantive ‘PrepCom’ will take place April 21 - May 2 in Geneva. A primary decision right now is the location of the Durban conference.
- **Country specific mandates**
  - During the general debate on Item 4 (Human rights situations that require the Council’s attention), the Becket Fund intervened to draw attention to the religious freedom violations ongoing in Sudan, Burma/Myanmar, and the Democratic People’s Republic of Korea. Read the full testimony [here](#).
  - The mandate of the Special Rapporteur on the situation of human rights in the [DPRK] was renewed. Read the text [here](#).
  - The mandate of the Special Rapporteur on the situation of human rights in Myanmar was also renewed. Read the text [here](#). There was also a resolution on the situation of human rights in Myanmar. Read [here](#).
  - A resolution was also passed on the situation of human rights in Sudan. Read the text [here](#).