



INTERNATIONAL HUMANIST AND ETHICAL UNION
1, GOWER STREET, LONDON WC1E 6HD, U.K.

☎ + 44 20 7631 3170
Fax + 44 20 7631 3171
Website www.iheu.org

Durban Review Conference: Briefing Note

2009/HRC/003

Freedom of Expression

"Freedom of Expression is the matrix, the indispensable condition, of nearly every other form of freedom."

Bernard Cardozo

In 2005, cartoons published in Denmark outraged many Muslims and provoked furious demonstrations throughout the world. Many States were asked to reconsider their own values and prevent acts that some considered as "hatred", "defamation" or even "blasphemy". These threats against Freedom of Expression should be strongly addressed by the Second Durban Review Conference. Indeed, the Universal Declaration of Human Rights recognizes the value of Freedom of Expression (Article 19). In the International Covenant on Civil and Political Rights, it is established as a universal right *"to hold opinions without interference. Everyone shall have the right to freedom of expression."*

Freedom of Expression is the tool which allows minorities to claim their rights and the basis of the Durban Review's creation, objectives and work. We note with concern, however, that despite the unequivocal recognition of the Freedom of Expression as a human right by the ICCPR and the UDHR, this fundamental right is dramatically absent of the draft outcome document of the Durban Review Conference A/CONF.211/PC/WG.2/CRP.2.

We strongly urge delegations therefore to consider inserting into the outcome document wording that reflects this crucial issue, and which urges all states to take action to eliminate threats against Freedom of Expression. The credibility of the Second Durban Review Conference is at stake.

A paragraph to this effect could be included within section 1 of the document, covering *"Freedom of religion, incitement to religious intolerance, hatred or violence, defamation of religion, freedom of expression"*.

May we respectfully suggest the following wording:

Recalling article 19 of the Universal Declaration of Human Rights, we call upon all States where Freedom of Expression is not respected to introduce legislation to protect the practice and to undertake programs for all sections of society, including public officials and the police, aimed at the protection of this practice and to ensure that Freedom of Expression is respected and not dismissed by religious, ideological or political beliefs.

For further information on this issue, please contact:
Roy W. Brown, IHEU Main Representative, UN Geneva.
Tel: +41 79 212 5603, email: roywbrown@gmail.com or
Xavier Cornut, IHEU Representative, UN Geneva
Tel: +41 79 855 6554, email: xaviercornut@hotmail.com

References to Freedom of Expression In the Durban Review Conference Draft Outcome Document

Freedom of Expression is mentioned in three of the 250 paragraphs of the draft outcome document.

Section 1 : Review of Progress of the DDPA

(See Annex for full text)

Paragraph 5 notes the “impunity of freedom of expression” as a tool undermining the DDPA’s objectives.

Paragraph 25 speaks about holding “fair trials” to determine which freedom of expression is allowed and which is not.

Paragraph 28 stresses that the fight against religious hatred and discrimination should not legitimize impermissible limitations to freedom of expression.

ANNEX :

Section 1 : Review of Progress of the DDPA

5. Notes that other obstacles hampering progress in the collective struggle against racism and racial discrimination include weak legislation and policies, lack of effective strategies, lack of implementation of international legal framework and commitments, impunity on different grounds – including freedom of expression, counter-terrorism, and national security – as well as an increase in extreme right wing xenophobic political platforms. Hence the need to deal with this menace in all its forms and manifestations with all available tools at our disposal; (merger paras 189, 336 section 1);

25. Condemns any advocacy of racial or religious hatred which constitutes incitement to discrimination, hostility or violence, and recognizes that only a competent, independent and impartial tribunal established by law may determine, case by case, in a fair and public hearing, whether the facts presented qualify as incitement to racial or religious hatred; (merger paras 41, 59, 229 section 1)

28. Reaffirms a holistic approach to human rights guaranteeing the indivisibility of all human rights, and stresses that the fight against racial and religious hatred should not serve as a pretext to legitimize impermissible limitations to freedom of expression; (merger paras 326, 327, 58 section 1)