



ADF INTERNATIONAL

32nd Session of the Human Rights Council
Interactive Dialogue with the Special Rapporteur on Freedom of Opinion and
Expression (A/HRC/32/38)
Item 3

Mr. President,

ADF International welcomes Mr. David Kaye, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

ADF International is committed to protecting the right to freedom of opinion and expression for all people, in line with Article 19 of both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Article 19(3) of the ICCPR provides that this right is subject to certain limits and restrictions, as long as they are provided by law and are necessary, with respect to the rights or reputations of others, and for the protection of national security, public order, or of public health or morals. Unfortunately, ADF International is concerned that the domestic laws of a number of Member States impose limitations on the freedom of opinion and expression which do not accord with the principles of the ICCPR, especially with regard to so-called “hate speech” and blasphemy Laws.

In his new book *Censored: How European “Hate Speech” Laws are Threatening Freedom of Speech*, ADF International Deputy Director, Paul Coleman, writes that “freedom of speech is rightly considered to be one of the hallmarks of a healthy and robust democratic society ... [and] the countries in which freedom of speech is most heavily restricted are often oppressive, authoritarian regimes.”¹ ADF International therefore notes with surprise the fact that a significant number of purportedly free and open nations, particularly among Member States of the European Union, but also others including Canada, have enacted laws criminalising “hate speech.” This is despite there being no formal or universally-shared definition of what even constitutes “hate speech” in the first place, an issue which has been acknowledged and conceded by both the European Court of Human Rights and UNESCO.²

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

¹ Coleman, P (2016). *Censored: How European “Hate Speech” Laws are Threatening Freedom of Speech*, 2nd Edition, Kairos Publishing, Vienna, 1.

² Coleman, 2016, 5-6.



ADF INTERNATIONAL

enforced, and are often criminal in nature.³ 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 UDHR and ICCPR, not to mention Article 10 of the European Convention on Human Rights. Without freedom of speech there cannot be genuine discussion amongst citizens, and without discussion there is no democracy.

The right to freedom of opinion and expression is very often tied to the right of religious adherents to freely practise their faith and speak in accord with the tenets thereof. This right, however, belongs to everyone regardless of their religious beliefs or lack thereof, including atheists and agnostics. This is why ADF International calls for the repeal worldwide of laws criminalising blasphemy and apostasy, as such laws are capable of fuelling intolerance, stigmatisation, discrimination, and incitement to violence, as well as disrupting intergroup communication. We need to be reminded that society as a whole, not just those who are condemned, is impacted by such egregious restrictions and limitations.

In conclusion, Mr. President, ADF International calls upon the international community to sufficiently protect the freedom of opinion and expression, and urges Member States to refrain from criminalising any speech apart from that which genuinely and imminently incites violence, and to repeal any laws criminalising blasphemy and apostasy.

Thank you, Mr. President.

³ Coleman, 2016, 8-10.