

Vote on Defamation of Religions
G.A. Third Committee: 12 November 2009

Next, the Committee then returned to its consideration of draft resolution on combating defamation of religions (document A/C.3/64/L.27) after the Chair was informed that the main sponsor, Malaysia, was ready to move for action on that text. The Chair also informed the Committee that a recorded vote had been requested, and in reply to the representative of Malaysia, told Member States that the vote had been sought by the representative of Sweden.

Before taking action, the representative of Sweden spoke in explanation of vote, saying she had called for a vote on behalf of the European Union. Their position on the draft was based on its strong belief in tolerance, non-discrimination, and freedom of expression, thought, religion or belief. They believed that continuous dialogue could help overcoming gaps in perceptions, concepts and ideas. They shared the Organization of the Islamic Conference's concern that people were routinely victimized on the grounds of religion or belief, and that more needed to be done to deal with persons who incited violence or hatred through legal means. But, they could not agree with the Organization of the Islamic Conference (OIC) on the concept of defamation of religion as a response to such discrimination, because it would limit freedom of expression and might endanger the atmosphere of tolerance that would enable people of different religions or beliefs to coexist without fear.

She said a distinction must be made between criticism of religion and incitement to religious hatred. The concept of "defamation of religion" was inconsistent with human rights law, which protected individuals in the exercise of their freedoms and did not offer protection to religious belief systems, as such. A number of Special Rapporteurs had called for a response that was anchored in a legal framework underpinned by the International Covenant on Civil and Political Rights. The European Union recognized the legitimate concerns put forth by the co-sponsors, and condemned intolerance and discrimination on the basis of religion or belief. It had expressed strong resolve to fight the phenomenon and was transparent about its own challenges in that regard. It would ask others to do the same. The phenomenon was global and not limited to certain regions or beliefs. Non-believers, as well, were victims of human rights violations. Attempting to come up with a list of those discriminated against would only be exclusive.

She said the European Union was interested to engage in serious dialogue to explain its concerns, to increase understanding and to find ways to address the concerns of the main co-sponsors in ways that were grounded in international law, and in ways that took account of all Member States' views. The European Union would vote against the text and encourage others to do likewise.

The United States representative said that his country had long had concerns with the concept of the defamation of religions. It had tried over the last year in Geneva and New York to generate an alternative. It believed that the increasingly splintered view on this text suggested that, while the majority of Member States might have a number of concerns on this issue, they were not adequately reflected in the present resolution. In light of its work on this issue, the United States regretted the early vote on the current resolution this year. More importantly, it regretted that the problem had not been addressed in a spirit of consensus. To this end, he quoted the statement by United States President Obama that "so long as our relationship is defined by our differences, we will empower those who sow hatred rather than peace... and this cycle of suspicion and discord must end".

He said that the United States approach to freedom of religion was well-known and he would not reiterate it today. But, freedom of religion was, among other things, a foundation of civil society and a key to international security. The United States believed it was the duty of all Governments to respect the rights of each individual to practice his or her own faith. Religion was a global phenomenon, a key

source of identity and a motivating force around the world. The United States also knew, first-hand, how it could result in intolerance. The United States believed it was incumbent on States to model respect and welcome diversity of faith. Governments had the tools at their disposal in this regard, including national laws against hate crimes and the means for outreach to local communities.

He went on to stress that a great deal was left to learn from each other on diversity. There were hundreds of faiths living in harmony and this was a story the United Nations should tell. Moreover, freedom of religion was enshrined in the Universal Declaration of Human Rights. Free and open dialogue was also part of the solution. When held up to the bright light of scrutiny, hateful ideas were exposed for what they were. However, this could not be achieved by imposing governmental laws regarding who could say what, when. The United Nations must remain faithful to the central tenet of human rights law, which said that human rights were held by individuals not nations or religions. Nor should it lose sight of the overall goal of realizing universal human rights for all individuals.

He said the United States would vote against this resolution because it would not agree that prohibiting speech was the way to promote tolerance. Indeed, such prohibition was sometimes used for discrimination and Governments were likely to abuse individual rights in the name of this resolution and the United Nations. The United States was ready to work with other States in the spirit of consensus until an alternate vision could be reached. Meanwhile, he urged other delegations to vote no on this resolution.

India's delegation conveyed his delegation's opposition to the defamation of religion. However, India remained concerned with the resolution's focus on one religion. It was also concerned with attempts to link this issue with racism. For this reason, his delegation would vote against the resolution.

The Committee then approved the text by a vote of 81 in favour to 55 against, with 43 abstentions (See Annex VII).

ANNEX VII

Vote on Combating Defamation of Religions

The draft resolution on combating defamation of religions (document A/C.3/64/L.27) was approved by a recorded vote of 81 in favour to 55 against, with 43 abstentions, as follows:

In favour: Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brunei Darussalam, Cambodia, China, Comoros, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Libya, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sudan, Suriname, Swaziland, Syria, Tajikistan, Thailand, Togo, Tunisia, Turkey, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece,

Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, United States, Uruguay, Vanuatu.

Abstain: Albania, Argentina, Armenia, Bahamas, Belize, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Cape Verde, Colombia, Costa Rica, Democratic Republic of the Congo, Ecuador, Fiji, Ghana, Grenada, Guatemala, India, Jamaica, Japan, Kenya, Lesotho, Madagascar, Malawi, Mauritius, Mongolia, Namibia, Nepal, Papua New Guinea, Paraguay, Peru, Rwanda, Saint Lucia, Solomon Islands, Sri Lanka, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, United Republic of Tanzania, Zambia.

Absent: Antigua and Barbuda, Central African Republic, Chad, Equatorial Guinea, Gabon, Haiti, Kiribati, Liberia, Marshall Islands, Nauru, Saint Kitts and Nevis, Sao Tome and Principe, and Seychelles.

Human Rights Council Resolution 6/37: Elimination of all forms of intolerance and of discrimination based on religion or belief:

9. *Urges States:*

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief is violated:

17. *Concludes* that there is a need for the continued contribution of the Special Rapporteur to the protection, promotion and universal implementation of the right to freedom of religion or belief:

18. *Decides* therefore to extend the mandate of the Special Rapporteur on freedom of religion or belief for a further period of three years:

23. *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration.

34th meeting
14 December 2007

Adopted by a recorded vote of 29 to none with 18 abstentions:

“Human rights,” he said in an audio recording released by the Shabab last July, is “the Western form of democracy which cannot be reconciled with Islam.”

The Jihadist Next Door: How Did a Popular Kid from a Small Town in Alabama wind up Connected to Al Qaeda? By Andrea Elliott, New York Times Sunday Magazine January 31, 2010.

