"Two sides of the same coin: The Interdependence of Freedom of Religion or Belief and Freedom of Expression

Palais des Nations, Geneva
6th of March 2019

It is an honour to speak for the presentation of the Special Rapporteur report on freedom of religion or belief. It represents a useful tool for my work to identify countries to visit and to prepare for it. But it is also a tool to reflect on a burning topic: the interrelation between freedom of expression and freedom of religion or belief.

Allow me to dive into this topic with one case that has been of my particular attention for the past years: Asia Bibi, convicted of blasphemy in November 2010 and sentenced to death. I visited Pakistan last year and insisted on the importance of not delaying justice and preserving its independence from political life. No crime deserves death penalty and blasphemy is no exception. I called for rebuilding the traditional Pakistani respect for diversity of religion or beliefs and highlighted the wish of the EU to be an ally in supporting interreligious dialogue and – using the Pakistani concept – "interfaith harmony".

Freedom of thought and conscience, freedom of religion or belief are needed for good governance and a cohesive society. During my missions, I systematically engage with religious leaders and actors not only to discuss religious discrimination, but also to remind them their responsibility to contribute fairly to a shared and equal citizenship and be active advocate for pluralism and critical thinking.

Is there a balanced way to express one’s opinion without being hostile to one’s believes, one’s identity? How to regulate hate speech without breaching freedom of expression? We do face such questioning within the European Union. We believe free speech includes the right to express ideas that may be regarded as critical, offensive, insulting or controversial. However, freedom of expression is not absolute and, in accordance with the jurisprudence of the European Court of Human Rights, States may sanction or even prevent all forms of expression which spread, incite, promote or justify hatred based on intolerance. Hate speech is not free speech.

To prevent and counter the spread of illegal hate speech online, in May 2016, the Commission agreed with Facebook, Microsoft, Twitter and YouTube on a “Code of conduct on countering illegal hate speech online”. The results showed continuous progress as
companies are increasingly removing illegal hate speech and they do it more quickly. The fight against hate speech is key, but it should be done in a way that freedom of expression is preserved. Political decisions limiting freedom of expression for security purposes, and confusing interpretation of laws, have a chilling effect on freedom of expression, and promotes fear and self-censorship.

It is clear from your report, Mr. Shaheed, that some countries still seem openly reluctant to allow critical thinking when it touches upon religion. You rightly mention the Mauritanian blogger, Mkhaitir, who has been charged in 2013 with the capital crimes of apostasy and blasphemy for an article posted on a news website, and who is still under detention. Such cases cannot remain unsolved – freedom of opinion and expression further includes the freedom to express and impart information and ideas that may be regarded as critical or controversial by the authorities or by a majority of the population, including ideas or views that may "shock, offend or disturb".

Indeed, free speech provides for breakthrough for democracy and human rights. For this reason, the EU continues to provide financial support for projects and activities in this field, including training, capacity building and protection of journalists, bloggers, human rights defenders, media regulators etc. The EU mechanism for Human Rights Defenders, 'ProtectDefenders.eu' and the EU Emergency fund for human rights defenders (including independent media/journalists) at risk have granted emergency and other forms of assistance to individuals, groups and organisations in this respect, allowing them to pursue their work in safer conditions.

The struggle we experience and learn from at the EU level, we wish to share it outside the EU in a collaborative spirit. The EU created a programme on 'Media and freedom of expression in the framework of EU democracy support' (2017-2019) to assist both EU Delegations and media actors in developing countries in implementing the EU Human Rights Guidelines on Freedom of Expression Online and Offline. For example, we founded Media4Democracy in Indonesia to address hate speech and disinformation while protecting the right to freedom of expression, ahead of the 2019 elections.

In this regard, we very much value the Faith for Rights initiative that inspires for action at the local level, for the communities and with them, towards constructive exchanges. Allow me to quote your report, Mr Shaheed, when it states "positive speech is also the healing tool of reconciliation and peacebuilding". This echoes the kind of project that we support through the European Instrument for Democracy and Human Rights (EIDHR). One recent example is a
project launched in 2018 in Bangladesh, Indonesia, India, Myanmar and Pakistan: ‘Challenging hate narratives and violations of freedom of religion and expression online in Asia’ (EU contribution: EUR 1 million). The EU strongly believes in the value of diversity and pluralism – interreligious/intercultural dialogue and freedom of expression are central to achieving it. We insist on the use of freedom of expression to counteract offensive speech and to speak out against intolerance.

We are currently preparing a new Action Plan for Human Rights for the next 5 years (2020-2024). It will need to reflect new societal trends and the opportunities and dangers of new technologies for human rights. Without freedom of expression and freedom of the media that necessarily accompany this effort, "an informed, active and engaged citizenry is impossible." [to paraphrase the EU Guidelines on Freedom of Expression]

Allow me to insist on the word "citizenry": because believers and non-believers will increasingly live in same cultural and political spaces, in the same society. Thus, our challenge is to succeed pluralism, defined as sustainable and positive interaction among communities. To succeed citizenship for all.