

Check against delivery

Event to launch the “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”



Opening address by

Ms. Navi Pillay

United Nations High Commissioner for Human Rights

Geneva, 21 February 2013

Excellencies,
Ladies and Gentlemen,

I'm glad to welcome you all to the launch of the "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence."

I am very pleased that the High Representative of the United Nations Secretary-General for the Alliance of Civilizations, President Jorge Sampaio, and the Special Advisor of the United Nations Secretary-General on the Prevention of Genocide, Mr. Adama Dieng, were able to join us, together with three of the experts who participated in the Rabat process: Mr. Heiner Bielefeldt, the Special Rapporteur on Freedom of Religion or Belief, Mr. Frank LaRue, the Special Rapporteur on Freedom of Opinion and Expression, and Ms. Agnès Camallard, Executive Director of Article XIX.

Over the past two years, my Office has organized workshops across the world -- in Vienna, Nairobi, Bangkok, Santiago and Rabat -- involving 45 experts from many different cultural backgrounds and legal traditions including the two Special Rapporteurs who are with us today, as well as the Special Rapporteur on Racism, Racial Discrimination, Xenophobia and Related Intolerance. They painstakingly examined legislation, jurisprudence, and national policies with regard to the prohibition of national, racial or religious hatred, focusing especially on how those policies and laws reflect the two great pillars of international law: the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

The objective of this series of workshops was to consider how human rights law can address rising intolerance, discrimination and violence on racial or religious grounds in many parts of the world. Particular emphasis was placed on examining the adequacy of national legislation to address these phenomena in conformity with international human rights law, particularly in light of the often broad vague and unclear provisions that have been introduced in several countries, and which are open to misuse.

I will leave it to the experts who are with us here today to detail the very significant conclusions and recommendations contained within the Rabat Plan of Action. Let me just say that the remarkable collection of experts who have worked together on this issue over the past two years have fulfilled our hopes by reaching a consensus on how to effectively address the issue of incitement, and have devised a clear pathway to help us identify where to draw the demarcation line between freedom of expression and incitement.

The question of incitement to discrimination, hostility or violence has given rise to particularly heated controversy in the past two decades. A number of stakeholders have called for much tougher restrictions on permissible expression, focusing in particular on the notion of "defamation of religion." Other stakeholders have maintained that freedom of expression should be near-absolute, pointing out — and this unfortunately is true — that laws limiting speech are very often misused by authorities to muzzle critics and silence dissent.

Ladies and gentlemen,

In recent years, incidents involving hate speech, negative stereotyping in the media, and even advocacy of religious or national hatred by public officials and political parties have resulted in killings of innocent people, attacks on places of worship and calls for reprisals.

This spiral of violence has made it incumbent on us to renew the search for the correct balance between freedom of expression — which is among the most precious and fundamental of our rights as human beings — and the equally vital need to protect individuals and communities from discrimination and violence.

It is indeed a delicate equilibrium, and one which challenges our increasingly diverse societies. Time and again, we are reminded that there exist variations in the importance that different groups accord to different sets of values. My Office would certainly not deny that the relationship between freedom of expression, and speech that incites hatred, discrimination or violence is a very complex one; nor would we deny that careful assessment on a case-by-case basis will on occasion be required, by the courts or other relevant mechanisms. However, it is vital that we reaffirm and uphold the universality of human rights principles.

Some of you may recall that, during the preparatory process of the Durban Review Conference in 2009, I suggested the issue of incitement of religious hatred should be addressed within the existing framework of international human rights law.

The Rabat Plan of Action, which we are launching today, supplies what can be considered the missing link: the guidelines regarding implementation of those norms that many stakeholders in this field so clearly need.

The Rabat Plan of Action has been developed in parallel with a number of other relevant initiatives and mechanisms, including the milestone Human Rights Council resolution 16/18. It provides all stakeholders — parliaments and judiciary, civil society, as well as regional and international organizations — with ideas and tools, to help us effectively implement the existing human rights norms which prohibit advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

It would be unrealistic to imagine that the complex equation between free speech and protection from incitement to hatred has been completely resolved by Rabat. However, I do believe this Plan of Action provides us with a much clearer pathway through this controversy. And I know that everyone here today shares the same deep hopes that it will indeed make a very important contribution to a more peaceful, and more respectful, world.

Thank you.

