

The Foreign Affairs Select Committee Inquiry into the Foreign and Commonwealth Office Human Rights Annual Report 2007.

Memorandum from the British Humanist Association, April 2008.

1 About the British Humanist Association

- 1.1 The British Humanist Association (BHA) is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good and responsible lives without religious or superstitious beliefs. It is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society.
- 1.2 The BHA's policies are informed by its members, who include eminent authorities in many fields, and by other specialists and experts who share humanist values and concerns. The BHA itself is deeply committed to human rights and advocates an open and inclusive society in which individual freedom of belief and speech are supported by a policy of disinterested impartiality on the part of the government and official bodies towards the many groups within society so long as they conform to the minimum conventions of the society.

2 Introduction

- 2.1 We welcome the opportunity to submit evidence to the Foreign Affairs Committee inquiry into the Foreign and Commonwealth Office Human Rights Annual Report 2007¹. In this memorandum, we take the opportunity to focus on one area covered by the FCO report specifically – that of the UN Human Rights Council (HRC). We have serious concerns that the HRC has been dominated by undemocratic, political and religious interests, and that the HRC is no longer fit for purpose. We contend that, following an amendment to the mandate of the Special Rapporteur on Freedom of Expression, that the HRC now sanctions serious restrictions on freedom of expression and belief.

3 Summary

- We are convinced that the HRC is no longer fit for purpose.
- We believe that the recent amendment to the Special Rapporteur for Freedom of Expression's terms of reference are an affront to the very notion of human rights and prove that the HRC is no longer fit for purpose.
- We cannot see how the present structure of the HRC can allow it to fulfil its mandate.
- We urge the Foreign Affairs Committee to recommend that the UK concert with other democratic nations an agreed policy, first of attempting to bar from membership of the HRC any nation that has not ratified without reservation the key human rights instruments, and second (supposing the first action fails) of simultaneous withdrawal from the HRC accompanied by the creation of an independent human rights monitoring body.

¹ Hereafter the report is referred to as the 'FCO report'

4 The workings and structure of the UN Human Rights Council

- 4.1 As noted in the FCO report, the HRC should be as 'open, effective and non-political as possible' (p45). However, as is also discussed in the FCO report, due in particular to the domination of the HRC by the Organisation of the Islamic Conference bloc, the HRC is neither open nor effective, and it is highly politicised. Indeed, the FCO report makes clear a number of times that the focus of the HRC thus far has often been narrow in scope, concentrating on particular issues of interest to the alliance of Islamic countries in biased and punitive ways.
- 4.2 As the FCO report details, since the HRC's establishment in 2006, much of the involvement of the UK and other EU member states with the HRC has been in attempting to counter the disproportionate and highly political aims of the Organisation of the Islamic Conference bloc. This is clearly counter-productive and counter-intuitive to the very reason for having an international institution for the protection and promotion of human rights, which must be balanced, effective, united and impartial. The HRC's predecessor, the UN Commission on Human Rights, had to be replaced after being similarly subverted by Islamic interests. **We consider that the HRC is no longer fit for purpose.**

5 Failure of the UN Human Rights Council to uphold and promote fundamental human rights

- 5.1 As detailed in the FCO report, the EU has continually fought attempts made by the Organisation of the Islamic Conference bloc and its allies to restrict freedom of expression and freedom of belief, especially in the context of proposals to restrict and outlaw the defamation of religion. The freedom to criticise beliefs is a fundamental human right, as enshrined in the principles of freedom of expression and speech.
- 5.2 At an HRC meeting on 28th March 2008, a resolution to continue the mandate of the Special Rapporteur on Freedom of Expression, Ambeyi Ligabo, was moved by Canada. The special rapporteur recently submitted to the HRC a report on violations of press freedom which included a statement that the limitations to freedom in existing human rights instruments 'were designed in order to protect individuals against direct violations of their rights. **These limitations are not intended to suppress the expression of critical views, controversial opinions or politically incorrect statements. Finally, they are not designed to protect belief systems from... criticism**' (emphasis added).
- 5.3 However, an amendment was moved and carried by an alliance of Islamic governments and allies including China, Russia and Cuba, to his terms of reference to oblige him in future 'to report on instances in which the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination ...'. In diplomatic language, this warns him off defending the freedom of speech of anyone critical of Islam. In the debate it was further suggested that limiting freedom of speech was a way of avoiding violence by Islamic extremists.

- 5.4 A news release from the Organisation of the Islamic Conference referring to the amendment states:

'The OIC attaches great importance to freedom of expression and opinion. It believes that the right to freedom of expression forms the bedrock for the exercise of all fundamental rights. However, it firmly believes that rights carry with them certain responsibilities. These should not be abused to achieve negative objectives. **Insults and defamation of religions and holy books can not be justified on the pretext of freedom of expression.** They undermine the principles and purposes of the UN Charter to promote friendly relations amongst nations. The OIC regrets that in recent years certain individuals and organizations have abused this right to malign and insult specific races and religions. Such acts constitute violations of Article 3 & 4 of the International Convention on the Elimination of all Forms of Racial Discrimination and Article 19 & 20 of the International Covenant on Civil and Political Rights that prohibit any advocacy of racial or religious hatred. In this connection, the OIC, once again, condemns printing of insulting caricatures and making of hate documentaries against Islam and Muslims.

The OIC also stresses the responsibility of States to curb this trend. Incitement to hatred on religious and racial ground and **defamation of religions by individuals, groups or State must not be tolerated**' (emphasis added)².

- 5.5 Following from this outrageous abuse on human rights, now mandated by the HRC, it is clear that the role of the HRC has been compromised and is no longer fit for purpose. **The HRC cannot be considered as able to fulfil its obligations to uphold human rights, nor to work to protect against abuses of human rights by individual member states in an open, balanced and impartial way.**

6 Recommended action

- 6.1 It is clear that before the UK or any other EU member state participates in the HRC, at the minimum there needs to be serious reform of the structure, membership and workings of the HRC.
- 6.2 We urge the Foreign Affairs Committee to recommend that the UK Government concert with other democratic nations an agreed policy to tackle this disastrous situation.
- 6.3 An initial attempt may be advisable to seek an agreement in line with the UK and EU's position as set out in the FCO report, that there are expected standards of membership of the Council and that no state guilty of systematic violations of human rights should serve on the Council (p51). Such violations must include severe restrictions on freedom of expression and belief, such as punishments, including physical punishment, incarceration and the death penalty, for the defamation of religion or apostasy – penalties common across

² Organisation of the Islamic Conference, 'The OIC supports the function of the Special Rapporteur on Freedom of Expression and Opinion'. News release, 20/04/2008.
<http://tinyurl.com/6krod6>

some of the member states of the Organisation of the Islamic Conference bloc where these basic human rights are illegal and criminalised. At the very least, no nation that has not ratified without reservation the key human rights instruments should be allowed membership of the HRC.

- 6.4 If, given the power structure within the UN, this attempt fails, we would suggest simultaneous withdrawal from the HRC by all democratic nations committed to human rights. A Human Rights Council without the support of any of the democracies would be a laughing stock and able to do less damage than it can at present. It would cease to serve the purposes it now serves for the Organisation of the Islamic Conference and in due course it might be possible to reclaim it for human rights. This drastic action should be accompanied by the creation of an independent human rights monitoring body.

7 Conclusion

- 7.1 We believe that the problems associated with the domination of the HRC by the Organisation of the Islamic Conference bloc and their allies as recognised in the FCO report have not only become more severe since the FCO report was published in 2007, but that there is no future for the HRC without serious and immediate reform of its workings, structure and membership.
- 7.2 **We recommend that the Foreign Affairs Committee scrutinise the HRC and the UK's involvement in and with it, as part of its inquiry into the Foreign and Commonwealth Office Human Rights Annual Report 2007.**

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April 2008**

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