



# European Humanist Federation

international association under Belgian law

## Fédération Humaniste Européenne

association internationale de droit belge

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President Jose Manuel Barroso  
European Commission  
B1049 Bruxelles  
Belgium

18 April 2008

Dear Mr. President

### **Planned Directive on Discrimination in areas other than Employment**

May I thank you again most warmly for your contribution to our colloquium on Wednesday? We consider it was a substantial success, in no little measure due to your contribution, which I look forward to reading carefully when Mr César das Neves sends it on.

In writing, however, I should like to take up with you an issue I referred to when I introduced you at the colloquium but which I think you did not refer to in your address. (If I missed a reference, then I apologise.) The issue is that of the planned “horizontal” directive on discrimination in areas other than employment.

The Commission workplan for 2008, announced last November, included a proposal for a generic anti-discrimination Directive to cover, disability, sexual orientation, religion or belief and age to the same degree as race is already covered in the race directive. The plan was to extend anti-discrimination provisions for these other “strands” from employment, occupation and training to other significant areas of life such as the provision of goods, facilities and services.

The Commission reasoned that, with member states adopting different policies on legal advances beyond the current Directives, there was a risk of confusion and action was needed to ensure coherence throughout Europe.

We agree: only a European Directive can provide a coherent framework and so guarantee the human rights of people who currently suffer discrimination on irrelevant grounds. It is a matter relevant to the EU because lack of uniform protection can affect people's choices on whether to work or study in another member state, or whether to travel and access services there. Beyond that, it affects the welfare of European citizens everywhere.

We understand that consultation with the European Business Test Panel showed that many businesses believe that it matters if there are different levels of protection between EU member states against discrimination in access to goods and services - such as housing - on grounds of age, disability, religion or belief, and sexual orientation (63%) - and that 26% believe that a difference in the level of protection would affect their ability to do business in another member state.

We are therefore very disturbed to hear increasingly confident reports that the plan has been abandoned in favour of a single-strand directive dealing only with disability. Doubtless such a directive would serve a useful purpose, but it would add to the confusion of differing provisions from one state to another. It would also fail to provide the protection from discrimination on the basis of religion or belief that affects many groups, including those whom we represent, who do indeed suffer discrimination in many member states.

We therefore urge you most strongly to support the original idea of a comprehensive directive. This would have many advantages:-

- it would avoid the difficulties of a perceived hierarchy between grounds
- it would enable problems of multiple discrimination to be tackled
- it would deal with the blurring of definitions between ethnic and racial origin and religion and belief, and
- it would be consistent with the current Employment Directive.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Pollock', with a long horizontal flourish extending to the right.

David Pollock

President

[Emphasis added]

**Draft Human Rights Council Resolution**  
**A/HRC/10/L.. Combating Defamation of Religions**

*The Human Rights Council,*

*Reaffirming* the pledge made by all States, under the Charter of the United Nations, to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to race, sex, language or religion,

*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated,

*Recalling* the 2005 World Summit Outcome adopted by the General Assembly in its resolution 60/1 of 24 October 2005, in which the Assembly emphasized the responsibilities of all States, in conformity with the Charter of the United Nations, to respect human rights and fundamental freedoms for all, without distinction of any kind and acknowledged the importance of respect and understanding for religious and cultural diversity throughout the world,

*Recognizing* the valuable contribution of all religions to modern civilization and the contribution that dialogue among civilizations can make towards improved awareness and understanding of the common values shared by all humankind,

*Welcoming* the resolve expressed in the United Nations Millennium Declaration adopted by the General Assembly on 8 September 2006 to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels,

*Underlining* in this regard the **importance of the Durban Declaration** and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, welcoming the progress achieved in implementing them, and emphasizing that they constitute a solid foundation for the elimination of all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance,

*Welcoming* all international and regional initiatives to promote cross-cultural and interfaith harmony, including the Alliance of Civilizations and the International Dialogue on Interfaith Cooperation and their valuable efforts towards the promotion of a culture of peace and dialogue at all levels,

*Welcoming further* the reports of the Special Rapporteur submitted to the Council at its fourth, sixth and ninth sessions that highlight the **serious nature of the defamation of all religions and the need to complement legal strategies;**

*Noting with deep concern* the instances of intolerance, discrimination and acts of violence against followers of certain faiths, occurring in many parts of the world, in addition to the **negative projection of certain religions in the media** and the introduction and enforcement of laws and administrative measures that specifically discriminate against and target persons with certain ethnic and religious backgrounds, **particularly Muslim minorities following the events of 11 September 2001**, and that threaten to impede their full enjoyment of human rights and fundamental freedoms,

*Stressing* that **defamation of religions is a serious affront to human dignity leading to restriction on the freedom of religion of their adherents** and incitement to religious hatred and violence,

*Noting with concern* that **defamation of religions**, and incitement to religious hatred in general, **could lead to social disharmony** and violations of human rights, and **alarmed at the inaction of some States to combat this burgeoning trend** and the resulting discriminatory practices against adherents of certain religions and in this context stressing the **need to effectively combat defamation of all religions and incitement to religious hatred in general and against Islam and Muslims in particular**,

*Convinced* that respect for cultural, ethnic, religious and linguistic diversity, as well as dialogue among and within civilizations, is essential for global peace and understanding while manifestations of cultural and ethnic prejudice, religious intolerance and xenophobia generate hatred and violence among peoples and nations,

*Underlining* the important role of education in the promotion of tolerance, which involves acceptance by the public of and its respect for diversity,

*Noting* various regional and national initiatives to combat religious and racial intolerance against specific groups and communities and emphasizing, in this context, the need to adopt a comprehensive and non-discriminatory approach to ensure respect for all races and religions,

*Recalling* its resolution 7/19 of 27 March 2008 and UNGA resolution 63/154 of 18 December 2008,

1. *Takes note* of the report of the High Commissioner on the **compilation of existing legislation and jurisprudence concerning defamation of and contempt of religions** and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented during the 9<sup>th</sup> session of the Human Rights Council;
2. *Expresses deep concern* at the negative stereotyping and defamation of religions and manifestations of intolerance and discrimination in matters of religion or belief, still evident in the world, which have led to intolerance against the followers of these religions;
3. *Strongly deplors* all acts of psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as targeting of holy sites, religious symbols and venerated personalities of all religions;
4. *Expresses deep concern* at the continued serious instances of **deliberate stereotyping of religions, their adherents and sacred persons in the media**, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments;
5. *Notes with deep concern* the intensification of the overall campaign of defamation of religions, and incitement to religious hatred in general, including the **ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001**; )
6. *Recognizes* that, **in the context of the fight against terrorism, defamation of religions, and incitement to religious hatred in general have become aggravating factors** that contribute to the denial of fundamental rights and freedoms of members of target groups, as well as to their economic and social exclusion;
7. *Expresses deep concern* in this respect **that Islam is frequently and wrongly associated with human rights violations and terrorism** and in this regard regrets the laws or administrative measures specifically designed to control and monitor Muslim minorities, thereby stigmatizing them and legitimizing the discrimination they experience;
8. *Deplors* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards any religion, as well as **targeting of religious symbols and venerated persons**;
9. *Emphasizes* that, as stipulated in international human rights law including articles 19 and 29 of UDHR and 19 and 20 of ICCPR, everyone has the right to hold opinions without interference, and has the right to freedom of expression, the exercise of which carries with it special duties and responsibilities and may therefore be subject to limitations as are provided for by law and are necessary for respect of the rights or reputations of others, protection of national security or of public order, public health or morals, and general welfare;
10. *Reaffirms* that General Comment 15 of the Committee on the Elimination of Racial Discrimination, in which the Committee stipulated that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with freedom of opinion and expression, is equally applicable to the question of incitement to religious hatred;
11. *Strongly condemns* all manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against national or ethnic, religious and linguistic minorities and migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges all States to apply and, where required, reinforce existing laws when such xenophobic or intolerant acts, manifestations or expressions occur, in order to deny impunity for those who commit such acts;
12. **Urges all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions**, and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs;
13. *Underscores* the **need to combat defamation of religions**, and incitement to religious hatred in general, **by strategizing and harmonizing actions at the local, national, regional and international levels** through education and awareness building;
14. *Calls upon* all States to exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;
15. *Calls* for strengthening international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and urges States, non-governmental organizations, religious leaders as well as the print and electronic media to support and foster such a dialogue;

16. *Appreciates* the High Commissioner for Human Rights for holding a seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence in October 2008, and requests her to continue to build on this initiative, with a view to concretely contributing to the prevention and elimination of all such forms of incitement and the consequences of negative stereotyping of religions or beliefs, and their adherents, on the human rights of those individuals and their communities;

17. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to **report on all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia,** on the enjoyment of all rights by their followers, to the Council during its 12<sup>th</sup> Session;

18. *Requests* the High Commissioner for Human Rights to report to the Council at its 12<sup>th</sup> Session on the implementation of the present resolution, including on the possible correlation between **defamation of religions** and the upsurge in incitement, intolerance and hatred in many parts of the world.