

Model United Nation of Hamburg

Research Report for the Human Rights Council

Forum: Human Rights Council

Issue: Discussing the right of freedom of press and speech in relation to religion

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Description of the problem

The Universal Declaration of Human Rights was, among other intentions, established to secure the freedom of expression which includes the freedom of speech and press. Nevertheless, in centuries and even nowadays freedom of press and speech is a sensitive issue regarding several omnipresent occurrences such as the attack on the magazine Charlie Hebdo.

Every society has set limits to the implementation to the principle of free press and speech at some extent. The freedom of expression is counted as value which is always in a process of competition with other values and ideals such as privacy, security and democratic equality but also to religion.

For that reason, some see a contrast between the freedom of press and speech and religious freedom. The general theory of religion is that there is a God superior to anything or anybody else who is the creator of the world, the maker of all moral law, and the source of all truth. Everyone should therefore belief in His existence, have to follow His rules and should obey to His commands without limitations. In this general religious principle one is not allowed to offend God. But what if, due to the freedom of speech, someone delivers religious hate speeches?

John Stuart Mill was one of the most famous liberal defenders of free speech in the first half of the 19th century. He was of the opinion that freedom of speech should only be limited when it harm others. This principle, which is named "The Harm Principle" is described in his opus "On Liberty".

He wants to clarify "that the only purpose for which power can be rightfully exercised over any member of a civilized community against his will is to prevent harm to others."

Furthermore, he mentioned another principle, the so-called "The Offence Principle". Joel Feinberg, a legal philosopher and American politician argued that an addition to the harm principle is necessary. The difference to the harm principle is that offence may create discomfort but may not necessarily create harm. Feinberg is of the opinion, that the harm principle has a too high barrier and that one should be able to

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legally prohibit some form of expression because of being very offensive. Therefore, the offence principle should provide a guideline for public censors.

According to Mill, the above-mentioned principles form the basis to the ethical question in how far one can put restrictions to free speech.

Timeline

The idea of having freedom of press and speech is deeply rooted in history: As early as the late 6th or early 5th century Athen's democratic ideology of free speech was established followed by concepts of the Roman Republic, where freedom of speech as well as freedom of religion was introduced.

With England's Bill of Rights 1689, the right of freedom in Parliament was established and is still valid. In Article 11 of the Declaration of the Right of Man of other Citizen, that was adopted during the French Revolution in the year 1789, it is written that "the free communication of ideas and opinions is one of the most precious of the rights of man. Every citizen may, accordingly, speak, write, and print with freedom, but shall be responsible for such abuses of this freedom as shall be defined by law".

At about the same time, The United States Bill of Rights was adopted, where the first Amendment states that "the Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

What has the UN done so far?

In the year 1948, the United Nations adopted the Universal Declaration of Human Rights, in short UDHR, where Article 18 and 19 state that firstly, "everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." And secondly, that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

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Example: Charlie Hebdo

Charlie Hebdo is a French, left-winged, anarchist and satirical but also political newspaper that publishes cartoons, reports, and jokes. The newspaper makes fun and strongly criticises all religions.

On January the 7th of 2015 an assassination took place at the building in Paris where the office of Charlie Hebdo was located. Three masked and armed men killed 12 people and injured 11 others after Charlie Hebdo had published a cartoon of the Prophet Muhammed. While shooting at the people, the assassinator shouted "Allahu Akbar", which is Arabic for "God is great". The Attack was committed to take revenge for publishing the Cartoon.

This massacre is not only a cruel attack on humans but also an attack on the freedom of speech.

After this attack, Pope Francis was deeply concerned and emphasized that freedom of speech is a fundamental human right. However, he said that free speech and press is limited especially when it is related to religion: "You cannot provoke. You cannot insult the faith of others. You cannot make fun of the faith of others. There is a limit."

However, there are others who adhere to the opinion that one has a right to make fun about religion. Who is right?

Questions for the delegates

Are the citizens of your country allowed to exercise the right of freedom of press and speech?

Does your country secure the freedom of press and speech?

Are there any limitations or restrictions regarding religion? Should there be restrictions?

Should the freedom of press and speech be limited after the Charlie Hebdo attacks?

Useful sources

<http://plato.stanford.edu/entries/freedom-speech/#HarPriFreSpe>

<http://www.un.org/en/documents/udhr/index.shtml#a1>

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