



ADF INTERNATIONAL

**33<sup>rd</sup> Session of the Human Rights Council**  
**UPR Outcomes (Hungary), Item 6**

Mr. President,

ADF International supports recommendations urging Hungary to respect the right to freedom of opinion and expression as enshrined in Article 19 of the ICCPR. We are concerned, however, by other recommendations asking Hungary to impose limitations on this freedom with regard to so-called “hate speech.”

In his book entitled *Censored: How European “Hate Speech” Laws are Threatening Freedom of Speech*, ADF International Deputy Director Paul Coleman writes that “freedom of speech is rightly considered to be one of the hallmarks of a healthy and robust democratic society ... [and] the countries in which freedom of speech is most heavily restricted are often oppressive, authoritarian regimes.”<sup>1</sup> ADF International is therefore disappointed by the amount of Member States enthusiastically recommending the tightening of hate speech laws, and many purportedly “free countries,” including a number of European Union states, have passed such laws themselves. This is despite there being no formal or universally-shared definition of what even constitutes “hate speech” in the first place, an issue which has been acknowledged and conceded by both the European Court of Human Rights and UNESCO.<sup>2</sup>

ADF International recognises the need to regulate forms of communication that can credibly and reasonably be said to constitute incitement to violence, whether against an individual or a group. The concern, however, is that so-called “hate speech” laws, are on the whole vaguely worded, largely subjective, do not necessarily require falsehood, rarely require a victim, often only protect certain people, are arbitrarily enforced, and are often criminal rather than civil in nature.<sup>3</sup> It is on these grounds that laws ostensibly protecting specific “vulnerable classes” could be used to silence legitimate speech involving no incitement to violence, in violation of the right protected under Article 19 of the UDHR and ICCPR, not to mention Article 10 of the European Convention on Human Rights. Without freedom of speech, there cannot be genuine discussion amongst citizens, and without discussion, there is no democracy.

Furthermore, ADF International is concerned with the preoccupation on the part of a number of Member States with respect to protections on the grounds of so-called “sexual orientation and gender identity.” Such a category of protection has no basis in binding UN instruments and no global consensus. The category is also poorly and vaguely defined, and is therefore an inappropriate ground for review when it comes to the monitoring of fundamental human rights. All persons are entitled to the full protection of their rights as contained in binding international covenants with respect to

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1 Coleman, P (2016). *Censored: How European “Hate Speech” Laws are Threatening Freedom of Speech*, 2<sup>nd</sup> Edition, Kairos Publishing, Vienna, 1.

2 Coleman, 2016, 5-6.

3 Coleman, 2016, 8-10.



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their personal thoughts, preferences, or situations, but the discerning of grounds of protection not contained within the human rights covenants is a matter on which Member States should come to a broad and inclusive consensus.

Thank you, Mr. President.