

**OHCHR EXPERT WORKSHOP FOR ASIA PACIFIC ON THE PROHIBITION OF INCITEMENT TO
NATIONAL RACIAL OR RELIGIOUS HATRED:**

ANNEX containing extracts of legislation, jurisprudence and policies

Country Concerned: (Alphabetical order)

Afghanistan, Armenia, Australia, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Bhutan, Cambodia, Democratic People's Republic of Korea, Fiji, Hong Kong Special Administrative Region of PRC, India, Indonesia, Iran, Iraq, Israel, Japan, Kazakhstan, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic (PDR), Lebanon, Macau Special Administrative Region of PRC, Malaysia, Maldives, Marshall Islands, Micronesia, Myanmar, Nauru, Nepal, New Zealand, Oman, Pakistan, Palau, Palestine, Papua New Guinea, People's Republic of China (PRC), Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Syria, Tajikistan, Timor-Leste, Tonga, Turkmenistan, Tuvalu, Thailand, United Arab Emirates, Uzbekistan, Vanuatu, Vietnam, Yemen.

AFGHANISTAN

CONSTITUTION

- Constitution of Afghanistan, year 1382

Article 34 (Ch. 2, Art. 13)

Freedom of expression is inviolable.

Every Afghan has the right to express his thought through speech, writing, or illustration or other means, by observing the provisions stated in this Constitution.

Every Afghan has the right to print or publish topics without prior submission to the state authorities in accordance with the law.

Directives related to printing house, radio, television, press, and other mass media, will be regulated by the law.

CRIMINAL LAW/CODE

- Penal Code of Afghanistan No. 347, 7 October 1976

Sec. 348

A person who attacks a follower of any of the religions, who performs his religious rituals "publicly" by word, act, writing or other "public" means, shall be sentenced to short imprisonment of not less than three months and cash fine of not less than three thousand and not more than twelve thousand Afghanis.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- The Law on Mass Media 2006

Section 4

Everybody has the right to freedom of thought and speech. This right includes seeking, obtaining and dissemination of information and views without interference and restraints by government officials, including freedom of expression and broadcast, dissemination and seeking of information.

The government shall support and strengthen the freedom of mass media. No real or incorporeal reason including the government and government officials can interdict, prohibit, censor or limit the activities of mass media or interfere in the affairs of mass media through other means. The Media Evaluation Commission enshrined in Article 42 in this law is an exception to this provision.

STATE OF POLICY

STATE OF PRACTICE

ARMENIA

CONSTITUTION

Article 47

Everyone shall be obliged to honor the Constitutions and laws, to respect the rights, freedoms and dignity of others.

The exercise of rights and freedoms with the purpose of overthrow the constitutional order, inciting national, racial and religious hatred, advocating violence or war shall be prohibited.

CRIMINAL LAW/CODE

Sec. 266 Inciting national, racial or religious hatred.

1. Actions aimed at the incitement of national, racial or religious hatred, at racial superiority or humiliation of national dignity, are punished with a fine in the amount of 200 to 500 minimal salaries, or with correctional labor for up to 2 years, or with imprisonment for the term of 2-4 years.
2. The actions envisaged in part 1 of this Article committed:
 - 1) publicly or by mass media, with violence or threat of violence;
 - 2) by abuse of official position;
 - 3) by an organized group,are punished with imprisonment for the term of 3 to 6 years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

- The Law of Republic of Armenia on Television and Radio Broadcasting, 9 October 2000

Section 24 - ABUSING TELEVISION AND RADIO PROGRAMS

It is forbidden to use the television and radio programs for the following:

- a) For the campaign of the coup d'etat, or forcibly change of the Constitution.
- b) Ethnic, religious or racial discrimination,
- c) To publicize state or other secrets protected by the law
- d) To advocate war
- e) To advocate criminal or other acts, forbidden by the Law,
- f) To spread pornography materials
- g) Horror movies, programs damaging the education of teenagers.
- h) Libel violating other people's rights.

Exclusions are historical documentaries

Programs with erotic features can be aired from 24 p.m. to 6 a.m. Exclusion are coded programs.

OTHER LAWS

- The law of Republic of Armenia on the Dissemination of Mass Media, 13th December 2003.

Section 4 - GUARANTEES OF THE FREEDOM OF SPEECH IN THE SPHERE OF THE MEDIA

1. Implementers of media activity and journalists shall operate freely in compliance with the principles of equality, legitimacy, freedom of speech (expression) and pluralism. Conducting his/her legitimate professional activities a journalist, as a person performing a social duty shall be protected by the RA legislation.
2. Media products are produced and disseminated without prior or current state registration, licensing, declaration or notice to any state body. The licensing of TV and radio broadcasting is conducted according to the RA legislation on television and radio.
3. The following is prohibited:

- 1) censorship;
- 2) to compel the implementer of media activity or a journalist to disseminate or refrain from the dissemination of information;
- 3) interfering with the legitimate professional activities of a journalist;
- 4) discrimination in public circulation of appliances and materials necessary for dissemination of information;
- 5) restriction of a person's right to exploit media products of his/her choice, including those issued and disseminated in other countries.

STATE OF POLICY

STATE OF PRACTICE

AUSTRALIA

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

Racial Discrimination Act 1975: Sec. 9, 17, 18C

9 . Racial discrimination to be unlawful

(1) It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.

(1A) Where:

(a) a person requires another person to comply with a term, condition or requirement which is not reasonable having regard to the circumstances of the case; and

(b) the other person does not or cannot comply with the term, condition or requirement; and

(c) the requirement to comply has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, by persons of the same race, colour, descent or national or ethnic origin as the other person, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life; the act of requiring such compliance is to be treated, for the purposes of this Part, as an act involving a

distinction based on, or an act done by reason of, the other person's race, colour, descent or national or ethnic origin.

(2) A reference in this section to a human right or fundamental freedom in the political, economic, social, cultural or any other field of public life includes any right of a kind referred to in Article 5 of the Convention.

(3) This section does not apply in respect of the employment, or an application for the employment, of a person on a ship or aircraft (not being an Australian ship or aircraft) if that person was engaged, or applied, for that employment outside Australia.

(4) The succeeding provisions of this Part do not limit the generality of this section.

17. Unlawful to incite doing of unlawful acts

It is unlawful for a person:

- (a) to incite the doing of an act that is unlawful by reason of a provision of this Part; or
- (b) to assist or promote whether by financial assistance or otherwise the doing of such an act.

18C. Offensive behaviour because of race, colour or national or ethnic origin

(1) It is unlawful for a person to do an act, otherwise than in private, if:

- (a) the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and
- (b) the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group.

Note: Subsection (1) makes certain acts unlawful. Section 46P of the *Human Rights and Equal Opportunity Commission Act 1986* allows people to make complaints to the Human Rights and Equal Opportunity Commission about unlawful acts. However, an unlawful act is not necessarily a criminal offence. Section 26 says that this Act does not make it an offence to do an act that is unlawful because of this Part, unless Part IV expressly says that the act is an offence.

(2) For the purposes of subsection (1), an act is taken not to be done in private if it:

- (a) causes words, sounds, images or writing to be communicated to the public; or
- (b) is done in a public place; or
- (c) is done in the sight or hearing of people who are in a public place.

(3) In this section:

public place includes any place to which the public have access as of right or by invitation, whether express or implied and whether or not a charge is made for admission to the place.

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Hagan v. Australia/ The Committee on Elimination of Racial Discrimination/ April 2003
- Toben v. Jones / Federal Court of Australia/ Carr, Kiefel and Allsop JJ/ 19 May, 21 June 2003
- Islamic Council of Victoria v. Catch the Fire Ministries Inc (final)/ Victory's Court of Appeal/ 2004 (Please see printed attachment – to follow by pouch)

AZERBAIJAN

CONSTITUTION

Article 47

Everyone shall be obliged to honor the Constitutions and laws, to respect the rights, freedoms and dignity of others.

The exercise of rights and freedoms with the purpose of overthrow the constitutional order, inciting national, racial and religious hatred, advocating violence or war shall be prohibited.

CRIMINAL LAW/CODE

Sec. 283

Excitation of national, racial or religious hostility

283.1. The actions directed on excitation of national, racial or religious hostility, humiliation of national advantage, as well as actions directed on restriction of citizens rights, or establishment of the superiority of citizens on the basis of their national or racial belonging, creeds committed publicly or with use of mass media is punished by the penalty at a rate from one up to two thousand of nominal financial unit, or restriction of freedom for the term up to three years, or imprisonment for the term from two up to four years.

283.2. The same acts committed:

283.2.1. with application of violence or with threat of its application;

283.2.2. by person with use of the service position;

283.2.3. by organized group

is punished by imprisonment for the term from three up to five years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Editor in chief of Realny Azerbaijan and Gundelik Azerbaijan Case/ The Baku Court of Grave Crimes/ 2007 (Please see attachment)

BAHRAIN

CONSTITUTION

Article 22 [Conscience, Religion]

Freedom of conscience is absolute. The State guarantees the inviolability of worship, and the freedom to perform religious rites and hold religious parades and meetings in accordance with the customs observed in the country.

Article 23 [Expression]

Freedom of opinion and scientific research is guaranteed. Everyone has the right to express his opinion and publish it by word of mouth, in writing or otherwise under the rules and conditions laid down by law, provided that the fundamental beliefs of Islamic doctrine are not infringed, the unity of the people is not prejudiced, and discord or sectarianism is not aroused.

Article 31 [Restrictions]

The public rights and freedoms stated in this Constitution may only be regulated or limited by or in accordance with the law, and such regulation or limitation may not prejudice the essence of the right or freedom.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

BANGLADESH

CONSTITUTION

39. Freedom of thought and conscience, and of speech.

(1) Freedom of thought and conscience is guaranteed.

(2) Subject to any reasonable restrictions imposed by law in the interests of the security of the State, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence-

(a) the right of every citizen of freedom of speech and expression; and freedom of the press, are guaranteed.

CRIMINAL LAW/CODE

THE PENAL CODE, 1860 (ACT NO. XLV OF 1860)

Sec.153A, 295, 295A

Section 153A.

Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the citizens of Bangladesh, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

Explanation.-It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce, feelings of enmity or hatred between different classes of the citizens of Bangladesh.

Section 295

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 295A

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, either spoken or written, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

THE CODE OF CRIMINAL PROCEDURE, 1898 (ACT NO. V OF 1898)

Sec.99A

Section 99A

(1) Where any newspaper, or book or any document wherever printed, appears to the Government to contain-

(a) any matter the publication of which is punishable under section 123A or section 124A or section 153A or section 292 or section 295A or section 505 or section 505A of the Penal Code (Act XLV of 1860), or

(b) any matter which is defamatory of the President of Bangladesh, 121[***], the Prime Minister of the Government, the Speaker of Parliament or the Chief Justice of Bangladesh, or

(c) any matter which is grossly in-docent or is scurrilous or obscene, or

(d) any words or visible representations which incite, or which are likely to incite, any person or class of persons to commit any cognizable offence,

the Government may, by notification in the official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, words or visible representations, and every copy of such book or other document to be forfeited to Government, and thereupon any police-officer may seize the same wherever found in Bangladesh and any Magistrate may by warrant authorise any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1), "newspaper", "book" and "document" have the same meaning as in the Printing Presses and Publications (Declaration and Registration) Act, 1973 (XXIII of 1973).

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

THE SPECIAL POWERS ACT, 1974 (ACT NO. XIV OF 1974)

Sec.2 (f), 3

Section 2

In this Act, unless there is anything repugnant in the subject or context,-

(f) “prejudicial act” means any act which is intended or likely-

(i) to prejudice the sovereignty or defence of Bangladesh;

(ii) to prejudice the maintenance of friendly relations of Bangladesh with foreign states;

(iii) to prejudice the security of Bangladesh or to endanger public safety or the maintenance of public order;

(iv) to create or excite feelings of enmity or hatred between different communities, classes or sections of people;

(v) to interfere with or encourage or incite interference with the administration of law or the maintenance of law and order;

(vi) to prejudice the maintenance of supplies and services essential to the community;

(vii) to cause fear or alarm to the public or to any section of the public;

Section 3

(1) The Government may, if satisfied with respect to any person that with a view to preventing him from doing any prejudicial act it is necessary so to do, make an order-

(a) directing that such person be detained;

(b) directing him to remove himself from Bangladesh in such manner, before such time and by such route as may be specified in the order:

Provided that no order of removal shall be made in respect of any citizen of Bangladesh.

(2) Any District Magistrate or Additional District Magistrate may, if satisfied with respect to any person that with a view to preventing him from doing any prejudicial act within the meaning of section 2(f) (iii), (iv), (v), (vi), (vii) or (viii) it is necessary so to do, make an order directing that such person be detained.

(3) When any order is made under sub-section (2), the District Magistrate or the Additional District Magistrate making the order shall forthwith report the fact to the Government together with the grounds on which the order has been made and such other particulars as, in his opinion, have a bearing on the matter, and no such order shall remain in force for more than thirty days after the making thereof unless in the meantime it has been approved by the Government.

(4) If any person fails to remove himself from Bangladesh in accordance with the direction of an order made under sub-section (1) (b), then, without prejudice to the provisions of sub-section (5), he may be so removed by any police officer or by any person authorised by the Government in this behalf.

(5) If any person contravenes any order made under sub-section (1) (b), he shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

STATE OF POLICY

STATE OF PRACTICE

- Maududi Case (Please see attachment)
- Bangladesh bans books by Islamic supremacist Maududi (Please see attachment)

BRUNEI DARUSSALAM

CONSTITUTION

CRIMINAL LAW/CODE

Sec. 298, 505

Uttering words etc. with deliberate intent to wound religious feelings.

298. Whoever, with deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Statements conducting to public mischief.

505. Whoever makes, publishes, or circulates any statement, rumour, or report —

(a) with intent to cause, or which is likely to cause, any officer or constable in the Police forces of Brunei Darussalam or any officer, soldier, sailor or airman in the armed forces of His Majesty the Sultan and Yang Di-Pertuan to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against Brunei Darussalam or against the public tranquillity; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment for a term which may extend to 5 years and with fine.

Exception — It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without any such intent as aforesaid.

CIVIL LAW/ CODE

DEFAMATION ACT (see an attachment)

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- Computer Misuse Act (Revised Edition 2007)

Sedition act

4.Seditious offences.

(1) Any person who —

(a) does or attempts to do, or makes preparation to do, or conspires with any person to do, any act with a seditious intention;

(b) utter any words with a seditious intention;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

(d) imports any seditious publication, unless he has no reason to believe that it is seditious, shall be guilty of an offence: Penalty, for the first offence imprisonment for 2 years and a fine of \$5,000, and for a subsequent offence, imprisonment for 3 years and a fine; such seditious publication shall be forfeited and may be destroyed or otherwise disposed of as the Attorney General directs.

STATE OF POLICY

STATE OF PRACTICE

BHUTAN

CONSTITUTION

Article 7

22. Notwithstanding the rights conferred by this Constitution, nothing in this Article shall prevent the State from subjecting reasonable restriction by law, when it concerns:

(a) The interests of the sovereignty, security, unity and integrity of Bhutan;

(b) The interests of peace, stability and well-being of the nation;

(c) The interests of friendly relations with foreign States;

(d) Incitement to an offence on the grounds of race, sex, language, religion or region;

(e) The disclosure of information received in regard to the affairs of the State or in discharge of official duties; or

(f) The rights and freedom of others.

CRIMINAL LAW/CODE

Sec. 458

Promotion of civil unrest

458. A defendant shall be guilty of the offence of promotion of civil unrest, if the defendant:

(a) Advocates national, racial, ethnic, linguistic, caste-based, or religious abhorrence consulting an incitement of violence; or

(b) Commits an act that is prejudicial to the maintenance of harmony between different nationalities, racial groups, castes, or religious groups and that disturbs the public tranquility.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

INFORMATION, COMMUNICATIONS AND MEDIA ACT 2006

Sec.15, 108, 115, 120, 187 (1)

Section 15

(1) Notwithstanding anything contained in this or any other Act, the Minister or any officer specially authorized in this behalf by the Government, if satisfied that it is necessary or expedient to do in the interests of the sovereignty, security, unity and integrity of Bhutan, the interests of peace, stability and wellbeing of the nation, or the interests of friendly relations with foreign States or public order or to avoid incitement to the commission of an offence, may direct:

(a) any agency of the Government to intercept any communication by any ICT facility, ICT service or media service;

(b) any ICT facility, ICT service or media service provider that any content brought for communication by or communicated or received by him shall not be communicated or shall be intercepted or detained or shall be disclosed to the Government or its agency authorized in this behalf.

(2) The ICT facility, ICT service or media service provider shall, when called upon by any Governmental agency, which has been directed to carry out interception under Sub-section (1), extend all facilities and technical assistance for interception of the content of communications.

(3) Any ICT facility, ICT service or media service provider who fails to assist the agency referred to in Subsection shall be guilty of an offence as per the Penal Code.

(4) Save as otherwise provided under this Section, any person who intercepts any communication or causes any communication to be intercepted or discloses to any person any content, shall be guilty of an offence as per the Penal Code.

Section 108

No film shall be certified for public exhibition if, in the opinion of the Authority, the film or any part of it is:

- (a) detrimental to the interests of the sovereignty, security, unity and integrity of Bhutan;
- (b) detrimental to the interests of peace, stability and well-being of the nation;
- (c) detrimental to the interests of friendly relations with foreign States;
- (d) likely to lead to incitement to an offence;
- (e) likely to lead to the disclosure of information received in regard to the affairs of the State or in discharge of official duties; or
- (f) likely to violate the rights and freedom of others.

Section 115

(1) Whenever the Minister is satisfied, either on receipt of a recommendation from the Authority or a complaint from any member of the public or on his own motion, that any performance of drama being performed, or about to be performed, within Bhutan is:

- (a) detrimental to the interests of the sovereignty, security, unity and integrity of Bhutan;
- (b) detrimental to the interests of peace, stability and well-being of the nation;
- (c) detrimental to the interests of friendly relations with foreign States;
- (d) likely to lead to incitement to an offence;
- (e) likely to lead to the disclosure of information received in regard to the affairs of the State or in discharge of official duties; or
- (f) likely to violate the rights and freedom of others; the Minister may by written order prohibit the performance.

(2) A copy of the said order may be served on the organisers of the performance, the owner or occupier of the premises in which the performance is taking place, or is intended to take place, or any person who is taking part, or is about to take part, in the performance. Where any of the abovementioned persons fails or refuses to accept service of the order, it shall be sufficient for a copy of the order to be affixed in a prominent place on the premises in which the performance is taking place or is intended to take place.

Section 120

(1) Where it appears to the Minister that it is necessary:

- (a) in the interests of the sovereignty, security, unity and integrity of Bhutan;
- (b) in the interests of peace, stability and well-being of the nation;
- (c) in the interests of friendly relations with foreign States;

(d) to prevent incitement to an offence;

(e) to prevent the disclosure of information received in regard to the affairs of the State or in discharge of official duties; or

(f) to protect the rights and freedom of others;

that all performance of dramas being conducted, or intended to be conducted, in any local area can only be conducted under a permit issued for this purpose by the Authority, it shall publish a notification to that effect.

Section 187 (1)

The Authority may, by an order, proscribe any foreign ICT service, including foreign broadcasting service, within Bhutan if it is convinced that there is repeatedly contained in the programmes broadcast by that service matter which threatens the sovereignty, security, unity and integrity of Bhutan, or is likely to lead to incitement to an offence, or offends against good taste or decency, or is contrary to the provisions of this Act, Regulations, directives or Rules.

STATE OF POLICY

STATE OF PRACTICE

Defamation Law in Bhutan: Some Reflections by Venkat Iyer (Please see attachment)

CAMBODIA

CONSTITUTION

Article 31

The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of human Rights, the covenants and conventions related to human rights, women's and children's rights.

Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with law.

Article 41

Khmer citizens shall have freedom of expression, press, publication and assembly. No one shall exercise this right to infringe upon the rights of others, to affect the good traditions of the society, to violate public law and order and national security.

The regime of the media shall be determined by law.

Article 43

Khmer citizens of either sex shall have the right to freedom of belief.

Freedom of religious belief and worship shall be guaranteed by the State on the condition that such freedom does not affect other religious beliefs or violate public order and security.

Buddhism shall be the State religion.

CRIMINAL LAW/CODE

Sec. 59, 61,63

59 - Incitement Leading to the Commission of a Felony

Any person who, by speech, shouts or threats made in a public place or meeting, or by writings, publications, drawings, engravings, paintings, emblems, films or any other mode of writing, speech, or film that is sold, distributed, offered for sale or displayed in a public place or meeting, or by signs or posters displayed in public, or by any other means of audiovisual communication, directly incites one or more persons to commit a felony shall be punished as an accomplice to the felony. This provision also applies if the incitement leads merely to an attempt to commit a felony.

61 - Incitement to Discrimination

1. Any person who, by one of the means listed in Article 59, provokes national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be punished by imprisonment of one month to one year, a fine of one million to ten million Riels, or both.

2. Whenever the court convicts an accused for one of the acts mentioned in the preceding paragraph, it may order that its decision be posted at specified locations, at the expense of the convicted party, and published in one or more newspapers, also at the expense of the convicted party, not to exceed ten million Riels. Any association established pursuant to rules approved by the Supreme National Council, may intervene and bring a civil action against the party accused of the acts covered by this Article by registering a complaint with the competent prosecutor and by petitioning the court to intervene.

3. In all cases, the employer, printer, publisher, or the publishing or distribution company are jointly liable for payment of damages which may be awarded to the victim(s).

63 - Defamation and Libel

1. Any bad faith allegation or imputation of a given fact which harms the honor or reputation of an individual is a defamation. The original publication or reproduction of the allegation or imputation is punishable, even if it refers to a person who is not explicitly named but whose identity is made evident from the defamatory speech, shout, threat, writing, printing, sign, poster, or audiovisual dissemination. Any allegation or imputation against a public figure which the author, the journalist, publisher, editor, or producer knows to be false and nevertheless distributes, publishes, writes or circulates with malicious intent is also a defamation.
2. Any insult, contemptuous remark or abusive language which does not claim to impute fact constitutes libel.
3. Defamation or libel made by one of the means listed in Article 59 shall be punished by imprisonment of eight days to one year, a fine of one million to ten million Riels, or both.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

Law on Demonstrations

Article 7

Any demonstrator resorting to violence so as to cause damage to private or public property or to inflict bodily harm or death on other people or officials on duty shall be punished according to the law in effect, depending on the degree of the committed offense.

Disguised demonstrators and those who incite demonstrators to use violence shall be punished according to the law currently in effect.

Law on the Regime of the Press

Article 7

Each Press Association shall establish a code of ethics for internal application in its association. The Press has obligation to comply with the code of ethics

STATE OF POLICY

- National Strategic Development Plan 2006-10 approved by The Council of Minister Meeting on 27 January 2006 (Please see attachment)

STATE OF PRACTICE

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

CONSTITUTION

Article 68

Citizens have freedom of religious beliefs. This right is granted by approving the construction of religious buildings and the holding of religious ceremonies.

No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

FIJI

CONSTITUTION

Article 30: Freedom of expression

(1) Every person has the right to freedom of speech and expression, including:

- (a) freedom to seek, receive and impart information and ideas; and
- (b) freedom of the press and other media.

(2) A law may limit, or may authorise the limitation of, the right to freedom of expression in the interests of:

- (a) national security, public safety, public order, public morality, public health or the orderly conduct of national or municipal elections;
- (b) the protection or maintenance of the reputation, privacy, dignity, rights or freedoms of other persons, including:

- (i) the right to be free from hate speech, whether directed against individuals or groups; and
 - (ii) the right of persons injured by inaccurate or offensive media reports to have a correction published on reasonable conditions established by law;
 - (c) preventing the disclosure, as appropriate, of information received in confidence;
 - (d) preventing attacks on the dignity of individuals, groups or communities or respected offices or institutions in a manner likely to promote ill will between races or communities or the oppression of, or discrimination against, any person or persons;
 - (e) maintaining the authority and independence of the courts;
 - (f) imposing reasonable restrictions on the holders of public offices in order to secure their impartial and confidential service; or
 - (g) regulating the technical administration of telecommunications;
- but only to the extent that the limitation is reasonable and justifiable in a free and democratic society.
- (3) In this section:
hate speech means an expression in whatever form that encourages, or has the effect of encouraging, discrimination on a ground proscribed by section [38](#)

Article 38 - Equality

- (1) Every person has the right to equality before the law.
- (2) A person must not be unfairly discriminated against, directly or indirectly, on the ground of his or her:
 - (a) actual or supposed personal characteristics or circumstances, including race, ethnic origin, colour, place of origin, gender, sexual orientation, birth, primary language, economic status, age or disability; or
 - (b) opinions or beliefs, except to the extent that those opinions or beliefs involve harm to others or the diminution of the rights or freedoms of others;
 or on any other ground prohibited by this Constitution.
- (3) Accordingly, neither a law nor an administrative action taken under a law may directly or indirectly impose a disability or restriction on any person on a prohibited ground.
- (4) Every person has the right of access, without discrimination on a prohibited ground, to shops, hotels, lodging-houses, public restaurants, places of public entertainment, public transport services, taxis and public places.
- (5) The proprietor of a place or service referred to in subsection (4) must facilitate reasonable access for disabled persons to the extent prescribed by law.
- (6) A law, or an administrative action taken under a law, is not inconsistent with the right to freedom from discrimination on the ground of:
 - (a) language;
 - (b) birth;
 - (c) economic status;
 - (d) age; or
 - (e) disability;
 during the period of 2 years after the date of commencement of this Constitution if the law was in force immediately before that date and has remained continually in force during that period.
- (7) A law is not inconsistent with subsection (1), (2) or (3) on the ground that it:

- (a) appropriates revenues or other moneys for particular purposes;
 - (b) imposes a retirement age on a person who is the holder of a public office;
 - (c) imposes on persons who are not citizens a disability or restriction, or confers on them a privilege or advantage, not imposed or conferred on citizens;
 - (d) permits a person who has a discretion to institute or discontinue criminal proceedings to take account in the exercise of that discretion of traditional procedures in the State for the settlement of disputes; or
 - (e) makes provision with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters as the personal law of any person or the members of any group; but only to the extent that the law is reasonable and justifiable in a free and democratic society.
- (8) A law, or an administrative action taken under a law, may limit a right or freedom set out in this section for the purpose of:
- (a) providing for the application of the customs of Fijians or Rotumans or of the Banaban community:
 - (i) to the holding, use or transmission of, or to the distribution of the produce of, land or fishing rights; or
 - (ii) to the entitlement of any person to any chiefly title or rank;
 - (b) imposing a restriction on the alienation of land or fishing rights held in accordance with Fijian or Rotuman custom or in accordance with Banaban custom; or
 - (c) permitting the temporary alienation of that land or those rights without the consent of the owners.
- (9) To the extent permitted by subsection (10), a law, or an administrative action taken under a law, may limit a right or freedom set out in this section for the purpose of providing for the governance of Fijians or Rotumans or of the Banaban community and of other persons living as members of a Fijian, Rotuman or Banaban community.
- (10) A limitation referred to in subsection (9) is valid only if it:
- (a) accords to every person to whom it applies the right to equality before the law without discrimination other than on the ground of race or ethnic origin; and
 - (b) does not infringe a right or freedom set out in any other section of this Chapter.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

HONG KONG SPECIAL ADMINISTRATIVE REGION OF PRC

CONSTITUTION

Article 27

Hong Kong residents shall have freedom of speech, of the press and publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.

Article 32

Hong Kong residents shall have freedom of conscience

Hong Kong residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

INDIA

CONSTITUTION

CRIMINAL LAW/CODE

- The Indian Penal Code (Act No.45 of 1860)

Sec. 295, 295A

Section 295

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 295A

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of India, by words, either spoken or written, or by signs or by visible representations or otherwise insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- / Supreme Court/ 1977 (Please see attachment)

INDONESIA

CONSTITUTION

Article 28

The freedom to associate and to assemble, to express written and oral opinions,

etc., shall be regulated by law.

Article 28D

- (1) Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law.
- (2) Every person shall have the right to work and to receive fair and proper remuneration and treatment in employment.
- (3) Every citizen shall have the right to obtain equal opportunities in government.
- (4) Every person shall have the right to citizenship status.

Article 28E

- (1) Every person shall be free to choose and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.
- (2) Every person shall have the right to the freedom to believe his/her faith (kepercayaan), and to express his/her views and thoughts, in accordance with his/her conscience.
- (3) Every person shall have the right to the freedom to associate, to assemble and to express opinions.

Article 28 I

- (1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a law with retrospective effect are all human rights that cannot be limited under any circumstances.
- (2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.
- (3) The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations.
- (4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government.
- (5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-based state, the implementation of human rights shall be guaranteed, regulated and set forth in laws and regulations.

Article 28J

- (1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.
- (2) In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

Article 29

- (1) The State shall be based upon the belief in the One and Only God.
- (2) The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.

CRIMINAL LAW/CODE

Sec. 156, 156A, 310

Section 156

The person who publicly gives expression to feelings of hostility, hatred or contempt against one or more groups of the population of Indonesia, shall be punished by a maximum imprisonment of four years or a maximum fine of three hundreds Rupiahs.

By groups in this and in the following article shall be understood each part of the population of Indonesia that distinguishes itself from one or more other parts of that population by race, country of origin, religion, descent, nationality or constitutional condition

Section 156A

“By a maximum imprisonment of five years shall be punished any person who deliberately in public gives expression to feelings or commits an act

- a. Which principally have the character of being in enmity with, abusing or staining a religion, adhered to in Indonesia;
- b. With the intention to prevent a person to adhere to any religion based on the belief of the almighty God.”

Section 310

The person who intentionally harms someone’s honor or reputation by charging him with a certain fact, with the obvious intent to give publicity thereof, shall, be guilty of slander, be punished by maximum imprisonment of nine months or a maximum fine of three hundred Rupiahs

If this takes place by means of writings or portraits disseminated, openly demonstrated or put up, the principal shall, be guilty of libel, be punished by maximum imprisonment of one year and four months or a maximum fine of three hundred Rupiahs

Neither slander nor libel shall exist as far as the principal obviously has acted in general interest or for a necessary defence

CIVIL LAW/ CODE

Article 1377. A civil legal claim shall also not be admitted, if the offended party has been irrevocably declared guilty of the act which was allegedly committed against him. An individual who continues to insult another individual and who clearly intends to insult notwithstanding that the claim against him has been proven in a legal judgment or in an authentic deed shall be obligated to compensate for the damage suffered by the other party.

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

- National Plans of Action for the Promotion and Protection of Human Rights (Please see attachment)

STATE OF PRACTICE

- / Constitutional Court/ 19 April 2010 (Please see attachment)
- Members of the Islamic Defenders Front rallying in front of the Constitutional Court in Jakarta against any changes to the controversial 1965 Blasphemy Law (Please see attachment)
- Bekasi FPI Leader Named a Suspect in Bekasi Attack (Please see attachment)
- Indonesia's New Antiterror Chief Seeks Tougher Laws (Please see attachment)
- Noordin's Death Hailed as a Boon to Investor Confidence (Please see attachment)
- Let Peace Find All Indonesians (Please see attachment)
- Media Reports Fair on Faith (Please see attachment)
- Indonesian Muslim body opposes French veil ban (Please see attachment)
- Court orders closure of Buddha Bar in Indonesia (Please see attachment)
- Study finds rising intolerance among Muslims (Please see attachment)
- Religious intolerance reported anti-Christian attacks took place across Indonesia. (Please see attachment)
- Book banning law (Please see attachment)

IRAN

CONSTITUTION

Article 24

Publications and the press have freedom of expression except when it is where there is infringement of the basic tenets of Islam or public rights. In this respect detailed provisions will be laid down by law.

Article 175

The freedom of expression and dissemination of thoughts in the Radio and Television of the Islamic Republic of Iran must be guaranteed in keeping with the Islamic criteria and the best interests of the country. The appointment and dismissal of the head of the Radio and Television of the Islamic Republic of Iran rests with the Leader. A council consisting of two representatives each of the President, the head of the judiciary branch and the Islamic Consultative Assembly shall supervise the functioning of this organization.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

- Press Law, 19 March 1986

Chapter 4: Limits of the Press

Section 6

The print media are permitted to publish news items except in cases when they violate Islamic principles and codes and public rights as outlined in this chapter:

1. Publishing atheistic articles or issues which are prejudicial to Islamic codes, or, promoting subjects which might damage the foundation of the Islamic Republic;
2. Propagating obscene and religiously forbidden acts and publishing indecent pictures and issues which violate public decency;
3. Propagating luxury and extravagance;
4. Creating discord between and among social walks of life specially by raising ethnic and racial issues;
5. Encouraging and instigating individuals and groups to act against the security, dignity and interests of the Islamic Republic of Iran within or outside the country;
6. Disclosing and publishing classified documents, orders and issues, or, disclosing the secrets of the Armed Forces of the Islamic Republic, military maps and fortifications, publishing closed-door deliberations of the Islamic Consultative Assembly or private proceedings of courts of justice and investigations conducted by judicial authorities without legal permit;
7. Insulting Islam and its sanctities, or, offending the Leader of the Revolution and recognized religious authorities (senior Islamic jurists);
8. Publishing libel against officials, institutions, organizations and individuals in the country or insulting legal or real persons who are lawfully respected, even by means of pictures or caricatures; and
9. Committing plagiarism or quoting articles from the deviant press, parties and groups which oppose Islam (inside and outside the country) in such a manner as to propagate such ideas (the limits of such offenses shall be defined by the executive by-law).

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

IRAQ

CONSTITUTION

CRIMINAL LAW/CODE

- Penal Code, No 111, 1969.

Section 200

(i) Sub-Paragraphs (a) and (b) have been added to Paragraph 200 in accordance with Law No 107 (1974) published in Al-Waqai' A1'Iraqiya No 2290 on 22/8/74. Sub-Paragraph 1 was considered to be part of Paragraph and Sub-Paragraph 2 to be the original paragraph.

Paragraph 200 - (1) The following persons are punishable by death:

- (a) Any person who is a member of the Arab Socialist Ba'ath Party and who wilfully conceals any previous party or political membership or affiliation.
- (b) Any person who is or has been a member of the Arab-Socialist Ba'ath Party and who is found to have links during his commitment to the Party with any other political or party organisation or to be working for such organisation or on its behalf.
- (c) Any person who is or has been a member of the Arab Socialist Ba'ath Party and who is found to be, following the termination of his relationship with the Party, a member of any other political or party organisation or to be working for such organisation or on its behalf.
- (d) Any person who recruits to a political or party organisation another person who is affiliated to the Arab Socialist Ba'ath Party or recruits such person in any way to that organisation following the termination of his affiliation with the Party while being aware of that affiliation.

(2) Any person who promotes or acclaims any movement that seeks to change the fundamental principles of the constitution or the basic laws of society or in order to raise one section of society over another or to oppress a particular section of society or to overthrow the basic social and economic laws of the State or the fundamental laws of society and the use of force, terror or any other illegal method is perceived in such action is punishable by a term of imprisonment not exceeding 7 years or by detention. The same penalty applies to any person who incites the overthrow of the appointed regime in Iraq or hatred of or scorn for such regime or acclaims or promotes anything that stirs up factional or sectarian chauvinism or encourages conflict between factions and classes or stirs up feelings of hatred and contempt among the population.

Section 202

Any person who publicly insults the Arab community or the Iraqi people or any section of the population or the national flag or the State emblem is punishable by a term of imprisonment not exceeding 10 years or by detention.

Section 208

The following persons are punishable by a term of imprisonment not exceeding 7 years plus a fine not exceeding 500 dinars or by one of those penalties:

(1) Any person who maliciously obtains or steals any register, printed matter or record that promotes, acclaims or incites anything stipulated in Paragraphs 200 to 202 if it is intended that it should be distributed, published or communicated to others. .

(2) Any person who obtains any means of printing, recording or publication with a view to printing, recording or 57

broadcasting appeals, anthems or propaganda on behalf of a faction, association, club or organisation whose objectives are set out in the preceding Paragraphs.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

ISRAEL

CONSTITUTION

CRIMINAL LAW/CODE

Sec. 173

Injury to religious sentiment

173. If a person does any of the following, then he is liable to one year imprisonment:

(1) he publishes a publication that is liable crudely to offend the religious faith or sentiment of others;

(2) he voices in a public place and in the hearing of another person any word or sound that is liable crudely to offend the religious faith or sentiment of others.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- Denial of Holocaust (Prohibition) Law, 5746-1986*

Definitions

1. In this Law, "crime against the Jewish people" and "crime against humanity" have the same respective meanings as in the "Nazis and Nazi Collaborators Law, 5710-1950[1].

Prohibition of Denial of Holocaust

2. A person who, in writing or by word of mouth, publishes any statement denying or diminishing the proportions of acts committed in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, with intent to defend the perpetrators of those acts or to express sympathy or identification with them, shall be liable to imprisonment for a term of five years.

Prohibition of publication of expression for sympathy for Nazi crimes

3. A person who, in writing or by word of mouth, publishes any statement expressing praise or sympathy for or identification with acts done in the period of the Nazi regime, which are crimes against the Jewish people or crimes against humanity, shall be liable to imprisonment for a term of five years.

Permitted publication

4. The publication of a correct and fair report of a publication prohibited by this Law shall not be regarded as an offence thereunder so long as it is not made with intent to express sympathy or identification with the perpetrators of crimes against the Jewish people or against humanity.

Filing of charge

5. An indictment for offences under this Law shall only be filed by or with the consent of the Attorney-General.

STATE OF POLICY

STATE OF PRACTICE

- Yitzhak Orion v. Israel/ Supreme Court (Please see attachment)

JAPAN

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

KAZAKHSTAN

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- Law of the Republic of Kazakhstan On Mass Media

Article 21. Duties of a Journalist

Journalist shall be obliged:

- 1) to implement the program of a mass medium activity, which he/she has contract relations with, in accordance with legislation of the Republic of Kazakhstan;
- 2) not to disseminate information that does not comply with reality;
- 3) to satisfy request of persons that granted information to mention their authorship;
- 4) to respect legal rights and interests of natural persons and legal entities;
- 4-1) to receive consent for use of audio- or video recording, upon conduction of interview with citizens;
- 5) to carry out other responsibilities laid upon him/her in accordance with legislation of the Republic of Kazakhstan.

Article 25. Grounds for responsibility for violating the legislation on mass media

1. Disseminating data derogating honor and dignity of a citizen or an organization (government agency, public, creative, scientific, religious or any other association of citizens and legal entities) that does not comply with reality and influencing the court by mass media shall entail responsibility provided in legislative acts of the Republic of Kazakhstan.

2. Responsibility for violation of legislation on mass media shall be taken by the guilty officials from the government agencies and other organization as well as the owner, distributor, editor-in-chief (editor) of a mass medium, authors of disseminated messages and materials.

2-1. An owner, chief editor (editor) of a mass medium bear responsibility, set by legislative acts of the Republic of Kazakhstan for dissemination of reports and materials, containing propaganda or agitation of forced modification of constitutional regime, crippling of the Republic of Kazakhstan, undermining security of the state, war, social, racial, national, religious, class and ancestral superiority, cult of cruelty, violence and pornography, independent from source of their receipt.

3. Hindering legal professional activity of a journalist shall entail responsibility established by legislation of the Republic of Kazakhstan

STATE OF POLICY

STATE OF PRACTICE

KIRIBATI

CONSTITUTION

CHAPTER II

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental rights and freedom of the individual

3. Whereas every person in Kiribati is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others or the public interest, to each and all of the following, namely-

(a) life, liberty, security of the person and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from deprivation of property without compensation,

the provision of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations on that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

KUWAIT

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

KYRGYZSTAN

CONSTITUTION

CRIMINAL LAW/CODE

Sec. 299 - Incitement of National, Racial, or Religious Enmity

(1) Actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, and also propaganda of the exceptionality, superiority, or inferiority of individuals by their attitude to religion, national, or racial belonging, if these acts have been committed in public or with the use of mass media, shall be punishable by a fine in the amount of one hundred to five hundred minimum monthly wages or by arrest for a term of up to six months, or by deprivation of liberty for a term of one to three years.

(2) The same acts committed:

- 1) with the use of violence or with the threat of its use;
- 2) by a person through his official position;
- 3) by an organized group,

shall be punishable by deprivation of liberty for a term of three to five years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

LAO PEOPLE'S DEMOCRATIC REPUBLIC

CONSTITUTION

Article 9

The State respects and protects all lawful activities of Buddhists and of followers of other religions, [and] mobilises and encourages Buddhist monks and novices as well as the priests of other religions to participate in activities that are beneficial to the country and people. All acts creating division between religions and classes of people are prohibited.

Article 35

Lao citizens are all equal before the law irrespective of their gender, social status, education, beliefs and ethnic group.

Article 43

Lao citizens have the right and freedom to believe or not to believe in religions.

Article 44

Lao citizens have the right and freedom of speech, press and assembly; and have the right to set up associations and to stage demonstrations which are not contrary to the laws.

CRIMINAL LAW/CODE

Sec. 87 - Outrages and defamation.

Any individual seriously damaging the honor of other persons through writings, words or other means is punishable of three months to one year imprisonment or of reformatory penalties without privation of liberty or fines ranging from 5,000 to 10,000 Kips.

Any individual causing serious damages to the prestige of other persons by spreading false allegations through writings, words or other means is punishable of three months to one year imprisonment or of correctional penalty without privation of liberty or of a fine from 5,000 to 10,000 Kips.

Article 88 – Insults.

Any individual using degrading words, writings or acts against the honor of another person is punishable of three months to one year imprisonment or correctional penalties without privation of liberty or of fines ranging from 5,000 to 10,000 Kips;

Article 89 - Outrage against the body or honor of a dead.

Any individual using degrading acts or words against the body, honor, the grave or stupa of a dead and causing public emotional impact is punishable of three months to one year imprisonment or of correctional penalties without privation of liberty or of fines from 5,000 to 10,000 Kips.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

LAW ON NATIONAL DEFENCE OBLIGATIONS

Article 2 - National Defence Obligations

All Lao citizens, without discrimination in terms of race, ethnic origin, economic and social status, beliefs, educational background and residence, have an obligation to serve in the national defence forces, as stipulated in Article 36 of the Constitution of the Lao People's Democratic Republic¹, except for persons who are not qualified as provided by this law.

STATE OF POLICY

STATE OF PRACTICE

- Lao Buddhist workers beheaded in Thai Muslim south (Please see attachment)

LEBANON

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

MACAU SPECIAL ADMINISTRATIVE REGION OF PRC

CONSTITUTION

Article 27 Macao residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, Of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.

Article 32 The freedom and privacy of communication of Macao residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with the provisions of the law to meet the needs of public security or of investigation into criminal offences.

Article 34 Macao residents shall have freedom of conscience. Macao residents shall have freedom of religious belief and freedom to preach and to conduct and participate in religious activities in public.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

MALAYSIA

CONSTITUTION

Article 3

(1) Islam is the religion of the Federation; but other religions may be practised in peace and harmony in any part of the Federation.

(2) In every State other than States not having a Ruler the position of the Ruler as the Head of the religion of Islam in his State in the manner and to the extent acknowledged and declared by the Constitution, all rights, privileges, prerogatives and powers enjoyed by him as Head of that religion, are unaffected and unimpaired; but in any acts, observance or ceremonies with respect to which the Conference of Rulers has agreed that they should extend to the Federation as a whole each of the other Rulers shall in his capacity of Head of the religion of Islam authorize the Yang di-pertuan Agong to represent him.

(3). The Constitution of the States of Malacca, Penang, Sabah and Sarawak shall each make provision for conferring on the Yang di-Pertuan Agong shall be Head of the religion of Islam in that State.

(4) Nothing in this Article derogates from any other provision of this Constitution.

(5) Notwithstanding anything in this Constitution the Yang di-Pertuan Agong shall be the Head of the religion of Islam in the Federal Territories of Kuala Lumpur and Labuan; and for this purpose Parliament may by law make provisions for regulating Islamic religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the religion of Islam.

Article 8

(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth in any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) There shall be no discrimination in favour of any person on the ground that he is a subject of the Ruler of the State.

(4) No public authority shall discriminate against any person on the ground that he is resident or carrying on business in any part of the Federation outside the jurisdiction of the authority.

(5) This Article does not invalidate or prohibit -

(a) any provision regulating personal law;

(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion;

(c) any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service;

(d) any provision prescribing residence in a State or part of a State as a qualification for election or appointment to any authority having jurisdiction only in that State or part, or for voting in such an election;

(e) any provision of a Constitution of a State, being or corresponding to a provision in force immediately before Merdeka Day;

(f) any provision restricting enlistment in the Malay Regiment to Malays.

Article 9

(1) No citizen shall be banished or excluded from the Federation.

(2) Subject to Clause (3) and to any law relating to the security of the Federation or any part thereof, public order, public health, or the punishment of offenders, every citizen has the right to move freely throughout the Federation and to reside in any part thereof.

(3) So long as under this Constitution any other State is in a special position as compared with the States of Malaya, Parliament may by law impose restrictions, as between that State and other States, on the rights conferred by Clause (2) in respect of movement and residence.

Article 10

(1) Subject to Clauses (2), (3) and (4) -

- (a) every citizen has the right to freedom of speech and expression;
- (b) all citizens have the right to assemble peaceably and without arms;
- (c) all citizens have the right to form associations.

(2) Parliament may by law impose -

(a) on the rights conferred by paragraph (a) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or of any Legislative Assembly or to provide against contempt of court, defamation, or incitement to any offence;

(b) on the right conferred by paragraph (b) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, or public order;

(c) on the right conferred by paragraph (c) of Clause (1), such restrictions as it deems necessary or expedient in the interest of the security of the Federation or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by paragraph (c) of Clause (1) may also be imposed by any law relating to labour or education.

(4) In imposing restrictions in the interest of the security of the Federation or any part thereof or public order under Clause (2) (a), Parliament may pass law prohibiting the questioning of any matter, right, status, position, privilege, sovereignty or prerogative established or protected by the provisions of Part III, article 152, 153 or 181 otherwise than in relation to the implementation thereof as may be specified in such law.

Article 11

(1) Every person has the right to profess and practice his religion and, subject to Clause (4), to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right -

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and
- (c) to acquire and own property and hold and administer it in accordance with law.

(4) State law and in respect of the Federal Territories of Kuala Lumpur and Lubuan, federal law may control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam.

(5) This Article does not authorize any act contrary to any general law relating to public order, public health or morality.

CRIMINAL LAW/CODE

Sec. 295, 298, 298A, 504, 505

Injuring or defiling a place of worship with intent to insult the religion of any class

295. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons, or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement

as an insult to their religion, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person
298. Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony

298A. Whoever —

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or

(b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquility, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

504. Intentional insult with intent to provoke a breach of the peace.

Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

505. Statements conducing to public mischief.

Whoever makes, publishes or circulates any statement, rumour or report-

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Malaysian Armed Forces or any person to whom section 140B refers to mutiny or otherwise disregard or fail in his duty as such;

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(c) with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class or community of persons,

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- Syariah Criminal Offences (Federal Territories) Act 1997

Section 7. Insulting or bringing into contempt, etc. the religion of Islam

Any person who orally or in writing or by visible representation or in any other manner –

- a) insults or brings into contempt the religion of Islam;
- b) derides, apes or ridicules the practices or ceremonies relating to the religion of Islam; or
- c) degrades or brings into contempt any law relating to the religion of Islam for the time being in force in the Federal Territories,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding two years or both.

Section 8 Deriding, etc., Quranic verses or Hadith

Any person who, by his words or acts, derides, insults, ridicules or brings into contempt the verses of Al-Quran or Hadith shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding three years or to both.

INTERNAL SECURITY ACT 1960

Posting of placards, etc.

27. Any person who posts or distributes any placard, circular or other document containing any incitement to violence, or counselling disobedience to the law or to any lawful order, or likely to lead to any breach of the peace, shall be guilty of an offence.

PRINTING PRESSES AND PUBLICATIONS ACT 1984

Printing press used for unlawful purpose

4. (1) Any person who prints or produces, or causes or permits to be printed or produced by his printing press or machine any publication or document—
(a) which is obscene or otherwise against public decency; or
(b) which contains an incitement to violence against persons or property, counsels disobedience to the law or to any lawful order or which is or is likely to lead to a breach of the peace or to promote feelings of ill-will, hostility, enmity, hatred, disharmony or disunity, shall be guilty of an offence and shall on conviction be liable to imprisonment for a term not exceeding three years or to a fine not exceeding twenty thousand ringgit or to both.

STATE OF POLICY

STATE OF PRACTICE [Please see attachments re below]

- Case between PUBLIC PROSECUTOR *against* KARPAL SINGH 1991.
- mno-owned Utusan
- Malaysian political cartoonist stays defiant despite arrest
- Malaysia Newspaper blasts Indonesian Fisheries Officials
- Malaysia court jails brothers over church attacks
- Malaysia rapper's anti-racism rant causes storm
- PM warns against pursuing destructive racial debate
- A Pig's head thrown at the yard of two mosques at Petaling Jaya and Jalan Klang Lama respectively in the month of January this year (2010)
- The recent PERKASA complains about a Christian play in Shah Alam during the fasting month of Ramadan.

MALDIVES

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

The Defamation bill of the Republic of the Maldives

Article 2

a) Matters that constitute as defamation of a living or dead person or such person's family member shall be where a statement made, concerning such people; affects his/her honour or reputation; affects the honour or office of his/her business / profession / trade / calling; causes that person to be shunned or avoided; lower that person in estimation; exposes that person to hatred or contempt.

b) A defamation statement may be made in direct or indirect language or metaphorically.

STATE OF POLICY

STATE OF PRACTICE

- Hassan Saeed Case (Please see attachment)

MARSHALL ISLANDS

CONSTITUTION

Article 12 - Equal Protection and Freedom from Discrimination.

- (1) All persons are equal under the law and are entitled to the equal protection of the laws.
- (2) No law and no executive or judicial action shall, either expressly, or in its practical application, discriminate against any person on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent.
- (3) Nothing in this Section shall be deemed to preclude non-arbitrary preferences for citizens pursuant to law.

CRIMINAL LAW/CODE

PART XVII - LIBEL

Section 143 - Defined; punishment.

Every person who shall unlawfully, willfully, and maliciously, speak, write, print, or in any other manner publish material which exposes another person to hatred, contempt, or ridicule, shall be guilty of criminal libel, and shall upon conviction be liable to a fine not exceeding \$50 or to a term of imprisonment not exceeding six (6) months, or both.

[TTC 1966, § 425; 11 TTC 1970, § 901; 11 TTC 1980, § 901, modified.]

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

MICRONESIA

CONSTITUTION

- Constitution of the Federated States of Micronesia

ARTICLE IV - Declaration of Rights.

1. No law may deny or impair freedom of expression, peaceable assembly, association, or petition.
2. No law may be passed respecting an establishment of religion or impairing the free exercise of religion, except that assistance may be provided to parochial schools for non-religious purposes.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

MONGOLIA

CONSTITUTION

- Constitution 1992

Article 16 [Citizen's Rights]

The citizens of Mongolia are enjoying the following rights and freedoms:

- 1) The right to life. Deprivation of human life is strictly prohibited unless capital punishment as constituted by Mongolian penal law for the most serious crimes is imposed as final decision by a competent court.
- 2) The right to healthy and safe environment and to be protected against environmental pollution and ecological imbalance.
- 3) The right to fair acquisition, possession, and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens are prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they may only do so with due compensation and payment.
- 4) The right to free choice of employment, favorable conditions of work, remuneration, rest, and private enterprise. No one may be unlawfully forced to work.
- 5) The right to material and financial assistance in old age, disability, childbirth, and childcare and in other cases as provided by law.
- 6) The right to the protection of health and medical care. The procedure and conditions of free medical aid are determined by law.
- 7) The right to education. The state provides basic general education free of charge. Citizens may establish and operate private schools if these meet the requirements of the State.
- 8) The right to engage in creative work in cultural, artistic, and scientific fields and to benefit thereof. Copyrights and patents are protected by law.
- 9) The right to take part in the government of the country directly or through representative bodies. The right to elect and to be elected to State bodies. The right to elect is enjoyed from the age of eighteen years and the age eligible for being elected is determined by law according to the requirements in respect of the bodies or posts concerned.
- 10) The right to freedom of association in political parties or other voluntary organizations on the basis of social and personal interests and opinion. Political parties and other mass organizations shall uphold public order and state security, and abide by law. Discrimination and persecution of a person for joining a political party or other associations or for being their member are prohibited. Party membership of some categories of state employees may be suspended.
- 11) Men and women enjoy equal rights in political, economic, social, and cultural fields as well as in marriage. Marriage is based on the equality and mutual consent of the spouses who have reached the age determined by law. The State protects the interests of the family, motherhood, and the child.
- 12) The right to submit a petition or a complaint to State bodies and officials. The State bodies and officials are obliged to respond to the petitions or complaints of citizens in conformity with law.
- 13) The right to personal liberty and safety. No one may be searched, arrested, detained, persecuted, or restricted of liberty save in accordance with procedures and on grounds determined by law. No one may be subjected to torture, inhuman, cruel, or degrading treatment. Where a person is arrested his or her family and counsel shall be notified within a period of time established by law of the reasons for the arrest. Privacy of citizens, their families, correspondence, and homes are protected by law.
- 14) The right to appeal to the court for protection if one considers the rights or freedoms spelt out by the Mongolian law or an international treaty to have been violated;
to be compensated for the damage illegally caused by others;
not to testify against oneself, one's family, parents, or children;
to defense;
to receive legal assistance;
to have evidence examined;
to fair trial;
to be tried in one's presence;

to appeal against a court decision;
to seek pardon.

Compelling to testify against oneself is prohibited. Every person is presumed innocent until proven guilty by a court by due process of law. The penalties imposed on the convicted may not be applicable to his or her family members and relatives.

15) Freedom of conscience and religion.

16) Freedom of thought, opinion, expression, speech, press, and peaceful assembly. Procedures for organizing demonstrations and other assemblies are determined by law.

17) The right to seek and receive information except that which the state and its bodies are legally bound to protect as secret. In order to protect human rights, dignity, and reputation of persons and to ensure national defense, security, and public order, the information which is not subject to disclosure must be classified and protected by law.

18) The right to freedom of movement and residence within the country, to travel and reside abroad, and to return home to the country. The right to travel and reside abroad may be limited exclusively by law for the purpose of ensuring the security of the country and population and protecting public order.

CRIMINAL LAW/CODE

Section 110 - Slander

110.1. Willful humiliation of an individual's honor or dignity expressed in the means of mass media shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.

Section 111- Defamation

111.1. Spreading of knowingly false fabrications defaming another individual shall be punishable by a fine equal to 20 to 50 amounts of minimum salary amount or by incarceration for a term of 1 to 3 months.

111.2. Spreading of libel to the public by means of mass media or committed by a person who previously was imposed administrative penalty for defamation or insult shall be punishable by a fine equal to 51 to 150 amounts of minimum salary or incarceration for a term of more than 3 to 6 months.

111.3. Defamation connected with accusing of a commission of a serious or grave crime shall be punishable by a fine equal to 151 to 250 amounts of minimum salary or by imprisonment for a term of 2 to 5 years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

MYANMAR

CONSTITUTION

Article 156

- (a) Every citizen shall have the right to freedom of thought, and of conscience, and to freely profess any religion.
- (b) Notwithstanding the rights and freedoms granted under Clause (a), the State may enact laws in the interests either of the working people or of law and order.
- (c) Religion and religious organizations shall not be used for political purposes. Laws shall be enacted to this effect.

Article 157

Every citizen shall have freedom of speech, expression and publication to the extent that the enjoyment of such freedom is not contrary to the interests of the working people and of socialism.

Article 166

Every citizen shall be under a duty in the exercise of his rights and freedom to abstain from undermining any of the following-

- (a) the sovereignty and security of the State;
- (b) the essence of the socialist system prescribed by this Constitution;
- (c) the unity and solidarity of the national races;
- (d) public peace and tranquillity;
- (e) public morality.

Article 167

- (a) Laws may be enacted imposing necessary restriction on the rights and freedoms of citizens to prevent in infringements of the sovereignty and security of the State the essence of the socialist system prescribed by this Cons the unity and solidarity of the national races public pence and tranquillity or public morality.
- (b) Such a preventive e law shall provide that the restrictive order shall only be made collectively by a body and that the order shall be regularly reviewed and modified as necessary and that e a aggrieved person shall have the right of appeal to a higher organ.

CRIMINAL LAW/CODE

124A - Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, bring to attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards [the Government established by law for the Union or for the constituent units thereof,] shall be punished with transportation for life or an shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine.

153. Whoever malignantly, or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing if to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment &f either description for a term which may extend to

one year, or with fine, or with both and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

295. Whoever destroys, damages or defiles any object held sacred by any class or person with the intention of thereby insulting the religion of any person or with the knowledge that any class of persons likely to consider such destruction, damage or defilement as insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years or with fine, or with both

295A. Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of [persons defined in the Union]¹ by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

499. Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

505. Whoever makes, publishes or circulates any statement, rumour or report,—

(a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman, in the Army, Navy or Air Force to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

Press Emergency Powers Act 1931

4. (1) Whenever it appears to the President of the Union that any printing-press in respect of which any security has been ordered to be deposited under section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which —

(a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence

STATE OF POLICY

STATE OF PRACTICE

NAURU

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

NEPAL

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

Defamation Act, 1959 (Please see attachment)

STATE OF POLICY

STATE OF PRACTICE

NEW ZEALAND

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- New Zealand Country UPR - A/HRC/WG.6/5/NZL/1 (April 2009) (Please See Attachment)
- New Zealand Bill of Rights Act 1990, No. 109, 28th August 199.

13 freedom of thought, conscience, and religion

Everyone has the right to freedom of thought, conscience, religion, and belief, including the right to adopt and to hold opinions without interference.

14 freedom of expression

Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

15 manifestation of religion and belief

Every person has the right to manifest that person's religion or belief in worship, observance, practice, or teaching, either individually or in community with others, and either in public or in private.

STATE OF POLICY

STATE OF PRACTICE

- 16 Neal v. Sunday News Auckland Newspaper Publications Ltd/ 1985 (Please see attachment)
- 17 Commissioner v. Archer/ 1990 (Please see attachment)
- 18 King-Ansell v. Police/ 1979 (Please see attachment)

OMAN

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

PAKISTAN

CONSTITUTION

CRIMINAL LAW/CODE

Sec. 295, 295A, 295B, 295C

Section 295 -Injuring or defiling place of worship, with Intent to insult the religion of any class

Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction damage or defilement as an insult to their religion. shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both

Section 295A - Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs

Whoever, with deliberate and malicious intention of outraging the 'religious feelings of any class of the citizens of Pakistan, by words, either spoken or written, or by visible representations insults the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Section 295B - Defiling, etc., of Holy Qur'an

Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur'an or of an extract therefrom or uses it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life.

Section 295C - Use of derogatory remarks, etc., in respect of the Holy Prophet

Whoever by words, either spoken or written, or by visible representation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him) shall be punished with death, or imprisonment for life, and shall also be liable to fine.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Kumar v. State/ Appeal Court/ 2010 (Please see attachment)
- Jamaat-i-Islami, Syed Munawwar Hasan plan new wave of violence against Ahmadi Muslims (Please see attachment)

PALAU

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

PALESTINE

CONSTITUTION

Article 18

Freedom of belief, worship and the performance of religious functions are guaranteed, provided public order or public morals are not violated.

Article 19

Freedom of opinion may not be prejudiced. Every person shall have the right to express his opinion and to circulate it orally, in writing or in any form of expression or art, with due consideration to the provisions of the law.

PAPUA NEW GUINEA

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

PEOPLE'S REPUBLIC OF CHINA (PRC)

CONSTITUTION

CRIMINAL LAW/CODE

Criminal Law of People's Republic of China 1997

Sec. 249-251

Section 249

Whoever incites national enmity or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Section 250

Where a publication carries an article designed to discriminate or humiliate an ethnic group, if the circumstances are flagrant and the consequences are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Section 251

Any functionary of a State organ who unlawfully deprives a citizen of his or her freedom of religious belief or infringes upon the customs and habits of an ethnic group, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

19 National Human Rights Action Plan of China (2009-10) (Please see attachment)

STATE OF PRACTICE

PHILIPPINES

CONSTITUTION

THE 1987 CONSTITUTION OF THE REPUBLIC OF PHILIPPINES

ARTICLE 3 - BILL OF RIGHTS

Section 4

No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Section 5

No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

CRIMINAL LAW/CODE

ACT NO.3815 THE REVISED PENAL CODE

Sec. 133, 355, 358, 360

133 - Offending the religious feelings.

The penalty of arresto mayor in its maximum period to prision correccional in its minimum period shall be imposed upon anyone who, in a place devoted to religious worship or during the celebration of any religious ceremony shall perform acts notoriously offensive to the feelings of the faithful.

138 - Inciting a rebellion or insurrection.

The penalty of prision mayor in its minimum period shall be imposed upon any person who, without taking arms or being in open hostility against the Government, shall incite others to the execution of any of the acts specified in article 134 of this Code, by means of speeches, proclamations, writings, emblems, banners or other representations tending to the same end.

355 - Libel means by writings or similar means

A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by prision correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party.

358 – Slander

Oral defamation shall be punished by arresto mayor in its maximum period to prision correccional in its minimum period if it is of a serious and insulting nature; otherwise the penalty shall be arresto menor or a fine not exceeding 200 pesos.

360 - Persons responsible

Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means, shall be responsible for the same.

CIVIL LAW/ CODE

REPUBLIC ACT NO.386 CIVIL CODE OF THE PHILIPPINES

Sec.33

33 - In cases of defamation, fraud, and physical injuries a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

PRESIDENTIAL DECREE NO.966 - DECLARING VIOLATIONS OF THE INTERNATIONAL CONVENTION OF THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION TO BE CRIMINAL OFFENSES AND PROVIDING PENALTIES THEREFORE

WHEREAS (C)

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

STATE OF POLICY

- National Plans of Action for the Promotion and Protection of Human Rights (Please see attachment)

STATE OF PRACTICE

- Iglesia Ni Cristo (Inc) v The Honorable Court Of Appeals, Board Of Review For Moving Pictures And Television And Honorable Henrietta S Mendoza (Please see attachment)
- In *Ebralinag v. Division Superintendent of Schools of Cebu*, 219 SCRA 256 the Supreme Court upheld the right of the petitioners to refuse to salute the Philippine flag on account of their religious scruples (Please see attachment)
- *Victoriano v. Elizalde Rope Workers Union*, 59 SCRA 54, where the Supreme Court upheld the validity of a law, exempting members of a religious sect from being compelled to join a labour union (Please see attachment)
- *American Bible Society v. City of Manila*, 101 Phil 386, where the Supreme Court recognized the “right to proselytize” as part of religious freedom, and invalidated the application of a City Ordinance imposing license fees on the sale of merchandise to the sale of religious tracts. (Please see attachment)

QATAR

CONSTITUTION

Article 47

Freedom of expression of opinion and scientific research is guaranteed in accordance with the conditions and circumstances set forth in the law.

CRIMINAL LAW/CODE

- Penal Code (Law No.(II) of 2004)

Sec. 256, 263

256:

One is convicted to no more than seven years in prison in case of committing any of the following deeds:

1. Insulting the Supreme Being in letter and spirit, in writing, drawing, gesturing or in any other way.
2. Offending, misinterpreting or violating the Holy Koran.

3. Offending the Islamic religion or one of its rites.
4. Cursing any of the divine religions according to the regulations of the Islamic law.
5. Insulting any of the prophets in letter and spirit, in writing, drawing, gesturing or in any other way.
6. Sabotaging, breaking, damaging or violating places or their contents if they are made to perform religious rites for one of the divine religions according to the regulations of the Islamic law.

263:

One is convicted to no more than a year and to a fine of no more than a thousand riyals or to one of these two penalties in case of producing, selling, exposing for sale or circulation, or possessing products, merchandise, prints or tapes including drawings, slogans, words, symbols, signals or anything else that might offend the Islamic religion or other divine religions according to the regulations of the Islamic law.

The same penalty is imposed on everyone who uses disks, computer programs or magnetized tapes to offend Islam or divine religions according to the regulations of the Islamic law.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

REPUBLIC OF KOREA

CONSTITUTION

Article20

(1)All citizens shall enjoy freedom of religion.

(2)No state religion shall be recognized, and church and state shall be separated.

Article21

(1)All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association.

(2)Licensing or censorship of speech and the press, and licensing of assembly and association shall not be permitted.

(3)The standards of news service and broadcast facilities and matters necessary to ensure the functions of newspapers shall be determined by Act.

(4)Neither speech nor the press shall violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting therefrom.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

SAMOA

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

SAUDI ARABIA

CONSTITUTION

Article 39 [Expression]

Information, publication, and all other media shall employ courteous language and the state's regulations, and they shall contribute to the education of the nation and the bolstering of its unity. All acts that foster sedition or division or harm the state's security and its public relations or detract from man's dignity and rights shall be prohibited. The statutes shall define all that.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

SINGAPORE

CONSTITUTION

12 - Equal protection.

(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) This Article does not invalidate or prohibit —

(a) any provision regulating personal law; or

(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

14 - Freedom of speech, assembly and association.

(a) every citizen of Singapore has the right to freedom of speech and expression;

(b) all citizens of Singapore have the right to assemble peaceably and without arms; and

(c) all citizens of Singapore have the right to form associations.

(2) Parliament may by law impose —

(a) on the rights conferred by clause (1) (a), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence;

(b) on the right conferred by clause (1) (b), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order; and

(c) on the right conferred by clause (1) (c), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by clause (1) (c) may also be imposed by any law relating to labour or education.

15 - Freedom of religion.

(1) Every person has the right to profess and practise his religion and to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right —

(a) to manage its own religious affairs;

(b) to establish and maintain institutions for religious or charitable purposes; and

(c) to acquire and own property and hold and administer it in accordance with law.

(4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality.

CRIMINAL LAW/CODE

Sec. 298, 298A

Uttering words, etc., with deliberate intent to wound the religious or racial feelings of any person
298. Whoever, with deliberate intention of wounding the religious or racial feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, or causes any matter however represented to be seen or heard by that person, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Promoting enmity between different groups on grounds of religion or race and doing acts prejudicial to maintenance of harmony

298A. Whoever —

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, knowingly promotes or attempts to promote, on grounds of religion or race, disharmony or feelings of enmity, hatred or ill-will between different religious or racial groups; or

(b) commits any act which he knows is prejudicial to the maintenance of harmony between different religious or racial groups and which disturbs or is likely to disturb the public tranquillity, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

Intentional insult with intent to provoke a breach of the peace

504. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment for a term which may extend to 2 years, or with fine, or with both.

Statements conducing to public mischief

505. Whoever makes, publishes or circulates any statement, rumour or report in written, electronic or other media —

(a) with intent to cause, or which is likely to cause any officer or serviceman in the Singapore Armed Forces or any visiting forces lawfully present in Singapore, or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community of persons, shall be punished with imprisonment for a term which may extend to 3 years, or with fine, or with both.

CIVIL LAW/ CODE

DEFAMATION ACT

Slander of title, etc.

6. —(1) In any action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage —

(a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or

(b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

(2) Section 3 applies for the purposes of this section as it applies for the purposes of the law of libel and slander.

SPECIFIC LAWS ON HATE SPEECH

Maintenance of Religious Harmony Act

Secrecy

7. (1) Except as provided under section 15, the proceedings of the Council shall be secret.

(c) carrying out subversive activities under the guise of propagating or practising any religious belief; or

(d) exciting disaffection against the President or the Government while, or under the guise of, propagating or practising any religious belief.

(2) An order made under subsection (1) may be made against the person named therein for the following purposes:

(a) restraining him from addressing orally or in writing any congregation, parish or group of worshippers or members of any religious group or institution on any subject, topic or theme as may be specified in the order without the prior permission of the Minister;

(b) restraining him from printing, publishing, editing, distributing or in any way assisting or contributing to any publication produced by any religious group without the prior permission of the Minister;

(c) restraining him from holding office in an editorial board or a committee of a publication of any religious group without the prior permission of the Minister.

(3) Any order made under this section shall be for such period, not exceeding 2 years, as may be specified therein.

(4) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made and the head or governing body or committee of management of the religious group or institution which is to be named in the proposed order, notice of his intention to make the order together with the grounds and allegations of fact in support thereof and of their right to make written representations to the Minister.

(5) The Minister shall have regard to such representations in making the order.

(6) All written representations under subsection (4) must be made within 14 days of the date of the notice of the Minister's intention to make an order under this section.

OTHER LAWS

SEDITION ACT

Article 3 Seditious tendency

(1) A seditious tendency is a tendency

(e) to promote feelings of ill-will and hostility between different races or classes of the population of Singapore.

4 Offences

(1) Any person who

(a) does or attempts to do, or makes any preparation to do, or conspires with any person to do, any act which has or which would, if done, have a seditious tendency;

(b) utters any seditious words;

(c) prints, publishes, sells, offers for sale, distributes or reproduces any seditious publication;

INTERNAL SECURITY ACT

20. Prohibition of printing, sale, etc., of documents and publications.

(1) Where it appears to the Minister charged with the responsibility for printing presses and publications that any document or publication —

(a) contains any incitement to violence

UNDESIRABLE PUBLICATIONS ACT

4. — Meaning of objectionable

(1) For the purposes of this Act, a publication is objectionable if, in the opinion of any controller, it or (where the publication comprises 2 or more distinct parts or items) any one of its parts or items describes, depicts, expresses or otherwise deals with

(a) matters such as sex, horror, crime, cruelty, violence or the consumption of drugs or other intoxicating substances in such a manner that the availability of the publication is likely to be injurious to the public good; or

(b) matters of race or religion in such a manner that the availability of the publication is likely to cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups.

STATE OF POLICY

STATE OF PRACTICE

- Arrested for 'inciting violence' on Facebook (See an attachment)

SOLOMON ISLAND

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

SRI LANKA

CONSTITUTION

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

SYRIA

CONSTITUTION

CRIMINAL LAW/CODE

Sec. 307

Any act, piece of writing or speech aimed at, or resulting in the provocation of sectarian or racial division or creation of conflict between confessional groups and the different constituent elements of the nation shall be punished

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPPECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

TAJIKISTAN

CONSTITUTION

Article 30

Every person is guaranteed freedom of speech, publishing, and the right to use means of mass information. State censorship and prosecution for criticism is prohibited. The list of information constituting a state secret is specified by law.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Hizb ut-Tahrir Case/ Supreme Court (Please see attachment)

TIMOR-LESTE

CONSTITUTION

Article 16 - Universality and Equality

1. All citizens are equal before the law, shall exercise the same rights and shall be subject to the same duties.
2. No one shall be discriminated against on grounds of colour, race, marital status, gender, ethnical origin, language, social or economic status, political or ideological convictions, religion, education and physical or mental condition.

Article 41 - Freedom of the press and mass media

1. Freedom of the press and other mass media is guaranteed.
2. Freedom of the press shall comprise, namely, the freedom of speech and creativity for journalists, the access to information sources, editorial freedom, protection of independence and professional confidentiality, and the right to create newspapers, publications and other means of broadcasting.
3. The monopoly on the mass media shall be prohibited.
4. The State shall guarantee the freedom and independence of the public mass media from political and economic powers.
5. The State shall guarantee the existence of a public radio and television service that is impartial in order to, inter-alia, protect and disseminate the culture and the traditional values of the Democratic Republic of East Timor and guarantee opportunities for the expression of different lines of opinion.
6. Radio and television stations shall operate only under a licence, in accordance with the law.

Article 45 - Freedom of conscience, religion and worship

1. Every person is guaranteed the freedom of conscience, religion and worship and the religious denominations are separated from the State.
2. No one shall be persecuted or discriminated against on the basis of his or her religious convictions.
3. The right to be a conscientious objector shall be guaranteed in accordance with the law.
4. Freedom to teach any religion in the framework of the respective religious denomination is guaranteed.

CRIMINAL LAW/CODE

Sec. 134

Incitement to war

1. Any person who, by whatever means, publicly and repeatedly, incites hatred against a race, people or nation, with the intention to provoke war or prevent peaceful fellowship among different races, peoples or nations, is punishable with 2 to 8 years imprisonment.

Sec. 135

Religious or racial discrimination

1. Any person who establishes or constitutes an organization or develops activities of organized propaganda inciting or encouraging religious or racial discrimination, hatred or violence, or takes part in the organization or carrying out of the activities referred to in the previous paragraph, or provides assistance thereto, including funding, is punishable with 4 to 12 years imprisonment

2. Any person who, at a public meeting, through written medium destined for dissemination or in the media, provokes acts of violence against a person or group of people on grounds of race, color, ethnic origin or religion, with the intent to incite or encourage racial or religious discrimination, is punishable with 2 to 8 years imprisonment.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

Immigration and Asylum Act

Art.11

It shall be forbidden for a foreigner to:

(d) Provide religious assistance to the Defence and Security Forces, except in case of extreme need or emergency

OTHER LAWS

STATE OF POLICY

National Development plan

(h) Cultural, religious and gender sensitivity

STATE OF PRACTICE

TONGA

CONSTITUTION

5 Freedom of Worship

All men are free to practise their religion and to worship God as they may deem fit in accordance with the dictates of their own worship consciences and to assemble for religious service in such places as they may appoint. But it shall not be lawful to use this freedom to commit evil and licentious acts or under the name of worship to do what is contrary to the law and peace of the land.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

TURKMENISTAN

CONSTITUTION

Article 30

Citizens have the right to form political parties and other public associations operating within the framework of the Constitution and laws.

Prohibited is the establishment and activity of political parties, other public, paramilitary associations, aimed at bringing violent change to the constitutional order, introducing violence in their activity, opposing the constitutional rights and freedoms of citizens, advocating war, racial, national or religious hatred, encroaching on the health and morals of the people, as well as the political parties with ethnic or religious attributes.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

TUVALU

CONSTITUTION

23 Freedom of belief

(1) Subject to the provisions of this Part, and in particular to—

- (a) the succeeding provisions of this section; and
- (b) section 29 (protection of Tuvaluan values, etc.); and
- (c) section 31 (disciplined forces of Tuvalu); and
- (d) section 32 (foreign disciplined forces); and
- (e) section 33 (hostile disciplined forces); and
- (f) section 36 (restrictions on certain rights and freedoms during public emergencies),

except with his consent no-one shall be hindered in the exercise of his freedom of belief.

(2) For the purposes of this section, freedom of belief includes —

- (a) freedom of thought, religion and belief; and
- (b) freedom to change religion or belief; and
- (c) freedom, either alone or with others, to show and to spread, both in public and in private, a religion or belief, in worship, teaching, practice and observance.

(3) A religious community is entitled, at its own expense —

- (a) to establish and maintain places of education; and
- (b) subject to the maintenance of any minimum prescribed educational standards, to manage any place of education that it wholly maintains; and
- (c) subject to subsection (4), to provide religious instruction for members of the community in the course of any education that it provides.

(4) Except with his consent, no-one attending a place of education shall be required —

- (a) to receive religious instruction; or
- (b) to take part in or attend a religious ceremony or observance, if the instruction, ceremony or observance relates to a religion or belief other than his own.

(5) No-one shall be compelled —

- (a) to take an oath or make an affirmation that is contrary to his religion or belief; or
- (b) to take an oath or make an affirmation in any manner that is contrary to his religion or belief.

(6) Nothing in or done under a law shall be considered to be inconsistent with this section to the extent that the law makes provision which is reasonably required —

- (a) in the interests of —
 - (i) defence; or
 - (ii) public safety; or
 - (iii) public order; or
 - (iv) public morality; or
 - (v) public health; or
- (b) for the purpose of protecting the rights or freedoms of other persons, including the right to observe and practice any religion or belief without the unsolicited intervention of members of any other religion or belief.

(7) Nothing in or done under a law shall be considered to be inconsistent with this section to the extent that the law makes reasonable provision —

- (a) requiring a person who proves that he has a conscientious objection to performing some reasonable and normal traditional, communal or civic obligation, or to performing it at a particular time or in a particular way, to perform instead, some reasonably equivalent service of benefit to the community; or
- (b) for the exclusion of such a person and his household from any benefit arising out of the performance of those obligations by others until the equivalent service has been performed.
- (8) The protection given by this section to freedom of religion or belief applies equally to freedom not to have or hold a particular religion or belief, or any religion or belief.
- (9) A reference in this section to a religion includes a reference to a religious denomination and to the beliefs of a religion or religious denomination.

24 Freedom of expression

- (1) Subject to the provisions of this Part, and in particular to —
 - (a) subsection (3); and
 - (b) section 29 (protection of Tuvaluan values, etc.); and
 - (c) section 30 (provisions relating to certain officials); and
 - (d) section 31 (disciplined forces of Tuvalu); and
 - (e) section 32 (foreign disciplined forces); and
 - (f) section 33 (hostile disciplined forces); and
 - (g) section 36 (restrictions on certain rights and liberties during public emergencies), except with his consent no-one shall be hindered in the exercise of his freedom of expression.
- (2) For the purposes of this section, freedom of expression includes —
 - (a) freedom to hold opinions without interference; and
 - (b) freedom to receive ideas and information without interference; and
 - (c) freedom to communicate ideas and information without interference; and
 - (d) freedom from interference with correspondence.
- (3) Nothing in or done under a law shall be considered to be inconsistent with subsection (1) to the extent that the law makes provision —
 - (a) in the interests of —
 - (i) defence; or
 - (ii) public safety; or
 - (iii) public order; or
 - (iv) public morality; or
 - (v) public health; or
 - (b) for the purpose of —
 - (i) protecting the reputations, rights or freedoms of other persons; or
 - (ii) protecting the privacy of persons concerned in legal proceedings; or
 - (iii) preventing the disclosure of information received in confidence; or
 - (iv) maintaining the authority or independence of the courts; or
 - (v) regulating the administration or the technical operation of posts or telecommunications.

CRIMINAL LAW/CODE

PART XIX - DEFAMATION

184 Definition of libel

Any person who, by print, writing, painting, effigy or by any means otherwise\ than solely by gestures spoken words or other sounds unlawfully publishes any defamatory matter concerning another person, with intent to defame that other person, s guilty of the misdemeanour termed “libel”.

185 Definition of defamatory matter

Defamatory matter is matter, likely to injure the reputation of any person by exposing him to hatred, contempt, or ridicule, or likely to damage any person in his profession or trade by an injury to his reputation

186 Definition of publication

(1) A person publishes a libel if he causes the print, writing, painting, effigy or other means by which the defamatory matter is conveyed, to be so dealt with, either by exhibition, reading, recitation, description, delivery or otherwise, that the defamatory meaning thereof becomes known or is likely to become known to either the person defamed or any other person.

(2) It is not necessary for libel that a defamatory meaning should be directly or completely expressed, and it suffices if such meaning and its application to the person alleged to be defamed can be collected either from the alleged libel itself or from any extrinsic circumstances, or partly by the one and partly by the other means.

187 Definition of unlawful publication

Any publication of defamatory matter concerning a person is unlawful within the meaning of this Part unless —

- (a) the matter is true and it was for the public benefit that it should be published, or
- (b) it is privileged on one of the grounds hereafter mentioned in this Part.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

THAILAND

CONSTITUTION

Article 28

A person can invoke human dignity or exercise his or her rights and liberties in so far as it is not in violation of rights and liberties of other persons or contrary to the Constitution or good morals.

A person whose rights and liberties recognised by this Constitution are violated can invoke the provisions of this Constitution for the purpose of exercising rights through the medium of the Court or defending himself or herself in the Court.

A person may have recourse to the Court for directly forcing the State to comply with provisions in this Chapter. Where the exercise of any particular right or liberty as recognized by this Constitution is a subject-matter of the existing law, such right and liberty shall be exercisable as provided by law. A person shall have the right to receive from the State promotion, support and assistance as needed for the exercise of right in accordance with the provisions of this Chapter.

Article 30

All persons are equal before the law and shall enjoy equal protection under the law.

Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age, disability, physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted.

Measures determined by the State in order to eliminate obstacles to or to promote persons' ability to exercise their rights and liberties in the same manner as other persons shall not be deemed as unjust discrimination under paragraph three.

Article 37

A person shall enjoy full liberty to profess a religion, a religious sect or creed, and observe religious principles or religious precepts or exercise a form of worship in accordance with his or her belief; provided that it is not contrary to his or her civic duties, public order or good morals.

In exercising the liberty referred to in paragraph one, a person is protected from any act of the State, which is derogatory to his or her rights or detrimental to his or her due benefits on the grounds of professing a religion, a religious sect or creed or observing religious principles or religious precepts or exercising a form of worship in accordance with his or her different belief from that of others.

Article 45

A person shall enjoy the liberty to express his or her opinion, make speeches, write, print, publicise, and make expression by other means.

The restriction on the liberty under paragraph one shall not be imposed except by virtue of the provisions of the law specifically enacted for the purpose of maintaining the security of the State, safeguarding the rights, liberties, dignity, reputation, family or privacy rights of other persons, maintaining public order or good morals or preventing the deterioration of the mind or health of the public.

The closure of a newspaper or other mass-media business in deprivation of the liberty under this section shall not be made.

The prohibition of a newspaper or other mass-media business from presenting information or expressing opinions in whole or in part or imposition of interference by any means in deprivation of the liberty under this section shall not be made except by virtue of the law enacted under paragraph two.

The censorship by a competent official of news or articles before their publication in a newspaper or other mass media shall not be made except during the time when the country is in a state of war; provided that it must be made by virtue of the law enacted under paragraph two.

The owner of a newspaper or other mass-media business shall be a Thai national. No grant of money or other properties shall be made by the State as subsidies to private newspapers or other mass media.

CRIMINAL LAW/CODE

OFFENCE RELATING TO RELIGION

Article 206

Whoever, to do, by any means whatever, to the object or place of religious worship of any group of persons in the manner likely to insult such religion, shall be imprisoned as from two years to seven years or fined as from two thousand Baht to fourteen thousand Baht, or both.

Article 207

Whoever to cause a disturbance at an assembly of religious persons lawfully engaged at the time of meeting in religious worship or performing religious ceremonies shall be punished with imprisonment not exceeding one year or fined not exceeding two thousand Baht, or both.

Article 208

Whoever, wrongfully dressing or using the symbol manifesting that oneself to be Buddhist monk or novice, holy man or clergyman of any religion so as to make the other person to believe that oneself to be such person, shall be imprisoned not out of one year or fined not out of two thousand Baht.

CIVIL LAW/ CODE

Thai Commercial and Civil Code

Article 423

A person who, contrary to the truth, asserts or circulates as a fact that which is injurious to the reputation or the credit of another or his earnings or prosperity in any other manner, shall compensate the other for any damage arising therefrom, even if he does not know of its untruth, provided he ought to know it.

A person who makes a communication the untruth of which is unknown to him, does not thereby render himself liable to make compensation, if he or the receiver of the communication has a rightful interest in it.

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

20 The Second National Human Rights Plan (BE 2552-56) (Please see attachment)

STATE OF PRACTICE

- Rights group slams move to deny visas for activists (Please see attachment)
- Persecution of the media (Please see attachment)
- Prachatai.com (Please see attachment)
- NBT bombing aimed to incite disorder (Please see attachment)

UNITED ARAB EMIRATES

CONSTITUTION

Article 30

Freedom of opinion and expressing it verbally, in writing or by other means of expression shall be guaranteed within the limits of law.

Article 32

Freedom to exercise religious worship shall be guaranteed in accordance with established customs, provided that it does not conflict with public policy or violate public morals.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

- Federal Law No.2 of 2006 on the Prevention of Information Technology Crimes

Section 15

The penalty of imprisonment and a fine or either applies to whoever commits any of the following offences through the Internet or an information technology device:

1. Abuse of an Islamic holy shrine or ritual
2. Abuse of a holy shrine or ritual of any other religion where such shrine or ritual is protected under Islamic Sharia
3. Defamation of any of the divine religions
4. Glorification, incitement or promotion of wrongdoing

The penalty shall be imprisonment for up to 7 years for an offence involving opposition to Islam or injury to the tenets and principles of Islam, opposition or injury to the established practices of Islam, prejudice to Islam the breaching of a religion other than Islam or the propagation, advocacy or promotion of any discipline or idea of such nature.

STATE OF POLICY

STATE OF PRACTICE

UZBEKISTAN

CONSTITUTION

Article 57

The formation and functioning of political parties and public associations aiming to do the following shall be prohibited: changing the existing constitutional system by force; coming out against the sovereignty, territorial integrity and security of the Republic, as well as the constitutional rights and freedoms of its citizens; advocating war and social, national, racial and religious hostility, and encroaching on the health and morality of the people, as well as of any armed associations and political parties based on the national or religious principles.

All secret societies and associations shall be banned.

CRIMINAL LAW/CODE

Sec. 156 - Incitement of Ethnic, Racial or Religious Hatred

Intentional acts, humiliating ethnic honor and dignity and insulting religious or atheistic feelings of individuals, carried out with the purpose of incitement of hatred, intolerance, or division on national, ethnic, racial, or religious basis, as well as explicit or implicit setting limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs – shall be punished with imprisonment up to five years.

The same actions committed:

- a) in a way dangerous to lives of other persons;
 - b) with infliction of serious bodily injuries;
 - c) with forced eviction of individuals from the places of their permanent residence;
 - d) by an authorized official;
 - e) by previous concert or by a group of individuals –
- shall be punished with imprisonment from five to ten years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Umida Ahmedova Case/ 2010 (Please see attachment)
- Ahmedova charged with defamation against Uzbek nation (Please see attachment)

VANUATU

CONSTITUTION

CHAPTER 2

FUNDAMENTAL RIGHTS AND DUTIES

PART I

Fundamental Rights

5.FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

(1)The Republic of Vanuatu recognises, that, subject to any restrictions imposed by law on non-citizens, all persons are entitled to the following fundamental rights and freedoms of the individual without discrimination on the grounds of race, place of origin, religious or traditional beliefs, political opinions, language or sex but subject to respect for the rights and freedoms of others and to the legitimate public interest in defence, safety, public order, welfare and health-

- (a)life;
- (b)liberty;
- (c)security of the person;
- (d)protection of the law;
- (e)freedom from inhuman treatment and forced labour;
- (f)freedom of conscience and worship;
- (g)freedom of expression;

(h)freedom of assembly and association;

(i)freedom of movement;

(j)protection for the privacy of the home and other property and from unjust deprivation of property;

(k)equal treatment under the law of administrative action, except that no law shall be inconsistent with this sub-paragraph insofar as it makes provisions for the special benefit, welfare, protection of advancement of females, children and young persons, members of under-privileged groups or inhabitants of less developed areas.

(2)Protection of the law shall include the following-

(a)everyone charged with an offence shall have a fair hearing, within a reasonable time, by an independent and impartial court and be afforded a lawyer if it is a serious offence;

(b)everyone is presumed innocent until a court establishes his guilt according to law;

(c)everyone charged shall be informed promptly in a language he understands of the offence with which he is being charged;

(d)if an accused does not understand the language to be used in the proceedings he shall be provided with an interpreter throughout the proceedings;

(e)a person shall not be tried in his absence without his consent unless he makes it impossible for the court to proceed in his presence;

(f)no-one shall be convicted in respect of an act of omission which did not constitute an offence known to written or custom law at the time it was committed;

(g)no-one shall be punished with a greater penalty than that which exists at the time of the commission of the offence;

(h)no person who has been pardoned, or tried and convicted or acquitted, shall be tried again for the same offence or any other offence of which he could have been convicted at his trial.

CRIMINAL LAW/CODE

Section 120 - Criminal defamation

No person shall by spoken or written words, gestures or any other method maliciously expose any other person alive or dead to public hatred, contempt or ridicule, or otherwise harm the reputation of that other person.

Penalty: Imprisonment for 3 years.

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

VIETNAM

CONSTITUTION

Article 69

Citizens are entitled to freedom of speech and freedom of the press; they have the right to receive information and the right of assembly, association and demonstration in accordance with the law.

Article 70

Citizens have the right to freedom of belief and religion, and may practise or not practise any religion. All religions are equal before the law.

Public places of religious worship are protected by law.

No one has the right to infringe on the freedom of faith and religion or to take advantage of the latter to violate State laws and policies.

CRIMINAL LAW/CODE

Sec. 87 - Undermining the unity policy

1. Those who commits one of the following acts with a view to opposing the people's administration shall be sentenced to between five and fifteen years of imprisonment:

- a) Sowing division among people of different strata, between people and the armed forces or the people's administration or social organizations;
- b) Sowing hatred, ethnic bias and/or division, infringing upon the rights to equality among the community of Vietnamese nationalities;
- c) Sowing division between religious people and non-religious people, division between religious believers and the people's administration or social organizations;
- d) Undermining the implementation of policies for international solidarity.

2. In case of committing less serious crimes, the offenders shall be sentenced to between two and seven years of imprisonment.

Article 89.- Disrupting security

1. Those who intend to oppose the people's administration by inciting, involving and gathering many people to disrupt security, oppose officials on public duties, obstruct activities of agencies and/or organizations, which fall outside the cases stipulated in Article 82 of this Code, shall be sentenced to between five and fifteen years of imprisonment.

2. Other accomplices shall be sentenced to between two and seven years of imprisonment.

Article 245.- Causing public disorder

1. Those who foment public disorder, causing serious consequences or who have been already administratively sanctioned for such act or sentenced for such offense, not yet entitled to criminal record remission but continue to commit such act, shall be sentenced to a fine of between one million dong and ten million dong, non-custodial reform for up to two years or between three months and two years of imprisonment.

2. Committing the offense in one of the following circumstances, the offenders shall be sentenced to between two and seven years of imprisonment:

d) Inciting other persons to cause disorder;

CIVIL LAW/ CODE

Civil code

Article 33.- The right to protection of honor, dignity and reputation

1. An individual's honor, dignity and reputation are respected and protected by law.

2. No one may infringe on the honor, dignity and reputation of other persons.

Article 43. - The right to freedom of belief and religion

1. Individuals have the right to freedom of belief and religion, and to adhere to or not to adhere to a religion.

2. No one may infringe on the freedom of belief and religion, or misuse beliefs or religion to infringe on State interests, public interests and the legal rights and interests of other persons.

Article 615.- Damages caused by infringement upon honor and dignity

Damages caused by the infringement upon an individual's honor and dignity or damages caused by the infringement upon the honor of a legal person and other entities include:

1. The reasonable expenses to limit and overcome the damage;

2. The loss or reduction of the actual income;

3. Apart from forcible cessation of the act of violation, apology and public rectification, the Court shall order the offender to pay an indemnity for the moral loss to the offended.

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE

- Hanoi cheers Thai entry ban on activists (See an attachment)
- Clan tired bribery to cover up massacre (See an attachment)

YEMEN

CONSTITUTION

Article 41

Every citizen has the right to participate in the political, economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.

CRIMINAL LAW/CODE

CIVIL LAW/ CODE

SPECIFIC LAWS ON HATE SPEECH

OTHER LAWS

STATE OF POLICY

STATE OF PRACTICE