

THE BRANDEIS CENTER URGES U.N. HIGH COMMISSIONER FOR HUMAN RIGHTS TO ADVOCATE FOR BOTH FREE SPEECH AND CIVIL RIGHTS PROTECTIONS

September 30, 2015, Washington, D.C: Today, the Louis D. Brandeis Center for Human Rights Under Law (LDB), a national civil rights organization based in Washington, D.C., submitted invited by the U.N. High Commissioner for Human Rights on practical recommendations for creating and maintaining space for civil society. LDB's submission endorsed the view that freedom of expression and protections from discrimination are necessary to create and maintain a space for civil society, and upheld that they do not infringe upon each other.

LDB President Kenneth L. Marcus commented, "Freedom of expression and freedom from discrimination are closely related; a threat to one is a threat to the other. Without freedom of expression, civil society cannot truly thrive and without freedom from discrimination civil society does not have the opportunity to thrive. We urge the High Commissioner for Human Rights to advocate for both freedom of expression and protection from discrimination, which will allow for the creation of a civil society space that is open for equal participation from all. Protection of freedom of expression and freedom from discrimination is necessary in order to create a space for civil society and to allow for it to flourish."

LDB was invited to contribute their experiences to the Civil Society Space Report by the High Commissioner for Human Rights, and emphasized the importance of the protection of both freedom of expression and freedom from discrimination in creating a space for civil society. The High Commissioner for Human Rights is the primary human rights official of the United Nations, and leads the Office of the High Commissioner (OHCHR) in the United Nations' human rights efforts. The OHCHR had requested submissions from intergovernmental, non-governmental, and national human rights institutions, as well as related organizations and human rights institutions, for suggestions on the creation and maintenance of a safe and enabling environment for civil society.

LDB notes that college and university campuses are key locations for productive, and meaningful dialogue, a "hallmark of civil society." LDB strongly urges the protection of free expression and freedom from discrimination, and sees the "right of all members of the college community to participate equally in this important civil society space." LDB commented, "groups that suffer from religious, ethnic, racial, and other forms of discrimination do not have an equal opportunity to participate in civil society through expression, assembly, or association. Where there is obstructed access to spaces for civil society, the goals of civil society cannot be accomplished." Citing a statement from LDB's namesake, Supreme Court Justice Louis D. Brandeis, the Brandeis Center explained, "If there is a time to expose through discussion the falsehood and fallacies, to avert the evil by the processes of education, the remedy to be applied is more speech, not enforced silence."

In the submission, LDB called for greater national and international protections of freedom of expression as well as freedom from discrimination. LDB has maintained that the two are not contrary to each other or mutually exclusive, but instead that they are "mutually reinforcing." In doing so, LDB recommended the adoption of the U.S State Department's definition of anti-Semitism by U.S. government agencies and universities. LDB upholds that the definition "is

specific enough to distinguish between anti-Semitism and legitimate criticism of Israel, thus embracing both freedom of expression and freedom from discrimination.”