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The UN HCR adoptes a resolution “on Combating Defamation of Religions”

Protecting the belief at the expense of the believers: Another post 9/11 legacy?

Friday 27 April 2007, by [Article 19](#), [UN HCR](#) (Date first published: 19 April 2007).

The Organization of the Islamic Conference (OIC) attempted to introduce reference to “defamation of religion” into UN language. This was around April last year, at the time of the danish cartoons controversy. Shortly after that Catholics For a Free Choice tried to warn us/organize about the steps taken by the Pakistani government to push for same. It seems it is going through, at least further on its way. Below is the break down of which state voted in support of this resolution in the UN Human Rights Committee (HRC).

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This information seems crucial to understand the current dynamics of the HRC and we should give attention to what this composition of votes really mean in the current HRC scenario:

In favour (24): Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Gabon, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka and Tunisia;

Against_ (14): Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine and United Kingdom;

Abstentions (9): Argentina, Brazil, Ecuador, Ghana, India, Nigeria, Peru, Uruguay and Zambia.

For more details on the debate of this resolution in a HRC press release, see below.

http://www.unhchr.ch/hurricane/hurricane.nsf/view01/4826AF1691C43372C12572AE00583E0B?open_document

Action on Resolution on Combating Defamation of Religions

In a resolution (A/HRC/4/L.12) on “Combating defamation of religions”, adopted by a vote of 24 in favour, 14 against, and nine abstentions, as orally amended, the Council expresses deep concern at attempts to identify Islam with terrorism, violence and human rights violations; notes with deep concern the intensification of the campaign of defamation of religions, and the ethnic and religious profiling of Muslim minorities, in the aftermath of the tragic events of 11 September 2001; urges States to take resolute action to prohibit the dissemination including through political institutions and organizations of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence; also urges States to provide adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, to take all possible measures to promote tolerance and respect for all religions and their value systems and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance; further urges all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate against persons on the grounds of their religion or belief, and that any necessary and appropriate education or training is provided; invites the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to regularly report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights; and requests the High Commissioner for Human Rights to report to the Human Rights Council on the implementation of this resolution at its sixth session.

The result of the vote was as follows:

In favour (24): Algeria, Azerbaijan, Bahrain, Bangladesh, Cameroon, China, Cuba, Djibouti, Gabon, Indonesia, Jordan, Malaysia, Mali, Mauritius, Mexico, Morocco, Pakistan, Philippines, Russian Federation, Saudi Arabia, Senegal, South Africa, Sri Lanka and Tunisia.

Against (14): Canada, Czech Republic, Finland, France, Germany, Guatemala, Japan, Netherlands, Poland, Republic of Korea, Romania, Switzerland, Ukraine and United Kingdom.

Abstentions (9): Argentina, Brazil, Ecuador, Ghana, India, Nigeria, Peru, Uruguay and Zambia.

TEHMINA JANJUA (Pakistan) presenting the resolution L-12 on behalf of the Organization of the Islamic Conference (OIC), said that the text was not new to anyone. Pakistan had held open handed consultations. The draft resolution addressed the defamation of foreign religions and particularly the one of Islam. Today, it was Islam that was being

targeted. There was a clear recognition of the existence of the phenomenon. The manifestations of Islamophobia had extensively been documented by three Special Rapporteurs. In a post 9/11 world, Muslims had suffered from discrimination. There were numerous instances reflecting the defamation of Islam, not only in law and judicial practices but also through Islamophobia. Therefore, the draft resolution was presented. The profiling of Muslims constituted racism and was a human rights violation. The resolution would compel the international community to address the phenomenon of the defamation of religions and the consequence it had on individuals. The OIC hoped that the draft would be adopted by consensus. Oral amendments were also made to the text.

BIRGITTA MARIA SIEFKER-EBERLE (Germany), speaking on behalf of the European Union in an explanation of the vote before the vote, said the European Union strongly believed in freedom of religion, expression and belief, and believed an ongoing dialogue was the best way forward, and regretted that such a dialogue had not taken place in the Council. There were increasing risks of stereotyping Muslims after the events of September 11, but the European Union was strongly committed to fighting this phenomenon. All forms of religious intolerance should be fought as discrimination based on religion and belief was not limited to adherents to Islam, it was equally relevant with regards to anti-Semitism, Christianophobia, and such as Candomblá and other beliefs. Followers of all religions were victims of human rights violations.

It was problematic to reconcile defamation with discrimination, as the two were of a different nature. It should be stressed that human rights law, in particular the International Covenant on Civil and Political Rights particularly forbade discrimination due to belief. The main focus should remain the rights and freedoms of individuals, and such an approach would be better for this resolution. International human rights law protected individuals in the exercise of their freedom of religion and belief, and not the religion itself. Against this backdrop, the European Union had supported round tables and other discussions on religion in the context of the Council. For all these reasons, the European Union called for a vote on the resolution, and would vote against it.

CARLOS RAMIRO MARTINEZ ALVARADO (Guatemala), speaking in an explanation of the vote before the vote, said Guatemala condemned defamation of religions and any practice incompatible with the preservation of fundamental rights and freedoms. This draft resolution was unbalanced and gave importance to one single religion over all others. It was a selective document that did not take account of the situation of discrimination against other religions around the world. The Guatemalan delegation would vote against this draft resolution and any other that was not inclusive in its content.

MUNU MAHAWAR (India), speaking in an explanation of the vote before the vote, said that India firmly opposed the defamation or negative stereotyping of any religion. In regard to the resolution L-12, the resolution excessively focused on one religion. But all religions were

facing the problem of defamation in one form or another. The resolution did not envisage any role for the Special Rapporteur on the right to freedom of opinion and expression. It inappropriately sought to address this complex issue as a manifestation of racism. India would abstain during voting on this resolution.

PAUL MEYER (Canada), in an explanation of the vote before the vote, said religious intolerance was a matter of concern for all in the world, including all people. Religious tolerance was part of Canada's efforts to increase harmony, both at home and abroad. Canada respected diverging views and ideas, and hoped in the future the Council could take a consensus view on this approach, based on dialogue, cooperation, frank dialogue and best practice sharing, and looked forward to achieving this goal. Canada consistently worked to promote religious tolerance, and called on all States to do so.

Canada was also a strong promoter of the freedom of expression, and was concerned that this was not included in the text. There was also concern that the protection of the religions themselves, rather than the protection of the adherents to the resolution, was the focus of the resolution. Canada was also concerned that one religion only appeared to be the focus of the resolution. A lack of implementation of existing obligations was the single most pressing obstacle to tackling religious discrimination. For these reasons and others, Canada would vote against the resolution.

SERGIO ABREU E LIMA FLORENCIO (Brazil), speaking in an explanation of the vote after the vote, said Brazil abstained because operative paragraph 10 of L. 12 contained elements found in the International Covenant on Civil and Political Rights. Article 19 paragraph 3 of the Covenant stated that exercise of freedom of religion may be subject to certain restrictions but these should be provided by law and necessary for the respect of the rights of others, for public order, or national security. The same paragraph 10 mentioned respect of religions and beliefs in connection with freedom of expression. Amendments did not address the main concerns related to operative paragraph 10 of draft L. 12.

JESUS ENRIQUE GARCIA (Philippines) speaking in an explanation of the vote after the vote, said that in supporting L-12, the resolution emphasized that everyone had the right to freedom of religion. The Philippines viewed the inter-religious dialogue as a way of combating the defamation of religions.

MURIEL BERSET KOHEN (Switzerland), in an explanation of the vote after the vote, said freedom of religion was a fundamental right for human beings, and could not be restricted or suspended, except under criteria of international law. Switzerland was aware of problems encountered by Muslims after September 11, and considered that defamation and discrimination based on religious reasons were intolerable in all cases.

Switzerland had however voted against, as it would have preferred that the resolution be against discrimination based on religion, and not

defamation per se. Its unclear wording could lead to restrictions on the freedom of expression. There should also have been a clear reference to the Special Rapporteur on the freedom of religion and belief. Mutual understanding should be strengthened through education so as to avoid stereotypes, and discrimination based on religion should be fought so as to promote and protect harmonious communities.

ICHIRO FUJISAKI (Japan), speaking in an explanation of the vote after the vote, said Japan regretted that it had to vote against the resolution. Japan was against the defamation of religion. All religions, including Islam, should be fully respected and not subject to negative labelling. Japan understood the underlying sentiment behind L. 12, but the draft only focused on one religion. Japan's suggestions for amendments to cover other religions were not taken on board, and it regrettably had to vote against the resolution.

ALBERTO J. DUMONT (Argentina), speaking in an explanation of the vote after the vote, said that Argentina had always sought to bring positions together rather than extend division between communities. The country would have liked to see reflected in the resolution historical positions and shared the view expressed by other delegations on paragraph 10 in the resolution. Argentina also advanced some proposals to strike a balance in the text. Although an effort had been made, it was not sufficient to allow Argentina to vote in favour. Therefore, the country abstained.

CARLOS ALBERTO CHOCANO BURGA (Peru), speaking in an explanation of the vote after the vote, said Peru condemned and opposed discrimination based on religious belief. Religion was not incompatible with freedom of expression - both were fundamental rights, and the two should not have been set against each other in the resolution. It would also have been better if, rather than singling out one religion, there had been protection of all religions and beliefs, and this was why Peru had abstained.

DONG-HEE CHANG (Republic of Korea), speaking in an explanation of the vote after the vote, said the Republic of Korea shared concerns about intolerance and discrimination on the basis of religious belief. Constructive dialogue between cultures, education and respect for fundamental human rights norms were necessary to combat this, but other human rights norms were equally important. This draft contained an element that might impact on other human rights. There was a need to support efforts to fight against intolerance of all religions. For this reason, the delegation voted against.

TEHMINA JANJUA (Pakistan), speaking in a general comment on behalf of the Organization of the Islamic Conference (OIC), said that they sincerely wanted to take the opportunity to thank all those who voted in favour of the resolution. There was a license apparently for anyone to attack Islam and Muslims. The Organization of the Islamic Conference hoped that the Human Rights Council would look at the resolution again to see how best the concerns of the OIC in this matter could be addressed.

<http://www.euomedrights.net/pages/...>

Protecting the belief at the expense of the believers: Another post 9/11 legacy?

Article 19

19-04-2007

<http://www.euomedrights.net/pages/331/news/focus/28984>

It happened quietly. There was no uprising. No emotional speeches. No angry debates. But on March 30, 2007, the UN Human Rights Council passed a resolution that violated international standards on freedom of expression. A resolution stating that freedom of expression may be restricted "to ensure respect for religions and convictions" was passed by 24 council members, with 14 against and 9 abstentions. The resolution was sponsored by Pakistan on behalf of the Organization of the Islamic Conference (OIC). The OIC could have made a wiser choice than to hand over that responsibility to a country where still people are put to death for blasphemy. The OIC might have been given pause by China's support - a country hardly distinguished by its commitment to freedom of religion - or by Russia's, whose treatment of religious minorities and religious freedom stands as a negative example to all. But perhaps, the OIC took its comfort in South Africa's or Mexico's endorsement.

Human rights and freedom of expression activists, on the other hand, can only be left wondering... Can the human rights destruction waged by President Bush's version of America, justify undermining the human right that, ultimately, is among the most effective recourse and instruments against these abuses - the right to freedom of expression?

Since 9/11, as too often this newsletter has had to report, restrictions on and violations of universal human rights have multiplied all over the world, justified on the grounds of national security. At the same time there is evidence of growing intolerance and burgeoning discrimination within established democracies, especially vis-à-vis Muslims whether as residents or foreigners. There is little doubt that a number of governments have fed this intolerance through policies and laws targeting explicitly or implicitly Muslims.

In this environment, a resolution reminding the international community of its obligations under article 20 of the UDHR, particularly as far as Muslims are concerned, could have been important and timely. The proponents of the resolution could have insisted on strengthening the protection of all people's and each individuals' rights to life, equality, and justice and on the obligations of all states to protect minorities, including religious minorities, against acts of hatred, oppression, violence. But instead, states chose to focus their efforts on protecting religion itself: NOT the believers and NOT freedom of religion.

For example, paragraph 10 of the resolution distorts blatantly Article 19(3) of the ICCPR, by quoting largely from it but then adding, without acknowledgment a new "respect for religions and convictions" ("le respect des religions et des convictions") to the otherwise carefully defined grounds that may justify a restriction on freedom of expression. The resolution's frequent use of the term 'defamation' also suggests wider restrictions are being sought than are actually permitted under international law. In particular, while certain restrictions on speech are allowed to protect

reputation of individuals these are not allowed in respect to religions, which cannot be said to have a "reputation" as such and thus cannot be said, under international law, to have been defamed. While international law does not entirely rule out restrictions on speech to protect religion, it very carefully circumscribes the scope of such restrictions.

Religious believers have a right not to be discriminated against on the basis of their beliefs, but they cannot expect their religion to be set free from criticism, even in its harshest or most sarcastic form. The equality of all ideas and convictions before the law and the right to debate them freely is the keystone of democracy. As international human rights courts have stressed, freedom of expression is applicable not only to "information" or "ideas" that are favourably received but also to those that may offend, shock or disturb any or all of us.

In many ways, the Human Rights Council resolution is in keeping with a trend that has resurfaced with great strength in our post 9/11 world: protecting the belief at the expense of the believers, of all believers.

Dossier circulated by:

Egyptian Initiative for Personal Rights

Tel/fax: + (202) 795 0582- 796 2682

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