What is the campaign to ban “defamation of religions?”

The “defamation of religions” idea was first put forward by the Organization of the Islamic Conference as a draft resolution to the UN Commission on Human Rights in 1999. Proponents argue that Muslims are facing a proliferation in intolerance and discrimination, known as “Islamophobia,” which is demonstrated by negative portrayals of Islam that associate the religion with human rights violations and terrorism. Proponents contend that the United Nations and its member states should ban speech and actions that “defame” Islam and other religions.

Why is the concept of “defamation of religions” problematic?

The concept of “defamation of religions” violates the universal right to freedom of thought, conscience, and religion itself by designating certain ideas as off-limits for debate and discussion by believers and non-believers alike.

The term “defamation of religions” is overly vague, open to abuse, and inconsistent with traditional defamation legislation. Any idea that questions a religious tenet or offends a person’s religious sensibilities can be deemed “defamatory.”

Proponents of the “defamation of religions” idea wrongly equate feeling offended with having one’s human rights violated. Certain restrictions to free speech, such as inciting violence or hatred, are legitimate under international law. However, expressing criticism or objections to an idea or belief does not constitute incitement to violence or hatred, and therefore should not be confused with a violation of anyone’s human rights, regardless of whether a person finds the comments offensive.
The concept of “defamation of religions” attempts to provide rights to a belief or idea rather than an individual or group of individuals, which fundamentally contradicts the standards set by existing international law. Beliefs do not have rights. They are by their nature open to opposing views and debate.

The concept of “defamation of religions” falsely equates religious belief with race. A person’s race is immutable, while religion is a belief that individuals are free to choose or change. Criticizing a race automatically infers criticism of individuals of that race. Not so with religion. While discriminating against a person for his/her religious beliefs is a human rights violation, criticizing the belief itself is not.

While the resolution’s stated goal of increasing respect for religious tolerance is admirable, the actual impact of enforcing a ban on “defamation of religions” has the reverse effect. Attempts to declare certain topics off-limits for discussion, debate and criticism breed greater intolerance and religious hatred and provide dangerous pretexts for human rights abuses.

In 2007 the OIC sponsored a resolution creating the Ad Hoc Committee on the Elaboration of Complementary Standards, a UN working group, to examine potential gaps within the existing International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The OIC is advocating that this working group draft an optional protocol to the ICERD that would prohibit “defamation of religions” as part of international law. A resolution is expected to further the idea of the protocol in 2010.

To find out more, please contact Paula Schriefer at 202.378.3505 or Schriefer@freedomhouse.org.

Factsheet: Defamation of Religions

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A Question of Tolerance?

Iran: The U.S. State Department reports that many Baha’is were indefinitely detained for violating the Islamic Penal Code in the past year. As of June 2009, at least 20 to 30 remained in prison while many more were detained without charge until posting bail.

Saudi Arabia: A Christian blogger was arrested in 2009 for describing his conversion from Christianity to Islam. He was released months later and forbidden to leave the country of speak in public.

Pakistan: In January 2010, Imran Masih, a Christian storekeeper, was sentenced to life in prison for allegedly burning pages of the Quran. Masih, who maintains he was burning old shop records, was accused by a rival merchant involved in an ongoing business dispute with Masih.

Egypt: Secular blogger Karim Amer is serving a four-year sentence for posting opinions that authorities considered anti-religious and insulting. The charges include “incitement to hate Islam,” “highlighting inappropriate issues that harm the reputation of Egypt” and “defaming the president.”

India: Editor Ravindra Kumar and publisher Anand Sinha of the top English-language daily the Statesman face charges for “outraging the religious feelings” of Muslims for reprinting an article from the Independent titled, “Why should I respect these oppressive religions?”

Indonesia: In July 2009 the leader of the Muslim sect Satrio Piningit Weteng Buwono was sentenced to two and a half years for violating the county’s blasphemy laws. The sect was accused of engaging in practices not consistent with mainstream Islam.