



BACKGROUND GUIDE

UNITED NATIONS HUMAN RIGHTS COUNCIL

Agenda:

Combating defamation of religion

Letter from the Executive Board

Dear Delegates

At the outset, we welcome you to the simulation of Human Rights Council at Jaypee Model United Nations Conference 2018 to be held on 20th and 21st of January, 2018. The committee shall be discussing 'Combating Defamation of Religion(s)'. Even though this agenda is off the list of the United Nations for a couple of years now, it is getting discussed in some form or another in several working committees of the UN. Due to the principled-debate that this particular agenda encompasses, we have decided to simulate it in its core form in the UNHRC. We hope that by now your research is well on its way and you have gained a fair idea about the agenda at hand. Kindly go through this study guide and make note of the pointer questions and research links provided as they shall be of utmost importance in ensuring a high level of debate during committee proceedings and it shall be expected that the delegates steer the discussion on those lines. However, the given list of topics is not exhaustive and it is not intended to be. The list is simply indicative of pressing issues and topics of concerns which must be addressed and will give you a bird's eye view of the gist of the issue. The delegates are at full liberty to bring up any other relevant point for discussion.

We trust you upon a task which is much more important than winning a trophy. And that is – to do justice to the responsibility of finding solutions to one of the most critical and challenging problems which we face as humanity. We want you to be thorough with your research and foreign policy.

With utmost sincerity we have tried to prepare this background guide so that you can best represent your country's government, and more importantly your ideas at the simulation of the HRC. Utilize this document as a guide, and not as an encyclopedia, as it does not contain all the information, analysis or concepts related to the agenda. It merely tries to introduce the agenda to you in a way that you are all at par with your understanding, and that you are aware of some basics. Do take note of this document, but we definitely encourage you to go beyond it. Surprise us if you may.

Feel free to contact us if you require any sort of assistance. We shall be more than happy to help you. You can drop an email on the following email address: jmun2018@gmail.com

Best Wishes.

Syeda Asia
President

Introduction to the Committee: Human Rights Council



Introduction/Structure/Background:

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations System. The UNHRC is the successor to the United Nations Commission on Human Rights (UNCHR/CHR), and is a subsidiary body of the United Nations General Assembly. The council works closely with the Office of the High Commissioner for Human Rights (OHCHR) and engages the United Nations' Special Procedures. The General Assembly established the UNHRC by adopting a resolution (A/RES/60/251) on 15 March 2006, in order to replace the previous UN Commission on Human Rights, which had been heavily criticized for allowing countries with poor human rights records to be members. In June 2007, the Council also adopted Resolution 5/2, containing a Code of Conduct for special procedures mandate holders (explained later).

Responsibilities

The UN Human Rights Council is an intergovernmental organisation which works under the UN system. It is responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year.

Creation

It is the successor of United Nations Commission of Human Rights. It was created by the United Nations General Assembly on 15 March 2006 by resolution 60/251. It has 47 members which are elected by the majority of UNGA through a secret ballot. Election takes place in every 3 years and members are not eligible for immediate re-election after two consecutive terms. The membership is based on equitable geographical distribution. The seats are distributed among the regional groups as follows:

- Group of African State: 13

- Group of Asian State: 13
- Group of Eastern Europe: 6
- Group of Latin America and Caribbean States: 8
- Group of Western European and Other States: 7

Principles

Human Rights Council promotes that the human rights should not be discriminated on the basis of race, colour, sex, language or religion, politics or other opinion, national or social origin, property, birth or other status. It believes that human rights are universal, indivisible, interrelated, inter-dependent and must be treated in a fair and equal manner.

Methodology

Human Rights Council enables dialogues between countries to strengthen the capacity of Member States to comply with their human rights obligations for the benefit of all human beings. It allows subsequent follow-up discussions to recommendations and their implementation. It strives to be transparent, fair, impartial and result-oriented.

Review Mechanism

Human Rights Council's work and functioning are reviewed by United Nations General Assembly in every five years after it had come into existence.

Complaint Procedure

On 18 June 2007, the Human Rights Council adopted resolution 5/1 entitled "Institution-Building of the United Nations Human Rights Council" by which a new complaint procedure was established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

The complaint procedure addresses communications submitted by individuals, groups, or non-governmental organizations that claim to be victims of human rights violations or that have direct, reliable knowledge of such violations.

Special Procedures

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. The system of Special Procedures is a central element of the United Nations

human rights machinery and covers all human rights: civil, cultural, economic, political, and social. As of 27 March 2015, there are 41 thematic and 14 country mandates.

With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR), special procedures undertake country visits; act on individual cases and concerns of a broader, structural nature by sending communications to States and others in which they bring alleged violations or abuses to their attention; conduct thematic studies and convene expert consultations, contribute to the development of international human rights standards, engage in advocacy, raise public awareness, and provide advice for technical cooperation. Special procedures report annually to the Human Rights Council; the majority of the mandates also reports to the General Assembly. Their tasks are defined in the resolutions creating or extending their mandates.



Credible Sources in the Council

We all understand that the internet today is flooded with information. We often encounter pieces of information or facts which are inaccurate or even fabricated. Many times, we read news articles which are biased. This challenge, of determining which fact is true or not, sometimes becomes a bone of contention between different governments as well. Take for example India and Pakistan, which often accuse each other of initiating the violation of the ceasefire establish between them at the Line of Control (LoC). Thus, even at the international arena, veracity and acceptance of a fact by one or more government plays a major role in how an agenda is understood, deliberated or resolved. As it is likely that disputes may arise in the council related to the facts presented by various delegates, the Executive Board is sharing a list of sources which it will deem more credible than any other source. It means that if the Board has to decide which fact is true at a time of dispute resolution, then it may choose the fact from one of these sources over others.

But please note that as a representative of a country's government, you are free to look at all types of sources for your reference or preparation. However, it is advised that you cross-check facts from at least one of the following –

1. News Sources

a. Reuters

It is an independent private news agency, which mostly covers international events of importance.

Website: www.reuters.com

b. State operated News Agencies

In many countries the government itself partially or fully controls the media, and thus the subsequent flow of information. Hence, news reports from such outlets can be used by a participant to substantiate or refute a fact in context of that government's position on the agenda in the council. For examples,

- i. RIA Novosti (Russia)
- ii. IRNA (Iran)
- iii. sXinhua News Agency and CCTV (People's Republic of China)

2. Government Reports

These are reports which various organs, ministries, departments or affiliated agencies of a government release. They can be used in a similar way as the State Operated News Agencies reports. You may visit different governmental websites for the same. For Example,

- a. State Department of the United States of America

Website: www.state.gov

- b. Ministry of Foreign or External Affairs of various countries like India

Website: www.mea.gov.in

3. Permanent Representatives to the United Nations

This portal serves as a one-stop-shop for finding documents which reflect the activity of a country at United Nations or its affiliated bodies. The documents from these individual country websites also serve as a source for finding official statements by that country on various agendas. Do take note that the nature of websites varies a lot from country to country.

Source Link: www.un.org/en/members/

(Click on a particular country to get the website of the Office of its Permanent Representative.)

4. Other Multilateral or Inter-Governmental Organizations

These are international organisations which are apart from the United Nations. Usually one may find these organisations based around a specific region like South Asia, and a specific purpose such as trade, security or cooperation. Documents from the same can be deemed credible; most certainly for the countries which are a part of that organisation. For example,

- a. South Asian Association for Regional Cooperation (SAARC)

Website: www.saarc-sec.org

- b. The North Atlantic Treaty Organisation (NATO)

Website: www.nato.int/cps/en

5. United Nations and Affiliated Bodies

All reports or documents from the United Nations, its organs or affiliated bodies may be considered as a credible source of information.

Website: www.un.org

- a. Organs such as,

i. UN Security Council

Website: www.un.org/Docs/sc/

ii. UNGA

Website: www.un.org/en/ga/

b. UN Affiliated bodies such,

i. The International Atomic Energy Agency (IAEA)

Website: www.iaea.org

ii. The World Bank (WB)

Website: www.worldbank.org

6. Documents from Treaty Based Bodies

These are bodies which are strictly formed for looking after the implementation of an international treaty or agreement. These agreements are pertinent to a specific theme; a document which various countries sign and agree upon. For example,

a. The Antarctic Treaty System

Website: www.ats.aq/e/ats.htm

b. The International Criminal Court

It is based on an agreement known as the Rome Statute.

Website: www.icc-cpi.int



Agenda: Defamation of Religion(s)

Key Terms:

Secularism: A doctrine that holds being neither exclusively allied to nor particularly against any selective religion.

Theocracies: A system of government in which the ruler is regarded to be guided by god or in the name of god or one subjected to religious authority. Such nation-states often derive their moral and legal principles of governance from religious doctrines.

Xenophobia: Hatred or fear of foreigners or strangers or of their politics or culture

Blasphemy: The act or offense of speaking sacrilegiously about God or sacred things and that which offend religious sensibilities.

Introduction:

The influence of religion and religious beliefs in governance and functioning of contemporary nation states has been a matter of protracted discussion and debate historically. According to some scholarly estimates, 86% of the total world population identified themselves as belonging to a particular religion and subscribing to some religious beliefs.

Most liberal democracies have been founded on the principles of secularism, mutual respect of religion and a broad tolerance level for religious expressions. Religion proves to be one of the strongest social identities and as a result there is a case for looking after the interest of people based on their respective religious needs and requirements.

The issue of defamation of religion is one of the central issues related to the issue of religious acceptance and has been widely discussed within the United Nations. Over the years, several resolutions and agreements have been voted upon and passed which condemn 'defamation of religions'. The aim has been to prohibit actions and expressions which "fuel discrimination, extremism and misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences." Many international organizations such as the Organization of Islamic Cooperation (OIC), have participated in the UN activities to create global sensitization towards all religions and take steps to avoid religion based hate crimes.

It is argued that defamation of religion is always a first step toward social ghettoization of religious groups which forms the basis of ethnic cleansing, eugenics and genocides. Hence, the need arises to take strong action against religious defamation. Critics to such international resolutions point out that these measures go against the grain of freedom of expression. Critics point out that certain religious practices need to be questioned and hence an open discussion and criticism of religions and religious practices is necessary. These discussions and criticisms, they argue, should not be wrongly construed as 'defamation of religion'. Often this is deliberately done to suppress dissents, especially in theocratic states. These laws that protect against 'defamation of religion' tend to become anti-blasphemy laws which are used to wrongfully incarcerate citizens who are otherwise non-violent in their methods of protest.

All delegates are required to familiarize themselves with a list of important documents provided at the end of the background guide to take the debate forward over this thread.

Legal Instruments:

The central role of religion and the associated rights have long been enshrined in the United Nations. The UDHR is a foundational document which declares the importance of providing people the right to practice a religion of their choice and asks the national governments to uphold such a right.

Article 18 of the Universal Declaration of Human Rights (UDHR) states that:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Similarly, Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states:

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 20 of the ICCPR also notes that:

Article 20

1. Any propaganda for war shall be prohibited by law.

2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

In the 1960s, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) identified the **problem of xenophobia, hate speech, hate crime and discriminatory practices**. Article 4 of the Convention obliges parties, "with due regard to the principles embodied in the Universal Declaration of Human Rights", to adopt **"immediate and positive measures"** to eradicate these forms of incitement and discrimination. Specifically, it obliges parties to criminalize hate speech, hate crimes and the financing of racist activities, and to prohibit and criminalize membership in organizations that **"promote and incite"** discrimination. The Committee on the Elimination of Racial Discrimination regards this article as a mandatory obligation of parties to the Convention. Article 7 also obliges parties to adopt **"immediate and effective measures"**, particularly in education, to combat racial prejudice and encourage understanding and tolerance between different racial, ethnic and national groups.

In 1999, the United Nations Commission on Human Rights (precursor to the current UN HRC) adopted the first of its kind resolution on defamation of religion which stated:

"All States, within their national legal framework, in conformity with international human rights instruments to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief."

Combating defamation of religions was seen not only as a measure to protect the religious identities and prevent hate crime but also as a means to promote the larger goal of human rights, social harmony and religious and cultural diversity.

In 2001 the Durban Declaration and Programme of Action (DDPA) was adopted to provide a framework in which to combat such intolerances. It called for: “tougher anti-discrimination legislation and administrative measures; for better education, access to health and administration of justice...for greater multiculturalism and respect for the rule of law and human rights.”

On 30 March 2007, the UNHRC adopted a resolution entitled "Elimination of all forms of intolerance and of discrimination based on religion or belief." The resolution called upon the Special Rapporteur on freedom of religion or belief (Doudou Diène) to report on this issue for the Human Rights Council at its sixth session. In August 2007, the Special Rapporteur reported on the need for:

- (i) promoting dialogue between cultures, civilizations, and religions
- (ii) providing equal treatment to the combat of all forms of defamation of religions
- (iii) maintaining a careful balance between secularism and the respect of freedom of religion

The Special Rapporteur pointed out that there is “a growing anti-religious culture and rhetoric is a central source of defamation of all religions and discrimination against their believers and practitioners. In this context, governments should pay a particular attention to guaranteeing and protecting the places of worship and culture of all religions.”

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, addressed the UNHRC on 19 September 2008. In the report he presented that member states need to shift the discussion from the idea of "defamation of religions" to the legal concept: "incitement to national, racial or religious hatred," which is grounded on international legal instruments. He repeated such a request again in 2009 viz. "to encourage a shift away from the concept of the defamation of religions towards the legal norm of non-incitement to national, racial or religious hatred."

On 26 March 2009, the UNHRC passed a resolution which considers the "defamation of religion" as a human rights violation. The support for the resolution was grounded in the growing anti-Islamic sentiments across the globe due to religious fundamentalism. Another resolution that year openly condemned "racial and religious stereotyping". Many countries,

such as those of the European Union were critical that preventing stereotyping pervades the mandate of protecting against defamation of religion.

In recent years, the UN HRC has moved its focus from protecting the sanctity and institutions of religion and religious beliefs to securing rights for people who may be discriminated/offended/injured by the virtue of their religious beliefs.

Recent Developments:

Radical religious groups and religious fundamentalism often forms the basis for mistrust and ignorance about a particular religion. This was clearly scene in the post 9/11 scenario with the emergence of Islamophobia. Islamophobia has been identified as the "dread or hatred of Islam and therefore...fear and dislike of all Muslims". Such a polarized opinion emerges from misguided information and ignorance which sees Islam as an inherently violent and regressive religion as embodied by its radical fundamentalist groups. Islamophobic activities have been reported across the globe, ranging from passive aggressive stereotyping to violent hate crimes.

Islamophobia has received special attention from Islamic states and nations with a large Muslim population. Most point out that distorted facts about Islam as a religion fuels distrust between religious groups and makes the law and order situation precarious.

Many other religions too have been subject to 'defamation'. An anti-Jew propaganda against Israel on the basis of its military action and aggression in political domain has also resulted in diluting boundaries between what can be regarded as a cause of defamation. These instances tend to reflect religious intolerance which is detrimental to political stability and social order in any nation. Expressions which may be tantamount to defamation of religion are often seen to progress into more radical forms of discrimination and hatred towards the members of the religious groups.

History remembers the era of the holocaust as one the starkest situations of hatred towards a religious group. Many people have pointed out that the genocide against the Jewish populace started out as innocuous expressions of anti-Semitism. Hence any religious intolerance in the form of defamation needs to be addressed at the earliest. Media and technology are often used to transmit such religious discrimination, allowing such thinking to be accepted by the general populace.

In the present-day scenario, the presence of internet, interlinked information systems, globally inter connected media and fast methods of communication exacerbate the problem of defamation of religion. Religious intolerance and content offensive to religious interests is

found aplenty on internet domains and cyber networks. The problem of anonymity and non-traceability mean that corrective action is often difficult.

The more contentious issue has been around the limitation on (what is perceived as) artistic freedom in order to protect religious sentiment. Movies, books, scholarly articles, paintings, sculptures, cartoon and caricatures have often been banned and the artists have been punished in cases where the creation was deemed to have offended religious sentiments.

Since September 11, 2001, there have been reports on increases in racial profiling at airports, particularly targeting people who appear to be Muslims or of Middle Eastern descent. It has been a routine practice by law enforcement officials to stop individuals who are profiled because of their race and religious and ethnic appearance or who may appear to be "suspicious." Thus, under the garb of national security, targeted profiling takes place.

In the past few years, actions such as the French government's ban on public display of religious symbols, Swiss government's ban on minarets, Turkish government's ban on Alevi mosques have been considered as defamatory to religion as well. However, they do not strictly fall under the adopted definition(s) of defamation of religion. But, whether Islamophobia as a concept should exist exclusive of the defined parameters of defamation of religion is also a question of debate.

Also, what must be understood is that these Western Liberal Democracies who stand for free flow of opinion and all the segments of the society having equal opportunity to voice their opinions are the ones who are adopting practices like these which threaten religious symbols in the name of national security. This idea has further gained legitimacy due to extremist organizations like ISIS which also use Islam as a means of mobilizing support though their cause may be political and not religious at all.

But, practices like these are not restricted only against Islam with concepts like Christianophobia also coming to the fore. There are targeted instances in several countries of vandalism of Churches. Also, marginalization of Christian communities like the case in Egypt where the state prohibits conversion from Islam to Christianity is a matter of contention.

Also, conscientious objection to military service is closely associated with freedom of religion or belief. A conscientious objector is an "individual who has claimed the right to refuse to perform military service" on the grounds of freedom of thought, conscience, or religion. In countries which do not provide alternative service regimes, the conflict between religious beliefs and forced conscription has resulted in lengthy prison sentences. One progressive

measure in this regard was the Council of Europe making its membership conditional to provision of alternative service regimes.

Freedom of Expression v/s Defamation of Religion:

As noted earlier, the right to practice a particular religion and protection for the same is well founded in many documents of the UN. At the same time, the freedom of expression too has been considered a fundamental right.

Article 19 of the UDHR states:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Similarly, Article 19 of the ICCPR also states:

Article 19

1. *Everyone shall have the right to hold opinions without interference.*
2. *Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
3. *The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
 - (a) *For respect of the rights or reputations of others;*
 - (b) *For the protection of national security or of public order, or of public health or morals.*

Any action taken against defamation of religion is seen by many to be violating the basic principle which grants freedom of expression to all individuals. Critics have pointed out that due to ambiguity central to what constitutes ‘defamation’; any law that prevents defamation of religion is prone to be misused or used with arbitrariness. Such ambiguity and discretion in the end fails to achieve the intended objective.

Many argue that provisions and laws already in place provide the requisite protection that may be needed from preventing practitioners of a religion from more aggravated instances of discrimination. Things that may be 'offensive' and 'derogatory' to a religion cannot and should not, they argue, be made a part of international law. The individual governments are often the best parties to take such a call. Hence, it is problematic to reconcile the notion of defamation (of religion) with the concept of discrimination, especially in cases where the State subscribes in favour of a particular religion.

Furthermore, in the hands of oppressive and authoritarian leaders in theocratic states, such laws which were intended to prevent defamation of religion become instruments to suppress political dissent and healthy criticism of archaic religious beliefs. This, then, becomes counterproductive and further fuels religious factionalism in a country. A certain criticism has come from the members of the civil society, NGOs and INGOs working in different parts of the world who believe that criticizing religion and questioning religious beliefs is an integral part of a democratic nation and creating a well-informed society. They have pointed out many unpleasant practices and traditions that cut across religions which need to be discontinued. Hence distinguishing between progressive and regressive religious elements becomes difficult and, they argue, protection against defamation of religion should not be provided.

In many countries, Blasphemy Laws have been enacted which aim to curb religious hate speech, the vilification of religion, and religious insult and seek to redress to those who feel insulted on account of their religion. Critics point out that despite the deep offence and injury caused to individuals on account of defamation of their religion, criminal punishment should not be a solution and more rehabilitative alternatives need to be found.

The United Nations too has had to balance its twin objectives combating religious intolerance and granting freedom of expression. It has regularly adopted a nuanced stand where it allows freedom of expression as long as it does not pose security risks and leads to incitement of hatred and violence.

The General Comment/Recommendation 7 to the Committee on the Elimination of Racial Discrimination noted that the Article 4 of the ICERD is mandatory in nature. It views the provisions as necessary to prevent organized racial violence and the "political exploitation of ethnic difference." In 1993, the General Comment/Recommendation number 15 in Clause 4 noted that:

"In the opinion of the Committee, the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression."

The general comment no. 15 also called upon states parties to penalize four categories of misconduct:

- (i) Dissemination of ideas based upon racial superiority or hatred;
- (ii) Incitement to racial hatred;
- (iii) Acts of violence against any race or group of persons of another colour or ethnic origin;
and
- (iv) Incitement to such acts.

The identification of the right circumstances from the wrong has been more problematic. In cognizance of this, general comment number 34 to the ICCPR noted that:

"Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26."
(Article 48)

And it also stated:

"Articles 19 and 20 are compatible with and complement each other. The acts that are addressed in article 20 are all subject to restriction pursuant to article 19, paragraph 3. As such, a limitation that is justified on the basis of article 20 must also comply with article 19, paragraph 3." (Article 50)

Common Policy Standpoints & Positions:

In the 21st century, Islamic states have taken the forefront in leading the discussion on defamation of religion since many have been at the receiving end of Islamophobia. The OIC has often taken actions on behalf of its members. Other member nations have supported the need for keeping communal sentiments at bay. However, the precise platform of action has been contentious. International diplomacy has often failed due to lack of consensus and the trade off inherent in freedom of expression and freedom of religious beliefs. OIC concerns itself with Islamophobia is particular and has often appealed that a generalized discussion on defamation of all religions dilutes the content of the resolution. In 2005, a cartoon depicting Mohammed that appeared in a Danish newspaper was deeply deplored by the OIC and Islamic countries across the globe.

Many western bloc nations such as The United States of America have said that defamation of religion is “a fundamentally flawed concept.” In 2010, the US ambassador at the UNHRC noted that prohibiting speech is not the way to promote tolerance, because the “defamation of religions' concept is used to justify censorship, criminalization, and in some cases violent assaults and deaths of political, racial, and religious minorities around the world.”

European Union has often been a fierce critic of a unified international law that would prosecute defamation of religions. In 2009, the EU representative maintained that "The European Union does not see the concept of defamation of religion as a valid one in a human rights discourse," and that "(it) believes that a broader, more balanced and thoroughly rights-based text would be best suited to address the issues underlying this draft resolution." The EU representative has noted that "Human rights laws did not and should not protect belief systems." Sweden, for the European Union, argued that international human rights law protects individuals, not institutions or religions. France insisted that the UN must not afford legal protection to systems of belief.

The perceived lack of cooperation has been criticized by Islamic states. Syria criticized the "typical and expected Western silence" on "acts of religious discrimination." Syria said "in real terms defamation means targeting Muslims." On the issues of negative stereotyping the OIC's representative on the UNHRC, Zamir Akram (from Pakistan) has noted that "Negative stereotyping or defamation of religions was a modern expression of religious hatred and xenophobia." India and Canada have also raised objections to past UNHRC resolutions on the matter. Both feel that the resolutions looked too narrowly at the discrimination issue.

Countries such as Pakistan, Saudi Arabia, Egypt, Iran etc have anti-blasphemy laws that provide death sentence for blasphemy. Countries like India, Israel provide religious hate speech to be imprison-able. The Parliamentary Assembly of the Council of Europe holds that blasphemy should not be a criminal offence. Yet, many EU countries such as Austria, Denmark, Finland, Greece, Italy, Liechtenstein, the Netherlands, and San Marino continue to consider blasphemy as an offence formally and/or informally.

Topics to Address:

1. Systematic definitions of defamation
2. Can there be an international consensus? Should there be one?
3. Protecting against seriously objectionable cases of defamation-What should be the recourse?
4. Alternatives to criminalization.
5. Tackling issues of defamation on the internet, in popular culture and artistic expression.

6. Safeguards to freedom of expression
7. Long term measures (eg. Trust building exercises)
8. Does a 'right to offend' and 'right to blasphemy' exist?

Further Reading:

Universal Declaration of Human Rights: <http://www.un.org/en/documents/udhr/index.shtml>

International Covenant on Civil and Political Rights:

<http://www2.ohchr.org/english/law/ccpr.htm>

General Recommendation Number 15 to the ICERD:

[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/e51277010496eb2cc12563ee004b9768?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/e51277010496eb2cc12563ee004b9768?Opendocument)

General Comment Number 34 to the ICCPR:

<http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf>

Elimination of all forms of intolerance and of discrimination based on religion or belief

- 19 December 2011 - A/RES/66/168

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief - 19 December 2011

A/RES/66/167

Combating defamation of religions - 21 December 2010 - A/RES/65/224

Elimination of all forms of intolerance and of discrimination based on religion or belief -

21 December 2010 - A/RES/65/211

