



October 2009

I. Position Statement: “Defamation of Religions” Resolution

Jubilee Campaign is a nonprofit organization well known for its efforts to stand up against the persecution of minorities. We have active partners in countries such as Pakistan and India, where we support on-the-ground efforts to combat persecution and aid the persecuted. Representatives of Jubilee Campaign have visited Brazil, Egypt, India, Indonesia, Laos, Pakistan, Sri Lanka, Thailand, and Vietnam to investigate religious freedom and human rights abuses firsthand, and we have circulated reports on our findings to relevant government officials. Hateful discrimination against minorities—particularly religious minorities—is no doubt cause for alarm in countries which imprison, terrorize or otherwise oppress them. We hear the sirens calling for justice every day, and we do our part to answer the cries for deliverance.

We recognize, however, that the solution to the problem of persecution is certainly not to limit, restrict, or punish an individual’s right to freely express his or her viewpoint or beliefs. In fact, we feel strongly that the contrary is true—limits on the freedom of expression will only serve to worsen the current crisis of religious persecution. It is for that reason that we implore the members of the United Nations to vote against the resolution currently before the General Assembly on “Combating the Defamation of Religions.” The position of Jubilee Campaign is that this resolution would serve to curtail religious freedom rather than protect it.

The notion of such severe restriction on the fundamental right of free expression of thought, a notion that runs afoul of the United Nations’ historical efforts to promote global human rights—namely, the protection of individual rights—is deeply alarming. Chilling speech is simply not the solution to the crisis of persecution across the world. As sirens are blaring to warn of the injustice and inhumanity of religious persecution, bells are also ringing to warn of the dire consequences of the United Nations’ movement to restrict religious expression—a movement in a very dangerous direction, indeed.

But it is not just our organization that espouses this view. Listen to what others are saying:

“Now, some claim that the United Nations can best protect the freedom of religion by adopting what is called an ‘anti-defamation’ policy that would restrict the freedom of expression and the freedom of religion. I, obviously, strongly disagree. An individual’s ability to practice their religion should have no bearing on others individuals’ freedom of speech. The protection of speech about religion is particularly important since persons of different faiths will inevitably hold divergent views on religious questions. And these differences should be met with tolerance, not suppression of discourse. And the United States will stand against the idea of defamation of religion in the United Nations General Assembly and the Human Rights Council.”

Jubilee Campaign: A Vital Voice for Those Suffering in Silence

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*Hillary Rodham Clinton
U.S. Secretary of State
Remarks Upon Receipt of the Roosevelt Institute's Four Freedoms Award
New York City
September 11, 2009*

“ . . . [T]he ‘defamation of religions’ resolutions are a poorly veiled attempt to export the repressive blasphemy laws found in some OIC countries to an international level.”

“While they may sound tolerant and progressive, these resolutions do not solve the very real problems of persecution and discrimination suffered by the adherents of many religions around the world. Rather, they exacerbate these problems.”

“[For instance,] Blasphemy allegations in Pakistan, which are often false, have resulted in imprisonment on the basis of religion or belief, as well as vigilante violence resulting in the death of accused individuals.”

*United States Commission on International Religious Freedom
Testimony of Leonard A. Leo
before the Tom Lantos Human Rights Commission
on Implications of the Promotion of “Defamation of Religions”
Wednesday, October 21, 2009*

“Rather than protect religious freedom, this resolution curtails it.”

“[T]he fact is that while Western writers and advocates will be affected by such ‘defamation’ laws, the resolution’s main victims will be Muslims, especially reformers and dissidents. The real winners will be coercive regimes in the Middle East and beyond who now have a veneer of legality and legitimacy to repress their own people and criminalize free speech.”

“No one should be attacked or silenced for expressing an opinion, no matter how others may feel offended. Strong societies and peoples are made stronger by serious disputes and differences, and do not need to hide behind censorship and coercion.”

*United States Commission on International Religious Freedom
Testimony of Ms. Zainab Al-Suwaij, Executive Director, American Islamic Congress
before the Tom Lantos Human Rights Commission
on Implications of the Promotion of “Defamation of Religions”
Wednesday, October 21, 2009*

“Efforts at the United Nations to prohibit defamation threaten protections for the universal rights to freedom of expression and freedom of thought, conscience and religion. . . . [L]aws prohibiting blasphemy, religious defamation, injury to religious feelings and incitement to hatred can be abused by governments and others to target individuals for the peaceful expression of political or religious views, thus stifling debate and dissent.”

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*United States Commission on International Religious Freedom
Testimony of Tad Stahnke, Human Rights First
before the Tom Lantos Human Rights Commission
on Implications of the Promotion of “Defamation of Religions”
Wednesday, October 21, 2009*

“ ‘[D]efamation of religions,’ as opposed to the defamation of persons, forcibly requires the state to determine which *ideas* are acceptable, as opposed to which facts are true. A fundamental rule of law problem presents itself in the notion of ‘defamation of religion,’ as belief cannot be empirically proven true.”

“Ultimately, ‘defamation of religions’ measures empower majorities against dissenters and the state against individuals.”

“Treating racial and religious discrimination as the same thing confuses racist hate speech with discussion of (sometimes controversial) truth claims. Whereas one can easily identify and narrowly define racist hate speech, it is not nearly so simple to define what falls into the category of ‘defamation of religion,’ which as currently characterized can include any controversial truth claim about someone’s religion.”

*The Becket Fund for Religious Liberty
Issues Brief: “Defamation of Religions”
June 2008/updated October 2009*

“[A] clear line should be drawn between valid criticism of religion or religious practices and speech that does not serve any purpose except to offend the sacred beliefs of individuals or religions.”

“The OHCHR and the UN must not allow the current model of ‘Defamation of Religion’ to become the international standard.”

“ . . . [B]y its very nature, legislation punishing blasphemy is not compatible with the underlying logic of human rights.”

*European Centre for Law and Justice
“Combating Defamation of Religions”
Submission to the UN Office of the High Commissioner of Human Rights
June 2008*

II. A Slippery Slope: The Practical Effects of a “Defamation of Religions” Resolution

Pakistan, as the primary proponent behind the OIC’s movement to pass a so-called “defamations of religion” resolution at the United Nations, presents a poignant case study with its own blasphemy laws for predicting the negative collateral effects of passing such a global resolution.

It is no secret to international observers that Pakistan’s blasphemy laws have done much more to offend the notion of religious freedom than to promote it. The damage is evidenced by reports of unjust arrests, police torture and brutality, false accusations, and increased religious persecution.

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Deeply concerned by the unlawful impunity and religious persecution caused by Pakistan's blasphemy laws, Jubilee Campaign issued a joint press release with Advocates International on September 17, 2009, which brought to light some of these condemnable incidents. An illustrative portion of the press release follows:

On September 15, 2009, The HUMAN RIGHTS COMMISSION OF PAKISTAN declared the "judicial murder" of Fanish Robert by police whom the organization said engaged in a "torture killing" of the young man. Arrested by police on September 12, accusers claimed Fanish Robert had committed blasphemy and announced their intention to teach the local Christian community "a lesson." A mob damaged the church, set it on fire and then pillaged two homes near the church.

Advocates International's General Counsel, Sam Casey, said: "Pakistani police often justify arresting persons accused of blasphemy by claiming to protect him or her. However, clearly visible in photographs of Fanish Robert taken at the morgue show clear signs of torture, and not strangulation as the police are claiming was self-inflicted." Jubilee Campaign and Advocates International condemn the police torture and the murder of Fanish Robert. Jubilee Campaign's General Counsel, Ann Buwalda, said: "While it is our hope and commitment to work with the Pakistani government and the civil society and legal organizations on the ground in the hard work of preserving the rule of law while protecting the religious liberties of all Pakistanis, this work cannot successfully proceed until justice is being done in this tragic, but all too common case."

In his report describing the blasphemy allegation motivated attack which began on September 11, 2009, on a Christian church in the village Jatheki, Tehsil Samberial of Sialkot District of Punjab Province, the well-respected Pakistani human rights defender, Joseph Francis, who works with AI and Jubilee Campaign in Pakistan stated: "Very obviously and clearly it is in the notice of police and police officials that the extremist religious organizations are linked to Tehrik-e-Taliban Pakistan and were behind the carnage and killing in Korian and Gojra. But they have failed to motivate the Punjab government to take a strong action against these organizations and their sympathizers. One can only hope that these wake-up calls, one after the other, will convince the government in Pakistan to repeal the blasphemy laws and to build a culture of tolerance and maintain safety and security of the religious minority in Pakistan." Without the intervention of Joseph Francis and other Christian leaders in this village, additional lives would have been lost.

The rise in attacks against religious minorities comes against a backdrop - and in tandem - with rising religious extremism in the country. Advocates International and Jubilee Campaign are concerned at the discrimination, harassment and attacks against all religious minorities, including Ahmadis, Christians, Shiite, Sikhs and Hindus, that are widespread in Pakistan and too often accomplished with either impunity, injury to law enforcement officials and, as again occurred in the case of, police torture and brutality against persons in custody falsely accused of blasphemy.

Fanish Robert's murder in police custody comes in the wake of two brutal mob attacks against the Christian communities of Christian Town and Korian Village in Gojra, Faisalabad last month which flared up over allegations of blasphemy that left at least 7 dead, nearly 100 Christian homes burned, and much unrest in Pakistan.

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Attacks on religious minorities have been exacerbated by Pakistan's criminal blasphemy laws found in Article XV of its Penal Code introduced in 1982 and 1986 by military leader Zia ul-Haq in attempt to use Islam to promote popular appeal for his military regime. These laws which have only fostered a climate of religiously-motivated violence and persecution. Accusations of blasphemy have frequently resulted in the murder of both Muslims and members of religious minorities, just as occurred in the most recent case of Fanish Robert.

The blasphemy laws, while purporting to protect Islam and religious sensitivities of the Muslim majority, are vaguely formulated and arbitrarily enforced by the police and judiciary in a way which amounts to harassment and persecution of religious minorities. In fact, no charge of blasphemy has ever been affirmed on appeal in Pakistan. In January of this year, five Ahmdis, including one minor, were detained on spurious charges of blasphemy in the Layyah district, with no evidence or witnesses to support the charges against them. Often the government tries to excuse this impunity and false prosecution by saying it must arrest and detain accused blasphemers simply to protect them from the mob, but now with Fanish Robert's torture and death we see the false "cure" of police protective custody is even worse for the rule of law and credibility of the government than the "disease" of mob violence that blasphemy laws have completely failed to cure.

If the effects of such laws in Pakistan lead to chaos, harassment, and increasing persecution of religious minorities, the forecast for the effects of passing a parallel resolution through the United Nations looks grim. As highlighted by the quotes in Part I. above, many recognize that the OIC's attempt to pass a so-called "defamations of religions" resolution is a thinly veiled attempt to globalize the very strand of anti-blasphemy laws that are already wreaking havoc and threatening the rule of law in Pakistan.

The critical question then becomes: Why should the UN promote an agenda to the entire world that has failed in the very country proposing it?

Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities in countries which imprison, terrorize or otherwise oppress them. We advocate the release of prisoners of conscience and the change of laws as necessary to effect these purposes.

Visit us online at www.jubileecampaign.org.



ADVOCATES INTERNATIONAL

Doing Justice with Compassion

ADVOCATES INTERNATIONAL is an international organization of staff and volunteer attorneys in over 150 nations, including Pakistan, who seek to do justice with compassion, including through its RELIGIOUS FREEDOM GLOBAL TASK FORCE, working to assure, in the words of Article 18 of the Universal Declaration of Human Rights, that "everyone has the right to freedom of thought, conscience and religion, including the 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."

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