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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Jubilee Campaign, a non- governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

The Growing Need for Inclusion of FoRB-Specific Language in Two UNGA Resolutions

We recommend that specific language be inserted into the UN General Assembly Resolution for a Moratorium on the use of the death penalty, regarding the need to eliminate capital punishment for non-violent conduct such as apostasy and blasphemy. Such language could be modeled after the following additions to the pre-existing resolution on the moratorium. Additions are indicated in [blue](#).

Preamble

Noting [the recent reports of the Secretary-General and special procedures which emphasize that the death penalty should never be imposed as a sanction for non-violent conduct such as apostasy or blasphemy.](#)¹

Main Text

7 (e) To reduce the number of offences for which the death penalty may be imposed, [\(e1\) ensuring that the death penalty never be imposed for non-violent conduct such as apostasy, blasphemy or adultery](#); including by considering removing the mandatory application of the death penalty;

New para insert after 7 (h): [A2. To ensure that the death penalty not be imposed as a sanction for apostasy, blasphemy, or other perceived religious offence.](#)

New para insert after 10: [B1. Calls upon States that have not yet done so to repeal the death penalty as a sanction for apostasy and blasphemy;](#)

We also recommend the following similar language (or variations thereof) to be inserted into the UNGA Resolution on Extrajudicial, summary or arbitrary executions. Additions are indicated in [blue](#).

Preamble

Deeply concerned about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to peaceful assembly, freedom of expression and [freedom of religion or belief](#) and against human rights defenders in all regions of the world,

Main Text

New para insert after 8: [A1. Affirms that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as apostasy or blasphemy](#)

New para insert after 10: [B1. Encourages States to adopt the guidance provided by the Beirut Declaration on Faith for Rights and its 18 commitments to mobilize faith-based actors to promote the human rights framework and combat violence towards individuals on the grounds of their choice or expression of religion or belief.](#)

¹ UN General Assembly, *Moratorium on the use of the death penalty - Report of the Secretary General*, [A/75/309](#), 13 August 2020, para. 66.

New para insert after 10: C1. Emphasizes that, to prevent extrajudicial, summary or arbitrary executions motivated by religion States should take effective measures to repeal laws which provide for the death penalty for religious offence and which criminalize conversion and expression of religion or belief; (A/HRC/40/58)

Rationale

In August 2019, the Human Rights Council reported that “a number of States have expanded the application of the death penalty to behavior and conduct the criminalization of which may already be in breach of the International Covenant on Civil and Political Rights, such as adultery, consensual same-sex relations, blasphemy and apostasy. Implementation of such cases could thus constitute arbitrary deprivation of life.” Even when and where there is a moratorium on the death penalty in place, “such laws can have a significant chilling effect on the legitimate exercise of human rights, in particular by religious or sexual minorities”. Indeed, even in Mauritania, where a de facto moratorium on the death penalty has been in place since 1987², a blogger was convicted of apostasy and sentenced to death as recently as December 2014 for an article he wrote in which he criticized the use of Islam to justify his nation’s caste system.³ Though his death sentence was commuted to imprisonment in 2017, Muslim clerics issued fatwas calling for his execution⁴, and a businessman offered a reward for any individual who could kill him.⁵

In many of the nations in which the death penalty is prescribed for apostasy and blasphemy, while this sentence is handed out and prisoners are placed on death row, the execution is rarely, if ever, carried out. Often, however, legal codification of capital punishment for apostasy and blasphemy emboldens actors to commit extrajudicial killings of alleged blasphemers and apostates. In May 2022, Nigerian Christian college student Deborah Yakubu was stoned to death by her Muslim classmates who claimed she had committed blasphemy when she questioned why her class’ WhatsApp group was discussing religious affairs and asserted that she was able to pass her exams with Jesus’ help.⁶ Meanwhile, in Pakistan in 2020, Ahmadi Muslim man Tahir Ahmad Naseem was shot and killed by a teenager who had snuck into the court room where he was on trial for allegedly committing blasphemy.⁷ A year later, in July 2021, a Pakistani police constable “hacked to death” a man who had previously been charged with and subsequently acquitted of blasphemy.⁸

We hold the belief that laws should protect the rights of belief holders rather than protect religion itself, and we refer to Dr. Mai Sato’s⁹ remarks at one of our Human Rights Council 49th Session side events that “the idea that the sacred needs forceful protection – and in some cases to the extent of lethal violence – is created, or at the very least, legitimized in these societies by the presence of the death penalty for

² World Coalition Against the Death Penalty, Together against the death penalty, Mauritanian Association for Human Rights, & The Advocates for Human Rights, [“Statement on the occasion of the adoption of the upr report of Mauritania”](#), 2 August 2021.

³ Amnesty International, [“I slept with voices demanding my death and woke up with shouts calling for me to be killed”](#), 28 August 2019.

⁴ Reuters, [“Mauritanian clerics urge for blogger’s death penalty to be applied”](#), 13 November 2016.

⁵ Memri, [“Enforcement Of Shari’a Law In The Muslim World For Insulting Islam, Prophet Muhammad: A Review Of Recent Arrests, Imprisonment, Flogging, Death Sentences”](#), 12 January 2015.

⁶ Jubilee Campaign, [Imposition of Capital Punishment for Apostasy, Blasphemy, and Religious Offenses in the 21st Century](#), May 2022.

⁷ Emma Graham-Harrison, [“‘He was such a kind soul’: daughter’s fight for US man killed at Pakistan blasphemy trial”](#), *The Guardian*, 30 August 2020.

⁸ David Averre, [“Man cleared of committing blasphemy in Pakistan is hacked to death ‘by policemen who refused to believe he was innocent’”](#), *Daily Mail*, 3 July 2021.

⁹ Co-author of [Killing in the Name of God: State-Sanctioned Violations of Religious Freedom](#).

religious offenses.”¹⁰ We would also like to refer to some remarks made by Rose Richter, Special Advisor to the former United Nations Special Rapporteur on Freedom of Religion or Belief. Speaking at our UK FoRB Ministerial fringe event in July 2022, Richter noted that, “in reality, anti-blasphemy laws are generally focused on the degree to which speech causes offense or outrage to religious sentiments, and not to the extent to which that speech undermines the safety or quality of life of the individuals holding such views”. In summary, anti-blasphemy laws are often justified as protecting individual belief-holders, when in reality they protect only the majority religious sentiments themselves, and do so at the detriment of the right to life and right to freedom of thought, conscience, and religion of faith minorities, those with dissenting beliefs, and those who oppose such penalties.

All of the 12 nations that maintain the death penalty for apostasy and/or blasphemy - Afghanistan, Brunei, Iran, Maldives, Mauritania, Nigeria (the 12 northern states), Pakistan, Qatar, Saudi Arabia, Somalia, United Arab Emirates, and Yemen - are members of the Organisation of Islamic Cooperation. Half of the world’s 49 Muslim-majority nations criminalize apostasy; moreover, all nations with apostasy laws on the book are majority Muslim, except for India and Nigeria. Important to note is that in 11 of the 12 nations that maintain the death penalty for apostasy and blasphemy, the constitutions designate Islam as the official religion, and the majority of civilians are Muslim.¹¹ We echo remarks from Dr. Mai Sato, however, that “there’s a growing consensus that the Qur’an prescribes no temporal punishment for offenses against religion” and the remarks of Pakistani Judge Muhammad Khalid Masud¹² that apostasy and blasphemy laws are “against the spirit of the Islamic religion” as “the Qur’an does not talk about the death penalty”.¹³ With regards to the former, some verses in the Qur’an can be interpreted to promote religious freedom, stating “there shall be no compulsion in religion” (2:256), and “and whoever wills - let him disbelieve” (18:29). Certain excerpts from the Qur’an indicate that religious offenses are not to be punished temporally but in the “Hereafter” (i.e., 16:106-109; 2:217).¹⁴

Set My People Free, NGO(s) without consultative status, also share the views expressed in this statement.

¹⁰ Jubilee Campaign [YouTube], [“#HRC49 Protecting Life: Repealing the Death Penalty for Apostasy and Blasphemy”](#), 30 March 2022.

¹¹ Ahmet T. Kuru, [“Execution for a Facebook post? Why blasphemy is a capital offense in some Muslim countries”](#), *The Conversation*, 20 February 2020.

¹² Former Director General, Islamic Research Institute, International Islamic University, Islamabad; Current Ad Hoc Member, Shariat Appellate Bench, Supreme Court of Pakistan; Former Chairman, Council of Islamic Ideology, Pakistan; Former Academic Director, International Institute for the Study of Islam in the Modern World.

¹³ *Supra note 11.*

¹⁴ *Supra Note 8.*