



General Assembly

Distr.: General
22 February 2019

English only

Human Rights Council

Fortieth session

25 February–22 March 2019

Agenda item 3

**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.

[12 February 2019]

* Issued as received, in the language(s) of submission only.



Interactive Dialogue with the Special Rapporteur on Freedom of Religion or Belief

Jubilee Campaign seeks to draw the Council's attention to the use of blasphemy and anti-conversion laws to silence religious discourse and enable incitement to discrimination.

This year Asia Bibi was finally fully acquitted of charges of blasphemy by the Court in Pakistan. This comes however, after Asia Bibi served nearly 10 years in jail under the threat of a death sentence for drinking from the same cup as some of her Muslim colleagues. While Asia Bibi has been released the blasphemy laws that sentenced her to death remain. In 2017 a Pakistani Christian boy was charged with blasphemy for talking with a colleague about his belief in Jesus.¹

Rahaf Al Qunun fled Saudi Arabia and her family after she renounced her Islamic faith. An act that is punishable by death in Saudi Arabia. Jubilee Campaign and its partners have observed blasphemy laws within Islam to be applied and defined in the following way, "any objection to the authenticity of Islam, its laws or prophet."² As was the case of the Saudi Journalist Hamza Kashgari who tweeted, "I love many things about you [the prophet] and hate others, and there are many things about you I don't understand."³ Thousands of tweets were sent calling for the death of Kashgari and the regime called for his arrest and trial. He fled to Malaysia but was detained at the airport and sent back to Saudi Arabia where he was arrested. He was freed on October, 2013. This was also the case of Raif Badawi who was accused of insulting Islam when he questioned Saudi Arabia's view of seeing non-Muslims as apostates, "having this mentality in our society is destructive." Blasphemy laws are used to silence religious discourse.

The recent case of the former Governor of Jakarta Ahok Panama is another example. The court sentenced him to two years for blasphemy after he questioned a hadith⁴ used by his political opponents that said non-muslims cannot rule over Muslims. We agree with the Special Rapporteur on Religious Freedom who states in his report, "Blasphemy allegations are also used by State and non-State actors to disrupt the political status quo and to foment instability by violent extremists who may have an interest in imposing more restrictive interpretations of religion in their societies at the expense of fundamental freedoms."⁵ This is very telling of what happened in Indonesia.

While blasphemy laws are prevalent in countries where Islam is recognised as the state religion, the laws also extend and are gaining traction in other regions.

Jubilee Campaign is concerned with the extension of the application of blasphemy laws and anti-conversion laws in Nepal introduced in 2018. These laws are used discriminately to target specifically Christians as our written statement on Nepal reveals. Here the laws serve as, "platforms for enabling incitement to discrimination, hostility or violence against persons based on religion or belief. Such laws also frequently afford varying levels of protection to different religions and are often applied in a discriminatory manner."⁶

In Europe, Ireland recently voted to remove their blasphemy laws, albeit largely unapplied, which is a positive step. Unfortunately, around the same time the European Court of Human rights solidified the application of blasphemy laws in Austria. They stood by Austria's lower court decision to fine a lady for her opinions on Islam's prophet. The court concluded that the woman "had not aimed to contribute to a serious debate about Islam ... but merely to defame Muhammad by accusing him of specific sexual preference, based on

¹ <https://www.worldwatchmonitor.org/2017/07/pakistani-christian-boy-16-charged-blasphemy-discussing-faith/> .

² Set My People Free: <http://freedom2worship.org/images/docs/map-laws-mar2018.jpg> .

³ https://www.washingtonpost.com/opinions/saudi-writer-detained-after-tweets-about-muhammad/2012/02/09/gIQApSgW2Q_story.html?utm_term=.fcd6d3120100 .

⁴ Sayings from the prophet Muhammed.

⁵ A/727365, para. 30.

⁶ *ibid*, para. 27.

the assumption.” This progression is concerning, the Special Rapporteur on Religious Freedom is very clear on the dangers of introducing such laws, "Anti-blasphemy laws often give States license to determine which conversations on religion are admissible and which ones are too controversial to be voiced."⁷ He also recounts how the international community in general are moving away from applying blasphemy since “such laws have a stifling impact on the enjoyment of the right to freedom of religion or belief, not to mention the ability to engage in healthy dialogue and debate about religion.”⁸ We therefore urge European states not to follow suit.

Recommendations

We urge member States to:

- Take measures to abolish apostasy and anti-conversion laws in accordance with article 18 and 19 of the International Convention on Civil and Political Rights.
- Encourage religious dialogue and diversity, more speech is the answer to hate speech, not blasphemy laws which are stringent restrictions on religious discourse.
- Cease from giving any faith or non-faith a platform above criticism. Criticism and dialogue of ideologies and dogmas is paramount and in accordance with the international human rights treaties.
- Recognise the threats faced by refugees who flee from countries which apply apostasy and blasphemy laws and to take their asylum claims seriously.
- Support efforts by countries to allow greater diversity such as in Tunisia where Muslim women were given the right to marry a non-Muslim, going against the apostasy laws in Islam.
- Take actions to support individuals like Shahbaz Bhatti and Salman Taseer who worked to introduce greater freedom for minorities at the cost of their lives.

⁷ *supra* note 5. para. 28.

⁸ *Ibid* para. 28.