

October 12, 2007: USCIRF Concerned by UN Human Rights Council's Stance on Religion Rapporteur, Calls for Rigorous U.S. Action

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WASHINGTON-The United States Commission on International Religious Freedom today expressed disappointment that the UN Human Rights Council concluded its latest session without extending the mandate of the UN Special Rapporteur on the Freedom of Religion or Belief, and urged the U.S. government to take more vigorous action to support and advocate for the renewal of a strong mandate for the Special Rapporteur.

The Special Rapporteur is the independent expert who investigates and reports to the UN on violations of the freedom of thought, conscience, and religion or belief around the world. Since the United States successfully championed its creation in 1986, the mandate of the Special Rapporteur has been a vital tool in the international protection of this fundamental freedom. The decision on the mandate's extension is now expected to be taken at the Human Rights Council's next meeting, which will begin on December 10.

At the session, the European Union had proposed a draft resolution on freedom of religion that would have extended the Special Rapporteur's mandate for three years. However, the countries of the Organization of the Islamic Conference (OIC) refused to support the measure unless language on "defamation of religion" was added. As a result of this dispute, action was deferred until December.

"The Commission is deeply concerned by the increasing pressure in international institutions, including the Human Rights Council, to shift the focus from protecting religious freedom to halting so-called 'defamation of religion,'" said Commission Chair Michael Cromartie. The supporters of this concept-typically governments that prohibit religious pluralism at home-claim that their aim is to promote religious tolerance. In practice, however, this approach seeks to suppress what these governments deem, often capriciously, to be "offensive" or "unacceptable" speech about a particular, favored religion, and even to justify violent reactions to this purportedly offensive speech. Prohibitions on defamation of religion thus both embolden extremists and deter dissenters. They also violate the principles outlined in international human rights instruments, which guarantee the right of everyone to freedom of expression as well as to freedom of thought, conscience, and religion or belief, and they improperly seek to protect groups at the expense of the rights of the individual.

As the Special Rapporteur has explained,

criminalizing defamation of religion can be counterproductive. The rigorous protection of religions as such may create an atmosphere of intolerance and can give rise to fear and may even provoke the chances of a backlash. . . . As a limit to freedom of expression and information, it can also limit scholarship on religious issues and may asphyxiate honest debate or research.¹

This multilateral campaign is an alarming attempt by its proponents to extend their national blasphemy laws into the international arena, despite these laws' incompatibility with universal human rights norms," Cromartie said. For example, in Pakistan-the leader of the OIC in the Human Rights Council-the domestic law makes blasphemy against Islam a criminal offense subject to severe penalties, including death. These broad provisions have been abused by extremists to intimidate members of religious minorities and others with whom they disagree, as well as by the unscrupulous simply to carry out a vendetta or gain an advantage over another person. Blasphemy allegations in Pakistan, which often are false, have resulted in the lengthy detention of, as well as threats of violence and actual violence against, the accused persons. Even persons who have been acquitted of blasphemy have been forced into hiding or to flee the country because of fears of vigilante violence.

The Commission is disappointed that the U.S. government failed to speak out on these important issues in the Council at the recent session. In previous sessions, the United States had made strong statements to the Council in support of the Special Rapporteur's mandate and against the concept of defamation of religion. It is our understanding that the U.S. government's position on the substance of these matters has not changed. Rather, there has been a decision, based on dissatisfaction with the performance of the Human Rights Council, to downgrade significantly the participation of the United States.

It is unfortunate that this decision led to a failure to engage on the renewal of the Special Rapporteur's mandate. Although the Special Rapporteurs do owe their existence to the Council, they are independent investigators. Indeed, the investigations and reports of the various Special Rapporteurs force the Council at least to hear about serious human rights violations in countries that many Council members, for political reasons, would prefer to ignore. They also serve the vital function of bringing these situations to public attention. It is not the fault of the Special Rapporteurs that the Council has not taken action on many of these situations.

Now that the issue has been deferred until December, the Commission strongly urges the United States to re-engage on the Special Rapporteur's mandate and the OIC's attempt to include defamation of religion therein. "Regardless of its views about the Council, the United States should not remain silent on these crucial matters concerning the promotion and protection of religious freedom worldwide," said Cromartie. "As it has in the past, the U.S. government should speak out publicly at the Council, as well as work with allies in the Council, to ensure that the Special Rapporteur's mandate continues to focus on the universal rights of every individual to free thought, conscience, and religion or belief and to be free from intolerance or discrimination based on religion or belief, rather than on the purported right of any religion or religions not to be defamed.

The Commission also urges the U.S. government, at the current UN General Assembly session, to support a strong resolution on freedom of religion or belief and against intolerance and discrimination on those bases, as well as to oppose any resolution on defamation of religion, as it did at the last Assembly session.

Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diene, further to Human Rights Council decision 1/107 on incitement to racial and religious hatred and the promotion of tolerance, A/HRC/2/3, 20 September 2006, paragraph 42.

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