

Religion and human rights at the UN Human Rights Council

## The limits of freedom and faith

### Opponents of a bid by Muslim states to “protect religion” claim a small success

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How dare you call us blasphemers?

IT DOES not happen often: Christian lobbyists, the sort who favour prayer in American classrooms and crucifixes in Italian ones, lining up on the same side as secularists who battle to curb religion's role in the public square. But in both those camps there has been some quiet satisfaction after a recent vote at the United Nations. Not over the outcome, but over the slim margin of defeat.

On March 25th the Human Rights Council (HRC), a Geneva-based UN agency which often exasperates its Western members, voted by 20 votes to 17, with eight abstentions, for a text that lists the “defamation of religion” as an infringement of liberty. Nothing amazing there: the Organisation of the Islamic Conference (OIC), which groups 56 mainly Muslim states (plus

Palestine), has been working to push resolutions of that kind through the General Assembly and other UN bodies since 2005. But the margin was the smallest ever, and opponents think there could be a good chance of defeating a “defamation” motion next time one comes around.

The OIC’s idea is to establish the principle that faiths need protection, just as individuals do. It denies any sinister intention (see [article](#)). And to some ears, the OIC’s effort sounds like harmless UN-speak, but nothing more. (The United States Commission on International Religious Freedom, a congressionally mandated body, has noted a logical flaw: defamation means harming the reputation of a living person or entity: that implies that one can’t defame an idea or a religious founder who is no longer, at least physically, alive on earth.)

But critics of the OIC campaign, who include atheists, Christians and indeed some Muslims, say the “defamation” idea is worse than hot air: far from protecting human rights, it emboldens countries that use blasphemy laws to criminalise dissent. What encourages these critics is that more countries seem to be coming around to their view. Mexico, Uruguay, Argentina, Zambia and South Korea voted against the latest resolution. Brazil criticised the text but abstained.

Deeper still inside the UN’s bureaucracy, another battle over religion rages—and the stakes could be even higher. An “ad hoc committee” is mulling ways to amend or extend the UN convention on racial discrimination. Certain states want language that would fuse the categories of race and faith; some want a new convention, or a protocol to the existing one.

For secularists (in the broad sense of people, including believers, who oppose the idea of faith having privileged access to power), all this is alarming. Non-binding resolutions against defamation are bad enough; a UN treaty on race-plus-religion would have legal force, at least for its signatories, and give heart to theocrats.

At the HRC’s latest discussion of this effort in March, the Algerian who oversees the project was keen to plough ahead. But countries like Switzerland, Japan, Mexico, Argentina and France retorted that it would be better to enforce the existing UN norms than dream up new ones. Efforts to widen the racism accord will resume, with a new chairman, late this year—but critics are relieved to have stalled it. Still, would-be theocrats may now focus harder on adding to the racism charter, because they face a real risk of being defeated over defamation, in the view of Roy Brown, Geneva spokesman for the International Humanist and Ethical Union.

Meanwhile a Christian-inspired NGO, the European Centre for Law and Justice, has been denouncing the abuse of blasphemy laws in many OIC member states. How fair is their point? It is an easy case to make, for example, over Pakistan.

Some 41 complaints of blasphemy were registered by police in Pakistan last year, says that country’s independent Human Rights Commission. In theory, blasphemy is punishable by death—a penalty that has been handed down but never carried out. Worst-hit by the law are minorities like Christians and Ahmadis, a group whose claim to be Muslim is rejected by the Pakistani state. Although abuse of the law is less rife now than in the 1980s, when an Islamist general tightened up the rules, the law is still invoked in disputes (over property, say) that have nothing to do with faith.

“The most vulnerable people, that is religious minorities, continue to be charged with blasphemy,” said Ali Dayan Hasan, a researcher at Human Rights Watch, a campaign group. “But are people convicted? No. Rarely. It is used as an instrument of political and social coercion.”

When convictions occur, they lead to long jail terms; and pre-trial detention can last for years. Pakistan’s parliament is revising the constitution but it has left intact the religious bits,

despite a vow by the ruling party to review the blasphemy laws. (Indonesia too has stepped back from a move to liberalise its blasphemy regime.)

On Pakistani streets, the law has dire effects. In January 2009, in a village in Punjab province, five Ahmadis, a labourer and four children, were charged with blasphemy. They had supposedly written "Prophet Muhammad" on the wall of a mosque toilet. The children were behind bars for nearly six months till the charge was quashed.

And last September a young Pakistani Christian was accused of throwing part of the Koran down a drain. It seems that his real crime, however, was affection for a Muslim woman. A mob torched a church, and many Christians had to flee. He was taken to jail, where he died a few days later. His family alleged torture; the authorities claimed suicide. There was mayhem at the funeral and the country's Christians (see picture) were appalled. In some places, it is not the "defamation" of faith that threatens rights but measures that supposedly defend it.