

## The Challenge of Protecting Religious Sensitivities

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Many of you are probably familiar with the events of last month in Florida where the pastor of a tiny unaffiliated Christian church made world headlines by pursuing an intention to burn the Qu'ran in public on the anniversary of the September 11 terrorist attacks. Although the pastor did gather some followers on the internet, he didn't have much in the way of support for his proposed action. Indeed, most American religious and political leaders – from across the spectrum of American life -- denounced the plans to burn the Qu'ran. This is significant because it is not easy these days to get Americans from across the political and religious spectrum to agree on anything. My organization – and many others – ran a campaign to encourage political leaders to speak out against hatred.

In addition to denouncing the plan, many Americans did something else: they took action to express solidarity with Muslims and their religion. Interfaith events were held in several places throughout the country, including events in Florida that were designed to counter the Qu'ran burning. For example, Qu'rans were read in a show of respect in churches,

including in Florida, which is not a small feat in terms of religious tolerance. Unfortunately, other Americans took action of a different kind, expressing intolerance and even hatred of Muslims through incidents of violence, protests against building mosques, as well as statements vilifying Islam and demonizing Muslims.

Eventually, the international media picked up the Qu'ran burning story. Many outside the United States expressed their condemnation and anger through peaceful protests; others through violence and threats. Now there appeared to be a growing crisis of international proportions, and in one short period of time, this crazy pastor from Florida even seemed to have a grip on world events. The President of the United States, the Secretary of Defense, the top U.S. military commander in Afghanistan all made strong public statements denouncing the planned Qu'ran burning as un-American and as dangerous to American troops overseas. Our Secretary of State asked how one man with no more than 50 followers could get so much publicity around the world? A good question. And it was clear that the negative images were getting the most attention both at home and overseas, and not the positive interfaith actions or the strength and breadth of the denunciations that I have mentioned before. I think that it is no

surprise that the images we saw here in the United States of the reaction overseas were those of hatred and violence as well.

I recount these events because I think they help to illuminate the debate that has been taking place over the last decade at the UN on the issue of defamation of religions. As you may know, since 1999 the Organization of the Islamic Conference has successfully passed at the UN resolutions promoting international action against what it terms “defamation of religions.” This includes an attempt to create a binding international instrument to require states to prohibit the defamation of religions. The OIC has never precisely defined defamation of religions, but we can infer that such conduct includes blasphemy, as well as insulting and offensive speech targeting a religion, primarily but not limited to Islam. I think that it is fair to say that the example of the Qu’ran burning would be considered defamation of religions, but probably much else as well.

These UN initiatives have been quite controversial, and they have been fiercely opposed by the European states and the Americans. In the past year, however, the opposition to defamation of religions at the UN has been growing. An increasing number of Latin American and sub-Saharan African nations have begun to vote against or abstain from the resolutions.

What is the nature of this opposition? I can give you the view of my organization. The defamation of religion principle is inconsistent with universal human rights standards that protect individuals, rather than abstract ideas or religions. It risks promoting an atmosphere of hostility in which governments can restrict freedom of expression, thought and religion, preventing the peaceful expression of political or religious views, or the practice of minority religious faiths - all in the name of protecting religion from defamation. It would permit governments to determine which ideas are acceptable. This is not a theoretical opinion: The United Nations has documented scores of incidents of arrest, arbitrary detention, assault, murder and mob attacks sparked by accusations of blasphemy. Journalists, bloggers, teachers, students, poets, religious converts and others have been charged - and sentenced - under existing blasphemy laws for exercising their right to freedom of expression or freedom of religion. These abuses have occurred in many of the same countries that promote the defamation concept in the international sphere.

Supporters of the defamation of religion concept argue that such laws are necessary in order to fight incitement to discrimination, hostility and violence, as well as to protect freedom of religion. These arguments are not supported by the experience of countries that already have sweeping

blasphemy laws in place. In our view, it would be far better to focus on practical policies that confront problems of prejudice that are in line with existing international norms and that safeguard basic freedoms.

For example, in its 2008 report on Violence Against Muslims, Human Rights First documented a troubling level of anti-Muslim violence and prejudice throughout Europe and North America. But the defamation of religion concept damages rather than advances efforts to combat this human rights concern. Instead, governments should employ a strategy that both supports existing international norms on freedom of expression and confronts the growing problem of hostility and violence targeting members of religious and other minorities, whether they are Muslims in Europe or other minorities elsewhere in the world.

This proactive approach would prioritize:

- 1) The need to combat violent hate crimes.
- 2) The importance of fighting hate speech through political—rather than legal—responses.
- 3) Counteracting the impact of hate crime and hate speech by addressing discrimination, and ensuring respect for freedom of religion.

How do governments and public officials confront hate speech without restricting speech?

We have several recommendations:

- Condemn and counteract such speech;
- Reduce fear among targeted individuals and communities and diffuse community tensions;
- Promote communication among affected communities, law enforcement, political leadership and civil society; and
- Advance intercultural and interreligious understanding.

This is the sort of positive program that needs to be advanced at the UN rather than more restrictions on speech.

This is not an easy task, but these actions can be effective. The recent events in the United States I think give hope to the idea that you can confront hatred without restricting speech. Of course, it would be tempting to view recent anti-Muslim incidents as evidence of why anti-defamation legislation is needed. But the response to the aborted Koran burning event demonstrates how non-legal measures can effectively and successfully confront and counteract hatred and intolerance. For starters, America's leaders got this one right. They affirmed their commitment to tolerance and diversity and ultimately drowned out the hateful rhetoric of an isolated

extremist. Political, religious, and other leaders, including President Obama, Secretary of State Hillary Clinton, General David Petraeus, New York City Mayor Michael Bloomberg, Florida Governor Charlie Crist, and many others presented a clear message and a unified front against the Koran burning. These high profile messages were joined by the voices of ordinary citizens and local political and religious leaders who successfully worked together to affirm religious solidarity. For example, in Gainesville, Florida more than 20 religious organizations united in hosting a series of interfaith events incorporating Muslim, Jewish, and Christian scriptures into worship services focused on peace and understanding. Members of the Gainesville community were also encouraged to attend a candlelight vigil and Iftar celebrations. Their efforts ultimately led the Mayor of Gainesville to declare September 11th, the day of the planned Koran burning, as "Interfaith Solidarity Day" in the community. He also issued a statement condemning the "offensive behavior that has been directed at Muslim neighbors and those of the Islamic faith worldwide." Ultimately, they won.

This fall, the General Assembly will again take up the issue of defamation of religions. And it will come up in Geneva in the Winter and Spring. We will be working hard with states to encourage them to adopt a positive program

of concrete actions to oppose intolerance and protect human rights. There will certainly be many more acts of religious intolerance here in the United States, as there are in many places throughout the world. What we need more of is condemnation of acts of hatred, as well as effective policies of inclusion, equality and protection of fundamental rights and freedoms. Instead of creating [internationally binding obligations that aim to criminalize the "defamation of religions,"](#) politicians should confront hate speech and efforts to defame religions with the mightiest weapon in their arsenal--their voices.

Thank you.