



Jubilee Campaign Contribution to the United Nations Special Rapporteur on freedom of religion or belief call for input on advocacy of hatred based on religion or belief - transformative responses

Manifestation of Religious Hatred in Selected Countries

Jubilee Campaign would like to raise the following countries in which dimensions of religious hatred exist and are interrelated to incidents of discrimination, intolerance, and violence.

1. How, if at all, is advocacy of hatred defined in legal and policy frameworks, and how does it relate to intolerance, discrimination, and violence based on religion or belief?
2. To what extent are forms of hatred based on religion or belief perpetuated by broader prejudicial attitudes in society? What is the evidence base for this?
4. What are some of the instances and effects of the advocacy of hatred based on religion or belief:
 - a. For adherents to various religions and beliefs, individually and collectively;
 - b. Within religious and belief communities;
 - c. In day-to-day violations or as embedded as drivers of marginalisation and violence;
 - d. As crystallised into systemic and structural disadvantage against some targeted groups;

In many Muslim-majority countries, laws criminalizing blasphemy (i.e., criticism of faith and its figures, offending another religious person's feelings, making derogatory remarks and gestures, etc.) and apostasy (renouncing one's faith and/or converting to another belief, or abandoning faith altogether) identify what they appear to consider 'religious hatred' but in reality are manifestations of freedom of religion or belief. Ms Rose Parris Richter, Senior Advisor to former Special Rapporteur on freedom of religion or belief, Dr. Ahmed Shaheed, has noted that: "those [countries] who support criminalizing blasphemy argue that criticism of religion or defamation of religious figures is a variant of hate speech...They assert that convictions held in earnest, such as those inspired by religious belief, constitute a foundation of human identity, analogous to race, ethnicity, or other immutable characteristics. Such attacks on a defining characteristic such as religion or belief, they say, are grounds for prohibition in the same way that hate speech laws are applied to protect vulnerable groups who are targeted on the basis of race, ethnicity, gender, or sexual orientation. In reality, however, 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 individual holding such views". **Contrarily, accusations of blasphemy or perceived religious hatred - often such allegations are false and are directed toward non-violent conduct that falls under freedom of religion and belief (i.e., criticism of**

religion, its precepts, holy texts, and figures) - are rather incendiary and themselves cause religious hatred and corresponding violence, as well as unjust judicial and extrajudicial killings.

Prior to the United States military withdrawal from **Afghanistan** in 2021, the hardline militant Islamic movement Taliban retook control of the nation, rekindling fears of a return to Sharia rule according to which the Taliban issued out severe and disproportionate punishments - including flogging, lashing, and execution - for hudud crimes (crimes against God) such as apostasy and blasphemy.

Article 144(2) of **Algeria's** Penal Code criminalizes any act which “offends the prophet and the messengers of God or disparages the dogma or precepts of Islam”, providing for a punishment of between three and five years in prison and a fine ranging from 50,000 dinars to 100,000 dinars. Christian man Suleiman Bouhaf, who had previously been arrested in 2016 and sentenced to three years’ imprisonment for his Facebook posts criticizing Islam, received a presidential pardon in 2018 and fled to Tunisia. In August 2021, Tunisian authorities conspired with Algerian authorities to abduct Bouhaf and repatriate him to Algeria where he has once again been charged with blasphemy. In July 2023, Christian man Hamid Soudad received a presidential pardon after serving half of his five-year prison sentence on charges of blasphemy for sharing a cartoon of the Prophet on Facebook.

The Syariah Penal Code of **Brunei Darussalam** prescribes capital punishment upon any citizen who brings the Prophet into contempt, rejects the teachings of Islam, “derides, mocks, mimics, ridicules or insults” the Quran.

Book Five, Chapter Two of the 1991 Islamic Penal Code of **Iran** prescribes the death penalty or a term of imprisonment between one and five years for “insulting the sacred values of Islam or any of the Great Prophets or [twelve] Imams or the Holy Fatima”. In early 2021, the Iranian Parliament passed two additional penal provisions, one of which criminalizes proselytism and evangelism by a two- to five-year prison sentence. In May 2023 Iran, ending a years-long pause in the application of the death penalty, executed two men - Yousef Mehrdad and Seyyed Sadrollah Fazeli-Zare - for blasphemy in connection to their creation of a social media group entitled “Critique of Superstition and Religion” which was “dedicated to atheism and desecration of the sanctities”.

Libya's Penal Code of 1953 and Law No. 20 of 2016 outline execution as the sanction for any citizen's insult of Islam regardless of the offender's faith identity or lack thereof.

Mauritania's Legal Order No. 162-83 mandates capital punishment for any Muslim convicted of “ridicul[ing] or insult[ing] God or His messenger”, renouncing Islam, or “profess[ing] Islam outwardly but is secretly an infidel”. In 2023, Atar authorities arrested and charged a 19-year-old female high school student on charges of blasphemy for allegedly writing derogatory remarks about the Prophet on one of her practice exam papers. Currently in a women's prison in Nouakchott, the girl has been the subject of numerous fatwas issued by Ulama (Muslim religious scholars) calling for her death if the accusations of blasphemy are proven.

Twelve out of **Nigeria's** 36 states [Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, Zamfara] have enacted penal codes based on Sharia law, with punishments ranging from amputation to death by stoning. In some of these states, especially Sokoto and Kano, death sentences have been sanctioned against citizens for alleged blasphemy. In May 2022, Deborah Samuel Yakubu, a Christian student at Shehu Shagari College of Education in Sokoto, was stoned to death and set ablaze by a mob of Muslim classmates who were incensed

that she had expressed disdain that their class phone messaging app was being used to discuss matters of faith rather than school-related topics. In connection with Deborah's lynching, Christian mother of five, Rhoda Jatau, was arrested for blasphemy after she shared a video on social media of another individual condemning Deborah's murder; Rhoda remains imprisoned over one year later. More recently, in 2023 a butcher, Usman Buda, was viciously stoned to death after encouraging a local beggar to seek alms in the name of Allah rather than the Prophet. Buda's peers accused him of committing blasphemy, upon hearing which a group of angry Muslims convened to exact revenge for the perceived offense.

Pakistan's Penal Code of 1860 includes an entire chapter regarding "offenses relating to religion". Articles 295 through 298 criminalize acts such as "deliberate and malicious acts intended to outrage religious feelings", "defiling, etc., of copy of Holy Quran"; and "use of derogatory remarks, etc., in respect of the Holy Prophet", the latter of which was made punishable by death in 1991. In January 2023, the parliament expanded the existing blasphemy laws to stipulate a ten years to life term of imprisonment for insulting any person connected to the Prophet, including his companions, wives, and relatives. In August 2023, one of the largest mob incidents in Pakistan since December 2021 involved the destruction of 25 churches and 100 Christian homes in Jaranwala, Faisalabad, by a group of thousands of Muslims seeking revenge after two Christian brothers were accused of blasphemy for allegedly writing their names and offensive remarks on torn out pages of the Quran they subsequently disposed of. Numerous citizens noted, however, that the accusations are dubious, as it would make no sense that someone would engage in blasphemous conduct and then incriminate themselves by writing their names on the physical evidence, especially in Pakistan where individuals are viciously killed and sentenced to death for blasphemy. Christian man Anwar Kenneth has spent more than 22 years on death row for blasphemy for simply expressing denial of Muhammad's prophethood. The aforementioned December 2021 incident involved the lynching of Sri Lankan national Priyantha Diyawadana in Sialkot after Muslim coworkers accused him of committing blasphemy by removing from the factory walls posters with Quranic text on it, which was later revealed to be in order to conduct renovations.

Article 256 of **Qatar's** 2004 Penal Code prohibits "insulting Allah", "offending, misrepresenting or violating the Holy Quran", "cursing" the divine religion, insulting the prophets, and "offending the Islamic religion". Such conduct is punishable by up to seven years' imprisonment. Any individual who "opposes or doubts any of the basic tenets of Islam" or promotes another religion may be sentenced to a prison term of five years maximum.

The 2012 Constitution of **Somalia** states that "no religion other than Islam can be propagated". The 1962 Penal Code stipulates a two-year prison term for any individual convicted of publicly bringing Islam into contempt.

Some non-Muslim countries have in legislations and other policy documents castigated and mischaracterized faith communities.

Chinese legislation, falling just short of directly criticizing various religious communities as being anti-state, extremist, and heretical, makes false allusions to faiths' alleged susceptibility to perversion and deviance. The Outline of the Five-Year Plan for Promoting Sinicization of Christianity in Our Country directs Christians and churches to "prevent[] extremism, resist[] heresy, oppos[e] cults, and defend[] against infiltration". The Adhere to the Five-Year Work Plan Outline [for] the Direction of Sinicization of Buddhism accuses the religion of "fading beliefs, lax precepts, chasing fame and fortune, laziness, and luxury pursuits", and harboring "the erroneous tendency of secularization, vulgarization, and commercialization". In August 2022, official

government records were uncovered which claimed that Uyghur (predominantly Muslim) children had been inculcated with “extremist thoughts” by their parents and that their attendance in state-run boarding schools was necessary for “inoculating them against extremist thinking”. Starting in 1999, former President Jiang Zemin initiated a campaign to prohibit the practice of Falun Gong on the baseless grounds that it is an “evil cult”. Over the past few years, acting on these discriminatory and persecutory beliefs about faith communities, Chinese authorities have either raided or issued closure orders to tens of Christian churches and institutions; detained between one and two million predominantly Muslim Uyghurs in mass internment camps in Xinjiang, who they routinely subject to political and atheist indoctrination, erasure of religious and linguistic traditions, forced abortions and sterilizations, coercive labor, and more; and have inhumanely harvested the organs of Falun Gong prisoners of conscience.

Contrary to the duty to prevent religious stereotyping and denigration, ten of **India’s** 28 states (36%) have enacted legislations that counter allegedly “forced”, “coercive”, and “fraudulent” religious conversions. In reality, these laws have been used by extremist Hindu nationalists to prevent conversion away from Hinduism by falsely accusing faith minority leaders of forcefully converting individuals. Hindu nationalists baselessly claim that providing charitable assistance to or praying for individuals amounts to attempts at fraudulent conversion. Uttar Pradesh’s and Madhya Pradesh’s anti-conversion legislations, the Prohibition of Unlawful Religious Conversion Ordinance and the Freedom of Religion Act , respectively, were both enacted in response to the fraudulent ‘love jihad’ conspiracy theory which falsely posits that Muslim men are seducing and marrying Hindu women with the purpose of converting them to Islam. The COVID-19 pandemic has only exacerbated the persecution faced by Indian faith minorities as they have been falsely scapegoated as super spreaders of the virus or are excluded from humanitarian assistance. Hindu extremists have made baseless accusations that Muslims are “coronavirus terrorists” and are “deliberately attempting to spread coronavirus to wage a holy war or jihad against the majority Hindus”. Numerous trending hashtags on Twitter included content falsely blaming Indian Muslims for “deliberately” spreading COVID-19, including #CoronaJihad, #BioJihad, #CrushTablighiSpitters, and #MuslimMeaningTerrorist. In 2019, the Lok Sabha (lower house in Parliament) passed the Citizenship Amendment Act (the “CAA”). The CAA makes eligible for citizenship Hindu, Sikh, Buddhist, Jain, Parsi, and Christian immigrants fleeing religious persecution from neighboring countries. However, the CAA does not include Muslims—nor Jews, Bahá’ís, or atheists—despite the fact that many minority Muslim groups in surrounding countries, including Rohingya and Ahmadis, face serious discrimination within their home countries. The establishment of a religious test for citizenship, and particularly when used in a sweeping and discriminatory manner, violates both the Indian Constitution and international law. In December 2019, a National Register of Citizens (the “NRC”) was created in Assam, where the Muslim population is significantly higher than the remaining areas of India. The NRC excluded 1.9 million individuals from citizenship, many of them Muslim.

The **Nicaraguan** presidency and vice presidency have deplorably castigated the Catholic Church and its leaders over the past few years. In early October 2021, President Ortega referred to Nicaragua’s council of bishops who submitted a pro-democracy plan as “terrorists”. Ortega has also called Catholic bishops “coup mongers” and falsely accused them of using their churches and houses of worship to store weapons and to meet and plan attacks against the government. In August 2021, Vice President Murillo referred to bishops and priests as “sons of the devil” and “fake shepherds”; specifically in regards to the Catholic Church’s involvement in pro-democracy rhetoric, she claimed that bishops were engaging in “satanic rites” and performing “witchcraft” to oust the government. In August 2022, it was reported that Nicaraguan authorities ordered the closure of six radio stations operated by the Catholic Church; in some of these closures, authorities would confiscate technological equipment and fire tear gas and gunshots into the air to

disperse any Catholic congregants or leaders who attempted to interfere with the closures. The forcibly shuttered radio stations of early August include Our Lady of Lourdes Radio, Our Lady of Fatima Radio, Radio Aliens, Mount Carmel Radio, Radio Hermanos, and Radio Dario. The Nicaraguan government ordered the Nicaraguan Institute of Telecommunications and Postal Services (TELCOR) to issue notices of closure to the above radio stations, all of which were known for their affiliations to the Catholic Church and for their open critiques of the government.

In **South Korea** during the pandemic, state actors and national media outlets scapegoated the Christian community for the spread of COVID-19. Under the guise of promoting health and safety guidelines during the epidemic, President Moon has condemned Sarang Jeil Church members for their attendance at anti-government protests and demonstrations, which he deemed “a clear challenge to the national disease control and prevention system, and an unforgiveable act that threatens the lives of the people.” President Moon, however, has made no critical statements towards the other individuals and organizations that participated in the 10,000-person protests, thus revealing his prioritization of stifling the church’s political activism rather than promoting health and safety to the general masses.