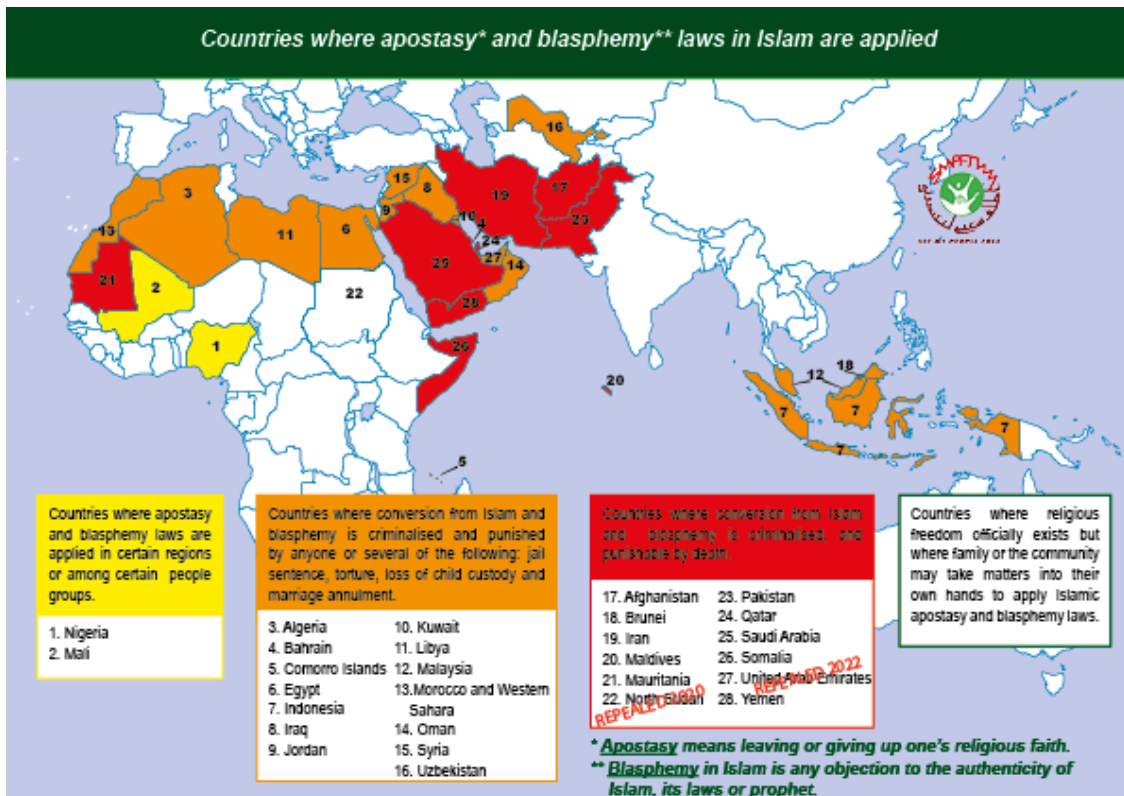




Advocacy of Hatred Based on Religion or Belief -

With a focus on the plight of individuals targeted by anti-apostasy and anti-blasphemy laws in Islam which includes apostates from Islam and individuals of diverse beliefs and religions

Transformative Responses



Map of countries where anti-apostasy and anti-blasphemy laws in Islam are applied [*Libya has sentenced individuals to death for apostasy in 2023]

Submission by

Set My People Free is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, to experience equality and justice in their home countries. We seek to give the Muslim people the freedom to change their faith, to live out and practice their new belief or none, and to experience freedom, justice and equality in their homeland as non-Muslims.

I. Introduction

This submission will focus on the individuals targeted by anti-apostasy and anti-blasphemy laws in Islam which include Muslims, apostates from Islam of diverse beliefs and those from religious minorities. Today, around 1.3 billion Muslims do not have the freedom to freely change or question their religion or belief, they live in one of the over 20 countries which place criminal and/or administrative penalties for leaving, questioning or reforming the state interpretation of Islam.

II. Legal and Policy Frameworks (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?

[This section will refer to the map on the title page].

A. Blank countries:

- EU: “Hate motivated crime and speech are illegal. The 2008 Framework Decision on combating certain forms of expressions of racism and xenophobia requires the criminalisation of public incitement to violence or hatred based on race, colour, religion, descent or national or ethnic origin.”
- The threats against ex-Muslim communities is a reality in OSCE countries, though often excluded or miscategorised in hate crime reports due to their multi-faceted identities.
- In Austria, its anti-blasphemy laws were used to justify a fine placed on an Austrian woman who said that Islam’s prophet Muhammad was a pedophile for marrying Aisha who was nine at the time according to Islamic teachings. The case was appealed to the European Court of Human Rights (ECtHR) who upheld the fine and considered that the statement would result in hatred towards Muslims in the country who are a minority in the country. The ECtHR judgement was heavily criticised by freedom of expression organisations since it opened up for the censorship of expression which could be considered blasphemy for upsetting religious sentiments.¹ ECtHR and its judges however, have maintained that the judgement should not be used as a blanket permission for criminalisation of blasphemy of Islam or that specific speech as was made clear in another judgement, *Tagiyev and Huseynov v. Azerbaijan* where the ECtHR did not uphold Azerbaijan’s criminalisation of two men’s speech which could be considered blasphemy of Islam, their focus seemed to be on the context. [The E.S. vs Austria decision however, is concerning since it disregards that even within minorities there can be instances of violations of rights. For example would an apostate from Islam who expressed the same views as E.S. be criminalised in Austria?]

B. Orange Countries [which criminalise blasphemy against Islam and officially do not recognise conversion out of Islam]

- Several states define advocacy of hatred as inclusive of blasphemy against Islam and criminalise blasphemy. The definition of blasphemy against Islam is not defined and is applied broadly and

¹ Jubilee Campaign news, *European Court of Human Rights Model for Algeria’s Repression of Free Speech*, <https://jubileecampaign.org/the-european-court-of-human-rights-model-for-algerias-repression-of-free-speech/>; Yeginsu, Can and Williams, John, *Criminalising Speech to Protect Religious Peace? The ECtHR Ruling ES vs. Austria*, November 2018, *Just Security*, FOREF, *ECHR Upholds Ruling that Criminalizes Islam-Critique*, October 2018, <https://www.justsecurity.org/61642/criminalizing-speech-protect-religious-peace-ecthr-ruling-e-s-v-austria/>; <https://foref-europe.org/blog/2018/10/29/pess-release-echr-upholds-ruling-that-criminalizes-islam-critique/>; <https://www.theatlantic.com/ideas/archive/2018/10/its-not-free-speech-criticize-muhammad-echr-ruled/574174/>; <https://www.dagen.se/debatt/2018/11/23/att-slippta-bli-krankt-ar-ingen-mansklig-rattighet/>.

is used to persecute individuals for not believing. States can accuse someone for blasphemy for any objection or questioning of the authenticity of Islam, its laws or its prophet(s).

- In Indonesia authorities detained Catholic ex-Muslim Apollinaris Darmawan for inciting hatred for his comments on his blog page about why he does not believe in Islam. The authorities' arrest of Apollinaris was in response to mobs who stormed Apollinaris home and also intolerant actors who called for his arrest. In addition, authorities arrested youths for exercising their freedom of expression on social media. The detention of Apollinaris was justified by authorities as being for his safety but the arrests of him and others for using social media to express their religious or belief views have been used to appease intolerant actors and violate the freedom of religion and belief and expression of those detained.² While the Indonesian authorities defend their actions as stifling religious hatred, there are several social media posts still up where intolerant actors refer to Apollinaris as an "old fart" and celebrate his incarceration while sharing the video which shows when the mob stripped him naked. On Facebook a post shows Apollinaris face photoshopped onto a dog with a cross around his neck.³ The population have been irritated at him for holding views which do not match the majority.
- Similarly in Algeria the ECtHR judgement *E.S. vs Austria* was used to justify the arbitrary detention of a Christian who left Islam. Authorities arrested Hamid Soudad in 2021 for a Facebook post he had shared nearly three years earlier saying that it was inciting hatred. Firstly, the reference to the ECtHR decision was disingenuous since the ECtHR took the state's side due to the "offensive language" purportedly targeting a minority group in society, whereas Hamid Soudad represented the minority in society. Secondly, the ECtHR upheld the Austrian's government right to place a fine - not a prison sentence, as falling within the margin of appreciation. During the court case the judge spent time questioning Hamid Soudad on when and why he left Islam and whether he was member of the Evangelical Protestant Church of Algeria, rather than on the Facebook post. The Algerian government sentenced Hamid Soudad to five years in prison.
- The inability or unwillingness of certain states who are members of the Organisation of Islamic Cooperation to see the religious intolerance that drives the criminalising of blasphemy and apostasy is a great concern. These states' interpretation of what constitutes religious hatred risks hollowing out the meaning of religious freedom and tolerance.

C. Red countries + Nigeria [12 states]: The countries criminalise with the death penalty apostasy from Islam and/or blasphemy of Islam.

The defenders of these laws which criminalise apostasy or blasphemy, purport that these laws have helped to decrease violence based on religion or belief however, they have instead exclusively been used to silence minority beliefs. Looking at statistics from several of the countries they have had the opposite effect:

- In Yemen, which has the death penalty for apostasy, individuals who are Christian and former Muslims, Bahais are other religious minorities are considered as a threat to the security of the state and representing their religion is considered a crime of contempt and blasphemy of the Islamic religion.⁴

² USCIRF, *FoRB Victims Database: Apollinaris Darmawan*, December 2020, <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/apollinaris-darmawan>.

³ <https://www.youtube.com/watch?app=desktop&v=GtawY85JDF4>; <https://www.facebook.com/apollinarsis.strees>.

⁴ Alexander, Christopher; Sato, Mai; Hosen, Nadirsyah; McLaren, James (2021). Killing in the Name of God: State-sanctioned Violations of Religious Freedom. Monash University. Report. <https://doi.org/10.26180/16748866.v2> ; UNGA78 parallel event, *Strengthening Freedom of Thought Conscience, Religion and Belief in Yemen for Resilient Peace, Prosperity, Progress and Sustainability for All*, 11th September 2023, Yemeni Christian Musheer Khulaidi shared: "Representing your religion is a crime of contempt and blasphemy of the Islamic religion, and its penalty is imprisonment. Our problem as minorities in Yemen is that the state does not recognize our existence as a religious group and minority and considers that any religion other than Islam is an intruder into society and a plot targeting the state, religion and sovereignty, and must be confronted with force, even if bloodshed is required."

- In Pakistan religious hatred is equated with blasphemy which is not defined in law, and in practice does not require intent. Authorities in Pakistan introduced the death penalty for blasphemy in 1986. The reported cases and arrests have grown exponentially since then from less than 10 cases between 1927-1986 to at least 1 855 people accused of blasphemy from 1987-2020.⁵ The government line that these laws are to ensure peace and safety are incorrect - if safety is referring to that of all its citizens. Center for Research and Security Studies reveals that the numbers of those injured or killed following blasphemy allegations increased after the 1986 introduction of the death penalty for blasphemy - which would speak to the legal framework itself being the source of the advocacy for hatred. The report also cites the expansion of the scope of anti-blasphemy laws as contributing to the worsening of the situation, “the introduction of additional clauses in the blasphemy laws (PPC295-B, PPC295-C, 298A, B, C), and the addendums that introduced the death penalty and other punishments into the existing laws back in 1980 and 1986 have made the situation even worse.”⁶ The report finds that there were no extrajudicial killings of any alleged blasphemers or followers of the Ahmadi faith from 1954 to 1992, “Though cases of blasphemy were reported during this period, such cases surged after 1988, when supplemental clauses were added to the blasphemy law PPC 295-B[7], C[8], 298-A[9], B[10], & C[11].” From three people killed or injured between 1947-1986, the number of those extrajudicially killed or injured after 1986 increased to 104 [76 of them killed], in a shorter time window, until 2021.

III. 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? Where do these prejudices emanate from? (2)

There are legal texts which condone the death penalty for apostates and the calling of religious minorities as “infidels”.

Please see the documentation in “Silenced” by Paul Marshall and Nina Shea which lists several concerning cases. Dr. Christine Schirrmacher’s: “Let there be no Compulsion in Religion (Sura 2:256): Apostasy from Islam as Judged by Contemporary Islamic Theologians: Discourses on Apostasy, Religious Freedom, and Human” looks over the different Islamic interpretations criminalising apostasy and blasphemy. Efforts by Muslims to reform intolerant interpretations have unfortunately been met with imprisonment and historically in the worst case with execution as was the case of Muhammad Taha in Sudan. Similarly lawyers who defend victims of anti-blasphemy laws can themselves be accused of blasphemy. Governor Ahok who challenged the Islamic validity of the Hadith which said a non-Muslim cannot be a leader of Muslims was accused of blasphemy and sentenced to two years in prison, thus giving intolerant interpretations of the Quran precedent and hindering Islamic law to progress or change. Similarly those who no longer wish to subscribe to those Islamic rulings are threatened with death or imprisonment for being apostates.

Certain Islamic teachings deny the right to question and leaving the religion or belief is considered treason. In some Islamic faith traditions religious leaders say a families eternal fate is jeopardised by having a family member who leaves the religion or belief (Bangladesh), “In Badshah’s society, families believe they will go to hell if one member is a Christian. It is their duty to convince a convert to return to Islam. If he refuses, it is

⁵Alexander, Christopher; Sato, Mai; Hosen, Nadirsyah; McLaren, James (2021). Killing in the Name of God: State-sanctioned Violations of Religious Freedom. Monash University. Report. [https:// doi.org/10.26180/16748866.v2](https://doi.org/10.26180/16748866.v2) page 9.

⁶ Center for Research and Security Studies. Blasphemy Cases in Pakistan: 1947-2021. <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/#:~:text=As of 2021, 89 people,roughly 1,500 accusations and cases.>

their duty to kill him – and if they do, then they will go to heaven.”⁷ This and similar teachings have prompted individuals to kill their own family member to guarantee their own eternal salvation.

Even in countries which officially have religious freedom - the parallel existence of religious laws and teachings which do not tolerate apostates among communities has resulted in violence. Morningstarnews has reported over 20 cases of violence by family members or the wider community towards individuals who converted to Christianity from Islam in 2023 alone.⁸ In Europe as well, families and individuals have executed their wife, daughter, family member or friend for leaving Islam or for not practicing it as they should or [for women] liking a non-muslim man, as it is considered apostasy and worthy of the punishment of death.⁹ Similar trends are also taken up by Islamist terrorist organisations.

It is clear that persecuting individuals for choosing their religion or belief will not change their behaviour. Individuals will always be seeking their own truth and marrying the person they love, it does however have implications on their [the persecuted’s] ability to practice openly and freely and without fear their fundamental freedoms protected under international law.

In Yemen in Houthi-controlled areas the Houthi leaders have been calling for violence against religious minorities. On 25th May 2023, Houthi militia stormed a peaceful meeting of Bahais in Sana’a and arrested 17, including five women, and continue to detain 11 of them incommunicado. In 2 June 2023, the UN High Commissioner on Human Rights reported how the Mufti Shamseddin Sharafeddin, appointed by leaders of the Houthi militant movement, accused the detained Bahais of being apostates and saying “they should be killed,” if they did not repent. Similar hate speech and incitement has been recorded in Yemen towards Christian converts and Jews.

IV. Existence and extent of monitoring of prejudicial attitudes among state actors, including law enforcement and justice operators and how they are recognised and addressed (3)

In the red and orange countries the prejudicial attitudes are so pervasive that they are not addressed but glossed over and encouraged on domestic levels whereas on the international stages, states purport to protect freedom of religion and belief. As has been noted several of these states will have religious freedom in their constitutions but leave out freedom of conscience and caveat their commitments by stating that they are an Islamic State. Algeria is a recent example of this and while they claim religious freedom they have specifically closed Algerian churches which are locally led by Algeria Christians from Muslim backgrounds and have arrested Hamid Soudad on blasphemy charges which they define as “inciting hatred.” They reference the European Court of Human Rights decision disingenuously and question Hamid Soudad about his conversion and equating his meeting with other believers as being unlawful activity even if the right to worship and meet together is protected under Article 18 and Freedom of association and assembly. The UN WGAD released an opinion considering the detention of Hamid Soudad to be arbitrary resulting ultimately in his pardon by the President of Algeria in 2023. However, Algerian authorities continue to harass and detain religious minorities.

⁷ Christian Freedom International, *They Couldn't Steal His Faith But His Body*, <https://christianfreedom.org/they-couldnt-steal-his-faith-but-his-body/>. “In Badshah’s society, families believe they will go to hell if one member is a Christian. It is their duty to convince a convert to return to Islam. If he refuses, it is their duty to kill him – and if they do, then they will go to heaven. *Badshah was beaten and harassed. His family threatened to kill him. No one in his village or home would cooperate with him. No one would talk to him – except to scold and argue that he and fourteen generations of his family would go to hell.* In Badshah’s society, families believe they will go to hell if one member is a Christian. It is their duty to convince a convert to return to Islam. If he refuses, it is their duty to kill him – and if they do, then they will go to heaven. *Badshah was beaten and harassed. His family threatened to kill him. No one in his village or home would cooperate with him. No one would talk to him – except to scold and argue that he and fourteen generations of his family would go to hell.*”

⁸ MorningstarNews, Muslim Husband Sets Wife on Fire for Accepting Christ, November 2023, <https://morningstarnews.org/2023/11/muslim-husband-sets-wife-on-fire-for-accepting-christ/>.

⁹ Swedish Public Service, *Refused to Murder His Daughter - Was Murdered Himself*, 16 August 2017, <https://www.svt.se/nyheter/lokalt/vastmanland/vagrade-avratta-sina-dottrar-blev-mordad-sjalv#>; DW, *Afghan Refugee on Trial for Prien Killing*, 23 January 2018. <https://www.dw.com/en/bavarian-court-tries-afghan-asylum-seeker-for-stabbing-refugee-in-prien/a-42270110>.

In Egypt for example, they are so pervasive that Supreme State Security Prosecution (SSSP) are allowing law enforcement to detain individuals for not believing in the state religion and investigating individuals for exercising their freedom of thought, conscience, religion or belief, while defining article 18 and 19 protected conduct as engaging in terrorism. Sharing a faith different to the state is miscategorised as incitement to violence - not noting that the violence that they fear will erupt is from Islamist radical groups. Similarly Europe is looking at reviewing their legislation on freedom of expression and association due to threats of violence, not by the speaker or its followers, but by those oppose the speech of the protestor. To change legislation for fear of violence by intolerant actors will allow terrorism to win. The goal of terrorism is to through violence and threats change the fabric of society to match the views of those funding the terrorists, once society adapts to those demands the terrorist actions will decrease and instead move into the state apparatus.

“By desecrating holy books, we encourage recruitment of terrorists.” - For longterm change we need to challenge the Sunni militant groups. True reverence for religion is shown in the lives and actions of its adherents - their violence and threats are the biggest disservice to their religion.

V. Instances and effects of the advocacy of hatred based on religion or belief via anti-apostasy and anti-blasphemy laws in Islam as described above (4):

- *For adherents to various religions and beliefs, individually and collectively;*

Limits their freedom to worship. In Algeria it has resulted in the government closing down places of worship for Christian ex-Muslims and harassing them for meeting together.

Indonesia and Uganda - pressure from violent non-state actors has resulted in governments caving to the pressure and shuttering places of worship. Similar practices are seen in Egypt where violent actors are appeased by stopping the rebuilding of a church, as is the case in other states where Islam is the religion of the state or where religious laws run parallel with the state. The Indonesian authorities have erroneously called for peace by limiting the right to freedom of worship.

- *Within religious and belief communities;*

It results in stagnating reform within the religion and belief communities it also puts a lot of pressure on the groups and can cause mistrust.

VI. Overlap of hatred based on religion or belief and other grounds of discrimination (5)

Gender discrimination with regards to women of faith is compounded, not only do they face persecution but also attacks to their character in a society that places a high value on a woman's moral reputation. In addition women are targeted to a greater extent by sexual violence, including forced marriages and coerced conversions. Mahram (male guardianship laws) of women in Houthi-controlled areas in Yemen has made it more difficult for women to flee religious persecution and hatred. Hatred based on religion or belief and applied in the criminalisation of blasphemy can be seen in Pakistan where the rights of persons of disability are overlooked when there is an allegation of blasphemy involved and the individual is from a religious

minority, as was the case for Stephen Masih.¹⁰ Not until external pressure was placed were the medical reviews of the mentally disabled Stephen Masih released to the court.

VII. Particular times or forms associated with manifestation of hatred based on religion or belief (6)

Social media is often a big source of hatred since it is quickly spread. Even in Nepal the arrest of Pastor of Keshav stemmed from a video which misrepresented a prayer he prayed and was used to motivate his initial arrest though the charges laid out by the authorities were arbitrarily altered significantly after the initial arrest.¹¹

For Mubarak Bala, ex-Muslim Humanist in Nigeria, the spread by intolerant actors of his Facebook content was used as reason for his arrest. Often additional meanings or comments are included to the initial post to enrage religious actors to harm the originator of the post.¹² The lynching of female university student Deborah Emmanuel is another example. The murder by her male classmates and others was preceded by the spreading by intolerant Muslim students in her class of speech she shared on a private WhatsApp Study group, out of context, with the intent to stir hatred against her among intolerant and violent actors, for exercising her freedom of expression as a Christian student and for standing up for herself.¹³ Similarly authorities arrested Rhoda Jatau after intolerant actors criminalised her exercise of freedom of speech for sharing a video condemning the murder of Deborah Emmanuel.¹⁴

In Pakistan, following Quran burnings in Europe, extremist Islamist actors, falsely placed those actions as the responsibility of Pakistani Christians. Similar actions were attempted following the European Parliament decision condemning Pakistan's criminalisation of blasphemy, where individuals expressing support for the resolution were equated with blaspheming Islam.¹⁵

In Kurdistan Iraq, intolerant actors have engaged in religious discussions with ex-Muslims including derogatory terms towards Christianity to prompt the respondent to say something about Islam and then use that religious dialogue to create an angry mob online to alert authorities and detain the Christian minority. In the case of Bishop Bahzad, the religious hatred placed towards him for having a religious discussion was miscategorised by hateful preachers and shared online with a wide reach, forcing him to remain in exile. Thanks to intervention by international actors the charges were dropped against him but the widespread threats to his life by a prominent religious preacher still places his life at risk should he return.¹⁶

¹⁰ Office of the High Commissioner on Human Rights, *Pakistan: Christian on Blasphemy Charges Must be Freed*, October 2021, [https://www.ohchr.org/en/press-releases/2021/10/pakistan-christian-blasphemy-charges-must-be-freed-experts#:~:text=GENEVA \(21 October 2021\)](https://www.ohchr.org/en/press-releases/2021/10/pakistan-christian-blasphemy-charges-must-be-freed-experts#:~:text=GENEVA%20(21%20October%202021)-,trial%20for%20allegedly%20committing%20blasphemy.)—trial for allegedly committing blasphemy.

¹¹ Jubilee Campaign, *Religious Prisoner of Conscience Profile: Pastor Keshav*, <https://jubileecampaign.org/keshav-acharya/>.

¹² Al Jazeera, *Nigerian atheist jailed for blasphemy over Facebook posts*, April 2022, <https://www.aljazeera.com/news/2022/4/5/nigerian-atheist-jailed-for-blasphemy-over-facebook-posts>.

¹³ AL NGA 1/2023 <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28273>.

¹⁴ *ibid.*

¹⁵ MorningsarNews, *Another Christian Nurse Falsely Accused of Blasphemy*, May 2021, <https://morningsarnews.org/2021/05/another-christian-nurse-falsely-accused-of-blasphemy/>.

¹⁶ Rudaw, *Duhok bishop faces legal complaint over Facebook post on Islam*, February 2023, <https://www.rudaw.net/english/kurdistan/180220231> and direct correspondence with Bishop Bahzad in February-May 2023.

In Algeria similarly, online discussions and posts are used to bring accusations of blasphemy.¹⁷

Ramadan are times when hatred against ex-Muslims or those not fasting increases. Friday prayers unfortunately are used as a forum to call on hateful actions against individuals for example in the case of Deborah Emmanuel??

The religious hatred and violence against Samuel Paty was following a live video by one of the parents of one of the children miscategorising what took place and spreading it on social media.

Criminal anti-blasphemy laws are low hanging fruit for intolerant actors to use against those who they disagree with. To break these cycles of emotional manipulation there needs to be concerted efforts to expose the intolerant actors to their own hypocrisy and what they are actually criminalising via anti-blasphemy laws. The same Muslims who defend anti-blasphemy laws will claim that they respect Christianity. This is not true, since Christians believe that Jesus is the son of God and not merely a prophet. To demand that Muslims believe Jesus is the son of God is ridiculous, similarly Muslims cannot expect Christians and non-Muslims to claim Muhammed is a prophet of God.¹⁸ This forthright challenging is needed to delegitimise the motivations for defending anti-blasphemy laws - repealing these laws defends everyone's right to religious dialogue and expression.

VIII. Efforts to counter hatred based on religion or belief countered at different levels, by State actors alone or in partnership with other actors (7)

The definition of hatred based on religion or belief is used by some states to constitute legitimate exercise of freedom of thought, conscience, religion and belief. In Algeria it has resulted in the arbitrary detention of Christian Hamid Soudad for nearly two years and the Egyptian authorities detention of Abdulbaqi Saeed in Egypt.

In Nigeria - it is used as the justification of the detention of Rhoda Jatau for sharing a video condemning the lynching of university student Deborah Emmanuel.

In certain European states they have chosen to criminalise blasphemy which is not productive.

In the wake of the attack against Samuel Paty – France did the right thing to stand with the teacher and his commitment to free speech and affirm the right to exercise religion or belief and freedom of expression and condemn the use of blasphemy laws. We ask that the same support be shown towards ex-Muslims in France who face threats. We would like to commend France for specifically Article 3 of the Charter of Principles for Islam which has been met positively by ex-Muslims in France: "Freedom is guaranteed by the principle of secularism which allows each citizen to believe or not to believe, to practice the religion of his choice and to change religion. Thus the signatories undertake not to criminalize a renunciation of Islam, nor to qualify it as 'apostasy' (ridda), still less to stigmatize or to call, in a direct or indirect way, to attack the physical or moral integrity of those who renounce a religion." In 2022, Set My People Free shared the following recommendations with OSCE states to roll back on hate crimes against ex-Muslim :

- Ensure ex-Muslim atheists, Christians etc are visible in public debates and media [for example Swedish Public Service invited Omar Makram- a former Muslim to share during a debate] to normalise their existence.

¹⁷ USCIRF, *ForB Violation Victims Database: Hamid Soudad*, <https://www.uscifr.gov/religious-prisoners-conscience/forb-victims-database/hamid-soudad>; <https://www.uscifr.gov/sites/default/files/A-HRC-WGAD-2023-4-AEV.pdf>; AL DZA 10/2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26833>.

¹⁸ This important dialogue was had during the IRF Summit 2022 march.

- Create a dedicated hotline for survivors of hate crimes motivated by anti-apostasy or anti-blasphemy laws.
- Provide emergency relocation

In the wake of acts of religious hatred, state actors who make claims that religions are inherently peaceful, these statements are not helpful, it is better that states take that time to educate the public on the difficult but necessary definition of freedom of thought, conscience, religion or belief. It is easier to say that all religions are peaceful or all religions are harmful rather than reaffirm the right for individuals to express their religion or belief and emphasise that in our country religions are honoured and respected by their adherents but not by everyone and that the dignity of each individual is more important. The assumption that the loudest actors are the majority is erroneous and dangerous, moreover international law is not to protect the majority but the rights of every individual, including the ex-Muslim or the Muslim who does not agree with anti-blasphemy or anti-apostasy laws. Unfortunately however, for many of these ex-Muslims and Muslims, speaking out comes with a cost. Several Christians from Muslim backgrounds even in states which have religious freedom have to live with hidden identities, religious hatred has this effect. Visibility of apostates in public spaces is important, especially in interfaith dialogue. Similarly states condemning the burning of Qurans in Sweden, assume they are doing a good deed, however, they are indirectly assuming that all Muslims support anti-blasphemy laws, which is not true.¹⁹

IX. Role for religious and belief actors in countering advocacy to hatred based on religion or belief (8)

In France religious actors agreed to stop calling for physical punishments for apostates. Similar actions should be encouraged.²⁰

In Pakistan in November 2020, the Pakistan Ulema Council exonerated six Christian sanitary workers accused of blasphemy - the board concluded the men were illiterate and therefore innocent. Though the goal for Pakistan should be the end of the criminalisation of blasphemy - intervention by religious leaders to counter religious hatred in the form of violence and reprisals against individuals accused of blasphemy can have an immediate effect.

In countries with democratic systems however, relying too heavily on religion and belief actors can be problematic since it is democratically elected leaders who should form the laws of the land and religious and belief leaders do not represent the views of all faith adherents. Individuals are the rights holders, not the religious leaders. Also religious leaders should be independent of the state and not puppets for government or vice versa. At the same time religious leaders are not immune to responsibility and accountability.

X. How are hatred, intolerance and discrimination based on religion or belief monitored – including with data – and how is this evidence base used to counter the negative effects that results? To what extent is this data used as a basis for policy design and implementation? (9)

¹⁹ ECLJ, *The Persecution of ExMuslims in France and Europe*, July 2022, <https://eclj.org/religious-freedom/coe/the-persecution-of-ex-muslim-christians-in-france-and-in-europe>.

²⁰ ECLJ, *LA PERSÉCUTION DES CHRÉTIENS EX-MUSULMANS EN FRANCE ET EN EUROPE*, July 2022, <http://media.aclj.org/pdf/La-persecution-des-convertis-ex-musulmans-en-France-et-en-Europe-Temoignages-juillet-2022.pdf>, page 18.

As mentioned - OSCE has their hate crime report however, it does not include the plight of exMuslims which has been flagged by SMPF with ODIHR.

With regards to OIC states, there is no universal definition between states of what constitutes hatred, intolerance and discrimination based on religion or belief. Being an ExMuslim is considered hateful by states, since to be an apostate of a religion or belief you have to reject to some capacity the teachings or ideologies of the religion. The purported hatred however is towards the teaching of the religion and individuals expressing dislike with a religion or belief should not be assumed to be showcasing hatred to the adherents of the religion itself. Also as part of accountability and transparency, it is important that religious actors and adherents are allowed to challenge, share and question their beliefs.

XI. Legislative initiatives and case law, public policies, programmes, and projects aimed at countering hatred, intolerance and discrimination – including through positive initiatives towards managing religious and belief diversity – to ensure social inclusion and respect for the rights of all. (10,11,12,14)

The most effective tool to counter religious hatred towards apostates from Islam has been found in Tunisia where secular education was key in bringing about the changes that were seen after the Arab Spring. Education that promotes human rights is key rather than education on religion. Education on what religious freedom is and the rights of individuals to choose and practice should be central. Similarly a strong civil society can put pressure on changing laws as was also the case in Tunisia and it became one of the first state's officially recognise marriage between a Muslim women to and a non-Muslim man.²¹

In addition - interfaith dialogue is not effective if there are no apostates or those who have converted to other religions or beliefs present. If religious leaders cannot treat with dignity someone who has left their religion or belief and at worst calls for physical violence or even death towards such and individual, interfaith dialogue is meaningless. Therefore the article 3 of the Charter of Islam in France is an important document which should be signed onto by more religious leaders.²²

Fear of those who hold the violence capital is often the biggest driver for religious hatred and the best antidote is to not allow the violent actors be rewarded through the silencing or hiding of diverse voices. The projection of the Muhammed Cartoons in France for example was an important stance. Likewise the document for rights of Muslims in France made clear that calling in a direct or indirect way for the death of apostates will not be tolerated.

Similarly we recommend that in states where violent mobs call for the closure of a church or other place of worship, such as in Egypt, Indonesia and Tanzania, the government legislates that any such violent act will result in the licence being granted for the religious community in question directly. This would discourage the violent actors from getting their way - since usually the response is that the construction of the church stops or the registrations process is placed on hold.

XII. Extent to which existing UN tools to counter hatred are used by the various stakeholders with a mandate to uphold human rights (13)

The Faith for Rights framework is helpful but not fully understood by states who continue to criminalise apostasy and blasphemy of Islam. Also information and updates regarding how the framework is being used

²¹ BBC, *Tunisian women free to marry non-Muslims*, 15 September 2017. <https://www.bbc.com/news/world-africa-41278610>.

²² ECLJ, *The Persecution of ExMuslims in France and Europe*, July 2022, <https://eclj.org/religious-freedom/coe/the-persecution-of-ex-muslim-christians-in-france-and-in-europe>.

is not lifted among existing networks working for freedom of religion or belief, for example the international religious freedom roundtables.

The discriminatory condemnation of the Quran burning while being silent on the desecration of other holy books in Yemen, China and other countries, are testament that States are disingenuous in their efforts to counter religious hatred.

The Special Envoy to Prevent Genocide should also engage with the freedom of religion or belief advocates as the majority of modern-day genocides or areas facing genocidal violence have targeted religious minorities [Iraq, Myanmar, Nigeria, Yemen, NE Syria].

Freedom of expression - the free movement of diverse ideas and information is one of the key tools to counter systemic hatred. Hate is a heart issue so controlling speech will not control the hearts. Martin Luther King Jr. provides solid recommendations: “It may be true that the law cannot change the heart but it can restrain the heartless. It may be true that the law cannot make a man love me but it can restrain him from lynching me; and I think that is pretty important also.” Laws which criminalise apostasy and blasphemy must be repealed - since they stem from religious intolerance and the denial of the dignity of the other to make their own choices of who to love and what to believe, threaten their right to life. Freedom of expression also allows hateful ideas to be exposed and challenged.

XIII. Efforts underway, or needed to ensure that ALL laws, policies, initiatives and efforts in this arena are rooted in an inclusive understanding of freedom of religion or belief for all and do not have a chilling effect on the full enjoyment of this right (14)

Challenging these intolerant laws [anti-apostasy and anti-blasphemy laws] is one way and education that emphasises that “paradise is not compulsory” and that respect for religious communities does not mean having to accept their religions or beliefs. Muhammad Syed, with ExMuslims of North America, rightly mentioned that Muslim beliefs are blasphemy for Christians. For example, saying that Jesus was a prophet - for Christians Jesus is God, thus saying he is merely a prophet is not respecting their religion. However, similarly as you cannot force a person who believes in Islam to say “Jesus is Lord” you cannot force an individual who is Christian or no longer believes in Islam to say, “Mohammed is a Prophet of God.” Religions make different and often competing truth claims, therefore agreement with all beliefs should not be a prerequisite for inter religious harmony rather the **focus should be on dignity of each individuals regardless of their religion or belief and where freedom to adopt a religion or belief of one’s choice is recognised as absolute.**

States should incorporate language in the UNGA resolution on extrajudicial and summary executions on repealing the death penalty for apostasy and blasphemy which has support of a coalition of actors from diverse religions and beliefs:

“Urges States to take the necessary measures to address the root causes to acts that could amount to extrajudicial, summary or arbitrary execution committed against persons for exercising their rights to peaceful assembly, freedom of thought, conscience, religion or belief and freedom of expression, by fully promoting, protecting and respecting human rights including by decriminalizing apostasy and blasphemy in line with the Rabat Plan of Action. [Security Council Resolution S/Res/2686] (2023), SG A/78/241 para. 18, 23,52, 54]”²³

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²³ Jubilee Campaign et. Al, *UNGA Resolution Proposal*, December 2022, <https://jubileecampaign.org/wp-content/uploads/2022/12/UNGA-Resolution-Proposal.pdf>.

restrain the heartless. It may be true that the law cannot make a man love me but it can restrain him from lynching me; and I think that is pretty important also.” Laws which criminalise apostasy and blasphemy must be repealed - since they stem from religious intolerance and the denial of the dignity of the other to make their own choices of who to love and what to believe, threaten their right to life. Freedom of expression also allows hateful ideas to be exposed and challenged.

Support and train media journalists to report on freedom of religion or belief violations.

Support lawyer and human rights defenders that are equipped to take on cases of religious freedom violations stemming from religious hatred.

XIV. Civil society-led initiatives (15)

Set My People Free has in Sweden held exhibitions on the public streets with victims and survivors of religious hatred on the grounds of anti-apostasy and anti-blasphemy laws. While these are on a small scale these open air exhibitions have allowed for open dialogue in countries which enjoy freedom of speech and meaningful conversations. From our experience we have found that frank discussions with people provide more respect than just patting everyone on the back or lying about that you respect a religion or belief, when there are practices which you disagree with. Religious freedom does not mean that all religious actors have to agree on ideology but they have to agree on the individuals right to choose and adopt the religion or belief of their choice and the dignity of each individual. **Being honest to people of diverse faiths is the highest sign of respect and also being open to listen to their response.**²⁴

A lot of attention by OIC states has been on the burning of the Quran. The burning of a person’s privately owned book whether a Quran, Bible or any other religious book, in public or in private, cannot be classified as religious hatred in and of itself. Iran executed two men for accusing them of burning a Quran.²⁵ It is not surprising that individuals would want to burn their own religious book that they do not agree with any longer or that they believe is the cause of a lot of suffering and which includes verses that calls for their execution or similar. ExMuslim Canadian-Iranian Armin Navabi has expressed that burning a Quran is not a means of religious discussion but a mark towards the violent actors to show that the execution of individuals for burning their personal Quran does not succeed in silencing religious criticism, “When violence is used to intimidate us into silence, it must backfire. If we don’t respond, we are allowing these intimidation tactics to succeed.”²⁶ Since violence cannot be responded with violence, burning their own Quran is the only way to challenge the intolerant actors. Similarly to how President Macron chose to project the Charlie Hebdo cartoons on public French buildings. Other civil society members have spoken about spreading the risk, since violent and intolerant actors have weaponised religion, challenging their monopoly by further exercising freedom of speech and freedom of religion or belief is necessary and helps to spread the risk in countries where there is still relative religious freedom.²⁷

Efforts led by NGO Jubilee Campaign to create coalition committed to repeal the death penalty for apostasy and blasphemy should continue to be pursued.

²⁴ <https://www.facebook.com/freedom2worship.org/photos/pcb.10159477227059570/10159477226354570>.

²⁵ Al Jazeera, *Iran Executed Two Quran Burners for Blasphemy*, May 2023, <https://www.aljazeera.com/news/2023/5/8/iran-executes-two-quran-burners-for-blasphemy>;

²⁶ Armin Navabi twitter post, “Two individuals in Iran have just been executed on charges including insulting the Prophet”, 8 May 2023, <https://twitter.com/ArminNavabi/status/1655511686345015298>.

²⁷ Atheist Republic, “Why I burn the Quran”, Facebook film posted on July 29, 2018, <https://www.facebook.com/watch/?v=1942850539135129>. girl from #Iran burns the #Quran:

She says: “I burn this Quran because they deceived me for 20 years and forced this book on me... I do this for a better tomorrow for me and other young Iranians and to say we won't remain under oppression.”: <https://twitter.com/ArminNavabi/status/995097628022005760>; Vice, *Charlie Hebdo Mohammad Cartoons Projected on Buildings in Tribute to Slain Teacher*, <https://www.vice.com/en/article/m7ajj4/charlie-hebdo-mohammed-cartoons-projected-on-buildings-in-tribute-to-slain-teacher>.