

# **LETTER FROM THE EXECUTIVE** **BOARD**

Dear Delegates,

Welcome to UNESCO, CAMUN'13. We sincerely hope you come to the committee well-researched and geared up to discuss and debate the given agendas. Moreover, we also hope we're able to moderate the debate well enough for you and provide a conducive environment for your debate to ensue.

You must keep in mind the importance and significance of the United Nations Educational, Scientific and Cultural Organization in today's changing scenario as you try and live up to the expectations of your own nations and the people of the world in need. We look forward to three days of energetic and fruitful debate during which we expect strict adherence to the respective foreign policies of all nations involved as well as stringent observance of parliamentary procedure. We look for spontaneity, confidence, leadership and negotiation skills.

Kindly do NOT restrict your research to the contents of this Guide.

Directly quoting from the Background Guide as a proof of evidence shall not be accepted in the Committee.

We would also entertain motions to change the order of the agendas so feel free as a committee to decide which agenda you'd like to discuss first.

Feel free to contact the secretariat regarding any queries you may have.

Regards,

**MRINALINI GAUR**

**Director**

**UNESCO, CAMUN'13**

# **Hate Speech and Incitement against Muslims**

## **Introduction**

In the past recent times, Hate Speech and Incitement against Muslims has been the major concern for the UN as well as for most Arabic, Muslim and Western countries. Hate Speech outside the law means communication that vilifies a person or a group based on discrimination against that person or group. But inside the law, it means any speech, gesture or conduct, writing, or display which is forbidden because it may incite violence or prejudicial action against or by a protected individual or group, or because it disparages or intimidates a protected individual or group. Although the ICERD prohibits all incitement of racism, the UNITED NATIONS HUMAN RIGHTS COMMITTEE expresses that many forms of hate speech do not meet the level of seriousness as stated in Article 20, the problem of Hate Speech and Incitement against Islam still persists in many corners of the world. This problem very much coincides with ISLAMOPHOBIA and DEFAMATION.

Such major problems are seen mostly in the US after the unforgettable event of 9/11, where Muslims are still targeted and viewed as terrorists. Another state is Egypt which recently has undergone and seen violent riots against President Mohammed Morsi. As the Muslim Brotherhood carried out protests against him silently, President Morsi used the Army Power to suppress them. In India too, on June 8, 2013 a saint- Swami Kamalananda publicly gave a hate speech against Muslims at Indra Park, Hyderabad.

Some Resolutions have been passed in an effort to reduce the effects of Incitement against Muslims. One of them is the Resolution 16/18, an effort of the Islamic Cooperation which seeks to limit speech that is viewed as “discriminatory” or which involves the “defamation of religion” – specifically that which can be viewed as “incitement to imminent violence.” This resolution faced a lot of disparities. It was always rejected/vetoed by the US delegation but finally it had to agree as the US Constitution guarantees the Freedom of Free Speech to its citizens regardless of religion. On March 2006, the UNHRC passed a resolution entitled “Combating Defamation of Religions”, in 2001, a resolution entitled "Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity" was brought forth by CHR and passed. Several other resolutions have been passed and yet problems persist in many corners of the world.

Most countries such as France, Australia, India have punishable laws for anyone practicing hate speech whereas some countries such as Chile, Canada, Brazil have highly punishable laws against hate speech and incitement which can lead to imprisonment of about 20 years or a high fine or death sentence depending upon the intensity of the crime.

## **Islamophobia**

While Islamophobia is not a new phenomenon, the terrorist attacks of September 11, 2001 in New York City and Washington D.C., March 11, 2004 in Madrid, and July 7, 2005 in London serve to reinforce discriminatory tendencies against Muslims. The growth of Islamophobia throughout the world is evidenced by the uptick in discriminatory actions taken against Muslims in recent years.<sup>50</sup> The legislative bans on religious and cultural traits, the desecration of

religious symbols, and perpetuated misunderstandings of Islam as barbaric and primitive in comparison to Western civilization are just a few examples of discrimination that Muslims face in their daily lives. Furthermore, documented cases of housing and employment discrimination are increasing at a rapid rate. This discrimination seen throughout the world is further influenced by the ongoing instability in the Middle East. The instability has allowed the media to play on the fears of the international community in a way that has inbred a deep suspicion of the Middle East and, by association, Islam. This suspicion of Islam has allowed it to be characterized as having values opposed to that of the West, giving political actors a platform by which to garner support through the denouncement of Islam.

As a result of Islamophobia becoming more deeply-rooted into society, acts of violence and discrimination against Muslims have become common-place events. For example, the forced removal of veils worn by Muslim women such as the *hijab* and *burqa*, and the following verbal attacks are often times dismissed by authorities as being trivial and harmless acts. The recent ban by Switzerland on Minarets, a distinctive architectural feature of Mosques, will directly affect the availability of places to worship for Muslims in the country.

Finally, the frequency by which racial profiling of persons looking to be of Middle Eastern descent, with the assumption being that they are also followers of Islam, is cause for concern as it pertains to basic human rights. Individuals fitting the stereotypical description of a Muslim are most often discriminated against in airports, with reported incidences ranging from pilots calling airport security about Muslim passengers to the removal of the security clearance for several Muslim employees at the Paris Charles de Gaulle airport in 2006 because they were thought to constitute a threat to passengers. The manifestations of Islamophobia are both far too common and abhorrent as they exist in the international community. However, such acts seem to manifest with a slight variance between the United States and Europe, with most Muslim Europeans facing a higher degree of poverty and legal discrimination than their counterparts in the United States of America.

## **Islamophobia in the United States**

To some extent, Muslims in the United States of America have faced a greater degree of scrutiny throughout their daily lives since the terrorist attack of September 11, 2001. A 2011 report published by the Pew Research Center shows that nearly 40% of Americans believe that Islam is more likely than any other religion to incite violence. However, the same report is quick to point out that this sentiment is largely generated by Conservative Republicans and those associated with the Tea Party. In 2010, politicians belonging to these same groups began calling for a complete ban on *Sharia* law, or Islamic law that governs Muslims in their daily lives in areas such as religious practice, personal conduct, and criminal codes. Although *Sharia* law is similar to current United States constitutional law in that it is likewise open to interpretation, opponents of the inclusion of such law point to its most extreme interpretations as being the true face of the law.

The construction of Park51, originally named the Cordoba House, drew widespread criticism and protests in 2010. The planned location of Park51 made its construction particularly controversial. 51 Park Place Avenue, relatively close to the World Trade Center site. Nicknamed the "Ground Zero Mosque", opponents of Park51 claimed it to be "insensitive to the families" and "like putting a Nazi sign next to the Holocaust Museum". This discriminatory rhetoric, used during the 2010 United States midterm elections, highlights the extent to which religious intolerance dominates the recent political debates.

In 2010, Pastor Terry Jones of the Dove World Outreach Center announced the creation of the "International Burn a Koran Day". The actions of Jones and his followers received international

condemnation from public figures and entities such as United States President Barack Obama, United Nations Secretary General Ban Ki-moon and the Vatican. However, Jones was able to achieve the notoriety and fame for his ideas just as he wished; his idea was carried out both in various parts of the USA and in Europe. Each of these events is demonstrative of the widespread political and social discrimination that Muslims face in the USA. Despite having the “second-highest level of education among major religious groups in the United States” and being generally more affluent than in European countries, most Muslims still report feeling alienated. Additionally, most Muslims in the US question to what extent they should integrate the local culture into their daily lives. These beliefs, held by the majority of Muslims in the United States, indicate that much work still remains to be done to integrate Muslims into society in a way that is respectful of their cultural needs.

## **Islamophobia throughout Europe**

The presence of a large Muslim population throughout Europe can be attributed to the influx of a Muslim immigrant labor force following World War II. At that time, these immigrants faced discrimination based solely on ethnicity. However, due to the recent increase in terrorism and the “rise of Islamic regimes”, European society began regarding Muslims immigrants as “different” primarily because of their religion. Today, experts believe that the Muslim population will significantly increase over the next few decades due to “higher immigrant birth rates and lower native European birth rates”. Due to this likely increase in the overall number of Muslims being present in Europe, it is necessary to address the obstacles facing Muslims in their daily lives as related to the religious intolerance they encounter.

The OIC attributes the recent increase in Islamophobia in Europe to the ascendance of far-right political activists to high-ranking positions throughout the region. Muslim immigrants are the primary targets of discrimination promulgated by the polarized politics that play on people’s fear of what is unknown to them. Moreover, Muslims are frequently portrayed in the media as holding beliefs and customs that are contrary to European values. This media frenzy that, when speaking of Islam, tends to concentrate on topics such as “radicalization, extremism, alienation, terrorism...poverty and gender equalities” tends to further exacerbate the acts of discrimination that Muslims face in their daily lives. These factors contribute to the belief held by analysts that Muslims, despite demonstrating some success in academic and business, are poorly integrated into European society.

Muslims in Europe are frequently confronted with obstacles to carrying out their cultural rites. Several European countries, including France and Spain have banned the use of a *hijab*, the head covering worn by some Muslim women, in public places. Other concerns facing Muslims is the ability to attend mosque on Fridays for weekly congregational prayer and the availability of *halal* foods, ones that are permitted under Islamic dietary guidelines, in public areas such as schools and the military. Finally, the accessibility to mosques throughout Europe has become a two-fold issue. The prevalence of public prayer by Muslims in the streets of several European countries is being targeted. On September 16, 2011, a law banning Muslim street prayers in France came in to effect. However, the Muslim street prayers are a result of too few Mosques being present in the area to accommodate the growing number of Muslims in Europe. As a result, many Muslims are now left unable to pray at the necessary times due to a lack of appropriate accommodations to do so.

## **Freedom of Expression v/s Defamation of Religion**

The right to practice a particular religion and protection for the same is well founded in many documents of the UN. At the same time, the freedom of expression too has been considered a fundamental right.

Article 19 of the UDHR states:

*“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”*

Similarly Article 19 of the ICCPR also states:

### **Article 19**

- 1. Everyone shall have the right to hold opinions without interference.*
- 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*
- 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:*
  - (a) For respect of the rights or reputations of others;*
  - (b) For the protection of national security or of public order, or of public health or morals.*

Any action taken against defamation of religion is seen by many to be violating the basic principle which grants freedom of expression to all individuals. Critics have pointed out that due to ambiguity central to what constitutes ‘defamation’; any law that prevents defamation of religion is prone to be misused or used with arbitrariness. Such ambiguity and discretion in the end fails to achieve the intended objective.

Many argue that provisions and laws already in place provide the requisite protection that may be needed from preventing practitioners of a religion from more aggravated instances of discrimination. Things that may be ‘offensive’ and ‘derogatory’ to a religion cannot and should not, they argue, be made a part of international law. The individual governments are often the best parties to take such a call. Hence it is problematic to reconcile the notion of defamation (of religion) with the concept of discrimination.

Furthermore, in the hands of oppressive and authoritarian leaders in theocratic states, such laws which were intended to prevent defamation of religion become instruments to suppress political dissent and healthy criticism of archaic religious beliefs. This, then, becomes counterproductive and further fuels religious factionalism in a country. A certain criticism has come from the members of the civil society, NGOs and INGOs working in different parts of the world who believe that criticizing religion and questioning religious beliefs is an integral part of a democratic nation and creating a well informed society. They have pointed out many unpleasant practices and traditions that cut across religions which need to be discontinued. Hence distinguishing between progressive and regressive religious elements becomes difficult as, they argue, protection against defamation of religion should not be provided.

In many countries Blasphemy Laws have been enacted which aim to curb religious hate speech, the vilification of religion, and religious insult and seek to redress to those who feel insulted on account of their religion. Critics point out that despite the deep offence and injury caused to individuals on account of defamation of their religion, criminal punishment should not be a solution and more rehabilitative alternatives need to be found.

The United Nations too has had to balance its twin objectives: combating religious intolerance and granting freedom of expression. It has regularly adopted a nuanced stand where it allows freedom of expression as long as it does not pose security risks and leads to incitement of hatred and violence. The General Comment/Recommendation 7 to the Committee on the

Elimination of Racial Discrimination noted that the Article 4 of the ICERD is mandatory in nature. It views the provisions as necessary to prevent organized racial violence and the "political exploitation of ethnic difference." In 1993, the General Comment/Recommendation number 15 in Clause 4 noted that:

*"In the opinion of the Committee, the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression."*

The general comment no. 15 also called upon states parties to penalize four categories of misconduct:

- (I) Dissemination of ideas based upon racial superiority or hatred;
- (II) Incitement to racial hatred;
- (III) Acts of violence against any race or group of persons of another colour or ethnic origin; and
- (IV) Incitement to such acts.

The identification of the right circumstances from the wrong has been more problematic. In cognizance of this, general comment number 34 to the ICCPR noted that:

*"Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26." (Article 48)*

And it also stated:

*"Articles 19 and 20 are compatible with and complement each other. The acts that are addressed in article 20 are all subject to restriction pursuant to article 19, paragraph 3. As such, a limitation that is justified on the basis of article 20 must also comply with article 19, paragraph 3." (Article 50)*

## **Condemn Hate Speech, Fight Violence and Protect Freedom of Expression**

### **A Joint Statement by Human Rights First and the Muslim Public Affairs Council**

#### **Hate speech against Muslims must be taken seriously.**

Hate speech that intends to degrade, intimidate or incite violence against someone based on race, ethnicity, national origin, religion, sexual orientation or disability is harmful. In many parts of the world, there is a rise of hate speech against Muslims. Often, anti-Muslim prejudice is preceded by the malicious intent of dehumanizing Muslims and denigrating the prophet Muhammad or the Quran. We are also aware that hateful words can all too easily lead to physical attacks on Muslims and set off a cycle of violence.

#### **Hatred must be fought through non legal means, with responsible speech.**

However harsh and difficult the marketplace of ideas may be at times, it is most effective to uphold one's ideas through one's right to free speech. The capacity of each individual to express his/her own views must not be threatened. The best way to counter hatred is to defy it through convincing arguments, good actions and free debate. Much can be done to fight hatred without restricting speech, and governments should condemn hatred and set the example. Any

legislation that restricts free speech including religious symbols can be used to quell social and political dissent.

□ **Violence as a response to speech is unacceptable.**

Violence in response to speech is never acceptable. The feeling of being offended by hateful speech can never justify a self-proclaimed right to express violent behavior or to cause bloodshed. Countless incidents show that when governments or religious movements seek to punish offenses, in the name of combating religious bigotry, violence then ensues and real violations of human rights are perpetrated against targeted individuals. It is important to note that the largest group of victims at the hands of Muslim extremists is Muslims, with their mosques and homes and schools used as primary targets of violence.

□ **“Defamation of religions” or blasphemy laws do not protect individuals—they harm them.**

Human rights protect individuals, not abstract ideas or social norms. Religious symbols do not need the enforcement mechanisms of governments or international bodies to defend them. The reaction to hatred at times leads to other oppressive measures, such as blasphemy laws, inevitably violating human rights of religious minorities and vulnerable segments of societies. Governments and individuals frequently abuse national blasphemy laws to stifle dissent and debate, harass rivals, legitimize mob violence, and settle petty disputes. The loose and unclear language of these laws empowers majorities against dissenters and the state against individuals. They provide a context in which governments can restrict freedom of expression, thought, and religion, and this can result in devastating consequences for those holding religious views that differ from the majority religion, as well as for adherents to minority faiths.

□ **The United Nations must uphold freedom of expression.**

With the violent protests in the Middle East that led to bloodshed in September 2012, there is the imminent risk that groups or governments wish to reinvigorate the idea of adopting international legislation against insulting religion at the 2012 United Nations General Assembly. We warn against this and we oppose this way forward. Rather than criminalizing speech, U.N. member states should step up their commitments to fighting hate crimes, countering hateful discourse, opposing discrimination and promoting interfaith and intercultural dialogue. Governments need to raise their voices in responsible speech as response to hate speech. They also need to develop practical steps to combat all forms of intolerance, including hatred against Muslims, without restricting speech.

# **Bibliography:**

<http://www.unesco.org/new/en/education/resources/in-focus-articles/fighting-islamophobia-in-schools/>

[http://www.nasarmeer.com/uploads/7/7/4/6/7746984/nasar\\_meer\\_and\\_tariq\\_modood\\_-\\_political\\_studies.pdf](http://www.nasarmeer.com/uploads/7/7/4/6/7746984/nasar_meer_and_tariq_modood_-_political_studies.pdf)

<http://nypost.com/2012/10/06/free-speech-free-for-all/>

[http://www.academia.edu/545302/Differentiating\\_Islamophobia\\_Introducing\\_a\\_new\\_scale\\_to\\_measure\\_Islamoprejudice\\_and\\_Secular\\_Islam\\_Critique](http://www.academia.edu/545302/Differentiating_Islamophobia_Introducing_a_new_scale_to_measure_Islamoprejudice_and_Secular_Islam_Critique)

<http://mrzine.monthlyreview.org/2006/kumar030406.html>

<http://www.un.org/News/Press/docs/2004/sgsm9637.doc.htm>

<http://islamforskning.dk/files/journal/2010/FIFO-2010-2-del4.pdf>

<http://www.alarabiya.net/articles/2010/03/25/104041.html>

<http://www.minaret.org/un-islamophobia.pdf>

<http://www.nytimes.com/1992/03/03/world/massacre-by-armenians-being-reported.html>

<http://www.muslimnews.co.uk/newspaper/world-news/atrocities-against-muslim-in-myanmar-continues-as-uk-lift-sanctions/>

[http://www.huffingtonpost.com/harris-zafar/islam-and-free-speech-principle-vs-privilege\\_b\\_2831793.html](http://www.huffingtonpost.com/harris-zafar/islam-and-free-speech-principle-vs-privilege_b_2831793.html)

[http://rendezvous.blogs.nytimes.com/2013/06/27/free-speech-or-hate-speech-britain-bans-u-s-anti-muslim-bloggers/?\\_r=0](http://rendezvous.blogs.nytimes.com/2013/06/27/free-speech-or-hate-speech-britain-bans-u-s-anti-muslim-bloggers/?_r=0)

<http://www.christiannewswire.com/news/7429972197.html>

<http://news.nationalpost.com/2012/09/29/muslim-leaders-say-call-for-global-ban-on-anti-islam-hate-speech-is-not-attack-on-free-speech/>

[http://www.huffingtonpost.com/faheem-younus/white-house-iftar-boycott\\_b\\_3670632.html](http://www.huffingtonpost.com/faheem-younus/white-house-iftar-boycott_b_3670632.html)

<http://www.the-dcs.com/blog/discrimination-against-muslims-and-arabs-is-rising-in-the-us>

<http://www.apa.org/monitor/2011/09/muslims.aspx>

<https://www.aclu.org/blog/national-security-religion-belief/911s-legacy-religious-discrimination>

<http://quod.lib.umich.edu/j/jmmh/10381607.0007.101?rgn=main;view=fulltext>



<http://inamerica.blogs.cnn.com/2012/09/11/opinion-american-muslims-live-in-fear-11-years-after-911/comment-page-7/>

<http://www.nytimes.com/2010/09/24/business/24muslim.html?pagewanted=all>

<http://kantorcenter.tau.ac.il/discrimination-against-muslims-and-antisemitic-views-among-young-muslims-europe>

<http://www.amnesty.org/en/news/muslims-discriminated-against-demonstrating-their-faith-2012-04-23>

<http://www.amnesty.eu/content/assets/REPORT.pdf>

<http://tribune.com.pk/story/369223/muslims-in-europe-face-discrimination-amnesty/>

<http://edition.cnn.com/2012/04/24/world/europe/europe-islam-discrimination/index.html>

<http://humanrightscomment.org/2012/07/24/anti-muslim-prejudice-hinders-integration-5/>

[http://news.bbc.co.uk/2/hi/uk\\_news/4102389.stm](http://news.bbc.co.uk/2/hi/uk_news/4102389.stm)

<http://www.bbc.co.uk/news/world-us-canada-22601881>

<http://www.independent.co.uk/news/uk/home-news/employers-discriminate-against-muslims-study-finds-2141134.html>

<http://www.insted.co.uk/anti-muslim-racism.pdf>