

The United Nations and Human Rights



A Matter of Concern

maranatha

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We speak for ourselves, but also represent the views and feelings of many Christians worldwide.

Maranatha's membership includes a substantial number of people involved in work for the wider community in both professional and voluntary capacities. Since its formation 29 years ago, it has been deeply involved in a broad range of relief work in many countries and in the care of people from other countries, resident in the United Kingdom, who are in need.

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The United Nations and Human Rights

I. United Nations Human Rights Council (UNHRC)

1.1 THE COMPOSITION

The United Nations General Assembly established the Human Rights Council on 15th March 2006.

The Human Rights Council replaced the former Commission on Human Rights which was under severe criticism for its lack of effectiveness. In March 2005 Secretary General Kofi Annan said the Commission suffered “*credibility deficit which was casting a shadow on the United Nations system as a whole.*” The 53 member Commission was an independent body, but the 47 member Council was elevated to the status of a subsidiary body of the General Assembly and therefore has a higher institutional standing.

In an attempt to remedy problems of the former Commission, which was criticised among other actions for the election of Libya to its chairmanship in 2003, the resolution establishing the Council specified that “*members elected to the Council shall uphold the highest standards in the promotion and protection of human rights*” and will be subject to periodic review.

The Council members are elected by an absolute majority of the UN General Assembly. Although the Council’s founding resolution provides that Council members should be chosen based on their human rights records and commitments, it imposes a significant structural constraint: the Council’s 47 seats are divided by a set formula among the UN’s five regional groups, with 13 for the African groups, 13 for the Asian group, 6 for the Eastern European group, 8 for the Latin American and Caribbean group (GRULAC) and 7 for the Western European and Others Group (WEOG). Regional allotment was the practice in the Commission as well, but a re-distribution of seats reduced the WEOG’s representation in the Council, which was a loss for democracies. In 2007 The United States State Department decided not to seek a seat on the UNHRC, asserting that the body had lost its credibility with repeated attacks on Israel and a failure to confront other human rights abusers. The Obama administration is eager to work more closely with UN institutions to effect change. The United States won a seat on the UNHRC in May 2009.

As a result of this the current Council comprises 47% of the “representatives” of countries which do not practise democracy. Moreover it includes nine countries (19% of its

members) ranked “Not Free” by Freedom House in its 2006 worldwide survey of political rights and civil liberties. Four of these nine, China, Cuba, Russia, and Saudi Arabia, are also among Freedom House’s 2006 “Worst of the Worst” human rights abusing regimes.

1.2 THE REMIT

The resolution creating the Council gave it the following main responsibilities.

- *To promote universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner;*
- *To address situations of violations of human rights, including gross and systematic violations;*
- *To promote effective co-ordination and mainstreaming of human rights within the United Nations system;*
- *To promote human rights education and learning, advisory services, technical assistance, and capacity building;*
- *To serve as a forum for dialogue on thematic issues on all human rights;*
- *To make recommendations to the UN General Assembly for the further development of international law in the field of human rights;*
- *To promote the full implementation by UN member states of their human rights obligations and commitments;*
- *To undertake a universal periodic review of every UN member state's fulfilment of its human rights obligations and commitments; and*
- *To contribute, through dialogue and cooperation, toward the prevention of human rights violations and respond promptly to human rights emergencies.*

1.3 THE CURRENT SITUATION

Up to May 2007 the Council had passed resolutions on the human rights situations of only two specific countries. It had held three special sessions and adopted nine condemnatory resolutions against Israel and it has held one special session and adopted three non-condemnatory resolutions on Sudan. None of the United Nation’s other 190 countries have been addressed in a special session or cited by a resolution. This is in spite of a global upsurge of serious religious persecution in which the human rights of large numbers of people, especially Christians, have been violated.

“Special Procedures” is the name given to the mechanisms established by the former United Nations Commission on Human Rights and continued by the Human Rights Council to monitor human rights violations in specific countries or examine global human rights issues. Special procedures can be either individuals (called “Special Rapporteurs”, “Special Representatives” or “Independent Experts”) who are leading experts in particular human rights, or a working group usually composed of five members. In order to preserve their independence they do not receive pay for their work.

During the 7th session of the Human Rights Council (HRC) in March 2008, the Organisation of the Islamic Conference (OIC) formally introduced an amendment to the mandate of the

Special Rapporteur on the Freedom of Expression which, if passed, would require the Special Rapporteur to “*report on instances where the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination, taking into account Articles 19(3) and 20 of the International Covenant on Civil and Political Rights and General Comment 15 of the Committee on Elimination of All Forms of Racial Discrimination which stipulates that the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the freedom of opinion and expression.*”

The amendment was proposed by Egypt and Pakistan and was passed by 32 votes to 15 against with three abstentions, and was supported by other members of the OIC, China, Russia and Cuba.

At its meeting in June 2008, the UNHRC made the highly controversial ruling that in future any reference to Islamic Shari’a law would be prohibited in the council chamber. This in effect banned the raising of some of the most serious cases of extreme violation of human rights.

This has profoundly negative consequences for the UNHRC’s work on human rights issues since it excludes one of the major instruments of human rights violations and anti-Christian persecution in the world today, which is Shari’a Law, including its unjust imposition on non-Muslims who are then frequently persecuted for allegedly violating Shari’a law.

Since 2000 at least 12 states in northern Nigeria have adopted Shari’a law. False assurances were given to northern Nigeria’s Christians beforehand, that Shari’a law would not be imposed on them. But in practice it was and still is being imposed on Christians in northern Nigeria. Numerous Christian men and women in northern Nigeria have been punished for not adhering to Shari’a law. Anti-Christian violence by Muslims has escalated sharply in northern Nigeria since the imposition of Shari’a law in that region. In practice, there is considerable evidence to show that Shari’a Law tends to increase intolerance and violence towards non-Muslims, especially Christians.

A further example of the threat of Shari’a Law to peace and security is to be seen in Africa’s longest running civil war, in Sudan from 1983 to 2005, in which 2 million people died, many of them Sudanese Christians. An estimated 4 million people were displaced by this conflict, one of the bloodiest civil wars in Africa’s history. A key factor which ignited this civil war, was the Islamic fundamentalist Government of Sudan’s insistence on trying to Islamise the large majority of non-Muslims in Sudan – mainly in the south – by imposing Shari’a law on them.

Perhaps the most well known promoters of Shari’a law, who were and are a grave threat to international peace and security, are the Taliban in Afghanistan.

It is significant that during the 1990s the Sudanese Government’s representative at the UN Human Rights Commission publicly denounced the UN Special Rapporteur on Sudan as being anti-Islamic because he had mentioned how Shari’a law was used in that country to violate human rights.

Shari’a law undoubtedly institutionalises intolerance, persecution, discrimination and even violence. Around the world the main victims of human rights violations linked to Shari’a law are non-Muslims, especially Christians, but many Muslims, including women, are also

persecuted under Shari'a law. In addition to being a key violator of human rights, Shari'a law has now become a real threat to international peace and security.

The UNHRC significantly reduces its effectiveness and also its relevance to the defence of human rights by making the decision to prohibit any references to Islamic Shari'a Law in its council chamber.

It has set a very dangerous precedent where an ideology is placed above all criticism and human rights accountability. This raises the question of why other ideologies can be criticised in the UNHRC chamber for their adverse effects on human rights but not Shari'a law. Why should special treatment be given to Islam? If this principle were to be extended there would surely be a prohibition of all criticism at the UNHRC of other ideologies linked to human rights violations, for example, neo-Nazism, Fascism and Communism.

From the beginning of the 20th Century, most human rights violations and practically all of the most serious human rights abuses were driven by ideology. For example, the devastating impact on human rights of Nazism before and during World War II; and of oppressive Marxist regimes in Russia and other communist countries; the extreme left-wing ideology of the Khmer Rouge in Cambodia which sought to justify the killing of 2 million Cambodians during the 1970s and the killing of many hundreds of thousands of Chinese people by Maoists during China's Cultural Revolution from 1966 to 1976. The first genocide of the 20th century, which started in 1915, was by Muslims in Turkey (mainly Turks and Kurds) against Christians – not just Armenian Christians (who lost about one and a half million people), but also Christians of other ethnic groups such as the Assyrian Christians, who lost about 750,000 people in that genocide, and also Greek Christians. The only sure way for Christians to survive during that genocide was to convert to Islam, clearly demonstrating that at least one of the key ideologies driving that genocide was Islam.

In recent times the majority of human rights abuses have still tended to be ideologically driven. Therefore the UNHRC has a responsibility not to exclude any ideology, including Shari'a law, from legitimate criticism within its chamber.

The key role which ideology plays in most human rights violations and the primary responsibility of the UNHRC to defend human rights means it should also firmly reject all attempts to 'ring fence' any ideology, including Islam, from public criticism, particularly under the guise of "defamation". This demonstrates that any attempt to support laws or rules prohibiting the defamation of religion or any other belief system will inevitably cause far more harm than good to the defence and promotion of international human rights.

International human rights issues should be approached in an objective, rational and balanced way if basic human rights are to be effectively promoted and defended. Therefore the way we deal with international human rights issues should not be determined by manipulation, by power blocks or the sensitivities of the followers of any particular ideology or belief system.

While the position of Muslims worldwide should be respected the increasingly powerful role of the OIC is a cause of deep concern amongst all who value democracy and a free society.

2. Organisation of the Islamic Conference (OIC)

2.1 THE COMPOSITION

King Faysal of Saudi Arabia cooperated with other Muslim leaders to form the Organisation of the Islamic Conference at a meeting in Rabat in May 1971.

The Organisation of the Islamic Conference (OIC) is a very powerful, politico-religious international organisation with a permanent delegation to the United Nations. It groups 57 member states from the Middle East, Africa, Central Asia, Caucasus, The Balkans, Southeast Asia, South Asia and South America.

The OIC sponsored seven resolutions at the UNHRC each of which condemned Israel for human rights violations. These did not address other parties' human rights violations or acknowledge Israel's legitimate concerns. The resolutions were adopted by vote. This is very detrimental to the work and credibility of the UNHRC as it presents an extremely distorted view of the situation of human rights in the world today. It misleadingly suggests that Israel is the world's prime human rights violator when it is not even among the top ten nations which violate human rights most seriously and it is in fact the only liberal democracy in the Middle East. By focusing so much of its time on Israel the UNHRC excluded time for far more serious human rights violators including Sudan, North Korea and Saudi Arabia, to be held accountable for their grave human rights abuses.

According to the Association of Islamic Banking Institutions, in Malaysia, the OIC Members have a combined GDP of US\$7,740 Billion.

2.2 THE REMIT

According to its charter, the OIC aims to preserve Islamic social and economic values, promote solidarity amongst member states, increase co-operation in social, economic, cultural, scientific and political areas, uphold international peace and security, and advance education particularly in the fields of science and technology.

The OIC rejected the Universal Declaration of Human Rights in 1990 as not being consistent with Shari'a Law. In its place they supported the Cairo Declaration of Human Rights in Islam. Article 24 of that declaration *states "All the rights and freedoms stipulated in the Declaration are subject to the Islamic Shari'ah."* Article 25 states *"The Islamic Shari'ah is the only source of reference for the explanation or clarification of any of the articles of this Declaration."*

The Parliamentary Union of the OIC member states (PUOICM) was established in Iran in 1999 and, significantly, its head office is situated in Tehran. The Secretary General of the OIC is Professor Ekmeleddin Ihsanoglu of Turkey, which is currently endeavouring to become a member of the European Union. Only OIC members are entitled to full membership in the PUOICM.

2.3 THE CURRENT SITUATION

Outraged by the September 2005 publication by a Danish newspaper of cartoons depicting Mohammed, the Islamic states have been waging a continuing campaign to obtain repeated

UN condemnations of such perceived offences against Islam, which it views as incitement to religious hatred, defamation of the Muslim religion, and blasphemy. In deference to the OIC, the founding resolution of the UNHRC in March 2006 affirmed the media's "*important role...in promoting tolerance, respect for a freedom of religion and belief*" without affirming the need for free speech and without condemning religiously motivated violence. The OIC's original proposal was to ban "*actions against religions, prophets and beliefs.*" Islamic countries argue that criticising or satirising religions (notably Islam), is a violation of the rights of believers and claim that this leads to discrimination and violence against them. However, they do not afford the same concern in the face of public criticism or satire relating to other religions. Some Jews felt they had to set up "Palestinian Media Watch" to monitor the very large volume of anti-Semitic propaganda in the media of the Arab countries and Palestinian territories. The most hard-line and vicious anti-Semitic propaganda today are to be found in the media in the Muslim world.

On 11th March 2009 Pakistan, on behalf of the OIC, released a draft resolution on "*combating defamation of religions*" for consideration by the tenth session of the UNHRC. The resolution was approved by the Council on 26th March 2009 by a vote of 23 in favour and 11 against and 13 abstentions. Pakistan, speaking for the OIC said a "delicate balance" had to be struck between freedom of expression and respect for religions.

The resolution is the latest in a series on the subject of "defamation of religions". The first was adopted in 1999 by the UN Commission on Human Rights. The UN General Assembly surprisingly adopted this resolution in March 2008.

Respect for any ideology, including religions such as Islam, should never be used to override human rights accountability. Requiring others to show respect is such a broad concept which can be easily interpreted in a way that seeks to justify human rights abuses. For example, numerous Christians have been imprisoned in Pakistan for allegedly blaspheming against Islam – for allegedly being disrespectful towards Islam. All have eventually been acquitted, demonstrating the false nature of such charges – although some were murdered by Muslim extremists before this happened. Many of the Christians spent years in prison before receiving their acquittal. Pakistan's blasphemy laws continue to be used to violate the human rights of both Muslims and non-Muslims.

Over the years countless human rights violations have been perpetrated against people who were alleged to have been disrespectful, either towards an ideology such as Islam, or towards an authoritarian ruler, for example, Saddam Hussein, Kim Jong Il, Joseph Stalin, Mao Tse Tung, Idi Amin, etc. The list of powerful rulers who have had many killed for allegedly being disrespectful is very long.

Human rights standards and accountability should never be overshadowed on the grounds of respect for any particular ideology or individual.

In 2001 the UN held the "World Conference against Racism" (WCAR) in Durban, South Africa. Responding to aggressive anti-Semitism and holocaust denial, the U.S. and Israel walked out of the conference. The EU continued to work toward creating a final Conference document that would be balanced.

The Outcome Document of the Durban Review Conference held in Geneva in April 2009 withdrew the controversial concept of "defamation of religions" after Western nations said

they would pull out of the UN Conference unless it was removed. They focused instead on protecting the rights of individual believers, rather than belief systems.

3. The Issues

3.1 DEFAMATION

The very term “defamation of religions” is a distortion. The legal concept of defamation protects reputations of individuals, not belief systems. The OIC has tried to equate any act of ‘defamation’ of Islam with an act of racism against Muslims. There is a serious danger of confusion between making a racist statement and an act of defamation of religion. It would also seem highly irrational to confuse criticism of a belief system with an attack on any particular race, especially given the trans-national nature of Islam and the fact that Muslims come from a very wide variety of races.

The concept of “defamation of religions” is fundamentally inconsistent with the principles outlined in the United Nation’s founding and legal documents, but more importantly, it violates the very foundations of the human rights tradition by protecting ideas rather than the individuals who hold the ideas. The grounding of human rights in the protection of individuals instead of the protection of ideas or of group identities is well established in international law, treaty and custom, in general principles, and academia.

The UN Special Rapporteur on freedom of religion or belief, Asma Jahangir, has expressed concern that defamation of religions measures can be a threat to the free expression of religion. She said *“defamation of religion may offend people and hurt their feelings but it does not necessarily or at least directly result in a violation of their rights, including their right to freedom of religion. Freedom of religion primarily confers a right to act in accordance with one’s religion but does not bestow a right for believers to have their religion itself be protected from all adverse comment.”*

The Muslim scholar Liaquat Ali Khan succinctly describes these concerns:

“Traditionally, defamation applies to reputational injury to individuals. Group defamation is a problematic concept as it can stifle free speech and furnish undeserved protection to decadent customs and practices. The defamation of religions falls even beyond the concept of group defamation, since it may even prohibit the defamation of religious ideas and doctrines.”

The European Union does not see the concept of “defamation of religions” as a valid one in a human rights discourse. From a human rights perspective, members of religious or belief communities should not be viewed as parts of homogenous entities. International human rights law protects primarily individuals in the exercise of their freedom of religion or belief, rather than the religions as such.

All belief systems, including Islam, should be open to public and human rights scrutiny and accountability – and this includes criticism - because all belief systems can be used or abused to try and justify human rights violations, including even genocide.

Hillel Neuer, ‘UN Watch’ chief executive says that whilst non-binding, the resolution passed in March 2009 constitutes a dangerous threat to free speech everywhere. He said *“It*

is an Orwellian text that distorts the meaning of human rights, free speech and religious freedom and marks a giant step backwards for liberty and democracy.” He also said that the next to suffer from this UN-sanctioned McCarthyism will be writers and journalists in the democratic West. He says, *“Ultimately the very notion of individual human rights is at stake, because the sponsors of this resolution seek not to protect individuals from harm, but rather to shield a specific set of beliefs from any question, debate, or critical inquiry.”*

3.2 INTERNATIONAL AGREEMENTS

The foundation of the international understanding of fundamental human rights is to be found in the Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10th December 1948. The OIC is now actively seeking to displace this historic declaration which contains the following clauses.

Article 18 - Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19 - 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.

The OIC would also seek to displace The International Covenant on Civil and Political Rights (ICCPR) which was adopted by the High Commissioner of Human Rights and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 and entry into force 23 March 1976, in accordance with Article 49. Article 19(1) states *“Everyone shall have the right to hold opinions without interference.”* At least 95 states have become party to it. Article 19(2) protects the right of everyone to freedom of expression. Although the exercise of this right may be subject to certain restrictions outlined in Article 19(3) such restrictions do not cover protecting the reputations of religions but only the reputations of individuals.

The UDHR and the ICCPR are both key instruments defining international human rights standards. The possibility of them being removed or radically changed raises extremely grave issues particularly for Christians and all other non-Muslims throughout the world. It is also a threat to all those Muslims who want their human rights safeguarded by internationally accepted standards and not by Islamic principles. Given the OIC’s strong influence within the UNHRC and the UN in general it is in danger of fundamentally undermining the credibility and effectiveness of the UN in its responsibility to defend and promote international human rights.

4. Conclusion

4.1 The credibility of the United Nations Human Rights Council is now clearly at stake.

4.2 Mr Kofi Annan’s hopes that the Council would avoid the “selectivity and politicisation” of the Commission have not been fulfilled.

- 4.3 There is widespread and universal concern about its fitness for purpose and its genuine commitment to issues concerning the defence of human rights.
- 4.4 The world's most important human rights body is now under a dominant Islamic controlling influence, which will not allow proper consideration of the most terrible injustices and atrocities simply because they are under the protection of Shari'a law.
- 4.5 It has not properly addressed grave issues of human rights violations and it is demonstrably not fulfilling its stated aims. It has also so far failed to focus sufficiently on countries which are major violators of human rights whilst spending a considerable proportion of its time on condemning Israel for alleged human rights abuses.
- 4.6 It is unduly influenced by countries which themselves are guilty of flagrant human rights abuses and which do not practice democracy.

5. Recommendation

- 5.1 An independent investigation should be carried out into the activities of the Council.
- 5.2 Unless radical changes can be made to its modus vivendi it should cease to exist and be replaced by another body more committed to the protection and propagation of Human Rights.

Notes

- For factual evidence of innocent people subjected to legalised discrimination, and imprisonment, violence, vilification, ridicule, intimidation, assault, torture and murder because of their faith see **"Persecution of Christians Today – The Price of Faith"** published by the Maranatha Community (July 2005) and presented to United Kingdom Parliamentarians, Members of the European Parliament, the United Nations and national and international religious leaders.
- For factual information about the persecution and punishment of innocent people who changed their faith see **"Apostasy – An Overview"** published by the Maranatha Community (September 2006) drawn up at the request of the UK Foreign and Commonwealth Office Religious Freedom Panel.
- Profound concern about the widespread and systematic persecution of Christians and followers of other non-Muslim religions in virtually all Islamic countries worldwide was expressed in **"An Open Letter"** published by the Maranatha Community (April 2008) in response to the letter and call entitled "A Common word between Us and You" from 138 Muslim Religious Leaders.

The above publications are available from the UK Maranatha office.

This document has been submitted to the United Nations' Secretariat, The Foreign and Commonwealth Office, leading United Kingdom Parliamentarians, Members of the European Parliament, and Members of the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly. It has also been submitted to the European Union Agency for Fundamental Human Rights, the Parliamentary All-Party Group on Human Rights and the Parliamentary Joint Select Committee on Human Rights, in addition to International Church Leaders and the United Nations Association of the UK.

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