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Insulting Religions from the Perspective of International Law: A Descriptive and Analytical Study

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ABSTRACT

In view of the recent unfortunate events that distort the image of religions, especially Islam, and the burning of the Holy Quran, there is a need to undertake this research to clarify the role of relevant international bodies in combating religious hate speech and then include the requirements for working to strengthen the principle of respect for religions as a civilized behavior that contributes to sustainable development and helps achieve global security and stability, as well as establishing the values of tolerance, harmonious religious coexistence, and moderation away from extremism and violence. Based on the previous requirements, this research aims to influence the thinking of policymakers and direct them towards ensuring compliance with international conventions that call for respect for religions, plans to prevent religious extremism, and prosecution of extremists. The research recommends the establishment of an international oversight body specialized in media and education, whose mission will be to follow up on everything published in media channels and education curricula and call on them to include content that promotes acceptance of others and harmonious religious coexistence, ensuring that it is free of any messages calling for religious hatred. This research also recommends taking punitive measures against anyone who dares to insult others religiously because these violations have negative consequences that create conflicts and destabilize peace and security. At the procedural level, the research recommends working to conclude a binding international agreement that stipulates immediate punishment for anyone who insults a religion, and each country will be responsible for implementing it on its territory. The existence, adoption, and implementation of this Convention would significantly reduce the possibility of extremists insulting religions.

Keywords: *Human rights, international law, Islamophobia, religious hate speech, respect for religions.*

Allowing extremists in any part of the world to burn copies of the Holy Books in public to offend those who belong to the religion conflicts with freedom of expression with a positive concept, as it happened recently in Sweden when the authorities there allowed extremists to burn a copy of the

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Holy Quran in front of the Turkish and Iraqi embassies. Due to the repeated incidents of insulting Islam and hurting the feelings of Muslims, under the guardianship and knowledge of some foreign countries, on the pretext of consecrating freedom of expression, without taking punitive measures against these extremist abusers who freely expressed their hatred for the Islamic religion, we find it necessary to investigate the efforts made by international human rights bodies in this regard and to consider the repercussions and dangers of insulting religions at the individual and community levels.

The importance of research in tracking the reasons for the absence of respect for religions is underscored by some responsible authorities and the manifestation of the negative aspects of these abuses at religious, political, economic, and social levels. By opposing the incidents of hatred and tolerating, accepting, and coexisting with others, irrespective of their religious, ethnic, and intellectual affiliations, humanity lives and flourishes and develops.

The research aims to define the phenomenon of Islamophobia, its origin, its semantic variables, and the mechanisms of its control in the media and education. It explains the role of the relevant international bodies in combating religious hatred. Moreover, it suggests a successful and binding mechanism that will end up hurling insults at religions. Given the recent events related to insulting Islam and Muslims and burning copies of the Holy Quran, it is necessary to investigate the causes of this phenomenon and its spread in non-Muslim countries to come up with recommendations that will help address it or at least control and limit its spread.

This research uses the descriptive analytical approach, which requires collecting information and then preparing, coordinating, and analyzing it to obtain new and meaningful results regarding the phenomenon under study.

The research attempts to answer a set of questions: When did the term Islamophobia arise, how did it develop semantically, and what are the proactive mechanisms to combat it? What news will this research provide after conducting a comprehensive survey of the most important previous studies? Are there any punitive measures taken against those who insult religions to serve as deterrents to others? What efforts are made by international bodies to address religious violations? How do insulting religions affect the stability of global security? Is insulting religions an expression of freedom, or is it extremism and hatred?

There are many studies on combating religious hate speech (Agus 2023). However, the originality does not extend beyond the fingers of one hand, and this requires that the current study produce new and different visions based not only on the principle of collection and preparation but also on delving deeper into the phenomenon and revealing its blind spots, to remove it from view, to ward off its dangers to the international community, especially with the growth of hate speech and its increasing danger, and its transformation into a rising global phenomenon. This requires a new perspective and insights that cannot be replicated. The recent events aimed to provoke Muslims through attempts to insult their primary authority, the Holy Quran. Whereas previously, it was directed to the Prophet of Islam, Muhammad, may God bless him and grant him peace, which necessitated a new legal review that is contemporary and different from what came before.

Islamophobia and Proactive Mechanisms to Combat It

Islamophobia refers to cases of aversion towards Islam and multiple and repeated attacks against Muslims in general, as well as aggressive practices that harm people and their religious symbols because they are Muslims or are believed to be so (Council of Foreign Ministers 2015: 5). This term includes all actions involving hatred, prejudice, and fear of Islam and Muslims alike, including speeches and media campaigns that reflect apprehension and fear toward Islam and harmful anti-Muslim practices and stereotypes, which have swept many regions worldwide.

The prevailing belief is that the term Islamophobia emerged after the September 11, 2001 attack, which took place in the United States of America and was claimed by Al-Qaeda, which led to the assumption that Islam is a religion of violence and terrorism. Still, it was strengthened due to the

increasing numbers of Muslim refugees and immigrants to the European Union and the United States of America and the resulting acts associated with public furor, hatred, and racial discrimination against their rights (Sriram 2016).

Governments all over the world should consider combating Islamophobia as one of the priorities of protecting human rights and fundamental freedoms because issuing prejudices against Muslims, fearing them, attempting to provoke them through harassment, incitement, or abuse, and expressing this through racist and discriminatory behavior toward them or committing acts of violence against them is nothing but a violation of human rights. This calls for intensifying international efforts to strengthen dialogue and promote peace and tolerance at all political, religious, and cultural levels.

Although the scientific connotation of the term "Islamophobia" derived from the field of psychology indicates the existence of an unjustified and exaggerated fear complex, that is, a pathological and abnormal feeling towards certain things, such as the fear of confined spaces and high heights, the term Islamophobia has become offensive and reflects a distorted image. Instead of blaming people who have this psychological complex, blame has been placed on Islam as the cause of these negative feelings. This is due to its frequent media appearances in a stereotypical image that includes a hidden message that Islam and Muslims are dangerous to humanity. This is how Islamophobia was formed. Islamophobia can be explicit and public, such as hate crimes and violent attacks against Muslims. It can also be subtler and implicit, such as political leaders' discriminatory hiring practices and exclusionary rhetoric (Nakhshab & Nejad 2023).

The mechanisms for combating Islamophobia are many and varied and cannot be covered by this current research. Therefore, this research is focused on the most important and dangerous of these mechanisms: media and education. Because it is a double-edged sword, it targets the largest segment of people.

Western media plays a vital role in promoting Islamophobia, as violent acts linked to Islamophobia are often justified as being committed by madmen and mentally ill people. In contrast, the same acts are classified as severe terrorist attacks threatening the country's national security if their perpetrators are Muslims (Council of Foreign Ministers 2015:8). The Western media seeks to present false images of Muslims and focus on uncontrolled incidents attributed to Islam to highlight its evil face instead of its positive aspects. The media and media professionals, who were the "motivators of evil," must be redirected to be "bringers of goodness," correcting the prevailing negative belief about Islam worldwide.

What is no less important than combating Islamophobia, which is widespread, is searching for early and proactive ways to limit and eliminate it in the future. Thinking this way will reduce the losses and even the efforts it will take later before the gap expands. That is, preparing preventive plans that would change the equation so that the impression of Islam and other heavenly religions would change from fear and caution to acceptance and coexistence.

Since we are talking about creating a society that is free from the disease of hatred in the future, this calls for starting with the early age group, specifically through educational institutions and curricula, by directing governments around the world to consolidate humanitarian concepts at both local and global levels, by calling for concepts of tolerance, religious coexistence, and acceptance of others, to enshrine the concept of global citizenship as expressed by the United Nations Strategy and Plan of Action on Hate Speech in its seventh principle, in which it called for the use of formal and non-formal education as a tool in confronting hate speech, and encouraging values and skills that contribute within the framework of global citizenship education and the promotion of media and information literacy. This is done by providing the emerging generations with global human visions and fortifying them with the awareness that enables them to realize the dangers of unfavorable promotion of the image of others.

In this regard, the Council of Europe defined Human Rights Education as educational programs and activities that promote equality in human dignity in conjunction with other programs,

such as those that promote cross-cultural learning, participation, and empowerment of minorities (Council of Europe 2020: 15). Because a person's awareness of his relationship with others is formed in this early and sensitive age stage, children's mentality is like a blank page filled with what educators' dictate to them. This requires unifying international efforts to develop and modernize school curricula in all countries. Consider the necessity of the new trend towards accepting different others globally and dedicate the concept of global citizenship, not just local. From this standpoint, it is no longer sufficient for the Council of Europe to call for introducing these values only in various parts of the European continent.

Amnesty International's educational vision was contemporary, more precise, and comprehensive when it declared that human rights education could enable us to develop attitudes and skills that promote equality, dignity, and respect for society and the global community (Amnesty International 2023).

It is no longer sufficient to focus in school curricula on the coexistence needs of rising generations at the local level only, as was the case with the previous policies of countries because religious hate speech has become transcontinental due to global openness and the availability of modern technological means of communication.

The Role of International Bodies in Combating Religious Hatred

The United Nations was keen to combat religious hate speech and called on all countries to prohibit advocacy of hatred that constitutes incitement to violence, discrimination, and hostility. Religious hatred is defined as any oral, written, or behavioral communication that attacks or uses derogatory or discriminatory language by referring to a person or group based on identity, in other words, based on religion or ethnic affiliation or nationality, race, color, origin, gender, or any other factor determining identity (Guterres 2019: 5). This applies to some extremists burning copies of the Holy Quran, as this is a behavioral abuse of the holiest religious authority among Muslims.

Because combating the phenomenon of Islamophobia is essential for achieving peaceful coexistence and social cohesion at the international level, in 2022, the United Nations General Assembly unanimously adopted Resolution No. 76/254 to designate March 15 as the International Day to Combat Islamophobia. This date coincides with the anniversary of the Christchurch mosque shootings in New Zealand, committed by a right-wing extremist named Brenton Tarrant, motivated by hatred of Islam. The crime occurred in 2019 and caused the death of fifty-one Muslims and the wounding of forty others after opening fire on worshippers in two mosques in the city; the perpetrator was later convicted of committing a terrorist crime and sentenced to life imprisonment (Soliman et al. 2021). It should be noted that this General Assembly resolution focused on the importance of respecting all religions and beliefs and condemned acts of violence directed against people because of their religion or beliefs or attacks targeting places of worship or religious sites and shrines, which constitute a violation of the provisions of international law.

The United Nations has failed to achieve a balance between freedom of expression and respect for religion, as an individual's expression of his personal opinion that is offensive to religion in public deviates from the positive concept of freedom of expression as stipulated in Article 19 of the Universal Declaration of Human Rights in 1948, "Every person has the right to freedom of opinion and expression, and this right includes the freedom to hold opinions without interference, and to seek, receive and disseminate information and ideas by any means regardless of geographical borders." Indeed, this right does not allow harming millions of people who belong to the Islamic religion because this would cause chaos and conflicts that would destabilize security and create strife.

Based on the importance of the awareness-raising role played by the United Nations Human Rights Council as an official body with legal status affiliated with the United Nations to maintain global peace and security, the Council adopted Resolution No. 1/53 at its fifty-third session on July 11, 2023, entitled "Combat religious hatred that constitutes incitement to discrimination, hostility,

or violence.” The resolution relates to the escalation of deliberate and overt acts of religious hatred that raise serious concerns, as evidenced by the repeated desecration of the Holy Quran in some European and other countries. The resolution called for combating religious hatred because such actions lead to political destabilization between Islamic countries and those that allow such violations on their territories. Therefore, the condemnation of such religious violations comes from the fact that they contradict the call for peace, tolerance, and religious coexistence and incite hatred, extremism, and religious fanaticism (Naeem 2022).

Within this context, the United Nations High Commissioner for Human Rights Volker Türk expressed the purpose of insulting religions: “This Urgent Debate is prompted by recent incidents of burning of the Quran, which is the core of faith for well over a billion people. These and other incidents appear to have been manufactured to express contempt and inflame anger; to drive wedges between people; and to provoke, transforming differences of perspective into hatred and, perhaps, violence.” (OHCHR 2023). Türk discussed the reasons for this abuse as an opportunity to call for the need to respect others who differ in religion, expressing his refusal to insult any religion or even religious minorities. “To me, it is clear that speech and inflammatory acts against Muslims; Islamophobia; anti-Semitism; and actions and speech that target Christians – or minority groups such as Ahmadis, Bahá’ís or Yazidis – are manifestations of utter disrespect. They are offensive, irresponsible, and wrong.” (OHCHR 2023) This reveals the true meaning of freedom of expression and belief, which gives people the right to practice their rituals without having the right to insult other religions in words or deeds. This is consistent with international legitimacy, as stated in Article 20 of the International Covenant on Civil and Political Rights: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”. However, it is unfortunate that the call to ban hate speech was not accompanied by the application of criminal penalties to those who break this ban (Walker 1994: 89).

While concluding his speech, the High Commissioner for Human Rights stated: “Hate speech needs to be addressed, in all societies, through dialogue, education, awareness raising, inter-faith and inter-community engagement, and other public policy tools. It needs to be actively countered by all responsible authorities, figures of influence, and the private sector.” (OHCHR 2023) He realizes that it is a problem that cannot be eliminated without action from decision-makers. Within this context, we mention the decision of one of the Islamic countries, namely Kuwait, to use soft power as an intelligent, diplomatic response to the incident of burning the Quran by printing 100,000 copies of the Holy Quran translated into Swedish to be distributed in Sweden.

The European Court of Human Rights upheld freedom of religion. It refused to consider insulting the Holy Prophet part of freedom of expression in 2018 because such actions violate the provisions of Article 9 of the European Convention on Human Rights (European Court of Human Rights 2018). It is more important to reject insulting the sanctity of the Holy Quran, which is the word of God. The West does not know that the Islamic religion explicitly commands Muslims to fight anyone questioning their belief or slandering it. Allah Almighty said in the Quran: *“And if they break their oaths after their treaty and defame your religion, then fight the leaders of disbelief, for indeed, there are no oaths [sacred] to them; [fight them that] they might cease.”* (al-Quran, al-Taubah 9: 12). [Since all Muslims in various parts of the earth are charged with protecting the religion and fighting those who challenge it and insult it, the consequences of such abuses by irresponsible extremist individuals will be very significant and lead to the destabilization of global security, which requires those countries to be careful in their laws to respect Islam and criminalize anyone who might harm it, her silence and protection of them will exacerbate the problem.

Islam has been keen to combat hate speech against religions since its early beginnings, and it is mentioned in the Holy Quran that God Almighty says:

“And do not insult those they invoke other than Allah, lest they insult Allah in enmity without knowledge. Thus, we have made pleasing to every community their deeds. Then to their Lord is their return, and He will inform them about what they used to do.” (al-Quran al-An`am 6: 12).

Therefore, Islam forbids insulting those who do not believe in Islam and even those who do not believe in God. Because it is an act that leads to strife, conflicts, and wars, Islam calls for peace, tolerance, and coexistence with others (Hamad 2016), like all international covenants and conventions that reject religious hatred and call for combating it because of its serious negative consequences on humanity. For example, the decision taken by the Organization of the Islamic Conference regarding the repeated crime of desecration of copies of the Noble Quran in both Sweden and Denmark, which called for setting appropriate procedures to avoid attacking or degrading the sanctities and beliefs of others and to stop the recurrence of such acts that involve contempt of religions and threaten security and international peace (The Organization of Islamic Cooperation 2023).

The Requirements for Combating Islamophobia

The consequences of this type of religious extremism against Islam are many, the most prominent of which is that the religious group affected and harmed by this act does not merely express its objection against the direct perpetrator of the act; Rather, its anger extends to include everyone belonging to the person who caused the harm, including the government that may allow such an act under the pretext that it falls under freedom of expression, which leads to international disputes. This is what happened after a judicial decision issued in Stockholm, Sweden, allowing attacks on religions and insulting Muslims by burning the Quran under the protection of the Swedish police, which led to tension in Arab and Islamic diplomatic relations with Sweden, given that the official bodies that allow such violations are involved and participating in the abuse. The silence of the Swedish government regarding its judicial decision expresses its conviction in it and its satisfaction with it. It did not declare its withdrawal from it nor acknowledge its mistake in allowing extremists to insult a religion whose adherents exceed a billion Muslims, ignoring the negative consequences that would occur to it and others on political, economic, and social levels.

No religion or race is devoid of extremists who offensively express their affiliation with others. In this context, we recall the events of September 11 and the deepening of the concept of Islamophobia they caused (Cortese 2006).

The spread of religious hate speech in any society deprives its members of enjoying stability, security, and peace. Because in some cases, it leads to massacres and genocides, as happened with Muslim minorities in Myanmar and Rwanda. As a result, this disrupts economic development plans and delays society’s cultural and human progress.

Diplomatic relations between Sweden and Iraq worsened after the burning of the Quran by a Christian of Iraqi origins and Sweden’s refusal to hand him over to the Iraqi government to stand trial for his crimes due to the acts of religious hatred he committed, which led to fueling conflict and anger among Muslims. These religious violations affect the strength of diplomatic relations between countries. In this regard, a group of Muslim countries, such as Saudi Arabia, Kuwait, and the Emirates, took political decisions that were evident in summoning their Swedish ambassadors to investigate the extent of the Swedish government’s approval of these violations and its silence about them, especially after it approved of burning the Quran, ignoring the security risks that would follow it.

As for the negative consequences on the economic level, they are represented by a boycott of Swedish products by all Muslims around the world, all because of a reckless person or group of people who wanted to publicly express their extremist opinion of Islam without thinking about the dire consequences that might take their lives.

In this context, we recall the well-known story of the novelist Salman Rushdie, who published his novel 'The Satanic Verses' in 1988, in which he insulted the Prophet of Islam, Muhammad. Ayatollah Khomeini issued a Fatwa by wasting his blood. Although he remained under British protection for many years, the curse of his Satanic Verses haunted him until it was destroyed by a young Muslim man in New York who stabbed him 12 times on stage, causing him severe disabilities, which led to him being partially paralyzed. He also lost his right eye (Goodman 2022).

Results and Recommendations

With an optimistic outlook, major extremist events that shake the world and lead to the growth of religious hate speech can be treated as opportunities to raise awareness about the moderate truth of the religion in question. People are increasingly curious about this religion, which they would not have wanted to learn about without these events. This will necessarily lead to more peaceful coexistence, dialogue, stability, acceptance of others, and the rejection of hate speech in the international community.

The most crucial thing distinguishing this research is that it focuses on explaining the negative repercussions and harm that non-Muslim countries inflict upon the growth of hate speech against Muslims and fear of Islamophobia, which prompts them to deal with the phenomenon more seriously. Because its dangers are not limited to Muslims but are reflected in those countries as well, the condition of human beings on the face of the globe is like the condition of passengers on a ship, and insulting one of them will constitute a threat and danger to the lives and stability of the rest.

The limits at which freedom of expression stops are relative between countries. Suppose developed countries point the finger at developing countries for confiscating freedoms. In that case, it is more appropriate for them to pay attention, in return, to the amount of what they call freedom of expression that they grant to individuals in their societies, giving them the right to insult symbols of religion without being held accountable for it.

The negative consequences that insult to the sanctities of the Islamic religion lead to are grave globally at political, economic, social, and humanitarian levels and the world cannot progress and prosper without consecrating respect for religions.

The research recommends the establishment of an international oversight body specialized in media and education, whose mission is to follow up on all that is published in media channels and education curricula and to call for them to include what calls for acceptance of others and religious coexistence, and to ensure that they are free of any messages calling for religious hatred.

This research recommends taking punitive measures against anyone who dares to insult others religiously, whether those who belong to the same religion or other religions or even those who do not belong to any religion, because these violations have negative consequences that create conflict and destabilize global security and peace.

At the procedural level, the research recommends working to conclude a binding international agreement that stipulates immediate punishment for anyone who insults a religion, and each country will be responsible for implementing it on its territory. The existence, adoption, and implementation of this agreement will significantly limit the possibilities for extremists to insult religions.

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