



Disrespecting Religious Sanctities (Holy Quran) from the Viewpoint of International Law

Mohsen Asadi Movahed

Master of International Law, Razavi University of Islamic Science

Introduction

A few days ago, the Swedish racist and anti-Islamist Rasmus Paludan was allowed by the Stockholm government to disrespect and insult the holy Quran in front of the Turkish embassy in the Swedish capital and set fire to the holy book of billions of Muslims.

Following this insulting action, the entire Islamic world reacted. Of

course, this is not the first time that Sweden has seen these hateful actions. This incident happened in May of this year and also before that.

One of the significant topics that sometimes occurs in the world is disrespecting and insulting the religious sacraments of Abrahamic religions, especially Islam. Insulting is considered an inappropriate act in almost all religions and depending on how,

under what conditions, and to which person or group, or belief is insulted, its legal dimensions are different. One of the ways of insulting is insulting holy things such as the Quran.

Based on the contents of international conventions and treaties, including the American Convention on Human Rights and the Universal Declaration of Human Rights, any religious insult and any illegal behavior

against individuals and groups due to religion is prohibited. However, it has been seen in many cases that the claimants of human rights avoid even condemning this inhumane crime under the pretext of freedom of expression, which is one of their most basic rights. In Islamic law, religious values are legally protected, and insulting them is considered an important and serious crime.

All religions have sacred things that are respected by their followers; Even in primitive religions, there were places or persons or other saints; In many religions, their sanctities are so important that the believers of that religion are willing to sacrifice even their property, life and all their existence for its sake, and insulting their sanctities is much heavier and more disgusting than insulting themselves and even their tribe or nation.

For a long time, the existence of religious sanctities, on one hand, and the need to protect the right of human freedom to express their opinions, on the other hand, have had a challenging relationship; This main question has always been raised, that is it not necessary to respect the sacred things, to limit the freedom of human expression, and we will also address the question of whether people can allow any kind of disrespect to the sacred things of others under the pretext of the right to freedom of expression?

Freedom of expression as a pillar of democracy has the capacity to be used contrary to other human rights and freedoms. It can be boldly said that in the field of human rights, none of the known freedoms can be abused as much as the freedom of expression. Despite this, when this human right is in conflict with some other human rights, such as the right to freedom of religion, the issue

manifests itself in a different way.

Article 19 of the Universal Declaration of Human Rights on freedom of opinion and expression states: "Everyone has the right to freedom of opinion and expression, and the right includes that a person should not have fear and anxiety about having his own opinions in obtaining information and ideas and its dissemination by all possible means and any limitation.

Also, freedom of opinion and expression is the subject of Article 19 of the International Covenant on Civil and Political Rights. Paragraph 1 of this article stipulates the freedom of opinion: "No one can be violated and threatened due to his opinions." As per the interpretation theory number 10 of the United Nations Human Rights Committee, the mentioned right is a right that the covenant does not accept any exceptions or limitations in relation to it.

On the other hand, everyone is free to express their opinions freely. Clause 2 of Article 19 of the Covenant stipulates in this regard: "Everyone has the right to freedom of expression. This right includes the freedom to research, acquire and disseminate information and ideas of any kind, regardless of limitations, orally or in writing or print, in artistic form, or by any other means of one's choice.

While the right to freedom of expression is not considered an absolute human right, the limitations listed for it are the subject of discussion and opinion. On the other hand, although freedom of religion is one of the internationally recognized rights and is mentioned in many international documents, it can be safely said that no international treaty can be mentioned that explicitly has defined and clarified the scope and dimensions of freedom of religion, and

therefore, it is definitely not possible to consider the right of opinion and belief in symbols and signs absolutely free from any restrictions in the form of freedom of religion.

Freedom of expression and prohibition of religious intolerance:

The effort to propagate tolerance and its expansion, which is a requirement for the development of human rights, was officially brought to the attention of the United Nations in the 1990s; As the resolutions of the General Assembly (Resolution 48/126 approved on December 30, 1993, and Resolution 49/213 on December 23, 1994) declared 1995 as a religious "year of tolerance".

The documents approved by the UNESCO General Conference in resolutions 14/5/26c 3 (November 1991) and 14/5/27c (November 15, 1993) is considered the most important steps of the United Nations in this field. The declaration on the prohibition of intolerance (May 14, 1981) and the statement and the plan of action in the fight against racism, xenophobia, and intolerance 9 (November 8, 1993) which was established by a European commission to deal with racism and intolerance, are considered the first foundations of the initiative of the United Nations in this regard.

But in particular, in 1965, the Declaration of the International Principles of Cultural Cooperation declared: Every culture has its respect and value that must be respected, and all people have the right and duty to develop their own culture, so all cultures are part of the common heritage that they form humanity. Respecting different cultures and individuals and human groups belonging to them is a manifestation of one of the areas of prohibition of racism and racial discrimination.

The aforementioned declaration

also considered the practices of racial, religious, and national hatred in the political, educational, and cultural spheres of social life as a violation of the United Nations Charter and the Universal Declaration of Human Rights and condemned them. In addition, Resolution No. 1510 dated December 12, 1960, of the General Assembly, which con-

Religious tolerance in its simplest and most basic form is based on recognizing the rights of others and respecting them for their personality and identity. The new social and political values, from which the international norms in the field of human rights are derived, have become a rule through the need for tolerance as the most basic condition for

Insulting and disrespecting the religious beliefs of a group or population also violates the important principles of the United Nations and is considered an indirect action to incite hatred. In this way, since religious tolerance is considered an essential element of all democratic societies and a basic precondition for respect to human rights, and also because



demned all forms of racial discrimination, is directly related to the concept of tolerance and efforts to eradicate the spirit of discrimination. Basically, it seems that the increase of ethnic and tribal tensions, the occurrence of internal wars, the spread and intensification of fundamentalism, etc., are the factors that are responsible for the rise of religious intolerance, which has taken on new forms in recent years.

For the first time in 1962, the General Assembly asked all governments to ban and cancel discriminatory laws that play a role in the continuation of racial discrimination and religious intolerance and to take appropriate measures to combat such intolerance and prejudices. In this regard, finally, on November 25, 1981, the declaration of prohibition of religious intolerance was approved by the General Assembly.

maintaining the order and stability of the social system. The second paragraph of Article 26 of the Universal Declaration of Human Rights states: "Understanding and tolerance must be promoted among all nations and racial or religious groups." Anyway, among the numerous resolutions of the General Assembly, the declaration of elimination of all forms of intolerance and discrimination based on religion or belief approved on November 25, 1981 (Resolution 36/56) is considered a basic and accepted document.

On the other hand, since freedom of expression is a collective right, it also includes the condition of respecting the rights, dignity, and honor of others, public order, and good morals. Therefore, the violation of all these conditions or one of them will lead to increase tension and conflict and endanger the peace and security of human society.

religious intolerance involves an "act or omission" that, apart from its motivation, violates human rights.

So it seems that what is important in the category of intolerance and discrimination is the effect of that behavior or performance in promoting racial, national, and religious hatred or preventing its spread.

International and national support for freedom of speech and religion:

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights recognize the right to freedom of expression and freedom of religion. Article 19 of the Universal Declaration of Human Rights stipulates: "Everyone has the right to freedom of speech and opinion." At the same time, the first paragraph of Article 18 of the International Covenant on Civil and Political Rights is regulated in such a way that "every person can have

an opinion without any hindrance.

Article 20 of the Covenant of Civil and Political Rights implies that governments are not only obliged to prevent speech that causes religious hatred and conflict between people of religions and beliefs but also to prevent the publication of violent religious views that violate the rights and freedoms of others.

actions cause serious and imminent danger or harm to others.

In the domestic law of Germany, at the same time that the religious opinions and beliefs of respectable people are recognized, the dignity and personal identity of people are also protected from any insults and mockery by means of religious insulting statements. In the middle of the

and freedom of speech are two rights recognized in legal documents and in the belief of the international community, rights whose conflicts are possible but can be prevented. Freedom of expression is sacred and praiseworthy as long as it does not involve insulting religious sanctities; because otherwise if it harms a human right, it is as if it has been vio-



They should provide the territory under the rule of their governments for living with respect, comfort, and enjoyment of basic rights and freedoms for citizens and all persons under their effective control.

In addition, the second paragraph of Article 20 of the Covenant of Civil and Political Rights stipulates: "Any support for racial or religious hatred that is an incentive for discrimination, enmity or violence is prohibited by law." Therefore, all the members of the Covenant of Civil and Political Rights are obliged to guarantee that in their internal territory, regulations against such actions with the protection goals intended by the Covenant are established and implemented.

However, the support mentioned at the levels of domestic law systems is also conceivable.

In the American states, freedom of expression is considered a sacred thing, and it is limited only when its

spectrum of these two approaches, the European Court of Law Humanity and the Australian legal system are trying to establish a kind of balance between religious freedoms and freedom of expression.

It is included in the internal laws of Germany: Any action that causes hatred, mockery, or religious insult to a person because of their religious beliefs is prohibited. In Austrian law, insulting all religions of the country is criminalized.

In the domestic law of England, actions that cause religious hatred against people because of their religion have been criminalized. Article 77 of the 1990 law of Algeria also provides punishments for anyone who acts against Islam or any of the divine religions by writing, sound, picture, painting, or any other direct or indirect way.

Conclusion:

The right to freedom of religion

lated.

The natural and spontaneous reaction of the Muslims of the world to the hateful acts of insulting the holy and sacred things of Islam such as the holy Quran, which hurt the souls and hearts of nearly two billion Muslims and billions of free people all over the world, is a sign of this belief and the need to protect the sacred religious values that the nature and essence of every human being are entrusted.

This is where it is necessary for human rights to be interpreted considering other rights and not in an absolute way. With this definition, freedom of speech in the real sense is born only where religious beliefs are sacred and do not conflict with them. Therefore, freedom of religion is practically only found in the light of freedom of expression, identity, and manifestation.