

Received 2026-02-01

Accepted 2026-05-27

Criminal Protection of Religious Beliefs within the Framework of International Law

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Abstract

The contemporary world is witnessing an increasing number of violations against religious beliefs, particularly in light of the rapid development of media and the misuse of freedom of opinion and expression. This study aims to clarify the concept of international criminal protection of religious beliefs and its importance in maintaining social stability. It also analyzes the most significant international legal texts and resolutions that criminalize the contempt of religions and incitement to religious hatred. The study concludes that the international legal framework provides a preliminary level of protection for religious beliefs; however, it suffers from shortcomings in practical implementation .

This is mainly due to the absence of a unified international definition of crimes against religious beliefs. Accordingly, the study emphasizes the necessity of developing international legal mechanisms to achieve a balance between freedom of expression and the protection of religious beliefs from abuse .

Keywords: Religious beliefs, international criminal protection, freedom of opinion and expression, contempt of religions, religious hatred

1. INTRODUCTION

Religious beliefs occupy a central position in human life, as they exert a direct influence on individual behavior and daily conduct, as well as on the stability and cohesion of societies. They are closely linked to personal identity, which renders them a fundamental element in the formation of societies and civilizations throughout history. Consequently, regardless of their political systems, States cannot disregard the significance of religious beliefs as a source of legislation, since many principles and rules of positive law are derived therefrom.

From this perspective, the protection of religious beliefs is of paramount importance, in view of the serious consequences that attacks against them may entail for individuals and society as a whole. In recent years, crimes targeting religious beliefs have witnessed a notable increase, particularly due to the development of modern media and communication technologies, the misuse of the freedom of opinion and expression, and the confusion between such freedom and freedom of belief, which has led to acts of abuse and the questioning of religious doctrines.

The international community has warned of the gravity of such attacks, given the considerable value that religious beliefs hold for individuals and the potential threat that their undermining may pose to international peace and security. Accordingly, there is an urgent need for coordinated international efforts to confront these crimes and limit their effects, especially since individuals take pride in their beliefs, vigorously defend them, and do not tolerate any infringement upon them, whether in word or in deed.

Importance of the Topic

The importance of this topic derives from the fundamental role that religious beliefs play in human life, as they constitute an essential factor in achieving balance and stability within society, as well as an effective means of guiding individual behavior and improving social conduct. Given the supreme value attributed to religious beliefs, attacks against them represent a genuine threat whose repercussions are not confined to the internal sphere of States, but extend to the international level, as they may give rise to disturbances affecting international peace and security.

From this standpoint, there is an urgent need to establish effective criminal protection at the international level in order to address the various forms of attacks on religious beliefs, since criminal protection remains one of the most efficient mechanisms for safeguarding the fundamental interests of society, particularly religious beliefs. This is especially the case given that criminal sanctions continue to serve as a deterrent to many individuals who invoke freedom of opinion and expression as a pretext to infringe upon the religious sanctities of others.

Research Problem

This study examines the recurrence, in recent years, of public attacks on religious beliefs, particularly Islam, and the resulting legal confusion between the exercise of freedom of opinion and expression and acts that intentionally insult or show contempt for religious beliefs. Such acts take various forms, most notably insults directed at prophets and religious symbols, which constitute violations of the legal and religious limits governing freedom of expression.

This situation raises fundamental legal questions regarding the scope of criminal liability and international legal protection applicable to acts affecting religious beliefs, especially in cases where international law criminalizes specific conduct, such as contempt of religion or incitement to religious hatred, and concerning the role of international cooperation in addressing crimes against religious beliefs.

Research Methodology

This study adopts an analytical approach to examine the issue of international criminal protection of religious beliefs. It is based on the analysis of relevant international legal instruments and international resolutions addressing the prohibition of attacks on religious beliefs, with the aim of assessing the effectiveness of the international legal framework in ensuring adequate protection.

2. Section I: The International Legal Framework for the Protection of Religious Beliefs and the Nature of Attacks Against Them

2.1.Subsection I: International Legal Foundations Governing the Protection of Religious Beliefs

The international protection of religious beliefs is grounded in a set of rules and principles established under international law, particularly within the human rights framework. International conventions and treaties have recognized the right to freedom of thought, conscience, and religion as a fundamental human right and have affirmed that respect for religious beliefs constitutes an essential component of human dignity.

These legal instruments further stress the obligation of both individuals and states to refrain from acts that may undermine or offend the religious beliefs of others, given that such conduct may jeopardize social harmony and undermine public security. Attacks on religious beliefs are therefore regarded as serious violations of the values of coexistence and tolerance upon which human societies are founded. Consequently, the protection of religious beliefs against all forms of aggression or abuse, whether direct or indirect, represents a legal necessity aimed at achieving a balance between safeguarding public order and ensuring the effective enjoyment of fundamental rights and freedoms.

International protection of religious beliefs is grounded in a set of rules and principles enshrined in international law, particularly within the human rights framework, where religion and belief are recognized as essential elements of human dignity and as fundamental factors

in the development of an individual's personality and the stability of society¹. This recognition imposes an obligation on the international community to ensure the protection of religious beliefs from all forms of aggression or abuse.

Fundamental international instruments have affirmed freedom of thought, conscience, and religion as basic rights guaranteed to every human being without discrimination. The Universal Declaration of Human Rights recognizes the right of every individual to freedom of religion and belief, including the freedom to adopt a religion or belief of one's choice and to manifest it, individually or collectively, in public or in private. Accordingly, the protection of religious belief is not confined to the mere acknowledgment of freedom of belief², but extends to safeguarding it against any conduct that may undermine or diminish its value.

The International Covenant on Civil and Political Rights has further reinforced the protection of religious beliefs by affirming that freedom of religion or belief enjoys a high level of legal protection, and that any restrictions are permissible only within narrowly defined limits necessary to protect public order, public safety, or the rights and freedoms of others. This covenant therefore constitutes an important legal basis for regulating practices that misuse freedom of expression as a pretext for attacking or disparaging religious beliefs³, particularly when such conduct exceeds the bounds of legitimate criticism and amounts to abuse or incitement.

Furthermore, international conventions have established the principle of non-discrimination on the grounds of religion or belief as one of the core pillars of the international human rights system. These instruments prohibit all forms of racial, cultural, or religious discrimination due to their serious role in inciting hatred and undermining social peace. Accordingly, this principle represents a fundamental legal foundation for the protection of religious beliefs⁴, especially given that attacks against them are frequently associated with hate speech or religious incitement.

In the same context, international law obliges states to take positive measures to protect religious beliefs, not limited to refraining from attacking them, but extending to the need to criminalize acts that incite religious hatred or contempt for religions, whenever they pose a threat to security or public peace. Several United Nations resolutions have emphasized the need to combat religious intolerance, call for respect for religions and beliefs, and consider this part of the responsibility of states in maintaining international peace⁵.

Non-binding international declarations have also contributed to strengthening the legal framework for the protection of religious beliefs by emphasizing the promotion of a culture of tolerance and respect for religious diversity. The Declaration of Principles on Tolerance issued by the United Nations Educational, Scientific and Cultural Organization (UNESCO) emphasized that respect for religions and beliefs is a prerequisite for peaceful coexistence

¹ Charter of the United Nations, Preamble, 1945.

² Universal Declaration of Human Rights, Article 18, 1948

³ International Covenant on Civil and Political Rights, Article 18, 1966.

⁴ International Convention on the Elimination of All Forms of Racial Discrimination, Article 5, 1965.

⁵ United Nations General Assembly resolutions on combating religious intolerance and defamation of religions.

among peoples¹, which complements legal protection with a preventive approach that limits manifestations of aggression against religious beliefs.

It is clear from the above that the international legal framework governing the protection of religious beliefs is based on a combination of binding texts and general principles, which aim to strike a delicate balance between guaranteeing freedom of religion and belief and protecting religious beliefs from abuse and aggression, thereby preserving human dignity and promoting the values of mutual respect and social peace in the international community.

Section I: The Universal Declaration of Human Rights

The Declaration of Human Rights has been criticized by legal scholars on the grounds that it was drafted according to specific criteria that largely reflect the intellectual, environmental, and educational backgrounds of certain cultures at a specific time and place, without sufficient consideration of the differences between societies in terms of values and cultural and civilizational environments. Proponents of this view believe that the literal application of these standards, without taking into account the specificities of different societies, may lead to results that conflict with the concepts of justice and fairness sought by humanity.

Some jurists have also criticized Article 18 of the Declaration, particularly in terms of the order of the freedoms it contains, as freedom of thought and freedom of conscience are given precedence over freedom of religion in the wording. Some jurists considered that this order reflects, to some extent, the influence of the intellectual trends prevailing at the time, particularly the atheistic communist currents that attached particular importance to freedom from religion, placing thought before it. On the other hand, supporters of the religious trend argued that the concepts of thought and conscience are inseparable from religion, but rather are among its fundamental manifestations, and that they derive their essence from religious belief itself.

The first paragraph of Article 18 affirms the freedom of individuals to choose their own ideology, belief, or religion, where ideology is understood as a broad field that reflects the intellectual and unique ability of individuals to adopt the approach they believe in for their lives, whether this ideology is linked to a particular religion or belief, or remains separate from them. Under this provision, individuals are free to adopt ideas that do not belong to any known creed. Freedom of conscience, on the other hand, provides a broader scope for the formation of an individual's internal convictions, which may or may not belong to one of the known religions, or may even be contrary to all of them. An atheist, for example, takes an ideological position that stems from his personal conscience and bears intellectual and moral responsibility for it.

Freedom of religious affiliation is more obvious for believers, as it is understood as a personal conviction based on conscious faith in religion, after understanding and reflection, whereby the individual integrates into the spiritual values of that religion, and becomes both a believer and a defender of it. This trend reinforces another jurisprudential opinion that

¹ Declaration of Principles on Tolerance, United Nations Educational, Scientific and Cultural Organization (UNESCO), 1995.

considers the right to freedom of thought, conscience, and religion, as stated in Article 18, to be a broad and far-reaching right, as it includes the protection of freedom of thought and freedom of conscience at the same level as religious freedom and freedom of belief. This protection also extends to monotheistic and non-monotheistic beliefs, as well as atheistic beliefs, and even the right not to adhere to any religion or belief. This requires a broad interpretation of the concepts of religion and belief, and not limiting the scope of Article 18 to traditional religions or beliefs with similar rituals.

Based on this, this opinion supports the view that the order of freedoms in Article 18 is not sound, as it considers that giving freedom of thought and conscience precedence over freedom of religion is not consistent with sound legal logic, even while acknowledging the close connection between them. According to this view, thought and conscience revolve around religion and are considered its fundamental components, since it is religions that urge humans to exercise their reason and develop their thinking, and instill the moral values that awaken the human conscience. Therefore, freedom of religion should have been mentioned first in the wording, rather than later.

Section II: International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights followed the same approach as the Universal Declaration of Human Rights, enshrining in Article 18 the right of everyone to freedom of thought, conscience, and religion. This right includes the freedom to choose one's religion or belief and to express it individually or collectively, publicly or privately, through worship, observance, practice, or teaching, alone or in community with others.

The Covenant also expressly prohibits subjecting any person to any form of coercion that would affect their freedom to embrace the religion or belief of their choice. However, freedom to manifest religion or belief is subject to certain restrictions, which may only be imposed by law and to the extent necessary to protect public safety, order, health, morals, or the rights and freedoms of others.

The Covenant obliges States parties to respect the freedom of parents or guardians, where applicable, to ensure the religious and moral education of their children in accordance with their own convictions.

Legal scholars have raised observations regarding the restrictions contained in Article 18 of the Covenant, arguing that the wording used allows national legislators broad discretion in imposing restrictions and internal regulations. However, according to the prevailing opinion, this margin should not be used in a way that would render freedom of religion or belief meaningless or undermine the freedom to practice and express it under the guise of legislative regulation.

The International Covenant on Civil and Political Rights differs from the Universal Declaration of Human Rights in that it does not merely recognize rights, but also establishes practical mechanisms to ensure their protection. It requires States Parties, where their domestic legislation is inadequate, to take the necessary legislative and non-legislative measures, in accordance with their constitutional procedures, to ensure the effective implementation of the rights recognized in the Covenant. It also obliges them to provide effective remedies to any person whose rights or freedoms as set forth in the Covenant have been violated, even if the violation was committed by persons acting in an official capacity.

.Section III: Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief¹

The Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief reinforced and affirmed the principles already established in fundamental international instruments, foremost among them the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, it was distinguished by expanding the scope of protection afforded to freedom of belief and the practice of religious rites. This is clearly evident in Article 1 of the Declaration, which enshrines a number of fundamental rights relating to freedom of religion and belief.

The Declaration recognized the right of every human being to freedom of thought, conscience, and religion, including the freedom to embrace any religion or belief of one's choice, and the freedom to manifest that religion or belief through worship, observance, practice, and teaching, either individually or in community with others², in public or in private. The Declaration also emphasized the prohibition of subjecting any person to any form of coercion that would limit their freedom to choose their religion or belief.³

On the other hand, the Declaration did not recognize the freedom to manifest religion or belief as an absolute right. Instead, it allowed this freedom to be subject to specific legal restrictions, provided that such restrictions are necessary to protect public safety, public order, public health, public morals, or the fundamental rights and freedoms of others⁴. This reflects the intention of the international legislator to strike a balance between the protection of religious freedom and the requirements of public order within society.

The Declaration defined “intolerance and discrimination based on religion or belief” as any distinction, exclusion, restriction, or preference based on religion or belief that has the purpose or effect of nullifying or impairing the recognition, enjoyment, or exercise, on an equal footing, of human rights and fundamental freedoms⁵. Article 6 of the Declaration further elaborated on the content of freedom of thought, conscience, and religion by enumerating several associated freedoms, including the freedom to prepare, write, publish, and distribute writings related to religion or belief; the freedom to teach religion or belief in appropriate places; and the freedom to establish, appoint, or elect religious leaders necessary for organizing the affairs of a religion or belief in accordance with its requirements.⁶

Section IV: National Protection of Religious Beliefs

Constitutional protection of religious belief requires identifying its constitutional foundations through a comparative analysis of constitutional texts, in order to determine the extent to which different constitutions recognize this freedom and the limits placed on its exercise. In France, Article 10 of the Declaration of the Rights of Man and of the Citizen provides that no one may be disturbed on account of their opinions, including religious opinions, provided that their manifestation does not disturb public order as established by

¹ Discrimination Based on Religion or Belief, adopted by the United Nations General Assembly in 1981.

² Article 1/1 Ibid.

³ Article 1/2 issued by the United Nations General Assembly in 1981.

⁴ Article 1(3), *ibid*

⁵ Article 1(4), *ibid*

⁶ Article 6, *ibid*

law¹. Although subsequent French constitutions did not expressly reaffirm this freedom, they emphasized its negative dimension by prohibiting persecution on the basis of belief.

The constitutional foundation of freedom of belief in France has thus been derived from Article 10 of the Declaration of the Rights of Man and of the Citizen, the Preamble to the 1946 Constitution—which prohibits discrimination in employment on the basis of origin or belief—and Article 1 of the 1958 Constitution, which affirms the Republic’s respect for all beliefs². On this basis, the French Constitutional Council has recognized freedom of religion as a fundamental principle recognized by the laws of the Republic, requiring public authorities to abstain from interference with its exercise, in accordance with the principle of neutrality inherent in the constitutional doctrine of secularism.³

In the Sultanate of Oman, the Constitution guarantees the protection of religious belief by recognizing the freedom to practice religious rites in accordance with established customs, provided that such practice does not violate public order or public morals⁴. This approach reflects an attempt to balance the protection of religious freedom with the need to safeguard society against the misuse of religion in ways that may undermine public values.

In Egypt, Article 43 of the 2012 Constitution affirmed freedom of belief, while guaranteeing the freedom to practice religious rites and establish places of worship for the heavenly religions in accordance with the law⁵. The 2014 Constitution further affirmed, in Article 64, that freedom of belief is absolute, while subjecting the practice of religious rites and the establishment of places of worship for followers of heavenly religions to legal regulation⁶.

An examination of successive Egyptian constitutional texts reveals a consistent legislative approach, despite differing political contexts, characterized by the absolute recognition of freedom of belief and a distinction between belief itself and the practice of religious rites, which remains subject to considerations of public order and public morals⁷.

In Algeria, successive constitutions have recognized freedom of belief. However, the 2020 Constitution maintained freedom of opinion and expression, defined freedom of belief, and limited constitutional protection primarily to the freedom to practice worship and to safeguard it from political influence.⁸

2.2. Second requirement: International adaptation to attacks on religious beliefs and the limits of freedom of opinion and expression

In recent years, there has been a notable increase in acts targeting religious beliefs, often carried out under the guise of freedom of opinion and expression. Such acts raise

¹ Article 10 of the Declaration of the Rights of Man and of the Citizen (1789).

² The Preamble to the French Constitution of 1946 and the Constitution of 1958.

³ Decisions of the French Constitutional Council concerning freedom of religion and the principle of secularism.

⁴ Article 28 of the Basic Law of the State of Oman.

⁵ Article 43 of the 2012 Constitution of the Arab Republic of Egypt.

⁶ Article 64 of the 2014 Constitution of the Arab Republic of Egypt.

⁷ "This takes into account the established Egyptian constitutional position on the distinction between freedom of belief and freedom to practice religious rites.

⁸ Articles 51 and 52 of the 2020 Constitution of Algeria.

complex legal issues at the international level. Given the serious risks involved, whose effects extend beyond the domestic sphere to threaten international peace and security, it is necessary to examine the international legal classification of offenses against religious beliefs and clarify the scope and limits of their legality in light of the right to freedom of opinion and expression.

Section I: The international nature of crimes against religious beliefs

The international character of acts affecting religious beliefs is determined by two primary criteria: first, the existence of a legal rule criminalizing the act, and second, the nature of the interest to be protected. If the offense concerns a fundamental interest that affects the entire international community, the act may acquire the status of an international crime. In other words, an act constitutes an international crime only if it harms an interest of international importance recognized and protected by international criminal law, as such an offense threatens the foundations of the international community.¹

International criminal law does not extend its protection to all international interests indiscriminately, but limits it to those deemed particularly worthy of protection, as an attack on such interests would undermine the fundamental pillars of the international system. The protection of interests constitutes the primary objective of criminal law, both domestically and internationally, as conduct is criminalized only when it harms a legally protected social interest, whether at the national or international level.

On this basis, attacks on religious beliefs can be considered crimes of an international character, since the protected interest relates to fundamental human values concerning the international community as a whole. Such attacks do not only affect individuals or groups within a single state, but also religious communities across multiple states, by infringing on their religious sentiments and violating their right to freely practice their beliefs, potentially causing tensions and conflicts that threaten international peace and security.

In order for acts against religious beliefs to be considered international crimes, their criminalization must be based on a rule of international law, whether it is an established customary rule or a treaty provision enshrined in international instruments. The international character of the crime does not depend on its criminalization in domestic law; an act does not need to be punishable under national legislation to qualify as an international crime. This is evident in practice, as some European countries have refrained from prosecuting perpetrators of acts offensive to religious sanctities on the grounds that no domestic provision criminalizes such acts, citing considerations related to freedom of opinion and expression.²

Accordingly, the international character of the crime lies in the fact that the criminal conduct constitutes a violation of an international obligation and an attack on a fundamental interest protected under international law. Just as the international community safeguards persons and property as foundational pillars of its existence, it also protects the moral values upon which it is based, foremost among which are human dignity and fundamental human rights. The protection of human beings at the international level encompasses not only their

¹ Mohamed Abdelwahid, *International Criminal Law* (Dar Al Nahda Al Arabia, Cairo 2021) 25.

² Mohamed Mahmoud Khalaf, *International Crimes* (Dar Al-Jami'ah Al-Jadida, Alexandria 2003) 18.

physical and mental safety but also their psychological and moral integrity, including respect for their religious beliefs.

Acts affecting religious beliefs are considered attacks on fundamental values of concern to the international community, similar to crimes that threaten international peace and security or violate fundamental human rights. International conventions and legislation have reinforced this approach by consistently emphasizing the need to respect religions and beliefs, and by prohibiting discrimination or attacks based on religion. Protecting religious sentiment is thus recognized as an aspect of safeguarding the human right to freedom of religion and belief, one of the fundamental freedoms acknowledged internationally.

In summary, crimes against religious beliefs acquire international status when they involve fundamental human interests that transcend the boundaries of a single state, and when their criminalization is based on a rule of international law, given their serious implications for both social and international peace.

Section II: The legal balance between freedom of expression and the protection of religious beliefs

Freedom of expression is one of the most important intellectual freedoms, serving as the means by which ideas latent in human conscience are conveyed to the public sphere. It is thus a tool for the realization of freedom of thought and belief. Ideas and beliefs remain confined to their owners unless expressed through opinion, speech, or action, making freedom of expression complementary to freedom of thought and belief.

However, the relationship between freedom of expression and freedom of religious belief has not always been harmonious, and has undergone multiple stages of tension. At times, the focus has been on the freedom to express one's beliefs, while at other times, the issue has concerned the protection of religious beliefs against practices conducted under the guise of freedom of expression. This overlap has contributed to the emergence of legal and intellectual conflicts, which have often assumed an international dimension, particularly following the case of the cartoons offensive to the Prophet Muhammad (peace be upon him).

The positions of countries on this issue have varied. Some states have tended to prioritize freedom of expression, even at the expense of religious sensitivities, while others have given precedence to respect for religious beliefs and the preservation of their sanctity. In the European context, several governments have upheld freedom of expression as a fundamental pillar of democracy, but this stance has often overlooked two key constraints. First, the need to avoid offending others, particularly regarding religious symbols that hold a special significance for people. Second, freedom of expression is not absolute and is subject to legitimate restrictions, raising questions about the selective application of this freedom, especially concerning Islam and its symbols. The media revolution and modern means of communication have exacerbated this issue and facilitated the rapid dissemination of offensive acts.

From a legal perspective, Western countries, led by Denmark in the case of the offensive cartoons, argued that the journalist who published the cartoons was exercising a legitimate right to freedom of expression, as guaranteed by law. This approach is reinforced by certain court rulings, including those of the US Supreme Court, which emphasized that

freedom of expression is the cornerstone of protecting all other freedoms and enjoys a privileged position among constitutional rights.

The positions adopted by states on this matter have differed considerably. While some countries emphasize freedom of expression even when it conflicts with religious sensitivities, others prioritize the protection of religious beliefs and their symbolic value. In Europe, freedom of expression is frequently upheld as a fundamental democratic principle; however, this approach often neglects certain legal and ethical limitations. Notably, it disregards the obligation to respect the feelings of others, particularly in relation to religious symbols, and overlooks the fact that freedom of expression is not an absolute right but one subject to legitimate restrictions. This selective application becomes especially evident in cases involving Islam and its symbols¹. The rapid expansion of modern media and digital communication platforms has further intensified this issue by facilitating the widespread dissemination of offensive content.²

From a legal perspective, Western states—most notably Denmark in the cartoon controversy—have justified such publications on the grounds of lawful freedom of expression, a position supported by judicial precedents, including rulings of the United States Supreme Court, which consistently recognize freedom of expression as a foundational constitutional right.

However, comparative jurisprudence, judicial precedents, and legislative frameworks in most legal systems consistently recognize that freedom of thought and belief constitutes the only absolute freedom, as it pertains to the internal sphere of the individual and is therefore immune from external restrictions. By contrast, freedom of expression represents a social activity whose impact extends beyond the individual to the broader community, which justifies its subjection to legal regulation aimed at safeguarding the rights of others and protecting the public interest. Accordingly, most legal systems draw a clear distinction between expressions that serve legitimate social or political purposes and conduct amounting to defamation, slander, or insult, which is subject to criminal liability.³

Within this framework, the prevailing approach has been to affirm the absoluteness of freedom of belief while recognizing that freedom of expression is inherently subject to lawful limitations. In the Egyptian constitutional context, the constitutional legislator has repeatedly affirmed that freedom of belief is an absolute right, a characterization not extended to other fundamental freedoms. The Supreme Constitutional Court has further emphasized that freedom of expression affects not only the individual speaker but society at large, thereby legitimizing legislative intervention to regulate its exercise in a manner that prevents harm to others or disruption of public order.⁴

¹ The events surrounding the offensive cartoons of the Prophet Muhammad (peace be upon him) and the ensuing international protests and boycotts.

² Abdelfattah Bayoumi Hijazi, *Human Rights and Fundamental Freedoms*, Dar Al-Nahda Al-Arabiya, Cairo, 2013, pp. 45.

³ United Nations, Report of the Special Rapporteur on Freedom of Religion or Belief.

⁴ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981.

3. Section II: Consequences of Violations of Religious Beliefs and Mechanisms for Limiting Them

Violations of religious beliefs represent one of the most serious challenges confronting contemporary societies, as they pose a direct threat to social cohesion and international stability. The repercussions of attacks on religious sanctities extend beyond provoking indignation among followers of the targeted faith, reaching the level of straining relations between states and peoples. This has been clearly illustrated in several modern international crises, most notably the controversy surrounding the offensive cartoons of the Prophet Muhammad (peace be upon him). Such developments have had a tangible impact on the international order, thereby necessitating enhanced international efforts and the activation of cooperative mechanisms aimed at safeguarding religious beliefs and protecting them from various forms of violation. These issues will be examined through the following two subsections.

3.1. First Requirement: The Adverse Effects of Attacks on Religious Beliefs on Individuals and Society

Religious beliefs occupy a fundamental position in human life, whether associated with revealed or non-revealed religions, as they constitute a core element of both individual and collective identity. Consequently, any infringement upon these beliefs entails profound psychological and social repercussions for their adherents, particularly with regard to religious sentiments and human dignity. Such violations may further give rise to serious consequences at both the domestic and international levels.

Section I: Domestic Consequences of Attacks on Religious Beliefs

Respect for freedom of religion constitutes a fundamental indicator of a state's genuine adherence to human rights standards. Notwithstanding the prevailing discourse promoting tolerance, numerous conflicts—whether international or internal—continue to be deeply influenced by religious considerations¹. Historical experience demonstrates that religion has frequently been invoked, either directly or indirectly, to legitimize violence, exclusion, and intolerance.

Contemporary societies also continue to experience various forms of intolerance and discrimination grounded in religion or belief. Religious and ethnic groups in many countries have been subjected to such practices due to the absence of a culture of pluralism, the lack of respect for the right to difference, and the dominance of numerically superior sects over minority groups². Given the widespread religious and sectarian diversity characterizing most states, any infringement upon the beliefs of one group by another risks provoking sectarian conflict, leading to loss of life and undermining social cohesion, unity, and security.

Such acts do not necessarily require the involvement of organized groups; they may equally take the form of individual conduct capable of producing far-reaching collective consequences. This is particularly evident in isolated statements or actions that infringe upon religious beliefs and trigger widespread public reactions. Numerous examples illustrate how

¹ Comparative criminal laws on criminalizing contempt of religions and hate speech.

² Universal Declaration of Human Rights, 1948, Article 18. International Covenant on Civil and Political Rights, 1966.

certain speeches or acts offensive to Islam have provoked intense indignation across the Islamic world and resulted in internal disturbances in several states.

In response to these risks, many national constitutions and criminal legislations have sought to establish legal safeguards for religious sanctities and rituals. Accordingly, insults directed at religions are often classified as prohibited acts under both positive law and religious norms, in light of the serious social danger they pose by inciting hatred and contempt, potentially leading to threats against public security and public order.

Section II: International Repercussions of Attacks on Religious Beliefs

The repercussions of attacks on religious beliefs extend beyond the domestic sphere of states to affect the international community as a whole. At the international level, religious freedom has been recognized as a fundamental human right and a core component of the system of public freedoms. Nevertheless, the growing prevalence of violations targeting religious beliefs has contributed to the escalation of religious and racial intolerance and discrimination, thereby posing a serious threat to humanity and undermining the foundations of international peace and security.

Moreover, religious differences between states, when politically or ideologically instrumentalized, may intensify hostility and conflict among peoples, adversely affecting international relations and various aspects of social and economic life. This risk is further aggravated when religious doctrines are invoked as a justification for interference in the internal affairs of states or as a pretext for aggression and occupation, resulting in grave violations of fundamental rights and public freedoms.¹

Aggression targeting religious beliefs can escalate tensions between states within the international community and may even result in diplomatic ruptures or adversely affect the economic interests of the countries involved. In such cases, freedom of expression risks losing its constructive purpose², shifting from a means of fostering dialogue and mutual understanding to a mechanism that undermines social and religious harmony.

Consequently, governments bear the responsibility of implementing clear measures to ensure that freedom of expression is exercised within a framework that safeguards human rights and protects religious beliefs from abuse or insult. Under no circumstances should the freedom of opinion and thought be equated with acts that disparage or denigrate religious beliefs, as such conflation poses a threat to international public order and to global peace and security.³

3.2.Next topic: The organizational role of the United Nations in combating attacks on religious beliefs

There are numerous international mechanisms adopted by the international community to combat attacks on religious beliefs, foremost among which are the resolutions and recommendations issued by United Nations bodies, in particular the General Assembly and

¹ United Nations General Assembly Resolutions on Combating Religious Intolerance.

²International Public Law Jurisprudence on the Use of Religion as a Pretext for International Intervention

³ European Court of Human Rights Decisions Related to the Limits of Freedom of Expression and the Protection of Religious Sentiments

the United Nations Commission on Human Rights, which aim to establish the principle of respect for religions and beliefs and combat all forms of intolerance and discrimination based on religion.

Section I: United Nations General Assembly Resolution No. (183.50) on the elimination of all forms of religious intolerance

The United Nations General Assembly issued this resolution on March 6, 1996, affirming in its preamble that discrimination between people on the basis of religion or belief is a flagrant violation of human dignity and is contrary to the fundamental principles enshrined in the Charter of the United Nations. The resolution also emphasized in its preamble the need for States to fulfill their responsibilities in combating manifestations of religious intolerance and related acts of violence, including attacks on places of worship and the desecration of sacred sites.

In this context, one of the provisions of the resolution called on Member States to take the necessary legislative and administrative measures to combat religious hatred and to promote the values of understanding, tolerance and mutual respect in matters relating to freedom of religion or belief, as fundamental pillars of peaceful coexistence among peoples.

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Section II: Resolution of the United Nations Commission on Human Rights on combating defamation of religions (12 April 2005)

In light of the rise in religious discrimination, particularly against Muslim minorities in a number of Western countries, and the accompanying repeated attacks on Islamic holy sites, the United Nations Human Rights Committee issued a special resolution on combating defamation of religions on April 12, 2005. In this resolution, the Commission expressed its deep concern about the recurrence of negative stereotypes against religions and the increase in manifestations of intolerance and discrimination related to religion or belief in various parts of the world.

The Commission also strongly condemned attacks on places of worship and cultural and economic centers belonging to different religions, as well as attacks on religious symbols, and considered these acts a direct threat to social peace. The resolution called on the international community to launch a comprehensive global dialogue aimed at spreading a culture of tolerance and peace, based on respect for human rights and religious diversity. It also urged states, non-governmental organizations, religious institutions, and traditional and electronic media to support this dialogue and contribute to its success².

4. Section III: International Criminal Accountability and International Coordination in Confronting Attacks on Religious Beliefs

Attacks on religious beliefs have become an issue with international dimensions, given their serious implications for international peace and security and their potential to fuel hatred and intolerance among peoples. With the development of international criminal law,

¹ See Article 1 of the Charter of the United Nations, adopted on June 26, 1945, which affirms respect for human rights and fundamental freedoms without discrimination on the basis of religion or belief.

² The Universal Declaration of Human Rights, adopted by the United Nations General Assembly under Article 2.

individuals are no longer immune from accountability for acts that violate fundamental human values, including respect for religious beliefs. International cooperation has also emerged as an indispensable mechanism for combating these crimes, given the inability of individual national efforts to address them effectively. This paper therefore examines the legal framework for international criminal responsibility for acts that violate religious beliefs, and then reviews the forms and mechanisms of international coordination to combat these crimes.

4.1. Section I: The scope of international criminal responsibility for acts that violate religious beliefs

International criminal responsibility is based on the principle that certain acts, due to their serious nature, require the perpetrators to be held accountable at the international level, regardless of their nationality or the location where the crime was committed. In this context, the question arises as to the extent to which individuals can be held criminally accountable at the international level for acts that violate religious beliefs.

It follows from the development of international criminal law that the protection of fundamental moral values, foremost among which are human dignity and fundamental human rights, is one of the objectives of this branch of international law. Given that religious belief is an integral part of the human psyche and one of the human rights, namely the right to religion and belief, any attack on it constitutes a violation of a fundamental right when it reaches a degree of severity that threatens social peace or incites hatred or religious violence.

International criminal responsibility does not require that the act be criminalized in the national legislation of the state in which it occurred, provided that the criminalization is based on an international customary rule or treaty. International criminal law is independent in determining which acts constitute international crimes and, in this regard, takes precedence over national laws, especially if the latter fail to provide adequate protection for religious beliefs or refrain from punishing perpetrators of serious violations.

International criminal responsibility is also personal in nature, as it is attributed to natural persons and no one else, whether they are ordinary individuals or hold official positions. Their professional status or official capacity does not prevent them from being held accountable. This means that perpetrators of acts that violate religious beliefs can be held criminally accountable under international law when the elements of an international crime are present¹, including criminal conduct, harmful consequences, a causal link, and moral culpability.

4.2. Second requirement: The role of international cooperation in combating crimes against religious beliefs

In view of the transnational nature of crimes against religious beliefs—particularly in the context of rapid developments in modern media and communication technologies—international cooperation has become an indispensable tool for addressing such crimes effectively. These acts are frequently perpetrated within the territory of a single State, yet their repercussions often extend beyond national borders, whether by provoking public outrage, generating diplomatic tensions, or adversely affecting economic and social interests. This

¹ Abdel Fattah Bayoumi Hegazy, *op. cit.*, p. 45

reality necessitates coordinated international responses that go beyond the traditional confines of State sovereignty.

International cooperation in this field manifests in several legal and institutional forms, most notably through the exchange of information, mutual legal assistance in criminal matters, extradition of suspects, and the harmonization of national policies. Such mechanisms are grounded in the principle of international solidarity, which seeks to confront serious crimes that undermine shared human values, including respect for religious beliefs.

Furthermore, the application of the principle of universal jurisdiction allows national courts to exercise jurisdiction over certain crimes irrespective of territorial or personal links, provided that these crimes are regarded as offenses of concern to the international community as a whole. The justification for adopting this principle lies in the inherently international character of such crimes and the transboundary nature of their effects, which often makes it difficult to identify a single State as the direct or exclusive victim.¹

If we look at the scope of protection in crimes against religious beliefs, it is clear that they affect the common interest of the international community, given that religious belief is a fundamental element in the lives of individuals and groups. Therefore, it is justified to include these crimes within the scope of crimes to which the principle of universal jurisdiction applies, in order to ensure that perpetrators do not escape criminal accountability.

However, the application of this principle requires specific conditions to be met, including the presence of the perpetrator within the territory of the State conducting the prosecution, the absence of a request for extradition from another State based on the principle of territoriality or personality, and the fact that the crime is one of concern to the international community. In this case, the arresting State acts as a representative of the international community in prosecuting and punishing the perpetrator.

The principle of universal jurisdiction contributes to the international criminal justice system by striking a balance between the jurisdiction of national courts and that of international courts, foremost among which is the International Criminal Court. It also aims to reduce impunity, while recognizing the primacy of national courts when they are able to effectively fulfill their role.

There are many forms of international cooperation in the criminal field, the most important of which are the coordination of rules of international criminal jurisdiction, the activation of mechanisms for the extradition of criminals, and the establishment of substantive and procedural criminal rules at the international level. Criminal jurisprudence has emphasized that one of the most effective means of combating crime is to convince offenders that there is no safe haven where they can hide from punishment, which can only be achieved through effective international cooperation.²

In light of rapid technological developments and the new opportunities they provide for committing crimes against religious beliefs, there is an increasing need for coordinated

¹Mohamed Salama, *International Criminal Law*, Dar Al-Fikr Al-Arabi, Cairo, 2010, p. 112.

² International cooperation in criminal matters refers to the provisions of the United Nations Convention against Transnational Organized Crime, adopted on November 15, 2000.

international legislative and judicial measures to ensure that such offenses are prosecuted and not justified under the guise of freedom of opinion or expression. International cooperation thus constitutes a fundamental pillar for safeguarding religious beliefs and protecting both social and international peace from the severe consequences of these violations.

International initiatives include harmonizing legislative policies aimed at criminalizing acts that involve contempt for religions or incitement to religious hatred, and establishing normative frameworks to which States commit themselves in protecting religious freedoms.

While international resolutions are largely non-binding, they play a significant role in crystallizing a shared international will to combat attacks on religious beliefs. These resolutions influence national policies and encourage States to align their domestic legislation with international standards. Furthermore, interfaith and intercultural dialogue serves as an essential preventive mechanism, reducing the risk of religious conflict and fostering a culture of tolerance, mutual understanding, and respect.

Therefore, the effectiveness of combating crimes against religious beliefs remains contingent on the extent to which states commit to sincere and serious cooperation, whether at the legislative, judicial, or cultural level, in order to guarantee the protection of this fundamental human right and prevent the exploitation of freedom of expression as a pretext for undermining religious beliefs or inciting hatred among peoples.

The policy of criminalizing acts that violate religious beliefs is no longer limited to the domestic scope of national legislation, but has extended to the international framework through international declarations, conventions, and resolutions that affirm the need to protect religious beliefs and safeguard them from any attack. In light of the increasing manifestations of abuse of religions and religious symbols on the international scene, there is an urgent need to activate international cooperation as the most effective means of combating these crimes and ensuring that their perpetrators do not escape accountability.

Section I: The Concept of International Cooperation in Combating Crime

International crimes, in all their forms, constitute a direct attack on the interests of the international community as a whole. This reality imposes upon States a collective duty to prosecute and punish perpetrators, not only as a legal obligation under international law but also as a moral responsibility aimed at safeguarding shared human values. In light of this understanding, international cooperation has become an essential component of contemporary international relations, as States are no longer isolated actors but are increasingly interconnected and mutually dependent.

The significant advances in transportation, communication, and information technology have transformed crime into a transnational phenomenon, as its effects are no longer confined to the territory of a single State but extend across multiple jurisdictions, both in execution and consequences. Given this transboundary character, national efforts alone are insufficient to combat such crimes effectively, making coordinated international action indispensable to ensure accountability and uphold the rule of law.

International cooperation in combating crime involves the provision of assistance and support between two or more States, or between States and international organizations, with the aim of addressing common criminal threats. This cooperation takes various forms,

including mutual legal assistance, extradition, and the exchange of information, reflecting the framework of collective responsibility for addressing crimes that transcend national borders.

Such cooperation also serves a preventive function by reducing the likelihood that offenders can evade justice. By integrating perpetrators into an international legal network, their ability to escape prosecution is limited. Awareness that they may be prosecuted or extradited regardless of their location acts as a deterrent to criminal activity. Furthermore, international cooperation reflects the level of civilizational and legal progress of States, as it enables them to maintain international peace and security and to safeguard the fundamental interests of the global community.

Section II: The importance of international cooperation in combating attacks on religious beliefs

The significance of international cooperation in addressing crimes against religious beliefs has become increasingly evident in light of the global rise in attacks on religions, whether through media discourse, artistic expressions, or actions that show contempt for religious symbols. Practical experience has demonstrated that such crimes can only be effectively countered through coordinated international efforts that keep pace with the evolving methods of their commission.

International cooperation serves as a crucial mechanism for curbing violations of religious values, particularly given the disparities among national legal systems that may contribute to the impunity of perpetrators. Historically, States have negotiated numerous international agreements aimed at harmonizing or aligning national criminal legislation, thereby enabling the internationalization of rules on criminalization and punishment in response to offenses that affect the shared interests of the international community.

A prominent example of this cooperative approach is the application of the principle of universal jurisdiction, which allows any State to prosecute an individual present on its territory for crimes of an international character, regardless of the perpetrator's nationality, the location where the crime was committed, or the nationality of the victim.

5- Conclusion

This research concludes that religious beliefs constitute a fundamental human value occupying a central position within contemporary international legal frameworks, as they form an integral part of the system of human rights and fundamental freedoms. The analysis demonstrates that attacks on religious beliefs, whether committed by individuals or States, can destabilize international peace and security, generating manifestations of intolerance, hatred, and religious discrimination, as well as sectarian conflicts and diplomatic tensions between States.

The study also highlights that international law, through declarations, covenants, and conventions, provides a general legal framework for the protection of freedom of religion and belief and the prohibition of religious intolerance and discrimination. Nevertheless, the practical implementation of these protections remains insufficient, particularly in the face of the growing misuse of freedom of opinion and expression as a pretext for violating sacred values or insulting religious symbols. This situation underscores the complex challenge of balancing freedom of expression with respect for religious beliefs, a challenge that is further

intensified by the proliferation of digital media and cross-border communication technologies.

The research further emphasizes the international character of crimes against religious beliefs, as the interest at stake constitutes a common concern for the entire international community. This reality justifies the strengthening of international criminal accountability mechanisms, the activation of cross-border cooperation, and the application of the principle of universal criminal jurisdiction, all of which serve to limit the impunity of perpetrators. Consequently, the international criminal protection of religious beliefs remains a fundamental pillar for promoting tolerance, peaceful coexistence, and respect for religious and cultural diversity within the global community.

Recommendations:

1. Strengthen the international legal framework by working to conclude a binding international convention that explicitly prohibits attacks on religious beliefs, sacred sites, and religious symbols, while establishing clear mechanisms for accountability and punishment.
2. Activate mechanisms for implementing international commitments by requiring states to harmonize their national criminal legislation with international standards relating to the protection of freedom of religion and belief, and to criminalize acts of contempt for religions and incitement to religious hatred.
3. Regulate the relationship between freedom of expression and the protection of religious beliefs by establishing precise international standards that distinguish between legitimate criticism of religious ideas and deliberate abuse of sacred symbols, thereby achieving a balance between rights and freedoms without conflict.
4. Strengthen international judicial and security cooperation in prosecuting perpetrators of crimes against religious beliefs by activating the extradition of criminals, exchanging information, and adopting the principle of universal criminal jurisdiction where appropriate.
5. Support the role of international and regional institutions, particularly the United Nations and human rights councils, in monitoring violations of religious freedom and issuing periodic reports and binding recommendations to curb religious intolerance.
6. Promote a culture of tolerance and interfaith dialogue by incorporating the principles of respect for religious beliefs into educational curricula, encouraging responsible media, and supporting international initiatives for civilizational dialogue.
7. Respond to contemporary digital challenges by establishing international legal controls to combat religious abuse via social media and digital platforms, ensuring that cyberspace is not exploited to spread religious hatred.

In conclusion, achieving effective international criminal protection for religious beliefs remains contingent upon the integration of legislative, judicial, and educational efforts at the national and international levels, thereby contributing to the establishment of international peace and security and the consolidation of the values of mutual respect and human coexistence.

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