



Fifty-third Session of the Human Rights Council

Urgent Debate to discuss the alarming rise in premeditated and public acts of religious hatred as manifested by recurrent desecration of the Holy Quran in some European and other countries

Statement by Nazila Ghanea, Special Rapporteur on freedom of religion or belief and on behalf of the Coordination Committee of Special Procedures

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[Check against delivery]

Mr. President, Distinguished Delegates, Representatives of civil society,

It is my honour to be with you today and to deliver a statement on behalf of the Coordination Committee of the Special Procedures and my own mandate.

The Special Procedures work tirelessly to promote understanding, coexistence, non-discrimination and equality for all. No one should be subject to discrimination by any State, institution, group of persons, or person whether on the grounds of their religion or belief¹ or any other identity ground.

The Special Procedures promote non-discrimination and equality through their country visits, communications, and reporting. Most of the work of the Special Procedures addresses this – for example through identifying root causes, instances that require redress, and amendments to laws and policies that may contribute towards it.

Together with several of my colleagues, on 6 March this year, we called for greater efforts to promote freedom of religion or belief, foster intercultural dialogue and understanding, protect religious minorities and combat hate speech while upholding freedom of opinion and expression.²

This is a call that we should all reaffirm today. Intolerance and discrimination based on religion or belief is experienced in numerous ways, in every corner of the world. It includes distinction, exclusion, restriction, or preference based on religion or belief. Any attack on the equal enjoyment of human rights and fundamental freedoms, constitutes such intolerance and discrimination, whether this was the purpose or otherwise.³ Article 18(2) of the International Covenant on Civil and Political Rights (ICCPR) draws attention to the fact that no one should be subject to coercion which would impair their freedom to have or to adopt a religion or belief of their choice.

The targets of such attacks may be individuals or groups, and they may be targeted directly or indirectly. Attacks are distinct from incitement, which – by definition – is an instigation by a

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-all-forms-intolerance-and-discrimination>, article 2(1).

² <https://www.ohchr.org/en/press-releases/2023/03/use-human-rights-frameworks-promote-freedoms-religion-belief-and-expression>

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-all-forms-intolerance-and-discrimination>, article 2(2).

person for the audience to attack the target group.⁴ It is not directly implementable by one person against another. Religions, beliefs or their followers should not be instrumentalized to incite hatred and violence, for example for electoral purposes or political gains.⁵

Public acts of intolerance are on the increase around the world and are more common in times of political tension. The political motives and purposes for these engineered public displays of intolerance belie their purpose: the instrumentalization of religion and belief and its weaponization to foster hatred. We condemn such acts wherever they might occur and whoever the instigator may be.

Acts which manifest intolerance and are intentionally aimed at stirring up hatred, or cause hurt and foster inter-religious and political tensions such as some recent instances of the public burning of the holy Quran or desecration of places of worship, are objectionable and risk drawing our societies backwards, reversing positive educational and social investments towards understanding and diversity. These acts also raise concern in terms of tolerance, civility, and respect for the rights of others.⁶ More than ever, our responses to these acts should be strongly anchored in the international human rights law framework. The responses of national authorities to these acts, and related incidents, should be compatible with international human rights law.

We welcome the condemnations by State authorities, international organisations, civil society organizations and individuals of such acts of intolerance. Recent public objections by numerous authorities and actors, have made clear that these acts, carried out by individuals, are *not* condoned by the authorities or representative of wider society. This is in line with paragraph 5(e) of Human Rights Council resolution 16/18's action points⁷ and the resolve to strongly encourage "government representatives and leaders in all sectors of society and respective communities to speak out against acts of intolerance and violence based on religion or belief".⁸

Resolution 16/18 also calls on States to foster a domestic environment of religious tolerance, peace and respect through encouraging the creation of collaborative networks to build mutual

⁴ Rabat Plan of Action, A/HRC/22/17/Add.4, appendix, para. 29 and footnote 5. See also https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20PoA%20on%20Hate%20Speech_Guidance%20on%20Addressing%20in%20field.pdf, p. 13.

⁵ Beirut Declaration and its 18 Commitments on "Faith for Rights", A/HRC/40/58, annex II, commitment X.

⁶ Rabat Plan of Action, A/HRC/22/17/Add.4, appendix, para. 20.

⁷ Human Rights Council resolution 16/18 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief, A/HRC/RES/16/18.

⁸ A/HRC/RES/49/5, paragraph 8.

understanding, to inspire constructive action towards integration, to identify and address potential areas of tension between different communities, to engage in effective outreach, and to recognise the positive role of the debate of ideas and interfaith and intercultural dialogue. It also recognises the need to combat denigration and negative religious stereotyping of persons by taking action, inter alia through education and awareness-raising; and adopting measures to criminalize incitement to imminent violence based on religion or belief.⁹

Mr. President,

With reference to several relevant incidents in Europe this year, we note that relevant Special Procedures have visited Denmark, Netherlands and Sweden and that the UN Special Rapporteur on freedom of religion or belief has requested to visit Sweden in order to explore this matter more fully, and this has been welcomed by Sweden.

We are aware, and have raised our concerns, regarding religious intolerance and attacks on religious minorities in a number of countries in Asia and Africa, and would urge those governments to welcome visits from Special Procedures to examine and advise on these matters.

The CERD Committee recognises discrimination as being forbidden on numerous grounds in light of the principle of intersectionality. They call for States to effectively sanction, as offences punishable by law, incitement to hatred, contempt, or discrimination against members of a group; and insults, ridicule or slander of persons or groups or justifications of hatred, contempt or discrimination when it clearly amounts to incitement to hatred or discrimination.¹⁰ Their focus is on persons or groups. As emphasized by my predecessor in his report to the 46th session of this Council, international human rights law protects individuals, not religions. As Ahmed Shaheed stressed, “[n]othing in [this] report suggests that criticism of the ideas, leaders, symbols or practices of Islam is something that should be prohibited or criminally sanctioned”.¹¹

This is why context is important. The CERD Committee has noted and endorsed the observations of the UN Human Rights Committee that “criticism of religious leaders or commentary on religious doctrine or tenets of faith” should not be prohibited or punished.¹²

⁹ A/HRC/RES/16/18, para. 5

¹⁰ CERD/C/GC/35, para. 13

¹¹ A/HRC/46/30, para. 73, report of the Special Rapporteur on freedom of religion or belief.

¹² A/66/40, Human Rights Committee general comment 34

The Human Rights Committee also highlights that prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the ICCPR except in the specific circumstances envisaged in article 20.2 and in line with other ICCPR standards.¹³

Mr. President,

Freedom of religion or belief and freedom of opinion and expression are mutually reinforcing as they allow all persons, no matter of what religious belief or no belief at all, whether from minority or majority communities, to speak out against intolerance and hostility and to participate meaningfully and contribute openly and equally in society. Freedom of expression is essential for combatting negative stereotypes, offering alternative views and counterpoints, and creating an atmosphere of respect and understanding between peoples and communities.

While the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited under international law, there is a high threshold required to reach that standard, and we need a case-by-case analysis. Contextual factors for assessment of gravity are insisted upon by CERD,¹⁴ the Human Rights Committee, and the Rabat Plan of Action in its six-part threshold test for expressions that *may* call for the application of article 20 of the ICCPR, namely: context, speaker, intent, content, extent of dissemination, and the likelihood of harm, including imminence.

Furthermore, restrictions of freedom of expression must respect the three-part test set out in the ICCPR: they must be legal, strictly necessary and proportionate to achieve a legitimate objective set out in international human rights law.¹⁵

All States should exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities,¹⁶ and to detect signs of intolerance that may lead to discrimination based on religion or belief. Expressions of intolerance need to be countered so that they do not encourage further acts of intolerance or even of violence. Political, religious and civil society leaders can play a major role in both condemning intolerance and

¹³ CCPR/C/GC/34, paras. 48 and 50-52.

¹⁴ CERD/C/GC/35, para. 15

¹⁵ Rabat Plan of Action, A/HRC/22/17/Add.4, appendix, para. 22

¹⁶ A/HRC/RES/43/12, para. 7 and para. 9(m)

encouraging diversity, inclusion and understanding among communities. We stand against those who wilfully exploit tensions or target individuals based on their religion or belief.¹⁷

I thank you

¹⁷ A/HRC/RES/16/18, preambular para. 8