Combatting Global Religious Intolerance
Implementation of Council resolution 16/18
Key messages

- Considering the history of UN efforts to address religious intolerance and discrimination (which go back to 1946); and considering the contemporary gravity of the issue of religious intolerance, violence and hate; the enormous importance of resolution 16/18 becomes clear.

- It took 66 years of debate and disagreement to finally construct a workable, balanced and consensus-based approach to combatting religious intolerance (16/18 action plan and implementation process).

- It is therefore vital that the international community responds to recent examples of religious intolerance (e.g. ISIS atrocities, hostage-taking in Sydney, Boko Haram attacks in Nigeria, anti-Islam demonstrations in Germany, attack on Charlie Hebdo in Paris), and to wider escalation of religious tension and violence around the world, by reaffirming its common and united stance (res. 16/18) and by redoubling its efforts to implement this consensus-based policy framework.
Religious Intolerance: the neglected discrimination

• 1946: ECOSOC identifies ‘prevention of discrimination on grounds of race, sex, language or religion’ and ‘protection of minorities’ as two of four areas of focus of the Commission on Human Rights

• 1960: Krishnaswami report published.

• 1962: UNGA decided to split its consideration of racial discrimination and religious discrimination

• 1962: UNGA resolution 1781 (XVII) calls for ‘the preparation of a draft declaration and a draft convention on the elimination of all forms of religious intolerance’

• 1981: UN Declaration on Religious Intolerance and Discrimination adopted

• 1986: Special Rapporteur appointed to oversee ‘the implementation of the Declaration’
1999-2001: a fork in the road

- 1999: First ‘defamation of religions” resolution at the Commission
- 2000-2001: ‘Special Rapporteur on religious intolerance’ becomes ‘Special Rapporteur on freedom of religion or belief’
- 2001: 9/11 attacks; rising OIC concerns about Islamaphobia
- Now 2 distinct political streams (one WEOG, one OIC) operating in tension
- Establishment of HRC: increasing criticism of ‘defamation’ approach by Special Procedures; and increasingly difficult votes

**FIGURE 1: VOTING ON ‘DEFAMATION OF RELIGIONS’ RESOLUTIONS AT THE COMMISSION/COUNCIL**
Resolution 16/18: paths re-converge

• Sept 2010: Sec Gen OIC speech to HRC sets out 8-point vision.  

I take this opportunity to call upon all states to consider taking specific measures aimed at fostering a domestic environment of religious tolerance, respect and peace.

-Professor Ekmeleddin Ihsanoglu (then Secretary-General of the OIC)

• March 2011: 16/18 passes by consensus. Hailed as a “triumph of multilateralism”
Resolution 16/18: expectation and implementation

URG analysis of levels of implementation of resolution 16/18 drew two key conclusion:

1. Expectations of the degree to which 16/18 can result in domestic policy shifts should be tempered by an understanding of that political impetus behind the resolution was related to international politics (‘the Geneva Game’) rather than just on-the-ground imperatives.

2. Nevertheless, 16/18’s action plan and its implementation mechanism (Istanbul Process) provide a common, practical and, in theory, workable framework for addressing this urgent human rights issue.
Resolution 16/18: expectation and implementation

Yet within the success of 16/18, lay future problems. The West and OIC retained different understandings of the nature of the problem and the solutions, and thus attached importance to different parts of the 16/18 action plan:

1. Even at the time of his famous speech to the 15th HRC (Sept. 2010), the OIC SG made clear that for the OIC the key concern remained: ‘deliberate acts meant to defame religions…in particular Islam’ (so 16/18 paragraph 5f especially important). OIC also wants a ‘international-level space for candid discussion on this issue’

2. US Secretary of State Clinton, meanwhile (Feb. 2011): ‘efforts to curb the content of speech rarely succeed and often become an excuse to violate freedom of speech;…the better answer to offensive speech is more speech’ (so paragraph 5h). For WEOG, emphasis should be on local-level implementation, rather than intergovernmental debate

These differences underscored by the ‘externalisation of implementation’
Implementation

• Yet despite these differences, consensus has been maintained

• Istanbul Process launched: Istanbul (2011); Washington DC (2011); London (2012); Geneva (2013); and Doha (2014). Where next?

• Implementation ‘underwritten and monitored by the Council’: various SG and OHCHR reports on implementation (though low State response rates)

• And despite these differences, URG analysis shows progress has been made:
  • Many states have established national mechanisms to address religious (in)tolerance (Indonesia, US, Denmark, Argentina, Chile, Mexico, UK)
  • OHCHR report: ‘advocacy of incitement is for the most part criminalized’
  • States have taken wide range of steps to promote interfaith dialogue (Pakistan, Qatar, US, Argentina, UK, Denmark, US, Mexico, Indonesia, Vienna International Centre, Doha Conference)
Implementation of Paragraph 5(e): Speaking Out
What next?

- 16/18 is a package and a process; not an ‘a la carte’ menu or an end-game
- Respect for freedom of religion and freedom of expression are crucial (see graph); but not enough on their own
- “If States are to strike a real blow against intolerance, they must also take supplementary (and complementary) steps in line with the resolution 16/18 action plan”
Recommendations
• **Maintain consensus:** history of UN efforts to address religious intolerance highlights the danger of slipping back into old arguments and old divisions (e.g. defamation)

• **United international response:** in a globalized, interconnected world, incidences of religious intolerance (e.g. Iraq, Australia, Germany, Paris, Nigeria) demand a united response, involving all members of the international community working together to implement, in a comprehensive and balanced way, all parts of the 16/18 action plan (at local, regional and international levels)

• **Re-energize the Istanbul Process:** States should agree on a series of future IP meetings, a series that would allow all parts of the 16/18 action plan to be covered
  • E.g. meeting on relationship between 16/18 and Rabat Plan of Action?
  • E.g. meetings on protecting the rights of religious minorities, on ‘speaking out’, on leveraging interfaith dialogue, on mechanisms within government?

• **‘UPR-ize’ IP meetings:** meetings should allow for inter-governmental political exchanges (e.g. a high-level segment) but also allow groups of States and civil society to present information on national experiences with domestic implementation

• **Dismantle artificial divide between FORB and 16/18:** 1. decouple and stagger the 2 sets of resolutions (Geneva and NY); 2. eventually merge initiatives (including SR)
Thank you