

## Nazila Ghanea statement

Question: **Human Rights Council resolution 30/15 reaffirms the States' international obligations to promote and protect human rights while preventing and countering violent extremism as well as the commitment of States to address the conditions conducive to violent extremism. Could you please elaborate on how States and the international community should respond to "violent extremism"?**

Thank you Madame Moderator.

1- **Resolution 30/15** on *Human rights and preventing and countering violent extremism* notes a number of these **relevant international obligations**.<sup>1</sup> It emphasises that all such actions must be in full compliance with **the international law obligations of States**,<sup>2</sup> - international human rights law, international refugee law and international humanitarian law.<sup>3</sup>

- These safeguards for legality are crucial. Otherwise the *very actions* aiming at PVE *themselves* risk **fuelling further violent extremism**.

2- Regarding States **addressing the conditions conducive** to violent extremism, resolution 30/15 raises a number of areas for State action;<sup>4</sup> but we will focus primarily on freedom of religion or belief and non-discrimination. I'd then like to draw our attention to 2 existing standards mentioned in the resolution.

### **1. Freedom of religion or belief:**

3- In PVE, we often give attention to infringements of the right to manifest religion or belief. An **additional facet** of freedom of religion or belief, *however*, is **prevention**.

4- **Positive investments** for a **full compliance** with freedom of religion or belief provides **an excellent bulwark against** violent extremism. There is a strong society-

<sup>1</sup> **Operative Paragraph 1** of resolution 30/15 recognises that violent extremism threatens enjoyment of human rights and fundamental freedoms, democracy and threatens territorial integrity, security and leads to instability – hence the need for the international community to enhance its cooperation in preventing and countering it.

<sup>2</sup> **Operative Paragraph 2** of resolution 30/15.

<sup>3</sup> **Operative Paragraph 3** of resolution 30/15.

<sup>4</sup> education and training, due process and the rule of law (operative paras 4 and 7); empowering women and other stakeholders, promoting social inclusion and cohesion (operative para 5); empowering youth, their employment, political participation and inclusion (operative para 6); intercultural and interfaith understanding and respect – which is also addressed in the Rabat Plan of Action – (operative para 8); freedom of expression (operative paras 9 and 10); the important contribution of civil society (operative paras 11); ... 12-18...

wide benefit that flows from a full compliance with ICCPR Article 18, by ensuring the: “freedom to have or to adopt a religion or belief” of one’s choice **and** “freedom, either individually or in community with others and in public or private, to manifest ... religion or belief in worship, observance, practice and teaching.”

5- This crucial link between **freedom of religion or belief** and **inoculating against intolerance** was developed in the ‘*International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination*’ held by the UN Special Rapporteur on Freedom of religion or belief in Madrid in November 2001.<sup>5</sup>

6- The Madrid Final Document underlined “the **urgent** need to promote, through education, the protection and the respect for freedom of religion or belief”. *Why?* “[I]n order to [develop] **a respect for pluralism** [and eradicate] **prejudices**” After all, it is through **education** that any early tendencies in the direction of using violence stemming from claims to exclusivity or finality can be challenged.

7- The Madrid Final Document insisted that the young generation “should be **protected against all forms of discrimination and intolerance based on their religion or belief**”.

8- We all recognise intolerance suffered **due to** discrimination on the basis of the religion or belief *of the victim*. But there is also “discrimination and violence” which is **carried out “in the name of religion or belief, i.e. based on or arrogated to [the] religious tenets *of the perpetrator*”;**<sup>6</sup> and in PVE we are very mindful of that.

- The touchstone for all PVE endeavours must be non-discrimination, otherwise the *very actions* aiming at PVE risk **stimulating and fuelling** yet further **violent extremism**.

## 2- Resolution 16/18:

9- Human Rights Council resolution 16/18 on *Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and*

<sup>5</sup> At the 20<sup>th</sup> anniversary of the adoption of the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, E/CN.4/2002/73, appendix. [http://www.hurights.or.jp/archives/human\\_rights\\_education\\_in\\_asian\\_schools/section2/2002/03/final-document-of-the-international-consultative-conference-on-school-education-in-relation-to-freed.html](http://www.hurights.or.jp/archives/human_rights_education_in_asian_schools/section2/2002/03/final-document-of-the-international-consultative-conference-on-school-education-in-relation-to-freed.html) and [http://www.revista-ariel.org/index.php?option=com\\_content&view=article&id=207:international-consultative-conference-non-discrimination&catid=56:parliament-of-man&Itemid=83](http://www.revista-ariel.org/index.php?option=com_content&view=article&id=207:international-consultative-conference-non-discrimination&catid=56:parliament-of-man&Itemid=83) and [http://www1.umn.edu/humanrts/edumat/Advocacy\\_and\\_Training\\_Materials\\_2016.htm](http://www1.umn.edu/humanrts/edumat/Advocacy_and_Training_Materials_2016.htm)

<sup>6</sup> A/HRC/13/40, para 33.

*violence against, persons based on religion or belief* – as a breakthrough intergovernmental consensus – also offers helpful pointers.<sup>7</sup>

10- Resolution 16/18's action plan in paragraph 5 lays out a number of helpful actions: such as collaborative projects in the fields of health, conflict prevention, employment, media education; the training of Government officials; and encouraging the **open, constructive and respectful debate of ideas**.

11- Its paragraph 6 reminds us of the **crucial need** for **non-discrimination; meaningful participation, and the need to make a strong effort to counter religious profiling**.

- Without this, again, the *very actions* aimed at PVE risk **stimulating and fuelling further violent extremism**.

### 3- *Soft law standard: Rabat Plan of Action:*

12- The Rabat Plan of Action of 2012 resulted from a series of expert workshops held by the OHCHR in various regions.<sup>8</sup>

13- It lays out a number of strategic responses to incitement to hatred that are helpful for PVE.

- It recognises the significance of respect for **freedom of expression** in addressing incitement to hatred, advancing democracy and security.<sup>9</sup> It also notes that “**Political and religious leaders** ... have a crucial role to play in speaking out firmly and promptly”.<sup>10</sup>
  - It should be noted that The role of religious leaders in preventing incitement that could lead to atrocity crimes is something that **The Fez Plan of Action** of 2015 also gives detailed attention to.
- The Rabat Plan of Action's **three part test for restrictions – legality, proportionality and necessity** – are also imperative to PVE.<sup>11</sup>
  - **It is crucial to uphold the limitations regime in the course of all PVE actions.**

<sup>7</sup> Resolution 30/15, preambular para 19

<sup>8</sup> Resolution 30/15, preambular para 19

<sup>9</sup> Rabat Plan of Action, para. 8

<sup>10</sup> Rabat Plan of Action, para. 24

<sup>11</sup> Restrictions should be provided by law, be narrowly defined to serve a legitimate interest, and be necessary in a democratic society to protect that interest  
Restrictions should [use] the least intrusive measures available; ... not [be] overly broad, ... [and should be] proportionate”. Rabat Plan of Action, para. 18

14- The Rabat Plan of Action emphasises **extra-legal responses** and calls for “a plurality of policies, practices and measures” and “initiatives coming from **various sectors of society**”. It recognises that **root causes require** “policy measures [such as] policies **empowering minorities**”<sup>12</sup> and ensuring “**space for minorities to enjoy their fundamental rights and freedoms**”.<sup>13</sup>

- In PVE, however, this needs to be carried out with **great care and attention**, otherwise there is the risk of discrimination and of **compromising the reach** of various of non-state actors such as NGOs and communities.

#### 4- Definition/Clarification:

15- Even this brief consideration here has highlighted the **numerous and serious human rights risks** that can flow from the very broad scope of actions that can be taken by States in response to PVE.

16- The *Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism* has stated that “**the elasticity of the term** ‘violent extremism’, and the lack of clarity on what leads individuals to embrace violent extremism, means that the wide” array of measures pursued “*can have* a serious negative impact on manifold human rights.”<sup>14</sup>

17- He also recalls that the UN High Commissioner for Human Rights recognised “the central challenge for human rights in 2016” as being that of: “ensuring that governments continue to **support a human rights agenda despite the rise of violent extremism**” otherwise “**any repressive approach would have the reverse effect of reinforcing the narrative of extremist ideologies**”.<sup>15</sup>

- It is for this reason that I’ll end with a quote from the Secretary-General’s Plan of Action, which stresses that: “all legislation, policies, strategies and practices adopted to prevent violent extremism **must be firmly grounded** in the **respect for human rights and the rule of law**”.

Thank you Madame Moderator.

<sup>12</sup> Rabat Plan of Action, para. 25

<sup>13</sup> Rabat Plan of Action, para. 26

<sup>14</sup> A/HRC/31/65, para. 54.

<sup>15</sup> UN News Centre, Interview, 18 January 2016. Quoted in Ben Emmerson’s Report A/HRC/31/65 of 22 February 2016, para. 8.