EIGHT YEARS OF THE ISTANBUL PROCESS ON COMBATTING RELIGIOUS INTOLERANCE: TAKING STOCK

Report of 8 April 2019 stocktaking meeting organised by the European Union, Denmark, and the Universal Rights Group





PERMANENT MISSION OF DENMARK TO THE UNITED NATIONS IN GENEVA



INTRODUCTION

The main intergovernmental policy framework for combatting religious intolerance, stigmatisation, discrimination, incitement to violence and violence against persons based on religion or belief is set down in Human Rights Council (Council) resolution 16/18 and its sister resolution at the General Assembly (GA) – GA resolution 66/167. Resolutions 16/18 and 66/167 were adopted by consensus in 2011, and hailed by stakeholders from all regions and faiths as an important step forward in international efforts to confront religious intolerance.

The inclusion of an explicit plan of action to combat religious intolerance in the operative paragraphs of these resolutions (as well as in later iterations of the texts) is key to understanding their value and continued relevance. What is more, States had the foresight to also put in place a dedicated mechanism of implementation for the action plan: the 'Istanbul Process.' Since the launch of the Process in Istanbul, Turkey in July 2011, there have been six expert-level meetings: in Washington (US), London (UK and Canada), Geneva (OIC), Doha (Qatar), Jeddah (OIC), and Singapore.

More than eight years after the adoption of resolution 16/18 and against a worrying backdrop of heightened religious intolerance worldwide (including rising Islamaphobia, anti-Semitism and attacks against Christian minorities), maintaining consensus around the '16/18 framework' is of the utmost importance. However, that consensus remains fragile.

6th meeting of the Istanbul Process, 2016

The 6th meeting of the Istanbul Process, held in Singapore in July 2016, offered an opportunity to bring the Process back to its founding ideals: namely to provide a space for (practitionerled) exchanges of good practices, challenges and lessons learnt in the implementation of the plan of action. The Singapore meeting was also symbolically important because it was the first gathering hosted by a non-Western/non-OIC State. A summary report of the 6th meeting of the Istanbul Process meeting can be read here.

Istanbul Process 'stocktaking' meeting

On 8 April 2019, the EU Delegation, the Danish Mission to the UN Office at Geneva, and the Universal Rights Group (URG) organised an Istanbul Process 'stocktaking exercise.' The meeting brought together around 120 government representatives, UN Special Procedures, UN officials, religious leaders and civil society representatives, and sought to, *inter alia*:

- O Inform States and other interested stakeholders about the background of the UN's efforts to combat religious intolerance and promote freedom of religion or belief, about the action plan set down in resolutions 16/18 and 66/167 (hereinafter the '16/18 action plan'), and about the process created to promote the implementation of that action plan, namely the Istanbul Process.
- Consider the current status of the Istanbul Process opportunities and challenges.
- Look back on the 6th meeting of the Process, as well as on earlier meetings, and reflect on lessons learnt.
- Consider a limited number of case studies where States have brought changes in line with the action plan.

More broadly, the meeting aimed to help re-invigorate the Istanbul Process, given that there had not been a meeting since 2016, and to demonstrate that all States, including from the West, continue to support and value resolutions 16/18 and 66/167 and their implementation. The stocktaking meeting also aimed to provide a positive space for States, parliamentarians, NGOs and religious leaders to exchange good practice 'case studies' on the implementation of the 16/18 action plan. Those case studies (see Part 3 of this report) suggest that the action plan and the Istanbul Process are having a real impact on the ground - they are changing the way in which governments and other stakeholders understand the problem of religious intolerance as well as how to combat it. This supports evidence gathered through the six meetings of the Istanbul Process, which shows that a growing number of countries (in the West, the OIC, and across Latin America, Africa, Asia and Eastern Europe) are reforming domestic laws and practices in line with the 16/18 action plan and the Rabat Plan of Action.

The present report provides a short summary of the main outcomes of the meeting.

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PART I

THE CONTINUED AND GROWING IMPORTANCE OF RESOLUTION 16/18 AND THE ISTANBUL PROCESS

On 15 March 2019, three weeks before the stocktaking meeting, a 28-year old Australian man walked into two mosques in Christchurch, New Zealand, and killed 50 people¹ as they congregated for Friday prayers. This was, according to Prime Minister Jacinda Ardern, one of New Zealand's 'darkest days.'² A little over a month later, suicide bombers killed over 250 people in an Easter Sunday attack on churches and hotels in the Sri Lankan capital, Colombo. It later emerged that the perpetrators conducted the bombings in response to the Christchurch shootings.³

Opening the Geneva stock-taking meeting, the Co-Chairs, Ambassador Walter Stevens, Head of the European Union Delegation to the UN in Geneva, and Morten Jespersen, Ambassador and Permanent Representative of Denmark, together with Tahir Andrabi, Ambassador and Deputy Permanent Representative of Pakistan (member of the Quartet), expressed their sorrow at events in New Zealand. These were, they noted, just one example of the continued pervasive nature of global religious intolerance and discrimination.

Referencing events in Christchurch, **AMBASSADOR STEVENS** remarked that combatting such hatred and violence against people based on their religion or beliefs must be a firm priority for all States. Moreover, echoing the thoughts of Jacinda Ardern, he argued that the global and transnational nature of religious intolerance, hatred and stigmatisation demands a coordinated international response. Fortunately, the international community already has a ready-made consensual policy framework to help shape such a concerted global response: the action plan set down in Council resolution 16/18 and its related process of implementation (the Istanbul Process).

The 16/18 action plan provides carefully crafted, balanced and holistic guidance to States and other relevant stakeholders on how to prevent and respond to manifestations of intolerance, discrimination, hatred and violence based on religion or belief. What is now important, he said, is for all States, and other relevant stakeholders including civil society and religious leaders, to work together to fully implement the plan. Ambassador Stevens expressed the EU's determination to contribute to that effort, especially because, he noted, the content of resolution 16/18 is fully in line with the principles and priorities of the EU, which include combatting racism, xenophobia and all forms of intolerance and discrimination. With this in mind, the EU was pleased, he said, to be playing a part in efforts to reenergise the Istanbul Process.



- 1 <u>https://www.bbc.com/news/world-asia-47582183</u>
- 2 https://www.bbc.com/news/world-asia-47582183
- 3 https://www.theguardian.com/world/2019/apr/23/sri-lanka-bombings-first-burials-take-place-on-day-of-mourning

AMBASSADOR JESPERSEN



AMBASSADOR JESPERSEN likewise drew attention to the continued relevance and growing importance of the 16/18 action plan and the Istanbul Process. These are, he said, 'the most useful tools we have to combat intolerance on the ground.' The Istanbul Process provides an invaluable space for dialogue on what are often sensitive and contentious issues, as well as a space for regular exchanges of good practice. Ambassador Jespersen argued that the Istanbul Process has already played an important role in catalysing and guiding government responses to what appears to be resurgent hatred and discrimination against Jews, Muslims, Christians and others in different parts of the world.

Ambassador Jespersen concluded his introductory remarks by sounding a word of hope: that there is growing anecdotal evidence that governments, NGOs and religious leaders are taking innovative and interesting steps to counter religious intolerance. Thus, a key role of the stocktaking meeting, and of future Istanbul Process meetings, should be to exchange information and experiences regarding these steps, recognise progress, and consider further challenges.

AMBASSADOR ANDRABI



AMBASSADOR ANDRABI provided introductory remarks in his capacity as coordinator of the Organisation of Islamic Cooperation (OIC) in Geneva. He began by noting that 'in an increasingly globalised world, a coordinated, worldwide response is needed to effectively combat religious discrimination and xenophobia,' and that the relevant framework for this response is provided by resolution 16/18 and the Istanbul Process.

While recalling past divisions around UN resolutions on 'defamation of religions,' Mr Andrabi welcomed the considerable progress achieved over six meetings of the Istanbul Process. By providing a platform for States and others to discuss common problems and consider common solutions, meetings of the Process have helped boost understanding and progress, as well as improve awareness about the 'diversity of civilisations.'

The Ambassador also spoke about the often-difficult and sensitive issue of hate speech. He argued that tackling hate speech must be a key component of national and international policy efforts to tackle religious intolerance and discrimination. The right to freedom of expression should not be seen as limitless – no one has the right to use free speech to demean, denigrate or incite hatred against others based on religion or belief.

The historical and contemporary context



The first panel discussion during the stock-taking meeting aimed to exchange information and build awareness about the historical importance of UN efforts to combat religious intolerance and discrimination, and to link those efforts, in the minds of participants, with relevant contemporary events and challenges (e.g. the Christchurch attacks, the persecution of Christian minorities in the Middle East, and resurgent anti-Semitism in many parts of Europe).

Panellists included Ahmed Shaheed, UN Special Rapporteur on freedom of religion or belief, Andrew Smith, Head of UN Advocacy at Article 19, and Marc Limon, Executive Director of the URG.

MARC LIMON explained that combatting religious intolerance has been one of the UN's top human rights priorities ever since the founding of the Organisation and its Commission on Human Rights in 1946.⁴ Unfortunately, the sensitive nature of the issue of religion has meant that States have struggled to reach agreement on what actions should be taken by the UN. Indeed, even though the first international human rights convention was supposed to cover racial and religious discrimination and intolerance, disagreements in the 1960s led to the adoption of an instrument covering only racism (the International Convention on the Elimination of Racial Discrimination - CERD). By 1981, States had concluded that it was impossible to adopt a convention on religious discrimination, and decided instead to agree a soft law instrument: the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.⁵ Even then, the Declaration was guickly sidelined and forgotten. Indeed, the origin of the current Special Rapporteur on freedom of religion or belief was as a mandate designed to draw attention



to, and promote the implementation of, the 1981 Declaration. It is in the context of this historic inability of UN member States to agree on a common and practical approach to tackling religious intolerance that the significance of the achievement inherent in resolution 16/18 and the launch of the Istanbul Process becomes apparent.⁶

In other words, resolution 16/18 and the Istanbul Process are worth fighting for. This is especially the case when one

understands, according to Mr Limon, that since the adoption of resolution 16/18 in 2011 there does appear to have been a genuine shift in domestic policies and civil-society initiatives 'in line with the 16/18 action plan.' 'It is vital,' he concluded, 'that States meet soon in a full session of the Istanbul Process to share information on these positive developments, to learn lessons and share experiences, and to drive further progress.'

AHMED SHAHEED noted that during the exercise of his mandate he has focused on four main (interconnected) themes: combatting intolerance and discrimination based on religion or belief; engaging with faith-based actors; fostering interfaith dialogue and respect through faith-based perspectives; and promoting the implementation of agreed norms and standards.

Through his work as Special Rapporteur, he knows that many States and other actors are taking interesting steps to prevent and combat religious intolerance. Yet the paucity of State reporting under resolution 16/18 and its later iterations means that these good practice examples are not widely known. This, in turn, underscores the importance of the Istanbul Process: it provides a platform for government policy officers and other practitioners to share evolving good practices and provide updates on progress.

Dr Shaheed also drew attention to the importance of linking implementation of the resolution 16/18 action plan with other relevant international frameworks such as the Rabat Plan of Action (see below), as well as of adopting a 'wide' or 'global perspective' on the issue of religious intolerance. On the latter point, he explained the importance of thinking more broadly in terms of social inclusion and poverty eradication, rather than only narrowly on the issue of religious discrimination.

ANDREW SMITH recognised that resolution 16/18 provides 'a fantastic framework to address a difficult and often contentious topic.' However, he also recognised that the take up and implementation of that framework by States faces a number of challenges, including the high level of turnover of diplomats in Geneva, and the very low level of government reporting on the subject. This means that 'we're not necessarily experiencing an implementation gap, but an information gap.'

Mr Smith focused much of his presentation on the link between resolution 16/18 and the Rabat Plan of Action. The latter, he noted, provides 'practicable legal flesh to the thematic bones of the former.' Whereas paragraph 5f of Council resolution 16/18 merely calls on States to 'adopt measures to criminalise incitement to imminent violence based on religion or belief,' the Rabat Plan

5 https://www.un.org/documents/ga/res/36/a36r055.htm

⁴ https://www.universal-rights.org/blog/the-arc-of-the-covenant-the-unfinished-business-of-un-efforts-to-combat-religious-intolerance/

^{6 &}lt;u>https://www.universal-rights.org/urg-policy-reports/combatting-global-religious-intolerance-the-implementation-of-human-rights-council-resolu-</u> tion-1618/



of Action goes into more detail, in particular by identifying three types of incitement: speech that States are required to prohibit under Article 20.2 of the International Covenant on Civil and Political Rights (i.e. any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence); expression that States may prohibit in line with Article 19.3 of the ICCPR; and thirdly, speech that may be repugnant or offensive but which States must not prohibit.

He explained, furthermore, that there must be no more restrictions on free speech than are strictly necessary, and alluded to the six-step 'incitement threshold test' included in the Rabat Plan of Action.

In the discussion that followed the three presentations, a number of State representatives drew attention to the poor level of reporting on the implementation of the 16/18 action plan, and asked what could be done to improve the situation. One representative noted that: 'it is not only important that implementation happens, but that the international community can see it happen.' In reply panellists spoke of the importance of Istanbul Process meetings, which are 'in principle, a far better way of sharing information on implementation and progress' than reporting to OHCHR. They also mentioned the potential of the Council's Universal Periodic Review (UPR) process. On the latter point, both Dr Shaheed and Mr Smith argued that the UPR is currently under-utilised as a means of following-up on the implementation of resolution 16/18. For example, freedom of religion and/or religious intolerance are only mentioned in around 3% of all UPR recommendations.

Dr Shaheed also raised the prospect of using his mandate to improve reporting on the implementation of resolution 16/18. 'At the time of the next renewal of my mandate, member States of the Council could include a line asking me to analyse and assess State progress in line with resolution 16/18.'

Another State representative talked of the importance of religious leaders as key agents of change. These individuals are perfectly placed to promote messages of tolerance and love between religions and between adherents of different faiths. 'This can have a huge positive impact on society.' Andrew Smith agreed and noted that under the Rabat Plan of Action, religious leaders are expected to refrain from using hate speech themselves, to speak out against hate speech by others, and to never justify violence in the name of religion or as a response to hate speech. The importance of the Beirut Declaration and the Fez Plan of Action were also highlighted.

PART 2

SIX MEETINGS OF THE ISTANBUL PROCESS : TAKING STOCK

On 15 July 2011, the OIC hosted a ministerial meeting in Istanbul on the implementation of Council resolution 16/18. In the words of the-then US Ambassador to the Council, Eileen Donahoe, 'this wasn't just going to be a landmark resolution, there is also going to be concrete follow-up, and the Istanbul ministerial was a symbolic and substantive manifestation of that.' The meeting was co-chaired by the OIC Secretary-General and the US Secretary of State, and included foreign ministers and highranking of officials from around thirty countries. In his opening address, the OIC Secretary-General explained the purpose of the meeting as two-fold: it offered a 'symbolic reflection of States' political will to implement the resolution,' and would also establish 'a process of sustained and structured engagement' to 'further consensus with an emphasis on implementation in a results-orientated fashion.' The US Secretary of State echoed the Secretary-General's remarks, describing the meeting as 'one of those events that has great ramifications far beyond this room.' At the conclusion of the meeting, the co-chairs issued a joint statement in which they called upon 'all relevant stakeholders throughout the world to take seriously the call for action set forth in resolution 16/18' and 'go beyond mere rhetoric.'7

The 'process of sustained and structured engagement' on implementation launched at the 2011 ministerial has become known as the 'Istanbul Process.' To-date there have been six meetings of the Process, one convened by the US in Washington DC in 2011, one convened by the UK and Canada in London in 2012, one convened by the OIC secretariat at the UN in Geneva in 2013, one convened by Qatar during the Doha International

Interfaith Dialogue in 2014, one convened by the OIC secretariat in Jeddah in 2015, and one convened by Singapore in 2016.

The April 2019 stocktaking meeting in Geneva (the focus of this report) offered a first opportunity for States, NGOs, UN officials and independent experts, and religious leaders, to look back at the six meetings of the Istanbul Process, take stock, review progress, and recommit to strengthening the implementation of the 16/18 action plan.

In that regard, the meeting included a dedicated panel discussion recalling the six meetings of the Istanbul Process. This featured presentations from the hosts of and/or participants in those meetings, including:

- Rosemary McCarney, Ambassador and Permanent Representative of Canada, and Rita French, Ambassador for Human Rights of the United Kingdom (UK) - recalling the 2012 meeting in London;
- Nassima Baghli, Ambassador and Permanent Observer of the OIC - recalling the 2013 meeting in Geneva;
- Ahmer Soofi, Founding Head, Research Society of International Law (RSIL) in Pakistan, and former member of the Human Rights Council Advisory Committee recalling the 2015 meeting in Jeddah; and
- Kok Jwee Foo, Ambassador and Permanent Representative of Singapore - recalling the 2016 meeting in Singapore.

⁷ An account of the 2011 Istanbul meeting can be accessed here: <u>https://www.universal-rights.org/urg-policy-reports/combatting-global-religious-intolerance-the-imple-</u> mentation-of-human-rights-council-resolution-1618/

Ambassador McCarney noted that the early meetings of the Istanbul Process in Washington and London were shaped by and were a reflection of the fine balancing act contained in resolution 16/18. The aim of those meetings was to focus on the practical implementation of key aspects of the 16/18 action plan, rather than on providing a political space for debating or re-opening the plan. In that spirit, the London meeting focused on: the critical role of political and religious leaders in 'setting the tone' of public discourse when incidents of hatred or intolerance occur; the importance of religious literacy and education as essential tools to promote tolerance, understanding and inclusion; and the need for a multi-stakeholder approach, including a key role for religious communities and civil society.

Ambassador McCarney concluded by quoting Canadian Prime Minister, Justin Trudeau: 'The fight against racism and intolerance will be a major fight but we cannot put it off.' She noted that these words reflect the central contemporary political importance of combatting religious intolerance and hate, and thus the importance of re-energising the UN's principal international framework for doing so: the Istanbul Process. She encouraged States to step forward to host future meetings of the Process. She suggested that the approach of Canada and the UK, i.e. to 'share the burden of hosting,' could be replicated for future meetings. She also urged future hosts to maintain the 'very practical nature' of the Washington, London and Singapore meetings.

Ambassador French echoed the words of Ambassador McCarney and highlighted one of the positive consequences of hosting a meeting of the Istanbul Process: it can help spur improved domestic action, as well as deeper international cooperation. One result of the London meeting was that the UK had decided to establish a dedicated government team on freedom of religion or belief, and to put in place new legislation to tackle incitement to discrimination. Following the meeting, the UK also strengthened its emphasis on local engagement with religious communities, as well as on interfaith networks and dialogue. Shortly after the gathering, the UK Government provided £5 million in funding to protect religious communities and sites. Furthermore, at international level, the Government decided to appoint its first Special Envoy for freedom of religion or belief. Looking ahead to future meetings of the Istanbul Process, Ambassador French encouraged potential hosts to strengthen the representation and involvement of faith leaders, civil society and journalists.

Ambassador Baghli, recalling the 2013 meeting in Geneva, emphasised the importance of using meetings of the Istanbul Process to build on the general agreement, contained in resolution 16/18, to criminalise incitement to violence based on religion or belief. At the same time, she also recognised the importance of promoting a 'constructive and respectful debate of ideas as well as interfaith dialogue.'

The Ambassador also touched upon the outcome of the 2014 **Doha** meeting, saying that it had demonstrated the importance of promoting tolerance and understanding between faiths, and the key role of religious leaders in that regard.

Ambassador Baghli concluded by calling resolution 16/18 and the first six meetings of the Istanbul Process 'an undoubted success.' Notwithstanding, she called on the international community to now 'kick on' and recommit themselves to the principles and policy actions set down in the original Council text. 'We must renew and re-energise the Istanbul Process,' she urged.

Ahmer Soofi, reflecting on the Jeddah meeting, noted that resolution 16/18 is relatively unknown outside UN circles, especially among relevant population groups (e.g. religious minorities, faith leaders) and among the poorer or less educated parts of society. Yet, despite this, it is clear from the six meetings of the Istanbul Process that resolution 16/18 has helped catalyse



important governmental and non-governmental action to combat intolerance and – even better – to prevent it. By providing a space for governments and NGOs to share information about steps being taken at national level in line with the 16/18 action plan, he said, meetings of the Process have been incredibly useful – both for domestic practitioners and for diplomats in Geneva who are able to see the impact of their work. 'The Istanbul Process is worth fighting for and persevering with,' he argued, before offering a number of ideas to strengthen the Process, such as the creation of a Troika of past, current and future hosts. Mr Soofi went on to reflect on a key point of discussion at the Geneva and Jeddah meetings, namely incitement to hatred or violence based on religion or belief. He recalled long debates over articles 19 and 20 of the ICCPR and whether and to what degree States can limit freedom of expression that incites hatred or violence. He noted that this debate is even more important in 2019 than it was in 2011. With the digitalisation of news and the growing power of social media, the destructive power of hate speech has been amplified. 'The results of this are clear to see: more and more incidences of hatred and violence against people based on their religion or race.' Mr Soofi went on to argue for effective remedies for the victims of hate speech and incitement to violence – otherwise anger will build and recent levels of violence will continue.

Finally, **Ambassador Kok Jwee Foo**, recalling the most recent meeting of the Istanbul Process in **Singapore** in 2016, informed colleagues that his Government had agreed to host the meeting for three main reasons. First, religious tolerance is an existential issue for a multicultural, religiously diverse country like Singapore. The meeting thus offered an opportunity for Singapore to share its own experiences and lessons learnt in building a tolerant and inclusive society, while also learning from others. Second, Singapore sees real value in bringing human rights discussions out of the Council and into national and local 'communities of practice,' involving religious leaders, civil society, and civil servants. Third, Singapore believed it important to hold a meeting of the Process outside of the Western and OIC regions, especially considering the fact that South East Asia is such a diverse region and thus has 'an important story to tell.'

Ambassador Foo informed colleagues that hosting the sixth meeting of the Istanbul Process had been an extremely positive experience. He recalled key conclusions from the meeting as: a broad recognition of the importance of preventative measures to combat religious intolerance at an early stage, especially by increasing daily, positive interactions between members of different religious communities and by focusing on education and awareness raising; agreement on the importance of good 'response mechanisms' where there are incidences of religious intolerance, such as the 'Shoulder to Shoulder' initiative in the US; and the importance of strengthening the Istanbul Process, including by leveraging information technology (e.g. a 'Istanbul Process' website would allow a wider range of people to learn about the Process and 'get involved'). Ambassador Foo also referred participants to URG's 2016 report[®] on the Singapore meeting, the case studies presented and the outcomes discussed.

Following these presentations, an open discussion took place involving State representatives and members of civil society. One Ambassador lamented the fact that resolution 16/18 is, on the one hand, crucially important as a guiding framework to help States confront rising incidences of religious hatred, yet, on the other hand, is not well known outside 'UN circles.' The speaker asked 'what can be done to popularise resolution 16/18 and improve its take-up by governments?'

Another participant from the Office of the High Commissioner for Human Rights (OHCHR) recalled three principles that should guide the organisation of future meetings of the Istanbul Process: introspection – i.e. States should reflect on their own policies and practices, and their compatibility with the 16/18 action plan, rather than criticise the policies and practices of others; implementation – discussions should focus on real-world actions by on-the-ground practitioners, rather than international-level political debates; and inclusivity – civil society and faith leaders (as well as others such as media and social media representatives) should be involved throughout. On the last point, it was noted that many States do not know what initiatives are being taken forward by NGOs in their countries.



⁸ https://www.universal-rights.org/wp-content/uploads/2017/02/Meeting Istanbul Process Singapore 2017 spread low res.pdf

PART 3

THE NATIONAL IMPLEMENTATION OF RESOLUTION 16/18: CASE STUDIES

A key goal of the 8 April stocktaking meeting was to identify good national practices undertaken by governments, international organisations and NGOs, in line with the eight points of the 16/18 action plan.

With this in mind, during the third panel discussion of the stocktaking meeting, participants heard a number of case studies designed to highlight key achievements and challenges with regard to the implementation of the 16/18 action plan. The case studies were:

- OSCE's 2018 Human Dimension Implementation Meeting - presented by Mehmet Paçacı, Ambassador and Personal Representative of the OSCE Chairpersonin-Office on Combating Intolerance and Discrimination against Muslims.
- O The EU's Working Paper on 'Countering racism and xenophobia in the EU: fostering a society where pluralism, tolerance and non-discrimination prevail,' and its Code of Conduct on countering illegal hate speech online - presented by Louisa Klingvall, Team Leader, Fundamental Rights Policy Unit, Directorate-General Justice and Consumers, European Commission.
- O US bilateral cooperation programmes to promote religious tolerance and combat discrimination and hate speech, and efforts to strengthen capacity at the Department of Justice to deal with religiously-motivated hate crimes in the US – presented by Catherine Newcombe, Regional Director, US Department of Justice.
- Interfaith dialogue in the Balkans presented by Mufti Dr. Aziz ef. Hasanović, President of Meshihat of Islamic Community in Croatia.
- O Local authority initiatives to combat anti-Semitism (Berlin and New York) – presented by Christen Broecker, Deputy Director of the Jacob Blaustein Institute for the Advancement of Human Rights (JBI), which is an institute of the American Jewish Committee.

- Community projects in the UK to monitor and report hate crimes against Muslims, and to empower victims – presented by Iman Abou Atta, Tell Mama UK.
- Strengthening the role of parliamentarians in combating religious intolerance and advancing freedom of religion or belief – presented by Liv Kvanvig, Coordinator, International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB).

Ambassador Paçacı described the Organisation for Security and Cooperation in Europe (OSCE)'s 'Human Dimension' programme, which recognises that lasting security cannot be achieved without respect for human rights and functioning democratic institutions. He remarked that although States have ratified core international human rights treaties and are thus obliged to respect and protect human rights, including the right to freedom of religion, there has nonetheless been a sharp rise in religious intolerance, stigmatisation and incitement over recent years.

Ambassador Paçacı drew attention to UN Secretary-General António Guterres' visit to Cairo's al-Azhar mosque in April. Reflecting on the recent attacks on mosques in Christchurch and on a synagogue in Pittsburgh, the Secretary-General had used his visit to raise the alarm over 'ever-rising anti-Muslim hatred, anti-Semitism, racism and xenophobia.' He also warned that 'hate speech is entering the mainstream and spreading like wildfire through social and traditional media.' Quoting from the Secretary-General's Cairo speech, Ambassador Paçacı referred to 'populist politicians and misguided media,' and highlighted to the vital importance of initiatives like the Istanbul Process that are designed to encourage universal respect for all human rights and fundamental freedoms without any distinction based on religion or belief.

He reiterated the OSCE's commitment to combating intolerance and discrimination, and said this has been a priority for the Organisation ever since its establishment. 'Freedom of thought, conscience and religion or belief is singled out in the 1975 Helsinki Final Act, which is the OSCE's founding document, as well as many later OSCE agreements.' He also spoke of the 2019 'Human Dimension Implementation Meeting' in Vienna, which had included a number of sessions on 'tolerance and non-discrimination [...] including combatting anti-Semitism, combatting intolerance and discrimination based on religion or belief, including against Christians, Muslims and members of other religions.' He explained that Human Dimension Implementation Meetings are, like meetings of the Istanbul Process, designed to provide a 'positive space where participating States can share and develop good practices and effective policy responses.' The annual meetings bring together hundreds of government officials, international experts, civil society representatives and human rights defenders, 'to assess how States are fulfilling their human rights commitments and obligations.'

As part of that effort, in March 2019, it published a Staff working document entitled 'Countering racism and xenophobia in the EU: fostering a society where pluralism, tolerance and nondiscrimination prevail.'¹¹ The paper provides an overview of progress achieved and outlines some areas that merit further attention. It outlines a 'comprehensive policy approach to foster equality and non-discrimination, as well as to prevent and fight against all forms of racism and xenophobia.' This includes both 'horizontal measures' to address the underlying issues associated with discrimination and intolerance, as well as policy responses to the specific challenges faced by particular groups or communities.

Instrumental to this work is the EU High Level Group on combating racism, xenophobia and other forms of intolerance,



Louisa Klingvall presented the EU's 'comprehensive policy' to tackle racism, xenophobia and discrimination (including religious intolerance), including via a Working Paper on 'Countering racism and xenophobia in the EU,'⁹ and a EU Code of Conduct on countering illegal hate speech online.¹⁰ There are clear signs, she said, that intolerance, racism, xenophobia and discrimination are on the rise in Europe. Hate speech, discrimination and intolerance have terrible consequences for individual victims, and also challenge the founding values of the EU. Against this background, the European Commission has stepped up its activities to build a concerted European response, including by ensuring that relevant EU legislation is correctly transposed and implemented at national level. which provides practical guidance tools to help States implement the EU's framework on racism and xenophobia. In the future, efforts will be even more focused on operational outputs. Expert working groups will be convened to focus on issues such as training for law enforcement officers, data collection and recording, and victim support

Regarding hate speech, and specifically hate speech online, Ms Klingvall **presented** the European Commission's work to ensure that the Internet remains a free, safe and tolerant space where EU laws are enforced, in full respect of the right to freedom of expression. In particular, steps have been taken to counter the proliferation of illegal hate speech online, as defined by national laws implementing the EU's Framework Decision on Racism and Xenophobia.

- 10 https://ec.europa.eu/newsroom/just/document.cfm?doc_id=42985
- 11 https://ec.europa.eu/info/sites/info/files/swd_countering_racism_and_xenophobia_in_the_eu.pdf

⁹ https://www.universal-rights.org/wp-content/uploads/2019/05/swd_countering_racism_and_xenophobia_in_the_eu-1.pdf

A major flagship initiative in this area is the 'Code of Conduct on countering illegal hate speech online,' presented together with Facebook, Microsoft, Google (YouTube) and Twitter in May 2016. The Code's main objective, she said, is to ensure that illegal hate speech is expeditiously assessed and, where necessary, removed. The impact of the Code of Conduct has been regularly monitored and the most recent results show a very positive trend. Two and a half years after adoption of the Code, evaluations show that IT companies respond to notices within 24 hours in the majority of cases and remove, on average, 72% of content notified to them, compared to 59% in 2017 and only 28% in 2016. The positive results of the work under the Code of Conduct has also attracted the attention of other IT companies. Since 2018, Instagram, Google+, Snapchat and others have announced their intention to join, and the Code now covers approximately 86% of the EU market share of social media platforms. Moreover, Ms Klingvall explained that the EU had taken concrete action to address racism and xenophobia against specific groups in Europe: two coordinators for antisemitism and anti-Muslim hatred now work closely with relevant stakeholders to ensure that EU policy-making reflects the concerns of these communities.

Catherine Newcombe spoke of the United States' efforts to promote religious tolerance and combat discrimination and hate speech. With funding from the Department of State, the Department of Justice partners with the Department of Homeland Security and counterparts in host countries to conduct bilateral workshops focused on best practices in combatting religious intolerance, discrimination and hate speech. To-date, workshops have been conducted in countries including Spain, Bulgaria, Macedonia, Bosnia and Herzegovina, Greece and Indonesia. These workshops include the participation of civil society (local and US NGOs), government officials, police officers, judges, and faith leaders. The workshops take the form of bilateral dialogues, with opportunities for both government and NGO participants to exchange expertise, as well as practical ideas and experiences.

In the US, the Department of Justice works actively to protect Muslim, Arab, Sikh, South Asian and Hindu ('MASSAH') communities from threats, violence and discrimination. Specifically, the Department's Civil Rights Division enforces a wide range of anti-discrimination laws based on religion (as well as on other characteristics including race, ethnicity and gender) in the workplace (employment discrimination), in schools and colleges (education discrimination), and in the use of land for religious purposes (e.g., for building and maintaining mosques). Additionally, a specialised team of attorneys handles hate crime prosecutions, including those involving religion.

She noted the importance of cooperation among the various federal, state and local law enforcement bodies, and their



outreach to civil society and the community. Ms Newcombe also highlighted the importance of 'national prevention and enforcement mechanisms working together' to effectively tackle religious intolerance and hate crime.

Since 9/11, the Justice Department has aggressively prosecuted acts of violence, threats, assaults and arson targeting the MASSAH community, and those perceived to be members of these groups. As of April 2019, the Civil Rights Division and US Attorney's Offices have brought prosecutions against 87 defendants in such cases, with 77 convictions.

Mufti Dr. Aziz remarked that resolution 16/18 and the Istanbul Process do not offer a 'magic wand' and do not on their own 'guarantee success,' but they do offer the promise of progress and an inclusive space where governments, religious leaders and civil society can discuss and seek solutions.

Dr Aziz introduced himself as a religious leader from a country, Croatia, which has taken numerous steps to advance the rights and dignity of all religious communities. That progress has been built on an understanding that religion and politics should be kept separate, and that individuals, including religious leaders, have duties as well as rights. Foremost among those duties is to engage in inter-religious dialogue, and promote understanding and tolerance between faiths.

The Meshihat of the Islamic Community of Croatia, which has existed for over 100 years, works according to this understanding to promote inter-religious dialogue and understanding, and to promote inclusivity and tolerance, especially among young people. By running projects within and between different religious communities, the Meshihat of the Islamic Community of Croatia creates opportunities for people from different backgrounds to socialise, get to know each other, understand each other, and respect each other. This helps promote a future free from prejudice and discrimination.

In January 2019, the Community organised a conference in Zagreb that brought together representatives of Islamic communities from across Europe to discuss and debate rights and duties. A key conclusion was that with rights come responsibilities - if religious leaders want their communities to be treated with dignity and respect by others, they must also treat adherents of other religions with respect and love.

Dr Aziz offered a number of ideas for future progress:

- Use the UN's framework to combat religious intolerance and discrimination as the basis of all international strategies to prevent radicalisation and violent extremism. All such strategies must be built upon a foundation of human rights – 'a rights-based effort to prevent hatred and exclusion.'
- 2. All such 'joined up' efforts to prevent intolerance and exclusion, and thus to prevent radicalisation, must focus on education and awareness-raising above all else, and must focus, in particular, on young people and those in vulnerable situations. Dr Aziz explained that Croatia is largely free of extremism, and that is because of its focus on promoting understanding and tolerance among young people through education programmes (in primary and secondary schools, and also via special education programmes). 'All religious leaders in Croatia have invested greatly in this effort,' he said. 'Between us, and with the support of the Croatian Government, we have achieved in the last decade what no army or battlefield has been able to decide before us.'
- 3. Particular emphasis should also be placed on promoting the integration and acceptance of migrants. 'By welcoming migrants and promoting harmony, by understanding one another at the same time as living together, by remembering our duties as Croatians as well as our rights, we can create a better, more stable and prosperous society for all.'
- 4. 'Speaking out' in line with the 16/18 action plan remains extremely important. When individuals or groups act to incite hatred against the followers of one faith, the leaders of all faiths must speak out – not only the leaders of victims' faith. Politicians likewise have a duty to speak out and to defend those under attack. 'Too often, around the world, we hear politicians or religious leaders actually using or feeding off expressions

of hatred.' 'It is also important for stakeholders to coordinate and synchronise their efforts to speak out, in order to avoid politicisation or suggestions of selectivity. The coordinated response of the Government, civil society and religious leaders in New Zealand was a wonderful example of this in practice.'

- Special attention, when taking forward resolution 16/18 5. and the Istanbul Process, needs to be placed on the media. 'As with politicians, too often journalists can be a source of intolerance and hatred, rather than part of the cure. Unprofessional and superficial reporting can lead to appalling consequences.' He explained, for example, that 'one year after the Paris attacks, French journalists stood in front of an important Islamic centre to discuss reactions. This served to perpetuate the idea that Muslims/Islam were involved in the attacks. That is not true and it is dangerous. In fact, Parisian Muslim communities and leaders were among the first to denounce the killings and to make clear that the terrorists were not Muslims – because being a terrorist is contrary to Islam.' Such reporting, probably done without thinking, exacerbates division and suspicion, 'and thus the circle goes on.' 'Hate, radicalism, extremism and terrorism do not have a religion. Yet the press often perpetuates the belief that while all Muslims are not terrorists, all terrorists are Muslims. These are the words of prejudice, and only serve to fuel further exclusion and isolation.'
- 6. Joint religious activities and dialogue are crucial. 'In Croatia we have crushed intolerance and prejudice by meeting each other, by visiting each other's places of worship, by holding joint services.' In Croatia, all children who go to Sunday school (Christians) also learn about Islam. The same is true of Islamic religious education, and Jewish and Orthodox. 'Schools founded by religious communities all visit each other on a regular basis.' Finally, at Zagreb University's Faculty of Philosophy, all religious thought is taught, even though Catholics founded it. The teaching staff includes Jews, Christians and Muslims.

In conclusion, Mufti Dr Aziz said it is undeniable that the world faces many challenges, especially in the context of religious division and hatred. 'However, there is also reason for hope.' In February this year, two great leaders representing different faiths, Pope Francis and the Grand Imam of al-Azhar, Ahmed el-Tayeb, met in Abu Dhabi and called for more dialogue among civilisations and for greater understanding. In a poignant story of personal loss, Dr Aziz informed participants that as a young man



he had lost 34 members of his family in Srebrenica. This crime was fuelled by hatred of Muslims. For a long time afterwards, 'I wondered why God had spared me. Now I know my purpose. It is to spread love and understanding.'

The Jacob Blaustein Institute for the Advancement of Human Rights (JBI) welcomed States' historic agreement on Council resolution 16/18. According to Christen Broecker, JBI saw in the resolution the potential to encourage effective collaborative work within and among States, and to protect the rights of minority communities who are particularly vulnerable to violence carried out in the name of religion.

Ms Broecker explained that JBI is presently working with colleagues from the American Jewish Committee and their network of partners to identify progress and challenges in States' responses to rising anti-Semitism. One aspect of this work has involved bringing together representatives of governments and civil society groups responsible for monitoring anti-Semitism and UN human rights experts, especially the Special Rapporteur on freedom of religion or belief. Through these meetings, a number of good practice examples of effective responses to anti-Semitism have been identified.

For example, one of the points in the 16/18 action plan calls on States to 'create an appropriate mechanism within governments to, *inter alia*, identify and address potential areas of tension between members of different religious communities,' and to 'combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, *inter alia*, education and awarenessbuilding.' Over recent years a number of governments have taken important steps to implement these provisions, including by designating specific, high-level individuals to coordinate efforts to address anti-Semitism.

One good practice example comes from Germany. In 2018, in response to a worrying increase in anti-Semitic incidents, Germany appointed its first Federal Government Commissioner for Jewish life and the fight against anti-Semitism. This followed a similar move by the EU in 2015. Such steps bring a number of benefits, including the promotion of 'introspection' – i.e. encouraging a focus on combatting intolerance at home rather than commenting on problems in other countries; the promotion of cooperation between national authorities and affected communities; and improved coordination and information sharing between relevant ministries/agencies.

One key to the effective implementation of resolution 16/18 is the building and maintenance of trust between national or local authorities and affected communities. One 16/18 provision calls on States to train 'government officials in effective outreach strategies' to groups affected by intolerance. In line with this provision, three EU police forces have worked with European Jewish community bodies to elaborate training programmes to help police officers to recognise, record and deal with anti-Semitic hate crimes.

Another way of building and maintaining trust is for governments and law enforcement agencies to work with and through trusted NGOs (i.e. NGOs trusted by affected communities). This can encourage the victims of intolerance to come forward more readily than they might to a State agency. For example, in the US, in the wake of the anti-Semitic attack on the 'Tree of Life' synagogue in Pittsburgh, relevant national and local authorities, working with civil society groups, held open community meetings on how to better protect places of worship. In another example from Germany, the Berlin police have been cooperating closely with a respected civil society organisation, the Research and Information Center on Anti-Semitism (RIAS), to create an environment in which the victims of hate crimes feel able to come forward and provide information.

Finally, Ms Broecker offered some thoughts about how the positive case studies mentioned above might inform the structure and content of future meetings of the Istanbul Process. In particular she called on future hosts to ensure:

- The participation of representatives of communities affected by intolerance, hatred and violence, so that they have the opportunity to share their own experiences and their views on government responses.
- The participation of non-governmental experts who can comment on how domestic laws aimed at combatting intolerance, including laws prohibiting intolerant expression online, are being implemented in practice?
- The participation of a range of national 'practitioners' – not just typical 'human rights-focused stakeholders.' This is especially important so that Istanbul Process meetings lead to shared learning, with the result that participants can 'return home and translate the discussions into concrete actions.'

Iman Atta shared good practices and lessons learnt from the experiences of **Tell Mama,** a UK-based NGO that seeks to monitor and record (via data collection) anti-Muslim hate crimes, and provide support to victims. On the first point, the effectiveness of Tell Mama's data gathering and community outreach efforts have been such that it now shares data with UK law enforcement agencies. This in turn leads to better community policing. The organisation's data gathering work also allows it to hold the Government accountable for changes in recorded hate crime. On the second point, because Tell Mama works closely with affected communities, and enjoys the trust of those communities as well as relevant national and local authorities, it is well placed to contribute to efforts to fight religious intolerance, stigmatisation and discrimination.

Liv Kvanvig spoke of the importance of mobilising parliamentarians in all countries to contribute to the fight against religious discrimination and intolerance. The 16/18 action plan speaks of the importance of 'speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence,'¹² and members of parliament, as elected representatives of the People and as individuals enjoying a high public profile, are extremely well placed to fulfil this commitment. To help encourage and support parliamentarians in this regard, in late 2014 a group of thirty MPs met in Oslo to found the **'International Panel of Parliamentarians for Freedom of Religion or Belief'** (IPPFORB) and sign the 'Oslo Charter' (the Panel's founding document).

Ms Kvanvig spoke of the growing global problem of hatred and intolerance based on religion or belief, and remarked that there is only one universally accepted international framework for reversing such trends: Council resolution 16/18. IPPFORB works to leverage the power and influence of parliamentarians in support of the implementation of resolution 16/18 via international meetings and capacity-building programmes. IPPFORB's efforts in this area have, she said, been very successful. She noted that there are numerous examples of parliamentarians around the world helping to take forward parts of the 16/18 action plan. However, echoing the views of other speakers at the stocktaking meeting, she said that important national changes and improvements are often not reported at UN-level and are not linked to relevant provisions of resolution 16/18. 'This demonstrates the crucial importance of the Istanbul Process - the one place where all relevant stakeholders, including parliamentarians, can come together to share information and experiences on how they are working to combat religious intolerance,' she said.

Finally, Ms Kvanvig spoke of the importance of other related international frameworks such as the Rabat Plan of Action, and of the convening power of national parliaments. For example, national legislatures can be an importance space for dialogue between political leaders and religious community leaders, she noted.

¹² Operation paragraph 5^e, Human Rights Council resolution 16/18



Conclusions

Drawing conclusions from the three panel discussions, and the interactive dialogue with all participants, Ambassador Andrabi identified three key 'take-aways' from the stocktaking meeting:

- The good will and consensus that powered that original adoption of resolution 16/18 still holds, and all States from all regions continue to believe in the value of the 16/18 action plan and the Istanbul Process.
- The various presentations and experiences shared during the course of the meeting show that States have made important progress in-line with resolution 16/18. This in turn highlights the value of regular meetings of the Istanbul Process. Without such meetings, information on these important national developments would be lost.
- 3. The UN's response to the interconnected challenges of religious intolerance, religious discrimination, hate speech, violent extremism, inclusive development 'leaving no one behind,' preventing crises, and peace and security, are increasingly fragmented. Bringing more coherence to this response, and placing the principles set down in resolution 16/18 at its centre, could be the focus of a future meeting of the Istanbul Process.

Ambassador Jespersen ended by reminding all States of the historical significance of the UN's work to implement the 16/18 action plan and combat religious intolerance. He echoed a key message from the first panel discussion: that engendering international cooperation to prevent and halt hatred in the context of religion or belief has been one of the UN human rights pillar's top priorities since 1946. However, it has also always been a highly sensitive issue - which explains why States have never been able to agree an international treaty on the topic. Against this background, the historic and political importance of resolution 16/18 and the Istanbul Process become clear. Today, quite simply, resolution 16/18 and the Istanbul Process represent the only universally recognised international framework for State progress to tackle hatred against people based on their religion or belief. If this framework didn't already exist 'we would have to start building it from scratch,' he argued. 'Today, we are the custodians of resolution 16/18 and the Istanbul Process, and we must do all we can to nurture it and use it as a foundation to drive deeper and wider progress.'

Finally, Ambassador Stevens wrapped up the meeting by listing six key conclusions:

- 'The many positive examples of concrete action at local or country level presented at the meeting are extremely encouraging.' These good practices show that there has been progress in implementing the 16/18 action plan.
- 2. We are witnessing a change at the political level: there is now a far greater focus around the world on combating religious intolerance and hate, and a far greater willingness on the part of States and other stakeholders to understand each other's views, and be flexible in how we approach this issue.
- 3. Notwithstanding this encouraging picture, enormous challenges remain, and there is understandable concern that the worldwide problem of religious intolerance seems to be getting worse. The stocktaking meeting has shown, again, that the global nature of the problem means that stakeholders can only address it by working together.
- 4. The 16/18 action plan and the Istanbul Process is the only consensus-based international policy framework explicitly designed to tackle religious intolerance. 'We have to recommit to it, and enhance our efforts to demonstrate its relevance and value to citizens, politicians and religious leaders in all our countries.'
- 5. There needs to be regular meetings of the Istanbul Process. 'Without regular and inclusive meetings of the Istanbul Process, all the positive information about progress, as well as the experiences that have been shared, would be lost.' The Ambassador also reminded States of the importance of reporting under resolution 16/18 and later iterations of the resolution.
- Building on the last point, Ambassador Stevens reiterated the importance of regularising meetings of the Istanbul Process. He urged all UN member States to consider stepping forward to host future meetings of the Process.



Annex

I – Meeting Agenda

<u>09.30-10.00</u> <u>10.00-10.15</u>	Registration Welcome and introduction		Mr Andrew Smith, Head of UN Advocacy, Article 19
	H.E. Mr Walter Stevens, Ambassador, Head of EU Delegation H.E. Mr Morten Jespersen, Ambassador, Permanent Representative of Denmark	<u>11.15-11.45</u> <u>11.45-13.00</u>	Coffee Panel 2 – Recalling the six meetings of the Istanbul Process <u>Chair:</u> Dr Ibrahim Salama, Chief, Human Rights Treaties Branch,
<u>10.15-11.15</u>	H.E. Mr Tahir Hussain Andrabi, Ambassador, Acting Permanent Representative of Pakistan Panel 1 – The context: UN efforts to combat religious intolerance, hatred, discrimination and stigmatisation		OHCHR H.E. Ms Rosemary McCarney, Ambassador, Permanent Representative of Canada, and H.E. Ms. Rita French, Ambassador, Deputy Permanent Representative of the United Kingdom
	<i>Chair:</i> Dr Nazila Ghanea, Associate Professor of International Human Rights Law, University of Oxford		H.E. Ms Nassima Baghli, Permanent Observer of the Organisation of Islamic Cooperation
	Mr Marc Limon, Executive Director, Universal Rights Group Dr Ahmed Shaheed, UN Special Rapporteur on freedom of religion or belief		Mr Ahmer Bilal Soofi, Lawyer, Founding Head, Research Society of International Law (RSIL) in Pakistan, former member of Human Rights Council Advisory Committee

H.E. Mr Kok Jwee Foo, Ambassador, Permanent Representative of Singapore

<u>13.00-14.00</u>

14.00-15.45

Lunch

Panel 3 – Progress and future challenges: on-theground change in line with Council resolution 16/18 and its action plan

Chair: Ms. Diane Alai, UN Representative Baha'i International

H.E. Mr Mehmet Paçacı, Ambassador, Special Representative of the Organization for Security and Co-operation (OSCE) on Combating Intolerance and Discrimination against Muslims

Ms Louisa Klingvall, Team Leader, Fundamental Rights Policy Unit, Directorate General Justice and Consumers, European Commission

Ms Catherine Newcombe, Department of Justice, United States of America Mufti Dr. Aziz ef. Hasanović, President of Meshihat of Islamic Community in Croatia

Ms Christen Broecker, Deputy Director, Jacob Blaustein Institute for the Advancement of Human Rights

Discussants:

Ms Iman Abou Atta, Tell Mama UK

Ms Liv Kvanvig, Coordinator, International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB)

16.15-16.45

Wrap-up and next steps

II – Additional materials

'Countering racism and xenophobia in the EU', A working document from the European Commission - Link

'Code of Conduct on countering illegal hate speech online' A European Commission factsheet of the fourth evaluation of self-regulation of IT companies within the EU to combat hate speech on their platforms. - Link

US Department of Justice Muslim, Arab, Sikh, South Asian and Hindu (MASSAH) outreach and civil rights enforcement program factsheet - Link

Presentation of Mr Marc Limon, Executive Director of the Universal Rights Group - Link

Presentation of Mr Andrew Smith, UN Advocate for Article 19 - Link





working together to protect universal human rights







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