



5th Session of Istanbul Process
***“From Resolution to Realization – How to promote effective implementation of the HRC
Res 16/18”***

Jeddah, 03-04 June 2015

CONCEPT PAPER

Introduction

The OIC Secretary General has extended invitation to all stakeholders for the 5th Meeting of the Istanbul Process, which will be held in Jeddah, KSA, on 3-4 June 2015. The meeting will provide yet another opportunity for all stakeholders to discuss and share challenges and best practices in different regions of the world for combating incitement to religious hatred and discrimination through full and effective implementation of the Action Plan contained in HRC Resolution 16/18.

Background

The history of combating discrimination based on religion or belief within the United Nations is as old as the UN itself. International community’s efforts have passed through many bounds, which included adoption of a declaration in 1981, establishment of a Special Rapporteur in 1986 as well as a number of related reports and resolutions that endeavoured to chalk out a framework that could be used to combat and counter this hideous form of discrimination.

Due to increased acts of intolerance and discrimination including incitement to hatred and violence based on religion, the debate on the subject, during the period of late 90s till 2010, witnessed a lot of polemics and difference of views. The intertwined relationship between freedom of religion and freedom of expression further complicated Member States’ task to find an agreement on the best way forward to combat this menace. Severity and specificity of events on ground in different parts of the world only added to this controversy.

After years of bickering on various aspects of this complicated theme, a ground breaking development was made in March 2011, when the Human Rights Council adopted its Resolution 16/18 on the subject, by consensus. This important resolution deals with the subject purely from the prism of international human rights law and outlines a comprehensive Action Plan, which needs to be implemented by

governments to effectively combat the menace of incitement and advocacy to religious hatred that leads to violence and discrimination. The resolution has accordingly been dubbed as a textbook example of successful multilateral diplomacy.

In July 2011, following the adoption of this milestone resolution, representatives of OIC, United States and EU got together in Istanbul and initiated a sturdy process to expedite full and effective implementation of this important resolution. This process has come to be known as Istanbul Process. So far four meetings of this process has taken place where different stakeholders discussed various aspects of the Action Plan contained in this resolution. These meetings have been extremely useful in sharing first hand experiences and perspectives of stakeholders including problems faced and best practices used to implement various aspects of the Action Plan.

While there are difference of views on finer details of some specific steps mentioned in the Action Plan, all stakeholders agree that the resolution is suggesting the right course of action to be followed in combating the menace of religious intolerance by all at all levels. There is also a universal recognition that Istanbul process needs to be further strengthened to discuss and devise a consensual framework that can be applied universally to combat incitement to religious hatred and violence.

Focus and objective of the Meeting

Recent examples of growing religious based intolerance in almost all parts of the world underscores the importance of combating this menace with unified approach at national and international levels. A recent policy report from one of the think tanks working on the subject suggests that fight against religious intolerance and discrimination must be a key political priority for the international community, in particular the UN and Human Rights Council.

All stakeholders must stand united, reaffirm their commitment to this global policy framework (Res 16/18) and redouble their efforts to fully and effectively implement every aspect of its Action Plan at all levels. Better coordination and synchronization of efforts from all stakeholders would greatly help in addressing the continued plight of victims around the world.

In order to expedite the full and effective implementation of this landmark resolution and to promote enhanced confidence and coordination among all stakeholders, the OIC Secretary General has proposed that the 5th meeting may focus on an open and frank exchange of ideas on all points of the Action Plan including the need to suggesting possible solutions that can promote consensus on controversial issues from best practices followed in different legal regimes, which are also in line with the existing international human rights framework.

Another area of focus would be to suggest practical measures needed, if any, to improve/ strengthen relevant mechanisms at national, regional and international levels for effective implementation of the Action Plan. The meeting may also dwell on identifying guidelines for future meetings of the Istanbul Process.

Modalities and format of the Meeting

Invitation are extended to a broad range of stakeholders including Member States, academia, legal practitioners, relevant UN Special Procedures, civil society actors and NGOs.

It will be a two days meeting, which will start with a plenary session, where high level dignitaries from Member States as well as relevant UN officials and Special Procedures would make remarks / presentations on how to strengthen Istanbul Process and the way forward for full and effective implementation of Res 16/18 in a constructive, consensual and universal manner.

The high-level plenary will be followed by three panel discussions, which will focus on the eight points action plan divided in three broad groups. Renowned experts will be invited as panelists who will make initial presentations on the topics. This will be followed by interventions from participants who are encouraged to share challenges and best practices with specific suggestions on the given subject. Each panel discussion would be facilitated by one moderator, who will also prepare and present a summary of the discussion to the final plenary meeting.

In all meetings, the aim is to provide, both to the guest speakers and participants, an opportunity to frankly discuss practical problems and share best practices used to effectively address these challenges including legal and non-legal measures that may be applied across diverse cultural and religious societies for desired results.

Participants would also be requested to focus on specific steps to be taken by Member States, United Nations including OHCHR, Human Rights Council and its Special Procedures, UPR as well as other actors i.e. Civil Society /NGOs for the full and effective implementation of this resolution.

Outcome

A summary of discussions will be prepared and shared with all concerned. Participants are also encouraged to agree on a set of practical and concrete recommendations to all stakeholders that can be presented as a consensual contribution from this meeting. Such an outcome would greatly facilitate implementation of the Action Plan as well as negotiations on the subject in the United Nations.