

## HUMAN RIGHTS COUNCIL – 53rd SESSION

### Urgent debate on public acts of religious hatred as manifested by recurrent desecration of the Holy Quran

11-12 July 2023

#### Resolution as orally revised

**The High Commissioner for Human Rights Mr. Volker Türk** affirmed to the council that symbols can carry the incarnation of “of an immense history a far-reaching system of values, the foundation of collective community and belonging, and the essence of their identity and beliefs.” He stated that the abuse or destruction of the manifestations of our inmost beliefs can **polarize societies** and aggravate tensions. Setting aside legal questions, he asserted that in order to sustain dialogue, people need to act with respect. He condemned islamophobia, antisemitism, and inflammatory acts against Muslims, Christians and minority groups such as the Ahmadis, the Bahai’s and the Yezidi. Such acts are intended to polarize and divide societies.

The limitation of any kind of speech or expression must remain an exception, particularly since laws limiting speech are often misused by those in power, including to stifle debate on critical issues: On the other hand an act of speech in the specific circumstances in which it occurs can constitute incitement to violent or discriminatory action. In 2011, the OHCHR organized a series of regional workshops to better understand how to apply article 20 of the International Covenant on Civil and Political Rights which led to the Rabat Plan of Action.

While they may not be deemed to incite violence, other forms of expression can amount to hate speech, stemming from the baseline notion that some people are less deserving of respect as human beings. The High Commissioner encourage states to redouble their efforts to implement the action plan to combat intolerance based on religion or belief that was set out in the Human Rights Council resolution 16/18 and via the Istanbul process.

**The Special Rapporteur on freedom of religion or belief, Nazila Ghanea** condemned the weaponization of religion to incite hatred. She reminded the council of the call issued by her and other UN experts on 6 March 2023 for greater efforts to promote freedom of religion or belief, foster intercultural dialog and understanding, protect religious minorities and combat hate speech while upholding freedom of opinion and expression. Read their statement [here](#). On international human rights norms, article 18.2 of the 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, targeted directly or indirectly. Attacks are distinct from incitement, which by definition is an instigation by a person for the audience to attack the target group. The Special Rapporteur stated that responses of national authorities to these acts and related incidents should be compatible with international human rights law. The public condemnations of the recent burning of the Holy Quran by state authorities is in line with article 5.e. of HRC resolution 16/18 and emphasized that leaders in all sectors should speak out against these acts. Resolution 16/18 also calls on states, inter alia, to recognize the positive role of interfaith and intercultural dialogue, and to adopt measures to criminalize incitement to imminent violence based in religion or belief. She also emphasized **that international human rights law protects individuals not religions**. The third committee endorsed the observations of the UN Human Rights Committee that criticism of religious leaders or commentary on religious doctrines or tenets of faith should not be prohibited or punished. 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 22 and in line with other ICCPR standards. ( Human Rights Committee General Comment n°34, [CCPR/C/GC/34](#)). The Special Rapporteur has requested to visit Sweden and has been

welcomed by Sweden.

## Interactive dialogue

All States condemned the burnings of the Holy Quran which took place recently and reiterate their commitment to freedom of religion, freedom of expression, and against religious hatred. Almost all delegations also expressed concerns for the rise of discrimination and violence based on religion and belief around the world, as well as xenophobia. **This debate showed a clear divide between two very distinct positions in regards to the relation between freedom of religion and freedom of expression.** The resolution tabled during this debate calls upon States to, inter alia, “adopt examine their national laws, policies and law enforcement frameworks that address, prevent and prosecute with a view to identifying gaps that may impede the prevention and prosecution of acts and advocacy of religious hatred that constitute incitement to discrimination, hostility or and violence, and to take immediate steps to ensure accountability” and calls for the High Commissioner on Human Rights to present an oral update during the 54th session of the Human Rights Council, along with holding an interactive dialogue on the matter.

### Member States

All countries qualified the burning of the Holy Quran. **Pakistan on behalf of the Organization of Islamic Cooperation** added that such acts that are also a contemporary form of racism. The Minister of Foreign Affairs of **Saudi Arabia**, on behalf of a group of countries, affirmed that acts such as the burning of the Holy Quran affected freedom of expression, which should spread peaceful existence rather than fuel a clash of civilization. Similarly, the **Gambia** and **Eritrea** highlighted how these acts jeopardize peaceful coexistence and human dignity, while **Oman on behalf of the Gulf Cooperation Council** and The Minister for Foreign Affairs of **Pakistan** deplored that these acts were under government sanction and called for accountability and legal deterrence of actions that constitute incitement to hostility. **Côte d’Ivoire on behalf of the African group, Cuba** and **Malaysia** also made the same call. Similarly, **Oman on behalf of the Gulf Cooperation Council, Qatar, Bangladesh, Sudan, Senegal, Bolivia** called on States to take measures against these acts.

**Pakistan, Maldives** and **Bangladesh** also highlighted that burning the Holy Quran has affected Muslims across the world.

Many countries, including **Pakistan, Eritrea, Senegal, China, Lebanon on behalf of the Arab group, and Sudan** countered any argument invoking freedom of speech because it does not extend to hate speech. Article 20 – and to a lesser extent article 19 – of the **International Covenant on Civil and Political Rights** was hailed by both sides of the debate as a standard on this matter. While some countries, including **Côte d’Ivoire, Lebanon on behalf of the Arab group, Algeria, and Bangladesh** stated this article provides that freedom of expression is not absolute.

**Côte d’Ivoire** also referred to the **Vienna Declaration and Programme of Action**, the **Durban Declaration of Plan of Action**, and the **African Charter on Human Rights** as relevant international law acknowledging the right to freedom of speech and the duty to combat hate speech and incitement to hatred.

Lebanon referred to articles 9 and 10 of the **European Charter of Human Rights** and the **Venice Commission of the Council of Europe 2008 report** stating freedom of opinion and expression must not constitute an unfair attack or lead to violence.

Regarding the issue of desecration, **Spain on behalf of the European Union** brought up their commitment rule of law and for democratic principles which encompass the strict respect for the independence of the judiciary. They highlighted the work done by the international community to find **consensus** on the relation between freedom of opinion and expression and freedom of religion or belief **general comment 34 by the Human Rights Committee, resolution 16/18 of the Human Rights**



**Council**, the **Istanbul Process**, the **Beirut Declaration on Faith for Rights**. The **EU** affirmed that limitations on freedom of speech must remain exceptional, context-specific and decision by an independent judge. All council members that are members of the EU aligned themselves with this statement. France echoed the Special Rapporteur in that freedom of religion or belief protects individuals not religions or symbols and added that not all. The **United States of America** asserted that attempting to ban such acts usually amplifies them further by bringing even and often serves as a catalyst for further hatred and condemned **blasphemy laws**. **Germany** regretted that there was not enough time to negotiate the resolution and come to a consensus.

#### Observer States

**Canada, Cyprus, Norway, Switzerland, Denmark**, joined **European member countries** and **Mexico** in asserting that not all desecration are an incitement to hatred.

Minister for Foreign Affairs of **Egypt**, and the delegations of **Iraq, Kuwait, Lebanon, Syria, Afghanistan**, as did the member state of **Saudi Arabia**, qualified the burnings of the Holy Quran as the act of **extremism**.

Minister for Foreign Affairs of the Republic of **Indonesia, Egypt, Niger, Syria, Brazil, Afghanistan** placed this debate in the context of **islamophobia**.

**Cyprus, Switzerland and Denmark** asserted that resolution **HRC 16/18** was the best instrument available to tackle this issue.

**Jordan, Egypt, Bahrain, Iraq and Libya** urged member states to adopt laws that **criminalized** acts such as burnings of the Quran.

Education was underscored as a key to achieve tolerance and peace by **Thailand, Croatia, Benin**, similarly to Council members **Mexico** and **Sudan**.

**Austria** and **Switzerland** also expressed their opposition to **blasphemy laws**.

Finally, Sweden informed the Council that it extended an invitation to the Special Rapporteur on freedom of religion of belief and the Executive Secretary of the OIC.

#### NGOs

The divide on the relation between freedom of religion and freedom of expression was also felt during the NGO portion of the meeting. **The World Evangelical Alliance, also speaking on behalf of the World Council of Churches and Caritas, and the World Jewish Congress, Maat for Peace, Ma'Onah For Human Rights And Immigration, Union Of Arab Jurists, Centre D'Etudes Juridiques Africaine, and the World Muslim Congress** called for dialogue. They warned against the dangerous impact of State's condonation of acts of hatred and called on States to take action against them.

On the other hand, the **NGO Article 19, Cairo Institute for Human Rights Studies, Humanists International, Human Rights Research and Jubilee Campaign** opposed the language of the resolution and warned against the censorship and repression that can come out of such initiatives.

### **Action taken on Resolution L.23**

#### General Comments

**Belgium**, regretted that the resolution did not reflect the balance between freedom of religion and freedom of expression present in the Rabat Plan of Action. Similarly, the **United States** affirmed that the text conflicts with deep and long-standing positions on freedom of expression.

The **United Kingdom** did not accept that by definition, attacks on religion, including on religious text or symbols constitute advocacy for hatred.

Germany regret that it was not possible to find compromise based on language of resolution HRC16/18.

**Explanation of vote before the vote**

**Costa Rica** affirmed that operational paragraphs 1,2 and 3 did not respect the balance between freedom of expression and religion, and lead to legal doubts regarding obligations.

**Mexico, Argentina and Paraguay** regretted the consultative process did not place enough effort and time into reaching consensus, while **China** on the contrary applauded the inclusive consultations for the draft.

**Chile** found that the text does not meet all the standards of international obligations of states and some of its provisions would seek to limit freedom of expression in a way that goes beyond what is foreseen by Article 6 and 19 of the ICCPR.

**Voting result**

|        |        |       |
|--------|--------|-------|
| YES 28 | ABST 7 | NO 12 |
|--------|--------|-------|

**Explanations of vote after the vote :**

Pakistan addressed the argument that international law protects persons not religions, saying that resolution L.23 aimed at protecting people against acts of hatred.

The United States expressed that more time and more open discussion could have lead to consensus on this issue.

**Delegations that took the floor during the Interactive dialogue (91 country delegations):**

Saudi Arabia, Pakistan, Oman, Lebanon, Qatar, Côte d'Ivoire, Spain, Maldives, Cuba, France, Morocco, Sudan, Viet Nam, Mexico, Algeria, Cameroon, United States, South Africa, United Arab Emirates, Bangladesh, India, Kazakhstan, Malaysia, Benin, Germany, Senegal, Lithuania, Romania, Luxembourg, Belgium, Bolivia, Eritrea, United Kingdom, Kyrgyzstan, Czechia, the Gambia, Finland, China, Jordan, Egypt, Indonesia, Iran, Türkiye, Holy See, Bahrain, Japan, Iraq, Belarus, Sri Lanka, Libya, Kuwait, Dominican Republic, Djibouti, Mauritania, Netherlands, Nigeria, Brunei Darussalam, Niger, Azerbaijan, Ecuador, Israel, Singapore, Syrian Arab Republic, Timor-Leste, Brazil, Venezuela, Democratic People's Republic of Korea, Afghanistan, Russian Federation, Canada, Cyprus, Thailand, Italy, Philippines, Austria, Norway, Switzerland, Croatia, Malta, Peru, Portugal, Poland, Ireland, Mali, Sweden, Denmark, Tunisia, Ukraine, Costa Rica, Chile, Argentina.

**NGOs that took the floor during the Interactive dialogue (17):**

World Evangelical Alliance, World Jewish Congress, European Centre For Law And Justice, Article 19, International Centre Against Censorship, Maat For Peace Development And Human Rights Association, Cairo Institute For Human Rights Studies, Humanists International, Ma Onah For Human Rights And Immigration, Partners For Transparency, Union Of Northwest Human Rights Organisation, Union Of Arab Jurists, World Muslim Congress, Centre D Etudes Juridiques Africaines, Human Rights Research League, International Organization For The Elimination Of All Forms Of Racial Discrimination, Jubilee Campaign, Legal Analysis And Research Public Union