

## HUMAN RIGHTS COUNCIL – 55th SESSION

### Interactive Dialogue with the Special Rapporteur on Freedom of Religion or Belief

28 September 2023

Ms. Nazila Ghanea, Special Rapporteur on the right to freedom of religion or belief presented her report on **advocacy of hatred based on religion or belief** ([A/HRC/55/47](#)). Expression of hatred based on religion or belief. Key drivers of polarization and human rights violations around the world. Expression of a broad social reality that must be holistically addressed. The Special Rapporteur encouraged a preventive attitude towards expressions of hatred that may not reach the threshold of incitement to hatred but must nonetheless be addressed. She also underscored the need to differentiate between “lonewolf” actors and **state policies of intolerance** and the need to appreciate the of both drivers of hatred. Hatred based on religion or belief often intertwines with a other grounds for intolerance, and structural factors can exacerbate it such as **criminalization or stigmatization** of certain belief groups, **anti-blasphemy, anti-apostasy, counter-terrorism and draconian migration laws**.

The Special Rapporteur stated the current debate on addressing such hatred proposed a dichotomy between criminalization and counter-speech, which does not sufficiently address the structural and cultural factors that are at the root of incitement to hatred. The Special Rapporteur encouraged cultivating collaborative networks, engagement with **affected communities, educating** functionaries and society at large to dismantle stereotypes and encourage **interfaith dialogue** and debate in a respectful and safe environment. Paragraph 21 of the report outline the 6 part threshold established in the **Rabat Plan of Action** to assist in determining instances that constitute criminal offences in line with article 22 of the ICCPR. On the frequent reutilization of original expression by different actors and for different ends, the Special Rapporteur highlighted that the **responsibility** for the consequences of those expressions **cannot rest on the jurisdiction of the original speech act** and the role of all actors taking part in the transmission of hate speech should not be overlooked.

On the multiple instances of **burnings of the Holy Quran**, the Special Rapporteur stated that each case must be dealt with in compliance with human rights norms, with regard for context and in line with the 6 part threshold, while reiterating that holiness is a quality that cannot be captured by human rights norms or entities. Ms. Ghanea urged States to engage in with international advocacy networks and processes such as the **Istanbul Process** to adequately address the surge of hatred globally.

To close the interactive dialogue, the Special Rapporteur noted that the question of hatred based on religion or belief has both an **international and national/local aspect** with, on the one hand international norms that must be upheld and, on the other some that need to be ascertained at the national or local level in light of context, speaker, intent, content, extent and likelihood of harm. She also agreed with some delegations that **criminal deterrence** does play a role but to be impactful it needs to be wielded in conjunction with a whole range of other tools that the report sought to outline. Finally, she referred the Council to the recommendations of the former **Special Rapporteur on minority issues** in his [2021 thematic report](#) for suggestions about **countering hatred on social media**. The report states that companies should put measures in place to collect disaggregated data on hate speech.

### Interactive dialogue

Every single delegation expressed commitment to enhanced interfaith dialogue and efforts towards human fraternity and all delegations condemned all forms of hatred based on religion or belief.

**Pakistan on behalf of the OIC** welcomed the Special Rapporteur’s recommendations for **transformative approaches**. Also, expressing reservation on the portion of the report relating to the **international human rights framework** due to the concern that overemphasis on technical approaches

alone are insufficient to address mounting hatred, including islamophobia. The OIC expressed its wish that the Special Rapporteur speak out against desecration of the Holy Quran, targeting of mosques and churches in the OPT and elsewhere and Israeli invasion of the Al-Aqsa mosque as grave forms of religious hatred.

The report cited various pathways for transformative approaches, some of which include : interfaith forums, outreach from the police to affected communities and education programmes for the general public; government mechanisms for conflict prevention, the establishment of dedicated departments, the development of guidelines to prevent communal violence, the inclusion of the right to freedom of religion or belief under the work of national human rights institutions; training of government officials on counter religious profiling and prejudicial and discriminatory attitudes among functionaries of State; combatting denigration and negative stereotyping through human rights-based education on religious or belief diversity, acknowledgement and apologies for historical atrocities and marginalization; the creation of interfaith spaces for dialogue on issues of common concern as well as youth dialogue and exchange in areas affected by conflict; consultation mechanisms or working groups with religious communities to enhance their representation and meaningful participation. The report cites stakeholder submissions containing examples of such transformative initiatives.

**The Netherlands on Behalf of BeNeLux** aligned itself with the **European Union** statement, expressing deep concern and wishes to stand for harmony.

**Qatar** on behalf of the **GCC** expressed agreement with the Special Rapporteur's report and underscored the **impact of religious hatred on public health**. The GCC reminded the importance of enforcing laws that **criminalize hate speech on all levels** and to periodically develop them Also expressing concern at the rise of Islamophobia which according to the UN Secretary General has reached "epidemic proportions".<sup>1</sup>

The **European Union** mentioned its various efforts to combat hatred based on religion or belief across a number of policies through projects aimed at promoting social inclusion and diversity, **increasing funding to protect public spaces and places of worship** of all faiths and designating **EU envoys** with the explicit mandate to maximize efforts to combat hatred.

**Egypt** on behalf of the **Arab Group** reminded the Council of urgent debate that took place during the 53<sup>rd</sup> session as well as Council **resolution 53/1** which affirms that the burnings of the Holy Quran or any other sacred book is an act of provocation and a manifestation of religious hatred that shall be prohibited by law.<sup>2</sup> Welcomed the relative developments leading to the passing of relevant legislation in **Denmark**,<sup>3</sup> as did **Libya**

**Egypt** also warned of the dangers of the **approach proposed in the report** based on deciphering whether an act constitutes incitement to hatred based on the specific facts of each individual case as it could leave legal gaps that would lead to an increase in such acts. The delegation, along with Türkiye, the State of Palestine, and Pakistan called on the Special Rapporteur to address the religious persecution taking place in the OPT and in relation with Al Aqsa Mosque.

Many other Muslim-majority countries brought attention to the rise of islamophobia while **China** specifically called out the suppression of voices advocating against the current attacks on Gaza.

**Denmark** on behalf of the **Nordic Baltic** countries echoed the report's observation that a robust framework exists to combat hate speech and standards on the prohibition of advocacy of national racial or religious hatred that constitutes incitement to discrimination, hostility and violence.

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<sup>1</sup> UN News "UN leaders speak out against Islamophobia and anti-Muslim hatred", 17 March 2021, <https://news.un.org/en/story/2021/03/1087572>

<sup>2</sup> See preambular paragraph 5 of the Human Rights Council resolution 53/1, 17 July 2023

<sup>3</sup> Al Jazeera and news agencies "Denmark's parliament adopts law banning Quran burnings", 7 December 2023, <https://www.aljazeera.com/news/2023/12/7/denmarks-parliament-adopts-law-banning-quran-burnings>



**Gambia** on behalf of the **African Group** welcomed the Special Rapporteur's acknowledgement that hateful attitudes based on religion or belief and their promotion in society often serve concrete political and economic ends. Gambia also strongly denounced all attacks on places of worship, holy books and religious symbols recognizing the sanctity of these items to individuals and communities.

**Bangladesh** on behalf of a group of countries stated that free speech has been used to incite inaction in the face of religious hatred which has empowered provocateurs. Reminded that applying limitations on freedom of expression as enshrined in the ICCPR is necessary, proportionate and legal as incidents such as the burning of the Holy Quran have weakened social harmony. It called for the adoption of national laws, policies and frameworks to address, prevent and prosecute acts and advocacy of religious hatred.

Bahrain Egypt

**The Holy See** echoed the report saying there is no accepted international definition of hate speech and the term is generic and susceptible to biased interpretations. It called on the Council to be careful to confuse legitimate expressions of religious belief with hate speech.

**Saudi Arabia** reiterated that **freedom of expression** should not be used as a tool to promote civilizational clash but rather promote coexistence. It supported the reports call for enhanced efforts to create interfaith dialogue.

**Italy** highlighted efforts in its foreign policy to promote freedom of religion or belief including through bilateral relation and the **UPR**. Also mentioned are cooperation programs, including the fund for direct support for Christian minorities persecuted in crisis areas.

Italy, the European Union... agreed that expressions that do not constitute incitement to hatred should still be seriously addressed though not criminalized.

**Malta** welcomed the many references to Council **resolution 16/18** and the mechanisms established for its follow up in the report. USA

Malta ... emphasized the individual rights to adhere to minority religions or to hold no religious belief at all.

Malawi highlighted the work of its Department of Unity under the Minister of Local Government, Unity and Culture mandated to engage in awareness raising and capacity building activities for state and non-state actors to reinforce peaceful coexistence.

**Canada** expressed deep concern for the stark rise in **antisemitism and islamophobia** witnessed worldwide since **October 7<sup>th</sup> 2023**. It also aligned itself with the report's observations that "authoritarianism, corruption, lack of transparency and distress in public institutions can provide conditions ripe for the scapegoating or othering of religious or belief communities" and asserted that human rights flourish in **democracy** with strong institutions and **free media**.

**Poland** stated that expressions of religious hatred occurring across the globe represent a great threat to international peace and security.

**Türkiye** agreed with the report's call to address the root causes of hatred. However, it regretted the Special Rapporteur did not include their submission on the jurisprudence of the European Court of Human Rights. The delegate asserted that all state organs must follow jurisprudence set by the ECtHR. The Delegation claims in [its submission](#) to this report that the Court has accepted the restrictions on freedom of expression on the basis of the protection of the religious feelings of believers in *Otto-Preminger Institute v. Austria (1994)*, *Wingrove v. UK (1996)*, *IA v. Turkey (2007)* and *E.S. v. Austria (2018)*.

Many delegations including **Malaysia, Oman, Iran, Pakistan, Niger maintained that** criminalization is an important deterrent against hatred and for the protection of societal harmony.

**Paraguay**, the **Gambia** and **Lebanon** supported a balance between the prohibition of expressions of hatred and freedoms of thought, expression and religion or belief.

The **United Kingdom of Great Britain and Northern Ireland** drew attention to its leading role in [Security Council resolution 2686](#), as well as their engagement with the **International Contact Group on Freedom of Religion of Belief** and the **International Religious Freedom and Belief Alliance**. Bahai in Yemen and Iran, Ahmadi in Pakistan and Roman Catholic Church in Nicaragua.

**Ukraine** denounced the persecution against the Muslim Tatars of and the eviction of Orthodox Church of Ukraine in Crimea and asked the Special Rapporteur what how can the international community better coordinate efforts to protect the right of freedom of religion.

**The British Humanist Association** expressed dismay at the recent amendment to the Danish penal code banning desecration of religious books. Informing the Council that Northern Ireland is the only part of the United Kingdom that still has blasphemy laws, they expressed concern that expression is still often stifled.

**The Alliance Defending Freedom** noted with concern that the ambiguity surrounding the concept of hatred has resulted in a fragmented and ultimately arbitrary implementation of measures designed to respond to this issue, often at the expense of the most vulnerable.

**Jubilee Campaign** and **Christian Solidarity Worldwide** both denounced the hateful or intolerant attitudes perpetuated in Pakistani schools and in the curriculum and urged Pakistan to implement legislation to counter hate speech and safeguard freedom of religion and freedom of expression.

**Coordination Des Associations Et Des Particuliers Pour La Liberte De Conscience** reported concerning policies in France and called on the country to stop founding what anti-religion NGOs and adopt legislative measures targeting religious minorities.