

## Concept Note

### **Bridging the divide: New perspectives for an international approach to countering religious hatred and promote fundamental freedoms**

**24 April 2024 – 15:00 to 16:30 CET**

**Online via Zoom**

#### *Background*

The intense violence and serious violations of humanitarian law and human rights that is unfolding in the war on Gaza have made over 35'000 civilian victims of all faiths so far, in and outside the territory of the strip, leading to a dramatic rise in islamophobia and antisemitism across the globe. This has given way to higher levels of social tension, discrimination and violence, and has stifled many efforts for peace among religious communities. The High Commissioner for Human Rights had noted these developments in November 2023, stating that “[evil acts are] no doubt encouraged by the dehumanizing and vicious language found not only in our streets but political leaders”<sup>1</sup>. In a context of escalation in religious hatred, growing right-wing extremism, and increase of stifling policies for freedom of expression and freedom of religion or belief, atrocities in Gaza have set the world further back from the achievement of peace and tolerance. We ask how the international human rights framework can respond to these challenges.

Freedom of religion and belief and freedom of expression are mutually dependent and reinforcing, and are critical to sustain tolerance and cohesion in societies. Despite the rich corpus inholding clarifications on the interlinkage between faith, peace and human rights, claims that certain religious or faith groups are inherent threats to national security, public order or national values are gaining ground in the political and public debate globally. It can be argued that these claims often hinge on theories of civilizational cleavage, and often instrumentalize religions and beliefs to undermine the legitimate political demands of certain communities. Expressions of hatred cooccur with other disturbing trends such as the discriminatory use of counter-terrorism and counter-radicalization measures, the abuse of hate speech and blasphemy laws, the spread of disinformation and a polarizing digital environment.

On the conciliation of freedom of expression, freedom of religion, and the prohibition of religious hatred in international law, articles 18, 19 and 20 of the International Covenant on Civil and Political Rights enshrine these principles respectively. Article 18 (3) of the Covenant provides that limitations on freedom of religion may be subject to limitations under the condition that they are “prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”. Article 19 (3) in turn lays out conditions for the restriction of free speech “such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals”.

In its General Comment n°34, the Human Rights Committee provided clarifications on the grounds of restriction of free expression contained in Article 19(3)<sup>2</sup>. It also recalls General Comment n°22 in relation to the public morals grounds, observing that the concept of morals “derives from many

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<sup>1</sup> UN News, “UN Human Rights Chief condemns rise in hatred”, 04 November 2023, available at : <https://www.ohchr.org/en/press-releases/2023/11/un-human-rights-chief-condemns-rise-hatred>

<sup>2</sup> United Nations, Human Rights Committee, “General comment No. 34. Article 19: Freedoms of opinion and expression” (12 September 2012) CCPR/C/GC/34

social, philosophical and religious traditions; consequently, limitations on the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.”<sup>3</sup> In 2012, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence was adopted following a series of expert meetings. In an effort to formulate a universally sound approach to this issue, the document proposes a six-part threshold test to assess the cases that could constitute incitement to hatred. Following the adoption of Human Rights Council resolution 16/18 in March 2011, a follow-up mechanism known as the Istanbul Process was established to exchange best practices and discuss the implementation of the resolution’s 8 action points.<sup>4</sup> However, many observers argue that within the international community, the debate on how to counter religious hatred in a human rights-compliant way remains politically divisive and has yet to be resolved.<sup>5</sup> Most recently, Human Rights Council resolution 53/1 on countering religious hatred constituting incitement to discrimination, hostility or violence was adopted with a vote and reignited a multifaceted debate on lawful and proportionate grounds for restricting freedom of expression and on how viable the context-specific approach promoted in the Rabat Plan of Action truly is.

This interactive discussion aims to rejuvenate this debate and bring it closer to the realities on the ground, focusing on the practical and conceptual challenges related to anti-hate policies, freedom of religion or belief and freedom of expression. It will explore questions of media regulation, representation of faith groups in public and political life, and establishment of transnational collaborative networks.

### *Objectives*

In this panel discussion, speakers and participants will be invited to :

- Take stock of the recent trends and developments related to the incitement to religious hatred, hostility or violence.
- Bring forth new perspectives on the intergovernmental policy framework for combating incitement to religious hatred.
- Discuss public policy tools to combat religious hatred and safeguard freedom of expression and other fundamental freedoms.
- Reflect on how plural and diverse appropriations of the human rights framework impact the endorsement and implementation of international legal and political standards.
- Discuss promising approaches to establish transnational collaborative networks for interfaith dialogue and mutual understanding.

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<sup>3</sup> United Nations, Human Rights Committee, “General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)” (30 July 1993) CCPR/C/21/Rev.1/Add.4, pp.8

<sup>4</sup> United Nations, Human Rights Council, “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief” (12 April 2011) A/HRC/RES/16/18. See operative paragraph 5

<sup>5</sup> These views have been echoed most recently during the Human Rights Council 55th session on the Panel on Countering Religious Hatred (HRC 53/1) by panelist Mr. Thiago Alves Pinto, Member of the Panel of Experts on Freedom of Religion or Belief of the OSCE

### *Format*

This interactive discussion will take place online via ZOOM. The discussion will open with a joint introductory statement from the organizers, by the moderator. Distinguished speakers will be invited to answer questions from the moderator, followed by questions from participants. A recording of the event will be published, as well as a summary report of the event.

### *About the organizers*

[The Geneva Centre for Human Rights Advancement and Global Dialogue](#) is an independent, human rights think-tank and advocacy institution, established in 2013 with its headquarters in Geneva. The Centre is dedicated to promoting a universal, value-driven human rights system anchored in the principles of equity, non-discrimination, inclusiveness, and solidarity. The Centre was granted special consultative status with the United Nations Economic and Social Council (ECOSOC) in July 2017.

[The Sikh Human Rights Group](#) is an NGO with UN ECOSOC status promoting pluralism, environment, diversity, human rights and responsibilities. It is based on Sikh philosophy. With an emphasis on pluralism, SHRG champions good intentions and diverse approaches that can be found within different civilisations, cultures and peoples.