

**6 July 2023**

**To Member and Observer States of the UN Human Rights Council:**

Excellency,

On 4 July 2023, the Permanent Mission of Pakistan to the United Nations in Geneva, on behalf of the Member States of the Organization of Islamic Cooperation (OIC), circulated a draft resolution on “countering religious hatred constituting incitement to discrimination, hostility or violence”. We, the undersigned civil society organisations, write to share our serious concerns with elements of the draft resolution.

We are similarly dismayed over the rise of hatred, as well as violence and discrimination, against persons on the basis of their religion or belief worldwide. We believe open space for dialogue, debate, and dissent is key to preventing violence, by allowing religious hatred to be challenged online and offline. We underline that the rights to freedom of opinion and expression, freedom of religion or belief, and equality are mutually dependent and reinforcing.

However, the draft resolution not only runs contrary to international standards for the rights to freedom of expression and freedom of religion or belief, but poses a serious threat to the consensual action plan on tackling religious intolerance achieved in Resolution 16/18.

### **The Right to Freedom of Expression**

We are concerned that elements of the draft resolution seek to reintroduce language on the “defamation of religions” and impose undue restrictions on the right to freedom of expression. It seeks to protect not only individuals but rather religious books and symbols that do not enjoy protection under international human rights law. We also note the term “desecration” is overly broad, subjective, and vague, leaving elements of the draft resolution open to extensive and all-encompassing interpretation.

There is a consensus at the international level that prohibitions on “defamation of religions” and protection of religious ideas, institutions, or symbols are not only contrary to guarantees of freedom of opinion and expression, but are counterproductive and prone to abuse,

including against the religious minorities they purport to protect.<sup>1</sup> Repeatedly, UN and regional human rights experts have emphasised that “there is an important difference between criticism of a religion, belief or school of thought and attacks on individuals because of their adherence to that religion or belief”.<sup>2</sup> These prohibitions fuel division by shutting down debates, often denying already marginalised groups the opportunity to speak or be heard.

There are many paragraphs in the text that equate the act of “desecrating” religious books and symbols itself with incitement, which is not always the case. As such, this language could pave the way for mass censorship.

We note with concern the draft resolution's misrepresentation of calls made in cited UN resolutions, statements by the Secretary General, and reports of the UN Special Procedures. Such distortion of these normative standards only contribute to undermining the efforts made to combat religious hatred, including anti-Muslim hatred.

## **Resolution 16/18**

In 2011, the UN Human Rights Council adopted Resolution 16/18 on “combating intolerance, negative stereotyping and stigmatisation of, and discrimination, incitement to violence, and violence, against persons based on religion or belief”. This is widely regarded as a landmark achievement and sets out a consensual, universally agreed action plan for addressing intolerance on the basis of religion or belief.

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<sup>1</sup> This includes the Rabat Plan of Action, as well as guidance from the Human Rights Committee and various Special Rapporteurs. See: ‘Rabat Plan of action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility of violence’, A/ HRC/22/17/Add.4, 5 October 2012, at para. 19, available at: <https://www.ohchr.org/en/documents/outcome-documents/rabat-plan-action>; ‘General Comment No. 34 on Article 19: Freedoms of opinion and expression, CCPR/C/GC/34, 12 September 2011, at para. 48, available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and>; Report of the Special Rapporteur on freedom of religion or belief, A/HRC/46/30, 13 April 2021, at para. 73, available at: <https://www.ohchr.org/en/documents/thematic-reports/ahrc4630-countering-islamophobiaanti-muslim-hatred-eliminate>; Report of the Special Rapporteur on freedom of religion or belief, A/HRC/40/58, 5 March 2019, at para. 21, 23, 56, available at: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/40/58](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/58); United Nations Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes, 2017, at page 17; available at: [https://www.un.org/en/genocideprevention/documents/publications-and-resources/Plan\\_of\\_Action\\_Religious-rev5.pdf](https://www.un.org/en/genocideprevention/documents/publications-and-resources/Plan_of_Action_Religious-rev5.pdf).

<sup>2</sup> See: International Mechanisms for Promoting Freedom of Expression, ‘Joint Declaration on Defamation of Religions, and Anti-Terrorism and Anti-Extremism Legislation’, 10 December 2008, available at: <https://www.osce.org/fom/35639?download=true>.

This resolution replaced divisive calls to combat defamation of religions, or blasphemy, in favour of a consensus-based agenda driven by the understanding that the rights to freedom of expression, freedom of religion or belief, and equality are mutually dependent and reinforcing.

This framework has been central to multi-stakeholder initiatives aimed at combatting religious intolerance. The Istanbul Process – a series of meetings to promote and guide implementation of the Resolution 16/18 – has provided a space for various stakeholders to exchange good practices and experiences at tackling the root causes of religious intolerance.

We have deep concerns that the draft resolution, which contains many elements that essentially evoke the old “defamation of religions” agenda, will critically undermine this consensus and the Istanbul Process, and poses a tremendous threat to the future of this action plan in addressing religious intolerance.

**We call on the Organization of Islamic Cooperation, as well as other Member States, to work to remove language from the resolution that equates the desecration of religious books and symbols with incitement and risks reinstating prohibitions on the defamation of religions that is fundamentally incompatible with human rights, and instead bring the text in line with existing international frameworks for addressing religious hatred, including Resolution 16/18 and the Rabat Plan of Action. Without these substantial changes, we urge Members of the Human Rights Council to reject the draft resolution.**

We ultimately believe the draft resolution will undermine existing efforts to combat discrimination, including discrimination on the basis of religious belief, and, if adopted, could be used to justify restrictions on fundamental human rights in all regions of the world by those who have and continue to use prohibitions of defamation of religions or blasphemy to violate human rights or carry out discriminatory practices.

Signed by:

ARTICLE 19

Asian Forum for Human Rights and Development (FORUM-ASIA)

Cairo Institute for Human Rights Studies (CIHRS)

Center for Reproductive Rights

CIVICUS

CSW (Christian Solidarity Worldwide)

DefendDefenders (East and Horn of Africa Human Rights Defenders Project)

Humanists International

The International Bar Association's Human Rights Institute (IBAHRI)

International Federation for Human Rights (FIDH)

International Service for Human Rights (ISHR)