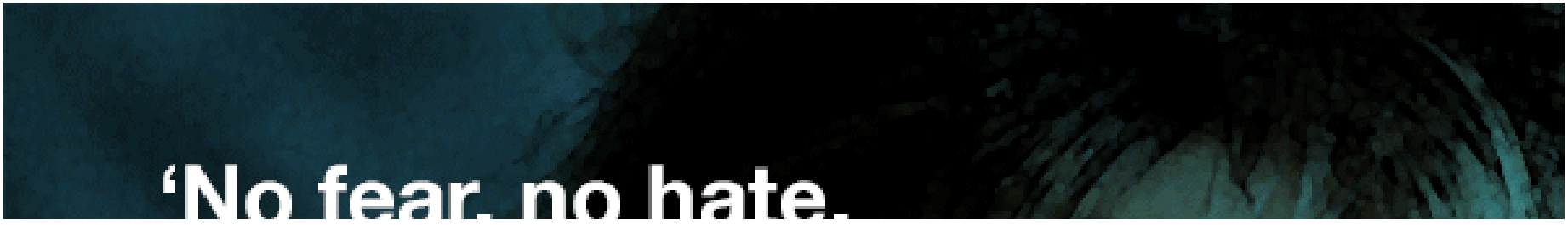
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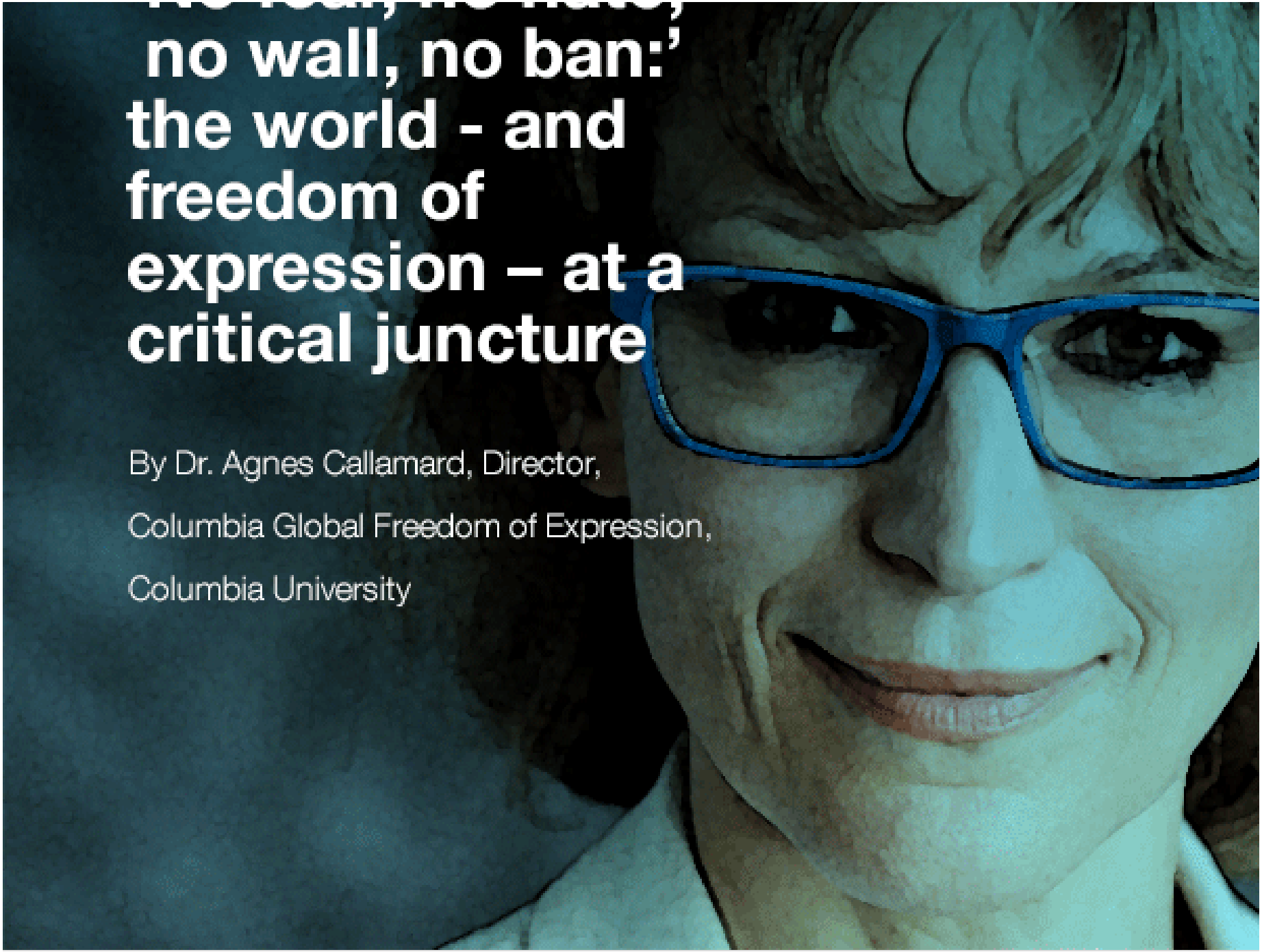

THE URG AIMS TO PROVIDE AN INFORMAL PLATFORM FOR THE SHARING OF IDEAS ON INTERNATIONAL HUMAN RIGHTS POLICY. TO THIS END, THROUGH ITS

'BY INVITATION' SERIES, THE URG REGULARLY INVITES SENIOR OFFICIALS AND THOUGHT-LEADERS TO SHARE THEIR PERSPECTIVES ON IMPORTANT ISSUES OF THE DAY. THE VIEWS EXPRESSED ARE THE AUTHORS' OWN, AND DO NOT NECESSARILY REPRESENT THE POSITION OF THE URG.

'No fear, no hate, no wall, no ban:' the world – and freedom of expression – at a critical juncture

BY DR AGNES CALLAMARD, DIRECTOR, COLUMBIA GLOBAL FREEDOM OF EXPRESSION, COLUMBIA UNIVERSITY / MARCH 21, 2017 / BLOG (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/CATEGORY/BLOG/), BY INVITATION (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/CATEGORY/BLOG/BY-INVITATION/), CONTEMPORARY AND EMERGING HUMAN RIGHTS ISSUES (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/CATEGORY/BLOG/CONTEMPORARY-AND-EMERGING-HUMAN-RIGHTS-ISSUES/), IN FOCUS: HUMAN RIGHTS AND RELIGION (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/CATEGORY/BLOG/IN-FOCUS-HUMAN-RIGHTS-AND-RELIGION/)

(http://www.universal-rights.org/wp-content/uploads/2017/03/Agnes.jpg)In the aftermath of the so-called 'Danish cartoons crisis' in 2005, the political, policy and academic world was replete with debates over the benefits or risks of 'blasphemy laws.' The debates highlighted a profound gap between those who believed that mocking religion (the faith, the tenets, the sacraments, the symbols, etc.) should not be tolerated and those who argued that religion is 'fair game' and cannot be entitled to specific protection.

During the early years of the Human Rights Council (Council), these debates played out in the context of OIC resolutions on 'defamation of religions.' During negotiations and voting on those texts, the OIC and the West would square-off, with the former arguing that freedom of expression must have limits, and the latter arguing that religions do not have rights, and that the normative framework for freedom of expression and religious intolerance was already clear and required no further discussion.

This situation ended in 2011 when the two sides eventually came together to agree, by consensus, on a more constructive means of addressing the key challenge of religious intolerance and discrimination: Council resolution 16/18 (2011)[1] on combatting intolerance, negative stereotyping and stigmatisation of, discrimination, incitement to violence and violence against persons based on religion or belief. One year later, a parallel expert process on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, concluded with the adoption of the Rabat Plan of Action (2012).[2]

Fast forward to 2017: The problem of religious intolerance, which these multilateral initiatives sought to address, has further spread and multiplied, fed by the rise of populism, extreme right-wing politics, deepening inequality, the rejection of the post-World War Two models of political and economic integration, predicated on respect for human rights. The ultimate consequence of these trends has been an exponential increase in hate crimes and atrocity crimes around the world, justified on grounds of religion, race or sexual orientation.

There is thus little doubt that Rabat, 16/18 and other initiatives of this kind remain as essential as ever. None of their recommendations have become irrelevant or obsolete. But in view of the changing and deteriorating environment, it is legitimate to ask whether they are enough? And if, as I believe, they are not sufficient, what should a Rabat++ or a renewed 16/18 framework look like and seek to achieve?

These are difficult questions, especially at a time of significant geopolitical flux. However, my own evolving thinking on the matter covers, I would venture, nine main points and queries:

1. **Integration – Intolerance, hate and 'incitement speech'** are now sitting at **the confluence of three turbulent streams: religious intolerance, 'terrorism' and national security. These flows have grown in force and volume, powered by acts of violence and a growing number of advocates who seek to justify, glorify and incite 'extremism' and/or religious violence. It has resulted in, or justified, a** quasi-global, consolidation of national security as the main national and international concern and policy driver. **To the extent that we cannot effectively combat religious intolerance without considering the impact of national security, terrorism and counter-terrorism, how do we engage with the actors responsible for developing and implementing security laws and policies? What can we realistically secure from them?**
2. **Hatred as a political slogan** – In 2012, hatred as a political slogan or 'business model' was just emerging. It is now in full bloom. Heads of State or other political leaders routinely make statements that may meet the legal threshold of hateful or inciting speech. Even when they do not meet these thresholds, such speech nevertheless undermines the spirit and idea of universality and equality, and validates hostility against, and hatred of, certain groups or communities. How do we respond effectively to this intolerance-with-a-veneer, this 'mainstreamed' political discourse of hatred that softly makes reference to, or at least re-enforces, what extreme right and hate groups have been saying for years? In thinking through our responses, we might be inspired by the strategies adopted, with incredible determination and speed, by individual protesters, women, civil society, the media, academics and others in the United States in the first months of 2017.
3. **Hate Spin** – What is to be done when 'Hate Spin (http://www.hatespin.net/),' to quote from George Cherian's recent book, has taken hold of the world and of politics – in Europe, North America, Asia, and the Middle East. No one and no place are immune from these strategies that combine hate speech with the manufacture of 'offense taking' (the performance of righteous indignation) against the identities and beliefs of certain communities, with the ultimate aim of seizing the support of the masses. In their increasingly successful strategy, 'Hate Spinners' turn hate-speech legislation on its head, engaging in 'lawfare' to attract media attention, and generate mass popular support for their cause. For example, 'Hate spinners' may bring a lawsuit to prevent the construction of a mosque on the alleged basis that Islam is not a religion but a violent ideology. The lawsuit generates media attention to their action and ideology, thus helping

to attract further followers. Elsewhere, a conservative Muslim group may attack a statue as a symbol of Christianity and an assault on Islam, even though the statue has no religious significance. How do we guard against such strategies, so that legal principles meant to ensure equality, protect against discrimination or harassment, are not helping and feeding 'Hate Spinners'? Can we 'Spin Tolerance'?

4. **Speech and more speech?** The belief that good speech will eventually drown out bad speech is, in my view, not a sufficiently solid basis to ground our responses to intolerance. Simply put, we are running out of time. This is not meant to suggest that there are necessarily better alternatives. There is no strong evidence that hate speech regulation has effectively deterred or combated intolerance. On the other hand, we ought to recognise that the 'more speech' norm needs to be carved and adapted to work for our environment and our purpose. For instance: how do we adjust the principles and functioning of a 'marketplace of ideas,' of 'more speech as the best antidote' and of 'counter-speech' in an on-line world functioning increasingly as an echo chamber, validating the users' worldview, while excluding and blocking any news or information that may challenge such a view? Can we weaken and challenge these echo chambers? How do we encourage people to open their world to other perspectives? Key here, I believe, will be to engage with civil society organisations, social media platforms, on-line entrepreneurs and others who are working with the technology to nurture on-line cultures that are more in-line with the foundational vision of the Internet.
5. **The daily routine of intolerance** – Anti-racist and minority organisations have often pointed out that it is the daily acts and words of petty racism and intolerance that are the most damaging. The accumulation of small but regularised acts of intolerance serves to crush spirits at a level as least as deep, if not deeper, than 'incitement speech,' (partly because the latter is more likely to be publicly denounced). So should our response as an international community not also address these smaller, petty instances of intolerance, those acts that we have largely ignored in the past, confident they would ultimately be drowned out by 'positive speech'?
6. **On the meaning of hatred** – What do we really know about hatred, the single most important emotion, in terms of its individual and societal impact, across human history? How is it bred, fed and sustained, how and when does it translate into violence, how is it weakened and tamed? Do we even have the beginning of answers to these questions? Our quest to build a stronger strategy to combat intolerance ought to encourage research into 'hatred,' engage those who may have studied the meaning and mechanisms of hatred and those that have experienced it. Indeed, this may be a first step in managing and controlling the 'human impulse for excessive intolerance.'
7. **Religion** – How do we engage with and integrate religious leaders in our initiatives to combat intolerance? In this process, how do we interrogate the exclusiveness and immutability of faiths and the impact these may have on tolerance and on the strategies to combat intolerance? Is it too far-fetched to imagine a minimum common theology working as a basis to respond to intolerance?
8. **The defenders** – How do we protect the values and praxis of tolerance, debates and dissent in contexts where these are belittled, denounced and targeted? How do we protect most effectively the multitude of actors who are taking risks to defend these values? Can we reconcile the call for combating intolerance with an apparent determination in many countries to shrink civil society space? If not, how do we confront the latter effectively and strengthen the former?
9. **Lastly, what price are we prepared to pay for failing to consider these questions?**

Dr. Agnes Callamard, Director of Columbia Global Freedom of Expression at Columbia University, and former Executive Director of Article 19, considers the rise of populism, extreme right-wing politics, and the political mainstreaming of religious intolerance and 'incitement speech,' what it means for freedom of expression, and how the international community should frame its response.

[1] Resolution 16/18 on Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, 12 April 2011 (link (http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/16/18)).

[2]Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence; Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR, in 2011, and adopted by experts in Rabat, Morocco on 5 October 2012 (link (http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf)).

HUMAN RIGHTS COUNCIL (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/TAG/HUMAN-RIGHTS-COUNCIL/)

RESOLUTION 16/18 (HTTP://WWW.UNIVERSAL-RIGHTS.ORG/TAG/RESOLUTION-1618/)

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