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## **UN weakness on religious freedom undercuts its authority on human rights**

World Watch Monitor (09.05.2018) - <https://bit.ly/2rELqmc> - The UN cannot strengthen, promote and protect human rights if it does not prioritise religious freedom, a report published by the Washington-based human rights alliance, ADF International has argued. The 73-page report, titled "[Anti-Conversion Laws and the International Response](#)", claims that "some UN entities, especially special rapporteurs, have highlighted the problems with anti-conversion laws, but other (UN) entities have failed to condemn them". That particular failure, the report says, is "emblematic of the UN's overall failure to protect religious freedom".

ADF, an international alliance of human-rights groups with a focus on religious freedom, also accused the UN of turning a blind eye to laws that "usually give licence" to extremists to persecute minority religious groups.

### ***'Licence to persecute'***

In South and Southeast Asia, an increase in nationalism was one of the main contributors to the growing popularity of anti-conversion laws, according to ADF. Nationalist forces regard conversion from the predominant religion — Islam in Pakistan, and Hindu in India, for example — as a threat to national unity and security.

"To stem this perceived threat, countries ... have passed laws banning conversion from one religion to another in vague circumstances such as under 'inducement' and in 'fraudulent circumstances'", the ADF report said. "The mere existence of an anti-conversion law in a state or country usually gives licence to nationalist religious extremists to persecute members of minority religions".

The report noted that in two member states on the UN's main human rights body, the Human Rights Council, anti-conversion laws were in force.

The report continued: "It is unrealistic to expect Council resolutions specifically to address anti-conversion, blasphemy, apostasy, or other similar laws so long as many of its Member States refuse to abolish these laws from their own legislative systems and attempt to prevent other States on the Council from voting for strong religious freedom protections."

[Anti-conversion laws](#) have been passed in India, Nepal, Myanmar, Bhutan, Sri Lanka and Pakistan. Nepal and Pakistan are members of the Human Rights Council (UNHRC).

Human rights groups [called the election of Pakistan on the HRC](#) in October last year a "crisis in the UN and its intergovernmental system".

### ***Return to fundamental rights***

It recommended that the UN should use its peer review mechanism, the Universal Periodic Review, to “emphatically urge countries with anti-conversion laws to amend or repeal them”, and said the global body needs to return to its core focus on fundamental rights instead of “pestering states to accept controversial new rights”.

“The UN and its mechanisms have lost legitimacy in the eyes of many Member States because of their increasing demand on States to guarantee non-core ‘rights’ derived from international human rights treaties,” the report stated. “There is much disagreement among States as to whether these rights – identified by UN bodies and not by universal Member State consensus – exist, causing many States to ignore their recommendations.”

The report also criticised the way resolutions in the UNHRC are used by particular countries that have anti-conversion laws in place. “The most recent resolution on combating intolerance refers in its preamble to the freedom to choose one’s religion, but does not elaborate on that freedom at any point.

ADF International presented the report on Tuesday (8 May) in Washington at a briefing with the US government’s ambassador-at-large for international *religious freedom*, [Sam Brownback](#).

The thrust of the report [echoed comments](#) made by the chairman of the US’s Commission on International Religious Freedom last week. Speaking in London, Dr. Daniel Mark said that religious freedom was fundamental to improving other human rights as well as democracy.

[India](#), [Nepal](#), [Myanmar](#), [Bhutan](#), [Sri Lanka](#) and [Pakistan](#) also feature high on the [Open Doors 2018 World Watch List](#) of the 50 countries where it is most difficult to live as a Christian.

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## **Netherlands joins UN Security Council to shine light on IS genocide**

World Watch Monitor (11.01.2018) - <http://bit.ly/2r10m0c> - The Netherlands has just joined the UN Security Council as a temporary member for a year. Ten days before, its Foreign Minister, Halbe Zijlstra, published a letter explaining the Dutch government's response on the use by politicians of the term "genocide".

The Dutch Parliament had had several debates on the "genocide" committed by members of the Islamic State group (IS), and came to a consensus that it was not for politicians but for the international judicial system to make such a determination.

The Dutch government's response - the main points of which can be viewed at the bottom of the article - followed a joint legal opinion from the Advisory Committee on International Law Issues (CAVV) and the External Adjudication Adviser (EVA), which it had requested at the end of 2016.

"The Dutch government must be commended for its work on this topic. Hopefully those promises are translated into action and will be visible over the next year."

The Dutch government supported this legal opinion, and confirmed its reluctance to use the word "genocide" where such a determination had not been previously made by an international court or UN body.

However, concerning the atrocities perpetrated by IS against Christians and Yazidis, the Dutch government confirmed that it "is the opinion that sufficient facts have been established to judge that [IS] is most likely guilty of genocide and crimes against humanity". It added that the obligations under the 1948 UN Convention on Prevention and Punishment of the Crime of Genocide apply to IS's atrocities.

This declaration is late, in comparison with other actors. The opinion published by the Dutch government, relying on the joint legal opinion of CAVV and EVA, clarifies the approach to be taken by government and parliamentary officials concerning mass atrocities that may amount to genocide.

Additionally, the Dutch government indicated in its letter the possible direction of work, including: referral of the situation in Syria to the ICC; supporting the work of the International, Impartial and Independent Mechanism, a new mechanism established by the UN General Assembly resolution to collect evidence of atrocities in Syria; and assisting the Investigative Team, a new mechanism established by the UN Security Council to collect evidence of IS atrocities in Iraq.

The Dutch government mentioned that it would further advocate focussing on atrocities perpetrated by other actors in addition to IS. Concerning Iraq, this position has been abandoned by other states for the sake of achieving consensus on the issue of IS.

But the Dutch government emphasised that the atrocities perpetrated by other parties must not be neglected and forgotten.

### ***Analysis by Ewelina Ochab\****

The Dutch government must be commended for its work on this topic. Hopefully those promises are translated into action and will be visible over the next year.

It should also be emphasised that apart from the commendable joint opinion of the CAVV and EVA, the Dutch government has had great assistance on the topic from MP Pieter Omtzigt, who represents the Netherlands at the Parliamentary Assembly of the Council of Europe and became a rapporteur on bringing IS to justice in late 2016.

His mandate included preparing a report outlining the options to bring IS to justice, and a resolution proposing recommendations to member states to the Council of Europe. The report and the resolution were adopted by the EU in late 2017.

Omtzigt will continue to hold his mandate for another year to follow up on the recommendations made in the EU resolution, as he looks to ensure the Dutch government makes a firm stance at the UN Security Council.

He has said he wants to ensure IS militants are prosecuted for their involvement and complicity through an international or hybrid tribunal (a domestic court with significant support of international expert and judges).

The UK recently claimed that it was not "crucial" to make such a determination of genocide, and that it has fulfilled its international obligations by working with the Iraqi government on UN Security Council Resolution 2379, establishing the Investigative Team to collect the evidence of IS atrocities in Iraq, and has been providing humanitarian assistance. However, there is more to the story.

Indeed, the determination of genocide should not be crucial to trigger the obligations under the 1948 UN Convention on Prevention and Punishment of the Crime of Genocide; historically, however, this has been done first after the use of the word "genocide".

The UK was the leading force behind the UN Security Council Resolution 2379 that passed successfully on 21 September 2017. However, the resolution proposes that Iraqi courts will deal with prosecutions of the perpetrators. The question is whether Iraqi courts can do so.

British peer David Alton questioned the UK government on what checks it had done before proposing, by way of Resolution 2379, Iraqi courts prosecute IS militants. The UK government responded that it was currently considering the issue, namely after the resolution was adopted and not in preparation of the resolution, to allow it to propose the best solution for bringing IS to justice.

If, in fact, Iraqi courts do not have the capacity, it means that an international or a hybrid tribunal will need to be established, as proposed by Omtzigt. Furthermore, the UK has failed to prosecute returning IS fighters. According to the information submitted by the UK to the Council of Europe, as of early 2017 only 101 individuals connected with IS atrocities have been convicted, which may be just the tip of the iceberg, considering that 425 are said to have returned to the UK.

The UK has been actively supporting the work of the Global Coalition against IS, a coalition of 74 countries with the aim to tackle IS on all fronts. However, at the same time, the assistance provided to the victims of the IS genocide is concerning. The UK government confirmed that it is funding 171 projects in the Christian areas affected by IS atrocities and 80 projects in the Yazidi areas. While this may sound reassuring, the extent, impact, and benefit of these projects is unclear. I attempted to obtain this information by way of Freedom of Information request but have not received word back yet.

However, as indicated in the letter from the Dutch government, the determination of genocide is a vital step towards the fulfilment of the obligations to prevent and punish.

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