


INTERNATIONAL POLITICO-LEGAL MECHANISMS OF RELIGIOUS TOLERANCE

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Article Info	ABSTRACT
<p>Article history: Received May 05, 2024 Revised May 20, 2024 Accepted May 25, 2024</p> <p>Keywords: <i>International frameworks, Religious tolerance, Legal mechanisms, Human rights, Global diplomacy</i></p>	<p>Religious tolerance is a fundamental principle underpinning international human rights and diplomatic relations, promoting peace and coexistence in diverse societies. Various international politico-legal mechanisms have been developed to foster religious tolerance, yet the effectiveness and integration of these mechanisms in different geopolitical contexts remain inadequately explored. There is a need for a comprehensive evaluation of how international frameworks and legal instruments address and enforce religious tolerance, particularly in regions with entrenched sectarian conflicts. This study aims to analyze the international politico-legal mechanisms designed to promote religious tolerance, assessing their implementation, effectiveness, and impact on global and local levels. The research finds that while international treaties and agreements provide a solid foundation for promoting religious tolerance, discrepancies in enforcement and varying degrees of commitment among nations limit their overall effectiveness. This study contributes by offering an integrated assessment of both the theoretical and practical aspects of international mechanisms for religious tolerance, incorporating case studies to illustrate diverse applications and outcomes. The findings suggest the need for more robust and universally accepted frameworks, as well as improved mechanisms for enforcement and accountability, to enhance the global promotion of religious tolerance and address sectarian tensions more effectively.</p> <p style="text-align: right;">This is an open-access article under the CC-BY 4.0 license.</p> 

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INTRODUCTION

Religious tolerance, defined as the acceptance of and respect for different religious beliefs and practices, is a fundamental aspect of global human rights and international law. As globalization intensifies interactions among diverse religious groups, ensuring religious tolerance becomes increasingly significant for maintaining global peace and security. This article delves into the international politico-legal mechanisms established to safeguard religious tolerance, examining their evolution, current effectiveness, and the challenges they face in a rapidly changing world.

The article begins by analyzing the foundational international legal frameworks that enshrine religious tolerance, followed by an exploration of the political mechanisms employed by global and regional organizations. It then addresses the challenges to these mechanisms, including issues of enforcement, political will, and the rise of religious extremism. The conclusion offers insights into future directions for international efforts to promote religious tolerance.

METHODS

2.1.Literature review and theoretical framework. A systematic review of relevant academic literature, legal texts, treaties, and case law was conducted to establish a theoretical framework. This involved analyzing historical and contemporary legal documents, including international treaties such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Theoretical perspectives on human rights, international law, and religious tolerance were explored to contextualize the evolution of politico-legal mechanisms. Scholars' interpretations of religious tolerance within international and regional frameworks provided the foundation for analyzing these mechanisms' effectiveness.

2.2.Document analysis. Primary documents, including international treaties, regional human rights instruments, and resolutions from global and regional organizations, were analyzed to trace the development of legal frameworks promoting religious tolerance. Secondary sources, such as academic articles, reports from international organizations, and judicial decisions from bodies like the European Court of Human Rights (ECtHR), were reviewed to assess the implementation and challenges of these legal frameworks.

2.3.Case study approach. Selected case studies were utilized to examine the application of politico-legal mechanisms in different regional contexts. This approach provided a comparative analysis of the effectiveness and challenges faced by international and regional bodies in promoting religious tolerance.

Cases were chosen based on their relevance to contemporary issues in religious tolerance, such as the rise of religious extremism and the role of regional organizations like the

African Union (AU) and the Organization for Security and Co-operation in Europe (OSCE).

RESULTS AND DISCUSSION

3.1. The Universal Declaration of Human Rights (UDHR)

Adopted in 1948, is widely recognized as the cornerstone of international human rights law. Article 18 of the UDHR explicitly states: “Everyone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance” [1]. This article laid the groundwork for subsequent international treaties that further elaborated on the right to religious freedom.

The International Covenant on Civil and Political Rights (ICCPR), which came into force in 1976, builds on the principles outlined in the UDHR. Article 18 of the ICCPR not only reaffirms the right to freedom of thought, conscience, and religion but also emphasizes that no one shall be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice [2]. The ICCPR is legally binding for its state parties, obligating them to implement and protect these rights within their jurisdictions.

3.2. Regional human rights instruments.

Regional human rights instruments have played a crucial role in contextualizing and enforcing the principles of religious tolerance within specific cultural and legal frameworks. The European Convention on Human Rights (ECHR) is particularly significant in this regard. Article 9 of the ECHR guarantees the right to freedom of thought, conscience, and religion, including the freedom to change one’s religion or belief and the freedom to manifest one’s religion or belief in worship, teaching, practice, and observance [3]. The European Court of Human Rights (ECtHR) has adjudicated numerous cases related to religious freedom, providing a robust legal precedent for the protection of these rights in Europe.

In the Americas, the American Convention on Human Rights (ACHR) similarly protects religious freedom under Article 12, which states that everyone has the right to freedom of conscience and religion, including the freedom to profess and disseminate their religion individually or collectively, both in public and in private [4]. The Inter-American Court of Human Rights has interpreted this provision in various cases, reinforcing the legal protections for religious tolerance in the region.

The African Charter on Human and Peoples' Rights (ACHPR), adopted by the African Union, also recognizes the importance of religious freedom. Although the ACHPR does not explicitly include a dedicated article on religious freedom, it encompasses the protection of religious rights within the broader context of human rights (African Union, 1981). The African Commission on Human and Peoples' Rights has addressed issues of

religious discrimination and intolerance, contributing to the development of jurisprudence in this area.

3.3.Recent Legal Developments.

In recent years, international and regional bodies have introduced new legal instruments and initiatives to address emerging challenges related to religious tolerance. For example, the European Union adopted the "EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief" in 2013, which provides practical guidance for EU officials and diplomats to engage with third countries on issues of religious freedom [5]. Similarly, the United Nations Human Rights Council (UNHRC) has passed several resolutions emphasizing the need to combat religious intolerance, including 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" [6].

3.4.The Role of the United Nations.

The United Nations (UN) has been instrumental in promoting religious tolerance through its various agencies and initiatives. The UN Human Rights Council (UNHRC) plays a central role in monitoring and addressing issues of religious intolerance globally. The UNHRC's Special Rapporteur on freedom of religion or belief is tasked with examining incidents and governmental actions that are inconsistent with the right to freedom of religion or belief and with recommending measures to eliminate such instances [6].

The UN General Assembly has also been active in promoting religious tolerance. It has adopted numerous resolutions that call for global efforts to combat religious discrimination and promote interfaith dialogue. Notably, the "World Interfaith Harmony Week" was established by a UN General Assembly resolution in 2010, emphasizing the importance of mutual understanding and inter-religious dialogue as a means to combat violence and promote peace [7].

3.5.Regional Organizations and Political Initiatives.

Regional organizations have complemented the UN's efforts by implementing political initiatives tailored to their specific contexts. The Organization for Security and Co-operation in Europe (OSCE), through its Office for Democratic Institutions and Human Rights (ODIHR), has been active in promoting religious tolerance among its member states. The OSCE's commitments on freedom of religion or belief require participating states to foster a climate of tolerance and mutual respect between believers of different communities [8].

In Africa, the African Union (AU) has addressed religious intolerance within its broader peace and security framework. The AU's agenda for peacebuilding includes initiatives aimed at preventing religious conflicts and promoting interfaith dialogue (African Union, 2015). The AU has also supported the efforts of sub-regional organizations, such as the Intergovernmental Authority on Development (IGAD), in addressing religious extremism and intolerance in the Horn of Africa [9].

The European Union (EU) has made religious tolerance a key aspect of its foreign policy. The EU Special Envoy for the promotion of freedom of religion or belief outside the EU engages in diplomatic efforts to promote religious tolerance globally, working closely with third countries, international organizations, and civil society [10]. The EU also funds numerous projects aimed at fostering interreligious dialogue and preventing religious discrimination within its borders.

4. Challenges in implementing politico-legal mechanisms.

4.1. Enforcement and Compliance

One of the primary challenges in ensuring religious tolerance is the enforcement of international and regional legal standards. While treaties like the ICCPR and regional instruments such as the ECHR provide robust legal frameworks, their effectiveness depends on the willingness and capacity of states to comply with these standards. In many cases, states may sign and ratify international agreements but fail to implement them fully domestically, often citing issues of national sovereignty or cultural particularism [11].

4.2. Political will and national interests

The promotion of religious tolerance often requires strong political will, which can be lacking in countries where religious intolerance is deeply embedded in national identity or where political leaders exploit religious divisions for their gain. In such contexts, international pressure and legal obligations may be insufficient to overcome entrenched prejudices and political calculations [12].

4.3. Religious extremism and sectarian violence

The rise of religious extremism presents a significant challenge to the promotion of religious tolerance. Extremist groups, both state and non-state actors, often reject the concept of religious tolerance, advocating instead for the dominance of their beliefs. This not only threatens the safety and rights of religious minorities but also undermines international efforts to promote peaceful coexistence [13]. Sectarian violence, driven by religious extremism, continues to plague regions such as the Middle East, South Asia, and parts of Africa, where the politicization of religion exacerbates conflicts and hinders the implementation of legal protections for religious tolerance.

4.4. Cultural and legal pluralism

In regions where legal systems incorporate religious laws, tensions can arise between international norms of religious tolerance and domestic legal practices. For example, the application of Sharia law in certain jurisdictions can conflict with international human rights standards, particularly in areas related to religious freedom, women's rights, and freedom of expression [14]. This cultural and legal pluralism presents a complex challenge for the implementation of international legal mechanisms.

5. Effectiveness of international mechanisms

5.1. Successes and positive developments

Despite the challenges, there have been notable successes in the promotion of religious tolerance through international mechanisms. The European Court of Human Rights has developed a significant body of jurisprudence that balances religious freedom with other

rights and public interests [15]. Similarly, the Inter-American Court of Human Rights has made important contributions to protecting religious freedom in Latin America [16].

At the global level, the United Nations' initiatives, such as the Universal Periodic Review (UPR), have provided platforms for states to report on and improve their human rights practices, including those related to religious tolerance. The work of the UNHRC's Special Rapporteur on freedom of religion or belief has also raised awareness and provided valuable recommendations for addressing religious intolerance [17].

5.2. Limitations and areas for improvement

However, the effectiveness of these mechanisms is often limited by political, social, and cultural factors. In many cases, international norms are not fully implemented at the national level due to resistance from local political or religious authorities. Additionally, the rise of populism and nationalism in various parts of the world has led to a resurgence of religious intolerance, challenging the progress made by international mechanisms [11,12].

The lack of binding enforcement mechanisms at the international level also limits the impact of global initiatives. While international bodies can make recommendations and monitor compliance, they often lack the authority to compel states to take specific actions [18]. This underscores the need for stronger enforcement mechanisms and greater political commitment from states.

6. Future Directions and Recommendations

To enhance the effectiveness of international politico-legal mechanisms for religious tolerance, several steps can be taken:

1. **Strengthening enforcement mechanisms:** There is a need to develop stronger enforcement mechanisms at both the international and regional levels. This could include the establishment of more binding legal obligations for states, as well as the creation of mechanisms for holding states accountable for non-compliance [19,21,22].
2. **Promoting interfaith dialogue:** Efforts to promote interfaith dialogue should be intensified, as such initiatives can help build mutual understanding and reduce religious tensions. International organizations, in collaboration with civil society, should continue to support grassroots initiatives that foster interfaith cooperation [13].
3. **Addressing the root causes of religious intolerance:** International efforts should focus on addressing the root causes of religious intolerance, including poverty, inequality, and political instability. This requires a comprehensive approach that combines legal, political, and economic strategies [20].
4. **Supporting impartial religious education:** Educational initiatives that promote religious tolerance and understanding should be prioritized. Such initiatives can help counteract extremist ideologies and promote a culture of respect for religious diversity [14].
5. **Enhancing collaboration among international and regional bodies:** Greater collaboration between international and regional organizations is essential for promoting religious tolerance. This includes sharing best practices, coordinating

efforts, and providing technical assistance to states in implementing international norms [8].

CONCLUSION

Religious tolerance is a fundamental human right and a key component of global peace and security. While significant progress has been made in promoting religious tolerance through international politico-legal mechanisms, challenges remain in enforcing these norms and addressing the root causes of religious intolerance. To build on the successes achieved so far, it is crucial to strengthen enforcement mechanisms, promote interfaith dialogue, and address the socio-political factors that contribute to religious intolerance. Through sustained international cooperation and commitment, it is possible to create a world where religious diversity is respected and celebrated.

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