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**ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS
AND THE SECRETARY-GENERAL**

**Report of the United Nations High Commissioner for Human Rights
on combating defamation of religions**

The present report provides an overview of activities undertaken by the Office of the High Commissioner for Human Rights and human rights mechanisms in combating defamation of religions.

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I. OVERVIEW

1. In paragraph 13 of its resolution 4/9 of 30 March 2007, entitled “Combating defamation of religions”, the Human Rights Council requested me “to report to the Human Rights Council on the implementation of this resolution at its sixth session”.

2. I have the honour to inform the Council that, in relation to paragraphs 7, 8 and 9 of that resolution, several reports have been submitted. These include my report on incitement to racial and religious hatred and the promotion of tolerance submitted to the Human Rights Council at its second session in March 2006 (A/HRC/2/6) pursuant to its decision 1/107. In this report it is noted that some national jurisprudence appears far richer than the international on the many dimensions of the law and policy on incitement. Courts in many countries have developed very detailed jurisprudence on a number of the key issues and built a large body of cases from which to draw principles and rules of interpretation. The situation is not even, however, and there are many other countries where the law in this area is still fairly rudimentary. The international system could learn much from the relevant national experiences.

3. I also prepared a report on the issue of combating defamation of religions that was submitted to the Human Rights Council at its fourth session in March 2007 (A/HRC/4/50) in accordance with Human Rights Council decision 2/102. In this report, it was concluded that although Member States, the United Nations system and the wider international community, including non-governmental organizations, are continuing to take steps to counter religious intolerance, this phenomenon continues to be a problem. Continuous reports of allegations of incidents involving intolerance and discrimination on the grounds of religion or belief indicate that much more needs to be done. Uniform, consistent application of the law, based on human rights, is essential but not enough. The political will of Member States is paramount to effectively counter this phenomenon. These reports contain information which continues to be relevant.

4. Additionally, the Secretary-General, in accordance with General Assembly resolution 60/150 of 16 December 2005, entitled “Combating defamation of religions”, submitted a report on the implementation of that resolution at the sixty-first session of the Assembly. In this report, also entitled “Combating defamation of religions”, submitted to the General Assembly on 12 September 2006 (A/61/325), the Secretary-General concluded that the steps taken by Member States, the United Nations system and the wider international community to counter religious intolerance, as summarized in the report, are indicative of a will to counter religious intolerance. Continuous reporting on allegations of incidents involving intolerance and discrimination on the grounds of religion or belief, however, indicate that much more needs to be done.

5. I also note that in addition, a comprehensive report of the Secretary-General on combating defamation of religions will be submitted to the General Assembly at its sixty-second session, pursuant to Assembly resolution 61/164 of 19 December 2006.

6. My office also provides technical and substantive support to intergovernmental and treaty bodies as well as special procedures addressing the issues of racial discrimination and freedom of religion or belief.

II. ACTIVITIES UNDERTAKEN BY HUMAN RIGHTS MECHANISMS

A. Special procedures of the Human Rights Council

7. Since March 2007, several special procedures mandate-holders have engaged in the debate surrounding defamation of religions, dialogue amongst civilizations as well as ethnic and religious profiling in a variety of contexts. They have participated in seminars and debates, they have contributed to initiatives examining these issues, and they have undertaken thematic analyses of these topics during their country missions and in their most recent reports.

8. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance will present a report on “Manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights” to the sixth session of the Human Rights Council (A/HRC/6/6). In this report, the Special Rapporteur analyses the underlying context of “defamation of religions”, new expressions of defamation - including attacks against religious symbols - particularly in the aftermath of the attacks of 11 September 2001. He suggests that one should not establish a hierarchy and prioritization among different forms of defamation but rather focus on the universality of strategies to overcome this problem. The Special Rapporteur argues that ultimately, efforts to fight defamation have to be based on basic strategies to promote tolerance and intercultural dialogue that lead to an acceptance of multiculturalism.

9. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance participated in a panel discussion on the “analysis of racial profiling” that took place during the sixth session of the Working Group of Experts on People of African Descent. He highlighted the importance of approaching racial, ethnic and religious profiling from a universalistic perspective, while also taking into account the new nature of profiling in the aftermath of the 9/11 attacks, with a superimposition of ethnic and religious identities.

10. From 4 to 5 June 2007, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also participated in the “Global Inter-Media Dialogue” in Oslo, a joint initiative organized annually by the Governments of Indonesia and Norway as a response to the controversies concerning the issue of the cartoons of Prophet Muhammad that appeared in a Danish newspaper. In his intervention, the Special Rapporteur recommended a more profound discussion on the multicultural dynamics of the European societies. He also highlighted the importance to place the resurgence of violent manifestations of racism and xenophobia in the context of the trivialization and political instrumentalization of racism.

11. From 7 to 8 June 2007, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also participated in a seminar organized by the Organization for Security and Co-operation in Europe (OSCE) in Bucharest on “Combating discrimination and promoting mutual respect and understanding”. The Special Rapporteur raised the issue of the resurgence of Christianophobia, mentioning various cases of discrimination against Christian communities in various regions of the world.

12. Pursuant to Human Rights Council resolution 4/10, the Special Rapporteur on freedom of religion or belief will present a report to the sixth session of the Human Rights Council, in which she gives an overview of the mandate's issues of concern according to the categories of her framework for communications. One of these subcategories deals with "Freedom of expression, including questions related to religious conflicts, religious intolerance and extremism". The report (see A/HRC/6/7, paras. 38-39) refers both to the joint thematic report on incitement to racial and religious hatred and the promotion of tolerance (A/HRC/2/3) and to the joint press release of 8 February 2006 where three mandate-holders called for tolerance and dialogue in the wake of the controversy over representations of the Prophet Muhammad.

13. On 28 April 2007, the Special Rapporteur on freedom of opinion and expression delivered a speech at a conference on "The role of media in the development of tolerance and mutual understanding" which was organized by the Organization of the Islamic Conference (OIC) in Baku, Azerbaijan. The Special Rapporteur emphasized that the interpretation of principles related to freedom of expression may extensively vary, in particular when it comes to the definition of opinion-related offences. Furthermore, efforts to consolidate social and cultural balances, within a harmonious, multicultural society might be jeopardized by the use of stereotypes, labelling and insulting ethnic, social and religious groups, in a context of polarization of opinions, often based on distorted arguments and narrow-mindedness. Since all human rights are universal, interdependent and interrelated, freedom of religion and freedom of expression walk together. There will be no freedom of expression without freedom of religion, and vice versa, because creeds and beliefs are an essential, deep-rooted component of the life of billions of people. The Special Rapporteur concluded that legislation merely defining new restrictions and limitations to the enjoyment of the right to freedom of religion and freedom of expression may jeopardize the ability in finding a common ground on which even heated debates can turn into a useful dialogue.

14. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has recently analysed the issue of "profiling" in the context of countering terrorism. In his last report to the Human Rights Council (A/HRC/4/26, paras. 32-62 and 83-89), the Special Rapporteur provided an overview of the different contexts in which law-enforcement agencies have employed terrorist-profiling practices, assessed the compliance of this approach with human rights standards and set out permissible forms of terrorist profiling as well as possible alternatives to the reliance on terrorist profiles.

15. In the press release after his country visit to the United States of America from 16 to 25 May 2007, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism welcomed as an element of best practice the statement of the Secretary of Homeland Security that the application of law and practice by his Department is not to involve racial or religious profiling. The Special Rapporteur, nevertheless, noted claims that country of origin has been, or may be, used as a proxy for such profiling. In his opinion it is a significant problem in certain regions of the world that the religious status of persons is wrongly confused with the identification of such persons as potential terrorists. This worrisome pattern must be reversed, and the Special Rapporteur recommended that all States must ensure that they do not act in a manner which might reinforce such a practice.

B. Treaty monitoring bodies

16. In a letter dated 24 July 2007, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reiterated that they would encourage the Human Rights Committee to consider the possibility of adopting complementary standards on the interrelations between freedom of expression, freedom of religion and non-discrimination, in particular by drafting a general comment on article 20 of the International Covenant on Civil and Political Rights (A/HRC/2/3, para. 61). In his reply dated 27 July 2007, the Chairperson of the Human Rights Committee indicated that the Committee has taken due note of this recommendation and is particularly interested in drafting a revised general comment on article 20 of the Covenant. Since the Committee has already scheduled the drafting of general comments on other provisions of the Covenant, this recommendation will be examined by the Committee as soon as possible.

17. On 6 August 2007, the Committee on the Elimination of Racial Discrimination held an exchange of views with the Special Rapporteur on freedom of religion or belief. The Special Rapporteur encouraged the Committee to continue addressing cases of “intersectionality”, i.e. of “aggravated discrimination” on one of the grounds referred to in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination (race, colour, descent, national or ethnic origin) and religious grounds. While acknowledging the commonalities, the Special Rapporteur also stressed the subtle differences between discrimination on the basis of race and that on the basis of religion. The Committee decided that its next thematic debate, which was scheduled for August 2008, would be on the theme of double-discrimination based on race and religion.

III. CONCLUSION

18. Some of the underlying causes of religious discrimination are ignorance and lack of respect for diversity, which may easily erupt into ethnic and religious hatred. The recommendations by the various Special Rapporteurs should be implemented as a step towards combating defamation of religions. Enhanced cooperation and stronger political will by Member States are essential for combating defamation of religions.
