



General Assembly

Distr.
GENERAL

A/HRC/6/SR.3
25 September 2007

Original: ENGLISH

HUMAN RIGHTS COUNCIL

Sixth session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 September 2007, at 10 a.m.

President: Mr. COSTEA (Romania)

later: Mr. ARTUCIO RODRÍGUEZ (Uruguay)
(Vice-President)

later: Mr. COSTEA (Romania)

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DEVELOPMENT

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GE.07-14096 (E) 250907

The meeting was called to order at 10.15 a.m.

ORGANIZATIONAL AND PROCEDURAL MATTERS (agenda item 1) (continued)
(A/HRC/6/1 and Add.1)

1. The PRESIDENT drew Council's attention to item 2 of the annotated agenda (A/HRC/6/Add.1) and said that the annual report of the United Nations High Commissioner for Human Rights would be presented at the Council's March 2008 session. The other reports mentioned under that item would be considered under items 3 and 9 of the agenda (A/HRC/6/1).
2. The latest version of the draft programme of work had been circulated the previous day. At the request of many delegations, there would be a general debate under each agenda item, either following the interactive dialogue or at the next available opportunity.
3. The discussion on the gender perspective in the work of the Human Rights Council would be held on the afternoon of 20 September 2007 and would take the form of a panel presentation and dialogue.
4. It had not yet been possible to finalize the annual calendar of work owing to certain concerns relating to the timing of the first meeting of the Working Group on the universal periodic review.
5. Mr. FERNÁNDEZ PALACIOS (Cuba), speaking on behalf of the Movement of Non-Aligned Countries, said that the main priority for the Council's sixth session should be completion of the institution-building process and continuation of the process of review, rationalization and improvement of mandates. Members of the Movement of Non-Aligned Countries had been actively participating in consultations on both those subjects and looked forward to reaching an agreed solution. However, the establishment of technical and objective requirements for members of the Advisory Committee and mandate-holders must not hamper member States' right to put forward candidates of their choice. That was particularly the case for developing countries, where such high qualifications might be harder to find. None of the requirements established should be interpreted as obligatory, mandatory or in any way exclusionist.
6. It was vital that the Council should agree on a structured and balanced programme of work for the coming year in order to ensure predictability and transparency and to enable all delegations to prepare for the months ahead. The Movement of Non-Aligned Countries stressed the integrality of the agenda, the need to clearly define the timing for the consideration of all items and the right of member States to decide on the appropriate moment to present initiatives or take up specific issues of interest or concern.
7. States scheduled for review under the universal periodic review mechanism in 2008 must be given sufficient time to prepare. It would be more feasible for the first round of the universal periodic review to begin after the Council's session in March 2008.
8. The Movement of Non-Aligned Countries was closely following developments in the relationship between the Council and the Third Committee of the General Assembly, and hoped that the institution-building package agreed in June 2007 would be preserved in its entirety.

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT (agenda item 3) (A/HRC/4/8; A/HRC/6/5)

Report of the Special Rapporteur on freedom of religion or belief

9. Ms. JAHANGIR (Special Rapporteur on freedom of religion or belief), introducing her report (A/HRC/6/5), said that there were two main strands to her mandate, each of which must be given equal attention. The freedom to pursue one's religion or belief must be protected and respected; and the rights of individuals must be protected from violation on grounds of religion or belief.

10. Freedom of religion or belief was a multifaceted human right. The effective protection and promotion of that right posed serious challenges to all States, and the prevention of intolerance and discrimination required creative initiatives from all actors. The role of Governments in addressing the delicate issues involved should be to make wise and balanced decisions and enact non-discriminatory legislation. States should provide adequate protection for victims and effective remedies in cases where the right to freedom of religion or belief was violated. An independent and non-arbitrary judiciary was a prerequisite for safeguarding that right.

11. Protection needed to be complemented by prevention. Proactive strategies could include early identification of potential conflict between communities of religion or belief, and appropriate action based on an analysis of the religious demography and existing problems. While States needed to review policies and administrative approaches involving freedom of religion or belief, they should be cautious when introducing specific legislation, since compulsory overregulation could be counterproductive.

12. The quality of education and learning materials was crucial for ensuring respect for pluralism and diversity. She was working with a regional organization to develop guiding principles on teaching about religions and beliefs in public schools. The media, museums and libraries could play a role by providing relevant knowledge on religions and beliefs. Unfortunately, she had found evidence of the propagation of discriminatory stereotypes of religions and beliefs, a practice that contravened article 20 of the International Covenant on Civil and Political Rights. In that context, she and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had encouraged the Human Rights Committee to adopt complementary standards on the interrelations between freedom of expression, freedom of religion and non-discrimination. The Human Rights Committee had indicated that it would consider the possibility of revising its general comment on article 20 of the Covenant.

13. Inter-religious and intra-religious dialogue should be encouraged. The dialogue could include exchanges of views with believers who were dispassionate about their faith, as well as with atheistic and non-theistic believers. Such a dialogue would also benefit greatly from the perspectives of women and young people.

Report of the independent expert on human rights and international solidarity

14. Mr. RIZKI (Independent expert on human rights and international solidarity), introducing his report (A/HRC/4/8), said that the definition of international or, more appropriately, global solidarity was the union of interests or purposes among countries of the world and social cohesion between them, in order to preserve the order and survival of international society and achieve collective goals. Global solidarity encompassed the relationship of solidarity between States and other actors, such as international organizations and civil society.

15. The first area of focus identified in his report was international cooperation, which was essential for the realization of the right to development and to equality in development. The benefits and burdens of globalization were not evenly distributed. International cooperation could ensure that globalization was made fully inclusive and equitable, and could help achieve sustained growth in order to ensure that people in all developing countries benefited from globalization. In his report, he suggested a number of practical steps to that end, including endorsement of regional initiatives for monitoring the realization of human rights, particularly the right to development.

16. The second area of focus was the global response to natural disasters, diseases and agricultural pests. The increased impact of natural disasters in recent years had created a growing recognition of international solidarity and sustainable development and of the efforts needed to prevent such disasters and reduce their effects. His suggestions included providing assistance and cooperation in developing and implementing measures for disaster relief and emergency response, through an exchange of information and technology.

17. The third area of focus was what were referred to as “third-generation rights”. Such rights included the right to development. More broadly, third-generation rights could be seen as rights of solidarity.

18. The proper exercise of his mandate would continue to require the full cooperation of member States, other human rights mechanisms, international and non-governmental organizations (NGOs) and support from the Office of the United Nations High Commissioner for Human Rights (OHCHR).

Interactive dialogue on the reports of the special procedures

19. Mr. SINGH (India) said the report of the Special Rapporteur on freedom of religion or belief would constitute an important point of reference for the Council’s future deliberations. He agreed with the Special Rapporteur that, despite wide recognition of the right to freedom of religion or belief, implementation was not yet a reality in many parts of the world. He also shared her view that it was the State’s responsibility to provide constitutional and legislative systems that effectively guaranteed freedom of thought, conscience, religion and belief to all without distinction. The intersection of the right to freedom of religion or belief with other human rights required detailed analysis in order to enable States to address such contemporary issues as religious intolerance and incitement to religious hatred.

20. Mr. ESTEVES (Portugal), speaking on behalf of the European Union, said that the report of the Special Rapporteur on freedom of religion or belief identified a number of particularly vulnerable groups and called on States to ensure the provision of effective guarantees of freedom of thought, conscience, religion and belief. He would like to know what measures should be promoted in order to ensure that the rights of such groups were fully protected.

21. He wondered what the Council could do to protect persons who found themselves the target of repercussions for having cooperated with the Special Rapporteur and with other representatives of United Nations human rights bodies, how the Council could prevent further incidents of that kind.

22. The European Union was particularly concerned about the rights of minorities that faced discrimination and persecution in a number of countries. The report indicated that States had an obligation to ensure that the persons in their territory and under their jurisdiction, including members of religious minorities, could practise the religion or belief of their choice free of coercion and fear, and he would welcome the Special Rapporteur's views on how States might best honour those obligations.

23. Ms. RONDEUX (Belgium) said that her delegation's questions complemented those asked by the representative of Portugal on behalf of the European Union. The Special Rapporteur had rightly underlined the need to encourage dispassionate contacts between believers and non-believers. She wished to know what the best means of achieving that goal were and what measures States should take to encourage dialogue.

24. The Special Rapporteur should expand on her statement that "States should be cautious when introducing specific legislation, since overregulation could be counterproductive", and should provide a few concrete examples.

25. Mr. VON KAUFMANN (Canada) asked the Special Rapporteur to describe the challenges and obstacles she faced in fulfilling her mandate and possible ways of addressing them. He agreed that further efforts were needed at the international and national levels to eliminate intolerance and discrimination based on religion or belief, and he wondered how the international community could help the Special Rapporteur fulfil her mandate. Canada encouraged the Special Rapporteur in her efforts to examine incidents and government action that were incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

26. Mr. GARCIA II (Philippines) agreed with the Special Rapporteur that education served as an essential tool in promoting peace, understanding and tolerance in society and that inter-religious and intra-religious dialogue was vital for the prevention of conflict. In order to be effective, such dialogue should occur at the grassroots, national, regional and international levels. The Philippines had incorporated interfaith dialogue at all those levels as part of its official policy, and it was a core aspect of its peace initiatives. His country advocated the inclusion of more women and young people in interfaith activities. He would like to hear the Special Rapporteur's views on the idea of launching an initiative for interfaith dialogue in the Human Rights Council and how such an initiative could be presented from a human rights perspective.

27. The Philippines shared the Special Rapporteur's concern about vulnerable groups, especially migrant workers, and urged that their right to freedom of religion or belief, including the right to manifest their belief, should be respected and protected by all States.

28. Mr. APITONIAN (Observer for Armenia) said that the notion that all representatives of a particular religious group could be associated with the actions of a particular State or terrorist group was extremely alarming. In an era of globalization and unprecedented interchange of views and ideas, people's views on freedom of religion were becoming increasingly polarized. That was a disturbing development. What was even more alarming was that religion could be abused for narrow political reasons. Armenia welcomed the Special Rapporteur's observations on the protection of religious sites and places of worship, particularly on the role of the State in such efforts. He endorsed her view that attacks or other forms of restriction on places of worship or other religious sites and shrines in many cases violated the rights not only of a single individual but also the rights of a group of individuals forming the community attached to the place in question.

29. Mr. O'BRIEN (Observer for Australia) said that ongoing dialogue between people holding different beliefs was critical to furthering understanding between faiths. Australia was committed to fostering mutual respect, understanding and tolerance among the different religions and cultures in its region. Together with Indonesia, New Zealand and the Philippines, Australia had sponsored the Third Asia-Pacific Regional Interfaith Dialogue, held in Waitangi, New Zealand, in May 2007. Participants had been drawn from the major faith groups of the four sponsoring countries. The Dialogue had resulted in the Waitangi Declaration and Plan of Action, covering partnership-building, education and the media.

30. Together with the European Union, Australia would host a youth interfaith forum in Australia in November 2007. The event would provide a valuable opportunity to promote understanding and encourage personal links between young leaders of diverse religious communities in South-East Asia, Australia and Europe. His delegation would welcome any comments by the Special Rapporteur on how similar initiatives in other regions might promote the realization of the right to freedom of religion.

31. Mr. GAMALELDIN (Egypt) said that inter- and intra-religious dialogues should go beyond the mere participation of religious leaders and should involve practical activities at the grassroots level. He agreed with the Special Rapporteur that the dissemination of a culture of human rights was a means to promote understanding, tolerance and respect between members of various religious communities.

32. Egypt shared the Special Rapporteur's concern about the particular vulnerability of women, children, migrant workers and refugees in certain countries to racist and xenophobic acts because of their religion and religious symbols and as a result of messages of religious hatred.

33. He disagreed with the Special Rapporteur's statement that missionary activities could not be considered a violation of the freedom of religion and beliefs of others if certain conditions were met. If left unchecked and if not properly regulated, such activities could inflame religious passions and disrupt social peace and public order. In her report, the Special Rapporteur stated that international human rights law permitted the imposition of such limitations on

manifestations of freedom of religion and belief, provided that they were prescribed by law and were necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

34. With regard to the relationship between freedom of expression and freedom of religion or belief, he said that the offensive publication in some countries of portraits of the Prophet Muhammad had revealed the damage that freedom of speech, if left unchecked, could inflict. While he agreed with the Special Rapporteur concerning the importance of freedom of the media, he believed that that freedom should be practised responsibly and that no human right should ever be invoked to negate the enjoyment of another human right. Egypt had taken note of the recommendation made by the Special Rapporteur and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that the Human Rights Committee should consider adopting complementary standards on the interrelations between freedom of expression, freedom of religion and non-discrimination.

35. Speaking on behalf of the Group of African States, he said that, while the report of the independent expert on human rights and international solidarity emphasized the need for the international community to accept international solidarity as the right of peoples, it also revealed that that need was not widely accepted. The Group of African States was alarmed by the statistics confirming that only five countries had met the target of allocating 0.7% per cent of their gross national income for official development assistance (ODA). The role of the international community could not be confined to criticism: the responsibility to protect could not be constantly emphasized while ignoring the imperative responsibility to provide assistance and show solidarity. While fully supporting the recommendations contained in the report, particularly in paragraphs 22 and 46, the Group of African States wished to hear the independent expert's views on ways and means of deepening the concept of international solidarity in United Nations human rights instruments.

36. Mr. MULUGETA ABEBE (Observer for Ethiopia) welcomed the independent expert's recommendation that increased resources should be made available to developing countries to help them meet the Millennium Development Goals. Through its development partners, Ethiopia was undertaking extensive programmes to meet those Goals. He wished to know if the independent expert considered joint investigation by mandate-holders of the relationship between human rights and the Millennium Development Goals relevant and desirable, or whether there should be a separate mandate to consider that relationship. He would welcome suggestions from the independent expert on ways of providing increased resources to developing countries for meeting the Millennium Development Goals.

37. Mr. BUTT (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that, following the terrorist attacks of 11 September 2001, there was a more urgent need to make collective efforts to eliminate intolerance and discrimination based on religion or belief. The Special Rapporteur had pointed out that some religions, such as Islam, had been directly linked to terrorism and that Muslims had been targeted in an unfair and illegal manner. The Special Rapporteur had called for stronger denunciations of violence by religious leaders in order to "de-link" Islam from terrorism. Denunciations of terrorism and extremism had been made by opinion leaders of the Muslim world, but a matching response had not been

forthcoming. Increasing incidents of religious intolerance, coupled with the democratic legitimization of xenophobic tendencies in Western societies, were detrimental to the achievement of religious and cultural harmony.

38. OIC shared the Special Rapporteur's concern about the religious conversion of members of minorities by majority religious groups, attacks on places of worship, unlawful restrictions on the use or display of religious symbols, and the right of parents to ensure the religious and moral education of their children. Under international law and human rights law, States were responsible not only for safeguarding the rights of minorities, including their religious identity, but also for protecting minorities from abuses committed against them by non-State actors.

39. In order to shrug off responsibility, some States had linked freedom of religion with freedom of expression and opinion. Such moves were deplorable. Unrestricted and disrespectful freedom of opinion created hatred and was contrary to the spirit of peaceful dialogue and the promotion of multiculturalism. He strongly supported the recommendation that the Human Rights Committee should consider the possibility of drafting a revised general comment on article 20 of the International Covenant on Civil and Political Rights.

40. Further efforts needed to be made to eliminate intolerance and discrimination based on religion or belief. Human rights education could serve as a valuable tool in that regard. Incitement to racial and religious hatred had huge economic and political costs. The Council should assume responsibility for promoting harmony and take action to avert the worst consequences of racial and religious discrimination.

41. Mr. FLORÊNCIO (Brazil) said that, in Brazil, various religions and beliefs had coexisted for more than five centuries in an atmosphere of harmony and mutual respect. Brazil's society embraced Christian faiths, beliefs of African origin, and creeds emanating from indigenous culture. Brazil was convinced that education could play a constructive role in promoting respect for pluralism and diversity and in avoiding acts of intolerance and discrimination. The Special Rapporteur's remarks on the intersection of freedom of religion and belief with other human rights were extremely significant. Her perceptions regarding the vulnerability of some groups, such as women, persons deprived of their liberty, and children, reflected a constructive approach. The monitoring of mutual respect among religions and of the right of each individual to manifest his or her beliefs freely were essential for the construction of a successful human rights system.

42. Turning to the report on human rights and international solidarity, he said that international solidarity and cooperation were the very basis of Brazil's foreign policy. Brazil's human rights policy had been built on the basic principles and concepts of the universality, indivisibility and interdependence of all rights, cooperation, constructive and transparent dialogue among States, international organizations, NGOs and all other stakeholders, and the refusal to engage in selectivity and to take a politicized approach within the international human rights system. In a world of uncertainties, international cooperation and world solidarity were needed more than ever.

43. Mr. TAVARES (Indonesia) said that freedom of religion or belief had a specific impact on a country's social, cultural and political structure, mainly because it could affect the way the inhabitants of that country interacted in those three very different areas. Perhaps that was why

the Special Rapporteur urged States to put more effort into ensuring a more equitable balance in their legislation on religious adherence. There should also be strategies to ensure the viability of constitutional and legislative measures to guarantee and protect those rights. Indonesia remained committed to interfaith dialogue, which was one of the most critical ways in which knowledge and understanding could be shared. The Special Rapporteur should provide clarification on the impact that defamation of religions had on both freedom of expression and freedom of religion.

44. The independent expert's report on human rights and international solidarity identified three main areas of focus that reflected the ongoing malaise in international cooperation that affected how globalization operated in the contemporary world. He appreciated the concrete examples of what countries could do to meet some of the global economic challenges. The independent expert should explain whether the practical examples contained in paragraph 22 would have sufficient impact to readjust the imbalance noted in his report and to promote a more inclusive society. His delegation hoped that international solidarity would support global humanitarian assistance needs for fighting disease, meeting economic goals and developing agricultural infrastructure, particularly in the least developed countries (LDCs) and developing countries.

45. Ms. FERNÁNDEZ BULNES (Observer for Spain) said that paragraph 18 of the Special Rapporteur's report referred to the Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination, which had been held in Madrid in November 2001. The document outlined a series of steps or initiatives that Governments were encouraged to carry out in order to promote good practices in the area of tolerance. The Special Rapporteur should indicate whether any progress had been made in that field in the six years since those initiatives had been introduced and should give examples of innovative approaches or good practices to promote tolerance.

46. Turning to the report of the independent expert on human rights and international solidarity, she said that Spain attached great importance to international cooperation. It had contributed US\$ 700 million to the United Nations Development Programme in order to promote initiatives aimed at achieving the Millennium Development Goals. The funds would be used in the fields of democratic government, gender equality, the environment and climate change, conflict prevention and consolidation of peace. In paragraph 13 of his report, the independent expert referred to the consolidation of peace as one of the six categories of solidarity rights. Spanish civil society was carrying out initiatives to promote awareness of the right to peace. She would like to hear the independent expert's opinion on the relationship between international solidarity and the legitimate aspiration to live in peace and in an atmosphere free of violence.

47. Mr. AMIRBAYOV (Azerbaijan) said that not much had changed since the Special Rapporteur's last appearance before the Council. The international community continued to witness, perhaps with even greater intensity, instances of religious and cultural prejudice, misunderstanding, intolerance and discrimination on the basis of religion or belief. Azerbaijan was firmly convinced that national authorities should respect the right of religious communities to freedom of religion or belief. In the same manner, religious communities should reject all forms of intolerance, radicalism and extremism. Only through balance and mutual respect would it be possible to strengthen genuine religious harmony in society.

48. The Special Rapporteur referred to cases when members of religious groups tried to convert persons by “unethical” means, such as the promise of material benefit or by taking advantage of their vulnerable situation. While he shared the Special Rapporteur’s view that it was not advisable to criminalize such acts, he believed that the issue could be considered from a broader perspective with particular emphasis on the economic, social and cultural rights of the converted person.

49. Places of worship and other religious sites were increasingly being subjected to attacks and vandalism, particularly in the context of armed conflicts. As the Special Rapporteur had suggested, States should pay increased attention to attacks on places of worship and ensure that all perpetrators of such attacks were properly prosecuted. That was certainly true with regard to States that were temporarily in control of occupied territories. Unfortunately, such calls often went unheeded, and places of worship were misused for illegitimate purposes, leading to their abuse and desecration. He would like to hear the Special Rapporteur’s views on how the Council could address that serious problem.

50. He agreed with the Special Rapporteur that inter-religious and intra-religious dialogue was crucial for the prevention of intolerance and discrimination and for promoting peace and respect for religions and beliefs. The previous year’s controversy around cartoons and its serious consequences must be borne in mind so that such unfortunate incidents did not recur. The minimum prerequisite for harmonious coexistence was that different civilizations and traditions should recognize and respect cultural differences. He was in favour of an approach that preserved and respected differences as enriching elements instead of rejecting them.

51. Mr. LA Yifan (China) said that China supported the Special Rapporteur’s emphasis on the promotion of dialogue among civilizations and religions. The mandate of the independent expert on human rights and international solidarity was entirely in keeping with the Council’s efforts to use international cooperation and dialogue to protect human rights. At the midpoint to the target for realizing the Millennium Development Goals, progress was far from satisfactory, and he requested the independent expert to suggest how they could be achieved on time.

52. Ms. KHVAN (Russian Federation) said that, while the report of the Special Rapporteur on freedom of religion or belief clearly delineated the responsibility of Governments for protecting the rights of minorities, it left open the question of whether non-State actors bore such responsibility, particularly if they exercised de facto control over a given territory or population group. She would be interested in hearing the Special Rapporteur’s views on that subject, which merited further investigation.

53. The report dealt with the important issue of a balance between the exercise of the right to freedom of opinion and the protection of the religious feelings and beliefs of specific individuals and groups. Quite often, calls for tolerance led to the very opposite: defamation of religions, convictions, traditions, moral principles and social customs. She approved the Special Rapporteur’s treatment of acceptable limitations on the right to freedom of religion, and agreed that such limitations must be distinguished from derogations and that the acceptability of limitations must be determined by States themselves in accordance with universal human rights standards. She shared the Special Rapporteur’s opinion that religion and terrorism should not be equated. Very often, extremist groups gave a distorted interpretation of religion and abused

believers' feelings. Certain groups even developed pseudoreligious doctrines that had nothing in common with real religions. She agreed that such abuses of the right to freedom of religion or belief should be severely curtailed.

54. Mr. D'AVINO (Italy) said that dialogue among religions, cultures and civilizations was one of the most important issues for the Council. Italy actively promoted dialogue among religions and cultures and believed that freedom of religion or belief should be considered in an atmosphere of openness and mutual respect. His delegation looked forward to a structured high-level dialogue on the issue beginning with the Council's main session in 2008. Such dialogue would doubtless take advantage of the various initiatives currently under way in different international forums, such as the Alliance of Civilizations, to promote inter-religious dialogue and tolerance. It would be useful to know the Special Rapporteur's views on the role of ongoing international initiatives for the promotion of inter-religious dialogue and tolerance in helping her to fulfil her mandate.

55. Mr. QERIMAJ (Observer for Albania) agreed with the Special Rapporteur on freedom of religion or belief that violations of freedom of thought, conscience, religion or belief continued to provoke conflict and suffering, and that the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief was not being implemented in several parts of the world. His delegation noted with satisfaction the efforts being made by States, the United Nations, regional organizations and NGOs to address that situation. Albania supported the Special Rapporteur's recommendations, particularly those that encouraged further efforts at the national and international levels to eliminate intolerance and discrimination based on religion or belief. In its debate on those issues, the Council should aim to bring peoples, cultures and religions together.

56. Adherence to traditional or new religions had never resulted in discrimination, disagreement or conflict of any kind in Albania. Constitutional and legislative guarantees had been adopted to ensure the protection of religions and religious communities and to prevent all forms of religious discrimination and hate crimes, violence, xenophobia and intolerance based on religion. Efforts were currently under way to introduce new legislation on religions and to establish a cooperation agreement between the Council of Ministers and religious communities, which would facilitate the prevention of acts linked to discrimination based on religious belief. His Government was in favour of extending the Special Rapporteur's mandate.

57. Mr. Artucio Rodríguez (Uruguay), Vice-President, took the Chair.

58. Ms. MERCHANT (Observer for Norway) agreed with the Special Rapporteur on freedom of religion or belief that States had to ensure that their constitutional and legislative systems provided adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction. To that end, States should provide effective remedies in cases of violation of the right to freedom of religion or belief and should devise proactive strategies to prevent such violations.

59. Education was an essential tool for creating a genuine human rights culture and developing respect for pluralism. Inter-religious and intra-religious dialogue was also fundamental in preventing conflicts. Her delegation concurred with the view that respect for the right to freedom

of expression constituted a pillar of democracy and reflected a country's standard of justice and fairness. Freedom of expression was a fundamental and universal human right, and there could be no freedom of religion without freedom of expression. Those rights were interdependent, and it was wrong to present them as conflicting rights. Exercising freedom of expression while respecting multiculturalism was a challenge for all. Entering into dialogue did not entail giving up conflicting principles or values. Rather, dialogue was about finding ways to manage and tolerate fundamental differences. The Council should play its part in that endeavour.

60. Mr. JANG Jae-Bok (Republic of Korea) shared the view of the Special Rapporteur on freedom of religion or belief that inter-religious and intra-religious dialogue was vital for the prevention of conflicts. An example of such dialogue was the Korean Council of Religious Leaders and the Korean Conference on Religion and Peace, which had promoted inter-religious reconciliation and peace. The Korean Religious Cultural Festival, an annual pan-religious cultural event that brought together the seven major religious orders, had held its tenth gathering in 2006. International initiatives, such as the Alliance of Civilizations, were also working to promote dialogue and cooperation among religions.

61. Turning to the report of the independent expert on human rights and international solidarity, his delegation took note of the global issues and challenges that he had identified. The international community should take shared responsibility in promoting development and international solidarity.

62. Mr. RAHMAN (Bangladesh) said that women, children, minorities and migrants were often victims of human rights violations, intolerance and discrimination based on religion or belief. Places of worship, religious sites and symbols, and the right to religious education should be protected and individuals and groups that violated the right to freedom of religion or belief should be prosecuted. It was largely the responsibility of States to protect that right and to guarantee its enjoyment by minorities and migrants. States that condoned the publication of cartoons or articles that insulted the deep-rooted religious feelings of individuals or groups in the name of freedom of expression should recognize that such acts generated hatred and intolerance. Freedom was not unlimited and must be exercised with respect and responsibility. All States should strive for inter-religious dialogue to foster greater understanding and solidarity.

63. His delegation commended the independent expert on human rights and international solidarity for his assertion that international solidarity was an obligation, not an option. Full and effective enjoyment of human rights required greater international cooperation, global solidarity and the realization of the right to development as a third-generation right. Poverty, deprivation and underdevelopment were causes and consequences of human rights violations. The United Nations Millennium Declaration underscored the need for cooperation to achieve development. While States had the primary responsibility for their own economic development, their efforts should be supported at the international level. Transparency, equity and non-discrimination were essential in international financial, monetary and trading systems. Other international economic issues, such as debt relief, technology transfer and bridging the knowledge gap, should also be addressed. Increased ODA was urgently needed to achieve the Millennium Development Goals, particularly in the least developed countries.

64. Mr. GEEVEN (Netherlands) said that his delegation fully supported the mandate of the Special Rapporteur on freedom of religion or belief, and had taken note of her statement on the

right to adopt, change and renounce one's religion or belief. He shared her concern that some States encroached on the procedures for appointing religious leaders. The Netherlands appreciated the Special Rapporteur's focus on the multiple forms of discrimination to which women could be subjected on the grounds of religious, ethnic and sexual identities. Moreover, genital mutilation in the name of religion or imputed to religion was an extremely worrying and degrading phenomenon.

65. He asked the Special Rapporteur to identify a State that had recently improved legislation or taken other measures to achieve full respect for the personal freedom to adopt, change or renounce a religion or belief. It would be useful to know what measures could be taken to create a free environment in which tolerance between religions was self-evident. The Netherlands agreed that expressions of opinion should be prohibited under article 20 of the International Covenant on Civil and Political Rights only if they constituted incitement to imminent acts of violence. He asked whether the Special Rapporteur agreed that the only institution that could take a decision on that matter was an independent court.

66. Mr. SALAZAR PINEDA (Observer for the Bolivarian Republic of Venezuela) reiterated his support for the mandate of the independent expert on human rights and international solidarity. The Venezuelan Constitution placed solidarity among the highest values in the domestic legal system. Venezuela's international relations were based on international law and on the principle of cooperation and solidarity between peoples to achieve the well-being of all. His Government was making progress in implementing an approach to international relations that provided an alternative to neoliberal globalization in such areas as trade and finance, conflict resolution and humanitarian assistance in response to natural disasters.

67. The independent expert should take into consideration General Assembly resolution 2625 (XXV), entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations", and international instruments of the United Nations Educational, Scientific and Cultural Organization, particularly the Declaration on the Responsibilities of the Present Generations Towards Future Generations and the Declaration of Principles on Tolerance.

68. Ms. HINTON (Observer for New Zealand) said that her delegation endorsed the substantive issues that the Special Rapporteur on freedom of religion or belief had highlighted in her report. New Zealand attached great importance to the promotion and protection of religious tolerance and freedom. In 2007, New Zealand had hosted the Third Asia-Pacific Regional Interfaith Dialogue, which had built on progress made at similar events in Indonesia and the Philippines. New Zealand regularly supported resolutions relating to freedom of religion or belief and in favour of retaining the mandate of the Special Rapporteur on freedom of religion or belief.

69. Mr. BURAYZAT (Jordan) asked the Special Rapporteur on freedom of religion or belief whether paragraph 38 of her report implied that defamation of religious symbols and offending people's deeply held religious feelings was an act of freedom of expression. If so, he requested clarification of the legal, moral, ethical, logical, ontological, epistemological or practical foundations for considering hostile and abusive language or art a form of freedom of expression.

70. Mr. GARCÍA COLLADA (Cuba) said that his Government supported the Special Rapporteur on freedom of religion or belief in her rejection of all links between terrorism and religion.

71. His delegation endorsed the call by the independent expert on human rights and international solidarity to consider international solidarity a right of peoples. International solidarity was a responsibility of the international community, particularly of those States that had benefited most from unjust and inequitable human development. International cooperation and solidarity were necessary for both development and the very survival of the human race. The international community must recognize peoples' right to international solidarity when they were affected by natural disasters or diseases, and must provide assistance in capacity-building to develop health and education. The political will to make structural changes to overcome the injustices of an international order that perpetuated underdevelopment was also essential.

72. The independent expert's definition of international solidarity as a right was significant in that it did away with the pernicious focus on assistance that had hitherto been imposed by the wealthy. International solidarity was not an act of charity; it was an unavoidable obligation on the international community, particularly Governments, institutions and individuals who were in a position to share their wealth and contribute to others' human rights, particularly the right to development.

73. Mr. PHUANGKETKEOW (Observer for Thailand) said that his delegation shared the view of the Special Rapporteur on freedom of religion or belief that respect for freedom of religion or belief should be an integral part of efforts to promote and protect human rights at the domestic and international levels. He welcomed the emphasis on taking a proactive approach to preventing religious intolerance and discrimination. His delegation was concerned at attempts to incite religious intolerance, the use of religion as a pretext for violence and the linking of any religion with extremism and terrorism. He fully supported the call for greater efforts in the area of education to promote religious and racial tolerance and pluralism and the strengthening of interfaith dialogue. The promotion of economic development and the provision of opportunities for equitable economic and social advancement for all should be at the centre of efforts to promote religious freedom and tolerance.

74. He welcomed the specific proposals made by the independent expert on human rights and international solidarity and urged the Council to give them its full consideration. He emphasized the importance of global health security. In particular, efforts to combat HIV/AIDS and other pandemics constituted a vital component of international solidarity and cooperation.

75. Mr. MARTABIT (Observer for Chile) commended the Special Rapporteur on freedom of religion or belief for the seriousness and depth of her report. Chile unreservedly supported all initiatives to deepen dialogue and enhance understanding between religions and cultures. Religious tolerance was based on unconditional and unlimited respect for the individual and collective right to religious freedom. Expressions of faith through religious rituals or symbols should be restricted only if they endangered the public order and/or offended public morals.

76. Mr. CHERIF (Observer for Tunisia) said that international solidarity was a condition for the survival of the international community as a whole. In a world that was getting smaller and in

which information and communication technology was advancing daily, international solidarity should be the fundamental value guiding national, regional and international relations. He supported the definition of international solidarity contained in paragraph 12 of the report of the independent expert on human rights and international solidarity (A/HRC/4/8). International solidarity had been established as a right by many international instruments and in the Millennium Development Goals. The independent expert should explain how international solidarity could be put into practice.

77. Mr. BUTT (Pakistan), speaking on behalf of OIC, supported the idea that international solidarity was not an option but an obligation. In calling for a global response to natural disasters, diseases and agricultural pests, the independent expert on human rights and international solidarity had highlighted some issues that were of key concern to developing countries, such as access to medicines at reasonable prices, transfer of technology, enhanced access of developing countries' agricultural produce to the developed markets, increased ODA and a level playing field in global trade and finance.

78. The international community should not turn a blind eye to stark realities. There was a declining trend in ODA and, so far, only five donor countries had honoured their commitment to allocate 0.7 per cent of their gross national income to ODA. Negotiations in the World Trade Organization were facing serious challenges, the livelihoods of the most vulnerable were increasingly threatened by rapid climate change, communicable and non-communicable diseases among the poor were on the rise, and access to knowledge, education and technology had become more difficult. The independent expert on human rights and international solidarity should share his views on how to overcome the challenge of honouring agreed international commitments, particularly those related to the Millennium Development Goals.

79. While he agreed that the concept of comprehensive development was useful and could lead to a better standard of living for the world's population, he stressed that an enabling environment must be created at the international level to provide additional opportunities for the weak and vulnerable to share in the benefits of globalization. Effective international cooperation between the developed and developing countries in all areas would help to achieve the right of peoples to better living standards. The independent expert's proposals concerning enhanced trade access, debt relief for least developed countries, development assistance and endorsement of the right to development were a good basis for facilitating and fostering comprehensive development. OIC supported the view that third-generation rights were the collective rights of mankind.

80. At the Council's fourth session, OIC had requested the independent expert to share his views on how to transform lex feranda into lex lata, and it encouraged him to respond to that request.

81. Mr. AMRAN (Malaysia) expressed concern over the rise in religious intolerance following the September 11 terrorist attacks, as well the concerns over moves to justify the defamation of certain religions and religious symbols in the name of freedom of expression. Malaysia had always accorded high priority to promoting respect for and tolerance of the freedom of religions and beliefs. Under Malaysian law, each religious group was free to manage its own religious affairs, subject only to such limitations as were prescribed by law and were necessary to protect public safety, order, health or morals, or the fundamental rights and freedom of others. Given the

prevailing international climate, further efforts were needed at the international and national levels to eliminate intolerance and discrimination based on religion or belief; States should devise proactive strategies to prevent such violations, through education and dialogue, with the aim of promoting better understanding and peaceful coexistence among peoples of all cultures and regions.

82. Ms. ALA'I (Baha'i International Community) said that Baha'is in the Islamic Republic of Iran were being subjected to systematic and organized persecution. Copies of a number of official and confidential letters had come to light that clearly indicated that the Iranian Government had strengthened the implementation of a memorandum bearing the signature and the stamp of Ayatollah Khamenei and outlining how to deal with Baha'is. Baha'is in the Islamic Republic of Iran lacked most of the rights of ordinary Iranian citizens; they were imprisoned arbitrarily, their properties were confiscated, they were denied employment and were not allowed to carry out business activities. Iranian young people who were Baha'is were still being denied access to higher education. She requested the Special Rapporteur on freedom of religion or belief to comment on those developments.

83. Mr. LITTMAN (Association for World Education) said that reports showed that there were over 300 million victims of female genital mutilation in the world, and 3 million were mutilated each year in 32 countries, 29 of which were members of OIC. According to the United Nations Children's Fund (UNICEF), the rate of female genital mutilation in Egypt was 97 per cent. In that regard, he suggested that Grand Sheikh Sayyed Tantawi should issue an unambiguous fatwa that would take precedence over the previous ambiguous fatwas.

84. His organization had called upon the United Nations and OIC to condemn unequivocally all those who killed or incited to kill in the name of God or religion. The teaching of hate and the encouragement of jihad, which led to endless martyrdom in bombings worldwide, should not be ignored.

85. Referring to a letter that his organization had sent to the Special Rapporteurs on freedom of religion or belief and on contemporary forms of racism, racial discrimination, xenophobia and related intolerance concerning the repeated revival of the 1840 Damascus affair, he asked the Special Rapporteur for her views on what could be done about the shameful propagation of a Judaeophobic and anti-Semitic culture of hate throughout the Arab world, which was in total contradiction with all the international covenants signed by Arab States. He wished to know why Judaeophobia was not regularly condemned by all Special Rapporteurs and by OIC, which represented the culprit States.

86. Mr. Costea (Romania), President, resumed the Chair.

87. Mr. BROWN (International Humanist and Ethical Union) said that, rightly understood, there was no conflict between freedom of expression and freedom of religion or belief. All must be able to follow their consciences, express their beliefs and practise their religion, provided that they did not impede the right of others to do so. However, terms used to refer to such a politically sensitive issue must be clearly defined. Regrettably, none of the resolutions on combating the defamation of religions sponsored by OIC and adopted by the former Commission on Human Rights, the Human Rights Council and the General Assembly provided a clear

definition of “defamation of religion”. That was a serious omission, since the lack of clarity was being used to stifle criticism of human rights abuses carried out in the name of religion. A clear distinction must be drawn between protecting the rights of believers and attempting to protect ideas, beliefs and practices from legitimate criticism.

88. Mr. TIAHJONO (Pax Romana), speaking also on behalf of the Asian Legal Resource Centre, the Asian Forum for Human Rights and Development, the International Movement Against All Forms of Discrimination and Racism, the Centre for Policy Alternatives, INFORM, Law and Society Trust and Rights Now, drew the Council’s attention to the trend of attacks on religious leaders and places of worship in Sri Lanka because of their involvement in protecting and assisting victims of continuing hostilities between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam. Such violence was part of a wider humanitarian and human rights crisis in Sri Lanka and showed the increasing disregard of the main armed actors for humanitarian law. There had been no reported progress in the investigation or prosecution of the perpetrators of recent attacks on religious leaders. He asked the Special Rapporteur on freedom of religion or belief what could be done to ensure the safety of religious leaders and places of religious worship, in order to enable them to continue to offer protection and assistance to civilians affected by violence.

89. Ms. BRETT (Friends World Committee for Consultation (Quakers)), speaking also on behalf of International Service for Human Rights and Amnesty International, said that all forms of discrimination based on religion or belief were prohibited by a number of international instruments and must therefore be addressed by the Council. Focus on the adherents of only some religions did not address the need to eliminate all forms of intolerance based on religion or belief and failed to take account of the discrimination and religious intolerance that occurred within faiths. The Special Rapporteur should explain how her mandate could assist States and the Council to address the question of freedom of religion or belief consistently and without discrimination, promote non-discrimination against and tolerance for all religions and beliefs, explore ways to address the possibility that some religious intolerance might be an expression of xenophobia, and avoid characterizations that could propagate the idea of a clash of religions.

90. Mr. FATTORINI (Mouvement contre le racisme et pour l'amitié entre les peuples) said that he was speaking on behalf of the Society for Threatened Peoples, the Asian Indigenous and Tribal Peoples Network, Pax Romana, International Educational Development, Liberation International, France Libertés - Fondation Danielle Mitterrand, Interfaith International and the International Movement Against All Forms of Discrimination and Racism.

91. Mr. LA Yifan (China), speaking on a point of order, asked whether the consultative status of the NGO Liberation International had been suspended by the Economic and Social Council in June for the period of one year. If that was the case, it would be inappropriate for the speaker to continue.

92. The PRESIDENT said that the consultative status of the NGO Liberation International had not been suspended.

93. Mr. LA Yifan (China), speaking on a point of order, said that the secretariat should provide Council members with a list of accredited NGOs.

94. Mr. FATTORINI (Mouvement contre le racisme et pour l'amitié entre les peuples) said that he fully agreed with the Special Rapporteur on freedom of religion or belief that religious groups must have the freedom to choose their religious leaders, priests and teachers. In the case of Tibetan Buddhism, the situation did not necessarily concern appointments of religious leaders alone, but rather the belief in the reincarnations and lineages of their spiritual teachers. Since 1 September 2007, the atheist Government of China had begun to implement measures that stripped Tibetan Buddhism's spiritual teachers of all the religious rights and authority with regard to the future confirmation of reincarnations. Under the new regulations, the Chinese authorities alone could confirm and approve the reincarnations of the Tibetan people's religious leaders. Earlier in 2007, Tibetans had been told that the Chinese Communist Party was their "living Buddha". Moreover, China had intensified its defamation campaign against the Dalai Lama. In view of such grave developments, he urged the Special Rapporteur to endorse his organization's call for the Chinese authorities to withdraw their latest measures concerning the recognition of reincarnations.

95. Ms. JOURDAN (Association of World Citizens), referring to the report of the independent expert on human rights and international solidarity (A/HRC/4/8), said that international solidarity should constitute the very foundation of the Charter of the United Nations. International solidarity comprised several specific elements: solidarity in action, solidarity with refugees, solidarity with countries affected by rare diseases and solidarity with indigenous populations. Without international solidarity, civil populations would no longer be able to place their trust in such organizations as the United Nations.

96. Ms. SALAMANCE (New Humanity) said that international or global solidarity and universal fraternity was not only occasional solidarity action for those in need, but a concept of human relations among persons, groups, peoples and States. Fraternity included a responsibility that went beyond national borders and led to a potentially broader understanding of the number of subjects responsible for the full realization of human rights. The mandate of the independent expert on human rights and international solidarity should include the relationship between human rights in their interpretation and effective realization; exploration of the principle of subsidiarity in international human rights law; and the relationship between international solidarity and the principle of fraternity in international human rights law.

97. Mr. FERNÁNDEZ (Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos), speaking also on behalf of 20 other NGOs, said that his organization, with the cooperation of the Catalan Agency for Development Cooperation, various NGOs and civil society, was promoting a global campaign for the international codification of the right to peace. He agreed with the independent expert on human rights and international solidarity that the right to peace should be described as a right of solidarity. The international community should take urgent action to codify the right to peace, and the independent expert should confirm that the right to peace was an essential component of international solidarity. His organization intended to submit a new draft of the Universal Declaration of Human Rights to the Council. The time had come for the Council to renew its commitment to solidarity, human rights, international cooperation, disarmament, intercultural dialogue and peace as an integrated whole. He encouraged the Council to open a discussion forum on the right to peace.

The meeting rose at 1.10 p.m.