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Sixth Session

SUMMARY RECORD OF THE SIXTH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 September 2007, at 3:00 p.m.

President: Mr. COSTEA (Romania)
then: Mr. ARTUCIO (Uruguay)
(Vice-President)
then: Mr. COSTEA (Romania)
(President)

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The Meeting was called to order at 3:10 p.m.

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT (Item 3 of the agenda) (A/HRC/6/5, A/HRC/4/8, A/HRC/6/NGO/5, A/HRC/6/NGO/32, A/HRC/6/NGO/45) (*cont.*)

1. Mr. STARČEVIĆ (Observer for the Republic of Serbia), speaking on behalf of the Chair of the Committee of Ministers of the Council of Europe, said that in its activities the Council of Europe accorded pride of place to human rights and therefore was very much interested in the work of the United Nations Human Rights Council. Both the Council of Europe and the Human Rights Council established rules and promoted and monitored their enforcement, while offering member States assistance in that field. It was therefore essential that they share their experiences and respective skills, in five areas in particular: observance of human rights while combating terrorism; cooperation between the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; complementarity, with respect to trafficking in persons, between the Council of Europe and the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; partnership for the protection of children from sexual exploitation (a new Council of Europe convention on the subject was to be open for signature in October 2007); and abolition of the death penalty (an initiative aimed at instituting a European Day against the Death Penalty, which all countries were asked to support).

2. Pursuant to the 2005 Summit of the Heads of State and Government of the Member States of the Council of Europe, in March 2007 the Committee of Ministers had adopted a series of decisions designed to achieve, through a variety of measures, increased synergy between the activities of the Council of Europe and those of the Human Rights Council. This mutual cooperation had been greatly strengthened when the United Nations High Commissioner for Human Rights came and spoke to the Parliamentary Assembly in Strasbourg. In the same spirit of cooperation, the Council of Europe fully supported the efforts being undertaken by the Human Rights Council to become an effective institution for protecting the human rights of all.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION (Item 9 of the agenda) (A/HRC/6/6, A/HRC/6/NGO/11, A/HRC/6/NGO/31) (*cont.*)

3. Mr. GOLTYAEV (Russian Federation) agreed with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance that xenophobic rhetoric was largely used – even in countries that called themselves democratic – to stigmatize for immediate political gains – not only religions but also certain ethnic and social groups. Such practices polarized society and exacerbated social tensions, and sometimes even led to explosions of violence. The Russian delegation considered that that problem and its underlying causes ought to be studied in the framework of the mandate conferred on the Special Rapporteur.

4. *Mr. Artucio (Uruguay), Vice-President, presided over the meeting*

5. Mr. MAHAWAR (India) deplored the fact that in his report (A/HRC/6/6), Mr. Diène had not taken into account the need to address the phenomenon of defamation or negative stereotyping of religions from the wider perspective of freedom of religion or belief, and he considered that in future the Council should approach the issue by fully involving the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression. In endorsing, in that respect, the recommendation made in paragraph 77 of the report, which attempts to elucidate the interrelations between freedom of expression, freedom of religion and non-discrimination and refrains from ranking different manifestations of racism, the Indian delegation added that, contrary to what Mr. Diène wrote in paragraph 57 of his report, the caste system in India had nothing to do with racism.

6. Ms. SIMONYAN (Observer for Armenia) welcomed the rigorous analysis and the recommendations made by Mr. Diène in his report, especially his concern to encourage dialogue among religions and cultures. Conscious that all forms of discrimination on religious grounds triggered racist practices and that the issue was multi-dimensional, the Armenian delegation agreed that a broader approach to the issue from different angles would be more effective. In that respect, it subscribed to the recommendation of the Human Rights Committee to consider adopting additional rules on the reciprocal relations between freedom of expression, freedom of religion and non-discrimination (paragraph 77) and it noted that, while he devoted considerable attention to Islamophobia in his report, Mr. Diène had not thereby established any ranking of discrimination against different religions.

7. Ms. MTSHALI (South Africa) welcomed the recommendations made by Mr. Diène in his report, especially the recommendation to the Human Rights Committee that it envisage adopting complementary standards (paragraph 77). Deeply concerned at the proliferation of incidents involving the defamation of religions, the association of Islam with human rights violations and terrorism, and by intellectual legitimization of xenophobia, and mindful that international measures to counter those trends were insufficient, the South African delegation considered that more had to be done. It reminded States that it was incumbent upon them to provide in their respective constitutional systems for appropriate protection against all human rights violations resulting from defamation of religions and to enforce the law impartially and systematically. States also had to redouble their efforts to strengthen dialogue. In that connection, the Dialogue of Civilizations initiative deserved support. The representative of South Africa said in her concluding remarks that she hoped that the spirit of cooperation that had characterized the Preparatory Committee for the Durban Review Conference would continue throughout the preparatory process.

8. Mr. ABRO (Djibouti) agreed with the Special Rapporteur regarding the intensification of racism and of discrimination on religious grounds, especially Islamophobia, and welcomed his analysis of the reasoning underlying the legitimization, trivialization, and institutionalization of discriminatory practices, and his analysis of the rhetoric triggering ideological violence. He supported the initiatives proposed by Mr. Diène to enhance efforts to combat religious intolerance and its disastrous consequences, as well as his suggestions for establish genuine dialogue.

9. Mr. HEINES (Observer for Norway), denounced, as the Special Rapporteur had done, the erroneous idea of a conflict of civilizations and religions, which spawned intolerance, exclusion, discrimination, prejudice and xenophobia, a phenomenon that was increasingly pervasive even within religions. The Norwegian delegation therefore signed on to the recommendation in paragraph 74 of the Report that “respect for human rights ... should not be dependent on any ideological and political convenience.” Furthermore, States should mainstream promotion of dialogue among and within cultures and religions in their national policies. More in-depth thinking was needed on the complementary and interdependent nature of freedom of religion and freedom of expression.

10. Mr. LABIDI (Observer for Tunisia), in supporting the statements made by the representatives of Egypt and Pakistan, emphasized that fact that, without wishing to establish a ranking of discrimination against different religions, it was evident that Islamophobia was currently predominant. Referring to the trends denounced in paragraph 16 of the Report, and considering that all acts of discrimination, including Islamophobia, were the result of ignorance and non-acceptance of others, the Tunisian delegation appealed once again for tolerance and dialogue among both cultures and religions.

11. Mr. MATTÉI (France) said he agreed with the statement made on behalf of the European Union and that, at the national level, he wished to point out the full title of the new ministry recently established in France, namely “Ministry of Immigration, Integration, National Identity and Co-Development,” which had been truncated in Mr. Diène’s report (paragraph 35). The terms used by the Special Rapporteur could create the wrong impression that the establishment of that ministry reflected a form of Islamophobia. The new ministry’s name reflected above all the wish to adopt a holistic approach to immigration issues in France. Immigrants could not be properly integrated into society if they were not specifically sensitized to the national identity. As a secular country, proud of its cultural diversity, where freedom of conscience and freedom of religion were written into the fundamental laws of the Republic, France was also governed by the rule of law, including laws that severely penalized acts against persons on the grounds of their origin or religion. The representative of France assured members of the Council that the authorities would remain watchful and alert with regard to such acts.

12. Mr. FLORÊNCIO (Brazil) said that his country harboured multiple ethnic groups, cultures and religions that lived peacefully together. He welcomed Mr. Diène’s analysis of the causes of the lamentable global tendency nowadays to defame certain religions and beliefs and he agreed with him that one should eschew any ranking of discrimination by religion. The Brazilian delegation supported the recommendation that conditions be established that are conducive to dialogue and social harmony and, in that connection, cited three specific initiatives of the Government of Brazil: the creation of the Special Secretariat for the Promotion of Racial Equality, the holding of the Conference on Implementation of the Durban Programme of Action, and the decision to organize, in 2008, a regional conference as part of the preparations for the Durban Review Conference.

13. Mr. RAHMAN (Bangladesh) said that Mr. Diène’s remark on the impossibility of discussing defamation of religion without in-depth analysis of racism, racial discrimination, and xenophobia was particularly interesting. Given the increasing defamation of religions, especially Islam, and the rise of Islamophobia, it was necessary to address that scourge on two fronts: legal

and political. Countries had to establish the legal and administrative mechanisms called for the Declaration and Programme of Action of Durban, even if it was not clear whether such measures sufficed to combat contemporary forms and manifestations of racism. Indeed, even countries blessed with an excellent legal framework had not been spared: which suggested a lack of political resolve or failure to adapt/match the national and international legal framework.

14. On the political front, it was deplorable that an increasing number of democratic parties were exploiting the rhetoric of fear and exclusion in order to target ethnic or religious minorities, especially immigrants and refugees. Racism should not be used as a tool in immigration, asylum and (above all) anti-terrorist issues, and translate into measures conducive to religious intolerance. It was also necessary to put an end to the democratic veneer given to racism by the growing number of xenophobic programmes seeking to curry favour with voters, and to make sure that the media became more respectful and responsible and refrained from promoting hate and intolerance under the guise of intellectual discourse. Finally, as Mr. Diène had pointed out in his report, freedom could not be absolute or infinite; it had to be exercised with respect and responsibility. It was therefore unacceptable to establish a hierarchy of human rights by, for instance, ranking freedom of expression above the other rights. Thus, States that supported the worrying trend toward hurting individual or collective religious feelings were not helping to generate the conditions required for peaceful coexistence.

15. On the legal front, it would be worth looking into possible lacunae in the international legal framework and adopting complementary norms or different instruments to combat those phenomena.

16. *Mr. Costea (Romania) resumed the presidency.*

17. Mr. TALIBOV (Azerbaijan) said that his delegation subscribed to the statement delivered by the representative of Pakistan on behalf of the Organization of the Islamic Conference (OIC). Azerbaijan condemned all forms of religious discrimination and the intolerance associated with it and was alarmed by the proliferation of cases of defamation of religions; in that respect, it could not but endorse the conclusions of the Special Rapporteur. Among those cases, the recent outbreaks of Islamophobia denounced in his report were particularly worrisome.

18. The Azerbaijani delegation was also worried at the exploitation of discrimination and xenophobia for political purposes, while political intolerance, hostility, and discrimination against Muslims could only contribute to, and exacerbate, divisions in society.

19. This lamentable trend could only be countered by respect for and recognition of cultural differences. The delegation of Azerbaijan, a country with a longstanding tradition of tolerance and non-discrimination, shared Mr. Diène's opinion that inter-cultural dialogue was essential and that it was necessary to promote a multicultural and tolerant society. All of us had to join forces to achieve effective implementation of the Durban Declaration and Programme of Action.

20. Mr. Jae-Bok CHANG (Republic of Korea) said that his delegation was particularly pleased that the Special Rapporteur had recommended adopting different approaches to promoting dialogue among cultures, civilizations, and religions. The danger of escalation of conflicts between religions was either increased indifference of the general public to religion in general, or the promotion of an increasingly widespread antireligious culture which, as Mr. Diène had underscored in his report, laid the foundations for the defamation of religions. The delegation of the Republic of Korea therefore insisted on the role of religious leaders in combating that phenomenon and, to that end, invited the Special Rapporteur to reflect on that matter and to arrange for those leaders to work together to achieve peaceful coexistence among all religions.

21. Mr. DE VYLDER (Observer for Belgium) said he fully supported Portugal's statement on behalf of the European Union. After close scrutiny of Mr. Diène's report, the Belgian delegation was particularly struck by its finding with respect to freedom of religion that, in certain regions, especially Europe, Muslims were finding it more and more difficult to establish places of worship and to practice their religion.

22. The Belgium delegation wanted first to ask the Special Rapporteur if he had objective data for an overview of the global situation and sufficient quantitative and qualitative information for an assessment of the situation of all religions in other parts of the world.

23. Second, since Mr. Diène's report dealt in depth with religious issues, the Belgian delegation wanted to know whether he had been in contact with the Special Rapporteur on freedom of religion or belief, as in the case of the report on incitement to racial hatred that he and Ms. Jahangir had jointly presented jointly to the Council.

24. M. JAZAÏRY (Observer for Algeria) said that his delegation supported the statements made on behalf of the Group of African States and the Group of Member States of the Council that belonged to the OIC. He added that a few weeks earlier, in the Mayor's offices in Annecy and together with the Mayor and *Préfet* of Haute Savoie, more than 30 permanent representatives in Geneva had celebrated the start of work on the Emir Abdelkader mosque, after obtaining a building permit, but that since then an Islamophobic political movement, invoking urban development pretexts, had had the work suspended by means of a summary judgement.

25. For Mr. Jazaïry, despite the Durban Declaration and Programme of Action, the principal objectives of the struggle against racism and racial discrimination had not been achieved and the recent waves of violence and incitement to racial and religious hatred in Europe, legitimized by a truncated vision of freedom of expression, smacked of the anti-Semitic campaigns of the previous century. In the framework of application and monitoring of the Durban Declaration and Programme of Action, to which all United Nations agencies and mechanisms for the promotion and protection of human rights should make a major contribution, all States were called upon to formulate and apply without delay national, regional and international policies and action plans to combat those scourges. To that end, governments had to adopt, apply and enforce appropriate laws to stem the rise of racism and Islamophobia and prevent acts derived from them. It was important that the work of the five experts on legal lacunae with respect to protection against racism move in the same direction as the tasks assigned to all mechanisms working in that field. Those five experts did not appear to have reflected enough on ways of remedying the substantive and procedural gaps in protection, which, since September 11, 2001, it had become necessary to plug. Finally, Algeria underscored the need to raise sufficient funds at the national, regional and

international level: a prerequisite for the success of the Durban Programme of Action in general and for the Durban Review Conference, in particular.

26. Mr. ANNAN (Observer for the Syrian Arab Republic) thanked Mr. Diène for the very clear manner in which he had addressed Islamophobia in his report and for the report's important recommendations. He underlined, in particular, recommendation 73 on implementation of the Durban Programme of Action; recommendation 74, which calls upon States to show their firm political will to combat the rise of racial and religious hatred; recommendation 75, aimed at promoting dialogue among cultures and religions that would help counter the divisive concept of the clash of civilizations; and recommendation 78. Finally, in reference to the ideas underlying Islamophobia, Mr. Annan pointed out that it was frequently the result of erroneous associations between Islam, violence and terrorism. It was undeniable that Western media played a negative part in this, by exploiting anti-Islamic feelings. The currently adduced pretext of freedom of opinion had just recently served, in the case of the caricatures of Mohammed, to take it out on millions of Muslims and to revile Islam, while insulting the Prophet and inciting to violence.

27. Ms. BASILIO (Philippines) said that her delegation would direct its remarks to those parts of Mr. Diène's report that concerned the universal nature of the struggle against discrimination and to his recommendations. First, the Philippine delegation shared the fear that politically motivated legitimization of racism and religious intolerance posed a grave threat to human rights. It was particularly interested in the Special Rapporteur's observation that solidarity among the victims of defamation of religions and other forms of discrimination could be a source of strength for overcoming divisiveness and intolerance by promoting a sense of unity and equality among the members of different groups or religions. Instead of imposing one particular identity or faith on another, that approach would focus on sharing a collective memory and experiences. As Mr. Diène had written eloquently in his report, it was a question of "transform[ing] the singularity of one's experience into solidarity with the cultural, ethnic and religious experience of other communities." In the Philippine delegation's opinion, religious groups, the other actors in civil society and the media could play a key part in that process and encourage governments to work in concert with them to perfect mechanisms capable of fostering solidarity among different religious groups in the fight against racism and intolerance.

28. Mr. Diène, like the Special Rapporteur on Freedom of Religion or Belief, had emphasized the importance of promoting dialogue among cultures, civilisations and religions. Ms. Basilio pointed out in that regard that her statement of the day before had mentioned some of the initiatives taken by the Philippines at the local, regional and international levels to encourage interdenominational dialogue, which she could describe in detail in a written communication to the Special Rapporteur. She also wished to ask him a question similar to the one she had asked the Special Rapporteur on Freedom of Religion or Belief, namely: What would be the principal human rights factors likely to form part of the initiative on interdenominational dialogue that he hoped the Council would adopt and how did he think that initiative would complement already existing ones (listed in Part VI of his report), without duplicating them? Finally, there had to be a happy medium between freedom of expression and freedom of religion, whereby no race or religion should be ridiculed. She therefore shared the Special Rapporteur's view that any form of incitement to racial or religious hatred and all forms of intolerance were unacceptable and should be opposed in every possible way.

29. Ms ELOBIED (Observer for Sudan) said the Sudanese delegation supported Egypt's statement on behalf of the Group of African States and seconded the statement made by Pakistan on behalf of the OIC. She welcomed the objectivity of the Special Rapporteur, who had provided an accurate and serious diagnostic assessment of the increasing Islamophobia since September 11. She agreed with him on the need to respect all religions and beliefs, to combat defamation, and to put an end to discrimination on the grounds of religion or belief by fostering national and international initiatives aimed at increasing tolerance. An important point made in his report was worth emphasizing: in many cases there were efforts to assimilate Muslims living abroad through acculturation, which was counter to minorities' rights and to respect for those rights. Sudan was a State with multiple confessions and cultures that had adopted principles and policies that fostered the peaceful coexistence of religions. It had organised a number of conferences, including the International Muslim-Christian Dialogue Conference in Khartoum in July 2007, and had founded institutions responsible for establishing genuine peaceful coexistence, particularly of religions, thanks to the Council of Churches.

30. Ms MASRI (Observer for the African Union), on behalf of the African Union Commission, endorsed the statement made by Egypt on behalf of the Group of African States. Recalling General Assembly resolution 61/149, Part IV of which expressly supports the activities of the Special Rapporteur, she wished to reaffirm that support and to point out that that resolution, which reflected deep concern at the rise in anti-Semitic movements, Christianophobia and Islamophobia in different parts of the world, had unequivocally condemned all such manifestations. She wished to draw the Council's attention to paragraph 46 of that resolution, in which the General Assembly requested that the Special Rapporteur be provided all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously.

31. Ms. Masri said she was worried at the persistence of defamation of religions and its use for other, political or economic, ends. The phenomenon had taken on the dimensions described by Mr. Diène in his report, even though most human beings, who looked to religious faith for guidance, certainty, and refuge, respected religions and held them in high esteem. In a world shaken by all kinds of unrest, in which poverty and illiteracy continued to breed intolerance and hate, it was necessary to combat the origins of that scourge. That aspect of spirituality had to be recognized as a fundamental right of human beings and respected as such, just like the right to education and development. The African Union agreed with the Special Rapporteur that the challenges posed in the fight against all forms of political and moral discrimination were huge and complex and it therefore hoped that his observations and recommendations would receive the required attention and be implemented. Those issues should now be at the heart of States' concerns, since States were the principal defenders and promoters of all human rights. Fostering tolerance and dialogue among cultures, civilisations, and religions was the way to solve those issues.

32. Mr. MOQHALI (Observer for Lesotho) said that his delegation unreservedly subscribed to the statement made by Egypt on behalf of the Group of African States and that it wished to point out that Lesotho had never justified the terrorist attacks of September 11 against the United States. The Government of Lesotho was, however, concerned at the spread of Islamophobia, manifested in racism and religious hatred of Muslims. The phenomenon had derived from those events. Given that numerous Muslim States had condemned those attacks, carried out by a handful of individuals, why should Muslims in general suffer as a result of the acts of a tiny fraction of them? The delegation of Lesotho

wondered whether the Special Rapporteur had seen the revoltingly racist poster in a European country depicting white sheep repelling a black sheep, or if he had heard of it and, if so, what he had to say about it. Finally, it urged the Council to assign to Mr. Diène the task of compiling a comprehensive report on Christianophobia, because in certain States in which Christians were a minority, they did not have the right to establish places of worship or practice their religion.

33. Mr SIAHAAN (Indonesia) said that his delegation supported the statement by Pakistan on behalf of the OIC. Mr. Diène's report had focused on increasingly common phenomena, especially the more and more frequent manifestations of defamation of religions, which was all the more reason for concern. The Indonesian delegation shared the opinion expressed in the report that the media had, in certain countries, helped reinforce prejudices and stereotypes: a worrying new trend. The delegation also agreed with the Special Rapporteur that ethical and political considerations had an important role to play in efforts to combat racial and religious discrimination. However, it was advisable to take the cultural dimensions of those two types of discrimination into account if one intended to tackle the issue of "a universal fight against discrimination" effectively.

34. Mr. Siahaan asked Mr. Diène to state clearly whether he truly thought that the legitimization of religious hostility and the fact that religious discrimination was tolerated for political reasons were a root cause of the growth of intolerance and, if so, whether it was not possible in that case to try and impose obligations on States to curb that trend. His delegation strongly recommended striving to achieve ongoing, balanced dialogue at the national, regional and international levels. That would surely foster understanding and tolerance among religions as well as social and cultural diversity, which were perhaps the most unifying means of thwarting religious intolerance. If all countries collaborated, thanks to interdenominational dialogue and cultural exchanges aimed at heightening knowledge and understanding among people all over the world, a large part of the struggle against all forms of discrimination would already have been won. However, each country had to be able to formulate the policies and strategies best suited to its cultural mores, constitutional provisions, and religious beliefs.

35. Mr. HAMBURGER (Netherlands) said that the Dutch delegation fully endorsed the statement by the European Union and the questions posed by the representative of Portugal. The Netherlands were actively combating racism and discrimination and had been one of the first countries to draw up a national plan of action. While it supported some of the Special Rapporteur's observations, the Dutch delegation had queries regarding several of them, for instance with respect to the conclusion that "Christianophobia is also a common phenomenon in Europe, where the cultural pervasiveness of dogmatic secularism, under the guise of defending the historic conquest of the separation of Church and State and the amalgamation between modernity and the rejection of religion, leads not only to the emergence of an anti-religious culture, but also to intolerance towards any religious practice". The Netherlands could not identify with that description, nor could most countries in Europe. In the Netherlands, freedom of religion or belief was precious and steadfastly defended as shown by the fact that it had some political parties based on religious beliefs, two of which currently formed part of the Government; that there were numerous religious schools, be they Christian, Islamic or Jewish; and that all parents were free to choose the education they wished to give to their children. Finally, in the Netherlands and certainly other countries Europe, young people were very much aware of the existence of different religions.

36. Mr. Hamburger wanted to know whether, in the light of that example, the Special Rapporteur would agree that it constituted the exact opposite of an alleged rejection of religion

and whether in his next report he could delve in greater depth into faith-based education and civil society organizations in Europe and other parts of the world

37. Mr. LOULICHKI (Observer for Morocco) subscribed to the statements made on behalf of the Group of African States and the OIC and congratulated Mr. Diène on the lucid, balanced and forceful manner in which he had dealt with a contemporary issue that was at once complicated, sensitive, and highly political. Nobody could deny the disturbing new wave of manifestations of racism, racial discrimination, xenophobia and related intolerance, especially those targeting Islam. The Moroccan delegation could not accept any manifestation legitimizing – explicitly or implicitly --, on the pretext of absolute, unbridled freedom of expression, a condescending view of a community or one that would offend its beliefs. Government, parliament, civil society and the media were called upon to work, in the national and international spheres, to put a stop to that dangerous trend towards the trivialisation of racism and xenophobia and their exploitation for political and electoral gain. The Kingdom of Morocco, which throughout its history had demonstrated its commitment to the virtues of tolerance and respect for other religions, had made the free practice of religions a constitutional precept. It therefore resolutely opposed and condemned all those manifestations that amounted to denying others their right to dignity and questioning their status as human beings.

38. Having seen the recommendations with which Mr. Diène had concluded his report, the Moroccan delegation wished to dwell on one of them, to be found in paragraph 77, that he had formulated jointly with the Special Rapporteur on freedom of religion or belief, namely to promote more profound reflection on the interpretation of Articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. That was a priority for the Moroccan delegation to which the Council, the Office of the High Commissioner for Human Rights and the Special Rapporteur should pay special heed, because it concerned a much-needed clarification that would have an impact on our respective perceptions of life in common.

39. Mr. MOKHTAR (Malaysia) said he supported Pakistan's statement on behalf of the OIC and considered that Mr. Diène's report, which focused above all on the increasingly pervasive manifestations of Islamophobia, further underscored for the Council the more and more disturbing phenomena of defamation of religions and incitement to racial and religious hatred. Since it obtained its independence 50 years ago, Malaysia, which was a multiracial country with multiple religions, had always taken great care to foster respect and tolerance, in line with the provisions of its Constitution, which guaranteed freedom of religion. The authorities were committed to invariably treating racial and religious issues with the utmost sensitivity as they were mindful of the need to preserve the peaceful and harmonious coexistence of the different societies that together comprised Malaysia. Since that approach was so important for the country's welfare, progress and development, the Malaysian delegation insisted that the reference to Malaysia in paragraph 55 of Mr. Diène's report was unwarranted, because it did not reflect the real state of affairs. Indeed, the Government of Malaysia not only authorized the construction of numerous places of worship, it also financed such construction. Naturally, those buildings had to respect relevant rules and regulations, because the Government had to enforce observance of public order and legal provisions. Any measures it may have taken, therefore, had been a question of law enforcement and did not reflect any desire for racial or religious discrimination. Malaysia had always promoted the peaceful and harmonious coexistence of societies and civilisations beyond its frontiers, by taking initiatives and participating in efforts to

prevent and overcome the problem of defamation of religions by encouraging dialogue, mutual understanding and tolerance. For those measures to succeed, it was necessary to eschew any statement or demonstration likely to constitute a provocation for other faiths, above all if they are motivated by ignorance, lies, or incomprehension. The Malaysian delegation considered that the various recommendations of the Special Rapporteur could help the Council address the issue of defamation of religions effectively and that his report should therefore be appropriately monitored, including with regard to the striking of a balance between, on the one hand, the right of freedom of expression and the need to preserve harmonious relations among religious beliefs and societies and, on the other, freedom of religion or belief.

40. Ms. PHUMAS (Observer of Thailand) said that her delegation shared Mr. Diène's view that the fight against racism, racial discrimination, xenophobia and related intolerance required firmer political will and joint efforts, particularly in the current context of a new wave of all forms of discrimination. While combating religious discrimination, which included defamation of religions, it was also necessary to ponder its causes and the need to do everything in our power to combat those phobias. The goal of living together at the national and international levels should constitute a set of core social values based on a balance between freedom of expression and freedom of religion and, therefore, on zero incitement to racial or religious hatred.

41. In that regard, the delegation of Thailand wished to hear Mr. Diène's views on the causes underlying discrimination by non-State actors, a phenomenon that complicated the situation and went far beyond the policies and recommendations contemplated in his report. Although most of its nationals were Buddhist, Thailand was a country in which citizens of different nationalities and religions lived in harmony, thanks to a policy of promoting peaceful coexistence and equal treatment of all, without distinction as to nationality or religion. Tolerance toward religions and races, as well as education, had been extensively encouraged for the sake of the prosperity and well-being of citizens and of the entire nation. Thailand was, moreover, convinced that cooperation and dialogue among civilisations, cultures and religions would help complement domestic efforts. That was why it was committed to interdenominational dialogue and supported the Group on the Alliance of Civilisations initiative. In addition, it maintained excellent relations with the Organisation of the Islamic Conference (OIC), in which it had observer status. The Thai delegation urged the Council to look seriously into Mr. Diène's recommendations, supported the Durban Review Conference planned for 2009, and committed to continuing its efforts to apply the Durban Declaration and Programme of Action. It welcomed the decision regarding the objectives of the Review Conference, taken the month before during the organizational meeting of the preparatory committee, and eagerly awaited the discussions to be held at the next substantive session of that body on the instruments that could be adopted by the Review Conference.

42. Mr. BERZINJI (Observer for Iraq) said that his delegation supported the statement made by Pakistan on behalf of the OIC and hoped that the Council would produce a clear and binding recommendation stating that Islam, which respects all other religions and represents more than one billion people in the world, was a victim of discrimination and that its sacred images were mocked; which should be considered a crime. It was necessary to encourage a culture of tolerance and to reconcile freedom of expression and freedom of religion, whereby the former had to be at the service of the people, not vice-versa. Some NGOs had said that those were matters that concerned governments and peoples; the Iraqi delegation, for its part, was of the

opinion that respecting freedom of opinion did not mean mocking other religions and thereby triggering bitterness and hurt feelings, and that there were other forms of self-expression that did not involve scorning others under the cover of pretexts. The peoples and religions of different nations had points in common: what was needed was to hoist the flag of humanism and human rights so as to live with respect for one another.

43. Ms. ESCOBAR (Observer for Spain) subscribed to the statement made by Portugal on behalf of the European Union and said that citizenship was enriched by political, cultural, ideological or religious diversity. Spain condemned any attempt to single out or identify people or groups of people on the basis of their racial, religious, or social origin. In paragraphs 58-72 of his report, the Special Rapporteur had addressed in some detail a number of major efforts by the international community to combat discrimination and he had mentioned certain steps taken both regionally and nationally to promote the spirit of tolerance. It was worth recalling one such initiative, known as “Alliance of Civilizations”, a high-level working group established under the aegis of the United Nations on the basis of a joint proposal by Spain and Turkey. That initiative sought to promote understanding and cooperation among nations and peoples of different cultures and to neutralise the forces fostering polarisation and extremism. One of the principal goals of the Alliance of Civilizations was to put in place a network of partnerships among States, international organisations and civil society and to highlight projects aimed at bringing Muslim and Western societies closer together and facilitating dialogue with groups that encouraged moderation and understanding. The Alliance of Civilisations would hold its first annual meeting in Madrid, in January 2008, so that political leaders, representatives of international and regional organisations and representatives of civil society could confer on the preparation of specific and effective projects. Finally, Spain was pleased that the General Assembly had adopted the Declaration on the Rights of Indigenous Peoples.

44. Mr. MISZTAL (Observer for Poland) subscribed to the statement made by Portugal on behalf of the European Union and thanked the Special Rapporteur for his report on the important issue of contemporary forms of racisms, racial discrimination, xenophobia and related forms of intolerance: a grave problem requiring the immediate attention of the Member States of the United Nations and global responses. Poland had always shown tolerance of different cultures and religions and, since the Middle Ages, had provided refuge for all who were persecuted for religious reasons in their country of origin. The Polish Constitution clearly established that freedom of conscience and religion was a fundamental right. Furthermore, any incitement to national, racial, or religious hatred constituted an offence under the Polish criminal code. Anyone committing such an offence could be imprisoned for up to five years.

45. In his statement, the Special Rapporteur had mentioned the case of Poland where anti-Semitism and Islamophobia was said to constitute the stock and trade of a political party that was a member of the government coalition. It was undeniable that in Poland, as in any other democratic country, diverse points of view were expressed, but that did not mean that those points of view were representative of mainstream thinking in Polish society. The political party to which the Special Rapporteur had referred was no longer a member of the government coalition and it was worth pointing out that current public opinion polls credited it with very limited support. As for the statement cited by the Special Rapporteur in paragraph 35 of his report, it was in no way compatible with the policy pursued by the Polish government. Having made those clarifications, Poland wished to assure the Special Rapporteur that it fully supported his important work.

46. Mr. JAHROMI (Observer for the Islamic Republic of Iran) subscribed to the statement made by Pakistan on behalf of the Organisation of the Islamic Conference and thanked the Special Rapporteur for his statements and his detailed report. The spread of racist violence and xenophobic ideas in numerous parts of the world, be it in political circles, public opinion, or, more broadly, in society, was a matter of profound concern. They were the result of the proliferation of activities by associations and political parties relying on racist and xenophobic platforms and programs to promote racist prejudice or incite to racism. The growing tendency to defame religions posed even more of a threat to the peaceful and harmonious coexistence of societies and civilisations now that racist discourse was translating more and more frequently into acts, as shown by the new wave of racist violence and the democratic safeguards that racism and xenophobia exploited.

47. In that connection, the Islamic Republic of Iran recalled that, according to the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, the right to freedom of expression was not absolute and did not include the right to incite to racial or religious hatred. The recent case of the publication of caricatures of the Holy Prophet of Islam in a Swedish newspaper was a clear instance of it. The Islamic Republic of Iran resolutely condemned those offensive and blasphemous caricatures and insisted once again on the need to draw up a Convention against the Defamation of Religions. It would be good to hear the Special Rapporteur's opinion regarding that proposal.

48. M^{SGR} TOMASI (Observer for the Holy See) said that the current discussions showed that the international community was now confronted with the question of reconciling freedom of religion, on the one hand, with freedom of expression, on the other, a complex task as illustrated by the work of the Special Rapporteur on freedom of religion and that of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance. It was indeed difficult to make headway with this issue while taking all religious groups and all regions into account.

49. The Universal Declaration of Human Rights showed that freedom of religion could be a point in common, a bridge, among different human beings. The practice of a religion, be it in the public or the private sphere, was in fact a freedom that pertained not just to the category of civil and political rights – and therefore linked to freedom of conscience, expression and worship – but also to the category of economic, social and cultural rights. That link was manifested clearly in the ability of religions to organize themselves, in activities pursued by members of religious communities, or in the forms of support given by religious institutions in the fields of health, education and training. Based on moral principles seeking the good of all mankind, the principal religions had often served as means for transcending subjective frontiers.

50. Assigning freedom of religion the function of guaranteeing the relation between the different fundamental rights meant that the authorities had to act in such a way that the practice of a religion did not restrict the exercise of civil and political rights or institutional participation and never led to the violation of the economic, social and cultural rights of persons or communities. Principles and rules relating to the protection of fundamental rights clearly showed that there was no hierarchy between freedom of religion and freedom of expression: both derived from the intellectual faculties of the human person and his or her actions in the public or private spheres. Measures adopted at the international and national levels had to strike a just balance between the exercise of freedom of religion and the exercise of freedom of expression, which

presupposed recognizing that the freedom to express a religious belief, when that belief is authentic, fulfilled a collective function: it contributed to social cohesion and, consequently, to the peaceful coexistence of the population as a whole – minorities and the majority, believers and non-believers – within a single country. The promotion and protection of all human rights, including the right to exercise freedom of religion, presupposed acceptance that human rights were interrelated and that international rules had to be reflected in domestic laws in order to afford equal protection of each person's freedom.

51. Mr. HAIDARA (Senegal) thanked the Special Rapporteur for the quality of his report, which would enrich thinking about the defamation of religions phenomenon and its consequences for the effective enjoyment of human rights. A reading of this report along with that of the High Commissioner on the same subject (A/HRC/6/4) confirmed the pervasiveness of the phenomenon, which affected several religions, and showed how urgent it was to implement concrete and lasting solutions for combating discrimination on religious grounds. Senegal supported the promotion of intercultural and inter-religious dialogue that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance and the Special Rapporteur on freedom of religion or belief both longed for. Senegal would also like to know what framework Mr. Diène would consider most appropriate for that dialogue among cultures and religions. In Senegal's view, the recommendations of the two Special Rapporteurs deserved close monitoring by the Human Rights Council because they pursued a fundamental goal, namely to preserve the balances essential for world peace and stability.

52. Mr. ULMER (Canada) said that religious intolerance was a subject of grave concern for the international community as a whole and that the world would be a better place if there were greater understanding and respect among all religions and cultures and more respect for diversity in points of view, opinions and ideas. Respect for cultural, linguistic, ethnic and religious diversity was the cornerstone of Canada's efforts to promote and protect human rights, in Canada and abroad. Canada spared no effort to combat all forms of religious intolerance and considered that promotion and protection of the rights of believers, including those of the members of religious minorities, should be central to the Council's work in this area. It called upon all States to respect freedom of thought, conscience and religion, pursuant to Article 18 of the International Covenant on Civil and Political Rights. The defamation of religions issue, which formed part of the broader framework of the right to freedom of religion or belief, should be analysed by the Special Rapporteur on the subject. Since defamation of religions was also related to freedom of expression – which all States were bound to respect pursuant to Article 19 of the International Covenant on Civil and Political Rights – the Special Rapporteur on freedom of opinion and expression ought to participate in any debates on the subject.

53. Mr. FORST (International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights) said that national human rights institutions had long been combating racism and all forms of discrimination and that some of them had been mandated to file judicial proceedings. At the time of the Danish Caricatures affair, the Committee had issued a statement recalling the need to respect freedom of expression, while at the same time emphasizing that the defamation of religions did nothing to promote that cause.

54. National human rights institutions wished to be involved in the preparation and follow-up to Durban and in that respect they considered that the Special Rapporteur on the promotion and

protection of the right to freedom of opinion and expression should be associated with it and be invited to the Review Conference. As the Special Rapporteur had asserted, it was important to apply relevant international instruments but efforts to bring about dialogue were also necessary in order to ensure greater mutual understanding and acceptance of differences. National institutions afforded just such a venue for dialogue, both domestically – because they comprised different components of civil society – and internationally, because the meetings of the International Co-ordinating Committee (including the next one due to take place in Kenya in 2008) devoted considerable time to exchanges, the sharing of information, and reciprocal appreciation of differences. In conclusion, the Committee endorsed the opinion of the Special Rapporteur that it was necessary to establish national plans to combat racism and to develop clear and far-reaching laws and policies to counter a phenomenon that was neither an opinion nor a belief, but rather a crime to be punished by the courts. The practice of inter-cultural or religious dialogue was a key factor in the fight against all forms of racism and discrimination and that dialogue had indeed to begin within countries before being pursued internationally.

55. Mr. LAMAIN (Foundation of Japanese Honorary Debts) said that his organization represented the victims of the Japanese occupation of the former Dutch East Indies, today's Indonesia, during the Second World War. Flaunting all international conventions, the Japanese army had detained Dutch citizens and forced them to become sexual slaves. According to the speaker, Japan should be condemned for having applied discriminatory and racist practices. The Japanese government continued to think that it should sit on the International Court of Justice but that right should not be granted, in view of the racist practices it had perpetrated in the past. The Japanese government and parliament had to admit the illicit acts that had been committed and make reparation for the irreversible harm done to the victims. The speaker added that prior to entering the camps, the victims had been chosen on the grounds of the "black" or "white" colour of their skins, a practice similar to that of the Germans with regard to Jews. Germany had been condemned for those deeds, which it had admitted: Japan should follow suit.

56. Mr. BARNES (Indian Council of South America) said he shared the opinion voiced by the Special Rapporteur in paragraphs 5 to 14 of his report that religious discrimination often took the form of ideological violence encouraged by elites and sometimes institutionalised by discriminatory laws that lent it a veneer of democratic legitimacy. Even though they were recognized, and despite legal safeguards and policies designed to protect them, indigenous peoples had been victims of that type of discrimination.

57. Mr. Barnes also agreed with the Special Rapporteur's account of Christianophobia in paragraph 46 of the report and said the phenomenon had existed between indigenous peoples and the Europeans or other countries that had used the Catholic Church for ideological purposes, to justify depriving them of their lands and sovereignty and even to commit genocide against them. The United States still used the finder's keeper's theory, based on discriminatory rulings of the Supreme Court, which continued to prevent indigenous peoples from exercising their legitimate right to self-determination and protection from the abuse of power. The Human Rights Council should broaden the Special Rapporteur's mandate to include a study of that issue. Finally, thought needed to be given to the best way to deal effectively with the link between racism and the right to self-determination, not from the point of view of the Declaration on the Rights of Indigenous Peoples recently adopted by the General Assembly, but from the point of view of international law. For that, it would be useful to invoke certain paragraphs of the Durban Declaration and Programme of Action.

58. Ms. JOURDAN (Association of World Citizens) said that, for the first time in history, half the world population was urban. Of all the many risks that populations would have to face, racial discrimination posed a very special threat. In recent months, posters had begun to proliferate in our midst with graphics that were petrifyingly reminiscent of early fascist propaganda in the 1930s. Had we all been struck by a xenophobic tumour and were we all too sick to project a constructive notion of our identity, one that was open to the future? Were we no longer capable of rising up against iniquitous measures targeting aliens and which, sooner or later, could turn around and hit us? Against that backdrop, and bearing in mind the fact that only 10 percent of the population of European countries was apparently aware of the existence of the Convention on the Elimination of All Forms of Racial Discrimination, it seemed to be urgently necessary and fitting that governments and populations make a concerted effort to make the public more aware of the consequences of the ratification of that instrument on their behalf.

59. Finally, Ms. Jourdan agreed with the Special Rapporteur that legal strategy would not, on its own, suffice to overcome prejudices that were deeply anchored in history and culture. It needed to be complemented by a cultural and ethical strategy for promoting democratic, egalitarian, non-discriminatory, and inter-active multiculturalism, so that people could “live together” in a fruitful and non-antagonistic manner.

60. Mr. DIÈNE (Special Rapporteur on contemporary forms of racisms, racial discrimination, xenophobia and related forms of intolerance) said that defamation of religions, which was as old as religions themselves, stemmed from mechanisms that were deeply rooted in various forms of consciousness and that, to combat that phenomenon, the Council must not only work to ensure the enforcement of international standards and instruments, but also take into account the context prevailing since September 11, 2001, as it encouraged Member States of the United Nations to go beyond application of the rule of law and law enforcement to get at the root causes of defamation of religions. The complex issue of reconciling freedom of expression and freedom of religion had to be addressed using the whole set of human rights mechanisms. For his part, the Special Rapporteur said that he was ready to work jointly with the Special Rapporteur on promotion and protection of the right to freedom of opinion and expression and with the Special Rapporteur on the right to freedom of religion or belief. In conclusion, Mr. Diène said that the establishment of an observatory of the different manifestations of discrimination and intolerance was now more necessary than ever, given that in order to deal with those phenomena in depth it was first best to measure them on the ground.

Review, rationalisation, and improvement of mandates

61. Ms. ZERROUGUI (Chair-Rapporteur of the Working Group on Arbitrary Detention) explained that the resolution establishing the Working Group on Arbitrary Detention mandated it to investigate cases of detention that was arbitrarily imposed or was in any other way incompatible with relevant international standards. Its mandate was subsequently extended to cover administrative detention of asylum-seekers and immigrants, so that nowadays it looked into both administrative and judicial detentions and, in the case of the latter, with deprivation of liberty imposed before or after final judgment. Ms. Zerrougui pointed out that those assigned mandates under the special procedures system were permitted to respond to a complaint of a human rights violation on the basis of prima facie elements and without a requirement that domestic remedies had to be exhausted. The mandate assigned to the Working Group was of a strictly legal nature since it concerned oversight of the legality of a detention and of procedural

guarantees. That oversight included verification that domestic legislation and its enforcement conformed to standards established by international instruments that the States concerned had accepted. The composition of the Group was representative of the different parts of the world and of the most widespread legal systems. For the sake of transparency, if a case under review or an on-site visit had to do with a country of which one of the members of the Group was a national, or in any other situation in which there could be a conflict of interest, that member was not allowed to participate in either the visit or deliberations on the case in question.

62. To facilitate prevention of arbitrary detention, the Working Group had established criteria for an objective assessment of the arbitrary nature of a detention. It had drawn up a quasi-judisdictional procedure for reviewing individual communications and it took into consideration the outcomes of certain deliberations and legal opinions that enabled it to appraise cases of deprivation of liberty. That practice had made it possible to conduct an appropriate analysis of the practice of arbitrary detention and to list its most frequent causes. The Working Group had issued more than 600 opinions on matters concerning all the major legal systems, and that had led it to discern best practices in that field and to develop preventive strategies.

63. The Working Group was one of the few, if not the only, universal international mechanism that could visit detention centres, not to look into the conditions in which detainees were being held, but to ascertain the legality of their detention and their legal status. On-site visits were particularly useful; in fact they made it possible for the Working Group to strike up a direct dialogue with the competent authorities, carry out an in-depth study of States' laws and practices, determine where there were shortcomings, and make recommendations. They also afforded governments an excellent opportunity to show that detainees' rights were respected and that progress had been made in that respect. Thus far, the Working Group had conducted 25 visits to 22 countries. As a result of those visits, it had much better information, particularly of the conditions under which persons deprived of their liberty were held, especially those in temporary detention, and it had been able to ascertain the increase in the number of detainees all over the world. The list of countries visited is proof that the principle of non-selectivity had been taken into consideration in the choice of countries to visit.

64. Mr. SHALABY (Egypt), speaking on behalf of the Group of African States, said that he would like to see a review of the arrangements proposed for conducting discussions of mandates and for stakeholder participation in those debates. That was an issue not for discussion of the thematic mandates currently being reviewed, but only for discussions of mandates in respect of a particular country, so that could be brought up again for discussion at a later date.

65. The PRESIDENT said that he had taken note of Mr. Shalaby's proposal and that the matter could indeed be debated in another forum and under other circumstances. It was important to bear in mind that the approach to be adopted for the review, rationalisation, and improvement of mandates should be the same for all the mandates. The process involved was unique and for that reason it should be governed, at each of its stages, by the same principles.

66. Mr. XAVIER ESTEVES (Observer for Portugal), speaking on behalf of the European Union, said that since it was instituted in 1986, the mandate assigned to the Special Rapporteur on freedom of religion or belief had led it to address a certain number of major issues, in particular, violations of the freedom to adopt a belief or religion, to change it or give it up, as well as discrimination on the grounds of religion or belief. It had also made it possible to draw

attention to particularly vulnerable groups. Despite the extremely sensitive nature of issues related to freedom of religion or belief, those responsible for exercising that mandate had managed to address them all, without any bias in their selection. Even though the efforts of those entrusted with that mandate had helped to disseminate international standards with regard to freedom of religion or belief and steps had been taken to combat intolerance, the European Union shared the Special Rapporteur's opinion that a huge effort was still needed to eliminate intolerance and discrimination on the grounds of religion or belief. The right to freedom of religion or conviction had often been violated and all too often it was only reluctantly protected. It was also worrying to note that, 26 years after it was adopted, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, was still not universally applied. For all those reasons, the European Union proposed adopting a draft resolution on the elimination of all forms of intolerance and discrimination based on religion or belief that would renew the Special Rapporteur's mandate for a further three years. Finally, the European Union considered that the instruments developed by the Special Rapporteur, particularly the framework for communications, were highly useful and constituted an example of best practices for work done under the special procedures system.

67. Mr. Xavier Esteves said that he would like to ask Ms. Jahangir a few questions. First, in her report the Special Rapporteur had provided a summary of the issues addressed in the framework of that mandate since it established. In light of that summary, the European Union would like to know what priorities the person assigned that mandate should pursue over the next three years. Second, Ms. Jahangir had underscored the need for States to develop strategies aimed at preventing violations of the right to religion or belief and focusing in particular on education and intercultural dialogue. In that connection, Mr. Xavier Esteves would like to know whether it would be useful to have the person assigned that mandate devote more time to prevention. Finally, he would also like Ms. Jahangir to share her thoughts regarding the attention that should be paid, in the course of the next mandate, to the question of vulnerable groups and the strategies needed to improve their situation.

68. Ms. JAHANGIR (Special Rapporteur on freedom of religion or belief) said that the mandate conferred on her was indispensable for a comprehensive view of human rights and of the special procedures system. The fact that she had been in joint communication with 18 other persons assigned mandates and had drawn up joint reports with two of them showed how violations of the right to freedom of religion or belief were often associated with violations of other rights, especially civil, political, economic and cultural rights. The effectiveness and impact of the work done by those who had been assigned that mandate could not be assessed merely on the basis of statistical criteria. Their work had indeed helped refine certain notions to do with human rights and had attempted to provide answers to complex questions. She herself had, for instance, introduced a "framework for communications", which contained a compendium of texts containing the relevant standards. She had also published on-line a summary of those applicable international rules and standards along with extracts of the conclusions reached by those who had held her mandate, arranged by category. Ms. Jahangir emphasized that that mandate was an important mechanism for all NGOs working on religious issues and that it had made a major contribution to the protection of religious and spiritual communities.

69. The three past rapporteurs had visited 24 countries, located in all continents. Some 1,095 letters regarding allegations and urgent appeals had been sent to 130 States. In their reports, the

Rapporteurs in that field had repeatedly lamented the fact that large numbers of people in the world did not enjoy freedom of religion or belief and that following September 11 religious intolerance had increased. Particular attention had been paid to vulnerable groups, especially women, children and minorities.

70. The role of the rapporteurs was not just to be the passive recipient of information. On the contrary, they could – and had to – act upstream to prevent conflicts. From that prevention point of view, it would be useful if the Human Rights Council continued to make reference to the final document adopted in Madrid in its resolutions. The exchanges that had taken place with government representatives had achieved positive results and had helped detect provisions in draft laws that were likely to cause problems. Finally, Ms. Jahangir reaffirmed that it was essential to preserve the independence of the rapporteurs.

71. Mr. BUTT (Pakistan), speaking on behalf of the Organisation of the Islamic Conference (OIC), said that the mandate on freedom of religion or belief had become even more important since September 2001. It was a mandate that covered a wide range of distinct, but nevertheless interlinked, issues. The diversity of the issues addressed in the Rapporteur's report had only strengthened the delegation of Pakistan's conviction that more robust collective efforts were needed to combat intolerance and discrimination based on religion or belief. Moreover, although the Council had just heard the spokesperson for the European Union, the principal author of the draft resolution on the subject, express the desire that Ms. Jahangir's mandate be renewed, no precise proposal to that effect had officially been submitted. At that moment, therefore, the members of the OIC could only express their willingness to play a constructive part in the negotiations on the resolution regarding the extension of Ms. Jahangir's mandate, which would hopefully take place in the following few days. However, Mr. Butt stressed again that the OIC would like the resolution in question, as well as all resolutions on mandates to be reviewed or improved during the year to come, to contain a clear reference to the fact that the mandate under review be exercised in accordance with the recently adopted Code of Conduct. Finally, the representative of Pakistan said that he subscribed to the views expressed by his Egyptian colleague and voiced the hope that, on that issue, it would be possible to reach a decision by common accord and based on well-sustained arguments.

72. Mr. CORMIER (Canada) said that the Special Rapporteur's mandate was essential in order to ensure respect for the right of freedom of thought, conscience, and religion. Canada welcomed the discretion, objectivity and independence shown by the Special Rapporteur in the performance of her mandate, as well as the systematic nature of her approach, which had made it possible to highlight international human rights standards and to pinpoint the most pressing issues related to freedom of religion or belief. Canada was deeply concerned at the ongoing pervasiveness of discriminatory practices targeting religious minorities and by the incitement to violence on religious grounds. The Canadian delegation agreed with the Special Rapporteur that considerable effort was still required at the international and national levels to overcome violence and discrimination based on religion or belief. It considered that States were principally responsible for promoting and protecting rights relating to freedom of religion or belief and that, in that area, they had to show proof of impartiality and objectivity. Mr. Cormier said that his Government supported a continuation of the Special Rapporteur's mandate and underlined the importance of preserving the nature of that mandate. He expressed his support for the Special Rapporteur's efforts to examine the incidents brought to her attention and the acts of governments that were

incompatible with the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, and to recommend corrective measures.

73. Ms. KAPPEYNE VAN DE COPPELLO (Netherlands) said that her delegation subscribed to the statement made by Portugal on behalf of the European Union. The Netherlands considered that the way in which the government of a given country guaranteed the right to freedom of religion or belief constituted one of the factors indicating the overall human rights situation in that country. The Dutch government was particularly concerned at the treatment of religious minorities in certain countries. The right to freedom of religion could only be curtailed if restrictions were contemplated in law and were necessary to protect public safety, order, and health, morality, or the fundamental freedoms and rights of others. In practice, certain governments that persecuted minorities were misusing that provision and displaying contempt for international law, fundamental rights, and human dignity. The obligation to register was also capable of being misused; moreover, registration should not be a prerequisite for the practice of a religion. Freedom of religion or belief was threatened, and for that reason the Netherlands fully supported the proposal put forward by Portugal on behalf of the European Union to prolong Ms. Jahangir's mandate for a period of three years. The representative of the Netherlands also wished to ask the Special Rapporteur what difficulties she expected to encounter in the coming years in connection with her mandate and how she thought they could be overcome. She would also like the Special Rapporteur to share her thoughts on how she intended to help boost efforts to protect groups vulnerable to violations of their right to freedom of religion or belief. Finally, the Dutch delegation considered that inter-religious dialogue could help to bring about greater tolerance among those who practiced different religions. It would like the Special Rapporteur to say what proposals she would make regarding possible actions to strengthen the position of women in religious hierarchies.

74. Ms. KORUNOVA (Russian Federation) said that the issue of the defence of the right to freedom of religion or belief was still current and for that reason her delegation was in favour of extending the rapporteurship in that area. Russia's views on the subject were the same as those voiced by Pakistan on behalf of the Organisation of the Islamic Conference. Ms. Korunova would, however, like to make a general observation, namely that what could possibly cause a problem was not the existence of such and such a mandate, but how a rapporteur might interpret it once he or she has been appointed. Rapporteurs should take care not to exceed the spheres of competence assigned to them. It was, once again, worth underscoring in that regard the importance of the Code of Conduct for those holding mandates under the special procedures system.

75. Ms. KOHLI (Switzerland) said her country supporting renewing the mandate of the Special Rapporteur on freedom of religion or belief for a further three years. Her mandate was broad enough for her to examine any action incompatible with the principles and provisions set forth in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Making the contents of that mandate more precise in order to add particular forms of intolerance would in practice restrict the leeway that the Special Rapporteur needed to be able to examine all forms of intolerance. Switzerland was, moreover, convinced that dialogue with the governmental authorities concerned continued to be essential, whenever the Special Rapporteur was apprised of a situation. In addition, it called upon all States to extend a standing invitation to the Special Rapporteur on Freedom of Religion or Belief as well as to all those in charge of other special procedures for the protection of human rights.

76. The PRESIDENT said he wished to revert to the incident that had occurred during the preceding meeting during the oral statement by the NGO Centrist Democrat International. After having made appropriate inquiries, he was in a position to report to the Council that the NGO in question and its representative had been duly accredited to take part in the meeting under way. As regards the fact that the NGO had not been authorised to complete its statement, the President said that after carefully studying the text of that declaration he remained of the opinion that it was out of place with regard to the matter being discussed. As for unfinished business with regard to that incident, if the Cuban delegation were to send communications in writing, they should be addressed, as appropriate, either to the NGO Committee of the Economic and Social Council or to the Bureau of the Human Rights Council, where they would be duly examined. The President reminded all representatives and stakeholders that discipline had to prevail in the Council's precincts. He called upon all those participating in the work of the Council to refrain from attacks *ad personam* and to direct their statements to the matter under review.

The meeting was closed at 6:10 p.m.

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