

ITEM 9: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Doudou Diene

Mr President,

My delegation wishes to express our sincere appreciation to the Special Rapporteur for his latest report which addresses a serious contemporary issue, that of the manifestations of defamation of religions, with a particular emphasis on Islamophobia.

We welcome the recommendations in the report and reaffirm that the Durban Declaration and Programme of Action remains the basis for the effective elimination of racism, racial discrimination, xenophobia and related intolerance. The report has identified a substantive gap on the interrelationship between freedom of expression, freedom of religion and non-discrimination. It is imperative that complementary standards be adopted in this regard.

We support the call by the Special Rapporteur on Freedom of Religion and Contemporary Forms of Racism for the Human Rights Committee to consider the adoption of

While reaffirming my country's principled position on combating terrorism, my delegation expresses serious concern at the surge of incidents relating to the defamation of religions as well as towards the intellectual legitimisation of Islamophobia. We express deep concern at the negative stereotyping of religions, and the frequent and erroneous association of Islam with human rights violations and with terrorism. This cannot be used by some as a validation for violating human rights in their strategies to combat terrorism. The negative stereotyping of the media, which tend to reinforce the process of intellectual legitimisation of Islamophobia, is regrettable.

certain religions by such religions

The practice of defending the defamation of religions as an exercise of the right of the freedom of expression, renders meaningless the restrictions articulated in the relevant human rights instruments. The International Covenant on Civil and Political Rights contains the fundamental provisions that "... the right to freedom of expression..." "...carries with it special duties and responsibilities". It may therefore be subject to "certain restrictions" such as the "...respect of the rights or reputations of others...". Moreover, the Covenant prohibits by law "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence ...".

Mr President,

It is incumbent upon states, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions. Following the first democratic elections in South Africa in 1994, we adopted legislative measures designed to build a democratic and multicultural society and to combat segregation and racial discrimination. The Constitution of 1996 with its Bill of Rights enshrines the values of "human

dignity, equality and non-racism” and instructs that “Everyone has the right to freedom of ... religion ... as well as “...the right to freedom of expression “.

However, the right to freedom of expression does not extend to “incitement of imminent violence” ... and “advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm”.

We are encouraged by the steps undertaken by states, the United Nations system and the wider international community, including non-governmental organizations, to oppose religious intolerance. However, the alarming increase in incidents of intolerance and discrimination on the grounds of religion or belief lead us to believe that much more needs to be done.

We call on states to establish legal and constitutional guarantees aimed at protecting ^{persons} against acts of hatred, discrimination and coercion resulting from defamation of religions, and ~~to~~ uniformly and consistently apply the law.

In addition, we urge states to increase their efforts to enhance dialogue with the aim of understanding and promoting tolerance and respect for all religions and their value systems. In this regard, the initiative on the Dialogue Among Civilisations needs to be supported. We firmly believe that regional organisations, non-governmental organisations, religious bodies and the media have a pivotal role ~~to~~ ^{to play}.

^{Two weeks ago, the}
~~The recent~~ Durban Preparatory Committee decided by consensus that the Durban Review Conference in 2009 will ~~discuss~~ ^{discuss} the contemporary manifestations of racism and ^{racial} discrimination with the aim of identifying practical solutions for its elimination. We hope that the spirit of cooperation that existed in the Preparatory Committee ~~last month~~ ^{last month} will be carried ~~through~~ ^{forward} in the Durban Review Preparatory process. We look forward to the contribution by the Special Rapporteur in these processes.

I thank you.

as an integral component of assessing the implementation of the Durban Declaration and Platform of Action, deal with