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**Speech of Mr. Doudou Diène,
Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance**

**pursuant to HRC decision 1/107 on incitement to racial and religious hatred and
the promotion of tolerance**

Geneva, Palais des Nations, 21 September 2006



**Mr. President,
Distinguished delegates,
Ladies and Gentlemen,**

This joint report is submitted pursuant to Human Rights Council decision 1/107.

I consider, as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, that the analysis of the increasing trend in defamation of religions cannot be dissociated from a profound reflection both on the current political and ideological context and on the ominous trends of racism, racial discrimination, xenophobia and related intolerance -which in turn fuel and promote racial and religious hatred-, and on the specificities and commonalities existing among different manifestations of defamation of religions.

Two key dimensions of the current ideological context constitute determining factors in the incitement to racial and religious hatred and in the political reading, interpretation and implementation of article 20 of the International Covenant on Civil and Political Rights: the impact of the combat against terrorism on human rights and the emergence of new forms of discrimination.

The combat against terrorism, in the aftermath of the events of 11 September 2001, has had two consequences whose scope is deeply transforming the whole fabric of international relations. A major negative impact is the trend and sometimes the ideological position of many Governments to consider that the security of the country and its people constitute the sum and substance of all human rights. Thus, all human rights guaranteed by international instruments are interpreted and implemented in the light of their relevance and contribution to the combat against terrorism. The respect and exercise of these rights are generally accompanied by restrictions and limitations. The fundamental value legitimizing these restrictions and limitations is the basic foundation governing the "living together" of all societies: the respect of the rights of others. The new ideological context is undermining precisely this ethical pillar of civilized society: restrictions and limitations are no longer considered valid and are indeed regarded as hindrances or obstacles to the priority of the fulfillment of one's ideological and political interest. Each human right is now being interpreted and implemented as an absolute and isolated principle according to this interest. The principles of contradiction and confrontation, rather than the principles of conciliation and accommodation, are progressively determining the approach to and the reading of the different human rights.

The emergence of new forms of discrimination also constitutes a negative consequence of the priority given to the combat against terrorism. Discrimination is practiced based on the two main national issues that Governments consider to be threatened by terrorism: security and identity. In this regard, with the proclaimed motivation of preserving national security, Governments have adopted policies gradually curtailing or disregarding civil and political rights or selecting those rights more fitting to that goal. In the same spirit, on the grounds of protection of national

identity, cultural, social and economic rights, particularly those guaranteeing the rights of national minorities, immigrants and foreigners, are deliberately violated or marginalized. Rights related to culture and religion are particularly targeted. A major consequence of the impact of the combat against terrorism on human rights has been the marginalization of the Durban Declaration and Programme of Action.

The understanding of this political and ideological context, which favors the incitement to racial and religious hatred, is key in the analysis of the close link existing between the issue of defamation of religions and the right to freedom of expression, as indicated by the latest controversies about the caricatures of the Prophet Muhammad published by the Jyllands-Posten newspaper in Denmark. The political and ideological approach to human rights has been confirmed by the fact that, in the logic of a clash of civilizations, Governments, political leaders, intellectual personalities and the media have flagged and radically set against each other freedom of expression and freedom of religion. The key dialectical dispositions of limitations and restrictions that accompany the exercise of these rights, carefully formulated in the pertinent international instruments, have been wiped out by the new ideological winds of political and cultural polarization.

In such an ideological context, two key trends give legitimacy to racial and religious intolerance: the political instrumentalisation of racism and xenophobia and its intellectual legitimization.

The insidious penetration of racist and xenophobic platforms into the political agendas of democratic parties -under the pretext of combating terrorism, defending national identity and the national interest, promoting national preference and combating illegal immigration- leads to a generalized social acceptance of a racist and xenophobic rhetoric and system of values.

This political normalization of racism leads to the non-recognition of the general trend towards multiculturalism in most societies and an increased discrimination. This fuels and promotes hatred towards non-nationals, in particular, ethnic and religious minorities, immigrants and asylum seekers. Gradually, the legal system, public order, education, employment and social welfare become impregnated with racist and xenophobic ideology.

Three main consequences of the fact that the ideology of racism and xenophobia is becoming politically mainstream are particularly alarming. In the first place, given the electoral effectiveness of racist and xenophobic platforms, the initial promoters of these ideologies -the extreme right parties, partners of political alliances of Governments with democratic parties- are now, in many countries, at the centre of legal power, mainly in strategic positions in the departments of justice, security and immigration, to implement their political agenda. In the second place, an increasing number of national policies and programs regarding security, immigration, asylum and nationality are marked by the criminalization and curtailment of immigrants and asylum seekers, and by their racist and xenophobic connotations and overtones.

Thirdly, the increasing activism of extremist and Neo-Nazi groups, favored by the political instrumentalisation of racism and its intellectual legitimation constitutes another major determining factor in the incitement to racial and religious hatred. This also opens the ground for these groups to act not only through political means, but also through the use of racist and xenophobic violence, as has been particularly illustrated by recent cases in Belgium and in the Russian Federation. These groups proceed to a selective interpretation of human rights and legitimate their acts on the basis of freedom of expression. The fact that this violence is targeting not only discriminated communities –Blacks, Arabs, Jews, Asians and increasingly Muslims– but also human rights defenders, confirms that the rise of racism is a major threat to democracy.

The political and social normalization of racism and xenophobia need to be understood in a context of growing intellectual legitimation of these phenomena. In fact, the most profound and lasting manifestations of racism and xenophobia are the result of long-term intellectual constructs which postulate cultural inferiority, religious demonization and the natural inhumanity of entire races, ethnic groups, communities and peoples. The impact of these ideas in education systems, arts and literature have shaped sensibilities, outlooks and value systems and thus nourished the consolidation or emergence of cultures of racism, discrimination and xenophobia.

Incitement to racial discrimination, xenophobia and other related intolerance and the defamation of religions and religious hatred are often observed as two interconnected issues. Discrimination and intolerance against religious communities and their members, which have deep historical and cultural roots, are facilitated in an environment where religions and beliefs are degraded or maligned through a deliberate intellectual and/or political discourse which demonizes them. Intolerance to any form and expression of religion is becoming a very negative consequence of certain forms of radical secularism.

While it is true that acts of defamation of religions are common in various regions of the world, it must be recognized that each one of these phenomena bears its specificity. In their manifestations, expressions and frequency, these forms of defamation of religion present distinctive features that suggest caution in any attempt to design a general framework for their understanding and analysis in the context of the link between defamation of religions and discrimination and intolerance.

I consider, in this context, as I indicated in my previous reports, that religious communities and their leaders should analyze the internal factors in their beliefs, practices and relationships with other religious and spiritual traditions which may have contributed to defamation of religions.

Before concluding, I would like to refer to the statement of Pope Benedict XVI at the University of Regensburg, on 12 September 2006, which, in the context of the urgent need to promote inter-religious dialogue, I consider to be profoundly troubling, for three main reasons. Firstly, if the issue of violence and faith is a legitimate challenge

for all religions to be raised, the most credible approach should be for each religion to start with an internal reflection and introspection on this issue, both at the theological and historical levels. Secondly, the intended scholarly approach of Pope Benedict XVI should have been based on the basic standard of scholarship: presenting and quoting the two sides of this historic debate between the Byzantine emperor Manuel II Paleologus and a Persian Muslim scholar. We are still waiting to be informed about the reply of the Persian scholar. Such a balanced approach would have certainly drawn the attention of present day promoters of inter-religious dialogue on the fact that the debate on violence and faith has a long history of controversy. Thirdly, in the current ideological context of amalgamation of Islam and terrorism -already illustrated by the Danish cartoon controversy- singling out a view and image, even historical, associating only one religion with violence, is bound to nourish and give legitimacy to this amalgamation which is the most profound source of Islamophobia.

With a view of avoiding the reading of Pope Benedict XVI's speech as an intellectual and theological legitimation of Islamophobia, and pending further clarifications, I would like to make the following suggestion: that this opportunity be taken to implement the principle of incompatibility between religion and violence by calling upon all religious leaders and Governments to take measures to prevent the use of violence in response to this statement, and to encourage the promotion of the debate, with fairness and balance, on the issue of violence and faith in all encounters on inter-religious dialogue.

Mr. President,
Ladies and Gentlemen,

In conclusion, I would like to welcome this exercise of joint reporting between the two Special Rapporteurs, especially for its creative dimension. I thank Ms. Asma Jahangir for her very positive and enlightening cooperation.