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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

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

**Summary**

The present report is submitted in accordance with Human Rights Council decision 2/102. It focuses on activities undertaken by States, the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms to support intercultural dialogue, respect and tolerance.

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\* This report is submitted late because, in the absence of a new resolution, the Office of the High Commissioner for Human Rights decided to prepare a full report to update the last one (E/CN.4/2006/12) and needed additional time for the identification and analysis of the required information.

## I. INTRODUCTION

1. The Human Rights Council, by its decision 2/102, requested the High Commissioner for Human Rights to “continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. A comprehensive annual report (E/CN.4/2006/12) on the issue of defamation of religions was submitted to the Commission on Human Rights at its sixty-second session pursuant to resolution 2005/3. The information in the report remains relevant, and is complemented by the report submitted more recently to the General Assembly (A/61/325) pursuant to Assembly resolution 60/150. Another report of the High Commissioner on incitement to racial and religious hatred and the promotion of tolerance was submitted to the Human Rights Council at its second session (A/HRC/2/6) pursuant to its decision 1/107. The Office of the United Nations High Commissioner for Human Rights (OHCHR) understands decision 2/102 to preserve the previous annual reporting cycle in respect of this issue until otherwise decided by the Council. The current report to the Human Rights Council accordingly addresses developments in respect of defamation of religions over the last year.

## II. REPLIES RECEIVED FROM MEMBER STATES

2. On 10 July 2006, the Office of the High Commissioner for Human Rights sent a note verbale to Member States inviting them to forward their contributions, in accordance with Human Rights Council decision 1/107 and in particular on the following issues: (a) actions undertaken by the State to prohibit the dissemination through political institutions and organizations of racist and xenophobic ideas and material aimed at any religion, that constitute incitement to discrimination, hostility or violence; (b) legal and constitutional guarantees aimed at protecting against acts of hatred, discrimination and coercion resulting from defamation of religions; (c) measures undertaken to promote tolerance and respect for all religions and their value systems; (d) education and training programmes or modules aimed at ensuring that all public officials, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion and belief; (e) measures adopted to ensure equal access to education for all, in law and practice, including access to free primary education for all children and access for adults to lifelong learning and education based on respect for human rights, diversity and tolerance without discrimination on any ground; (f) actions aimed at supporting and promoting a global dialogue for a culture of peace and tolerance based on respect for human rights and religious diversity. The information submitted by the Member States has been used in the preparation of the present report.

3. OHCHR received replies from seven Member States, namely Croatia, Cuba, Finland, France, Slovenia, the Syrian Arab Republic<sup>1</sup> and Tunisia. The present report also includes information from Mauritius in response to the note verbale sent on 9 May 2005 following the adoption of Commission resolution 2005/3, which arrived too late for inclusion in document E/CN.4/2006/12.

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<sup>1</sup> At the time of the preparation of this report, the translation of the reply from the Syrian Arab Republic was not available.

4. The Constitution of Croatia directly prohibits, in its article 39, “reference to and instigation of national, racial, religious and other discrimination and hatred”. Further, the Constitutional Law on the Rights of National Minorities (2002) protects the rights of national minorities. The development of a National Strategy for Prevention of Discrimination is part of the Government Action Plan.
5. The Criminal Code of Croatia criminalizes discrimination and racism, public statements and dissemination of hate speech encouraging racism, religious and ethnic hatred, including the posting of materials on the Internet, which deny, diminish, approve or justify genocide or crimes against humanity. Violation of freedom of religion is criminalized under article 110 of the Code.
6. The Government of Croatia provides training for police officers on hate crimes and respect for different religions. Judicial officers are also trained in combating racism and discrimination.
7. Access to free primary education is ensured to all citizens and non-citizens and religion is listed as an optional subject in the school curricula.
8. Cuba adopted a comprehensive system of policies and measures in different political, economic, social and cultural fields with a view to eradicating all forms of discrimination, including discrimination on religious grounds. The 1976 Constitution stipulates, in its chapter on equality, that all citizens have equal rights and duties and that State institutions shall educate all citizens from an early age in accordance with the principle of equality. Discrimination on the grounds of race, colour, sex, national origin, religion and any other ground is a violation of human dignity and is punished by law. Chapter VII of the Constitution, entitled “Rights, Duties and Fundamental Guarantees”, provides for a number of civil and political rights, including freedom of religion. The 1992 constitutional reform added new legal provisions, including article 34 which provides that foreigners residing in Cuba have the same constitutional rights as Cubans.
9. The Criminal Code, under article 295, sanctions anyone who discriminates or incites discrimination and who violates the principle of equality guaranteed by the Constitution. The same article sanctions dissemination of ideas based on racial superiority, incitement to racial hatred and acts of racial violence.
10. The Constitution of Finland guarantees, in its section 11, freedom of religion and conscience. It also provides guarantees, in its section 6, against hatred on religious grounds.
11. The Act on the Integration of Immigrants was endorsed in 1999, aiming at the promotion of integration, equality and freedom of choice of this vulnerable group. The Office of the Ombudsman for Minorities was established in 2001, under the Ministry of Labour, with the objectives of monitoring the principle of ethnic non-discrimination, promoting good ethnic relations, and preventing discrimination against aliens and minorities. Another legal instrument that protects freedom of religion and conscience is the Non-Discrimination Act (2004) which prohibits discrimination on the grounds of religion or belief.

12. The Penal Code criminalizes incitement to racial, ethnic or religious hatred and the dissemination of depictions of obscenities, prohibits discrimination on the grounds of religion, and protects ethnic and religious groups or comparable groups should they be threatened, defamed or insulted.
13. The Act on the Exercise of Freedom of Expression in Mass Media (2003) prohibits the dissemination of racist and xenophobic ideas. Guidelines for Journalists have been elaborated to provide guidance for reporting on these issues.
14. A national network of stakeholders advocating against racism and xenophobia operates under the patronage of the Government. Since 2001, various training courses for public authorities have been organized to increase awareness and sensitize officials about different aspects and grounds of discrimination. Training of prosecutors on the principle of equality and training of policemen on ethnically motivated offences have also been organized.
15. The Government of France gives high priority to the fight against all forms of discrimination. Several institutional reforms were put in place in order to strengthen efforts to combat racism and discrimination. In 2003, the Comité interministériel de lutte contre le racisme et l'antisémitisme (Inter-Ministerial Committee for the Fight against Racism and anti-Semitism), presided over by the Prime Minister, was created to define government policy in combating racism. It developed guidelines for police in the fight against racism and nominated magistrates to act as focal points in courts. The following year, the Haute autorité de lutte contre les discriminations et pour l'égalité (High Authority on the Fight against Discrimination and for Equality) was founded as an independent administrative authority to deal with cases of discrimination in all its forms and the promotion of equality. The Government, at the initiative of the President, has re-established two institutions whose focus is the integration of immigrants - the Conseil à l'intégration (Council for Integration) and the Comité interministériel à l'intégration (Inter-Ministerial Committee for Integration).
16. French law protects freedom of expression and, in so doing, protects freedom of opinion and conviction and condemns all forms of discrimination. The Penal Code of 1 March 1994 and the Law on the Freedom of the Press of 29 July 1881 punishes the dissemination of racist and xenophobic messages. Incitement to discrimination, violence or racial hatred, defamation and insult of a racist or discriminatory character, as well as the denial of crimes against humanity are considered violations of French law. Law No. 2004-669 of 9 July 2004 amended the law of 30 September 1986 relative to the freedom of communication, allowing the Conseil supérieur de l'audiovisuel to collect all necessary information from satellite network operators, punish them accordingly and seize the Conseil d'État (Council of State) of the matter.
17. With regard to housing, law No. 2002-73 of 17 January 2002 on social modernization amended former legislation to benefit victims of discriminatory practices.
18. The Government of France affirms that public schools are neutral institutions where equality between the sexes must be ensured. Law No. 2004-228 of 15 March 2004 provides that in public schools all ostentatious religious symbols or dress are forbidden. Discreet religious symbols are permitted.

19. The Constitution of Mauritius, in its section 3 (b), prohibits discrimination on various grounds including race, political opinion, creed or sex. In addition to the Constitution, the Protection of Human Rights Act 1998 and the Criminal Code Act protect human rights and freedoms, including freedom of worship, and provide protection against any person committing an outrage against religious morality.
20. In April 2001, the National Human Rights Commission was founded. Furthermore, the President of Mauritius created a think tank of 10 people from different ethnic groups with the objective of promoting dialogue among them.
21. Broadcasting of racist views is forbidden by the Independent Broadcasting Act 2000. The Code of Practice for radio journalists regulates how they should report on ethnic and religious issues.
22. In Mauritius all children up to the age of 16, irrespective of their religion, are obliged to attend school.
23. The Constitution of Slovenia guarantees, in its articles 41 and 61, the right to freely profess religious and other beliefs and the right to freely express national and ethnic affiliation. Furthermore, it ensures, in its article 14, equal human rights to all inhabitants irrespective of their national origin, race, religion, political conviction or other personal circumstances. The Constitution also prohibits, in its article 63, any incitement to discrimination and intolerance.
24. The Office for Religious Communities of the Government of Slovenia, a mediator between the Government and religious communities, was established in 1993 with the aim of promoting respect for freedom of religion and encouraging peaceful coexistence.
25. Equality of treatment is ensured through the Realization of the Principle of Equal Treatment Act and its corresponding Council. Furthermore, in 2006 the Government adopted the Freedom of Religion Bill.
26. Violations of the right to equal treatment on various grounds, including religion, are characterized as criminal offences under article 141 of the Criminal Code. In 2004, article 300 of the Criminal Code was amended to stipulate that everyone who incites hatred and intolerance, violating the principle of equality, is criminally liable.
27. The Constitution of Tunisia guarantees and protects, in its article 5, freedom of conscience and religion. Constitutional Law No. 97-65 of 27 October 1997, amending article 8 of the Constitution, requires political parties to respect human rights and denounce all forms of violence, extremism, racism and discrimination.
28. The Penal Code guarantees, in its articles 161 and 165, the inviolability of freedom of religion. The Government of Tunisia ensures the right of religious minorities to profess their faith in conditions of freedom and security.
29. Individuals who directly incite hatred between races, religions or populations, or disseminate opinions founded on racial segregation or religious extremism are sanctioned by the Code de la presse (Press Code). The Code also sanctions the defamation of people based on race or religion.

30. The Government of Tunisia implemented educational reforms in 2002, by supporting schools to provide education based on human rights and on the rejection of discrimination, extremism and all forms of fanaticism. In addition, international human rights norms were introduced in the training of magistrates and other law enforcement officers.

### **III. STEPS TAKEN BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS AND HUMAN RIGHTS MECHANISMS**

#### **A. Office of the United Nations High Commissioner for Human Rights**

31. In January 2006 OHCHR organized a High-Level Seminar on Racism and the Internet during the fourth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (see E/CN.4/2006/18). The panellists at the seminar addressed the issue of the Internet as a means of inciting racist and religious hatred.

32. OHCHR supported the Second Consultation of Governmental Institutions Responsible for the Promotion of Policies of Racial Equality held in Montevideo from 26 to 28 June 2006. The participants addressed the challenges and difficulties affecting the religions of indigenous peoples and people of African descent.

33. OHCHR supported the organization of the Regional Conference of the Americas on the progress and challenges of the Durban Declaration and Programme of Action, which took place in Brasilia from 26 to 28 July 2006. The Conference addressed the question of the recognition of the cultures and religions of indigenous peoples and people of African descent.

34. Human rights education, as defined in international instruments, aims at sharing knowledge and developing skills and attitudes with a view to building a universal culture of human rights. Accordingly, it contributes to fostering respect for and appreciation of differences, as well as opposing discrimination on the basis of several grounds, including religion. To boost related efforts in all sectors, in 2004 the General Assembly adopted resolution 59/113 A proclaiming the World Programme for Human Rights Education. Its first phase (2005-2007) is specifically dedicated to the integration of human rights education into the primary and secondary school systems; the revised draft plan of action for the first phase (A/59/525/Rev.1) was adopted in July 2005 (resolution 59/113 B). The Plan of Action focuses on actions to be undertaken at the national level in terms of planning, implementing and evaluating human rights education in the national school systems. Information on activities undertaken by OHCHR in support of these efforts is provided in the report of the High Commissioner to the current session of the Council (A/HRC/4/85).

35. OHCHR received several communications reporting incidents or attempted incidents of desecration of religious sites in different regions. These communications were transmitted to the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

## **B. Special procedures of the Human Rights Council**

36. The Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance addressed the issue of defamation of religions in a report to the Human Rights Council (A/HRC/2/3). The special rapporteurs pointed out that firm political will on behalf of the Member States is vital in combating the rise of racial and religious intolerance. Furthermore, it is essential that Governments promote and practice dialogue between cultures, civilizations and religions.

37. OHCHR supported the participation of the Special Rapporteur on freedom of religion or belief in the following meetings where tolerance and respect for religious diversity were central issues: (a) the Wilton Park conference “Challenging Stereotypes in Europe and the Islamic World: Working Together for Constructive Policies and Partnerships”, held in Steyning, United Kingdom, on 2 and 3 May 2006; (b) the “International Conference Commemorating the 25th Anniversary of the Adoption of the 1981 United Nations Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief”, held in Prague on 25 November 2006.

38. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has submitted a report to the current session of the Human Rights Council (A/HRC/4/19) in which he addresses the issue of defamation of religions.

39. OHCHR supported the participation of the Special Rapporteur in the following meetings where the issue of defamation of religion was discussed: (a) “The Rise in Islamophobia: The New European Challenge in the Fight against Racism and Discriminations”, held in Paris on 18 January 2007; (b) “World Civilization or the Clash of Civilizations”, held in London on 20 January 2007.

## **IV. CONCLUSION**

40. **Member States, the United Nations system and the wider international community, including non-governmental organizations, are continuing to take steps to counter religious intolerance. Nevertheless, intolerance and discrimination on the grounds of religion and belief continue to be a problem. Continuous reports of allegations of incidents involving intolerance and discrimination on the grounds of religion or belief indicate that much more needs to be done. Uniform, consistent application of the law, based on human rights, is essential but not enough. The political will of Member States is paramount to counter this phenomenon effectively.**

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