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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA
AND ALL FORMS OF DISCRIMINATION**

Combating defamation of religions*

Report of the High Commissioner for Human Rights

* The late submission of this report is necessitated by the need to reflect the latest information available.

Summary

This report of the High Commissioner for Human Rights is submitted in accordance with Commission on Human Rights resolution 2003/4 in which the Commission called upon the High Commissioner to promote and include human rights aspects in the Dialogue among Civilizations. The present report provides summaries of the contributions received from Governments in response to a request for information on the implementation of the resolution, as well as relevant information contained in other reports submitted to the present session of the Commission.

Introduction

1. In its resolution 2003/4, the Commission on Human Rights called upon the High Commissioner for Human Rights to promote and include human rights aspects in the Dialogue among Civilizations, inter alia through (a) integrating them into topical seminars and special debates on the positive contributions of cultures, as well as religious and cultural diversity; and (b) collaboration by the Office of the United Nations High Commissioner for Human Rights and other relevant international organizations in holding joint conferences designed to encourage this dialogue and promote understanding of the universality of human rights and their implementation at various levels.

2. On 17 October 2003 the Secretary-General sent a request to Governments for information on their implementation of the resolution. As of 28 January 2004, replies had been received from the Governments of Chile and Morocco. The present report provides summaries of the replies received, as well as relevant information contained in other reports submitted to the present session of the Commission. The full texts of the replies received are available from the secretariat.

I. REPLIES FROM GOVERNMENTS

Morocco

3. In its reply the Government of Morocco acknowledged the importance of the values of tolerance, coexistence and dialogue between cultures which should strengthen security, stability and peace all over the world. It noted that the Kingdom of Morocco is an Islamic country founded on the unity of faith, and Moroccans of all walks of life are united behind His Highness the King in his capacity as Guide of the Believers and Defender of the Faith, and as a symbol of unity and equality and guarantor of rights and freedoms. This makes Morocco a country safe from extremist religious struggles as well as from destructive and damaging tendencies and ideologies. Mosques, saints' memorials and religious establishments of other faiths all enjoy respect and high esteem from all Moroccans, who are brought up with the values of tolerance, dialogue and acceptance of those who are different. Therefore, the fact that mosques or other religious sites would become the target of any kind of aggression or harm could hardly be imagined.

4. The events that took place in Casablanca on 16 May 2003 were incompatible with the morals, traditions and values of Morocco. Moroccans have condemned them and rejected those who perpetrated them.

Chile

5. With regard to the fight against defamation of religion, the Government of Chile provided information on its constitutional norms, on Law 19.638 of 1999 which relates to the legal status of Churches and other religious organizations, and on an ongoing legislative initiative in that regard.

6. Article 19 No. 6 of chapter III of the Chilean Constitution ensures to all freedom of conscience, belief and religious practice, with the proviso that they may not be against public morality and public order. Any religion can have houses of worship and other buildings, in accordance with the law.

7. Through Law 19.638, all religions are equal and have the status of legal persons. The law also regulates the protection of freedom of religion and belief and religious dignity, and provides that the State must guarantee freedom of religion and belief in accordance with the Constitution. It also clarifies the content of freedom of religion and belief. In accordance with the law, freedom of conscience and belief includes:

(a) The freedom to have or not to have any religious belief, and to change or abandon any belief;

(b) The freedom to practise, in public or private, individually or collectively, acts of prayer or belief; the freedom to perform rites and any religious activity; and the freedom to have a specific weekly day off from work;

(c) The right not to be forced to take part in any religious ceremony and to receive religious assistance in accordance with one's own beliefs;

(d) The freedom of religious assembly; and

(e) The right to receive or provide religious teachings or information by any means.

8. Article 20 of the Constitution provides an effective instrument for protecting freedom of religion, conscience and belief. The courts of appeal can take appropriate legal measures to re-establish the rule of law and provide remedies for victims of violations of this right.

9. The principle of separation of Church and State is recognized in the Constitution, which also establishes basic juridical equality of permitted religious entities and enables these religious entities to bring legal action and to be recognized as legal persons.

10. A parliamentary motion is under consideration which would criminalize all acts of discrimination or hatred, violence, and moral or physical aggression against one or many individuals because of race, religion, or national or ethnic origin, as well as the dissemination of ideas encouraging such behaviour.

II. STEPS TAKEN BY THE MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

11. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has submitted a study on the situation of Muslim and Arab peoples in the aftermath of the events of 11 September 2001 (E/CN.4/2004/19). The study points out that in various countries Muslim and Arab peoples continue to be subjected to hostility from different sectors of the population and to racial profiling from law enforcement officers.

12. The Special Rapporteur on freedom of religion or belief in his report (E/CN.4/2004/63) reviews the preceding 11 years of the mandate, during which he witnessed a rise in religious extremism, intolerance and discrimination against religious minorities. He discusses the role of non-State entities and Governments in this context, and multiple forms of discrimination. He also highlights the importance of education and inter-religious dialogue, as well as the need to look into root causes. The Special Rapporteur also discusses violations of the principle of tolerance in the area of religion or belief, including policies, practices and acts of religious intolerance stemming from the State and society, including non-State entities such as communities of religion or belief and political or religious groups, the strongest manifestations of which relate to inter- or intra-religious extremism. He also points out the responsibility of the media for fostering a climate of intolerance towards certain communities, especially those of minorities.

III. STEPS TAKEN BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

13. The report of the High Commissioner on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (E/CN.4/2004/17) provides information on activities of States, special procedures and other mechanisms of the Commission, United Nations bodies, specialized agencies, international and regional organizations, human rights institutions and non-governmental organizations to implement the Durban Declaration and Programme of Action.

14. The report of the regional seminar of experts for Eastern Europe on the implementation of the Durban Programme of Action (E/CN.4/2004/17/Add.1) covers discussions about inter alia the rights of persons belonging to national, ethnic, religious and linguistic minorities, xenophobia and anti-Semitism, and includes conclusions and recommendations adopted by the experts in this regard. The report on the regional expert seminar for Western States on the implementation of the Durban Programme of Action (E/CN.4/2004/17/Add.2) covers discussions about anti-Semitism and Islamophobia and also includes conclusions and recommendations adopted by the experts in this regard.

15. The report of the High Commissioner on enhancing the cooperation and effectiveness of existing mechanisms and identifying possible gaps in the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/2004/75) discusses the problem facing many members of religious and other minority groups of non-recognition of key elements of their identity, or exploitation of their identity for political purposes, and the need to address the root causes of conflict. In addition, the Working Group on Minorities at its ninth session (see E/CN.4/Sub.2/2003/19) raised the issue of the persistent violence targeting religious minorities.

16. The report of the High Commissioner on the progress made towards the implementation of Commission resolution 2003/70 on the United Nations Decade for Human Rights Education and on the establishment of a voluntary fund (E/CN.4/2004/93) contains information about the work of OHCHR in promoting inter-religious and intercultural dialogue through activities in the

following areas: facilitating networking and information-sharing among the Decade's actors; supporting national capacities for human rights education; assisting grass-roots human rights education initiatives through the Assisting Communities Together (ACT) Project; developing or sponsoring development of human rights training materials (e.g. a teaching manual for secondary school educators entitled *Lifting the Spirit: Freedom of Religion or Belief and Human Rights* (to be published by the University of Minnesota Human Rights Centre); and globally disseminating the Universal Declaration of Human Rights.
