

# **STATEMENT BY THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS**

## **INCITEMENT TO RACIAL AND RELIGIOUS HATRED AND THE PROMOTION OF TOLERANCE**

### **REPORT REQUESTED UNDER HUMAN RIGHTS COUNCIL DECISION 1/107**

Mr President

Each person's religious and other beliefs are central to her or his identity, a core inherent aspect of who each of us is. That is why these beliefs are accorded special status in human rights law, not only as human rights but as non-derogable rights.<sup>1</sup> That is why actual or perceived offence to one's fundamental beliefs can be taken so personally and generate such passionate responses.

The report of the Special Rapporteur on Freedom of Religion or Belief and the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance makes an important contribution to understanding the human rights dimensions of religious intolerance and offence to religious belief.<sup>2</sup> We thank them for it. Mr Diène has described well the social, political and ideological context of recent events. Ms Jahangir has provided a solid legal foundation for understanding and discussion of the issue.

Ms Jahangir's contribution is a timely reminder that the work of the Human Rights Council is grounded in human rights law. With careful legal analysis, she explains freedom of religion or belief as the right of believers and communities of believers and not the right of religions. Freedom of thought, conscience and religion is an absolute right without qualification or restriction.<sup>3</sup> The right to hold opinions is also an absolute right.<sup>4</sup> Freedom to express opinions, however, is a right that can be lawfully restricted where necessary for certain limited purposes. In fact incitement to religious hatred must be prohibited by law but only where it "constitutes incitement to discrimination, hostility or violence".<sup>5</sup> Ms Jahangir's contribution to the joint report draws all this to our attention.

The Ambassador of Pakistan, on behalf of the Organisation of the Islamic Conference, said yesterday, "Violence is as alien to Islam as to Christianity". Indeed, violence is alien to core teachings of all the major religious and non-religious ethical systems. Nonetheless we have to recognise that all the major faiths and non-religious ethical systems, without exception, also contain their fair share of extremists who distort belief through their attitudes of hatred and their practice or advocacy of violence. Mr Diène presented "radical secularism" in these

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<sup>1</sup> *International Covenant on Civil and Political Rights*, Articles 4 and 18.

<sup>2</sup> Document A/HRC/ 2/3 20 September 2006.

<sup>3</sup> *International Covenant on Civil and Political Rights*, Article 18.

<sup>4</sup> *International Covenant on Civil and Political Rights*, Article 19.

<sup>5</sup> *International Covenant on Civil and Political Rights*, Article 20.

terms. The two rapporteurs, in their joint Conclusions and recommendations, refer to those who “are often the victims of religious intolerance”.<sup>6</sup>

Human rights law provides not only a guarantee of freedom of religion and belief. It also provides a basis for identifying extremism that undermines freedom and distorts belief. Human rights law, in the words of the Universal Declaration of Human Rights, is “a common standard of achievement for all peoples and all nations”. It transcends what divides us by proclaiming what we believe in common.

This Council must not base its work in relation to this important issue on individual or group perceptions of what is or is not offensive. The basis of its work is contained in its mandate from the General Assembly, the promotion and protection of human rights. “Defamation of religion” is a problematic term that does not describe accurately the important human rights question at stake here. This Council’s work on the issue of incitement to racial and religious hatred must be based in human rights law.

For that reason we welcome the Special Rapporteurs’ comprehensive summary of the current provisions of law relating to this question. We support their recommendation that the Human Rights Committee be encouraged to prepare a General Comment on Article 20 of the *International Covenant on Civil and Political Rights*. The international community needs guidance on what this important provision requires. We ask the Special Rapporteurs whether additional standards are required or whether existing law, including the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, is already sufficient.

This discussion and the reports presented to the Council provide a valuable opportunity to consider how best to address religious and secular extremism. That should be the focus of the Council’s work, addressing religious and secular extremism in all its forms on the basis of human rights law.

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<sup>6</sup> Document A/HRC/ 2/3 paragraph 61.