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Sixtieth session
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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE
SIXTIETH SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Mr. Mike OMOTOSHO (Nigeria)

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* Documents E/CN.4/2004/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/2004/L.11 and addenda.

2004/6. Combating defamation of religions

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also its resolutions 1999/82 of 30 April 1999, 2000/84 of 26 April 2000, 2001/4 of 18 April 2001, 2002/9 of 15 April 2002 and 2003/4 of 14 April 2003,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Convinced that religious and cultural diversity in a globalizing world needs to be used as a vehicle for complementary creativity and dynamism and not as a rationale for a new ideological and political confrontation,

Recalling the United Nations Millennium Declaration, adopted by the General Assembly on 8 September 2000, welcoming the resolve expressed in the Declaration to take measures to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony and tolerance in all societies, and looking forward to its effective implementation at all levels, including in the context of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/CONF.189/12),

Welcoming the proclamation by the General Assembly in its resolution 56/6 of 9 November 2001 of the Global Agenda for Dialogue among Civilizations and inviting States, the organizations and bodies of the United Nations system, within existing resources, other international and regional organizations and civil societies to contribute to the implementation of the Programme of Action contained in that resolution,

Welcoming also the progress achieved in the follow-up to the Durban Declaration and Programme of Action,

Expressing deep appreciation to the Government of Turkey for hosting the Joint Organization of the Islamic Conference-European Union Forum entitled “Civilization and Harmony: The Political Dimension”, in Istanbul on 12 and 13 February 2002, and welcoming its outcome,

Alarmed at the continuing negative impact of the events of 11 September 2001 on Muslim minorities and communities in some non-Muslim countries and the negative projection of Islam in the media, and the introduction and enforcement of laws that specifically discriminate against and target Muslims,

Recognizing the need to promote tolerance, understanding among different cultures and mutual appreciation of cultural and religious values for world peace, social justice and friendship among people,

Recognizing also the valuable contributions of all religions to modern civilization and the contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Noting with concern that defamation of religions is among the causes of social disharmony and leads to violations of human rights of their adherents,

Recognizing the incompatibility of defamation of religions and cultures with the objectives of a truly globalized world and the promotion and maintenance of international peace and security,

Alarmed at the serious instances of intolerance, discrimination and acts of violence based on religion or belief, intimidation and coercion motivated by extremism, religious or otherwise, occurring in many parts of the world and threatening the enjoyment of human rights and fundamental freedoms,

Stressing the need to recognize and appreciate religious and cultural diversity and differences in perception and values,

Underlining the importance of creating conditions to foster greater harmony and tolerance within and among societies and conscious of the importance of education in ensuring tolerance of and respect for religion and belief,

Emphasizing that States, non-governmental organizations, religious bodies and the media have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

1. *Welcomes* the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance entitled "Situation of Muslim and Arab peoples in various parts of the world" (E/CN.4/2004/19);

2. *Expresses deep concern* at negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still in evidence in some regions of the world;

3. *Urges* States to ensure equal access to education for all in law and in practice, and to refrain from any legal or any other measures leading to imposed racial segregation in any form in access to schooling;

4. *Also urges* States to commit themselves to ensuring access to education, including access to free primary education for all children, both girls and boys, and access for adults to lifelong learning and education, based on respect for human rights, diversity and tolerance, without discrimination of any kind;

5. *Expresses deep concern* that Islam is frequently and wrongly associated with human rights violations and terrorism;

6. *Notes with deep concern* the intensification of the campaign of defamation of religions, and the ethnic and religious profiling of Muslim minorities, in the aftermath of the tragic events of 11 September 2001;

7. *Deplores* the use of the print, audio-visual and electronic media, including the Internet, and any other means to incite acts of violence, xenophobia or related intolerance and discrimination towards Islam or any other religion;

8. *Expresses deep concern* at programmes and agendas pursued by extremist organizations and groups aimed at the defamation of religions, in particular when supported by Governments;

9. *Urges* all States, within their national legal framework, in conformity with international human rights instruments, to take all appropriate measures to combat hatred, discrimination, intolerance and acts of violence, intimidation and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance and respect in matters relating in freedom of religion or belief;

10. *Also urges* all States to ensure that all public officials, including members of law enforcement bodies, the military, civil servants and educators, in the course of their official duties respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that necessary and appropriate education or training is provided;

11. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions;

12. *Encourages* States, within their respective constitutional systems, to provide adequate protection against all human rights violations resulting from defamation of religions and to take all possible measures to promote tolerance and respect for all religions and their value system;

13. *Confirms* the need to enhance knowledge about civilizations and cultures through communication and cooperation for the promotion of common universal values such as those enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments;

14. *Calls upon* the international community to initiate a global dialogue to promote a culture of tolerance based on respect for human rights and respect for religious diversity and urges States, non-governmental organizations, religious bodies and the print and electronic media to support and promote such a dialogue;

15. *Calls upon* the United Nations 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;

(b) Collaboration by the Office of the United Nations High Commissioner for Human Rights with 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;

16. *Requests* the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to submit a progress report on his findings for consideration by the Commission at its next session;

17. *Requests* the High Commissioner to report to the Commission at its sixty-first session on the implementation of the present resolution;

18. *Decides* to consider this matter at its sixty-first session, under the same agenda item.

45th meeting

13 April 2004

[Adopted by a recorded vote of 29 votes to 16,
with 7 abstentions. See chap. VI.]

2004/7. The right to development

The Commission on Human Rights,

Recalling the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed the right to development as an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and the individual as the central subject and beneficiary of development,

Recalling also all its previous resolutions on the right to development, in particular resolution 1998/72 of 22 April 1998 in which it referred to the urgent need to make further progress towards the realization of the right to development as set out in the Declaration on the Right to Development,

Recognizing that the Working Group on the Right to Development is the only global forum on the right to development mandated to monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration,

Recognizing also the valuable contribution made by the independent expert on the right to development in the course of the last six years, through his research and analytical work contained in the series of reports to the Working Group, which constitute a valuable addition to the understanding of the right to development and approaches to its implementation both at the national and international levels,

Taking note of the report of the High Commissioner for Human Rights on the right to development (E/CN.4/2004/22),

Reaffirming the agreed conclusions of the third session of the Working Group (see E/CN.4/2002/28/Rev.1) and the need for their follow-up and effective implementation,

Welcoming the convening of the high-level seminar on the right to development entitled “Global partnership for development” and appreciating the response of United Nations agencies and bodies and the international financial and multilateral trading institutions, which provided a unique opportunity to review and identify effective strategies for mainstreaming the right to development into the policies and operational activities of the major international organizations/institutions, thereby contributing to enhanced partnerships in realizing the right to development,

Recognizing the broad participation by States, international organizations and non-governmental organizations at the fifth session of the Working Group and welcoming their active participation in enhancing the realization of the Declaration on the Right to Development as well as the adoption by consensus of the Working Group's conclusions and recommendations,

1. *Recognizes* the importance of maintaining political will and commitment on the part of all members of the Working Group on the Right to Development and welcomes their ongoing cooperation towards the realization of its mandate;
2. *Takes note* of decision 2003/116 of 14 August 2003 of the Sub-Commission on the Promotion and Protection of Human Rights relating to the right to development;
3. *Looks forward* to the consideration at the sixty-first session of the Commission of the concept document to be prepared by the Sub-Commission establishing options and their feasibility for the implementation of the right to development, inter alia, an international legal standard of a binding nature, guidelines on the implementation of the right to development and principles for development partnership, based on the Declaration on the Right to Development, including issues which any such instrument might address for consideration and determination of the feasibility of these options;
4. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide all necessary administrative support and financial and human resources to the Sub-Commission in its work on the concept document;
5. *Endorses* the agreed conclusions and recommendations adopted by the Working Group on the Right to Development at its fifth session as reflected in its report (E/CN.4/2004/23, paras. 41-51), and calls for their immediate, full and effective implementation by the Office of the High Commissioner and other relevant actors;
6. *Decides* to consider the renewal of the mandate of the independent expert on the right to development at its sixty-first session;

7. *Requests* the Office of the High Commissioner to provide all necessary administrative support and financial and human resources to the proposed high-level task force on the implementation of the right to development established within the framework of the Working Group;
8. *Requests* the High Commissioner for Human Rights, in mainstreaming the right to development, to undertake effectively activities aimed at strengthening the global partnership for development between Member States, development agencies and the international development, financial and trade institutions, and to reflect these activities in detail in her report to the Commission at its sixty-first session;
9. *Decides* to renew the mandate of the Working Group on the Right to Development for one year and to convene its sixth session before the sixty-first session of the Commission on Human Rights for a period of 10 working days; of these 10 working days, 5 shall be allocated to the high-level task force established within the framework of the Working Group to hold its meetings and submit its findings and recommendations to the Working Group well in advance of its session; the Working Group in turn would meet for a period of 5 working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate;
10. *Decides* to review the progress of the implementation of the present resolution as a matter of priority at its sixty-first session;
11. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/7 of 13 April 2004, approves the decision of the Commission to extend for one year the mandate of the Working Group on the Right to Development and to convene its sixth session before the sixty-first session of the Commission for a period of

ten working days; of these ten working days, five shall be allocated to the high-level task force established within the framework of the Working Group to hold its meetings and submit its findings and recommendations to the Working Group well in advance of its session; the Working Group in turn would meet for a period of five working days to consider the findings and recommendations of the task force and further initiatives in accordance with its mandate.”

*45th meeting
13 April 2004*

[Adopted by a recorded vote of 49 votes to 3. See chap. VII.]
