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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE  
SIXTY-FIRST SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Ms. Deirdre KENT (Canada)**

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\* Documents E/CN.4/2005/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.4/2005/L.11 and addenda.

### **2005/3. 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, 2003/4 of 14 April 2003 and 2004/6 of 13 April 2004,

*Recalling further* 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 and Corr.1),

*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,

*Noting with regret* the cancellation of the meeting entitled “Civilization and harmony: values and mechanisms of the global order” which was to be held in Turkey in 2004 as a follow-up to the Organization of the Islamic Conference-European Union Forum held in Istanbul in February 2002, underscoring that such initiatives to deepen dialogue and reinforce understanding among the two biggest groups of nations of Eurasia and Africa will be continued,

*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 creativity, dynamism and promoting social justice, tolerance and understanding as well as international peace and security, and not as a rationale for a new ideological and political confrontation,

*Recognizing* 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,

*Reaffirming* that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature that enriches our societies,

*Emphasizing* that States, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance and freedom of religion and belief through education that teaches tolerance and respect for religion and belief,

*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,

*Alarmed also* 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,

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

*Noting with deep concern* the increasing trend in recent years of statements attacking religions, Islam and Muslims in particular, especially in human rights forums,

1. *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;

2. *Strongly deplores* physical attacks and assaults on businesses, cultural centres and places of worship of all religions as well as targeting of religious symbols;

3. *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;

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

5. *Also 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;

6. *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;

7. *Recognizes* that in the context of the fight against terrorism and the reaction to counter-terrorism measures, defamation of religions becomes an aggravating factor that contributes to the denial of fundamental rights and freedoms of target groups, as well as their economic and social exclusion;

8. *Stresses* the need to effectively combat defamation of all religions, Islam and Muslims in particular especially in human rights forums;

9. *Urges* States to take resolute action to prohibit the dissemination through political institutions and organizations of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to discrimination, hostility or violence;

10. *Also urges* States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation and coercion resulting from defamation of religions, to take all possible measures to promote tolerance and respect for all religions and their value systems, and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance;

11. *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;

12. *Underscores* the need to combat defamation of religions by strategizing and harmonizing actions at local, national, regional and international levels through education and awareness-raising;

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

14. *Calls upon* the international community to initiate a global dialogue to promote a culture of tolerance and peace based on respect for human rights and 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, including through educational programmes, particularly the World Programme for Human Rights Education adopted on 10 December 2004;

(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 continue to examine the situation of Muslims and Arab peoples in various parts of the world, the discrimination faced by them with regard to access to justice, political participation, respect of cultures, 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 report on his findings to the Commission at its sixty-second session, and to make recommendations to improve their situation;

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

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

*44th meeting*

*12 April 2005*

[Adopted by a recorded vote of 31 to 16,  
with 5 abstentions. See chap. VI.]

#### **2005/4. 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,

*Stressing* that in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the High Commissioner for Human Rights, among others, shall be to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for this purpose,

*Recalling* 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,

*Recognizing* that the open-ended working group established to monitor and review progress made in the promotion and implementation of the right to development is the only global forum mandated to monitor and review progress made in the promotion and implementation of this right at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment,

*Recognizing also* the valuable contribution made by the independent expert on the right to development through his series of reports to the Working Group on the Right to Development which provide valuable input for the implementation of the right to development,

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

*Reaffirming also* the agreed conclusions and recommendations adopted by consensus by the Working Group at its fifth session (E/CN.4/2004/23, paras. 41-51),

*Welcoming* the establishment of the high-level task force on the implementation of the right to development established within the framework of the Working Group with the objective of assisting the Working Group in fulfilling its mandate as contained in paragraph 10 (a) of Commission resolution 1998/72 comprising five experts with practical experience related to the

implementation of the right to development, and high-level representatives of United Nations agencies, funds and programmes, multilateral financial and development institutions and the World Trade Organization,

*Recognizing* the broad participation by States, international organizations and non-governmental organizations at the sixth session of the Working Group on the Right to Development 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 (E/CN.4/2005/25, paras. 35-58),

*Taking note* of the report of the United Nations High Commissioner for Human Rights (E/CN.4/2005/24),

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. *Welcomes* the convening of the first meeting of the high-level task force on the implementation of the right to development from 13 to 17 December 2004 and expresses its appreciation to the task force for the work it has undertaken;

3. *Also welcomes* the active participation of all members of the task force, including the five regional experts and the representatives of the United Nations Development Programme, the United Nations Children's Fund, the United Nations Conference on Trade and Development, the International Monetary Fund, the World Bank and the World Trade Organization;

4. *Endorses* the conclusions and recommendations adopted by the Working Group on the Right to Development at its sixth session as reflected in its report and calls for their immediate, full and effective implementation;

5. *Notes with appreciation* that the high-level task force, at its next meeting, will examine Millennium Development Goal 8 on a global partnership for development and suggest criteria for its periodic evaluation with the aim of improving the effectiveness of global partnership with regard to the realization of the right to development;



6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all necessary administrative support and financial and human resources to the high-level task force on the implementation of the right to development;

7. *Notes with concern* that the Sub-Commission on the Promotion and Protection of Human Rights has not submitted the concept document requested by the Commission in its resolution 2003/83 of 25 April 2003 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, and requests the Sub-Commission, without further delay, to submit the concept document at the sixty-second session of the Commission;

8. *Takes note* of decision 2004/104 of 9 August 2004 of the Sub-Commission on the Promotion and Protection of Human Rights relating to the right to development;

9. *Requests* the Office of the High Commissioner to continue to provide all necessary administrative support and financial and human resources to the Sub-Commission in its work on the concept document;

10. *Requests* the High Commissioner, 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-second session;

11. *Decides* to renew the mandate of the Working Group on the Right to Development for one year and to convene its seventh session before the sixty-second session of the Commission for a period of 10 working days, five of which shall be allocated to the second meeting of the high-level task force to be held well in advance of the session of the Working Group;

12. *Also decides* to review the progress of the implementation of the present resolution as a matter of priority at its sixty-second session;

13. *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 2005/4 of 12 April 2005, approves the decision of the Commission to renew for one year the mandate of the Working Group on the Right to Development and to convene its seventh session before the sixty-second session of the Commission for a period of 10 working days, five of which shall be allocated to the second meeting of the high-level task force to be held well in advance of the session of the Working Group.”

*44th meeting*

*12 April 2005*

[Adopted by a recoded vote of 48 to 2,  
with 2 abstentions. See chap. VII.]

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