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SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 22 September 2006, at 10 a.m.

President: Mr. DE ALBA (Mexico)

later: Mr. LOULICHKI (Morocco)

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The meeting was called to order at 10.05 a.m.

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

Interactive dialogue on the joint report on incitement to racial and religious hatred and the promotion of tolerance submitted by the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the report of the High Commissioner for Human Rights on incitement to racial and religious hatred and the promotion of tolerance (continued) (A/HRC/2/3 and A/HRC/2/6)

1. Mr. CERDA (Argentina) said that with the present item the Human Rights Council was demonstrating its capacity to address topics of concern; the practice should be extended to other human rights topics.
2. Argentina had always promoted dialogue on questions of freedom of religion or belief, and in 2001 had been visited by the Special Rapporteur on that topic, whose subsequent report had helped to correct practices incompatible with the Universal Declaration of Human Rights and the 1981 Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief. Moreover, it had always sponsored resolutions of the Commission on Human Rights on that topic. Effective implementation of the 1981 Declaration would help to counter current manifestations of intolerance. The Durban Declaration and Programme of Action must also be fully implemented at the national level; Argentina had in fact already produced a national plan to that end in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).
3. His delegation would like to know whether the Special Rapporteurs considered that wider ratification of the International Covenant on Civil and Political Rights might help to eliminate intolerance and that education might be the chief tool for doing so. Given that one focus of the Council's work was the protection of victims, he suggested that the present debate should be supplemented by consideration of specific cases of human rights violations.
4. Mr. MILLER (Observer for Australia) said that the rights under consideration should be of central concern to the Council, which must play an active role in their promotion and protection, and make the elimination of intolerance and discrimination an urgent priority. There was also a need in the longer term to build a base of tolerance and understanding among all cultures and faiths. To that end, Australia had joined Indonesia in hosting an International Dialogue on Interfaith Cooperation in 2004. Another matter for the longer term was the provision of legal and technical assistance to strengthen the capacity of States to guarantee fundamental rights and freedoms. Tolerance and respect were inherent in the freedom of expression, and reactions to manifestations of opinions should be expressed responsibly.
5. Mr. MOKTAR (Malaysia) said that no one could remain neutral in the fight against racial and religious intolerance, and all efforts should be made to eliminate such intolerance, for the increasing defamation of religions and other expressions of racial hatred and discrimination were

of deep concern. If people were sincere in those efforts they would avoid any provocative expressions of opinion critical of other faiths, especially expressions based on ignorance, falsehood or lack of understanding.

6. A balance must be struck between freedom of expression and the preservation of harmonious relations, for provocation often prompted violent reactions, and public order must always be maintained at the national and international levels. Recently, a whole country had been almost destroyed owing to a disproportionate response to a provocative action.

7. Ms. RONDEUX (Observer for Belgium) said that the present debate raised serious issues that could be resolved only by enhanced mutual understanding. Belgium attached great importance to the topic and had become an active member of the Alliance of Civilizations to promote such understanding. It had always urged the Commission on Human Rights and the General Assembly to condemn religious intolerance and would continue to do so. As the Special Rapporteur on freedom of religion or belief had pointed out, the need was not to protect religions or beliefs themselves but to protect the related freedoms of all individuals.

8. Her delegation was glad that the Special Rapporteurs had addressed the need to protect the freedom of expression; the Special Rapporteur on the promotion and protection of the freedom of opinion and expression should also be involved in all future work on the subject, for that fundamental freedom must be exercised with an eye to the rights of others. The Special Rapporteurs were right to argue that the balance between all rights and freedoms must be regulated by an independent legal system and that the commitment to combating intolerance must apply equally to all religions or beliefs. Enhanced understanding between people of different religions or beliefs depended on the freedom to express ideas about those religions or beliefs without showing disrespect for the individual. Acceptance of criticism was an essential feature of religious pluralism.

9. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had referred to a racist crime committed in Antwerp in May 2006. That crime had been condemned in the strongest terms by the Belgian authorities and had prompted a strong civic reaction in a manifest rejection of racism by the Belgian people. The law enforcement authorities had recently made arrests and carried out searches at the premises of organized racist groups as part of the Government's plan of action to combat racism under legislation which treated as crimes incitement to hatred, violence or discrimination and membership of a group practising or preaching discrimination or segregation. The need to strengthen that legislation was currently under discussion.

10. Mr. MEYER (Canada) said that Canada had difficulty with the concept of protecting religions themselves rather than promoting and protecting the rights of individual believers, an attitude the Special Rapporteurs clearly shared. Canada had a solid legal framework for protecting the rights of individuals and a vision of a society free from racism and discrimination that drew its members from a whole gamut of ethnic, racial and religious communities. It had been a pioneer in promoting cultural exchanges and multiculturalism and in fighting racism.

11. Canada noted with dismay an increase in religious intolerance in many parts of the world, in particular discrimination against religious minorities and incitement to violence in the name of religion. It called on all States to respect the rights and freedoms set out in article 18 of the

International Covenant on Civil and Political Rights and believed that the freedom of expression guaranteed by article 19 was one of the pillars of democracy and underpinned all other human rights. It shared the Special Rapporteur's view on the need to make a distinction between different forms of expression in terms of the degree of offence they might convey. States had the primary responsibility to see that the rights and freedoms under discussion were promoted and respected, but individuals of all faiths and creeds also had a crucial role to play in a frank and respectful dialogue.

12. Mr. BOYE (Senegal) said that his delegation welcomed the recommendation that dialogue among cultures, peoples and civilizations should be a priority in the fight against racial and religious hatred, for dialogue was in fact one of the priorities of Senegal's efforts to promote mutual tolerance and understanding. The promotion of such a dialogue was a necessity in a world in which ignorance and fear were exploited to fuel hatred and xenophobia. It would be useful for the Special Rapporteurs to explain in greater detail their recommendation that States should adopt educational, social, economic and cultural programmes to encourage interactions between communities.

13. Mr. TICHENOR (Observer for the United States of America) said that the promotion of tolerance went hand in hand with respect for religious freedom. That was a fundamental belief of the founders of his country and a core objective of its foreign policy. It was because religion played a central role in their lives that many people regarded religious freedom as the most important of all human rights. There was a natural tension between respect for religious diversity and freedom of expression which could erupt into sometimes violent misunderstandings. Nevertheless, the sacred principle of freedom of expression must be preserved in the promotion of a respectful dialogue between cultures and religions. Persons exercising their freedom of expression must be sensitive to the harm their words might cause, and States must ensure that religious freedom was respected for all religions. The promotion of tolerance was surely the first step towards genuine respect for people's differences and a full appreciation of their similarities.

14. Mr. RAPACKI (Poland) said it was self-evident that everyone participating in the debate should make a genuine effort to achieve greater tolerance through mutual respect and understanding. All discrimination based on religion or belief and all incitement to religious hatred must be dealt with firmly. Freedom of expression could be successfully combined with tolerance, and respect for all religions need not work to the detriment of freedom of expression. He recalled that Pope John Paul II had made dialogue between religions one of the most important elements of his pontificate. The Pope had succeeded in transforming rivalry into a constructive exchange of ideas. It was to be hoped that the present debate would overcome barriers and not create new ones.

15. Mr. VARELA QUIROS (Observer for Costa Rica) said that everyone had a duty to be tolerant of the particular features of every culture and religion, for only through dialogue and mutual respect would it be possible to create a peaceful world. As the President of Costa Rica had recently put it, there was a need to build bridges and not walls between different cultures and religions. His delegation appealed for dialogue and tolerance to triumph over irrationality and extremism. It endorsed the proposal by the President of Spain for the prompt initiation of a dialogue among civilizations that would enable mankind to build a peaceful world in which

human rights were respected. His delegation endorsed wholeheartedly the appeals made by the Organization of the Islamic Conference and the Permanent Observer for the Holy See for a frank dialogue between their two religions.

16. Mr. VAN EENENNAAM (Netherlands) said that ever since the adoption of the 1981 Declaration on the Elimination of All Forms of Intolerance Based on Religion or Belief the Netherlands had promoted the freedom of religion or belief and had tabled several of the resolutions forming the basis of the Special Rapporteur's mandate. Such efforts reflected the national heritage, for the Netherlands had traditionally provided a safe harbour for persons persecuted for their beliefs, including members of minority religions. The result was a vibrant society in which everyone could believe whatever he or she wanted. Despite some recent pressure from extremist groups, the Government remained convinced that religious tolerance was a fundamental element of Dutch society.

17. The intention of both the Universal Declaration and the 1981 Declaration was to protect adherents of a religion and holders of a belief, and States had a responsibility to ensure such protection. In that context article 20 of the International Covenant on Civil and Political Rights had a specific meaning and could not be used for political ends. His delegation agreed with the assertion made in paragraph 47 of the joint report (A/HRC/2/3) that the threshold of the acts referred to in that article should be relatively high. In general, all delegations should seek true cooperation and dialogue to solve the outstanding issues.

18. Mr. SINAGA (Indonesia) said that the reports under discussion illustrated the complexity of the interface between human rights and people's differing perceptions and sensitivities. His delegation agreed that the global community's present predicament in that regard arose from confrontation exacerbated by a sense of injustice and persecution fuelled essentially by the campaign against terrorism. That situation created increasingly entrenched positions which helped dangerous ideologies to take hold in society, which in turn led to discrimination and religious hatred. In such a climate a total absence of limits on freedom of expression risked upsetting the balance that international norms sought to create between freedom of expression and religious freedom. The prohibition on incitement to religious and racial hatred could be effective only if that balance was maintained.

19. Indonesia agreed with the recommendation that Governments should take very seriously their responsibility for defusing tensions, promoting a culture of dialogue and uprooting the culture of confrontation. It also supported the recommendation that Governments should continue their efforts to implement the Durban Declaration and Plan of Action.

20. Mr. MARCH (Observer for Spain) drew attention to section V of the High Commissioner's report (A/HRC/2/6), on the responsibility to promote tolerance and understanding, and said that Spain attached capital importance to the promotion of tolerance and understanding through existing multilateral arrangements. As other delegations had noted, the Alliance of Civilizations was a response to the need to involve societies in the building of bridges to overcome prejudices, mistaken perceptions and polarization. Spain was also in favour of specific initiatives aimed at civil society.

21. His delegation considered the recommendations to the Council contained in paragraph 63 of the joint report, concerning the promotion of reciprocal knowledge between cultures, civilizations and religions, to be essential, for multiculturalism was an essential feature of globalization. Accepting cultural diversity as a value and not as a threat would enable the new borderless society to establish a new model of harmony and stability. Consequently, there was a need not only to defend tolerance but to promote the appreciation of that diversity as a means of allowing all individuals and groups to develop their capacities and thus build a lasting peace.

22. Mr. ENDO (Japan) said that Japan was concerned about the increase in racial and religious tensions and violence, which were not acceptable for any reason. Trust must be established and mutual understanding and respect between people of different creeds enhanced. Japan had engaged in various forms of dialogue to that end, including the Japan-Arab Dialogue Forum, the Japan-Middle East Cultural Exchanges and Dialogue Mission, the Dialogue among Civilizations in Japan and the Islamic World, and the World Civilization Forum.

23. Mr. SAJJADPOUR (Observer for the Islamic Republic of Iran) said that his Government was deeply concerned about the rise of intolerance against Muslim communities in some Western countries. Recent events such as the publication of the defamatory cartoons of Mohammed and a recent defamatory statement revealed the scale of the human rights challenge posed by Islamophobia.

24. Both the International Covenant on Civil and Political Rights and the Convention on the Elimination of Racial Discrimination made it clear that the right to freedom of expression must not be used to incite racial or religious hatred. The Human Rights Council had the responsibility of ensuring an ongoing dialogue between religions, cultures and civilizations, and his delegation supported the organization of a high-level segment to promote interreligious and intercultural dialogue. The Council should also consider the possibility of drafting a legally binding instrument to combat defamation of religions and uphold respect for religions and beliefs.

25. Mr. MNATSAKANIAN (Observer for Armenia) said that his country had a long-established religious identity and a history marked by coexistence, dialogue and mutual respect for other religions and civilizations. Yet it had also witnessed the evils of racism and intolerance, with religion used as a tool for destruction, including the desecration of places of worship, religious and cultural symbols.

26. The philosophical, historical, cultural and educational ramifications of religion had caused religious conflict to replace the conflict of ideologies in the contemporary world. Against a background of rising intolerance, it was essential to restore a balance between freedom of expression and respect for diversity. The serious challenges posed in that connection would test the capacity of the newly established Human Rights Council to foster a sense of collective responsibility to overcome divisions and confrontations.

27. Mr. JAZAIRY (Algeria) said that the High Commissioner's report had left his delegation perplexed, and he reserved the right to return to it at a future meeting.

28. While all human rights were interdependent, it was wrong to establish, as representatives of a certain regional group had done, a hierarchy among civil and political rights, ascribing greater value to freedom of expression than to article 20, paragraph 2, of the International

Covenant on Civil and Political Rights, which prohibited incitement to racial and religious hatred and violence. Such practices fuelled Islamophobia, a new form of anti-Semitism in the twenty-first century.

29. All the great contemporary religions, including Islam, were based on love of God and, through God, of others. Both Sufism in Islam and mysticism in Christianity aimed to foster that love through meditation. Unfortunately, religions had been used by politicians and unscrupulous ideologues throughout the world as a means of achieving personal ambitions or power. Muslims, Christians and Jews alike had all been victims of that phenomenon throughout history.

30. He drew the Council's attention to the case of Amir Abd al-Qadir, who had introduced the first humanitarian code for the protection of prisoners, before Henri Dunant. When commended for having helped save the lives of some 12,000 Christians in Damascus in 1860, he had stated that he had merely acted in accordance with the precepts of Islam and out of respect for the rights of humanity, an innovative concept at that time. In a similar vein, the late Pope John Paul II exemplified tolerance practised by Christians. While both Muslim and Roman Catholic authorities in Algeria had been stunned by the recent statement by Pope Benedict XVI, he himself had been reassured by the Pope's subsequent statement expressing his profound respect for all religions, including Islam.

31. He thus believed that the current climate was conducive to the organization, perhaps in 2007, of a conference under the auspices of the Human Rights Council, that would bring together world spiritual and political leaders, the media and civil society, with a view to revitalizing an alliance among cultures and civilizations, and extinguishing all forms of extremism that could lead to an outright clash of civilizations. While pursuing such an undertaking, the Council should also continue its efforts to draw up an international legal instrument that would give concrete expression to the provisions of article 20, paragraph 2, of the International Covenant on Civil and Political Rights.

32. Mr. LOULICHKI (Morocco) said that the current debate surrounding the implementation of Council decision 1/107 on defamation of religions and the implications of article 20 of the International Covenant on Civil and Political Rights was both timely and necessary. The increase in acts of defamation and intolerance in recent years and the tendency to target Islam and its followers, denying its message of peace and dialogue, was apparent.

33. Although his Government fully acknowledged the importance of establishing a normative framework, that was not enough to remedy the problem. Freedom of expression should not be given free reign at the expense of other freedoms. The next reports of the High Commissioner and the Special Rapporteurs should therefore also address the ethical dimension of intolerance, drawing on the conclusions and recommendations issued by the numerous conferences, round tables and seminars promoting the Alliance of Civilizations.

34. He hoped that the inclusive high-level dialogue to be held in November 2006 would contribute to advancing joint reflection and action. Efforts to create a better future, in which society was free from prejudice and based on mutual respect, should not be left solely to experts and Governments but should also involve the media and civil society. For its part, Morocco had progressively built a society based on interreligious and cultural dialogue, peace and mutual respect.

35. Mr. MACEDO (Mexico) welcomed the reports of the High Commissioner and the Special Rapporteurs, which made it clear that international human rights law provided a framework that made it possible to grasp the scope of freedom of religion and expression, in both the individual and collective spheres, as well as the fact that denying enjoyment of those rights could act as an incitement to discrimination, hate or violence. His delegation would like the Special Rapporteurs and the High Commissioner to provide details of specific action the Council should take to promote a culture of religious dialogue.

36. Ms. UGDUL (Observer for Turkey) said that intercultural and interreligious dialogue must remain high on the international community's agenda. Neither the misrepresenting of cultural differences nor stereotyping were conducive to constructive and peaceful dialogue. Practical measures were therefore needed to address potential sources of conflict. Efforts to promote mutual understanding would enhance not only tolerance but also mutual respect.

37. No one culture or value system could claim superiority over another in responding to the basic needs of human beings. Respect for human rights, democratic pluralism, the rule of law, transparency and accountability were universal values, all products of the collective conscience and human progress. The international community's ultimate goal should be to achieve unity in diversity, which was the basic premise of the Alliance of Civilizations launched by the Secretary-General. That initiative was intended to bridge divides and overcome prejudice, misconceptions and polarization, which posed threats to peace.

38. Mr. JAFAROV (Azerbaijan) said that the number of speakers requesting the floor during the current interactive dialogue revealed the relevance and urgency of the problem. His Government was particularly concerned that in certain conflicts the practice of ethnic cleansing followed by the destruction of religious and cultural monuments had amounted to cultural genocide, yet the perpetrators of such crimes had enjoyed impunity.

39. The relatively undeveloped legal framework that existed for dealing with issues relating to the freedom of religion or belief and the right to freedom of expression did not make it easy to strike an adequate balance between the two. He was of the view that any defamatory statement regarding a religion amounted to an incitement to racial and religious hatred, which had nothing to do with freedom of expression, a view that was articulated in paragraph 4 of general recommendation No. 15 of the Committee on the Elimination of Racial Discrimination (CERD).

40. He wished to express his appreciation to the observer for the Holy See for his reassuring statement of the day before. It was essential to work together to avoid repeating the same mistakes in the future. He also supported the statement made by the representative of Pakistan and invited both Special Rapporteurs to comment on the concrete proposals made in that statement.

41. Ms. PICTET-ALTHANN (Sovereign Military Order of Malta) said that the reports before the Council illustrated the complexity and sensitivity of a subject of concern to all. The Sovereign Military Order of Malta attached particular significance to article 18 of the Universal Declaration of Human Rights, to which the Special Rapporteur on freedom of religion or belief had referred in her report.

42. Tragic events were a daily reminder that a lack of mutual understanding and respect among religions contributed to conflicts which brought suffering to many populations. In the framework of its worldwide humanitarian assistance, the Order of Malta was constantly called upon to intervene in crisis areas and assist victims of different religions, beliefs and origins. Humanitarian principles of impartiality and independence, together with Christian values, were the foundation of its work, which was carried out with local communities. Its health centres in Lebanon, for example, employed doctors and nurses from all four major religious groups, while at its maternity hospital in Bethlehem the majority of mothers giving birth were of the Muslim faith.

43. Governments, institutions and civil society must pursue a constructive dialogue based on mutual respect. Her organization was fully committed to contributing to the development of such a dialogue and endorsed the Special Rapporteurs' recommendation to that end.

44. Mr. SIDOTI (International Service for Human Rights) said that religious and other beliefs were central to a person's identity, thereby making them non-derogable human rights that were accorded special status in human rights law. He commended the Special Rapporteurs for their reports, which provided significant insight into the human rights dimensions of religious intolerance.

45. The report of the Special Rapporteur on freedom of religion or belief was a reminder that the work of the Human Rights Council was grounded in human rights law. Based on careful legal analysis, she pointed out that freedom of religion or belief was the right of believers, rather than the right of religions. Freedom of religion was an absolute right, as was the right to hold opinions, whereas freedom of expression could be lawfully restricted for certain purposes, such as prohibiting incitement to religious hatred.

46. Violence was alien to the core teachings of all major religious and non-religious ethical systems. Yet all such systems without exception included extremists who distorted belief through their attitudes of hatred and advocacy of violence. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance presented "radical secularism" in those terms. Human rights law provided a basis for identifying extremism that undermined freedom and distorted belief, but it also transcended what divided people by proclaiming what they believed in common.

47. The Council should not base its work on individual or group perceptions of what was or was not offensive. "Defamation of religion" did not accurately describe the important human rights issue at stake. The work of the Council must be based solely on the mandate entrusted to it by the General Assembly and focus on addressing religious and secular extremism on the basis of human rights law. He therefore welcomed the Special Rapporteurs' recommendation that the Human Rights Committee should be encouraged to prepare a general comment on article 20 of the International Covenant on Civil and Political Rights. However, he wondered whether additional standards were required or whether existing law, including the 1981 Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, was sufficient.

48. Ms. GERRITZEN (UN Watch), referring to the joint report, asked whether the Special Rapporteurs believed that the term “defamation of religions” had a sound basis in international human rights law, in the light of statements contained in the report, such as the statement that “criminalizing defamation of religion could be counterproductive” (para. 42), or the statements made at the first session of the Council by many of the democratic members, including Canada and the members of the European Union, which had opposed the resolution on the question for that reason.

49. Her organization was deeply concerned about the impact of incitement in the Middle East, especially on the most vulnerable group, children. Official school textbooks in certain countries taught children to hate members of other faiths or even members of different sects within their own faith. Since those textbooks were a major cause of religious discrimination and intolerance and were used to commit gross violations of human rights of direct concern to the Special Rapporteurs on racism, freedom of religion and the right to education, she wondered whether those Rapporteurs were planning a joint visit to the countries that used them.

50. Mr. LITTMAN (Association for World Education), speaking also on behalf of the World Union for Progressive Judaism, referred to questions his organization had raised the previous day on the issue of defamation of religions and asked whether silence on that major issue did not pose a grave risk in that it might be construed as acquiescence in such defamation and provoke even more manifestations of “Islamophobia”.

51. He drew attention to the 1999 Geneva Spiritual Appeal, which had brought Christians, Jews and Muslims together in the cathedral in Geneva to denounce all use of references to God to justify and foster hatred. He wondered in that connection how the Special Rapporteurs would advise the international community to deal with the constant reiteration by the President of the Islamic Republic of Iran that Israel should be “wiped off the map” or with his repeated attempts to deny the holocaust. He wondered whether the Special Rapporteurs advised invoking article III (c) of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide or article 2, paragraph 4, of the Charter of the United Nations.

52. Mr. NAT (Agir ensemble pour les droits de l’homme) invited the Special Rapporteurs to consider the situation in Viet Nam, where a minority that held power was persecuting the Unified Buddhist Church of Vietnam for its commitment to freedom of religion, human rights and democracy. The leaders and dignitaries of the Buddhist church were detained, harassed, isolated and threatened. The patriarch of the church, Thich Huyen Quang, and his assistant, Thich Quang Do, were currently incarcerated in their respective monasteries. Thich Quang Do, who was a candidate for the Nobel Peace Prize in 2006 and who had been awarded the Thorolf Rafto Memorial Prize just the day before, enjoyed no freedom of movement. No one was allowed to visit Thich Huyen Quang without authorization from the Government, which was also hindering the church’s local activities.

53. Since 1998, the Government of Viet Nam had stated that it would no longer welcome visits by individuals or organizations investigating the situation of human rights in that country. That position was at variance with the country’s international commitments: the Government of Viet Nam should invite the special rapporteurs and the Working Group on Arbitrary Detention to visit the country.

54. Ms. BRETT (Friends World Committee for Consultation) said that while her organization opposed all use or incitement of violence by any party on any grounds, it was concerned about the apparent conflating of the right of individuals to exercise freedom of religion or belief with the question of defamation of religion. She noted that the Special Rapporteur on freedom of religion or belief had mentioned that point in her report, and she requested her to expand on that distinction.

55. Ms. KHAN WILLIAMS (Deputy United Nations High Commissioner for Human Rights) said that while several delegations had referred to juridical lacunae, she believed that international, regional and national instruments provided a firm framework for the development of an effective regime to deter incitement of racial and religious hatred and violence. The respective international mechanisms - the special rapporteurs and the treaty bodies - should be given an opportunity to elaborate on any perceived inconsistencies in that framework. The Council should concentrate on increasing knowledge, understanding and tolerance among cultures. The High-level Group for the Alliance of Civilizations appointed by the Secretary-General would present its report later in the year and would make specific recommendations for counteracting extremism; the Council should find that a very useful input for its work.

56. Mr. DIÈNE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) invited the Council to review its strategy for dealing with the issue under consideration, focusing on the long term. He suggested developing three strategies, the first of which would be a legal strategy that would address the Danish cartoon affair and the issue of the inconsistency or complementarity between freedom of religion and freedom of expression, involving all the relevant United Nations mechanisms. The second strategy would be a political strategy, and the third would be an intellectual strategy, since the issues of religion and racism had great intellectual and historical significance. It should be noted that at the heart of the current debate lay the challenge of multiculturalism, which must be a part of any strategy to combat racism and promote dialogue among religions.

57. The complexity of religious pluralism must also be taken into account, bearing in mind its intellectual and cultural significance, as should the ongoing debate as to how a balance could be struck between secularism and respect for freedom of religion. Secularism should not be used to manipulate religious freedom.

58. Turning to solutions for the future, he called for joint action aimed at, bringing together different religious and spiritual traditions to work together on peace, development and human rights issues. It was of vital importance not to interpret every emerging crisis as a war on religion, to use human rights as a tool for polarization or to adopt selective definitions of various rights.

59. In adopting its decisions at the conclusion of the current debate, the Council should recall that the problems in question were long-standing and deep-seated in nature and that all stakeholders, including the media, should be brought into the process of solving them.

60. Ms. JAHANGIR (Special Rapporteur on freedom of religion or belief) welcomed the frank and constructive dialogue that had been held on the joint report. The need for tolerance could not be overstated in the current political climate. Clearly, there was a political price to be

paid for the use of offensive expressions, particularly by those in power. But those who fuelled reactions to such expressions merely added to the violence, and should be denounced at every level. She and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance agreed that the issue was more political than legal, as an adequate legal framework for dealing with incitement of racial or religious hatred, discrimination or violence already existed, inter alia in the form of article 20 of the International Covenant on Civil and Political Rights. They had recommended the further development of that provision. If the Human Rights Committee, as the responsible treaty body, decided to take that path, it should do so by making the definition of human rights violations more, not less, restrictive, as a higher threshold would best serve the interests of society. Construing all expressions defaming religion as human rights violations would not only limit freedom of expression - itself a central ingredient of the freedom of religion or belief - but would also give rise to religious intolerance and persecution, particularly against religious minorities. Indeed, in many instances where national legislation had been disproportionately strict or unbalanced, that was exactly what had occurred.

61. Religions should naturally command respect; the Council should not fall into the trap of considering that it had to demand that respect. Those who disrespected religion could not be forced to do so by coercion, but their actions could be limited if they violated the provisions of article 20 of the International Covenant on Civil and Political Rights.

62. Mr. TRAN NAM TRUNG DANG (Observer for Viet Nam), speaking in exercise of the right of reply, said that his delegation strongly rejected the sheer fabrications proffered by a certain NGO that was only trying to undermine the solidarity policy of his Government. The Vietnamese Government had consistently pursued a policy to ensure freedom of belief and religion that also recognized the right of all citizens not to believe. That right was enshrined in the Constitution and was respected in practice. No one in his country was arrested or detained on the grounds of religion.

63. Mr. Loulichki (Morocco) took the Chair.

Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (E/CN.4/2006/48, Corr.1 and Add.1 and 2)

Report of the Special Rapporteur on the right to food (E/CN.4/2006/44 and Add.1 and 2)

Report of the Special Representative of the Secretary-General on the situation of human rights defenders (E/CN.4/2006/95 and Add.1, Corr.1 and 2, and Add.2-5)

64. Mr. HUNT (Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that in 2003, when he had delivered his first report to the Commission on Human Rights, he had identified three key objectives: raising the profile of the right to health, clarifying what it meant and identifying ways of operationalizing it.

65. He had noted steady progress towards the first objective, especially in countries of the South and among civil society. In many countries, numerous groups were effectively advocating the right and were using human rights language when doing so. It was therefore unfortunate that at the highest levels of Government very few people were familiar with the right to health, and

those who were did not tend to take it seriously. To address that problem, an impressive number of eminent world leaders and statesmen had in December 2005 launched the Leaders' Call to Action on the right to health. In their Call to Action they had appealed for systemic changes to strengthen health systems and sought to remind Governments that the right to health was real, binding and literally a matter of life and death.

66. With regard to his second objective, he said that the right to health was one of the most complex human rights in the international code, and an increasing number of cases concerning that right were beginning to shed light on its content. Drawing on the work of the World Health Organization (WHO), the treaty bodies, NGOs and academics, he had developed a way of "unpacking" the right so that it was more manageable and easier to grasp, and had applied that general approach to specific elements of the right to health. A detailed description of that approach was contained in his report on mental disabilities (E/CN.4/2005/51).

67. His third objective, that of making the right to health real, had been addressed in detail in the report he had submitted on his mission to Uganda (E/CN.4/2006/40/Add.2), where he had concentrated on the problem of neglected diseases, which affected the poorest communities and had worked in close cooperation with WHO and the Government. However the report had relevance beyond Uganda.

68. Because the right to health was subject to progressive implementation, it was necessary to measure and monitor how its enjoyment varied over time. The primary way of doing that was through the use of indicators and benchmarks. His general report (E/CN.4/2006/48) set out a human rights-based approach to health indicators that was designed to help States recognize which policies worked and which did not.

69. While his reports thus far had focused either on specific countries, groups, rights or issues, all shared a common message: that the right to health was a right to an effective and integrated health system encompassing health care and the underlying determinants of health, such as access to clean water and sanitation, and that the system should be responsive and accessible to all. The Millennium Declaration and the 2005 World Summit had both clearly called for a concerted effort on the part of both developing and developed countries to establish effective, inclusive health systems in the North and in the South. Health ministers in low- and middle-income countries should prepare national health programmes that addressed actual needs, and not programmes that reflected donors' priorities. An effective health system was as much a core social institution as was a court system or a political system.

70. During the next year he hoped to identify and examine some of the key features of a health system that reflected the right to the highest attainable standard of health.

71. Mr. ZIEGLER (Special Rapporteur on the right to food) said that the first of the Millennium Development Goals, the reduction by half of the number of people affected by hunger, would clearly not be achieved. On the contrary, the number of people succumbing to hunger, was growing every year: in 2005, for example, some 852 million people - 11 million more than the previous year - had been seriously and constantly undernourished. At the same

time, according to the Food and Agriculture Organization of the United Nations (FAO), the world's agriculture could easily provide sustenance for 12 billion people, or practically twice the world population. The tragedy of hunger was by no means inevitable; a child who died of hunger was a child murdered.

72. There were, however, some examples of positive change. In Brazil, an immense country where hunger had been a serious problem, President Lula da Silva had kept his word: the 22 million Brazilians who had been seriously affected by hunger were gaining access to a life of dignity, with adequate access to food and water. The Zero Hunger Programme, which had since been transformed into the Bolsa Familia programme, assisted some 8 million families, ensuring a minimum monthly income. Another positive development had occurred in France, where President Chirac had called for a groundbreaking international tax on airline travel, the proceeds of which would be allocated in equal proportions to efforts to combat HIV/AIDS and efforts to address hunger.

73. However, there had also been serious setbacks in the war on hunger. In the Darfur region of the Sudan, some 2.2 million displaced people had been moved from camp to camp, and the provision of assistance was sporadic, largely owing to security concerns. In June and July 2006, eight humanitarian workers of the World Food Programme (WFP) had been killed, and convoys had been attacked and burnt. It was estimated that some 600,000 people could not be reached. Thousands of people were no doubt dying every week in what amounted to a flagrant violation of the right to food. The situation in Darfur was complex, and the Government was not the sole party responsible for the tragedy. He had asked for permission to visit the region, but had not received a positive response.

74. The core message of his general report (E/CN.4/2006/44) was the responsibility of the international community, particularly institutions such as the World Trade Organization (WTO) and the Bretton Woods institutions, for ensuring the enjoyment of the right to food. The General Assembly, the Committee on Economic, Social and Cultural Rights, the overwhelming majority of international law professors from all continents and nearly all NGOs concurred that international organizations bore responsibility for human rights, as they were autonomous subjects of international law. North-South relations and the struggle against hunger and undernourishment in the world were massively affected by the decisions of WTO. In 2005 the industrialized countries had disbursed nearly \$1 billion a day in agricultural and export subsidies to their farmers, who represented only a small portion of their populations. Yet at the same time, at any African market it was possible to find fruits and vegetables imported from Europe for sale at half or two thirds the price of local produce, while a few kilometres away African farmers toiled up to 15 hours a day in the hot sun to grow those local products. Unlike European countries, where few people worked on farms, the majority of African countries had economies that were overwhelmingly dependent on agriculture. In those circumstances, the failure of the WTO Doha Round of trade negotiations, which ought to have done away with such unwarranted subsidies, was a catastrophe for the developing world. He had requested a meeting with the Director-General of WTO to highlight the nefarious effect on the right to food of such subsidies, but WTO refused to enter into any discussion on economic, social and cultural rights, despite repeated calls from the General Assembly to do so. He urged the Council to echo the Assembly's appeal.

75. In 2005, he had undertaken a mission to Guatemala, the report of which was contained in document E/CN.4/2006/44/Add.1. That country had an infant mortality rate from malnutrition that was double that of the rest of Latin America, and the concentration of undernourished children was particularly high in indigenous communities. Moreover, land ownership was concentrated in the hands of a privileged few. The current Guatemalan Government, the first in years that did not include members of the military, was dealing with the aftermath of decades of civil war; it was to be commended for the steps it had taken to combat hunger, including the initiation of a programme called the Front against Hunger, the adoption of a law on food security and the establishment of a land registry that would later be instrumental to any land reform. It had also welcomed some 600 Cuban doctors who were working in nutritional rehabilitation centres in indigenous communities.

76. Turning to the report of his August 2005 mission to India (E/CN.4/2006/44/Add.2) he noted that, according to FAO, half of the seriously undernourished people in the world were to be found in that country. While in India he had met with Government officials, NGOs and members of the Supreme Court, and had visited two Indian states that were particularly affected by the problem of hunger: Orissa and Madhya Pradesh. Thanks to modernization of its agriculture, India had achieved food self-sufficiency. Some two thirds of the population were directly dependent on agriculture for their livelihoods.

77. To progressively eradicate hunger, the Indian Government had instituted a programme called the Public Distribution System, which since 1997 had supplemented the income of needy families by subsidizing sales of staple foods with a sliding scale of support based on need. The Programme was complex, but it worked. India also had one of the most developed constitutional systems for ensuring the right to food: NGOs were able to bring cases before the Supreme Court and, in a landmark ruling, the Court had recently acknowledged the right to food as a human right.

78. Ms. JILANI (Special Representative of the Secretary-General on the situation of human rights defenders), introducing her report on the situation of human rights defenders (E/CN.4/2006/95), reviewed the positive developments she had seen during the six years of her mandate, including public recognition of the role and status of human rights defenders by several Governments; the establishment of focal points for defenders under the direct authority of the head of State or within important ministries; initiatives to include provisions of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) and other human rights standards in domestic laws; and efforts to broaden spaces for consultation with the human rights community at the national level. She was also encouraged to note that the parliaments of at least two European countries had passed resolutions making express reference to the situation of human rights defenders and to her mandate in particular. As to the contribution of civil society, she particularly appreciated the numerous human rights defenders' programmes launched by larger human rights organizations and the creation of special human rights units within their organizational structures.

79. Nevertheless, serious concerns remained, particularly with regard to reprisals against human rights defenders who had cooperated with international bodies or availed themselves of national or international mechanisms to report or seek redress for human rights violations. Attempts to discredit or stigmatize human rights defenders or their work and to influence public

opinion against them had a negative impact. She therefore urged the Council to take suitable measures to discourage the increasing tendency to label human rights defenders as criminals, terrorists, unpatriotic, seditious and sacrilegious by reference either to national security and ideology, or to religious beliefs or cultural specificity.

80. She wished to alert the Council to the fact that Governments were increasingly adopting legislation that ostensibly gave legal status to NGOs but in fact imposed controls that affected their independence and autonomy, seriously infringing the right to freedom of association and undermining the ability of civil society to take organized and collective action for the promotion and protection of human rights.

81. In May 2005 she had visited Nigeria, and her report on that visit (E/CN.4/2006/95/Add.2) welcomed the commitment of the Nigerian Government to include human rights in national and state policies and acknowledged the contributions of a highly engaged active civil society. The transition from military to civilian rule had resulted in the emergence of democratic institutions, and she was particularly encouraged by the work done by the National Human Rights Commission. There did not appear to be any systematic harassment of human rights defenders in Nigeria or any resistance on the part of the Government to engaging with civil society and involving human rights defenders in its programmes. However, the Government had not responded seriously to the concerns voiced by the defender community.

82. In her report she had raised concerns about the situation of human rights defenders, including journalists and labour leaders, who worked with issues perceived as sensitive by the Government. She had been particularly struck by the difficulties encountered by women's rights and economic, social and environmental rights activists, including those active in the Niger delta. Many of those difficulties sprang from the inadequacy of the legal framework protecting human rights activities. While the country's transition presented numerous challenges, such as the need to transform State structures and the conditions affecting the enjoyment of human rights, the Government must endeavour to overcome those hurdles and not rely on past accomplishments if its commitment to progress and change was to be credible.

83. Her second country visit during the reporting period had been to Israel, and her report (E/CN.4/2006/95/Add.3) described the conditions under which human rights defenders worked both in Israel and the Occupied Palestinian Territory. The dominant concern for human rights defenders, even among many Israeli organizations, was the violation of the human rights of the Palestinian population under Israeli occupation. The solidarity and cooperation that existed between human rights defenders in Israel and the Occupied Palestinian Territory was inspiring.

84. While the Government of Israel generally respected the rights of Israeli human rights defenders and did not restrict their activities in Israel, it showed less tolerance for their activities aimed at protecting the rights of the population in the Occupied Palestinian Territory. In the Territory itself, human rights defenders operated at great risk and encountered serious obstacles to every aspect of their work. She had received credible accounts of serious harm, including killings, and violations of many rights, including freedom of expression and movement, suffered by human rights defenders. At the same time, the difficulties experienced by human rights defenders in the Occupied Palestinian Territory were compounded by the failure of the Palestinian Authority to respect human rights and the rule of law in the areas under its control.

85. While the exceptional conditions resulting from conflict and occupation called for a more active human rights community, the prospects for peace and security in the region were being diminished by the constraints placed on the freedom to defend human rights. She had made recommendations to both the Government and Israel and the Palestinian Authority; she had also called upon the United Nations to take note of the situation of human rights defenders in the Occupied Palestinian Territory and had recommended measures for their protection.

86. Lastly, she had visited Brazil in December 2005. The report on that mission, contained in document E/CN.4/2006/95/Add.4, was a preliminary report, and she intended to introduce the final report to the Council at its session in March 2007. She had noted the Government's understanding of the issues related to human rights defenders and their protection, but serious concerns remained owing to the gap between policy declarations and the actual creation of protective mechanisms. She had also observed that efforts to defend human rights had frequently been met with disproportionate use of force and believed that there was an urgent need for critical adjustments in the role of the judiciary.

87. Ms. TALIWAKU (Observer for Uganda) said that Uganda faced specific challenges in its efforts to achieve the highest attainable standard of physical and mental health, including poverty, which it was tackling through a comprehensive poverty eradication action plan. Another challenge related to education, which was necessary to combat stigmatization and misinformation about causes and cures of diseases. The Government had introduced universal primary education and was in the process of implementing universal secondary education, which would help to address the problem posed by the chronic shortage of health-care professionals. She appealed to Uganda's development partners to support the Government's efforts in addressing the challenge of health-care recruitment, remuneration and retention. Uganda looked forward to the creation of public-private partnerships in research and development that were specifically geared to combating neglected diseases.

88. The fact that peace had returned to northern Uganda would make it possible for essential health services to be delivered there. The Northern Uganda Social Action Fund had mobilized resources to assist in the resettlement of displaced persons and to support community initiatives aimed at addressing the various mental and physical needs of the population.

89. Some of the other matters raised in the Special Rapporteur's report related to the health systems of developing countries in general, and Uganda was interested in forming a global coalition to fight neglected diseases wherever they occurred. She reiterated her country's commitment to fulfilling its obligations in the sphere of neglected diseases and in the wider context of the Millennium Development Goals.

90. Mr. MARTÍNEZ ALVARADO (Guatemala) said that the visit of the Special Rapporteur on the right to food to Guatemala had helped to ensure that that right was understood in a holistic manner and linked with other rights such as the right to non-discrimination, the right to development, the right to equality and the right to respect for cultural diversity. Guided by the Special Rapporteur's recommendations, the State had continued to develop actions to address the poorest and most excluded segments of society, taking into account the country's multi-ethnic and cultural richness of the nation. For example, after the Land Registry Act was adopted, progress had been made in setting up agrarian courts, as the issue of land use and ownership was a key aspect of access to food in Guatemala. Efforts were under way to ensure that the

population had effective access to food, particularly in emergency situations such as natural disasters; one national programme sought to reduce chronic malnutrition by half by 2015, in keeping with the Millennium Development Goals. A food security information and coordination centre had been established to ensure ongoing monitoring of the food situation in the country with a view to developing useful tools for taking timely and effective decisions to ensure food security.

91. Pursuant to the Special Rapporteur's recommendations, Guatemala had established a working group within the Office of the Ombudsman to ensure systematic monitoring of the actions and policies of the Secretariat for Food and Nutrition Security, formulate recommendations to ensure the proper functioning of government entities in guaranteeing the right to food, and link the Special Rapporteur's recommendations to national efforts.

92. The role of all the special rapporteurs was an important one. However, he wished to clarify that the visits of special rapporteurs to Guatemala were not indicative of systematic violations of rights but were in fact opportunities for Guatemala to conduct internal reviews of its efforts and help it to guarantee the effective enjoyment of human rights.

93. Mr. SINGH (India) said that his delegation had taken note of the helpful analysis the Special Rapporteur on the right to food had made on the realization of the right to food in India and welcomed the accurate reflection of the wide range of measures and initiatives his Government had undertaken in its effort to achieve food security for all citizens. Since gaining independence in 1947 India had come a long way in increasing its agricultural production.

94. India's strong democratic institutions and commitment to popular empowerment through the electoral process had helped to ensure the Government's commitment to realization of the right to food for all Indian citizens. Nevertheless, India remained conscious of the challenges ahead and was committed to fighting malnutrition and under-nourishment, giving due consideration to the Special Rapporteur's recommendations in the process.

95. Mr. FLORÊNCIO (Brazil), responding to the introduction of her report by the Special Representative of the Secretary-General on the situation of human rights defenders, said he wished to clarify that his Government's lack of response to some of the communications had been due to internal difficulties in completing and collecting judicial information from remote areas of Brazil. He recognized that human rights defenders in Brazil still faced difficulties in the exercise of their tasks, but the Brazilian Government had been playing a key role in fostering human development activities such as the human rights defenders protection programme that had been implemented in July 2004 at the request of civil society and social movements.

96. The major difficulties in safeguarding the freedom of expression of human rights defenders in Brazil existed at the municipal and state levels, and he wished to know how the Special Rapporteur thought that such resistance could be overcome.

97. He welcomed the recognition by the Special Rapporteur on the right to food of Brazil's efforts to fight hunger, and offered details of the Bolsa Familia cash transfer programme, which provided money to poor families directly so that their children could be sent to schools regularly or brought to health centres. Brazil had also been active in promoting initiatives at the international level to eradicate poverty, hunger and promoting development. It had joined other

countries and the Secretary-General in launching an international programme to explore new sources of financing for those initiatives. The fact that food and nutrition were central to Brazil's social policies was reflected in the drop in child malnutrition from 10 to 3.6 per cent during the period from 1999 to 2004. Just a few days earlier the country's President had approved a law on food and nutrition security, thus incorporating the concept of the right to food in Brazilian legislation.

98. With reference to the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, he said that Brazil had been a sponsor of draft resolutions on the right to health and on access to medicines. There was a growing need for governmental and international agencies and donor countries to address the fact that neglected diseases mainly affected poor people in poor countries, and thus did not attract investment in research or the attention of pharmaceutical industries. He wished to know how the Council could foster poor populations' access to medicine.

99. Mr. LEVANON (Observer for Israel), drew attention to the report of the Special Representative of the Secretary-General on the situation of human rights defenders on her visit to Israel and the Palestinian Authority in October 2005 and welcomed in particular her findings regarding Israeli democracy and the corresponding freedoms of expression and action that existed and were protected by Israeli laws. The Special Rapporteur's assessment of the difficulties that human rights defenders faced in the Palestinian Authority raised concern, and he hoped that Palestinian society would seriously reflect on her recommendations in that regard. Regrettably, Israel's security concerns had not diminished after its full disengagement from Gaza the previous year, and might even have increased. Israeli towns, villages and civilians continued to be targeted daily by rockets launched from Palestinian territory. Israel continued to make efforts to ensure that its justified responses to such attacks met the recommendations set forth in the Special Rapporteur's report, and hoped that the violence in the region would soon abate and that implementation of the road map would result in a two-State solution characterized by peaceful coexistence.

The meeting rose at 1.10 p.m.