

Mr. Doudou Diène, Interactive dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (Report A/HRC/6/6)

To be read on: 13.09.2007

Thank you, Mr. President,

The European Union wishes to thank the Special Rapporteur, M. Diène, for the elaboration and presentation of his report to the Council. However, as stated during the fourth session of the Human Rights Council, the EU finds it problematic to reconcile the notion of defamation with the concept of discrimination.

In our view these two are of a different nature. Discrimination based on race, colour, sex, language or religion, political or other opinion, national or social origin, property, birth or other status clearly falls within the scope of human rights, as is demonstrated by Article 3 of the UN Charter and Article 2 of the UDHR. In addition it has to be stressed that Human Rights Law, in particular the ICCPR, firmly forbids any form of incitement to religious hatred. The European Union does not see the concept of "defamation of religions" as a valid one in a human rights discourse. International human rights law protects primarily individuals in the exercise of their freedom of religion or belief and not the religions as such.

Nevertheless, we recognize that many of the aspects in this report are relevant insofar as they concern efforts to eradicate racism, racial discrimination, xenophobia and related intolerance, including double discrimination based on race and religion, worldwide. We note that the Special Rapporteur has recognized that significant efforts have been made, including at the EU and at the Council of Europe levels, to promote tolerance and combat discrimination.

1. One of your recommendations stresses the need to avoid hierarchization of forms of discrimination. Like you, and recalling Pp9 of GA resolution 60/251, which recognizes the importance of non-selectivity in the consideration of human rights issues, the EU strongly rejects the hierarchization of victims of discrimination. Given that this year's report focuses on the issue of Islamophobia, we would value your opinion on how your future work can reconcile the trend to give attention to a particular manifestation of discrimination with the necessity to avoid hierarchization among victims of discrimination?
2. Secondly, the EU would like to ask whether you have had the opportunity to engage with the Human Rights Committee or the other relevant Special Rapporteurs concerning the interrelations between freedom of expression, freedom of religion and non-discrimination, in light of this Committee's declared interest in drafting a revised General Comment on Article 20 of ICCPR? If so, we would value any inputs thereto you could suggest, and wonder whether it might also be worthwhile to engage with relevant mechanisms in regional bodies such as the OSCE Representative on Freedom of the Media, the African Commission on Human and People's Rights and Inter-American Commission on Human Rights?

Thank you, Mr. President.