

Comments by Ambassador Zamir Akram, Permanent Representative of Pakistan, on behalf of the OIC, during interactive dialogue with Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance, during 12th Session of the HRC, Geneva, 30 September 2009

Mr. President,

I am making these comments on behalf of the Member States of the OIC.

The OIC attaches immense importance to the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which we believe is one of the core concerns in the present-day human rights discourse.

While significant progress has been made towards evolving normative standards and instruments for providing protection against different forms of racism, racial discrimination, xenophobia and related intolerance, there continues to be persistence of old forms of racism as well as emergence of new ones.

Among the new manifestations is defamation of religions and its followers under the garb of freedom of expression. This is a new and contemporary form of discrimination, intolerance and xenophobia. As civilized societies, we are bound to exercise our freedoms judiciously and within the parameters of internationally accepted norms. This was precisely the motive that led the OIC to craft the resolution on combating defamation of religions, which has been repeatedly adopted in the Human Rights Council as well as General Assembly by majority of States.

Manifestation of defamation of religions and its negative consequences faced by the followers of those religions have not only increased in the past few years but have been widely documented by different governmental and non-governmental agencies including the previous Special Rapporteur on Racism.

Defamation of religions and stereotyping of their followers is a contemporary challenge that seeks to undermine the democratic and multicultural fiber of many societies. Indeed, there are existing examples where UN resolutions, Parliamentary Acts and regional Declarations condemn, call for monitoring and prohibit defamatory acts against a specific religious group, and rightly so. Similar protection needs to be granted to all religious groups.

The latest resolution on the subject, not only reaffirmed the need to comprehensively deal with the subject but also specifically tasked the Special Rapporteur to report on the "manifestation of defamation of religions and in particular on the serious implications of Islamophobia, on the enjoyment of all rights by their followers". We, however, regret that the Special Rapporteur has chosen to go beyond his specific mandate.

Instead of fulfilling his mandate, information on which is available in abundance, the Special Rapporteur has preferred to question the validity of the very clearly defined mandate in accordance with his subjective and selective interpretation or preference. The OIC would like to reiterate that no Special Procedure has the authority either to re-interpret or question the validity of his/her mandate that alters the fundamental nature of Intergovernmental decision making in UN system by sovereign states. The report also contains a number of unfounded and distorted assertions that actually lead to confusing the existing narrative of this extremely sensitive and delicate subject. This in our view is negating the established norms that characterize the work of an impartial, independent and objective mandate holder.

The OIC has provided its detailed comments on the report in the form of a letter to the Special Rapporteur. We would like to take this opportunity to request the President to circulate it as an official document of this Session and be attached to this report as an explanation of our position on the matter.

The OIC, therefore, would like to convey its strong rejection of the content of this report as well as the approach used by the special rapporteur. We further advise the Special Rapporteur to henceforth, strictly adhere to his mandate and the code of conduct for Special Procedures.

Today, we have taken due note of the explanations provided by the Special Rapporteur in his presentation today. His reaffirmation to adhere to his mandate, confirmation of the manifestation of Islamophobia as well as support to the developmental nature of the international law is a positive step. We invite the Special Rapporteur to a sustained dialogue with the OIC on the issue, in order for him to better appreciate our concerns.

The OIC will continue to closely monitor his performance and would take an appropriate course of action in light of the Special Rapporteur's future performance.

I thank you Mr. President.