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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS
OF INTOLERANCE: FOLLOW-UP TO AND IMPLEMENTATION OF THE
DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Report of the Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance, Doudou Diène, on the
manifestations of defamation of religions and in particular on the serious
implications of Islamophobia on the enjoyment of all rights**

Summary

The present report is submitted pursuant to Human Rights Council resolution 4/9 entitled “Combating defamation of religions”, in which the Council invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights at its sixth session.

In accordance with the Council’s request, in the present report which is to be read in conjunction with his previous reports on the issue, the Special Rapporteur focuses on the phenomenon of Islamophobia. However, he wishes to point out that this focus does not imply the establishment of any hierarchy in discrimination against different religions. As he conveyed in his previous reports, strategies to combat anti-Semitism, Christianophobia and Islamophobia should promote equal treatment of these phobias and avoidance of any prioritization of efforts to combat all forms of discrimination.

Chapter I of the present report provides an analysis of the increasing trend in defamation of religions and the factors that explain it, particularly in the context where human rights violations are justified as measures to combat terrorism, to protect national security and preserve national identity. Chapter II is focused on the phenomenon of defamation of religions and its different manifestations in the current political and ideological context, dominated by the fight against terrorism and the amalgamation of factors of race, culture and religion. It also analyses specific forms of religion-based discrimination, including Islamophobia and its manifestations - in particular following the events of 11 September 2001 - Anti-Semitism, Christianophobia and discrimination against other religions and spiritual traditions and practices. In chapter III, the Special Rapporteur seeks to elucidate the dialectic between the specificity of each of these forms of discrimination and the universality of efforts to combat racism, racial discrimination, xenophobia and related intolerance. Chapter IV sets forth some of the most relevant initiatives put in place to counter the phenomenon of defamation of religions. Chapter V contains the Special Rapporteur’s conclusions and recommendations.

In particular, the Special Rapporteur calls for a strengthened commitment of political leaders and intellectuals to strongly reject and condemn any expression of hate and xenophobia, particularly those of racist and xenophobic political platforms in the programmes of democratic parties and in the governmental alliances that enable the promoters of these platforms to implement their agendas with a clout of democratic legitimacy. Member States are also called upon to integrate, in their national policies, the promotion of dialogue between cultures and religions, and avoid policies, postures and statements inspired by the divisive concept of the clash of civilizations. Besides, given the challenge posed by the growing instrumentalization of freedom of expression by extreme right groups, the Special Rapporteur calls for a renewed reflection, by all bodies concerned, on the balance and complementarity between freedom of expression and freedom of religion.

Finally, the Special Rapporteur recommends the adoption of approaches to promote dialogue between cultures, civilizations and religions that take into consideration:

(a) The need to provide equal treatment to the combat of all forms of defamation of religions, thus avoiding the establishment of any hierarchy of forms of discrimination, even though their specificity and intensity may vary according to history, geography and culture;

(b) The historical and cultural depth of all forms of defamation of religions and, therefore, the need to complement legal strategies with an intellectual and ethical strategy taking into account the processes, mechanisms and representations which constitute the root causes of these forms of discrimination over time;

(c) The fundamental link between the spiritual, historical and cultural singularity of each form of defamation of religions and the universality of their underlying causes;

(d) The creation of conditions facilitating the encounter, dialogue and joint action for social harmony, peace, human rights, development and combat against all forms of racism, discrimination and xenophobia of all religions and spiritual traditions.

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Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 4/9 entitled “Combating defamation of religions”, in which the Council invited the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report on all manifestations of defamation of religions and in particular on the serious implications of Islamophobia on the enjoyment of all rights at its sixth session.
2. The report is to be read in conjunction with previous reports submitted by the Special Rapporteur to the Human Rights Council and the former Commission on Human Rights, in particular: the joint report to the Human Rights Council with the Special Rapporteur on freedom of religion or belief on “Incitement to racial and religious hatred” (A/HRC/2/3), the reports to the Commission on Human Rights on “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” (E/CN.4/2003/23, E/CN.4/2005/19, E/CN.4/2006/17) and the report on “Defamation of religions and global efforts to combat racism: Anti-Semitism, Christianophobia and Islamophobia” (E/CN.4/2005/18/Add.4).
3. Following the Human Rights Council’s request, the Special Rapporteur will focus on the issue of Islamophobia. However, the Special Rapporteur wishes to point out that this focus does not imply the establishment of any hierarchy in discrimination against different religions. As he conveyed in his previous reports, strategies to combat anti-Semitism, Christianophobia and Islamophobia should promote equal treatment of these phobias and avoidance of any prioritization of efforts to combat all forms of discrimination.
4. Chapter I of the report provides an analysis of the phenomenon of defamation of religions and its different forms in the current political and ideological context. Chapter II is focused on particular religion-based discrimination, including Islamophobia in all its expressions, in particular following the events of 11 September 2001, Anti-Semitism, Christianophobia and discrimination of other religions and spiritual traditions and practices. In chapter III, the Special Rapporteur seeks to elucidate the dialectic between the specificity of each of these forms of discrimination and the universality of efforts to combat racism, racial discrimination, xenophobia and related intolerance. Chapter IV sets forth some of the most relevant initiatives to counter the phenomenon of defamation of religions. Chapter V contains the Special Rapporteur’s conclusions and recommendations.

I. THE CURRENT POLITICAL AND IDEOLOGICAL CONTEXT

5. The analysis of the increasing trend in defamation of religions cannot be dissociated from a profound reflection on the ominous trends of racism, racial discrimination, xenophobia and related intolerance that are developing in the current political and ideological context.
6. In the fight against racism, several key factors make it necessary to attach high priority to the upsurge in incitement to racial and religious hatred. At the political level, the principal factor stems from the trivialization of racism and xenophobia through their political and electoral exploitation, which is reflected in the pervasiveness of racist and xenophobic platforms in the programmes of democratic parties and the governmental alliances that enable their extreme right

or nationalist promoters to implement their agendas with a clout of democratic legitimacy. As a direct consequence, an increasing number of traditionally democratic parties are now resorting to the language of fear and exclusion, scapegoating and targeting ethnic or religious minorities in general, and immigrants and refugees in particular, in order to maintain or acquire political power.

7. At the ideological level, the Manichean concept of the clash of civilizations and religions is becoming increasingly widespread in the thinking and rhetoric of the political, intellectual and media elites, particularly in an international context dominated by the priority given to the fight against terrorism. This process is manifested in the refusal of diversity, a dogmatic rejection of multiculturalism, a defence of identity based on intangible “values” and in the amalgamation of racial, cultural and religious factors. Discrimination against religious communities and their members is facilitated in an environment where religions and beliefs are degraded or maligned through a deliberate intellectual and/or political discourse which demonizes them.

8. The interpretation and implementation of human rights is significantly affected by such an ideological context. With the stated intention to preserve national security, Governments have adopted a number of policies that have served in effect to curtail or disregard civil and political rights, focusing solely on those rights that are more fitting to their present political objectives. Similarly, cultural, social and economic rights, especially those guaranteeing the rights of minorities, immigrants and foreigners, have been deliberately violated or marginalized on the grounds of the protection of national identity. Following an implicit logic of a clash of civilizations, Governments, political leaders, intellectual personalities and the media have radically set freedom of expression and freedom of religion against each other, wiping out their complementarity and the key limitations and restrictions that accompany the exercise of these rights, carefully formulated in the pertinent international instruments.

II. FORMS OF RELIGIOUS DISCRIMINATION

9. Religious discrimination often takes the form of ideological violence. Such ideological violence is encouraged by elites, politicians and media adopting a certain posture that predisposes the general public to discriminate against a particular religious community. Although in general this posture refers to the legitimate expression of ideas, it creates an ideological environment that favours the existence and legitimization of physical acts of violence. In particular, the legitimizing role played by intellectual violence tends to encourage the trivialization of discrimination and may lead to other forms of discrimination such as the institutionalization of discriminatory practices, physical violence against believers and attacks on their places of worship and culture, and increasingly on their use of religious symbols.

10. Ideological violence is sometimes institutionalized in written or unwritten rules and behaviours that de facto create social discrimination and restrictions to religious freedom. Apart from increasingly openly discriminatory legislation, a number of practices can make the full enjoyment of religious freedom more difficult, such as barriers to the construction of places of worship and use of religious symbols. Institutionalized discrimination is a key obstacle faced by religious minorities in various countries and is reflected in policies such as discriminatory registration procedures with State authorities for religious communities, particular restrictions for the free circulation of religious texts or explicit ban on the practice of minority religions.

11. Finally, a third form of religious discrimination concerns cases of physical violence. These include individual acts of aggression that consist of isolated events, often on the part of extremist groups or persons. However, on a number of occasions these individual acts reflect the ideological context that is in place, in particular when other forms of discrimination are present, including institutionalized discriminatory practices. Furthermore, physical violence may also lead to large-scale religious violence such as massacres and pogroms.
12. These expressions of religious hatred are not mutually exclusive, but rather represent different facets of a broad phenomenon. In most cases of religious hatred and discrimination, each of these forms of discrimination reinforces the others, in what becomes the vicious cycle of discrimination and violence that can be seen in various conflict settings around the world.
13. Although the concepts and examples mentioned in the paragraphs below relate to the issue of discrimination in general, a more particular focus on defamation of religions per se is central to the analysis of religious discrimination. Defamation provides the intellectual justification and legitimizing discourse that support all forms of discrimination. Without it, institutionalized and physical violence cannot be sustained. When defamatory discourse meets with enabling political, intellectual and media-related local conditions, including socio-economic exclusion of religious minorities, it resonates in society and gains strength. Therefore, fighting religious discrimination in general requires a strong focus on preventing the direct and indirect consequences of defamation of religions, including its role in legitimizing racist and discriminatory discourse.
14. While it is true that acts of defamation of religions are common in various regions of the world, each of these acts demonstrates specific characteristics. In the sections below, the Special Rapporteur provides an overall view of the phenomenon of defamation of religions and examines its various forms, including Islamophobia, anti-Semitism and Christianophobia. After analysing these particular forms of religious discrimination, he returns to the question of the universality of the fight against discrimination.

A. Islamophobia

15. Islamophobia is a growing phenomenon and a matter of concern in the aftermath of the events of 11 September 2001. Ongoing instability in the Middle East at large, particularly in Iraq, and the Israeli-Palestinian conflict, along with the global war on terror have contributed to the rise of Islamophobia. In the typical expression of Islamophobia, Muslims are seen as opposed to so-called Western values and often portrayed as enemies and a threat to national values and social cohesion. Ensuing is a discourse that in many cases persuades Muslims living abroad to “assimilate” in local cultures, implicitly or explicitly requesting them to abandon their cultural and religious heritage and even their visibility.
16. These trends, along with the overarching climate of widespread and systematic suspicion against Muslims, conduce to all sorts of discrimination and intolerance, ranging from individual acts such as verbal aggressions and stereotyping to physical violence and institutionalized discrimination at large, including barriers to adequate housing, schooling, employment and, more generally, racial profiling. In the realm of freedom of religion or belief, one notices that in some regions, particularly in Europe, Muslims face growing difficulties to establish places of worship

and carry out their religious practices (e.g. dietary regimens, burials, etc). In this context, political parties with open anti-Islamic platforms have joined governmental coalitions in several countries and started to put in place their political agendas. In sum, Islamophobia is in the process of being impregnated in all facets of social life.

17. The rise of Islamophobia thus increases the likelihood of social disorder and has economic and juridical repercussions for those affected. In particular, one should note how Islamophobia can lead to a vicious cycle of further exclusion and ultimately extremism. Its persistence leads to a sense of cultural inferiority and social vulnerability among young Muslims, who are likely to become marginalized and more open to influence by groups which seem to offer them a reaffirmed identity and reason for pride. Normal regular religious practices and expressions of faith, which are more broadly held and essential for an effective intercultural dialogue, have more difficulty in finding expression in many societies and countries, leading to even further discrimination against them.

18. In this section, the Special Rapporteur builds on his previous attempts to conceptualize and explain the causes of Islamophobia, tackling its current expressions and putting forward possible solutions and recommendations. In particular, in the present report, he will focus on present expressions of Islamophobia, trying to focus on how they are related to broad social and intellectual processes of acceptance and legitimization of racism and discrimination.

1. Definition of Islamophobia

19. The Special Rapporteur has proposed the following definition of Islamophobia in his report on Defamation of Religions and Global Efforts to Combat Racism (E/CN.4/2005/18/Add.4, para. 13), submitted to the Commission on Human Rights in 2004:

“[Islamophobia] refers to a baseless hostility and fear vis-à-vis Islam, and as a result a fear of and aversion towards all Muslims or the majority of them. It also refers to the practical consequences of this hostility in terms of discrimination, prejudices and unequal treatment of which Muslims (individuals and communities) are victims and their exclusion from major political and social spheres. The term was invented in response to a new reality: the increasing discrimination against Muslims which has manifested itself in recent years”.

20. Although the concept of Islamophobia is contemporary, its practice is not new and dates back to the first encounters between Islam and other religions as historically exemplified by events such as the Crusades. However, Islamophobia has rapidly taken new forms after the chain of events following 11 September 2001. While the driving force of Islamophobia in past centuries was religion, it appears that today the political dimension is on the rise, stemming from the societal changes linked with significant waves of immigration and the growing political and economic assertiveness of Muslim countries.

21. Other factors have also contributed to the rise in Islamophobia, including the development of an anti-immigration feeling in many parts of the world; human rights violations by repressive regimes perpetrated in the name of Islam; the existence of political movements that use terrorist tactics to attain their objectives, claiming to base themselves on Islam, which results in holding a large group - Muslims - responsible for the actions committed by individuals who wrongfully claim to act on its behalf. Furthermore, it is possible to see Islamophobia as a direct consequence

of the Manichean Cold War-type of ideology of a clash of civilizations and religions - of “us against them”, “enlightenment against darkness”, “civilization against barbarism” - which is dominant in several political, intellectual and media circles. The bottom line of this dogma is the relentless characterization and portrayal of Islam as possessing values that are fundamentally opposed to those of Western civilization which is postulated as rooted in Christianity.

22. In his previous reports, the Special Rapporteur focused on two factors that depict the rise of Islamophobia: the intellectual legitimization of hostility towards Islam and its followers and the political tolerance of such hostility in many countries (see E/CN.4/2004/19 and E/CN.4/2005/18/Add.4, para. 20). These two processes pose a direct threat not only to the safeguard of rights of Muslim individuals, but also to the very democratic foundations of many societies.

2. Intellectual legitimization of Islamophobia

23. The ideological dimension of Islamophobia is directly connected to its intellectual legitimization as currently reflected in a number of so-called intellectuals and political and social commentators that put forward openly Islamophobic statements, including explicit defamation of Islam. In particular, one may note that a number of Islamophobic statements have been falsely claimed to be scientific or scholarly, in order to give intellectual clout to arguments that link Islam to violence and terrorism. Furthermore, the manipulation and selective quoting of sacred texts, in particular the Koran, as a means to deceptively argue that these texts show the violent nature of Islam has become current practice.

24. The process of intellectual legitimization of Islamophobia also occurs in the media. Despite noteworthy counter examples, the Special Rapporteur observes that media reports on issues directly or indirectly related to Islam tend to reinforce prejudices and stereotypes. The way in which the events of 11 September 2001 were treated by news providers did much harm to the image of Arabs and Muslims and in many cases encouraged the rise in Islamophobia. Some media played considerably on the supposed feelings of the general public, reawakening old fears based either on ignorance or on a repressed crusading mentality that still persists in certain quarters.

25. Rather than an isolated segment of society, the media are directly influenced by the existing ideological and sociocultural milieu. Thus, they reflect existing trends and beliefs about Islam that are already widespread in society. Furthermore, the media often reinforce these trends by the selective repetition of news that link Islam and violence and the omission of references to positive activities and good practices sponsored by Muslim communities; the constant focus on leaders legitimizing political violence by selective quotations of Islam; and the stereotyping of Muslim women as discriminated against by essence regardless of the diversity of their situation in Muslim countries.

3. Political tolerance to Islamophobia

26. The second element in the rise of Islamophobia, political tolerance of hostility and discrimination against Muslims, has gained further ground since the Special Rapporteur last reported on this issue. We are currently witnessing an ongoing rise of political parties and social movements that are openly Islamophobic and sponsor racist and xenophobic policies.

Furthermore, these parties gain the clout of democratic legitimacy by integrating governing coalitions in a number of countries, which allow them to implement their political platforms. Themes such as immigration, national identity, national security and fight against terrorism are lumped together as a single political rhetoric that serves to justify an open discrimination against Muslim citizens and non-citizens.

27. This rise in political tolerance of Islamophobia can be clearly detected through the advance of extreme right parties with open anti-Islamic platforms, particularly in several European countries. As the Special Rapporteur informed in his previous report on “Political platforms which promote or incite racial discrimination”, traditional far-right parties have become more visible and vocal in recent years, as exemplified by the creation of the Identity, Tradition and Sovereignty group in the European Parliament, which gathers representatives from far-right parties of seven member States (Austria, Belgium, Bulgaria, France, Italy, Romania and the United Kingdom) (A/HRC/5/10, para. 16). Since 11 September 2001, these far-right parties have put forward an increasing message of xenophobia and, in particular, Islamophobia. This phenomenon is gaining ground in different regions of the world (see A/HRC/5/10).

4. Expressions of Islamophobia

28. Islamophobia can take very different and sometimes cumulative forms, which include individual acts of discrimination against Muslim populations, such as physical and verbal attacks against Muslims, profanation of their places of worship and culture, and predominantly institutionalized forms of racism, including social and ideological discrimination.

29. With regard to individual acts of discrimination, the Special Rapporteur has noted a mounting tendency to dismiss the significance of these events as trivial. Examples of such individual practices include the frequent cases of Muslim women that had their *hijab*, or headscarf, forcefully removed in public places, usually followed by insults and threats. Acts of physical violence have also been increasing, as for example the murder of a Malian woman and the shooting of a Turkish woman by an anti-immigration fanatic in Belgium in May 2006; the attack against a Moroccan actor participating in an anti-racism festival in Olsztyn, Poland in 2006 or the attack of Middle Eastern citizens during an anti-immigration march in Sydney in December 2005.

30. A characteristic area of individual acts of discrimination against Muslims has been airports. There have been many reports of cases of baseless accusations against Muslim citizens in airports around the world. Although some of these acts have been perpetrated by State institutions, including the security services, others have arisen from individual actions of passengers and other airport users, which is revealing of the general climate of Islamophobia. Such individual demonstrations of Islamophobia included calls by pilots for airport security to intervene against Muslim passengers, petitions by passengers to exclude Muslim passengers because of alleged suspicion, etc. In its most aggressive instance, this practice led to the withdrawal of the security clearance of several Muslim workers at Paris Charles de Gaulle Airport in 2006 on the basis that they constituted a threat to passengers.

31. Apart from individual acts of discrimination, a second and more general matter of concern consist in collective expressions of discrimination against Muslims, including ideological discrimination and actions that are institutionalized due to the support of political parties or local and national governments.
32. One particularly disturbing form of discrimination against Islam consists in the increasing hostility towards religious symbols. In various parts of the world, aggressive secularist rhetoric is building up, causing further discrimination against Muslims. A case in point is the building of mosques, a visible symbol of Islam which has become a straightforward target for discriminatory practices. A number of communities in various countries have imposed numerous obstacles to the building of new mosques, a practice that is in clear violation of the fulfilment of the right to religious freedom. In this regard, the recent statements by the Archbishop of Cologne expressing his wariness concerning the construction of a new mosque in the city have to be noted with regret. In Switzerland, the Swiss People's Party (*Union démocratique du Centre*, UDC), one of the governing parties that use xenophobic populist rhetoric in reference to immigrants and asylum-seekers, has recently proposed a popular consultation on banning the construction of new Minarets in the country. In France and Germany far-right groups are openly campaigning - sometimes successfully - to oppose the construction of mosques.
33. Violent attacks against mosques and places of worship have also characterized the rise of Islamophobia in the past years. In several countries violent acts were perpetrated, including burning copies of the Koran and painting Islamophobic messages in mosques. On their most aggressive instances, these expressions of Islamophobia take the form of attacks against mosques, including attempted arson, such as in Quimper, France and Yaroslavl, Russian Federation, in September 2006. Profanation of Muslim cemeteries has also been a growing practice.
34. In the context of the fight against terrorism, the most visible facet of Islamophobia occurs in the field of security and anti-terrorism policies. A number of countries have adopted legislation that de facto allows for racial and religious profiling against Muslim citizens and immigrants, and various types of violation of basic human rights, including those enshrined in international treaties. Some national laws have suspended the habeas corpus and allowed the practice of preventive and arbitrary detentions without a formal accusation, for unlimited periods and without legal assistance, clandestine deportations, forced interrogation techniques and torture.
35. The Special Rapporteur is of the view that the question of the place of Islam lies increasingly at the centre of the construction of the new European identity. In this context the rise of Islamophobia reveals the existence of a European identity crisis. The debate over the entry of Turkey into the European Union, the demands for explicit reference to the Christian heritage of Europe in the project of European Constitution and various national attempts to establish governmental bodies in charge of national identity and immigration questions, as more recently in France, reveal the depth and urgency of the question of identity. The fundamental ideological legitimization of the Islamophobic trend is the dogmatic affirmation of the Christian nature of European civilization and, consequently, the fundamental threat posed by the presence, visibility and development of Islam. A recent example of this rhetoric is the statement made in 2007 by the Deputy Prime Minister and Minister of Education of Poland, Roman Giertych,

that “Europe is based on Greek culture, Roman law and Christian values ... Without religion, without the family, without people who protect those values in western Europe, we will be replaced by Muslims.” This rhetoric goes hand in hand with an anti-Semitic political platform. In the view of the Special Rapporteur, the building of the European Union, with its focus on the economic and political dimensions, has obfuscated and overlooked that it was necessary to revisit the construction of European identities, a root cause of most European conflicts in the last centuries. Therefore, it has also hindered the recognition and acceptance of the multicultural identity of the new Europe. Hopefully the non-inclusion of the Christian heritage of Europe in the stalled project of European Constitution is an indication that this kind of rhetoric is rejected by a majority of countries.

36. Islamophobia also stems from the attitude and behaviour of some Muslims. In particular, ruling elites in a number of Islamic countries invoke religious themes to justify the existence of laws that violate the freedom of conscience and expression, the respect of religious minorities and the rights of women. Furthermore, the widespread influence of foreign powers over the course of the past century in the Middle East has served to create a sense of victimization by local communities, contributing to a process of identity enclosure and fostering religious and cultural antagonisms.

B. Anti-Semitism

37. Anti-Semitism is characterized by its long existence and capacity to adapt to new social and political contexts, as well as the acute levels it has reached throughout history. Jews have been demonized and persecuted for religious, racial, ideological and political reasons throughout history. The resilience and rise of anti-Semitism are linked to three key factors: its historical depth, the interpretation and impact of the Israeli-Palestinian conflict and the rising of anti-religious secularism.

38. Present expressions of anti-Semitism predominantly stem from political rather than religious or racial motives, relating Judaism to Israel and its policies regarding Palestinians. This amalgamation between the categories of “Jewish” and “Israeli” misses a crucial distinction between Judaism as a distinctive cultural and religious tradition and Israel as a multicultural State that encompasses citizens that are Jewish, Muslim, Christian and practitioners of other religions.

39. In the Arab-Muslim world, anti-Semitism continues to be a matter of concern. On the ideological level, one notes with preoccupation the dissemination of anti-Semitic books which had circulated in Europe in the nineteenth century, such as *The Protocols of the Elders of Zion*, where the myth of Jewish conspiracy for world domination is represented. Furthermore, the impact of the Israeli-Palestinian conflict is markedly present in Arab-Muslim circles, reinforced by the daily images of the tragedy of the continuous occupation and suffering of the Palestinian people, the absence of an effective integration policy of Israelis of Arab descent.

40. The Special Rapporteur is of the view that, on the basis of the various interpretations of this question, the following critical elements should be particularly scrutinized: anti-Semitism and anti-Zionism; anti-Semitism and criticism of the policies of the State of Israel. The Special Rapporteur notes the importance of recognizing the historical depth and current significance of

anti-Semitism, by considering that while anti-Zionism and criticism of the Israeli Government's policy may, in certain circles, have an anti-Semitic connotation, reducing these two elements to anti-Semitism could result in questioning the legitimacy of democratic political debate and, more importantly, in a trivialization of anti-Semitism. The recognition of Israel's right to exist by the United Nations, its Member States, in particular Arab States, in addition to its recognition by the Palestinian people, undermines the central argument of a link between anti-Zionism and anti-Semitism, which reduces anti-Zionism to a refusal to recognize the right of the Jewish people to a State.

41. There is a crucial need to identify when anti-Zionism is tainted by anti-Semitism. Experts' analysis point to the following cases of such superimposition:

(a) When language, images and character traits attributed to Israel are imbued with recognizable anti-Semitic stereotypes;

(b) When Israelis and Jews are represented as cosmic devils, blamed for global disasters and compared with Nazis;

(c) When Israelis and Jews who support the State of Israel are singled out, attacked, and treated in a manner that is out of proportion to the issue at hand and in comparison with the actions of other countries;

(d) When the legitimate right of Israel as a Jewish State to exist is questioned.

42. One should also note, however, that the rise of anti-Semitism in many European quarters has little, if any, relation to opposition to Israel. The surge in the number of neo-Nazi groups operating in the continent - including political parties inspired by national socialism - is alarming. Furthermore, incidents involving neo-Nazi activists, including acts of physical aggression and murder, have become more common. A typical incident is the profanation of Jewish cemeteries and attacks against synagogues. Neo-Nazism has also experienced a surge in activities related to sports, in particular football, where supporters in some cities have organized and disseminated racist and xenophobic messages with Nazi symbolism, including the display of swastika flags.

43. A persistent revisionism manifests itself in the traditional platforms of extreme right-wing parties and even some States, going so far as to deny the Holocaust. The significance of this anti-Semitism regularly manifests itself in the statements and writings of political, intellectual and artistic figures. Moreover, the authors of anti-Semitic acts linked to the Middle East conflict take their language and stereotypes from the historic European anti-Semitism.

44. Anti-Semitism has also experienced an alarming rise in other regions, including Asia. In India, for example, some ultra-nationalist Hindu movements are directly inspired by Nazi ideology, giving praise to the strong racial pride of Nazism and proposing it as a model to "recover India's purity" as an exclusively Hindu nation.

C. Christianophobia

45. There has been an undeniable increase in acts of Christianophobia in the past years, which has been particularly apparent in the context of the complex relations between Christians and Muslims and the aggressive proselytism of certain evangelical groups. Christianophobia has also been fuelled in certain regions by dogmatic secularism and dominant anti-religious ideology.

46. On the one hand, the identification of the West with Christianity, owing to their historical closeness during the era of European colonization and the current political and intellectual rhetoric about the Christian identity of Europe - reflected in the rhetoric against Turkey's admission to the European Union and the debates regarding the reference to the Christian roots of Europe in the stalled project for a European Constitution - have fostered anti-Christian sentiments in Africa, Asia and the Middle East.

47. Such feelings have increased in the context of the war against terrorism and the increasing acceptance of the theory of a clash of civilizations between the West and the Islamic world, implicitly equating the West with Christianity and the Middle East with Islam. The irrationality of the amalgams that give grounds to violence and the adverse effects of the theory of the clash of civilizations have resulted in a number of cases of Christianophobia, such as the assassination in Kenya of a Catholic nun following the publication of the Danish cartoons on the Prophet Muhammad.

48. On the other hand, the aggressive proselytism of certain evangelical groups, particularly from North America, has resulted in reactions of resistance and hostility towards Christianity in South America, Africa and Asia. In India, in particular, the instrumentalization by such evangelical groups of freedom of expression to openly disseminate literature against Hinduism, denigrating its values and traditions, and inciting the destruction of symbols of Hinduism, has favoured the emergence of an identity resistance towards this foreign influence which, in turn, is viewed as a threat to the ancestral identity of India as an Hindu nation. The conversion of Dalits to Christianity to escape their deeply rooted discrimination is to be analysed in this context.

49. Christianophobia is also a common phenomenon in Europe, where the cultural pervasiveness of dogmatic secularism, under the guise of defending the historic conquest of the separation of Church and State and the amalgamation between modernity and the rejection of religion, leads not only to the emergence of an anti-religious culture, but also to intolerance towards any religious practice, expression or sign. Recent illustrations of this phenomenon are the decline in religious practices and the reluctance to accept the legitimacy of a religious ethic in the fundamental choices and discussions of a democratic society.

50. Expressions of Christianophobia have also become frequent in certain groups of some predominantly Muslim countries, such as Egypt, Iraq, Indonesia, Nigeria or Pakistan. They take the forms of discourses inciting to religious hatred, attacks against places of residence and worship, persecutions and killings. In Myanmar, the difficulties imposed on the practice of non-Buddhist religions in the country have had serious consequences for Christians, including policies such as the prohibition to translate the Bible into local language. In the Sudan, in particular, the situation of Christian minorities has been critical for many years. The Special Rapporteur notes with satisfaction the improvements brought about by the peace agreement and the new Interim National Constitution, including the granting of religious autonomy to the South,

as opposed to the application of sharia law in the rest of the country, the recognition of Khartoum as a symbol of the Sudan's diversity and, in particular, the establishment of a Commission for the Rights of Non-Muslims. However, the Special Rapporteur notes with concern the situation of Christians living in the North, who face continuous discrimination, including the prohibition to build new churches and the requirement for pupils to study Islam in schools. Christianophobia seems also to be an important factor in the Darfur tragedy which the Special Rapporteur intends to carefully follow up.

D. Other forms of religion-based discrimination

51. The analysis of the different forms of defamation of religions needs to be complemented with the study of other incitements to hatred of the religious or spiritual practices of other ethnic or religious groups. In this regard, Hinduism, Buddhism, Amerindian religions, Afro-American and syncretistic religious and spiritual practices, African animist traditions as Voodoo and the religions of many tribes in South East Asia can be the subject of defamation in some particular contexts.

52. The Special Rapporteur has noted with concern the rise of defamation against Afro-American syncretistic religious and spiritual traditions in South American countries, notably Brazil (see E/CN.4/2006/16/Add.3). Its most serious expression is the widespread campaign demonizing Voodoo in general and in particular Candomblé in Brazil and Santería in different countries of the continent, by powerful evangelical groups, mostly from the United States of America. These groups combine an active policy against poverty with aggressive proselytism and the use of all multimedia tools, like Internet, television, radio and free publications. The rhetoric, language, images and arguments reproduce the historic characterization of non-European religions and spiritual traditions by the ideologues of the colonization era. They are articulated around the alleged lack of rationality, inhumanity and barbarism of these religions. These campaigns of demonization - profoundly resented by many communities of African descent as reminiscent of the historic discourse of racism and discrimination - are not only nourishing forms of Christianophobia but polarizing communities along ethnic lines.

53. Given the limitations of the present study, the Special Rapporteur will not be analysing each one of these forms of defamation, but will briefly refer to expressions of discrimination against Hinduism, given their frequency and the level of violence that they are reaching.

54. In the analysis of the defamation of Hinduism, prejudices leading to the reduction of a millenary spiritual practice to stereotypes and the identification of Hinduism with the caste system have to be taken into consideration. Regarding the latter, it is important to bear in mind that a number of Hindu analysts argue that the caste-based discrimination is a cultural characteristic of the subcontinent and has also been practised by some Muslim, Buddhist and even Christian believers. Furthermore, some neo-Hindu reformist trends of the nineteenth and twentieth centuries have considered the elimination of the caste-based system. But despite the reality of the political and legal strategy against the caste-based system, the marginalization, discrimination and continuous violence against Dalits is still a daily occurrence in some parts of India, in particular in the rural areas.

55. Defamation of Hinduism also needs to be understood in the context of the tensions that exist between Hindu and Muslim communities, whose complex historic relations include religious conflicts as well as examples of living together and syncretism. Anti-Hindu discourse mainly relates to political tensions between India, Pakistan and Bangladesh, and in particular Kashmir. The situation of Muslim minorities in India is instrumentalized by certain movements in Pakistan and Bangladesh to incite hatred against Hinduism. Cases of abuses against Hindus are documented in several countries, including Afghanistan, Bangladesh, Bhutan, Fiji, Kazakhstan, Malaysia, Pakistan, Saudi Arabia, Sri Lanka and Trinidad and Tobago.

56. The typical forms of discrimination against Hinduism include the demolition of temples, barriers to the exercise of religious freedom such as the prohibition of using religious clothing and other symbols, a misconceived characterization of Hindus as a polytheist religion comparable to black magic and sorcery, prohibition of funerals and cremation according to Hindu tradition or the outright prohibition to practise or convert to Hinduism. A particular case of concern is the forced displacement of some 100,000 members of the Hindu minority from Southern Bhutan since the early 1990s, who continue to live under precarious conditions as internally displaced persons or refugees in neighbouring countries.

57. On a related issue, the Special Rapporteur, following the interpretation made by the Committee on the Elimination of Racial Discrimination, stresses that caste-based discrimination is a type of racial discrimination on the basis of the term “descent” contained in article 1 of the Convention on the Elimination of All Forms of Racial Discrimination, which does not refer solely to race and thus encompasses the situation of castes and tribes. He intends to further and more deeply study the relations between Hinduism and Christianity as well as the state of caste-based discrimination in a visit to India, for which he asked an invitation to the Indian Government more than two years ago.

III. THE UNIVERSALITY OF THE FIGHT AGAINST DISCRIMINATION

58. The Special Rapporteur notes that efforts to fight discrimination against religions, including defamation, need to confront a twofold reality. On the one hand, there is the specificity and singularity of each of its forms, such as Islamophobia, anti-Semitism, Christianophobia, in terms of their theological, cultural, historical and geographical uniqueness. On the other hand, one should recognize the universality of their underlying causes and the need to promote all efforts to combat these phobias and all forms of discrimination.

59. The fundamental and most complex challenge at the core of the fight against all forms of discrimination is twofold: political and ethical. On the one hand, the political challenge of multicultural societies - with their diverse historical legacies of discrimination and domination - is to devise policies and programmes articulated around two principles: the recognition and respect of the singularity of the memory of each group or community and the construction of the collective or national memory by promoting reciprocal knowledge, interaction, and the sharing of each other's feelings and history. It is in the field of religion and beliefs - where the deepest feelings and sense of belonging are enshrined - that the challenge is more difficult. Two sensitive processes are necessary for promoting the goal of living together: the work of memory through the drafting and teaching of history as a multicultural memory and the construction of a national and/or collective value system nourished by the interactions between the cultural and spiritual values of all the communities. A central value in a secular

society is the promotion of “the living together” (*vivre ensemble*), based on the balance between freedom of expression and freedom of religion and, consequently, the non-incitement of racial or religious hatred.

60. On the other hand, the ethical challenge inherent to the tension between the singularity of each phobia and the universality of their cause is related to the fundamental and difficult choice faced by individual and group victims: ghetto-identity or solidarity with all victims. Ghetto-identity is the expression of the priority given by a target of discrimination, including defamation, to the singularity or uniqueness of its own experience. It leads not only to a lack of sensitivity to the suffering of other communities and respect of their memory, but also to the temptation to create a hierarchy of phobias.

61. The ideologues and theoreticians of the clash of civilizations and religions exploit and derive their legitimacy from the lack of solidarity between victims of Islamophobia, anti-Semitism, Christianophobia and other forms of defamation of religions and discrimination. This process, instrumentalized by political parties, is the most serious obstacle to the universal and efficient combat against discrimination in general and defamation of religions in particular. The alternative challenge - individually and collectively more difficult - is the conquest of the universality of all forms of discrimination: a process that transforms the singularity of one's experience into solidarity with the cultural, ethnic and religious experience of other communities. This process is ethically individualist and politically collectivist. Its instruments are: (a) on the legal realm, the equal treatment of all religions; (b) on the political realm, a vigilant balance between freedom of expression and freedom of religion; (c) on the cultural realm, a multicultural approach to education in general and the drafting and teaching of history in particular; and (d) on the social realm, the construction of “the living together” in all spheres of multicultural interactions (housing, urban planning, workplace, etc.).

62. The universal element of the fight against different types of discrimination can be seen in the common denunciation by Muslim, Christian and Jewish communities to policies of militant secularism put in place in some regions. The view that religion must be restricted to the private sphere and the religious neutrality of the State is in several countries interpreted as legitimizing opposition to the right of citizens, believers or practitioners to participate in public life, or to adopt stances in accordance with their spiritual values on ethical questions such as family, marriage and scientific progress.

IV. INITIATIVES FOR THE PROMOTION OF TOLERANCE

63. In recent years there has been a growing conscience of the problem of defamation of religions, which has been reflected at the highest political level, particularly in Europe and in the Arab-Muslim world. Apart from the fundamental role played by countless grassroots organizations around the world, several intergovernmental organizations, including the United Nations, the Organization of the Islamic Conference (OIC), the European Union (EU) or the Organization for Security and Co-operation in Europe (OSCE) have developed significant actions on the issue and elaborated relevant proposals in order to combat such phenomena through the promotion of dialogue and tolerance. The paragraphs below provide a brief summary of important initiatives carried out at the intergovernmental level in order to combat the phenomenon of defamation of religions.

64. The Alliance of Civilizations was launched by former Secretary-General of the United Nations, Kofi Annan, at the initiative of the Prime Ministers of Spain and Turkey on the occasion of the fifty-ninth session of the General Assembly. A leading role was played by Federico Mayor, former Director-General of UNESCO. This initiative seeks to forge collective political will and mobilize concerted action at the institutional and civil society levels to overcome the prejudice, misperceptions and polarization that militate against such a consensus, in particular in the exacerbation of mutual suspicion, fear and misunderstanding between Islamic and Western societies. The Alliance of Civilizations aims at overcoming these tensions through non-military means, using as main grounds cooperation in the fight against terrorism, the correction of the economic inequalities and the promotion of cultural dialogue. In April 2007, the Secretary-General of the United Nations, Ban Ki-moon, designated Jorge Sampaio, the former President of Portugal, as High Representative for the Alliance of Civilizations.

65. The Organization of the Islamic Conference (OIC) has dealt extensively with the issue of Islamophobia in recent meetings, creating in the context of the OIC 10-year programme of action, the Observatory on Islamophobia at the General Secretariat in 2006. The Observatory was tasked to monitor and document all activities indicating hatred of Islam around the world. In May 2007, the thirty-fourth session of the Islamic Conference of Foreign Ministers adopted the Islamabad Declaration, which condemns the growing trend of Islamophobia and systematic discrimination against the adherents of Islam and calls upon the international community to prevent incitement to hatred and discrimination against Muslims and take effective measures to combat defamation of religions and acts of negative stereotyping of people based on religion, belief or ethnicity.

66. The Special Rapporteur welcomes the recent appointment, by President George W. Bush, of a Special Envoy for the Organization of the Islamic Conference, and hopes that this decision will contribute to furthering the dialogue, understanding and cooperation between the United States of America and OIC and will constitute an important step in reassessing post-9/11 policies and measures which may have directly or indirectly contributed to Islamophobia and ultimately in building the most urgent bridge between the West and the Islamic world. The Special Rapporteur expresses the hope that the European Union, in line with its most recent initiatives, will take the same symbolic decision.

67. Indeed significant efforts have been made at the European Union level, in particular since the establishment of the European Monitoring Centre on Racism and Xenophobia (EUMC) in 1997. On the basis of data collected, the EUMC has studied the extent and development of manifestations of racism, xenophobia, anti-Semitism, Islamophobia and related intolerance, designed strategies to combat racism and highlighted examples of good practices regarding the integration of migrants and ethnic and religious minority groups in the EU member States. On 1 March 2007 the EUMC became the European Union Agency for Fundamental Rights (FRA). The Special Rapporteur strongly hopes that the excellent cooperation established with EUMC and its very dedicated Director, Beate Winkler, will be strengthened with the new Agency and that the combat against racism will remain a central dimension of its mandate.

68. The Council of Europe has also dealt with such phenomena in the past years. The European Commission against Racism and Intolerance (ECRI) was set up following a decision of the first Summit of Heads of State and Government of the member States of the Council of Europe, held in Vienna in October 1993, and strengthened by a decision of the second Summit

held in Strasbourg in October 1997. The task of ECRI is to combat racism, xenophobia, anti-Semitism and intolerance at the level of greater Europe and from the perspective of the protection of human rights. In the third Summit held in Warsaw on 17 May 2005, the Heads of State and Government of the member States of the Council of Europe adopted the Warsaw Declaration, in which they strongly condemned all forms of intolerance and discrimination, in particular those based on sex, race and religion, including anti-Semitism and Islamophobia, and affirmed their determination to further develop, within the Council of Europe, rules and effective machinery to prevent and eradicate them.

69. In recent years, the Organization for Security and Co-operation in Europe (OSCE) has held several conferences on promoting tolerance and non-discrimination, combating anti-Semitism, Islamophobia and Christianophobia and tackling hate speech on the Internet. In December 2004, the OSCE chairman appointed three Personal Representatives to promote greater tolerance and combat racism, xenophobia and discrimination across the OSCE region: Ambassador Ömür Orhun of Turkey, Personal Representative on combating intolerance and discrimination against Muslims; Gert Weisskirchen of Germany, Personal Representative on combating anti-Semitism; and Anastasia Crickley of Ireland, Personal Representative on combating racism, xenophobia and discrimination, also focusing on intolerance and discrimination against Christians and members of other religions. Among other initiatives put in place by OSCE, the Special Rapporteur welcomes the Conference held on 6 June 2007 in Bucharest on “Combating Discrimination and Promoting Mutual Respect and Understanding” as a follow-up to the OSCE “Conference on Anti-Semitism and Other Forms of Intolerance” which was held in Cordoba, Spain on 7-8 June 2005. The Special Rapporteur has constantly been invited by the Director of the Office for Democratic Institutions and Human Rights, Ambassador Christian Strohal, to actively participate in these conferences, thus being given the opportunity to share his findings and observations.

70. Apart from large-scale projects carried out by civil society, some local and grassroots initiatives also exemplify efforts to fight religious discrimination. The Nairobi-based Inter-Faith Action for Peace in Africa is a civil society initiative developed by a number of religious communities and institutions, including the Lutheran World Federation, to promote tolerance and conflict resolution in plural communities in Africa. A number of programmes are being developed in countries recovering from civil war, including Liberia, Mozambique, Rwanda, Sierra Leone, the Sudan and Uganda. The activities developed by this joint action highlight the importance of promoting a culture of peace and inter-religious dialogue as a key step in overcoming conflict and promote development in the region.

71. In 2000, an Anglican priest in the United Kingdom of Great Britain and Northern Ireland, Donald Reeves, created a non-governmental organization (NGO) called The Soul of Europe to promote mutual understanding between Islam and Christianity. A number of relevant projects have been organized, including a meeting of community leaders from Banja Luka, in Bosnia and Herzegovina, which took place in Coventry Cathedral in London in September 2001. This NGO has been developing reconciliation tasks in several regions in Bosnia. Other initiatives it conducted include an Islamic-Christian dialogue involving 60 European organizations in the European Parliament in Brussels in December 2003 and a meeting for reconciliation in Lebanon which took place in May 2004.

72. UNESCO Centre for Cataluña has been chairing the Inter-Religious Commission for Religious Education in Schools, publishing and disseminating a number of informative texts in this regard, including the declaration “Religious Culture for the Citizens of Tomorrow”. It has also provided advisory services for journalists and media outlets that are publishing on religious issues. Finally, it has promoted the creation of the Catalan Network of Organizations for Inter-religious Dialogue, established in Barcelona in 2004.

V. RECOMMENDATIONS

73. The Special Rapporteur recommends that the Human Rights Council call upon Governments of Member States to continue to work for the implementation of the Durban Declaration and Programme of Action, which needs to remain the cornerstone in the combat against racism, racial discrimination, xenophobia and related intolerance.

74. The Special Rapporteur invites the Council to call upon Governments of Member States to express and demonstrate a firm political will and commitment to combating the rise of racial and religious hatred. In this context Governments should be particularly vigilant in combating the political use of discrimination and xenophobia, notably the ideological and electoral impregnation of racist and xenophobic platforms into the programmes of democratic parties, and should strongly reaffirm the principle that the respect for human rights, including the eradication of the roots of the culture of racism, xenophobia and intolerance, constitute the strongest pillar of national security and democracy and should not be dependent on any ideological and political convenience.

75. The Special Rapporteur invites the Council, in measures adopted to combat racism and discrimination, to take fully into account the increasing intertwining of race, ethnicity, culture and religion that characterizes the current political and ideological context, and to call upon Member States to integrate, in their national policies, the promotion of the dialogue between cultures and religions and avoid policies, postures and statements inspired by the divisive concept of the clash of civilizations.

76. The Special Rapporteur recommends that the Council invite Governments, in the fight against racial and religious hatred, to fully abide by their obligations concerning both freedom of expression and freedom of religion, as prescribed in the pertinent international instruments, and in particular articles 18, 19 and 20 of the International Covenant on Civil and Political Rights, in respect of their interrelation and complementarity.

77. In the light of the polarized and confrontational reading of these articles, the Special Rapporteur wishes to recall the recommendation made to the Council in his joint report with the Special Rapporteur on freedom of religion or belief (A/HRC/2/3) to promote a more profound reflection on their interpretation. In particular, both Special Rapporteurs encouraged the Human Rights Committee to consider the possibility of adopting complementary standards on the interrelations between freedom of expression, freedom of religion and non-discrimination, in particular by drafting a general comment on article 20.

78. The Special Rapporteur recommends that the Council invite Member States to adopt approaches in the promotion of dialogue between cultures, civilizations and religions taking into consideration:

(a) The need to provide equal treatment to the combat of all forms of defamation of religions, thus avoiding hierarchization of forms of discrimination, even though their intensity may vary according to history, geography and culture;

(b) The historical and cultural depth of all forms of defamation of religions, and therefore the need to complement legal strategies with an intellectual and ethical strategy relating to the processes, mechanisms and representations which constitute those manifestations over time;

(c) The fundamental link between the spiritual, historical and cultural singularity of each form of defamation of religions and the universality of their underlying causes;

(d) The creation of conditions facilitating the encounter, dialogue and joint action of all religions and spiritual traditions for social harmony, peace, human rights, development and combat against all forms of racism, discrimination and xenophobia;

(e) The need to pay particular attention and vigilance to maintain a careful balance between secularism and the respect of freedom of religion. A growing anti-religious culture and rhetoric is a central source of defamation of all religions and discrimination against their believers and practitioners. In this context governments should pay a particular attention to guaranteeing and protecting the places of worship and culture of all religions.

79. The Special Rapporteur strongly recommends that the practice of intercultural and inter-religious dialogue start at the national level. Efforts to promote cultural and religious pluralism domestically constitute a necessary and credible first step to providing a long-lasting solution to the problem of defamation of religions.

80. The Special Rapporteur recommends that the Council invite the religious and cultural communities that are victims of these forms of defamation of religions not only to promote in-depth intercultural and inter-religious dialogue, including through the establishment of joint structures in each country in which they coexist, but also to explore the internal factors in their beliefs and practices which may have contributed to these forms of defamation of religions.
