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**PERMANENT MISSION OF PAKISTAN
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Ambassador

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Mr. Chairman,

The OIC attaches immense importance to the issue of combating all forms of racism, racial discrimination, xenophobia and related intolerance. Accordingly, it has supported and remained constructively engaged with all UN initiatives and activities on the subject.

International community is witnessing disturbing growth of new trends and manifestations of racism, racial and religious discrimination, xenophobia and related intolerance, thus threatening the multi-cultural fabric of many of our societies. These multifaceted challenges, which continue to rise, must be countered by the international community. The nature of International Human Rights Law is not static but evolutionary, which provides for addressing these concerns and contemporary manifestations of racism through elaboration of new normative standards. Both the Durban Declaration and Programme of Action and the Outcome document of the Durban Review Conference rightly testify the importance of dealing with this matter on priority.

Establishment of the Ad-Hoc Committee on Complementary Standards through HRC decision 3/103, with the specific mandate to *"elaborate, as a matter of priority and necessity, complementary standards in the form of either a Convention or additional Protocol to the ICERD, filling the existing gaps in the Convention, and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred"* stems from this very realization. The OIC has, therefore, engaged with the process constructively and would do its utmost to draft the new normative standards in a consensual manner, from a victim oriented approach.

The OIC is ready to discuss all issues put on table by different groups and delegations with the view to addressing existing gaps and contemporary manifestations of racism in a comprehensive manner. OIC contribution to the Adhoc Committee highlights a number of issues that it considers important from the perspective of requiring complementary international norms/ standards. Some of the alarming phenomenon include increased instances of racial and religious hatred, discrimination, violence, negative stereotyping and profiling of racial and religious communities as well as instances of defamation of religions.

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For instance, the British National Party leader Nick Griffin has referred to Islam as a "a vicious and wicked religion"; some in Switzerland are strongly opposed to the construction of minarets on mosques as symbols of Islam; while in Denmark and the Netherlands the personality of Prophet Mohammad (PBUH) has been deliberately ridiculed with the intention to violate the sentiments of Muslims. These are only some of the clear examples not just of discrimination against Muslims as individuals but of Islam as a religion as well as its revered personalities and sacred symbols. Accordingly, the contention that human rights standards should apply only to individuals is not credible.

Therefore, the OIC is advocating the need to address these concepts in a holistic and legal manner to avoid their negative impact on the fundamental rights and freedoms to be enjoyed by the individuals, groups of individuals and communities.

The OIC believes that the attack on sacredly held beliefs and the defamation of religions, religious symbols, personalities and dogmas impinge on the enjoyment of human rights of followers of those religions including the right to freely profess and manifest their religion. The OIC is concerned by the instrumentalization of religions through distortion or ridicule aimed at demeaning and provoking their followers to violence as well as at promoting contempt towards religious communities in order to de-humanize their constituent members with purpose of justifying advocacy of racial and religious hatred and violence against these individuals. The High Commissioner in her address to the 10th session rightly stated that States have an obligation to act on limits and restrictions to freedom of expression when it comes to addressing the phenomenon of advocacy and incitement of religious hatred. Hierarchical interpretation of fundamental freedoms ignores the balance and complementarity of such freedoms.

Mr. Doudou Diene, former Special Rapporteur on Racism in his reports on the subject has extensively covered increased instances of defamation of religions as well as the need to combat this phenomenon through balanced interpretation and strict implementation of existing norms as well as the need for their improvement. Accordingly, the OIC has put forward specific proposals to deal with this scourge in the proposed international legal instrument to be elaborated by this Committee. Our proposals are improved versions of existing language in different UN resolutions, national legislations and reports of Venice Commission.

Unfortunately, however, the debate on the subject has been wrongly linked with malafide intentions to its perceived clash with another fundamental right i.e. freedom of opinion and expression. The OIC has repeatedly expressed its commitment to the freedom of opinion and expression, exercise of which, we believe is fundamental to the realization of the right to freedom of religion. However, as also established by the existing jurisprudence, it is not an absolute right and must be exercised with responsibility.

Accordingly, our proposals do not intend to limit or circumscribe the right to freedom of opinion and expression but emphasize the need to create and maintain the delicate balance between the freedom of expression, respect for religions and hate speech. Criticism is important for introspection, dialogue and better understanding but deliberate and premeditated insults and ridiculing does exactly the opposite. It hurts

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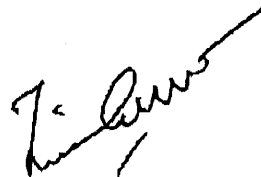
sacredly held beliefs and sentiments, creates social unrest and is a form of psychological violence.

As for debate or criticism there is no limitation within Islam, since there already exist several schools of thought in Islam. However, we do not consider that malicious and insulting attacks on the personality of the Prophet Mohammad (PBUH), ridiculing and insulting interpretation of Holy Koran or ban on religious sites such as mosques etc. contribute to freedom of expression. Defamation of religions leads to negative stereotyping of specific religious groups and communities, affects the enjoyment of all their human rights and works against pluralistic and multicultural societies.

At the same time there exist ample data and legal sources, in theory and practice, to refer when it comes to protection of Jews and their associated objects in the Western countries. All religions are sacred and merit equal respect and protection. Double standards, including institutional preferential treatment for one religion or group of people must be avoided. The OIC demands similar sanctity for all religions, their religious personalities, symbols and followers. Tolerance and understanding cannot merely be addressed through open debate and inter-cultural dialogue as defamation trends are spreading to the grass root levels. These growing tendencies need to be checked by introducing a single universal international human rights framework.

We hope that the foregoing will serve to provide necessary explanation to the rationale behind our specific proposal on defamation of religions, which has become the source of negative publicity of the very important mandate this Committee is tasked with.

May I also request you to kindly circulate this letter to all member states for their information as well as to include this letter in the official records of the proceedings of this committee.



(Zamir Akram)
Ambassador and Permanent Representative
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H.E. Mr. Idriss Jazairy
Chairperson-Rapporteur of the Adhoc Committee
On the elaboration of Complementary Standards
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