



Asamblea General

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Consejo de Derechos Humanos

13º período de sesiones

Tema 9 de la agenda

Racismo, discriminación racial, xenofobia y formas conexas de intolerancia: seguimiento y aplicación de la Declaración y Programa de Acción de Durban

Carta de 18 de diciembre de 2009 del Encargado de Negocios interino de la Misión Permanente de Observación de la Organización de la Conferencia Islámica ante la Oficina de las Naciones Unidas en Ginebra dirigida a la Alta Comisionada de las Naciones Unidas para los Derechos Humanos

Tengo el honor de remitirle una copia del segundo informe del Observatorio de la Organización de la Conferencia Islámica (OCI) sobre la islamofobia* como aportación de la Secretaría General de la OCI a la aplicación de la resolución 64/156 de la Asamblea General, sobre la lucha contra la difamación de las religiones, en la que la Asamblea solicitó al Secretario General que presentase a la Asamblea en su período de sesiones subsiguiente un informe sobre la aplicación de la resolución.

El informe de la OCI confirma claramente la utilización por extremistas de las percepciones negativas y los prejuicios religiosos sobre el islam y los musulmanes existentes en gran parte de las sociedades occidentales para obtener beneficios políticos a corto plazo, con la tolerancia de las instituciones políticas de sus países respectivos. Sean cuales sean las causas subyacentes, la manipulación política de cuestiones tan conflictivas solo sirve para reforzar los estereotipos y la intolerancia y para ampliar las divisiones culturales, religiosas y políticas. En ese clima de creciente tensión y en el marco de los esfuerzos desplegados en todo el mundo para combatir este problema, parece que la adopción por la comunidad internacional de un mecanismo jurídicamente vinculante a este respecto es hoy más importante que nunca.

La OCI solicita a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos que distribuya la presente carta como documento del Consejo de Derechos Humanos.

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* El informe está disponible en el sitio web de la OCI (www.oic-un.org). El resumen se reproduce en el anexo del presente documento tal como se recibió, únicamente en los idiomas en que se presentó.

Annex

2nd OIC Observatory Report on Islamophobia

June 2008 to April 2009

Executive summary

Islamophobia, which constitutes discrimination against Muslims, runs contrary to the fundamental values of mankind and principles of human rights that provide safeguard against discrimination and intolerance. Acts of racism, discrimination and intolerance against Muslims that challenge the exercise of fundamental human rights and freedoms of Muslims, continue to be prevalent in many Western societies. This situation has contributed to misunderstandings and misperceptions about Islam in non-Muslim societies and resulted in the rise of discriminatory treatment, negative profiling and stereotyping of Muslims living in or visiting Western countries. The situation has been further aggravated by anti Islam publications, video productions and pronouncements by motivated individuals and groups. This has created mistrust and suspicion between the Muslim World and the West that requires urgent and common stand against all forms and manifestations of discrimination and intolerance.

The current Report, which covers the period between June 2008 and April 2009, is the 2nd Annual OIC Observatory Report on Islamophobia after its first version was submitted last year to the 11th Islamic Summit Conference in Dakar, Senegal. An updated version of the Report was submitted to the 35th CFM held in Kampala, Uganda. In providing an overview of events and occurrences that carried both positive as well as negative implications with regard to the need to combat Islamophobia, this year's Report focuses on highlighting the imperative of engagement between the Muslim world and the West aimed at combating this phenomena.

Islamophobia in all its forms and manifestations has the potential to endanger global peace and security and needs to be addressed urgently and collectively by the international community. The Observatory Report has also taken into account various incidents that support the Observatory's position that the phenomenon of Islamophobia is prevalent in different parts of the world including the Europe and the US and some other Western countries.

Founded on historical, cultural and psychological reasons, the contemporary forms of Islamophobia have also been reflected in the research works, reports, articles and writings of reputed institutions and academicians. The Report takes stock of a number of defamatory and incendiary actions through speeches, articles, books, documentaries and congregations that substantiate the prevalence of a systematic, motivated and sustained campaign against Islam and its followers during the period under review. It catalogues some worrying trends, particularly active in many parts of the Western world, inciting hatred, discrimination and intolerance against Islam and the Muslims; creating misperceptions by distorting its values; and insulting its symbols. Inspired by its principled position of moderation and modernization, the objective of the OIC Observatory in recording these practices was to raise awareness and sensitize the world of the threats posed by Islamophobia to peace, security and peaceful coexistence.

The Observatory's endeavor has already yielded some positive developments. Islamophobia as an issue of great concern and challenge for peaceful co-habitation and harmony among people of diverse religious beliefs and cultures forms a clear and present danger for the process of dialogue and understanding between civilizations and cultures. This was substantiated by decisions taken by some Western societies and governments to distance themselves from some well-known Islamophobes and their activities. The decision of the Amsterdam Court to conduct criminal proceedings against the right wing politician Mr. Geert Wilders —producer of the anti-Islam film "Fitna"— could be cited as a case in point. The voting in Swiss Lower House that opposed the resolution calling for a ban on building minarets in mosques in Switzerland; the positive tone of the newly elected US President Barak Obama during his election campaign and thereafter; and the hearing held by the US Senate Foreign Relations Committee towards engaging with Muslims around the world and the subsequent constructive recommendations provide a background for constructive engagement.

Among the factors, contributing to Islamophobia is the negative and incorrect portrayal of Islam in schools and educational institutions. Institutional Islamophobia in education manifests in several ways including: i) By ignoring the correct knowledge about Islam; ii) By advancing negative images of Islam and Muslims; iii) By downplaying in-school incidents of slurs and verbal or physical abuses; iv) By denying the need to confront and address the issue of Islamophobia.

The Report also includes a brief OIC perspective on the proceedings at the Human Rights Council and the UN General Assembly, during the reporting period, which formed the most important and concrete basis of engagement between Muslim world and the West. It reveals that, in the presence of a clearly defined strategy and mandate with regard to a principled position founded in international law, the OIC is willing to engage with an open mind in finding solutions based in the existing normative frameworks. The OIC's efforts to bring about consensus on the issue of defamation of religions at the UN have recently shown signs of getting more support.

OIC's position with regard to the important issue of defamation of religions has not only been used to create ripples in the Western mind and media but also confused with the existing normative framework on the freedom of expression. It needs to be appreciated that this position has over the past decade repeatedly been observed to command support by a majority of the UN member states —a support that transcended the confines of the OIC Member States. The succession of UNGA and UNHRC resolutions on the defamation of religions makes it a stand alone concept with international legitimacy. It should not be made to stand out by creating the impression that it somehow encroaches upon the freedom of expression.

The OIC's position on the issue of defamation of religions is based on the provisions of many international instruments including the UN Charter and relevant resolutions. The defamation of religions, as it manifests itself in the assault of Islamophobia in the West, is not limited to the realm of religion per se as an abstract idea that could be a legitimate target of criticism and mockery. On the contrary, the real consequences of this defamation is an outright campaign of hate speech, and negative stereotyping, targeting all the tenets and adherents of Islam, individually and collectively. It depicts them as vicious, uncivilized and terrorists. The tool used to reach this goal is concealed under the banner of the freedom of expression. In real life, the target of this campaign of defamation is every Muslim's identity, honour, self-worth, and selfconfidence. The victim of this assault becomes a pariah, outcast and a target of mockery, and even subjected to physical and psychological abuse. In a nutshell, defamation of Islam profoundly jeopardizes every Muslim's essential human rights.

The OIC position on this important issue is firmly anchored in relevant provisions of international law, and mainly in a host of international legal instruments. For example, the Universal Declaration of Human Rights, in its para 7 stipulates: "All are entitled to equal protection against any discrimination and against any incitement to such discrimination". Article 12: "No one shall be subjected into attack upon his honour and reputation etc."

Almost all international covenants, instruments and treaties clearly emphasize that freedom of expression should be exercised with responsibility.

The International Covenant on Civil and Political Rights (ICCPR) which enjoys universal application stipulates in Article 19: "... the exercise of these rights [including freedom of expression] carries with it special duties and responsibilities. It may be subject to certain restriction."

Article 20: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Article 10 of the European Convention on Human Rights stipulates: "The exercise of these freedoms since it carries with it duties and responsibilities may be subject to such formalities, conditions, restrictions or penalties."

In addition to all the above, the United Nations General Assembly has adopted several resolutions denouncing the defamation of religions since 1999. UNGA Resolution (A/Res/53/140) of 1999 stipulates in its operative paragraph N° 4:

"Further urges States, in conformity with international standards and human rights, to take all appropriate measures to combat hatred, intolerance, and acts of violence motivated by religious intolerance."

These international instruments, covenants, treaties and UN General Assembly resolutions constitute a firm basis of the international legitimacy, and the backbone of international law. All of them denounce defamation of religions and discrimination on the basis of religion, ethnicity, race or belief.

Any denial of these facts constitutes a contradiction of the established position of the international community, the international legitimacy and above all the main provisions of international law and international humanitarian law.

At the level of the General Secretariat, the OIC was involved in various activities including its cooperation with the international organizations like the UN, EU, OSCE, AoC etc as well as many institutions, universities and think tanks. The OIC Secretary General attended and addressed many events on the subject, such as the International Conference on the Muslim world and the West, in Kuala Lumpur, Malaysia, Muslim and Western Countries' Forum in Astana, Kazakhstan, Interfaith Dialogue at the UN in New York, US; Rabat Follow-up on Fostering Dialogue among Cultures and Civilizations in Copenhagen, Denmark; and OIC Inter-Institutional Forum on Universal Shared Values in Geneva, in addition to his visits to some European countries. The OIC co-sponsored some of the above conferences. The signing of the Memorandum of Understanding between the OIC and the AoC is another step forward in the right direction.

The OIC favors a sincere and action-oriented dialogue based on mutual understanding and respect between the West and the Muslim world at all levels including the grass roots. In order to curb the scourge of Islamophobia and promote peace and tolerance among followers of various faiths and cultures, this dialogue should be through a strong political will aimed at developing a strategy that would stress the implementation of the existing national and international laws and identifying common values and principles. The OIC Secretary General's proposal of a historical reconciliation between Islam and Christianity provides a viable vision for a sincere and result-oriented dialogue.

To conclude, the OIC has made an honest and serious effort in highlighting the growing trend of Islamophobia that is manifest in the discrimination against and intolerance towards Muslims particularly in parts of the Western societies. In support of this contention, the Report has made a detailed compilation of incidents of discrimination and hatred against Muslims and insults and defamation of Islam and its sacred symbols. The Report also includes references to the findings and statements emanating from the political elite and other sources based in the West on the phenomenon and implications of Islamophobia. It has further underscored the importance of engagement between the Muslims and the Western world through interfaith and inter-civilizational dialogue making a set of recommendations and suggestions that could facilitate and form part of such an engagement. The Report does not shy away from expressing optimism on the gradually emerging awareness in the international community against discrimination and hatred on religious grounds including Islamophobia. It is felt that such impression would be conducive towards evolving a common position to address an issue that is of potential danger to global peace and security.
