
Remarks by

Mojtaba AMIRI VAHID

(Deputy of the Permanent Observer Missions of the OIC to the UN Office in Geneva)

At the

**Concluding session of the Seminar on Articles 19 and 20 which was
organized by the Office of High Commissioner for Human Rights**

(Geneva, 2 October 2008)

Mr. Moderator

I have the honor to take the floor, at the closing session of the seminar, on behalf of the OIC General Secretariat to thank the office of High Commissioner for Human Rights for taking the OIC concerns and initiative seriously and making efforts to organize this timely brainstorming workshop. I also, very much, appreciate your competent skills as well as distinguished panelists and audiences for their thoughtful contributions to the subject matter of concern which is a pertinent issue for the OIC member states as well as the OIC General Secretariat.

Although I find much of comments that have been made by the participants during the course of interactive dialogue to be useful, I would like to take this opportunity for highlighting some of the OIC general concerns and views which are stipulated in its resolutions and frequent statements of the Secretary General of the Organization.

Mr. Moderator

The OIC is deeply concerned about the defamation of and incitement to religious hatred as well as the growing phenomenon of Islamophobic behaviors in the Western world. Although these are considered as national matters for the Western countries, however they bear undeniable vibration and consequences on a global scale. Events of the recent years such as the Danish cartoon cases and the most recent attempts for publishing insulting books and producing demonizing Film against the prophet of Islam and Holy Koran, have particularly underscored that acts of irresponsible and unaccountable people under the banner of freedom of expression would undeniably incite hatred and trigger a circle of violence on a global scale. This is the undeniable fact of present-day circumstances of international arena which is the very reason of holding the fruitful seminar by OHCHR.

The OIC constantly has been raising and airing the red flag and calling the attention of international community since 1999 for curtailing Islamophobia and the defamation and/or incitement to religious hatred through internationally legally binding instruments such as drafting and implementing of an additional protocol to ICERD.

Despite the OIC legitimate concerns, as stipulated in its proposed resolutions to the UN bodies and statements of its member states in various international fora, apparently three aspects of the OIC initiative are the sources of divergence within the Human Rights Council between the West and Islamic world:

- a. **General approach,**
- b. **Conceptual framework and terminology,**
- c. **Legal and analytical framework.**

The OIC is of the view that there is no short cut to the existing problem. Present-day circumstances necessitate for the world community to be vigilant before witnessing a new episode of holocaustic behavior against the adherents of a particular religion who are constantly subject of defamation, incitement to hatred, violence and racial discrimination. This isn't the only matter of national or local concern but it is a globalized phenomenon which needs to be addressed globally in an effective manner. Experiences of recent years have shown that States have failed to live up to their duties and responsibilities under the relevant international laws to protect their particular minorities from being detested on the ground of their religious beliefs, or racial orientation, through adopting and implementing needed

national legal instruments. On the contrary, in most cases, national law and legislations of a given state has provided needed shelter and excuses for the perpetrators.

The OIC is firmly commitment to the Universal Declaration on Human Rights as well as freedom of expression. It should be also emphasized that the OIC is not looking for exerting additional limitation or restrictions on freedom of expression beyond those that already have been highlighted in Articles 19/20 of the Universal Covenant. The OIC is mainly advocating some sort of **additional protocol or universal declaration for codifying freedom of expression in the context of human responsibilities. It may be called an additional protocol or universal declaration on “freedom of expression and human responsibilities”**. The OIC is also of the view that **a comprehensive framework is needed for analyzing national laws as well as understanding their provisions. This could then be compiled in a single universal document as guidelines for legislation** – aimed at countering “defamation of or incitement to religious hatred and violence”.

Considering global preventive measures such as education, dialogue and etc, as suggested by some during the course of the seminar, undoubtedly should be pursued effectively and vigorously. However, they have to be considered as supplementary mechanisms for a long term aim. They are not a means to an end by themselves. Interestingly enough, those who have been active in the area of instigating violence and hatred against Muslims and the religion of Islam are well educated and high caliber artists. They do not need to be lectured about the value of tolerance and co-existing with so called “Other” human beings in their society. They are not acting blindly. They know very well the existing loopholes of their national laws. They are aware of the weaknesses of relevant international instruments as well as the incompetence of the world community to bring them to justice.

Moreover, the OIC while considering freedom of expression as the fundamental principal of modern democratic society believes that there is no freedom without responsibilities and accountabilities. Freedom of expression frequently has been abused by some and made instrumental by others for obvious political, financial and awful gains. In these circumstances, it is almost over due for the international community to leave up its responsibility and take a bold step, while expressing itself freely, to identify and implement positive limitations of the freedom expression as stipulated in the article 19 and 20 of the Universal Covenant.

During the course of interactive debates, much has been said about the conceptual ambiguity of “necessity” as defining criteria for limiting and restricting freedom of expression. However, the latest report on Islamophobia by the former UN Special Rapporteur on contemporary forms of racism, racial discrimination, Xenophobia and related intolerance Dr. Doudou Diene contains ample evidences which clearly lead any objective observer to conclude that there are all needed elements of necessity for the international community to regulate freedom of expression and penalize those who are freely abusing their freedom in order to undermine the freedom of the Others.

In conclusion, I would like to share some interim observations about the seminar which is one of its kind. In the sprite of fairness, this seminar has been successful in a sense to break a taboo of revisiting the international covenant for possible reevaluation and modification in the light of necessities of the globalized world of the new millennium.

The seminar was also succeeded in opening a new chapter of interactive dialogue on the substantive matter of utmost important for the international community and human well being. The seminar has generated considerable questions for the future inquires and thus, it is the beginning of a long and challenging process, hopefully, to overcome some elements of existing divergences between the West and Islamic world. Further more, the future, likewise seminars or workshops should provide a chance for the participation of practitioners, civil societies as well as members of the victim communities along with academicians as panelists, to contribute to the content aimed at reaching more balanced and measured views as well as action oriented solutions to the problem.

I thank you Mr. Moderator