



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/17
13 February 2006

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 6 of the provisional agenda

**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA
AND ALL FORMS OF DISCRIMINATION**

Situation of Muslims and Arab peoples in various parts of the world

**Report by Mr. Doudou Diène, Special Rapporteur on contemporary forms
of racism, racial discrimination, xenophobia and related intolerance***

* This document is submitted late so as to include the most up-to-date information possible.

Summary

This report is submitted pursuant to Commission on Human Rights resolution 2005/3 of 12 April 2005, which “requests the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to examine the situation of Muslims and Arab peoples in various parts of the world” (para. 16). Accordingly, at the Special Rapporteur’s initiative, the Office of the United Nations High Commissioner for Human Rights and Fundación Tres Culturas organized an expert seminar on this topic. This report is based on the conclusions and recommendations of that seminar and other meetings and sources of information. The Special Rapporteur regrets the lack of input from Member States despite the note verbale on this subject circulated to them by the Office of the High Commissioner.

The report essentially concludes that:

- In most areas of the world there has been a serious upsurge in manifestations and expressions of discrimination against Muslims and Arab peoples and acts of violence against their places of worship and culture;
- The central theme of these manifestations is hostility towards Islam - the religion itself and believers;
- The politicization of Islam is amalgamated with the open validation of Islamophobia in intellectual discourse;
- Islam is identified with terrorism and excessive emphasis is placed on containment, mainly from the security angle, through control of Muslim education and monitoring of places of worship and congregations.

The fight against Islamophobia requires not just political will on the part of the political authorities, but also an appreciation of the serious present-day extent of Islamophobia in the context of efforts to combat all forms of defamation of religions, including anti-Semitism and Christianophobia.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	4
I. REPLIES FROM STATES	5 - 13	4
II. MANIFESTATIONS OF DISCRIMINATION AND HOSTILITY TOWARDS ARABS AND MUSLIMS	14 - 22	6
III. THE CARTOONS OF THE PROPHET MUHAMMAD PUBLISHED IN A DANISH NEWSPAPER	23 - 32	9
A. The political and ideological context	26 - 29	10
B. The position of the Danish and Norwegian Governments	30 - 32	12
IV. CONCLUSIONS AND RECOMMENDATIONS	33 - 41	13

Introduction

1. In paragraph 16 of its resolution 2005/3 of 12 April 2005 entitled “Combating defamation of religions”, the Commission on Human Rights “requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to continue to examine the situation of Muslims and Arab peoples in various parts of the world, the discrimination faced by them with regard to access to justice, political participation, respect of cultures, physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to report on his findings to the Commission at its sixty-second session, and to make recommendations to improve their situation”.

2. In his previous reports, the Special Rapporteur, taking his lead from Commission on Human Rights resolutions 2004/6 and 2005/3, stressed the direct link between the tragic events of 11 September 2001 and the upsurge of acts and manifestations of violence and discrimination against Muslims and Arabs throughout the world. In this context, Islam continues to be identified with terrorism, and Muslim religious observance and Muslims themselves continue to be viewed as a security problem not only in law and discriminatory judicial and administrative practice, but also through the intellectual and ideological validation of Islamophobia.

3. Increasingly, the upsurge in Islamophobia divides societies, intrudes into domestic politics and destabilizes and aggravates international relations. Domestically, the existence of large Muslim and Arab minorities in many countries transforms any manifestation of Islamophobia into a source of antagonism between communities and undermines national unity. The political, demographic and economic importance of countries and nations with a strong Muslim identity, combined with the climate of increasing hostility to Islam around the world, is precipitating a clash of civilizations and religions.

4. Following up the Commission’s request, and at the initiative of the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights and Fundación Tres Culturas organized a seminar that brought together experts from different parts of the world and different cultures and religions to discuss defamation of religions, focusing particularly on Islamophobia and the situation of Muslim and Arab people in different parts of the world in the aftermath of the events of 11 September 2001. This seminar, which took place on 18 and 19 November 2005 at Seville, Spain, fulfilled the Special Rapporteur’s wish to probe, on behalf of the Commission, the underlying causes, manifestations and expressions of this phenomenon, and to identify lasting solutions. The conclusions and recommendations prompted by the seminar, in addition to other meetings and sources of information, constitute the basis of this report.

I. REPLIES FROM STATES

5. As in previous reports, the Special Rapporteur draws the attention of Governments to the scarcity of reliable information at his disposal regarding racist or discriminatory acts against Muslims and Arabs around the world in the aftermath of the events of 11 September 2001.

He reminds Governments of the importance of reliable, systematic and comparable statistics for a meaningful analysis of racism and discrimination in order to tackle the problem more effectively. At the time of writing, he was able to include the following replies.

6. The Freedom of Conscience and Religious Organizations Act of the Republic of Belarus acknowledged the part played by Islam in shaping the history of the Belarusian people. According to the Belarusian authorities, more than 30,000 Muslims live in Belarus, of whom 12,500 belong to the Tatar minority. It is reported that there are 23 Sunni communities and 1 Shiite community in the country. There are seven places of worship including five mosques at Iveye, Novogrudok, Slonim, Vidzy and Smilovichi. Another mosque is under construction in Minsk. The Belarusian security services report no incidents involving Muslim communities, their places of worship or their property.

7. The authorities in the United States of America indicate that, immediately after the terrorist attacks of 11 September 2001, the Government anticipated a potential backlash against Arabs and Muslims in the United States. Within days, the President and the heads of government agencies including the Attorney General and the Director of the Federal Bureau of Investigation publicly and strongly denounced violence and discrimination against Arabs and Muslims. In the years since the tragedy of 11 September, the Government, working closely with state and local governments and NGOs throughout the country, has achieved significant progress in ensuring respect for the human rights of Arabs and Muslims, and has taken forceful action to address issues that have arisen.

8. Shortly after the events of 11 September, the Civil Rights Division of the Department of Justice spearheaded a special initiative to combat post-9/11 backlash. This initiative reflects a commitment by the Government to combat violations of civil rights laws against Arab, Muslim, Sikh and South-Asian Americans by ensuring that there are efficient and accessible processes in place for individuals to report violations and that these cases are handled expeditiously, and by the appointment of a Special Counsel for Post 9/11 National Origin Discrimination and a Special Counsel for Religious Discrimination.

9. Since 9/11, the Department of Justice has investigated more than 675 alleged criminal incidents against Arabs and Muslims. Federal charges have been brought in 26 cases, and 24 defendants have been convicted. As of August 2005, 12 federal cases are awaiting trial or sentencing. In addition, state and local authorities have brought more than 150 criminal prosecutions involving Arab or Muslim victims. The prosecutions brought by the Department of Justice include not only incidents resulting in serious damage to persons or property, but also threats by telephone, mail and e-mail, and unconsummated plans to commit violent attacks. Successful prosecutions include:

- The shooting of a Sikh postal carrier in Sacramento, California, in 2003;
- Damage to the Islamic Center Mosque in Tallahassee, Florida, in February 2003;
- An attempt to set fire to cars in the parking lot of the Islamic Idriss Mosque in Seattle, Washington, in May 2002;

- The attempt to set fire to a Pakistani-American restaurant in Salt Lake City, Utah, in September 2001;
- The racially motivated assault of two Indian hotel managers in Alcoa, Tennessee;
- The burning down of a gas station owned by a Pakistani man in Kountze, Texas;
- The throwing of two incendiary devices at the Islamic Center in El Paso, Texas, in September 2004.

10. Since 11 September 2001, the Civil Rights Division of the Department of Justice has also investigated two abortive criminal conspiracies against the Muslim community in the United States, the first against the Islamic Education Center in St. Petersburg, Florida, and the second against a variety of Muslim sites and individuals, including a mosque in Los Angeles.

11. Since 11 September 2001, the Department of Justice has prosecuted 13 cases involving threats against Arab and Muslim individuals and organizations. These included threats of death and physical assault, either by telephone or e-mail. The perpetrators were arrested, tried and given heavy sentences.

12. Since the events of 11 September 2001, the Equal Employment Opportunity Commission (EEOC) has taken measures to address harassment and discrimination against Arabs and Muslims. In recognition of these efforts, the American-Arab Anti-Discrimination Committee, a national NGO, has conferred an award on the EEOC. Between 11 September 2001 and 11 September 2005, the EEOC filed 984 charges alleging post 9/11 backlash employment discrimination, and violations were found to have occurred in 120 cases.

13. A number of other departments have taken action to combat discrimination against Arab and Muslim communities. On 19 September 2001, the Secretary of Education sent a letter to all school districts, colleges and universities, stating that violence and harassment against innocent people based solely on their national origin must not be tolerated. The Department of Housing and Urban Development (HUD) has also acted to prevent discrimination against Arabs and Muslims in matters relating to housing.

II. MANIFESTATIONS OF DISCRIMINATION AND HOSTILITY TOWARDS ARABS AND MUSLIMS

14. After the spate of violence against Muslims and Arabs in some countries following the events of 11 September 2001, the Special Rapporteur noted that discrimination has become more insidious and less visible. More subtle forms of discrimination have evolved alongside “racial profiling”. Although many national leaders have condemned all forms of criminal violence against ethnic minorities, there is no doubt that many countries have introduced laws or administrative measures specifically designed to “control” and “monitor” such minorities, thereby stigmatizing them even further and legitimating the discrimination that they experience.

15. According to information received by the Special Rapporteur, discrimination against Muslim and Arab communities takes various, sometimes cumulative, forms. Furthermore, the worrying trends referred to in the Special Rapporteur's previous report (E/CN.4/2005/18/Add.4) appear to have been confirmed.

16. The Special Rapporteur has noted the trend towards national policies and laws that stigmatize communities on a variety of pretexts relating to security, illegal immigration or strict application of the principle of secularism. Three factors exacerbate the discrimination inherent in such laws. The importance of far-right racist and xenophobic platforms in the political programmes of democratic parties mainstreams and legitimizes the discriminatory nature of these provisions. In the prevailing political and ideological context, even if these provisions do not explicitly target a particular community or religion, intellectual and media discourse focuses more and more on Islam and Muslims. Likewise, national, local and municipal authorities interpret and apply these policies and laws in a much broader sense than was originally intended.

17. The upsurge of Islamophobia is at its most alarming in Europe. Two specific factors explain this. Like all religions and spiritual traditions, Islam is a victim not just of the decline in religious observance but also of the rise of a brand of secularism that is increasingly intolerant of religion in general. And, to a much greater extent than any other religion, opposition to Islam has been a core element in the construction of European identity since time immemorial. The medieval crusades and the Christian military, cultural, religious and political reconquest of Andalucía in the fifteenth century are familiar examples from history. The proposal to incorporate Europe's Christian heritage into the draft European constitution, and arguments about Muslim identity that have been used to block Turkey's entry into the European Union, which some would like to restrict to a "Christian club", are modern-day embodiments of a European intellectual and political tradition that is hostile to Islam. Historically, Islamophobia has deep roots in Europe. Political parties that espouse racist and xenophobic policies exploit these two elements for political and electoral ends. The intellectual validation of these prejudices, embodied in the theory of an unavoidable clash of civilizations between Europe and the Islamic world advanced by the American political scientist Samuel Huntington, is an attempt to construct a theoretical and ideological justification for Islamophobia. But the rejection of the reference to Europe's Christian heritage in the draft European constitution and the opposition of some European political leaders to the anti-Islamic arguments for the exclusion of Turkey from the European Union show, first of all, that history is not predetermined, and also that some Europeans reject the idea of conflict with Islam as a religion and are beginning to recognize the ethnic, cultural and religious pluralism of the new Europe.

18. In an international context dominated by the fight against terrorism, the situation of Arab and Muslim people throughout the world can be viewed in three ways, namely containment of Islam from a security angle, monitoring of places of worship and suspicion of Muslims. Two developments illustrate the tendency to mistrust and ostracize Islam. In the United Kingdom, following the London suicide bombings, the Government reportedly envisaged the creation of Special Branch Units with the dual purpose of protecting Muslim communities against Islamophobia and collecting information on "extremists". This latter function involves not only surveillance of mosques but, additionally, intelligence-gathering on dangerous individuals and extremists in Muslim communities. Muslim places of worship and cultural

centres are viewed not as places of religious expression but as breeding grounds for potential terrorists that must therefore be placed under tight security. This security-centred approach holds sway at the international level, to the extent that military and security assistance and support for monitoring Muslim communities and religious organizations takes priority over economic development assistance and even respect for democracy and human rights. A particularly serious corollary of this approach is the growing conflicts in Muslim societies and countries, or countries with Muslim minorities, particularly in Africa, the Middle East and Asia, not only due to the introduction of an antagonistic climate of suspicion and surveillance directed at one religion and its adherents, but also to the replacement of traditional ways of settling internal tensions and conflicts, particularly of a religious nature, by an exclusively security-oriented and repressive approach. This serious development is illustrated by the gradual emergence, since 11 September 2001, of violent and often armed conflicts, such as in Thailand, between the armed forces and self-styled Islamic organizations and communities. Exploited by repressive regimes for political ends, Islamophobia thus contributes materially to the erosion of democracy and respect for human rights.

19. Particularly telling examples of the erosion of democracy and respect for human rights are recent revelations regarding the widespread practices of “rendition”, the deportation of persons covertly detained on suspicion of terrorism to countries practising terrorism, and inhuman or degrading treatment. Significantly, the media and human rights organizations concur in reporting that the victims of these practices are mainly Muslim or of Arab origin. This practice also shows that the security-based component of Islamophobia has become internationalized, insofar as the countries and political systems involved are variously secular, Christian and Muslim. This development bears out the underlying point that Islamophobia is more political and ideological than religious in nature.

20. The close link between the deteriorating situation of Arab and Muslim peoples and the identification of Islam with terrorism is a common thread that runs through many recent events. Thus, after the London bomb attacks of 7 July 2005, the European Monitoring Centre for Racism and Xenophobia recorded a quasi-instantaneous increase in the number of incidents of antagonism towards Muslim communities in most European States and the United Kingdom. In the five weeks following the attacks, the London Metropolitan Police recorded an increase in acts of violence and hostility relative to the same period in 2004. This violence was chiefly directed against British Muslims and people who looked Muslim or dressed in a Muslim way. Places of worship and cultural centres were also attacked.

21. A number of Spanish participants at the Seville seminar indicated that Islamophobia has become more marked in Spain since 11 September 2001. Many examples were cited, including broadcasts by a Spanish radio station, Cadena Cope. Racial prejudice towards people of North African origin is associated with the problem of illegal workers from North Africa, and also has certain historical roots (Moroccan troops used by Franco in the Spanish civil war). Nevertheless, the Special Rapporteur has already noted two telling signs of resistance to Islamophobia, namely the absence in the population at large, unlike in other countries, of widespread popular reactions against Islam and Muslims following the deadly attacks on railway stations in Madrid in 2003, and the recent mass campaign to formalize the situation of illegal immigrant workers, many of whom are North African Muslims.

22. The worsening situation of Arab populations is also illustrated by recent events in Australia. On 11 December 2005, groups of young white Australians systematically assaulted people of Arab or Lebanese appearance in a district of Sydney. By common agreement, and in the view of the Australian media especially, these incidents, apparently sparked by an altercation between young Lebanese and lifeguards, had an overtly racist and xenophobic complexion. Many of the assailants hurled racist abuse and wore T-shirts with slogans such as "Ethnic Cleansing Unit", "We Grew Here, You Flew Here" and "Wog Free Zone" (a pejorative reference to non-Anglo-Saxon immigrants). Many observers ascribe this violent outburst of racism and xenophobia not only to resistance to ethnic diversification in a society that has long favoured immigration from Europe but is now assimilating a wave of Asian and non-white immigrants, but also to anti-terrorist legislation and campaigns that have fuelled fears of "attacks by Muslim fanatics" in the media and public opinion.

III. THE CARTOONS OF THE PROPHET MUHAMMAD PUBLISHED IN A DANISH NEWSPAPER

23. The most serious manifestation of the deteriorating situation of Arab and Muslim populations generally and Islamophobia in particular has been the publication of the cartoons of the Prophet Muhammad in the Danish newspaper *Jyllands-Posten*. On 30 September 2005, the newspaper published 12 cartoons of the Prophet Muhammad. One showed the Prophet wearing a bomb-shaped turban with a lit fuse. Another depicted him as a devil holding a grenade, and another imagined him in paradise offering young virgins to suicide bombers. This affair exemplifies three worrying trends underpinning resurgent Islamophobia. In terms of timing, intent and targeted audience, the publication of these cartoons shows how much the defamation of religions has become trivialized, because they were entries in a competition organized by the newspaper to respond to allegations that Danish cartoonists were too afraid of Muslim fundamentalists to illustrate a biography of Muhammad. Thus the original intent of the competition was to challenge and express opposition to a defined group, Muslim fundamentalists, who were suspected of creating a climate of self-censorship. The fact that children were the intended readership of the biography indicates a desire to shape the attitude to religion of a particularly sensitive and vulnerable age group. The biographical nature of the publication demonstrates the intention to tell the real-life story of the Prophet rather than to give a fictional account. The dominant theme of the cartoons is to associate Islam with terrorism. The cartoon depicting virgins dispensing sexual favours to suicide bombers harks back to an old cliché of Western Islamophobia, namely the association of Islam and the Prophet with sexual depravity. The cartoons are thus clearly defamatory of Islam.

24. The initial reaction of the Danish Government¹ - its refusal to adopt an official stance on the content and the publication of the cartoons out of respect for freedom of expression, and its refusal to receive the ambassadors of Muslim countries - revealed not just the trivialization of Islamophobia at the political level but also, as events subsequently demonstrated, the central involvement of politicians in the national and international impact of manifestations and expressions of Islamophobia. Legally, the Government of every State party to the International Covenant on Civil and Political Rights is bound by three articles dealing with the relationship between freedom of religion and freedom of opinion and expression, namely article 18, which

protects freedom of religion, subject to such limitations as are necessary to protect public safety and order or the fundamental rights and freedoms of others (art. 18, para. 3); article 19, which protects freedom of expression and opinion, subject to certain restrictions such as “respect of the rights or reputations of others” (art. 19, para. 3 (a)); and article 20, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. The basic principle embodied in these articles is that which underpins all legal systems, namely that any freedom or right is limited by respect for others and their rights. Thus, legally speaking, and having regard to its international commitments, the Danish Government could have respected freedom of expression while at the same time stating its position on the consequences of the cartoons for the rights and freedoms of Denmark’s 200,000 Muslims and the protection of public order.

25. Politically and from the standpoint of the morality of international relations, the Danish Government, against the backdrop of an alarming resurgence of defamation of religions, especially Islamophobia but also anti-Semitism and Christianophobia, failed to show the commitment and vigilance that it normally displays in combating religious intolerance and incitement to religious hatred and promoting religious harmony. It is precisely these values that impart meaning, legitimacy and timeliness to the “Alliance of Civilizations” initiative that the Secretary-General launched recently.

A. The political and ideological context

26. The Special Rapporteur cannot help wondering at the national political and ideological backdrop to the publication of the cartoons and the attitude of the Danish Government. First of all, on 8 December 2005, the Government signed an accord with the far-right Danish People’s Party to further limit the criteria for acquiring Danish citizenship, and this in a country whose immigration policy is regarded as among the most restrictive in Europe, where the Danish People’s Party holds 13 per cent of the seats in Parliament. A party spokesman, Søren Krarup, has said that “Muslim immigration is a way for Muslims to conquer us, just as they have done 1,400 years past.” According to *Le Monde* of 11 December 2005, an imam requested the censure of a Danish People’s Party deputy who, speaking in Parliament, drew a comparison between Muslim women who wear headscarves and bikers who sport swastikas. In all his reports, the Special Rapporteur has drawn the attention of the Commission on Human Rights and the General Assembly to one of the root causes of the trivialization of racism, racial discrimination and xenophobia, namely the increasing prominence of far-right racist and xenophobic platforms in the political programmes of traditionally democratic parties.

27. The Special Rapporteur noted with interest, as he was completing his report, that the position of the newspaper concerned and the Danish Government had changed. On Monday, 30 January the chief editor presented his “apologies”, not for publishing the cartoons, which he continued to describe as “restrained”, but for having “offended” Muslims. But the subsequent re-publication of the cartoons in a number of European newspapers, despite the strong emotions they aroused in the Muslim world, tends to bear out Samuel Huntington’s theory of the clash of civilizations, aside from any arguments about the legitimate defence of freedom of expression. In re-publishing the Danish cartoons at the very moment when *Jyllands-Posten* apologized for

the offence they might have given, these newspapers signalled that they preferred confrontation to dialogue with the domestic and foreign Muslim constituencies that took exception to the cartoons.

28. These newspapers' intransigent defence of unlimited freedom of expression is out of step with international norms that seek an appropriate balance between freedom of expression and religious freedom, specifically the prohibition of incitement to religious and racial hatred endorsed by all States Members of the United Nations in basic international human rights instruments such as the International Covenant on Civil and Political Rights. The newspapers' stance indicates an alarming lack of sensitivity towards and comprehension of the religious beliefs and deep-felt emotions of the communities concerned. Their attitude bears out the criticisms that have been made, especially since the tragic events of 11 September, of the responsibility of certain media outlets for conflating Islam with terrorism, which is a major driver of resurgent Islamophobia throughout the world and specifically in their own countries. It is precisely this conflation that lies at the heart of the criticism levelled at the cartoons in the Danish newspaper. More alarmingly, the debate sparked by the publication of the cartoons has revealed the emergence in some intellectual, media and political circles of a rhetoric of clash of cultures and civilizations that divides the world into secular, democratic and civilized countries that protect freedom of expression, and obscurantist, retrograde and backward States that enshrine religious freedom and the position of religion in society. The debate is thus reduced to an implacable conflict between "our" and "their" values. This line of argument, which draws on the same spirit of caricature as the drawings in the Danish newspaper, i.e. the identification of the West with the former category and Muslim countries with the latter, thus opposing two antagonistic worlds, cultures and civilizations, not only conceals the diversity of political and individual opinions on this matter in European countries and the United States of America, but more importantly obscures the deep-rooted multiculturalism of Western societies, as illustrated by the size of their respective Muslim communities. The criticism of the cartoons by Jewish and Christian community leaders indicates, first of all, a deeply-held belief that the cartoons exemplify the increasing trend to defame all religions and the prevailing ideological climate of intolerance towards religion itself and religious practices. Secondly, their reaction is the most effective way of responding to the danger of inter-religious conflict that the cartoons could provoke. Their exemplary reaction bears out the basic truth that contemporary Islamophobia, like anti-Semitism and Christianophobia, is more a political and ideological fact than a religious phenomenon. The Special Rapporteur notes with satisfaction the reaction of leaders of different religions, echoed by the statement of the European Council of Religious Leaders.² The statement calls on the leaders of all faiths to do their utmost to reject and stop the acts of violence and terror which are being carried out in the name of God, and condemns the misuse of freedom of expression for blasphemous ends, which is a violation of this freedom when it is used without consideration for possible harmful effects on individuals and groups.

29. Lastly, the Special Rapporteur deplores the violence that followed the publication of the cartoons, especially threats against and attacks upon people unconnected with the cartoons who were targeted simply on the basis of their nationality, and the attacks on diplomatic missions. Likewise, he deplores the violence against places of worship of other religions, for example a

Catholic church in Beirut, which betrays a lack of respect and represents an attack on other religious communities. Such behaviour merely weakens efforts to combat defamation of religions.

B. The position of the Danish and Norwegian Governments

30. In a press statement issued by the Danish Ministry of Foreign Affairs on 31 January 2006, the Prime Minister of Denmark stressed that he personally would never have depicted religious symbols in this way. The Special Rapporteur, together with the Special Rapporteur on freedom of religion or belief, sent a joint letter to the Danish Government on 25 November 2005 asking for clarification of the facts and its position on the publication of the cartoons of the Prophet Muhammad in the newspaper *Jyllands-Posten* in the light of the International Covenant on Civil and Political Rights. The reply, dated 24 January 2006, focused on three points. As to the facts, the Government confirmed that the newspaper *Jyllands-Posten* had published 12 cartoons of the Prophet Muhammad on 30 September 2005. As regards the legal position, it was reported that one person had been charged in connection with death threats received by the newspaper's receptionist on 30 September, and the police were making inquiries regarding four threats received by telephone and e-mail following the publication of the cartoons. Meanwhile, the regional public prosecutor decided to discontinue his investigation of a complaint against *Jyllands-Posten* filed by certain private associations, on the grounds that there was no "reasonable suspicion that a criminal offence indictable by the State has been committed".

31. As to the position of the Government, the letter quoted the Prime Minister's New Year address of 1 January 2006, in which, without referring directly to the publication of the cartoons, he stated very clearly his condemnation of any expression, action or indication that attempted to demonize groups of people on the basis of their religion or ethnic background, then outlined the long history of freedom of speech in Denmark, which is exercised in mutual respect and understanding. The letter then states: "... freedom of speech is absolute. It is not negotiable. However, we are all responsible for administering freedom of speech in such a manner that we do not incite hatred and do not cause fragmentation of the Danish community". It states that the Minister for Foreign Affairs wrote an article in a Danish newspaper warning against disrespect among religions. The letter cites remarks made on 7 September 2005 by the Minister for Refugee, Immigration and Integration Affairs, emphasizing freedom of religion for all religions in Denmark, the integration of Muslim Danes and continuous dialogue between the Danish Government and Muslim representatives. Information is also provided on dialogue with the Muslim community, the mandate, membership and activities of the national Council for Ethnic Minorities and local integration councils, and the Action Plan to Promote Equal Treatment and Diversity and Combat Racism, based on the Durban Programme of Action. Denmark's sixteenth and seventeenth periodic reports to the Committee on the Elimination of Racial Discrimination were enclosed with the letter.

32. Following the publication of the Danish cartoons in a Norwegian newspaper, the Ambassador of Norway to Saudi Arabia stated his Government's position on 25 January 2006. The title of the statement immediately clarifies Norway's standpoint on the cartoons: "Statement regarding a Norwegian magazine's publication of offensive drawings of the

Prophet Muhammad.” The statement affirms that all people have the right to respect for their religion, expresses understanding of the fact that the cartoons were perceived as offensive and makes it clear that “utterances such as these caricatures are not conducive to fostering trust between people of different faiths and ethnic backgrounds. On the contrary, they encourage distrust and confrontation. This incident is unfortunate and deplorable”. The ambassador stated that freedom of expression was a constitutional right and a mainstay of Norwegian society, and involves tolerance of other’s opinions. The Norwegian Government condemns any action or statement that expresses contempt for a person on the basis of his or her religion or ethnic background.

IV. CONCLUSIONS AND RECOMMENDATIONS

33. The generally worsening situation of Arab and Muslim peoples throughout the world following the events of 11 September 2001, and the upsurge in Islamophobia in particular, may be attributed to the following underlying causes, as symbolized by the cartoons of the Prophet Muhammad published in a Danish newspaper:

- The precedence of political and ideological considerations over religious factors;**
- The general increase in defamation of religions, and notably the conflation of Islam with violence and terrorism;**
- The worldwide crisis of identity reconstruction to adjust to thoroughgoing ethnic, cultural and especially religious multiculturalism;**
- The inadequacy of international law, particularly international instruments on human rights and combating racism and discrimination, in matters of religion.**

Accordingly, the Special Rapporteur has formulated the following general recommendations:

Recommendation on the preponderance of political aspects

34. Countries that have recently witnessed the most serious outbreaks of Islamophobia share the following characteristics: a deep-rooted historical antagonism to Islam; the political, ideological and electoral popularity of far-right-wing parties and their participation in government; the significance of racist and xenophobic platforms in the political programmes of democratic parties; and a lack of will on the part of political leaders to combat racism and Islamophobia.

35. Accordingly, the Special Rapporteur recommends that the Commission on Human Rights should call upon Governments of Member States to express and demonstrate a firm and determined political commitment to combating all forms of defamation of religions in general and, in the ideological climate following 11 September 2001, to take action to deal with the upsurge in Islamophobia.

36. **The Special Rapporteur further recommends that the Commission should call upon Governments of Member States to advocate peaceful dialogue and condemn all forms of violence and confrontation in resolving religious tensions between communities. Any differences of opinion about religious questions should be resolved through peaceful and constructive dialogue.**

Recommendation on the defamation of religions

37. **The Special Rapporteur recommends that the Commission should draw the attention of Member States to the link between the upsurge in Islamophobia and the general increase in defamation of religions, especially anti-Semitism, Christianophobia and other spiritual traditions such as Hinduism, Buddhism and traditional African, American-Indian and Asiatic religions. Accordingly, he urges the Commission to invite the Special Rapporteur to submit a regular report on all manifestations of defamation of religion, stressing the strength and seriousness of Islamophobia at the present time.**

Recommendation on the conflation of Islam with violence and terrorism

38. **The Special Rapporteur recommends that the Commission should invite Member States to combat and sanction, in the spirit of articles 18, 19 and 20 of the International Covenant on Civil and Political Rights, any attempt to seriously conflate Islam with violence and terrorism.**

Recommendation on the relationship between Islamophobia and multiculturalism

39. **The Special Rapporteur recommends that the Commission should invite Member States to focus on combating all forms of discrimination generally, and Islamophobia in particular, by acknowledging, respecting and promoting the multicultural nature of their societies - especially in the religious sphere - through two basic forms of dialogue between cultures and religions that he has suggested in his previous reports, namely the promotion, notably through education and information, of in-depth knowledge of each other's religious and cultural traditions, as per article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, and the promotion through political, social and cultural initiatives of interactions and cross-fertilization of ideas between different communities and their cultural and religious traditions. Inter-community dialogue, discovery and interaction should also be applied to value systems and beliefs.**

Recommendation on the adequacy of the law in the matter of religion

40. **The Special Rapporteur recommends that the Commission should remind States of their commitments and obligations under international human rights instruments, especially the International Covenant on Civil and Political Rights (in particular articles 18, 19 and 20 thereof), the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of**

Racial Discrimination, and encourage all relevant treaty bodies to examine the question of the interpretation of existing norms on freedom of expression, religious freedom and non-discrimination, and reflect on whether additional standards are needed for that purpose.

41. **The Special Rapporteur recommends that the Commission should bear in mind the recommendations in his previous report on defamation of religions (E/CN.4/2005/18/Add.4).**

Notes

¹ On the subsequent shift in the Danish position, see below (The position of the Danish and Norwegian Governments).

² Statement by the Executive Committee of the European Council of Religious Leaders, Oslo, 6 February 2006.
