



PAKISTAN

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STATEMENT
BY
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ON BEHALF OF
THE ORGANIZATION OF THE ISLAMIC CONFERENCE

ON AGENDA ITEM 8
“VIENNA DECLARATION AND
PROGRAMME OF ACTION”

AT THE
8TH SESSION OF THE HUMAN RIGHTS COUNCIL

Geneva,
16 June 2008

**Statement by Ambassador Masood Khan, Permanent Representative of Pakistan,
on behalf of the OIC, on Agenda item 8, "Vienna Declaration and Programme of
Action", at the 8th Session of the Human Rights Council.**

Geneva, 16 June 2008

I am making this statement on behalf of the Organization of the Islamic Conference (OIC).

The Vienna Declaration and Programme of Action is a landmark in the evolution of international human rights law. It provides the general framework for further development of norms covering civil and political, as well as economic, social and cultural rights. Thus, the VDPA is not a static but a dynamic document, responsive to contemporary milieu.

The core principle of the VDPA is universality of human rights, which must be upheld. Universality subsumes relativism; it does not banish it. Taken to its extreme, relativism can undermine the international human rights law; but denial of cultural diversity will also be unrealistic. Exceptionalism and relativism are two sides of the same coin. We should avoid them.

The best guidance in this regard is given by the VDPA, which states: "While the significance of national and regional particularities and various historical, cultural and religious backgrounds *must be borne in mind*, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect human rights and fundamental freedoms." The phrase *must be borne in mind* is not redundant nor over-prescriptive. It does not mean that that invocation of relativism, where applicable, should be challenged or opposed. If relativism is invoked, member states should satisfy themselves on two counts: (a) that it is not being used as a pretext and (b) that it is being invoked genuinely in a proper context.

It is not possible to adopt a uniform, universal standard for decriminalization of non-marital consensual sex and adultery. In this instance, let us live with diversity. We should adopt the same approach for defamation and hate speech and continue dialogue on the subject.

The New York Times, in an article on June 12, 2008, reports that Canada, England, France, Germany, the Netherlands, and Australia all have laws or have signed international conventions banning hate speech. Earlier this month, actress Brigitte Bardot, was fined in France for provoking racial hatred.

Ms. Louise Arbour, the High Commissioner for Human Rights, in her statement of June 2, enunciated several key themes, which need careful consideration. Some of these are:

- The need to guard against criticism of a State or a group of States as a proxy for the expression of hatred against peoples, their origins or beliefs.
- The need to forcefully condemn all those deplorable or manipulative distortions that hide sinister purposes, such as anti-Semitic or Islamophobic agendas, or that convey any other form of intolerance.
- The exact legal contours of the demarcation line between freedom of expression and hate speech, particularly in relation to religion.
- The need to develop a better understanding of the permissible limitations to freedom of expression by taking into account the mandatory prohibition of advocacy of religious hatred.

In this context we welcome the High Commissioner's announcement that the OHCHR will organize an expert consultation. For its part, the OIC has called for the development of a new instrument or a normative framework to combat religious intolerance.

The first cycle of the Universal Periodic Review (UPR), concluded during this session, has demonstrated that an objective and impartial evaluation of human rights records of all member states, without distinction or discrimination, is the best guarantee for promoting universal respect for, and observance of, human rights and fundamental freedoms for all, as enshrined in the VDPA.

The VDPA underlines that by virtue of the right to self-determination all peoples determine their political status and freely pursue their economic, social and cultural development.

Today one billion people suffer from chronic hunger; food insecure malnourished people number three billion. Economic and social rights must therefore be put on the global agenda. The Human Rights Council can help the international community achieve this objective, as it did recently through its last special session.

In pursuance of the objectives of the VDPA, we look forward to the efforts to forge a cooperative and interactive relationship between the Council and the Office of the High Commissioner.

I thank you, Mr. President.