

HUMAN RIGHTS COUNCIL
Sixth session
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS,
CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL
RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT**

6/... Elimination of all forms of intolerance and of discrimination based on religion or belief

The Human Rights Council,

PP1. Recalling General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and all resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and by the former Commission on Human Rights,

PP2. Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights and other relevant human rights provisions,

PP3. Reaffirming the recognition by the 1993 Vienna World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, and its appeal to all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

PP4. Recalling the 2005 World Summit Outcome in which the Heads of State and Government reaffirmed the Declaration and Programme of Action on a Culture of Peace as well as the Global Agenda for Dialogue Among Civilizations and its Programme of Action adopted by the General Assembly and the value of different initiatives on dialogue among cultures and civilizations, including the dialogue on interfaith cooperation and the Alliance of Civilizations, and committed themselves to taking action to promote a culture of peace and dialogue at the local, national, regional and international level,

PP5. Recognizing the importance of promoting dialogue in order to enhance mutual understanding and knowledge among different social groups, cultures and civilizations in various areas, including culture, religion, education, information, science and technology,

and in order to contribute to the promotion and protection of human rights and fundamental freedoms,

PP6. Underlining the importance of education in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education, ~~in particular at school,~~ should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

PP7. Recognizing also the important work carried out by the Human Rights Committee with respect to the scope of the freedom of religion or belief,

PP8. Seriously concerned at all attacks upon religious places, sites and shrines, **in violation of international human rights and humanitarian law**, including any deliberate destruction of relics and monuments,

PP9. Seriously concerned also at the misuse of registration procedures and at the resort to discriminatory registration procedures, as a means to limit the right to freedom of religion or belief of members of certain religious communities, at the limitations placed on religious publications, and at obstacles placed in the way of construction of places of worship inconsistent with the exercise of the right to freedom of religion or belief,

PP10. Convinced of the need to address the rise in all parts of the world of religious extremism affecting the rights of individuals and groups based on religion or belief, the situations of violence and discrimination that affect many women as well as individuals from **other** vulnerable groups **in the name as a result** of religion or belief or due to cultural and traditional practices, and the abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

PP11. Noting that a formal or legal distinction at the national level between different kinds of religions or faith-based communities may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

PP12. Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

PP13. Recognizing the importance of interreligious and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief and welcoming different initiatives in this regard, including the Alliance of Civilizations, the programmes lead by UNESCO, and the High Level Dialogue on "Inter-religious and Intercultural Understanding and Cooperation for Peace" held in the General Assembly on 4-5 October 2007,

PP14. Seriously concerned at the slow progress in the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

PP15. Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

PP16. Having conducted the assessment of the mandate of the Special Rapporteur during the interactive dialogue of its present session, in accordance with its resolution 5/1 of 18 June 2007,

PP17. Recalling the resolutions 5/1 "Institution-building of the United Nations Human Rights Council" and 5/2 "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council" of 18 June 2007 and stressing that the mandate-holder shall discharge his/her duties in accordance with these resolutions and their annexes,

I

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief as well as violations of the freedom of thought, conscience, religion or belief;
2. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;
3. *Expresses concern* over the persistence of institutionalized or social intolerance and discrimination practiced against many **in the name of or** due to their religion or belief;
4. *Recognizes that, although they are not a prerequisite for the exercise of the right to manifest one's religion or belief, legal procedures pertaining to religious or belief-based groups and places of worship, at the national or local levels, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practice their religion or belief either individually or in community with others and in public or private;*
5. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means;
6. *Encourages* ~~the efforts made by~~ the United Nations High Commissioner for Human Rights to **continue to make efforts** to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

7. *Emphasizes* that promoting tolerance and acceptance by the public of and its respect for diversity, and combating all forms of intolerance and of discrimination based on religion and belief are substantial elements in creating an environment conducive at the full enjoyment by all of the **right to freedom of thought, conscience and religion or belief enshrined in art. 18 of the ICCPR**;

8. *Urges* States:

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;

(b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and for cultural diversity and the freedom of religion or belief,

(c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women, persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;

(d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;

(e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;

(g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty or security of person, subjected to torture or arbitrary arrest or detention, or denied the right

to work, education or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

(l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(m) To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

9. *Stresses* the need to strengthen dialogue, inter alia through the Global Agenda for Dialogue among Civilizations and the Alliance of Civilizations, including through the recently appointed High Representative of the Secretary-General for the Alliance of Civilizations **and the focal Unit created by GA resolution 61/221 within the Secretariat to interact with various entities within the UN system and coordinate their contribution to the dialogue;**

10. *Invites* all actors to address in the context of that dialogue, inter alia, the following issues within the framework of international ~~standards~~ of human rights:

(a) The rise of religious extremism affecting religions in all parts of the world;

(b) The situations of violence and discrimination that affect many women as well as individuals from **other** vulnerable groups **in the name** ~~as a result~~ of religion or belief or due to cultural and traditional practices,

(c) The **abuse** of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations;

11. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, at all levels and with a broader participation including of women, to promote greater tolerance, respect and mutual understanding;

12. *Also emphasizes that no religion should be equated with terrorism* ~~that equating any religion with terrorism should be avoided~~, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

13. *Further emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

14. *Recommends* that the United Nations and other actors, including non-governmental organizations and bodies and groups based on religion or belief, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration, in as many different languages as possible, and promote its implementation;

II

15. *Welcomes* the work ~~and the report~~ of the Special Rapporteur on freedom of religion or belief of the Human Rights Council;

16. *Concludes* that there is a need for the continued contribution of the Special Rapporteur to the protection, promotion and universal implementation of the right to freedom of religion or belief;

17. *Decides* therefore to **extend** ~~renew~~ the mandate of the Special Rapporteur on freedom of religion or belief for a further period of three years and, in this context, invites the Special Rapporteur:

- i. To promote the adoption of measures at the national, regional and international levels to ensure the promotion and protection of the right to freedom of religion or belief;
- ii. To identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles;
- iii. To continue her / his efforts to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate;
- iv. To continue to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

18. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her / him to discharge her / his mandate fully;

19. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her / **his** requests to visit their countries and to provide her / **him** with all necessary information so as to enable her / **him** to fulfil her / **his** mandate even more effectively;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-third session;

21. *Also requests* the Special Rapporteur to submit the outstanding reports to the Council in accordance with its annual programme of work and the next annual report ~~in to its first session of the calendar year 2009;~~

22. *Decides* to remain seized of this question under agenda item 3 and to continue consideration of measures to implement the Declaration.

11/05/09