

**Elimination of all forms of intolerance
and of discrimination based on religion or belief**

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

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 **that make punishable by law all acts and dissemination of ideas based on religious hatred that lead to incitement to violence.**

Recalling also 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 and paragraph 4 of the UN Millennium Declaration,

Reaffirming the call of the World Conference on Human Rights upon 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~~ **gender, age or other population groups based on cultural and traditional practices or misrepresentation of religious norms** and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Reaffirming also the recognition by the World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated,

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 levels,

Affirming the call made by the President of the General Assembly in his statement on 15 March 2006 that in the wake of existing mistrust and tensions in today's world, there was the need for dialogue and understanding among civilizations, cultures and religions to commit to working together to prevent provocative or

regrettable incidents and to evolve better ways of promoting tolerance, respect for and freedom of religion and belief,

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, as a contribution to better understanding and thereby, to the promotion and protection of human rights and fundamental freedoms,

Recognizing also the important work carried out by the Human Rights Committee ~~in providing guidance~~ **through its General Comments** with respect to the scope of the freedom of religion or belief,

New PP - Alarmed at the increasing instances of the deliberate and systematic negative projection and derision of religions, their adherents and prophets in the media and by influential political parties and groups,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

~~*Seriously concerned also at the misuse of*~~ ***Intent on avoiding*** 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 and at the limitations placed on religious publications, **including arbitrary obstacles placed in the construction of worship places,**

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~~ **gender, age and other vulnerable population groups** as a result of ~~religion or belief and the abuse~~ **cultural and traditional practices and misrepresentation of religious norms** and the targeting of religion, belief or religious symbols for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

~~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,~~

Noting with appreciation the holding of the International Consultative Conference on School Education with Freedom of Religion or Belief, Tolerance and Non-Discrimination, held in Madrid from 23 to 25 November 2001 and 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 of the Final document adopted at the International Consultative Conference on School Education with Freedom of Religion or Belief, Tolerance and Non-Discrimination, held in Madrid from 23 to 25 November 2001, to which Governments are invited to give consideration,~~

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 **as well as respect of religious emblems and symbols** including through inter-religious and intra-religious dialogue that must also look at the root causes of the problem to achieve desired results and such initiatives as the High-level Dialogue on Inter-religious and Intercultural Understanding and Cooperation for Peace, ~~to take place~~ **held in New York on 4 and 5 October 2007,**

Seriously concerned over the continuous and overall rise in the ongoing campaign of discrimination based on religion, belief **and the wearing of related garment items,** and 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,

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,

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

***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,**

1. ***Takes note of*** ~~Welcomes~~ the work and the report of the Special Rapporteur on freedom of religion or belief of the Human Rights Council;
2. ***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;
3. ***Recognizes with deep concern*** the overall rise in instances of intolerance and violence directed against members of ~~many religious and other~~ communities, including

cases motivated by anti-Semitism, Islamophobia and Christianophobia and derived therefrom;

4. *Expresses concern* over the persistence of **institutionalized** social intolerance and discrimination practiced against many in the name of religion or belief **or of secularism**;

(New OP) Recognizes the need for forms of organization of faith-based groups at the national or local levels and of places of worship, as and when legally required, to be non-discriminatory in order to provide effective protection of the right of all persons to practice their religion alone or in recognized communities and to provide transparency;

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 of~~ United Nations High Commissioner for Human Rights 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;

New OP: Emphasizes that respect for and protection of religions is a fundamental condition for the exercise of the individual right to freedom of thought, conscience or religion and the protection thereof,

7. *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 adopt, change or renounce one's religion or belief,~~ is violated;

a (bis) "To design and implement policies whereby education systems promote principles of tolerance and respect for others and for cultural diversity,

(b) 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;

b) bis To make all dissemination of ideas based on religious hatred, incitement to religious discrimination or violence, offences punishable by law.

(c) 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, destruction **or attack**;

~~(d) To review, wherever relevant, existing registration practices in order to ensure the rights of all persons to manifest their religion or belief, alone or in community with others and in public or in private;~~ DELETED see OP.5

~~(e) 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;~~ DELETED see

(f) 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;

(g) To ensure that **on account of religion, belief or wearing of external signs thereof** no one within their jurisdiction is deprived of the right to life, liberty or security, ~~of person because of religion or belief and that no one is~~ subjected to torture or arbitrary arrest or detention, **or denied the right to work, education and housing, as well as the right to asylum and all other rights enjoyed by refugees and migrants** ~~on that account~~ and to bring to justice all perpetrators of violations of these rights;

(h) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, including teachers, 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;

(i) **To ensure that the exercise of the right of freedom of expression carries with it duties and responsibilities and that it may be subject to certain restrictions as provided by law and necessary to respect the rights and reputation of others and for the protection of national security or of public order;**

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

~~8. Urges States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:~~

~~(a) Fully implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;~~

~~(k)(b) To taking 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;~~

~~(l)(c) Promoting and encouraging, 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 Unit mandated within the Secretariat to interact with various entities within the UN system and coordinate their contribution to the intergovernmental process;**

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 with due attention to the root causes of this phenomenon;
- (b) The situations of violence and discrimination that affect ~~many women~~ **gender, age, or other vulnerable population groups as a result of religion or belief result of cultural and traditional factors and misrepresentation of religious norms;**
- (c) The ~~use~~ **targeting** of religion or belief for ends inconsistent with the Charter of the UN and other relevant instruments of the UN **that seriously hinder the full enjoyment of human rights of its believers;**

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;

New OP: Affirms that governments, civil society and media have a role to play to ensure respect for all religions, their adherents, their holy figures, religious emblems symbols in order to promote tolerance and reject stereotyping of religions or beliefs;

12. *Also emphasizes* that equating any religion with terrorism should be ~~avoided,~~ **rejected and combated** as this ~~may have~~ **constitutes an incitement to religious hatred and violence** ~~adverse consequences on the enjoyment of the~~ and **undermines** the right to freedom of religion or belief of all members of the religious communities concerned;

New OP: Reiterates Article 20 of the International Covenant on Civil and Political Rights, according to which any advocacy, inter alia, of religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law such prohibition being “compatible with the right to freedom of expression”(ICERD Committee, Rec.XV).

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;

15. *Recognizes* ~~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;

16. *Decides therefore* to renew the mandate of the Special Rapporteur on freedom of religion or belief for a further period of three years, **and in this context to specify the inclusion of the following provisions:**

- i The necessity for continuing efforts in all parts of the world by the Special Rapporteur 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;**
- ii The need for the Special Rapporteur 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;**

iii Reiterates the need for him/her to be able to respond effectively to credible and reliable information that comes before him/her, and invites him/her to continue to seek the views and comments of Governments concerned in the elaboration of his/her report, as well as to continue to carry out his/her work with discretion, objectivity and independence;

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

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

19. ~~*Encourages* the continuing efforts in all parts of the world of the special Rapporteur 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;~~

20. ~~*Stresses* the need for the Special Rapporteur 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;~~

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

22. *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 to its first session of the calendar year 2009.

23. *Decides* to remain seized of this question and to continue consideration of measures to implement the Declaration.