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CIVIL AND POLITICAL RIGHTS: RELIGIOUS INTOLERANCE

Andorra*, **Argentina**, **Armenia**, **Australia**, **Austria**, **Belgium***, **Brazil**, **Bulgaria***, **Burkina Faso**, **Cameroon***, **Canada***, **Chile**, **Costa Rica**, **Croatia**, **Cyprus***, **Czech Republic***, **Denmark***, **Eritrea**, **Estonia***, **Ethiopia**, **Finland***, **France**, **Germany**, **Greece***, **Guatemala**, **Hungary**, **Iceland***, **Ireland**, **Italy**, **Latvia***, **Liechtenstein***, **Lithuania***, **Luxembourg***, **Monaco***, **Mozambique***, **Netherlands**, **New Zealand***, **Norway***, **Paraguay**, **Peru**, **Poland***, **Portugal***, **Republic of Korea**, **Romania***, **San Marino***, **Slovakia***, **Slovenia***, **Spain***, **Sweden***, **Switzerland***, **Thailand***, **Uganda**, **United Kingdom of Great Britain and Northern Ireland**, **United Republic of Tanzania***, **United States of America**, **Uruguay***, **Venezuela***: draft resolution

2004/... Elimination of all forms of religious intolerance

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also 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,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, paragraph 4 of the United Nations Millennium Declaration and other relevant human rights provisions,

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 and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Recalling the provisions of the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, aimed at combating religious intolerance,

Recalling General Assembly resolution 56/6 of 9 November 2001 on the Global Agenda for Dialogue among Civilizations in which the Assembly recognized the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, in public or in private,

Underlining the importance of education in the promotion of tolerance, which involves the acceptance of, and respect for, diversity and underlining also 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,

Recalling the importance of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination held in Madrid in November 2001, and continuing to invite Governments to give consideration to the Final Document adopted at the Conference,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, occur in many parts of the world and threaten the enjoyment of human rights and fundamental freedoms,

Deeply concerned at the overall rise in intolerance and discrimination, including acts of violence, against persons belonging to religious minorities in all parts of the world, including restrictive legislation and arbitrary application of legislation and other measures,

Profoundly concerned at the extreme situations of violence and discrimination that affect many women as a result of religion or belief,

Concerned also at the rise in religious extremism affecting religions in all parts of the world,

Recognizing with deep concern the overall rise in instances of intolerance directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia and anti-Semitism,

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

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,

1. *Takes note with appreciation* of the report of the Special Rapporteur on freedom of religion or belief (E/CN.4/2004/63 and Add.1 and 2);

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the 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;

4. *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, the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account, and to bring to justice all perpetrators of violations of these rights;

(c) In conformity with international human rights standards, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to religious minorities, and also to devote particular attention to practices which 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;

(d) To recognize 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;

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

(f) 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;

(g) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

5. *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;

6. *Encourages* the continuing efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world 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;

7. *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;

8. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to his request to visit their countries so as to enable him to fulfil his mandate even more effectively;

9. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion, objectivity and independence;

10. *Decides* to extend for three years the mandate of the Special Rapporteur on freedom of religion or belief;

11. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding;

12. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, encompassed by the Dialogue among Civilizations, to promote greater tolerance, respect and mutual understanding;

13. *Urges* States to make all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

14. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration on the Elimination of All Forms of Discrimination Based on Religion or Belief, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

15. *Recommends* that the United Nations and other actors, 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, by United Nations information centres, as well as by other interested bodies;

16. *Requests* that, from existing available resources and if necessary supplemented by voluntary contributions, the “*Etude sur la liberté de religion ou de conviction et la condition de la femme au regard de la religion et des traditions*” (E/CN.4/2002/73/Add.2) be translated into the other official languages of the United Nations and published as an official document;

17. *Decides* to continue its consideration of measures to implement the Declaration;

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

19. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-first session under the same agenda item;

21. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/... of ... April 2004, approves the decision of the Commission to extend, for three years, the mandate of the Special Rapporteur on freedom of religion or belief and the Commission’s request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session and to report to the Commission at its sixty-first session. The Council also endorses the Commission’s request to the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable him to discharge his mandate fully.”
