



General Assembly

Distr.
LIMITED

A/HRC/10/L.34
20 March 2009

Original: ENGLISH

HUMAN RIGHTS COUNCIL

Tenth session
Agenda item 3

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

**Austria*, Belgium*, Bulgaria*, Canada, Croatia*, Cyprus*, Czech Republic*,
Denmark*, Estonia*, Finland*, France, Germany, Greece*, Guatemala*,
Hungary*, Ireland*, Italy, Latvia*, Lithuania*, Luxembourg*, Malta*,
Netherlands, New Zealand*, Peru*, Poland*, Portugal*, Romania*, Slovakia,
Slovenia, Spain*, Sweden*, Switzerland, United Kingdom of Great Britain
and Northern Ireland: draft resolution**

**10/... Discrimination based on religion or belief and its impact
on the enjoyment of economic, social and cultural rights**

The Human Rights Council,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, article 2 (2) of the International Covenant on Economic, Social and Cultural Rights and other relevant human rights provisions,

* Non-member State of the Human Rights Council.

Recalling further its resolution 6/37 and the 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 Commission on Human Rights,

Noting with interest the recent adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Firmly believing that further intensified and strong efforts are required to promote and protect the right to freedom of thought, conscience and 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,

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

Recognizing that persons belonging to religious minorities are often particularly vulnerable to discrimination based on religion or belief with regard to the enjoyment of all their human rights and fundamental freedoms, including their economic, social and cultural rights,

1. *Condemns* all forms of intolerance and discrimination based on religion or belief as well as violations of the freedom of thought, conscience, religion or belief;
2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to all people, regardless of their religions or beliefs, and without any discrimination as to their equal protection by the law;
3. *Welcomes* the report presented by the Special Rapporteur on freedom of religion or belief (A/HRC/10/8) addressing discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights, and encourages States to consider implementing the recommendations contained therein;

4. *Emphasizes* that discrimination based on religion or belief often has an adverse impact on the enjoyment of economic, social and cultural rights, particularly with regard to members of religious minorities and other persons in vulnerable situations;

5. *Urges* States:

(a) To ensure that everyone has the right, inter alia, to education, work, an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health and to take part in cultural life, without any discrimination on the basis of religion or belief;

(b) To ensure that no one is discriminated against on the basis of his or her religion or belief, in particular with regard to access to, inter alia, humanitarian assistance, social benefits or the public service in one's country;

(c) To ensure that no one is affected, because of his or her religion or belief, in the enjoyment of his or her economic, social and cultural rights by, inter alia, discriminatory laws on housing or land trust, legal provisions concerning inheritance rights, the abusive use of property confiscation or any other discriminatory practices;

(d) To take the necessary measures, in accordance with international human rights law, to combat discrimination based on religion or belief by non-State actors, with particular regard to members of religious minorities and other persons in vulnerable situations;

(e) To devote particular attention to discriminatory practices against women on the basis of their religion or belief that adversely affect the enjoyment of their economic, social and cultural rights;

(f) To ensure that appropriate legal and other remedies, in accordance with international human rights law, are available to individuals in order to allow them to seek redress against discrimination based on religion or belief that affects the enjoyment of their economic, social and cultural rights;

(g) To promote and encourage, through all available means, including education and inter-religious dialogue, understanding, tolerance and respect in all matters relating to freedom of

religion or belief and religious tolerance, and to make all appropriate efforts to encourage those engaged in teaching, as well as social workers, to promote mutual understanding, tolerance and respect;

6. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and 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;

7. *Requests* the Special Rapporteur to submit her next annual report to the Council at its thirteenth session;

8. *Decides* to remain seized of the question of the elimination of all forms of intolerance and discrimination based on religion or belief under the same agenda item.
