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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Andorra, Argentina, Armenia, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, Norway, Peru, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Freedom of religion or belief

The General Assembly,

Recalling its 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 also article 18 of the International Covenant on Civil and Political Rights,¹ article 18 of the Universal Declaration of Human Rights² and other relevant human rights provisions,

Recalling further its previous resolutions on freedom of religion or belief and on the elimination of all forms of intolerance and of discrimination based on religion or belief, including resolution [67/179](#) of 20 December 2012, and Human Rights Council resolution [22/20](#) of 22 March 2013,³

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of freedom of religion or belief,

¹ See resolution 2200 A (XXI), annex.

² Resolution 217 A (III).

³ See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV.A.



Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief, as a universal human right, should be fully respected and guaranteed,

Deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress that has been made in the elimination of all forms of intolerance and of discrimination based on religion or belief, and believing that further intensified efforts are therefore 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, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009,

Recalling that States have the primary responsibility to promote and protect human rights, including the human rights of persons belonging to religious minorities, including their right to exercise their religion or belief freely,

Concerned that official authorities sometimes tolerate or encourage acts of violence, or credible threats of violence, against persons belonging to religious communities and religious minorities,

Concerned also at the increasing number of laws and regulations that limit the freedom of thought, conscience and religion or belief and at the implementation of existing laws in a discriminatory manner,

Convinced of the need to address the rise in various parts of the world of religious extremism that affects the rights of individuals, the situations of violence and discrimination that affect many women and other individuals on the basis or in the name of religion or belief or in accordance with cultural and traditional practices and the misuse of religion or belief for ends inconsistent with the principles set out in the Charter of the United Nations and in other relevant instruments of the United Nations,

Seriously concerned about all attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, including any deliberate destruction of relics and monuments,

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies, the media and civil society as a whole have an important role to play in promoting tolerance and respect for religious and cultural diversity and in the universal promotion and protection of human rights, including freedom of religion or belief,

Underlining the importance of education, including human rights education, in the promotion of tolerance, which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expression, 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,

1. *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have, or not to have, or to

adopt a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in teaching, practice, worship and observance, including the right to change one's religion or belief;

2. *Also stresses* that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law;

3. *Strongly condemns* violations of freedom of thought, conscience and religion or belief as well as all forms of intolerance, discrimination and violence based on religion or belief;

4. *Recognizes with deep concern* the overall rise in instances of discrimination, intolerance and violence, regardless of the actors, directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia and prejudices against persons of other religions or beliefs;

5. *Condemns* violence and acts of terrorism, which are increasing in number, targeting individuals, including persons belonging to religious minorities across the world;

6. *Emphasizes* that no religion should be equated with terrorism, 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;

7. *Recalls* that States have an obligation to exercise due diligence to prevent, investigate and punish acts of violence against persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

8. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role that these rights can play in the fight against all forms of intolerance and of discrimination based on religion or belief;

9. *Strongly condemns* any advocacy of hatred on the basis of religion or belief that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audiovisual or electronic media or any other means;

10. *Expresses concern* at the persistence of institutionalized social intolerance and discrimination practised against many on the grounds of religion or belief, and emphasizes that legal procedures pertaining to religious or belief-based groups and places of worship are not a prerequisite for the exercise of the right to manifest one's religion or belief and that such procedures, when legally required at the national or local level, should be non-discriminatory in order to contribute to the effective protection of the right of all persons to practise their religion or belief, either individually or in community with others and in public or private;

11. *Recognizes with concern* the challenges faced by persons in vulnerable or marginalized groups or situations in exercising their right to freedom of religion or belief;

12. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest one's 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, are non-discriminatory and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion or belief;

13. *Also emphasizes* that, as underlined by the Human Rights Committee, where the need to protect public morals is invoked to justify restrictions, such restrictions must respect the universality of human rights and the principle of non-discrimination and must be based on principles not deriving exclusively from a single tradition, as the concept of morals derives from many social, philosophical and religious traditions;

14. *Expresses deep concern* at emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as the continued existence of instances of intolerance, discrimination and violence on the basis of religion or belief, including:

(a) The increasing number of acts of violence and intolerance directed against individuals, including persons belonging to religious minorities and other communities in various parts of the world, in particular those occurring in countries experiencing conflict or political instability;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals, including persons belonging to religious minorities;

(c) Incidents of hatred, discrimination, intolerance and violence on the basis of religion or belief, which may be associated with or manifested by the derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or belief;

(d) Attacks on or destruction of religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law, as they have more than material significance for the dignity and lives of members of communities holding spiritual or religious beliefs;

(e) Instances, both in law and practice, that constitute violations of the human right to freedom of religion or belief, including of the individual right to publicly express one's spiritual and religious beliefs, taking into account the relevant articles of the International Covenant on Civil and Political Rights,¹ as well as other international instruments;

(f) Constitutional and legislative systems that fail to provide adequate and effective guarantees of freedom of thought, conscience and religion or belief to all without distinction;

15. *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end:

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

(b) To implement all accepted universal periodic review recommendations related to the promotion and protection of freedom of religion or belief;

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

(d) To end violations of the human rights of women and to devote particular attention to appropriate measures modifying or abolishing existing laws, regulations, customs and practices that discriminate against women, including in the exercise of their right to freedom of thought, conscience and religion or belief, to actively contribute to finding practical ways to ensure the right of freedom of religion or belief and equality between men and women and to encourage positive developments in this regard;

(e) To ensure that existing legislation is not implemented in a discriminatory manner or does not result in discrimination based on religion or belief, that no one is discriminated against on the basis of his or her religion or belief when accessing, inter alia, education, medical care, employment, humanitarian assistance or social benefits and that everyone has the right and the opportunity to have access, on general terms of equality, to public services in their country, without any discrimination on the basis of religion or belief;

(f) To review, whenever relevant, existing registration practices in order to ensure that such practices do not limit the right of all persons to manifest their religion or belief, either alone or in community with others and in public or private;

(g) To ensure that no official documents are withheld from the individual on the grounds of religion or belief and that everyone has the right to refrain from disclosing information concerning their religious affiliation in such documents against their will;

(h) To ensure, in particular, the right of all persons to worship, assemble or teach in connection with a religion or belief and their right to establish and maintain places for these purposes, and the right of all persons to seek, receive and impart information and ideas in these areas;

(i) 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;

(j) To ensure that all public officials and civil servants, including members of law enforcement bodies, and personnel of detention facilities, the military and educators, in the course of fulfilling their official duties, respect freedom of religion or belief and do not discriminate for reasons based on religion or belief, and that they receive all necessary and appropriate gender-sensitive awareness-raising, education or training on respect for freedom of religion or belief;

(k) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, discrimination, 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 members of religious minorities in all parts of the world;

(l) To promote, through education and other means, mutual understanding, tolerance, non-discrimination and respect in all matters relating to freedom of religion or belief by encouraging, in the society at large, a wider knowledge of the diversity of religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(m) To prevent any distinction, exclusion, restriction or preference based on religion or belief that impairs the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis and to detect signs of intolerance that may lead to discrimination based on religion or belief;

16. *Welcomes and encourages* initiatives by the media to promote tolerance and respect for religious and cultural diversity and the universal promotion and protection of human rights, including freedom of religion or belief;

17. *Stresses* the importance of a continued and strengthened dialogue in all its forms, including among and within religions or beliefs, and with broader participation, including of women, to promote greater tolerance, respect and mutual understanding, and welcomes different initiatives in this regard, including the Alliance of Civilizations initiative and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

18. *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,⁴ and further encourages their work in promoting freedom of religion or belief, in highlighting cases of religious intolerance, discrimination and persecution and in promoting religious tolerance;

19. *Recommends* that States, 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 on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in as many different languages as possible, and promote its implementation;

20. *Welcomes* the work and the interim report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief⁵ on the relationship between freedom of religion or belief and equality between men and women;

21. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide all information and follow-up necessary for the effective fulfilment of his mandate;

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

⁴ Resolution 36/55.

⁵ See A/68/290.

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

24. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-ninth session under the item entitled “Promotion and protection of human rights”.
