

2007/Elimination of all forms of intolerance and of discrimination based on religion or belief

*The Council of Human Rights,*

*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 that have been adopted by the General Assembly and by the Commission on Human Rights, (pp1 of 61/161 and pp1 of HRC 4/10)

*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, (pp2 of 61/161-pp2 of 2005/40)

*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, (pp3 of 61/161-pp3 of 2005/40)

*Reaffirming also* the recognition by the World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated, (pp4 of 61/161-pp4 of 2005/40)

*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 should be fully respected and guaranteed, (pp7 of 61/161-pp7 of 2005/40)

*Considering also* that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to humankind, (pp8 of 61/161-pp6 of 2005/40)

*Recognizing* that women, persons deprived of their liberty, refugees, children, persons belonging to minorities and migrant workers are particularly vulnerable with regard to their freedom of religion or belief, (NEW - SR report)

*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, (NEW - World Summit Outcome)

*Welcoming* the appointment by the Secretary General of the High Representative for the Alliance of Civilizations to improve understanding and cooperative relations among nations and peoples across cultures and religions and, in the process, to help counter the forces that fuel polarization and extremism (NEW - Implementation Plan of AoC)

*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, (pp9 of 61/161-pp11 of 2005/40)

*Acknowledging* that in order to be effective, such a dialogue should be based on respect for the dignity of adherents of religions and beliefs, as well as respect for diversity and the universal promotion and protection of human rights, (pp6 of 61/161)

*Welcoming* in this regard the holding of the High-level Dialogue on Interreligious and Intercultural Understanding and Cooperation for Peace in New York on the 4 and 5 October 2007, (NEW)

*Recognizing* the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief, (pp13 of 61/161-pp10 of 2005/40)

*Seriously concerned* at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments, (pp11 of 61/161-pp8 of 2005/40)

*Seriously concerned also* at the misuse of 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, (pp12 of 61/161-pp9 of 2005/40)

*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 a result of religion or belief 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, (pp14 of 61/161-pp12 of 2005/40)

*Resolved* to adopt all necessary and appropriate measures for the speedy elimination of such intolerance based on religion or belief in all its forms and manifestations and prevent and combat discrimination based on religion or belief, (pp15 of 61/161-pp13 of 2005/40)

*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, (pp16 of 61/161-pp14 of 2005/40)

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*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, (pp17 of 61/161-pp15 of 2005/40)

*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 from 23 to 25 November 2001, and continuing to invite Governments to give consideration to the Final Document adopted at the Conference, (pp18 of 61/161-pp16 of 2005/40)

*Emphasizing* that States, regional organizations, non-governmental organizations, and religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief, (pp19 of 61/161)

*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, (pp20 of 61/161-pp17 of 2005/40)

*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, (pp21 of 61/161-pp18 of 2005/40)

1. *Welcomes* the work and the report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief; (OP1 of 61/161)

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief; (OP2 of 61/161-OP2 of 2005/40)

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; (OP3 of 61/161-OP3 of 2005/40)

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, or the right to practise freely one's religion, including the right to adopt, change or renounce one's religion or belief, is violated; (drawn from OP4(a) of 61/161-OP4(a) of 2005/40 and SR report)

(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 migrant workers; (NEW - SR report)

(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 or destruction; (OP4(b) of 61/161-OP4(b) of 2005/40)

(d) 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; (OP4(c) of 61/161-OP4(c) of 2005/40)

(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; (OP4(d) of 61/161-OP4(d) of 2005/40)

(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; (OP4(e) of 61/161-OP4(e) of 2005/40)

(g) To ensure that 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 on that account and to bring to justice all perpetrators of violations of these rights; (OP4(f) of 61/161-OP4(f) of 2005/40)

(h) 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; (OP4(g) of 61/161-OP4(g) of 2005/40)

5. *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; (OP5 of 61/161-OP6 of 2005/40)

6. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief; (OP6 of 61/161-OP7 of 2005/40)

7. *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; (OP7 of 61/161)

8. *Expresses concern* over the infringements of the right to life and the right to liberty for reasons 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; (OP8 of 61/161-first part of OP5 of 2005/40)

10. *Invites* States, the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights and other relevant entities of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, and other international and regional organizations and civil society to consider promoting

dialogue among civilizations in order to contribute to the elimination of intolerance and discrimination based on religion or belief, inter alia, by addressing 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; (OP9(a) of 61/161-OP5(a) of 2005/40)

(b) The situations of violence and discrimination that affect many women as a result of religion or belief; (OP9(b) of 61/161-OP5(b) of 2005/40)

(c) The use of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations; (OP9(c) of 61/161-OP5(c) of 2005/40)

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

(a) 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; (OP10(a) of 61/161-OP8(a) of 2005/40)

(b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief; (OP10(b) of 61/161-OP8(b) of 2005/40)

(c) Undertaking all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance; (OP10(c) of 61/161-OP8(c) of 2005/40)

12. *Invites* Governments to consider promoting regional or international cultural exchanges in the field of education; (NEW - SR report)

13. *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 - SR report)

14. *Also emphasizes* 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; (OP13 of 61/161-OP11 of 2005/40)

15. *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; (OP14 of 61/161-OP12 of 2005/40)

16. *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, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution; (OP17 of 61/161-OP17 of 2005/40)

17. *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 and by other interested bodies; (OP18 of 61/161-OP18 of 2005/40)

18. Requests that, from existing available resources and if necessary supplemented by voluntary contributions, the "Etude sur la liberte 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; (OP16 of 2004/36)

19. *Decides* to continue its consideration of measures to implement the Declaration; (OP19 of 61/161-OP19 of 2005/40)

20. *Decides* to renew the mandate of the Special Rapporteur on freedom of religion or belief for a further period of 3 years; (NEW)

21. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully; (OP21 of 61/161-OP20 of 2005/40)

22. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively; (OP20 of 61/161-OP15 of 2005/40)

23. *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; (OP15 of 61/161-OP13 of 2005/40)

24. *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; (OP16 of 61/161-OP14 of 2005/40)

25. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-third session; (OP22 of 61/161-OP21 of 2005/40)

26. *Requests* the Special Rapporteur to submit her 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 of 2009; (NEW)

27. *Decides* to remain seized of this question. (NEW)

1986/20. Implementation of the Declaration on the Elimination  
of All Forms of Intolerance and of Discrimination  
Based on Religion or Belief 69/

The Commission on Human Rights,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which was proclaimed without a vote by the General Assembly in its resolution 36/55 of 25 November 1981,

Bearing in mind that the General Assembly has, most recently in resolution 40/109 of 13 December 1985, repeatedly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Seriously concerned by frequent, reliable reports from all parts of the world which reveal that, because of governmental actions, universal implementation of the Declaration has not yet been achieved,

Determined to promote full implementation of the existing guarantees under the relevant international instruments of the right to freedom of thought, conscience and religion, including the freedom of everyone to have a religion or whatever belief of his choice without fear of intolerance or discrimination,

Recognizing the value of constructive dialogue on the complex and serious questions of intolerance and of discrimination based on religion or belief, and that the problem of such intolerance and discrimination requires sensitivity in its resolution,

Recognizing the valuable nature of the study undertaken by Mrs. Odio Benito, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the root causes and current dimensions of the general problems of intolerance and of discrimination on the grounds of religion or belief, including recommended educational and other specific measures to combat these problems,

Convinced also of the need to deal urgently with questions of intolerance and of discrimination based on religion or belief by promoting implementation of the Declaration,

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69/ Adopted at the 50th meeting, on 10 March 1986, by a roll-call vote of 26 to 5, with 12 abstentions. See chap. XXIII, para. 568.

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1. Expresses its deep concern about reports of incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

2. Decides therefore to appoint for one year a special rapporteur to examine such incidents and actions and to recommend remedial measures, including, as appropriate, the promotion of a dialogue between communities of religion or belief and their Governments;

3. Requests the Chairman of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing as special rapporteur;

4. Decides further that the Special Rapporteur in carrying out his mandate shall seek credible and reliable information from Governments, as well as specialized agencies, intergovernmental organizations and non-governmental organizations, including communities of religion or belief;

5. Requests the Secretary-General to appeal to all Governments to co-operate with and assist the Special Rapporteur in the performance of his duties and to furnish all information requested;

6. Further requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

7. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion and independence;

8. Requests the Special Rapporteur to submit a report to the Commission at its forty-third session on his activities regarding questions involving implementation of the Declaration, including the occurrence and extent of incidents and actions inconsistent with the provisions of the Declaration, together with his conclusions and recommendations;

9. Decides to consider this question again at its forty-third session under the agenda item "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".