

Draft Resolution on Freedom of Religion or Belief

The Human Rights Council,

PP1 *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, (PP1, HRC/RES/14/11)

PP2 *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, HRC/RES/14/11)

PP3 *Recalling* further its resolution 14/11 of 18 June 2010 and other resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief adopted by the General Assembly and the Commission on Human Rights, (HRC/RES/14/11)

PP4 *Reaffirming* that all human rights are universal, indivisible, interdependent and interrelated (PP5/HRC/RES/10/25)

PP5 *Stressing* that persons belonging to religious minorities should be able to live safely and to exercise freely their freedom of religion or belief; (NEW)

PP6 *Recalling* the primary duty of States to protect everyone within their territory, including persons belonging to religious minorities and safeguard their rights, including their right to freely exercise their religion or belief (NEW)

PP7 *Noting* with regret that no part of the world is exempt from religious intolerance, discrimination and violence; (NEW)

PP8 *Expressing* solidarity with states and individuals combating violence against members of religious minorities and paying tribute to the commitment of states to prevent these acts; (NEW)

PP9 *Underlining* further that schools may offer unique possibilities for constructive dialogue among all parts of society and human rights education in particular can contribute to the elimination of negative stereotypes that often adversely affect members of religious minorities (new, inspired from HRC/16/53 §58);

OP1 *Stresses* that everyone has the right to freedom of thought, conscience and religion or belief, which includes the freedom to have or to adopt a religion or belief of one's 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; (PP6/UNGA 64/164)

OP2 *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent, interrelated and mutually reinforcing, and stresses further the role these rights can play in the fight against all forms of intolerance and discrimination based on religion or belief (OP4, UNGA resol 65/122)

OP3 *Expresses* deep concern at emerging obstacles to the enjoyment of the right to freedom of religion or belief as well as the increasing number of instances of religious intolerance, discrimination and violence, inter alia:

(a) Recent acts of violence, directed against individuals and or persons belonging to religious minorities in various parts of the world;

(b) The rise of religious extremism in various parts of the world that affects the rights of individuals and persons belonging to religious minorities. (inspired from PP11 UNGA64/164) ;

(c) Attacks on religious places, sites and shrines in violation of international law, in particular human rights and humanitarian law (OP6, RES/14/11);

OP4 *Condemns* all forms of violence, intolerance and discrimination based on or in the name of religion or belief, as well as violations of the freedom of thought, conscience, religion or belief; (OP1, RES/14/11) as well as any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means; (OP3, RES 14/11)

OP5 *Condemns* recent attacks of terrorism targetting individuals belonging to religious groups across the world. (NEW)

OP6 *Emphasizes* that States have an obligation to protect persons belonging to religious minorities and should exercise due diligence to prevent, investigate and punish acts of violence against them, regardless of the perpetrator, and that failure to do so may constitute a human rights violation (inspired from OP9, UNGA65/211)

OP7 *Urges* States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and to this end: (OP12, UNGA65/211)

(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 the provision of 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 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 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;

(c) To end violations of the human rights of women and to devote particular attention to abolishing practices and legislation that discriminates against women, including in the exercise of their right to freedom of thought, conscience and religion or belief;

(d) To ensure 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 to ensure 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;

(e) 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;

(f) 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;

(g) 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;

(h) 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;

(i) 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 all necessary and appropriate awareness-raising, education or training is provided;

(j) 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;

(k) To promote, through the educational system 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 different religions and beliefs and of the history, traditions, languages and cultures of the various religious minorities existing within their jurisdiction;

(l) 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;

OP8 *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 takes note of different initiatives in this regard including, the Anna Lindh Foundation , the Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization; (OP14/UNGA65/211)

OP9 *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; (OP15/RES/65/211)

OP 10 *Calls upon* states to make use of the potential of school education for the eradication of prejudices and stereotypes against members of other religions or beliefs. (NEW)

OP11 *Welcomes* the report presented by the Special Rapporteur on freedom of religion or belief, on freedom of religion or belief and school education (A/HRC/16/53); (OP7/HRC/RES/14)

OP12 *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to his requests to visit their countries and to provide him with all necessary information to enable him to fulfil his mandate even more effectively (OP13, HRC 14/11)

OP13 *Decides* to remain seized of this question under the same agenda item and to continue consideration of measures to implement the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. (OP15, RES/14/11)