

# ORAL REVISIONS FOR DISTRIBUTION IN THE ROOM

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(Including OP5bis and edited OP11)

## Human Rights Council

Sixteenth session

Agenda item 3

Promotion and protection of all human rights, civil  
political, economic, social and cultural rights,  
including the right to development

Albania\*, Armenia\*, Austria\*, Belgium, Bulgaria\*, Canada\*, Chile, Colombia\*,  
Croatia\*, Cyprus\*, Czech Republic\*, Denmark\*, Estonia\*, Finland\*, France, Germany\*,  
Greece\*, Guatemala, Hungary, Iceland\*, Ireland\*, Italy\*, Latvia\*, Liechtenstein\*,  
Lithuania\*, Luxembourg\*, Malta\*, Montenegro\*, Netherlands\*, New Zealand\*,  
Norway, Peru\*, Poland, Portugal\*, Romania\*, Serbia\*, Slovakia, Slovenia\*, Spain,  
Sweden\*, Switzerland, Ukraine, United Kingdom of Great Britain and Northern  
Ireland, Uruguay: draft resolution

### 16/... Freedom of religion or belief

*The Human Rights Council,*

*Recalling* General Assembly resolution 36/55 of 25 November 1981, ~~in~~ *by* which  
the General 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 and other relevant human rights  
provisions,

*Recalling further* ~~Human Rights Council~~ *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,

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

*Stressing* that everyone, ~~including persons belonging to religious minorities,~~ should  
be able to live safely, ~~regardless of his or her and to exercise freely their freedom of~~  
religion or belief,

\* Non-Member State of the Human Rights Council.

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

~~Noting with regret that no part of the world is exempt from religious intolerance, discrimination and violence,~~

~~Expressing solidarity with States and individuals combating violence against members of persons belonging to religious minorities, and paying tribute to the commitment of States to prevent these acts,~~

~~Underlining further that schools—educational institutions may offer unique possibilities for constructive dialogue among all parts of society; and that human rights education in particular can contribute to the elimination of negative stereotypes that often adversely affect members of religious minorities,~~

1. ~~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;~~

2. ~~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 discrimination based on religion or belief;~~

~~2bis. Emphasizes also the importance of the promotion of religious tolerance and respect for diversity in view of creating an environment conducive to the full enjoyment of freedom of religion or belief;~~

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

~~(a) The increasing number of 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;~~

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

~~(ed) Attacks on religious places, sites and shrines, as well as vandalism of cemeteries, in violation of international law, in particular human rights law and humanitarian law;~~

4. ~~Condemns all forms of violence, intolerance and discrimination based on or in the name of religion or belief, as well as and violations of the freedom of thought, conscience, religion or belief, 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;~~

5. ~~Also condemns—Condemns recent violence and acts of terrorism, which are increasing in numbers, targeting persons belonging to religious minorities across the world;~~

5bis. 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 community concerned;

6. ~~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~~ persons belonging to religious minorities, regardless of the perpetrator, and that failure to do so may constitute a human rights violation;

7. *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—~~by~~, 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 ~~in their access to~~ 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 obligations~~, 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 any advocacy of religious hatred that constitutes incitement to discrimination~~, 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 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;

8. *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 Alliance of Civilizations and the programmes led by the United Nations Educational, Scientific and Cultural Organization;

9. *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 ~~also further~~ encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

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;

11. *Welcomes the work of the Special Rapporteur and notes with interest his report presented by the Special Rapporteur on freedom of religion or belief, on freedom of religion or belief and school education, and requests him to submit his report annually to the Council in accordance with the annual programme of work;*<sup>1</sup>

~~12. 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;~~

~~13.12. 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.

<sup>1</sup> A/HRC/16/53.