

United Nations



Nations Unies

Executive Office of the Secretary-General  
Cabinet du Secrétaire général

**! URGENT**

To: CDC (through o/ DSG),

Please find for urgent clearance the draft SG report on Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief for clearance.

The report summarizes information submissions from Member States and one Observer (Holy See). It is factual and as such does not contain any politically sensitive or controversial information.

The report – which was submitted today for clearance – is due for consideration today at the Third Committee of the General Assembly.

**(!)**

*AG*

Political Unit  
23 October 2013

*P.S. OHCHR was very helpful.*

13-09596

*HRT/04/001*

**RECEIVED**

OCT 23 2013

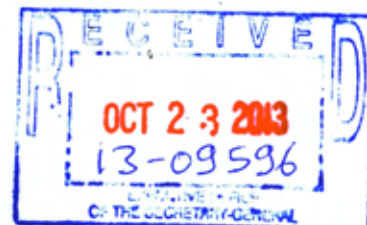
EOSG/CENTRAL

ACTION *AG*  
COPY *DSG*

NATIONS UNIES  
DROITS DE L'HOMME  
HAUT-COMMISSARIAT



UNITED NATIONS  
HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER



MEMORANDUM INTERIEUR • INTEROFFICE MEMORANDUM

A: Jan Eliasson,  
TO: Deputy Secretary-General, EOSG

DATE: 23 October 2013

DE: Flavia Pansieri,  
FROM: Deputy High Commissioner for Human Rights

REFERENCE:

OBJET: **Report of the Secretary-General on "Combating intolerance, negative stereotyping,**  
SUBJECT: **stigmatization, discrimination, incitement to violence and violence against persons,**  
**based on religion or belief" – for clearance**

1. Please find attached, for clearance, the report of the Secretary-General on 'Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief,' submitted in accordance with General Assembly resolution 67/178.
2. Further to the former General Assembly resolutions on "Combating defamation of religions", resolution 67/178 adopted on 20 December 2012 focuses on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.
3. Section II of the report compiles and summarizes the quite lengthy and comprehensive responses of States, and section III reflects contributions received from Observers. Due to the word limitation for this report, an update of activities undertaken by the Office of the High Commissioner for Human Rights, United Nations human rights treaty bodies and the Special Procedures of the Human Rights Council, and other parts of the UN system as well as submissions received from civil society and non-governmental organizations were impossible to be reflected in the main report and are made available via weblink on the website of the Office of the High Commissioner for Human Rights. A sentence to this effect is included in the introductory section of the report (para 2). Therefore, the report restricts itself to summarizing the extensive information received from Member States.
4. There are no controversial issues in the report, while the mentioned weblink connects to additional summarised information to the report, with some of the specific NGO submissions that could be considered sensitive (this additional information is also attached hereby).

CC:

HRT/04/001

United Nations

A/GA/slot 30541



## General Assembly

Distr.: General  
28 August 2013

Original: English

### Sixty-eighth session

Item 69(b) of the provisional agenda\*

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

### Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief\*

#### Report of the Secretary-General

##### *Summary*

The present report is submitted in accordance with General Assembly resolution 67/178 and reports on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in that resolution.

\*Late submission

## Contents

	<i>Page</i>
I. Introduction .....	3
II. Information received from Member States .....	3-47
III. Information received from Observers .....	47-49

Deleted:



## I. Introduction

1. This report is submitted pursuant to resolution 67/178, in which the General Assembly requested the Secretary-General to submit at its sixty-eighth session "a report that includes information provided by the High Commissioner on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief" as set forth in the resolution.

2. Due to space constraints, this report contains summaries of information received from States and one Observer on the implementation of the resolution. Information on measures and activities of the United Nations system and information received from non-governmental organizations is available on the website of the Office of the High Commissioner for Human Rights at:  
[http://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination\\_religious.aspx](http://www.ohchr.org/EN/Issues/Discrimination/Pages/discrimination_religious.aspx).

Deleted: the

Deleted: an

## II. Information received from Member States

### A) Algeria

[Original: French]

3. Algeria reported on the Constitutional and legislative framework in force in the country as well as the international legal instruments it has ratified. Article 36 of the Constitution provides for the absolute freedom of

conscience and freedom of opinion; that citizens are equal before the law and that discrimination is prohibited on the grounds of birth, race, sex, opinion or any other condition or personal or social circumstances. The State guarantees the absolute dignity of the human person in article 34 and all forms of physical or moral violence or attacks on dignity is prohibited. Foreigners and their possessions legally present on the territory are also protected by law. There is a national law in Algeria (Ordonnance No. 06-03) which regulates the exercise of religious worship for non-Muslims.

4. The Penal Code in article 298 prohibits defamation and injury against a person or persons belonging to an ethnic, philosophical or determined religious group with intent to incite hatred between citizens of inhabitants of Algeria and provides for a fine or imprisonment. Destruction and desecration of religious sites is also prohibited in article 160 and any "offence to the Prophet and the prophets of God or defamation of the dogma or precepts of Islam" by any means is punishable by imprisonment and a fine. The destruction and defilement of burial places by any means and preaching or attempting to preach in a mosque or other place consecrated for prayer without authorization by the public authorities are actions prohibited under article 87. Algeria's National Education Ministry reported that the right to education is guaranteed and is accessible, free and mandatory to all children until the age of 16. In 2003, Islamic education, civic education, history and education about foreign languages, reflecting tolerance

**Formatted:** Indent: Left: 0.79",  
First line: 0", Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start  
at: 1 + Alignment: Left + Aligned at:  
0.89" + Tab after: 0" + Indent at:  
1.14", Tabs: Not at 0.79"

**Deleted:** ¶

acceptance and respect for others have been implemented in the school programme.

## **B) Bosnia and Herzegovina**

[Original: English]

5. Freedom of religion is enshrined in the Constitution and constitutions of the entities of Bosnia and Herzegovina (BiH) and in the Law on Freedom of Religion and Legal Position of Churches and Religious Communities in Bosnia and Herzegovina, adopted in 2004. The constitutional and legal framework do not recognize the category of religious minorities, and all the churches and religious communities are guaranteed religious freedom and equal legal status without any discrimination.

6. No provision of the Law can be applied to restrict or discriminate or privilege anyone due to religious beliefs, membership in a church or religious community, or the practice of religious rites or enjoyment religious freedom and rights. The Ministry of Human Rights and Refugees is responsible for relations with the churches and religious communities as well as for implementation of the Law and other pieces of legislation regulating relations between the State and churches and religious communities.

7. In 2008, the Council of Ministers and the Inter-Religious Council of Bosnia and Herzegovina signed the Agreement on Mutual Cooperation that aims to support its efforts to build inter-religious dialogue, religious

**Formatted:** Font: Bold

**Formatted:** Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0" + Indent at: 0.5", Tabs: Not at 0.79"

**Deleted:** Bill

**Deleted:** ,

tolerance and coexistence. The Inter-Religious Council has already established six Committees for Religious Cooperation at the local level and are jointly implementing a project on "Monitoring of attacks on places of worship and other places of religious significance to religious communities". According to information of the Ministry and the Council, attacks on places of worship and defamation of religious officials and religious symbols have been confirmed, adding that intolerance towards the other and differences as the cause of attacks on places of worship deserve special attention of religious and educational institutions in BiH.

Deleted:

Deleted: is

Deleted:

Deleted:

8. The Criminal Code of BiH and the criminal codes of the Federation of BiH and the Republika Srpska criminalize and sanction destruction, appropriation, damage or continuous damage of cultural, historical, religious and other significant structures and objects that are of historic and cultural importance to the state of BiH and its entities.

### C) Chile

[Original: Spanish]

9. The Constitution of the Republic of Chile in article 19 No. 6 recognizes freedom of worship and religious equality as fundamental rights. The principle of arbitrary non-discrimination is also enshrined in No. 2 of this article. Both principles are the cornerstone of all sectoral legislation seeking to eliminate all forms of discrimination with regard to conscience, freedom and worship and are legally materialized in the Law 19.638 on

Deleted: Political



Freedom of Religion and Religious Equality.\_The National Office for Religious Affairs implements this Law in all scopes of application and also represents the Government in relation to the various entities and religious confessions present in the country.

10. There are close links with the Catholic Church, and the Jewish and Evangelical communities in Chile, which provides support in Government initiatives taken to ensure proper and effective execution of Law 19.638. The Government also maintains relations with the Muslim community in Chile.

**D) Cuba**

[Original: Spanish]

11. Cuba reports that all religious beliefs are respected without any discrimination and that freedom of worship is protected. The Constitution establishes the recognition, respect and the guarantee of religious freedom, while at the same time confirming that the various beliefs enjoy equal consideration. The Constitution also provides for the separation between Church and State.

14. It reported that in 1992, several articles of the Constitution of the Republic were modified by removal of any mention of "scientific atheism", consolidating the guarantees for the full exercise of religious freedom, and deepening legal protection of freedom of religion.

15. Discrimination on grounds of race, color of the skin, national origin, religious beliefs and any other ground harmful to human dignity, is prohibited and punishable by law, as stated in article 42 of the Constitution. Article 55 provides that the State recognizes, respects, and guarantees freedom of conscience and religion. The Penal Code, in article 294, provides for imprisonment for up to two years for crimes infringing or violating the freedom of worship.

Deleted: ,

16. In Cuba, there are approximately 400 religions and religious institutions. In the past 10 years, more than 1,000 temples, chapels, parish and pastoral houses have been repaired. Churches and cults have acquired more than one hundred buildings, and other facilities in order to carry out their religious activities, and 129 constructive actions financed by the Cuban State in temples, churches and other places of religious and fraternal institutions, are under way.

**E) Denmark**

[Original: English]

17. The Danish Government has initiated two national projects mapping hate crimes and anti-democratic extremist environments, respectively. The personnel in Denmark's twelve police regions receive education on the registration and handling of hate crime, and the Security and Intelligence Services (PET) and the Ministry of Social Affairs and Integration organize a range of courses aimed at personnel involved in the local crime preventative

Deleted: ,

collaboration between schools, social authorities and police (SSP) to support them in preventing and tackling extremism and hate crimes.

18. Denmark reported that when faced with hate crime and harassment directed towards certain groups in society, politicians and other public figures often speak out against it in the media. The Parliament recently held a debate and adopted a resolution to safeguard freedom of religion, calling for continued strong efforts against extremism and hate crime. With the support of the Government, the municipalities of Copenhagen and Frederiksberg, the Copenhagen Police and the Danish Human Rights Institute have launched the campaign "Stop Hate Crime" in Denmark, which aims at reducing the number of hate crimes and making more victims and witnesses report hate crime.

19. A number of sections of the Penal Code criminalize incitement to and acts of violence based on religion or belief. Section 81(6) of the Penal Code makes it an aggravating circumstance in the sentencing of any criminal act, if the act is motivated by several grounds, including the victim's faith.

20. The Government of Denmark supports interreligious dialogue such as "Your Faith – My Faith" targeting pupils, and the Ministry of Social Affairs and Integration has set up a contact point for all faith communities in Denmark.

**F) France**

[Original: French]

21. In France, the principle of freedom of religion and belief is a Constitutional principle, wherein article 1 provides that France is a republic which is indivisible, secular, democratic and social. Equality before the law for all its citizens without distinction as to origin, race or religion is guaranteed and all beliefs are respected.

22. France stated that religious discrimination is punishable as an aggravating factor in respect of certain common law offences. In the Penal Code, certain crimes and offences can be considered aggravated by racism, xenophobia and anti-Semitism and racist acts and incitement to hatred are criminally punishable. Racist propaganda, especially in respect of publications destined to young people, is particularly sanctioned.

23. The Inter-ministerial Committee against Racism and Anti-Semitism (CILRA), established in 2003, chaired by the Prime Minister, defines the direction of policies against racism and anti-Semitism. In February 2012, it elaborated the national plan of action against racism and anti-Semitism 2012-2014, with the principal objective of attacking stereotypes and the formation of prejudice. An inter-ministerial group has also been set up to follow the implementation of the action plan. Public officials are undergoing training. The Government's actions are supported by interventions of independent authorities, such as Le Défenseur des Droits and the French

Deleted: e



National Consultative Commission on Human Rights (CNCDH). Civil society actors and non-governmental organizations specializing in anti-racism are also making an important contribution, justifying the financial support of the State.

#### G) Georgia

[Original: English]

24. Article 14 of the Constitution of Georgia guarantees the equality of all citizens; every citizen of Georgia enjoys the right to freely manifest his/her religion and/or belief. The prohibition of any interference or persecution on religious grounds is guaranteed by the Constitution and numerous legislative acts. Discrimination is a criminal offence under Article 142 of the Criminal Code of Georgia such that any action committed for the purpose of instigating animosity or conflict on ethnic or racial grounds, as well as direct or indirect limitation of human rights based on race, skin, colour, social origin, national or ethnic identity, or favouritism of any individual on these mentioned grounds is prohibited and punishable by up to three years of imprisonment. Amendments to Article 53 of the Criminal Code adopted on March 27, 2012 stipulate that  ~~motive indicating discrimination~~ on several specified grounds including religion, shall be considered as an aggravating circumstance.

Deleted:

25. Georgia reported on improvements in the field of protection of religion and belief of minorities. The registration of religious groups as

religious associations became possible following amendments to the Civil Code of Georgia and the tax regime became simplified. A religious group is now free to decide whether it wants to be established as a legal entity of private law (non-profit association) or as a legal entity of public law (religious association). The Constitutional Court of Georgia recently declared null Article 22 of the Law of Georgia on Military Reserve Service which imposed the obligation of military reserve on those persons who objected to it on the basis of their right to freedom of religion or belief.

26. While Georgia recognizes and protects freedom of expression, under article 4.2 of the Law of Freedom of Expression, an incitement to hatred shall cause liability envisaged by law only when a person commits an intentional action that creates direct and substantial danger of an illegal consequence. Under article 9 of this Law, content regulation of freedom of speech and expression can be established by law on such grounds as defamation; obscenity; insulting face to face; and, incitement to commit a crime.

27. The Civil Integration and Tolerance Council established in 2005, consists of representatives from the executive and legislative branches, the Office of the Public Defender (PDO), civil society organizations and national minorities.

**H) Germany**

[Original: English]

28. Germany reported that the Federal Government programme "Cohesion through Participation" continued to fund projects for democratic participation and to combat extremism primarily in towns and communities particularly affected by social and economic changes in eastern Germany. This programme, designed to prevent potential extremist threats and to strengthen the essential requirements for peaceful co-existence on an equal footing, has been extended to include the education of "democracy trainers" in selected state sport associations and fire fighters' associations in West Germany.

Deleted: ,

Deleted:

29. The Federal Agency for Civic Education (BpP) and other civic education bodies provide a wide range of initiatives on migration and integration issues. It stated that given Germany's history, informing about the Holocaust represents one of the Federal Agency's focus areas.

30. The Alliance for Democracy and Tolerance holds regular exchanges with 55 non-governmental organizations via the Forum against Racism. The Federal Ministry of the Interior has successfully promoted Christian-Jewish co-operation and the interreligious and intercultural dialogue between Christians and Jews, in recent years, extending the dialogue to a triologue at the international level with Muslims. In 2006, the German Islam Conference was launched to establish a permanent communication process between the

German state (Federal Government, Federal Länder, municipalities) and the representatives of Muslims living in Germany, aimed at improving the structural and social integration and strengthening social cohesion (www.deutsche-islam-konferenz.de).

Deleted:

31. The Frankfurt/Main Federal Police Regional Office is actively involved in the project "Respect! No place for racism". Germany reported that ethnic or racial profiling is out of line with the Federal Police's general strategy and would be irreconcilable with German law.

#### **I) Greece**

[Original: English]

32. In its report entitled "Tackling racist violence by the police and justice", the National Commission for Human Rights (E.E.D.A.) recorded its findings of the upsurge of racist violence in Greece indicating that racism is being attached to "the deep socio-economic crisis present in our country during those last years" and to "the absence of a fair immigration policy and effective asylum system". EEDA is also making some proposals to address the phenomenon.

Deleted:

Deleted:

33. Article 5 (2) of the Greek Constitution provides that "all persons within the Greek territory shall enjoy full protection of their life, honor and liberty irrespectively of nationality, race, language, religious or political beliefs. Exceptions are allowed under international law." Law 927/1979 provides for the criminal punishment of acts leading to discrimination,



hatred or violence and for offensive ideas against individuals and groups due to racial or ethnic origin or religion. This Law also provides for the punishment of formation or membership in organizations whose objective consists of racist activity. A new section has been added to Article 79 of the Criminal Code, formalizing racist motive as a criterion for judicial sentencing, and making the perpetration of acts motivated by *inter alia* national, racial or religious hatred an aggravating circumstance.

34. Greek authorities have announced an Emergency Action Plan for the protection of the rights of migrants and refugees which includes: a public prosecutor appointed to supervise cases of racial hatred, racism and xenophobia; some legislative provisions have been adopted to tackle racism and xenophobia; information and communication channels for foreigners with the authorities have been introduced; a single state network for the recording of racist violence; and the creation of a single database for monitoring information and cases have been established.

35. The Ministry of Education and Religious Affairs, Culture and Sports of Greece states that the Constitutional guarantee provided in Article 3 that the Eastern Orthodox Church is the "predominant religion" does not mean or imply any reduction or restriction of the religious freedom of other religions. Additionally, the State protects the practice of all religions and faiths as part of the freedom of religious conscience of believers, their worship and religious community. Free choice in the organization and

Deleted:

administration of every church and religious community is protected by the Constitution.

**J) Guatemala**

[Original: Spanish]

36. In Guatemala, the crime of discrimination had been incorporated as part of the Penal Code under article 202 of Decree 57-2002, which prohibits any distinction, exclusion, restriction or preference based on several grounds, including religion. It also provides for aggravating circumstances to the penalty where: a) there is discrimination on idiomatic, cultural or ethnic grounds; b) there is the support and incitement of discriminatory ideas through any form or medium; c) the act is committed by a public official or employee in the course of their duties; d) the act is committed by an individual in the provision of a public service. This Decree protects, *inter alia*, freedom of worship and religion, and sanctions acts based on religious motivations.

Deleted:

Deleted: *inter alia*

Deleted:

Deleted:

Deleted:

37. The Law on Promotion of Education against Discrimination (Directive 81-2002) provides for the promotion and dissemination of programmes toward the elimination of ethnic and racial discrimination, gender and all forms of discrimination. The Ministry of Education is undertaking a process of educational reform focused on the elimination of discrimination in all its forms.

Deleted:

38. Guatemala outlined some advances in its public policy for coexistence and the elimination of racism and racial discrimination which aim to contribute to Guatemala's transition from a homogeneous state to a multicultural, plural state so that indigenous peoples, cultural groups, and citizens do not suffer any kind of discrimination on the grounds of belonging to any ethnic group and where they can practice any religion according to their beliefs. It also indicated measures to promote the full respect and protection of places of worship, cemeteries and sacred places, such the presentation in 2008 of Bill 3835 on the Sacred Places of Indigenous Peoples.

**K) Ireland**

[Original: English]

39. In Ireland, under the Prohibition of Incitement to Hatred Act, 1989, it is an offence, *inter alia*, to use words, publish or distribute written material, or broadcast any visual images or sounds which are threatening, abusive or insulting and are intended, or, having regard to all the circumstances, are likely to stir up hatred, including *inter alia* on account of their religion.

40. With regard to racist incidents, An Garda Síochána (the police force of Ireland) has established relevant structures to support appropriate policing responses and to encourage reporting. The Garda Racial, Intercultural and Diversity Office (GRIDO) works on a national level in cooperation with other agencies and bodies endeavouring to promote the value of diversity

and actively communicates with representatives of ethnic minority groups and non-government officials.

41. The Garda Commissioner's Ethnic Liaison Officers directly engage with members of minority and religious communities, and the GRIDO strives to ensure that minority communities can report any form of racist incident to the Gardaí whether based on religion or otherwise. Accurate recording measures are monitored by GRIDO through the medium of the Pulse Garda crime computer network, on a weekly basis.

42. An Garda Síochána launched a campaign in 2006 entitled: 'Racism is Wrong', calling upon the public to report racism and any incident motivated by hate (based on religion or otherwise) to their local Garda Station. Ireland reported about on-going human rights and diversity training for An Garda Síochána staff, including actions relating to questioning, searches, arrest and surveillance.

Formatted: Font: Not Bold

Formatted: Justified, Indent: Left: 0", Hanging: 0.79"

Formatted: Bullets and Numbering

Deleted: --

Formatted: Font: Not Bold

Formatted: Indent: Left: 0.39"

Formatted: Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0" + Indent at: 0.5"

L) Jordan

[Original: Arabic]

44. The Kingdom of Jordan reported that the Constitution provides for freedom of religion and belief and for racial harmony and equality, regardless of race, language and religion in articles 1 and 3(6). It pointed to a long tradition of equality of religions in Jordan, equality of opportunity, and equality before the law in terms of rights and obligations for all



Jordanians. Article 14 of the Constitution provides for freedom in the practice of religion and belief, unless it is unethical, contrary to public order or to the values of the Kingdom. Article 19 allows for the right of groups to establish and manage schools for religious education, in accordance with government regulation and the laws in force in the country.

45. Due to Jordan's diversity and the "branches of religion" in the country, the Constitution in article 99 provides for "religious courts," "private courts" and "special courts" as well as Islamic courts and councils for other religions. The penal code prohibits acts and the writing and publishing of materials encouraging hatred on the basis of colour or origin and incitement to racial or religious hatred and conflict and against the adherents and doctrine of these groups, providing for strong penalties. It also prohibits membership in groups involved in hatred and undertaking these actions, and allows for dissolution and confiscation of the assets of such prohibited groups. Defamatory depictions, statements and practices about religion, symbols or of "the prophet of a religion" as well as desecration, insults and attacks on places of worship or religious sites are met with fines or imprisonment.

46. The message of the King of Jordan on 9 November 2004 was recalled wherein peace as well as the decrease in discrimination on the basis of gender and religion or belief were urged.

**M) Lebanon**

[Original: Arabic]

47. Lebanon reported that it is a democratic, parliamentary republic in which the freedoms of expression and conscience/belief, and justice and equality are protected by law. It noted the obligation of the State to protect all citizens of Lebanon, without discrimination or consideration of religious affiliation. Article 7 of the Constitution states that all Lebanese are equal before the law.

48. Under article 8, the right to personal liberty is guaranteed and arrest and stops by the authorities are not allowed, except where proscribed by law and under due process of law. Article 9 of the Constitution provides that the right to conscience is absolute, that the State must respect all religions and branches of religion, and that the right to worship/freedom of practice is ensured and protected by the State, consistent with public law.

49. Lebanon states that its general policy is to ensure that the entire system of government and all governmental action, whether civilian or military, respect these general freedoms and rights and do not tolerate any discrimination or violence based on religion or belief. The State ensures these protections to citizens as well as foreigners in the practice of their religion or conscience/belief, in accordance with the rules and laws in force.

Deleted: "

**N) Mexico**

[Original: Spanish]

50. The Constitution of the United Mexican States recognizes and protects the human rights of all people, and in Article 1 discrimination, *inter alia*, motivated by religion is prohibited. The Ministry of Interior through the Office for Population, Migration and Religious Affairs is charged with resolving and addressing issues related to religion. In 2012, this Office treated and resolved 18 cases for this purpose and as of June 2013 it had addressed and resolved 9 cases.

51. For issues related to discrimination, hostility or violence, the National Council to Prevent Discrimination (Conapred) is the body responsible for following these issues, including those related to religious matters. In 2011, the Conapred created a dialogue forum which aims to maintain a dialogue with representatives of various religions. The results of the 2011 National Survey on Discrimination (Enadis) conducted by Conapred helped identify the perception of discrimination against religious minorities in the country. In 2012, the survey was conducted in order to detect the situations, circumstances and contexts that produce discrimination in Mexico in order to formulate a number of considerations, criteria and recommendations for the next decade of fighting in the country discrimination. Conapred has spoken out against discrimination based on religion. Mexico reported that in order to prevent and combat prejudice against the Muslim population in various media, Conapred has engaged with journalists to promote a formal dialogue between them and religious groups to address this issue.

53. In Mexico, the constitutional articles 1, 3, 24, 27 and 130, and the Law of Religious Associations and Public Worship and Regulations, provide the legal framework that governs the relations between the Mexican State and churches and establishes the guarantees of freedom of belief and of worship. There is also the Federal Law to Prevent and Eliminate Discrimination.

**O) Pakistan**

[Original: English]

54. The Government of Pakistan reports that it has taken a number of steps to eradicate “negative behaviour” in the society and cultivate the culture of tolerance and respect among different religious groups. Several constitutional measures have been taken in this regard. The Constitution provides that “Every citizen shall have the right to freedom of speech and expression and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defence of Pakistan or any part thereof friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court or incitement to an offence.”

55. With respect to freedom to profess religion and to manage religious institutions, “Every citizen shall have the right to profess, practice and propagate his religion, and “every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.” There are safeguards against taxation for the purposes of any particular religion and also as to educational institutions in respect of



religion. It reported that the Constitution also provides that "All citizens are equal before law and are entitled to equal protection of law."

56. The Pakistan Penal Code (XLV of 1860) Criminal Procedure Code also contains provisions with respect to "injuring or defiling a place of worship, with intent to insult the religion of any class"; "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs"; and, "disturbing religious assembly" and "trespassing on burial places". Section 99-A of the Code also proscribes hate literature. The Government of Pakistan is also promoting interfaith dialogue between various religious classes of the society and has constituted an Interfaith Council for this purpose. A National Conference on Interfaith Harmony titled "Living Together with Diversity: Interfaith and Inter-cultural Dialogue" was convened 20- 22 February 2013 at Islamabad.

Deleted:

Deleted: that it

#### P) Poland

[Original: English]

58. The Constitution of the Republic of Poland ensures that the right to freedom of religion to all persons being in the territory where the Polish law is in force, irrespective of their nationality. Poland noted the impartiality of the State with regard to issues of religious convictions and philosophy of life thus guaranteeing freedom of churches and the activity of other religious associations. Poland reported that churches and other religious associations

benefit from the principle of equality of rights and freedom in performance of religious functions.

60. Penalties ranging from a fine to imprisonment up to 2 years are provided for limiting membership or absence of religious denomination; maliciously interrupting the public performing of a religious act of a church or other religious association; maliciously interrupting funeral, funeral ceremonies or rites; and offending the religious feeling of other persons by offending in public an object of religious worship or a place destined for the public performance of religious ceremonies.

Deleted: Penalties of a fine, to limiting of freedom,

Deleted: or

61. Article 119 of the Criminal Code states that illegal violence or threat against a group of people or against an individual person by reason of their nationality, ethnic origin, race, political or religious convictions or because of their absence of religious denomination, is liable to a penalty of imprisonment from 3 months up to 5 years. To the same penalty is liable one who publicly calls for commission of that crime. Liable to a penalty are also acts of public calling for hatred on the grounds of, *inter alia*, religious differences or by reason of an absence of religious denomination, as well as acts of public offending of a group of people or an individual for these same reasons.

Deleted: ting

62. In February 2013, the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance was established to ensure coordination between government bodies and local governments and other stakeholders in preventing and combating racial discrimination,

Deleted:

xenophobia and related intolerance. The Government Plenipotentiary for Equal Treatment has been developing the first edition of the Action Programme for Equal Treatment (2013-2016).

**Q) Qatar**

[Original: English]

64. The Doha International Center for Interfaith Dialogue creates opportunities for scholars and clergy to bring forward the exemplary stories from their respective scriptures that may provide useful guidance in the challenges being faced. It has invited clergy and church officials based in Doha to provide advice on how to improve the flows of communication between Qatari and non-Qatari residents of Qatar. Workshops are regularly held to give a platform to non-Qatari residents to express their concerns regarding their well-being and local media are invited to write about these concerns. It noted that persons who have contributed significantly to interfaith harmony and friendship are honoured annually. For the past five years, Qatar has hosted the Doha Conference for Interfaith Dialogue under the patronage of H.H. the Emir of Qatar. The tenth anniversary conference held in April 2013 was a celebration of how "Best practices in Interfaith Dialogue" are manifested in the areas of academic excellence, justice, conflict resolution, media and culture.

Deleted: it

65. The Center's submission addressed paragraph 7(h) of resolution 67/178, reporting that "interfaith dialogue organizations are involved in

important initiatives towards establishing social, environmental, economic and medical justice at different levels ranging from initiatives based in one part of a city to prospective global partnerships with the United Nations for the protection, among other rights, of the rights of religious minorities and their sacred symbols." It highlighted ten successful international interfaith conferences hosted by Doha since 2003.

**R) Romania**

[Original: English]

67. Romania stated that the Constitution guarantees in article 29 that "the freedom of thought and opinion, as well as religious freedom may not be confined in any form". Every citizen of the State is free to adopt any religious faith in accordance with his/her beliefs and the Constitution also guarantees the respect for religious freedom for all the citizens belonging to a national minority. Ordinance No. 137/2000 on preventing and penalization of all forms of discrimination also combats religious discrimination. Emergency Ordinance No.31/2002 concerning the prohibition of organizations and symbols of fascist, racist or xenophobic behavior and promoting the cult of persons convicted for offences against peace and humanity provides in article 1 that: "for preventing and controlling the instigation to national hatred, racial or religious discrimination and offences against peace and humanity, this Emergency Ordinance regulates the prohibition of organizations and symbols of the fascist, racist or xenophobic



behavior and the promoting of the cult of persons convicted for offences against peace and humanity”.

68. In Romania, the National Council for Combating Discrimination (NCCD) is an autonomous legal entity enforcing and substantiating the observance of the principle of non-discrimination, and is responsible for applying and respecting the provisions of the Ordinance no. 137/2000. Under Law No. 504/2002 on broadcasting the Audiovisual National Council is authorized to sanction any form of public incitement to national, racial or religious hatred. Law No. 489/2006 regarding religious freedom and the general status of religions in Romania forbids “any form, mean, act or action of religious defamation and dissension, as well as any public offence brought to religious symbols” and ensures religious freedom by allowing individuals to gather in associations and religious organizations.

Deleted: ,

Deleted:

Deleted:

Deleted:

#### S) Russian Federation

[Original: Russian]

69. Freedom of conscience and religion, as a legislative principle, is articulated in various legislation of the Russian Federation: such as the Constitution; the Federal Law "On Freedom of Conscience and Religious Associations" (particularly art. 3 which guarantees the right to profess, individually or jointly with others, any religion or no religion); the Law on "Non-Profit Organizations " and the Law "On the Status of Servicemen ".

Deleted: ,

Deleted:

Deleted:

70. In addition, the Labour Code of the Russian Federation establishes guarantees of labor rights and freedoms of citizens, creating favorable conditions of work, protection of rights and interests of workers and employers. The Russian Federation noted that its contemporary religious situation is primarily characterized by diversity in the domestic confessional space, with more than 67 religions, faiths, religious denominations, and 24,180 religious organizations registered as legal entities by the judicial authorities. Among the most important guarantees of freedom of religion and protection from discrimination include constitutional principles of the secular state and equality of religious communities (Article 14), and the equality of rights and freedoms of citizens regardless of religion or belief (h,2, p.19). Article 14 of the Federal Law "On Freedom of Conscience and Religious Associations" forbids inciting citizens to refuse to fulfill the law of civil obligations and commit other illegal acts. Article 1 of the Federal Law "On Countering Extremist Activity" prohibits inciting social, racial, national or religious hatred and provides that propaganda of exclusivity, superiority or inferiority of a person on the grounds of social, racial, national, religious or linguistic affiliation or religion are extremist activities.

71. Under the "Code of Administrative Offences," it is a violation of the laws of the Russian Federation on the freedom of conscience, freedom of religion and religious associations, to obstruct the right to freedom of conscience and freedom of religion.

72. The Criminal Code also recognizes crimes motivated by political, ideological, racial, ethnic or religious hatred or enmity or hatred or animosity towards any social group as having an aggravating circumstance (Article 63); and provides criminal penalties *inter alia* for discrimination based on religion, convictions, membership of public associations or any social group, committed by a person using his official position (Article 136); unlawful interference with the activities of religious organizations or the performance of religious rites (Article 148); and the desecration of corpses or destruction, damage or desecration of burial sites, gravestones and cemetery buildings for ceremonies in connection with the burial of the deceased or their commemoration are criminal offense (Article 244).

**T) Singapore**

[Original: English]

73. Article 15 of the Constitution of Singapore guarantees freedom of religion for all; however, religious freedom is subject to the overall national interest. No citizen, in exercising his religious or other rights, may infringe upon the rights and sensitivities of other citizens. In 1973, a Presidential Council for Minority Rights, currently headed by the Chief Justice of Singapore, was set up scrutinise legislation passed by the Parliament to ensure that proposed laws do not discriminate against any ethnic or religious community.

74. The Maintenance of Religious Harmony Act (1990) gives the Government powers to issue restraining orders and take other strong measures against individuals who stir up hatred between ethnic and religious communities. Section 298 of the Penal Code criminalizes acts committed with the deliberate intention of offending the racial or religious feelings of a person, while Section 298A criminalizes acts that knowingly promote or attempt to promote enmity, hatred or ill-will between different racial or religious groups on grounds of race or religion. Section 298A also makes it an offence to commit an act which is prejudicial to the maintenance of harmony between different racial or religious groups and which disturbs or is likely to disturb the public tranquility. Section 4 of the Undesirable Publications Act, deems any publication as objectionable if it deals with matters of race or religion in such a manner that the publication is likely to cause feelings on enmity, hatred, ill-will or hostility between different racial or religious groups allows for the importation, sale or circulation of objectionable publications to be prohibited.

75. There are a number of provisions that take into account the needs of minority communities in Singapore. Article 152 of the Constitution states that "it is the responsibility of Government to care for interests of racial and religious minorities in Singapore". The Administration of Muslim Law Act (AMLA) provides for the establishment of the Islamic Religious Council of Singapore (MUIS) and imbues MUIS with the authority to administer and advise the President on Muslim affairs. There are Sikh and Hindu advisory



boards, set up by legislation, and the Government continues to consult these boards on issues related to their religious communities.

#### U) Spain

[Original: Spanish]

77. Spain recalled that Article 16, paragraph 1, of the Constitution guarantees freedom of ideology, religion and worship. Paragraph 2 provides that no one may be compelled to declare his or her religion or belief, and paragraph 3 provides that no confession shall have official status, notwithstanding that public authorities shall take into account the religious beliefs of Spanish society and maintain cooperative relations with Catholic Church and other denominations. Article 14 proclaims the right to equality and non-discrimination recognizing as grounds for discrimination birth, race, sex, religion and opinion or any other condition or personal or social circumstance. The Constitution also establishes the obligation of public authorities to promote conditions and remove obstacles to equality of individuals and of groups in order that their integration is real and effective.

78. The fundamental right to religious liberty is developed by Law 7/1980 on religious freedom. Agreements with different faiths include a 1979 agreement with the Holy See, and three cooperation agreements with the Evangelical Federation of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission of Spain respectively.

Deleted: ,

Deleted: respectively

79. The Criminal Code regulates different crimes committed on discriminatory grounds, such as the offence of incitement to hatred, violence or discrimination (Art. 510); conspiracy to promote or incite hatred, violence or discrimination (art. 515.5); offences against freedom of conscience and religious feelings, or impeding or forcing specific the practice of religious acts (Art. 522); prevention or disruption of the acts of religious faiths (Art. 523); acts of desecration in places of worship (Art. 524); or violation of desecration of graves or corpses (Art. 526). Article 22.4 provides for a generic aggravating circumstance if any offence is committed on grounds relating, *inter alia*, to the religion or belief of the victim.

80. Spain also outlined measures taken to combat intolerance on the basis of religion and belief, including its integrated Strategy against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was adopted in 2011.

#### V) Trinidad and Tobago

[Original: English]

81. Trinidad and Tobago noted measures put in place to ensure continued freedoms as it relates to race and religion. Section 4 of the Constitution outlines the fundamental rights and freedoms and specifically protects against discrimination on the grounds of race, origin, religion, colour or sex.

Its subsections include, *inter alia*: the right of the individual to equality before the law and the protection of the law (4b); the right of the individual

Deleted: \*

to equality of treatment from any public authority in the exercise of any functions 4(d); the right of a parent or guardian to provide a school of his own choice for the education of his child or ward (4f); freedom of conscience and religious belief and observance 4(h); freedom of thought and expression 4(i); freedom of association and assembly 4(f); and freedom of the press 4(k).

82. It noted that the Equal Opportunity Act (2000) establishes the Equal Opportunities Commission and the Equal Opportunity Tribunal, which act as complaint mechanisms whereby persons may seek redress. The Malicious Damage Act (1925) in section 3 states that "Any person who unlawfully and maliciously sets fire to any church, chapel, meeting house or other place of divine worship is liable to imprisonment for life." The Police Complaints Authority Act (2006) allows for the filing of complaints by a person who alleges an injustice suffered as a result of police action. Under the Sedition Act (1920), "seditious intention" includes *inter alia*, an intention "to engender or promote feelings of ill will towards, hostility to or contempt for any class of inhabitants of Trinidad and Tobago distinguished by race, colour, religion, profession, calling or employment." The Summary Offences Act (1921) makes it an offence for a person to bring another person's religion into contempt or disbelief or attacks or vilifies that person's religion in a manner that is likely to provoke a breach of the peace. In addition, any person who disturbs a place of worship or who molests a

religious head or official while performing religious functions is guilty of an offence.

**W) Turkey**

[Original: English]

83. Article 10 of the Constitution of the Republic of Turkey states that: "All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations". Article 3 of the Turkish Penal Code (Law No. 5237) states that "Neither discrimination can be made between the persons in respect of races, language, religion, sects, nationality, color, sex, political tendencies etc. nor a person can be subject to special and different treatment before the laws and courts". Discrimination in providing public service is criminalized in Article 122 of the Turkish Penal Code. The draft "Law on Anti-Discrimination and Equality" was submitted to the Prime Ministry on 12 September 2011, in which the prohibition of discrimination is laid down to include discrimination based on, *inter alia*, belief.

84. It reported that authorities meet with the representatives of different communities as a part of dialogue with different religious and faith groups. Community leaders of different faiths and beliefs were invited to the Parliament in February 2012 and given the opportunity to present their

Deleted:



proposals and views in the process of the preparation of the new Turkish Constitution.

85. Turkey reported that 387 non-Muslim places of worship are administered by their own associations or foundations and property rights regarding places of worship rested with the real or legal persons that founded them. Dissemination of religious beliefs or convictions is not prohibited under the Turkish law; preventing a person from disseminating or expressing their religious beliefs through the use of force or threat constitutes a penal offence.

86. Protection of all places of worship and religious sites is provided by the Government authorities. With an amendment to the Municipality Law, the word "mosque" was replaced by the word "place of worship". Municipalities have the responsibility to renovate not only mosques but also other places of worship belonging to different religions. The Prime Ministry Circular of 13 May 2010 instructs that utmost care should be given to the protection and maintenance of the non-Muslim cemeteries which have been placed under municipalities' control. It reports that the Directorate General of Foundations has recently completed the reparation process of places of worship belonging to non-Muslim citizens. Reparation of 3 more places of worship is still ongoing and projects of reparation of 3 additional places of worship are in the preparatory phase.

**X) Ukraine**

[Original: Russian]

88. Ukraine reported that existing national legislation, in particular, the Constitution and the Law of Ukraine "On Freedom of Conscience and Religious Organizations," establish the principle that the church and religious organizations are separate from the state, and that all religions, faiths and religious organizations are equal before the law. To date there have been no restrictions on the canonical activities of religious institutions and these laws lay the foundation for cooperation between state and church.

89. On 6 September 2012 the Verkhovna Rada of Ukraine adopted the Law of Ukraine No 5207-VI "On the principles of preventing and combating discrimination in Ukraine", which provides mechanisms for preventing and combating all forms of discrimination, particularly on the grounds of religion or belief, and attributes responsibility for any violation thereof.

Deleted: «

90. Ukraine stated that an analysis of available information, statistical data and records of court decisions shows the absence of systemic manifestations of violence motivated by religious intolerance. Nevertheless, international and national experts, and religious leaders have drawn the attention of authorities to the specific facts of illegal activities on the basis of the xenophobic, anti-Semitic and racist ideology, which, according to the results

corresponding to the analysis carried out for the period 2007-2013, have had a strong tendency to decrease in number.

91. Public authorities also cooperate with a number of interfaith advisory bodies nationwide and at regional levels. Among the most important is the cooperation with the All-Ukrainian Council of Churches and Religious Organizations (UCCRO), which was established in 1996.

#### Y) United Kingdom

[Original: English]

92. The United Kingdom reported that together with the Canadian High Commission, it held a conference on combating intolerance and promoting freedom of religion or belief for all in December 2012. This second international experts meeting on the implementation of Human Rights Council resolution 16/18 looked at equipping policy makers to promote inclusive and pluralistic societies. As well as sharing best practice and developing partnerships and networks to promote this fundamental freedom, it also sought to combat societal and cultural obstacles to inclusion and religious freedom. (<https://www.wiltonpark.org.uk/wp-content/uploads/WP1187-Final-report.pdf>)

Deleted: ,

93. On 22 January 2013, the Foreign and Commonwealth Office Senior Minister of State with responsibility for Human Rights hosted the meeting "Building political support for UN Human Rights Council resolution 16/18: Tackling religious intolerance and fostering religious freedom and

pluralism", where political leaders reflected on the Istanbul process and the role of politicians. The United Kingdom also highlighted a number of programmes and national bodies which work across different faiths such as the Inter Faith Network, the Faith based Regeneration Network, and Near Neighbours.

94. 'Challenge it, Report it, Stop it' is the Government's blueprint to tackle hate crime, bringing together activity by a wide range of government departments - working with local agencies, voluntary organisations and an independent advisory group. The United Kingdom stated that legislation to tackle those who intend to stir up racial hatred and those who commit racially and religiously aggravated offences have been in place for a number of years. New criminal offences have been introduced in recent years to reflect the seriousness of stirring up hatred. The seriousness of hate crime is also reflected through the enhanced sentencing power of Courts under the Criminal Justice Act (2003). ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97849/action-plan.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97849/action-plan.pdf))

95. It also highlighted the Anne Frank Trust UK, which challenges stereotyping and intolerance, including anti-Semitism, which can lead to hate crime/incidents and also support for the Jewish Museum to roll out a pilot programme to secondary schools, raising awareness and understanding of Jewish faith and tackling 'casual' anti-Semitism in schools. There is a cross-Government working group on anti-Semitism, with a particular focus

Deleted:

Deleted:



on anti-Semitic discourse; anti-Semitism on the internet and on university campuses.

96. A cross-government working group on anti-Muslim hatred is developing a comprehensive programme of work, including exploring the conditions that create anti-Muslim hatred and undertaking a 'scoping exercise' to map out anti-Muslim incidents and hate crimes. It also funds the project Measuring Anti-Muslim Attacks (MAMA), which monitors anti-Muslim hatred in the UK, provides reporting and ensures that victims receive support.

**Z) United States of America**

[Original: English]

97. The United States of America stated that the Constitutional prohibition on the establishment of a religion by the government, along with protections for freedoms of speech and association, as well as further protection of these freedoms for all individuals has contributed to combating intolerance and discrimination against persons on the basis of religion or belief.

([http://www.justice.gov/crt/spec\\_topics/religiousdiscrimination/religiouspam.p.php](http://www.justice.gov/crt/spec_topics/religiousdiscrimination/religiouspam.p.php))

98. At the Department of Justice, there is a Special Counsel for Religious Discrimination to coordinate cases involving religion-based discrimination amongst the various sections of the Civil Rights Division and to oversee

outreach efforts to religious communities. The Division has also actively enforced The Religious Land Use and Institutionalized Persons Act (2000), which protects houses of worship from discriminatory or unjustifiably burdensome zoning regulation. The efforts of the Equal Employment Opportunity Commission (EEOC) and the Civil Rights Division have included outreach to affected communities, EEOC guidance, fact sheets, question and answer documents for employers and enforcement efforts by both agencies.

Deleted:

99. The Community Relations Service (CRS) at the Department of Justice works on engagement with members of diverse communities, encouraging the creation of collaborative networks, and creating mechanisms to work with communities on potential areas of racial and ethnic conflict. It has created a set of 'best practices' and has worked directly with hundreds of rural, suburban and urban governments to help eliminate racial distrust and polarization, and provide assistance to bring together law enforcement agencies and members of minority neighbourhoods. It also created a law enforcement roll-call video entitled "The First Three to Five Seconds" which helps police officers reduce tension by differentiating between threats and cultural norms in non-crisis situations.

100. The Office of Civil Rights and Civil Liberties at the Department of Homeland Security also conducts public outreach and engagement initiatives with various faith and ethnic groups and communities, such as conducting roundtables with community leaders and youth. Training is

Deleted: regular community leader

Deleted: , and youth roundtables

provided for law enforcement personnel and intelligence analysts and topics of discussion include effective policing that actively prohibits racial or ethnic profiling.

101. In the United States, the President and other senior officials have spoken out against intolerance. The United States also sponsors and encourages interfaith dialogue. Every year the President and Secretary of State, as well as domestic agencies across federal, state and local governments hold such meetings with religious leaders.

Formatted: Bullets and Numbering

## **AA) Information received from an Observer**

### **A. Holy See**

[Original: English]

103. The Pontifical Council for Justice and Peace (PCJP) of the Holy See noted that given the particular nature of the Holy See, implementation of resolution 67/178 can only be implemented through particular means namely the call for tolerance and dialogue through messages, documents and gestures. The PCJP recalled the messages of His Holiness the Pope for the celebration of World Day of Peace on 1 January 2011 entitled "Religious Freedom, The Path to Peace" and also referred to the address of the President of the PCJP to the Pan-European Working Group of the European Parliament (Strasbourg, November 2012) on "Religious Freedom and Christians suffering Discrimination and Persecution." It highlighted a

Deleted:

number of “meaningful documents” on the relations of the Church to “non-Christian religions”.

105. The PCJP noted gestures by the Holy See such as the organization of the Day of Reflection, dialogue and prayer for peace and justice in the world “Pilgrims of Truth, Pilgrims of Peace” which took place in Assisi, Italy, on 27 October 2011 and the 25th anniversary of the World Day of Prayer for Peace in 1986 also in Assisi. The visits of His Holiness the Pope, to Lebanon and Israel, were also recalled. The Holy See also engages through activities carried out by the Pontifical Council for Promoting Christian Unity and the Pontifical Council for Inter-religious Dialogue.

Deleted: “