



**OFFICE OF THE HIGH COMMISSIONER FOR
HUMAN RIGHTS**



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

Human Rights Resolution 2005/40

The Commission on 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,

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,

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,

Reaffirming also the recognition by the World Conference on Human Rights that all human rights are universal, indivisible, interdependent, and interrelated,

Recalling General Assembly resolution 56/6 of 9 November 2001 on the Global Agenda for Dialogue among Civilizations, in which the Assembly recognized the valuable contribution that dialogue among civilizations can make to an improved awareness and understanding of the common values shared by all humankind,

Considering that the disregard for and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

Considering also 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,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

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, as well as at the limitations placed on religious publications,

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,

Recognizing also the importance of promoting dialogue among civilizations 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, as well as in order to contribute to the promotion and protection of human rights and fundamental freedoms,

Convinced of the need to address, for instance in the context of the Global Agenda for Dialogue among Civilizations, the rise of religious extremism affecting the rights of individuals and groups based on religion or belief in all parts of the world, 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,

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 to prevent and combat discrimination based on religion or belief,

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,

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 also underlining 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,

Recalling the importance of the International Consultative Conference on School Education in Relation with Freedom of Religion or Belief, Tolerance and Non-Discrimination held in Madrid in November 2001, and continuing to invite Governments to give consideration to the Final Document adopted at the Conference,

Recognizing the importance of inter- and intra-religious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion and belief,

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,

1. *Takes note with appreciation* of the report of the Special Rapporteur on freedom of religion or belief (E/CN.4/2005/61 and Add.1);
2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;
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;
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, the right to practise freely one's religion, including the right to change one's religion or belief, is violated;
 - (b) 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 religious expressions are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;
 - (c) 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;
 - (d) 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, as well as the right of all persons to write, issue and disseminate relevant publications in these areas, taking into account the limitations contained in article 29 of the Universal Declaration on Human Rights;
 - (e) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom for all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(f) 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;

(g) 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;

5. *Stresses* the need to strengthen dialogue, inter alia by revitalizing the Global Agenda for Dialogue among Civilizations, and invites States, the Special Rapporteur, the Office of the High Commissioner for Human Rights and other relevant parts of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, other international and regional organizations, as well as 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;

(b) The situations of violence and discrimination that affect many women as a result of religion or belief;

(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;

6. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

7. *Expresses concern* at the persistence of institutionalized social intolerance and discrimination practised in the name of religion or belief against many communities;

8. *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, with particular regard to religious minorities, and also to devote 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;

(b) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

(c) Making all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

9. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding;

10. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, encompassed by the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

11. *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;

12. *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;

13. *Encourages* the continuing efforts in all parts of the world by 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;

14. *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;

15. *Urges* all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her request to visit their countries so as to enable her to fulfil her mandate even more effectively;

16. *Welcomes* the work of the Special Rapporteur and reiterates the need for her to be able to respond effectively to credible and reliable information that comes before her, and

invites her to continue to seek the views and comments of Governments concerned in the elaboration of her report, as well as to continue to carry out her work with discretion, objectivity and independence;

17. *Welcomes and encourages* the continuing efforts of 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 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;

18. *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, as well as by other interested bodies;

19. *Decides* to continue its consideration of measures to implement the Declaration;

20. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

21. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixtieth session and to report to the Commission at its sixty-second session;

22. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-second session under the same agenda item.

*57th meeting
19 April 2005*

[Adopted without a vote. See chap. XI, E/CN.4/2005/L.10/Add.11]
