

---

# Advance Unedited Version

Distr.: General  
6 March 2014

Original: English

---

## Human Rights Council

### Twenty-fifth session

Agenda item 2 and 9

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action**

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

### **Report of the High Commissioner \***

#### *Summary*

The present report is submitted pursuant to Human Rights Council resolution 22/31 which "[r]equests the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7..., as well as their views on potential follow-up measures for further improvement of the implementation of that plan. The report compiles and summarizes the contributions received from States and draws some conclusions based on them.

---

\* Late submission

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1-1	3
II. Information received from Member States .....	2-125	3-22
III. Conclusion .....	126-136	22-23

## I. Introduction

1. This report is submitted pursuant to Human Rights Council resolution 22/31 entitled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief” which in paragraph 10 “[r]equests the High Commissioner to prepare and submit to the Human Rights Council, at its twenty-fifth session, a report based upon information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 above, as well as their views on potential follow-up measures for further improvement of the implementation of that plan.”<sup>1</sup>

## 2. Information received from Member States

### Belarus

[Original: Russian]

[18 December 2013]

2. Belarus states that its policy in the sphere of confessional relations is regulated by the Law “On Freedom of Conscience and Religious Organizations” which guarantees equality and non-discrimination with respect to all religions before the law.

3. It added that the Law “On Countering Extremism” declares punishable by law all the criminal acts listed in Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Law “On Political Parties” and the Law “On Non-Governmental Associations” prohibit creation and activity of political parties, non-governmental associations and unions, intended to propagate war or extremism. The Law “On Mass Media” guarantees rights and freedoms in mass media and prohibits the dissemination of information containing incitement to war, violence and extremism. Those anti-discrimination measures extend to all people living on the territory of Belarus, including foreign citizens, migrant-workers and stateless persons.

4. Belarus noted several practical measures which have been undertaken. With a view to making the implementation of the legislation effective and to support inter-confessional dialogue, “The Second Program on Development of Confessional Sphere, National Relations and Compatriots Cooperation for the period 2011-2015” has been undertaken. The realization of rights for freedom of conscience and freedom of religion and belief is under the competence of the Commissioner for Religions and Nationalities. The Commissioner has representatives in all regions of the country. The Inter-confessional Consultative Council, under the Commissioner, coordinates the activity of religious organizations, and promotes and consolidates peace for co-existence, tolerance and dialogue between representatives of different confessions and religions. The Social Morality Council was established in 2009 to assist the Government in settling social problems.

5. On the territory of the Republic of Belarus there were registered more than 3,000 religious organisations, 26 confessions and religious groups, as well as more than 3,000

---

<sup>1</sup> The present report contains information received from States and the original texts of the contributions are available for consultation in the files of the Secretariat.

religious communities and 164 religious organizations. Belarus reports about the absence of conflicts on the grounds of national, racial, cultural, linguistic and confessional affiliation.

## **Belgium**

[Original: French]

[18 November 2013]

6. Belgium reported that the Centre for Equal Opportunities (the Centre) is mandated to promote equal opportunities and the fight against all forms of discrimination, exclusion, restriction or preference based on the grounds of: “nationality, ‘perceived race,’ color, national origin or ethnic descent, age, sexual orientation, disability, religion or belief, marital status, birth, wealth, political beliefs, current or future health status, social origin and physical or genetic characteristics.”

7. The Centre has the task of ensuring respect for the fundamental rights of foreigners and prepares annual reports on discrimination in Belgium. Racism and xenophobia are also monitored by the police and the judicial system as the police and the Crown records data on discrimination and hate crimes, making available statistics on policing, prosecution and conviction with respect to these phenomena. In addition, the Centre has the capacity to initiate legal claims and be a civil party in its own name, or on behalf of victims of anti-Semitism or Islamophobia.

8. With respect to the fight against Islamophobia, Belgium noted that it was difficult to assess the extent of this phenomenon due to the lack of available data. Since 2009, the Centre has provided estimates of Islamophobic acts in its annual report. It also reported that in recent years, 490 cases (164 in 2011, 139 in 2010 and 187 in 2009) inspired by Islamophobic sentiment were opened. A significant part of these records relates to comments posted on the Internet, while others relate to the professional context or problems of cohabitation motivated by Islamophobia.

9. With regard to the fight against anti-Semitism, in February 2012, the Minister of Justice and Minister of the Interior established a Unit to monitor anti-Semitism which discusses building safe communities, the teaching of the Holocaust, cyber-hatred, anti-Semitic incidents and possible remedies.

10. Belgium reported that it considers interfaith and intercultural dialogue as a protection against religious intolerance. The Centre has organized intercultural dialogues for over 10 years, training and awareness-raising sessions on the formation of stereotypes, intercultural communication and the fight against discrimination.

11. Belgium added that awareness and training of police and prison staff was being undertaken and that respect for human rights (including the general principle of non-discrimination) is the thread of the training of all police officers throughout their careers. Belgium highlighted several measures taken to implement education systems promoting tolerance of religious and cultural diversity.

## **Canada**

[Original: English]

[25 November 2013]

12. Canada reported that it has a legal and policy framework in place to combat discrimination based on religion or belief, which includes prohibitions in the Canadian Charter of Rights and Freedoms; the Canadian Multiculturalism Act; the Canadian Human Rights Act; the Citizenship Act; the Criminal Code; the Employment Equity Act; official

languages legislation at the federal level and in some provinces and territories; and the Immigration and Refugee Protection Act. In addition, most provincial and territorial governments have enacted their own multiculturalism or human rights legislation and/or policy frameworks which prohibit discrimination and promote the full participation in society of all Canadians irrespective of their religion or belief.

13. The Canadian Charter of Rights and Freedoms form part of the Constitution of Canada and protects each individual's freedom of conscience and religion. Section 15 of the Charter prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. Section 15(2) also contains a feature which enhances the capacity of government to develop special measures or programs in favour of disadvantaged individuals or groups. Anyone whose rights or freedoms have been infringed or denied by any level of government may apply to a court of competent jurisdiction for a remedy.

14. Through the Multiculturalism Champions Network, of over 90 officials across the Government of Canada, Citizenship and Immigration Canada (CIC) provides guidance to federal institutions on the implementation of the Canadian Multiculturalism Act. CIC also manages a program that supports the Multiculturalism Act and develops activities which includes funding for projects and events for non-government organizations to promote diversity and intercultural/interfaith understanding.

15. The Criminal Code prohibits, inter alia; inciting hatred against an "identifiable group" by communicating in a public place statements which are likely to lead to a breach of the peace (subsection 319(1)); and communicating statements which include "words spoken or written or recorded electronically or electromagnetically or otherwise and gestures, signs or other visible representations" other than in private conversation, to wilfully promote hatred against an "identifiable group" (subsection 319(2)). The Broadcasting Act permits the Canadian Radio and Television Commission to make regulations regarding the content of radio and television programs.

16. With respect to racial and religious profiling, Canada stated that they are not used or condoned in Canada. Public safety organizations are guided by clear policies and principles that address the unacceptable nature of discrimination or profiling. It noted that Canada's Royal Canadian Mounted Police has a Bias-Free Policing policy.

17. In February 2013, the Government of Canada established the Office of Religious Freedom which is mandated to promote freedom of religion or belief as a core human right, encourage protection of religious communities, and promote Canadian values of pluralism and tolerance around the world. Canada's Ambassador of Religious Freedom, has engaged in consultations with international stakeholders and delivered speeches at various events.

## **Czech Republic**

[Original: English]

[7 November 2013]

18. The Czech Republic indicated mechanisms and government advisory bodies responsible for the promotion of religious tolerance, such as: the Government Council for Human Rights, Government Council for National Minorities, Government Council for Roma Minority Issues, Government Council for Equal Opportunities for Men and Women, and the Government Council for Non-Governmental Non-Profit Organizations. These bodies, which bring together representatives of the government and civil society, examine questions related to human rights and protection of minorities, analyze the situation in the Czech Republic and propose comprehensive measures to improve the protection of human rights.

19. The Government Council for Human Rights includes experts on religious freedom and has a subsidiary Committee against Discrimination, set up to address discrimination on all grounds, including religion, faith or belief. At the Ministry of Culture, the issue of religious tolerance falls within the competence of the Churches Department. This department granted a financial subsidy to a civic association inter alia to promote interfaith dialogue which is an important contribution to Christian-Jewish interfaith dialogue. In 2012, subsidies were also granted to support a festival bringing together Christians, Jews and Muslims, to deepen and promote their mutual understanding and dialogue, and to raise public awareness as a way to counteract the spread of extremism.

20. It noted that the Public Defender of Rights promotes the right to equal treatment, provides methodological guidance to victims in asserting their rights, conducts research and publishes reports and recommendations on issues related to discrimination.

21. The applicable constitutional legislation (Charter of Fundamental Rights and Freedoms) and the international human rights instruments binding on the Czech Republic prohibit discrimination on the grounds of religion, faith or belief. They also safeguard the freedom of thought and conscience, the freedom of religion, the freedom of practice of faith and religion, and the freedom of churches and religious societies. The Anti-Discrimination Act prohibits discrimination on the grounds of religion, faith or belief in several sectors.

22. Propaganda and attacks motivated by religious intolerance are crimes under Czech law. The new Criminal Code (2009) includes “the definitions of crimes of violence against a group of population or against an individual, dangerous threats, dangerous persecution, defamation of a nation, race, ethnic or other groups of persons, and incitement to hatred for a group of persons or to actions restricting their rights and freedoms.” In many other definitions of crimes, the presence of the element of religious intolerance automatically results in a heavier penalty in crimes. This element is also included on the list of general aggravating circumstances that attract stricter penalties in any case.

23. To prevent the formation of groups promoting religious or other intolerance, the new Civil Code effective 1 January 2014 introduces a ban on the establishment of a legal person in cases where the purpose of such legal person is to deny or restrict individual, political or other rights of individuals because of their nationality, sex, race, origin, political or other opinion, religion and social status.

## France

[Original: French]

[14 November 2013]

24. France stated that freedom of religion or belief is a fundamental human rights principle guaranteed by French national law, reflected in article 10 of the Declaration on Human Rights and Citizens (1789) and fully guaranteed by the French Constitution. Implementation of this principle at the national level, is guided by strict respect for freedom of religion and secularism. The French Republic “guarantees freedom of conscience”, respects “all beliefs” (pursuant to article 1 of the Constitution) and “guarantees freedom of worship” (article 1 of the Law of 1905).

25. With respect to paragraph 9 of resolution 22/31, while the Minister of the Interior is responsible for relations with religious associations and faith-based organizations, individuals have freedom of worship and religious associations are not required to register, although they register in order to benefit from fiscal advantages. Where necessary, the state authorities ensure the protection and security of places of worship.

26. Consistent with paragraphs 6 (a) and (b) of the resolution, there are many mechanisms permitting networks/contacts between actors on issues of freedom of religion or belief, in order to identify and address potential areas of tension and find remedies.

27. In March 2013, the annex to the report of the French National Consultative Commission on Human Rights (CNCDH) on racism, anti-Semitism and xenophobia highlighted, through facts and figures, a decrease in tolerance in France over the last three years. The report made recommendations concerning education, awareness-raising and training to combat discrimination and foster tolerance.

28. A National Observatory on Secularism was created in April 2013 comprised of parliamentarians, qualified personalities and representatives of government ministries to better explain and apply secularism, in a manner that no one feels excluded, discriminated against or stigmatized. The Minister of Education also introduced a Secular Charter at the start of the school year in September 2013.

29. With regard to paragraph 7(a), it stated that there was a strict neutrality applied by functionaries and public school establishments which are required not to privilege any religion over another. With reference to paragraphs 6 (e), (f) and (g) of the resolution, acts against persons for reason of their religion are severely punished by law, and have been firmly condemned by the highest authorities in France. The penal response of the State in this regard is very high. Incitement to hatred is also heavily sanctioned.

30. France stated that it universally defended freedom of religion or belief and freedom of opinion and expression. It recalled that human rights envisaged to protect individuals and not belief systems, such as religions and their symbols which are not subjects of rights. In order to combat intolerance, the High Commissioner for Human Rights should support the implementation of freedom of opinion and expression as well as freedom of religion and belief in an “equal and simultaneous” manner.

## Georgia

[Original: English]

[25 November 2013]

31. Under the auspices of the Public Defender of Georgia, the Council of Ethnic Minorities was created in December 2005 with the main goals of giving timely response in cases involving breaches of minority rights and/or emergence of conflict situations, and encouraging consultation and dialogue between ethnic minorities and the government, etc. The Council of Religions was created in June 2005 in order to facilitate constructive multilateral dialogue between various religious groups, engage religious minorities in the process of civil integration, and protect religious freedom, etc.

32. The Action Plan of the Ministry of Justice as a part of the National Concept for Tolerance and Civil Integration includes the elaboration of a comprehensive legal act on the issue of tolerance, undertaking measures aimed at the registration of the Roma population and creation of an advisory body at the Ministry on questions of national minorities.

33. Prohibition of all forms of discrimination and intolerance is comprehensively regulated by the Constitution and other legal acts of Georgia. According to the Constitution everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence and special definitions of crimes have been included in the Criminal Code.

34. Under Article 24.2 of the Criminal Code of Georgia (1999), in conjunction with all relevant crimes, persons may be brought to justice for instigating violence against representatives of any distinguishable group. Furthermore, in 2012, Article 53 (General Principles of Sentencing) of the Code has been amended so that all relevant crimes committed on the grounds of racial, religious, national, ethnical intolerance or on any discriminating ground shall be considered to be committed in aggravated circumstances.

35. The Criminal Code also criminalizes illegal interference in the performance of worship or other religious rites or customs under violence or threat of violence or if it was done by insulting the religious feelings of a believer and any unlawful interference of the activities of religious organizations is prohibited and punished by the Code as well.

36. The Ministry of Justice has drafted a Law on Elimination of All Forms of Discrimination, with the purpose of eliminating all forms of discrimination and ensuring for every person equal enjoyment of rights prescribed by law irrespective of a number of grounds including religion or belief and discrimination shall be prohibited in all spheres. At the writing of this report, the Ministry is working to reflect recommendations received from the diplomatic corps as well as representatives from civil society organizations, including religious and ethnic minority representatives, in the draft law, prior to its presentation to the Parliament.

37. In July 2011, the Civil Code of Georgia was amended and article 15091 was added to allow the registration of religious groups as religious associations.

38. The Law of Georgia on the Prosecution Service provides that in performing its duties, the Service is bound by Constitution, international treaties and other legal acts of Georgia. In order to enhance the awareness of the law enforcement on the issue of human rights and inadmissibility of discrimination, in the first quarter of 2013, a re-training course was organized by the Training Centre of Justice for 116 employees of the Georgian prosecutor's office.

## Germany

[Original: English]

[15 November 2013]

39. Germany noted that the Federal Government actively supports networking, democratic consciousness and participation, education, and publication of civic engagement through the Forum against Racism; the Government funded programme "Cohesion through Participation"; the Federal Agency for Civic Education (Bundeszentrale für politische Bildung, BpB); and the Alliance for Democracy and Tolerance.

40. The Federal Ministry of the Interior, for many years, 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 dialogue at the international level with Muslims. The Ministry also promotes cooperation and various individual projects seeking to promote the interreligious and intercultural dialogue between these faiths. 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 their structural and social integration and to strengthen social cohesion ([www.deutsche-islam-konferenz.de](http://www.deutsche-islam-konferenz.de)).

41. The German government indicated that several measures are undertaken in the course of police officers' careers, including courses dealing with xenophobia, racism and migration to make officers aware of the issues at hand and seek to raise their intercultural competence. Moreover, police action is invariably subject to a full review by the courts and to parliamentary control.

42. Police work to combat hate crimes including by systematically prosecuting hate crimes as offences against state security and recording them separately; cooperating with counselling bodies and supporting victims' assistance projects, associations and institutions in an effort to encourage those seeking help to come forward, to reduce barriers and to raise confidence in the police and their work; undertaking differentiated analysis of the national number of cases in order to elaborate potential prevention measures; and



cataloguing measures to combat politically motivated crime in order to perceive, record and combat relevant offences in a more targeted manner. Police forces take regular preventive measures such as stepping up physical protection or police controls with regard to especially vulnerable points, for example, Jewish cemeteries. Germany stated that the German Bundesrat has decided to initiate procedures before the Federal Constitutional Court to ban a right-wing extremist party, with the active support of the Federal Government.

43. In 2011, the Federal Ministry of the Interior launched the Security Partnership Initiative, a body comprised of representatives of the Federal Government, the Federal Länder, security authorities and Muslims, aimed at increasing the public awareness of the problem of radicalization of young people, to initiate projects and to provide financial support to successful projects of Muslims and to security authorities on the local level ([www.initiative-sicherheitspartnerschaft.de](http://www.initiative-sicherheitspartnerschaft.de)).

## Greece

[Original: English]

[25 November 2013]

44. Greece outlined the legislative framework as well as the measures and actions implemented by the Greek Ministry of Education and Religious Affairs, Culture and Sports which effectively contribute to combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief. It noted that while the Constitution in article 3 recognizes the Eastern Orthodox Church as the predominant religion, the Greek State declares its commitment to protecting the religious freedom of all other religious aggregations and expressions (Article 13). It added that the constitutional provision of “dominant” religion does not mean or imply any reduction or restriction of religious freedom of other religions.

45. The dialogue between state and ecclesiastical jurisdictions and religious communities is constitutionally guaranteed and regulated within the constitutional guarantee of religious freedom. Additionally, the Greek State protects the practices 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 administration of every church and religious community is protected by the Constitution. It states that the constitutional rights and personal freedom of believers of every religion are ‘obvious’ and they cannot be abolished nor can the internal life and work of religious communities be violated.

46. With regard to religious freedom and education, according to the Greek Constitution, education is one of the basic missions of the State and every Greek citizen is entitled to it free of charge at all levels. Principles of intercultural education have been included in the school curricula, and school books have been and continue to be revised to reinforce understanding and respect for differences and to enhance interest in other people’s beliefs, religion, way of living and thinking.

47. Further educational measures have been implemented such as the prohibition of distribution of leaflets, particularly those creating a negative image or defaming and religion, belief or tradition; in compliance with international law, the functioning of schools for children of Muslim minority in Thrace and the teaching of religious studies to Roman Catholic pupils in Cyclades; and the recognition of religious holidays of Muslim and Roman Catholic students; and, the teaching of different religions around the world as part of the high school programme.

48. The Ministry of Education also provides for appointment of teaching staff in the schools of the Jewish communities of Athens and Thessaloniki, in response to the

communities' requests as well as for the operation of the only public Jewish school in Larissa. The General Secretariat for Religious Affairs, the General Secretariat for Youth and the Jewish Museum in Greece are implementing the educational activity entitled "Teaching about the Holocaust in Greece."

## **Hungary**

[Original: English]

[15 November 2013]

49. Constitutional regulations govern freedom of religion and belief in Hungary. According to the Fundamental Law of Hungary, everyone has the right to freedom of thought, conscience and religion. This right comprises the free selection or change of religion or other conviction and the freedom whereby everyone may or may not manifest, may practice or teach his or her religion or other conviction by performing religious actions or rituals or by other manners, whether individually or in common with others, in public or private.

50. Those who follow the same doctrines may set up a religious community to practice their religion, in the organizational form specified in the Cardinal Act. The State and the religious communities work separately; religious communities are independent. Nevertheless, the State and religious communities may cooperate to achieve the community objectives. The rules relevant to religious communities are provided in the Cardinal Act on Churches, which protect fundamental rights, define the religious community as an umbrella concept for the organizational framework and included therein, "accepted churches" have public law status under the amended act (Cardinal Act on Churches). The National Assembly still keeps this public law status in its own competence, based on such authorization by the Fundamental Law.

51. If the stipulated conditions for recognition as an accepted church are met, the Minister forwards the application to the National Assembly, which has, to date, recognized 32 religious communities as accepted churches. It added that corresponding to the terminology of the Fundamental Law, other organizations which perform religious activities, may use the name 'church', which thus warrants the identity protection of these communities. Hungary reported that a determinative part of the rules formerly only applicable to the legal status of churches applies to all the religious communities, including organizations performing religious activities, which grants them much greater autonomy than before.

52. Hungary stated that a major international conference on religious dialogue was organized in spring 2011, to promote dialogue and cooperation among Christian, Jewish and Muslim communities. Additionally, the Government and the National Assembly of Hungary regularly speak out against religious intolerance. Hungarian government bodies hold regular dialogues not only with the accepted churches, but with other interested religious communities.

## **Indonesia**

[Original: English]

[7 November 2013]

53. Indonesia reported that the Government has conducted outreach activities among stakeholders within and outside the Government, including by disseminating the resolution among members of the local committees of the Human Rights Action Plan at provincial and district levels. The Government also strengthened its national mechanisms, Forum

Kerukunan Umat Beragama/FKUB (Inter-religious Communication Forum), to identify potential conflict among different religious followers and provide conflict prevention and mediation. Dialogues and consultations among national stakeholders involving government officials, religious leaders, NGO representatives and Members of Parliament on issues relating to religious intolerance, have also been intensified. In cooperation with countries within a bilateral framework, Indonesia has held inter-faith dialogues to promote a culture of religious tolerance, and is still continuing the dialogue with several countries on a regular basis. Indonesia also reported that in November 2013, in cooperation with the United States Government, it conducted a dialogue involving relevant stakeholders from both sides regarding the implementation of resolution 16/18.

54. Indonesia enacted Law No. 11/2008 on Information and Electronic Transactions which regulates that a person who disseminates information with the intention to incite hatred and hostility of individuals and/or specific community groups based on ethnicity, religion, race and inter-group, could be sentenced to imprisonment for a maximum period of six years and/or a maximum fine of 1 billion rupiah. The Government is currently revising its Penal Code, which will include the criminalizing of acts that disseminate statements of hostility that could lead to violence towards other persons or groups based on, inter alia, religion, race and ethnicity. It is also currently in the process of formulating a bill that will serve as a legal framework to guarantee and to enhance religious tolerance, and also provide concrete and practical steps to resolve future conflicts between religious communities.

55. Indonesia is of the view that the religious intolerance issue is trans-boundary and must be addressed collectively through cooperation among countries and relevant stakeholders. Indonesia believes that the existing resolutions should be further solidified and elaborated in order to serve as a robust foundation for advancing effective international cooperation to address issues of religious intolerance. It stated that a global joint effort is needed to formulate a solid common normative and operational framework for international cooperation to comprehensively address issues of religious intolerance, negative stereotyping and stigmatization, discrimination, incitement to violence and violence based on religion or belief.

## **Iraq**

[Original: Arabic]

[28 November 2013]

56. Iraq reported that Article 2 of the Constitution guarantees the protection of the Islamic identity of the Iraqi people and the right to and freedom of all peoples to practice their religions. It added that in Iraq, there is a variety of religions and branches of religion (article 3). The Constitution also forbids racial, terrorist or radical organizations and under article 14 all Iraqis are equal before the law regardless of race, ethnicity, colour, religion, branches of religion, conscience, opinion, and socio-economic status and article 19(6) provides for equality of opportunity as well as legal, administrative and judicial guarantees. Under article 37(2), the State guarantees the protection of individuals against enforced religious, intellectual or political opinion or belief. Article 43(1) guarantees to all, freedom of worship and belief and the State protects freedom of worship as well as places of worship.

57. It added that national legislation domesticates (reflects) the international human rights conventions ratified by Iraq, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Arab Charter on Human Rights and the International Convention on the Elimination of All Forms of Discrimination against Women. Iraq reported on its efforts to train government personnel, security officials,

civilians and others, to treat the public without discrimination. The Government also ensures freedom of worship and the celebration of feast days and holidays.

58. It reported that religious and racial minorities in Iraq were represented in politics and in the Parliament and Councils of the Government through a quota. Lands and funds were also allocated by the Government for the places of worship of all religions. Educational curricula at all levels reflect the ethnic and racial minorities of Iraq and the Government works on promotional campaigns to foster and encourage tolerance among all people in Iraq. The Government is also undertaking conflict resolution and mediation in different communities and areas in Iraq.

## Italy

[Original: English]

[8 January 2014]

59. An International Workshop on “Promoting Religious Freedom and Peaceful Coexistence” organized at the Italian Ministry of Foreign Affairs on 11 February 2013, was aimed at experts and media representatives with the objective of “tackling the delicate relationship between freedom of expression and interfaith respect, delving into the dynamics which can lead to conflict between religious denominations, and examining communications strategies and human rights education initiatives to be developed in order to foster respect for cultural diversity and multiplicity and for peaceful coexistence.”

60. On 20 June 2013, the Italian Ministry of Foreign Affairs organized a conference on “Genocide Prevention and the Responsibility to Protect: the UN Early Warning Mechanism”, in which the Special Adviser of the United Nations Secretary-General on the Prevention of Genocide, participated as keynote speaker. Italy is supporting the Office on Genocide Prevention and the Responsibility to Protect in updating its framework of analysis for genocide prevention, which has strengthened the relevance of sectarian violence as an indicator of danger of genocide and mass atrocities. Italy also supported capacity-building activities undertaken by this Office.

61. Italy reported that the International Development Law Organization (IDLO) is undertaking a database project on country legislation on freedom of religion or belief, which builds on Italy’s efforts to promote freedom of religion or belief within the United Nations framework and at the regional level, in compliance with Human Rights Council resolutions as well as General Assembly resolutions. The project is designed to build high quality, up-to-date empirical research and statistical analysis of national restrictions on the practice of religion and an online legal database of existing national legal frameworks on freedom of religion or belief worldwide. IDLO plans to work in close cooperation with the Office on Genocide Prevention and the Responsibility to Protect, selected research institutes, the Office of the High Commissioner for Human Rights and other actors.

62. Italy stated that in its view, there was a worldwide increase in acts of intolerance and violent attacks against persons belonging to religious groups and minorities, while at the same time, there was a rise in legal and “de facto” restrictions on religious freedom in many countries. It added that “[i]n many countries intolerance and violence directed against members of religious communities and minorities were increasingly inspired and executed by terrorist groups.” These activities should be contained and defeated through international cooperation, namely with the countries in which such events have occurred, as well as within international organizations.

## Lithuania

[Original: English]

[12 December 2013]

63. Lithuania reported that it does not have a State religion and that Lithuanian legislation guarantees unrestricted freedom of thought, conscience and religion to all persons. Every individual in the Republic of Lithuania has the right to choose freely any religion or faith, also change his or her choice individually or with others; profess it privately or publicly; perform religious rites; practice his or her faith and teach others freely join religious communities and associations, and also establish religious organizations. Persons belonging to national minorities have the right to profess any or no religion, and perform religious or national observances in their mother tongue.

64. In Lithuania, the religious communities of the Orthodox, Old Believers, Sunni Muslims (Tartars), Jews, Greek Catholics and Karaites are considered traditional religious communities forming a part of social, cultural and historical heritage of Lithuania (art. 5 of the Law of the Republic of Lithuania on Religious Communities and Associations). Article 6 of the Law on Religious Communities and Associations provides that other religious associations may be granted State recognition as being a part of Lithuania's historical, spiritual and social heritage, provided that they enjoy support of the general public and that their teaching and rites are not contrary to the law and morality. To date, no ethno-confessional community has approached the Seimas of the Republic of Lithuania for the status of State-recognized religious association.

65. Once registered, a religious association acquires legal personality; nevertheless, religious associations do not necessarily need registration to operate in Lithuania. Religious associations, both registered and non-registered, are not subject to any restrictions on their right to practice their religion or faith. In accordance with national legislation, traditional religious communities of Lithuania may be granted financial assistance.

66. Public authorities implement and continue in their efforts to conduct systematic trainings for law enforcement officials - police officers, lawyers, judges and prosecutors - on the national legislation prohibiting racism and racial discrimination, with a view to improving their skills in assessing the discriminatory nature of crimes and to raise awareness of international, European Union and national legislation on issues of anti-discrimination and protection of fundamental human rights. Lithuania highlighted a number of relevant trainings and seminars held for judges, lawyers and other law enforcement officials between 2009 and 2012.

## **Pakistan**

[Original: English]

[16 December 2013]

67. Pakistan outlined several articles of the Constitution which, it states, are in line with paragraph 6 of resolution 22/31, including articles 15-20 guaranteeing freedom of movement, assembly, association, speech, profess religion and manage institutions to every citizen; article 25 guaranteeing equal protection of law to all citizens, irrespective of their religion, caste, gender or creed; article 33 wherein the State shall discourage parochial, racial, tribal, sectarian and provincial prejudices among the citizens, and article 36 guaranteeing protection of minorities and states that the State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services.

68. The Pakistan Penal Code also contains provisions with respect to “injuring or defiling 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 153(A) of the Code criminalizes promotion or enmity between different groups, on

the basis of race, religion, language, caste, community or any other ground and section 505(2) criminalizes publication of any material that may incite group differences.

69. A New Police Order introduced by the Government in 2002, contains special protection of the rights of vulnerable sections of society, in particular, religious minorities.

70. Pakistan also explained that its domestic “blasphemy laws” originated from the colonial era with the purpose of ensuring law and order and preventing inter-religious discord. It indicated that its purpose was not to discriminate against any religious community and that it applied equally to Muslims and non-Muslims.

71. The Ministry of National Harmony, under the leadership of the Advisor to the Prime Minister on National Harmony, has organized several conferences, including the National Conference on Interfaith Harmony in February 2013. Its outcome, the “Islamabad Declaration” recommends, inter alia, the establishment of an Interfaith Dialogue Council; the replacement of the word minorities with “non-Muslims” for Pakistani Christians, Hindus and members of different religions; integration of inter-religious dialogue and teachings of peace in the educational curriculum; appropriate governmental measures to prevent misuse of blasphemy; tackling the root causes of terrorism, violence and intolerance; and increased media coverage to interfaith dialogue and peace programs in the country. Pakistan added that confronted by extremism and terrorism, a particular focus was being placed on the education, training and awareness-raising of youth through a wide range of de-radicalization and skills development programs that have been launched.

72. Pakistan underlined the influential role of religious leaders in Pakistan, particularly in condemning acts of discrimination and incitement to hatred. The roles of the media and of vigilant citizenry and civil society were emphasized and a number of civil society organizations working to promote interfaith dialogue and harmony in Pakistan were noted.

73. On the implementation of the Action Plan, Pakistan stated that resolution 16/18 was a first step in the process and not an end in itself, as “the heart of the issue is to determine a threshold between incitement to hatred and violence on the basis of religion on the one hand, and freedom of expression on the other.” While the “Istanbul process and the series of workshops organized by OHCHR which culminated in the Rabat Plan of Action have contributed to identifying some elements that might strengthen the implementation of the Action Plan, the issue of incitement to hatred remains largely unaddressed as clearly underlined by paragraph 7 (f) of the Action Plan, “adopting measures to criminalize incitement to violence based on religion or belief.” Pakistan states that “OHCHR should work in collaboration with Member States towards a more institutional response to the issue of criminalization of hate speech.”

## **Qatar**

[Original: English]

[20 December 2013]

74. Qatari society is founded on the values and principles of Islam, and is reflected in the National Vision of Qatar 2030, which underline tolerance, respect for others, and rejection of violence and extremism. Qatar is a country of social cohesion, and respect for the cultures of all peoples living in harmony in Qatar despite different nationalities, cultures, ethnicities, and religions and beliefs. It added that this ethos is visible in legislation, policies and strategies taken at the institutional level.

75. The Permanent Constitution of Qatar contains articles confirming the principles of equality between people and non-discrimination. In particular, article 18 states that Qatari society is based on the principles of “justice, charity, liberty, morality and equality”. All citizens are equal in rights and obligations before the law and there is a “right to equality and non-discrimination based on sex, origin, language and religion” (articles 34 and 35).

Freedom of worship is guaranteed to all, in line with the law and within limits of the general public order and morality under article 50, and under article 52 “every person legally resident is protected in their person and assets.”

76. National legislation also contains articles and provisions rejecting all intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief. For example, article 47 of the Publication Law (1989) prohibits public incitement between people, whether on sectarian, racial or religious grounds, divisive or separatist publications of any type, as well as incitement to religious, sectarian or racial discord and imposes sanctions.

77. Article 256 of the Criminal Code (2004) punishes all acts and actions relating to incitement to: “denigrating or insulting the deity by any means; making insulting, disparaging or blasphemous remarks about the Koran; making insulting remarks about Islam or an Islamic ritual; defaming any of the revealed religions; insulting the prophet of a religion; or desecrating a place of worship of a revealed religion or any object found in that place.”

78. Qatar National Vision 2030 includes a pillar on social development inclusive of citizens and foreigners, and seeks to establish a secure and stable society operating on the principles of justice, equality and the rule of law. It encourages constructive dialogue amongst all cultures, consistent with Arabic and Islamic values and identity. The efforts of the National Committee for Human Rights, the Ministry of Islamic Affairs and Civil Society, the Doha International Centre for Interfaith Dialogue, and the Coalition of Cultures Committee, in this regard were acknowledged and a number of conferences, activities and inter-faith dialogues were outlined.

## Romania

[Original: English]

[21 November 2013]

79. Romania reported that according to the provisions of Government Ordinance (G.O.) nr. 137/2000, re-published with the new amendments, discrimination based on religion or belief shall be considered a contravention of the Ordinance. Any injury to personal dignity based on religion or belief shall also be considered a contravention and can be sanctioned.

80. In 2012, the Annual Activity Report of the National Council for Combating Discrimination, indicated that 5 petitions were made on the basis of religion, of which one concerned a declaration made about Muslim persons. In this case, the decision issued by the National Council for Combating Discrimination established that the affirmations made in the media, were “aimed at reaching the Romanian public, brought about prejudice to a person’s dignity and created a hostile, degrading atmosphere against the Arab community and Muslims.” Some of the analyzed declarations had a character of national propaganda, incitement to hatred and the Steering Board, applied a sanction in this case, in the amount of 3000 lei.

81. With reference to paragraph 7(a) of resolution 22/31 regarding public functionaries, Romania reported that since 2011 through an EU funded-project, the National Council for Combating Discrimination has offered a better familiarization with the principles of equality and non-discrimination and it is addressed to magistrates (judges and prosecutors), lawyers and mediators. In 2012, the Council expanded this project in cooperation with educational institutions to offer training to teachers at all levels of education. Similarly, for the second year in row, in 2012, a partnership with the Romanian Adoption Office has been developed, where training is offered to the representatives of the Adoption Office and to case managers. Also, regarding awareness-raising campaigns, the National Council, in

partnership with ART ROMO, and other partners developed the second edition of “The International Jewish Movie Festival.”

82. Romania reported that the Audiovisual Law regarding non-discrimination based on religion or belief includes provisions that: “[a]udiovisual commercial communications shall not include any discrimination based on race, ethnic origin, nationality, religion, belief, disability, age or sexual orientation” (Article 29(d)); “[t]he transmission of programs comprising any form of incitement to hate due to race, religion, nationality, gender or sexual orientation is forbidden.” (article 40); and “[i]t is prohibited to discriminate in any way on the basis of race, religion, nationality, sex, sexual orientation or ethnicity.” (Article 47)

## **Russian Federation**

[Original: Russian]

[12 December 2013]

83. The Russian Federation reported that the nation’s leadership, foremost the President, the Government, and the Federal Assembly of the Russian Federation undertake specific legislative and preventative measures in order to resist the destructive activity of extremist organizations, their leaders and ideologists. Under the Federal Law of 7 February 2011, № 3-FZ, police services are entrusted to prevent, detect and eradicate the extremist activity.

84. The main legal mechanisms for combating extremism in the Russian Federation were established by the Federal Law of 25 July 2002, № 114-FZ. The Law provides the definition of “extremism” and envisages administrative and criminal responsibilities for the commitment of such illegal acts.

85. According to the Presidential Decree of 26 July 2011, № 988, the Interdepartmental Commission for Combating Extremism in the Russian Federation was created and headed by the Minister of the Interior. The Russian Federation stated that realization of joint programs in order to prevent acts of extremism in youth community and to educate intolerance to manifestations of nationalism, religious extremism and xenophobia was activated throughout the country.

86. Law enforcement officials, together with representatives of the religious confessions, undertake joint initiatives in the field of teaching and education with a view to preventing public order disturbance, violence and acts of vandalism on grounds of ideological, racial, national or religious hatred.

87. The Russian Federation also reported that under the Presidential Decree of 7 May 2012, № 602, a range of anticipatory educational and awareness-raising measures were conducted focusing on preventing the involvement of national Diasporas in ethnic and religious conflicts. It also provided a comprehensive list of legislative acts which regulated the issues pertaining to combating extremism.

## **Saudi Arabia**

[Original: Arabic]

[11 December 2013]

88. Saudi Arabia reported that it is a country which is Arabic and Islamic, and based on the Koran and the Shariah, which rejects discrimination on the basis of religion and beliefs.

89. It reported that, on 7 December 2011, the Ministry for Muslim Affairs presented a document to all imams and religious leaders in the country ordering that they address others with respect and that they not “demonize”/ criticize other people, religions or branches of



religion. Failure to comply with this order is met with a sanction, and people have been penalized pursuant to it. It added that over 29,900 seminars and 30 training sessions directed at 2515 imams and religious leaders have taken place. Similar initiatives are also being carried out by the Ministry of Education in schools across the country, and teachers have been sanctioned for discriminatory behaviour. Saudi Arabia has signed an accord with the King Abdulaziz Center for World Culture, in order to hold dialogues and train 40,000 imams to be increasingly tolerant in their religious addresses and activities.

90. Saudi Arabia noted that article 61 of the Labour Law prohibited slavery and the withholding of salary, and also provided that workers be treated with dignity and respect, including with regard to their religion. Article 6 of the Laws to combat information technology crimes provided for a penalty of a maximum of five years or 3 million rials for use of social media and/or technology to incite people or insult the system/establishment in Saudi Arabia, religious values, morality, or private life.

91. The Kingdom is developing educational curriculum to enshrine the values of Islam and tolerance of others, as well as combat radicalism with respect to religion and branches of religion. It aims to deepen dialogue on religious and cultural issues, in a spirit of tolerance and harmony. It noted that since its launch in 2008, the King Abdulaziz Center for World Culture was sponsoring dialogues amongst all religions and civilizations and had organized conferences in Madrid, New York and Geneva. The King Abdullah Bin Abdullaziz International Centre for Inter-religious and Inter-cultural Dialogue was established in 2011 in Vienna, and an extra-ordinary Summit of the Organization of Islamic Cooperation took place in Mecca from 14 to 15 August 2012 on the subject of Islamic principles and combating radicalism, under the auspices of the King of Saudi Arabia.

## **Slovak Republic**

[Original: English]

[26 November 2013]

92. Article 24 of the Constitution of the Slovak Republic guarantees all citizens freedom of thought, conscience, religion and belief, as well as guarantees churches and religious societies an autonomous position independently of the Slovakian state authorities. It states that the incitement to violence on the basis of religion is criminalized under the Criminal Code in force.

93. The Slovak Republic has adopted legislative measures to prevent expressions of hatred, intolerance and discrimination in such debates in the media. On-demand audiovisual media services and programme services must not in a manner of their presentation and content infringe the human dignity and the fundamental rights and freedoms of others, as well as they must not promote violence and overtly or covertly incite hatred, denigrate or defame on the basis of gender, race, colour, language, faith or religion, political or other opinion, national or social origin or membership to nationality or ethnic group.

94. The Council for Broadcasting and Retransmission can for the above mentioned infringement impose a duty to broadcast a notice concerning breaking a law, as well as can suspend broadcasting or provision of programmes.

95. The Ministry of Culture of the Slovak Republic has instituted the stable financial mechanism to promote projects relating to culture of disadvantaged groups – the grant programme “Culture of disadvantaged groups. The grant programme is focused on the promotion of cultural rights of people endangered by poverty and social exclusion, on the principle of equal treatment, on gender equality and on the promotion of intercultural dialogue, non-discrimination, tolerance and the elimination of all forms of violence.

## Spain

[Original: Spanish]

[21 November 2013]

96. Spain recalled its constitutional provisions and other relevant legislation that protect the right to freedom of ideology and religion, including Article 16, paragraph 1 of the Constitution and Article 14 on the right to equality and non-discrimination. The fundamental right to religious liberty is developed by Law 7/1980 on religious freedom. Relevant provisions in the Criminal Code for crimes committed on discriminatory grounds include 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.

97. Other relevant legal provisions guaranteeing freedom of religion include Spain's Organic Law 4/2000 on the Rights and Freedoms of Aliens in Spain and their Social Integration (Aliens Law) which has a section on anti-discriminatory measures. The Organic Law of Education emphasizes that special attention should be paid to respect diversity as a fundamental principle (Art. 4). The Law of Political Parties establishes that a party will be declared illegal if its activity infringes democratic principles, including by promoting persecution against people on the basis of ideology, religion, belief, nationality or race (Art. 9).

98. Spain also outlined further institutional arrangements, policies and measures to combat intolerance on the basis of religion or belief, including the Advisory Commission on Religious Freedom, founded in 1981. At the level of the Ministry of Justice, a sub-branch has been established within the Directorate General for International Legal Cooperation and Relations to deal with relations with confessions, and with specific competence over ordinary relationships with churches, denominations and religious communities.

99. In December 2004, Spain inaugurated the Pluralism and Coexistence Foundation whose objectives include providing financial support for the development of activities aimed at promoting religious freedom and belief, and promoting the Spanish Diversity Charter. In July 2011, the Ministry of Justice launched the Observatory of Religious Pluralism with the aim of providing updated data at the municipal level about places of worship of different faiths and to, inter alia, systematize the legislation that affects the exercise of religious freedom. In July 2013, the Ministry hosted a course focused on "Social Violence and Hate Groups". In the framework of the FIFIR project "Training to Identify and Record Racist Incidents", Spain published a Handbook for Security Forces in identifying and recording racist or xenophobic incidents.

## Switzerland

[Original: French]

[22 November 2013]

100. Switzerland reported the Federal Constitution guarantees to all persons residing in Switzerland freedom of conscience and belief; the practice of religion, its transmission to others and freedom to join at any time any religious community or withdraw from it, are guaranteed as fundamental rights. Everyone is free, in compliance with the Civil Code, to

create a religious community provided that it is a private association with legal personality (freedom of association, article 23).

101. In its federal system, the cantons have jurisdiction under the Constitution, to address issues such as the development of cemeteries, religious education, resolution of issues between compulsory school and religious precepts, and the construction of places of worship.

102. Article 261bis of the Criminal Code is aimed at protecting individuals or a group of people due to their racial, ethnic or religious belonging, and preserving public order. Switzerland added that this definition of protected groups and identifying characteristics is more expansive than what is recommended by Committee on the Elimination of Racial Discrimination

103. There are also measures to promote a domestic climate of religious tolerance, peace and respect noted by Switzerland. It stated that the cantons have, especially in the field of education, carried out projects with two umbrella Jewish organizations: the Swiss Federation of Jewish Communities (SIG) and the Platform of Liberal Jews in Switzerland (PJLS). Between 2001 to 2012, the Department for the Fight against Racism (SLR) has supported 58 projects to raise awareness against anti-Semitism and Holocaust denial. There is currently no national association representing Muslim people or associations in Switzerland's several linguistic regions, but two organizations, the Coordination of Islamic Organizations in Switzerland (SOGIC) and the Federation of Islamic Organizations in Switzerland (TIME), were noted.

104. In November 2009, the initiative "Against the construction of minarets" was approved - 57.5 % in favour and 42.5% against – by voters in Switzerland. It was reported that this vote was at forefront of the question of relations between the majority society and religious minorities. A new paragraph in Article 72 of the Federal Constitution (BV) has reintroduced a convocational provision at the federal level for the first time since the repeal of the article in 2001. It is in this context, federal authorities launched in 2009, a dialogue with the Muslim population in order to fight against fear and stigma around Islam and to discuss issues of integration.

105. Since 2006, various federal councilors hold regular exchanges with the Swiss Council of Religions (le Conseil suisse des religions, SCR) platform which brings together representatives of the three Abrahamic religious communities. Similarly, there is inter-religious dialogue taking place between Jewish and Christian communities and Muslim associations. It noted that it is mainly the cantons that are active in dialogue with religious communities and which work to foster mutual understanding between them.

106. Switzerland stated that in order to prevent religious intolerance, it is important to defend the freedom of belief and religion. It is convinced that existing international provisions protect human beings and not religions as such, and added that the existing provisions are sufficient to effectively fight against incitement to racial hatred.

## Ukraine

[Original: Russian]

[25 November 2013]

107. Ukraine reported that active cooperation between State authorities and religious organizations, as well as its Inter-Confessional/Confessions Associations is well developed. Collaborative networks to build mutual understanding, promote dialogue and inspire constructive joint action towards shared values are established. The most valuable cooperation takes place with the All-Ukrainian Council of Churches and Religious Organizations (UCCRO).

108. As of October 2012, the Commission for the Realization of Rights of Religious Organizations (under the Cabinet of Ministers of Ukraine) has been revived. The Commission is a temporary advisory and consultative body focused on the coordination of State authorities in the sphere of religious organizations, their rights, and formulation of proposals on State policy towards religious tolerance, peace and mutual respect.

109. On 26 March 2013, the All-Ukrainian Council of Churches and Religious Organizations declared its official statement to the Government and Parliament with respect to the draft law “Introduction of amendments to some legislative acts for prevention and combating discrimination in Ukraine”, protecting the freedom of conscience and freedom of expression. Ukraine reported that the position of Ukrainian Church leaders was taken into account.

110. Ukraine stated that all public servants of the State in the performance of their duties are subject to the legal standards declared in the Constitution of Ukraine, the Law of Ukraine “On State Service”; “On Local Self-governing Authorities Service”; “On Freedom of Conscience and Religious Organizations”; and, “On the Principles of Preventing and Combating Corruption”.

111. It added that by the general rules of the State, the conduct of public functionaries is determined that “State servant must be tolerant and shall respect different religious organizations and national traditions without demonstrating his own religious preferences”.

112. Ukraine noted that the commitment of acts, enumerated in Article 161 of Criminal Code of Ukraine (“violation of citizens equality on the grounds of their race, nationality or religion”) is considered as an aggravating circumstance and instigates more severe penalties.

## United Kingdom

[Original: English]

[16 November 2013]

113. The United Kingdom recalled that, in December 2012 at Wilton Park, together with the Canadian High Commission, it held the second international experts meeting on the follow-up of implementation of Human Rights Council resolution 16/18 (<https://www.wiltonpark.org.uk/wp-content/uploads/WP1187-Final-report.pdf>).

114. The United Kingdom stated that it has a very developed system for recording hate crimes and that it leads the way in disaggregating the data according to specific types of hate crime and promotes good practice in responding to all forms of hate crime. It indicated that 1,621 religious hate crimes were reported to the police in 2011-12, which comprised 4% of the total reported hate crimes, explaining that the general under-reporting of hate crime is partly due to a reluctance to go to the police directly. It also noted that 566 religiously aggravated offences were prosecuted in 2010-11, of which 472 (83%) resulted in a successful outcome. This was a 94.2% increase in convictions on the previous year.

115. Religiously aggravated offences are defined in the Crime and Disorder Act 1998; however, do not cover all offences where there may be a religious element, most notably aggravated murder, manslaughter or grievous bodily harm with intent. Section 145 of the Criminal Justice Act 2003 places a general duty on courts to treat more seriously any offence that can be shown to be racially or religiously aggravated or motivated. Under the Racial and Religious Hatred Act 2006, an offence is committed where a person uses threatening words or behaviour in order to stir up religious hatred.

116. In 2012, the government published its hate crime strategy, ‘Challenge it, Report it, Stop it’, aimed at reducing the harm caused by hate crime, including religiously motivated hate crime, and at improving the data that is published. The government is currently

reviewing progress on the recommendations and expects to publish the results of this review in 2014. Implementation of the plan has included: the development and publication of guidance for police and prosecutors on handling hate crime cases; the inclusion of hate crime data, including religion, within the National Crime Statistics; offering financial and other support to a range of civil society organisations, to act as the link between victims and the police. The police have developed a web facility called True Vision ([www.report-it.org.uk](http://www.report-it.org.uk)) which provides information to victims of crime and professionals, distributes a library of resources for local deployment and allows victims and advocates to report hate crimes directly to the police through an online reporting facility.

117. The United Kingdom noted wider Government actions to tackle religious hatred, including producing guidance to help newspaper editors tackle online hatred; supporting the Anne Frank Trust to educate 20,000 young people of all beliefs to challenge prejudice and discrimination; funding Holocaust Memorial Day; and establishing cross-Government working groups on Anti-Semitism and anti-Muslim hatred to further explore what could be done. The Government also funds the non-governmental organisations and programmes undertaking/promoting good relations among different faiths, multi-faith projects, integrating communities, and faith-based social action and voluntarism.

118. The United Kingdom stated that it “welcomes self reporting by all States on all forms of religious intolerance, as an important way of building trust” and that it is “important that States' reporting is credible and comprehensive.” It also stated that “[g]iven that States have ultimate responsibility to protect/promote human rights, we believe that it is important that reporting on religious intolerance is a State-led process. The action plan of Human Rights Council Resolution 16/18 highlights a number of important areas for all states to work on.”

## United States of America

[Original: English]

[21 November 2013]

119. The United States of America reported that the First Amendment to the U.S. Constitution, applicable to state and local governments by the Fourteenth Amendment of the Constitution, provides that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech. Freedom of thought and conscience is protected by the guarantee of freedom of speech and opinion. Federal government action that substantially burdens religious exercise may be invalidated by the judiciary unless the action is the least restrictive means of furthering a compelling governmental interest.

120. It added that U.S. federal law prohibits discrimination on the basis of religion in education, employment, housing, public accommodations and access to public facilities (1964 Civil Rights Act) and that the Civil Rights Division of the Department of Justice enforces these statutes, including through a Special Counsel for Religious Discrimination. The Equal Employment Opportunity Commission (EEOC) investigates allegations of religious discrimination in employment and occasionally files lawsuits to protect the rights of those who are harmed.

121. The Department of Justice has a Community Relations Service which is available to state, local and tribal jurisdictions to help prevent and resolve racial and ethnic conflict and to employ strategies to prevent and respond to alleged violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. The Service has developed a set of “best practices” to assist localities in preventing hate crimes and restoring harmony in communities. It has responded to reports of vandalism and arson involving mosques and Sikh gurdwaras to ease community concerns and has brought students and parents together with local law

enforcement, government, and school officials to address allegations of discrimination and harassment in schools.

122. With respect to paragraph 9 of resolution 22/31, it reported that it is a federal crime to commit arson or vandalism against religious real property, including houses of worship, committed because of the religious nature of the property.

123. In the United States, the President and other officials have embraced their role in speaking out against intolerance. Civil society leaders, including religious leaders, regularly speak out against intolerance. It stated that there are also efforts promoting interfaith dialogue and unity in the United States.

124. The United States advocates for greater protection of religious freedom and mutual respect through various bilateral and multilateral venues, such as human rights dialogues and in partnership with civil society. It hosted an expert-level meeting on implementing resolution 16/18 in Washington, D.C. in December 2011, as the first in a series of such meetings to share best practices and assess implementation of the measures called for in the resolution.

125. There is a new Office of Faith-Based Community Initiatives at the State Department, and the State Department and the White House co-chair a Working Group on Religion and Foreign Policy, which includes a Sub-Group on International Religious Freedom, Democracy, and Stability through which it engages U.S. and foreign civil society representatives to advance religious freedom and foster mutual respect for diversity.

#### **IV. Conclusion**

**126. Based on the information provided by States on the efforts and measures taken by them for the implementation of the action plan outlined in paragraphs 6 and 7 above, the steps taken are largely policy-oriented or legal in nature, with many of them enshrining protections against discrimination on the basis of religion or belief in national constitutions, criminal codes and other civil laws.**

**127. Advocacy of incitement to hatred is for the most part criminalized and often prohibited on several grounds, including on the grounds of religion or belief.**

**128. Some States noted the importance of speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence and indicated that its political and religious leadership, often at the very highest level, have done and continue to do so. It was also noted that freedom of expression and opinion was important to countering religious intolerance, including hate speech.**

**129. Several contributions noted the importance of tackling extremism and certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Extremism and radicalization, often leading to hate crimes and violence, were being addressed through social cohesion and integration programmes, police and security responses, often coupled with regular engagement and interaction with grassroots communities and young people, as well as data gathering and monitoring.**

**130. Almost all countries provide for a channel or some form of communication and consultation between religious groups and communities and the governmental authorities. Numerous practical examples were forwarded about communication bodies and/or forums between state institutions and religious groups or communities, with regard to policing and security matters, or as general forums of exchange.**

**131. Intolerance, stigmatization, negative stereotyping, and discrimination, in particular, are addressed through public information and media campaigns and**

through educational measures. States are also funding local and national projects aimed at capacity-building, social cohesion, interfaith dialogue, and the participation of religious groups and communities.

132. Most Member States reported that generally there is religious freedom and pluralism domestically and that members of religious groups and communities are able to manifest their religion and contribute openly and on an equal footing in society. Several responses indicated the domestic legal frameworks providing for the practice of religion and the status, functioning and management of religious communities and associations.

133. Training of government officials and public functionaries, especially of the law enforcement, police and security services, is taking place in many countries, and in this context, issues of religious profiling are sometimes addressed.

134. A few of the contributions received expressed views on potential follow-up measures for further improvement of the implementation of the action plan outlined in paragraphs 6 and 7 of the resolution.

135. It was noted that resolution 22/31 was a step in a process. There were views expressed that, while some work had been undertaken by the international community, through the Istanbul process and the OHCHR to strengthen the plan, the issue of freedom of religion and belief and incitement to hatred required further collaboration by and attention from the international community, particularly through adoption of measures to establish a normative standard, including possibly by criminalizing incitement to violence based on religion or belief. There was also the view that as the issues concerning freedom of religion and belief were trans-boundary, collective and cooperative action by countries and with relevant stakeholders, including OHCHR was required.

136. There was concern expressed about religiously-motivated violence and intolerance and restrictions on religious freedom around the world. The solution lies in national-level actions, particularly to protect the rights of religious groups and minorities, as well as through international cooperation. The importance of credible and comprehensive reporting by all States, on all forms of religious intolerance, especially in view of resolution 16/18, was noted as very important. There was the view that reporting on religious intolerance was a State-led process. It was recalled that individuals, not belief systems, were the subject of human rights and that in combating intolerance, the High Commissioner for Human Rights should support the implementation of freedom of opinion and expression, as well as freedom of religion and belief.

---