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

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

Report of the Secretary-General

Summary

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

* Late submission.



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I. Introduction

1. The present report is submitted pursuant to resolution [67/178](#), in which the General Assembly requested the Secretary-General to submit at its sixty-eighth session a report that included information provided by the United Nations High Commissioner for Human Rights on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief as set forth in the resolution.

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

II. Information received from Member States

Algeria

3. Algeria reported on the constitutional and legislative framework in force in the country and on the international legal instruments it has ratified. Article 36 of the Constitution provides for the absolute freedom of conscience and freedom of opinion; that citizens are equal before the law and that discrimination is prohibited on the grounds of birth, race, sex, opinion or any other condition or personal or social circumstances. The State guarantees the absolute dignity of the human person in article 34, and all forms of physical or moral violence or attacks on dignity are prohibited. Foreigners and their possessions legally present on the territory are also protected by law. There is a national law in Algeria (Ordinance No. 06-03) that regulates the exercise of religious worship for non-Muslims.

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

Bosnia and Herzegovina

5. Freedom of religion is enshrined in the Constitution and constitutions of the entities of Bosnia and Herzegovina and in the Law on Freedom of Religion and

Legal Position of Churches and Religious Communities in Bosnia and Herzegovina, adopted in 2004. The constitutional and legal frameworks do not recognize the category of religious minorities, and all churches and religious communities are guaranteed religious freedom and equal legal status without any discrimination.

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

7. In 2008, the Council of Ministers and the Interreligious Council of Bosnia and Herzegovina signed the Agreement on Mutual Cooperation, aimed at supporting its efforts to build interreligious dialogue, religious tolerance and coexistence. The Interreligious Council has already established six committees for religious cooperation at the local level and is jointly implementing a project entitled "Monitoring of attacks on places of worship and other places of religious significance to religious communities". According to information from the Ministry and the Council, attacks on places of worship and defamation of religious officials and religious symbols have been confirmed, and intolerance towards the other and differences as the cause of attacks on places of worship deserve the special attention of religious and educational institutions in Bosnia and Herzegovina.

8. The Criminal Code of Bosnia and Herzegovina and the criminal codes of the Federation of Bosnia and Herzegovina and the Republika Srpska criminalize and prohibit the destruction, appropriation, damaging or continuous damaging of cultural, historical, religious and other significant structures and objects that are of historical and cultural importance to the State of Bosnia and Herzegovina and its entities.

Chile

9. The Constitution of Chile, in paragraph 6 of article 19, recognizes freedom of worship and religious equality as fundamental rights. The principle of non-discrimination is also enshrined in paragraph 2 of article 6. Both principles form the cornerstone of all sectoral legislation seeking to eliminate all forms of discrimination with regard to conscience, freedom and worship and are embodied in Law No. 19.638, on Freedom of Religion and Religious Equality. The National Office for Religious Affairs implements this Law in all scopes of application and also represents the Government in respect of the various entities and religious confessions present in the country.

10. There are close links with the Catholic Church and the Jewish and evangelical communities in Chile, which provide support for initiatives taken by the Government to ensure proper and effective execution of Law No. 19.638. The Government also maintains relations with the Muslim community in Chile.

Cuba

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

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

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

14. In Cuba, there are approximately 400 religions and religious institutions. In the past 10 years, more than 1,000 temples, chapels, parish and pastoral houses have been repaired. Churches and religious groups have acquired more than 100 buildings and other facilities in order to carry out their activities, and 129 construction activities financed by the Cuban State in temples, churches and other places of religious and fraternal institutions are under way.

Denmark

15. The Government of Denmark has initiated two national projects mapping hate crimes and anti-democratic extremist environments, respectively. The personnel in the 12 police regions receive education on the registration and handling of hate crime, and the Security and Intelligence Services and the Ministry of Social Affairs and Integration organize a range of courses aimed at personnel involved in local collaboration on crime prevention between schools, social authorities and the police to support them in preventing and tackling extremism and hate crimes.

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

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

18. The Government of Denmark supports interreligious dialogue such as “Your faith — my faith”, targeting pupils, and the Ministry of Social Affairs and Integration has set up a contact point for all faith communities in Denmark.

France

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

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

21. The Interministerial Committee against Racism and Anti-Semitism, established in 2003 and chaired by the Prime Minister, defines the direction of policies against racism and anti-Semitism. In February 2012, it formulated the national plan of action against racism and anti-Semitism 2012-2014, with the principal objective of attacking stereotypes and the formation of prejudice. An interministerial group has also been set up to follow the implementation of the action plan. Public officials are undergoing training. The actions of the Government are supported by the interventions of independent authorities, such as the Defender of Rights and the French National Consultative Commission on Human Rights. Civil society actors and non-governmental organizations specializing in anti-racism efforts are also making an important contribution, thereby justifying the financial support of the State.

Georgia

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

23. Georgia reported on improvements in the area of protection of religion and belief of minorities. The registration of religious groups as religious associations became possible following the adoption of amendments to the Civil Code of Georgia, and the tax regime was simplified. A religious group is now free to decide whether it wants to be established as a legal entity of private law (non-profit

association) or as a legal entity of public law (religious association). The Constitutional Court of Georgia recently declared null article 22 of the Law of Georgia on Military Reserve Service, which had imposed the obligation of military reserve on those persons who objected to it on the basis of their right to freedom of religion or belief.

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

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

Germany

26. Germany reported that the Federal Government programme entitled “Cohesion through participation” continued to fund projects for democratic participation and to combat extremism, primarily in towns and communities particularly affected by social and economic changes in eastern Germany. This programme, designed to prevent potential extremist threats and to strengthen the essential requirements for peaceful coexistence on an equal footing, has been extended to include the education of “democracy trainers” in selected State sport associations and firefighters’ associations in western Germany.

27. The Federal Agency for Civic Education and other civic education bodies provide a wide range of initiatives on migration and integration issues. Germany stated that given its history, providing information about the Holocaust represents one of the Federal Agency’s focus areas.

28. The Alliance for Democracy and Tolerance holds regular exchanges with 55 non-governmental organizations through the Forum against Racism. In recent years, the Federal Ministry of the Interior has successfully promoted Christian-Jewish cooperation and the interreligious and intercultural dialogue between Christians and Jews, extending the dialogue to a triologue at the international level with Muslims. In 2006, the German Islam Conference was launched to establish a permanent communication process between the German State (Federal Government, Federal Länder, municipalities) and the representatives of Muslims living in Germany, aimed at improving structural and social integration and strengthening social cohesion (www.deutsche-islam-konferenz.de).

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

Greece

30. In its report entitled “Tackling racist violence by the police and justice”, the National Commission for Human Rights recorded its findings with respect to the upsurge of racist violence in Greece, indicating that racism was being attached to the deep socioeconomic crisis present in the country in recent years, and to the absence of a fair immigration policy and an effective asylum system. The Commission is also making some proposals to address the phenomenon.

31. Article 5 (2) of the Constitution of Greece provides that all persons within the Greek territory shall enjoy full protection of their life, honour and liberty irrespective of nationality, race or language or of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law. Law No. 927/1979 provides for the criminal punishment of acts leading to discrimination, hatred or violence and for offensive ideas against individuals and groups owing to racial or ethnic origin or religion. This Law also provides for the punishment of formation or membership in organizations whose objective consists of racist activity. A new section has been added to article 79 of the Criminal Code, formalizing racist motive as a criterion for judicial sentencing and making the perpetration of acts motivated by, among other things, national, racial or religious hatred an aggravating circumstance.

32. Greek authorities have announced an Emergency Action Plan for the protection of the rights of migrants and refugees, which includes: a public prosecutor appointed to supervise cases of racial hatred, racism and xenophobia; the adoption of legislative provisions to tackle racism and xenophobia; the introduction of information and communication channels between foreigners and the authorities; a single State network for the recording of racist violence; and the creation of a single database for monitoring information and cases.

33. The Ministry of Education and Religious Affairs, Culture and Sports of Greece states that the constitutional guarantee provided in article 3 that the Eastern Orthodox Church is the “prevailing religion” does not mean or imply any reduction or restriction of the freedom of other religions. In addition, the State protects the practice of all religions and faiths as part of the freedom of religious conscience of believers, their worship and their religious communities. Free choice in the organization and administration of every church and religious community is protected by the Constitution.

Guatemala

34. In Guatemala, the crime of discrimination had been incorporated into the Penal Code under article 202 of Decree No. 57-2002, which prohibits any distinction, exclusion, restriction or preference based on several grounds, including religion. It also provides for the addition of aggravating circumstances to the penalty where: (a) there is discrimination on idiomatic, cultural or ethnic grounds; (b) there is support for and incitement of discriminatory ideas through any form or medium; (c) the act is committed by a public official or employee in the course of his or her duties; or (d) the act is committed by an individual in the provision of a public service. This Decree protects, among other things, freedom of worship and religion, and prohibits acts based on religious motivations.

35. The Act on Promoting Education against Discrimination (Decree No. 81-2002) provides for the promotion and dissemination of programmes aimed at the elimination of ethnic, racial, gender and all other forms of discrimination. The Ministry of Education is undertaking a process of educational reform focused on the elimination of discrimination in all its forms.

36. Guatemala outlined some advances in its public policy for coexistence and the elimination of racism and racial discrimination which aim to contribute to its transition from a homogeneous State to a multicultural, pluralistic State in which indigenous peoples, cultural groups and citizens do not suffer any kind of discrimination on the grounds of their ethnicity and can practice any religion according to their beliefs. It also indicated measures to promote full respect for and the protection of places of worship, cemeteries and sacred places, such as the introduction in 2008 of Bill No. 3835, on the sacred sites of indigenous peoples.

Ireland

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

38. With regard to racist incidents, An Garda Síochána (the police force of Ireland) has established relevant structures to support appropriate policing responses and to encourage reporting. The Garda Racial, Intercultural and Diversity Office works on a national level in cooperation with other agencies and bodies endeavouring to promote the value of diversity and actively communicates with representatives of ethnic minority groups and non-government officials.

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

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

Jordan

41. Jordan reported that the Constitution provides for freedom of religion and belief and for racial harmony and equality, regardless of race, language and religion, in articles 1 and 3(6). It pointed to a long tradition in Jordan of equality of religions, equality of opportunity and equality before the law in terms of rights and obligations for all Jordanians. Article 14 of the Constitution provides for freedom in the practice of religion and belief unless it is unethical or contrary to public order or to the

values of the Kingdom. Article 19 allows for the right of groups to establish and manage schools for religious education, in accordance with government regulation and the laws in force in the country.

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

43. The message of the King of Jordan of 9 November 2004 was recalled, in which he called for peace and a decrease in discrimination based on gender and religion or belief.

Lebanon

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

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

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

Mexico

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

48. The National Council to Prevent Discrimination is the body responsible for monitoring issues related to discrimination, hostility or violence, including those involving religious matters. In 2011, the Council created a forum aimed at maintaining a dialogue with the representatives of various religions. The results of the 2011 National Survey on Discrimination conducted by the Council helped to identify the perception of discrimination against religious minorities in the country. In 2012, the survey was conducted with a view to identifying the situations, circumstances and contexts that produce discrimination in Mexico so that a number of considerations, criteria and recommendations could be formulated for the next decade of the fight against discrimination in the country. The Council has spoken out against discrimination based on religion. Mexico reported that in order to prevent and combat prejudice against the Muslim population in various media, the Council has engaged with journalists to promote a formal dialogue between them and religious groups with the aim of addressing this issue.

49. In Mexico, articles 1, 3, 24, 27 and 130 of the Constitution and the Religious Associations and Public Worship and Regulations Act provide the legal framework that governs the relations between the Mexican State and churches and establishes the guarantees of freedom of belief and of worship. There is also the Federal Law on the Prevention and Elimination of Discrimination.

Pakistan

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

51. With respect to freedom to profess religion and to manage religious institutions, the Constitution states that every citizen shall have the right to profess, practice and propagate his religion, and that every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions. There are safeguards against taxation for the purposes of any particular religion and also with regard to educational institutions in respect of religion. The Constitution also provides that all citizens are equal before the law and are entitled to equal protection under the law.

52. The Pakistan Penal Code (Act XLV of 1860) Criminal Procedure Code also contains provisions with respect to injuring or defiling a place of worship, with intent to insult the religion of any class; deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs; and disturbing religious assembly and trespassing on burial places. Section 99-A of the Code also proscribes hate literature. In addition, the Government of Pakistan promotes interfaith dialogue between the various religious classes of society and has constituted an interfaith council for that purpose. The National Conference on Interfaith Harmony, on the theme “Living together with diversity: interfaith and intercultural dialogue”, was convened in Islamabad from 20 to 22 February 2013.

Poland

53. The Constitution of Poland ensures the right to freedom of religion for all persons in the territory where Polish law is in force, irrespective of their nationality. Poland noted the impartiality of the State with regard to issues relating to religious convictions and philosophy of life, thus guaranteeing the freedom of churches and the activities of other religious associations. Poland reported that churches and other religious associations benefit from the principle of equality of rights and freedom in the performance of religious functions.

54. Penalties or imprisonment for up to two years is provided for limiting membership in a religious denomination; maliciously interrupting the public performance of a religious act of a church or other religious association; maliciously interrupting a funeral, funeral ceremonies or rites; and offending the religious feelings of other persons by offending in public an object of religious worship or a place destined for the public performance of religious ceremonies.

55. Article 119 of the Criminal Code states that illegal violence or threat against a group of people or against an individual person by reason of their nationality, ethnic origin, race or political or religious convictions or because of their lack of religious affiliation is punishable by a term of imprisonment of between three months and five years. A person who publicly calls for the commission of such a crime is subject to the same penalty. Acts of calling publicly for hatred on the grounds of, inter alia, religious differences or a lack of religious affiliation, as well as acts of publicly offending a group of people or an individual for the same reasons, are also subject to a penalty.

56. In February 2013, the Council for the Prevention of Racial Discrimination, Xenophobia and Related Intolerance was established with the aim of ensuring coordination between government bodies and local governments and other stakeholders in preventing and combating racial discrimination, xenophobia and related intolerance. The Government Plenipotentiary for Equal Treatment has been developing the first edition of the Action Programme for Equal Treatment (2013-2016).

Qatar

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

58. The Centre reported that interfaith dialogue organizations are involved in important initiatives towards establishing social, environmental, economic and medical justice at different levels ranging from initiatives based in one part of a city to prospective global partnerships with the United Nations for the protection, among other rights, of the rights of religious minorities and their sacred symbols.

Romania

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

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

Russian Federation

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

62. In addition, the Labour Code of the Russian Federation establishes guarantees of labour rights and freedoms of citizens, creating favourable conditions of work and protection of the rights and interests of workers and employers. The Russian Federation noted that its contemporary religious situation is characterized primarily by diversity in the domestic confessional space, with more than 67 religions, faiths and religious denominations and 24,180 religious organizations registered as legal entities by the judicial authorities. Among the most important guarantees of freedom

of religion and protection from discrimination are the constitutional principles of the secular State and equality of religious communities (art. 14), and the equality of rights and freedoms of citizens regardless of religion or belief. Article 14 of the Federal Act on Freedom of Conscience and Religious Associations forbids inciting citizens to refuse to fulfil the law of civil obligations and commit other illegal acts. Article 1 of the Federal Act on Combating Extremist Activities prohibits inciting social, racial, national or religious hatred and provides that propaganda of exclusivity, superiority or inferiority of a person on the grounds of social, racial, national, religious or linguistic affiliation or religion are extremist activities.

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

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

Singapore

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

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

67. There are a number of provisions that take into account the needs of minority communities in Singapore. Article 152 of the Constitution states that it is the

responsibility of Government to care for the interests of racial and religious minorities in Singapore. The Administration of Muslim Law Act provides for the establishment of the Islamic Religious Council of Singapore and imbues the Council with the authority to administer and advise the President on Muslim affairs. There are Sikh and Hindu advisory boards, set up by legislation, and the Government continues to consult these boards on issues related to their religious communities.

Spain

68. Spain recalled that article 16, paragraph 1, of the Constitution guarantees freedom of ideology, religion and worship. Paragraph 2 provides that no one may be compelled to declare his or her religion or belief, and paragraph 3 provides that no religion shall have official status, notwithstanding that the public authorities shall take into account the religious beliefs of Spanish society and maintain cooperative relations with the Catholic Church and other denominations. According to article 14, Spaniards are equal before the law and may not be discriminated against on account of birth, race, sex, religion and opinion or any other condition or personal or social circumstance. The Constitution also establishes the obligation of public authorities to promote conditions to ensure that the freedom and equality of individuals and of the groups to which they belong are real and effective and to remove obstacles that hinder their full enjoyment.

69. The fundamental right to religious liberty is developed by No. 7/1980, on religious freedom. Agreements with different faiths include a 1979 agreement with the Holy See and three cooperation agreements with the Evangelical Federation of Spain, the Federation of Jewish Communities of Spain and the Islamic Commission of Spain, respectively.

70. The Criminal Code regulates different crimes committed on discriminatory grounds, such as the offence of incitement to hatred, violence or discrimination (art. 510); conspiracy to promote or incite hatred, violence or discrimination (art. 515.5); offences against freedom of conscience and religious feelings, or impeding or forcing 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 to the religion or belief of the victim, among other things.

71. Spain also outlined measures taken to combat intolerance on the basis of religion and belief, including its integrated strategy against racism, racial discrimination, xenophobia and related intolerance, which was adopted in 2011.

Trinidad and Tobago

72. Trinidad and Tobago noted measures put in place to ensure continued freedoms with respect to race and religion. Section 4 of the Constitution outlines the fundamental rights and freedoms and specifically protects against discrimination on the grounds of race, origin, religion, colour or sex. Its subsections include: the right of the individual to equality before the law and the protection of the law (4b); the right of the individual to equality of treatment from any public authority in the exercise of any functions (4d); the right of a parent or guardian to provide a school

of his own choice for the education of his child or ward (4f); freedom of conscience and religious belief and observance (4h); freedom of thought and expression (4i); freedom of association and assembly (4j); and freedom of the press (4k).

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

Turkey

74. Article 10 of the Constitution of Turkey states that: all individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. Article 3 of the Penal Code (Law No. 5237) states that discrimination can neither be made between the persons in respect of race, language, religion, sect, nationality, colour, sex, political tendencies, and so forth, nor can a person be subject to special and different treatment before the laws and courts. Discrimination in providing public service is criminalized in article 122 of the Turkish Penal Code. The draft “Law on Anti-Discrimination and Equality” was submitted to the Prime Ministry on 12 September 2011, in which discrimination based on belief is prohibited.

75. It reported that the authorities meet with the representatives of various communities as a part of a dialogue with different religious and faith groups. Community leaders of different faiths and beliefs were invited to the Parliament in February 2012 and given the opportunity to present their proposals and views in the preparatory process for the new Constitution.

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

77. The protection of all places of worship and religious sites is provided by the Government authorities. With an amendment to the Municipality Law, the word “mosque” was replaced by the term “place of worship”. Municipalities have the responsibility to renovate not only mosques, but also other places of worship belonging to different religions. The Prime Ministry Circular of 13 May 2010

instructed that utmost care should be given to the protection and maintenance of the non-Muslim cemeteries that have been placed under the control of the municipalities. It reported that the Directorate General of Foundations had recently completed the reparation process of places of worship belonging to non-Muslim citizens. The repair of three more places of worship was still ongoing, and projects to repair three additional places of worship were in the preparatory phase.

Ukraine

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

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

80. Ukraine stated that an analysis of available information, statistical data and records of court decisions shows the absence of systemic manifestations of violence motivated by religious intolerance. Nevertheless, international and national experts and religious leaders have drawn the attention of the authorities to the specific instances of illegal activities resulting from xenophobic, anti-Semitic and racist ideologies. According to the analysis of the period 2007-2013, the number of such instances has been decreasing.

81. The authorities also cooperate with a number of interfaith advisory bodies nationwide and at the regional level. Particularly important is the cooperation with the All-Ukrainian Council of Churches and Religious Organizations, which was established in 1996.

United Kingdom of Great Britain and Northern Ireland

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

83. On 22 January 2013, the Foreign and Commonwealth Office Senior Minister of State with responsibility for Human Rights hosted a meeting on the topic "Building political support for United Nations Human Rights Council resolution

16/18: tackling religious intolerance and fostering religious freedom and pluralism”, at which political leaders reflected on the Istanbul process and the role of politicians. The United Kingdom also highlighted a number of programmes and national bodies that work across different faiths, such as the Inter Faith Network, the faith-based Regeneration Network and Near Neighbours.

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

85. It also highlighted the Anne Frank Trust United Kingdom, which challenges stereotyping and intolerance, including anti-Semitism, that can lead to hate crime/incidents and also support for the Jewish Museum in rolling out a pilot programme to secondary schools, raising awareness and understanding of Jewish faith and tackling “casual” anti-Semitism in schools. There is a cross-government working group on anti-Semitism, with a particular focus on anti-Semitic discourse and anti-Semitism on the Internet and on university campuses.

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

United States of America

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

88. At the Department of Justice, there is a Special Counsel for Religious Discrimination to coordinate cases involving religion-based discrimination among the various sections of the Civil Rights Division and to oversee outreach efforts to religious communities. The Division has also actively enforced the Religious Land Use and Institutionalized Persons Act (2000), which protects houses of worship from discriminatory or unjustifiably burdensome zoning regulation. The efforts of the Equal Employment Opportunity Commission and the Civil Rights Division have included outreach to affected communities, guidance from the Commission, fact sheets, question-and-answer documents for employers and enforcement efforts by both agencies.

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

90. The Office of Civil Rights and Civil Liberties at the Department of Homeland Security also conducts public outreach and engagement initiatives with various faith and ethnic groups and communities, such as the holding of regular round tables for community leaders and youth. Training is provided for law enforcement personnel and intelligence analysts and topics of discussion include effective policing that actively prohibits racial or ethnic profiling.

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

III. Information received from an observer

Holy See

92. The Pontifical Council for Justice and Peace of the Holy See noted that given the particular nature of the Holy See, implementation of resolution [67/178](#) can be implemented only through particular means, namely, the call for tolerance and dialogue through messages, documents and gestures. The Council recalled the messages of His Holiness the Pope for the celebration of World Day of Peace on 1 January 2011, entitled “Religious freedom, the path to peace”, and also referred to the address of the President of the Council to the Pan-European Working Group of the European Parliament (Strasbourg, November 2012) on the topic “Religious freedom and Christians suffering discrimination and persecution”. It highlighted a number of “meaningful documents” on the relations of the Church with “non-Christian religions”.

93. The Council noted gestures by the Holy See such as the organization of the Day of reflection, dialogue and prayer for peace and justice in the world, entitled “Pilgrims of truth, pilgrims of peace”, which took place in Assisi, Italy, on 27 October 2011, and the celebration of the twenty-fifth anniversary of the World Day of Prayer for Peace, 1986, also held in Assisi. The visits of His Holiness the Pope to Lebanon and Israel were also recalled. The Holy See also engages through activities carried out by the Pontifical Council for Promoting Christian Unity and the Pontifical Council for Interreligious Dialogue.