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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 to and implementation of the Durban Declaration and Programme of Action

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

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 43/34, in which the Council called upon States to implement an action plan to combat intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief. The report contains information on steps taken by States under this action plan. It also contains a summary of activities undertaken by the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms in this regard. The information received shows that several States have taken legislative, institutional and policy measures to address these issues, and undertaken initiatives to promote religious freedom, pluralism, mutual understanding and tolerance. These measures and initiatives include educational and awareness-raising activities, and interfaith and intercultural dialogue. The points of the action plan are complementary measures that should be implemented holistically and comprehensively. In that respect, States are encouraged to take further steps in implementing those elements of action plan that have received less attention so far, in particular in terms of combating religious profiling, encouraging the efforts of leaders, speaking out against religious intolerance, training government officials in effective outreach strategies and protecting places of worship and religious sites.

I. Introduction

1. In 2011, the Human Rights Council in its resolution 16/18, and the General Assembly in its resolution 66/167, called on States to take a number of actions – later referred to as an action plan – to combat intolerance and discrimination based on religion or belief and its root causes. The actions were articulated around a number of points, comprising complementary measures to be taken at the national level in policy, law and practice.

2. The present report is submitted pursuant to Human Rights Council resolution 43/34, in which the Council requested the United Nations High Commissioner for Human Rights to submit to it, at its forty-sixth session, a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan, and views on potential follow-up measures for further improvement of the implementation of that plan.

3. The report is based on contributions received from 12 States in reply to a note verbale sent by the Office of the United Nations High Commissioner for Human Rights (OHCHR).¹ In section II of the report, action and initiatives undertaken by States are presented under headings that correspond to the points of the action plan outlined in paragraphs 7, 8 and 10 of Human Rights Council resolution 43/34, as well as measures taken in the particular context of the coronavirus disease (COVID-19) pandemic. Some information received from States has already been reflected in previous reports on the same topic, notably in the most recent report of the Secretary-General to the General Assembly (A/75/369). Section III contains a summary of activities undertaken by OHCHR and human rights mechanisms in support of the implementation of the action plan, and section IV an assessment of the contributions received between 2012 and 2020. Section V contains conclusions and observations on the status of the implementation and observations on the way forward.

II. Steps taken by States in the implementation of the action plan

A. Constitutional and legislative measures

4. Bahrain, Bolivia (Plurinational State of), Cuba, Latvia, Mexico, Pakistan, Poland, the Russian Federation, Slovenia and Turkey provided information about the constitutional and legislative frameworks in place in their respective countries to guarantee the right to freedom of religion, equality and non-discrimination, and to combat discrimination and intolerance based on religion or belief. While establishing domestic constitutional and legislative frameworks is a significant step forward, further efforts are needed to ensure their implementation. Governments and stakeholders should take practical action to reach victims of discrimination and religious communities and to promote a culture of tolerance and peace domestically.

B. Measures to address violent extremism and radicalization

5. A total of 37 States have reported since 2012 on measures taken to address violent extremism and radicalization under the action plan.² Frequent human rights impact

¹ Bahrain, Bolivia (Plurinational State of), Costa Rica, Cuba, Latvia, Mexico, Pakistan, Poland, Qatar, Russian Federation, Slovenia and Turkey. The original texts of all submissions, including those submitted after the deadline, are available for consultation on the OHCHR website at <https://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>.

² The figure shown is the total number of States that have provided information at least once since 2012 on measures taken under this point of the action plan, in the context of reports to either the Human Rights Council or the General Assembly. The figures provided for subsequent points were derived on the same basis.

assessments of legislation are critical to ensure that such measures are firmly rooted in human rights and are aligned with the objectives of the action plan.

6. In its contribution to the present report, the Russian Federation provided detailed information on its anti-extremism legislation, including the Federal Act of 25 July 2002 on Countering Extremist Activity and specific provisions of the Criminal Code. The Criminal Code had been amended in 2014 to increase punishments for extremism-related crimes.

C. Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education³

7. A total of 53 States have reported since 2012 on measures taken to create collaborative networks to build mutual understanding. Moving forward, it will be critical to ensure that all networks are helping to advance the objectives outlined in the action plan.

8. For the present report, Costa Rica reported that the Department of Worship, of the Directorate General of Protocol, State Ceremony and Worship – under the Ministry of Foreign Affairs – had been working towards strengthening the relationship between the Ministry and the representatives of religious communities. To that end, it had organized a meeting in 2019 to discuss commonalities and exchange views.

9. Cuba reported that, since 1985, the Religious Affairs Office of the Central Committee of the Communist Party had maintained sustained relationships and dialogues with representatives of all religious denominations in order to facilitate their functioning, promote a healthy relationship with State and government bodies and address possible challenges and expectations.

10. Italy reported that the National Office against Racial Discrimination had been collaborating since 2019 with the Catholic University of the Sacred Heart, the Centre for Contemporary Jewish Documentation, the Fondazione Memoriale della Shoah di Milano and Giovani Musulmani d'Italia on a project entitled “Vox Populi”. The project was aimed at deepening analysis of the phenomenon of hate speech motivated by religious or cultural affiliation and establishing an observatory as a tool for raising awareness and preventing and combating discriminatory phenomena on social media.

11. Bahrain reported that the King Hamad Global Centre for Peaceful Coexistence had been established in 2018. The Centre was aimed at promoting the values of tolerance, peaceful coexistence, pluralism and diversity, and combating extremist ideology, hatred and terrorism. Its board of trustees included representatives of the different religions present in the country.

12. Mexico reported that the General Directorate of Religious Affairs, of the Ministry of Interior, which was the supervisory authority in matters of freedom of religion, had held meetings with government officials in charge of religious affairs to promote a culture of peace and recognition of the increasingly visible religious diversity in Mexico. It had also sought to meet with religious leaders of different denominations and with social and academic actors working on the promotion of a culture of peace.

13. Poland reported that the Government was cooperating with churches and other religious organizations. Several additional bodies had been established to maintain a permanent dialogue with representatives of churches and religious organizations, including with the Polish Bishops' Conference and the Polish Ecumenical Council. Churches and religious organizations in Poland were developing joint initiatives for peace, safety and the prevention of violence, such as ecumenical days and the Day of Judaism in the Roman Catholic Church.

³ Human Rights Council resolution 43/34, para. 7 (a).

14. The Russian Federation reported that, in the framework of the State national policy, the Government was paying special attention to building up cooperation with international and non-governmental organizations to ensure respect for the rights and protection of national minorities and to prevent discrimination on the grounds of religious affiliation, among other grounds.

D. Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities and assisting with conflict prevention and mediation⁴

15. A total of 61 States have submitted information since 2012 about the creation of appropriate mechanisms to identify and address potential areas of tension between members of the various religious communities.

16. Cuba reported that, under the Associations Act (Act No. 54/1985), the Directorate for Associations of the Ministry of Justice was the competent authority for regulating the legal status of religious institutions in the country, and for monitoring and mitigating possible tensions between the members of the various religions.

17. Bahrain reported that the National Institution for Human Rights was competent to monitor enjoyment of the right to freedom of religion.

18. Mexico indicated that the General Directorate of Religious Affairs was the supervisory authority for monitoring compliance with the constitutional and legal provisions on public worship, churches, religious groups and associations, with the aim of promoting the secular State, respect for diversity of religious expression and religious freedom. In dealing with cases of religious intolerance, the General Directorate was prioritizing dialogue and conciliation and was cooperating closely with states and municipalities to take into account the specificities of local contexts. Other institutions and procedures were in place to address cases related to freedom of religion, such as the Prosecution Service and the National Council for the Prevention of Discrimination at the federal level, human rights organizations, and the state and municipal authorities.

19. The Plurinational State of Bolivia reported that the National Committee against Racism and All Forms of Discrimination had been established under the Act on the Elimination of Racism and All Forms of Discrimination (2010), which provided for protection against discrimination based on religious belief, among other grounds. The National Committee was responsible for promoting, designing and implementing comprehensive policies and regulations in that area.

20. Pakistan indicated that the interfaith harmony committees were effective platforms to promote dialogue and understanding of the diverse perspectives of the various communities at the district level. The national policy on interfaith harmony, which had been drafted by the National Commission for Minorities, was under review by the provincial governments.

21. Slovenia reported that there were no formal mechanisms to address areas of tension between members of the various religious communities in the country. Nonetheless, the Office for Religious Communities, of the Ministry of Culture, was responsible for monitoring the situation in religious communities and had not detected any major conflicts. It had addressed conflict prevention in general terms during consultations with representatives of religious communities on hate speech and on the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes (Fez Plan of Action).⁵

⁴ Ibid., para. 7 (b).

⁵ Available at www.un.org/en/genocideprevention/documents/Plan_of_Action_Religious_Prevent_Incite.pdf.

22. Turkey indicated that the Human Rights and Equality Institution of Turkey had been established in 2016 with a mandate to prevent discrimination, including on religious grounds, and was competent to receive complaints from individuals and initiate *ex officio* investigations into allegations of discrimination.

E. Encouraging the training of government officials in effective outreach strategies⁶

23. The High Commissioner welcomes the increase in the number of States that reported on action taken to encourage the training of government officials in effective outreach strategies over the past two years, with 12 States having reported on this point since 2018. Information received for the present report did not include references to action taken under this point of the action plan.

F. Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes⁷

24. The number of States reporting on action taken to encourage the efforts of leaders to discuss within their communities the causes of discrimination continues to be low. Only two States have reported on this issue since 2012.

25. For the present report, Bahrain reported that the Ministry of Justice, Islamic Affairs and Endowments had set up a programme of courses for imams and preachers, including a group of both male and female preachers, based on the values of pluralism and coexistence. The aim of the programme was to promote religious discourses in line with contemporary developments, combat extremist ideology and rhetoric, and promote equality and citizenship.

G. Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence⁸

26. A total of 10 States have reported since 2012 on action to speak out against intolerance and related activities and initiatives.

27. Bahrain reported that the King had in international news articles spoken of the importance of moderation, tolerance and enlightened thought for the development and maintenance of human rights, and the need to represent the entire spectrum of society to ensure that reforms serve the interests of all, without exclusion. The National Institution for Human Rights reported that its representatives had delivered several statements between 2019 and 2020 in which they promoted the value of religious tolerance and respect for religious freedom, and condemned violence and extremism.

28. Pakistan reported that instances of incitement to intolerance, hostility and violence were discouraged at the highest level with varying degree of punitive measures in the country. In that regard, it recalled action taken by public officials in the wake of the verdict in the case of Asia Bibi. It also recalled the fatwa (a non-binding legal opinion on a point of Islamic law) that had been issued by Islamic scholars in 2018, in which they articulated a counter-narrative of peace, harmony, moderation and tolerance against extremism and radicalization, and which held the status of national code of conduct.

29. Turkey reported that government officials continued to speak out strongly against intolerance, discrimination, hostility and violence based on religion or belief. In that respect, it recalled a letter dated 24 April 2020 sent by the President, Recep Tayyip Erdoğan, to the Armenian Patriarch of Turkey.

⁶ Human Rights Council resolution 43/34, para. 7 (c).

⁷ *Ibid.*, para. 7 (d).

⁸ *Ibid.*, para. 7 (e).

H. Adopting measures to criminalize incitement to imminent violence based on religion or belief⁹

30. Bahrain, Italy, Latvia, Pakistan, Poland, the Russian Federation and Slovenia submitted comprehensive information about domestic criminal frameworks that prohibited incitement to violence based on religion or belief. A total of 49 States have reported since 2012 on this point of the action plan. Many of the frameworks addressed issues of incitement to racial, national or religious hatred through speech or written media and publications, including online. The laws generally also covered the establishment of, or participation in, organizations that urged violence or incited religious hatred, and public meetings in that context; the denial of war crimes, genocide and crimes against humanity; and the linkages between incitement to violence and acts of terrorism. The frameworks outlined usually included criminal provisions and heavy sentences.

I. Adopting measures against hate crimes

31. A total of 29 States have reported since 2012 on activities to address hate crimes at the domestic level. The High Commissioner emphasizes the importance of constant human rights impact assessments of laws and policies adopted in this area.

32. Cuba reported that criminal law provided for the criminalization of acts perpetrated with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group.

33. Italy reported that the Observatory for Security against Acts of Discrimination was developing a guide to Islam for police officers, in cooperation with the Italian Islamic Religious Community, and had in December 2018 issued a guide to Judaism for police officers, in cooperation with the Union of Italian Jewish Communities. Those projects were aimed at increasing awareness, knowledge and operational competence among police officers in preventing and combating crimes motivated by religious hatred. As part of the European Union-funded project entitled “Facing All the Facts”, the Observatory had cooperated with non-governmental organization CEJI – A Jewish Contribution to an Inclusive Europe to develop training modules for police officers on tackling antisemitism and anti-Muslim hatred. The Observatory had also launched a new issue of the official national police magazine, entitled “When hate becomes crime”, on 21 January 2020.

34. Poland provided detailed information about the legal framework for addressing prejudice-motivated crimes, including those on the basis of the religion of the victim. It explained that, under its Criminal Code, the motivation of the perpetrators of a prohibited act was taken into account in determining the gravity of the act and imposing the penalty. The police action plan for the period 2018–2021 addressed crimes motivated by hatred based on religious differences, among other grounds. Within that framework, the police had strengthened its preventive action against prejudice-motivated crimes. Training activities had also been undertaken for police officers, judges and prosecutors to strengthen their capacity in dealing with hate crimes.

35. Latvia reported that under its criminal law, aggravating circumstances could be considered if the criminal offence was committed for racist, national, ethnic or religious motives.

36. The Russian Federation provided detailed information about the legal framework for addressing hate crimes. Under the Criminal Code, the commission of crimes on the basis of political, ideological, racial, national or religious hatred or enmity was considered an aggravating circumstance and that the Code provided for a multi-stage system of response to such crimes. Article 357 of the Code, on genocide, provided for liability for actions aimed at the complete or partial destruction of a religious group.

⁹ Ibid., para. 7 (f).

J. Understanding the need to combat denigration and negative religious stereotyping of persons and incitement to religious hatred by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building¹⁰

37. A total of 48 States have reported since on action taken to combat denigration and negative religious stereotyping of persons and incitement to religious hatred.

38. Costa Rica reported that the fight against all forms of intolerance or discrimination on the grounds of religion or belief was addressed within the framework of the general policies against all forms of intolerance or discrimination.

39. Italy reported that the National Office against Racial Discrimination continued to address the phenomenon of discrimination on religious grounds through monitoring and enforcement activities, including through its contact centre. The Media and Internet Observatory, which had been established by the National Office against Racial Discrimination in 2016, also continued to monitor and analyse potentially discriminatory content on social networks and media. It added that Italy was committed to raising public awareness and ensuring that the memory of the Holocaust lived on, notably through activities targeted at students and young people. Italy celebrated the International Day of Commemoration in Memory of the Victims of the Holocaust on 27 January each year.

40. Bahrain reported that the King had launched the “Kingdom of Bahrain Declaration” on 3 September 2017 as a global document for tolerance. Further to the launch, the King Hamad Chair for Interfaith Dialogue and Peaceful Coexistence had been inaugurated on 5 November 2018 at Sapienza, University of Rome. In October 2020, the first students to benefit from that new curriculum had obtained a master’s degree in religious studies. On 26 March 2019, the Government had adopted a national plan for the promoting national belonging and consolidating the values of citizenship. The National Institution for Human Rights indicated that the school curricula had been amended to include teaching on the values of citizenship and human rights at all levels of education.

41. Latvia reported that the topics of human rights, tolerance and diversity of religious beliefs had been integrated into the general education curriculum between 2018 and 2019.

42. Mexico reported that the Government had in 2019 adopted the national strategy for the promotion of respect for and tolerance of religious diversity, which included a preventive approach to dealing with conflicts due to religious intolerance. The national strategy had been launched during the commemorative event held on 20 September 2019 for the International Day of Peace. It also reported on several initiatives undertaken in the framework of the national strategy with a view to promoting a culture of tolerance of and respect for the plurality of religious beliefs.

43. Pakistan reported that the National Curriculum Council was reviewing the curriculum and suggesting material to educate children and youth about tolerance, human rights, civic education and democracy, and that various initiatives had also been undertaken at the provincial levels. Under the national action plan to counter terrorism and extremism, Muslim schools had undergone reforms.

44. The Plurinational State of Bolivia indicated that the Ministry of Education, Sports and Cultures was responsible for promoting respect for freedom of religion and spiritual beliefs. Under the basic curriculum of the educational system, the notions of values, spirituality and religions were taught from a world-view approach, as basic systems of beliefs, and that teaching included diverse religious beliefs, such as the spirituality of indigenous peoples.

45. Turkey reported that various amendments had been made to the national curriculum to include the teaching of the fundamental values of non-discrimination and inclusiveness, and to integrate an encompassing approach towards all religions into all levels of education.

¹⁰ Ibid., para. 7 (g).

K. Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence¹¹

46. A total of 39 States have submitted information since 2012 on interfaith and intercultural dialogue and exchange held at local, national and international levels.

47. Mexico reported that the national strategy for the promotion of respect for and tolerance of religious diversity acknowledged the importance of interreligious dialogue to promote a culture of mutual respect, and the fundamental role of religious actors in building the social fabric and promoting a culture of peace.

48. Qatar indicated that the Doha International Centre for Interfaith Dialogue was the leading institution in Qatar concerned with interfaith and intercultural dialogue, and capacity-building in the field of dialogue and a culture of peace. Several initiatives had been undertaken to promote a culture of dialogue, tolerance and mutual understanding at the local and national levels, including community round tables, an intercultural dialogue forum and radio broadcasts. The Centre organized an annual international conference on interfaith dialogue, and it was working towards the integration of minorities in Qatar through collaboration with charitable organizations.

49. Slovenia reported that, although State bodies did not directly engage in interfaith dialogue, the Office for Religious Communities, of the Ministry of Culture, contributed indirectly to interfaith dialogue through the organization of meetings, consultations and receptions for representatives of religious communities.

L. Taking effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief¹²

50. A total of 26 States have reported since 2012 on measures taken under this point of the action plan.

51. Cuba indicated that article 294 of the Criminal Code provided for severe penalties for anyone, including public officials, responsible for offences against freedom of religion.

52. Italy indicated that training activities on the protection of human rights and on the prevention of acts of discrimination were included in the basic and continuous education training for the State police staff, and in the training of trainers in service at police schools.

53. The Plurinational State of Bolivia reported that the Act on the Elimination of Racism and All Forms of Discrimination defined the behaviour by public functionaries that constituted offences and the obligation of public servants to report such offences. The offences included verbal attacks based on racist and/or discriminatory motives, the denial of access to the service for racist and/or discriminatory reasons, and physical, psychological and sexual abuse for racist and/or discriminatory reasons that did not constitute a crime.

54. Poland reported that, between 2019 and 2020, the National School of Judiciary and Public Prosecution had organized several training sessions on the subject of the practical aspects of cultural diversity in criminal proceedings, and that it was planning training sessions in 2021 on the subject of the cultural diversity of participants of criminal proceedings. The National School enabled Polish judges and prosecutors to participate in international training events in the field of anti-discrimination.

55. Mexico reported that the General Directorate of Religious Affairs was working towards promoting respect for religious diversity and a culture of peace among public officials at the federal, state and municipal levels.

¹¹ Ibid., para. 7 (h).

¹² Ibid., para. 8 (a).

56. The Russian Federation reported that the Criminal Code established criminal liability for acts of discrimination, including on the grounds of religion or beliefs, committed by government officials, and that the Code of Administrative Offences established the administrative responsibility of government officials for acts of discrimination that did not amount to criminal offences.

57. Turkey reported that the Ombudsman monitored compliance by public institutions with the principle of the prevention of discrimination.

M. Fostering religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion and to contribute openly and on an equal footing to society¹³

58. A total of 67 States have reported since 2012 on measures taken to foster religious freedom and pluralism.

59. Costa Rica reported that, while the Constitution recognized the Roman Catholic Apostolic Religion as the religion of the State, it guaranteed the free exercise of other forms of worship. Under Costa Rican legislation, all religious entities registered with the Ministry of Foreign Affairs were entitled to special benefits, including special regimes in matters of taxation and migration.

60. Cuba reported that 1,850 religious organizations and institutions and fraternal associations were registered with the Ministry of Justice, including churches, ecumenical centres and movements and Afro-Cuban spiritualist religions, among others.

61. Bahrain provided detailed information about the country's approach to the freedom of thought, opinion, religion and belief, which was enshrined in the Constitution. There were 452 licensed Sunni mosques, 609 Jaafari mosques, and 19 churches and temples in Bahrain. The Ministry of Justice was responsible for granting permits for establishing, protecting and maintaining places of worship. The National Institution for Human Rights indicated that it was responsible for receiving complaints and providing legal assistance in cases of infringement of the rights to freedom of belief and freedom of practice of religious rites, and for monitoring the implementation of those rights in detention centres. In that respect, the National Institution had conducted 14 visits to detention centres in 2019 and 2020, to ensure that inmates of all denominations could practice freely their religious rites.

62. The Plurinational State of Bolivia reported that the Act on Religious Freedom, Religious Organizations and Spiritual Beliefs (2019) had established the legal framework for the exercise of religious freedom and spiritual beliefs on the basis of the principles of pluralism, legal equality and non-discrimination, among others. Under that Act, any organization of a religious nature should be registered as "religious and spiritual organizations", and the Ministry of Foreign Affairs was responsible for conducting the registration process. The Office of the Deputy Minister for Decolonization was promoting cultural activities to strengthen ancestral knowledge and wisdom through the celebration of festivities.

63. Latvia reported that, following a judgment of the Constitutional Court of 26 April 2018, the provisions of the Law on Religious Organizations establishing special requirements for the registration of new religious organizations were no longer in force. The Law on Religious Organizations guaranteed the right to attend religious courses.

64. Mexico reported that the national strategy for the promotion of respect for and tolerance of religious diversity would be implemented in such a way as to take into account the specificities of each regional context to ensure recognition of and respect for plurality and freedom of religion.

¹³ Ibid., para. 8 (b).

65. Poland reported that freedom of conscience and religion was guaranteed, including through the criminalization of acts of discrimination against persons on the grounds of religion or lack of religious belonging, and through the criminalization of behaviours directed against the public manifestation of religion.

66. Slovenia reported that the Constitution guaranteed freedom of religious and other beliefs and the enjoyment of equal rights by all religious communities. The Religious Freedom Act regulated the registration process by which religious communities obtained the status of legal persons. The Human Rights Ombudsman, the Advocate of the Principle of Equality and the Office for Religious Communities, of the Ministry of Culture, were responsible for dealing with complaints regarding potential violations of religious freedom and discrimination.

67. Turkey reported that non-Muslim Turkish citizens continued to be able to practise their religion, hold religious ceremonies and manage their properties, including places of worship, without any impediments.

68. The Russian Federation reported that the Criminal Code provided for criminal liability in case of illegal obstruction of the activities of religious organizations or of the performance of religious rites, and that the Code of Administrative Offences established administrative responsibility in case of violation of the legislation on freedom of conscience and freedom of religion and on religious associations.

N. Encouraging the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society¹⁴

69. A total of 14 States have reported since 2012 on measures taken to encourage the representation and meaningful participation of individuals in all sectors of society. The COVID-19 crisis has magnified existing patterns of discrimination, including on religious grounds, making it even more urgent to step up efforts to ensure the representation of all individuals in decision-making processes, including on COVID-19 response measures.

70. Cuba reported that the State was encouraging the representation and meaningful participation of people in all sectors of society, regardless of their religion. Religious affiliation was not an impediment to gaining access to positions in the State and public administration, or to holding responsibilities in the organs of power. At the time of the submission, four religious leaders were members of the National Assembly of People's Power.

71. Mexico reported that the General Directorate of Religious Affairs was promoting the integration of religious actors into dialogues and initiatives to rebuild the social fabric and build peace.

72. Pakistan reported that affirmative measures had been taken to ensure the equal participation of individuals belonging to minorities, in particular in the areas of political participation, employment and education.

73. The Plurinational State of Bolivia provided information about the legislative and political frameworks in place to ensure that all people could enjoy fully and without discrimination the rights to political participation, freedom of association, health, work, housing, food, and education and vocational training.

74. Latvia reported that several legislative measures had been taken that provided for the prohibition of discrimination in the areas of work and employment, access to health care, the performance of economic activities, education and the protection of children's rights.

¹⁴ Ibid., para. 8 (c).

O. Making a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questioning, searches and other law enforcement investigative procedures¹⁵

75. The number of States reporting on action taken to counter religious profiling remains low. A total of eight States have reported since 2012 under this point. Contributions received for the present report did not include information on this point.

P. Adopting measures and policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and taking measures in cases where they are vulnerable to vandalism or destruction¹⁶

76. A total of 11 States have provided information since 2012 on measures and policies adopted to promote full respect for and protection of places of worship and religious sites.

77. Costa Rica reported that, despite the absence of an explicit State policy on issues of discrimination on the grounds of religion, the country had not suffered radical demonstrations or attacks on places of worship. The Ministry of Culture and Youth had granted funding to the Catholic Church for the safeguarding of religious monuments that were constitutive of the architectural heritage.

78. Pakistan reported that provincial governments had developed legal and administrative measures to protect religious sites and places of worship. In the framework of the government initiative to return Hindu temples to the Hindu community, a 200-year old temple in Zhob, Balochistan, had been restored and handed over to the Hindu community in 2020.

Q. Taking measures in the context of the COVID-19 pandemic

79. Concerning measures taken to prevent and combat intolerance and discrimination based on religion or belief, Bahrain provided information about the sanitary measures that had been taken in order to hold prayers and practice religious rites. The Government, in cooperation with the Sunni and Jaafari endowments departments, had conducted a national campaign to combat COVID-19 in more than 1,000 places of worship. The Administration had formed a women's team to raise awareness about the current public health conditions among women. The National Institution for Human Rights indicated that it was monitoring sanitary measures implemented in the context of the COVID-19 pandemic to ensure that they did not impede the freedom of religion.

80. Italy reported that comprehensive monitoring of cases of discrimination related to the COVID-19 pandemic had been conducted in 2020 to address possible increases in intolerance and violence against minorities. Between January and November 2020, approximately 30 such cases had been recorded, including physical attacks, verbal attacks, derogatory comments on social media and bans.

81. Turkey reported on measures taken to mitigate the possible adverse effects of the COVID-19 pandemic on religious freedoms. Sermons on the importance of tolerance and social cohesion had been delivered through television broadcasts and digital platforms. Centres for family and religious counselling continued to provide consultative services at the provincial level.

¹⁵ Ibid., para. 8 (d).

¹⁶ Ibid., para. 10.

III. Activities undertaken by the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms

A. Office of the United Nations High Commissioner for Human Rights

82. OHCHR continued working on the various dimensions of religious intolerance, including multiple forms of discrimination, xenophobia, freedom of religion or belief, religious profiling and incitement to racial, national or religious hatred. Through its field presence, it provided training sessions, workshops and advisory services and, upon request, reviewed draft anti-discrimination laws and amendments. As a member of the working group to operationalize the United Nations Strategy and Plan of Action on Hate Speech, OHCHR developed its own strategy on hate speech.

83. OHCHR continued promoting the implementation of the Beirut Declaration on Faith for Rights and the 18 associated commitments (A/HRC/40/58, annexes I and II), and helped to protect and expand civic space and address hate speech in social media through the organization of regional workshops and webinars. The #Faith4Rights toolkit, launched online in January 2020, translated the vision of the Declaration into practical peer-to-peer learning programmes. The whole concept was interactive, results-oriented and participatory, engaging the participants through audiovisual material and social media, with a particular focus on the needs of youth. OHCHR was piloting the toolkit with faith-based actors, academics and United Nations human rights mechanisms at the national, regional and global levels.¹⁷

84. OHCHR further strengthened its work to combat antisemitism. On the International Day of Commemoration in Memory of the Victims of the Holocaust in January 2020, the High Commissioner stressed the importance of human rights education in helping people to understand universal human rights principles and the lessons of history, and in empowering them to hold their Governments accountable.¹⁸ Also in January 2020, OHCHR facilitated the display of an exhibition entitled “Lest We Forget” at the Palais des Nations, in Geneva. In December 2019, OHCHR co-organized, with the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Special Rapporteur on freedom of religion or belief and the World Jewish Congress, a workshop for policymakers on the role of education in addressing antisemitism.

85. OHCHR issued material to combat intolerance, including two guidance notes in 2020, on racial discrimination in the context of the COVID-19 crisis and on COVID-19 and minority rights.¹⁹ The notes also covered manifestations of religious discrimination, described promising practices to address the disproportionate impact of the pandemic on members of minority communities, and recommended action to be taken by States, leaders and civil society.

86. On 28 May 2020, the High Commissioner, the Special Adviser to the Secretary-General on the Prevention of Genocide and the High Representative for the United Nations Alliance of Civilizations opened the virtual consultation for a “Global Pledge for Action by Religious Actors and Faith-Based Organizations to Address the COVID-19 Pandemic in Collaboration with the United Nations”.²⁰ Noting that religious leaders had a powerful role to play in guiding responses to the pandemic, the High Commissioner urged them to speak out firmly against the intolerance and hate speech that was being targeted at multiple minority communities across the world, which were being stigmatized as supposed carriers of the virus and were facing discrimination and physical and verbal attacks.²¹ The Global Pledge for Action included a declaration of commitments by religious leaders and faith-based actors in

¹⁷ www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

¹⁸ www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25501&LangID=E.

¹⁹ www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf and www.ohchr.org/Documents/Issues/Minorities/OHCHRGuidance_COVID19_MinoritiesRights.pdf.

²⁰ www.ohchr.org/Documents/Issues/Religion/GlobalPledgeAction.pdf.

²¹ www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25909&LangID=E.

response to the COVID-19 pandemic and a mapped out ongoing activities and possible areas of collaboration with the United Nations.

B. Human rights mechanisms

87. OHCHR continued providing support to the human rights bodies in their work to combat religious intolerance.

88. The Human Rights Committee, on 23 July 2020, adopted its general comment No. 37 (2020), on the right of peaceful assembly, in which it stressed that assemblies could not be used for advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence. With regard to the definition of incitement to violence, the Committee referred in the general comment to the threshold test in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix) and to the Beirut Declaration on Faith for Rights and the 18 commitments.

89. The Human Rights Committee, in its statement on derogations from the International Covenant on Civil and Political Rights in connection with the COVID-19 pandemic (CCPR/C/128/2), adopted on 24 April 2020, stressed that States parties must take steps to ensure that public discourse in connection with the COVID-19 pandemic did not constitute advocacy or incitement against specific marginalized or vulnerable groups, including minorities and foreign nationals.

90. The Committee on the Elimination of Racial Discrimination adopted on 24 November 2020 its general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, in which it addressed profiling based on the ground of religion, among other grounds.

91. The Special Rapporteur on freedom of religion or belief focused his 2020 interim report to the General Assembly on the importance of safeguarding freedom of religion or belief for the successful implementation of the 2030 Agenda for Sustainable Development (A/75/385). In the report, he recommended that States, intergovernmental organizations and civil society actor utilized tools developed by the United Nations system to promote social inclusion, in particular Human Rights Council resolution 16/18, the United Nations Strategy and Plan of Action on Hate Speech, the Rabat Plan of Action, the #Faith4Rights toolkit, the Fez Plan of Action and the UNESCO programme on preventing violent extremism through education.²² The Special Rapporteur also focused his 2020 report to the Human Rights Council on gender-based violence and discrimination in the name of religion or belief (A/HRC/43/48).

92. The Special Rapporteur delivered public statements to warn against the upsurge in religious intolerance and incitement to hatred and scapegoating of religious or belief communities in many countries during COVID-19 outbreak.²³ He joined other special procedure mandate holders in appealing against the rise of discrimination and violence perpetrated by government officials in the context of COVID-19 emergency measures.²⁴

93. The Special Rapporteur participated in consultations on the drafting of a law on freedom of conscience and religion of Uzbekistan. He contributed with OHCHR to an online course entitled “Stomping out hate speech”.²⁵ He also participated in several awareness-raising activities and workshops, notably on the issues of antisemitism and on the legal and institutional responses to tackling hate speech and incitement to hatred, both online and offline.

²² See <https://en.unesco.org/preventingviolentextremismthrougheducation>.

²³ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25800&LangID=E and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25814&LangID=E.

²⁴ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25802&LangID=E.

²⁵ See www.unicri.it/Specialized%20Training%3B%20Hate%20Speech.

IV. Assessment of the contributions received between 2012 and 2020

94. Against the backdrop of the increasing incidence of incitement to discrimination, hatred and violence against persons based on religion or belief, the continued low level of reporting of efforts undertaken to implement the action plan is a matter of concern. The lack of reporting not only hampers a comprehensive assessment of progress to date, but also limits the possibility of sharing promising practices.

95. States' contributions to previous reports (figure I) and to the present report (figure II) show that several States have put in place collaborative networks to build mutual understanding and promote dialogue and constructive action towards shared policy goals, and have established mechanisms to identify and address potential areas of tension between members of the various religious communities. Many national constitutional and legal frameworks criminalize incitement to violence and provide for its prohibition on several grounds, including on the basis of religion or belief.

96. Contributions from States indicate that the issues of religious intolerance, stigmatization, negative stereotyping, and discrimination, including issues of violent extremism and radicalization, continue to be addressed through various educational measures and cultural activities, dialogues, strategic plans and public information and media campaigns, including online platforms. Interfaith and intercultural dialogue and exchange – local, national and international – are taking place in several countries.

97. States' contributions also show that several States have legislative, policy and institutional measures in place to foster religious freedom and pluralism. In recent years, the High Commissioner has noted an increase in the number of States reporting on legislative measures and training and awareness-raising activities taken to ensure that public functionaries, in the conduct of their public duties, do not discriminate against individuals on the basis of religion or belief, and on measures taken to encourage the representation and meaningful participation of individuals in all sectors of society.

98. Only a few States in their submissions indicated that government and political officials had spoken out against religious intolerance or that measures had been taken to protect places of worship and religious sites. A small number of States reported on action taken to encourage the training of government officials in effective outreach strategies, to encourage the efforts of leaders to discuss within their communities the causes of discrimination, and to counter religious profiling.

Figure I
**Number of States reporting on the action plan during the period 2012–2020,
 in contribution to the previous reports of the High Commissioner to the Human
 Rights Council and of the Secretary-General to the General Assembly, by category
 or by paragraph number of Council resolution 43/34**

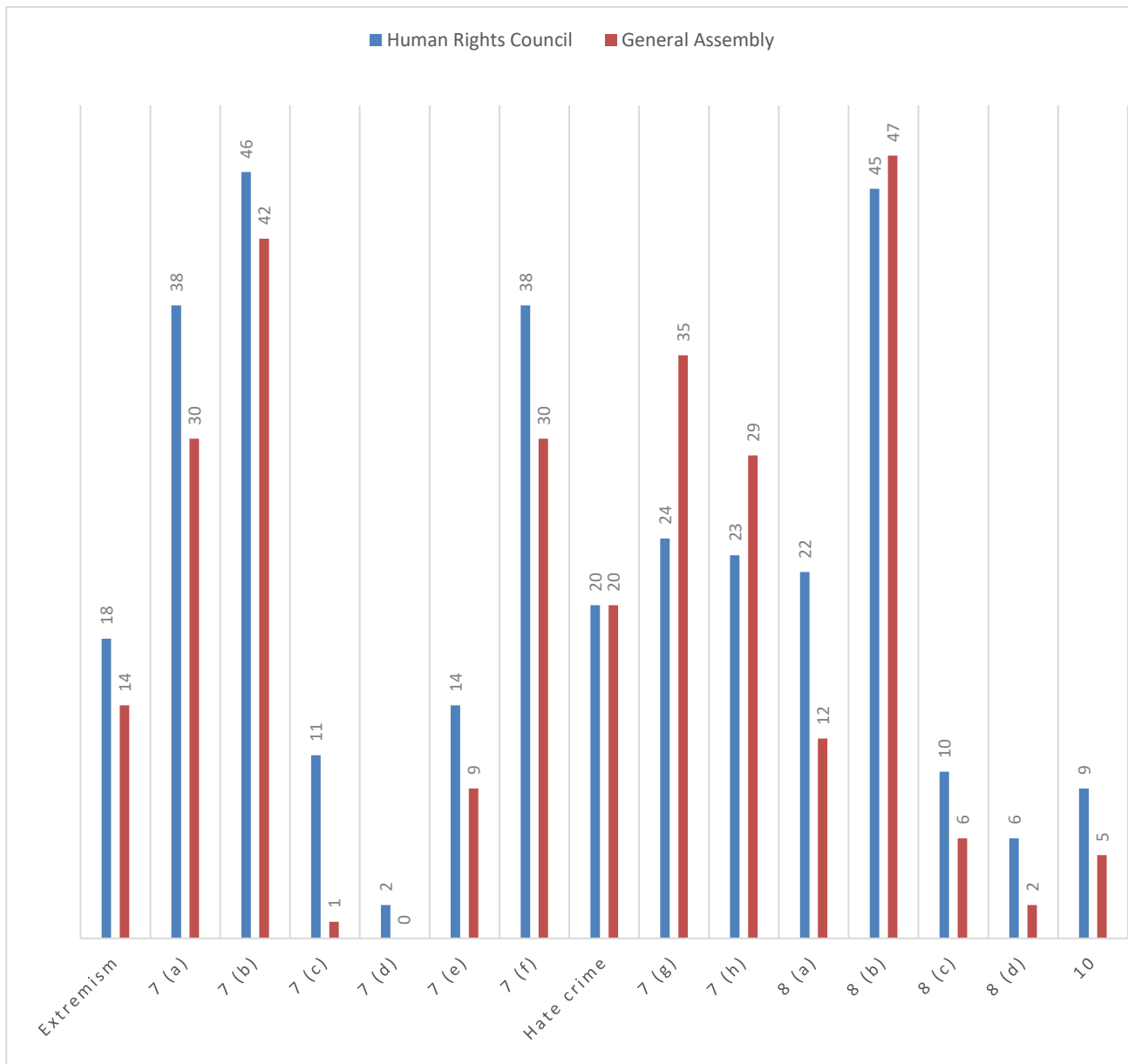
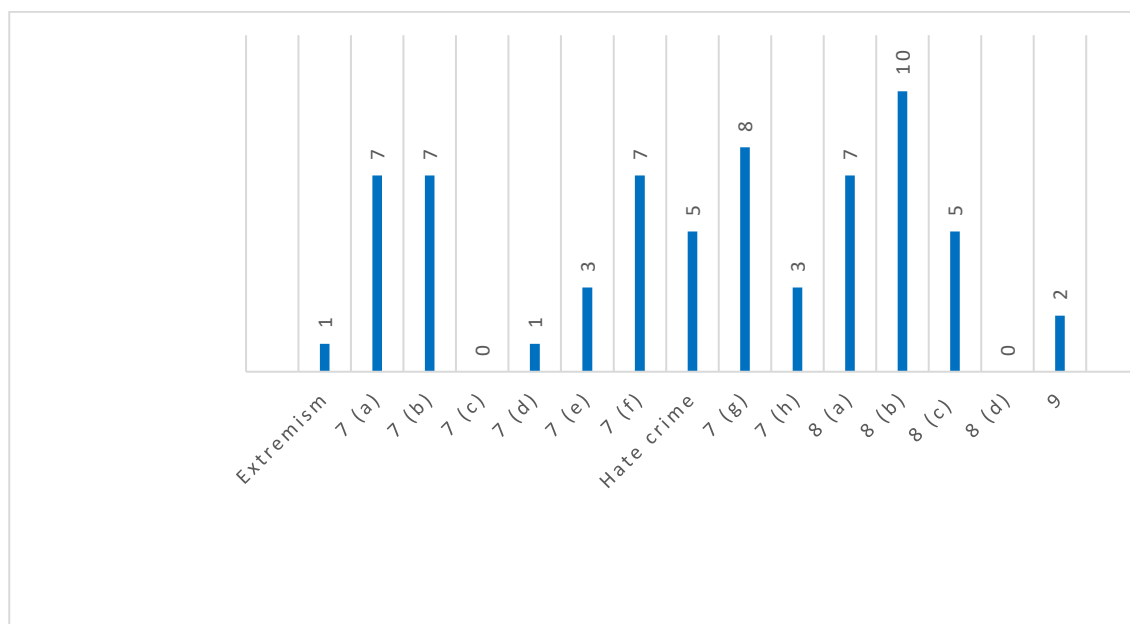


Figure II
Number of States reporting on the action plan in contribution to the present report, by category or by paragraph number of Human Rights Council resolution 43/34



V. Conclusions and observations on potential follow-up measures to accelerate the implementation of the action plan

99. There is a rising tide of incitement to discrimination, hatred and violence against persons based on religion or belief, both online and offline, often fuelled by radical nationalist politics. In the context of the COVID-19 pandemic, an upsurge in hate speech and discrimination targeted at Jews, Muslims, Christians, Baha'is and minority groups has been observed. To stem that tide, it is critical that States step up their efforts to fight discrimination, hatred and violence, using the action plan as a compass.

100. The points of the action plan are intended as complementary measures that should be implemented holistically and comprehensively. In that respect, States are encouraged to take further steps in implementing the action plan in the above-mentioned manner, focusing in particular on the points that have received less attention so far. They are also encouraged to focus on practical action to combat intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief.

101. When developing measures to address incitement to racial, national and religious hatred, it is necessary to distinguish between three types of expression: (a) expression that constitutes a criminal offence; (b) expression that is not criminally punishable, but may justify a civil or administrative sanction; and (c) expression that does not invoke legal action, but still raises concern in terms of tolerance and respect for the rights of others and should be tackled by other means. Legislation prohibiting such incitement should be specific and not overly broad in its scope and application to be consistent with international standards. States should ensure that there is no impunity in the judicial system, where the prosecution and adjudication of such crimes are undertaken.

102. The Committee on the Elimination of Racial Discrimination and the Human Rights Committee have provided useful guidance.²⁶ The Rabat Plan of Action outlines a six-part threshold test for identifying the demarcation line between free speech and

²⁶ See Committee on the Elimination of Racial Discrimination, general recommendations No. 35 (2013) and No. 36 (2020); and Human Rights Committee, general comments No. 34 (2011) and No. 37 (2020).

incitement to hatred, taking into account context, speaker, intent, content and form, extent of the speech act and likelihood, including imminence, of harm against the target group (A/HRC/22/17/Add.4, appendix, para. 29).²⁷ Furthermore, the United Nations guidance note on addressing and countering COVID-19-related hate speech contains specific recommendations to the United Nations system, Member States, social media and technology companies, the media, and civil society and other stakeholders to address hate speech in the context of the pandemic.²⁸

103. The United Nations Strategy and Plan of Action on Hate Speech is intended to complement action taken at the national and international levels by focusing on how the United Nations addresses hate speech through its programmatic work. Making use of the strategy, the entire United Nations system will work closely with States, civil society, the private sector and the media to address hate speech.

104. Speaking out against religious intolerance at all levels is essential in preventing intolerance, discriminatory stereotyping and hate speech. At a time when incitement to discrimination, hatred and violence against persons based on religion or belief is on the rise, public officials, religious and community leaders and the media should speak out, recognizing their collective responsibility as set out in the Rabat Plan of Action. Both the Beirut Declaration on Faith for Rights and the 18 associated commitments and the Fez Plan of Action recognize the importance of engaging religious leaders in addressing intolerance and standing up for human rights.

105. Hate crimes are another worrying feature of contemporary forms of discrimination. Many of the States that provided contributions reported on the action taken in this area, in particular legislative measures. Several States have strengthened their efforts regarding the monitoring, recording and reporting of such crimes. While the limited reporting does not allow for a comprehensive assessment, it is of concern that, in several States, efforts still fall short of what is required to successfully address hate crimes. States are encouraged to make further efforts, notably with regard to the establishment of authorities to document, track and analyse hate crimes, the identification of patterns and trends, and improvement of access to justice and services for victims. States bear the primary obligation to protect victims of human rights violations and to prevent discrimination and violence against persons based on their religion or belief. Data collection is critical to address this issue.

106. States are encouraged to pay particular attention to the impact of the COVID-19 in the context of religious intolerance, targeted in particular at minority communities across the world, which are being stigmatized as supposed carriers of the virus and which face discrimination and attacks.

107. Some States provided information on the gender dimensions of the issues of freedom of religion and belief. States are encouraged to give further consideration in their future submissions to the multiple forms of discrimination that may affect individuals and groups, to the gender dimension of discrimination based on religion or belief and to the steps taken to implement the action plan with respect to women and girls, given that women often suffer from discrimination on the grounds of both gender and religion or belief.

108. The implementation of the 2030 Agenda for Sustainable Development provides a solid foundation for tackling the root causes of contemporary forms of discrimination, violence and intolerance. Further consideration could be given to how the elements of the action Plan could be leveraged to address these issues under the framework of the Sustainable Development Goals, including Goals 1, 5, 8, 10 and 16. COVID-19 response plans must be designed in such a manner as to address the root causes of contemporary forms of discrimination, violence and intolerance.

²⁷ The threshold test and information on the international legal framework are available in 32 languages at www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/Pages/Index.aspx.

²⁸ Available at www.un.org/en/genocideprevention/documents/Guidance%20on%20COVID-19%20related%20Hate%20Speech.pdf.

109. States are encouraged to better make use of existing mechanisms for implementing the action plan. The strength and importance of this process lies not only in the action plan itself, but also in the fact that it is accompanied by a dedicated implementation mechanism, the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion or Belief. The High Commissioner welcomes the holding of the seventh meeting of the Istanbul Process, on 18 and 19 November 2019 in The Hague, Netherlands. States are encouraged to ensure greater continuity between meetings of the Istanbul Process, and to use the meetings to assess implementation at the domestic level, with an emphasis on sharing practical experiences and on conducting inclusive exchanges with experts and civil society.

110. States are also encouraged to make use of the universal periodic review process to promote the implementation of the action plan and report on progress. The States concerned could include information on implementation in their national reports, and should use the dialogues conducted by the Working Group on the Universal Periodic Review to make relevant recommendations to their peers.

111. As set out in previous reports,²⁹ States should consider ways to adjust reporting on the implementation of the action plan to secure more comprehensive reporting by a larger number of States. At present, contributions are sought twice annually for two separate annual reports on the same action plan, to the Human Rights Council and to the General Assembly. States could streamline the two parallel reporting processes by adjusting the time frames to a biennial period for each of the reports, or explore options to ensure that the reporting processes build on each other, either in terms of content or focus.

112. States may also wish to consider inviting other stakeholders, including national human rights institutions and civil society, to report on their efforts to support the implementation of the action plan. National human rights institutions and civil society should also include specific analysis of implementation of the action plan in their contributions to the universal periodic review.

²⁹ A/72/381, A/73/153 and A/74/229.