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**Human Rights Council**

**Thirty-fourth session**

27 February-24 March 2017

Agenda item2 and 9

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

**Racism, racial discrimination, xenophobia and related**

**forms of intolerance: follow-up to and implementation**

**of the Durban Declaration and Programme of Action**

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

 Report of the Office of the High Commissioner for Human Rights[[1]](#footnote-2)\*

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| *Summary* |
|  The present report is submitted pursuant to Human Rights Council resolution 31/26 which requests the High Commissioner to prepare and submit to the Human Rights Council, at its thirty-fourth 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 outlined in paragraphs 7 and 8 of Human Rights Council resolution 31/26 (hereinafter the Action Plan), and views on potential follow-up measures for further improvement of the implementation of that plan.”. |
|  |

 I. Introduction

1. This report is submitted pursuant to Human Rights Council resolution 31/26 entitled “Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief” which "[r]equests the High Commissioner to prepare and submit to the Human Rights Council, at its thirty-fourth 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.”[[2]](#footnote-3)

2. On 15 March 2016, OHCHR sent a note verbale seeking inputs in light with the above mentioned resolution. 17 contributions were received. Sections II and III of this report summarizes the inputs which are posted on the OHCHR website. Section IV provides some observations and views on follow-up measures for further improvement of the implementation of the Action Plan.

 II. Information received from Member States

 Argentina

[Original: Spanish]

3. Argentina reported that Inter-religious policy is led by the Ministry of Foreign Affairs and Cults. The Secretary of Cults maintains the relationship between the national government and religious entities, apart from the Roman Catholic Church.

4. The National Institute against Discrimination, Xenophobia, and Racism (INADI) has a mandate which includes: strengthening and promoting the principle of pluralism and religious diversity; promoting the diversity of cults and confessions as a value in society; and promoting the eradication of discriminatory practices, stereotyping and prejudices particularly directed against followers of African religions.

5. INADI proposes initiatives in this regard, and is mandated to consider complaints on diverse grounds of discrimination, including on anti-Semitism, and islamophobia. It also provides assistance to victims of discrimination.

6. INADI tackles the issue from different angles, including through prevention and by promoting activities such as the Afrodescendant Programme and the Inter-cultural Section which aim to amplify and effectively implement public policies taking into account the specific needs and realities of people of African descent..

 Australia

[Original: English]

7. Australia reported that all Australians are entitled to express and practice their religion and beliefs, without intimidation and interference, provided those practices are within the framework of Australian law. The Constitution, under section 116, prohibits the Government from making any law establishing any religion, imposing any religious observance, or prohibiting the free exercise of any religion.

8. The Constitution also contains an implied guarantee of freedom of communication in relation to political matters. This freedom can be limited only by laws which are reasonably appropriate and adapted to achieving a legitimate end or overriding public purpose, such as the protection of the community from dangers provoked by material promoting violence.

9. A Multicultural Community Liaison Officer Network operates across Australia, developing productive and collaborative engagement with diverse communities, including religious groups, and key stakeholders, to strengthen linkages to the Government and support a productive and diverse society. An Ethnic Liaison Officer network was created in 2013 to facilitate interaction with ethnic communities and the Australian Department of Immigration and Border Protection. Australia has funded a range of community-led mentor training programs and workshops which support youth and individual leaders to counter violent extremism.

 Bosnia and Herzegovina

[Original: English]

10. The Inter-religious Council in Bosnia and Herzegovina identifies and resolves potential tension between members of different religious communities and solve problems based on information obtained from competent bodies, communities and officials.

11. A Human Rights Strategy for the Fight against Discrimination is being developed to analyze the domestic situation, set priorities, propose measures, and focus efforts to improve the level of protection and promotion of human rights.

12. The Law on Freedom of Religion guarantees that everyone has the right to freedom of religion or belief, including freedom to publicly profess, or not, a religion. Under this Law, attacks upon or against religious officials, attacks or damage against religious buildings or property of churches or religious communities and activities or actions aimed at the dissemination of religious hatred against any church or religious community or its members, the denigration or ridiculing of any religion, the public use of symbols signs and attributes or the name of a church or religious community, incitement, encourage or call for religious hatred and prejudices as well as forcing a person to manifest religion or belief are all prohibited.

13. Bosnia and Herzegovina has completed two basic agreements with the Holy See and the Serbian Orthodox Church and expects to sign the agreement with the Islamic community very soon. The Inter-religious Council started the Project Monitoring and Responses to Attacks on Religious Sites and Other Holy Sites to establish the data collection.

 Brazil

[Original: English]

14. Brazil reported that the Secretariat for Human Rights holds hearings in different states, and promotes dialogue between religious leaders, government and civil society and advocates for the right to freedom of religion or belief. It supports victims of religious intolerance and violence and seeking to improve monitoring of violence. Created in 2014, the National Committee on Respect for Religious Diversity is composed of civil society and government representatives, as recommended in the National Plan for Human Rights, and it has five state committees and 13 municipal committees charged with promoting religious diversity.

15. A specific unit was created at the end of 2015 for followers of religions of African origin who are victims of religious discrimination and violence. The government is also establishing a protection network for victims of religious intolerance and violence aimed at monitoring and following up on complaints.

16. There is a Religious Diversity Track program on television, which presents different religions and raises awareness based on concrete cases. Since 2001, January 21st is the National Day for the Fight against Religious Intolerance. In 2016, 20 Brazilian states organized events mobilizing people and bringing greater visibility to these issues.

17. Brazil reported about the training of civil servants in the executive, legislative and judicial branches, school management, professors, and the organization of public hearings with different Ministries related to religious pluralism in the country.

 Denmark

[Original: English]

18. The National Police launched a monitoring programme nationwide in November 2015 to monitor the development of hate crimes. The National Police has also initiated a dialogue with a number of stakeholders with a view to establish closer cooperation and determine ways to increase the number of victims who report hate crimes.

19. The Criminal Code in section 244-246 contains provisions regarding violence and assaults. Section 23 provides for an offence if a person is complicit in such acts by incitement or aiding and abetting. Section 81(6) of the Code makes it an aggravating circumstance in the sentencing of a criminal act, if the act was based on the ethnic origin, religion or sexuality of others or similar issues. Section 266(b) provides that any person who publicly, or with the intent of dissemination to a wide group, issues a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality is sentenced to a fine or imprisonment for a term not exceeding two years.

20. According to section 137 (2) of the Criminal Code any person who disturbs, inter alia, a worship service or other public church service by noise or disorderly behaviour, or who disturbs a funeral or burial service in an improper manner is sentenced to a fine or imprisonment for a term not exceeding two years.

 Egypt

[Original: Arabic]

21. The Ministry of Awqaf (Religious Property) is responsible for the promotion of the concepts of human rights and freedoms through the dissemination of a culture of tolerance and co-existence. It reported on the forum of tolerance and moderation in the Supreme Council of Islamic Affairs under the purview of the said Ministry which promotes dialogue, and a culture of economic and social rights and the rejection of violence, intolerance, terrorism and religious hatred. A Friday preaching has been circulated on 18 September 2015 in all mosques of the Republic of Egypt which speaks of human rights, humane aspects of human rights, and the defence of the dignity of “man..” The Ministry circulates common preaching materials on peaceful co-existence and human values in order that the public understand the necessity of rejecting violence and terrorism, and calling for moderation, secularism and safety as a way to stabilize nations and societies.

22. The Minister of Awqaf gave an important lecture on “Humanitarian Work Day” in the United Arab Emirates concerning the peaceful co-existence between religions and jurisprudence, at the mosque of the Sheikh Zeid Al Kabir in the capital. The Ministry organizes meetings and intellectual seminars in clubs, and staff unions on many subjects including the rejection of discrimination, women’s rights, and incitement to violence. There are seminars and day courses, and religious evenings organized on a weekly basis in mosques around the country, during which freedom of expression, protection of human rights, and the teaching that Islam calls for the peaceful co-existence of others independent of religion, confession and thought and the principle of “no harm to others”.

 Germany

[Original: English]

23. In Germany, offences involving discrimination against persons based on religion or belief – particularly violent offences – are separately recorded and analyzed as hate crimes, which come under the heading of politically motivated crime. Under criminal law, hate crime involving contempt for other human beings – which includes discrimination or violence based on religion or faith – means that the courts generally hand out stricter sentences, or, in the case of murders – consider the offender to have acted on biased motives (Section 211 of the Criminal Code). 28. Hate crimes are prosecuted as offences against state security. The police forces of the Federal Länder support victims’ assistance projects, associations and institutions and other counselling bodies in an effort to encourage those seeking help to come forward, to reduce barriers and to raise confidence in the police and their work.

24. In 2015, the obligation to prove “bias motives” and document the result in cases of violent crime was implemented in the guidelines for Police Investigations with the main objective of comprehensively recognizing “bias motives” during police investigations in order to ensure their consideration as an aggravating circumstance during prosecution and sentencing.

25. Recently, the Federal Ministry of Justice and Consumer Protection established a task force together with Facebook, Google, Twitter and several civil society organizations, to jointly work out suggestions on how to deal with hate speech on the Internet. The participants agreed that hate speech prohibited under German law shall also be reviewed and removed from the Internet in a timely manner. Hate speech can, according to German law, constitute statutory offences, when incitement to hatred or violence is directed against a person or a group on the basis of race, ethnic origin, nationality, religion, sexual orientation or identity, gender, age or disabilities or any other characteristic imminent to the members of the group.

 Guatemala

[Original: Spanish]

26. The “Protocol for the Identification, Attention and Reference of Cases of Violence in the National Educational System” of the Ministry of Education has developed different guides to be used by teachers and students.

27. The Group of Four is a strategic alliance between the Catholic Church, the Human Rights Procurator, the President of the Evangelical Alliance and the rector of the University of San Carlos de Guatemala, to follow up on national priority issues, and acts as a “Guarantor Group of National Agreement for the Advancement of Security and Justice”, including priests and Mayan spiritual leaders of social prominence at the national level.

28. Article 37 of the Political Constitution establishes the freedom of all religions in the practice of their worship and recognizes the legal status of the Catholic Church. Other churches, worships, entities and religious associations will obtain recognition of their legal status according to their institutions, which the Government cannot deny unless for public order reasons.

29. The Sacred Sites and Practice of the Mayan spirituality Unit, created by the Ministry of Culture and Sports, supports the Higher Council in its responsibilities and search for solutions faced by spiritual leaders and people who practice Mayan spirituality in sacred sites or sites, monuments, parks, archaeological centres located in the national territory and that are under the administration of the said Ministry. The Agreement on Identity and Rights of Indigenous People, the Law for the Protection of the Cultural Heritage of the Nation, Decree 26-97, enables free access to spiritual leaders to perform their ceremonies in the sacred places or archaeological sites that are under the jurisdiction of the Ministry.

 Indonesia

[Original: English]

30. The Forum of Inter-religious Harmony (FKUB) is a platform functioning for promoting dialogue and an avenue to collaborate in combating violent extremism by providing recommendations to the State on the issuance of permits for places of worship and it performs mediation services in cases of conflict. Various stakeholders including religious leaders, academia, youth, media and private sectors and civil society are involved.

31. Generally, throughout cities and regencies in Indonesia local governments involve the local police, national army, Ministry of Religious Affairs, FKUB and attorneys in nurturing public order and harmony amongst members in society. In February 2016, the National Human Rights Commission held a public forum on freedom of religion and belief in which several high-level officials took part, such as the Minister for Interior Affairs and the Minister for Religious Affairs.

32. At the national and provincial levels, the Office of the Ministry of Religious Affairs has carried out a media education series on sensitization among media journalists and chief editors.

33. Launched on 28 May 2016 in Papua, by the Minister for Religious Affairs, the Religious Harmony Integrity Zone Programme promotes integrity of the Indonesian people and community by integrating religious elements in its public awareness programme. The Center for Religious Harmony at the Ministry is the lead government agency responsible for empowering communities, religious groups, and religious leaders, and provides guidelines in the maintenance of peaceful co-existence.

34. Indonesia launched a new initiative “Empowering Leaders of Peace through Digital Platform” in February 2016 to create a global and integrated counter-narrative campaign against the spread of extremist ideology through the spread of social media messages of peace and the spirit of tolerance.

 Iraq

[Original: Arabic]

35. Iraq reported that the 2005 Constitution ensures the rights and freedoms of minorities in Iraq. Freedom of religion is provided for under article 2, and the right to teach children their native language, such as Turkish, Siryani, and Armenian is ensured. The Constitution also provides for the right to live without discrimination, and has provisions on freedom of thought, conscience and beliefs. It also provides for freedom of religion and protection of places of worship.

36. In the Constitution, minorities have the right to be treated as citizens and that they have roles in the Council of Representatives.

37. Iraq noted that the Penal Code No. 111 (1969) provides for more than 3 years imprisonment or a fee of 300 dinars for purposefully disrupting religious meetings; purposefully disrupting religious buildings; openly condemning people because of their religion; and openly disrespecting religious opinion.

38. The Government has created entities, such as the Ministry of Human Rights, to improve laws for all Iraqis, noting that all religions are governed by the same laws. This Ministry has followed up on complaints about the inability of Shabaks to own land; improved services for the Yazidi population; complaints by Mandeans at their underrepresentation; as well as complaints by minorities concerning the requirement that Muslim religion/parentage be passed on to underage children.

39. The Government states that it has organized satellite television channels to promote reconciliation between religious groups; granted citizenship to children of Kurds and provided restitution of their properties; provided land and properties to minorities to build places of worship; and supported the teaching of Christianity by Christians. Public officials and employees receive training and the government continues to create awareness against hatred and prejudice and promote religious freedom.

 Kazakhstan

[Original: Russian]

40. The General Prosecutor's Office reported that discrimination is prohibited by Article 14 of the Constitution of the Republic of Kazakhstan which stipulates that all are equal before the law, and that no one may be subjected to any discrimination, including on religious grounds. Article 5 of the Constitution prohibits the establishment and activities of public associations whose objectives or actions are aimed at inciting to racial and ethnic strife. Propaganda and agitation of racial and national superiority (Article 20), any actions capable of upsetting interethnic concord shall be deemed unconstitutional (Article 39).

41. Criminal offenses based on national, racial or religious hatred or enmity are recognized as a circumstance 'aggravating criminal responsibility and punishment’. Article 145 of the Code provides for criminal liability for direct or indirect restriction of the rights and freedoms of the individual (citizen) for the above reasons and circumstances. In 2011, the Criminal Code of the Republic of Kazakhstan was amended to include criminal responsibility for crimes aimed at “violating the equality of citizens” and the use of torture, and crimes motivated by ethnic hatred are now circumstances aggravating criminal liability.

42. Further to a CERD recommendation to increase the capacity and value of the Assembly of the People, representatives of ethnic groups living in Kazakhstan are organizing in the framework of various ethnic and cultural associations. There are 820 ethno-cultural associations in the Republic.

 Kuwait

[Original: Arabic]

43. The Constitution of the State of Kuwait stipulates in Article 35 that freedom of belief is absolute, and the State protects the freedom to practice religion in accordance with established customs, provided that it does not conflict with public policy or morals. Article 29 states that: “All people are equal in human dignity and in public rights and duties before the law, without distinction to race, origin, language, or religion." Additionally, the Penal Code of Kuwait No. 16 of 1960 and its amendments, criminalize acts that infringe upon freedom of religion or attacks places for religious worship or cemeteries, or challenge dogmas or rituals or religious teachings.

44. Article 110 of the Constitution stipulates that: “ Anyone who broadcasts, in any way within Article 101, views including ridicule or contempt of religious sector, whether it be to challenge the beliefs or rituals of teachings, shall be punished by imprisonment for a term not exceeding one year and a fine not exceeding seventy-five dinars or exceed either of them.”

45. Kuwait has issued Decree Law No. 19 of 2012 on the Protection of National Unity which includes legal provisions criminalizing anything that would prejudice national unity or disseminate hate speech.

46. Kuwait reported that due to the growing phenomenon of terrorism and extremism and cultural polarization between civilizations and nations, the Council of Ministers issued the Resolution No. 833 / 2004 to form a "Supreme Committee to Promote Moderation," headed by Minister of Awqaf and Islamic Affairs, to formulate programs, procedures and operational plans to protect young people and to prevent manifestations of deviation and intolerance and religious extremism.

47. A national document aimed at promoting the culture of tolerance, peace, moderation and counter terrorism, extremism and violence has contributed to consolidating the concept of intercultural dialogue and disseminating moderation and “centrist awareness” amongst members of society. Kuwait reported that the Ministry of Awqaf and Islamic Affairsis the authority supervising mosques, and is working to direct preachers to educate the community about the values of Islam and spread the culture of tolerance, cooperation and moderation and reject intolerance and extremism , either through Friday sermons or lessons in mosques.

 Morocco

[Original: French]

48. Morocco reported on measures to encourage constructive dialogue and mutual understanding between different actors against violent extremism, including the dissemination of moderate religious materials through various means, scientific chairs and experts disseminate clear positions on different occasions which denounce terrorism and the negative interpretation of the religion of Islam.

49. Morocco also indicated a large number of measures and initiatives involving the role of religious leaders in fighting extremism and promoting inter-religious dialogue, such as Oulemas institutions, various partnerships with religious leaders, the testing and certification of those with religious functions to ensure competence and standards in the undertaking of their activities, and a national Plan of Action of Imams Morchdines and Morchidates.

50. The national law prohibits violence and discrimination based on origin, colour, sex, social status and religious affiliation. The Constitution of Morocco enshrines all the human rights, universality and the principle of equality and non-discrimination, notably in its preambular paragraphs. Article 7 of the Constitution stipulates that political parties cannot be founded on religious, linguistic, ethnic or regional grounds or on any other discriminatory basis.

51. Discrimination on the basis of religion or beliefs is also outlawed and liable to sanction by fines or imprisonment depending on the nature of the offence. Morocco reported that the penal code is currently being reviewed to be consistent with international human rights norms, including reflecting that discrimination affects the enjoyment of public freedoms and impacts political, economic, social and cultural rights.

 Saudi Arabia

[Original: Arabic]

52. Saudi Arabia reports that regulations in the Kingdom prohibit discrimination in all its forms. Article 26 of the Constitution stipulates that “the Government protects human rights, in accordance with the Islamic Sharia”, and article 12 provides that “the State shall foster national unity and preclude all that may lead to disunity”. Saudi Arabia reports that while all the citizens of the Kingdom are Muslims, the exercise of worship for non-Muslims is guaranteed.

53. The King Abdullah bin Abdul Aziz Centre for National Dialogue holds meetings in which representatives of all denominations and sects in the community participate, with the objective of raising awareness of the culture of dialogue, human rights, the rejection of intolerance, hatred, and discrimination in all its forms, including racial and ethnic discrimination. The Centre has signed an agreement with the Ministry of Islamic Affairs to train imams to practice their role in spreading the culture of tolerance in the society through speeches, lectures and other activities.

54. The Kingdom participated in the fifth Istanbul Process follow up meeting held by the Organization of Islamic Cooperation in Jeddah in June 2015.

55. Under the laws of the Kingdom of Saudi Arabia, any call for religious hatred that constitutes incitement to discrimination is prohibited. The rights enshrined in Basic Law and other laws can be limited by Article 39 of the Constitution which obligates “good words” in the media and all means of expression, and the prohibition of that which offends human dignity and rights.

56. Royal Decree No. A/44 provides for the punishment of imprisonment for a term not less than three years and not more than twenty years, for anyone who has committed specific acts including the affiliation of extremist groups - and in its judgment - religious or extremist or classified intellectual terrorist organizations internally, regionally or internationally, or support or adopt their ideology or approach in any way, or disclose sympathy by any means, or make any form of physical or mental support, or incite or encourage , or promote it through speech or in writing, in any way.

 Pakistan

[Original: English]

57. The Government of Pakistan reported that it undertook various programmes and projects to promote harmony in the country, and that provincial governments took steps for further promotion of the rights of all its citizens and that various federal ministries and government bodies conducted a number of seminars, conferences and consultative meetings.

58. The Minister for Religious Affairs and Inter-faith Harmony held meetings with scholars of all Muslim sects in Karachi, Islamabad, Lahore, Peshawar and Quetta to find common grounds for a shared code of conduct. Inter-faith Harmony conferences were held in all the Provincial headquarters in 2015 and local inter-faith harmony committees exist.

59. The composition and terms of reference for the National Commission on Minorities includes inter alia: i) the development of a national policy on inter-faith harmony, to explore avenues for peace and security; ii) consideration of laws, executive instructions, orders and practices of government departments and agencies which may be discriminatory towards minorities; iii) recommendations to Government to ensure fuller and effective participation by the members of minority communities in all aspects of national life; and iv) ensuring churches, shrines, temples, gurdwaras and other places of worship of minority communities are preserved, well-kept and remain fully functional.

60. The Government of Pakistan noted that it had taken serious actions against hate speech; loud speakers have been banned to discourage hate speech and violators have been arrested. Electronic media is regulated by the Pakistan Media Regulators Authority Ordinance 2002 (XIII); which was strengthened by a 2007 amendment.”

61. In addition to constitutional protections and equal rights in respect of the practice of religion, the Pakistani Penal Code 1860 Chapter XV concerns offences relating to religion.

62. The Government reported that it has taken legislative steps to ensure the rights of minorities including the Hindu Marriage Bill (2016), Christian Marriage (Amendment) Bill (2014 and Christian Divorce (Amendment) Bill (2014); the KPK Protection of Communal Properties of Minority Community Act (2014) and the KPK Hindu Disposition Property Bill (2014).

 Spain

[Original: Spanish]

63. The Ministry of Education, Culture and Sports is preparing “The School Coexistence Strategic Plan”, to foster coexistence and to prevent all forms of violence against students in general, and against most vulnerable groups in particular. The Plan emphasizes prevention, detection and action in situations of harassment or violent incidents as necessary to combat hate speech based on the forms of expression that promote or incite racial hatred, xenophobia, Anti-Semitism and related intolerance, including hate crimes.

64. The School Coexistence Portal is an online tool with numerous resources for educational centres, teachers, students and families which contains information related to the prevention of radicalism and violence through education.

65. The regulation of hate crimes in Spanish legislation, including those based on religion, has been extensively reformed by the Organic Law 1/2015, through which the Penal Code has been modified to specifically criminalize behaviour that “publicly encourages, promotes or incites directly or indirectly hatred, hostility, discrimination or violence against a group, part of it, or against an individual including on the basis of race, nationality, or ethnicity, Anti-Semitism or other related to ideology, religion or belief.” (article 1).

66. Spain underlined the adoption of the Law on the Status of Victims- Ley 4/2015 as it approves a list of procedural rights and protection measures for victims of “crimes committed in Spain or could be persecuted in Spain, regardless of their nationality, whether they are over legal age or not, whether they enjoy legal residence or not” and it includes victims of the crimes contemplated in the Action Plan of the present resolution.

67. Within the Ministry of Justice, there is the Comisión Asesora de Libertad Religiosa, in which confessions most firmly rooted in Spanish society participate. It’s first Annual Report on the situation of religious Freedom in Spain published in 2015, refers to the major policy developments in this field as well as the statistical data of recognized “confessions deeply rooted in Spain” and a review of the situation concerning places of worship, burial, education, religious assistance, marriage or legal guarantees.

68. On 1-2 February 2016 a Workshop against Religious Intolerance was held, entitled “Protegiendo la libertad religiosa y combatiendo la discriminación y la intolerance basada en la religion y las creencias”, with the presence of numerous experts in the field and representatives of religious confessions.

 United Kingdom

[Original: English]

69. The Equality Act 2010 makes it unlawful to discriminate against someone because of their religion or belief, or lack or religion or belief, which includes denominations or sects within a religion. The United Kingdom reports that people are protected against direct and indirect discrimination, harassment and victimisation in respect of: employment; the provision of services; the delivery of public functions; education; the management and disposal of premises.

70. The right to freedom of thought, conscience and religion is enshrined in Article 9 of the European Convention on Human Rights, to which the UK is signatory. There are also laws against incitement to racial and religious hatred. Under the Public Order Act 1986, it is an offence to commit an act that is threatening, abusive or insulting and which is intended or likely in all the circumstances to stir up racial hatred.

71. Under the Racial and Religious Hatred Act 2006, an offence is committed if a person uses threatening words or behaviour, or displays any written material, which is threatening, if the person intends to stir up religious hatred. Possession, publication or distribution of inflammatory material is also an offence. The Terrorism Act 2006 makes it a criminal offence to directly or indirectly incite or encourage others to commit, prepare or instigate acts of terrorism.

72. The Government reports that it has set up the first ever cross government working group on anti-Muslim hatred and funds, Tell MAMA, the first service to record incidents and support victims. It also supports the cross-government working group on antisemitism to respond to the concerns of the Jewish community; and it supports the Anne Frank Trust to challenge prejudice and hatred in schools across London and the West Midlands. The Government plans to publish its new Hate Crime Action Plan in the summer of 2017.

 III. Information received from Non-Member States

 Palestine

[Original: Arabic]

73. Palestine stated that all religions and beliefs are respected. Article 9 of the Constitution provides that all Palestinians are equal before the law. Article 273 of the Penal Code concerns the verbal disrespect of any religion or prophets, which is punishable by imprisonment of between 1-3 years. Articles 275, 276 and 277 provide for punishment and imprisonment for destruction of a place of worship, regardless of religion; the purposeful nuisance of people lawfully gathered, and damages to places of burial or religious cemeteries.

74. Article 278 prohibits the dissemination of text or religious articles or pictures that insult a religion and the verbal insult, in a public place, where others can hear, of other religions. Article 146 makes the intentional destruction of a religious place or insult to a religion, a felony.

75. It is written in the disciplinary and educational laws that everyone has the right to education, regardless of sex, religion, and whether living in cities or villages, regardless of their colour, background, or religion.

 IV. Observations and views on follow-up measures for further improvement of the implementation of the Action Plan

76. In recent years, there has been greater international attention given to issues concerning discrimination, intolerance and violence on the basis of religion or belief, and Member States have agreed to address them through a number of actions and measures.

77. At the same time, there is a rising tide of attacks around the world that target people on account of their religious beliefs, including in places of worship, and horrific acts of incitement to hatred, as well as evidence of racial or religious profiling.

78. It is also important to recognize that multiple forms of discrimination may affect individuals and groups. Women suffer from discrimination on the grounds of both gender and religion or belief, often because they are identifiable through manifestations of their faith, and consequently they can bear the brunt of discrimination targeting their communities.

79. The High Commissioner for Human Rights has repeatedly highlighted increasingly worrying levels of incitement to racial or religious hatred and violence, particularly against ethnic or religious minorities, as well as migrants. Discrimination and xenophobia is often being triggered or stoked by political leaders, including during electoral campaigns. The number of recorded hate crimes appears to be rising in several States. All of these phenomena tear at the fabric of societies, creating mistrust, political and social instability and posing a threat to peace.

80. It remains ever urgent that States honour their obligations under international human rights law to fight any discrimination and take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in all fields of civil, economic, political, social and cultural life.

81. The Action Plan provides a guiding tool for individual or collective action to counter religious discrimination and intolerance. Concrete steps and measures to foster its practical implementation are required.

82. Based on the contributions received, a number of States continue to take steps to implement the Action Plan. Among the 17 States which submitted contributions, many reported on legal developments and revisions or amendments to existing legislation and mechanisms dealing with human rights, and issues related to freedom of religion or belief in particular. Most States reported that they have constitutional provisions concerning non-discrimination, equality, freedom of religion or belief and several have enacted legislation, criminal codes and civil laws in order to protect against discrimination and violence on the basis of religion or belief.

83. In light of the Council’s request, the High Commissioner suggests the following:

 Dialogue at the national, regional and international levels

84. The High Commissioner welcomes the fact that dialogue is once again a major feature of the contributions received from Member States, and notes the benefits of dialogue that is witnessed through collaborative networks, councils, engagement with various entities and personalities, as envisaged by the resolution. The importance of interfaith and intercultural dialogue and exchange – whether national, regional or international – was underlined in almost all submissions. Ongoing and established inter-religious and intra-religious dialogue serves as a forum for communication, discussion, networking and learning and provides for the open debate of ideas. It is also a means to foster harmony, tolerance and co-existence in communities.

85. Some States provided examples on how government-led initiatives and decision-making processes can be most effective when they meaningfully include civil society organizations, religious leaders and faith based organisations. The implementation of the Action Plan should be inclusive in nature, with the participation of a broad range of stakeholders, including regional and international organizations, national human rights institutions, equality bodies and civil society.

* Support from and participation of Member States in various forms of dialogue should be increased, and greater further efforts are needed to support regional dialogues on these issues as well as a global dialogue, as stated in the Action Plan. International platforms such as the United Nations Alliance of Civilizations, including its regional forums which cover topics of freedom of religion or belief, could be expanded to specifically address the various elements of the Action Plan.
* Recalling a recommendation of the Rabat Plan of Action (A/HRC/22/17/Add.4, appendix, para. 46), States should create or enlarge the competencies of national human rights institutions and equality bodies in order to broaden social dialogue, also in relation to accepting complaints about incidents of incitement to hatred. These institutions must possess the capacity to engage effectively with all actors of society and serve as an additional bastion for interfaith dialogue.

 The role of leadership

86. The Action Plan refers to the efforts of leaders to discuss within their communities the causes of discrimination and evolving strategies to counter these causes as well as speaking out against intolerance.

87. Some States noted that political and religious leaders in the country speak out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. The role and responsibility of religious leaders and scholars was underscored, with a number of States noting that religious leadership was involved in inter-faith dialogue and promoting the human rights issues related to freedom of religion or belief, and providing guidance in terms of religious messaging and tone to elicit greater harmony, tolerance and moderation with a view to curtail violent extremism and radicalization.

88. In this context and in follow-up to the Rabat Plan of Action, OHCHR is reaching out within a “Faith for Rights” initiative to stakeholders in the field of religion or belief. The overall objective of this initiative is to promote a collaborative definition of the role and responsibilities of leaders in promoting human rights, based on good practices and lessons learned.

* Leaders at different levels should refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination; they should speak out firmly and promptly against intolerance, discriminatory stereotyping and hate speech; they should be clear that violence can never be tolerated even as a response to incitement to hatred. They also need to stand up for everyone’s right to free choices, particularly for everyone’s freedom of religion or belief, and they should affirm their commitment to the universal human rights norms and standards. Religious leaders should also be encouraged to take public stances in support of religious groups other than their own and to engage in dialogue, rather than exclude, individuals with radical and extremist views. Efforts should be made to bring together religious leaders and faith based organisations with the aim of advocating for schools curricula to include and value diversity and equality. States in cooperation with religious leaders should promote inter-religious and inter-convictional cooperation on all social issues of relevance to communities. Efforts should be made to increase and strengthen the profile of women, both religious and secular, who are working to prevent incitement to hatred and violent extremism.

 Advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence

89. Some States are increasingly active in addressing hate crimes at the domestic level through better monitoring, recording and reporting of hate crimes, consolidated information gathering, collaborative networks, victim outreach and assistance and strengthened police and security measures and legal prosecution. National approaches vary between civil and criminal law provisions. Contributions received from States demonstrated that within several domestic legal frameworks, incitement to hatred is criminalized and often prohibited on several grounds, including on the grounds of religion or belief. Furthermore, States noted that the politicization of the right to freedom of religion or belief often aggravates existing tensions.

90. Some Member States in their contributions to this report noted the need to gather and consolidate information about various measures, steps and practices.

91. The Rabat Plan of Action contains expert conclusions and recommendations based on legislative patterns, judicial practices and policies with the aim of better guiding all stakeholders, including the national legislatures and the judiciary, in implementing the international prohibition of incitement to hatred. OHCHR works with Member States on substantive support to implement international standards and practical measures at the national level. For example, in 2015 and 2016, OHCHR supported the organization of a training, conference and consultation on issues concerning the situation of minorities, countering incitement to hatred and religious intolerance in Oman, Tunis and Beirut respectively. Recently OHCHR organized a workshop in Amman on developing a model curriculum on continuing education on combatting incitement to hatred and promotion of freedom of expression for judicial academies in the Middle East and North Africa region.

* States should undertake a systemic study of the patterns, triggers and manifestations of intolerance and incitement to violence in an effort to better understand how they can reduce social tensions and prevent the outlash of intolerant groups and individuals.
* States should also ensure that their justice system is well equipped to prevent impunity. Those who incite to religious hatred or commit crimes that may violate the right to freedom of religion or belief should not evade justice.
* Legal sanctions may be necessary to protect human beings against incitement to hatred, discrimination and acts of violence. In terms of general principles, a clear distinction should be made between three types of expression: expression that constitutes a criminal offence; expression that is not criminally punishable, but may justify a civil or administrative sanctions; expression that does not give rise to any legal action but still raises concern in terms of tolerance and respect for the rights of others.
* To be effective, legislation on prohibitions on incitement to hatred should be endowed with the specificity and certainty required to meet the international standards on freedom of religion or belief and freedom of opinion and expression. The Rabat Plan of Action provides useful guidance through its six-part threshold test in order to prevent abuses. There is a need to further explain and specify what the threshold entails and what is considered to be advocacy of religious hatred constituting incitement in practical terms.
* Member States are further encouraged to utilize the Universal Periodic Review to fully address freedom of religion or belief and related concerns. The use of this mechanism, including through information from national human rights institutions and civil society organizations, has great potential to improve the implementation of the Action Plan.
* With a view to enhance the gathering of consolidated information and further reporting, States might revisit the proposal made at the Durban Review Conference held in 2009 that an observatory be created to gather and organize information about discrimination, including on the basis of religion or belief. Trends and manifestations could be compiled and analysed as well as legislation, policies, programmes and institutions to address them. It can be used in the development of technical cooperation programmes and better assessment of the situation. The proposed observatory could initially build on the existing Anti-Racial Discrimination Database, developed in accordance with the Durban Programme of Action.

 Violent extremism and radicalization

92. Violent extremism and radicalization issues featured in a number of contributions received. States noted that they are taking measures to combat violent extremism through community networks, leaders and mentoring, youth intervention, dialogue and education. These phenomena are also being addressed through social cohesion and integration programmes, national harmony initiatives, as well as police and security responses, often coupled with regular engagement and interaction with religious leaders, local communities and young people, as well as data gathering and monitoring.

93. The Office contributes to the knowledge and awareness of States and civil society organizations on the human rights dimensions of preventing and countering violent extremism, including through the organization of a panel discussion at the Human Rights Council, submitting a thematic report on best practices and lessons learned and providing inputs to a UNODC handbook on the management of violent extremist prisoners and the prevention of radicalization to violence in prisons.[[3]](#footnote-4)

* As stressed by the General Assembly in its resolution 68/127, all Member States should unite against violent extremism in all its forms and manifestations as well as sectarian violence. Echoing several of the contributions received from States, it is also critical that effective and principled human rights education campaigns be instituted to prevent and counter violent extremism. Any related activities undertaken or supported by States should be gender sensitive, inclusive, tailored to the specific local context and based on a climate of trust between the State and those under its jurisdiction. Key concepts related to violent extremism should be clearly defined, particularly when they are likely to trigger measures that may interfere with human rights. In particular, States should respect freedom of opinion and expression and should not criminalize dissent. Adequately conceptualized and transparent programmes aimed at preventing and countering violent extremism have the potential to contribute both to enhanced security and to better protection of human rights.
* In addition, States should increase awareness and understanding of the phenomenon of youth radicalization and deradicalization, including its gender dimension, and make sure that such information is easily available, widely disseminated and used by young people and youth stakeholders to develop and improve local policies. Youth stakeholders should be empowered to amplify counter messaging.

 Awareness-raising, education and training

94. Religious intolerance, stigmatization, negative stereotyping and discrimination are combated through educational measures, curriculum reform, strategic plans and public information and media campaigns, including online platforms of exchange, networking and engagement on the various issues concerning freedom of religion or belief and non-discrimination. Educational programmes and curricula which inculcate freedom of religion or belief and minority rights could assist in implementing the Plan.

95. There is a need to galvanize world opinion against discrimination on the basis of ethnic or religious background, and to generalize and disseminate the understanding that these attitudes are a fundamental attack on the equality and dignity of all human beings. The United Nations recently launched the global “Together” campaign which is an initiative that promotes respect, safety and dignity for everyone forced to flee their homes in search of a better life. This campaign could also be used as a means to address issues of religious intolerance as well which all too often are inter-related with discrimination against refugees and migrants who face multiple forms of discrimination.

* States are encouraged to consider educational reform which provides for inclusion and recognition of all constituent parts of a society.
* There is a need to communicate widely and in a simple manner the practical elements, as well as relevant actions of Member States to implement, the Action Plan with a view to raising awareness about the issues at stake. States could also consider holding general public briefings on the Istanbul process.
* States should strengthen their efforts – for example through broad-based education initiatives – to raise awareness about the value of diversity and promote social cohesion at the community level.
* OHCHR and UNESCO could serve as a clearing house for good practices on education against hatred and incitement as well as educational practices aimed at preventing and countering violent extremism. Echoing the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance who called for “clear and unequivocal prohibition” of bias-based profiling by law enforcement, and in order to enhance the implementation of the Action Plan, States are encouraged to gather and provide law enforcement data including statistics that are disaggregated by religion and disaggregated trainings.

 Respect and protection of places of worship and religious sites

96. Some Member States in their contributions outlined legal, policy and other measures taken to promote full respect for and protect places of worship and religious sites, cemeteries and shrines. As noted by the Special Rapporteur on freedom of religion or belief in several reports to the Human Rights Council, unlike other forms of violations of the right to freedom of religion or belief, attacks or restrictions on places of worship and religious sites in many cases violate the right not only of a single individual, but also the rights of a group of individuals forming the community that is attached to the place in question.

* States should adopt adequate measures to protect religious sites and prevent acts or threats of violence. States should ensure that all perpetrators of such attacks are brought to justice. The right to establish and maintain religious minorities’ places of worship should be guaranteed. Additional measures should be taken in cases where they are vulnerable to desecration or destruction. States, relevant intergovernmental and non-governmental organizations and the media should also promote a culture of tolerance and respect for the diversity of religions and for religious sites, which represent an important aspect of the collective heritage of humankind.

 Other issues:

97. Some States indicated an interest to receive technical advice and support on the various practical elements outlined by the Action Plan. The Office of the High Commissioner for Human Rights will be in a position to provide such support upon request. The usefulness of the OHCHR developing guidance and tools on the issues at stake could be also considered.

* Member States could consider streamlining the parallel reporting processes to the Human Rights Council and General Assembly, either in terms of content or focus, or by adjusting the reporting timeframes. There is a need to increase States’ reporting on the Action Plan in terms of overall number of contributions and regional geographic coverage. Since its adoption, the preparation of these reports by the Office has shown that about 20-25 responses on average are received to the Office’s requests for information. A total of 32 States had submitted contributions for the Human Rights Council report, whereas 54 States had done so for the General Assembly report over the past years. However, the majority of States has never reported and the regional representation of the contributions received could be improved.
* Furthermore, the follow-up reports and efforts might be greatly enhanced if all relevant stakeholders, including international organizations, national human rights institutions and civil society organizations, were invited to share their experiences, views and best practices on the topic.

 Conclusions

98. **There is an urgent need in today’s world to undertake concrete measures to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief. The Action Plan provides an important foundation for this endeavour. OHCHR is ready to assist States, at their request, to develop frameworks and strategies to fully put the Action Plan into practice. This report provides some examples of the ways how this task could be achieved.**

1. \* The present document was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-2)
2. The original texts of the contributions are available for consultation at OHCHR website. [↑](#footnote-ref-3)
3. Available online at https://www.unodc.org/pdf/criminal\_justice/Handbook\_on\_VEPs.pdf [↑](#footnote-ref-4)