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# General Assembly

## GA/SHC/4029

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Sixty-sixth General Assembly  
Third Committee  
44<sup>th</sup> Meeting (AM)

The Committee next turned to the draft resolution on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence against persons, based on religion or belief (document A/C.3/66/L.47/Rev.1), which was introduced by the representative of the United Arab Emirates, on behalf of the OIC.

In the draft text, the Assembly would reaffirm the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief. It would also strongly deplore all acts of violence against persons on the basis of their religion or belief, as well as all attacks on and in religious places, sites and shrines in violation of international law, in particular human rights law and international humanitarian law, including any deliberate destruction of relics and monuments.

In that regard, the Assembly would welcome all international, regional and national initiatives aimed at promoting interreligious, intercultural and interfaith harmony and combating discrimination against individuals on the basis of religion or belief. It would also condemn any advocacy of religious hatred that constituted incitement to discrimination, hostility or violence.

The Assembly would call upon all States to take effective measures to ensure that public functionaries do not discriminate against an individual on the basis of religion or belief; to foster 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 society; and to make a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures.

The representative of Poland, on behalf of the European Union, said it firmly believed in freedom of expression and thought based on religion and belief. An ongoing dialogue about those important issues was the only way to overcome existing divergences and opinions, and the European Union remained firmly committed to that dialogue. The regional body welcomed the positive atmosphere in which those issues had been discussed, but would like to highlight those making dialogue were individuals and that each individual had multiple sources of identity. Religious hatred was primarily a threat to individual freedoms at national and local levels, and the European Union was concerned that the resolution considered the world as monolithic religious blocks. The European Union condemned attacks on religious sites, but also believed the protection of individuals must be the centre of attention. All persons belonging to religious communities and minorities should be allowed to practice their religion freely, without

religions intolerance. The resolution specifically mentions one centre for interreligious dialogue, whereas there were numerous centres around the world. Despite those issues, the Members of the European Union were in a position to join consensus, he said.

The representative of the United States said his country was pleased to join the consensus on the resolution, which it hoped would be a blueprint for further action. The United States was glad that the landmark consensus achieved at the Council in Geneva was also reached here in New York — it was deeply concerning that those problems persisted all over the world. In the past, the United States was not able to support such resolutions, because they sought to restrict expression, which was counterproductive and exacerbated the problems they sought to address. The resolution adopted today provided for criminalization in only one circumstance: incitement of imminent violence. It upheld respect for universal human rights, and each Members State had much work to do to turn actions recommended in this resolution into reality.

The Committee then approved the draft resolution by consensus.

Speaking after adoption of the resolution, the representative of the United Arab Emirates said it was with great satisfaction that the OIC thanked Members for their consensus. It was a very positive development that they were happily working towards fulfilling the objectives of the resolution, which also complemented other General Assembly resolutions.

Australia's representative said his delegation was very pleased to co-sponsor the inaugural resolution, which was directly important to his country. In a country as hugely diverse as Australia, any violence was a direct threat to the health of the society itself. Nationally, Australia was trying to ensure that everyone could celebrate and practice their religions free from discrimination. This year Australia had also launched a new multicultural policy, which it took very seriously, and was negotiating a practical joint programme of cooperation with the OIC. It commended the OIC for its historic achievement.

Turning towards the draft resolution on elimination of all forms of intolerance and of discrimination based on religion or belief (document A/C.3/66/L.48/Rev.1), which was introduced by Poland's representative on behalf of the European Union, the Committee approved that text.

By its terms, the Assembly would be deeply concerned at continuing acts of intolerance and violence based on religion or belief against individuals and members of religious communities and religious minorities around the world and at the limited progress made in the elimination of all forms of intolerance and of discrimination based on religion or belief. The Assembly would, therefore, recognize that further intensified efforts were needed to promote and protect the right to freedom of thought, conscience and religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, as well as at the Durban Review Conference, held in Geneva from 20 to 24 April 2009.

The Assembly would also strongly condemn all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience and religion or belief. It would stress that the right to freedom of thought, conscience and religion or belief applies equally to all persons, regardless of their religion or belief and without any discrimination as to their equal protection by the law. It would also strongly condemn any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means.

The Assembly would urge States to step up their efforts to protect and promote freedom of thought, conscience and religion or belief, and urge all Governments to cooperate fully with the Special Rapporteur of the Human Rights Council on freedom of religion and belief. It would request the Secretary-General to ensure that the Special Rapporteur receives the resources necessary to fully discharge his mandate, and would request the Special Rapporteur to submit an interim report to the General Assembly at its sixty-seventh session. It would also decide to consider the question of the elimination of all forms of religious intolerance at its sixty-seventh session under the item entitled “Promotion and protection of human rights”.

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**NOT BY CONSENSUS**

**A/C.3/L.68/Rev.1**

Next before the Committee was the draft proposal on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (document A/C.3/66/L.68/Rev.1), which was presented by the representative of Argentina, on behalf of the Group of 77 and China. He read out a number of oral revisions.

The representative of Israel said the Jewish people knew the evils of racism all too well. In light of the history of its people, Israel had always been a strong advocate in the fight against racism, racial discrimination, xenophobia and related intolerance. Ten years ago, it had joined other countries in Durban in the hope that a plan would be developed to fight racial discrimination in all parts of the world. She wished that the meeting had not been hijacked by a small group of States determined to demonize Israel. She also wished that those States that were committed to fighting racism had spoken up more strongly in favour of the text.

Sadly, however, Durban had been hijacked by a group of States that wanted to condemn Israel more than racism, she said. Nor did other States speak up. Israel had consequently withdrawn from that meeting and had not participated in any of its follow-up events. While her delegation recognized the transparent manner of the negotiations on the current draft resolution, the Durban Declaration and Programme of Action remained at the heart of its text and Israel could not support it. Indeed, it would only be able to do so if the text dropped the paragraphs that contaminated the original Programme of Action. For those reasons, Israel requested a recorded vote on the draft text and urged other States to vote against it.

Speaking in explanation of vote before the vote, the representative of the United States said his country was profoundly committed to fighting racism and racial discrimination. It would continue to work in partnership with all nations of good will to uphold human rights and to combat racism and racial discrimination. It would work with all nations to build enduring political will in that regard. It also remained deeply concerned about speech that advocated national hatred, particularly when it was an incitement to hatred and violence. However, the United States believed that robust legal protections against discrimination and hate crimes, outreach to religious groups and protection for freedom of speech were the best defences against racism, racial discrimination, xenophobia and related intolerance.

Noting that the reservations of the United States to the Durban process were well known, he recalled that it had withdrawn from the review conference because that meeting endorsed the Durban Declaration and Programme of Action in its entirety. The United States had supported declaring 2011 the

United Nations Year of People of African Descent and had worked to develop programming to that end throughout the world. The United States regretted that the current text included elements that required it to vote “no”.

Speaking on behalf of the European Union, Poland's delegate said the bloc shared concerns that victory in the fight to combat racism, racial discrimination, xenophobia and related intolerance had not been attained. It worked to fight racism in an effective and sustainable manner. Ten years after the meeting in Durban, the European Union remained fully committed to the total elimination of racism, racial discrimination, xenophobia and related intolerance. In that fight, the International Convention on the Elimination of All Forms of Racial Discrimination remained the essential framework.

The European Union had sought to ensure, among other things, that the text conformed with international law and that it recalled that States had primary responsibility to combat racism. Several operative paragraphs – namely 6, 10 and 13 - introduced restrictions to the freedom of expression that were not in line with international law. Moreover, the resolution failed to take a balanced approach. It did not recognize the role that freedom of expression played in combating racism, racial discrimination, xenophobia and related intolerance. The Union also regretted any mention of specific groups; clear references to particular religions or beliefs should not be part of a text that aimed to combat racism.

Suggesting that a shorter, more focused resolution might help States achieve the clear message the United Nations hoped to convey to the world, he pleaded with the Group of 77 and China to rethink their approach to the draft in the future. Indeed, a more streamlined approach would reunite the whole membership again on the issue. Finally, he noted that the member States of the European Union would abstain in the vote.

Switzerland's representative, speaking also on behalf of Iceland, Liechtenstein and Norway, noted that those countries had supported the Durban Declaration and Programme of Action as well as all follow-up meetings, although they had been required to abstain in previous votes on this text. Yet, this year the Group of 77 and China had strived for consensus and accommodated many of the proposals made by those delegations and they would vote in favour of the text today.

Portugal's representative, aligning with the European Union, voiced appreciation for amendments to reflect diverging views and to improve language on incitement. It also recognized the agreement to postpone for a year to proclaim a Decade for the People of African Descent. However, Portugal was still required to vote against the draft.

The Committee then approved the draft resolution as orally revised by a vote of 126 in favour to 5 against ( Australia, Canada, Israel, Marshall Islands and United States), with 43 abstentions.

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action, by the text, the Assembly would recognize and affirm that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community.

It would express its unequivocal condemnation of all forms of racism and racial discrimination, and would express deep concern at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance. Further, the Assembly would call upon all States, in accordance with the commitments undertaken in the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communications technologies.

The Assembly would also express grave concern that universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and would call upon those States that have not yet done so to accede to the Convention as a matter of urgency.

It would take note of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and would encourage relevant stakeholders to consider implementing the recommendations contained therein. The Assembly would also recognize with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities. It would also express concern at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion.

The Assembly would reiterate its recommendation that future meetings of the Human Rights Council and its relevant mechanisms focus on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly.

It would also request the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the present resolution, with recommendations, and would decide to remain seized of this important matter at its sixty-seventh session.

Making a general statement after the vote, the representative of Mexico thanked the Group of 77 and China for presenting the text and the handling of this important topic. For the record, Mexico disagreed with the elimination of the removal of the reference to the Convention of protection of migrant workers and their families, which had been contained in the text last year. In the fight against discrimination, racism and xenophobia, this was relevant – migrants had been a victim of this scourge the international community had been fighting against.

Ecuador's representative said he wished to join the statement made by Mexico's delegation.

The Committee then took note of the report of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth sessions (document A/66/18) and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (document A/66/328).

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## REFLECTIONS

### THE TANDEM PROJECT

*The First Preamble to the Universal Declaration of Human Rights reads: Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.*

*Surely one of the best hopes for humankind is to embrace a culture in which religions and other beliefs accept one another, in which wars and violence are not tolerated in the name of an exclusive right to truth, in which children are raised to solve conflicts with mediation, compassion and understanding.*

*There is an increase in dialogue today between religions and other beliefs to embrace diversity, but few persons, less than one percent of any population, ever participate. This is a challenge. The value of such dialogues is proportionate to the level of participation. For civil society increased participation would create opportunities for education on inclusive and genuine approaches to human rights and freedom of religion or belief.*

*In 1968 the United Nations deferred passage of a legally-binding convention on religious intolerance saying it was too complicated and sensitive. Instead, they adopted a non-binding declaration on the elimination of all forms of intolerance and of discrimination based on religion or belief. While very worthwhile, the declaration does not carry the force and commitment of a legally-binding international human rights convention on freedom of religion or belief.*

*Religions and other beliefs historically have been used to justify wars and settle disputes. This is more dangerous today as the possible use of nuclear and biological weapons of mass destruction increases. Governments need to consider whether religions and other beliefs trump human rights or human rights trump religions and other beliefs or neither trumps the other. Can international human rights law help to stop the advance and use of such weapons in the face of this historic truth?*

- **QUESTION:** Weapons of mass destruction as history teaches are often legitimized for national security and justified by cultural, ethnic, religious or political ideology. The U.N. Review Conference on the Nuclear Test Ban Treaty and studies on biological and cyber weapons demonstrate advances in science and technology is being used to increase their potential for mass destruction. The question is whether an International Convention on Human Rights and Freedom of Religion or Belief, elevated and supported equally by the U.N. Human Rights Council and U.N. Security Council, would help offset the risk of weapons of mass destruction. Recognition of the need for synergy to balance rights and security is the foundation for solving this issue.

*"I am become death, the destroyer of worlds" - Robert Oppenheimer, quote from the Bhagavad Gita after exploding the first atomic bomb, Trinity 1945.*

*In 1968, the United Nations deferred work on a legally-binding treaty on religious intolerance as too complex and sensitive and passed a non-binding declaration in its place. The Tandem Project believes until a core legally-binding human rights Convention on Freedom of Religion or Belief is adopted international human rights law will be incomplete. It may be time to begin to consider reinstating the 1968 Working Group to bring all matters relating to freedom of religion or belief under one banner, a core international human rights legally-binding treaty.*

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**The Tandem Project** a non-governmental organization (NGO) founded in 1986 to build understanding, tolerance, and respect for diversity of religion or belief, and to prevent discrimination in matters relating to freedom of religion or belief. The Tandem Project has sponsored multiple conferences, curricula, reference material and programs on Article 18 of the International Covenant on Civil and Political Rights- Everyone shall have the right to freedom of thought, conscience and religion – and the 1981 United

Nations Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.