

A resolution at the UN on economic, social and cultural rights of religious minorities and other persons in vulnerable situations

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In a resolution (A/HRC/10/L.34) on discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights, adopted by a vote of 22 in favour, one against, and 24 abstentions as orally amended, the Council emphasizes that discrimination based on religion or belief often has an adverse impact on the enjoyment of economic, social and cultural rights, particularly with regard to members of religious minorities and other persons in vulnerable situations; urges States to ensure that everyone has the right, inter alia, to education, work, an adequate standard of living, the enjoyment of the highest attainable standard of physical and mental health and to take part in cultural life, without any discrimination on the basis of religion or belief; to ensure that no one is discriminated against on the basis of his or her religion or belief, in particular with regard to access to, inter alia, humanitarian assistance, social benefits or the public service in one's country; to ensure that no one is affected, because of his or her religion or belief, in the enjoyment of his or her economic, social and cultural rights by, inter alia, discriminatory laws on housing or land trust, the abusive use of property confiscation or any other discriminatory practices; to take the necessary measures, in accordance with international human rights law, to combat discrimination based on religion or belief by non-State actors, with particular regard to persons belonging to religious minorities and other persons in vulnerable situations; to devote particular attention to discriminatory practices against women on the basis of their religion or belief that adversely affect the enjoyment of their economic, social and cultural rights; to ensure that appropriate legal and other remedies, in accordance with international human rights law, are available to individuals in order to allow them to seek redress against discrimination based on religion or belief that affects the enjoyment of their economic, social and cultural rights; to make all appropriate efforts to encourage those engaged in teaching, as well as social workers, to promote mutual understanding, tolerance and respect; and requests the Special Rapporteur to submit her next annual report to the Council at its thirteenth session.

**The result
of the vote were as follows:**

**In
favour(22):** Angola, Argentina, Brazil,

Canada, Chile, France, Germany, India, Italy, Japan, Mauritius, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, Slovakia, Slovenia, Switzerland, Ukraine, United Kingdom, and Uruguay.

Against(1):

South Africa.

Abstentions(24): Azerbaijan,

Bahrain, Bangladesh, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cameroon, China, Cuba, Djibouti, Egypt, Gabon, Ghana, Indonesia, Jordan, Madagascar, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Saudi Arabia, Senegal, and Zambia.

PETRA ALI

DOLAKOVA, (Czech Republic), speaking on behalf of the European Union, introducing the draft resolution, said that the freedom of religion or belief was a sensitive issue, not only in the Human Rights Council, but also in society at large. The European Union would like the Council to continue devoting attention to important issues as the freedom of belief or religion.

Thematic resolutions did not overrule earlier resolutions on the topics but specified them. The European Union chose this theme after the presentation of the Special Rapporteur on freedom of religion. Hardly any theme showed the interrelatedness of all human rights as the freedom of religion. The resolution also invited the Special Rapporteur on freedom of religion to report again to the thirteenth session of the Human Rights Council so that the Council continued its discussions on the topic.

IMAN AHMED SIDDIQUI (Pakistan), speaking on behalf of the Organization of the Islamic

Conference in a general comment on the draft

resolution on discrimination based on religion or belief and its impact on the enjoyment economic, social and cultural rights, said they attached great importance to the work of the Special Rapporteur on freedom of religion or belief. Muslims were victims of intolerance, hatred and discrimination in many societies around the world. The draft resolution had to be comprehensive while addressing the contemporary challenges in this view. Pakistan put forth a number of proposals during the drafting of this resolution on behalf of the Organization for the Islamic Conference Member States, of which very few were accepted. The challenge of religious intolerance was not addressed adequately in the draft resolution, because of, among other things, the reluctance to institutionalize religious discussion which aimed to achieve interfaith harmony, the formal and legal distinction between different religions and faiths did not constitute discrimination as cited in the resolution. The Organization for the Islamic Conference along with other members also proposed inclusion of combating the negative impact of stereotyping by the media and its impact on the enjoyment of enjoyment economic, social and cultural rights. As such, Pakistan called for a vote and would abstain in the vote on the draft resolution.

GLAUDINE J. MTSHALI

(South Africa),

speaking in an explanation of the vote before the vote, said the resolution presented major challenges in its current form, as it brought in new elements without addressing issues related to freedom of religion or belief. The title should be changed. The approach diminished the suffering of victims of human rights violations, and the Council should take note of the contemporary forms of challenges to this. The right to freedom of expression was entrenched in South African law, and that country understood the challenges with regards to exercise of freedom of religion or belief in the context of the freedom of expression. The slant of the resolution, in particular with regards to incitement to religious hatred, was not helpful. The focus of the resolution on economic, social and cultural rights, combined with the lack of justiciability of these rights, was inconceivable. South Africa did not share the view that only civil and political rights were justiciable. Were the resolution put to a vote, South Africa would vote against it.

JOHAN ARIFF ABDUL RAZAK, (Malaysia), speaking in an explanation of the vote before the vote, said while appreciative of the efforts of the sponsors of the texts, some of the arguments of other delegations had not been taken on board. The issues of religious dialogue, negative stereotyping and hate speech had not been highlighted in the text. As a multicultural, multi-religious and multi-ethnic country, Malaysia had managed to find a balance between freedom of religion or belief and freedom of expression. Given the aforementioned reservations of Malaysia on the resolution, Malaysia would abstain during the vote.

GUSTI AGUNG WESAKA PUJA (Indonesia), speaking in an explanation of the vote before the vote, said that discrimination on any grounds was unacceptable. All bodies had to ensure the protection of individuals against discrimination. Indonesia was strongly against acts which constituted discrimination on the grounds of religion. Indonesia was concerned that this resolution did not take into account aspects of economic, social and cultural rights as well as the significant role the state and the media played in the prevention of discrimination. Therefore, Indonesia joined the Organization of the Islamic Conference in abstaining in the vote.

VLADIMIR ZHEGLOV

(Russian Federation), speaking in an explanation of the vote before the vote, thanked the authors of the resolution because they had changed the original draft, taking into account many of the views made by other delegations. However, it was clear that in the draft not all opinions made were included, and not all the interests of the Council had been taken into account. The Russian Federation believed that this type of resolution should have been prepared in a more constructive manner, and a more flexible approach should have been applied in order to avoid division on this type of resolution.

JUAN ANTONIO

FERNANDEZ PALACIOS (Cuba), speaking in an explanation of the vote before the vote, said South Africa gave an excellent explanation of vote, and Cuba shared that view one hundred percent. Cuba was concerned at the change in the

title, and the approach in the resolution, and was concerned that the co-sponsors had not included the views of many. Cuba would abstain in the vote.