



**Recommendations on human mobility and freedom of religion or belief for  
the Global Compact for safe, orderly and regular migration.**

*I Thematic informal thematic session on Human Rights for all migrants, social  
inclusion, cohesion, and all forms of discrimination, including racism,  
xenophobia and intolerance.*

**Association Miraisme International  
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*This document aims to promote inclusion and social cohesion, as basic elements to address to build plural and open societies. Tolerance and coexistence with respect are part of the migration phenomenon in the personal development of the migrants in destination countries. Specifically, the document refers recommendations concerning the full exercise of human rights of all migrants and their fully integration into society.*



## 1. Legal and theoretical approach:

- Article 13 of the New York Declaration on Refugees and Migrants<sup>1</sup> rejects "any discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property birth or other status" and in Article 14 of the Convention, it states: "We strongly condemn acts and manifestations of racism, racial discrimination, xenophobia and related intolerance against refugees and migrants and the stereotypes often applied to them, including on the basis of religion or belief". The declaration is based on the broader concept of human security that is fundamental for sustainable development and the construction of scenarios conducive to achieving the goals outlined in Agenda 2030.
  
- Article 23 of the New York Declaration recognizes the commitment to ensure the full exercise of the human rights of all vulnerable groups, including religious minorities<sup>2</sup>. These are persecuted and harassed in some countries. In others, they carry a stigmatization that hinders their social, academic and professional development.
  
- The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief<sup>3</sup>. In Article 6, it includes all aspects of the relationship with the manifestation of religion or belief:
  - The right to practice worship or to hold meetings in connection with religion or belief and to establish and maintain places for such purposes.
  - The right to fund and maintain appropriate charitable or humanitarian institutions.

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<sup>1</sup> New York Declaration for Refugees and Migrants. Response to large displacements of refugees. UN. Extracted on May 6, 2017: <http://www.un.org/es/comun/docs/index.asp?symbol=A/71/L.1%20&referer=/spanish/&Lang=E>

<sup>2</sup>Idem

<sup>3</sup> Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Beliefs. UNHCR. Extracted on August 13, 2015 from <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ReligionOrBelief.aspx>



- The right to make, acquire and use in sufficient quantity the articles and materials necessary for the rites or customs of a religion or conviction.
  - The right to write, publish and disseminate relevant publications in these areas.
  - The right to teach religion or belief in places suitable for such purposes.
  - The right to request and receive voluntary financial and other contributions from individuals and institutions.
  - The right to train, appoint, elect and designate by succession the leaders in response to the needs and norms of any religion or conviction.
  - The right to observe days of rest and to celebrate festivities and ceremonies in accordance with the precepts of a religion or conviction.
  - The right to establish and maintain communications with individuals and communities on issues of religion or belief at national and international levels.
  - The United Nations recognized the importance of freedom of religion and thought in 1948 with the Universal Declaration of Human Rights, which in article 18 states "Everyone has the right to freedom of thought, conscience and religion; This right includes the freedom to change religion or belief. "
- There is an internal connection between the moral notion of human dignity and the legal concept of human rights. This articulation reaffirms the importance of a society founded on the framework of respect and a broad moral norm where any discriminatory position is eradicated and the principle of equality is recognized both from the legal and political point of view, in spite of existing natural inequalities
- The Committee of Ministers of the Council of Europe at its meeting on 30 October 1997 referred to hate speech as "any form of expression that incites, promotes or



justifies hatred, including intolerance manifested through discrimination and hostility against minorities”.

- In the thematic report of the special rapporteur on minority issues, Rita Izsák, published at the beginning of 2015, she highlighted a growing concern about the increase in hate speech, propagated by social networks and traditional media.
- The report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression reiterates that restrictions must be formulated in a clear way to protect people from hostility, discrimination and violence caused by discourses of incitement in the media and not to protect the criticism of systems of beliefs, religions and institutions. In the report, the rapporteur emphasizes the need to understand the differences between illegal expression and an offensive or harmful expression, taking into account that there are expressions that are not punishable, that give rise to criminal sanctions or are illegal under international law.
- The Rabat Plan of Action on the prohibition of the advocacy of national, racial or religious hatred which constitutes incitement to discrimination, hostility or violence<sup>4</sup> provides a comprehensive framework to assist States in fulfilling their obligations regarding the fight against incitement of hatred.
- Resolution 16/18<sup>5</sup>, published on 12 April 2011, sets out fundamental aspects for the fight against intolerance, negative stereotypes, stigmatization, discrimination, incitement to violence and violence against people based on religion or belief.

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<sup>4</sup> Rabat Plan of Action. Office of the United Nations High Commissioner for Human Rights. August 2015 from: [http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf)

<sup>5</sup> Resolution 16/18. . Office of the United Nations High Commissioner for Human Rights. Extracted on 13



- The importance of the Toledo Guidelines<sup>6</sup> are reflected in the conclusions among which we find that:

1. "Knowledge of religions and beliefs may reinforce appreciation of the importance of respect for the right of everyone to freedom of religion or belief, democratic citizenship, to foster understanding of the diversity of society and, at the same time, increase social cohesion"

2. When compulsory courses in the teaching of religions and beliefs are neutral and objective, participation as such does not violate freedom of religion and belief (although states are free to allow clauses of partial or total exemption of these values)".

- The analysis starts with freedom of religion or belief as a fundamental and universal right that every individual can exercise. Jorge Munévar<sup>7</sup> expressed:

"The right to religious freedom is a right that every person has to believe, disbelieve or not believe, and to manifest this inner attitude in attitudes, positive or negative external behaviors. We must clarify that the legal concept of religion is built not necessarily from theology but supported in the social sciences. In law, religions are all individual or collective forms in relation to the sacred. "

## 2. Problems

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August 2015 from: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf)

<sup>6</sup> OSCE. Toledo Guiding Principles on Teaching about Religions and Beliefs in public schools (p. 9).

<sup>7</sup> Munévar, J. (2005). Religious Freedom in Colombia, Origins and Consequences. In Perilla Castillo, D.I (Coord.). Globalization and religious diversity in Colombia. Bogotá, Colombia: Unibiblos.



- Zeid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, expressed concern about the message of some leaders and the harmful effect the use of campaigns loaded with intolerance and xenophobia for electoral purposes has on society. This has affected migrants in different countries of Europe and America.
- Professing a religion other than the one officially established in a country is, in some cases, a motive for persecution and condemnation to death, in the most extreme cases.
- Incitement to religious hatred is becoming one of the most worrying triggers of violence in contemporary societies, along with acts of terrorism and atrocious genocide carried out in the name of religion. In this sense, migrants belonging to religious minorities have been beaten and stigmatized by the host society.
- Social media have become the perfect setting for, in an open, disrespectful, intolerant and harassing way, offending and ignoring the existence of multiculturalism that characterizes the citizens of the world. In this way, incitement to hatred towards people who profess a particular religion has been manifested in social networks, provoking attacks and attacks on migrants resident in the country belonging to the same religious community
- At the moment, cyberbullying has strict control for all issues related to child pornography and related issues, which is considered to be determinant and necessary. Likewise, populations such as LGBT have significant support from support networks within Facebook. However, for issues of religious freedom, there are no such controls, which unleashes destructive criticism and incisive offense against migrants who practice religion.



- The capsules that foment violent extremism in the countries of the European Union have been unfairly linked to the migratory process, deteriorating the generalized image of migrants. The number of deaths caused by violent extremism in the OECD has increased 650% since 2010 (from 77 to 577) according to the Global Terrorism Index 2016 of the Institute for Economics and Peace<sup>8</sup>. It further states that the global economic damage is estimated at 89.6 billion dollars. Human mobility, integration and effective inclusion of migrants in the host country and truthful information about religions are among the factors that increase these figures.

### **3. Recommendations**

- We recommend to include in Global Compact on Migration the promotion of respect for the identity of the other and the guarantee to the full exercise of their rights in a framework of mutual respect and an extended moral norm, as keys to mitigate the violence generated by the effects of intolerance, and move towards a comprehensive social development through the harmonious exercise of human rights and fundamental freedoms, to effectively reduce the spread of negative stereotypes, stigmatization, the dialectic of hate and violence against migrants.
- GCM States recommendations should include to contemplate in their development plans, the design and implementation of measures of protection and guarantee to freedom of religion or belief of minorities and to establish limits between hate speech and freedom of expression. These measures should accommodate for both those born in the country and the migrants received on the basis of equality and respect.

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<sup>8</sup> Institute for Economics and Peace. Global Terrorism Index 2016. Extracted May 2, 2017 from: <http://economicsandpeace.org/wp-content/uploads/2016/11/Global-Terrorism-Index-2016.2.pdf>



- It's also necessary to exercise the awareness of all actors of society, where it is made evident the responsibility they hold in the image they consolidate of the other. In this sense, it is necessary to have commitment from the mass media to become allies of this process and, using their role as communicators, contribute to mitigate the scenarios of discrimination against migrants.
- Plurality and social convergence are great tools for building harmonious societies, based on coexistence with respect capable of generating economic and social processes of sustainable development, thus achieving the goals set in the 2030 Agenda. Efforts of international organizations should be directed towards the attention of the migratory phenomenon from a comprehensive approach, giving attention not only to economic and legal issues but also to social inclusion, the empowerment of migrants and the value of their contributions to economic and social development.
- The GCM should also incorporate recommendations to eradicate new forms of discrimination or social exclusion against ethnic and religious migrant minorities in order to ensure their full development as a means to achieve their effective integration.
- Lay or non-denominational states must seek to be impartial and promote equality between religions, not imposing bureaucratic obstacles that are exclusive or establishing secularism as a political religion. In this way, it promotes the revision of local regulations and whether or not it affects the religious freedom of migrants in their territory<sup>9</sup>.

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<sup>9</sup> Palomino, Rafael, Secularism as Political Religion (December 18, 2013). Volume in Homage to Professor Andrés Ollero Tassara (in press), Forthcoming. Available at SSRN: <https://ssrn.com/abstract=2369360>



- Construction is essential, through a true neutral education, based on universal values in order to build a society that accepts and values multiculturalism. Primary and secondary educational institutions should promote awareness of the cultural elements of their students, including their beliefs and principles. Thus, respect and tolerance are encouraged from childhood and youth, avoiding problems of school bullying.
- It's imperative that states legislate and report clearly on how to denounce and defend the religious freedom of national and foreign citizens.
- The empowerment of women directly influences the reduction of violent extremism, given their role within the family nucleus. The Mothers for Life<sup>10</sup> experience stands out. Along these lines, it is considered crucial to promote the leadership of women migrants and implement tools for their effective inclusion in the community.
- Introducing the study of religions in basic curricular contents facilitates the construction of more inclusive societies, since the teacher-student-community relationship is strengthened in a non-dogmatic way, but is investigative, conversational and analytical, encouraging the development of autonomy in educating with facts of social development of different cultures. This strengthens research, conversation and the values that should accompany every active citizen in the political, social and economic life of a country. Thus, it creates a citizen awareness of respect for the other and a greater capacity to welcome the migrant.

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<sup>10</sup> German Institute on Radicalization and De-radicalization Studies (GIRDS). Mothers For Life. Accessed April 24, 2016 at: <http://girds.org/mothersforlife>