



# International Service for Human Rights

## The Reports in Short

ISHR's summaries of documents for the Human Rights Council 4<sup>th</sup> Session

### Special Rapporteur on freedom of religion or belief<sup>1</sup>

#### Mandate Holder

Asma Jahangir

#### Mandate

The Special Rapporteur monitors and reports on violations of religious freedoms around the world to prevent intolerance and discrimination based on religion or belief. She examines governmental actions that are consistent with the provisions of the UN declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. These provisions include the rights to freedom of thought, conscience and religion, choose a religion or belief, manifest this religion or belief in worship, observance, practice and teaching, and protection from discrimination on the grounds of religion or other belief. Her work is also based on the ICCPR and the UDHR, which state that every person has the right to freedom of thought, conscience and religion.

#### Activities

- Annual report;
- 64 communications sent to 34 different countries, of which 27 were urgent appeals and 37 were letters of allegation;
- Participation in conferences and international meetings
- Mission to Azerbaijan;
- Mission to the Maldives;
- Visit to the Vatican to meet with representatives of the Holy See;
- Thematic report on “Incitement to racial and religious hatred and the promotion of tolerance”.<sup>2</sup>

#### Annual Report<sup>3</sup>

#### Summary and key conclusions:

In her report, the Special Rapporteur first takes stock of twenty years of mandate experience and examines the issues of concern to her mandate: the vulnerable situation of women; violations linked to counter-terrorism measures; and religious minorities and new religious movements.

---

<sup>1</sup> Summary prepared by Hannah Klein, Intern, ISHR; edited by Gareth Sweeney, Information Program, ISHR.

<sup>2</sup> Report prepared further to Human Rights Council decision 1/107, together with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

<sup>3</sup> A/HRC/4/21, 26 December 2006

## **Review of the Mandate**

- The Special Rapporteur expressed support for the Prague conference commemorating the adoption of the *1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*. She referred to the impact of the original mandate on subsequent conventions, comments and resolutions, and the importance of continuing special attention for vulnerable groups, such as women, children and refugees. She also pointed to the continuing relevance of issues such as the protection of religious sites; the registration of religious communities; and regulations regarding religious symbols and dress in public.
- The report also drew attention to an online digest of the framework for communications, which is soon to be created by the Special Rapporteur and uploaded to the OHCHR website.

## **The vulnerable situation of women**

- Since 1996, the Commission on Human Rights increasingly encouraged the Special Rapporteur to apply a gender perspective to her work, through the identification of gender-specific abuses in the reporting process.<sup>4</sup>
- The report discusses how this perspective has been mainstreamed into the work of the Special Rapporteur. She has sent joint appeals with other Special Rapporteurs, such as the Special Rapporteur on violence against women. In addition, her framework for communications contains a subcategory devoted to the vulnerable situation of women.
- Women in many countries appear to be victims of double or triple forms of discrimination, owing to serious restrictions in the areas of education, employment, and transmission of nationality and religious dress. There have also been reports of arrests, flogging, forced conversion and even murders specifically targeted at women in the context of intolerance based on religion or belief. Female members of minority religions also tend to become victims of rape and violence caused by organised groups.
- Underlining the importance of links between freedom of religion and the protection of all human rights, the Special Rapporteur reiterated the importance of ensuring that the right to freedom of religion did not come at the expense of other freedoms. Supporting this, she welcomed recent statements clarifying religious views on female genital mutilation.<sup>5</sup>

## **Violations linked to counter-terrorism**

- The Special Rapporteur explored how anti-terrorism measures adopted by some States since 9/11 have undermined respect for fundamental rights, particularly with regard to immigration controls and racial, ethnic or religious profiling.

## **Religious minorities and new religious movements**

- Issues of concern included suspicion of and discrimination towards new movements, obstacles in the official registration procedures, and inappropriate limitations when disseminating materials and displaying religious symbols.
- The report examined the complexities involved in defining religion and belief and points to the broad solution of “theistic, non-theistic and atheistic beliefs.”<sup>6</sup> The Rapporteur argues that it is particularly worrying when a religious community is empowered, either *de jure* or *de facto*, over the registration of another religious or belief group.

---

<sup>4</sup> This was reinforced by resolution 2005/40 of the Commission on Human Rights.

<sup>5</sup> See the recommendations of the international conference of scholars concerning a ban on abuse of the female body which was held 22-23 November 2006 at Al-Azhar University in Cairo, Egypt.

<sup>6</sup> Article 18 of ICCPR

### **Key Recommendations:**

- State parties should provide information on the status of women as regards their freedom of thought, conscience and religion, and indicate what steps they have taken or intend to take to both eliminate and prevent infringements of these freedoms in respect of women, and to protect their right not to be discriminated against.
- The study of the previous mandate-holder, 'Etude sur la liberté de religion ou de conviction et la condition de la femme au regard de la religion de des tradition', should be translated into the official UN languages and published as an official document.
- States should ensure that any counter terrorism measures should comply with their obligations under international law, in particular international human rights, refugee and humanitarian law.
- Registration should not be a precondition for practicing one's religion. Furthermore, registration should be easy, quick and not dependent on reviews of the substantive content of the belief or on extensive formal requirements.
- The principles contained in the 1981 *Declaration* need to be further disseminated among State and non-State actors, particularly through the education system.
- Prosecution of cases relating to incitement of religious hatred, discrimination, hostility or violence must rely on transparent and neutral standards.

### **Mission to Azerbaijan<sup>7</sup>**

#### **Scope**

The mission took place between 26 February and 5 March 2006.

#### **Summary and key conclusions**

- Azerbaijan has a high level of religious tolerance and religious harmony;
- In an attempt to safeguard religious freedoms, concerned authorities may be using strong controls that eventually limit the collective right to freedom of religion or belief. Examples include restrictions on religious literature and methods of the appointment of clergy.

#### **Key recommendations**

- The government should give special attention to any form of intolerance towards religious minorities;
- All forms of incitement to religious hatred should be prosecuted;
- The independence and neutrality of the judiciary should be strengthened.

### **Mission to the Maldives<sup>8</sup>**

#### **Scope**

The mission took place from 6 to 9 August 2006.

#### **Summary and key conclusions**

- The Maldivian people associate national unity with religious unity and homogeneity;

---

<sup>7</sup> A/HRC/4/21/Add.2

<sup>8</sup> A/HRC/4/21/Add.3

- This has led to a number of restrictions on the rights of non-Muslims, who cannot exercise their religious rights in public;
- There are no religious sites or places of worship apart from Islamic Mosques.

### **Key Recommendations**

- Although the Maldives has recently adopted the *Law on the Human Rights Commission*, their requirement for Human Rights Commissioners to be Muslim should be abolished.
- Since the Mission, the Maldives have acceded to both the *International Covenant on Economic, Social and Cultural Rights* and the *International Covenant on Civil and Political Rights* and its first optional protocol. However, it should reconsider its reservation to Article 18 of the *ICCPR*.