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**Statement by Asma Jahangir
Special Rapporteur on freedom of religion or belief**

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Mr. Chairperson,
Ladies and Gentlemen,

I am pleased to have this opportunity to engage in an interactive dialogue with the Third Committee on issues relating to my mandate on freedom of religion or belief. In this oral statement, I intend to give you an overview of the mandate's activities carried out since my previous report and raise some key issues included in the present report. In addition, I also would like to briefly address other topics, such as the 60th anniversary of the Universal Declaration of Human Rights and its significance for freedom of religion or belief.

Last December, the Human Rights Council reviewed, rationalized and improved the terms of reference of my mandate following the four main axes below which have guided its implementation since then:

1) In order to **promote the adoption of measures at the national, regional and international levels to ensure the promotion and protection of the right to freedom of religion or belief**, I have undertaken various kinds of activities. At the national level, I have had brainstorming meetings with representatives of States and civil society organizations to reflect on the situation of freedom of religion or belief in a given country. At the regional level I have, for instance, addressed the issue of inter- and intra-religious dialogue in the framework of an initiative which aims at raising awareness about intercultural dialogue. I was also involved in a regional initiative for the development of guiding principles on teaching about religions and beliefs in public schools. At the international level, I have supported the proposal for a *United Nations decade of inter-religious dialogue and cooperation for peace* in order to encourage inter- and intra-religious dialogue in various forms and on different levels. Furthermore, I have participated in a joint contribution by Special Procedures' mandate holders which aims at providing substantive input to the Durban Conference review process and addressed its Preparatory

Committee at its second substantive session. Earlier this month, I also participated in an expert seminar organized by the Office of the High Commissioner for Human Rights on "freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence".

2) Country visits have assisted in **identifying the existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and in presenting recommendations on ways and means to overcome such obstacles**. Since my last report (A/62/280), I have visited Angola, Israel and the occupied Palestinian territory as well as India. Brief summaries of my findings are included in the present report. In addition, last month I conducted the first country visit to Turkmenistan by a Special Procedures' mandate holder. Let me here thank the Governments of these States for the good cooperation they extended to me. I have previously submitted the report on my country visit to Angola to the Human Rights Council in March of this year and I will present the other reports at its 10th session.

3) Communications sent to the Governments have been a precious tool to **examine incidents and governmental actions that are incompatible with the provisions of the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate**. Since the establishment of the mandate in 1986, more than 1,130 allegation letters and urgent appeals have been sent to a total number of 130 States. However, communications only give a general picture. Indeed, I receive many more allegations than are finally transmitted to Governments. In addition, there may be still further allegations that have not been brought to my attention. Consequently, the public "communications report" is only an indication of the forms of violation of freedom of religion or belief which cannot be considered as exhaustive.

4) In my mandate practice, I have always prioritized the **application of a gender perspective, inter alia, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations.** As a result, most of my reports do touch upon aggravated discrimination on the grounds of gender and religion or belief. That is for instance the case in the substantive part of the present report.

This leads me to highlighting some key issues raised in my present report concerning **citizenship issues and religious discrimination in administrative procedures.** Most states do not openly discriminate on the basis of religion in citizenship applications or other administrative procedures. Nonetheless, I offer a number of examples where State practice or domestic legislation is inconsistent with human rights standards regarding freedom of religion or belief.

I have, for instance, encountered cases of denial or deprivation of citizenship based on a person's religious affiliations which amount to discrimination. In some cases, believers are prevented from becoming citizens due to their religious affiliation. Compulsory mentioning of selected religions on official identity cards or passports also carries a serious risk of abuse. I believe that the likelihood of subsequent discrimination based on religion or belief has to be weighed against the possible reasons for disclosing the holder's religion on ID cards. Further, I have seen discriminatory State practice restricting public posts to members of a certain religion or a particular denomination. Sometimes, persons who wish to take up a public post have to take an oath of allegiance to a certain religion. This may amount to coercion by the State and may violate the individual's freedom of religion or belief.

I conclude in my report that while the State is entitled to determine the criteria on the basis of which citizenship is accorded and to define its administrative procedures, it may not do this in a discriminatory manner, for example by making a distinction on the basis of religion or belief. Further, when these administrative procedures result in restrictions on freedom to manifest one's religion or belief, the State must ensure that certain conditions are fulfilled. The State may have a legitimate interest in limiting some manifestations of religion or belief, but any limitation must be based on the grounds of public safety, order, health, morals or the fundamental rights and freedoms of others. It must respond to a pressing public or social need, it must pursue a legitimate aim, and it must be proportionate to that aim. Every limitation imposed should be subject to the possibility of challenge to, and remedy against, its abusive application. Fundamental fairness and the right to appeal must be guaranteed in all citizenship and administrative procedures. In essence, freedom of religion or belief and the legitimate interests of the State have to be considered on a case-by-case basis with full respect for international human rights standards.

Excellencies,

Ladies and Gentlemen,

As you know, this year marks the 60th anniversary of two essential human rights instruments, namely the **UDHR** and the **Convention on the Prevention and Punishment of the Crime of Genocide**. In the context of a fast-changing world in which the universality of human rights is being challenged, our efforts to raise awareness of, and respect for, human rights are more vital than ever. We must all strive to reaffirm the strength of human rights which lies above all in their universal character. All human beings are entitled to have their human rights respected wherever they are. As agreed by States 15 years ago in Vienna, [Quote] "while the significance of national and regional particularities and various historical, cultural and religious

backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms" [Unquote].

The provisions of the UDHR remain of utmost relevance today. Article 18 of the UDHR on freedom of thought, conscience and religion has of course been at the center of my mandate. Indeed, article 18 has guided the work of this mandate since its inception and this provision offers a sound framework which allows for dialogue with States. Freedom of religion or belief remains, nonetheless, a complex and sensitive fundamental right which is, to this day, not devoid of controversy. One only needs to refer to the freedom to change one's religion or belief. While the General Assembly has consistently adopted resolutions by consensus which explicitly refer to the "right to change one's religion or belief"¹, some delegations of the Human Rights Council seemed to challenge this very fundamental right. It is more than ever necessary to reaffirm the continuing relevance of the UDHR which proclaims that the right to freedom of thought, conscience and religion includes freedom to change one's religion or belief.

Finally, I also would like to highlight another institutional development in the field of human rights which has taken place this year, namely the start of the **Universal Periodic Review**. This mechanism undoubtedly provides a valuable tool to follow up, inter alia, on Special Procedures' communications and country visits. In the framework of my mandate, I also intend to reinforce follow-up procedures by re-establishing the mandate's initial approach with follow-up letters after country visits in order to receive updated information about the implementation of my recommendations at the national level.

I thank you for your attention.

¹ See GA-res. 60/166, OP 4(a); GA-res. 61/161, OP 4(a); GA-res. 62/157, OP 10(a).