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**STATEMENT OF MS. ASMA JAHANGIR,
SPECIAL RAPPORTEUR ON
FREEDOM OF RELIGION OR BELIEF**

10th Session of the Human Rights Council

GENEVA, 10 March 2009



Mr. President,
Distinguished Delegates,
Ladies and Gentlemen,

It is my privilege to come before you and to have the opportunity to engage in an interactive dialogue with the Human Rights Council on issues relating to my mandate as Special Rapporteur on freedom of religion or belief.

Subsequent to the review, rationalization and improvement of the terms of reference of the mandate in December 2007, the Human Rights Council requested that I submit the outstanding reports in accordance with the Council's programme of work and my next annual report in 2009. Consequently, I would like today to briefly introduce my annual report, the two communications reports and the six country reports submitted in the framework of my mandate.

In the last two years, I had the opportunity to undertake **country missions** to Tajikistan¹, the United Kingdom of Great Britain and Northern Ireland², Angola³, Israel and the Occupied Palestinian Territory⁴, India⁵ and Turkmenistan⁶. First of all, let me thank all these countries for having invited me to conduct *in situ* visits in order to learn more about the different issues with regard to the right to freedom of religion or belief in these countries. These visits enabled me to examine what challenges the countries faced and how they are dealt with. During my missions, I experienced a good level of cooperation from the Governments concerned and there was always a genuine dialogue aimed at strengthening the States' capacity to comply with their human rights obligations.

In **Tajikistan**, I concluded at the end of my visit that a large number of measures to protect the right to freedom of religion or belief were undertaken. However, there are concerns relating to the situation of religious minorities, in particular with regard to violent attacks on their places of worship and impediments to their registration. I am equally concerned by the vulnerable situation of women in Tajik society, which is partly influenced by traditional religious factors or factors attributed to religion. In my report, I also refer to the situation of the Muslim community and address the impediments to the construction of mosques and establishment of religious schools. Let me also reiterate my serious concerns relating to the draft law on the freedom of conscience and religious associations which has now reached the Parliament. As I had already observed in previous communications reports, the enactment of such legislation could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities.

My visit to the **United Kingdom of Great Britain and Northern Ireland** allowed me to observe its wealth of experience in dealing with religious tensions and terrorist acts carried out under the guise of religion. After decades of religiously and politically motivated violence in Northern Ireland, there are now promising initiatives seeking to bridge the sectarian divide between Christians and which indicate that there can be hope for a common future. There nonetheless remain several contentious areas such as inequalities and differentials based on religion in the labour markets, housing, education, policing and the criminal justice agencies. On a general level in the United Kingdom, another issue of concern related to counter-terrorism laws and measures which are largely perceived as targeting the Muslim population.

¹ February 2007, A/HRC/7/10/Add.2

² June 2007, A/HRC/7/10/Add.3

³ November 2007, A/HRC/7/10/Add.4

⁴ January 2008, A/HRC/10/8/Add.2

⁵ March 2008, A/HRC/10/8/Add.3

⁶ September 2008, A/HRC/10/8/Add.4

Indeed, I was informed that Muslims are regularly subjected to screening, searches and arrests. At the same time, I note with appreciation several positive developments following my visit. Among those, let me commend the entry into force of the Racial and Religious Hatred Act, which protects individuals rather than religions *per se* and also provides for specific safeguards to freedom of opinion and expression. Finally, I would like to note with appreciation that the common-law offences of blasphemy and blasphemous libel, which used to favour Christianity alone, have been abolished in England and Wales since July 2008.

During my country visit to **Angola**, I noted that the right to freedom of religion or belief was enshrined in the Constitution, but I also raised concern with regard to the national legislation on freedom of religion, conscience and worship which discriminates against religious minorities. Furthermore, I regret that Angola is also affected by a dominant global trend of associating Muslims with international terrorism. I am deeply concerned at the abuse and violence against children who are accused by their families of witchcraft. Having interviewed a number of affected children, I was dismayed to learn that they had been taken to traditional healers and had been detained or starved for lengthy periods of time. In this regard, I am encouraged by the leadership assumed by the National Children's Institute, together with UNICEF, to address this problem; however, the response to the various problems has been isolated and fragmented.

On Israel and the Occupied Palestinian Territory, first allow me to draw your attention to the fact that my report is based on my findings during the mission I undertook in January 2008 and does therefore not refer to the latest developments in Gaza. During my visit, I recalled that Israel and the Occupied Palestinian Territory were blessed with a rich diversity and important sites holy to many religions. The society has, however, polarized along religious lines. The conflict has an adverse impact on the right of individuals and communities to worship freely and to attend religious services at their respective holy places. Many Muslims and Christians are impeded from worshipping at some of their most holy places in the world because of an elaborate system of permits, visas and checkpoints and by the barrier. These disproportionate security measures hamper the daily lives of thousands of people and also have an adverse social and psychological impact on them. I would like to emphasize that any measures taken to combat terrorism must comply with international human rights standards. Another major challenge that needs to be addressed immediately in order to avoid deterioration of the situation is to effectively prohibit and sanction incitement to religious hatred. I continue to remain extremely concerned about the situation in Israel and OPT.

The country visit to **India** was the first follow-up visit of the mandate, since my predecessor conducted a mission to India in 1996. The society in India is characterized by religious diversity and a high degree of human rights activism. Secularism as embodied in the Constitution has also had a very positive impact. India has a comprehensive legal framework to protect freedom of religion or belief; however, many of my interlocutors, especially from religious minorities, remained dissatisfied with its implementation. Organised groups claiming roots in religious ideologies have unleashed an all-pervasive fear of mob violence in many parts of the country, for example recently in the state of Orissa. I am very much concerned about the degree of polarization in some pockets of different faith groups and about the danger of chain reactions that can be triggered by communal tensions. The political exploitation of communal distinctions must be effectively prevented and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence must be adequately addressed.

On Turkmenistan, I am grateful that the Government invited me to undertake a mission to this country. It was the first time that a UN Special Rapporteur visited the country and I sincerely hope that other mandate holders will be able to undertake missions too in order to assist such a fast-progressing country in respecting and promoting human rights. During my mission, I was impressed by the high level of

tolerance and the climate of religious harmony at the societal level in Turkmenistan. However, over the past years, I have received reports of arrests, intimidation, harassment and restrictions on the religious activities of individuals and groups, allegedly perpetrated by the authorities. Although the situation has much improved since 2007, I am still concerned about the imposition of legal or policy restrictions by the authorities on registration, places of worship, religious material, religious education, proselytism and conscientious objection. During the mission, I encouraged my official interlocutors to review the law of Turkmenistan on freedom of conscience and religious organizations, so that it no longer infringes on the rights of individuals and groups in their exercise of freedom of religion or belief. I also recommended that reforms be taken in the judiciary, so as to offer effective legal means of redress and compensation for denial of freedom of religion or belief. With regard to the review of Turkmenistan in the framework of the UPR, I was particularly pleased to learn that issues of concern to my mandate were referred to in the interactive dialogue with the Government of Turkmenistan. I trust effective follow-up will be given to the respective recommendations of the Special Procedures and the UPR.

Turning now to my **annual report** (A/HRC/10/8), I have chosen this year to provide the Human Rights Council with a preliminary analysis on discrimination based on religion or belief and its impact on the enjoyment of economic, social and cultural rights. The principle of non-discrimination has always been at the very center of the mandate since its inception and numerous cases of discrimination based on religion or belief have been addressed in that framework since 1986. In this report, I therefore highlighted some of the recurrent issues encountered in order to illustrate the adverse impact of discrimination based on religion or belief on the enjoyment of the rights to work, to adequate food and housing, to health, to education and to take part in cultural life. My predecessors and I noted that discrimination based on religion or belief often emanated from deliberate State policies to ostracize certain religious or belief communities and to restrict or deny their access, for example, to health services, public education or public posts.

Allow me here to strongly emphasize that all human rights are universal, indivisible, interdependent and interrelated. Consequently, there should not be a different approach between discrimination affecting the enjoyment of civil and political rights on the one hand, and discrimination affecting the enjoyment of economic, social and cultural rights on the other. All States are to take effective measures to prevent discrimination with regard to the enjoyment of economic, social and cultural rights. I would like to emphasize that religious minorities and vulnerable groups are particularly affected when States do not abide by their obligations. States' obligations are clearly spelt out in international law: they have the duty to refrain from discriminating against individuals or groups of individuals based on their religion and belief; to prevent such discrimination, including from non-State actors; and to ensure that, in practice, every person on their territory enjoys all human rights without discrimination of any kind. The promotion of the realization of economic, social and cultural rights may ultimately contribute to enhancing religious tolerance and preventing discrimination.

It is my sincere hope that sixty years after the Universal Declaration on Human Rights, the promise of rights proclaimed to all men and women, without distinction of any kind becomes a reality. This Declaration and other international human rights standards must by all means continue to empower people to claim their rights.

Thank you very much for your attention.