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

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Mr. Chairperson,  
Distinguished Delegates,  
Ladies and Gentlemen,

Twenty five years have passed since this body adopted the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. However, violations of the right to freedom of religion or belief continue to occur at an alarming rate in many regions of the world. Indeed, in the current climate, in which inter-religious tensions are running high, the principles set out in the 1981 Declaration are coming under increasing pressure.

The period since the presentation of my last report has proved to be an extremely active one for the mandate. I would like to take this opportunity to provide you with an overview of some of the main activities carried out during this period, and to highlight some of the main issues demanding the attention of the mandate on the right to freedom of religion or belief.

In my report, I provide an overview of some of the trends and patterns observed within the context of the mandate. In particular, the report sets out concerns about limitations on the manifestation aspect of the right to freedom of religion or belief, including the display of religious symbols, the possession of religious literature and the right to propagate. It also addresses the particular vulnerability of members of religious minorities and persons deprived of their liberty to violations of the right to freedom of religion or belief.

During the past few years, there have been fresh attempts to legislate against certain forms of conversion. These initiatives often limit the right to freedom of religion and belief as it is difficult to assess the genuineness of a religious conversion. It is a question of conscience, and freedom of conscience cannot be controlled or assessed objectively. I have already received reports of a backlash against such measures. Often such laws are misused as tools of persecution against vulnerable individuals or religious minorities. In some instances, they are posing a problem for governments to

enforce, as they continue to be defied by individuals genuinely seeking to adopt a religion of their choice.

It is disturbing that measures adopted by governments in countering terrorism have significantly affected the freedom of religion or belief of numerous religious groups around the world, and particularly of Muslims. On many occasions, members of groups perceived to have extreme religious views have been harassed, arrested and, on some occasions, deported. I have received many reports that preaching in mosques is being controlled by State authorities and that the nomination of Imams is being strictly regulated.

Mr. Chairperson,

I have carried out two country visits during the course of the year. I visited Azerbaijan from 26 February to 5 March and the Maldives from 6 to 9 August. I would like to thank the governments of both countries for inviting me, and also for their excellent co-operation. I am looking forward to presenting my reports on these visits, including my conclusions and recommendations, to a future session of the Human Rights Council.

In Azerbaijan, I found there to be a high degree of tolerance amongst the population in general, which is an essential ingredient for ensuring respect for freedom of religion or belief in a society. The Government generally respects freedom of religion or belief but this respect is not uniformly observed in all regions of Azerbaijan. Indeed, in some cases, the concerned authorities may have blurred the thin line that distinguishes facilitation of religious freedom from control. In some instances, this has resulted in limitations on the rights of individuals and religious communities, including restrictions on non-registered communities, restrictions on religious literature, and the appointment of clergy.

The Maldives is very much a model of its own and I noted the desire of the people to maintain peace and harmony within their society. However, I was concerned by de jure and de facto limitations of the right to freedom of religion or belief of non-Muslims living in the country. Since I carried out my visit, the Maldives has acceded

to both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. I congratulate the Government on this important step but regret that they have entered a reservation to article 18 of the ICCPR on freedom of religion or belief. I do hope that the Government will keep this reservation under review, and take steps to revisit it as soon as possible.

More generally, it is worthwhile noting that the Vienna Convention on the Law of Treaties stipulates that States cannot make reservations that are incompatible with the object and purpose of the treaty. In its General Comment 24, the Human Rights Committee states that reservations that offend peremptory norms would not be compatible with the object and purpose of the Covenant. The General Comment goes on to provide that as such, States may not reserve the right to deny freedom of thought, conscience and religion or to deny to minorities the right to profess their own religion. In this regard, I note with satisfaction that very few state parties have entered reservations to Article 18 of the International Covenant on Civil and Political Rights.

Mr. Chairperson,

I am pleased to inform you that I have been invited by the Governments of Tajikistan and the United Kingdom to carry out visits to their countries in 2007. As I mentioned to you last year, the Government of Israel has also extended an invitation for me to visit their country, although they have not yet responded to my request for specific dates for the mission. During the course of the past year, I have requested invitations from a number of countries. I urge them to respond to requests for visits in a timely manner so that we are able to best prioritise the concerns of the mandate. I continue to be concerned that some of the worst violations of religious freedoms occur in countries which are currently inaccessible to the mandate.

Mr. Chairperson,

During the course of this year I reported along with my four colleagues to the 2<sup>nd</sup> Session of the Human Rights Council on the situation of detainees at Guantanamo Bay. I was concerned that some interrogation techniques were based on religious discrimination and were aimed at offending the religious feelings of detainees. The

report carries a number of recommendations, which I hope will be considered by the government of United States.

Mr. Chairperson,

The Human Rights Council in its decision entitled, "Incitement to racial and religious hatred and the promotion of tolerance" requested myself and the Special Rapporteur on contemporary forms of racism, racial discriminations, xenophobia and related intolerance to submit a report on the phenomenon of defamation of religions and incitement to religious hatred or belief. We were particularly asked to examine its implications for article 20, paragraph 2 of the ICCPR.

I very much welcomed this request as it opened the door for honest debate on a subject, which has proven to be extremely emotive for many people all over the world. Indeed, we must encourage an open discussion on this issue based on a clear understanding of the applicable human rights standards, as it is infinitely more preferable to the violent reactions, based on anger and mistrust, which we have witnessed over the course of the year. At this critical moment the international community can take this opportunity to raise the threshold of tolerance amongst various societies by generating wide-ranging debates on such contentious issues.

The use of religious beliefs for political purposes, along with the negative stereotyping of some religions or beliefs, has often posed a challenge to the growth of a tolerant global society. In addition, the phenomenon of globalization has brought with it a series of new challenges. Amongst the most pressing of these challenges is the need to maintain a balanced approach even in times of critical polarisation. This balance should seek to ensure that universal human rights are not undermined to achieve short-term gains.

Religious communities or beliefs continue to be targets of critical forms of expression. Types of criticism can range from the mere theological analysis of beliefs to the most extreme forms of incitement to violence or hatred against members of religious and belief groups. Often expressions against major religions attract attention but numerous

cases of advocacy of religious hatred against members of smaller religions go unnoticed.

In our report we urge Member States to ensure that there is no impunity for incitement to religious hatred as defined by article 20 of the ICCPR. We also recognize that it is not always easy to determine whether a particular expression falls within article 20 and encourage the Human Rights Committee to give serious consideration to drafting a detailed General Comment on this issue.

Mr. Chairperson,

It is vital to recognise that freedom of religion or belief primarily protects the individual and, to some extent, the collective rights of the communities concerned, but it does not protect religions or beliefs per se. It is important to keep a balanced approach, to follow the principles of proportionality while legislating on matters of religion or belief and to judge acts dispassionately.

There is a tendency to equate racial and religious rights. There are several commonalities between the two but there are also important differences. A person has the ability and the right to adopt a religion of their choice and to select the means of its manifestation. The same is not an option for race. Criticism or preference of a race is based purely on subjective criteria while the same may not apply to certain forms of manifestations of religion.

The issue of freedom of religion or belief is complex and delicate and the tools for dealing with the issue need to be sufficiently sophisticated. Governmental responses in situations of religious tension or controversy have to be measured, balanced and prompt. This is a tough challenge for all governments and I have deep admiration for those governments that are making a sincere effort to promote religious tolerance not only within their own national context, but also at the regional and global levels.

Mr. Chairperson,

The mandate on freedom of religion or belief is challenging in many respects and it is notable that there is often a tendency to view freedom of religion or belief in a narrow sense. However, it is essential to ensure that the right to freedom of religion or belief adds to the values of human rights and does not unintentionally become an instrument for undermining freedom.