

# COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COUNCIL UPDATE – ITEM 3, SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF HUMAN RIGHTS COUNCIL, 10<sup>TH</sup> SESSION 12 MARCH 2009

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### Overview

On 12 March 2009, the Special Rapporteur on freedom of religion or belief,<sup>1</sup> Ms Asma Jahangir, presented her reports to the Human Rights Council (Council). The reports covered her annual report and its addendums on country visits conducted during the past two years.<sup>2</sup> The Special Rapporteur had visited Tajikistan,<sup>3</sup> the United Kingdom,<sup>4</sup> Angola,<sup>5</sup> Israel and occupied Palestinian territory (OPT),<sup>6</sup> India,<sup>7</sup> and Turkmenistan.<sup>8</sup> The annual report covered a study on the link between discrimination on the basis of religion or belief and the enjoyment of economic, social and cultural rights.

### Presentation by the Special Rapporteur

The Special Rapporteur briefed the Council on two main issues. First, she elaborated on the outcome of the visits made to several countries during the past two years.<sup>9</sup> Second, she presented her preliminary analysis on the impact of discrimination on the basis of religion or belief on the enjoyment of economic, social and cultural rights. Although Ms Jahangir's presentation was brief, she provided a clear overview of her analysis.

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<sup>1</sup> More information on the Special Rapporteur is available at [www2.ohchr.org/english/issues/religion/index.htm](http://www2.ohchr.org/english/issues/religion/index.htm).

<sup>2</sup> A/HRC/10/8. The annual report was due in 2008. Full text of the report and its addendums are available at [www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm](http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm). Full list of reports since the inception of the Special Rapporteur is available at [www2.ohchr.org/english/issues/religion/annual.htm](http://www2.ohchr.org/english/issues/religion/annual.htm).

<sup>3</sup> A/HRC/7/10/Add.2.

<sup>4</sup> A/HRC/7/10/Add.3.

<sup>5</sup> A/HRC/7/10/Add.4.

<sup>6</sup> A/HRC/10/8/Add.2.

<sup>7</sup> A/HRC/10/8/Add.3.

<sup>8</sup> A/HRC/10/8/Add.4.

<sup>9</sup> Tajikistan, United Kingdom, Angola, Israel and Occupied Palestinian Territory, India, and Turkmenistan.

With regard to the visits, Ms Jahangir expressed her appreciation for the good cooperation and positive measures by the governments of the countries she visited. She specifically commended the high level of tolerance in Turkmenistan and the religious diversity in India. On the other hand, concerns were expressed on the following issues:

- Discrimination against religious minorities,<sup>10</sup> and inequalities between religious communities.<sup>11</sup>
- Association of terrorism with Islam,<sup>12</sup> as well as the prevalence of arrests, screening, or other similar measures targeted at the Muslim population.<sup>13</sup>
- Imposition of legal or policy restrictions on freedom of religion as well as intimidation and harassment of individuals and groups,<sup>14</sup> and the prevention of Muslims and Christians from worshipping.<sup>15</sup>
- Prevalence of legislation that may impair the right to freedom of religion.<sup>16</sup>

In addressing the situation in Israel and the OPT, Ms Jahangir did not comment on the recent military attacks on Gaza, citing that her visit was carried out prior to the attacks.<sup>17</sup> This attitude received several critical comments from some States.<sup>18</sup>

In presenting the annual report, Ms Jahangir stated that discrimination often stems from deliberate State policies to exclude certain religious or belief communities from access to public facilities.<sup>19</sup> In this context, discrimination has prevented their enjoyment of economic, social and cultural rights. Noting the nature of human rights as universal, indivisible, interdependent, and interrelated, she further called on States to ensure that every person is allowed to enjoy human rights without distinction of any kind.

## Interactive Dialogue

The interactive dialogue involved comments from concerned States, observing States as well as the civil society. Four NGOs were able to participate in the dialogue.<sup>20</sup> Many States used the opportunity to reiterate their commitment to uphold freedom of religion or belief. Additionally, some States expressed criticisms, concerns, or suggestions mainly on: the deteriorating condition in the OPT, detention of seven Baha'i persons in Iran and the concept of 'defamation of religions'.

In addressing the **deteriorating condition in the OPT**, Palestine drew the Council attention to restrictions on movements, attacks against places of worship, and vandalism and closure of mosques. Palestine called on Israel to respect international law and to end the occupation. While Israel commended the 'objective and balanced report', Egypt opined otherwise; stating that the report ignores that Israel is occupying the OPT and asked her to comment on the impact of the occupation on the right to religious freedom of the Palestinian people. It went further and implicitly accused the Special Rapporteur of taking an 'unhelpful approach' to the issues at hand. The Special Rapporteur replied that this issue was covered in her report.<sup>21</sup> Specific concerns were raised in relation to

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<sup>10</sup> Tajikistan, Angola, India.

<sup>11</sup> United Kingdom.

<sup>12</sup> Angola.

<sup>13</sup> United Kingdom.

<sup>14</sup> Turkmenistan.

<sup>15</sup> Israel.

<sup>16</sup> Tajikistan (draft law on the freedom of conscience and religion), Turkmenistan (law on the freedom of conscience), United Kingdom (counter terrorism law).

<sup>17</sup> January 2008.

<sup>18</sup> Egypt, Yemen, Qatar, Saudi Arabia.

<sup>19</sup> Healthcare, education, and public posts. However, the Czech Republic noted that discrimination does not always stem from deliberate State practices.

<sup>20</sup> Amnesty International, European Centre for Law and Justice, Baha'i International Community, Cairo Institute of Human Right Studies.

<sup>21</sup> Paragraph 34 of the mission report.

the Al-Khalil mosque massacre,<sup>22</sup> and the digging under the Al-Aqsa mosque,<sup>23</sup> and the need to give special attention to the Christian population in the OPT.<sup>24</sup> Algeria and Iran criticised the silence of the Special Rapporteur on the recent attacks on Gaza. The give. In response, the Special Rapporteur emphasised that the current report was finalised at the end of October 2008, which was after the Al-Khalil mosque incident in 1990 and prior to the Gaza attacks during December 2008 and early in 2009. Further, she emphasised that the situation in Gaza was addressed in a public statement by the Coordination Committee made in January 2009. In a right of reply, Egypt stated that the Special Rapporteur had ignored questions that were ‘not politically convenient’ and noted that this was not conducive to the mandate.

Thailand and the Czech Republic (on behalf of the European Union), and the Baha’i International Community expressed concerns about the detention of seven **Baha’i** persons in Iran. They asked the Special Rapporteur to follow up on this issue. Similar concerns were raised by the Cairo Institute of Human Rights Studies regarding discrimination against the Baha’i community in Egypt. The Special Rapporteur responded that she is well aware of the situation of the Baha’is in Iran and Egypt and that the issue will be addressed in her next reports.

Some States raised concerns about incitement to hatred shielding behind freedom of speech.<sup>25</sup> The Russian Federation emphasised that even though the threat of extremism is real, it is unacceptable to associate terrorism with any religion. Several States recommended carrying out more inter-faith dialogue to overcome this issue.<sup>26</sup> Other issues raised included the possibility of teaching religion in public schools,<sup>27</sup> human rights trainings of public officials,<sup>28</sup> and registration of religious communities.<sup>29</sup>

Some States also commented on the Special Rapporteur’s thematic analysis on **the impact of discrimination based on religion or belief on the enjoyment of economic, social and cultural rights**.<sup>30</sup> Due to time constraint, the interactive dialogue resulted in very little responses to the comments or questions posed by States and NGOs.

### Further information

For further information on the Council, please consult the following resources:

- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council’s proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to [information@ishr.ch](mailto:information@ishr.ch).
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 10<sup>th</sup> session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/10session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/10session/reports.htm>.
- More informal documents and draft resolutions are available on the ‘OHCHR extranet’ at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: ‘hrc extranet’ Password: ‘1session’.

*NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.*

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<sup>22</sup> Egypt supported by Uganda.

<sup>23</sup> Palestine, Yemen, Saudi Arabia, Qatar.

<sup>24</sup> European Centre for Law and Justice

<sup>25</sup> Azerbaijan, Qatar, Brazil, Russian Federation.

<sup>26</sup> Indonesia, Kuwait, Chile.

<sup>27</sup> Denmark, Switzerland.

<sup>28</sup> Switzerland.

<sup>29</sup> Amnesty International.

<sup>30</sup> Pakistan (on behalf of the Organization of the Islamic Conference), Czech Republic, New Zealand, Thailand, Denmark.



## **COUNCIL MONITOR STAFF**

**Eléonore Dziurzynski**, Communications Officer  
**Michael Ineichen**, Human Rights Officer  
**Gareth Sweeney**, Deputy Manager  
**Katrine Thomasen**, Manager International Programme

## **CONTRIBUTORS**

**Jessika Croizat**, Intern  
**Joelle Dek**, Intern  
**Surya Gopalan**, Intern  
**Ladina Knapp**, Intern  
**Beth Lehner**, Intern  
**Clara Martino**, Intern  
**Patriani P. Mulia**, Intern  
**Isabella Ries**, Intern

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The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch).

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