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**Statement by Heiner Bielefeldt
SPECIAL RAPPORTEUR ON FREEDOM OF RELIGION OR BELIEF**

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Honourable Chair, Excellencies, Distinguished delegates, Ladies and Gentlemen,

It is a privilege to be here for my first interactive dialogue with you on issues relating to my mandate as Special Rapporteur on freedom of religion or belief. Thanks to the outstanding work of the previous Special Rapporteurs (Mr. Angelo Vidal d'Almeida Ribeiro, Mr. Abdelfattah Amor and Ms. Asma Jahangir) the mandate which I have taken up is on solid grounds. During the last 24 years, they have collected a wealth of experience with regard to the numerous issues covered by the mandate. The latest thematic report (A/65/207), which I have the honour to submit today, gives an overview of issues of concern with regard to the implementation of freedom of thought, conscience and religion or belief.

It is my aspiration to continue this work in the spirit of cooperation with Governments and all relevant stakeholders. In the few months since assuming my position, I have already learned to highly appreciate the excellent support provided by the Office of the High Commissioner for Human Rights, in particular its Special Procedures Branch.

Allow me to start with a few general remarks on the nature of the right to freedom of religion or belief. The preamble of the Universal Declaration of Human Rights (UDHR) begins with a reference to the “inherent dignity” of all human beings. Human dignity is neither an ascribed societal status, nor a privilege granted by Governments. It does not derive from social agreements, nor can it be made dependent on membership within a particular group of people. Rather, in the words of the UDHR, dignity is inherent in “all members of the human family” and for this very reason deserves an unconditional recognition. Moreover, the UDHR systematically connects human dignity with every human being’s “equal and inalienable rights”. The inalienability of human rights, including freedom of religion or belief, finally originates from this axiomatic respect for the equal dignity of all human beings.

Human dignity is a concept that resonates strongly in religious or philosophical traditions, across regional and cultural boundaries. The philosophical or theological concepts, metaphors or narratives traditionally used to express respect for human dignity may be different in various cultural contexts and schools of thought. However, what ultimately counts is the fact that human dignity, while providing the normative basis for human rights in general, at the same time constitutes a cornerstone of different religious and philosophical traditions. This in turn enhances the prospects of a broad, active and lasting cross-cultural promotion and protection of human rights, including freedom of religion or belief.

As a consequence of its universalistic nature as a human right, freedom of religion or belief has a broad scope of application. It “protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief” (UN Human Rights Committee, General Comment No. 22). It also includes members of newly established communities, minority groups as well as minorities within minorities. In addition, protection must also be accorded to those who have exercised, or wish to exercise, their right to change one’s religious affiliation, which constitutes an inherent and essential part of everyone’s freedom of religion or belief.

Unfortunately, however, the reports by the previous mandate holders contain many examples of exclusion of people from the enjoyment of freedom of religion or belief. In some countries recognition of religious practice is per definition limited to a particular list of religions, with the result that members of other religions or beliefs face problems, for instance when applying for official documents. Small communities, such as Jehovah’s Witnesses, Baha’is, Ahmadis, Falun Gong and others are sometimes stigmatized as “cults” and frequently meet with societal prejudices which may escalate into fully fledged conspiracy theories. Moreover, those who have exercised, or wish to exercise, their right to convert to another religion or belief are not only confronted with negative reactions from society at large; in some countries they are also exposed to criminal prosecution. Further, as a result of a conversion, marriages have been nullified against the will of the concerned couple and persons have been excluded from the right to inheritance. In some States, converts even bear the risk of losing the custody of their own children. In this context I would like to emphasize that freedom of thought, conscience and religion “includes freedom to change [one’s] religion or belief” (article 18 of the UDHR) and that “no one shall be subject to coercion which would impair [one’s] freedom to have or adopt a religion or belief of [one’s] choice” (article 18 (2) of the International Covenant on Civil and Political Rights, ICCPR). This *forum internum* component of freedom of religion or belief enjoys particularly strong protection under international human rights law as an absolute guarantee which under no circumstances may be infringed upon.

Due to its status as a human right, the enjoyment of freedom of religion or belief cannot be made dependent on registration of religious groups by the State. Indeed, making registration a compulsory requirement for practising one’s religion would run counter to the very essence of freedom of religion or belief, which includes freedom to manifest one’s religion or belief, individually or in community with others, in private or in public. In many countries however, registration requirements – sometimes linked to onerous bureaucratic procedures – are used as

instruments to control and restrict the exercise of freedom of religion or belief. Although registration of religious communities may legitimately be required to accord tax privileges for example, it is important to bear in mind that this may not affect the exercise of freedom of religion or belief as such.

Equality constitutes a cornerstone of human rights in general, also deriving from their universal nature. Thus article 1 of the UDHR stresses that “all human beings are born free and equal in dignity and rights”. As a result of this egalitarian spirit underlying human rights, States are obliged to combat all forms of discrimination. In the context of freedom of religion or belief, I would like to briefly refer to two forms of discrimination, i.e. discrimination against religious minorities and gender-based discrimination.

It is obvious that members of religious minorities, including atheistic and non-theistic minorities, typically live in situations of increased vulnerability. In many countries, religious minorities face discriminatory obstacles in the education system, in the labour market or when accessing the public health infrastructure. The formal exclusion of minorities from certain positions within the State apparatus is a widespread phenomenon, sometimes even enshrined in legal statutes or the State’s constitution. According to numerous reports of human rights organizations, members of minorities also bear an additional risk of falling victim to police harassment or profiling. This is especially likely if societal stereotypes brand members of certain religious communities as “dangerous”, “hostile” or even potential “terrorists”. In some countries, religious minorities regrettably face insurmountable obstacles when trying to construct or renovate visible places of worship, such as churches, mosques, pagodas, synagogues or temples.

The mandate of the Special Rapporteur on freedom of religion or belief also covers gender-based discrimination. In the context of religion, this has at least two distinct dimensions. On the one hand, women belonging to discriminated communities often at the same time suffer from gender-based discrimination which means that they are exposed to multiple or intersectional forms of discrimination. On the other hand, religious traditions or interpretations of religious doctrine sometimes appear to justify, or even call for, discrimination against women.

One example of the former constellation is the ban on the headscarf which adversely affects Muslim women who, from a religious conviction, decide to wear the hijab. In some countries this may lead to expulsion from schools and universities or discrimination in the labour market. I would like to reiterate that the freedom to publicly manifest one’s religious conviction by

displaying visible symbols constitutes an inherent part of freedom of religion or belief. Any limitations to the freedom to publicly manifest one's religion or belief must be "prescribed by law and [...] necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others" (article 18 (3) of the ICCPR). It is useful to study the criteria developed by my predecessor, Asma Jahangir, in her 2006 report on religious symbols. I fully share her view that the fundamental objective must be to protect both the positive freedom to manifest one's religious conviction, e.g. by wearing religious clothing, as well as the negative freedom not to be exposed to any pressure, especially from the State or in State institutions, to display religious symbols or perform religious activities.

The second constellation of gender related discrimination follows from the experience that religious traditions are at times invoked to deny or dilute the equality in rights of men and women. Obviously this issue has been at the centre of heated controversies within various religious communities themselves. Many members of those communities claim that traditional justifications of gender related discrimination stem from cultural contexts rather than belonging to the substance of the religious teaching. Whatever the justification, all practices that are contrary to women's rights should be condemned and combated.

Ample evidence indicates that women frequently face discrimination in the application of religious laws. One example would be obstacles to inter-religious marriages as they exist in quite a number of countries. This delicate area, in which religious and gender related discrimination appear to intersect, certainly calls for a careful analysis from a human rights perspective. I would like to quote from my predecessor's last report to the General Assembly: "It can no longer be taboo to demand that women's rights take priority over intolerant beliefs that are used to justify gender discrimination" (A/65/207, para. 69).

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Under international human rights law, States are obliged not merely to *respect* freedom of religion or belief but also to actively *protect* such freedom against undue interference from third parties. In addition, they should *promote* an atmosphere of tolerance and appreciation of religious diversity, for instance by encouraging inter-religious dialogue as well as by dispelling prejudices which often cause particular harm to members of minorities. Such initiatives could serve the purpose of conflict prevention and also have an early-warning function.

Unfortunately, pernicious stereotypes, often amounting to fully fledged demonization of religious minorities, continue to be a reality in many States. Moreover, incitement to religious hatred frequently draws on actual or perceived religious differences. Incitement to hatred may lead to violence and concomitant human rights abuses, either targeting minorities or occurring between different communities. Such abuses, which can include homicides, attacks on religious sites, destruction of cemeteries and other acts of violence, are sometimes also perpetrated in the name of religion.

I would like to reiterate in this context that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law” (article 20 (2) of the ICCPR). Hence States are obliged to take appropriate action. At the same time, it is important that any limitations on freedom of expression deemed necessary to prohibit incitement to religious hatred be defined with the utmost diligence, precision and precaution. The threshold for any limitations must be very high in order not to have a chilling effect on the exercise of freedom of expression or other human rights. Such precaution is also in the interest of freedom of religion or belief, because a societal atmosphere of openness enhances the chances of dispelling stereotypes and prejudices. At the same time, freedom of religion or belief does not include the right for one’s religion or belief to be free from criticism or all adverse comment.

Let me conclude by once again reminding ourselves that the interrelatedness of all human rights does not only represent a normative insight; it also has an empirical dimension. Hence promoting freedom of religion or belief is vital for building a holistic system of human rights protection, based on due respect for the inherent dignity of all members of the human family.

I thank you for your attention.
