



General Assembly

Distr.: General
19 July 2023

Original: English

Seventy-eighth session

Item 73 (b) of the provisional agenda*

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Freedom of religion or belief

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, submitted in accordance with General Assembly resolution [77/221](#).

* [A/78/150](#).



Interim report of the Special Rapporteur on freedom of religion or belief, Nazila Ghanea

Freedom of religion or belief, from the grass-roots level

Summary

In the present report, the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, considers the lived reality of freedom of religion or belief, and the range of State authorities that carry the obligation for ensuring its enjoyment, and which can be complemented by the contribution of non-State actors.

I. Introduction¹

1. The present report complements the thematic report to the Human Rights Council,² in which the Special Rapporteur on freedom of religion or belief addressed a top-level framing of the landscape of freedom of religion or belief. As noted in the introduction of that report, in renewing the mandate for a further term in its resolution 49/5, the Council highlighted the importance of constitutional and legislative systems, national legislation, recommendations emanating from the universal periodic review process, practices and laws relating to women, economic and social rights and public services, registration practices, access to official documents, worship and assembly and the activities of all public officials and civil servants.

2. In continuing from and complementing her previous report, the Special Rapporteur brings the debate around human rights and freedom of religion or belief to the grass-roots level, considering the range of authorities and actors affecting enjoyment of that right on the ground. She highlights the obligations of government authorities and the role of non-governmental actors in ensuring enjoyment of this freedom. It is hoped that the present report will help to provide a “reality check” on how freedom of religion or belief needs to be promoted, protected and fulfilled at the domestic level.

3. Freedom of religion or belief is a human right. It cannot be respected through mere rhetoric or by being showcased at symbolic events. It is a day-to-day practice and reality that needs continuous investment at every level. From the perspective of the individual or community on the ground and around the world, who are the authorities and actors who facilitate, restrict or violate full enjoyment of freedom of religion or belief?

4. The Special Rapporteur seeks to bring the lived reality of the rights holder to the centre of her report by drawing on communications by the mandate holder (where possible, from 2022 and 2023), country visit reports and submissions provided by 17 States, 9 national human rights institutions, 1 special envoy, 32 civil society organizations, 1 intergovernmental organization and 5 individuals. In the recommendations set out herein, the Special Rapporteur elaborates on the negative and positive State obligations and other responsibilities necessary to ensuring the effective enjoyment of the right to freedom of religion or belief at the grass-roots level.

II. The importance of the domestic level from the perspective of the rights holder

5. Notwithstanding the importance of international human rights treaties, case law, custom and norms, the domestic and local levels are where human rights become relevant for most rights holders. The ratification and domestication of relevant international treaties represent only initial steps that may facilitate enjoyment of freedom of religion or belief in practice. International standards and mechanisms should be the last, not the first, resort for the full enjoyment of rights.

6. Freedom of religion or belief is protected under article 18 of the International Covenant on Civil and Political Rights and other international and regional human rights treaties. Protection from discrimination based on religion or belief is enshrined

¹ Warm appreciation is extended to David Garcíandía Igal and Thiago Alves Pinto of Oxford University and to the previous Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, for research support and comments on the final draft, as well as to Daniel Cloney, Helle Dahl Iversen and Erik Fattorelli of the Office of the United Nations High Commissioner for Human Rights for additional support.

² [A/HRC/52/38](#).

in all human rights treaties, in regional standards and in numerous soft law instruments.

7. Article 27 of the Vienna Convention on the Law of Treaties of 1969 contains the stipulation that a party “may not invoke the provisions of its internal law as justification for its failure to perform a treaty”. Nevertheless, States often reference their domestic laws in seeking to justify their violation of freedom of religion or belief. That cannot be acceptable. When a State ratifies a treaty, it commits itself to implementing it, in letter and in spirit.

8. Most international judicial and quasi-judicial mechanisms become accessible after domestic remedies have been exhausted. To ensure effective enjoyment of a right, therefore, international human rights obligations should be taken into account, first and foremost, by domestic authorities at the most local level.

9. Functionaries of State institutions and entities are the primary interlocutors for rights holders in relation to their freedom of religion or belief. Their actions are regulated by domestic laws, which often diverge from the State’s international obligations. That significantly limits the ability of those actors to carry out their duties in a human rights-compliant manner. Their prejudices may also be at odds with their obligations. In such cases, even where the domestic legal order allows space for freedom of religion or belief to be respected, they may take it upon themselves to inhibit its enjoyment.

10. State due diligence obligations to protect individuals from human rights violations exist not only at the individual level, but also at the systemic level³ and in relation to groups. Those obligations, which should ensure that State authorities respond to freedom of religion or belief violations at the local level, will be addressed further in sections V and VI.

11. The principle of subsidiarity holds that national authorities are best placed to understand and implement human rights in their own context. Nevertheless, they must ensure that those rights are enjoyed in a practical and tangible manner and that they reflect international standards.

III. The role of domestic State authorities in guaranteeing freedom of religion or belief

12. This section provides a non-exhaustive exploration of the State entities on whom effective enjoyment of the freedom of religion or belief depends. The Special Rapporteur draws attention to the practical impact of those entities on the enjoyment of this human right, from the domestic authorities that may typically be the most proximate to the everyday lives of rights holders, to those that may typically be considered the most distant. In doing so, she highlights the centrality of the lived experience of rights holders.

A. State authorities responsible for the administration of identity, personal status and religious affairs

13. Violations of freedom of religion or belief may begin with the first engagements between a newborn and the State under whose jurisdiction the newborn falls. Through various institutions, which may include local, municipal or regional government and ministries responsible for social services or religious affairs, many States record

³ A/HRC/23/49, paras. 70–71.

religious identity on documents of fundamental importance, such as birth certificates and/or identity cards. These documents are often necessary for access to essential services. The freedom of religion or belief of children⁴ and the right of all to determine – and to not be obliged to declare – their religion or belief should not be forgotten.

14. Registration of one's religion or belief and its display on identity cards or other analogous documents are likely to enable discrimination and exclusion. Once registered, it may be difficult or impossible to remove or change that religious affiliation, thereby impeding the right to adopt or change a religion or belief.⁵ In other cases, one can choose from only a limited set of "recognized" religions or beliefs,⁶ resulting in stigmatization, marginalization and coercion with regard to the religious affiliation of others. Those violations of freedom of religion or belief are often conditioned by constitutional or legislative orders, or by established practices, which make the registration of religious or belief communities themselves unnecessarily cumbersome or impossible.⁷

15. The right to change one's religion or belief is inherent to freedom of religion or belief. Furthermore, all human rights instruments prohibit discrimination based on religion or belief. Those rights apply to all religions and beliefs, including those of a non-religious nature. The mandate holder has long expressed concerns about the denial of citizenship, and of equal citizenship, due to religion or belief.⁸ Such denials represent serious violations of freedom of religion or belief, equality and non-discrimination and risk further violations across the entire corpus of human rights.

16. As international law requires the declaration of religion or belief to remain voluntary, the Special Rapporteur reiterates that no mention of religious identity or affiliation should be required on official documents.

17. Regarding the registration of religion or belief communities, States must play a facilitative role in ensuring that access to legal personality is quick, transparent, fair, inclusive, non-discriminatory and voluntary.⁹

B. Local, municipal and regional governments or authorities

18. Devolved local, municipal and regional authorities¹⁰ vary in their levels of autonomy, their functions and the manner in which they are appointed or elected. They may have their own autonomous judicial institutions, plural legal systems, their own sets of laws and law enforcement agencies and their own official religion. Others may serve to administer and implement laws created by central Governments. Regardless of their heterogeneous interactions with rights holders, they are centrally implicated in the State's international obligations, including with regard to freedom of religion or belief. They can be the principal violators of freedom of religion or belief.

19. Several recent communications issued by the mandate holder contain references to alleged violations or weakening of freedom of religion or belief arising from local

⁴ Convention on the Rights of the Child, article 14.

⁵ Submission provided by Sisters in Islam.

⁶ Submissions provided by the Indonesian Civil Society Coalition for Freedom of Religion or Belief, Komnas Perempuan (national human rights institution in Indonesia) and Minority Rights Group.

⁷ A/HRC/19/60, paras. 41–44 and 73.

⁸ A/63/161, paras. 31–36.

⁹ See www.osce.org/files/f/documents/9/9/139046.pdf.

¹⁰ These may include mayoral offices, city or regional councils or legislatures or autonomous executive or legislative authorities of states within a federation.

or regional laws,¹¹ as do many submissions received for the present report. Many concerns have stemmed from the establishment of official religions and religious legal codes at the State or regional level,¹² resulting in discrimination and violations of freedom of religion or belief and other human rights. Further problematic examples include regional prohibitions on the activities of minority faiths,¹³ explicit or de facto prohibitions on conversion¹⁴ or the imposition of specific laws for adherents to particular faiths.¹⁵

20. Even in the absence of an official religion, in some cases, religious prayers or rituals are observed during the official business of local governmental institutions, such as devolved parliaments. Such practices can become symbolic of marginalization and may disadvantage functionaries or officials who practice minority religions or beliefs.¹⁶ The Special Rapporteur has also highlighted cases of reprisals against State functionaries belonging to minority communities for legitimate expressions of their religion or belief.¹⁷ The right of civil servants to freedom of religion or belief, and associated rights, must also be upheld.

21. The mandate holder has received alarming allegations of the inaction or direct involvement of functionaries of local government in life-threatening attacks against individuals, including human rights defenders, on the basis of their real or perceived religion or belief.¹⁸ Such actions or inaction place individuals or groups in grave danger.

22. A cynical utilization of discriminatory rhetoric based on religion or belief identity may be used to gain popularity or foster political support for officials or authorities. Such rhetoric can contribute to acts of violence by State or non-State actors against minorities, exacerbating conflict and damaging the social fabric. The trend towards polarized political discourse, characterized by disrespect and enmity, often reaches its most vitriolic at the local level. It is at that level where functionaries and elected officials must be held to account and must embody the values of democracy and human rights, even at the risk of short-term political disadvantage. Such accountability can help to prevent or stem sociopolitical conflict, violence and human rights violations.

23. State obligations under international human rights law are enduring. Neither the devolution of powers, including the power to legislate in autonomous regions, nor the recognition of an established religion or religious authorities alters that requirement. States have the obligation to ensure that autonomous municipal and regional governments act in accordance with human rights. The rule of law must be respected by all State functionaries.

24. Those who encourage or facilitate acts of violence or discrimination against individuals or groups on the basis of their religion or belief, or who fail to respond adequately, must be held accountable. Access to justice and reparations for victims must be assured.

¹¹ OHCHR, communications sent to the Governments of India (IND 4/2022 and IND 9/2022), Somalia (SOM 4/2022) and Yemen (YEM 2/2022) and to the de facto authorities in Yemen (OTH 124/2022) and Somaliland (OTH 129/2022).

¹² Submissions provided by the Defensoría del Pueblo de la Nación Argentina (the national human rights institution of Argentina), the Indonesian Civil Society Coalition on Freedom of Religion or Belief and Sisters in Islam.

¹³ Submission provided by the Indonesian Civil Society Coalition on Freedom of Religion or Belief.

¹⁴ Submission provided by Minority Rights Group.

¹⁵ Submission provided by Sisters in Islam.

¹⁶ Submission provided by Humanists UK.

¹⁷ OHCHR, communication sent to the Government of Hungary (HUN 1/2022).

¹⁸ OHCHR, communications sent to the Governments of Bangladesh (BGD 1/2022), Guatemala (GTM 8/2022) and Pakistan (PAK 2/2022).

25. Owing to their proximity and accessibility to the daily lives of rights holders, local governments have remarkable opportunities to strengthen social cohesion and solidarity. Mandate holders have identified positive examples in that regard, such as the inclusive, cross-sectoral and pragmatic approach to deradicalization employed by the city of Aarhus in Denmark¹⁹ and the district-level interreligious committees working to promote interreligious harmony in Sri Lanka.²⁰ Indonesia, too, should be commended for the setting up of religious harmony forums at the local level, with a consultative and mediation role on interreligious relations. Making the aforementioned initiatives more accessible to a broader set of religion or belief communities and investing them with a mandate to uphold freedom of religion or belief would build on the existing record of local governments.

26. The Special Rapporteur encourages devolved authorities to maximize on their proximity and accessibility by actively involving religious or belief minorities, in an inclusive a manner, in the development and implementation of policies that concern them.

C. Authorities responsible for land, zoning and tenure

27. Land, zoning and tenure represent key issues in relation to freedom of religion or belief. Authorities are responsible for the distribution and allocation of land for places of worship and for burial, the security of tenure for religious or belief minorities and the demarcation of protected indigenous land and territory that may have spiritual significance. Denial of access to, or forced eviction from, land of spiritual significance are among the most common violations experienced by indigenous peoples.²¹ The relevant municipal and regional authorities bear the primary responsibility to act legally and in a consultative manner on such matters.

28. Religious or belief communities often face difficulties obtaining permission for the construction, registration and maintenance of places of worship and for burial, which are matters of central importance to their community life. It has been alleged that, in many cases, relevant authorities inhibit or arbitrarily reject such applications,²² at times owing to a lack of clear legal regulation. Communities may be forced to use residential properties as places of worship or may be deprived of places for burial.²³

29. The mandate holder has also received deeply concerning reports of the closure, desecration or destruction of places of worship, the forcible reallocation of contested religious sites to a dominant religious tradition and the denial of access to places of worship of minority faiths, ostensibly on security-related grounds.²⁴

30. According to information received, individuals and communities suffered denial of the right to employment or the right to housing owing to their religion or belief. Alleged violations have included alleged punitive collective destruction by local

¹⁹ A/HRC/34/50/Add.1, paras. 51–53.

²⁰ A/HRC/43/48/Add.2, para. 17.

²¹ A/77/514, paras. 27–37.

²² A/HRC/43/48/Add.2, para. 35; and submission provided by the Office of the Public Defender of Georgia.

²³ Submissions provided by Attalaki, Equality Myanmar, Komnas Perempuan, Minority Rights Group, the National Christian Evangelical Alliance of Sri Lanka and Women's Action Network and the World Evangelical Alliance and Italian Evangelical Alliance.

²⁴ A/HRC/43/48/Add.2, para. 36; OHCHR, communications sent to the Governments of Bangladesh (BGD 1/2022), China (CHN 6/2022), India (IND 6/2022) and the Islamic Republic of Iran (IRN 22/2022); submissions provided by Attalaki and the National Christian Evangelical Alliance of Sri Lanka and Women's Action Network; and confidential submission provided by one civil society organization.

authorities of the homes and monastic schools associated with religious or belief minorities.²⁵

31. The mandate holder has been made aware of positive examples wherein local authorities have actively engaged religious and belief communities in urban planning, leading to clarity concerning their needs for places of worship.²⁶ That approach is effective in strengthening inter- and intracommunity collaboration and in upholding freedom of religion or belief. Representatives of religions or beliefs that are not recognized, non-believers and newer communities are often overlooked.

32. States must ensure that authorities responsible for land, zoning and tenure act in a non-discriminatory manner consistent with freedom of religion or belief, regardless of their level of autonomy. All authorities must facilitate the establishment, protection and activities of places of worship and cemeteries, refrain from the punitive and discriminatory destruction of homes and provide reparations, just satisfaction and guarantees of non-repetition to victims and survivors. The Special Rapporteur strongly encourages States to engage proactively in inclusive dialogue with religious and belief communities when undertaking urban planning.

D. Authorities responsible for economic, social and cultural rights

33. Rights holders depend on the authorities for the administration and provision of social services for fundamental and important aspects of a dignified life (e.g. health care or education). Discrimination and violations of economic, social and cultural rights on grounds of religion or belief are rife around the world and have devastating effects. Discrimination can have the intention, and effect, of structurally denying groups access to the full enjoyment of their rights and to full participation in public life.²⁷

34. Places of education are the sites of many such violations. Access to education may be discriminatory or may be denied outright on the basis of religion or belief, or there may be coercion of students of minority religions or beliefs, denial of the right of parents to ensure the religious or moral education of their children in conformity with their convictions, the imposition or banning of (often gender-based) religious dress among students and teachers,²⁸ discriminatory practices towards students or teachers based on gender or (actual or perceived) sexual orientation,²⁹ the imposition of mandatory instruction in a dominant religious tradition in a manner that neglects or denigrates other religions or beliefs³⁰ or the shaping of the curriculum in a manner contrary to human rights standards.³¹

35. Educational institutions have great potential to positively affect the enjoyment of freedom of religion or belief, not only among students and staff, but in society at large. The Special Rapporteur encourages States, relevant ministries, educational authorities and institutions to adopt policies in line with the recommendations of her predecessors.³²

²⁵ OHCHR, communications sent to the Governments of China (CHN 6/2022), India (IND 5/2022) and the Islamic Republic of Iran (IRN 4/2021).

²⁶ Submission provided by the International Institute for Religious Freedom.

²⁷ Human Rights Committee, general comment No. 22 (1993), para. 5.

²⁸ OHCHR, communications sent to the Governments of India (IND 4/2022), and Yemen (YEM 2/2022) and to the de facto authorities in Yemen (OTH 124/2022).

²⁹ See [A/HRC/53/37](#); and Inter-American Court of Human Rights, *Pavez Pavez v Chile*, Judgment (merits, reparations and costs), 4 February 2022.

³⁰ Submissions provided by Minority Rights Group and Sisters in Islam.

³¹ See [A/HRC/16/53](#).

³² See, in particular, [A/HRC/16/53](#) and [E/CN.4/2002/73](#).

36. Health care is also profoundly interconnected with a range of human rights, including the right to freedom of religion or belief. Religious or belief minorities and indigenous peoples may experience obstacles in gaining access to health care arising from discriminatory budgeting, a resulting lack of infrastructure and care facilities and/or prejudice among health-care providers and affecting the quality of care that they receive.³³ Pastoral services may also be denied or unavailable to certain religion or belief groups.³⁴ Particular care is needed in mental health settings to ensure that there is no prejudicial application of existing criteria for intervening in the *forum internum* in psychiatric care through technologies and treatments.³⁵

37. Religiously motivated policies of or actions by authorities, health-care providers or medical professionals, such as “conscientious objection”, may affect access for individuals on the basis of their perceived gender identity or sexual orientation.³⁶ Autonomy of religious institutions and conscientious objection are highly important aspects of freedom of religion or belief, but they are not absolute. States must ensure that health-care services are provided in a non-discriminatory manner and that access to sexual and reproductive care is upheld.³⁷

38. In the sphere of employment, access to work in public service is, at times, denied outright to adherents of minority religions or beliefs; at other times, dangerous and poorly paid jobs are reportedly advertised by State authorities as being available only to persons of minority religions.³⁸ This situation not only exposes marginalized groups to precarious work, but also contributes to their ongoing stigmatization.

39. The prohibition of discrimination on grounds of religion or belief with regard to economic, social and cultural rights as underlined in numerous general comments of the Committee on Economic, Social and Cultural Rights³⁹ must be upheld. The Human Rights Committee has also emphasized that even the recognition of a State religion should not result in “any impairment of the enjoyment of any of the rights under the Covenant”, nor in “any discrimination against adherents of other religions or non-believers”.⁴⁰

40. States are under an immediate obligation to eliminate discrimination based on religion or belief in the realization of economic, social and cultural rights and should recognize their positive obligations in that sphere.

E. Law enforcement and public prosecutors

41. Law enforcement officials and public prosecutors are often the first recourse for individuals subjected to violence, harassment, intimidation or other criminal acts based on their actual or perceived religion or belief. Law enforcement officials must take positive steps to protect individuals or groups from such acts and to identify and

³³ Marie Juul Petersen “Freedom of religion or belief and health”, Leaving No One Behind Briefing Paper No. 2 (Danish Institute of Human Rights, September 2021), p. 6; and World Health Organization, *Social Determinants Approaches to Public Health: From Concept to Practice*, Erik Blas, Johannes Sommerfeld and Anand Sivasankara Kurup, eds. (Geneva, 2011), p. 17.

³⁴ Submission provided by Humanists UK.

³⁵ See A/76/380.

³⁶ A/HRC/43/48, paras. 43 and 44.

³⁷ Human Rights Committee, general comment No. 36 (2018), para. 8.

³⁸ Submissions provided by the Center for Legal Aid Assistance and Settlement and Minority Rights Group.

³⁹ General comments No. 12 (1999), para. 18, No. 13 (1999), para. 28, No. 14 (2000), para. 18, No. 15 (2002), para. 13, No. 16 (2005), paras. 5, 10, and 31, No. 17 (2005), paras. 19 and 33, No. 19 (2007), para. 29, No. 20 (2009), para. 22, No. 22 (2016), para. 30, No. 23 (2016), para. 65, and No. 25 (2020), para. 25.

⁴⁰ General comment No. 22 (1993), para. 9.

investigate those responsible. Public prosecutors must uphold the rule of law and fight impunity by prosecuting those responsible for violence and discrimination.

42. Where the constitutional or legislative environment does not align with international standards on freedom of religion or belief, law enforcement officials are often the primary material authors of violations and discrimination based on religion or belief.⁴¹ The mandate holder regularly receives reports of arrests, detentions and prosecutions for crimes, including apostasy and blasphemy, that are incompatible with international human rights standards;⁴² of impeded access to places of worship; and of the prevention of free and peaceful expression, assembly and association. Public prosecutors reportedly use their powers to pursue the criminalization of individuals on the basis of their religion or belief and actively intervene to prevent the recognition of minority religious communities.⁴³

43. Prejudicial attitudes among officials can be the source of, or aggravate, human rights violations. There have been a significant number of cases demonstrating failure by States to live up to their due diligence obligations to intervene and protect individuals or groups from violence.⁴⁴ The failure to respond to threats,⁴⁵ to attacks on places of worship, to the murder or attempted murder of worshippers, religious leaders⁴⁶ and human rights defenders⁴⁷ and to gender-based violence (both online and offline),⁴⁸ including forced marriages and conversions,⁴⁹ which constitute just a few such examples, contributes to a culture of impunity. Reported situations have also included security officials who, far from protecting the rule of law, actively revictimized and harassed survivors of terrorist attacks and their families.⁵⁰

44. Mandate holders have drawn attention to the misappropriation of security and counter-terrorism laws to justify surveillance, judicial harassment and the criminalization of individuals, including human rights defenders, on the basis of their actual or perceived religion or belief. The association of religious or belief traditions with terrorism, in turn, has extremely harmful effects, fortifying prejudicial attitudes that underlie many of the violations described in the present report.

45. Persons deprived of their liberty are especially vulnerable to violations of freedom of religion or belief and should “continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the nature of the constraint”.⁵¹ Nonetheless, commonplace violations raised by mandate holders include the desecration of religious items during interrogation; the imposition of obligatory religious rituals or prohibitions on religious worship; forced shaving or the imposition of religious attire; denial of access to religious materials; and violations

⁴¹ OHCHR, communications sent to the Governments of Bangladesh (BGD 1/2022), Hungary (HUN 1/2022), India (IND 2/2022, IND 5/2022 and IND 7/2022), the Islamic Republic of Iran (IRN 15/2022, IRN 17/2022, IRN 22/2022 and IRN 27/2022), Israel (ISR 8/2022), Maldives (MDV 1/2022), Nepal (NPL 5/2022), Pakistan (PAK 2/2022, PAK 3/2022, PAK 6/2022 and PAK 2/2023), Saudi Arabia (SAU 5/2022) and Viet Nam (VNM 4/2022 and VNM 5/2022) and to the de facto authorities in Afghanistan (OTH 108/2022) and Myanmar (OTH 11/2022).

⁴² OHCHR, communications sent to the Governments of Maldives (MDV 1/2022) and Pakistan (PAK 2/2022 and PAK 3/2022).

⁴³ Submission provided by Attalaki.

⁴⁴ OHCHR, communications sent to the Governments of Hungary (HUN 1/2022), India (IND 7/2022) and Maldives (MDV 1/2022).

⁴⁵ OHCHR, communication sent to the Government of Hungary (HUN 1/2022).

⁴⁶ OHCHR, communication sent to the Government of Bangladesh (BGD 1/2022).

⁴⁷ OHCHR, communication sent to the Government of India (IND 2/2022).

⁴⁸ OHCHR, communication sent to the Government of India (IND 7/2022).

⁴⁹ OHCHR, communication sent to the Government of Pakistan (PAK 6/2022).

⁵⁰ OHCHR, communication sent to the de facto authorities in Afghanistan (OTH 108/2022).

⁵¹ Human Rights Committee, general comment No. 22 (1993), para. 8.

of the principle of non-refoulement.⁵² Mandate holders have drawn attention to helpful resources available to States to ensure that the freedom of religion or belief of persons deprived of their liberty is respected.⁵³

46. States must take reasonable measures to ensure that persons belonging to religious or belief minorities who are deprived of their liberty have access, on an equitable basis, to pastoral services. Although often denied, such services provide an extremely important source of support and solace.⁵⁴

47. Law enforcement officials and public prosecutors must protect individuals and groups from violence and discrimination based on religion or belief and refrain from engaging in such acts. They must facilitate the enjoyment of freedom of religion or belief through, inter alia, ensuring that such violence and discrimination is prevented and, where it could not be, through ensuring prompt, thorough and effective investigation and prosecution, while respecting the rights of survivors and victims. Religious or belief discrimination should be considered a potential motive for hate crimes⁵⁵ and investigated effectively. That requires States to ensure literacy in relation to freedom of religion or belief, including as it relates to indigenous communities, among law enforcement officials and public prosecutors. It may also necessitate the creation of specialized units.

48. Places of worship and other sacred sites, including indigenous territory, must be protected from infringements and attacks in a manner that does not impede their accessibility to relevant communities. Furthermore, States must address underlying prejudicial attitudes among law enforcement officials and public prosecutors with respect to religious or belief communities, through training and education on freedom of religion or belief that are designed and implemented in collaboration with religious or belief communities.

49. The Special Rapporteur will dedicate particular attention to the role of State authorities responsible for border protection, migration and asylum in a future thematic report.

F. Armed forces

50. Respect of freedom of religion or belief by armed forces in situations of armed conflict is protected under both international human rights law and international humanitarian law and may constitute customary international law. Armed forces must respect those standards.

51. Targeting a group on the basis of the religious identity of its members can form an element of an atrocity crime.⁵⁶ Except in cases where they constitute military objectives, the targeting of religious sites is prohibited under both international

⁵² A/60/399, paras. 69–91; E/CN.4/2006/120, paras. 57–65; and A/64/159, paras. 19–21 and 66.

⁵³ See the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules); and *Human Rights and Prisons: Manual on Human Rights Training for Prison Officials* (United Nations publication, 2005).

⁵⁴ Submission provided by Humanists UK. See also Katie Hunt, “Non-religious prisoners’ unequal access to pastoral care”, *International Journal of Law in Context*, vol. 18, No. 1 (March 2022), p. 118.

⁵⁵ Submission by the Office of the Public Defender of Georgia.

⁵⁶ Rome Statute of the International Criminal Court, arts. 6 and 7 (1) (h).

criminal law⁵⁷ and international humanitarian law.⁵⁸ Occupying powers are obliged to permit ministers of religion to give spiritual assistance to members of their religious communities and to accept and facilitate the distribution of religious material.⁵⁹ Under article 18 (3) of the International Covenant on Civil and Political Rights, States may limit the right to manifest freedom of religion or belief only in exceptionally rare cases;⁶⁰ moreover, under article 4, national security is not a ground for limitation, nor is article 18 subject to derogation in times of public emergency. The right to have, adopt or change religion or belief cannot be restricted under any circumstances.

52. Nonetheless, armed forces are often found to be directly involved in the most violent acts of repression based on religion or belief, including acts of genocide, forced displacement, forced conversions, sexual and gender-based violence, enslavement, the destruction and desecration of places of worship, the destruction of homes and the pillaging of the resources of religious minorities.⁶¹ Communications issued by the mandate holder in 2022 and 2023 include allegations of discriminatory displacement of Rohingya Muslims and Christians in Myanmar, the obstruction of faith-based humanitarian aid projects,⁶² the targeting and destruction of places of worship in Myanmar and Ukraine⁶³ and alleged arbitrary arrests of Palestinian Muslims and other worshippers in the Old City of Jerusalem.⁶⁴

53. Military personnel must be adequately trained in relevant international human rights law, international humanitarian law and international criminal law standards relating to freedom of religion or belief. Suspected violations must be promptly, thoroughly and effectively investigated and prosecuted, and victims and survivors must be provided with adequate redress and just satisfaction.

54. Successive mandate holders have asserted that the right to conscientious objection from compulsory military service forms part of the right to freedom of thought, conscience, religion or belief. They have done so drawing on Human Rights Committee jurisprudence and resolutions of the Human Rights Council and the Commission on Human Rights. States must facilitate alternative forms of service for those who, within a reasonable time frame, assert their conscientious objection to military service. Access to conscientious objection should not be limited to only certain religions, faiths or professions.

G. National human rights institutions

55. National human rights institutions established in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)⁶⁵ can play a significant role in the defence and promotion of freedom of religion or belief. The structures and mandates of national human rights institutions vary significantly and include ombudspersons, public

⁵⁷ *Ibid.*, art. 8 (2) (b) (ix).

⁵⁸ Protocols Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 53 and 85 (4) (d); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), art. 16.

⁵⁹ Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War, art. 58.

⁶⁰ [A/73/362](#), para. 54.

⁶¹ [A/HRC/49/44](#), paras. 23–31.

⁶² OHCHR, communication sent to the de facto authorities in Myanmar (OTH 11/2022).

⁶³ OHCHR, communications sent to the Government of the Russian Federation (RUS 18/2022) and to the de facto authorities in Myanmar (OTH 11/2022).

⁶⁴ OHCHR, communication sent to the Government of Israel (ISR 8/2022).

⁶⁵ General Assembly resolution [48/134](#), annex.

defenders, commissions, institutes and advisory bodies. In the present report, the term “national human rights institutions” is used to refer to national human rights institutions and to analogous institutions.

56. National human rights institutions can carry out several functions supportive of freedom of religion or belief. They may have mandates to focus on particular human rights issues, such as gender discrimination or women’s rights, and they may address freedom of religion or belief from an intersectional perspective⁶⁶ and/or through interfaith dialogue.⁶⁷ Owing to their proximity and accessibility to rights holders, they can serve as the primary institution monitoring, documenting or responding to alleged violations of freedom of religion or belief.

57. The mandate holder received reports on the alleged positive impact of national human rights institutions in promoting freedom of religion or belief, through the endorsement of the National Charter for Peaceful Coexistence in Tunisia⁶⁸ and collaborations with civil society in promoting the ratification of the regional regulation on human rights and friendly cities by the municipal legislature of Bogor, Indonesia.⁶⁹

58. Many national human rights institutions do not fulfil their tremendous potential regarding freedom of religion or belief. The mandate holder has received reports of such institutions being unwilling to engage or unresponsive in relation to widespread violations of freedom of religion or belief against stigmatized religious minorities.⁷⁰ A related risk is the lack of professionalism in the investigations carried out, owing to either a lack of resources to deal with complaints or simply a lack of knowledge of or sensitivity to religious or belief issues. States should ensure that national human rights institutions are adequately funded and trained with respect to the international standards on freedom of religion or belief.

59. National human rights institutions must be fully independent from Governments and protected from any potential reprisals for highlighting or challenging violations of freedom of religion or belief. Their composition should reflect the diversity of religions or beliefs in wider society, including religious, non-religious and belief minorities and minorities within minorities.

60. State actors charged with protecting the rights of indigenous peoples, combating racism, gender inequality or other forms of discrimination or overseeing mechanisms for the prevention of torture also have key roles, especially in conflict prevention and resolution. Such institutions must be trained in international standards on freedom of religion or belief and be able to make the specific forms of multiple disadvantage that may arise visible.

H. Judiciaries

61. Judicial authorities at all levels have the duty and authority to affect the enjoyment of freedom of religion or belief. A strong, independent judiciary represents an effective safeguard against rights violations, where they ensure that domestic law is implemented in conformity with the State’s international human rights obligations, including freedom of religion or belief. However, judiciaries are often the material authors of violations, through their role in enforcing laws that violate the freedom of religion or belief, such as laws on apostasy and blasphemy, which may even carry the

⁶⁶ Submission by Komnas Perempuan.

⁶⁷ Submission by the Defensoría del Pueblo de la Nación Argentina.

⁶⁸ Submission provided by Attalaki.

⁶⁹ Submission by the Indonesian Civil Society Coalition for Freedom of Religion or Belief.

⁷⁰ Submissions provided by Equality Myanmar, Minority Rights Group and Forum 18.

death penalty.⁷¹ They may impose limitations on the freedom of religion or belief of minorities in the name of protecting or promoting an official State religion, secularism, national security⁷² or cohesion; or they may fail to offer witness protection against intimidation and attacks in relation to such cases.

62. It is of crucial importance that courts be neutral and impartial, allowing for fair litigation and decision-making, mediation, reparations and guarantees of non-repetition. Religious or belief prejudices and discrimination are an affront to the impartiality and independence of judges and lawyers.

63. Fear of reprisals may make judges reluctant to address certain cases or pronounce in favour of freedom of religion or belief, affecting due process rights.⁷³ State-provided legal representatives may fear repercussions for carrying out their professional work with fairness,⁷⁴ placing the fair trial of victims in great jeopardy.

64. States must ensure that judicial authorities at all levels are aware of their international human rights obligations, including as they relate to freedom of religion or belief. The Special Rapporteur wishes to draw attention to helpful training and awareness-raising programmes, materials and methods,⁷⁵ strongly encourages such initiatives and wishes to reiterate her availability to offer technical assistance or other support in their development and implementation.

I. Legislative bodies at the national level

65. National legislative bodies have unparalleled opportunities to contribute to freedom of religion or belief. In drafting, debating, scrutinizing and reviewing laws that may apply throughout the State, legislators are extremely well placed to ensure that the freedom of religion or belief of the populations they represent is reflected in the constitutional and legal order and effectively implemented at all levels.

66. Many violations of freedom of religion or belief arising in the institutional contexts described above are facilitated by, or a direct result of, the actions or inactions of national legislatures. The mandate holder regularly observes legislatures actively or complicitly creating or sustaining legal environments that are hostile or discriminatory to religious and belief diversity or to particular communities. Those actions often constrain the abilities of the other actors identified above to carry out their roles in a manner that respects freedom of religion or belief.

67. A particular danger to rights holders from religious or belief minorities arises in contexts of political polarization, where harmful stereotypes and hate speech are spread against them in political and social discourse.⁷⁶ Legislators, or those who seek to obtain political office in elections, may cynically seek to gain popularity by encouraging discrimination or violence against individuals on the basis of their religion or belief or motivated by the religion or belief of the population whose sympathy they hope to win. Actions of this kind are deplorable and contribute to further discrimination and violations. Legislators should speak out against, and publicly condemn, intolerance, including advocacy of religious hatred that constitutes

⁷¹ OHCHR, communications sent to the Governments of Pakistan (PAK 2/2022 and PAK 3/2022), Somalia (SOM 4/2022) and to the de facto authorities in Somaliland (OTH 129/2022).

⁷² See [A/73/362](#).

⁷³ OHCHR, communication sent to the Government of Pakistan (PAK 3/2022).

⁷⁴ [A/HRC/37/49/Add.2](#), para. 71; and [A/HRC/43/48/Add.2](#), para. 24.

⁷⁵ See, for example, those developed by the Oslo Coalition on Freedom of Religion or Belief, the Brazilian Center of Studies in Law and Religion and the Association of Judges of Rio Grande do Sul; available at www.direitoereligiao.org/capacitacao/sistema-de-justica/5-Curso/program-in-english.

⁷⁶ [A/HRC/43/48/Add.1](#), paras. 53 and 60; and joint submission by Sarah Teich and Maria Reisdorf.

incitement to discrimination, hostility or violence,⁷⁷ using their positions of privilege and significant public profiles to de-escalate tensions.

68. Respectful debate should form the core of parliamentary ethics. Current and prospective legislators can be a vital bulwark against escalating hatred, extremism and violence. This requires bravery and may come at a political cost. It almost certainly requires standing up for the safety and well-being of those with whom sincerely held disagreements on fundamental issues may exist.

69. Legislators must not design or implement laws that are contrary to international obligations, including as they relate to freedom of religion or belief. International human rights standards require that minorities be involved in public life and in all matters that concern them. Religious or belief communities, including minorities, dissidents and non-religious groups, should therefore be consulted in a transparent, inclusive and timely manner on legislative proposals that may have implications for them. Draft legislation should be scrutinized for compatibility with international law and best practice. The mandate holder is available to support States in this process.

70. Legislators should ensure accountability for, and the non-repetition of, violations of freedom of religion or belief of the kind highlighted above. Laws and protocols should be developed to ensure that rights holders have access to redress and accountability for such violations. Awareness-raising and education should also be ensured for State functionaries at all levels, to counteract the prejudices that are often the root causes of violations.⁷⁸ Such initiatives should be based on international standards relating to freedom of religion or belief and designed in collaboration with stakeholder communities.

71. The work of the International Panel of Parliamentarians for Freedom of Religion or Belief in capacity-building, networking, advocacy and research to support parliamentarians in more deeply understanding and integrating freedom of religion or belief in their work is notable. Legislators are encouraged to engage with this and similar initiatives to strengthen their capacities for carrying out their work in a manner compatible with freedom of religion or belief. The increasing engagement of the Inter-Parliamentary Union (IPU) on issues related to freedom of religion or belief is commended,⁷⁹ including through its Marrakech communiqué⁸⁰ and its commitment to encourage members to develop global parliamentary codes of conduct to ensure respect for the right to freedom of religion or belief.

72. Legislators can contribute significantly to a better understanding of the domestic contours of freedom of religion or belief through public hearings, consultations and studies, as well as through mechanisms such as standing committees and commissions of inquiry. In addition to exercising governmental oversight, those processes can provide an excellent evidence-based grounding for policy solutions to structural and root causes of violations of freedom of religion or belief, often garnered out of disaggregated data.

73. Several States seek to guarantee representation of religious (or ethno-religious) communities in their legislative bodies, such as through the reservation of seats or through electoral mechanisms and processes. These may be representatives of the dominant or State-affiliated religion or recognized minorities. In the former case, doing so can contribute to fortifying the influence of a dominant religion or belief tradition on the legislature and facilitate discrimination and violations of freedom of religion or belief. In the latter case, even when the intention is positive, representation

⁷⁷ See Human Rights Council resolution 16/18.

⁷⁸ A/HRC/43/48/Add.1, para. 30.

⁷⁹ See www.ipu.org/event/parliamentary-conference-interfaith-dialogue.

⁸⁰ See www.ipu.org/file/17036/download.

is usually limited to only certain recognized religious or belief minorities, while others are excluded.⁸¹ The Special Rapporteur reiterates that religious or belief communities should be involved in matters that concern them, including at all stages of legislative processes. Their mere representation in legislative houses, although it may be welcome, is not enough.

J. Executive and ministerial authorities

74. Many of the challenges to the lived reality of freedom of religion or belief at the domestic level, as highlighted in the previous sections, are facilitated by, or originate from, structural issues relating to the constitutional or administrative status of religions or beliefs. Constitutional and administrative protection constitutes a necessary first step to upholding the freedom of religion or belief.

75. Violations arise in contexts where religious or belief communities either are forced to register with the State authorities or have their registration (or recognition of their very existence) denied or delayed. Others may face additional burdens if the religion or belief is accorded a secondary status as compared with more popular, established or “traditional” religions or beliefs. Responsibility for the registration or administration of religious or belief groups often lies with ministries, depending on the institutional architecture of government. Given its status as a universal human right, the exercise of freedom of religion or belief cannot, in and of itself, be subject to administrative requirements. While registration may be reasonable and necessary to facilitate such engagements as the acquisition of property or the management of taxation, the process for registration must be free from unnecessary burdens and not limited to recognized or “traditional” religions.⁸²

76. Addressing prejudices within and outside the State apparatus, which form barriers to the realization of the right to freedom of religion or belief, is a significant task. The Special Rapporteur has been made aware of initiatives among relevant ministries that are aimed at increasing awareness and sensitivity among functionaries with respect to freedom of religion or belief, with a view to going beyond a mere passive administrative function to actively spread awareness and promote freedom of religion or belief.⁸³ Such activities, in partnership and in technical cooperation with civil society and carried out in as inclusive a manner as possible, are strongly encouraged.

77. The Special Rapporteur welcomes the nomination, among some States, of special envoys with a mandate to promote freedom of religion or belief as a foreign policy priority. Some envoys also engage with domestic and diaspora representatives of civil society to exchange view on issues of concern, thereby strengthening both domestic and international solidarity and action in the promotion of freedom of religion or belief⁸⁴ and enabling early warning and prevention of violations or drawing attention to cases of concern.

IV. Responsibilities of non-State actors

78. State human rights obligations relate to individuals and groups of individuals, including persons belonging to religious and belief minorities. In advancing the right

⁸¹ Submission provided by Minority Rights Group.

⁸² [A/71/269](#), paras. 48–50; and [A/73/362](#), paras. 15–17.

⁸³ Submission provided by Red Latinoamericana y del Caribe para la Democracia.

⁸⁴ Submission provided by the Special Envoy of the Prime Minister of the United Kingdom of Great Britain and Northern Ireland for freedom of religion or belief.

to freedom of religion or belief, State interlocutors may include representatives or leaders of religious or belief minorities and communities. Every effort should be taken to be as expansive and inclusive as possible and to not discriminate against smaller, newer or less traditional communities.⁸⁵ Faith-based civil society actors and networks, including non-governmental organizations (NGOs) and international NGOs that may be affiliated with a particular community or be issue-based, sometimes represent the rights of minorities and communities.

79. In this section, the Special Rapporteur briefly describes the role and extant responsibilities of some non-State actors in relation to enjoyment of freedom of religion or belief, regardless of whether some of those actors may also be rights holders.

80. Non-State actors can have profound impacts on enjoyment of the freedom of religion or belief and have important responsibilities in relation to enabling this freedom to be enjoyed as a lived reality, both locally and worldwide. Indeed, without the active engagement of non-State actors, it is not likely that the State can have an up-to-date and accurate picture of the situation on the ground and be able to respond to it adequately.

81. Religious or belief representatives, leaders and authorities are key players in representing their communities and, potentially, in positively advancing that freedom for all, inter alia, through their roles as influential mediators in situations of inter- or intrareligious tensions.

82. The converse is also true. Such actors can also incite violence and discrimination based on religion or belief. In the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, religious authorities and leaders are called upon to refrain from using messages of intolerance or expressions that may incite discrimination, hostility or violence and to speak out against stereotyping and intolerance.⁸⁶

83. Religious leaders have also been called on to help end harmful practices affecting women and children by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.⁸⁷ Careful consideration should be given to including religious or belief minorities in peace negotiations, where appropriate.

84. Businesses deeply affect the enjoyment of freedom of religion or belief in the daily lives of their staff, customers and of those who form part of their supply chains.⁸⁸ They also support the manifestation of religion or belief,⁸⁹ including worship and observance, for example, in the provision of items and services. The corporate responsibility to respect human rights, as set out in principle 12 of the Guiding Principles on Business and Human Rights,⁹⁰ includes freedom of religion or belief as stipulated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Businesses should therefore engage in due diligence processes to ensure that their operations and supply chains do not contribute to violations of freedom of religion or belief or discrimination based on religion or belief. The Special Rapporteur encourages States and civil society to engage more deeply with

⁸⁵ Human Rights Committee, general comment No. 22 (1993), para. 2.

⁸⁶ A/HRC/22/17/Add.4, annex, appendix, para. 36.

⁸⁷ Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019).

⁸⁸ OHCHR, communication sent to the Government of China (CHN 12/2022).

⁸⁹ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 6 (see General Assembly resolution 36/55).

⁹⁰ See www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf.

freedom of religion or belief in their policymaking in relation to business and human rights, as well as in chambers of commerce. The Forum on Business and Human Rights and civil society initiatives such as the Religious Freedom and Business Forum are also well placed to foster and promote best practices in that regard.

85. In relation to the enjoyment of freedom of religion or belief of workers within businesses, the mandate holder has previously pointed out the sources of religious intolerance and discrimination in the workplace, including prejudices existing among employers, employees or customers, restrictive interpretations of corporate identity or a general fear of religious diversity. Drawing on the Convention on the Rights of Persons with Disabilities, under which reasonable accommodation is legally prescribed as an indispensable element of related anti-discrimination agendas, the mandate holder argued that such a corporate duty should be adopted to eliminate discrimination based on religion or belief in the workplace.⁹¹ In addition, employers should generally understand religious tolerance and diversity as a valuable asset and foster an open and respectful atmosphere where employees could express their issues as a preliminary to detecting concealed forms of intolerance and instances or patterns of indirect discrimination.

86. Many situations of armed conflict are characterized by the participation of non-State armed groups. The potential violations for which non-State armed groups can be responsible were outlined by the previous mandate holder in his final report to the Human Rights Council, in which he indicated that Non-State armed groups were bound by international humanitarian law and international criminal law, including in relation to discrimination based on religion or belief.⁹²

87. The media, including social media companies, are critical actors in shaping public opinion and perceptions about religion and belief and therefore can play an important role in combating stigmatization and marginalization of individuals and religious or belief groups. Their role in that regard has been noted in numerous standards,⁹³ as well as in communications⁹⁴ and thematic⁹⁵ and country reports⁹⁶ of the mandate holder. One of the key points is their independence and the veracity of the information they provide. In that regard, it is essential that the media avoid bias and sensationalism, as it perpetuates religious or belief prejudices and stereotypes, through accurate and objective reporting. Through initiatives such as shows, documentaries or articles in which the diverse beliefs, rituals and practices of different religions or beliefs are addressed, the media can help to dispel myths and stereotypes and promote diversity, tolerance and understanding, especially if they bring together people of different faiths (or none) to foster respect between different religious communities. In a similar vein, the media can also play a key role in denouncing violations of the right to freedom of religion and belief, thus helping people who have suffered such violations, especially those belonging to minorities, to feel that they have a space where their voices can be heard.

88. Digital platforms and legacy media can play crucial roles in upholding the right to freedom of religion or belief. On the one hand, they can increase access to

⁹¹ See A/69/261.

⁹² See A/HRC/49/44.

⁹³ A/HRC/22/17/Add.4, paras. 35, 40 and 48. See also <https://fezforum.unaoc.org/wp-content/uploads/2022/12/Fez-Declaration-Adopted-22Nov-End-of-Ministerial-Meeting.pdf>.

⁹⁴ OHCHR, communications sent to the Governments of Hungary (HUN 1/2022), India (IND 7/2022), Pakistan (PAK 1/2023) and Somalia (SOM 4/2022) and to the de facto authorities in Somaliland (OTH 129/2022).

⁹⁵ A/HRC/46/30, paras. 15–22 and 57–68; A/74/358, paras. 35–39; and A/HRC/49/44, paras. 36, 40 and 82.

⁹⁶ A/HRC/43/48/Add.2, paras. 25 and 61; A/HRC/43/48/Add.1, para. 61; and A/HRC/34/50/Add.1, paras. 24 and 25.

information and contribute to community-building. On the other hand, they can underrepresent or misrepresent religious or belief minorities or disseminate disinformation and misinformation that contribute to the stigmatization and marginalization of minorities. Under articles 18 and 19 of the International Covenant on Civil and Political Rights, States may limit hate speech that constitutes a serious affront to the enjoyment of that right. Furthermore, under article 20 (2) of the Covenant, States are required to prohibit expressions that constitute incitement to discrimination, hostility or violence. Digital platforms should also ensure that their policies on content moderation and curation, ideally developed and implemented with multi-stakeholder participation, prevent hate speech and encourage respectful and constructive discourse on religious issues. Such policies must comply with the jurisprudence of the Human Rights Committee, especially as set out in paragraph 48 of its general comment No. 34 (2011), and follow the Guiding Principles on Business and Human Rights and relevant international good practice.⁹⁷

89. Civil society and faith-based organizations play a central role in the enjoyment of freedom of religion and belief. In addition to being claimants of the collective dimension of such a right, they also serve as institutions in which individuals can manifest their religion or belief in community with others. Faith-based organizations may make positive contributions through the provision of education at all levels, health care, social services and humanitarian assistance; through documenting, reporting and preventing freedom of religion or belief violations; through capacity-building and the provision of legal aid and support to minorities; through community-building, interfaith collaboration, mediation and peacebuilding; and through international engagement, awareness-raising and advocacy. Civil society and faith-based organizations may also be engaged in harmful actions, such as through perpetuating objectives and discourses that discriminate against others and against the realization of other rights.

V. Conclusion

90. The enjoyment of human rights, including the freedom of religion or belief, must be practical and effective, not theoretical and illusory.⁹⁸ In the present report, the Special Rapporteur has detailed the wide array of actors at the domestic level who have the power to contribute towards the realization or violation of the enjoyment of the right to freedom of religion or belief. The scale of the task to make that freedom practical and effective is significant and ongoing.

91. A first important step for States to promote and protect freedom of religion or belief effectively is the ratification of relevant treaties protecting the three dimensions of the freedom,⁹⁹ including the International Covenant on Civil and Political Rights, without the adoption of reservations to its provisions, including those of its articles 2, 18, 26, 27, or to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, among others.

92. In the report, the Special Rapporteur illustrates that, as first responders at the local level, key State actors are, most often, simply not playing their role in ensuring freedom of religion or belief for all.

⁹⁷ See www.un.org/en/genocideprevention/documents/publications-and-resources/Countering_Online_Hate_Speech_Guide_policy_makers_practitioners_July_2023.pdf.

⁹⁸ European Court of Human Rights, *Christine Goodwin v the United Kingdom*, Application No. 28957/95, Judgment, 11 July 2002, para. 74.

⁹⁹ See A/HRC/52/38.

93. The non-fulfilment of the role of State authorities may enjoy State sanction, as the approach of the State itself violates that freedom. The challenge in that regard is more acute and requires a substantial change in approach.

94. Further steps are required to facilitate the enjoyment of freedom of religion or belief. Even when effectively established in law, standards may be superseded in practice by public policies, strategies and narratives that undermine them, such as those aimed at countering extremism and terrorism, national security or economic development. Such practice may contribute to the stigmatization of religious or belief minorities and indigenous peoples and/or otherwise violate their freedoms.

95. Prejudicial attitudes among State and non-State actors may be so normalized that they are chiselled into the structural framework of laws, institutions, policies and practices and need to be rebutted.

96. The promotion or toleration of hate speech and discriminatory stereotyping of communities based on their religion or belief can nullify their enjoyment of rights. States are encouraged to confront such discourses and adopt an approach that upholds freedom of religion or belief and other human rights while combating discriminatory stereotyping.

97. Many States have entities that work on religious affairs, interfaith or religious engagement, outreach to religious and belief communities, religious education, conscientious exemption and personal status, among other related matters. While these may have their own rationale, a national freedom of religion or belief focal point, with an independent mandate to promote freedom of religion or belief at the national level, must exist, independently of the above.

98. State submissions to international forums suggest that freedom of religion or belief as an international human rights obligation remains poorly understood. This is reflected in national reports submitted for the universal periodic review, reporting and engagement under the International Covenant on Civil and Political Rights and statements made in international forums, including during the interactive dialogue with the Special Rapporteur.

99. There is an ongoing and pressing need for purposeful training programmes in freedom of religion or belief at every level, focused on upholding State obligations and international human rights norms pertaining to freedom of religion or belief. As noted in the previous report, there is no shortage of know-how to facilitate such ongoing training, starting with a collaborative exploration of the domestic reality regarding freedom of religion or belief and seeking to enable a step-by-step approach to advancement from that position towards the full realization of the enjoyment of that right.

VI. Recommendations

State authorities

100. States are urged to review their national frameworks, namely, laws, institutions, policies and narratives, to ensure respect for freedom of religion and belief.

101. States are urged to fully embrace and domesticate the international human rights framework regarding freedom of religion or belief through the ratification of relevant human rights treaties, the withdrawal of reservations and the enactment of legislation.

102. State officials must not contribute to false dichotomies that risk extinguishing freedom of religion or belief in the name of national security or

other narratives. They should seek human rights-compliant solutions through dialogue and engagement.

103. States should ensure that its “first responders” at the local level are playing their critical role in ensuring freedom of religion or belief for all.

104. States’ due diligence obligations must include addressing discrimination and violence at the individual and systemic levels.

105. States should create an independent focal point for freedom of religion or belief, with a focus on the realization of that right for all within its jurisdiction and in fulfilment of international standards. This objective is distinct from that of authorities who engage with religious or belief leaders and communities in deciding on zoning, religious education, accommodations and exemptions relating to freedom of religion or belief and matters of personal status law.

106. The national focal point should be guided by international standards and have the seniority and authority to assess and advise on the role of all other State bodies and their compliance with international human rights standards regarding freedom of religion or belief. Those State bodies may include authorities with responsibilities regarding the fulfilment of the right to freedom of religion or belief, with the focal point serving as an interministerial national focal point who meets regularly with, and can leverage accountability among, such authorities.

107. Robust education and training of State functionaries, including all those listed above, as well as societal awareness-raising, is crucial.

108. There must be regular domestic scrutiny of the record of the above-mentioned functionaries and authorities to ensure their compliance with standards regarding freedom of religion or belief.

109. Complaint and redress procedures must be robust, accessible and effective at every level of government and in relation to every authority.

110. Regarding religious hatred, discrimination or violence, States are urged to adopt policies consistent with the Rabat Plan of Action, including the promotion of intercultural and interfaith understanding.

111. Non-State actors and religious or belief communities must be provided an enabling environment in which to play their critical and complementary role in ensuring enjoyment of the freedom of religion or belief.

Non-State actors

112. Non-State actors need to invest in inclusivity, self-critical engagement and solid knowledge of freedom of religion or belief, to facilitate their role in advancing that freedom.

113. Non-State actors and religious and belief communities rely on an open civic space, freedom of association and assembly and may operate as human rights defenders. They may freely choose to collaborate with State authorities but should not be co-opted or obliged to engage with State authorities if that runs counter to their objectives or preferences.

114. Non-State actors and religious and belief communities must be given the space to contribute fully to interfaith dialogue. States can play an enabling role but should not exclusively control this arena. A full and open consultation with stakeholders is required.

Other entities

115. **Freedom of religion or belief efforts by international and regional human rights actors need to give greater focus to the exact State authorities that are implicated in ensuring the realization of that right. The respective professional entities of those actors need to develop guidelines and benchmarks for upholding that freedom within their sphere of work.**

116. **Umbrella organizations that are focused on domestic actors, such as the Global Alliance of National Human Rights Institutions, the International Mayors Forum and “human rights city” initiatives, can play a galvanizing role in advancing the objectives of the present report.**

VII. Activities of the Special Rapporteur

117. An overview of the activities of the Special Rapporteur from 1 August to 31 December 2022 is provided in her most recent report, on the landscape of freedom of religion or belief, to the Human Rights Council.¹⁰⁰ She has since participated in the activities set out below.

A. United Nations and related activities

118. The Special Rapporteur presented her report on the landscape of freedom of religion or belief, which complements the present report, to the Human Rights Council at its fifty-second session, in March 2023. In the interactive dialogue that ensued, many States expressed their support for the work of the new mandate holder and committed themselves to maintaining close collaboration with her office.

119. From 6 to 14 March, the Special Rapporteur held bilateral meetings in Geneva with a number of permanent representatives requesting country visits and with special envoys on issues related to her mandate. She also spoke at various side events and met representatives of civil society organizations and victims of rights violations, and spoke at a hybrid meeting organized by the Non-Governmental Organizations Committee on Freedom of Religion or Belief. She also participated in meetings of the International Contact Group on Freedom of Religion or Belief and the International Religious Freedom or Belief Alliance.

120. The Special Rapporteur launched the second edition of the *Rapporteur’s Digest on Freedom of Religion or Belief*,¹⁰¹ with new normative texts and thematic excerpts from reports of her office since 1986, making applicable legal standards more easily accessible. She also filmed a contribution for the campaign organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) celebrating the seventy-fifth anniversary of the Universal Declaration of Human Rights. The video will be broadcast by OHCHR throughout 2023.

121. From 11 to 20 April, the Special Rapporteur undertook a visit to Tajikistan, upon the invitation of its Government.¹⁰² The final report on her visit will be presented to the Human Rights Council at its fifty-fifth session, in March 2024.

122. On 17 January, the Special Rapporteur held an informal virtual discussion with the Working Group on discrimination against women and girls, where there was an

¹⁰⁰ [A/HRC/52/38](#).

¹⁰¹ See www.ohchr.org/en/documents/tools-and-resources/special-rapporteurs-digest-freedom-religion-or-belief.

¹⁰² See www.ohchr.org/en/press-releases/2023/04/un-expert-urges-tajikistan-leave-past-behind-and-uphold-freedom-religion-and.

exchange of information on priorities, country situations and potential collaboration. The Special Rapporteur added her name to a number of joint letters with other mandate holders on gender-related matters.¹⁰³

123. Since January, the Special Rapporteur has initiated or joined 18 communications addressed to Governments in relation to a range of violations of the right to freedom of religion or belief.¹⁰⁴

B. Conferences, seminars and media engagement

124. The Special Rapporteur has attended numerous in-person conferences in 2023, including in Belgium, Germany, Kenya, Morocco, Netherlands (Kingdom of the), Portugal and the United Kingdom of Great Britain and Northern Ireland. Some of those activities are outlined below.

125. The Special Rapporteur participated in the International Conference on Religion and Freedom of Expression held in Lisbon on 7 and 8 February, hosted by the Calouste Gulbenkian Foundation and organized by the International Association for the Defence of Religious Liberty.

126. The Special Rapporteur participated in the Munich Security Conference in Germany, at a side event panel held on 17 February and organized by the Sovereign Order of Malta, outlining the role that faith-based institutions can play in conflict resolution, peacemaking and human rights protection.

127. On 1 March, she gave the Theo van Boven lecture, organized by the Maastricht Centre for Human Rights of Maastricht University, in the Kingdom of the Netherlands, in honour of the Centre's founder.

128. On 15 March, she attended a public event, entitled "Islamophobia: discourse, debates and future directions", at the Bonavero Institute for Human Rights at Oxford University, to mark the first International Day to Combat Islamophobia.

129. She participated as speaker, panellist and moderator at the International Parliamentarians' Conference on the Promotion of Freedom of Religion or Belief, which was organized by the International Panel of Parliamentarians for Freedom of Religion or Belief and Konrad-Adenauer-Stiftung and held in Nairobi from 1 to 4 May.

130. The Special Rapporteur has continued to strengthen her engagement with IPU. She actively participated in the Parliamentary Conference on Interfaith Dialogue, which was hosted by the Parliament of Morocco and held in Marrakech from 13 to 15 June.¹⁰⁵

131. On 19 and 20 June, the Special Rapporteur conducted an academic visit to Brussels, upon the invitation of the European Union. During the visit, she discussed the work of the mandate and future collaboration with several high-level European Union officials, including the European Union Special Representative for Human Rights and the European Union Coordinator on combating anti-Muslim hatred,¹⁰⁶ as well as policy officers in charge of different geographic regions. In addition, she

¹⁰³ See, for example, www.ohchr.org/sites/default/files/documents/issues/women/sr/activities/srvawg-general-guidance-note-csw67.pdf; and www.ohchr.org/sites/default/files/documents/issues/women/wg/Submission-Inter-American-Court-Human-Rights-2023.pdf (in Spanish only, relating to a blanket prohibition of abortion).

¹⁰⁴ See <https://spcommreports.ohchr.org/>.

¹⁰⁵ She also delivered a recorded video keynote address for the 146th IPU Assembly, held on 12 March in Manama.

¹⁰⁶ On 23 June, she also met online with the Special Representative of the Secretary-General of the Council of Europe on antisemitic, anti-Muslim and other forms of religious intolerance and hate crimes.

participated in an event organized by the Baha'i International Community and the European Platform on Religious Intolerance and Discrimination to commemorate the fortieth anniversary of the execution of 10 Baha'i women in Shiraz, Islamic Republic of Iran. She also participated in an event organized by the Platform, entitled "Celebrating 10 years of the European Union guidelines on the promotion and protection of freedom of religion or belief", held on 26 June.

132. Virtual engagements allowed the Special Rapporteur to broaden the scope of her participation and engagement activities and benefit from interaction with a wide range of actors. Some of those activities are outlined below.

133. From 30 January to 1 February, the Special Rapporteur participated in the 2023 International Religious Freedom Summit, which brought together, in Washington, D.C., a broad coalition of stakeholders from around the globe working on freedom of religion or belief.

134. The Special Rapporteur participated in the virtual meetings of the International Contact Group on Freedom of Religion or Belief, held on 3 February and 9 June, at which freedom of religion or belief priorities and cases of concern were discussed.

135. On 10 March, she participated by video in the special high-level event to commemorate the International Day to Combat Islamophobia convened by the President of the General Assembly and the Minister for Foreign Affairs of Pakistan, in his capacity as Chair of the Organization of Islamic Cooperation.

136. On 15 March, the Special Rapporteur joined the *Breakfast Show* broadcast on The Voice of Islam Radio Station, where she was interviewed on the occasion of the International Day to Combat Islamophobia regarding anti-Muslim hatred and hate speech.

137. The mandate holder is exploring possible avenues for collaboration with the regional and international human rights systems to contribute to better protection of freedom of religion or belief through improved awareness, harmonization and cross-pollination. To that end, the Special Rapporteur and her team held initial online discussions with representatives of the Inter-American Commission on Human Rights and planned engagements with the African Court on Human and Peoples' Rights. Online consultations were held with representatives of the United Nations Development Programme and relevant civil society organizations to advance freedom of religion or belief in development, with a view to improving the integration of freedom of religion or belief in the 2030 Agenda for Sustainable Development and beyond. She also held meetings on priorities and opportunities with the Commission on International Religious Freedom of the United States of America.

138. The Special Rapporteur participated in several meetings, training sessions and other events with civil society organizations around the world, including events organized by Bauchi State University in Nigeria, the Organization for Security and Cooperation in Europe, the University of Toronto, the World Jewish Congress, the Ralph Bunche Institute, the Geneva Centre for Human Rights Advancement and Global Dialogue, the American University of Paris, the European Evangelical Alliance and Brigham Young University.