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SPECIAL RAPPORTEUR ON
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Excellencies, delegates, ladies and gentlemen,

The opportunity to address you once again in my capacity as UN Special Rapporteur on freedom of religion or belief is not only a great honour for me; it also came as a big surprise since the official term of my mandate should have ended on July 31. However, the President of the Human Rights Council requested me to stay on the mandate until my successor, Mr Ahmed Shaheed, who yesterday presented his last report to the GA as Special Rapporteur on the human rights situation in the Islamic Republic of Iran, is able to assume his new function by 1 November.

I have decided to dedicate my last thematic report to giving a typological overview on violations of freedom of religion or belief. The reason for this is that I have observed that many types of the violations occurring in the area do not receive adequate international attention. Obviously, sensitizing to the complexity of human rights violations in the area of freedom of religion or belief first requires clarifying the normative scope and contours of this human right, as it has been enshrined in Article 18 of the Universal Declaration of Human Rights (UDHR), Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and other international human rights instruments. The full scope of freedom of thought, conscience, religion or belief is often underestimated, sometimes dramatically underestimated already at the normative level.

For example, given its nature as a universal human right, to which all human beings are equally entitled, freedom of religion or belief cannot be limited to any list of legitimate religious “options” predefined by the State, as it is the case in quite a number of countries. Instead, freedom of religion or belief recognizes human beings as subjects of profound identity-shaping convictions and conviction-based practices broadly, thus always taking the self-understandings of human beings – and indeed all of them – as the starting point. Moreover, freedom of religion or belief is a multifaceted right covering individual, relational, institutional and infrastructural dimensions of freedom which people should be able to exercise as individuals and/or in community with others, in private as well as in public. Therefore, it cannot be confined to holding beliefs in the private sphere or conducting acts of worship in certain predefined places. Again, the realities in many countries display an unacceptable narrow understanding of freedom of religion or belief, which is not in line with international human rights law. Finally, in keeping with the human rights approach in general, freedom of religion or belief requires a non-discriminatory implementation, which implies positive efforts towards overcoming all forms of discrimination – direct, indirect, structural discrimination, by both public and private actors, etc. – by taking appropriate measures. In this area, too, the practice in many countries falls far behind the normative requirements as laid down, inter alia, in the 1981 Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on Religion or Belief.

Violations of freedom of religion or belief can originate from States or non-State actors or a combination of both. While certain State-induced infringements, such as the criminalization of “apostasy”, “proselytism” or “blasphemy”, have attracted public attention, other
infringements largely remain underreported. They include criminal law provisions, which at the surface do not show any component of religion or belief, such as anti-extremism laws, or bureaucratic stipulations, which impose unreasonable burdens on certain religious communities, for instance by requesting them to undergo complicated administrative procedures in order to be allowed to exercise any community-related aspects of freedom of religion or belief. State-enforced family laws may discriminate against persons on the basis of their religion or belief, thus effectively preventing certain individuals to change their religion for fear this could result, for instance, in a loss of inheritance rights or the denial of custody for their own children. School education is another area warranting systematic monitoring, since it may for example expose children of religious minorities to a non-accommodating national curriculum, to the authority of teachers or to pressure exercised by fellow-students. Low-threshold exemptions aimed to ensure that students do not feel compelled to participate in religious ceremonies against their will, or the will or their parents or guardians, respectively, and to avoid that students receive religious instruction against their convictions, are often missing or ignored in practice. Governments are also responsible to prevent abuses of freedom of religion or belief committed by non-State actors, including terrorist groups or vigilante groups, or originating from authoritarian societal milieus that do not accommodate any religious diversity. In quite a number of countries, a prevailing atmosphere of impunity encourages militant groups to continue to stigmatize, harass and intimidate minorities, dissidents, critics, converts or people – often women and girls – whose conduct is deemed inappropriate from a certain narrow-minded interpretation of religious norms.

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It cannot be emphasized enough that religious intolerance does not directly originate from religions themselves, but always presupposes the intervention of human beings. Although there may be differences between inclinations towards open-mindedness and tolerance in various traditions, there is scope for interpretation in all of them. Thus, human beings are the ones ultimately responsible for open-minded or narrow-minded interpretations, which actually exist side by side in virtually all religious or philosophical traditions. However, in a number of countries, intolerant interpretations of a religion are actively supported and encouraged by the Government. As a consequence, Governments might fail to adequately protect religious minorities from hate crimes by intolerant groups, and even arrogate to themselves to execute divine laws or to act as guardians of the purity of religious doctrines against “unbelievers”, “heretics” and people demonstrating a religiously “deviant” behaviour. The general experience has been that apart from violating, if not totally denying, the universal right to freedom of religion or belief, “theocratic” regimes wherever existing typically stifle any serious intellectual debate on religious issues thus often creating a climate of bigotry and hypocrisy. Hence it is no coincidence that the opposition against theocratic regimes always includes critical believers of the very same religion which the Government pretends to protect, since they may feel that such Government “guardianship” merely leads to superficial conformism, thus actually undermining any persuasiveness and attractiveness of their religion.
Apart from Governments which pretend to protect particular religious truth claims, many of them promote certain religions in order to define and demark their national identity. Singling out certain religions or beliefs for special protection as part of a national heritage sometimes leads to entrenching them formally in the constitution or in other legal statutes. However, privileged religions also exist under the auspices of “secular” States. In spite of claiming to be religiously neutral, quite a number of formally secular States nonetheless demarcate their national identity by drawing sharp distinctions between “national” religions worthy of support, and “foreign” religions which are deemed dangerous or destructive to national cohesion. In a number of countries, small and non-traditional minorities, often branded as “sects”, carry the stigma of operating as “fifth columns” in the interest of “foreign powers” or “foreign donors”, thus allegedly eroding the country’s national cohesion. Public media campaigns and hostile stereotypes, at times even promoted within the official school curriculum, may encourage nationalist groups to commit acts of violence against members of such minorities, not infrequently even with tacit approval, when not direct participation, of parts of the State apparatus.

Yet other Governments commit violations of freedom of religion or belief for utterly mundane purposes, for instance, in the interest of exercising political control over society as a whole. As a rule, the more authoritarian a Government is, the more excessive its control obsessions usually are. In particular, one-party systems typically conjure an allegedly seamlessly harmonious relationship between the political party and the people as a whole. Questioning that harmony is taboo, since it might at the end of the day lead to challenging the party monopoly itself, an outcome that authoritarian Government try to avoid by placing all communications under strict surveillance. Control obsessions may go so far as to even take the appointment of religious leaders or the re-incarnation of certain religious dignitaries under tight administrative control, thus violating freedom of association, or arbitrarily confiscating religious literature, therefore also violating freedom of expression. Government interference may even sow seeds of mistrust between and within communities and poison the relationship between followers of “loyal” communities and “independent” religious groups, thus creating a climate of suspicion, in a vicious cycle that gives law enforcement agencies an additional pretext for applying far-reaching control measures.

Moreover, massive violations of freedom of religion or belief are currently taking place in particular in countries characterized by systemic political mismanagement, such as endemic corruption, cronyism and ethnocentrism. The resulting disenchantment with public institutions in large parts of the population may set in motion a vicious cycle of escalating societal fragmentation, in the course of which Government institutions, including the judiciary, may increasingly lose their authority, a process that can ultimately result in a failed State. With the falling apart of public institutions, societal groups typically fill the vacuum, including mafia organizations, self-appointed vigilante groups and even terrorist organizations, some of which commit their crimes in the name of God. In such situations, religious or confessional identity – often in combination with ethnic identity – may become a factor of defining militarized groupings.
While States remain the main duty-bearers for the implementation of human rights within their jurisdiction, the international community, too, has to live up to its obligations. One issue on which the international community has largely failed concerns the rights of refugees and internally displaced persons. While some States have opened their borders and demonstrated solidarity, others States have been reluctant to even host a handful of refugees. Yet other Governments have indicated that they would be merely willing to accommodate refugees from religious backgrounds close to their own predominant religious traditions. However, this would amount to a (re-)territorialization of religion and thus be clearly at variance with freedom of religion or belief, which protects human beings in their diverse convictions and practices instead of fostering religiously homogeneous territories.

Let me conclude by stating the obvious: A lot must be done to ensure that freedom of religion or belief becomes a reality for all human beings across regional, political, cultural and religious boundaries. I am very grateful for all the support by Governments, civil society organizations and religious communities, which I have enjoyed in my role as Special Rapporteur during the past six years. I trust that the next mandate holder, Ahmed Shaheed, will equally benefit from your support, which he will need to discharge his task in an increasingly difficult international environment.