

Freedom of religion or belief and recognition issues

UN Human Rights Council, Report A/HRC/19/60 -

Summary, 22 December 2011

Special Rapporteur on Freedom of Religion or Belief

In the present report, the Special Rapporteur on freedom of religion or belief gives an overview of the mandate activities since the submission of the previous report to the Human Rights Council (A/HRC/16/53).

The Special Rapporteur then addresses the theme of freedom of religion or belief and recognition issues. Given many misunderstandings concerning the meaning of “recognition” and the role of the State in this respect, the Special Rapporteur has decided to put a thematic focus on this issue in the present report. He distinguishes between three different meanings of recognition: (a) “recognition” in the sense of the due respect for the status of all human beings as right holders by virtue of their inherent dignity; (b) “recognition” in terms of States providing for the possibility of obtaining the status of legal personality, which religious or belief groups may need for the exercise of important communitarian aspects of their freedom of religion or belief; and (c) “recognition” in the sense of States according a specific privileged status position to some religious or belief communities.

In his conclusions and recommendations, the Special Rapporteur notes the importance of clearly distinguishing between the different meanings within the concept of State recognition, in order to avoid possible misunderstandings that could negatively affect the implementation of freedom of religion or belief, or even undermine its status as a universal human right. Consequently, States must ensure that all individuals can enjoy their freedom of thought, conscience, religion or belief on the basis of respect for their inherent human dignity. Respect for freedom of religion or belief as a human right does not depend on administrative registration procedures, as it has the status of a human right, prior to and independent of any acts of State approval. States should furthermore offer appropriate options for religious or belief communities to achieve the status of legal personality, which may be needed to undertake important community functions relevant for the full enjoyment of freedom of religion or belief, which is a right of individuals to be exercised either alone or together with others. Registration procedures for obtaining legal personality status should therefore be quick, transparent, fair, inclusive and non-discriminatory. If States furthermore decide to provide for specific status positions connected with particular financial and other privileges, they should make sure that such a specific status does not amount to *de jure* or *de facto* discrimination of adherents to other

religions or beliefs. With regard to the concept of an official “State religion”, the Special Rapporteur argues that it seems difficult, if not impossible, to conceive of an application of this concept that in practice does not have adverse effects on religious minorities, thus discriminating against their members. Furthermore, specific status positions given by the State to certain religious or belief communities should never be instrumentalized for purposes of national identity politics, as this may have detrimental effects for the situation of individuals from minority communities.

Editorial note: We warmly recommend to read the full report at: <http://www.unhcr.org/refworld/docid/4f3925502.html> [accessed 15 July 2012]

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