

Individual complaints and model questionnaire of the UN Special Rapporteur on freedom of religion or belief

The Special Rapporteur on freedom of religion or belief has been mandated by Human Rights Council resolution 6/37 “to continue his/her efforts in all parts of the world to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate”.

Therefore, the Special Rapporteur would like to reiterate his invitation to governmental and non-governmental organizations, religious or belief communities as well as individuals to submit any reliable information they may possess with regard to potential or actual violations of the right to freedom of religion or belief. Subsequently, the Special Rapporteur may raise his concerns about the incidents reported and request Governments to make observations and comments on the matter. Please note, that as a general rule, the existence and content of both urgent appeals and letters of allegation remain confidential until a summary of such communications and the replies received from the State concerned are included in the Special Rapporteur’s report to the Human Rights Council.

In its resolution 6/37 of 14 December 2007, the Human Rights Council urged States:

- “(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one’s religion, including the right to change one’s religion or belief, is violated;
- (b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and cultural diversity and the freedom of religion or belief;
- (c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women as well as individuals from other vulnerable groups, including persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;
- (d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence is prohibited by law;
- (e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;
- (f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;
- (g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;
- (h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;
- (i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty or security of person, subjected to torture or arbitrary arrest or detention, or denied the rights to work, education or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;
- (j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;
- (k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;
- (l) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;
- (m) To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief;”

In the discharge of his mandate, the Special Rapporteur has developed this information sheet to facilitate the submission of information. Although communications are also considered when they are not submitted in the form of this model questionnaire, the Special Rapporteur would be grateful for receiving information tailored to his mandate. The objective of this questionnaire is to have access to precise information on alleged violations of the rights to freedom of religion or belief. If any information contained in the questionnaire should be kept confidential please mark “CONFIDENTIAL” beside the relevant entry. Please do not hesitate to attach additional sheets, if the space provided is not sufficient.

Should you have any questions concerning the completion of this form, please feel free to contact the Special Rapporteur. He has also developed a framework for communications which details the applicable international legal standards. An online digest of this framework together with pertinent excerpts of the Special Rapporteurs’ reports is available at:

<http://www2.ohchr.org/english/issues/religion/standards.htm>

Model questionnaire

The questionnaire below should be filled out and sent to:

Special Rapporteur on freedom of religion or belief
c/o Office of the High Commissioner for Human Rights
United Nations at Geneva
8-14 avenue de la Paix
CH-1211 Geneva 10
Switzerland
Fax: (+41) 22 917 90 06
E-mail: freedomofreligion@ohchr.org or urgent-action@ohchr.org
(then please include in the subject box: Special Rapporteur on freedom of religion or belief)

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?
- If it involves a religious or belief group please state the number of people involved and the denomination of the group:
- Country(ies) in which the incident took place:
- Nationality(ies) of the victim(s):
- Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name:
- First name:
- Denomination of his/her religion or belief:
- Place of residence or origin:
- Age:
- Sex:
- Nationality(ies):

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known):
- Place (location and country/countries):
- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:

- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?
- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:

- Are the perpetrator(s) known to the victim?
- Are state agents or non-state-actors believed to be responsible for the alleged violation?
- If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):

- Were any other steps taken?

- Steps taken by the authorities:

- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?

- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

- Family name:

- First name:

- Contact number or address (please indicate country and area code):

- Fax:

- Telephone:

- Email:

- Status: individual, group, non-governmental organization, religious or belief group, inter-governmental agency, Government. Please specify:

- Do you act with knowledge and on behalf of the victim(s)?

- Please state whether you want your identity to be kept confidential:

Date you are submitting this form:

Signature of the author