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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS
OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE
DURBAN DECLARATION AND PROGRAMME OF ACTION**

**Written statement* submitted by Asian Forum for Human Rights and Development
(FORUM-ASIA), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[25 August 2008]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

In recent years, various practices of religious exclusivism¹ and religion-based nationalism have adversely affected the right of everyone to enjoy the freedom of thought, conscience and religion, as guaranteed in the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). In particular, religious exclusivism is closely linked to political parties or ideologies which have promoted a culture of racism, racial discrimination and intolerance against persons or groups belonging to other religions and minorities in the form of defamation of religions such as Islamophobia, anti-Semitism and Christianophobia.

Anti-conversion laws and practices impeding the freedom of religion

States in Asia have lately institutionalised the criminalisation of the conversion of religion. In Sri Lanka, the government proposed an anti-conversion legislation which would seriously curtail religious freedom.² In India, currently four local states, namely, Orissa, Chhattisgarh, Madhya Pradesh, and Himachal Pradesh, have implemented anti-conversion laws which require a converted person to register their intention to convert to another religion and potentially discriminate against specific minority religions or social classes.³

In Malaysia, although the freedom of religion is guaranteed by Article 11 of the Federal Constitution, it is nearly impossible in reality for individuals who have renounced Islam and embraced another faith to obtain an official recognition of their decision. Proselytising of Muslims into other religions is strictly prohibited while proselytising of non-Muslims face no such restrictions. Furthermore, the federal and state governments discourage and forbid the circulation in Peninsular Malaysia of Malay-language translations of the Bible and the distribution of Christian tapes and printed materials in Malay.⁴

Hate crimes, violence and discrimination against religious minorities

In India, communal violence has continued throughout 2008, most notably in the state of Orissa. The attacks on the Christian minority community by Hindu extremists began on Christmas Eve of 2007 and took the form of a week-long riot between the two communities where homes, churches, temples and religious leaders were attacked. Hundreds of families remain homeless and without support after experiencing a wave of violence in the Kandhamal district of Orissa, where tensions are still unresolved as best exemplified by the murder of Vishwa Hindu Parishad party leader on 25 August 2008. It is reported that numerous people have died in refugee camps following displacement as a result of the riots while seven hundred and thirty houses have been torched and looted. Yet the aggressors have not been adequately persecuted thus allowing the violence to continue.

¹ This statement intentionally uses the term of “religious exclusivism” rather than “fundamentalism” to refer to the practices of the disregard of other’s views or ideas; excluding and condemning others which are different from one’s own.

² Working Group on the Universal Periodic Review (UPR), 2nd session, May 2008, OHCHR Summary of Stakeholders’ Information on Sri Lanka (A/HRC/WG.6/2/LKA/3), para.30

³ Dalits who convert to Christianity or Islam lose their Scheduled Caste status, and consequently their eligibility for the affirmative action-style system of reservation. Working Group on the Universal Periodic Review (UPR), 1st session, April 2008, OHCHR Summary of Stakeholders’ Information on India (A/HRC/WG.6/1/IND/3), para.35

⁴ Suara Rakyat Malaysia (SUARAM), “Malaysia Human Rights Report 2007: Civil and Political Rights”, p.128

As Nepal goes through a constitution-drafting process, extremist Hindu groups have expressed fairly violent disapproval for making Nepal a secular state. An extremist Hindu group has claimed responsibility for blasts in a mosque in Birtnagar which claimed the life of two people, warning of more attacks until Hinduism was reinstated as the official religion.

In Malaysia, Islamic authorities have extensively strong influence over the administration of religious matters at the state and federal levels. Small Islamic sects are often labelled “deviationist” although what qualifies as being “deviationist” remains arbitrary. Members of the “deviationist” groups can be arrested and detained in order for them to be “rehabilitated” and returned to the “true path of Islam”.

In Indonesia, the government determines the way in which the freedom of religion and belief are practiced by allowing or expelling certain religions or beliefs. Indonesia officially allows and provides preferential treatment only to the six recognised religions—Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. “Other non-recognised religions” face discrimination and restrictions.⁵ Even among the recognised religions, the puritanical stance is still prevalent encouraging the discriminatory acts against the freedom of belief. On 9 June 2008, the government announced a joint ministerial decree to freeze all related activities of the Ahmadiyah sect, claiming that it is an illegal practice of Islam. The decree also stated that the believers should be rehabilitated to return to “true path of Islam”. Before the issuance of the decree, a thug-dominated Muslim militia attacked a group of the decree’s opponents on 1 June 2008, sending twelve of them to the hospital and ten militia members to court. Nevertheless, the authorities had done little to prosecute those who are responsible for the aggression.

In Pakistan, the vaguely defined blasphemy laws have been consistently misused to persecute members of religious minorities and to prevent them from practicing or preaching their beliefs. The people of religious minority groups continue to be sentenced to death under the blasphemy laws, which criminalise the insult of the name of the prophet Mohammad.⁶

Racial and religious profiling under the pretext of the war on terrorism

The ongoing trend of the war on terrorism has promoted xenophobic practises such as racial and religious profiling. The targets are mainly Malay, South Asian or Arab Muslims. Asian governments facing long-running ethnic and political conflicts in their country have taken advantage of the global war on terrorism by categorising their own conflicts under this framework. Instead of acknowledging and addressing the roots of conflict, many governments in the region have enacted or strengthened their internal security laws to suppress and control over their opponents and citizens.

Recommendations

Reiterating its grave concern over the various forms and manifestations of racism, racial discrimination and intolerance linked to religious exclusivism, religion-based nationalism

⁵ Working Group on the Universal Periodic Review (UPR), 1st session, April 2008, OHCHR Summary of Stakeholders’ Information on Indonesia (A/HRC/WG.6/1/IDN/3), paras.26

⁶ Working Group on the Universal Periodic Review (UPR), 2nd session, May 2008, OHCHR Summary of Stakeholders’ Information on Pakistan (A/HRC/WG.6/2/PAK/3), para.26

or political ideologies resulting in gross human rights violations in the Asian region, FORUM-ASIA strongly urges the followings:

- a) The UN Human Rights Council should acknowledge that the full enjoyment of everyone to the right to freedom of religion, particularly the right to freely choose and change one's religion, is a prerequisite to combating the defamation of religion.
- b) The governments in the Asian region should undertake a substantial review on their laws and practices, such as anti-conversion and security related legislations, which adversely affect the rights of ethnic and religious minorities and take concrete measures to comply with international human rights treaties and standards by revising and repealing them.
- c) In view of the Durban Review Conference to be held in April 2009, the Asian governments should take an immediate action to implement the Durban Declaration and Programme of Action (DDPA) at the national level and exert serious efforts to hold a consultation in a string of regional preparatory meetings in cooperation with the Office of the High Commissioner for Human Rights (OHCHR).
