

THOUGHT, CONSCIENCE AND RELIGION - FREEDOM OF

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Belgium, CERD, A/57/18 (2002) 17 at para. 57.

57. While noting the satisfactory measures taken in the State party, especially by the Centre for Equal Opportunity and the Struggle against Racism, following the events of 11 September 2001 in the United States, in order to promote tolerance between religious communities, the Committee regrets occurrences of racial acts against persons belonging to ethnic minorities, especially those of Muslim faith...

- Qatar, CERD, A/57/18 (2002) 38 at para. 197.

197. The Committee notes that the State party's legislation does not, in principle, allow members of different religions to inherit from each other; it has learned from the delegation's explanations that a Muslim can draw up a will in favour of a non-Muslim. The Committee emphasizes that such a situation should not result in certain categories of people being excluded from the right to inherit, given the requirements of article 5 (d) (iv) of the Convention...

- Turkmenistan, CERD, A/57/18 (2002) 49 at paras. 263-265.

263. The Committee expresses deep concern about grave allegations of human rights violations in Turkmenistan, both in civil and political, as well as social, economical and cultural domains...

264. In particular, the Committee is concerned about alleged discrimination affecting persons belonging to minorities in the fields of employment and education, as well as with respect to the freedom of thought, conscience and religion. The Committee received information alleging that the State party's present policy of promotion of Turkmen identity leads to discrimination against persons not of Turkmen ethnicity.

265. The Committee further notes with deep concern that, according to information received, only the Russian Orthodox Church and the Sunni branch of Islam enjoy legal status, while other confessions are denied registration by the State party and their members are subject to increased persecution, such as disruption of religious services, including in private homes, prohibition of literature, detentions and ill-treatment of religious leaders,

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destruction of places of worship and restriction of freedom of movement imposed on religious leaders, which may be in contravention with article 5 of the Convention.

- Armenia, CERD, A/57/18 (2002) 50 at para. 282.

282. The Committee is concerned about reports of obstacles imposed on religious organizations other than the Armenian Apostolic Church, such as those on carrying out charity work and on building places of worship. It urges the Government to take all necessary measures to ensure freedom of religion to all, without discrimination.

- Canada, CERD, A/57/18 (2002) 56 at para. 338.

338. The Committee notes with concern that, in the aftermath of the events of 11 September 2001, Muslims and Arabs have suffered from increased racial hatred, violence and discrimination. The Committee therefore welcomes the statement of the Prime Minister in the Ottawa Central Mosque condemning any acts of intolerance and hatred against Muslims, as well as the reinforcement of Canadian legislation to address hate speech and violence. In this connection, the Committee requests the State party to ensure that the application of the Anti-terrorism Act does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.

- Hungary, CERD, A/57/18 (2002) 63 at para. 371.

371. The Committee...welcomes the introduction of new provisions into the Criminal Code through Act XVII of 1996, in particular article 174/B penalizing violence against members of national, ethnic or racial minorities and religious groups...

- Fiji, CERD, A/58/18 (2003) 25 at para. 92.

92. The Committee is concerned about information relating to racist attacks and acts of religious intolerance against Indo-Fijians, in particular during the 1987 and 2000 coups...

- Saudi Arabia, CERD, A/58/18 (2003) 41 at para. 215.

215. The Committee is concerned about reports that persons of some racial or ethnic origins

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are unable to manifest their religious beliefs in the State party...

- Tunisia, CERD, A/58/18 (2003) 47 at para. 251.

251. ...The Committee...notes the progress already achieved towards ensuring equality between women and men in Tunisian society, as well as the observance of religious freedom, inasmuch as they impact on the promotion of non-discrimination based on ethnic origin. The Committee encourages the State party to continue along this path.

- Albania, CERD, A/58/18 (2003) 53 at paras. 301 and 316.

301. The Committee welcomes with satisfaction the measures adopted to protect religious freedom and the considerable efforts made to promote the education and cultural rights of persons belonging to national minorities...

...

316. The Committee is concerned about the difficulties encountered by certain national minorities, in particular, the Greek and Aromanian minorities, in recovering and obtaining compensation for their religious properties.

The Committee encourages the State party to ensure the swift entry into force of the bill on property restitution and compensation, so as to settle this issue once and for all.

- Islamic Republic of Iran, CERD, A/58/18 (2003) 72 at para. 428.

428. The Committee takes note with concern of the reported discrimination faced by certain minorities, including the Bahá'ís, who are deprived of certain rights, and that certain provisions of the State party's legislation appear to be discriminatory on both ethnic and religious grounds.

The Committee recommends that the State party ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5(d) of the Convention. The Committee recommends that the State party permit students of different origins to register in universities without being compelled to state their religion...

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras.

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539 and 540.

539. The Committee notes that the State party recognizes the “intersectionality” of racial and religious discrimination, as illustrated by the prohibition of discrimination on ethnic grounds against such communities as Jews and Sikhs, and recommends that religious discrimination against other immigrant religious minorities be likewise prohibited.

540. The Committee is concerned about reported cases of “Islamophobia” following the 11 September attacks. Furthermore, while the Committee takes note that the State party’s criminal legislation includes offences where religious motives are an aggravating factor, it regrets that incitement to racially motivated religious hatred is not outlawed.

The Committee recommends that the State party give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.

- Nepal, CERD, A/59/18 (2004) 24 at para. 127.

127. The Committee remains deeply concerned at the persistence of the *de facto* caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water...

The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, and make determined efforts to ensure the practical and effective implementation of these measures...

- Argentina, CERD, A/59/18 (2004) 45 at para. 246.

246. ...The Committee...notes reported difficulties in recognizing the legal personality of indigenous peoples, the inadequate protection in practice of indigenous peoples’ ownership and possession of ancestral lands and the consequential impairment of indigenous peoples’ ability to practise their religious beliefs.

In the light of its general recommendation XXIII, the Committee urges the State party to:...

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adopt measures to safeguard indigenous rights over ancestral lands, especially sacred sites, and compensate indigenous peoples for land deprivation; ensure access to justice, as well as recognize effectively the legal personality of indigenous peoples and their communities in their traditional way of life, and respect the special importance for the culture and spiritual values of indigenous peoples of their relationship with the land.

- France, CERD, A/60/18 (2005) 26 at para. 112.

112. The Committee takes note of the information supplied by the State party on the implementation of the Act of 15 March 2004 governing the wearing of symbols or clothing denoting religious affiliation in State primary and secondary schools, in pursuance of the principle of secularism.

The Committee recommends to the State party that it should continue to monitor the implementation of the Act of 15 March 2004 closely, to ensure that it has no discriminatory effects and that the procedures followed in its implementation always place emphasis on dialogue, to prevent it from denying any pupil the right to education and to ensure that everyone can always exercise that right.

- Ireland, CERD, A/60/18 (2005) 30 at para. 142.

142. The Committee, noting that almost all primary schools are run by Catholic groups and that non-denominational or multid denominational schools represent less than 1 per cent of the total number of primary education facilities, is concerned that existing laws and practice would favour Catholic pupils in the admission to Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available (art. 5 (d) (vii) and 5 (e) (v)).

The Committee, recognizing the “intersectionality” of racial and religious discrimination, encourages the State party to promote the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) to schools is concerned.

- Lao People’s Democratic Republic, CERD, A/60/18 (2005) 35 at para. 172.

172. The Committee is disturbed by reports of the infringement of the freedom of religion

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of members of religious minorities, in particular Christians, who are also often members of ethnic minorities.

The Committee recommends to the State party that it ensure that all persons enjoy their right to freedom of thought, conscience and religion, without discrimination, in accordance with article 5, subparagraph (d), of the Convention.

- Georgia, CERD, A/60/18 (2005) 46 at para. 246.

246. Religious questions are of relevance to the Committee when they are linked with issues of ethnicity and racial discrimination. In this connection, and while acknowledging the effort made by the State party to fight ethno-religious violence, the Committee remains concerned about the situation of ethno-religious minorities, such as the Yezidi-Kurds (art. 5).

The Committee recommends that the State party...adopt the bill on freedom of conscience and religion designed to protect those minorities against discrimination and, in particular, against acts of violence.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 282, 289 and 295.

282. The Committee welcomes the establishment of the National Inter-religious Council and of the Institute for Peace and Conflict to promote inter-ethnic, intercommunal and interreligious harmony...

...

289. The Committee is seriously concerned that despite attempts to foster national unity, prejudices and feelings of hostility among some ethnic groups persist in Nigeria, including active discrimination by people who consider themselves to be the original inhabitants of their region against settlers from other states. The Committee is particularly concerned at the persistence of inter-ethnic, intercommunal and interreligious violence in the country stemming from these hostile sentiments as well as at disputes over commercial interests and resource control, which have claimed thousands of lives and led to the displacement of a significant proportion of the population (art. 2).

The Committee encourages the State party to continue monitoring all initiatives and tendencies that may give rise to racist and xenophobic behaviour, and to combat the negative consequences of such tendencies. The Committee recommends that the State party carefully monitor the negative impact of its efforts to promote national unity through regional and state action and, in particular, the effects on relations between and among ethno-religious groups.

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The Committee recommends that the State party endeavour, by encouraging genuine dialogue, to improve relations between different ethnic and religious communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. It invites the State party to conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination.

...

295. In the light of the “intersectionality” of ethnic and religious discrimination, the Committee remains concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, can be subjected to harsher sentences than other Nigerians. While noting the explanations provided by the delegation that all persons have the freedom to make their own choice with regard to the application of statutory, customary or religious law, the Committee notes that concerned persons may not necessarily be in a position to exercise individual choice in the matter (art. 5 (a)).

The Committee reminds the State party that all persons shall have the right to equal treatment before the courts and all other organs administering justice, and draws the attention of the State party to its general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 323.

323. The Committee, while stressing the complex relationship between ethnicity and religion in Turkmenistan, notes with concern information that members of religious groups do not fully enjoy their rights to freedom of religion and that some religious confessions remain unregistered. It notes, however, the relaxation of registration rules in 2004.

The Committee recalls the State party’s obligation to ensure that all persons enjoy their right to freedom of religion, without any discrimination based on national or ethnic origin, in accordance with article 5 (d) of the Convention. The State party should accordingly respect the right of members of registered and unregistered religions to freely exercise their freedom of religion, and register religious groups who wish to be registered...

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at paras. 74(11) and 74(20).

(11) The Committee expresses concern that under the state of emergency, as envisaged in article 64 of the Constitution of Ukraine, the right to freedom of thought under article 34 of

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the Constitution and the right to freedom of religion could be restricted in a manner incompatible with the provisions of article 4 of the Covenant.

The State party must ensure that its framework for emergency powers during a state of emergency is compatible with article 4 of the Covenant, taking into account the Committee's General Comment No. 29.

...

(20) The Committee notes with concern the information given by the State party that conscientious objection to military service is accepted only in regard to objections for religious reasons and only with regard to certain religions, which appear in an official list. The Committee is concerned that this limitation is incompatible with articles 18 and 26 of the Covenant.

The State party should widen the grounds for conscientious objection in law so that they apply, without discrimination, to all religious beliefs and other convictions, and that any alternative service required for conscientious objectors be performed in a non-discriminatory manner.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at para. 75(14).

(14) The Committee is concerned at reports that, since recent terrorist attacks, persons have been the subject of attack and harassment on the basis of their religious beliefs and that religion has been utilized to incite to the commission of criminal acts. The Committee is also disturbed that incidents of violence and intimidation on the basis of religious affiliation in Northern Ireland continue to occur.

The State party should extend its criminal legislation to cover offences motivated by religious hatred and should take other steps to ensure that all persons are protected from discrimination on account of their religious beliefs.

- Azerbaijan, ICCPR, A/57/40 vol. I (2002) 47 at para. 77(21).

(21) The Committee takes note of the fact that the law makes no provision for the status of conscientious objector to military service, which may legitimately be claimed under article 18 of the Covenant.

The State party should ensure that persons liable for military service may claim the status of

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conscientious objector and perform alternative service without discrimination.

See also:

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(17).

- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at paras. 78(17)-78(19).

(17) The Committee notes with deep concern the increase in the number of acts of religious intolerance and harassment of religious minorities of various creeds, particularly Jehovah's Witnesses.

The State party should take the necessary measures to ensure the right to freedom of thought, conscience and religion as provided in article 18 of the Covenant. It should also:

- (a) Investigate and prosecute documented cases of harassment against religious minorities;
- (b) Prosecute those responsible for such offences;
- (c) Conduct a public awareness campaign on religious tolerance and prevent, through education, intolerance and discrimination based on religion or belief.

(18) The Committee expresses its concern at the discrimination suffered by conscientious objectors owing to the fact that non-military alternative service lasts for 36 months compared with 18 months for military service; it regrets the lack of clear information on the rules currently governing conscientious objection to military service.

The State party should ensure that persons liable for military service who are conscientious objectors can opt for civilian service the duration of which is not discriminatory in relation to military service, in accordance with articles 18 and 26 of the Covenant.

(19) The Committee expresses its concern with respect to obstacles facing minorities in the enjoyment of their cultural, religious or political identities.

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection from discrimination and that the members of such communities can enjoy their own culture and use their own language, in accordance with article 27 of the Covenant.

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- Hungary, ICCPR, A/57/40 vol. I (2002) 60 at para. 80(14).

(14) The Committee notes with concern discriminatory practices with respect to the registration of certain religious groups in Hungary and the limited protection accorded to the religious rights of asylum-seekers and prisoners. It further notes that the restitution of Church property has not been completed in a timely manner. Finally, it observes that educational programmes concerning religious tolerance and non-discrimination on the basis of religion or conviction are inadequate.

The State party should ensure that religious organizations are treated in a manner that is compatible with the Covenant; it should reinforce the protection of religious rights of asylum-seekers and prisoners; it should complete the process of restitution of Church property without discrimination; and it should undertake educational programmes designed to promote tolerance and the elimination of discrimination on the grounds of religion and conviction (articles 18 and 26 of the Covenant).

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at paras. 82(16) and 82(19).

(16) The Committee notes that the information provided by the delegation was insufficient for the Committee to have a clear view of the situation in Viet Nam with regard to religious freedom. In the light of information available to the Committee that certain religious practices are repressed or strongly discouraged in Viet Nam, the Committee is seriously concerned that the State party's practice in this respect does not meet the requirements of article 18 of the Covenant. The Committee is deeply concerned by allegations of harassment and detention of religious leaders and regrets that the delegation failed to provide information relating to such allegations. In this context, the Committee is concerned at the restrictions placed on outside observers who wished to investigate the allegations...

...

(19) While noting that the State party denies any violation of the Covenant rights in this respect, the Committee remains concerned at the abundance of information regarding the treatment of the Degar (Montagnard) indicating serious violations of articles 7 and 27 of the Covenant. The Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar (Montagnard), and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as to carry out their agricultural activities, are respected.

The State party should take immediate measures to ensure that the rights of members of indigenous communities are respected. Non-governmental organizations and other human rights monitors should be granted access to the central highlands.

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- Yemen, ICCPR, A/57/40 vol. I (2002) 72 at para. 83(20).

(20) The Committee notes with concern the violations of freedom of religion or belief, in particular breaches of the right to change religion (article 18 of the Covenant).

The State party must ensure that its legislation and practice are in line with the provisions of the Covenant, and in particular respect people's right to change their religion if they so choose.

- Republic of Moldova, ICCPR, A/57/40 vol. I (2002) 76 at para. 84(13).

(13) The Committee remains concerned that artificial hurdles continue to exist in the State party for individuals and organizations seeking to exercise their religious freedoms under article 18 of the Covenant.

The State party should ensure that its law and policy relating to the registration of religious organizations fully respect the rights of persons within its jurisdiction to full and free expression of their religious beliefs, as required by article 18.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at paras. 77(17), 77(18) and 77(20).

(17) The Committee is concerned about infringements of the right to freedom of religion or belief.

(a) The Committee deplores the ban on worship imposed on the Baha'i community.

(b) The Committee is also concerned at the pressures applied to the judiciary by extremists claiming to represent Islam, who have even succeeded, in some cases, in imposing on courts their own interpretation of the religion (articles 14, 18 and 19 of the Covenant).

The State party must see to it that its legislation and practice are consistent with article 18 of the Covenant as regards the rights of the Baha'i community and reinforce its legislation, in particular Act No. 3 of 1996, to make it consistent with articles 14, 18 and 19 of the Covenant.

(18) The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which

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in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.

The State party must take whatever action is necessary to punish such acts by ensuring respect for article 20, paragraph 2, of the Covenant.

...

(20) While noting the efforts the State party has made to ensure that people are educated about human rights and tolerance, the Committee observes that results in this area are still inadequate.

The State party is invited to strengthen human rights education and use education to forestall all displays of intolerance and discrimination based on religion or belief.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(15).

(15) The Committee is concerned that the duration of alternative service for conscientious objectors may be up to twice as long as the duration of regular military service.

The State party is under an obligation to ensure that conscientious objectors can opt for alternative service, the duration of which is without punitive effect (articles 18 and 26 of the Covenant).

- Luxembourg, ICCPR, A/58/40 vol. I (2003) 45 at para. 80(7).

(7) The Committee notes, on the one hand, that the State party grants financial assistance to the Christian and Jewish communities only and, on the other hand, that the criteria applied (such as membership of a religion recognized worldwide and officially in at least one European Union country) may give rise to problems as far as their compatibility with the provisions of articles 18, 26 and 27 of the Covenant is concerned.

The State party should guarantee non-discriminatory treatment of communities of religion and belief in respect of financial assistance and, to this end, ensure that all criteria in this regard are revised to guarantee that they are in keeping with the Covenant.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at paras. 85(20) and 85(24).

(20) The Committee is concerned by public pronouncements made by several prominent

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Israeli personalities in relation to Arabs that may constitute advocacy of racial and religious hatred constituting incitement to discrimination, hostility and violence.

The State party should take the necessary action to investigate, prosecute and punish such acts in order to ensure respect for article 20, paragraph 2, of the Covenant.

...

(24) While noting the Supreme Court's judgement of 30 December 2002 in the case of eight IDF [Israeli Defence Force] reservists (judgement HC 7622/02), the Committee remains concerned about the law and criteria applied and generally adverse determinations in practice by military judicial officers in individual cases of conscientious objection (art. 18).

The State party should review the law, criteria and practice governing the determination of conscientious objection, in order to ensure compliance with article 18 of the Covenant.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at para. 64(17).

(17) While the Committee welcomes the introduction of the possibility for conscientious objectors to substitute civilian service for military service, it remains concerned that the Alternative Civilian Service Act, which will take effect on 1 January 2004, appears to be punitive in nature by prescribing civil service of a length 1.7 times that of normal military service. Furthermore, the law does not appear to guarantee that the tasks to be performed by conscientious objectors are compatible with their convictions.

The State party should reduce the length of civilian service to that of military service and ensure that its terms are compatible with articles 18 and 26 of the Covenant.

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(15).

(15) The Committee notes with satisfaction that in 2002 a new law on alternative service entered into force, which provides for the right to conscientious objection. However, the Committee remains concerned that, pending a change in the conscription law, the duration of alternative service is up to twice that of military service and appears to be discriminatory (art. 18).

The State party should ensure that the alternative service is not of a discriminatory duration.

- Colombia, ICCPR, A/59/40 vol. I (2004) 35 at para. 67(17).

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(17) The Committee notes with concern that the legislation of the State party does not allow conscientious objection to military service.

The State party should guarantee that conscientious objectors are able to opt for alternative service whose duration would not have punitive effects (articles 18 and 26 of the Covenant).

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(8) and 68(19).

(8) The Committee commends the continuing positive role of the Federal Constitutional Court in safeguarding fundamental rights, e.g. through its decisions to strengthen the protection of religious liberties...

...

(19) The Committee reiterates its concern that adherence to certain religious organizations or beliefs constitutes one of the main grounds for disqualifying individuals from obtaining employment in the public service and that this may in certain circumstances violate the rights guaranteed in articles 18 and 25 of the Covenant.

The State party should comply fully with its obligations under the Covenant in this respect.

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at paras. 71(16) and 71(17).

(16) The Committee reiterates the concern expressed in its concluding observations on the State party's previous report that the registration process continues to make distinctions between different religions, and that this amounts to unequal treatment contrary to articles 18 and 26. It notes that religious communities that do not meet the registration criteria are disadvantaged in that they may not register as legal persons and, therefore, as acknowledged by the delegation, may face certain difficulties, *inter alia* with respect to the restitution of property.

The State party should ensure that there is no discrimination in law or in practice in the treatment of different religions.

(17) The Committee reiterates the concern expressed in its concluding observations on the previous report about conditions of alternative service available to conscientious objectors to military service, in particular with respect to the eligibility criteria applied by the Special Commission and the duration of such service as compared with military service.

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The Committee recommends that the State party clarify the grounds and eligibility for performing alternative service to persons objecting to military service on grounds of conscience or religious belief, to ensure that the right to freedom of conscience and religion is respected by permitting in practice alternative service outside the defence forces, and that the duration of service is not punitive in nature (arts. 18 and 26).

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at paras. 72(26) and 72(27).

(26) The Committee is concerned that not a single mosque has yet been granted official recognition in Belgium (arts. 18 and 26).

The State party should step up its efforts to ensure that mosques are recognized and that Islam enjoys the same advantages as other religions.

(27) The Committee notes with concern that a number of racist, xenophobic, anti-Semitic and anti-Muslim acts have taken place in Belgium. It is concerned that political parties urging racial hatred can still benefit from the public financing system, and observes that a bill designed to put an end to that situation is still being considered by the Senate (art. 20).

The State party should take all necessary steps to protect communities resident in Belgium against racist, xenophobic, anti-Semitic and anti-Muslim acts. It should have the above-mentioned bill passed as soon as possible, and consider sterner measures to prevent individuals and groups from seeking to arouse racial hatred and xenophobia, in pursuance of article 20, paragraph 2, of the Covenant.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at paras. 73(9) and 73(13).

(9) While noting the measures taken by the State party to promote equality and integration of non-citizens, the Committee regrets that the principle of equality before the law for all the individuals under the State party's jurisdiction is only indirectly recognized in the Constitution. It is also concerned about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin (arts. 2 and 26).

The State party should consider amending the Constitution to ensure that the principle of equality before the law is guaranteed to all individuals under its jurisdiction. The State party should intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.

...

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(13) The Committee is concerned about the differential treatment of religious denominations in the allocation of public funds (arts. 2, 18 and 26).

The State party should review its policies in the allocation of public funds to religious denominations and ensure that all are assigned an equitable part of these funds.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(21) and 75(23).

(21) The Committee takes note of the information provided by the delegation whereby conscientious objection is governed by a provisional decree, which is to be replaced by a law, which will recognize full conscientious objection to military service and an alternative civil service that will have the same duration as military service (art. 18).

The State party should enact the said law as soon as possible. The law should recognize conscientious objection to military service without restrictions (art. 18) and alternative civil service of a non-punitive nature.

...

(23) While noting the adoption of the Law on the Protection of the Rights and Freedoms of National Minorities, the Committee remains concerned that the practical enjoyment by members of ethnic, religious and linguistic minorities of their Covenant rights still requires improvement. In this context, the Committee notes the lack of a comprehensive non-discrimination legislation covering all aspects of distinction (arts. 2, 26, 27).

The State party should ensure that all members of ethnic, religious and linguistic minorities, whether or not their communities are recognized as national minorities, enjoy effective protection against discrimination and are able to enjoy their own culture, to practise and profess their own religion, and use their own language, in accordance with article 27 of the Covenant. In this context, the State party should enact comprehensive non-discrimination legislation, in order to combat ethnic and other discrimination in all fields of social life and to provide effective remedies to victims of discrimination.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(14).

(14) The Committee regrets that the right to conscientious objection is acknowledged only in peacetime, and that the civilian alternative to military service is punitively long. It reiterates its concern at the fact that the preferential treatment accorded to Jehovah's Witnesses has not been extended to other groups of conscientious objectors.

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The State party should fully acknowledge the right to conscientious objection and, accordingly, guarantee it both in wartime and in peacetime; it should also end the discrimination inherent in the duration of alternative civilian service and the categories that can benefit from it (arts. 18 and 26 of the Covenant).

- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(3).

(3) The Committee welcomes the progress accomplished in legislative and institutional reform after the regime change in the early 1990s, notably the restoration of the freedom of conscience and belief...

- Morocco, ICCPR, A/60/40 vol. I (2004) 35 at paras. 84(21), 84(22) and 84(27).

(21) The Committee is concerned about the *de facto* limitations on the freedom of religion or belief, including the fact that it is impossible, in practice, for a Muslim to change religion. It recalls that article 18 of the Covenant protects all religions and all beliefs, ancient and less ancient, major and minor, and includes the right to adopt the religion or belief of one's choice.

The State party should take steps to ensure respect for freedom of religion or belief and to ensure that its legislation and practices are fully in conformity with article 18 of the Covenant.

(22) The Committee notes that, according to the information supplied by the State party, compulsory military service is a fallback applicable only when not enough professional soldiers can be recruited, while at the same time the State party does not recognize the right to conscientious objection.

The State party should fully recognize the right to conscientious objection in times of compulsory military service and should establish an alternative form of service, the terms of which should be non-discriminatory (Covenant, arts. 18 and 26).

...

(27) The Committee is concerned about the legal ban on marriages between women of the Muslim faith and men from other religions or with other beliefs (Covenant, arts. 3, 23 and 26).

The State party should comply with the provisions of articles 3, 23 and 26 of the Covenant by revising the legislation concerned.

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- Poland, ICCPR, A/60/40 vol. I (2004) 40 at paras. 85(5), 85(15) and 85(19).

(5) The Committee notes with satisfaction improvements made in the area of women's rights, in particular by the appointment of a Government Plenipotentiary on the Equal Status of Women and Men. It also welcomes the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of race and ethnic origin, religion and beliefs, age and sexual orientation.

...

(15) The Committee notes that the duration of alternative military service is 18 months, whereas for military service it is only 12 months (arts. 18 and 26).

The State party should ensure that the length of alternative service to military service does not have a punitive character.

...

(19) The Committee notes with concern that incidents of desecration of Catholic and Jewish cemeteries, and acts of anti-Semitism, have not always been properly investigated and the perpetrators punished (arts. 18, 20 and 27).

The State party should intensify efforts to combat and punish all such incidents. Law enforcement bodies and the judiciary should be properly trained and instructed on how to address such complaints.

- Uzbekistan, ICCPR, A/60/40 vol. I (2005) 56 at para. 89(22).

(22) The Committee notes that the provisions of the Freedom of Conscience and Religious Organizations Act require religious organizations and associations to be registered in order to be able to manifest their religion or belief. It is concerned about *de facto* limitations on the right to freedom of religion or belief, including the fact that proselytizing constitutes a criminal offence under the Criminal Code. The Committee is also concerned about the use of criminal law to penalize the apparently peaceful exercise of religious freedom and the fact that a large number of individuals have been charged, detained and sentenced and that, while a majority of them were subsequently released, several hundred remain in prison (Covenant, article 18; see also paragraph 24 of the concluding observations on the initial report).

The State party should take steps to ensure full respect for the right of freedom of religion or belief and ensure that its legislation and practices conform fully with article 18 of the Covenant.

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- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(5), 90(14), 90(15) and 90(20).

(5) The Committee welcomes the recent adoption by Parliament of a law on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

...

(14) The Committee is concerned at allegations of discrimination against members of minority religions, including in the field of education. In particular, public school students are required to attend instructional classes in the Christian Orthodox religion and can opt out only after declaring their religion (art. 18).

(a) The State party should take measures to ensure full respect for the rights and freedoms of each religious community, in conformity with the Covenant;

(b) The Committee encourages the State party to hold consultations with representatives of minority religions, in order to find practical ways to permit religious instruction to be given to those desiring such opportunities. Pupils not wishing to attend religious education classes should not be obliged to declare their religion.

(15) The Committee is concerned that the length of alternative service for conscientious objectors is much longer than military service, and that the assessment of applications for such service is solely under the control of the Ministry of Defence (art. 18).

The State party should ensure that the length of service alternative to military service does not have a punitive character, and should consider placing the assessment of applications for conscientious objector status under the control of civilian authorities.

...

(20) The Committee notes the State party's commitment to the equal enjoyment of their rights by all citizens of Greece, regardless of religion or ethnic origin. However, the Committee notes with concern the apparent unwillingness of the Government to allow any private groups or associations to use associational names that include the appellation "Turk" or "Macedonian", based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims in Thrace. The Committee notes that individuals belonging to such minorities have a right under the Covenant to the enjoyment of their own culture, the profession and practise of their own religion, and the use of their own language in community with other members of their group (art. 27).

The State party should review its practice in light of article 27 of the Covenant.

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- Yemen, ICCPR, A/60/40 vol. I (2005) 65 at paras. 91(5), 91(18) and 91(19).

(5) The Committee notes with concern that the recommendations it has addressed to Yemen in 2002 have not been fully taken into consideration, and that the State party justifies the absence of progress on several important issues by the impossibility, in its view, of respecting at the same time religious principles and certain obligations under the Covenant. The Committee disagrees with such an interpretation and stresses the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In its view, cultural and religious specificities may be taken into consideration in order to develop adequate means to ensure respect for universal human rights, but they cannot jeopardize the very recognition of these rights for all (article 2 of the Covenant).

The State party should examine in good faith all recommendations addressed to it by the Committee, and find ways to ensure that its desire to abide by religious principles is implemented in a manner that is fully compatible with its obligations under the Covenant, which it has accepted without reservations.

...

(18) The Committee reiterates its concern about the prohibition of Muslims converting to another religion, in the name of social stability and security. Such a prohibition is in violation of article 18 of the Covenant, which does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice, and of article 26, which prohibits discrimination on the ground of religion.

The State party should review its position and take all necessary measures to ensure the freedom of all persons to choose a religion or belief, including the right to change one's current religion or belief.

(19) The Committee regrets that no response was provided by the delegation to the question whether Yemen law recognizes a right to conscientious objection to military service (art. 18).

The State party should ensure that persons liable for military service may claim the status of conscientious objector and perform alternative service that is not of a punitive character.

- Tajikistan, ICCPR, A/60/40 vol. I (2005) 70 at para. 92(20).

(20) The Committee is concerned that the State party does not recognize the right to conscientious objection to compulsory military service (art. 18).

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The State party should take all necessary measures to recognize the right of conscientious objectors to be exempted from military service.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(11).

(11) The Committee takes note of the information provided by the delegation whereby Syria does not recognize the right to conscientious objection to military service, but that it permits some of those who do not wish to perform such service to pay a certain sum in order not to do so (art. 18).

The State party should respect the right to conscientious objection to military service and establish, if it so wishes, an alternative civil service of a non-punitive nature.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(24).

(24) The Committee expresses its concern about the structural discrimination by the State party against minority communities, in particular the Highlanders with regard to citizenship, land rights, freedom of movement and the protection of their way of life...

...The State party should respect the rights of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language in community with other members of their group.

ICESCR

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at paras. 226 and 245.

226. The Committee reiterates the concern it expressed in its previous concluding observations^{21/} that the educational structure in Northern Ireland continues to be heavily segregated on the basis of religion, despite the increased demand for integrated schools.

...

245. The Committee reiterates its recommendation made in 1997^{26/} that the State party consider appropriate measures in Northern Ireland to facilitate the establishment of additional integrated schools in areas where a significant number of parents have indicated their desire to have their children enrolled in such schools.

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Notes

...

21/ [*Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22-E/C.12/1997/10) chap. V*], para. 301.

...

26/ [*Official Records of the Economic and Social Council, 1998, Supplement No. 2 (E/1998/22-E/C.12/1997/10), chap. V*], para. 312.

- China, ICESCR, E/2006/22 (2005) 25 at para. 167.

167. ...The Committee notes with concern the reports from sources other than the State party relating to the right to the free exercise of religion as a right to take part in cultural life, and the use and teaching of minority languages, history and culture and the Xinjiang Uighur Autonomous Region and the Tibet Autonomous Region.

- Norway, ICESCR, E/2006/22 (2005) 48 at para. 332.

332. The Committee welcomes the adoption of the Act of 3 June 2005 prohibiting ethnic, religious and other forms of discrimination.

CEDAW

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 99 and 100.

99. The Committee is concerned that no unified personal status law exists in the country and that each Lebanese citizen is subject to the laws and courts pertaining to his or her religious community in regard to the regulation of personal status. The Committee notes that insufficient information has been provided in the reports and oral presentation on the religious communities existing in the country, including information on the various personal status codes governing these communities, in particular their scope and impact on women's equality.

100. The Committee urges the State party to adopt a unified personal status code which is in line with the Convention and would be applicable to all women in Lebanon, irrespective of their religious affiliation...

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- Israel, CEDAW, A/60/38 part II (2005) 129 at paras. 245 and 246.

245. The Committee remains concerned that the State party continues to retain its reservations to articles 7 (b) and 16 of the Convention. The Committee is particularly concerned at the State party's statement that such reservations are "unavoidable at this point in time" and its position that laws based on religious values cannot be reformed.

246. The Committee urges the State party to consider withdrawing its reservations to articles 7 (b) and 16, which are contrary to the object and purpose of the Convention.

CAT

- Saudi Arabia, CAT, A/57/44 (2002) 48 at para. 101.

101. The Committee recommends, in particular, that the State party:

...

(c) Ensure that its laws are in practice applied to all persons, regardless of nationality, gender, religious affiliation or other distinction, insofar as issues arising under the Convention are concerned;

...

CRC

- Oman, CRC, CRC/C/111 (2001) 36 at paras. 156 and 157.

156. The Committee welcomes information that the State party is re-examining its reservations to articles 7, 9, 21 and 30 of the Convention. While noting difficulties that the State party may have, the Committee is nevertheless concerned that its reservation to article 14 is not included in this re-examination.

157. The Committee recommends that the State party:

...

(b) Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 on freedom of thought, conscience and religion.

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- Uzbekistan, CRC, CRC/C/111 (2001) 117 at paras. 558 and 559.

558. The Committee emphasizes that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. The Committee notes the 1998 Law on Freedom of Conscience and Religious Organizations, and recent amendments to the Civil and Criminal Codes relating to the freedom of religion. In the light of article 14 of the Convention, the Committee is concerned that restrictions on the freedom to manifest one's religion, particularly Islam, do not comply with the requirements outlined in article 14, paragraph 3.

559. The Committee recommends that the State party take effective measures, including enacting or rescinding legislation where necessary, to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 136 and 137.

136. The Committee expresses its concern at reports of administrative and social pressures being placed on children from religious minorities including, for example, the requirement that a student's secondary school graduation certificate indicate, where this is the case, that the student does not practise the Greek Orthodox religion.

137. The Committee recommends that the State party ensure that a child's religious affiliation, or lack of one, in no way hinders respect for the child's rights, including the right to non-discrimination and to privacy, for example in the context of information included in the school graduation certificate.

- Tunisia, CRC, CRC/C/118 (2002) 68 at paras. 285 and 286.

285. The Committee is concerned about information brought to its attention which indicates that the exercise of the right to freedom of religion may not always be fully guaranteed, particularly with regard to regulations prohibiting the wearing of a headscarf by girls in schools.

286. The Committee recommends that the State party take all necessary measures to ensure the full implementation of the right to freedom of thought, conscience and religion.

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- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 371 and 372.

371. The Committee welcomes information by the delegation that the reservation to article 21 will be withdrawn. However, the Committee is concerned about the remaining reservations to the Convention entered by the State party. In particular:

...

(b) That the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion.

372. The Committee emphasizes that it is long established in international law that States parties to a treaty cannot invoke provisions of their domestic laws as justification for their inability to perform obligations under a treaty. The Committee recommends that the State party:

...

(b) Study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's general comment No. 22 and in the long term, to withdraw it in accordance with the Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993).

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 245 and 246.

245. The Committee is concerned that:

...

(b) There is discrimination with regard to children born out of wedlock, children with disabilities and refugee children, and discrimination on religious and ethnic grounds;

...

246. The Committee recommends that the State party:

...

(b) End all discrimination against children, giving particular attention to discrimination based on religious beliefs;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 525 and 526.

525. The Committee is concerned that, despite regulations guaranteeing that parents can choose for their children to attend ethics classes instead of religion classes in public schools, in practice few schools offer ethics courses to allow for such a choice and students require parental consent to attend ethics courses.

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526. The Committee recommends that the State party ensure that all public schools permit children, in practice, to choose freely whether to attend religion or ethics classes with parental direction provided in a manner consistent with the child's evolving capacities.

- Israel, CRC, CRC/C/121 (2002) 131 at paras. 560, 561, 576 and 577.

560. The Committee is concerned that religious laws, particularly in the area of personal status, may not be in compliance with the principles and provisions of the Convention.

561. The Committee encourages the State party to take all possible measures to reconcile the interpretation of religious laws with fundamental human rights.

...

576. The Committee is concerned that discrimination, contrary to article 2 of the Convention, persists in the State party, and that non-discrimination is not expressly guaranteed under the Constitution. In particular, the Committee is concerned about discrimination against girls and women, especially in the context of religious laws, discrimination on religious grounds, inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs, Bedouins, Ethiopians and other minorities, children with disabilities and children of foreign workers, and of the rights and freedoms of Palestinian children in the occupied territories.

577. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Strengthen its efforts with respect to affirmative-action initiatives;

(c) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;

(d) Mobilize religious leaders to support such efforts;

...

- Italy, CRC, CRC/124 (2003) 36 at paras. 170 and 171.

170. The Committee is concerned that, as mentioned in the State party's report (para. 147),

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children, especially in elementary schools, may suffer from marginalization if they abstain from religious instruction, which mainly covers the Catholic religion. In addition, the Committee is concerned that parents, notably those of foreign origin, are not always aware that religious instruction is not compulsory.

171. In the light of articles 2, 14 and 29 of the Convention, the Committee recommends that the State party make sure that parents, in particular of foreign origin, when they are filling out the relevant forms are aware that Catholic religious instruction is not compulsory.

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 53 and 54.

53. The Committee, noting that the State party's Constitution guarantees the right to freedom of expression and religion, is concerned at reports that measures affecting children and young people were taken against students and religious groups, indicating that these rights were not fully upheld.

54. The Committee recommends that the State party take all necessary measures to ensure that these rights are fully respected for all children, as stipulated in the Convention, and that violations of the freedom of expression and religion are prevented.

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 120 and 121.

120. The Committee is concerned that inadequate attention has been paid to the promotion of the civil rights and freedoms of the child and, in particular, regrets that there is no information in the State party's report on article 14 of the Convention.

121. The Committee urges the State party to redouble its efforts to educate and sensitize parliamentarians, government officials, members of the judiciary and other professional groups, parents and children on the importance of accepting fully the concept of child rights. It recommends that further measures be undertaken to ensure freedom of religion to children, particularly in light of the child's right to non-discrimination on the grounds of religion.

- Syrian Arab Republic, CRC, CRC/C/132 (2003) 116 at paras. 533, 534, 560 and 561.

533. The Committee regrets that no review has been undertaken with respect to the reservations since the presentation of the initial report. Noting the State party's reasoning in the report, it reiterates its concern that the nature of the general reservation potentially

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negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention. In particular, concerning article 14, the reservation gives rise to infringements of the freedoms of thought, conscience and religion; concerning articles 20 and 21, the reservation is unnecessary: the Committee points out that article 20 (3) of the Convention expressly recognizes *kafalah* as a form of alternative care. Article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which does not apply to the State party because it does not recognize the system of adoption.

534. The Committee recommends that the State party, in accordance with the Vienna Declaration and Plan of Action, and taking account of the Human Rights Committee's general comment No. 22, study its reservation, particularly concerning articles 14, 20 and 21, with a view to withdrawing it.

...

560. The Committee is concerned that the reference in the report to information contained in the initial report indicates that very little or no progress has taken place with respect to the implementation of articles 13 to 17 of the Convention on these matters.

561. The Committee recommends that the State party actively promote the implementation of these rights by, among other things, making children more aware of these rights and by facilitating their active use in daily practice...

- Brunei Darussalam, CRC, CRC/C/133 (2003) 73 at paras. 350 and 351.

350. The Committee is concerned at the disparities in the enjoyment of all rights covered by the Convention by children practising religions other than Islam and by non-national children. The Committee is further concerned that race is indicated on identity cards, as this may lead to *de facto* discrimination.

351. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2.

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 442, 443, 458, 459, 511 and 512.

442. The Committee remains deeply concerned about the reservations to articles 14, paragraphs and 21 of the Convention, which might impede the full implementation of the Convention, but welcomes the information from the delegation that the State party is willing

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to continue to review those reservations with a view to their withdrawal.

443. In light of the Vienna Declaration and Programme of Action (1993), the Committee reiterates its previous recommendation that the State party withdraw its reservations to the Convention (art. 14, paras. 1 and 21) and recommends that the State party take into account the experience of other States parties in this regard.

...

458. The Committee is concerned about the various legal minimum ages, which are inconsistent, discriminatory and/or too low. The Committee is also deeply concerned at the fact that the Majority Act 1875, setting the age of majority at 18 years, has no effect “on the capacity of any person in relation to marriage, dowry, divorce and adoption or on the religion and religious customs of any citizen” (CRC/C/65/Add.22, para. 45)...

459. The Committee strongly recommends that the State party:

...

(c) Ensure that domestic legislation on minimum ages is respected and implemented throughout the country.

...

511. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.

512. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee’s recommendations adopted at its day of general discussion on the theme “The rights of indigenous children”.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 110 and 111.

110. The Committee welcomes the adoption of the Human Rights Act of 1999, which recognizes the right to freedom of religion and worship of everyone. However, the Committee is still concerned that the rights of children belonging to a minority or ethnic group are not recognized by the Act...

111. The Committee recommends the further implementation of the Community Social Welfare Programme and the further development of such programmes with special reference

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to children belonging to ethnic groups.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 208 and 209.

208. The Committee notes that in 2002 the study of the history of the Armenian Apostolic Church was made a compulsory subject in schools.

209. In the light of article 14, the Committee recommends that the compulsory teaching of that subject does not infringe on the rights of children belonging to religious minorities.

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 281 and 282.

281. The Committee notes the decision of the Constitutional Court of 24 September 2003 (2 BvR 1436/02, Case Ludin) but is concerned at laws currently under discussion in some of the Länder aiming at banning schoolteachers from wearing headscarves in public schools, as this does not contribute to the child's understanding of the right to freedom of religion and to the development of an attitude of tolerance as promoted in the aims of education under article 29 of the Convention.

282. The Committee recommends that the State party take educational and other measures aimed at children, parents and others to develop a culture of understanding and tolerance, particularly in the area of freedom of religion, conscience and thought by, *inter alia*, avoiding measures which single out a particular religious group.

- India, CRC, CRC/C/137 (2004) 75 at paras. 387 and 388.

387. The Committee welcomes the fact that the Convention can be invoked before the courts and that the Supreme Court has adopted various decisions based on the Convention; however, the Committee remains concerned that domestic legislation, and in particular religious and personal laws which govern family matters, are not yet fully in conformity with the provisions and principles of the Convention.

388. In light of its previous recommendations (CRC/C/15/Add.115, para. 11), the Committee recommends that the State party:

(a) Scrutinize carefully existing legislative and other measures, including religious and personal laws, both at the federal and state levels, with a view to ensuring that the provisions

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and principles of the Convention are implemented throughout the State party;

(b) Ensure the implementation of its legislation and its wide dissemination.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 408 and 409.

408. ...The Committee is...concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

409. ...In line with its previous recommendations ([CRC/C/15/Add. 69], paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.

- France, CRC, CRC/C/140 (2004) 124 at paras. 604, 605, 639 and 640.

604. The Committee notes that the Constitution provides for freedom of religion and that the law of 1905 on the separation of church and State prohibits discrimination on the basis of faith. The Committee equally recognizes the importance the State party accords to secular public schools. However, in the light of articles 14 and 29 of the Convention, the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law No. 2004-228 of 15 March 2004) on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.

605. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights, as enshrined in the Convention, as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation

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and ensure they enjoy the right of access to education.

...

639. The Committee welcomes information provided in the State party's report that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the Roma, among others, who may face *de facto* discrimination. The Committee regrets that the State party has not considered reviewing its position and withdrawing its reservation to article 30 of the Convention.

640. The Committee encourages the State party to continue measures to prevent and combat racism, xenophobia, discrimination and intolerance, by, *inter alia*, ensuring follow-up to the recommendations of the United Nations treaty bodies and the European Commission against Racism and Intolerance (ECRI), in particular as concerns children. The Committee urges the State party to review its position with respect to children belonging to minority groups and to consider withdrawing its reservation to article 30.

- Islamic Republic of Iran, CRC, CRC/C/146 (2005) 88 at paras. 459, 460, 476, 477, 494 and 496.

459. The Committee is deeply concerned at the persisting discrimination against girls and women, in particular in their role as parents, reflected in various legal provisions and practices... The Committee is equally concerned at discrimination on the grounds of religion and birth...

460. The Committee recommends that the State party promptly review all its legislation to ensure that it is non-discriminatory and gender-neutral and that it is enforced. Moreover, the State party should take effective measures, including enacting or rescinding, as appropriate, civil and criminal legislation to prevent and eliminate discrimination on the grounds of sex, religion and other grounds, in compliance with article 2 of the Convention.

...

476. The Committee is concerned that little progress has been made in the area of freedom of religion and notes that members of unrecognized religions continue to be discriminated against and do not have the same rights as those of recognized religions, for example with regard to access to social services. In addition, it continues to be concerned at reports that these minorities, in particular the Baha'i minority, are subjected to harassment, intimidation and imprisonment on account of their religious beliefs.

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477. The Committee recommends that the State party take effective measures, including enacting or rescinding legislation, to prevent and eliminate discrimination on the grounds of religion or belief and ensure that members of minority religions are not imprisoned or otherwise ill-treated on account of their religion and that access to education for their children is provided on an equal footing with others.

...

494. ...Working children, children living on the streets and children without complete personal documents, particularly refugee children with binational parents, have reduced access to schools... It is further concerned about well-documented information that a large number of Baha'i students were not admitted to university on the grounds of their religious affiliation.

...

496. While welcoming the State party's initiatives with respect to youth, the Committee encourages the State party to continue its efforts to reach its goal of universal basic education and recommends that the State party:

...

(b) Ensure that all children, including refugee children, have equal educational opportunities on all levels of the educational system without discrimination based on gender, religion, ethnic origin, nationality or statelessness;

...

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 482-484.

482. Despite the ongoing measures of the State party in this area, the Committee is concerned about the discrimination faced by some children in schools and society on the basis of their religious or ethnic backgrounds.

483. In the light of article 2 of the Convention, the Committee recommends that the State party continue to intensify its efforts to prevent and eliminate all forms of *de facto* discrimination against children.

484. The Committee takes note of the Views of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights of 3 November 2004 (CCPR/C/82/D/1155/2003) regarding the teaching of the school subject Christian Knowledge and Religious and Ethical Education. In this regard, the Committee welcomes the State party's information on the planned changes of the Education Act to bring the teaching of Christian Knowledge and Religious and Ethical Education into full compliance with the right to freedom of religion enshrined in article 15 of the Convention. The Committee encourages the State party to expedite the process of adopting and enacting these

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changes.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 694 and 695.

694. While recognizing the State party's acceptance of freedom of religion, the Committee is concerned at the fact that classes on Catholicism are part of the curriculum, which is discriminatory for non-Catholic children.

695. The Committee recommends that the State party devise a curriculum that will ensure that the child's freedom of religion can be fully realized in the educational system without any discrimination.