

**Follow-up table to the country visit of the Special Rapporteur on freedom of religion or belief  
to the United Kingdom of Great Britain and Northern Ireland (4 to 15 June 2007)**

<b>Conclusions and recommendations of the Special Rapporteur (A/HRC/7/10/Add.3)</b>	<b>Follow-up information from UN documents (e.g. UPR, Special Procedures, Treaty Bodies)</b>	<b>Follow-up information from the Government of the United Kingdom</b>
<p><b>Sectarianism</b></p> <p>62. After almost four decades of sectarian violence in Northern Ireland, which claimed more than 3,500 lives, there seems now to be hope for a shared future. The Special Rapporteur welcomes the statutory duty for public authorities in carrying out their functions relating to Northern Ireland to have due regard to the need to promote equality of opportunity between persons of different religious belief. She was informed of promising initiatives which seek to cross the sectarian divide among the Christians, both at the political and grassroots levels. However, there remain several contentious areas such as inequalities along denominational lines in the labour market, housing, education, policing and criminal justice agencies.</p> <p>63. The Special Rapporteur shares the concerns raised by the Committee on Economic, Social and Cultural Rights that the educational structure in Northern Ireland continues to be heavily segregated on the basis of religion, despite the increased demand for integrated schools. Furthermore, Catholic staff is underrepresented in the Police Service of Northern Ireland, the prison service and other criminal justice agencies. In this regard, the Special Rapporteur welcomes affirmative actions strategies to ensure that these agencies can recruit a more representative workforce. She would like to recommend that such measures should also address adequate representation of all religious or belief communities.</p> <p>64. The Special Rapporteur is alarmed about reports that schoolchildren in Northern Ireland are often targets of abuse or physical attacks owing to their school uniforms or their itinerary to school, which are deemed to identify their religious affiliation. The Government has a duty to protect children against such attacks and should adopt the best interests of the child as a paramount consideration in all legislation and policy affecting children throughout its territory. In legislation on offences aggravated by hostility it may be advisable to refer not only to actual religious belief but also to the accused's perception of the religious, social or cultural affiliation of the targeted individual or</p>	<p><b>E/C.12/GBR/CO/5</b> <b>Concluding Observations of the Committee on Economic, Social and Cultural Rights: United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories, May 2009</b></p> <p>16. [...] The Committee recommends that the State party takes remedial steps to enforce existing legal prohibitions of discrimination and to enact, without delay, a comprehensive anti-discrimination law, guaranteeing protection against discrimination in the enjoyment of economic, social and cultural rights, as stipulated in article 2(2) of the Covenant. It also recommends that the State party consider making such comprehensive anti-discrimination legislation applicable to Northern Ireland. [...]</p> <p>31. The Committee is concerned about the persistent levels of deprivation and inequality throughout Northern Ireland, despite the adoption of the Equalities Impact Assessment in Northern Ireland. (art. 11)</p> <p>The Committee recommends that the human rights framework, including the Equalities Impact Assessment, be effectively implemented in Northern Ireland, particularly in the context of urban regeneration programmes by ensuring the participation of the affected populations and the development of adequate policies and targeted measures to promote substantive equality, provide for improved health care, as well as an increase in skills training and employment opportunities for young people and adequate housing programmes for the poor and, in particular, Catholic families.</p>	

<p>group. The Special Rapporteur was told that sectarianism is deep-rooted in many minds; apparently even in casual conversations people try to seek indications - such as residence, education or support for a specific football team - about the religious affiliation of their interlocutor. In terms of prevention, the Special Rapporteur recommends schools to raise awareness, stimulate debate and encourage people to discuss the root causes of sectarian tensions and what role they can play in challenging religious prejudice. In this regard, football clubs throughout the United Kingdom may also have a role to play in dealing with the sectarian behaviour of their own or visiting fans.</p> <p>65. The Special Rapporteur would like to emphasize that tackling the sectarian polarization in Northern Ireland should not lead to disregarding the situation and concerns of religious minorities, for example with regard to physical attacks against their members, the siting of non-Christian places of worship and religious education in schools. Furthermore, the low number of followers of some minority faiths in Northern Ireland seems to make adherence to their dietary or worship practices difficult. Consequently, the Government needs to ensure that those wishing to worship, either individually or in community with others, are facilitated in doing so.</p>		
<p><b>Counter-terrorism measures</b></p> <p>66. The Special Rapporteur notices a significant potential to draw some “lessons learnt” from the response to the sectarian tensions in Northern Ireland and to address new challenges in devising counter-terrorism measures in the United Kingdom. Whilst the Special Rapporteur is conscious of the fact that States are obliged to take effective measures in combating terrorist attacks, she has received allegations of the abuse of counter-terrorism laws which are largely perceived to target the Muslim population in the United Kingdom.</p> <p>67. The Special Rapporteur is concerned about reports that Muslims are regularly subjected to screening of their personal data, house searches, interrogations and arrests solely because of their religious affiliation. Profiling techniques based on physical appearance seem to cause anger among many young Muslims and may lead to a lack of trust between the police and communities. Consequently, the alienation of certain ethnic and religious groups may also have negative implications for law-enforcement efforts and for the gathering of intelligence in the counter-</p>	<p><b>A/HRC/WG.6/1/GBR/2 Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, March 2008</b></p> <p>27. The Special Rapporteur on freedom of religion or belief sent communications regarding attacks on Muslims before and after the 7 July 2005 London bombings and relating in particular to two attacks on 90 mainly Muslim graves in south-east London. In its reply, the United Kingdom reported on investigations and charges brought, the allocation of resources and the establishment of a National Community Tension team, with particular focus on Muslim communities. The Special Rapporteur welcomed reports of increased police presence near places of worship and of consultations. The United Kingdom confirmed widespread reports of abusive/threatening Islamophobic correspondence after the attack, highlighted the importance of a police response and to</p>	<p><b>Government Response, March 2010</b></p> <p>The Government and the Police service have worked closely with communities to ensure that the powers under counter-terrorism laws are used appropriately and not in a manner which is discriminatory. The powers within counter-terrorism legislation are not aimed at a particular race, religion, or any other group. They are aimed at terrorists, whatever background or section of society they may come from. We make a clear distinction between extremist individuals and the faith they might claim to be associated with or represent - we know that these extremists represent neither the majority of the Muslim community, nor their views. Indeed, extremists who wrongly argue for support for acts of terrorism in the name of Islam present a threat to Muslim communities as they propagate false perceptions about the values and beliefs of Islam. The Government remains committed to improving</p>

terrorism context. The Special Rapporteur would like to reiterate the concluding observations of the Committee on the Elimination of Racial Discrimination, which encouraged the Government to implement effectively its decision to ensure that all “stops and searches” are recorded and that a copy of the record form be given to the person concerned.

68. Furthermore, several provisions in counter-terrorism legislation seem to be overly broad and vaguely worded. Under the principles of criminal law, criminal liability is limited to clear and precise provisions in the law in order to ensure that it is not subject to interpretation which would broaden the scope of the proscribed conduct. Similar concerns have already been expressed by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, Martin Scheinin, who specifically referred to terms and concepts in the Terrorism Act 2006, such as “indirectly encouraging” acts of terrorism and “glorification”, interpreted as including “any form of praise or celebration” (A/HRC/4/26/Add.1, para. 63). In addition, he reiterated the opinion that the possibility of 28 days of detention without charge is too long unless there is a regular judicial review of all aspects of the detention, including the reasons for it and any arguments the detainee may wish to present to contest them. The Special Rapporteur would also like to refer to Mr. Scheinin’s recent conclusions and recommendations with regard to terrorist-profiling practices, including profiling based on religion (A/HRC/4/26, paras. 83-89).

identify those responsible, committed to intensify work with faith communities, noted positive community relations and that such attacks are decreasing.

#### **CCPR/C/GBR/CO/6**

#### **Concluding observations of the Human Rights Committee, United Kingdom of Great Britain and Northern Ireland (July 2008)**

16. The Committee remains concerned that negative public attitudes towards Muslim members of society continue to develop in the State party. (arts. 18 and 26)

The State party should take energetic measures in order to combat and eliminate this phenomenon, and ensure that the authors of acts of discrimination on the basis of religion are adequately deterred and sanctioned. The State party should ensure that the fight against terrorism does not lead to raising suspicion against all Muslims.

17. The Committee is concerned about the control order regime established under the Prevention of Terrorism Act 2005 which involves the imposition of a wide range of restrictions, including curfews of up to 16 hours, on individuals suspected of being “involved in terrorism”, but who have not been charged with any criminal offence. While control orders have been categorized by the House of Lords as civil orders, they can give rise to criminal liability if breached. The Committee is also concerned that the judicial procedure whereby the imposition of a control order can be challenged is problematic, since the court may consider secret material in closed session, which in practice denies the person on whom the control order is served the direct opportunity to effectively challenge the allegations against him or her. (arts. 9 and 14)

The State party should review the control order regime established under the Prevention of Terrorism Act 2005 in order to ensure that it is in conformity with the provisions of the Covenant. In particular, it should ensure that the judicial procedure whereby the imposition of a control order can be challenged

and developing a close partnership with the Muslim community with the shared aim of combating terrorism. We also actively engage with the Parliamentary scrutiny process which regularly examines (and reports on) the impact of counter-terrorism powers on communities, including Muslim communities. Lord Carlile, the independent reviewer of terrorism legislation, also considers the impact of the provisions in terrorism legislation on communities. He is required to produce an annual report for the Home Secretary on the operation of the legislation and these reports are laid in Parliament.

Furthermore, the Government has dedicated itself to delivering a criminal justice system, which promotes equality and does not discriminate. However, we recognise that, in a number of areas of the criminal justice system, certain groups continue to be, per head of population, over-represented and this over-representation varies both geographically and by social group. We continue to work at driving forward the improvements still needed to deliver a more effective, transparent and responsive criminal justice system for victims and the public, including for example, in the areas of improvements in data quality, which will enable forces to better identify and address issues relating to the disproportionate use powers such as “stop & search”. In addition, the National Policing Improvement Agency’s ‘Next Steps’ programme will enable individual forces to address these issues more effectively.

While legislation is only small part of dealing with terrorism, the threat from terrorism is continually changing and our legislation must change with it. The Government acknowledged criticisms made by the Joint Committee on Human Rights, civil liberties groups and others that early counter-terrorism legislation was made in a hurry and that there was a genuine need to tighten it up. The Government has since worked hard to build consensus on all new

	<p>complies with the principle of equality of arms, which requires access by the concerned person and the legal counsel of his own choice to the evidence on which the control order is made. The State party should also ensure that those subjected to control orders are promptly charged with a criminal offence.</p> <p><b>E/C.12/GBR/CO/5</b>  <b>Concluding Observations of the Committee on Economic, Social and Cultural Rights: United Kingdom of Great Britain and Northern Ireland, the Crown Dependencies and the Overseas Dependent Territories, May 2009</b></p> <p>17. The Committee is concerned about the discriminatory impact of some counter-terrorism measures on the enjoyment of economic, social and cultural rights of certain groups in the State party, in particular ethnic and religious minorities, despite the State party's commitment to adopt policies aimed at promoting integration, equal treatment and diversity. The Committee recommends that the State party ensure that its counter-terrorism measures do not have a discriminatory effect on the enjoyment of the Covenant rights on certain groups in the State party, in particular ethnic and religious minorities.</p>	<p>measures proposed. Nevertheless, the position of Government is clear - the threat from terrorism is real, it affects us all and counter-terrorism legislation is similarly there to protect everybody. It is also worth re-stating that terrorists are prosecuted using general offences wherever possible. Counter-Terrorism legislation provides specific offences, which are not found in the general law and specific powers to deal with terrorist threat (e.g. the offence of 'encouragement of terrorism').</p> <p>The offence of 'encouragement of terrorism', which includes glorification of the commission or preparation of acts of terrorism, is set out in Terrorism Act 2006. The police and prosecuting authorities, in deciding whether an offence has been committed, must decide whether a number of tests have been met. First, the activity being encouraged needs to fall within the definition of 'terrorism'. The second test requires an element of intent – the person making the statement must intend it to be understood as encouraging others to commit terrorist acts, or he must be reckless as to whether it will be understood in this way. The statement must be 'likely to be understood' by members of the public as encouraging them to commit acts of terrorism. Finally, the offence requires that what is being glorified is capable of being emulated in current circumstances. Although the decision to prosecute is for the police and the prosecuting authorities to make, the Government continues to work closely with them to ensure that the power is implemented properly.</p> <p>On the issue of pre-charge detention, the Government maintains that this is a necessary power and has provided detailed information on its use since the coming into force of the Act. Pre-charge detention powers effectively balance the need to protect individual human rights against providing the police with the powers they need, when they need</p>
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		<p>them, to deal with terrorism. The existing application process for an extension is a rigorous one. Those arrested can be detained for 48 hours, after which the police or Crown Prosecution Service (CPS) may apply to a judicial authority for warrant of further detention. This is to a designated magistrate for applications for up to 14 days' detention and to a High Court judge thereafter – this is compatible with Article 5(3) which requires a person to be 'brought promptly before a judge' It is also compatible with Article 5(4) because a detainee can challenge the lawfulness of their detention at the judicial hearings for extending detention. A CPS lawyer makes the application for extensions beyond 14 days. Defence solicitors are provided in advance of each application with a written document setting out the grounds for the application. At the extension hearings, the Senior Investigating Officer is present and the applications are usually strenuously opposed and can last several hours. The defence solicitor may be question an officer about all aspects of the case and do so vigorously. Applications to extend the detention period may be made for up to 7 days at a time. Suspects can only be held for the purposes of obtaining evidence in relation to criminal offences. They cannot simply be detained for public safety reasons. This means that once the police have exhausted their questioning of a suspect, the person must either be released or charged regardless of how many days they have been detained.</p>
<p><b>Religious education and collective worship</b>  69. With regard to religious education, the authorities should pay specific attention to the contents of syllabuses in publicly funded schools. Furthermore, a non-discriminatory membership of relevant committees preparing such syllabuses seems vital to adequately present the various theistic, non-theistic and atheistic approaches. The Final Document of the International Consultative Conference on School Education in Relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination deemed that each State should promote and respect educational policies aimed at strengthening the promotion</p>	<p><b>CRC/C/GBR/CO/4</b>  <b>Concluding observations of the Committee on the Rights of the Child, October 2008</b>  32. The Committee welcomes the Childcare Act 2006, and associated guidelines that require local authorities to have regard to the views of young children when planning services for children, as well as the requirement on inspectors to consult children when visiting schools and other institutional settings. It also welcomes the new duty on school governing bodies in England and Wales to involve children in the</p>	

<p>and protection of human rights, ensuring respect for and acceptance of pluralism and diversity in the field of religion or belief as well as the right not to receive religious instruction inconsistent with his or her conviction (E/CN.4/2002/73, appendix, para. 4). Most recently, the Office for Democratic Institutions and Human Rights (ODIHR-OSCE) Advisory Council of Experts on Freedom of Religion or Belief has prepared the “Toledo Guiding Principles on teaching about religions and beliefs in public schools” which may provide further useful guidance in this regard.</p> <p>70. The Special Rapporteur notes with appreciation that parents may request that their children be wholly or partly excused from receiving religious education or attending at religious worship. She particularly welcomes the recent adoption of opt-out possibilities for pupils in the sixth form with regard to legal requirements of taking part in an act of collective worship in maintained schools. The right to freedom of religion or belief also includes the right not to manifest a religious belief. The parents or legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and children themselves also enjoy in their own right the freedom of religion or belief. In line with article 12, paragraph 1, of the Convention on the Rights of the Child, the children’s views should be given due weight in accordance with their age and maturity.</p>	<p>development of school behaviour policies. However, the Committee is concerned that there has been little progress in enshrining article 12 in education law and policy. Furthermore, the Committee is concerned that insufficient action has been taken to ensure that the rights enshrined in article 12 are applied to children with disabilities.</p> <p>33. The Committee recommends that the State party, in accordance with article 12 of the Convention, and taking into account the recommendations adopted by the Committee after the day of general discussion on the right of the child to be heard in 2006:</p> <p>(a) Promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child;</p> <p>(b) Support forums for children’s participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Youth Parliament in Scotland;</p> <p>(c) Continue to collaborate with civil society organizations to increase opportunities for children’s meaningful participation, including in the media.</p>	
<p><b>Religious symbols</b></p> <p>71. Concerning religious symbols and related school uniform policies, the Special Rapporteur welcomes the case-by-case approach by the authorities and courts. In its guidance, the Department for Children, Schools and Families emphasized that each case depends on the circumstances of the particular school and that the recent judgements do not mean that banning such religious dress will always be justified, nor that such religious dress cannot be worn in any school. With regard to the relevant international human rights standards and their scope the Special Rapporteur would like to refer to the set of general criteria concerning religious symbols as outlined in her last report to the Commission on Human Rights (E/CN.4/2006/5, paras. 51-60).</p>		
<p><b>Balancing of competing rights</b></p> <p>72. Concerning the issue of balancing competing rights, the Special Rapporteur would like to emphasize that there exists no</p>		

<p>hierarchy of discrimination grounds. She welcomes the fact that the mandate of the recently established Commission for Equality and Human Rights includes promoting understanding and encouraging good practices concerning relations between members of groups who share a common attribute in respect of age, disability, gender, race, religion or belief and sexual orientation. The approach taken by the pertinent anti-discrimination legislation seems to be quite balanced and there are specific exemptions or transitional provisions for organizations relating to religion and belief. Ultimately, balancing different competing rights can only be decided on a case by case basis taking into account the particular circumstances and implications of the case.</p>		
<p><b>Provisions on offences related to religions</b></p> <p>73. While noting that blasphemy charges have rarely been successful in court cases during the last decades, the Special Rapporteur is concerned at the continued existence of the blasphemy offence. The common law still imposes a strict liability on everybody who intends to make a statement on a Christian topic, even though he cannot know at that stage whether or not he will be found to have blasphemed. The Special Rapporteur shares the criticism that the blasphemy offence is discriminatory because it favours Christianity alone and lacks a mechanism to take account of the proper balance with freedom of expression. She also agrees with the Assembly of the Council of Europe which recommended in its resolution 1805 (2007) that the Committee of Ministers ensure that national law and practice in Council of Europe member States be “reviewed in order to decriminalize blasphemy as an insult to a religion”. The Special Rapporteur would like to reiterate that a useful alternative to blasphemy laws could be to fully implement the protection of individuals against advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence according to article 20, paragraph 2, of the International Covenant on Civil and Political Rights.</p> <p>74. In this regard and in view of the Government’s declarations made upon ratification of the ICCPR (see above paragraph 12), the Special Rapporteur welcomes that the Racial and Religious Hatred Act 2006 has recently entered into force in England and Wales. This closes the partial protection gap for people subjected to hatred because of their religion; they</p>	<p><b>A/HRC/8/25</b>  <b>Report of the Working Group on the Universal Periodic Review</b>  <b>United Kingdom of Great Britain and Northern Ireland, May 2008</b></p> <p>48. [...] Furthermore, Egypt expressed its willingness to learn more about the 2006 Act on Racial and Religious Hatred, in particular the extent to which the threshold set therein is compatible with article 20, paragraph 2, of ICCPR. In the same vein, Egypt recommended that the United Kingdom withdraw its interpretative statement on article 4 of ICERD. Finally, Egypt recommended that the example of the United Kingdom in issuing, in principle, a specific law dealing with incitement to racial and religious hatred, be emulated as a good practice in countries which have not done so, in implementation of article 20(2) of ICCPR and its stipulated purpose.</p> <p><b>CCPR/C/GBR/CO/6</b>  <b>Concluding observations of the Human Rights Committee, United Kingdom of Great Britain and Northern Ireland (July 2008)</b></p> <p>3. The Committee welcomes the adoption of the Racial and Religious Hatred Act 2006.</p> <p>4. The Committee welcomes the adoption of the Criminal Justice and Immigration Act 2008 abolishing the common law offences of blasphemy in England and</p>	<p><b>CCPR/C/GBR/Q/6/Add.1</b>  <b>Replies by the Government to the Human Rights Committee’s list of issues (CCPR/C/GBR/Q/6), June 2008</b></p> <p>165. Section 79 of the Criminal Justice and Immigration Act 2008, which received Royal Assent on 8 May 2008, contains provisions which abolish the common-law offences of blasphemy and blasphemous libel. Section 153(2)(d) of the Act provides for these provisions to come into force two months after Royal Assent. Therefore, from 8 July blasphemy and blasphemous libel will no longer be criminal offences in England and Wales.</p> <p>166. Blasphemy is a common law crime in Scotland, which was last prosecuted in Edinburgh in 1843. Whilst there has been no official repeal of this law as yet, various respected authorities on Scots criminal law (such as Stair, Gordon and Macdonald) suggest that in practice it is unlikely to be prosecuted. Depending on the circumstance it is possible that behaviour which could be construed as blasphemous may lead to a prosecution for breach of the peace but this would not be termed "blasphemy" in itself</p> <p>167. In Northern Ireland, Ministers have decided that it is a matter for the Northern Ireland Executive to consider the necessity for specific legislation in this area, and have raised the matter with the</p>

<p>previously did not have the same protection under the criminal law as those targeted because of their race, especially since courts and tribunals have defined “race” so as to include Jews and Sikhs but no other religions. The Special Rapporteur notes with appreciation that the Racial and Religious Hatred Act 2006 also refers to non-religious believers in defining the meaning of “religious hatred” as “hatred against a group of persons defined by reference to religious belief or lack of religious belief”. Furthermore, the Act tries to strike the delicate balance with freedom of expression by banning threatening words and behaviour rather than restricting discussion, criticism or expressions of antipathy, dislike, ridicule or insult.</p> <p>75. In order to allow a profounder analysis and to avoid misinformation about the application of the new provisions, the Special Rapporteur recommends that the Government should regularly publish statistics of prosecutions and convictions for incitement to religious or racial hatred. The Government also needs to monitor the situation closely in terms of the background of the victims and perpetrators. In addition, the Special Rapporteur encourages the introduction of similar legislation against racial and religious hatred in Scotland.</p>	<p>Wales.</p>	<p>devolved administration for their consideration. Should any demands for prosecutions on these grounds arise, the Director of Public Prosecutions in Northern Ireland could take into account the fact that no such offence exists in other parts of the United Kingdom when determining the public interest.</p> <p><b>A/HRC/8/25/Add.1</b>  <b>Report of the Working Group on the Universal Periodic Review, Addendum, views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, August 2008</b></p> <p>24. That the example of the United Kingdom in issuing, in principle, a specific law dealing with incitement to racial and religious hatred, be emulated as a good practice in countries which have not done so, in implementation of article 20(2) ICCPR and its stipulated purpose. (Egypt)</p> <p>The UK accepts this recommendation and is willing to provide further information on its legislation on incitement to racial and religious hatred to those who may wish to use it as an example of good practice.</p>
<p><b>Definition of religion or belief</b></p> <p>76. The Special Rapporteur would like to emphasize that it is not the Government’s role to look for the “true voices of Islam” or of any other religion or belief. Since religions or communities of belief are not homogenous entities it seems advisable to acknowledge and take into account the diversity of voices. The Special Rapporteur reiterates that the contents of a religion or belief should be defined by the worshippers themselves while manifestations may be limited according to article 18, paragraph 3, of the International Covenant on Civil and Political Rights, for example to prevent worshippers from violating the rights of others (A/HRC/4/21, paras. 43-47). She fully agrees with Lord Nicholls of Birkenhead who recently stated: “Everyone, therefore, is entitled to hold whatever beliefs he wishes. But when questions of ‘manifestation’ arise, as they usually do in this type of case, a belief must satisfy some modest, objective minimum requirements. These threshold requirements are implicit in article 9 of the European Convention and comparable guarantees in</p>		



other human rights instruments.”		
<p><b>Vulnerable situation of women and converts</b></p> <p>77. While the Special Rapporteur has not received any complaints of discriminatory State policies against women or converts on the basis of their religion or belief in the United Kingdom, yet many women are in a vulnerable situation within their own communities. The Special Rapporteur believes that equality must be all-encompassing and the argument by some religious leaders that traditions should override the rights of women is unacceptable.</p> <p>78. Furthermore, the Special Rapporteur is concerned about the situation of converts who face problems with the community of their former religion. Even though some religious believers seem to accept a conversion only when it involves a change into their own religion such an approach does not acknowledge diversity and infringes on freedom of religion or belief. In that regard both article 18 of the Universal Declaration of Human Rights and article 9 of the European Convention on Human Rights unequivocally state that the right to freedom of thought, conscience and religion also includes the freedom to change a religion or belief. The Special Rapporteur would like to emphasize that theistic, non-theistic and atheistic beliefs as well as the right not to profess any religion or belief are protected.</p>		
<p><b>Refugees and asylum-seekers</b></p> <p>79. The Special Rapporteur was informed that asylum claims in the United Kingdom, including those based on well-founded fear of religious persecution, are subject to rigid scrutiny and that few applications are successful in the initial decision or in the appeal procedure. Since there is no official data available on how many asylum-seekers sought asylum in the United Kingdom on grounds of religious persecution, further research and aggregated data collection may be useful in order to analyse the issues involved with regard to freedom of religion or belief. Such research by the Government, civil society or academia may also deal with the situation of individuals converting after their departure from their country of origin and their refugee sur place claims. The Special Rapporteur would like to reiterate that a post-departure conversion should not give rise to a presumption that the claim is fabricated and the immigration authorities should evaluate the genuineness of the conversion on a case-by-case basis taking into account the</p>	<p><b>A/HRC/7/10/Add.1</b>  <b>Urgent appeal sent on 19 July 2007 jointly with the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, and the Special Rapporteur on the question of torture</b></p> <p>264. The Special Procedures mandate holders brought to the attention of the Government information they had received regarding Ms. Samar Hoseyn Razavi, a 30 year-old national of the Islamic Republic of Iran, who used to reside in Bournemouth. According to the information received, Ms. Razavi converted from Islam to Christianity before leaving the Islamic Republic of Iran. Her asylum application in the United Kingdom of Great Britain and Northern Ireland was subsequently rejected. At the most recent Court of Appeal hearing on 17 May 2007 the Lord Justices found that Ms. Razavi’s case did not reach the threshold of being at a real risk of persecution on return to the Islamic Republic of Iran</p>	<p><b>A/HRC/7/10/Add.1</b>  <b>Response from the Government</b></p> <p>267. The Government first set out the chronology of Ms. Razavi’s immigration case. Ms. Razavi applied for asylum on 28 January 2004, but her application was refused. Her most recent appeal, to the Court of Appeal, was dismissed on 17 May 2007. At this appeal, the Court found that Ms. Razavi’s circumstances were below the required threshold to constitute being at a real risk of persecution on to Iran. Ms. Razavi was detained on 10 July 2007 with a view to effecting her removal from the United Kingdom.</p> <p>268. The Government pointed out that the basis of Ms. Razavi’s asylum claim was that she was caught having an affair with a Christian man by her husband and that she feared ill-treatment as a result. No part of her original asylum claim was based upon</p>

<p>applicant's past and present circumstances. Furthermore, the Special Rapporteur stresses the importance of reliable interpretation services and the impartiality of interpreters in order to avoid serious disadvantages for the asylum-seekers.</p> <p>80. With regard to country of origin information, the Special Rapporteur welcomes the fact that the Operational Guidance Notes as well as the Country of Origin Information Service are publicly available. For the whole asylum determination process it seems crucial not only to have accurate and objective but also up-to-date information on asylum-seekers' countries of origin. The Special Rapporteur would like to emphasize that case adjudicators should not exclusively base their decisions on these selected sources, especially when the situation in the country of origin or the region in question has allegedly changed since they were last updated. With regard to immigration detention or removal centres, especially when their management is contracted out to a private company, the Government should monitor if the religious needs of the detainees are in fact met.</p>	<p>and dismissed her appeal.</p> <p>265. However, Ms. Razavi claimed that she was the subject of a death warrant for apostasy in her home country. According to verdict no. 96/19/181 of the Iranian Islamic Revolutionary Court no. 19, confirmed by case no. 1296 of the Judiciary High Constitutional Court, she was an apostate who deserves to be stoned to death. On 21 May 2007, the Islamic Revolutionary Court no. 9 declared this verdict to be enforceable within ten days.</p> <p>266. Ms. Razavi is currently detained at an Immigration Removal Centre near Heathrow Airport, London, and is at risk of imminent forcible return to the Islamic Republic of Iran. In view of the threats related to her conversion, concern is expressed that her life and her physical integrity may be at risk should she be returned to the Islamic Republic of Iran.</p> <p><b>A/HRC/WG.6/1/GBR/2</b>  <b>Working Group on the Universal Periodic Review, compilation of information contained in the reports of treaty bodies and special procedures, March 2008</b></p> <p>34. [...] The Special Rapporteur on freedom of religion or belief noted new pressures to review immigration policies. The number of asylum-seekers has dropped dramatically in recent years, including those applying on grounds of religious persecution. Asylum claims are subject to rigid scrutiny and few applications are successful at the stage of the initial decision.</p> <p><b>A/HRC/WG.6/1/GBR/3</b>  <b>Working Group on the Universal Periodic Review, summary of stakeholders' submissions, March 2008</b></p> <p>9. According to the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe (CoE ACFC), notwithstanding the United Kingdom's particularly advanced approach to promoting non-discrimination and equality, inequalities continue to affect persons belonging to minority ethnic communities in the fields of employment, education,</p>	<p>her religion. In his decision of 14 June 2004 on her appeal the Adjudicator found that while Ms. Razavi has expressed an interest in Christianity, she has not officially changed, or tried to change her religion, and no evidence was provided of any persecution.</p> <p>269. Ms. Razavi also claimed that her husband had obtained a Court verdict sentencing her to death by stoning due to her adultery. However, at the appeal before the Asylum and Immigration Tribunal it was found that Ms. Razavi was an unreliable witness and her account was not considered credible. The Immigration Judge at this appeal did accept that Ms. Razavi had converted to Christianity and that she had carried out some evangelical activities whilst in the United Kingdom by handing out leaflets and visiting people in her local neighbourhood to discuss Christianity. Furthermore, the Immigration Judge indicated the following: "Consideration of the objective evidence in Iran shows that some sections of Christianity, particularly Evangelists, Proselytisers are more at risk (or even at real risk) than other Christians in Iran. However, Christianity is generally tolerated. A consideration of the objective evidence also shows that the nature of the real risk is generally of severe harassment as opposed to persecution. There have been few deaths for example or lengthy imprisonments over recent years relating particularly to Proselytisers. Whilst the Appellant is apparently interested in spreading the message of Christianity, her activities are with her present church and in the company of the Pastor's wife. I do not find these activities place the Appellant in the category of a convert with a high profile role. There is evidence that churches with an Evangelical element to them and their congregation are able to practice with a measure of tolerance in Iran and I do not find that his particular Appellant, who has only been baptised for barely a year, is at risk of attracting the adverse attention of the Iranian authorities."</p> <p>270. Furthermore, the Court of Appeal also considered this matter in depth and evaluated Ms.</p>
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	<p>housing, health and access to justice. Negative and inaccurate reporting by certain sectors of the media is contributing to hostile attitudes towards certain groups, in particular Gypsies and Travellers, asylum seekers, migrant workers and Muslims. There has been an increase in incidents motivated by racist and religious hatred recorded in different parts of the country.</p>	<p>Razavi's claim that as a convert to Christianity she would face ill-treatment in her country of origin due to her vulnerability. Upon dismissing her appeal, the Lord Justices found that "[...] the protection available to the appellant against her vulnerability as a single woman convert was enough to place her, on return, below the threshold of real risk of persecution or of inhuman or degrading treatment".</p> <p>271. The Government stated that Ms. Razavi's asylum claim was given careful consideration by the Border and Immigration Agency with specific regard to the 1951 United Nations Convention relating to the status of refugees and the 1950 European Convention on Human Rights. The decision to refuse her asylum and human right applications have been overseen by the appropriate independent appellate authorities and reviewed on two occasions by the United Kingdom Court of Appeal.</p> <p>272. Since the dismissal of her appeal on 17 May 2007, Ms. Razavi has submitted a document which she claimed is an arrest warrant issued by the Iranian Islamic Revolutionary Court. The document is based on apostasy in her home country. It formed the basis of a fresh asylum claim submitted on 12 July 2007. This application was rejected because it was decided that for several reasons little (if any) evidential weight could be attached to the document for a number of reasons. The original document had not been submitted (only a faxed copy) and no explanation had been offered as to how this document had been obtained. It should be noted that documents of this type are not routinely distributed by the authorities of Iran. The British Embassy in Tehran confirmed that the document was not genuine.</p> <p>273. The Government maintained that Ms. Razavi's human rights have been carefully considered by the authorities. The decision to return her to Iran has been upheld by the impartial judiciary of the United Kingdom. Ms. Razavi was detained on 10 July 2007 as she is a failed asylum seeker with no</p>
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		legal basis to remain in the United Kingdom. She is detained pending her imminent removal from the United Kingdom.
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