



**Franciscans International**  
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**Human Rights Council – 10<sup>th</sup> session**  
**10 March 2009**

**Agenda Item 3: Interactive Dialogue with the Special Rapporteur on freedom of religion or belief**

Mr. President,

On behalf of Franciscans International, I would like to thank Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief for the presentation of these excellent reports. We would like to express our gratitude for her tireless efforts to promote and protect freedom of religion or belief. The reports we have before us, including the “summary of cases” (A/HRC/10/8/Add.1), underscore the tremendous importance this mandate entails in contemporary times.

The report on the **mission to India** points to the problem of recurrent communal violence. It identifies the underlining elements that can be found systematically when such violence occurs (A/HRC/10/8/Add.3, §31). **Lack of adequate protection by central and state authorities, and lack of a thorough and impartial investigation and prosecutions are found repeatedly in these instances of violence.**

Recently in Orissa, between August-October 2008 an episode of violence re-occurred, resulting in an attempt to create a “free-Christian” zone. We endorse the Rapporteur's regret about the absence of a reply by the Indian government, to the Urgent Appeal she sent on August 29 on this matter (Summary of cases, A/HRC/10/8/Add.1, §§ 45-49). Following a fact finding mission to

Orissa (11-13 September 2008), the Vice Chairperson of India's National Commission for Minorities stated: "The situation on the ground as I saw it holds little hope that this will be the last".<sup>1</sup> The report we have before us expresses similar concerns (§64). Hence, we would like to ask: **What concrete measures would the Special Rapporteur like to recommend to address the underlying elements of communal violence highlighted in the report, and to prevent such events from repeating in future?**

The report also addresses the issue of **anti-conversion laws** applied in several Indian states, and recommends they should be reconsidered; one of the reasons being that they might be perceived to give "some moral standing to those who wish to stir up mob violence" (§70). The Special Rapporteur recommends a public debate on the necessity of such laws. **What other elements, such as the constitutionality and compatibility of anti-conversion laws with international standards would the Special Rapporteur consider relevant for the debate on these laws? Would such a national debate also be useful as part of the measures to address the underlying causes of communal violence?**

We thank you Mr. President.

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<sup>1</sup> The report is available on the National Commission for Minorities' webpage : <http://ncm.nic.in/doc/Tour%20Report%20VC%20Orissa%20Sep.%2008.doc>