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Statement by H.E. Dr Bernard Bot, Minister of Foreign Affairs of the Kingdom of the Netherlands, on the occasion of the High Level Segment of the 61st Session of the UN Commission on Human Rights,

Geneva, 15 March 2005

Mr Chairperson,
Excellencies and distinguished delegates,
Ladies and gentlemen,

(Introduction)

It is a privilege for me to address this distinguished Commission. Allow me first to congratulate you, Ambassador Wibisono, and the other members of the Bureau on their election.

Last year I welcomed the appointment of Louise Arbour as High Commissioner for Human Rights and said that she was the right woman for the job. Now, a year later, I am even more convinced of this. I wish to extend my wholehearted support to the High Commissioner and applaud her hard work. I especially welcome her active engagement with Action 2; strengthening UN support for the promotion and protection of human rights at country level is in the interest of us all.

Mr Chairperson,

When I had the pleasure of addressing this forum last year, one of the issues that I focused on was the freedom of religion or belief. Since then, the relevance of this freedom has only increased.

The report submitted by the new Special Rapporteur on the freedom of religion or belief, Ms Asma Jahangir, confirms the need to urgently address this issue.

In her report Ms Jahangir rightly stresses the need to find the right balance between the protection of the freedom of religion or belief itself, and protection from abuses of religion or belief for political or other purposes. I support this approach and would now like to discuss both sides of this question in greater detail.

(Freedom of religion)

First: protecting freedom of religion. Unfortunately, some governments do not respect freedom of religion or belief, let alone protect it. They believe it is important to maintain a tight grip on religion or belief and especially on religious institutions. However, when we talk about restrictions of this kind, we must always remember that a restriction presupposes the existence of a right in the first place. Rights that are not granted cannot be restricted. And too many states do not grant or respect these rights.

The freedom to exercise one's freedom of religion or belief in community with others gives people the right to establish and maintain religious organisations. And the members of these organisations have the right to establish places of worship, to engage in charitable or educational activities and to communicate with others. This question is less academic than you might think. In present-day

Belarus, for instance, we recently saw a case of hundreds of worshippers gathering in a stable for lack of a church building. Requests to be allowed to turn the stable itself into a church were refused by the government. And what about a president forcing mosques to put a book with his own personal teachings next to the Koran? It happens in Turkmenistan.

Of course, people should also have the right not to believe, or to adhere to humanist views, and not to organise themselves around religious communities.

These rights stem directly from the freedom of religion or belief as laid down in the UN Covenant on Civil and Political Rights and in the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

(Rights versus registration)

States are not entitled to make any of these rights conditional upon formal registration of a particular religion or belief. And rightly so. For no community should be obliged to officially register as, for example, Muslim, Christian, Jewish, Buddhist or Hindu, as a precondition for exercising its rights. All the relevant provisions are crystal clear: they require the State to refrain from such discriminatory practices.

Moreover, existing registration practices show that different states use different and sometimes even conflicting criteria. Certain governments seem to favour traditional beliefs, while others register only the so-called world religions. They do so, despite the fact that the UN instruments do not distinguish between traditional and non-traditional, or between world and other religions and beliefs.

I hope that governments that received communications from the Special Rapporteur with regard to their registration practices will explain their policies, and bring them into line with the recommendations contained in the Special Rapporteur's report to the Commission.

In many countries, religious minorities face other problems as well. It is not always easy to belong to a religious minority in countries where the majority belong to a single religion. There can be strong social pressures arising from the mere fact of not belonging to the mainstream religion, or from being a secular minority in a deeply religious society. In such cases, it is vital that the State protects the rights of minorities. The UN instruments again are clear: irrespective of the size of a religious community, its rights must be respected.

I could give other examples of violations, but time does not permit me to do so. Instead, I would like you to consider the other side of the story: violence in the name of religion.

(Violence in the name of religion)

Last year, in my own country, we witnessed the ritualistic murder of the Dutch film maker Theo van Gogh, a descendant of the brother of the famous painter. This was a murder with a religious dimension, at least from the point of view of the suspected murderer, who left a note setting out his radical ideas on Van Gogh's body. Interestingly, analysts have pointed out that the contents of this letter reflect an intensive use of internet sources in English and Dutch, rather than Arabic, as one might have assumed. The dilemma that we in the Netherlands are confronted with – and I know many other countries face the same dilemma – is how to protect ourselves from intolerance without becoming intolerant ourselves. In other words, what measures should a government take to protect its citizens from religious extremism, while at the same time preserving everything that makes for an open and democratic society?

Part of the answer is to constantly remind ourselves that it is wrong to hold an entire religious community accountable for the deeds of one man or woman. And most people in the Netherlands understand this. The tragedy is that some people try to take their own religion hostage. They adopt a dissident interpretation of that religion and dismiss moderate believers as heretics or even non-believers. In this fast-moving world of internet and mobile phones, we should not underestimate the attraction of religious extremism for young, disoriented people in search of fixed goals and firm guidance. If people believe their religious standards to be above the laws and norms prevalent in the state and society in which they live, terrorists and so-called martyrs soon emerge. Politicians, parents, preachers and teachers shoulder a grave burden of responsibility to ensure this does not happen.

Religion is also used as an excuse for practices that infringe or deny women's rights. Female genital mutilation, for example, is sometimes justified on religious grounds. But many UN reports show that this horrific practice has nothing to do with any religion, but is cultural in origin.

It is crucial that we discuss these challenges. In this respect I recall that the United Nations adopted the Agenda for Dialogue among Civilisations in 2001. In accordance with this Agenda, the UN system would offer a platform for dialogue. Although there have been numerous activities since then, I think we need to revitalise this programme, to intensify the dialogue as a means to come to terms with the new challenges concerning religion and belief.

These discussions should include both governments and non-governmental organisations. Already, many religious leaders are engaged in inter-faith and intra-faith dialogue. UNESCO too has engaged in a number of activities to stimulate these discussions. These are positive signs. I call upon the Office of the High Commissioner for Human Rights to participate in these activities.

Finally, I want to call upon the members of the Commission to support this year's resolution on the elimination of all forms of intolerance and of discrimination based on religion or belief. The text has been restructured compared with last year's resolution, in order to make it more consistent and especially to reflect the various fields of action that I've just mentioned: protection of freedom of religion or belief, dialogue among civilisations and the promotion of tolerance. I wish the Special Rapporteur every success with her work in all of these areas and I ask you to work together with her, as my government will be doing.

Mr Chairperson,

Let me conclude by making a few remarks on the High Level Panel recommendations on the enlargement and reform of the Commission on Human Rights, which will be discussed extensively during this session of the Commission.

The Netherlands welcomes the fact that the reform of the Commission on Human Rights figures prominently in the High Level Panel report. We hope that the High Level Panel's recommendations can create a momentum for change. In my view, the Commission should be a platform for open dialogue and constructive mutual criticism. The Netherlands would like to see a Commission composed of representatives of the widest possible variety of cultures and identities. Provided, that is, that "culture" does not become a routine excuse for not addressing – or even for condoning – human rights abuses. We should take action rather than table no-action motions.

In addition, the establishment of a Human Rights Council in a position similar to either ECOSOC, the General Assembly or the Security Council could help strengthen the UN human rights system. It would reflect the increased importance of human rights within the UN and could raise the discussion of human rights to a higher, more political level. Its membership, mandate and relation to other UN institutions would of course need careful consideration, as well as the consequences for the current Commission - as the primary forum for human rights - and Third Committee of the General Assembly.

My government would welcome an exchange of ideas on these recommendations with a view to further discussion during the MDG review summit in September.

Thank you.