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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

How freedom of religion or belief relates to death and honouring the deceased

**Report of the Special Rapporteur on freedom of religion or belief,
Nazila Ghanea**

Summary

In the present report, the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, explores how extensively and deeply freedom of religion or belief relates to death and honouring the deceased.



I. Introduction

1. In the present report, submitted pursuant to Human Rights Council resolution 58/5, the Special Rapporteur on freedom of religion or belief, Nazila Ghanea, explores how freedom of religion or belief relates to death and honouring the deceased.
2. Life and death are irreversibly linked. The marking of death and mourning are central themes in most, if not all, religion or belief communities, spiritual customs, ceremonies¹ and traditions. The profound human impact of death is a universal human experience, making the need for human rights protections around death and honouring the deceased self-evident.
3. While death can lead to intense grief, the shared experiences of mourning can offer solace, healing, intergenerational belonging and acceptance. Facing a loved one's passing and the experience of loss is closely intertwined with freedom of religion or belief. For many, it inspires a profound engagement and reckoning with one's religion and beliefs, driving powerful and transformative processes of reflection, belonging, spiritual connection or questioning, within oneself, families and communities. At such a poignant moment, how human rights apply becomes highly significant.
4. Regrettably, the holder of the mandate of Special Rapporteur on freedom of religion or belief receives regular reports of violations and infringements, including acts of vandalism and destruction of graveyards, Indigenous Peoples' remains being displaced from burial lands and Indigenous Peoples being prevented from honouring their ancestors, disruption of funerals and the denial of the facilities and land necessary for funeral and mourning rites. Whether arising from legislative gaps or violations in policy and practice, such acts deny equality and dignity at one of the most emotive and challenging of life's junctures.
5. The importance and scope of this topic requires it to be addressed in two parts. The present report to the Human Rights Council deals with how freedom of religion or belief relates to death and honouring the deceased in regular situations. The forthcoming report to the General Assembly will address the topic in relation to exceptional circumstances, such as armed conflict, gross human rights violations, persons deprived of their liberty, the death penalty, the aftermath of police or counter-terrorism operations, health emergencies, repatriations in relation to Indigenous Peoples, climate change and damage to remains, and transitional justice.
6. For ease of reference, the present report uses the term "funeral rights" to describe the related framework of rights, both individual and collective. The term is not intended to imply uniformity in funeral rights or to prioritize certain practices. It is a shorthand encompassing the wide range of religious laws, observances, practices and traditions associated with death and mourning: last rites, preparation of the body through embalming or otherwise, burial, cremation or other practices such as early burial, washing, preparing and shrouding the body, specific communal prayers, funeral processions and commemorations or ceremonies of remembrance without religious elements.
7. Often overlooked altogether as rights, conceded to regulation by the authorities and understood very narrowly, the purpose of the present report is to focus on the significance of freedom of religion or belief to funeral rights.
8. In response to the call for input to the present report, 66 written submissions were received² and over 60 participants contributed through three hybrid workshops. The Special Rapporteur expresses her sincere appreciation for those valuable contributions, which have undoubtedly enriched the present report and will also benefit the forthcoming report to the General Assembly.³

¹ See [A/77/514](#).

² All public submissions will be made available at <https://www.ohchr.org/en/calls-for-input/2025/call-input-report-freedom-religion-or-belief-relation-death-and-honouring>.

³ Sincere thanks to Kimberlie Orr, Domenic Canonico and colleagues at the Notre Dame Religious Liberty Clinic for background research; the Bonavero Institute for Human Rights for hosting workshops guided by David Griffiths; Helle Dahl Iversen, Gihan Indraguptha, Shabnam Moinipour

II. Normative context

9. Numerous rights relate to funeral rights, including the rights to life, ⁴ non-discrimination, religion or belief, peaceful assembly, association, privacy, family life, property rights, cultural rights and minority rights. Effective respect for, and protection of, funeral rights rests on the interdependence of human rights.

10. The denial of funeral rights engages all three aspects⁵ of freedom of religion or belief: it violates freedom of religion or belief itself, it often constitutes religion- or belief-based discrimination, and it is sometimes perpetrated in the name of religion or belief.

A. Funeral rights as manifestation

11. Despite the lack of specific reference to death and honouring the deceased in the International Bill of Human Rights, it is clear that funeral rights are protected under the right to manifest religion or belief in worship, observance and practice.

12. Both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, in article 18, include the right to have, hold and change thought, conscience and religion or belief, and to manifest it in worship, observance, practice and teaching, individually or in community with others, in public or private.

13. In its interpretation of article 18 of the International Covenant on Civil and Political Rights, the Human Rights Committee implicitly referred to funeral rights when extrapolating manifestation, in holding that “the concept of worship extends to ritual and ceremonial acts ... The observance and practice of religion or belief may include not only ceremonial acts but also such customs as ... participation in rituals associated with certain stages of life”.⁶

14. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in 1981, outlines the broad parameters of manifestation of religion or belief. It, too, implicitly provides for funeral rights when providing, in article 6, that manifestation includes the following freedoms:

- (a) To worship or assemble in connection with a religion or belief ...;
- ...
- (c) To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- ...
- (g) To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- (h) To ... celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief.

15. Article 18 of the International Covenant on Civil and Political Rights delineates the conditions under which limitations can, in exceptional circumstances, legitimately be applied to manifestation of religion or belief. It is never legitimate to restrict a persons' right to have, adopt or change religion or belief, or to coerce someone to do so. Severe curtailment of rights due to one's religion or belief can amount to coercion, irrespective of whether it stems from physical threats and sanctions or other policies and practices such as “restricting access to education, medical care, employment” or other rights.⁷ In the present report, the Special Rapporteur observes that severe restrictions on funeral rights can amount to coercion of the living, especially when designed to compel living next of kin to convert through pressuring

and Daniel Cloney for consolidating the inputs; and Ahmed Shaheed, Thiago Alves Pinto, Başak Çalı and Michael Wiener for feedback on the draft.

⁴ See [A/HRC/56/56](#).

⁵ See [A/HRC/52/38](#).

⁶ Human Rights Committee, general comment No. 22 (1993), para. 4.

⁷ Ibid., para. 5.

them during the emotive time of the burial of their dead and forcing them to dishonour their dead. Limitations on manifestation of religion or belief can be legitimate only if the restrictions are “prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others”.⁸ The tripartite test of legality, necessity and proportionality applies; limitations must be enshrined in a law that is not discriminatory, there must be an absolute necessity for the limitation, proportionality must be applied through the least intrusive measure possible and, where morality is the ground, the purpose of protecting morals must be based on principles not deriving exclusively from a single tradition.⁹

16. The overall imperative for governmental authorities to regulate or manage religion – and hence manifestation of religion or belief – should be subject to much scepticism and careful scrutiny. Such regulations should be assessed carefully to evaluate the impact on the actual enjoyment of everyone to freedom of religion or belief. Although the overall principle that public authorities regulate burial and cremation is well understood, violations of funeral rights should not be overlooked.

B. Equality and differential treatment

17. A human rights-based approach to funeral rights cannot rest on blind equality since – at best – that would assume that all religions and beliefs can be assimilated into government-directed uniform regulations, which may result in indirect discrimination. They may, of course, also result in direct discrimination. In most circumstances, such uniform default government regulations draw from majoritarian practices and the myth of a monolithic history, but they do not suffice. Specific provisions need to be facilitated where funeral practices are not identical to the generally available provisions. While underpinned by universal dignity, equality requires respect of differences, and difference of treatment gives effect to equality.

18. Any limitations on funeral rights – as with all manifestation – must be subject to the justifications outlined above.

III. Significance of freedom of religion or belief to funeral rights

A. Rights holder(s)

19. Freedom of religion or belief sheds light on who the rights holders should be in relation to funeral rights. Freedom of religion or belief relates to everyone, with manifestation carried out individually or in community with others. Next of kin, loved ones and one’s community of practice necessarily carry out the wishes of the deceased according to the religion or belief, culture and practices to which the deceased aligned. Although the deceased is no longer, strictly speaking, the rights holder in justiciable terms, it is their wishes that inform the funeral rights. This can be considered an ongoing manifestation of religion or belief, the last manifestation of one’s observance and practice from the temporal to beyond one’s passing.

20. The rights holders of funeral rights are, therefore, as concentric circles from the core and stretching out: (a) the deceased and their stated funeral preferences; (b) their next of kin and family; and (c) their community of practice, that is, those who hold the same funeral practices.

21. The three concentric circles may not align in terms of religion or belief, culture and practice. Most domestic systems give priority to next of kin and family to carry out the funeral as they deem best; they can overturn the wishes of the deceased. Nevertheless, where individuals have pronounced funeral wishes distinctive to their kin and community, every

⁸ International Covenant on Civil and Political Rights, art. 18 (3), and Human Rights Committee, general comment No. 22 (1993), para. 8.

⁹ Human Rights Committee, general comments No. 34 (2011), para. 32, and No. 22 (1993), para. 8.

effort should be made to respect those wishes. As Judge Cançado Trindade recognized, human rights should protect not only the “project of life” but the “project of afterlife”, the harmony of the living and the dead rather than their duality, and recognition of the “spiritual damage” caused by violations.¹⁰

B. Other contributions of freedom of religion or belief to funeral rights

22. As discussed, funeral rights relate to a series of rights (see para. 9 above). However, none of them alone, nor all of them together, substitute the specific, eightfold contributions of freedom of religion or belief to funeral rights, which are:

- (a) Clarifying who the rights holders are;
- (b) Asserting the prohibition of coercion in the denial of burial rights;
- (c) Insisting on respect for the funeral rights and dignity of the deceased, next of kin and family, and community of practice irrespective of the circumstances, standing, status or other consideration;
- (d) Upholding non-discrimination and equality on the basis of religion or belief in relation to funeral rights;
- (e) Highlighting the self-definition and stated preferences of the deceased regarding their burial;
- (f) Protecting funeral rights as a manifestation of religion or belief, hence practices in community with others and in public;
- (g) Specifying that any limitations to the manifestation of funeral rights must be justified strictly in accordance with international standards (see para. 16 above);
- (h) Extending funeral rights to beyond the internment to manifestation of religion or belief in commemorations, including days of the dead and ancestor worship.

IV. Key issues: restrictions and violations in law

23. Where freedom of religion or belief is not adequately reflected in the constitutional and legislative order of the State, this will have a strong impact on the enjoyment of funeral rights. At its most grave, the State itself is at the forefront of implementing exclusionary policies, targeting the funeral rights of particular religions and beliefs, and justifying the legality of such measures. These largely result from the denial of recognition of the right to freedom of religion or belief, which in turn means that the specificities of laws, observances and practices cannot even be taken into consideration. However, it also relates to the legislative frameworks providing for funeral rights which, although ostensibly neutral, in fact enforce restrictions on other religions and beliefs.

A. Lack of recognition

24. State obligation and facilitation roles regarding funeral rights are not possible where there is no recognition or at least acknowledgement of the religion or belief of the deceased, whether de jure or de facto. Observances and practices around death and the deceased are almost always in community with others and in public. Hence some recognition, or at least acknowledgement, of the religion or belief community concerned is necessary to enable those observances and practices.¹¹ As has been argued by the European Court of Human Rights, non-registration should not lead to restrictions on manifestation of religion or belief in burial

¹⁰ Inter-American Court of Human Rights, *Moiwana Community v. Suriname*, Judgment, 15 June 2005, separate opinion of Judge A.A. Cançado Trindade, paras. 67–81.

¹¹ *Study of Discrimination in the Matter of Religious Rights and Practices* (United Nations publication, 1960), p. 58.

practices, and members of unregistered religious organizations should not be sanctioned for manifesting their religion or belief.¹²

25. The previous mandate holder noted in his mission report on Viet Nam that the majority of the population does not belong to one of the officially recognized religious communities, that religious practices are tightly controlled by the Government and that members of unrecognized communities face many hurdles in practising their religion or belief,¹³ including funeral rights. It has been reported that government authorities often disrupt burials of the traditional independent Cao Dai religion. In one instance, for example, government trucks blocked a Cao Dai hearse from entering a cemetery and then stopped the digging of the grave. In another, government-connected thugs reportedly beat up a woman at her house for protesting against the Government's interference with a Cao Dai burial. The burials of the followers of the Government-established Cao Dai Administrative Council, however, proceed unhindered.¹⁴

26. The Supreme Court of Nepal upheld the Government's prohibition on burials in the Shleshmantak Forest within the Pashupatinath Temple area,¹⁵ reportedly excluding non-Hindu groups from using public land for burials, with implications for Christians, Muslims, Kirats and others. While the Court ordered the State to designate alternative sites and allocate burial land for religious minorities, those directives remain unimplemented, leaving minority communities without State-recognized burial places.

27. Gamal Abdel Nasser issued a Presidential decree in 1960 banning the Baha'is in Egypt. Since then, Baha'is have been prohibited from using public cemeteries or acquiring new land for burials. Despite a 2009 court ruling allowing Baha'is to be identified with a dash (–) on national identity cards in order to access their citizenship rights, the authorities have reportedly failed to allocate them adequate cemetery land. Local governorates, which control land distribution, routinely reject or ignore requests for Baha'i cemeteries, citing religious objections¹⁶ and alleging that granting such rights would "promote segregation [and] division".¹⁷ Court cases in Alexandria and Port Said (2021–2022) upheld the refusals, entrenching a pattern of denial rooted in the State's non-recognition of religions outside Islam, Christianity and Judaism.¹⁸ The ongoing denial of burial grounds denies the Baha'is in Egypt their rights both in life and in death.¹⁹

28. In Pakistan, Ahmadis are constitutionally declared "non-Muslim" under the Constitution (Second Amendment) Act, 1974, and criminalized under Ordinance No. XX of 1984 for identifying as Muslim. That legal framework legitimizes discrimination, extending even to death and burial. The authorities reportedly frequently deny Ahmadis access to public graveyards, desecrate their graves and side with violent mobs that obstruct funerals.²⁰ The country's local government acts grant administrative control of graveyards to union councils; however, implementation remains discriminatory, including for Hindus and Sikhs.²¹ Ahmadiyya graveyards are often reportedly encroached upon and authorities routinely deny burials or fail to protect graveyards from mob desecration. The Punjab Maintenance of Public Order Act and the anti-Ahmadi ordinances are often misused to justify police interference in

¹² European Court of Human Rights, *Rafiyev v. Azerbaijan*, Application No. 81028/17, Judgment, 8 July 2025.

¹³ A/HRC/28/66/Add.2, paras. 6–11.

¹⁴ Submission from Boat People SOS.

¹⁵ See [https://supremecourt.gov.np/web/assets/downloads/sampadan/judgement%20from%20nja%20kedar%20ghimire/Advocate%20Tulsi%20Simkhada-.pdf#:~:text=This%20court%2C%20in%202073%2F3%2F15%20BS%2C,Office%2C%20Kathmandu%20pursuant%20to%20Rule](https://supremecourt.gov.np/web/assets/downloads/sampadan/judgement%20from%20nja%20kedar%20ghimire/Advocate%20Tulsi%20Simkhada-.pdf#:~:text=This%20court%2C%20in%202073%2F3%2F15%20BS%2C,Office%2C%20Kathmandu%20pursuant%20to%20Rule.). See also <https://kathmandupost.com/national/2024/03/30/court-orders-pashupati-trust-to-relocate-burial-site-from-sleshmantak-jungle>.

¹⁶ Submission from Egyptian Initiative for Personal Rights.

¹⁷ Submission from Baha'i International Community on Egypt.

¹⁸ Submission from Egyptian Initiative for Personal Rights.

¹⁹ Submission from Baha'i International Community on Egypt.

²⁰ Confidential input.

²¹ Submission from All Women's Action Society (AWAM).

Ahmadi funerals under the pretext of maintaining the peace, effectively criminalizing burial rites.²² Ahmadi are reportedly even criminalized for using Islamic epitaphs on their graves.²³

29. Religious minorities, especially those that are not officially recognized, reportedly face “significant structural and human challenges in accessing dignified burial, reflecting a broader pattern of discrimination that directly impacts their freedom of religion or belief” in Lebanon.²⁴ Burial rites require official approval from both government and religious institutions. Acknowledged communities typically manage their own burials, since they have established religious organizations and access to recognized cemeteries. The lack of legal status of those that are not recognized, however, means that they cannot own burial grounds and “are often reliant on the goodwill of dominant sects, under which they register”.²⁵ According to one report, that leaves the unrecognized “vulnerable to humiliation and exclusion at moments of profound grief”, as illustrated by the experiences of the Yazidi and the Baha’i communities. They “are unable to establish places of worship, hold public ceremonies, or even bury their dead with dignity”. In one case, Yazidis who were denied burial space in Chtaura solely because of their faith were told “to be gone and take [y]our worthless roadkill and throw them in the dumpster”.²⁶ Those communities are sometimes forced to resort to burying their dead on private property or in unconventional places such as forests or on unregistered public land.²⁷

30. The question of recognition also relates to the religion or belief of the deceased. Moorthy Maniam, one of the first Malaysians to climb Mount Everest, died in 2005. A religious dispute arose when, despite his Hindu family’s claim that he remained a Hindu, the Sharia Court ruled that he had converted to Islam and ordered his body to be buried in a Muslim grave.²⁸ That is reportedly not an isolated case. In Malaysia, people born Muslim who later identify as belonging to another religion or as non-religious are often still identified as Muslim on their national identification cards. Regardless of their actual beliefs or wishes, their remains are subject to Islamic burial rites, and religious departments have intervened to force a non-religious person, despite the wishes of the family and the deceased, to be buried according to Islamic burial rites.²⁹

31. In India, more stringent anti-conversion laws and political rhetoric that Indigenous Peoples are Hindu have reportedly emboldened *gram sabhas* (village councils) to pass resolutions preventing Adivasis who have converted to Christianity from burying their deceased in village graveyards alongside their ancestors.³⁰ Christian Adivasis from the State of Chhattisgarh have long faced discrimination and violence, including denial of the rights to burial grounds and land. According to numerous reports, the police allegedly stand by or enable such coercion. Following a landmark case in January 2025,³¹ the Supreme Court issued a directive to the State of Chhattisgarh to demarcate exclusive Christian burial sites across the State within two months, yet at the time of writing, Christian Adivasis are still awaiting implementation.

32. Tension may arise between a religious family and the wishes of an atheist or humanist. Where the deceased atheist or humanist has not made their belief public because of stigma, in their death the violation continues, highlighting the nexus between their freedom of religion or belief, social stigma and funeral rights. Where they have made their belief public, reforms in civil law should guarantee that the will of the deceased takes precedence over decisions taken by their family or the State. Authorities should ensure access to secular burial and ceremony spaces, secular cemeteries or sections in public cemeteries, affordable crematorium facilities and secular rooms for humanist funerals free from religious symbols

²² Confidential input.

²³ Submission from AWAM.

²⁴ Submission from Fadi Hachem.

²⁵ Ibid.

²⁶ See <https://www.bihorriya.com/wp-content/uploads/2025/02/The-Rights-of-Religious-Minorities-in-Lebanon-An-In-depth-Analysis-and-Recommendations-Eng.pdf>, p. 17.

²⁷ Submission from Fadi Hachem.

²⁸ See <https://www.malaysianbar.org.my/article/news/bar-news/news/re-everest-moorthy>.

²⁹ Submission from Humanists Malaysia.

³⁰ Confidential input.

³¹ *Ramesh Baghel v. State of Chhattisgarh & Others*, Judgment, 27 January 2025.

and protected from acts of discrimination and hatred.³² Pushback is reportedly suffered by family and community members where religious symbols and customs are resisted, for example in Colombia and Nigeria.³³

33. While recognition of funeral rights most specifically turns on the recognition of the religion or belief concerned, the failure to recognize relationships is also relevant. The failure to recognize intimate relationships in law, such as those of same-sex couples, can precipitate interference with individuals' rights to regulate fundamental aspects of their private life, such as decisions on intimate partners' burial rights, which may also constitute a violation of the right to private and family life.³⁴

B. Neutral laws are insufficient

34. Ostensibly neutral laws erase the specificity of the laws, observances and practices relating to funeral rights, leading to violations and direct or indirect discrimination. Neutral laws cannot possibly suffice, for example, in relation to the spiritual significance of ancestral lands and burial grounds to Indigenous Peoples.³⁵

C. Specific recognition for Indigenous Peoples

35. Through three landmark decisions,³⁶ the African Commission and the African Court on Human and Peoples' Rights have recognized the spiritual significance of possession of and access to land for Indigenous Peoples to carry out ceremonies and of lands of religious and ancestral significance. For Indigenous Peoples lacking real title, the Inter-American Court of Human Rights has found that possession of the land they occupy suffices to obtain official recognition of that property.³⁷ In their separate opinions on the case of *U'wa Indigenous People v. Colombia*, judges Mudrovitsch, Ferrer and Pérez argued that preventing access to sacred places for burial rituals stripped religious beliefs of meaning and violated article 12 of the American Convention on Human Rights.³⁸ The Court's decision in *Lhaka Honhat v. Argentina* affirmed the link between territory, spirituality and funeral practices.³⁹

36. In Malaysia, the Aboriginal Peoples Act 1954 and the Constitution reportedly protect the rights and autonomy of Indigenous communities (Orang Asli) to maintain their traditional burial customs and rituals without interference.⁴⁰ In Argentina, Indigenous funeral rites reportedly receive strong Constitutional and legislative protection recognizing Indigenous identity, cultural practices and spirituality. The General Directorate of Intercultural Citizenship of the Ministry of Culture in Peru reportedly designs and supervises policies concerning Indigenous Peoples and Afro-Peruvian populations, ensuring their cultural and spiritual burial practices are taken into account through bodies such as the Working Groups on Indigenous Policies and Afro-Peruvian Policy.⁴¹ Discrimination and aggression, especially on social media, against people who practise Mayan spirituality in Guatemala need to be countered by raising awareness of Indigenous spirituality, so that the population understands that the energies linked to death and ancestors by Mayan spirituality should not be interpreted as negative or destructive, but as part of a deep-rooted spiritual and cultural

³² Submission from Atheist Alliance International.

³³ Submission from Humanists International.

³⁴ European Court of Human Rights, *Przybyszewska and Others v. Poland*, Application No. 11454/17, Judgment, 12 December 2023.

³⁵ United Nations Declaration on the Rights of Indigenous Peoples, art. 1.

³⁶ See <https://www.escr-net.org/resources/the-endorois-case/>; <https://www.african-court.org/cpmt/details-case/0062012>; <https://achpr.au.int/sites/default/files/files/2025-08/eng-corrigendum-communication-588-15.pdf>; and <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5/5fe/9a9/5f55fe9a96676974302132.pdf>.

³⁷ See https://corteidh.or.cr/docs/casos/articulos/seriec_79_ing.pdf.

³⁸ Submission from Brazilian Center of Studies in Law and Religion.

³⁹ *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*, cited in submission from Argentina.

⁴⁰ Submission from Malaysia.

⁴¹ Submission from Peru.

vision. For Indigenous Peoples, honouring the dead is closely linked to ceremonies held in sacred places. Lack of effective recognition of those practices limits their funeral rights and creates cultural tensions.⁴²

D. Specific provision for diversity of religion and belief burial practices

37. In Austria, constitutional guarantees reportedly support the right of relatives to bury the dead according to their religious rites in public burial facilities which are explicitly interdenominational and which may not discriminate on the basis of religion or other distinctions. Burials in both Jewish and Islamic cemeteries may be carried out only with the consent of a competent religious community. Religious communities must allow burials using the rites of another religious community in their cemeteries under certain conditions. Public cemeteries in Vienna are interdenominational by law. They operate under an internal rules document (*Bestattungsanlagenordnung*), which also serves as a contractual framework and sets out how different religious and cultural funeral rites are to be respected. In addition, Vienna has denomination-specific private cemeteries belonging to legally recognized religious communities.⁴³

38. In Colombia, the Constitutional Court has found that constitutional protection of freedom of religion or belief and the provision that all religious denominations and churches are equally free before the law includes burial rites. Religious burial rites and cemeteries are protected by law.⁴⁴ Nevertheless, barriers can arise at the municipal level, such as in the allocation of space or the management of civil rather than religious cemeteries, requiring municipalities to ensure access for all belief systems.⁴⁵

39. In Serbia, the law on burials and cemeteries requires that burials respect the expressed wishes of the deceased, including cremation preferences. Remains must stay in a grave for a minimum of 10 years. Where relatives cannot take responsibility for performing a burial, local self-government units or municipal authorities must ensure burial.⁴⁶

40. The question of stillborn children and deceased fetuses also relates to freedom of religion or belief, given the differing views on the beginning of life. In Slovenia, following a recommendation from the Ombudsman, a new legal provision allows parents to request funeral arrangements for a fetus, regardless of gestational age. That has addressed the legal gap whereby some municipalities did not allow funerals if the fetus had not reached a gestational age of 22 weeks.⁴⁷

E. Mourning practices and commemorations

41. Ostensibly neutral laws that affect funeral rights stretch far, even to labour law and laws on traditions. In Tajikistan, the Act on Regulating Traditions, Celebrations and Rituals severely restricts Islamic mourning practices, banning the customary offering of food on the third, seventh and fortieth days after a funeral. Officials have asserted that the aim of the amendments introducing those restrictions in 2017 was to prevent excessive spending and borrowing for, inter alia, funerals.⁴⁸ In Argentina, mourning leave is provided in the labour law but does not fully account for diverse religious rites such as the Jewish shiva.⁴⁹ In some instances, access to cemeteries is restricted or barred and can affect funeral rights.⁵⁰ In 2012, the previous mandate holder reported on one Islamic cemetery in Cyprus that lacked the

⁴² Confidential input.

⁴³ Submissions from Austria and Federal Ministry for European and International Affairs, Austria.

⁴⁴ Submission from Office of the Ombudsman, Colombia.

⁴⁵ Submission from Colombia.

⁴⁶ Submission from Serbia.

⁴⁷ Submission from Human Rights Ombudsman, Slovenia. See also European Court of Human Rights, *Hadri-Vionnet v. Switzerland*, Application No. 55525/00, Judgment, 14 February 2008; and *Marić v. Croatia*, Application No. 50132/12, Judgment, 12 June 2014.

⁴⁸ [A/HRC/55/47/Add.1](#), paras. 32 and 33.

⁴⁹ Submission from Argentina.

⁵⁰ Submission from Serbia.

minimum infrastructure required for conducting dignified burials, including running water for washing dead bodies.⁵¹

F. Protection of the deceased

42. In the Niger, the Penal Code criminalizes acts of violence, attacks against the integrity of the corpse and desecration of a grave as murder, assault or an offence against the integrity of the person, reportedly guaranteeing respect for the life and physical and moral integrity of every individual even after death.⁵² In India, in the landmark 1995 case of *Pt. Parmanand Katara, Advocate v. Union of India*, the Supreme Court held that the State has a constitutional obligation to treat deceased human bodies with dignity and respect, extending fundamental rights protections to the respectful handling of remains.⁵³ Similarly, in Algeria, the Penal Code reportedly provides for the protection of the memory and integrity of the deceased and the respect due to every person, even after death, as well as providing that Christian and Jewish cemeteries shall be protected by the State, maintained by local authorities and placed under the responsibility of their representatives. Penalties apply to desecration of tombs, graves and corpses, in particular through mutilation, removal or exhumation, except in cases authorized by law and judicial decision.⁵⁴

43. The European Court of Human Rights has held that the mutilation of corpses does not constitute a violation of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms in respect of the deceased themselves, as the prohibition of torture and ill-treatment is no longer applicable after death,⁵⁵ although such acts may amount to a violation in relation to the suffering caused to surviving relatives.⁵⁶

V. Key issues: restrictions and violations in policy and practice

44. Zoning and administrative law decisions have a decisive impact on funeral rights and are often the juncture at which funeral rights are denied. They need to provide for the sites themselves but also the related facilities for preparation of the body; allowing for procession; prayer and commemoration; protection from harassment, interference or violence; and parking facilities, as appropriate. The European Court of Human Rights has recognized a wide margin of appreciation in the choice of implementation of planning policies, but held that unjustified delays and unresponsiveness, especially against a background of overt opposition to the religious community in question, will fall foul of freedom of religion or belief.⁵⁷

45. Equal access to public cemeteries offering standard provision is insufficient for those upholding different laws, observances and practices, which should be accommodated to the highest extent possible. Blind “equal access” is likely to lead to indirect discrimination. At the very least, it assumes that all other religions and beliefs can be assimilated into majority practices, or that the majority religion or belief practice can be enforced on others. Lack of adequate consultation mechanisms also raises significant barriers to administrative decisions and policies that can accommodate freedom of religion or belief.

46. Specific provisions are necessary, either through offering provision in public cemeteries, allotting separate burial grounds or, where there are arrangements ensuring that cemeteries run by the majority religion are available to others, with accommodation to allow

⁵¹ [A/HRC/22/51/Add.1](#), para. 54.

⁵² Submission from the Niger.

⁵³ Submission from SAFFoRB-India.

⁵⁴ Submission from Algeria.

⁵⁵ European Court of Human Rights, *Akpinar and Altun v. Turkey*, Application No. 56769/00, Judgment, 27 February 2007, para. 82.

⁵⁶ *Ibid.*, and European Court of Human Rights, *Akkum and Others v. Turkey*, Application No. 21894/93, Judgment, 24 March 2005, and <https://international-review.icrc.org/articles/the-war-crime-of-outrages-against-the-personal-dignity-of-the-dead-929>.

⁵⁷ European Court of Human Rights, *The Religious Denomination of Jehovah's Witnesses in Bulgaria v. Bulgaria*, Application No. 5301/11, Judgment, 10 November 2020.

their practices and display of symbols. Those provisions need to be equal and practicable and need to accommodate the diversity of funeral rights to the highest extent possible. Adequate provision means being mindful of the projected numerical demands of the community, and doing so in the light of their laws and practices. Thought needs to be given to communities that are too small to be able to operate separate sites and where diminishing numbers means that there is difficulty in maintaining sites.

47. Particular religions or beliefs may face punitive or discriminatory decisions by local and municipal authorities, deliberate disruption from local authorities or from others with their acquiescence or even have their burial sites destroyed or forcibly relocated.

48. In Cyprus, although local authorities are obliged to provide space for burial purposes for all the deceased without prejudice on the grounds of religion, in 2012 the previous mandate holder reported that religious minorities faced difficulties acquiring land for new cemeteries or using the municipal burying grounds, and in some cases Buddhists had had to “export the dead” to their countries of origin.⁵⁸

49. As discussed, any limitations to funeral rights must be justified according to law (see para. 16 above). The fact that funeral rights come to be legitimately and unavoidably regulated by government authorities does not suggest that human rights violations should be overlooked. However, there has been a general tendency to do so.

A. Standardization as violation

50. The European Court of Human Rights has recognized that burying the dead and cemetery layout can represent an essential aspect of individual and collective religious practice.⁵⁹ Interference in the right to freedom of religion or belief may relate to the ability to bury the dead or visit graves.⁶⁰

51. In China, the policy of Sinicization affects cemeteries. Under the auspices of “standardization” and “civilization”, traditional cemeteries of Uighur Muslims have reportedly been destroyed and replaced by smaller cemeteries that conform to State norms, often without the knowledge of the relatives of the deceased.⁶¹

52. In India, since 2014 municipal planning processes in many regions have reportedly increasingly normalized Hindu practices, thus marginalizing others. Muslims face frequent encroachment or seizure of graveyards; Christians are denied burial plots; Dalits continue to encounter caste-based barriers to using public cremation grounds, forcing families to cremate or bury loved ones in fields, on riverbanks or in forests; Adivasi communities see their sacred burial lands destroyed by mining, dams and infrastructure projects; and cemetery desecrations have risen sharply.⁶²

53. In Brazil, standardized sanitary and environmental regulations reportedly create practical difficulties for minority religious groups, requiring them to take cases to court. The Jewish requirement for a burial depth of 1.1 metres according to tradition, for example, was ultimately authorized by the judiciary.⁶³ There is judicial protection of religious burial rites and tax immunity for religious cemeteries.

54. In Sweden, the law grants the right to be buried according to one’s faith, but challenges arise in practice. In a 2021 publication,⁶⁴ the author reported on practical and legal obstacles encountered when trying to carry out funerals in accordance with Islamic tradition,

⁵⁸ A/HRC/22/51/Add.1, para. 59.

⁵⁹ European Court of Human Rights, *Johannische Kirche & Peters v. Germany*, Application No. 41754/98, Decision, 10 July 2001.

⁶⁰ European Court of Human Rights, *Muslim Board Startsevo v. Bulgaria*, Application No. 41214/13, Decision, 18 October 2016.

⁶¹ Submission from German Commission for Justice and Peace.

⁶² Submission from Indian American Muslim Council.

⁶³ Submission from Brazilian Center of Studies in Law and Religion.

⁶⁴ Simon Sorgenfrei, *Muslimska begravnings seder och begravningsceremonier* (“Muslim burial practices and funeral ceremonies”) (Swedish Agency for Support to Faith Communities, 2021).

stemming from a requirement for burial in a coffin. Resistance in certain localities or cemeteries leads to Muslims being referred to cemeteries in larger cities, which may be far from their home town.⁶⁵

55. In Lithuania, an executive rule requires that bodies be placed in a coffin (*karstas*) made of solid materials before cremation, reflecting the dominant religious doctrine but effectively disallowing the use of a simple shroud preferred by some humanists for environmental or personal reasons.⁶⁶

B. Adequacy of provision

56. Far too often, provisions are simply inadequate for religion or belief minorities. Sites are too far from their homes, inordinately expensive and lack the necessary facilities and protection. When that is the case in a context of State hostility against the religion or belief concerned, or its non-recognition, the authorities have a particular obligation to address the matter urgently.

57. In Norway, the majority of cemeteries are public and follow the rites of the Church of Norway. Most municipalities have one section of a cemetery set aside for minority burials, but bureaucratic hurdles reportedly arise. Restrictive regulations on the dispersal of ashes mean that Hindus and Sikhs, who usually scatter the ashes of the dead at sea, must go through an application process and hire a boat to reach distant waters or travel to India. Processing times mean that few burials can occur in less than five days after death, except in Oslo, but Muslim burials should ideally occur within 24 hours of death. Steps are being taken, with funerals permitted on Saturdays and public ceremony halls having been built in many Norwegian cities, which are inclusive and appropriate⁶⁷ for funeral ceremonies, but more are required.⁶⁸

58. In Bahrain, the Ministry of Justice, Islamic Affairs and Waqf (Endowments) reportedly supervises Islamic cemeteries and organizes burial and mourning rituals, and the Ministry of Municipalities Affairs and Agriculture supervises public cemeteries.⁶⁹ In Namibia, the authorities reportedly consult with religious organizations and Indigenous chiefs when making new statutes on funeral rights. Moreover, the Ministry of Gender Equality and Child Welfare has started a programme to protect the funeral rights of marginalized religious communities, since lack of representation sometimes results in sacred lands being taken away.⁷⁰ In the Niger, the Government reportedly facilitates the exercise of the freedom of religion by creating morgues, places of prayer for the dead and cemeteries for free.⁷¹

59. In Pakistan, local authorities and religious endowment departments (*awqaf*) reportedly manage Muslim cemeteries. In many regions, spaces for non-Muslim cemeteries have not been allocated or maintained, so minorities are left to negotiate for burial land. Minority burial grounds depend on donations from communities and non-governmental organizations rather than State provision. Insufficient facilities, such as cremation grounds (Shamshan Ghats) have reportedly compelled many Hindus and Sikhs to perform burial rites against their religious teachings, in a coerced departure from their spiritual obligations. The opening of a Shamshan Ghat in Lahore for the Hindu community is welcomed.⁷²

60. In the Islamic Republic of Iran, Baha'is are prohibited from using Muslim cemeteries and are often barred from their own, so face arbitrary restrictions, extortionate burial fees and long delays in the release or burial of bodies. It has been reported that Iranian authorities force Baha'is to conduct burials in distant locations, constituting a violation of Baha'i burial

⁶⁵ Submission from Swedish Equality Ombudsman.

⁶⁶ Submissions from Humanists International and Humanist Ideas Ambassadors.

⁶⁷ Submission from Council of Religious and Life Stance Communities (STL) Norway.

⁶⁸ Submission from Norwegian Humanist Association.

⁶⁹ Submission from National Institution for Human Rights, Bahrain.

⁷⁰ Submission from Ombudsman's Office, Namibia.

⁷¹ Submission from the Niger.

⁷² Submission from AWAM.

practices to bury their dead within an hour's distance from the city limits where the death has occurred, and requiring families to travel long distances to visit graves. In May 2025, a 56-year-old Baha'i woman with intellectual disabilities from Kerman was forced to be buried 120 km away in Rafsanjan, at exorbitant cost to her family, after the Kerman Baha'i cemetery, used for 80 years, was abruptly closed by the municipality in 2018 without notice.⁷³

61. Other instances of distant burials are reported in India, where permission for burials is regularly denied by local authorities. Between 2021 and mid-2025, at least 120 Christian families in India were reportedly denied the right to bury their dead according to their faith. Families had to transport bodies long distances, keep them unburied for days or submit them to reconversion rituals.⁷⁴ In one case, an elderly Christian man's funeral was blocked and he had to be buried 25 km away.⁷⁵

62. In Nepal, local administrative practices and decisions on land use have created zoning barriers that prevent minority communities from securing burial land. Christians, Muslims, Kirat and Mustoo are reportedly blocked from using public cemeteries, forcibly taxed for owning their own burial sites and face violence and administrative exclusion. The severe shortage of burial sites has reportedly forced Christians to cremate their dead, hold secret funerals or travel long distances (sometimes to India) at great expense to bury their loved ones at night to avoid harassment and community backlash. The authorities have provided graveyards only in a few areas, such as Biratnagar and Butwal, but local opposition blocks access to burial lands in many other places, with incidents of buried bodies being exhumed and desecrated.⁷⁶ That is compounded by the interplay with caste discrimination, especially for Dalits. Caste segregation persists in death, with separate cremation grounds for Dalits and non-Dalits reported nationwide.⁷⁷

63. Voodoo is predominant in Haitian culture and deems that the deceased becomes a spiritual ancestor or *lwa*, symbolizing continuity between generations. Voodoo practices often coexist with Catholic and Protestant influences. Despite the official recognition of Voodoo as a religion in 2003, it remains marginalized and stigmatized, particularly regarding access to appropriate public burial spaces. That limits the ability of families to fully honour their religious traditions. The lack of clear regulations governing community funeral rights reportedly leads to indirect discrimination.⁷⁸

64. In Egypt, Baha'is have access to only one overcrowded cemetery in Cairo and religious authorities, such as Al-Azhar, have blocked cemetery allocations to them through their fatwas, denying Baha'is the right to bury their dead in accordance with their faith, as has been raised⁷⁹ by Special Rapporteurs and the Human Rights Committee.⁸⁰

C. Desecration and vandalism

65. Equal protection against desecration of graves and religious symbols used in all burial grounds is incontrovertibly guaranteed,⁸¹ yet violations plague humanity the world over. As the mandate holder has argued, disrespect for funeral rights and destruction of cemeteries constitutes an insidious form of coercion. Desecration of cemeteries, mausoleums and burial grounds constitutes discrimination and causes such mental distress that it may reach the threshold of ill-treatment.⁸²

66. In the Syrian Arab Republic, the Yezidi cemetery in the village of Basofan near Afrin was vandalized on 16 December 2022, coinciding with the Yazidi feast of Ezi. Similar

⁷³ Submission from Baha'i International Community on the Islamic Republic of Iran.

⁷⁴ Submission from Evangelical Fellowship of India and the World Evangelical Alliance.

⁷⁵ Submission from Open Doors International; and Supreme Court of India, *Ramesh Baghel v. State of Chhattisgarh & Others*, Judgment, 27 January 2025.

⁷⁶ Submissions from Open Doors International and SAFFoRB Nepal Chapter.

⁷⁷ Submission from SAFFoRB Nepal Chapter.

⁷⁸ Submission from Fedna Antoine.

⁷⁹ Submission from Egyptian Initiative for Personal Rights.

⁸⁰ CCPR/C/EGY/CO/5, paras. 43 and 44.

⁸¹ *Study of Discrimination in the Matter of Religious Rights and Practices*, p. 35.

⁸² A/HRC/58/49, paras. 47 and 50–56.

incidents also reportedly occurred elsewhere in the region, in Qeebar, Ghazzaweh and Qastal Jando.⁸³

67. In Myanmar, the Par Moe Ne` and Awba Chaung cemeteries were reportedly forcibly acquisitioned in the southern Shan State. Residents of Taunggyi Township were compelled to relocate the cemeteries after Thiha Development Company Limited acquired the land to construct a shopping centre, despite community objections.⁸⁴

68. In Haiti, desecration and degradation of Voodoo cemeteries and other places linked to ancestral traditions are reportedly regular occurrences, destroying physical spaces and undermining the cultural and spiritual heritage of communities.⁸⁵

69. In Uttarakhand, India, over the past three years a sustained campaign of demolitions targeting *mazars*, small Sufi shrines (some from the eighteenth and nineteenth centuries) and grave sites and of desecration of human remains has been reported. The demolitions have been carried out by the State forest and revenue departments, often accompanied by the police, on the pretext of “anti-encroachment” drives or “illegal structure removal”, yet the operations have overwhelmingly targeted Muslim sites. Officials and the media have used terms such as “land jihad” to describe those acts, portraying the Muslim sacred spaces as threats rather than places of devotion.⁸⁶

70. In Bangladesh, on 5 September 2025, the grave of Nurul Haque Molla was forcibly desecrated in Goaland, Rajbari District. A mob exhumed and burned the body, while vandalizing his Sufi shrine, reportedly because his grave resembled the Kaaba. Clashes resulted in at least one death and over 100 injuries. Between August 2024 and August 2025, over 100 burial sites were reportedly vandalized, desecrated or demolished,⁸⁷ and there have been corpse desecrations, bodysnatching, idol and shrine vandalization and arson, especially affecting Sufi sites, often with impunity.⁸⁸

71. There has been a marked increase in antisemitic desecration of Jewish cemeteries around the world, including vandalism of 39 Jewish cemeteries in Germany in 2024 alone.⁸⁹ Since October 2023, gravestones at the Jewish cemetery in Chisinau, Republic of Moldova, have been defaced with neo-Nazi symbols, graves in the Humenné cemetery in Slovakia have been vandalized with swastikas, Jewish graves have been desecrated in a First World War cemetery in France, and more than 170 headstones have been overturned in a Cincinnati cemetery in the United States of America. It is imperative that Governments recognize such acts as religiously motivated hate crimes, ensure accountability and restore affected sites.⁹⁰

72. Throughout the Islamic Republic of Iran, there have been reports of a State-condoned, systematic campaign of vandalism and destruction, through arson, graffiti and ransacking, aimed at Baha’i cemeteries. Since the 1980s, Baha’i cemeteries, including Khavaran and Kabirabad in Tehran and sites in other cities such as Shiraz, Yazd, Najafabad and Ahvaz, have been bulldozed, graves exhumed and remains removed, allegedly to make way for government cultural development projects. There has been an escalation of attacks in 2024 and 2025, with new Baha’i graves in Tehran razed, mortuary buildings destroyed, damage from fires, access to cemeteries blocked and burials restricted through the digging of trenches.⁹¹

73. In Pakistan, there are reports of hundreds of Ahmadi graves being desecrated. On 24 January 2024, in the Sialkot District, four police officials from Daska police station reportedly desecrated 65 Ahmadi graves in Moosaywala and 10 in Bhairokay, destroying gravestones and painting others black. Despite formal complaints, no accountability

⁸³ Submission from Christian Solidarity Worldwide.

⁸⁴ Submission from Myanmar FoRB Network.

⁸⁵ Submission from Fedna Antoine.

⁸⁶ Submission from Indian American Muslim Council.

⁸⁷ Submission from Hand in Hand Foundation.

⁸⁸ Submission from Global Center for Democratic Governance, Canada.

⁸⁹ Submission from German Commission for Justice and Peace.

⁹⁰ Submission from World Jewish Congress.

⁹¹ Submission from Baha’i International Community on the Islamic Republic of Iran.

proceedings followed.⁹² On 10 May 2025, at least 90 Ahmadi Muslim gravestones were reportedly desecrated in Rhoda, Khushab District, Punjab Province. Gravestones were smashed and defaced, with debris scattered across the cemetery. The graves of 269 Ahmadi Muslims have reportedly been desecrated in 11 separate attacks in 2025 alone, and 319 gravestones were defiled in 21 incidents in 2024.⁹³ Christian graveyards are also vandalized, with 39 exhumations of bodies reported between 1984 and 2024. Such acts are often accompanied by harassment and mob violence, particularly during episodes of religious unrest in places such as Gojra, Jaranwala and Sargodha. The lack of effective legal accountability reportedly allows such attacks to continue with impunity, although the occasional administrative actions against perpetrators of grave desecration are welcomed.⁹⁴

D. Consultation with religion and belief communities

74. In many States, coronavirus disease (COVID-19) was a wake-up call, alerting the authorities to the need to be in regular consultation with religion and belief communities on funeral rights. In Brazil, consultation with Indigenous Peoples, Afro-Brazilian communities and religious minorities on funerary regulations is largely ad hoc, with no systematic mechanisms in place. That was evident during the implementation of COVID-19 burial protocols, including in cases affecting the Yanomami, where lack of prior consultation led to disputes that were addressed following intervention by federal authorities and the courts.⁹⁵ The question of consultation with concerned communities during COVID-19 also arose in communications from special procedures to Sri Lanka in 2020 and 2021 regarding the enforced cremation of Muslims and others.⁹⁶ In Argentina, the authorities recognize that the State must ensure that emergency or administrative measures consider religious diversity and do not disproportionately burden funeral rites. The pandemic revealed to them that regulations affecting burial rites had been developed without systematic consultation with religious communities.⁹⁷ The cooperation of the United Kingdom of Great Britain and Northern Ireland with Jewish burial societies during the pandemic was welcomed, as the authorities reportedly engaged constructively with religious leaders to ensure that emergency public health measures respected faith-based burial laws, modelling interfaith consultation and legal responsiveness even under crisis conditions.⁹⁸

75. In Pakistan, such consultation is reportedly largely reactive, limited to post-incident responses, rather than participatory in policy design.⁹⁹ In Bangladesh, the Government sometimes consults with Christians or other religious minorities on new burial regulations, but for the most part, reactively.¹⁰⁰

76. The establishment in Malaysia of multi-faith facilities, such as Pusara Negara in Putrajaya, which promotes interfaith harmony by accommodating various faiths in designated plots, and advisory committees as introduced by Kuala Lumpur City Hall, are proposed as good practices.¹⁰¹

77. In Guatemala, the State must consult Indigenous Peoples on any legislative or administrative measures affecting them, including funeral practices, ancestral ceremonies

⁹² Confidential input.

⁹³ Submissions from Christian Solidarity Worldwide and International Human Rights Desk.

⁹⁴ Submission from AWAM.

⁹⁵ Submission from Brazilian Center of Studies in Law and Religion.

⁹⁶ See LKA 8/2020 and LKA 2/2020 (all communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>); <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-compulsory-cremation-covid-19-bodies-cannot-continue-say-un?LangID=E&NewsID=26686>; and <https://www.ohchr.org/en/press-releases/2021/01/sri-lanka-compulsory-cremation-covid-19-bodies-cannot-continue-say-un?LangID=E&NewsID=26686>, pp. 41 and 96.

⁹⁷ Submission from Argentina.

⁹⁸ Submission from World Jewish Congress.

⁹⁹ Submission from AWAM.

¹⁰⁰ Submission from South Asia Forum for Freedom of Religion or Belief.

¹⁰¹ Submission from Malaysia.

and sacred places, thereby respecting their world view and traditions.¹⁰² In Peru, the State engages in active cooperation with diverse religious communities to ensure respect for minority burial practices through the Interreligious Council of Peru. The religious communities consider the consultation process a good practice with, for example, the Baha'i community appreciating the prompt provision of necessary guidelines and the Jewish community stating that local authorities facilitated their burial rites and ceremonies.¹⁰³

78. In some rural areas in Haiti, interfaith committees organize inclusive vigils bringing together Catholics, Protestants and practitioners of Voodoo. Efforts to rehabilitate historic cemeteries in Léogane and Jacmel illustrate a growing respect for the diversity of religious practices. Such local interfaith dialogue, based on mutual respect and the promotion of a shared heritage, could become an example of social cohesion for other regions of the country.¹⁰⁴

79. In Bangladesh, some civil society organizations have started a digital registry that maps all existing cemeteries, graveyards, cremation grounds and burial sites in the country.¹⁰⁵

80. In Bosnia and Herzegovina, consultation between authorities and religious communities on death and burial issues is neither systematic nor institutionalized. The Ministry of Human Rights and Refugees acknowledges the absence of a national department or mechanism to coordinate with faith communities, and the insufficient involvement of civil society, minorities and non-religious groups. This results in uneven cemetery management, legal ambiguities, unintentional violations of religious customs and offence caused at the municipal level. However, there are local initiatives for joint action, including multi-faith cemetery visits by religious leaders embodying collective remembrance; cooperation in the protection and preservation of cemeteries where faith leaders collectively condemn vandalism and desecration and assist each other in restoration; solidarity between communities; and a multi-faith presence at commemorations and memorial anniversaries, sending a powerful message of unity that respect for death and memory transcends faith.¹⁰⁶

81. Morocco proposes as best practices its respect for religious diversity and funeral rights through State-supported maintenance and protection of cemeteries, the reported restoration of 167 Jewish cemeteries and Christian burial grounds across Morocco, the modernization of burial certification and transport while ensuring religious accommodation, and inclusive consultation mechanisms through the Supreme Council of Ulema and the National Council of the Moroccan Jewish Community for cemetery management and funeral regulations.¹⁰⁷

82. Bahrain reportedly has a grievance framework to protect the right to bury according to belief, in consultation with non-State actors, and the allocation of worship and burial to many faiths.¹⁰⁸

83. The Government of Uzbekistan indicates that there are no policies formally guaranteeing structured consultation mechanisms with minority or non-religious belief communities (atheists, humanists, Indigenous groups) on funeral rights. Nevertheless, it reports that burial rites for all religious organizations proceed freely.¹⁰⁹

84. Colombia has reportedly made progress through the Comprehensive Public Policy on Freedom of Religion and Worship, institutionalizing dialogue mechanisms through round tables promoting participation by various faith communities – including from Indigenous and minority religious groups – ensuring interfaith dialogue and coordination on funeral rights and helping disseminate information on national and local regulations on religious freedom and burial practices.¹¹⁰

¹⁰² Confidential input.

¹⁰³ Submission from Peru.

¹⁰⁴ Submission from Fedna Antoine.

¹⁰⁵ South Asia Forum for Freedom of Religion or Belief.

¹⁰⁶ Submission from Bosnia and Herzegovina.

¹⁰⁷ Submission from Morocco.

¹⁰⁸ Submission from National Institution for Human Rights, Bahrain.

¹⁰⁹ Submission from Uzbekistan.

¹¹⁰ Submission from Colombia.

VI. Recommendations

85. It is critical that States recognize the relevance of freedom of religion or belief to burial rights.

86. Freedom of religion or belief offers a unique and nuanced approach to rights holders, highlights that the *forum internum* is absolute and funeral rights should not coerce the next of kin, family or community of practice, underscores the dignity of all rights holders, irrespective of other considerations, draws attention to non-discrimination and equality of funeral rights, upholds funeral rights as a manifestation of religion or belief, requires that any limitations on funeral rights or practices be in accordance with the law (see para. 16 above) and extends funeral rights beyond internment in ongoing commemorative manifestations. In doing so, freedom of religion or belief uniquely encompasses the individual and the collective, the minority and the majority, and the specificity of practices, and does so in an ongoing manner.

87. Freedom of religion or belief is foundational to the obligations regarding respecting, protecting, fulfilling and ensuring accountability for the funeral rights of everyone in relation to their thought, conscience and religion.

A. Respecting funeral rights

88. Respect of funeral rights requires States to refrain from violating these rights and to recognize the absolute right of everyone to have, adopt and change religion or belief without any coercion whatsoever, including restrictions on or denials of funeral rights in order to coerce the next of kin.

89. Funeral rights should ensure manifestation of religion or belief in community with others and in public, with understanding of the specific practices relating to the deceased, their next of kin and loved ones, and community, in respecting their laws, observances, practices, customs and traditions (see para. 6 above). Respect, therefore, necessarily includes the norm of consulting communities in all matters that concern them.¹¹¹

B. Protecting funeral rights

90. Protection of funeral rights requires States to prevent others from infringing on these rights first and foremost by State actors themselves and secondly through due diligence obligations ensuring protection for individuals and communities in exercising funeral rights against threats, interruptions and violence from non-State actors.

91. Freedom of religion or belief standards clarify that any limitations to funeral rights must be in line with international law (see para. 16 above).¹¹²

C. Fulfilling and promoting funeral rights

92. Fulfilling and promoting funeral rights requires States to take positive steps to ensure their enjoyment by everyone, without discrimination.

93. Since funeral rights are distinctive to different religions, beliefs and Indigenous traditions, and in order to understand the distinctiveness of their practices, consultation with respective communities of practice is necessary.¹¹³ This will therefore call for the *de jure* or *de facto* recognition, or at least acknowledgement, of those communities. Through ongoing dialogue with religion or belief communities, the State should seek to accommodate funeral rights to the highest extent possible.

¹¹¹ General Assembly resolution 47/135, annex, art. 2 (3).

¹¹² International Covenant on Civil and Political Rights, arts. 2, 4, 18 (3) and 27.

¹¹³ General Assembly resolution 47/135, annex, art. 2 (3).

94. Where burial grounds are operated only by religious groups on behalf of the State, provision needs to be given to those who do not belong to any of those faiths, or whose claimed faith gives rise to questions regarding the legitimacy of their belonging. The authorities should offer provision that is equal and practicable and accommodates burial rights to the highest extent possible. The authorities should also be alert to the imperative of ensuring that any provision of public funding for funeral rights should be made available without discrimination, unless that distinction is reasonable and objective according to law.¹¹⁴

95. Attention needs to be given to communities that are too small to operate separate sites, or where the diminishing community numbers means that it is difficult to maintain their burial sites. This is especially the case where there are strong beliefs around the responsibility of the living to allow the dead to rest, where the sacredness of the burial site is extended over time or where ancestor worship requires ongoing proximity to the remains of the deceased.

D. Accountability

96. Accountability for infringements of funeral rights requires justice systems to be alert to, for example, disproportionate or exploitative burdens or charges on those requiring funeral rights that differ from the majority, protection from attacks on funeral services and processions, protection against acts of hatred targeting burial sites, and the implementation of steps to prevent such attacks in the future and provide remedies for violations. This needs to be delivered on in practice and at the local level.

VII. Activities of the Special Rapporteur

97. An overview of the activities of the Special Rapporteur from 1 January to 24 July 2025 is provided in her most recent report to the General Assembly.¹¹⁵ She has since participated in numerous activities, as set out below.

A. United Nations and related activities

98. In October 2025, the Special Rapporteur presented her report on freedom of religion or belief of people on the move to the General Assembly at its eightieth session.¹¹⁶ In that report, she emphasized that freedom of religion or belief applies to all persons on an equal basis, including asylum-seekers and refugees, internally displaced persons, migrant workers and members of their families. The report was well-received, with more than 20 State interventions during the interactive dialogue.

99. During her stay in New York, she had several meetings with State representatives and other stakeholders, and spoke at side events on the theme of the report.

100. Since 25 July, the Special Rapporteur has initiated or joined 11 communications addressed to Governments concerning a range of violations of the right to freedom of religion or belief.¹¹⁷ She has also initiated or joined several press releases and other public statements on matters concerning freedom of religion or belief.¹¹⁸

¹¹⁴ *Waldman v. Canada* (CCPR/C/67/D/694/1996), para. 10.6.

¹¹⁵ [A/80/205](#).

¹¹⁶ *Ibid.*

¹¹⁷ SYR 7/2025, OTH 107/2025, IRN 16/2025, IND 8/2025, PAK 8/2025, IND 9/2025, KOR 6/2025, VNM 7/2025, PNG 1/2025, TUR 9/2025 and KAZ 5/2025.

¹¹⁸ See

https://www.ohchr.org/en/latest?field_content_category_target_id%5B158%5D=158&field_content_category_target_id%5B162%5D=162&field_content_category_target_id%5B161%5D=161&field_content_category_target_id%5B159%5D=159&field_content_category_target_id%5B907.

B. Conferences, seminars and media engagement

101. The Special Rapporteur has attended numerous conferences and events in person since 25 July 2025. A small selection of those activities is outlined below.

102. On 4 September, she participated in a human rights conversation at the Geneva Academy of International Humanitarian Law and Human Rights, entitled “Mandates in dialogue: strengthening collaboration across UN mechanisms and academic institutions”. Co-hosted by the Geneva Human Rights Platform and the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the event explored how such cooperation could be strategically enhanced.

103. On 19 September, during the sixtieth session of the Human Rights Council, the Special Rapporteur spoke at a side event entitled “The Rabat Plan of Action in the digital age: balancing freedom of expression and freedom of religion or belief”, co-sponsored by Albania, Canada, Iceland, Morocco, North Macedonia and Portugal.

104. On 22 September, on the European Action Day Against Islamophobia, she addressed the Forum of European Muslim Youth and Student Organisations on the issue of anti-Muslim hatred across Europe, noting that discriminatory rhetoric was becoming increasingly normalized and linked with anti-migrant sentiment.

105. The Special Rapporteur travelled to Accra from 6 to 8 October, attending a Regional Academy of the International Panel of Parliamentarians for Freedom of Religion or Belief, a global network of former and sitting parliamentarians advancing freedom of religion or belief for everyone, everywhere. She also participated in another Regional Academy in Singapore in November 2025.

106. On 14 October, the Special Rapporteur delivered the opening lecture on the occasion of the twentieth anniversary of the Centre for Law and Religion at the Catholic University of Chile, Santiago.

107. From 15 to 17 October, she travelled to Naples, Italy, where she was a panellist at the Mediterranean Dialogue, the leading annual conference on the Mediterranean promoted by the Ministry of Foreign Affairs and International Cooperation of Italy and the Italian Institute for International Political Studies.

108. On 10 November, she was a plenary speaker at the opening of the international conference at the University of Padova, “From the right to self-determination to the right to peace”.

109. On 12 and 13 November, the Special Rapporteur participated as a keynote speaker at the High-Level International Religious Freedom or Belief Alliance Conference, held in Prague under the auspices of the President of Czechia.

110. On 27 and 28 November, she was a panellist at the ninth Southeast Asia Freedom of Religion or Belief Conference in Jakarta. From 1 to 3 December, she participated as a keynote speaker at the ninth meeting of the South Asia Forum for Freedom of Religion or Belief, entitled “Caste, religion and ethnicity in South Asia: FoRB as an instrument of inclusion”, held in Kathmandu. She had exchanges with civil society organizations and academics at both conferences, gaining a better understanding of how freedom of religion or belief could be further promoted at the regional level and how to map good practices.

111. On 4 December, she participated online as a panellist in the intersessional side event of the Human Rights Council entitled “Transnational repression and the erosion of human rights: global responses and accountability”, co-hosted by Canada, Costa Rica, Estonia, Japan and Sierra Leone.

112. The Special Rapporteur continued to promote avenues for collaboration with regional and international human rights systems for stronger protection of freedom of religion or belief through improved awareness, harmonization and cross-pollination. This included a trip to Brussels from 8 to 9 December, where she met with Heads of Division and of country desks of the European External Action Service, the European Commission’s coordinators for the dialogue between the Commission and churches, religious associations and non-confessional

organizations, to talk about combating antisemitism and anti-Muslim hatred. She also met with representatives of the European Platform against Religious Intolerance and Discrimination and participated in the EU-NGO Forum.

113. Online engagements allowed the Special Rapporteur to broaden the scope of her participation and activities and to benefit from interaction with a wide range of stakeholders, including those who familiarized her with patterns of violations in particular jurisdictions. She also gave media interviews.
