



# General Assembly

Distr.: General  
7 January 2026

Original: English

---

## Human Rights Council

Sixty-first session

23 February–2 April 2026

Agenda item 3

**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.



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

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,<sup>13</sup> 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.<sup>14</sup>

26. The Supreme Court of Nepal upheld the Government's prohibition on burials in the Shleshmantak Forest within the Pashupatinath Temple area,<sup>15</sup> 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 objections<sup>16</sup> and alleging that granting such rights would "promote segregation [and] division".<sup>17</sup> 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.<sup>18</sup> The ongoing denial of burial grounds denies the Baha'is in Egypt their rights both in life and in death.<sup>19</sup>

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.<sup>20</sup> The country's local government acts grant administrative control of graveyards to union councils; however, implementation remains discriminatory, including for Hindus and Sikhs.<sup>21</sup> 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

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

<sup>13</sup> A/HRC/28/66/Add.2, paras. 6–11.

<sup>14</sup> Submission from Boat People SOS.

<sup>15</sup> See [https://supremecourt.gov.np/web/assets/downloads/sampadan/judgement%20from%20nja%20kedar%20ghimire/Advocate%20Tulsi%20Simkhada-.pdf#:~:text=This%20court%2C%20in%20202073%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%20202073%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>.

<sup>16</sup> Submission from Egyptian Initiative for Personal Rights.

<sup>17</sup> Submission from Baha'i International Community on Egypt.

<sup>18</sup> Submission from Egyptian Initiative for Personal Rights.

<sup>19</sup> Submission from Baha'i International Community on Egypt.

<sup>20</sup> Confidential input.

<sup>21</sup> Submission from All Women's Action Society (AWAM).

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

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.<sup>24</sup> 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”.<sup>25</sup> 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”.<sup>26</sup> 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.<sup>27</sup>

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.<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup> 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,<sup>31</sup> 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

<sup>22</sup> Confidential input.

<sup>23</sup> Submission from AWAM.

<sup>24</sup> Submission from Fadi Hachem.

<sup>25</sup> Ibid.

<sup>26</sup> 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.

<sup>27</sup> Submission from Fadi Hachem.

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

<sup>29</sup> Submission from Humanists Malaysia.

<sup>30</sup> Confidential input.

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

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

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.<sup>84</sup>

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.<sup>85</sup>

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.<sup>86</sup>

70. In Bangladesh, on 5 September 2025, the grave of Nurul Haque Molla was forcibly desecrated in Goalanda, 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,<sup>87</sup> and there have been corpse desecrations, bodysnatching, idol and shrine vandalization and arson, especially affecting Sufi sites, often with impunity.<sup>88</sup>

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.<sup>89</sup> 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.<sup>90</sup>

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.<sup>91</sup>

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

<sup>83</sup> Submission from Christian Solidarity Worldwide.

<sup>84</sup> Submission from Myanmar FoRB Network.

<sup>85</sup> Submission from Fedna Antoine.

<sup>86</sup> Submission from Indian American Muslim Council.

<sup>87</sup> Submission from Hand in Hand Foundation.

<sup>88</sup> Submission from Global Center for Democratic Governance, Canada.

<sup>89</sup> Submission from German Commission for Justice and Peace.

<sup>90</sup> Submission from World Jewish Congress.

<sup>91</sup> Submission from Baha’i International Community on the Islamic Republic of Iran.

proceedings followed.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

#### 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.<sup>95</sup> 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.<sup>96</sup> 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.<sup>97</sup> 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.<sup>98</sup>

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

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.<sup>101</sup>

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

<sup>92</sup> Confidential input.

<sup>93</sup> Submissions from Christian Solidarity Worldwide and International Human Rights Desk.

<sup>94</sup> Submission from AWAM.

<sup>95</sup> Submission from Brazilian Center of Studies in Law and Religion.

<sup>96</sup> 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.

<sup>97</sup> Submission from Argentina.

<sup>98</sup> Submission from World Jewish Congress.

<sup>99</sup> Submission from AWAM.

<sup>100</sup> Submission from South Asia Forum for Freedom of Religion or Belief.

<sup>101</sup> Submission from Malaysia.