



General Assembly

Distr.: General
23 February 2026

English only

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**

Written statement submitted by New Humanity, a non- governmental organization in general consultative status*

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 February 2026]

* Issued as received, in the language of submission only.



Freedom of Religion and the Right to Spiritual Assistance Before Death

This Written Statement is submitted within the framework of the mandate of the Special Rapporteur on freedom of religion or belief, and in reference to the report “How freedom of religion or belief relates to death and honouring the deceased” (A/HRC/61/50). While we regret that the report has not yet been made available on the Human Rights Council’s website, which has prevented us from accessing its content, we nonetheless wish to express our appreciation for her excellent work and her continued efforts to promote and protect the right to freedom of religion or belief.

International Human Rights Law (IHRL) protects the right of individuals to access spiritual assistance before death as an integral component of the freedom of religion or belief. However, this right is not consistently guaranteed in emergencies or in the context of natural disasters. Through this written statement, we respectfully urge that due attention be given to this issue, ensuring that spiritual assistance is afforded the same consideration as other essential aspects of human dignity and life.

Article 18 of the Universal Declaration of Human Rights affirms that “everyone has the right to freedom of thought, conscience and religion; this right includes freedom... to manifest his religion or belief in teaching, practice, worship and observance.” This guarantee is binding under Article 18(1) of the International Covenant on Civil and Political Rights, which protects the freedom to manifest religion “either individually or in community with others, in public or private.”

End-of-life rites, such as prayers, blessings, or last rites, constitute core manifestations of religious belief and therefore fall squarely within the scope of protection afforded by international human rights law. However, in its CCPR General Comment No. 22, Article 18 of the International Covenant on Civil and Political Rights (Freedom of Thought, Conscience or Religion), the Human Rights Committee does not explicitly refer to a right of access to spiritual assistance. Nevertheless, such access may be understood as falling under the category of “participation in rituals associated with certain stages of life” (para. 4).

The right to access spiritual assistance is usually linked to the right to health. Although spirituality is not directly mentioned in the WHO’s definition of health, it has been incorporated in the WHO’s health strategies and is considered an important dimension of health and well-being. The Declaration on the Promotion of Patients’ Rights in Europe states that patients have the right to “receive spiritual support and guidance at all times” (World Health Organisation: 1994, Article 5.9).

The Council of Europe Guidelines “Human Rights and the fight against terrorism” expressly stipulate, in the context of “emergency assistance,” that, to address the immediate needs of victims, States should ensure that appropriate emergency assistance—medical, psychological, social, and material—is made available free of charge to victims of terrorist acts. The Guidelines further specify that States should also facilitate access to spiritual assistance for victims at their request (Section II). The explanatory text clarifies that the term “assistance” was preferred to “help,” *inter alia*, because it is used in several provisions of the Revised European Social Charter (CETS No. 163, 3 May 1996), such as Article 13 on the right to social and medical assistance.

Although the European Convention on Human Rights does not expressly guarantee a right to health care or to medical assistance, the European Court of Human Rights has clearly established that, in certain circumstances, States may have a positive obligation to provide appropriate medical care to avoid a violation of Article 2 of the Convention (right to life) or Article 3 (prohibition of torture). Notably, however, no explicit reference is made in this context to the freedom of religion or belief guaranteed under Article 9 of the Convention or the positive obligation to provide spiritual assistance.

Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules recommends that prisoners should be provided with food that takes into account their religion (Recommendation 29). In *Vartic v Romania* (No. 2) (2013), the European Court of Human Rights held that denying a detainee access to a diet that respected

the applicant's religious beliefs violated Article 9 of the European Convention on Human Rights (para. 55). The Court has repeatedly stressed that Article 9 protects acts intimately linked to the religion or belief concerned, including pastoral care and religious rites. But there is no case law regarding the right to receive spiritual assistance in cases of natural disasters or emergencies.

International Disaster Law (IDL) affirms that human rights continue to apply during emergencies. The ILC Draft Articles on the Protection of Persons in the Event of Disasters provide that "persons affected by disasters are entitled to respect for their human rights in accordance with international law" (Draft Article 5), and that disaster response shall take place "in accordance with the principles of humanity, neutrality and impartiality, and based on non-discrimination, while taking into account the needs of particularly vulnerable persons" (Draft Article 6). But it makes no explicit reference to spiritual assistance.

Nevertheless, dignity-based needs encompass spiritual and religious support, which should be integrated into humane and holistic disaster responses. This approach is consistent with the Sendai Framework for Disaster Risk Reduction 2015–2030, which emphasises people-centred, inclusive, and culturally sensitive disaster risk reduction and response. Indeed, Disaster Spiritual Care (DSC) exists at the local and regional level through humanitarian associations, such as the American Red Cross, to provide crucial emotional and spiritual support to people affected by disasters. As the COVID-19 crisis demonstrated, during major health disasters (MHDs), the demand for SC grows exponentially, while the burden of care and focus on preserving life often hinder its provision. Nonetheless, existing health emergency strategic frameworks lack preparedness for the provision of SC.

The convergence of these legal regimes demonstrates that access to spiritual assistance before death is not a marginal concern, even in situations of extreme crisis. Whether in the aftermath of a natural disaster, within overwhelmed medical facilities, or in the context of armed conflict, authorities and humanitarian actors are under a duty to ensure that emergency measures do not arbitrarily prevent individuals from receiving spiritual care.

However, recent events reveal a different reality. In emergencies, public authorities do not always give due consideration to individuals' right to spiritual assistance in the event of death. For example, following a recent train accident in Adamuz, Spain, Catholic Church authorities reported that priests were not permitted to access victims alongside medical and civil protection personnel due to chaos around the accident, meaning the deceased were denied the sacraments

In conclusion, freedom of religion or belief encompasses the right of individuals to access spiritual assistance before death as a core manifestation of religious practice and an essential component of human dignity. This right should be expressly recognised within international human rights law and disaster law, in line with its explicit protection under international humanitarian law, as authoritatively interpreted by the International Committee of the Red Cross. Even in the most severe emergencies, respect for the spiritual needs of persons at the end of life remains a fundamental legal and humanitarian obligation.