

A Deeper Understanding of  
Freedom of Religion or Belief  
and its Policy Implications

# Guide and Policy Toolkit

## for the Finnish Ministry of Foreign Affairs

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*“Violations of FoRB are closely connected with and threaten other civil and political rights, such as the right to life, privacy, assembly and expression, as well as social, economic and cultural rights.”<sup>1</sup>*

(Stefanus Alliance International).

1 “Freedom of Religion or Belief for Everyone,” Stefanus Alliance International, 2017, 6, <https://d31wycy8zkggea.cloudfront.net/1510921391/forb-booklet-2017-english.pdf>.

**Felm**<sup>1859</sup>



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## Executive Summary

Today, **the right to freedom of religion or belief (FoRB)** is commonly misunderstood and under-appreciated. Given that religious freedom is frequently under attack and its necessity itself obscured, it is important for the international community to share and articulate the same framework when defending it. Across the world, the right to FoRB is facing unrivalled challenges and religion continues to play a role across regional, cultural and ethnic landscapes. Issues surrounding religion can prompt security, political, diplomatic, economic and social consequences and high-profile conflicts surrounding FoRB throughout the world have led to growing debates and interest in the topic.

Generally, the right to FoRB can be used as a barometer to measure adherence to human rights standards in a variety of contexts. The right to FoRB is complex and does not exist within a vacuum. Rather, it intersects with a wide range of human rights issues. A thorough understanding of this right, its legal frameworks and thematic policy issues are essential tools for diplomats and the broader policy community to better confront a whole range of human rights abuses rooted in religious tensions. This toolkit strives to equip its readers with the basic tenets of FoRB, to help policy makers identify FoRB violations in a variety of contexts, master recurrent controversies around the right to FoRB, as well as provide solutions to respond to these challenges with well-formulated strategies. This toolkit provides diplomats and the policy community with both the theoretical underpinnings and concrete importance of religious freedom. Checklists and case studies also enable newly acquired knowledge to be tested.

**Part I** of the Toolkit tackles the basic questions: What is freedom of religion or belief and why is it important? What are its core dimensions? Which exceptional limitations to religious freedom are provided for by international law? A general checklist is established to monitor core elements of FoRB. This section also tackles common misperceptions around religion. Finally, the text reflects on FoRB violations, which can have a devastating impact on individuals, communities and societies. It also provides a sample of problematic legislation, as well as unlawful policies and practices, which can be committed by both state and non-state actors.

**Part II** of the Toolkit explores controversies around FoRB and thematic policy issues that frequently reappear at the forefront of public discussion. Nine chapters analyse the challenges posed each time, as well as offer solutions to be explored. The policy themes are: (1) **Insult to religion and blasphemy allegations**. This is paired with a real-life case study and a fictional case-study, as well as findings from the U.S. Commission on International Religious Freedom (2) **The rise of religious intolerance and incitement to religious hatred** along with a presentation of UN tools which can assist in fighting this scourge (3) **The importance of interreligious dialogue** and its different formats, settings and objectives. (4) **Hate and violence**: examples of religious minorities from around the world (5) **FoRB and women's rights** (6) **FoRB and sexual orientation and gender identity** (7) **FoRB and sustainable development goals** (8) **Curbing FoRB in the name of security** (and subsequent OSCE recommendations) (9) **State religions** and their implications for equality.

**Part III** of the Toolkit provides a sample of country case studies (Egypt, India and Myanmar) which present different contextual landscapes with varying legal structures whilst also showing that common challenges emerge. Recommendations are provided in each case study.

Finally, **Part IV** of the Toolkit is devoted to providing recommendations to the diplomatic and policy communities on how to promote the right to FoRB within the framework of international organisations, in Headquarters of the Foreign Ministry and across embassies in host countries.

## Background: Felm's Mission

Felm (The Finnish Evangelical Lutheran Mission) is a faith-based organization working on a holistic mission: church cooperation, development, peace and reconciliation, advocacy and emergency relief. It is an agency of the Evangelical Lutheran Church of Finland (ELF) for its inter-national work. Felm currently works in 24 countries with around 100 partner churches and organisations. As one of the largest Finnish civil society organisations working in global development, Felm also receives funding from Finland's Ministry for Foreign Affairs. Felm's work aims to promote human dignity and justice around the world. The Christian message of hope, faith and neighbourly love has been the cornerstone of its work for 165 years. All the parishes of the Evangelical Lutheran Church of Finland are members of Felm and take part in the organization's decision-making process at the Annual General Meeting. Every year some 400 participants from 300 parishes and member organisations participate in the General Meeting held in May-June.

## Why is this Toolkit important?

Across the world, the **right to freedom of religion or belief (FoRB)** is facing unrivalled challenges. Religion continues to play a role across a variety of regional, cultural and ethnic landscapes. Issues surrounding religion can prompt security, political, diplomatic, economic and social consequences. High-profile conflicts surrounding FoRB throughout the world have led to growing debates and interest in the topic. Generally, the right to FoRB can be used as a barometer to measure adherence to human rights standards in a variety of contexts. FoRB violations can have a devastating impact on individuals, communities and societies.

Today, the right to freedom of religion or belief continues to be repeatedly misunderstood and also under-appreciated. Given that religious freedom is frequently under attack and its necessity itself obscured, it is important for the international community to share and articulate the same framework when defending it. This toolkit will help to increase understanding of the religious dimension of conflicts in order to better tackle these challenges in diplomatic and policy settings. **This toolkit will lay out the basic tenets of FoRB, its core principles and examples of frequent violations.**

**Along the way, a range of actions and policies will be recommended. The reader's knowledge will be tested with checklists to assess situations and fictional scenarios to resolve.**

## Part I: The Basics

### 1. Finland's 'Added Value' to Freedom of Religion or Belief

Understanding **Finland's relationship to religion** can be useful to master in view of engaging with other states on these questions. FoRB is important for Finland, because it touches upon key principles and values that Finland champions internationally, such as the promotion of democracy, the realisation of the Sustainable Development Goals (SDGs), peace and gender equality. For Finland, the systematic integration of human rights is an objective in its own right and specifically, the fulfilment of human rights is considered a result in implementing the SDGs.<sup>1</sup> It can also be argued that as a small state historically caught between large Germanic and Slavic nations, Finland is sensitive to preserving minorities, as well as valuing and safe-guarding small cultural and linguistic identities. In that respect, Finland is in a unique position to uphold the rights of small religious or belief groups and their minority identities.

### 2. What is freedom of religion or belief?

**There are two core features to freedom of religion or belief.**

**1. The first feature** covers the rights of individuals to **freely adopt, change or renounce a religion or belief** and is known as *forum internum*. This right encompasses believers, ranging from traditional and non-traditional religions or beliefs, to minorities, children, converts, and non-believers, such as agnostics or atheists. What sets this right apart from others, is that this freedom is absolute, and derogations are never admitted. It can never be limited or negotiated in any way as it cuts to the fundamental right of personal thought.

The right to believe -or not to believe- is deeply personal, even intimate. It is the right to think as you wish and to cherish your most personal thoughts. An individual's internal collection of beliefs, or internal thinking cannot allow for any restrictions.<sup>2</sup> This freedom is protected unconditionally, as is the right of everyone to hold opinions without interference. Consistent with these rights, no individual can be subject to coercion, as this would impair the individual's freedom to have or adopt a religion or belief of choice.<sup>3</sup> This right is to be ensured, even in the most severe of contexts (e.g. a state of public emergency). However, while *forum internum* is an inalienable and absolute right, in many contexts it is under attack.



“Whether you live in Singapore, Sweden or Sudan, whether there is peace or war, regardless of what religious or political leaders say - you and every other person have the right to keep and cherish your beliefs, or to change them, or be a non-believer.”

(The Freedom of Religion or Belief Learning Platform, an initiative of the Nordic Ecumenical Network on Freedom of Religion or Belief (NORFORB))

- 1 « Human Rights Based Approach in Finland's Development Cooperation : Guidance Note 2015 », Ministry for Foreign Affairs, 2015, [https://um.fi/documents/35732/48132/human\\_rights\\_based\\_approach\\_in\\_finlands\\_development\\_cooperation\\_guidance](https://um.fi/documents/35732/48132/human_rights_based_approach_in_finlands_development_cooperation_guidance).
- 2 The UN Special Rapporteur calls this « forum internum—a person's inner realm of thinking and believing » in Report of the Special Rapporteur on Freedom of Religion or Belief, December 2015: See Annual Reports of the Special Rapporteur on the Freedom of Religion or Belief, United Nations Human Rights Office of the High Commissioner, <http://www.ohchr.org/EN/Issues/FreedomReligion/Pages/Annual.aspx>.
- 3 “Article 18 (2)” International Covenant on Civil and Political Rights (ICCPR), 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also, “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion),” Human Rights Committee, 1993, <https://www.refworld.org/docid/453883fb22.html>.

In many parts of the world, states deny the freedom to have, choose, change or leave a religion or belief. Violations of this right can take the form of anti-blasphemy, apostasy and anti-conversion laws. These laws all establish thought-crimes. The right to have your personal convictions, known as the internal dimension of freedom of religion or belief, is absolute and can never be limited.

**II. The second feature** covers the right to manifest one's religion or belief.<sup>1</sup> To “manifest” your belief means to express it as you wish, though verbal expression, prayers, or action. You can do this as an **individual or collective community, publicly or privately**. This right is known as *forum externum*. This right encompasses a range of entitlements such as the freedom to **worship or assemble in connection with one's religion or belief**, the right to enjoy **places of worship**, the freedom to display **religious symbols**, the freedom to observe **religious holidays and ceremonies**, the right of religious organizations to **appoint clergy**, the right to **write, teach and disseminate materials and/or religious literature**, the right of parents to ensure the **religious and moral education** of their children, the right to **register** (as a group of believers), the right to **communicate** on religious matters at the national and international level, the right to **establish and maintain charitable and humanitarian institutions**, the right to **solicit and receive funding** or voluntary contributions, and the right to **conscientious objection**.<sup>2</sup> This also includes the right to **train, appoint and elect religious leaders**.

Religious or belief communities are entitled to benefit from a legal identity so that they can be officially recognized by the state, hold bank accounts, employ people, own buildings and run institutions.<sup>3</sup>

These rights are very practical. For example, conscientious objectors do not only want to express their theoretical objection to the use of military force, but also wish to act upon it through non-participation.



## The right to manifest one's religion or belief — what the experts say

“The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest. The observance and practice of religion or belief may include not only ceremonial acts but also such customs as the observance of dietary regulations, the wearing of distinctive clothing or head coverings, participation in rituals associated with certain stages of life, and the use of a particular language customarily spoken by a group.

In addition, the practice and teaching of religion or belief includes acts integral to the conduct by religious groups of their basic affairs, such as the freedom to choose their religious leaders, priests and teachers, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.”

General Comment 22 on Article 18 of the International Covenant on Civil and Political Rights (ICCPR), Human Rights Committee<sup>1</sup>

<sup>1</sup> The Human Rights Committee is the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties from “Monitoring Civil and Political Rights,” United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/en/hrbodies/ccpr/pages/ccprindex.aspx>. See also, “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion),” Office of the High Commissioner for Human Rights, Refworld, 1993, <https://www.refworld.org/docid/453883fb22.html>.

<sup>1</sup> “Article 18 (3)” International Covenant on Civil and Political Rights (ICCPR), 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also, “CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion),” Human Rights Committee, 1993, <https://www.refworld.org/docid/453883fb22.html>.

<sup>2</sup> All rights and legal basis are enumerated in detail here: <http://www.ohchr.org/Documents/Issues/Religion/RapporteursDigestFreedomReligionBelief.pdf>

<sup>3</sup> “Guidelines on the Legal Personality of Religious or Belief Communities,” OSCE ODIHR, 22, 2014, <https://www.osce.org/files/f/documents/9/9/139046.pdf>.



### 3. Exceptional Limitations to Freedom of Religion or Belief

Unlike *forum internum*, in exceptional cases there can be limitations placed upon the right to *forum externum*. These limitations must be applied for the purposes for which they were prescribed and must be directly related and proportional to the specific need on which they are predicated. Article 18(3)<sup>1</sup> of the International Covenant on Civil and Political Rights (ICCPR) enumerates very tight exceptions to religious freedom, whereby such limitations are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

No limitations are authorised for discriminatory purposes or can be applied in a discriminatory manner.<sup>2</sup> Unfortunately, however, this frequently occurs in practice. In all circumstances, the state bears the burden of proof to justify any restriction on FoRB and restrictions are the exception, not the rule. The measures, in addition to being necessary in a democratic society to protect a legitimate national security interest, must not harm the dignity of a person to abide by a faith, belief or their inner consciousness.

#### Testing the Exceptional Nature of Limitations to Freedom of Religion or Belief

- ❑ **Why should any limitation need to be “provided for in law”?** This prevents the state, police and/or courts from acting arbitrarily or inconsistently. It ensures that any limitation has been codified by law, prior to a specific circumstance, for the purpose of society at large and carried out legally.
- ❑ **Why does the limitation need to be necessary to protect “public safety, public order, health or morals, or the rights and freedoms of others”?** This ensures that any exceptional limitation serves the general interest of the population and does not favour specific groups. The limitation has to be defined specifically to fit a particular need.
- ❑ **Is national security a legitimate ground for limiting freedom of religion or belief?** No. Some governments demonize groups, especially groups that share the religion of an enemy country, calling them a threat to national security.<sup>3</sup> Other groups can be arbitrarily labelled as “extremists.”

#### Is there an Exceptional Need for Limitation?

A CHECKLIST FOR GOVERNMENT AUTHORITIES TO ANSWER IN EXCEPTIONAL CIRCUMSTANCES

- ✓ Does this action limit one’s absolute right to have or change your religion or beliefs? (If yes, the limitation is unlawful).
- ✓ Why does this right need to be limited for the sake of public safety, public order, health or morals?
- ✓ Is this measure absolutely necessary to tackle the threat?
- ✓ If so/yes, how does this particular manifestation pose a threat?
- ✓ Can another solution be found without limiting this right?
- ✓ Is this exceptional limitation proportional to the threat posed?
- ✓ Will this measure be effective in tackling the threat posed?

1 “Article 18” International Covenant on Civil and Political Rights (ICCPR), 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>. See also “Article 9” European Convention on Human Rights (ECHR), 1950, [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

2 “ICCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion),” Human Rights Committee, 1993, <https://www.refworld.org/docid/453883fb22.html>.

3 “Film Resources,” FORB Learning Platform, <https://www.forb-learning.org/film-resources.html>.



## 4. Freedom of Religion of Belief and Health Emergencies<sup>1</sup>

Limitations to FoRB have occurred across the globe for health purposes to curb clusters, for example in the context of the coronavirus pandemic. In many societies, religious gatherings and rituals are indispensable to maintaining the community's social fabric. To use one example, due to the spread of Covid-19 and the fact that the virus thrived in conditions where people were closely packed together, such as religious gatherings, these rituals and traditions were limited. The suspension of meaningful activities where religion plays an important role was hard-hit, for example: religious ceremonies linked to weddings, funerals, mourning rituals or spiritual guidance in homes or hospitals. Whilst some religious groups defied their government's limitations on large gatherings, others took steps to limit the spread of the virus, including cancelling them or conducting services online.

In states where religious freedom is already at risk, the state's limitation of religious freedom during an emergency is of particular concern as this may lead to abuses of power. These misuses of an emergency situation could include increased surveillance, censorship and violations of privacy. The question of limiting religious freedom is a hotly contested issue -- even in well-established democracies.<sup>2</sup> **If restrictions are imposed proportionately, and due to health concerns, it is essential that states lift these restrictions as soon as it is safe to do so.**

During a health crisis, religious leaders can play an invaluable role if the level of trust between congregants and leaders is high. **In trying times, religious groups can provide emotional support to followers, despite physical spatial distancing.** Religious actors can **serve as an important communication bridge between state officials and congregants** and call on members of the community to follow the authorities' health directives. They can serve as an information point to explain to followers how to apply health-protocols. Finally, religious groups can **provide social aid and food to vulnerable groups.**

### Recommendations in Times of Health Threats

- Public authorities should treat religious leaders and individuals as solid partners who are able to share the State's objective in implementing public health measures. They should facilitate faith communities to continue to manifest their beliefs in accordance with health requirements, using this as an opportunity to build greater trust between the authorities and civil society.
- No limitations should be imposed for discriminatory purposes or applied in a discriminatory manner. Restrictions on FoRB based on public health concerns should not be abused to quash dissent or stigmatize vulnerable individuals and minorities.
- Policies concerning screening, monitoring, and surveying of places of worship or meetings of religious, or belief communities must be governed by appropriate procedures in due respect to international human rights standards.

1 For a comprehensive overview of human rights and coronavirus, including FoRB, see: "OSCE Human Dimension Commitments and State Responses to the Covid-19 Pandemic," OSCE ODIHR, 2020, [https://www.osce.org/files/f/documents/e/c/457567\\_0.pdf](https://www.osce.org/files/f/documents/e/c/457567_0.pdf).

2 This is an issue that is being litigated in the U.S. The Supreme Court in 2020 sided with religious organizations against strict state restrictions. Richard Wolf, "Supreme Court Continues to Block State Covid-19 Restrictions on Religious Gatherings," USA Today, Dec. 15, 2020, <https://www.usatoday.com/story/news/politics/2020/12/15/churches-take-covid-19-supreme-court-sides-religious-freedom/3813310001/>.

## 5. Why is Freedom of Religion or Belief Important?

The international human rights system is built to maximize all rights, as they are self-reinforcing. In addition to the needs it fulfils for human beings, FoRB is important because it is interconnected to other fundamental rights. Indeed, human rights are **universal, interrelated, interdependent, indivisible, and mutually reinforcing**. Many violations are intersectional, meaning that different types of violations can occur at the same time. For example, groups that face marginalisation or discrimination, such as ethnic minorities or women, can also have their right to freedom of religion or belief put at risk.

**Human Rights Are Universal.** Some claim that universal human rights standards are the expression of Western values and are an instrument of “imperialist domination”. This rhetoric has seeped into arguments to oppose universal norms within the UN. Some states have referred to “Asian values” (loyalty towards the family, corporation, and nation; and the forgoing of personal freedom for the sake of society’s stability and prosperity).<sup>1</sup> Others have referenced “traditional values” (to oppose LGBTIQ+ rights).<sup>2</sup> Other states invoke “Islamic values” to uphold blasphemy laws and inaccurately claim that blasphemy is a form of incitement to hatred.<sup>3</sup> Western states have also been accused of solely focusing on the rights of Christians. Despite these claims, the international human rights system brings a universalist perspective, meaning that its standards apply to all cultures regardless of sex, colour, language, culture, religion or ethnicity. Human rights are only relevant if they can be applied universally. That means that everyone is entitled to the same rights. Pivotal human rights treaties have received broad, geographic and cross-cultural support. Finland, and the European Union as a whole, have emphasized on multiple occasions the need to view FoRB through a universal approach- as is stressed in the E.U. Charter of Fundamental Rights<sup>4</sup> and the E.U. Guidelines on Freedom of Religion or Belief.<sup>5</sup>

**Human Rights Are Interdependent, Interrelated and Mutually Reinforcing.** As the UN Office of the High Commissioner for Human Rights explains: “One set of rights cannot be enjoyed fully without the other. For example, making progress in civil and political rights makes it easier to exercise economic, social and cultural rights. Each right contributes to the realisation of a person’s human dignity through the satisfaction of a human being’s needs. That is why one right can produce an effect on another. Similarly, violating economic, social and cultural rights can negatively affect many other rights.”<sup>6</sup>

### CASE STUDY:

#### Intersections Between Freedom of Religion or Belief & Freedom of Opinion and Expression.

If your right to FoRB is violated, it is likely that other interdependent rights will be violated as well. For example, FoRB has a strong communicative component where expressing beliefs can occasionally amount to fully practising one’s faith. As an illustration: is wearing a cross or headscarf a manifestation of one’s belief or the expression of one’s belief? Both. You are simultaneously practising your faith and expressing it. Or what if you have the right to think as you wish (*forum internum*), but you are deprived of expressing them through the manifestation of those thoughts? What if you fight for the right to pray as a group, but the authorities do not enable you to enjoy your right to congregate peacefully? That is both a violation of the right to FoRB and a violation of the right to peaceful assembly.

1 “Article 30: Repression in the Name of Rights is Unacceptable,” BBC World Service, [https://www.bbc.co.uk/world-service/people/features/ihavearightto/four\\_b/casestudy\\_art30.shtml](https://www.bbc.co.uk/world-service/people/features/ihavearightto/four_b/casestudy_art30.shtml)

2 Melissa Hooper, “Russia’s ‘Traditional Values’ Leadership,” Human Rights First, June 1, 2016, <https://www.rferl.org/a/un-hears-calls-for-blasphemy-ban/24721995.html>; Alexandra Kelley, “The Pope’s ‘Shocking’ Statement on Gay Marriage is Causing an Uproar among Catholics,” The Hill, Oct. 22, 2020, <https://thehill.com/changing-america/respect/equality/522311-the-popes-shocking-statement-on-gay-marriage-is-causing-an>.

3 Courtney Brooks, “Calls for Blasphemy Ban Resurface at UN,” Radio Free Europe, Sep. 12, 2012, <https://www.rferl.org/a/un-hears-calls-for-blasphemy-ban/24721995.html>.

4 “EU Charter of Fundamental Rights,” European Commission, [https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights\\_en](https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en).

5 “EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief,” Council of the European Union, June 24, 2013, [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137585.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf).

6 “What are Human Rights,” United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

## 6. Everything That Freedom of Religion or Belief Is NOT!

There continues to be conceptual misunderstandings about what this entails. While questions linked to religion are continuously seizing media headlines, there is an ever-urgent need to clarify what this right is—and also what it is not. In many parts of the world, the right to freedom of religion or belief continues to be perceived as a right to be enjoyed “whenever possible.” Violence in the name of religion has pushed many to view religions or beliefs as the core driving force of extremism. Although that can be true, the right to freedom of religion or belief is (wrongly) deemed incompatible with security. Below are some common misperceptions.

**“FoRB Is a Conservative and Patriarchal Right as Opposed to More Modern, Liberal Rights”** Freedom of religion or belief is frequently perceived as a right belonging to previous centuries, and viewed as one that no longer embodies the contemporary fight for equality or social justice. While rights such as freedom of opinion and expression, non-discrimination and equality, women’s rights and LGBTIQ+ rights capture the imagination of secular human rights organizations, religious freedom is often viewed as counter-productive to this progress. However, it is important to remember that FoRB protects those who hold atheistic views as much as it protects those who hold religious views. In other words, freedom of thought is guaranteed by this right, regardless of whether a person holds religious views or not.

**“Freedom of Religion or Belief Serves to Protect Religions”** Freedom of religion or belief does not protect any idea or belief systems. The human rights architecture is based on protecting individuals, not ideas. FoRB protects the rights of the believer, rather than the content of their beliefs. As the U.S. Commission on International Religious Freedom states, “when examined through a human rights lens, blasphemy laws, as a category of laws, run [the] serious risk of inviting abuse on several vectors. They position states as arbiters of truth and ultimate deciders of what is or is not offensive to the sacred, an assessment with inherent subjectivity.”<sup>1</sup> In the same manner, it is inaccurate to state that “religious freedom brings special rights for religious people”: there are no privileges for religious people. All individuals are treated equally, regardless of whether they believe or not, whether they hold old or new beliefs, traditional or non-traditional, theistic or atheistic beliefs.

**“Let’s Face It, Religion Just Creates Problems”** It is necessary to acknowledge that there are people who use religion to further their agendas and to wage violence. Undoubtedly, religion can be used to justify grave human rights violations. It’s important to clarify that incitement to violence, violation of women’s rights or any form of discrimination can never be justified in the name of religion, according to international law. Understanding the law is important, but understanding religions can also help. One way to counter this misconception is to encourage religious literacy- which means promoting the ability to analyse and understand the historical, social, cultural and philosophical dimensions of religion and how it shapes our societies across the world. In that respect, religious literacy can enable a deeper appreciation of the human experience and avoid all forms of conceptual stereotypes and oversimplifications.

1 Joelle Fiss and Jocelyn Getgen Kestenbaum, “Respecting Rights? Measuring the World’s Blasphemy Laws,” United States Commission on International Religious Freedom, 2017, 6, <https://www.justice.gov/eoir/page/file/1265616/download>.

## 7. Essential Core Freedoms Interconnected to Freedom of Religion or Belief

All of these core freedoms run through all issues relating to FoRB and need to be taken into consideration at every step of reflection and discussion.<sup>1</sup>

### Freedom from Coercion

An important dimension of freedom of religion or belief is the right to be protected from coercion. No-one – state or individual- can use force, threaten or intimidate another due to their faith or belief. Everyone is entitled to choose their faith, how to express it, leave their faith or adopt another belief. However, throughout the world, people are deprived of this freedom and face coercion, violence, threats, discrimination, punishments, and sanctions.

### Freedom from Discrimination

Everyone should be treated equally, regardless of their belief and governments should not favour a majority religion over a minority religion. There is much legal literature on this.<sup>2</sup> States have an obligation to prevent any form of discrimination whether it occurs through laws or practice. However, this fundamental freedom is frequently violated. Discrimination can come in many forms. It can come from overt **state action** or in the form of **state omission** to fulfil its human rights obligation and duty to protect. Governmental examples range from formal recognition of religious or belief groups, state funding provided to some groups and not others, refusal to provide permits to groups for building places of worship to the banning of religious clothing and state surveillance. Beyond the state's actions, discrimination can also originate from **private citizens**, who marginalize religious minorities through economic means or who multiply the damaging effect of hate or religious intolerance. When discrimination originates from private citizens, states bear the obligation and responsibility to protect the discriminated. Failure to do so is responsibility through state omission.

### The Right to Conscientious Objection

A conscientious objector is an individual who claims the right to refuse a required act, on the grounds that it violates his or her conscience. Such acts include refusing compulsory military service, taking oaths, or performing abortions. The only specific form of conscientious objection mentioned in UN documents is the right to refuse military service.<sup>3</sup> In many states, refusing military service on religious grounds is sanctioned.

### The Rights of Parents and Children to Religious Education

When it comes to matters of religion, international human rights law recognizes the importance of parents guiding their children. According to the ICCPR, as well as the UN Convention on the Rights of the Child, parents are authorized to shape their child's religious identity, just as the child will have the choice to change it afterwards. The fact that the child shall enjoy the right to religious rituals and education does not exclude him/her from debating and challenging his/her own culture once (s)he gains the capability to do so at an older age. In fact, "the role of parents, families and legal guardians is an essential factor in the education of children" in this field. Indeed, in the sensitive triangle between children-parents-state, which requires delicate balancing, the state's obligations to provide education are counterbalanced with the parent's right to teach their children about religion.



The use of coercive measures against individuals in their choice or exercise of religion or belief should never be admitted.

(EU Guidelines on the promotion and protection of freedom of religion or belief).

1 "EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief," Council of the European Union, June 24, 2013, [https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/137585.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/137585.pdf).

2 For example, articles 2, 5, 26, 27 of the ICCPR and Human Rights General Comment NO 22 (2)

3 "Conscientious Objection to Military Service," United Nations Human Rights Office of the High Commissioner, <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/ConscientiousObjection.aspx>.

### General Checklist for Monitoring Core Elements of Freedom of Religion or Belief

- ✓ Does the state authorise the freedom to adopt, change or renounce a religion or belief?
- ✓ Are the rights of non-believers respected?
- ✓ Does the citizen have the right to manifest his/her religion or belief?
- ✓ Is the citizen free from coercion on religious matters?
- ✓ Are all citizens treated equally irrespective of their beliefs, including religious or belief minorities?
- ✓ Are women's rights respected (e.g. in the field of divorce, guardians of minors, modesty or dress laws, health, inheritance, value of testimony)?
- ✓ Are parents' rights to provide their children with religious education respected?
- ✓ Are children's rights respected (e.g. no child marriage, no female genital mutilation)?
- ✓ Are there any criminal punishments tied to "undermining" a state religion?
- ✓ Does enforcement of religious law or courts take precedence over civil law?
- ✓ Does the state control religion or religious institutions (e.g. appointment of clerics or control of sermons/assemblies)

## 8. Violations of Freedom of Religion or Belief

Violations of freedom of religion or belief can come in many shapes and sizes and can impact both the forum *internum* and forum *externum* of FoRB. Both **state** and **non-state actors** can violate this right through laws, policies, collective or individual actions. Frequent violations can lead to social unrest and hostilities. Unlawful laws and policies include the following:

### Legislation: A Sample of Unlawful Limitations

- Prohibition and/or restrictions of religious (or belief-driven) groups.
- Anti-blasphemy laws.
- Anti-conversion laws.
- Apostasy laws.
- Denial or restriction of the right to proselytize.
- Forced renunciation of faith
- Discrimination against recent converts.
- Unequal recognition of religious or belief groups (e.g. providing funding to some religions but not others or allowing some religious organizations to build houses of worship and not others).
- Prohibition and/or restrictions of religious practices and rituals.<sup>1</sup>
- Prohibition and/or restrictions on the right to register as a belief-driven entity.<sup>2</sup>
- Designation of some religious groups as 'sects' or 'cults.'
- Legislation that allows state interference in religious affairs.
- Prohibition of construction of places of worship.
- Restrictions or requirements of women's dress
- Prohibitions of wearing religious symbols.
- Denial of the right to religious observation for prisoners.
- Legal measures that limit the movement of individuals on the grounds of religion or belief.<sup>3</sup>
- Jurisdictions of religious courts over certain laws without a civil option.
- Restrictions on abortion/birth control
- Censorship of religious literature
- Religious-based reservations to international treaties.<sup>4</sup>

1 For example, restricting production, import and/o consumption of foods or alcohol, banning male circumcision or banning kosher/halal slaughtering.

2 This makes it impossible for religious groups to obtain places for worship, establish charitable or humanitarian organisations, teach their beliefs, publish and disseminate publications or receive donations.

3 This can include measures that exclude individuals where they have the right of residence, relocation of individuals within their country of residence or nationality, amendment of citizenship rules, or reviewing the rules applicable to asylum seekers.

4 Egypt and India both have religious reservations to international human rights treaties. See case studies below as well



## A Sample of Unlawful Policies and Practices

Policies and practices can be carried out by governmental officials, including law enforcement officers (e.g. police, security agents, prison officials) or judicial authorities (e.g. prosecutors, judges). Some practices may emerge as a result of having been emboldened by government declarations or laws. Even if a law is drafted in full respect of the state's obligations, discrimination can still occur when it comes to implementation. For example, if law enforcement, judges, educators or civil servants have a bias and do not provide equal treatment in practice.

- Use of coercion to prevent someone from adopting or changing a religion.
- Arbitrary arrests, charges, pre-trial detentions and convictions based on FoRB.
- Profiling based on the person's ethnic or national origin or religion or belief, in non-conformity with the principle of non-discrimination.
- Denial of access to religious sites.
- Discriminatory immigration policies on the grounds of a person's religion or belief.
- State surveillance of targeted groups on their basis of religion or belief (schools, universities, places of worship).
- State committees on religious affairs established to supervise and monitor religious activities and literature.
- Denial of religious freedom rights to foreign workers, prisoners, refugees or asylum seekers.
- Denial of legal aid to religious or belief groups
- State raids on homes or buildings used for religious practice.
- Arbitrary closures of places of worship
- Restrictions or arrests in relation to public preaching and proselytising
- Obstacles to receiving funding of clergy
- Restriction of the clergy's access to hospitals, jails or military bases.
- De facto inequality before the law and/or the police.
- Direct or indirect discrimination in schools, the workplace or housing.
- Visa restrictions based on a person's religion or belief

In many contexts, **private individuals** can also resort to unlawful practices—with or without endorsement of the state, for example:

- Female genital mutilation (FGM)
- Destruction or vandalism against places of worship, or religious places (ex: cemeteries, symbols, people)
- Mob violence or activity in reaction to blasphemy allegations
- Hate crimes or physical abuse against an individual on the basis of religion or belief.
- Incitement to hatred against an individual on the basis of religion or belief or incitement to hatred through stereotyping or stigmatization that demonizes a group in the public sphere (e.g. in the media, political rhetoric in the public sphere or influential leaders in civil society), impacting society as a whole.

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as Mariana Montoya and Basac Çali, "The March of Universality? Religion-based Reservations to the Core UN Human Rights Treaties," Universal Rights Group Geneva, <https://www.universal-rights.org/urg-policy-reports/march-universality-religion-based-reservations-core-un-human-rights-treaties-tell-us-human-rights-religion-universality-21st-century/>.

## Part II:

# Recurrent Controversies Around Freedom of Religion or Belief: Thematic Policy Issues

## 1. “Insult to Religion” and Blasphemy Allegations <sup>1</sup>

Allegations of blasphemy lie at the heart of modern identity politics. State-led allegations can weaken freedom and equality, as well as destroy social cohesion and pluralism. They can also cause major international tensions—notably between liberal democracies and Muslim-majority states. Anti-blasphemy laws call for the criminalization of any form of expression that is considered offensive to God or the sacred. These laws are dangerous because they protect religions, not human beings. Contrary to European incitement laws,<sup>2</sup> anti-blasphemy laws do not focus on how incitement to hatred against an individual can lead to an imminent attack against that person. Rather, they serve to protect certain religious symbols, figures or sentiments – not the human rights of citizens.

Those who find themselves sanctioned are often in minority positions, be they members of religious minorities, political dissidents, bloggers, secularists, intellectuals, minority-thinkers, artists or satirists. The mere fact of being Christian in Pakistan, Baha’i in Iran, atheist in Bangladesh, Ahmadi in Indonesia, Copt in Egypt, or Shiite in a Sunni-majority state, means that you have a higher chance of being accused of blasphemy. Despite the fact that minorities are often targeted by these laws, it is essential to highlight that Muslims in officially Islamic countries very frequently fall victim to the law.

Blasphemy allegations are also connected to high levels of mob violence in many countries. They lead to arrests, arbitrary detentions, assaults, murders, and mob attacks. Crowds have descended on towns, attacked minorities and burned places of worship in Indonesia, Pakistan, Egypt and Nigeria. Targeted assassinations have also led to a string of killings in Bangladesh. Even states that do not have blasphemy laws can get caught up in the whirlwind of violence. For example, in 2015, 12 people were killed in the attack against the satirical paper *Charlie Hebdo* and Jews were the direct targets of anti-blasphemy violence in France (January 2015) and Denmark (February 2015). In 2020, French schoolteacher Samuel Paty was beheaded by terrorists after allegedly showing cartoons of the Prophet Muhammad during a class on free speech.

The world’s moral compass is turned upside down. States that promote one official religious interpretation often accuse anyone whose views differ of “radicalism.” Violent extremists take justice into their own hands, in the name of “fighting hate.” Yet it is those who claim to fight against “radical blasphemers,” who are the radicals themselves. In a world regulated by criminalising blasphemy, all the rhetorical subtleties that free societies value are attacked: satire, humour, hyperbole, sarcasm and provocation. These are some of the core findings of a report published in 2020 by the U.S. Commission on International Religious Freedom, which examines the enforcement of blasphemy laws across the globe during a five-year period (2014-2018).<sup>3</sup>

1 For an in-depth look at blasphemy laws See, Joelle Fiss and Jocelyn Getgen Kestenbaum “Violating Rights: Enforcing the World’s Blasphemy Laws,” United States Commission on International Religious Freedom, 2020, <https://www.uscirf.gov/publication/violating-rights-enforcing-worlds-blasphemy-laws>.

2 “Framework decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law,” Eur-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133178>.

3 Joelle Fiss and Jocelyn Getgen Kestenbaum “Violating Rights: Enforcing the World’s Blasphemy Laws,” United States Commission on International Religious Freedom, 2020, <https://www.uscirf.gov/publication/violating-rights-enforcing-worlds-blasphemy-laws>.



Blasphemy allegations are also **an indicator of how the rule of law is applied** in a given country, as “no law operates in a vacuum. Political, judicial and social contexts shape the ways in which blasphemy laws are implemented. For example, public attitudes towards religion impact a state’s political and judicial landscapes.”<sup>1</sup>

“There are **84 countries** across the globe with criminal blasphemy laws on the books as of 2020.

Researchers, using publicly available sources, found **732 reported blasphemy-related incidents from 2014-2018 across 41 countries**, or 49%, of countries with criminal blasphemy laws.

In just over half the cases of state enforcement, news reports identified the religion or belief of the accused. Of those cases, **Muslims accounted for more than half (56%) of the persons arrested, prosecuted, and/or punished for alleged blasphemy crimes**. Other groups frequently targeted for criminal blasphemy law enforcement, where identified, included: **Christians (25%), Atheists (7%), Baha’is (7%), and Hindus (3%)**.

The professions of victims accused of blasphemy which are the most frequently reported are: **lawyers, academics, media professionals, religious figures, artists, political actors (including government officials), human rights activists and political dissidents**.

More than one-quarter (27%) of reported cases implicated alleged blasphemous speech posted on **social media platforms**.

81% of the cases of state enforcement were in only 10 countries: **Pakistan, Iran, Russia, India, Egypt, Indonesia, Yemen, Bangladesh, Saudi Arabia, and Kuwait**.

There are 84 countries across the globe with criminal blasphemy laws on the books as of 2020. Together, the **Asia-Pacific and Middle East regions accounted for 84%** of the world’s enforcement of blasphemy laws.

Nearly **80%** of the incidents of mob activity, violence, or threats (with or without state enforcement), took place in only four of the countries: **Pakistan, Bangladesh, Nigeria and Egypt**.

Of those 732 incidents, 674 were reported cases of state criminal blasphemy law enforcement. **Of the 674 cases of state enforcement, mob activity, violence, or threats occurred in 78 cases.”**

1 Joelle Fiss, “Time to Scrap the World’s Remaining Blasphemy Laws,” Universal Rights Group Geneva, June 28, 2017, <https://www.universal-rights.org/blog/time-scrap-worlds-remaining-blasphemy-laws/>.

## A REAL-LIFE CASE STUDY

**Blasphemy Allegations and National Security Threats.** Denmark, France and the U.S. have faced major security threats due to blasphemy allegations, culminating in attacks against embassies, riots, political outcry and calls for economic sanctions by Muslim-majority states. One blasphemy case that caused major diplomatic tensions and security threats, which ultimately lead to human casualties, was when the video the *Innocence of Muslims* was released on the U.S.-based *YouTube* in 2012. The crisis prompted a domino effect of mass protests around the Islamic world, many of which turned violent, causing deaths and political unrest.<sup>1</sup> Although hard to quantify, press outlets confirm that dozens were killed and hundreds injured. Public perception of the clip in the U.S. was radically different than perceptions in the Muslim world. For many western viewers, the trailer seemed amateurish, deliberately designed to offend Muslims, and unworthy of the attention it received. In the Islamic world, however, the trailer was viewed as criminally offensive, denigrating to the Prophet Muhammad and humiliating to Islam. The film was also perceived by many as proof of Western incitement to hatred against Muslims. As these events were unfolding, the United Nations General Assembly was being held in New York against this backdrop of extreme tension. The states belonging to the Organisation of the Islamic Cooperation (OIC)<sup>2</sup> viewed the video's hateful message as responsible for causing the violence and was an example of how western hatred against Muslims was destabilizing the world. According to them, the video was an incitement to violence.

**In the worldview of the OIC states, the offensive nature of the video justified the riots. However, for the United States and western liberal democracies, the violence that ensued in response to the video was unjustifiable in all circumstances.** It was the reaction to those against the video who were unjustifiably instigating riots and using the video to cause chaos and casualties.<sup>3</sup> To diffuse tensions, U.S. President Barack Obama dedicated almost 20 minutes to discussing the video.<sup>4</sup>

“There is no speech that justifies mindless violence. There are no words that excuse the killing of innocents. There’s no video that justifies an attack on an embassy. There’s no slander that provides an excuse for people to burn a restaurant in Lebanon, or destroy a school in Tunis, or cause death and destruction in Pakistan. In this modern world with modern technologies, for us to respond in that way to hateful speech empowers any individual who engages in such speech to create chaos around the world. We empower the worst of us if that’s how we respond.”

(President Obama, UN General Assembly)

- 1 For a chronology of events, see “Seven dead as anti-Islam film protests widen,” BBC, September 14, 2012, <https://www.bbc.com/news/world-africa-19602177>.
- 2 The Organisation of the Islamic Cooperation was previously known as the Organization of the Islamic Conference. The name was changed in 2011. See “OIC Changes Name,” Dawn, June 28, 2011, <https://www.dawn.com/news/640058/oic-changes-name>.
- 3 Joelle Fiss, “Anti-Blasphemy Offensives in the Digital Age: When Hardliners Take Over,” Center for Middle East Policy at Brookings, Sep. 25, 2016, 21, [https://www.brookings.edu/wp-content/uploads/2016/09/brookings-analysis-paper\\_joelle-fiss\\_web.pdf](https://www.brookings.edu/wp-content/uploads/2016/09/brookings-analysis-paper_joelle-fiss_web.pdf).
- 4 “Remarks by the President to the UN General Assembly,” The White House, Sep. 25, 2012, <https://obamawhitehouse.archives.gov/the-press-office/2012/09/25/remarks-president-un-general-assembly>.

## A FICTIONAL CASE STUDY

A famous European journalist publishes caricatures satirising Islamist jihadis. Muslims across the world perceive this as anti-Islamic and an expression of European hatred against Muslims. European embassies across the Middle East have been on high alert since protests turned violent and threats were received by several embassies in Egypt, Indonesia, Nigeria and Mauritania. The OIC has called for economic boycotts of the European Union. The Pakistani Foreign Minister made an inflammatory speech attacking “E.U. values.” Tensions between religious communities are high with increasing polarisation on the question. On TV, a growing number of intellectuals are questioning if free speech is “really worth it.” They are also divided as to how to respond. As a diplomat, develop a strategy to respond to this scenario.

### PROPOSED TARGETED ACTIONS

It’s useful to plan both a domestic and international strategy: domestic support for Finland’s position will be crucial to amplifying its international messaging in alignment with the E.U.

#### MESSAGING-- AT DOMESTIC AND INTERNATIONAL LEVELS:

- **REJECT** the use of violence as a legitimate response to being “offended.”
- **ORGANISE** an in-depth public information campaign on core principles of freedom of religion or belief and freedom of opinion and expression.
- **ORGANISE** an in-depth public information campaign on blasphemy allegations and the right of the press to satirize, as well as the importance of press freedom to society.
- **CONDEMN** any incitement to religious hatred against Muslims.
- **EXPLAIN** why incitement to hatred differs from critiquing religion.
- **EXPLAIN** that the majority of victims of blasphemy allegations around the world are Muslims.
- **HIGHLIGHT** Europe’s values of pluralism and democracy.

#### DOMESTIC STRATEGY:

- **RALLY** the support of the Muslim community and cultivate a message on what unites people.
- **HOST** inter-religious dialogue and discussions to encourage religious leaders to issue statements.
- **PROMOTE** religious literacy so that over-simplifications around religion are avoided.
- **COMMUNICATE** with journalists on this question.

#### INTERNATIONAL STRATEGY:

- **URGE** the European Union to make a public statement to condemn the violence.
- **CAMPAIGN** and organise public events within embassies to diffuse tensions and provide visibility on the positions highlighted in the E.U. Guidelines on FoRB.
- **SPEAK** up for the victims of blasphemy allegations across the globe and amplify their voices.
- **BUILD** unlikely coalitions in order to speak in one voice (e.g. common message for Atheists, Christians, Muslims, Jews, etc...).
- **RALLY** support at the UN Human Rights Council and other international forums.
- **REFLECT** on the option to repeal anti-blasphemy laws in your own country (if they exist) to ensure greater conceptual clarity in the message and to have greater credibility when discussing the risks of blasphemy law abroad.<sup>1</sup>
- **DISCUSS WITH REGIONAL ALLIES** how decisions were made to repeal blasphemy laws in their own countries, as well as assessing the benefits of similar action.

1 The UN Human Rights Committee, in its Concluding Observations on the Seventh Periodic Review of Finland (1 April 2021) states in paragraph 41: “The State party should take necessary steps to decriminalize the breach of the sanctity of religion and protect freedom of thought, conscience and religion as well as freedom of expression in accordance with articles 18 and 19 of the Covenant.” [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/CCPR\\_C\\_FIN\\_CO\\_7\\_44648\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/FIN/CCPR_C_FIN_CO_7_44648_E.pdf)

## 2. The Rise of Religious Intolerance and Incitement to Religious Hatred

The UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt<sup>1</sup> (11 March 2014)

“Manifestations of collective hatred poison the relationship between communities, threaten individuals and groups and are a source of innumerable human rights violations perpetrated by State agencies and/or non-State actors. They do not ‘erupt’ like a volcano, but they are caused by human beings, whose actions or omissions can set in motion a seemingly unstoppable negative dynamic in societies. For instance, populist politicians attract followers by offering simplistic explanations for complex societal problems; advocates of hatred poison inter-group relations by stirring up resentment for short-sighted political or economic gains; lack of trust in public institutions may exacerbate an existing atmosphere of suspicion in society; and parts of the population may be all too willing to replace political common sense by the snappy slogans of hatred. Hate-filled sentiments are often caused by a peculiar combination of fear and contempt which can trigger a vicious circle of mistrust, narrow-mindedness, collective hysteria, contempt-filled rumours and fear of imaginary conspiracies. This peculiar pattern of combined fear and contempt may result in numerous hate manifestations which often target members of religious minorities or individual dissenters who are imagined as clandestinely operating in the interest of foreign powers or otherwise exercising some pernicious influence. In response to these strangely linked sentiments of fear/paranoia and contempt, two sources of aggressiveness can merge into a toxic mix, i.e. aggressiveness stemming from imagined threats and aggressiveness stemming from the pretence of one’s own collective superiority.”

In 2014, this speech clearly articulated a framework for understanding the revival of a very old phenomenon: religious intolerance. Fast forward to 2021, and we witness conspicuous violence in the name of religion and extreme polarisation. A general climate of intolerant rhetoric has given rise to xenophobia against those perceived as “different” or “foreign,” paving the way for stereotyping and stigmatisation based on religion or belief. Minorities are frequently the first casualties.

**In 2020-2021, in conjunction with the coronavirus pandemic, another disease travelled at lightning speed: the virus of religious hatred.** The pandemic has provoked a backlash of fear and anxiety, increasing the spread of conspiracy theories and intolerance, where in addition to ethnic communities, religious and belief groups have been targeted. Studies have reported an increase in assaults, harassment and hate crimes as the virus has spread.<sup>2</sup>

Today, the agents of religious intolerance come from everywhere-- pursued by individuals and public officials alike, offline and online. **Social media has amplified voices of hate** at an unprecedented rate. Violence, online and offline, is desensitising people to the wide-ranging human rights violations committed on the grounds of religion or belief (for example: terrorism and violence waged in the name of religion, killings or attacks for debating ideas around religion or belief, hate crimes against minorities, attacks against places of worship, mob violence caused by sectarian divisions, hate speech or discrimination).

- 1 “Statement of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, during the 25th session of the Human Rights Council,” United Nations Human Rights Office of the High Commissioner, Mar. 11, 2014, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14398&LangID=E>.
- 2 “Scapegoating of Religious Minorities during Pandemic Increases Need for Targeted Action to Combat Intolerance and Discrimination, OSCE Conference Concludes,” OSCE, May 26, 2020, <https://www.osce.org/odihr/453207>.

### Diplomats in Action: The Resolution 16/18 at the United Nations

The main United Nations global policy framework for combatting religious intolerance, stigmatisation, discrimination, incitement to violence and violence against persons based on religion or belief is set down in Human Rights Council Resolution 16/18. The text was adopted by consensus in March 2011 and is viewed as a turning point in international efforts to confront religious intolerance. Resolution 16/18 complements other UN tools such as the Rabat Plan of Action, and the Beirut Declaration/Faith for Rights initiative.<sup>1</sup>

The value of these instruments is to set a **common intergovernmental language** for member states to address domestic concerns or common challenges — **despite diverse geographic, legal and political contexts**. The goal is to provide space for each state to adapt recommendations to local contexts and needs, whilst adhering to common standards. Although disagreements remain, common UN tools present a strategy to move forward. The Resolution launched the “Istanbul Process”<sup>2</sup> encouraging states to host meetings to tackle the implementation of the Resolution. Resolution 16/18 sets out an 8-point plan for states to address intolerance, violence and discrimination on the basis of religion.<sup>3</sup>

#### The action plan calls on states to:

- a. **Create** collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action in various fields (education, health, conflict prevention, employment, integration, and media education);
- b. **Create** a mechanism within Governments to identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;
- c. **Train** Government officials in effective outreach strategies;
- d. **Encourage** efforts of leaders to discuss within their communities the causes of discrimination, and evolve strategies to counter them;
- e. **Speak** out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;
- f. **Adopt measures** to criminalize incitement to imminent violence based on religion or belief;
- g. **Combat** denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, including through education and awareness-building;
- h. **Recognize** that the open, constructive and respectful debate of ideas plays a positive role in combating religious hatred, incitement and violence.

1 The initiative aims to unite religious communities of various faiths to counter discrimination and religious-based violence through a shared objective to promote human rights and to uphold the freedom of religion or belief. Here is the Faith for Rights toolkit: “#Faith4Rights Toolkit,” <https://www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf>.

2 As of January 2021, there have been 7 Istanbul Process meetings to date: Washington DC (US), London (Canada and UK), Geneva (OIC), Doha (Qatar), Jeddah (OIC), Singapore and the Hague (Netherlands).

3 “Resolution Adopted by the Human Rights Council 16/18 Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence against, Persons Based on Religion or Belief,” Human Rights Council, April 12, 2011, [http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf).

### Should Intolerant Views be Tolerated? Examining the Relationship Between Words and Their Effects.

There continues to be varied—even clashing—legal cultures that deal with speech and their effects on society. Incitement to hatred – a term commonly used in Europe is discussed internationally as “*advocacy of hatred that constitutes incitement to discrimination, hostility or violence*” under the negotiated wording of article 20 of the ICCPR.<sup>1</sup> However, it appears that today there is an international consensus that words can produce an impact beyond the individual that utters them and cause concrete destruction. In 2012, experts at the UN tried to formulate a definition of what constitutes incitement.<sup>2</sup> They came up with a “**six-point test**” that was adopted in a document called the **Rabat Plan of Action**.

The Rabat Plan’s test frames the threshold for defining restrictions on freedom of expression (in accordance with article 20 of the ICCPR)<sup>3</sup> and the indicators provide a good barometer to measure the heightened verbal hostility across different cultures, contexts and regions. Below is an adaptation of the test:

1. **What is the Context?** When assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, the context is crucial to examine. For example, how was the speech made? In what circumstances? What is the social and political environment when the speech was made and disseminated?
2. **Who is the Speaker?** The speaker’s status in society should be considered, specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed. For example, is the speaker a famous author, politician, celebrity? Does he or she have more influence than average?
3. **What is the Intent of the Speech?** Negligence and recklessness are not sufficient for an act to be an offence under article 20. The article specifies “advocacy” and “incitement” rather than the mere distribution or circulation of material. It’s important to note the triangular relationship between the aim of what is being said, the speaker and the audience.
4. **What is the Content and the Form of the Speech:** The content of the speech constitutes one of the key foci of the court’s deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the *form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed*.
5. **What is the Extent of the Speech?** Extent includes such elements as the reach of the speech act, its *public nature, its magnitude and size of its audience*. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency. e.g. Was it said at a private dinner with 5 people, or was it tweeted to 5 million people?
6. **What is the Likelihood, including Imminence of the Speech, to Incite to Violence?** Some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct. Even if it doesn’t, there has to be a realistic possibility.

1 “Article 20,” International Covenant on Civil and Political Rights (ICCPR), 1976, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

2 “Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred,” Human Rights Council, Jan. 11, 2013, [https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf).

3 Freedom of religion or belief must be understood within the context of the normative triangle of articles 18, 19 and 20 of the ICCPR. Whereas article 19 (freedom of opinion and expression) is the norm, limitations as defined by article 20 are the exception. As stated in General Comment 34, “in every case in which the State restricts freedom of expression it is necessary to justify the prohibitions and their provisions in strict conformity with article 19”. (Gen. Comment No. 34, CCPR/C/GC/34, <https://www.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.) In very exceptional cases, states party to the ICCPR are bound to prohibit advocacy of hatred that constitutes incitement. It is only necessary to prohibit the most severe types of advocacy constituting incitement. As has been stated, Article 20 is “the Covenant’s odd one out, as it does not enumerate a fundamental right but rather a sui generis state obligation”. (Art. 20 ICCPR). Indeed, this obligation calls for investigation, prosecution and sanctions.



Rather than deliberating on “how much intolerance is tolerable” in international law, it would be more productive to positively demonstrate and celebrate diversity and the ways in which pluralism contributes to democracy, stability and benefits society overall. Ultimately, laws cannot force people to be respectful towards one another. There is a limit to what a legal framework can achieve, and people should bear that in mind. Politicians, artists, intellectuals and other influencers from all walks of life should certainly lead by example!

## How to Fight Incitement to Religious Hatred?<sup>1</sup>

### Recommendations:

- ✓ **CONDEMN** all hate crimes consistently and at every opportunity.
- ✓ **SPEAK OUT** at all opportunities against any form of religious hatred for all communities.
- ✓ **TRAIN** Finnish civil servants, law enforcement officials and the judiciary to understand and apply the six-part test set out in the Rabat Plan of Action on what can constitute incitement.
- ✓ **CLARIFY** the difference between incitement to religious hatred and insult to or debate around religions.
- ✓ **ENCOURAGE** encounters between state officials, religious communities, diplomats, civil society and the media and also encourage religious leaders to speak out to foster diversity.
- ✓ **BUILD** projects between different religious and belief groups to enhance and nurture mutual trust, which is essential to overcome the politics of fear and misunderstanding.
- ✓ **COUNTER** populist narratives that favour the politics of fear and conspiracy theories with positive messages and showcase success-stories that go against them.
- ✓ **SANCTION** incitement to religious hatred (according to the EU Framework Decision)<sup>2</sup> or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, in accordance with the Rabat Plan of Action as a policy of restriction of last resort.
- ✓ **INTEGRATE** pluralistic values in school education and encourage students to better experience the perception of others and to increase religious literacy.
- ✓ **CULTIVATE** inter-religious dialogue.

1 These recommendations are largely inspired and extracted from the report of Heiner Bielefeldt “Tackling manifestations of collective religious hatred”, 2013 as well as a speech he made at a conference. See “Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, <https://www.ohchr.org/EN/NewsEvents/Pages/Tacklingmanifestationsofcollectivehatred.aspx>.

2 “Framework decision on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law,” Eur-Lex, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A133178>.





Atheism



Bahai



Buddhism



Christianity



Confucianism



Hinduism



Islam



Jainism



Judaism



Shinto



Sikhism



Taoism



Zoroastrianism

A sample of religious or belief symbols

### 3. The importance of interreligious dialogue

Interfaith or interreligious dialogue can achieve a wide variety of goals, for example: overcoming prejudices, building bridges, finding common ground on core values, deepening religious literacy and knowledge of other faiths, developing personal relationships, sharing experiences, nurturing empathy or building joint initiatives to combat discrimination. Interreligious dialogue can be useful both at home and abroad. Religious identities are not monolithic. For example, an individual can hold multiple religious identities (in addition to other identities) and feel a sense of belonging to several belief communities at once. Families can also include individuals of multiple beliefs. Interfaith and interreligious dialogues can thus facilitate understanding both at the family and community level as well as at the domestic or international level.

#### As varied as the objectives be, the formats and settings can greatly contrast.

- ✓ Dialogues can be supported or even initiated by the state or they can be initiated by civil society, e.g. religious communities, NGOs, think tanks or academia.
- ✓ They can involve leaders with high responsibilities within the community or instead individuals who have no specific role.
- ✓ The gathering could aim to unite high-level religious leaders with influential spiritual roles or simply members of the congregation.
- ✓ The dialogue could take place at international, regional or local contexts.
- ✓ The dialogue could take place discreetly with no publicity or in front of cameras on a prominent stage.
- ✓ The dialogue could aim at including all religions or specific to a close number of religious or belief groups.
- ✓ The dialogue could be between men, between women, or in mixed groups.

#### Is there a recipe for success?

- ✓ Success is at its best when there is voluntary participation from groups and a recognized need that this dialogue could be beneficial both for the group and for each individual.
- ✓ Objectives should be clear from the start to avoid deceptive expectations: what is the outcome foreseen and how can it be measured? Is the aim to discuss or to take action?
- ✓ No religious or belief community should ever be coerced by the state to participate in any meetings and should be free to withdraw at any time.
- ✓ If women and men meet up together, it would be useful to ensure as much as possible equal participation.

## 4. Hate and Violence: Examples of Religious Minorities from Around the World

### Example 1: Anti-Semitism in Europe

In the past 10 years, anti-Semitic rhetoric and attacks have been exacerbated during peaks of crisis. In his report on anti-Semitism,<sup>1</sup> UN Special Rapporteur Ahmed Shaheed notes that anti-Semitism is rising amongst groups associated with both the political right and left and expresses alarm at “the growing use of antisemitism tropes by white supremacists, including neo-Nazis and members of radical Islamist groups, in slogans, images, stereotypes and conspiracy theories to incite and justify hostility, discrimination and violence against Jews. I am also concerned about the increasing expressions of antisemitism emanating from sources in the political left and about discriminatory State practices towards Jews.”<sup>2</sup>

Furthermore, crises, such as the global coronavirus pandemic,<sup>3</sup> the ongoing Israeli-Palestinian conflict<sup>4</sup> and populist narratives in places such as Hungary,<sup>5</sup> often repeat tired tropes of a global Jewish conspiracy and Jewish greed. Hate crimes against Jews have been recorded by the Organisation for Security and Cooperation for Europe (O.S.C.E). Anti-Jewish violence committed by Muslims – who are victims of religious discrimination themselves – has also amplified a climate of fear and anxiety. In addition to indiscriminate attacks against communities at large, Jewish minorities continue to be physically targeted and singled out by Islamists in Belgium,<sup>6</sup> Denmark,<sup>7</sup> and France.<sup>8</sup>

In 2018 alone, the O.S.C.E. reported over 1,326 anti-Jewish motivated hate crimes in the U.K.,<sup>9</sup> 588 in France,<sup>10</sup> 26 in Denmark,<sup>11</sup> 151 in Sweden,<sup>12</sup> 15 in Norway,<sup>13</sup> 197 in Poland,<sup>14</sup> and 33 in Ukraine.<sup>15</sup> In Hungary 12 incidents of anti-Semitism were reported by other sources to the OSCE.<sup>16</sup>



*“Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias.”*

(OSCE ODIHR Hate Crime Reporting, <https://hatecrime.osce.org>.)

- 1 “Elimination of All Forms of Religious Intolerance,” United Nations General Assembly, Sep. 20, 2019, A/74/358, <https://documents-dds-nyun.org/doc/UNDOC/GEN/N19/289/00/PDF/N1928900.pdf?OpenElement>.
- 2 “Antisemitism ‘Toxic to Democracy,’ UN Expert Warns, Calling for Better Education,” UN News, Oct. 18, 2019, <https://news.un.org/en/story/2019/10/1049591>.
- 3 Amy Woodyatt, “Coronavirus Lockdowns are Fueling an ‘Explosion’ of Anti-Semitism Online,” CNN, July 30, 2020, <https://www.cnn.com/2020/07/30/uk/online-anti-semitism-intl-scli-gbr/index.html>.
- 4 Leonard Saxe, Graham Wright, Shahar Hecht, Michelle Shain, Theodore Sasson, Fern Chertok, |Hotspots of Antisemitism and Anti-Israel Hostility on US Campuses,” Cohen Center for Modern Jewish Studies, Oct. 2016, <https://www.brandeis.edu/cmjs/noteworthy/ssri/hotspots-antisemitism.html>.
- 5 “Rising Anti-Semitism in Hungary Worries Jewish Groups,” DW, Dec. 17, 2020, <https://www.dw.com/en/rising-anti-semitism-in-hungary-worries-jewish-groups/a-55978374>.
- 6 Robert-Jan Bartunek, “Police Hunt Brussels Jewish Museum Gunman, France Tightens Security,” Reuters, May 25, 2014, <https://www.reuters.com/article/us-belgium-shooting/police-hunt-brussels-jewish-museum-gunman-france-tightens-security-idUSBREA4N09Z20140525>.
- 7 “Denmark Synagogue Attack: Security Fears for Jewish Community,” BBC News, Feb. 16, 2015, <https://www.bbc.com/news/av/world-europe-31494143>.
- 8 Aurelien Breeden, “At Trial, Jewish Victims of 2015 Paris Attack Ask: Why the Hatred?,” The New York Times, Sep. 27, 2020, <https://www.nytimes.com/2020/09/27/world/europe/france-attacks-supermarket-charlie-hebdo-trial.html>.
- 9 United Kingdom, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/united-kingdom>.
- 10 France, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/france>.
- 11 Denmark, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/denmark>.
- 12 Sweden, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/sweden>.
- 13 Norway, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/norway?year=2018>.
- 14 Poland, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/poland>.
- 15 Ukraine, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/ukraine>.
- 16 Hungary, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/hungary>.

The other challenge that Jewish communities face are threats to manifestations of their beliefs. For example, in recent years, Scandinavian medical associations have warned against male circumcision, including the Finnish Medical Association. In 2020, a bill was submitted in the Danish Parliament to outlaw the circumcision of minors for non-medical reasons<sup>1</sup> and analogies have been made in Nordic states, likening male circumcision to the practice of female genital mutilation. Jewish communities in Nordic states have been quick to warn that banning circumcision would threaten Jewish life.<sup>2</sup>

### Example 2: Anti-Muslim Hatred in Europe

Anti-Muslim hatred regularly manifests itself in Europe. E.U. public opinion has questioned its principles of freedom of movement in recent years with the arrival of refugees and migrants, many of whom are Muslims. A feeling of insecurity has fuelled forceful xenophobic reactions leading to violence. In 2020, Germany reported that at least 15 mosques were attacked within the three-month period between April and June.<sup>3</sup> In Sweden in 2015, three people were killed in a school in a largely immigrant community.<sup>4</sup>

In 2018, the O.S.C.E. reported 380 hate crimes in Sweden against Muslims, 3,530 in the U.K.,<sup>5</sup> 145 in France,<sup>6</sup> 63 in Denmark,<sup>7</sup> 62 in Poland,<sup>8</sup> 1 in Ukraine.<sup>9</sup> In Hungary, 2 incidents were reported by sources other than the police, both of which involved physical violence against Muslim women.<sup>10</sup>

Muslim women have been particular targets of laws that restrict dress. For example, Austria, Belgium, Bulgaria, Denmark, the Netherlands, France and Switzerland all ban full-veil face coverings.<sup>11</sup> Women are faced with fines for non-compliance.<sup>12</sup> The United Nations Human Rights Committee has called these laws a violation of religious freedom.<sup>13</sup>

### Hate crimes against Muslims in 2018 reported by O.S.C.E

- 380 in Sweden,<sup>1</sup>
- 3,530 in the U.K.,<sup>2</sup>
- 145 in France,<sup>3</sup>
- 63 in Denmark,<sup>4</sup>
- 62 in Poland,<sup>5</sup>
- 1 in Ukraine.<sup>6</sup>
- In Hungary, 2 incidents were reported by sources other than the police, both of which involved physical violence against Muslim women.<sup>7</sup>

- 1 Sweden, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/sweden>
- 2 United Kingdom, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/united-kingdom?year=2018>.
- 3 France, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/france?year=2018>.
- 4 Denmark, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/denmark?year=2018>.
- 5 Poland, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/poland?year=2018>.
- 6 Ukraine, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/ukraine?year=2018>.
- 7 Hungary, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/hungary?year=2018>.

- 1 "Netanyahu Thanks Danish Prime Minister for Opposition to Circumcision Ban," The Times of Israel, Jan. 31, 2021, [https://www.timesofisrael.com/netanyahu-thanks-danish-prime-minister-for-opposition-to-circumcision-ban/?utm\\_source=The+Daily+Edition&utm\\_campaign=daily-edition-2020-09-13&utm\\_medium=email#gs.g1dg4i](https://www.timesofisrael.com/netanyahu-thanks-danish-prime-minister-for-opposition-to-circumcision-ban/?utm_source=The+Daily+Edition&utm_campaign=daily-edition-2020-09-13&utm_medium=email#gs.g1dg4i).
- 2 "Scandinavian Jews Warn: Circumcision Ban in Iceland Will Stop Jewish Life," Jewish News, Feb. 17, 2018, <https://jewishnews.timesofisrael.com/scandinavian-jews-ban-in-iceland-ban-will-stop-jewish-life/>.
- 3 Ayhan Simsek, "Germany Reports 188 Islamophobic Crimes in 3 Months," Andalou Agency, Oct. 8, 2020, <https://www.aa.com.tr/en/europe/germany-reports-188-islamophobic-crimes-in-3-months/2000327>.
- 4 "Trollhättan Remembers School Attack Victims," The Local, Oct. 23, 2016, <https://www.thelocal.se/20161023/trollhattan-remembers-school-attack-victims>; "Understanding Anti-Muslim Hate Crimes: Addressing the Security Needs of Muslim Communities," OSCE ODIHR, 2020, 17, <https://www.osce.org/files/f/documents/9/0/448696.pdf>.
- 5 United Kingdom, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/united-kingdom?year=2018>.
- 6 France, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/france?year=2018>.
- 7 Denmark, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/denmark?year=2018>.
- 8 Poland, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/poland?year=2018>.
- 9 Ukraine, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/ukraine?year=2018>.
- 10 Hungary, OSCE ODIHR: Hate Crime Reporting, <https://hatecrime.osce.org/hungary?year=2018>.
- 11 Marco Müller, "Where are 'Burqa Bans' in Europe?" DW, August 1, 2019, <https://www.dw.com/en/where-are-burqa-bans-in-europe/a-49843292>.
- 12 "French 'Burqa Ban' Violates Human Rights, Rules UN Committee," Oct. 23, 2018, <https://www.dw.com/en/french-burqa-ban-violates-human-rights-rules-un-committee/a-46007469>.
- 13 "French 'Burqa Ban' Violates Human Rights, Rules UN Committee," Oct. 23, 2018, <https://www.dw.com/en/french-burqa-ban-violates-human-rights-rules-un-committee/a-46007469>.

In addition to laws that disproportionately affect Muslims in Europe, Muslims also face discrimination on a daily basis. A 2015 study carried out by the European Union Agency for Fundamental Rights reported that 40% of Muslims said that they faced discrimination in seeking employment or housing. 17% reported feeling discriminated against based upon their religious belief.<sup>1</sup>

A 2020 decision of the European Court of Justice ruling to uphold a Belgian ban on non-stunning methods of animal slaughter (i.e. kosher and halal) is the latest threat to religious freedom. This is the most recent development in what has been decades of debate and litigation surrounding the banning of non-stunning slaughter on animal rights' grounds. In Germany, for example, the constitutional court upheld a ban on non-stunning methods but carved out an exception for religious animal slaughter. This shows a potential model for how animal rights could be balanced with religious freedom and the integral nature of animal slaughter to FoRB.

### Example 3: The Rise of White Supremacists in the United States

The U.S. has seen increasing levels of intolerance and violent attacks against Muslims and Jews since the election of Donald Trump in 2016. The majority of the attacks came from white supremacists. In some instances, the problem of white supremacy is deeply linked to religion.<sup>2</sup> It is essential to highlight that white supremacists are also guilty of racist crimes, which is worthy of its own study, but not the focus of this toolkit report that is devoted to the religious dimensions of hate. Compiled information on anti-Muslim activities in the United States notes that anti-Muslim activities such as the vandalization of mosques increased significantly since 2015.<sup>3</sup> This “indicat[es] political rhetoric from national leaders has a real and measurable impact.”<sup>4</sup> The 2017 Charlottesville rally was a showcase for rising white-supremacism, racism, anti-Semitism and anti-Muslim bigotry. Anti-Semitic acts are also on the rise in the U.S. In 2018, 11 were killed in the Tree of Life Synagogue in Pittsburgh in an anti-Semitic terrorist attack.<sup>5</sup> In 2018, the Anti-Defamation League noted an increase in anti-Semitic incidents whereby 1,879 incidents were reported. This was up from 942 in 2015.<sup>6</sup> In addition to white-supremacist anti-Semitism, there is also increasing day-to-day anti-Semitism on college campuses where Jews are blamed for the actions of Israel.<sup>7</sup>

- 1 Jon Henley, “Two in Five European Muslims Have Felt Discriminated Against – Survey,” The Guardian, Sep. 21, 2017, <https://www.theguardian.com/world/2017/sep/21/two-in-five-european-muslims-have-felt-discriminated-against-survey>.
- 2 Michael Luo, “American Christianity’s White-Supremacy Problem,” The New Yorker, Sep. 2, 2020, <https://www.newyorker.com/books/under-review/american-christianitys-white-supremacy-problem>.
- 3 “Anti-Muslim Activities in the United States 2012-2018,” New America, <https://www.newamerica.org/in-depth/anti-muslim-activity/>.
- 4 Tanvi Misra, “United States of Anti-Muslim Hate,” Bloomberg, March 9, 2-18, <https://www.bloomberg.com/news/articles/2018-03-09/anti-muslim-incidents-are-increasing-across-america>.
- 5 Campbell Robertson, Christopher Mele and Sabrina Tavernise, “11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts,” The New York Times, Oct. 27, 2018, <https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html>.
- 6 “Audit of Anti-Semitic Incidents: Year in Review 2018,” ADL, <https://www.adl.org/2018-audit-H>.
- 7 Leonard Saxe, Theodore Sasson, Graham Wright, Shahar Hecht, “Anti-Semitism on the College Campus: Perceptions and Realities,” Cohen Center for Modern Jewish Studies, July 2015, <https://www.brandeis.edu/cmjs/birthright/antisemitism.html>.

#### Example 4: The Persecution of Christians in Asia and the Middle East

Christians are persecuted in many parts of the world. This persecution is particularly prevalent across Asia and the Middle East. The past few years have been marred by high-profile attacks against Christians in Sri Lanka and the Philippines. In 2019, during Easter, several coordinated attacks were carried out across Sri Lanka at churches and hotels killing and injuring hundreds.<sup>1</sup> In 2019, in the Philippines, attacks on churches by Islamists included a bombing, which claimed the lives of 20.<sup>2</sup>

According to the report Christian Persecution Review, “religious persecution and discrimination, political failures, the rise of Muslim extremists, and the lack of legally protected freedom of religion or belief have all contributed in shaping the status of Christians in the MENA (Middle-East and North-Africa) region. Based on Pew Research findings, “Christians remain the most vulnerable of religious groups in the Middle East (and around the world) . . . during the past decade, on the evidence cited above, millions of Christians have been uprooted from their homes, and many have been killed, kidnapped, imprisoned and discriminated against.”<sup>3</sup>

#### Example 5: Religious Hatred against Muslims and Christians in China

China’s Xinjiang Uyghur region has become the site of gross human rights violations --and of FoRB violations in particular. Under the guise of “preventing terrorism,” the Chinese government has engaged in mass detentions of Turkic Muslims (approximately 1 million) and sent them to “political re-education camps.”

##### “Political re-education camps” detaining Muslims in China

In the words of the Chinese Communist Youth League on the camps in the region: “The training has only one purpose: to learn laws and regulations...to eradicate from the mind thoughts about religious extremism and violent terrorism, and to cure ideological diseases.”<sup>4</sup> The Chinese government has implemented totalitarian-levels of social control throughout the province, imposing extensive surveillance, security, as well as DNA and voice sample collection of residents, stripping them completely of privacy.<sup>5</sup>

Christians in China also face severe human rights abuses. Christianity is a sanctioned religion in China and has over 100 million adherents. Estimates show that if Christianity continues to grow at its current rate, by 2030 China will have the largest population of Christians in the world.<sup>6</sup> Given the potential demographic force of this growth, the Chinese government has engaged in efforts to “sinicize” Christianity, and keep it under the control of the state.<sup>7</sup> This has resulted in the arrests of religious leaders and closure of churches.<sup>8</sup>

- 1 “Sri Lanka Attacks: What We know about the Easter Bombings,” BBC, April 28, 2019, <https://www.bbc.com/news/world-asia-48010697>.
- 2 Madeline Holcombe and Virma Simonette, “20 Killed, Dozens Wounded in Philippines Church Bombings,” CNN, Jan. 27, 2019, <https://www.cnn.com/2019/01/27/asia/philippines-church-explosion/index.html>.
- 3 Rt. Rev. Philip Mounstephen Bishop of Truro, “Bishop of Truro’s Independent Review for the Foreign Secretary of FCO Support for Persecuted Christians,” 2019, 26, <https://christianpersecutionreview.org.uk/storage/2019/07/final-report-and-recommendations.pdf>.
- 4 “Eradicating Ideological Viruses,” Human Rights Watch, Sep. 29, 2018, <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.
- 5 “Eradicating Ideological Viruses,” Human Rights Watch, Sep. 29, 2018, <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.
- 6 Harriet Sherwood, “One in Three Christians Face Persecution in Asia, Report Finds,” The Guardian, Jan. 15, 2019, <https://www.theguardian.com/world/2019/jan/16/one-in-three-christians-face-persecution-in-asia-report-finds>.
- 7 Kerry Schottelkorb and Joann Pittman, “China Tells Christianity To Be More Chinese,” Christianity Today, March 20, 2019, <https://www.christianitytoday.com/news/2019/march/sinicization-china-wants-christianity-churches-more-chinese.html>.
- 8 Lily Kuo, “In China, they’re Closing Churches, Jailing Pastors – and even Rewriting Scripture,” The Guardian, Jan. 13, 2019, <https://www.theguardian.com/world/2019/jan/13/china-christians-religious-persecution-translation-bible>.



## 5. Freedom of Religion or Belief and Women's Rights: Clarifying a Complicated Relationship

Although all human rights should be mutually reinforcing, individuals can be torn between their religious and gender identity and are sometimes forced to choose which to prioritize. Legal restrictions imposed by states can trigger controversies which lead to further tensions between both individuals and their religious communities, as well as communities and society at large. Oft-discussed examples are the regulation of the wearing of religious symbols -- such as head coverings or burkinis on beaches for women-- or the regulation of facial hair for men -- such as restrictions on facial hair length for prison inmates.

When it comes to FoRB, gender equality and women's rights frequently intersect with violations of other rights. For example, a woman of minority faith who is subject to state prohibitions on the wearing of religious garments (e.g. headscarves), might also be denied sexual and reproductive health by her religious community or be subjected to religious mandates that regulate marriage, divorce or child custody. Gender-based violence including rape, forced marriages, child marriages, kidnappings, violence, honour-killings and female genital mutilation is rampant throughout the world. These crimes are frequently carried out in the name of religion or "cultural traditions." In reality, they are harmful practices.

### Harmful practices have been defined, for example in UN General Comment No.13,<sup>1</sup> as:

- a. Corporal punishment and other cruel or degrading forms of punishment;
- b. Female genital mutilation;
- c. Amputations, binding, scarring, burning and branding;
- d. Violent and degrading initiation rites; force-feeding of girls; fattening; virginity testing (inspecting girls' genitalia);
- e. Forced marriage and early marriage;
- f. "Honor" crimes; "retribution" acts of violence (where disputes between different groups are taken out on children of the parties involved); dowry-related death and violence;
- g. Accusations of "witchcraft" and related harmful practices such as "exorcism";
- h. Uvulectomy and teeth extraction.

The UN Committee on the Rights of the Child omits the mention of circumcision, whereas female genital mutilation is explicitly referenced. This glaring omission is an affirmation that both practices cannot be placed on equal footing. The issue of **female genital mutilation** is prevalent in many Muslim-majority countries. The statistics are powerful: 91% of women in Egypt, and 98% of women in Somalia, have been subjected to FGM.<sup>2&3</sup> In Egypt, both Muslims and Coptic Christians engage in the practice.<sup>4</sup> It is estimated that at least 200mil-

1 (2011) The right of the child to freedom from all forms of violence.

2 « Percentage of Girls and Women aged 15-49 Years who Have Undergone FGM by Country, » World Health Organization, [https://www.who.int/images/default-source/health-topics/fgm/percentage-of-girls-and-women-aged-15-to-49-years-who-have-undergone-fgm-by-country.jpg?sfvrsn=a17141dc\\_2](https://www.who.int/images/default-source/health-topics/fgm/percentage-of-girls-and-women-aged-15-to-49-years-who-have-undergone-fgm-by-country.jpg?sfvrsn=a17141dc_2).

3 There is a solid body of legal work to oppose FGM, which African states have signed onto. For example, the African Charter on Human and People's Rights and on the Rights of Women explicitly mention that harmful practices to women such as FGM is a human rights violation. Egypt criminalized FGM in 2016, but the practice persists. See Hayam Adel, "Egypt Struggles to End Female Genital Mutilation," Reuters, March 8, 2018, <https://www.reuters.com/article/us-womens-day-egypt/egypt-struggles-to-end-female-genital-mutilation-idUSKCN1GK1ZL>.

4 "FGM in Egypt: 'A Day in Hell,'" Dawn, Jan. 30, 2017, <https://www.dawn.com/news/1150647>.

lion women living today have undergone the procedure.<sup>1</sup> Most surprisingly, press-articles have reported that FGM can even occur in western liberal democracies.

In addition to state practices, **gender-based violence and/or discrimination can be carried out by private actors with religious motivations.** That can apply in the context of: use of harmful practices (and the fact that those who engage in them “justify” such acts on the grounds that they are permitted or required by religious beliefs), including female genital mutilation, dowry killings, rape, polygamy, early and forced marriage, beatings, coercive gender reassignment surgery and so-called “honor” crimes.<sup>2</sup>

### Recommendations to Enhance Freedom of Religion or Belief and Gender Equality

- **CLARIFY** at every opportunity that traditional, historical, religious or cultural attitudes cannot be used to justify violations of human rights.
- **CLARIFY** that male circumcision can never be placed on equal footing to female genital mutilation, the latter being defined as a “harmful practice” grounded in international law.
- **SYSTEMATICALLY INTEGRATE** the FoRB dimension into Finland’s gender equality strategy at the earliest moment during the process.
- **TRAIN** civil servants on the FoRB dimension of gender equality.
- **CALL ON STATES TO WITHDRAW** reservations to core human rights treaties citing religious considerations.
- **COMBAT** all forms of violence and coercion perpetrated against women, girls and LGBTIQ+ persons justified with reference to religious practice or belief.
- **PROTECT** victims’ personal safety and liberty and hold accountable perpetrators of such violence and ensure victims obtain redress.
- **URGE** the repeal of discriminatory laws, including those enacted with reference to religious considerations, that criminalize adultery, that criminalize persons on the basis of their actual or perceived sexual orientation or gender identity or expression, that criminalize abortion in all cases, or that facilitate religious practices that violate human rights.
- **CONDEMN** the perpetuation of harmful gender stereotypes of women, girls, LGBTIQ+ persons and human rights defenders promoting gender equality, including by religious figures or when “justified” with reference to religious belief. Instead, express active support for gender equality.
- **AMPLIFY** female voices in the field of freedom of religion or belief.

1 “Haruna Kashiwase and Florina Pirlea, “200 million women and girls in the world today have undergone female genital mutilation”, World Bank Blogs, September 27, 2019, <https://blogs.worldbank.org/open-data/200-million-women-and-girls-world-today-have-undergone-female-genital-mutilation>.

2 In his report on gender equality, Ahmed Shaheed refers to joint General Recommendation 31 of the Committee on the Elimination of Discrimination against Women/ General Comment 18 of the Committee on the Rights of the Child (2014) on harmful practices.



### A Parallel Discussion: Principles on how to Empower Women's Perspectives *Within Religions Themselves*<sup>1</sup> and to Gain Gender Equality *Within Religions*.

- Each woman should decide for herself what she believes in, what she does not believe in and how to live her life according to those beliefs without fear.
- No woman should face coercion to believe or practice her beliefs in any ways that are against her will.
- No woman should be discriminated against because of these choices.
- Gender equality can be taught within a religious framework.
- Women in leading positions can be used as role models within their communities of religion and can help promote gender inclusivity.
- Any form of discrimination or stereotyping against woman should be countered.
- Gender-balanced discussions around difficult or controversial questions could be very useful to challenge assumptions.
- Female perspectives to theology may help challenge textual interpretations and include new narratives explaining how gender equality and faith are compatible.
- Women could undertake leadership roles in houses of worship and/or religious schools.

## 6. Sexual Orientation and Gender Identity and Freedom of Religion or Belief

In many different social and geographic contexts, there is a conflation between religion and culture, which can manifest itself in discrimination against sexual orientation and gender identity (SOGI)<sup>2</sup> minorities.

### The “Traditional Values” Discourse

As was noted by *Human Rights Watch* in November 2017,<sup>3</sup> the year had witnessed “anti-gay purges in **Chechnya**,” “a roundup of gay men and transgender women in **Azerbaijan**,” and the emergence “of a registry of gay men and lesbians compiled by authorities in **Tajikistan**.”<sup>4</sup> This signalled a trend in former Soviet Union countries where the “events [were] linked by a discourse on ‘traditional values’ that situates LGBTIQ+ people as the aberrant ‘other.’ The idea of a timeless, unchanging tradition is particularly powerful in these times of social uncertainty, political instability, and economic pressure.”<sup>5</sup>

Human Rights Watch also reported that **Armenia, Belarus, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova and Ukraine**, were also contemplating such legislation, “leading to an increase in public discourse on ‘traditional values’ as a way to sabotage the rights of LGBTIQ+ people throughout the region.” Such rhetorical echoes resonated and were articulated by **Egypt, Indonesia, Nigeria, and Uganda** at the UN Human Rights Council—but it was mainly Russia which “positioned itself as the champion of traditional values, both domestically and internationally” where it grew to become the “staple language of Russia’s alliance with countries from the Organization of Islamic Conference (OIC) and the Africa Group at the United Nations.”<sup>6</sup>

1 These recommendations are substantially inspired and redrafted from here: Rachel Koehler and Gwen Calais-Haase, “Efforts by Women of Faith to Achieve Gender Equality,” Center for American Progress, May 3, 2018, <https://www.americanprogress.org/issues/religion/news/2018/05/03/450268/efforts-women-faith-achieve-gender-equality/>.

2 Sexual orientation and gender identity (SOGI), which differs from the majority population and/or gender identity, including but not limited to people who identify as lesbian, gay, bisexual, transgender, intersex or queer.

3 Graeme Reid, “Traditional Values’: A Potent Weapon Against LGBT Rights,” Human Rights Watch, Nov. 6, 2017, <https://www.hrw.org/news/2017/11/06/traditional-values-potent-weapon-against-lgbt-rights#>.

4 Ibid.

5 Ibid.

6 Ibid.

In Russia, 2020 constitutional reforms cemented the “traditional value” of marriage as being between a man and woman.<sup>1</sup> Central and Eastern Europe equally faced the ripple effects. For example, in Catholic-majority **Poland**, large protests were held after abortion was outlawed for any reason other than if the pregnancy results from rape, incest, or threatens the woman’s life.<sup>2</sup> In December of 2020, **Hungary** redefined “family” in its Constitution, writing that “the foundation of the family is marriage and the parent-child relationship. The mother is a woman, the father is a man.”<sup>3</sup> This makes it impossible for a same-sex couple to adopt.<sup>4</sup> Politicians increasingly embrace Christianity in these countries and use it to promote “traditional values,” entrenching illiberalism and backsliding from the E.U.<sup>5</sup>

### Christianity as a driving force against LGBTIQ+ rights in Africa

The **United States** has long been deeply influenced by religious beliefs that can impact equality. For example, there is widespread legislation aimed at curbing abortions and defunding services that provide reproductive care.<sup>6</sup> Domestically, violence in the U.S. from Christian extremists has included attacks on abortion clinics and the murder of doctors who perform abortions.<sup>7</sup>

Beyond those borders, there is a belief that “the demographic center of Christianity is shifting from the global north to the global south,”<sup>8</sup> which may partially explain why so much attention has been dedicated to waging a battle on values in Africa, in the name of Christianity. Culture wars and the political use of religion against women’s rights and LGBTIQ+ rights have been led by U.S. conservative evangelical leaders, who were vocal and took action to support the anti-homosexuality bill in Uganda calling for the criminalization of homosexuality, as well as the prohibition of same sex marriages in Nigeria. Issues range from the (so-called) crime of simply being homosexual, but also the ordination of gay and lesbian clergy, same-sex unions or marriages, the right to abortion or sexual and reproductive rights.

**Breaking Anti-Gay Laws Down by Country (according to Amnesty International)**<sup>1</sup> Not all of the laws sanctioning lesbian, gay, bisexual, transgender and intersex (LGBTIQ+) people across the African continent are justified in the name of religion or belief—but some contexts frequently refer to religions, beliefs or “local cultures” to defend legal prohibitions. For the future, it would certainly be useful to examine the scope of religion in political argumentation. Below is a breakdown:

**Death penalty:** Mauritania, Sudan, Northern Nigeria, Southern Somalia

**Illegal:** Algeria, Angola, Botswana, Burundi, Cameroon, Comoros, Egypt, Eritrea, Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mauritania, Mauritius, Morocco, Namibia, Nigeria, Senegal, Sierra Leone, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe

**Legal:** Benin, Burkina Faso, Cape Verde, Central African Republic, Chad, Congo-Brazzaville, Ivory Coast, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Gabon, Guinea-Bissau, Lesotho, Madagascar, Mali, Mozambique, Niger, Rwanda, Sao Tome and Principe, Seychelles, South Africa.

<sup>1</sup> “Mapping Anti-Gay Laws in Africa,” Amnesty International UK, May 31, 2018, <https://www.amnesty.org.uk/lgbti-lgbt-gay-human-rights-law-africa-uganda-kenya-nigeria-cameroon>.

- 1 “Russian Constitution Change Ends Hopes for Gay Marriage,” NBC News, July 13, 2020, <https://www.nbcnews.com/feature/nbc-out/russian-constitution-change-ends-hopes-gay-marriage-n1233639>.
- 2 Kate Korycki, “Polish Women Reject the Catholic Church’s Hold on their Country,” The Conversation, Nov. 17, 2020, <https://theconversation.com/polish-women-reject-the-catholic-churchs-hold-on-their-country-149609>.
- 3 Lindsay Isaac and Sharon Braithwaite, “Hungary Passes Anti-LGBT Law Effectively Barring Same-Sex Couples from Adopting,” CNN, Dec. 15, 2020, <https://www.cnn.com/2020/12/15/europe/hungary-lgbtq-adoption-ban-intl/index.html>.
- 4 Lindsay Isaac and Sharon Braithwaite, “Hungary Passes Anti-LGBT Law Effectively Barring Same-Sex Couples from Adopting,” CNN, Dec. 15, 2020, <https://www.cnn.com/2020/12/15/europe/hungary-lgbtq-adoption-ban-intl/index.html>.
- 5 Garret Martin and Carolyn Gallaher, “Viktor Orban’s Use and Misuse of Religion Serves as a Warning to Western Democracies,” The Conversation, Oct. 27, 2020, <https://theconversation.com/viktor-orbans-use-and-misuse-of-religion-serves-as-a-warning-to-western-democracies-146277>.
- 6 Julie Hirschfeld Davis, “Trump Signs Law Taking Aim at Planned Parenthood Funding,” The New York Times, April 13, 2017, <https://www.nytimes.com/2017/04/13/us/politics/planned-parenthood-trump.html>.
- 7 For example George Tiller : Ed Pilkington, “Ten Years after Abortion Doctor’s Murder, One Woman Carries the Fight for Reproductive Rights,” The Guardian, May 31, 2019, <https://www.theguardian.com/us-news/2019/may/30/he-gave-so-much-the-woman-fighting-the-abortion-wars-begun-by-george-tiller>.
- 8 Adrian Van Klinken, “Culture Wars, Race, and Sexuality: A Nascent Pan-African LGBT-Affirming Christian Movement and the Future of Christianity,” Journal of Africana Studies, Vol. 5, No. 2 (2017), <https://www.jstor.org/stable/10.5325/jafrirel.5.2.0217?seq=1>.

### Targeted Recommendations

- **SUPPORT** secular and faith-based initiatives that can be effective in explaining human rights within a spiritual congregation.
- **OPPOSE** the concept of “traditional values” at the UN Human Rights Council with European partners.
- **CREATE** long-lasting partnerships with African Churches and NGOs who share Finland’s approach.
- **COMBAT** all forms of violence and coercion perpetrated against women, girls and LGBTIQ+ persons justified with reference to religious practice or belief.
- **CONDEMN** the perpetuation of harmful gender stereotypes of LGBTIQ+ persons and human rights defenders promoting gender equality, including by religious figures or when “justified” with reference to religious belief.
- **AMPLIFY** LGBTIQ+ voices in the field of freedom of religion or belief.

### Emerging legal challenges to monitor in the future?

New legal challenges are emerging to protest the extension of rights to sexual minorities. One example is the “cake”<sup>1</sup> case in Colorado, where a Christian baker opposing marriage equality, refused to bake a wedding cake for a same-sex couple based on his religious beliefs. The Colorado Civil Rights Commission found that the bakery discriminated against the couple. In June 2018, the US Supreme Court reversed that decision. This is only the beginning of a complicated, controversial and highly debated question. And it won’t stop soon.

## 7. Freedom of Religion or Belief and Sustainable Development Goals

When the 2030 Agenda for Sustainable Development (and its SDGs) explicitly call for “leaving no one behind”, there is an appeal to eradicate discrimination and exclusion—which can operate on the grounds of religion. In that respect, there is a direct linkage between freedom of religion or belief and the realisation of the SDGs. Violations of freedom of religion or belief can occur against a backdrop of structural problems such as poverty, inequality, conflict, exclusion and discrimination. In that respect, it is important to take into consideration factors that can increase obstacles to trying to achieve the SDG goals. People can be left behind on account of their religion or belief—so this dimension should be included in any strategy to accomplish the SDG goals.

Several of the 17 Sustainable Development Goals can be directly connected to freedom of religion or belief, e.g. **Goal 3 (Good Health and Well-Being)**, **Goal 4 (Quality Education)**, **Goal 5 (Gender Equality)**, **Goal 10 (Reduced Inequality)** and **Goal 16 (Peace and Justice Strong Institutions)**. FoRB can affect health, education, gender equality, inequality as well as peace, justice and strong institutions.

“

*“A key entry point for policymakers in assessing the inequalities and exclusion levelled at persons belonging to religious or belief minorities is the discrimination suffered by persons in their attempts to worship, observe, practice, or teach their religion or belief. These limits are typically accompanied by a wider range of repressive policies and practices by both state and non-state actors. This includes explicit legal inequalities, intolerance and hostility that undermine equal access to the benefits and opportunities enjoyed by others across numerous sectors – health, education, housing, legal status, and physical integrity. In turn, the implications of such inequalities for persons belonging to a particular religious or belief group raise the stakes for claiming freedom of religion or belief and intensify the marginalization of minority communities.”*

UN Special Rapporteur on freedom of religion or belief Ahmed Shaheed

1 Masterpiece Cakeshop Ltd. v. Colorado Civil Rights Commission, Oyez, 2018, <https://www.oyez.org/cases/2017/16-111>.

**Example 1:**

A woman from a religious minority can be discriminated against on the grounds of her gender (**Goal 5**) and religious denomination. That can directly affect the level of quality education she receives (**Goal 4**), as well as her health and well-being (**Goal 3**). So, ensuring equal opportunities and reducing inequalities (**Goal 10**) by eliminating discriminatory laws and promoting inclusive policies and practices can simultaneously and successfully tackle several of the SDGs and also have a positive effect on FoRB.

**Example 2:**

The right to legal recognition of religious communities does not only enable these groups to fully realize their right to manifest their religion or belief, but state recognition also brings with it access to public services, such as quality education (**Goal 4**), good health and well-being (**Goal 3**) as well as reduced inequality (**Goal 10**) securing better peace and justice as well as strong institutions (**Goal 16**), undoubtedly improving development outcomes, not least: equal treatment before the law, information on one's rights, the right to legal representation and legal aid throughout the justice process, access to courts or impartial judgements.

## 8. Curbing Freedom of Religion or Belief in the Name of Security

National security is not a legitimate reason for limiting religious freedom. Exceptional limitations can only be applied when prescribed by law and are necessary to protect *public safety, order, health, morals or the fundamental rights and freedoms of others*. Although security is not one of the aforementioned exceptions, governments still impose restrictions on groups in the name of security. Indeed, policies are often approved in the name of national security or to maintain social cohesion. **States claim that these religions undermine the state's identity, sow division, undermine morality and violate public health.** For example, newly established religions or faith groups, which are not part of the historical make-up of a country, can be perceived as threatening to national identity or social harmony. Hurried enactments of security measures that give more power to authorities can lead to intrusive legislation that makes the right to freedom of FoRB difficult in practice.

Governmental restrictions also impact public attitudes and shaping the public's pulse. Authorities can form public opinion through their messaging and reactions to events, which can either exacerbate or tame intolerance, stereotyping, stigmatization, discrimination or incitement. If states restrict religious freedoms without establishing a clear and proportional link to their actions, social attitudes can amplify discontent, intolerance and hostility. Such a phenomenon can increase the likelihood of conflict. In a policy document,<sup>1</sup> the O.S.C.E. highlights four issues at the core of freedom of religion or belief and security, common across its entire region: registration, "extremist" speech and literature, screening and monitoring places of worship and restrictions on conversion. Here is an informal summary:

### I. Registration of religious or belief communities

Authorities deny, suspend or revoke registration with regard to some groups, hindering their legal personality status. This inhibits the group from practising their religion. Denial of legal personality must be based on clear evidence that the group is committing illegal acts. In the event of a denial, an effective appeal process should be authorised if the decision is contested, and it should be transparent and non-discriminatory.

1 "Freedom of Religion or Belief and Security," OSCE ODIHR, 2019, <https://www.osce.org/files/f/documents/e/2/429389.pdf>

## II. “Extremist” speech and literature

Religious materials may be prevented from being printed or circulated on the grounds that they are “extremist.” Often, however, the state’s vague criteria do not meet international standards of incitement to discrimination, hostility or violence.

## III. Screening, monitoring and searches in places of worship

Places of worship and meeting places of religious or belief communities can be environments for radicalization that lead to terrorism and/or places for recruitment of violent groups. If there is reason for monitoring or screening, it should be based on urgent necessity to the purpose of which data is collected. Otherwise, there should be no interference.

## IV. Restrictions on conversions and limitations on religious or belief community activities that have a foreign connection

Individuals have the right to engage in non-coercive persuasion and proselytization. However, some governments restrict conversions. States must provide clear evidence if certain activities amount to coercion. Otherwise, they should not interfere.

## States Curbing Freedom of Religion or Belief in the Name of National Security: Two Examples

### Example 1: Russia.

In July of 2016, President Vladimir Putin signed into law a legislative package termed the “Yarovaya Laws.”<sup>1</sup> These laws introduced “counter-terrorism measures,” and restrictions on religious groups, which affected minority denominations in particular. In accordance with the laws, a government permit is required for religious organizations. Individuals cannot evangelize anywhere besides churches and other religious sites. This places broad limitations on missionary work, including preaching, teaching, and proselytizing. This is all in the name of “fighting extremism.”<sup>2</sup>

### Example 2: Former Soviet Union States in Central Asia

Governments have severely curtailed religious freedom in Central Asia through anti-extremism laws. In a number of Central Asian countries, the government has cracked down on religious communities, as well as the free practice of religion. Anti-extremism laws include the required registration of religious organizations, restrictions on proselytization, surveillance of houses of worship, laws against the distribution of religious materials, and practice outside of officially designated houses of worship.<sup>3</sup> Groups such as Jehovah’s Witnesses face particular struggles.<sup>4</sup>

- 1 Mike Eckel, “Russia’s New ‘Yarovaya Law’ Imposes Harsh New Restrictions on Religious Groups,” Radio Free Europe, July 11, 2016, <https://www.rferl.org/a/russia-yarovaya-law-religious-freedom-restrictions/27852531.html>.
- 2 Mike Eckel, “Russia’s New ‘Yarovaya Law’ Imposes Harsh New Restrictions on Religious Groups,” Radio Free Europe, July 11, 2016, <https://www.rferl.org/a/russia-yarovaya-law-religious-freedom-restrictions/27852531.html>.
- 3 See “2019 Report on International Religious Freedom: Kazakhstan,” U.S. Department of State, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/kazakhstan/>. See also, “2019 Report on International Religious Freedom: Tajikistan,” U.S. Department of State, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/tajikistan/>.
- 4 Louisa Atabaeva, “Stay Neutral: Life of Jehovah’s Witnesses in Uzbekistan,” Central Asian Bureau for Analytical Reporting, May 6, 2019, <https://cabar.asia/en/stay-neutral-life-of-jehovah-s-witnesses-in-uzbekistan>.



## A FICTIONAL CASE-STUDY

A community of believers gathers every week in a rented apartment to pray together in Nursultan, Kazakhstan. On one occasion, police officers disrupt their meeting. They arrest the individuals present. After they are taken into custody, the believers are informed that their community is not officially registered. What's more, their activities are "illegal" and "a threat to public security." The religious community requests the help of Finnish diplomats. Indeed, one of the arrested believers has a Finnish grandmother.

### PROPOSED TARGETED ACTIONS

- **DISCUSS** at a bilateral meeting with the authorities and request the authorities to explain why the group's registration was denied.
- **CLARIFY** the fundamental principles of freedom of religion or belief at every opportunity.
- **MONITOR** the situation and collect data when possible.
- **SHARE DATA** within international fora, for example within the context of the Universal Periodic Review (U.P.R) process at the United Nations.
- **DISCUSS** with the UN Special Rapporteur on freedom of religion or belief and request assistance.
- **DISCUSS** with the EU Special Representative of freedom of religion or belief and request assistance.
- **INFORM** members of the European Parliament and national parliamentarians.

## 9. State Religions and their Implications for Freedom of Religion or Belief

International law does not specify how to organise the relationship between state and religion. However, if there is a state religion, no religious or belief group should be discriminated against as a result.<sup>1</sup> What is clear, is that the degree of states' entanglements with, or disengagement from, religion or belief have far-reaching implications on the degree to which freedom of religion or belief is upheld.

States with or without a state religion can violate FoRB, albeit in a different way. Regardless of its relationship with religion, all states have an obligation to respect the principle of equality, as described by legal experts in UN General Comment 22. Consequently, the core challenge for states with an official or (set of) preferred religion(s), is the imperative to respect the core principle of equality of citizens at all times, regardless of their membership to any religious or belief group.

<sup>1</sup> This is highlighted in the U.N. General Comment 22 of Article 18 of the International Covenant on Civil and Political Rights.

### Passing the Test of Equality and Non-Discrimination: A Checklist

- ✓ Are religious minorities treated differently?
- ✓ Are converts, apostates, blasphemers or non-believers treated differently?
- ✓ Can parents provide a moral and religious education to their children, in accordance with the evolving capacities of the child?<sup>1</sup>
- ✓ Are there any differences between religious or belief groups in financial benefits from the state? (Ex: tax exemptions, financial support, arduous processes for some and automatic grants for others.)
- ✓ Are religious holidays/days of rest respected for all belief groups?
- ✓ When it comes to the legal personality of a religious or belief group, are the procedures for application equal for all groups, or are rules of registration discriminatory?
- ✓ Do some groups have specific status privileges?
- ✓ Is religion posed as a specific precondition for obtaining a certain (political or other) position?
- ✓ Is the state neutral in resolving disputes between religious or belief groups?
- ✓ Is citizenship dependent on adherence to state religion?
- ✓ Do religious minorities have the possibility to opt-out of religious instruction that goes against their own convictions? Are alternative options for these students arranged?
- ✓ Is there an exemption from laws of general effect (i.e. reasonable accommodation)?
- ✓ Are women treated differently?
- ✓ Are lesbian, gay, bisexual, transgender and intersex persons treated differently?

The U.N. Special Rapporteur on Freedom of Religion or Belief, in his report on State-Religion relationships,<sup>2</sup> explains that the most severe models are both “religious” states aiming to enforce a state religion, as well as “anti-religious” countries. In that sense, both...

*“...appear highly incompatible with the range of States’ obligations to uphold freedom of religion or belief. These include those of “religious States” and those with a negative view of religion’s role in public life. States with a negative view of religion tend to impose restrictions on all religions, including those held by the majority of persons under their jurisdiction. Ironically, even though they represent polar opposite models in terms of support for the role of religion in public life, States that “heavenly enforce” and those that “heavily restrict” religion are both motivated to establish a monopoly for their ideologies and, as such, often require force and generally involve discrimination against those that do not share their views.”*

1 The concept of evolving capacities of the child first emerged in international law through the Convention on the Rights of the Child.

2 “Report of the Special Rapporteur on Freedom of Religion and Belief,” Human Rights Council, A/HRC/37/49, Feb. 28, 2018, <https://documents-dds-nyun.org/doc/UNDOC/GEN/G18/052/15/PDF/G1805215.pdf?OpenElement>.



Many experts have attempted to categorize the various paradigms of Church-State relations.<sup>1</sup> As of 2015, the Pew Research Center classified relationships between religion and government into several categories by country.<sup>2</sup>

- Official state religion (43 states)
- Preferred or favoured state religions (40 states)
- No official or preferred religion (106 states)
- Hostile relationship with religious institutions (10 states).

Official State Religion	Preferred or Favoured State Religions	No Official or Preferred Religion	Hostile Relationship with Religious Institutions
Afghanistan, Algeria, Armenia, Bahrain, Bangladesh, Bhutan, Brunei, Cambodia, Comoros, Costa Rica, Denmark, Djibouti, Dominican Republic, Egypt, Greece, Iceland, Iran, Iraq, Israel, Jordan, Kuwait, Libya, Liechtenstein, Malaysia, Maldives, Malta, Mauritania, Monaco, Morocco, Norway, Oman, Pakistan, Palestinian territories, Qatar, Saudi Arabia, Somalia, Tunisia, Tuvalu, United Arab Emirates, United Kingdom, Western Sahara, Yemen, Zambia	Andorra, Angola, Argentina, Belarus, Bulgaria, Burma (Myanmar), Cape Verde, Equatorial Guinea, Eritrea, Finland, Georgia, Guatemala, Haiti, Honduras, Indonesia, Italy, Laos, Liberia, Lithuania, Moldova, Mongolia, Nicaragua, Panama, Papua New Guinea, Paraguay, Peru, Poland, Republic of Macedonia, Romania, Russia, Samoa, Serbia, Spain, Sri Lanka, Sudan, Swaziland, Syria, Togo, Tonga, Turkey	Albania, Antigua and Barbuda, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Bolivia, Bosnia-Herzegovina, Botswana, Brazil, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Dominica, Ecuador, El Salvador, Estonia, Ethiopia, Federated States of Micronesia, Fiji, France, Gabon, Gambia, Germany, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Hong Kong, Hungary, India, Ireland, Ivory Coast, Jamaica, Japan, Kenya, Kiribati, Kosovo, Latvia, Lebanon, Lesotho, Luxembourg, Macau, Madagascar, Malawi, Mali, Marshall Islands, Mauritius, Mexico, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Palau, Philippines, Portugal, Republic of the Congo, Rwanda, San Marino, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, South Korea, South Sudan, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, Sweden, Switzerland, Taiwan, Tanzania, Thailand, Timor-Leste, Trinidad and Tobago, Uganda, Ukraine, United States, Uruguay, Vanuatu, Venezuela, Zimbabwe.	Azerbaijan, China, Cuba, Kazakhstan, Kyrgyzstan, North Korea, Tajikistan, Turkmenistan, Uzbekistan, Vietnam.

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*“I don’t think religion is really protected from [corruption] unless it is separated from political power ... There are a lot of good arguments to separate religion from the state for the sake of the state, and for the sake of the citizens. But there are also very good arguments to separate religion and the state for the sake of religion. When you give religious leaders too much political power, it doesn’t end well for the religion.”<sup>1</sup>*

Yuval Noah Harari

<sup>1</sup> Allison Kaplan Sommer, “What Yuval Noah Harari Thinks about Women’s Fight for Equal Rights at the Western Wall,” Haaretz, Dec. 5, 2020, <https://www.haaretz.com/world-news/.premium.MAGAZINE-what-yuval-noah-harari-thinks-about-women-s-fight-for-equal-rights-at-the-kotel-1.9346862>.

<sup>1</sup> In a 2018 report to the Human Rights Council, the UN Special Rapporteur Ahmed Shaheed identified three broad types of relationships between State and religion: 1. States with official or favoured religions 2. States with no identification towards a specific religion 3. States that pursue policies to heavily restrict the role of religion. For states connected to religion, the scholar Jeroen Temperman identifies “religious states”, “state religions” and “state churches” in addition to national churches.

<sup>2</sup> “Appendix A: Relationships Between Religion and Government by Country,” Pew Research, <https://assets.pewresearch.org/wp-content/uploads/sites/11/2017/09/29162845/Appendix-A.pdf>.

## Part III:

## A Sample of Country Case Studies: Egypt, India and Myanmar

Myanmar, Egypt and India present distinct political, cultural and geographic landscapes, with varying legal structures pertaining to state and religion, as well as a diverse demography of religious minorities. And yet, common challenges emerge. In all three states, sectarian violence has erupted combining violence committed both by the state officials as well as private individual citizens. This leads to a blurring between state and non-state mob violence. Additionally, each state has citizens of a majority-religion favoured or officially supported by the state.

### A) Egypt

Officially Islamic, Egypt applies a combination of secular and religious law. While historically a diverse country, religious freedom is restricted for those who fall outside of the majority 90% of Sunni Muslims.<sup>1</sup> The other 10% consist mostly of Coptic Christians but also Shias, Ahmadi and Atheists/ Religious or belief minorities face **discrimination, barriers to manifesting their faith or belief and violence**—including hate crimes and attacks on places of worship.<sup>2</sup> Finally, Sharia laws serve as the foundation for the resolution of family and personal disputes covering issues such as divorce and inheritance—which can impede **women’s rights**.<sup>3</sup> Last but not least, human rights abuses that lie at the intersection of religion and women’s rights is **female genital mutilation (FGM)**.

The codification of Sharia into the Egyptian political system and Sharia’s monopoly on family and personal disputes can infringe upon the free choice of individuals. Furthermore, the government does not permit conversion from Islam, as the state must, “protect public order from the crime of apostasy from Islam.”<sup>4</sup> Religion is listed on national ID cards, which can lead to discrimination on an everyday basis,<sup>5</sup> and Christian groups face difficulties in receiving permission to build churches.<sup>6</sup>

The codification of Sharia also affects Egypt’s international obligations. Egypt has religious reservations to several treaties such as the International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of all Forms of Discrimination against

- 1 See “Egypt: USCIRF Recommended for Religious Watchlist,” United States Commission on Religious Freedom, 2020, <https://www.uscirtf.gov/sites/default/files/Egypt.pdf>. See also “2019 Report on International Religious Freedom: Egypt,” U.S. Department of States, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>.
- 2 See “Egypt: USCIRF Recommended for Religious Watchlist,” United States Commission on Religious Freedom, 2020, <https://www.uscirtf.gov/sites/default/files/Egypt.pdf>. See also “2019 Report on International Religious Freedom: Egypt,” U.S. Department of States, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>.
- 3 “2019 Report on International Religious Freedom: Egypt,” U.S. Department of States, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>.
- 4 “2019 Report on International Religious Freedom: Egypt,” U.S. Department of States, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>.
- 5 “2019 Report on International Religious Freedom: Egypt,” U.S. Department of States, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/egypt/>.
- 6 “Egypt: USCIRF Recommended for Religious Watchlist,” United States Commission on Religious Freedom, 2020, <https://www.uscirtf.gov/sites/default/files/Egypt.pdf>.

Women (CEDAW), Convention on the Rights of the Child (CRC), International Covenant on Economic, Social and Cultural Rights (ICESCR), and Convention on the Rights of Persons with Disabilities (CRPD).<sup>1</sup> It is worth highlighting Egypt's reservation to Art. 16 of CEDAW "concerning the equality of men and women in all matters relating to marriage and family relations during the marriage and upon its dissolution, without prejudice to the Islamic Sharia's provisions... Sharia [law] lay[s] down that the husband shall pay bridal money to the wife and maintain her fully and shall also make a payment to her upon divorce, whereas the wife retains full rights over her property and is not obliged to spend anything on her keep. The Sharia therefore restricts the wife's rights to divorce by making it contingent on a judge's ruling, whereas no such restriction is laid down in the case of the husband."<sup>2</sup>

One of the most striking human rights abuses that lies at the intersection of religion and women's rights is female genital mutilation (FGM). 87.2% of Egyptian women between the ages of 15-49 have undergone FGM.<sup>3</sup>

In 2016, Egypt stepped up efforts to criminalize the practice, imposing prison terms on individuals who perform FGM.<sup>4</sup> Despite this development, FGM remains widespread and is given the stamp of legitimacy by health professionals who have "medicalized" the practice. Doctors carry out approximately 75% of procedures.<sup>5</sup> FGM is rampant within both the Muslim and Coptic communities in Egypt, and the justification for the practice can be grounded in religious or cultural justification.

FGM can be justified in the name of Islam.<sup>6</sup> This practice affects girls worldwide, including in Finland. For example, *Fenix Helsinki* reported that Finnish girls are at risk of being taken to countries such as Egypt, Somalia, Syria and Iran to undergo FGM in what is termed "vacation-cutting."<sup>7</sup>

In addition to violence against women in the name of religion, violence against religious minority groups is rampant in Egypt. Coptic Churches in Egypt are frequently bombed and religious belief minorities face mob violence and threats.<sup>8</sup> In 2017, 45 Copts were brutally

### A sample of FoRB violations in Egypt

- Anti-blasphemy laws
- Restrictions on conversions
- Female genital mutilation
- Sectarian violence and hate crimes
- Religious-based reservations to human rights treaties

- 1 Mariana Montoya and Basac Çali, "The March of Universality? Religion-based Reservations to the Core UN Human Rights Treaties," Universal Rights Group Geneva, 28, <https://www.universal-rights.org/urg-policy-reports/march-universality-religion-based-reservations-core-un-human-rights-treaties-tell-us-human-rights-religion-universality-21st-century/>.
- 2 See "Convention on the Elimination of all Forms of Discrimination against Women," United Nations Treaty Collected, Dec. 18, 1979, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&clang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&clang=en#EndDec).
- 3 "Country Profile: FGM in Egypt," 28 Too Many, April 2017, <https://www.refworld.org/pdfid/Sa17ef454.pdf>.
- 4 "Egypt: New Penalties for Female Genital Mutilation," Human Rights Watch, Sep. 9, 2016, <https://www.hrw.org/news/2016/09/09/egypt-new-penalties-female-genital-mutilation>.
- 5 "When Health Workers Harm: The Medicalization of Female Genital Mutilation in Egypt," United Nations Population Fund, Oct. 2, 2019, <https://www.unfpa.org/news/when-health-workers-harm-medicalization-female-genital-mutilation-egypt>.
- 6 As Reyhana Patel, from Islamic Relief, writes, "A few years ago I went to Indonesia on behalf of Islamic Relief Canada (IRC) to do some field research on the growing practice of FGM on babies and children in that part of the world. A common theme between what I experienced there and what I have seen in the UK, Europe and North America is that there are some Muslim communities who genuinely believe that FGM is an Islamic practice because it 'purifies' and protects the girl during adolescence and before marriage." Reyhana Patel, "Islam Must Never be Used to Justify Female Genital Mutilation," Reuters, Feb. 6, 2019, <https://news.trust.org/item/20190205180900-4sb36/>.
- 7 "Report Confirms Girls in Finland are Taken Abroad to Undergo FGM," Yle, Sep. 22, 2017, [https://yle.fi/uutiset/osasto/news/report\\_confirms\\_girls\\_in\\_finland\\_are\\_taken\\_abroad\\_to\\_undergo\\_fgm/9846125](https://yle.fi/uutiset/osasto/news/report_confirms_girls_in_finland_are_taken_abroad_to_undergo_fgm/9846125).
- 8 See "Egypt: Horrific Palm Sunday Bombings," Human Rights Watch, April 12, 2017, <https://www.hrw.org/>









## C) Myanmar

The majority religion in Myanmar is Theravada Buddhist (about 88%). Approximately 6% of Myanmar's population is Christian, and 4% is Muslim. Approximately 68% of the country are ethnic Barmans, and there are 135 recognized groups.<sup>1</sup> Seven ethnic groups recognized as being "indigenous as ethnic nationalities" to Myanmar include the Shan, Karen, Rakhine, Karenni, Chin, Kachin and Mon.<sup>2</sup> The fractious nature of Myanmar's ethnic and religious landscape --which are often conflated-- has led to social hostility and violence.

Myanmar is marked by a strain of Buddhist nationalism, that has continued to develop since its independence from the British. While Myanmar does not have an official state religion, the Constitution "recognizes the special position of Buddhism"<sup>3</sup> and it "also recognizes Christianity, Islam, Hinduism, and Animism as the religions existing in the Union at the day of the coming into operation of this Constitution."<sup>4</sup> This gives Buddhism a privileged position.

Freedom of religion of belief is strictly curtailed through a **conversion law** which makes the process of conversion a burdensome application process.<sup>5</sup> It also has a discriminatory **in-terfaith marriage** law aiming to discourage inter-marriage between Buddhist women and non-Buddhist men.<sup>6</sup> Furthermore, Myanmar's **citizenship laws** display an individual's religion and ethnicity on ID cards.<sup>7</sup> It is through this citizenship scheme that the Rohingya of Rakhine State (who are Muslim) have faced **institutional discrimination** and are often identified as "foreigners"<sup>8</sup> on ID cards.

**The Rohingya have faced ethnic cleansing** in Myanmar. The Rohingya, who are Muslim, are viewed as foreigners and have been brutally murdered, raped and driven from their homes and villages. Between 2017-2019, 200 Rohingya settlements were destroyed<sup>9</sup> and approximately 750,000

### Imminent Violations to FoRB

- Ethnic cleansing of the Rohingya Muslims
- State and mob violence
- Citizenship laws
- Anti-conversion laws
- Inter-marriage laws
- Hate speech

- 1 Lex Rieffel, "Peace in Myanmar Depends on Settling Centuries Old Ethnic Conflicts," Brookings, March 20, 2017, <https://www.brookings.edu/blog/up-front/2017/03/20/peace-in-myanmar-depends-on-settling-centuries-old-ethnic-conflicts/>.
- 2 "Indigenous Peoples in Myanmar," IWGIA, <https://www.iwgia.org/en/myanmar.html>
- 3 "2019 Report on International Religious Freedom Burma," U.S. Department of State, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/burma/>.
- 4 "2019 Report on International Religious Freedom: Burma," U.S. Department of State, 2019, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/burma/>.
- 5 Ewelina U. Ochab, "The Law and Policy Reforms Myanmar Needs to Combat Intolerance and Discrimination Based on Religion or Belief," Forbes, Nov. 18, 2019, <https://www.forbes.com/sites/ewelinaochab/2019/11/18/the-law-and-policy-reforms-myanmar-needs-to-make-to-combat-intolerance-and-discrimination-based-on-religion-or-belief/?sh=4beb124e78de>.
- 6 "Burma: Reject Discriminatory Marriage Bill," Human Rights Watch, July 9, 2015, <https://www.hrw.org/news/2015/07/09/burma-reject-discriminatory-marriage-bill#>.
- 7 "Identity Crisis: Ethnicity and Conflict in Myanmar," International Crisis Group, Aug. 28, 2020, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/312-identity-crisis-ethnicity-and-conflict-myanmar/>
- 8 Shoon Naing, "Myanmar Forces Rohingya to Accept Cards that Preclude Citizenship: Group," Reuters, Sep. 3, 2019, <https://www.reuters.com/article/us-myanmar-rohingya/myanmar-forces-rohingya-to-accept-cards-that-preclude-citizenship-group-idUSKCN1VO16D>.
- 9 Hannah Beech, Saw Nang and Marlise Simons, "Kill All You See': In a First, Myanmar Soldiers Tell of Rohingya Slaughter," The New York Times, Sep. 8, 2020, <https://www.nytimes.com/2020/09/08/world/asia/myanmar-rohingya-genocide.html>.



## Part IV:

# Conclusion and Recommendations to the Finnish Government and Ministry of Foreign Affairs

## Conclusion

**The right to freedom of religion or belief (FoRB) cannot be taken in isolation from the enjoyment of all other human rights.** FoRB encompasses rights to freedom of thought and speech, which are indispensable for any pluralistic society to thrive culturally, to breathe intellectually and to remain vibrant and democratic. FoRB is also a valuable indicator to measure the rule of law and state practices in a given country. It intersects daily with a whole range of other rights such as: women's rights and gender equality, minority rights, children's rights and LGBTIQ+ rights. Converts, non-believers, intellectuals, political dissidents and prisoners are frequently impacted. Finally, the enjoyment of FoRB is fully part of achieving the objectives set out in the SDGs.

Personal beliefs are spiritually nourishing – both for individuals as well as ensuring close ties within a belief community. However, the misuse of religion can be equally as divisive for a society and for the cohesion of the state. Understanding both sides of the coin, the positive and the negative, as well as how FoRB intersects with political and societal developments can rightfully restore the full complexity of religion in the public debate. Clearly, the broader phenomenon of “religion” constantly permeates political discourses across the world – regardless of belief, culture, ethnicity or geography. Understanding this essential right, both its positive and negative impacts, its legal frameworks and the thematic policy issues it collides with can only enhance diplomatic success and engagement.

## Final Recommendations

**In addition to all the recommended actions presented throughout the report, here is a useful set of proposals that can apply to many situations.**

**These recommendations aim to provide:**

- a) **General strategies**
- b) **Proposals for outreach within international organisations**
- c) **Range of actions to reflect upon for diplomats in host countries.**

## A) General Strategies

- **TRAIN** civil servants and diplomats on the importance of freedom of religion or belief- including case studies and how to respond to real-life situations.
- **INCORPORATE** the situation of freedom of religion or belief into a general human rights assessment of the country.
- **INTEGRATE** FoRB dimensions at the outset when designing policies in each Ministry Department so that they can be evaluated at every step of the process.
- **INCLUDE** the FoRB dimension in the Evaluation Unit at the MFA, so that it is explicitly evaluated from the beginning to the end in the Planning Phase, Action Phase and Evaluation Phase in order to assess measurable outcomes.
- **SPEAK OUT** on every occasion to condemn incitement to religious hatred on other FoRB violations and **LEAD BY EXAMPLE** whenever there is a domestic opportunity.
- **INTEGRATE** the FoRB dimension when providing grants and financial assistance, as well as when assessing funding proposals.
- **CONSULT** with experts, policy makers and parliamentarians to receive feedback before setting up a country-specific or regional strategy.
- **PROMOTE** an understanding of the historical, social, cultural and philosophical dimensions of religion and how it has shaped our societies across the world. In that respect, religious literacy can enable a deeper appreciation of the human experience and avoid over-simplifications.
- **BUILD and CONSOLIDATE** “broad and unlikely” alliances and coalitions—for example religious and secular actors, human rights and the military, international and national, etc. **The more diverse the coalition, the stronger the message.**
- **ENGAGE WITH** secular NGOs who don’t traditionally work on issues relating to freedom of religion or belief.<sup>1</sup> The FoRB dimension is an essential part of a holistic global rights approach.
- **TRAIN** different constituencies who are traditionally not implicated in the importance of Freedom of Religion or Belief (e.g. women’s rights organisations, secular NGOs, SOGI rights NGOs, development NGOs, humanitarian and peace-building NGOs) and establish a network with a regular line of communication to receive feedback that can inform policies.
- **STUDY and GRASP** the dynamics and contexts of each religious or belief group individually to better understand specific challenges.
- **DISCUSS** religious freedom contexts and violations with the host country in which the embassy is established, engage with local actors (religious and secular), and listen to local experiences. Integrate these lessons into Finnish policies abroad.
- **CALL FOR LEGAL REFORMS** in host countries where FoRB doesn’t respect international standards and analyse policies and practices.
- **PROVIDE VISIBILITY** at all levels to those who need it, especially the victims of FoRB violations or state officials who need support.
- **ENGAGE IN INTERRELIGIOUS DIALOGUE** with local religious communities both in Finland and abroad.
- **COUNTER** false narratives in public diplomacy.
- **WORK WITH PARLAMENTARIANS AND EXPERTS** to encourage expertise in informing policy.
- **ENCOURAGE WOMEN and LGTBI** to bring greater visibility to their narratives.
- **ENGAGE** with victims of FoRB violations and serve as a mediator to promote visibility of their stories and relay their messages.

1 For example, some secular NGOs can view issues “as being ‘really’ about something other than religion, whether ethnic or racial discrimination, gender inequality or political oppression. As such, they see FoRB as something tackled more usefully within frameworks on minority rights, non-discrimination, women’s rights, or freedom of expression than within a FoRB framework. See Marie Juul Peterson and Katherine Marshall, “The International Promotion of Freedom of Religion or Belief,” The Danish Institute for Human Rights, 2019, 13, [https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/2019/rapport\\_internationalpromotion\\_12.pdf](https://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/research/2019/rapport_internationalpromotion_12.pdf).

## B) Outreach Within International Organisations

- **PROVIDE RECOMMENDATIONS** to the E.U. Special Envoy, the O.S.C.E. and 6/ Special Rapporteur to integrate FoRB into their thematic reports.
- **BUILD RELATIONSHIPS** with victims of religious freedom violations and provide them with a voice through the Finnish foreign ministry and across international platforms, such as the E.U., 6/ and O.S.C.E.
- **USE DATA** provided by international organisations and integrate them in order to develop informed policies.
- **SHARE THE FINNISH EXPERIENCE** of how a country with a state religion can still ensure non-discrimination of minority groups.

### Finland Within the European Union

- **PROMOTE** the E.U. Guidelines on Freedom of Religion or Belief
- **COLLABORATE** with the EU Special Envoy on Freedom of Religion or Belief and play a role in E.U.-led discussions.
- **CALL FOR INCREASED COOPERATION** between E.U. member states, the E.U. External Action Service and the European Commission to ensure a cohesive approach.
- **PLAY AN ACTIVE ROLE** within the E.U. Council to shape the EU position on FoRB within multilateral organizations.
- **SUPPORT** the FoRB dimension during human rights dialogues between the E.U. and Third countries.

### Finland Within the Council of Europe

- **SUPPORT** and ensure that Finland plays a prominent role in the field of human rights at all levels of the Council of Europe- not least at the levels of the Committee of Ministers, the Parliamentary Assembly, the European Court of Human Rights, the Congress of Local and Regional Authorities, as well as provide support and expertise to the Commissioner for Human Rights.
- **SUPPORT AND IMPLEMENT** the recommendations of the European Commission Against Racism and Intolerance (ECRI)
- **FULLY ENGAGE** with ECRI's country visits to Finland throughout the process (prior, during and following the interim and final recommendations).
- **IMPLEMENT ECRI's General Policy Recommendations (GPRs)**, integrate them into national strategies and regularly assess their impact at the local level.

### Finland Within the Organisation for Security and Cooperation in Europe

- **SUPPORT** the O.S.C.E. Panel of Experts on Freedom of Religion or Belief and play a role in OSCE discussions.
- **COLLABORATE** with the O.S.C.E. on data collection mechanisms on hate crimes and collect data on hate crimes to provide to the OSCE.
- **CONSISTENTLY USE and QUOTE** all O.S.C.E. data on hate crimes when articulating Finland's positions.

### Finland Within the United Nations

- **COLLABORATE** with the UN Special Rapporteur on Freedom of Religion or Belief and play a role in UN -led discussions as well as in discussions at the Office of the High Commissioner for Human Rights.
- **SUBMIT RECOMMENDATIONS** on FoRB in the context of human rights reports/discussions within the E.U. and the Universal Periodic Review Process at the UN Human Rights Council.
- **SUPPORT** the UN Resolution 16/18 as well as the Istanbul Process in addition to promoting the EU-sponsored Resolution on Freedom of Religion or Belief.
- **HOST SIDE EVENTS** at the UN Human Rights Council on freedom of religion or belief issues in particular to invite experts and to analyse policy questions to raise awareness surrounding human rights questions.
- **UNITE RELIGIOUS LEADERS** to discuss the Beirut Plan of Action and EXPLORE how its outcomes could be useful to use at the domestic level.

## C) Diplomacy in Host Countries

- **INCLUDE** the question of freedom of religion or belief in bilateral meetings and political and human rights dialogues.
- **CALL** for legal reform on FoRB when it is lacking in the host country.
- **COOPERATE** with national human rights commissions in the host country.
- **ENCOURAGE** concerted collaboration with other embassies to amplify joint goals.
- **PROMOTE OUTREACH and PUBLIC DIPLOMACY** with local groups, civil society, parliamentarians, influencers in the host country, and media to create a space for victims/advocates to speak out independently.
- **COMMUNICATE** on FoRB through social media, statements and engagement with local journalists.
- **SUPPORT** local NGOs.
- **MONITOR FoRB VIOLATIONS** and collect data on national legislation, groups that are discriminated against on the basis of religion or belief, and women. Monitor the situation at the country level.
- **ENSURE FOLLOW-UP MECHANISMS** to discussions on FoRB with governments in host countries.