

# Freedom of religion or belief **for everyone**



together for the persecuted

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“Freedom of thought, conscience, religion or belief continues to challenge authoritarian governments, religious hegemonies and collective narrow-mindedness in various parts of the world. It is important to understand where exactly the challenges lie in order to find appropriate responses. This booklet is very helpful in this regard – clear, precise and easy to read. I very much like it, its spirit, messages, structure and pedagogical impetus.”

**Heiner Bielefeldt**

UN Special Rapporteur on Freedom of Religion or Belief (2010 - 2016)

“The FoRB booklet is an important tool for human rights education and advocacy. Freedom of Religion and Belief is, perhaps, the most challenging of rights to comprehend with clarity. The emphasis on freedom to manifest one’s religion or belief is always counterbalanced. It cannot fully curb the rights of others to disagree with their religious beliefs and have a right not to be subjected to religious intolerance. Discussion on religions and beliefs can be highly emotional and often leads to conflicts. This, in no way, should be used as deterrent to free speech or to affixate debate.

Even governments have a delicate role to play. They must remain neutral, but often have to intervene to protect those being discriminated against or persecuted in the name of religion. The FoRB booklet spells out the red lines for all stakeholders. More importantly, it includes the rights of those who may not have a religion or wish to adopt any other faith and indeed underlines the basic principle that it is individuals and communities that have rights, not religions, faiths or ideologies.”

**Asma Jahangir**

UN Special Rapporteur on Freedom of Religion or Belief ( 2004 - 2010)

# Freedom of Religion or Belief: Why, What and How

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## Authors’ note

Three years ago, we published the first edition of this booklet. During the years it has been effectively used in a number of countries and been translated into several languages. Now it is time to revise the booklet and include some additional themes, like possible tensions between freedom of religion or belief and other rights.

**A new feature is questions for reflection and discussion at the end of each chapter.**

At the very end of the booklet you will find a practical fold out leaflet where difficult words or concepts, marked with an asterisk (\*) in the text, are explained. For best use, we recommend that you open the leaflet while reading in order to have easy access to the glossary.

# 1. Freedom of religion or belief – in everyone’s interest

## Violence against Muslims in India

The situation for religious minorities in India has deteriorated since the Hindu-Nationalist party BJP gained power in 2014. Hindu nationalists believe a true Indian citizen is also a Hindu and therefore regularly harass and attack non-Hindus.

Cows are considered holy animals within Hinduism. The ruling party BJP has frequently been involved in hate-speech targeting those who sell, buy, and eat beef. This has led to hate crimes and attacks on especially Muslims by Hindus aiming at protecting cows, as Muslims rather eat beef than pork which is forbidden by their faith.

In April 2019, Shaukat Ali, a Muslim, was attacked by a mob who beat him with sticks and kicked him while forcing him to eat pork. Shaukat’s family ran a small restaurant for many years that served food containing beef. People gathered around Shaukat and filmed the attack rather than helping him. He is still unable to walk due to the injuries he sustained during the assault.

Between May 2015 and December 2018, at least 44 people have been killed in similar attacks, including 36 Muslims. Around 280 people were injured in more than 100 assaults during the same period. Local police have often obstructed the prosecution of the perpetrators and local BJP politicians have supported the attacks.

Source: BBC, May 16, 2019. Human Rights Watch.

The overwhelming majority of the world’s population holds a religious belief. Unfortunately, people’s possibility to freely choose and express their belief is being increasingly restricted.<sup>1</sup>

On July 11, 2019, nine Baha’is were sentenced to prison in Iran as part of an intensified government crackdown against the Baha’i community.<sup>2</sup> In England, a Jewish family was physically harassed in the street in August 2019. British authorities report that 47% of hate crimes in England targets Muslims and 18% targets Jews, even though they only make up 0.5% of the population.<sup>3</sup> On September 19, 2019, six Jehovah’s Witnesses were sentenced to between two and three and a half years in prison. The Russian Supreme Court banned all activity related to Jehovah’s Witnesses in 2017.<sup>4</sup> Authorities in Algeria forcibly closed eight Protestant churches in the span of two months during the fall of 2019, and violently arrested several protesters.<sup>5</sup> At least 3000 Yazidis from Northern Iraq are as of 2019 still held in captivity by IS following the genocide targeting them in 2014. Many women have been sold as sex slaves and forcibly converted to Islam.<sup>6</sup> Vietnamese Hòa Hào Buddhists were beaten by plainclothes police after protesting a planned demolition of a temple in October 2019. They belong to an unregistered Buddhist community.<sup>7</sup> In November 2019, the UN criticized China’s systematic assaults on Muslims in the Xinjiang region, where regular religious practice may be considered terrorism and more than a million Muslims, especially Uyghurs, are assumed arbitrarily arrested and sent to detention and re-education camps.<sup>8</sup> A Pakistani university professor was sentenced to death on December 21, 2019, convicted of blasphemy by insulting Islam.<sup>9</sup>

These are just a few examples illustrating that not all people can believe what they want, change their beliefs and express their belief freely, despite the fact that the fundamental human right of freedom of religion or belief is enshrined in various human rights documents and widely recognized by nearly all governments in the world.<sup>A</sup>

With this booklet, Stefanus Alliance International will explain the why, what and how of freedom of religion or belief: why it is important, what its central elements are and how it is abused and how it can be promoted. The goal of this booklet is to provide a tool for anyone interested in learning more about FoRB. We also hope that it will be used to promote and protect this fundamental freedom around the world. It is our belief that promotion, protection and respect of FoRB is an important and necessary ingredient in the development of multi-religious societies characterized by tolerance and peaceful co-existence.

<sup>A</sup> As of January 2020 173 of the 193 member states of the UN are state parties to the International Covenant on Civil and Political Rights (ICCPR\*), a binding treaty, which states in article 18 that everyone has the right to freedom of thought, conscience and religion.



## 2. Why is FoRB important?

When President Franklin D. Roosevelt, one of the driving forces behind the establishment of the UN, envisioned a world of peaceful coexistence between nations, he stressed four fundamental freedoms: freedom of speech, freedom of belief, freedom from want and freedom from fear.<sup>10</sup> Freedom of thought, conscience and belief, often referred to as the right to freedom of religion or belief (FoRB) is considered by many to be one of the foundations of a democratic society.<sup>11</sup>

Illegitimate\* limitations on religious practice and persecution on the grounds of religion or belief affect all religious groups, including atheists\* and agnostics\*, and it occurs in all parts of the world.<sup>12</sup> 42%<sup>13</sup> of the countries in the world enforce high or very high restrictions on religion. Because some of the most restrictive countries are highly populated, 83%<sup>14</sup> of the world's population live in countries with high or very high restrictions on religion, the brunt of which often falls on religious minorities that are often viewed as economic, cultural or political threats to the majority.

There are several reasons why FoRB is important. They can be summarized as follows:

- **Religious freedom is important in itself**, because it gives individuals the right to form personal beliefs, and to manifest and express them. Religion is both a set of religious teachings and practices, but in many countries and communities around the world it is just as much about the sense of identity and belonging to a group.
- **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. The status of FoRB can often

be an indicator of the general human rights situation in a country. When the space for religious expression is restricted, so is freedom of speech. Prisoners of faith often find their right to a fair trial violated. Women, children, migrant workers and refugees are especially vulnerable to FoRB violations. Discrimination based on religion affects minorities' access to social and economic goods, and can contribute to grievances that destabilize a society. Data indicates that support for the rights of LGBT communities increases in societies with higher levels of freedom of religion or belief.<sup>15</sup> Thus, working for religious freedom promotes human rights in general, something which everyone benefits from.<sup>16</sup>

- **Democratization\* and civil society\*:** Civil society plays an important role in holding authorities accountable and being a counterweight to power holders. Low levels of religious freedom reduce people's possibilities to form civil society groups and become actors for change. Faith based movements provide great opportunities for people to organize on a grass roots level and become important actors for both democratization processes and poverty reduction. Authoritarian\* states fear this potential and try to restrict civil society and their influence by reducing and limiting religious freedom. When governments live up to their responsibility and ensure religious freedom this can contribute positively to a democratization process and a strong civil society.<sup>17</sup>
- **Socioeconomic\* well-being and stability:** Research shows a strong correlation between FoRB and the economic development in a country and the socioeconomic well-being of its people,<sup>18</sup> in addition to the level of violence. High restrictions on FoRB strongly correlate with:
  - *The economy.* States with high restrictions on FoRB tend to have lower gross domestic product (GDP)\* and lower scores on the UN's human development index (HDI)\*.
  - *Women's socioeconomic status.* Women who live in states with high restrictions on FoRB tend to have lower participation in national parliaments, professional working life, and secondary school. Consequently, these women also have a lower estimated income than women who live in states with low/no restrictions on FoRB.



# 3. What is FoRB?



- *Health.* The levels of infant mortality and the number of underweight children are higher in countries with high restrictions on FoRB than in countries with low/no restrictions on FoRB.
- *Violent conflict and high levels of military spending.* In many countries, religious pluralism and multiculturalism are often viewed as potential threats. Numerous governments try to restrict religious freedoms in an effort to maintain national harmony, security and order. Statistical analysis, however, shows that it is not the number of religions in a country that explains the existence of religious conflict and persecution, but rather the governmental restrictions and regulations on religion. When the government discriminates on religious grounds and let violators go unpunished, it legitimizes and justifies violence by other actors in society. This may lead to further governmental regulations in an attempt to regulate social violent tensions, and thus opens the door for increased persecution. The end is an ongoing vicious circle of regulations and persecution. FoRB, on the other hand, creates conditions that make peaceful co-existence between religious groups possible.<sup>19</sup>

Consequently, FoRB is not only a fundamental individual right, but it is also important for the democratic and economic situation of a state, the wellbeing of its citizens, and the stability and peace among its inhabitants. Neglecting this freedom can have far-reaching and serious consequences, both nationally and internationally. Therefore, FoRB is of great importance to everyone; those who consider themselves religious and those who consider themselves non-religious alike.



*The questions for discussion at the end of each chapter are suggestions to help you to reflect on important issues.*

## Questions for discussion

- 1 What does FoRB mean to you? In what ways is it important for you and for others? Do you think it means different things for different people? Why?
- 2 Which FoRB violations have you heard of or read about recently?
- 3 Can you give examples of how FoRB is interconnected with other human rights? Which ones and how?
- 4 In what ways can and do religious communities play a positive role in strengthening democratic development in society? What conditions do you think need to be in place in order for this to happen?
- 5 In what ways do you think FoRB contributes to economic development and socioeconomic wellbeing?

Freedom of religion or belief should be interpreted broadly and protects individuals who profess and practice different kinds of religions, i.e. traditional, non-traditional and new religions, atheism and agnosticism. It also protects the right to have no confession at all.<sup>20</sup> As previously mentioned, FoRB gives everyone the right to have a religion or belief; change his/her religion or belief; and practice his/her religion or belief as he/she likes.<sup>21</sup>

As with all other human rights, individuals are the primary holders of FoRB. The government is the primary duty bearer. At the same time, FoRB has certain collective aspects where the religious community as a group enjoy certain rights, e.g. the right to obtain legal recognition as a religious community, the right to decide over internal affairs, like choosing suitable leaders, the right to create religious schools and to provide services to the public.<sup>22</sup>

## 3.1 Core documents

- Article 18 in the Universal Declaration of Human Rights (UDHR)
- Article 18 in the International Covenant on Civil and Political Rights (ICCPR)
- The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief
- General Comment 22, where the Human Rights Committee explains the meaning of article 18 in the ICCPR

Even if countries have not ratified binding international treaties protecting FoRB, this freedom is considered to be protected as a part of customary international law.<sup>23</sup> In addition to the international

documents, there are regional documents on the subject of FoRB. It is important to note that these documents have varying definitions of FoRB and not all provide equally good protection of FoRB as the ICCPR does.

- Article 9 in the Council of Europe's Convention for the protection of Human Rights and Fundamental Freedoms (ECHR)
- Paragraph 16 in the Organization for Security and Cooperation in Europe's Concluding document in Vienna 1986
- Article 8 of the African Union's Charter on Human and Peoples' Rights
- Article 26 and 27 in the Arab Charter on Human Rights
- Article 12 in the American Convention on Human Rights

## 3.2 Six dimensions of FoRB

What does freedom of religion then mean in practice? The state has the responsibility to respect, protect and promote the following six dimensions of FoRB:<sup>24</sup>

### 1 The freedom to have, choose and change a religion or belief

As mentioned before, FoRB gives everyone the right to freely have, choose and change a religion or belief. This is sometimes called the inner freedom, and can never be legitimately limited by anyone or by any means whatsoever. It is, according to human rights documents, absolutely protected without exceptions or conditions.<sup>25</sup> Still, the right to change one's religion is debated and challenged. Religious identity is often viewed as connected with ethnic or national identities. However, this becomes problematic when people are restricted from changing their religion or belief to a faith that is not traditionally associated with one's ethnic group or nationality. Numerous governments and groups ban people from belonging to, changing or leaving a particular religion. In many countries, people who choose to leave a religion face threats and violence from society. Requirements to reveal one's religion, such as on ID-cards or other required government forms, are often used to discriminate and persecute.

### 2 The freedom to practice a religion or belief

The outer freedom includes the right to manifest, practice and express one's belief in private or public, alone or in community with others.<sup>26</sup> It contains, among other things, the right to:

- Worship or assemble in connection with a religion or belief, and to establish and maintain houses of worship.
- Establish and maintain charitable and humanitarian institutions.
- Make, acquire and use necessary articles and materials related to the rites or customs of a religion or belief.
- Write, issue, publish and distribute religious literature.
- Teach a religion or belief in suitable places.

- Ask for and receive voluntary financial donations or other gifts from individuals and institutions.
- Train, appoint and elect suitable leaders and teachers according to the requirements and standards of any religion or belief.
- Establish and maintain communications with individuals and communities in matters of religion or belief at national and international level.
- Observe days of rest; celebrate holidays and ceremonies in accordance with one's religion or belief; dress and eat in accordance with the prescription of one's religion; use religious symbols; and to share one's faith with others in non-coercive\* missionary activities.

As a part of the right to practice, religious belief groups have the right to be officially recognized as communities, and those who seek for it should be given legal entity status in order to have a formal body representing their interests and rights as communities. Nevertheless, official registration or legal entity status should never be a requirement for religious or belief groups to exercise FoRB or their right to decide over own affairs. Even though the primary right holders are individuals, existing standards highlight the importance of the collective dimension of FoRB, held in common by the many members of religious communities.<sup>27</sup> Unfortunately, strict laws regarding registration are used in many places in the world to discriminate, harass and persecute communities of religious believers.

### 3 Freedom from coercion\*

Nobody has the right to force another person to have, maintain or change a belief. Force can mean to persuade someone to change a religion against their will by using physical violence or threats thereof, psychological violence, criminal penalties or more subtle forms of illegal influence. UN General Comment 22 on how to interpret Article 18 in ICCPR states that if a government uses material benefits or restricts access to medical care, education and/or employment in order to influence people's choice of religion; this is to be considered as an indirect form of coercion.<sup>28</sup>

#### 4 Freedom from discrimination

Everyone is entitled to FoRB without discrimination. States are obliged to respect, protect and promote this freedom to all persons within their country. Majority religions should have no advantage over minority religions. It is forbidden to discriminate in any way because of a person's beliefs or the religious community to which a person belongs. The government is obliged to take effective steps in order to prevent this kind of discrimination, whether it occurs in legislation\*, in implementation\* or in society.<sup>29</sup> The state should be impartial\* and not favor any religion. Unfortunately, discrimination based on religion or belief negatively affects minorities' access to basic services like education and health care all over the world.

#### 5 Rights of parents and guardians and the rights of the child

Parents or guardians have the right to raise their child in accordance with their own religion or life stance. This should be done in accordance to the developing capacities of the child. As the child matures, he/she must be allowed to make more decisions regarding his/her own beliefs.<sup>30</sup> The government may not decide what religion parents should pass on to their children. The practice of a religion or belief may never harm the physical or mental health or development of the child. Every child has the right to access to religious education according to the will of their parents or guardians and should never be forced to participate in such education against these wishes. If religious education in public schools is not impartial nor objective, the government should make it possible for students to opt out or to attend alternative classes. Exemptions from these lessons must be implemented in a non-discriminatory and non-stigmatizing manner. Internationally, millions of minority children are forced to participate in biased education in favor of the majority religion or belief.

#### 6 The right to conscientious objection\*

FoRB also protects people from being forced to act against their conscience and the core of their beliefs, especially regarding the use of weapons or deadly force. Therefore, those who genuinely hold beliefs that forbid military service should be given an alternative national service. In many countries, this is not possible and refusing military service on religious grounds can be punishable.<sup>31</sup>



### 3.3 What about limitations?

Some rights are absolute rights, which means that they may never be limited or suspended under any circumstances. The right to freedom from torture is one example. Other rights are qualified rights, which means that they may be limited under certain well-defined and narrow circumstances, defined by limitation clauses.<sup>32</sup>

FoRB has both an absolute part (the inner freedom, i.e. the right to have, choose and change religion or belief) and a qualified part (the outer freedom, i.e. the right to practice a religion or belief).<sup>33</sup>

#### Protestant Christians expelled from their village in Mexico

On July 28, 2019, community leaders broke into the homes of two protestant couples in a village in Hidalgo. The leaders destroyed their homes and forced the couples to leave the village.

The forced displacement followed months of threats and harassment against the families. The couples had for an extended period refused to participate in and contribute financially to local Roman Catholic events in the village. Community leaders cut their electricity, running water and sewage services and had them arrested to pressure them to give in. Leaders had tried to force them to sign an agreement banning Protestants from entering the village. Despite reporting the threats, the state government did not make any attempt to resolve the situation but rather blamed the Protestants.

Protestantism and Roman Catholicism are two different branches of Christianity. The majority of Mexicans are Roman Catholic, but indigenous groups include elements of traditional beliefs in their practice. Because of the large indigenous population, Mexican legislation gives local communities the right to protect their culture and maintain traditional governing structures as long as rights protected by the Mexican constitution still are respected. However, this freedom is often abused by community leaders resulting in violations of the rights of religious minorities, often without the state authorities holding leaders accountable.

*Source: Christian Solidarity Worldwide*

Any limitation of FoRB can only apply to the outer freedom, i.e. the right to manifest, practice and express a religion or belief. The limitation should never be applied in a discriminatory way. Any restriction or limitation must meet all of the following three requirements:<sup>34</sup>

- Grounded in national law.
- Necessary in order to protect one of the following public goods:
  - Public security
  - Public order
  - Public health
  - Public morals (the claim of what is public morals must be based in more than one religious tradition)
  - Basic human rights and freedoms of others

If the state can obtain the goal sought by the limitation in another way, it must choose the solution that does not limit FoRB.

- Proportionate and non-discriminatory. Proportionate means that if the state really has to limit FoRB in order to obtain one of the above mentioned goals, the extent of the limitation needs to be in balance with the actual danger that the religious practice constitutes. In addition, the limitation must be applied equally to followers of different religions or beliefs.

## 3.4 Common misunderstandings

Freedom of religion or belief challenges and is challenged both nationally and internationally. There are several common misunderstandings about what FoRB is and is not. It is therefore useful to look at some of these misunderstandings.<sup>35</sup> Contrary to what many may think, **FoRB is not:**

- About enforcing interreligious harmony nor preserving the existing religious patterns in society. FoRB allows people to freely choose and change their religion or belief, even if it would change the religious map of a country and be perceived as threatening by the authorities. Just like protecting the rights of followers of mainstream interpretation of religions or beliefs, FoRB also protects minorities, minorities within minorities, converts and re-converts, reformers and dissidents. FoRB makes religious pluralism and diversity possible and enables different religious groups and interpretations to co-exist peacefully. Therefore, the former UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt<sup>B</sup>, calls FoRB a non-harmonious peace project.

**B** Between 2010 to 2016.

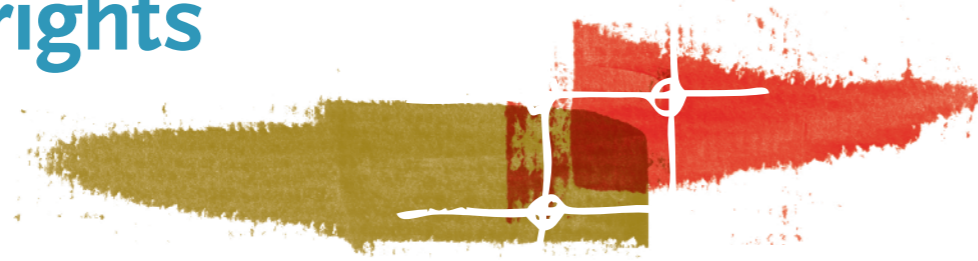
- An exclusively Western/Christian concept. One can find elements of FoRB in many different religious and philosophical traditions. Leaders from many of the world's major religions have advocated for religious tolerance and elements of FoRB long before it was enshrined in modern human rights documents.<sup>36</sup>
- The removal of religion from the public sphere nor an enforced privatization of religion. FoRB assumes that the state is impartial with regard to all worldviews and life stands, both religious and non-religious, and does not privilege any particular religion or belief. However, this does not justify suppressing all visible manifestations of religious practices or symbols in order to create a religion-free public sphere.
- Protection of religions themselves, nor their gods, prophets or sacred texts, from ridicule and criticism. As with other human rights, FoRB protects human beings, i.e. the person holding religious beliefs or worldviews. It does not protect ideas or doctrines. Nevertheless, one cannot use religion to propagate religious hatred that leads to incitement\* of violence or discrimination.<sup>37</sup> This point will be further examined in the following chapter.

## Questions for discussion

- 1 When reading chapter 3, did your understanding of FoRB change? If yes, in what way?
- 2 Do you know someone who has converted from one religion or belief to another? How does your community react when somebody converts to another religion or belief? Is it different from how you react if somebody embraces your faith? Why? What do international human rights norms say about conversion?
- 3 When expressing and practicing your religion or belief, what is important for you? Do you think it is ok for followers of other religions or beliefs to express and practice their faith in the same way? Is there a difference? Why?
- 4 What obstacles does your own religious/belief community face regarding the outer freedom?
- 5 Which legitimate restrictions on FoRB occur presently in your context?
- 6 Which restrictions on FoRB in your society do not fulfil all the three requirements making restrictions legitimate? Which dimensions suffer most from these illegitimate restrictions?
- 7 Which restrictions on FoRB do you think are lacking in your society? Would these be legitimate or illegitimate according to international standards?



# 4 Possible tensions between FoRB and other rights



The basic principles underlying human rights state that these rights are:

- Universal. They are the same for everyone everywhere.
- Indivisible. They cannot be separated from each other.
- Interdependent and interrelated. They are connected to each other and the fulfilment of one right is dependent on the fulfilment of other rights.

This integrated perspective is important to uphold even in complicated and tense situations where there are practical conflicts in the implementation of rights.<sup>38</sup> When tensions between rights arise, it is necessary to keep in mind how human rights are connected and dependent on each other. A tension does not necessarily imply that one right has to trump the other in a zero-sum game\*, but one should try reconcile, to the maximum degree as possible, all human rights issues at stake.

## 4.1 FoRB and Freedom of Expression – hate speech and blasphemy

In addition to FoRB, freedom of expression is also fundamental for a well-functioning society. Both complement each other and are equally important for the protection of minorities and those with opinions and beliefs differing from power holders. Both FoRB and freedom of expression can legitimately be limited, but how can limitations be placed on one of them without violating the other?

In the context of religious criticism, it is sometimes incorrectly assumed that FoRB and freedom of expression are at odds with each

other. As mentioned, FoRB protects the people holding beliefs, not religions or worldviews themselves. Freedom of expression does, however, give the right to shock and offend. Therefore, one has the right (but not the duty or obligation) to criticize and ridicule religions, even if it can be perceived as insulting and offending. Freedom of expression does, however, not protect the right to “any advocacy of national, racial or religious hatred that constitutes incitement to hostility or violence.”<sup>39</sup> When does an offensive or shocking statement or speech cross the line and become illegitimate hate speech or incitement to hostility or violence?

Some states try to solve this dilemma by creating so-called blasphemy\* laws, making insult of religious feelings or defamation of religion a criminal offence. Unfortunately, these vaguely formulated laws very often violate both FoRB and freedom of expression, and end up promoting violence in the name of religion, instead of reducing it. When minorities and dissidents express beliefs or opinions, that the majority or power holders find offensive, they might be accused of blasphemy without evidence and due legal process\*. Violent extremists often take matters into their own hands and administer mob justice by inciting others to violence against those believing differently. In this way, minorities and dissenters, who only exercise their rights, are subject to genuine hate speech, incitement and violence. Yet, often neither this incitement nor the violence are prosecuted or punished. Instead, the victims, who are wrongfully accused for blasphemy, are punished.

So, what can be done to maximize the enjoyment of both FoRB and freedom of expression? The Rabat Plan of Action<sup>40</sup> offers useful guidelines for determining when speech crosses the line and should be criminally prohibited. It underlines the importance of having a very high threshold and taking into account several aspects of the speech: the context, the status

or position of the speaker, the intent behind the message, the content, how widely the message is spread and the degree of risk that the message will actually provoke and lead to violent action and discrimination.<sup>40</sup> The best and most effective way of countering hate speech is not restrictions, but more speech such as public statements of solidarity, fair media reporting and clarifications that can counter negative stereotypes.<sup>41</sup>

Freedom of expression is such an important part of building and maintaining a free and open society and a cornerstone of democracy that any limitation on it must be carefully weighed. FoRB and freedom of expression should not be used to undermine each other, but rather complement each other and contribute to peaceful co-existence between diverse groups.

### CASE

#### Convicted of insulting Islam in Malaysia

In March 2019, 22-year-old Alister Cogia was sentenced to ten years in prison in Malaysia after publishing a post to Facebook that was deemed as insulting Islam. In addition, he was sentenced to pay a €120.000 fine and referred to psychiatric institution for one month’s observation. His sentence was reduced to six years in September 2019, but the judge maintained that he had committed a serious crime that could undermine the harmony between ethnic and religious groups in his region.

Offending a religion is considered a criminal act according to article 295-298A in the Malaysian penal code. Anyone found guilty of this is subject to punishments such as prison time and fines. Prosecutions for blasphemy usually target those who offend Islam, but an insult to any religion can give rise to prosecution.

Source: Malay Mail and Humanist International

## 4.2 FoRB and women's rights

Freedom of religion or belief is often mistakenly presented as being in conflict with women's rights. It is true that women's rights have suffered under religious laws, traditions, and customs, and many male religious leaders unfortunately use the argument of freedom of religion or belief to justify control over members in their religious communities, especially women. Because of this, some hold the opinion that freedom of religion or belief can be an obstacle to achieve societies free of gender-based discrimination. The existing tension between freedom of religion or belief and women's rights does not mean that the two are incompatible. It is not necessary to restrict freedom of religion or belief to achieve gender equality, and the acceptance of gender-based discrimination is not a necessary to sustain freedom of religion or belief. In fact, freedom of religion or belief and women's rights support each other in ways that often are ignored and underestimated.<sup>42</sup>

A religious or belief identity is important to many women. Almost 100 million more women than men identify with a religious or belief community.<sup>43</sup> Even though many women wish to be free from gender-discriminating religious customs, they do not want to choose between their religious identity and their rights as women.

Central human rights conventions uphold that freedom of religion or belief is a right for all people. Therefore, women also have the right to actively choose what they believe in and how to practice their faith. Freedom of religion or belief provides women with protection against discrimination based on their choices, as well as protection against being coerced to believe or to practice a belief against their will. This gives them both the right to follow or to break with social and religious norms without risking negative consequences such as violence or harassment.<sup>44</sup>

Still, women are particularly vulnerable to violations of their freedom of religion or belief, both because of their gender, and also because of their beliefs. When women are believing wrong or practicing their beliefs in a wrong

way, in the eyes of their own religious or belief community and the society at large, they risk harassment, societal pressure, or physical and psychological violence perpetrated by both men and women. This is especially the case for women belonging to religious minorities, who are particularly vulnerable to sexual abuse, kidnappings, and forced conversions.<sup>45</sup>

Together with freedom of speech, freedom of religion or belief creates the necessary space for voices advocating reform and contributes to healthy, necessary debates regarding restrictive and discriminating religious traditions and norms, including harmful practices. Freedom of religion or belief can therefore play an important role in the improvement of women's rights by creating space for women's voices and strengthening the dialogue and debate surrounding social challenges.<sup>46</sup>

Freedom of religion or belief should therefore be an important and integrated part of working towards gender equality and the advocacy of women's rights.

### Questions for discussion

- 1 Do you think FoRB is a universal right, i.e. a right that is the same for everyone everywhere? Why or why not?
- 2 What do you think of criticizing religion, questioning doctrines and making fun of religious figures and sacred texts? What do international norms say?
- 3 Even if you have the right to do or say something, does it mean that you have to or should do it? Is it always wise?
- 4 How can blasphemy laws be misused and violate FoRB?
- 5 What does FoRB mean for women? In which ways do women suffer from FoRB violations in your context?

### Forced conversion of minority girls in Pakistan

On September 16, 2019, a fourteen-year-old Christian girl named Samra was kidnapped, forcibly converted to Islam, and married against her will. She was abducted from her home while her father and brother were at work. When the family wanted to file a police report, they were met with resistance. Even though the family knew the identity of one of the kidnappers, it took two days for the police to accept their report. When the named suspect was finally brought into the police station, the police officers were bribed and released him only after a few hours. Despite Samra being only fourteen, the police reported that she was fifteen years old and therefore within the Pakistani age of marital consent. This may affect the result of an eventual trial.

Pakistan is a male dominated society and minority girls and women are particularly vulnerable to kidnapping and forced conversions and marriages. In 2018, 1000 young Christian and Hindu women in the Sindh province were subjected to these types of kidnappings. The Human Rights Commission of Pakistan reports that many of these women are sold or forced into sex work. These cases are often ignored by police, and the victims and their families are refused assistance due to weak legal protection and their low social status as minorities.

*Source: Human Rights Commission of Pakistan and Asia News*

# 5 How is FoRB abused?

The state has the primary responsibility to respect, protect and promote human rights within the borders of their territory. The state is obliged to:<sup>47</sup>

- **Respect** human rights, by refraining from discrimination and human rights violations themselves.
- **Protect** human rights, by taking an active role in order to prevent human rights violations by non-state actors, for example by having good protection laws in place and by bringing violators to justice.
- **Promote** human rights, by taking positive measures to facilitate the implementation and enjoyment of human rights, i.e. through encouraging respect of human rights and by putting in place appropriate institutions, policies and procedures.

Often, though, the state itself violates human rights. Limitations on FoRB are found on every continent and all religious or belief groups are targeted in one way or another by these limitations.

## 5.1 Candelin's three phases of persecution

There is no international consensus on how to define or measure persecution. Numbers and statistics on persecuted believers can be confusing. However, one aspect of persecution seems to be constant, namely violence or the threat of violence. One way to describe the mechanisms involved in moving towards

violence/threat of violence is Johan Candelin's<sup>c</sup> three-phase model. The model divides the phases into active and passive stages. The phase is active if the state is directly involved and passive if non-state actors perform the persecution and the state fails to take action to stop the persecution and protect the victims. The three phases can overlap or occur at the same time.

- **Disinformation** – lies, prejudices and stereotypes in e.g. media, educational material and in the way politicians and officials describe religious minorities. Rumors, prejudice and hostilities\* among the general population can easily justify discriminative actions.
- **Discrimination** – in relation to legislation, implementation of legal provisions and public services, employment, education and family matters.
- **Violent persecution** – threats of or acts of violence against a person or a person's belongings due to his/her religion or belief, e.g. imprisonment, torture, physical harassment, displacement and violent attacks.<sup>48</sup>

## 5.2 Illegitimate limitations on FoRB

Whether something is a violation of religious freedom, as distinct from a violation of some other human right, depends on whether someone's religion or belief is a factor. If it is, it is usually not the only factor. One can ask; would someone of a different religious belief or no religious belief in the same situation suffer the same treatment? Is there different treatment given to adherents of different religious groups? Even if the motive of a violation is not religious, it can still be a violation of religious freedom since the result is also a key issue.<sup>49</sup>

Some restrictions result from government actions, policies and laws. Others result from hostile acts by private individuals, organizations and social groups. According to a 2017 report by Pew Forum on Religion & Public Life, the highest overall levels of restrictions are found in countries like Indonesia, Egypt, India, Pakistan and Russia, where both the government and society at large impose numerous limits on religious beliefs and practices. However,

government policies and social hostilities do not always move in tandem. Countries like China, Vietnam, Iran and Uzbekistan have very high government restrictions on religion, but are in the moderate or low range when it comes to social hostilities. Germany, Great Britain, Central African Republic and Kenya have very high scores on social hostilities, but moderate government restrictions.<sup>50</sup>

<sup>c</sup> Johan Candelin is the former director of the Religious Liberties Commission of the World Evangelical Alliance.

## 5.3 Government restrictions

These restrictions can range from discriminative laws, such as censorship\*, complicated registration regulations, blasphemy laws and bans on conversion and sharing one's faith by peaceful means of persuasion, to harassment, monitoring, raids and detentions without legitimate reasons.

Often governments use cumbersome registration requirements as a means of denying faith communities basic freedoms, hindering them in becoming legal entities and limiting their possibilities to hire staff and rent or buy places of worship, among other things. Some religious groups experience great difficulties in receiving registration and thus their activities are deemed by the authorities to be illegal and punishable by law. In recent years, the fight against terrorism has increasingly been used as a justification for human rights violations in the area of freedom of religion or belief. Religious minorities also face discrimination in implementation of legal provisions and public services as well as in the educational system and employment.

### Questions for discussion

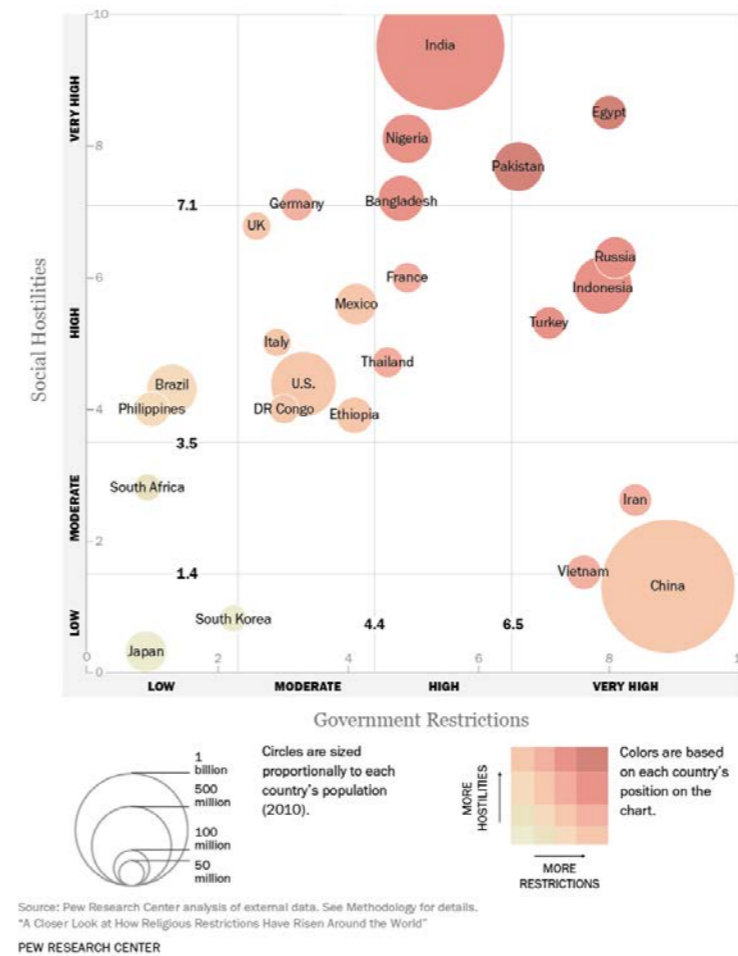
- 1 Look at the five different cases (page 5, 13, 17, 19 and 23) in this booklet and discuss:
  - Who is the victim? What religion or belief does the victim have?
  - Who is committing the wrongdoing?
  - Describe what is happening in the case. Is it disinformation, discrimination and/or violent persecution?
  - Is the government actively involved, or are they passively letting other non-state actors commit these violations without stopping or punishing them?
  - Which of the six dimensions of FoRB are affected?
  - What other human rights are violated?
- 2 What restrictions on FoRB exist in your society and who imposes them? Who is suffering from them? What role does the government play?
- 3 Can you give examples of disinformation, discrimination and violent persecution from your own context?

## PEW charter

Circles are sized proportionally to each country's population

### Restrictions on religion among the world's 25 most populous countries

Among the world's 25 most populous countries, Egypt, India, Russia, Pakistan and Indonesia stand out as having the most restrictions on religions (as of 2017) when both government restrictions and religious hostilities are taken into account. (Countries in the upper right of the chart have the most restrictions and hostilities.) Japan, South Korea, South Africa, Philippines and Brazil have the least restrictions and hostilities. (Countries in the lower left have the least restrictions and hostilities.) Scores are for calendar year 2017.



Source: "A Closer Look at How Religious Restrictions Have Risen Around the World" Pew Research Center, Washington, D.C. (2019) og <https://www.pewforum.org/2019/07/15/a-closer-look-at-how-religious-restrictions-have-risen-around-the-world/>

The graph illustrates the levels of social hostilities (y-axis) and government restrictions (x-axis) in the world's most populous countries. As you can see, the countries situated in the upper right corner of the graph are the ones with the highest restrictions on FoRB.

## Attacks on Buddhist in Tibet

Many religious groups in China are subject to surveillance, harassment and various restrictions on freedom of religion or belief. The Chinese Communist Party is running assimilation campaigns against several of the country's ethnic and religious minorities, especially Muslims and Buddhists. The government wants to force them to become more "Chinese".

As a part of this, Tibetan monasteries have been destroyed, and Buddhist monks and nuns arrested. During the summer of 2019, thousands of monks and nuns were expelled from two large Buddhist centers, Larung Gar and Yachen Gar. Parts of the centers were also demolished. A number of the monks and nuns are allegedly sent to detention centers where they are facing "political re-education" and indoctrination in an attempt to turn them into "patriotic and loyal" Chinese citizens. Those who show resistance are often tortured.

As minority women, the nuns are especially vulnerable of violence and sexual abuse in the detention centers. It is reported that they are stripped of their religious robes, forced to wear military uniforms and to participate in rigorous physical training. If they break down, weep or faint, they are beaten and at risk of sexual harassment by officers. Because this treatment is sanctioned by the government it is very difficult for the nuns who are released from the camps to seek redress and pursue prosecution of their abusers.

Source: International Campaign for Tibet

## 5.4 Social hostilities

Non-state actors, such as individuals, groups, communities and organizations, can also impose restrictions on religious freedom in the form of harassment, threats, societal violence and attacks on places of worship, property or individuals of certain religious groups. Many times these kinds of assaults and violations go unpunished because authorities lack the will, courage or ability to protect vulnerable individuals and groups, and prosecute\* the violators. This impunity encourages further social hostilities.

# 6 What can we do?



In the light of the great religious freedom challenges around the world, it is easy to become discouraged and conclude that there is nothing we can do. The good news is that we all can do something!

Eleanor Roosevelt, the leader of the commission responsible of drafting the Universal Declaration of Human Rights, said that “human rights documents carry no weight unless the people know them, unless the people understand them, unless the people demand that they be lived.”<sup>51</sup>

Therefore, human rights and FoRB start with you and me, and our understanding of our rights. Regardless of whether we are politicians or ordinary citizens, we can all contribute with something. Depending on our position in society, we just have to work through different means! Politicians and policy makers can use their position to influence legislation and implementation. Religious leaders and community leaders can work within their setting. Civil society actors, and you and me as individuals,

can claim our own rights and be the voice of others suffering in silence by holding governments and local authorities accountable, reminding them of their responsibility, shedding light on violations, and putting pressure on relevant actors for change. We can help other people get more engaged by making them aware of what FoRB is and how it is violated. Last but not the least, we can treat each other with respect and give other religious or belief communities the same rights that we claim for ourselves!

“Where, after all, do universal rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”

*Eleanor Roosevelt*

“Never doubt that a small group of thoughtful, committed people can change the world; indeed, it's the only thing that ever has.”

*Margaret Mead*

## Questions for discussion

- 1 What needs to change in your society in order for everyone to enjoy freedom of religion or belief? How can this be done?
- 2 How can you contribute? What are potential risks?
- 3 Think about other religious groups or belief communities in your society. Which prejudices are common in your society against them?
- 4 Do you know anybody from other religious groups or belief communities? Why/why not? What prejudices do you personally have towards other religious groups? Why? How can you start to overcome them?
- 5 Which prejudices are common towards your own religious/belief community, if you belong to one?

# 7 Digging deeper



As you have noticed, there are questions for reflection and discussion at the end of each chapter. Take some time to reflect and discuss them. They can give you a deeper understanding of what FoRB really is, what consequences FoRB can have for you on a personal level, how to analyze the FoRB situation in your society and what steps you need to take in order to contribute to increased FoRB in your context.

In addition, if you are interested in digging deeper into FoRB, you can find links to interesting reports and articles on FoRB and related topics on [www.forb-learning.org](http://www.forb-learning.org)

You can also download resources and exercises that you can use if you would like to engage in human rights education with a special focus on FoRB.

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

Article 18, Universal Declaration of Human Rights

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## Glossary and abbreviations

- Agnostic** – someone who believes it is impossible to know whether there is a god or not
- Atheist** – someone who does not believe in any god
- Authoritarian** – dictatorship, undemocratic and controlling states
- Blasphemy** – disrespectful or offensive words or actions about god(s) or sacred things
- Censorship** – restricting what is allowed to print, write and broadcast
- Civil society** – individuals, groups and organizations in a society, which are independent of the government
- Coercion** – the use of force or intimidation to make somebody do what you want
- Conscientious objection** – when somebody refuses to join the armed forces or do military service on moral or religious grounds
- Discrimination** – unfair treatment of people based on religion, language, ethnicity, gender, etc.
- Due legal process** – rules and principles in the court system that ensures the legal rights of an individual
- FoRB** – Freedom of Religion or Belief
- GDP** – economic statistics that tries to give a picture of a country's economy in one number
- HDI** – list of statistics of life expectancy, education, and income used to rank countries
- Hostilities** – unfriendly and aggressive behavior
- ICCPR** – International Covenant on Civil and Political Rights
- Illegitimately** – not justified, not in accordance with established rules, principles or standards
- Implementation** – how laws and regulations are applied and carried out in real life
- Impartial** – to be able to act fair, neutral and just without favoring one side
- Incitement** – encouraging or stimulating people to do something violent or unpleasant
- Legislations** – laws and regulations passed by a government
- Legitimately** – justified, in accordance with established rules, principles, or standards
- LGBT** – lesbian, gay, bisexual, and transgender
- Non-coercive** – by peaceful means, without using force or compulsion
- Persecution** – violence or the threat of violence against a person or his/her family or property because of that person's religion or belief
- Prosecute** – to bring criminal charges against someone and bring them to trial
- Socioeconomic** – combination of social and economic factors
- UDHR** – Universal Declaration of Human Rights
- Zero-sum game** – the gain of one part automatically means the loss of the other part

# Closing Remarks

For billions of people around the world, religion is one of the most important factors in their lives. It provides a sense of purpose, helps explain the big questions in life and supplies followers with a sense of belonging and fellowship. Likewise, there are many who have no need for religion and find meaning and sense of purpose without it. FoRB is important for all these people, believers and non-believers alike. We hope this booklet has provided you with a greater understanding of the contents of FoRB as well as the importance of defending and promoting this fundamental human right.



## About Stefanus Alliance International

Stefanus Alliance International is a Christian mission and human rights organization based in Norway, with a special focus on freedom of religion and belief. Stefanus Alliance International fights for peoples' right to have, change and manifest their beliefs. With our motto "together for the persecuted", we provide support, care and practical help to people and churches all over the world who are persecuted or oppressed because of their faith.

This booklet and more information about FoRB can be downloaded on Stefanus Alliance International's webpage: [www.stefanus.no/english](http://www.stefanus.no/english). You can also find good resources at [www.forb-learning.org](http://www.forb-learning.org). The booklet is available in several languages, among other: Arabic, Hindi, Burmese, Spanish, Russian, and Urdu.

If you have further questions about FoRB, you are most welcome to contact us at: [post@stefanus.no](mailto:post@stefanus.no) or +47 23 40 88 00

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