



Religious Freedoms



Federal Ministry
for Foreign Affairs
of Austria



“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.”

Art. 18, Universal Declaration of Human Rights, 1948.

History

Religious Freedoms

- ▶ The ability to belief in something and to manifest is known as **Religious Freedom**.
- ▶ All through history, human beings have been persecuted for the beliefs or non-beliefs.
- ▶ Persecution on religious grounds persists today.
- ▶ New threats to religious freedoms evolved such as the anti-terrorism measures (e.g. Islamophobia).

Definitions

Religious Freedoms

- ▶ **Religion:** there is no common definition, all proposed definitions have the recognition of a higher power, something Supreme, Holy or Absolute incorporated.
- ▶ **Belief:** broader concept than religion, which is included.

Religion and Belief are not limited to the traditional religions and beliefs and are protected by Art 18 ICCPR according to General Comment No. 22 on it.

Definitions

Religious Freedoms

▶ **Religious Freedoms:**

- Freedom of Thought.
 - Freedom of Conscience.
 - Freedom of Religion.
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- ▶ Are applicable to theistic, non-theistic and atheistic beliefs as well as to agnostic positions.
 - ▶ They are all protected unconditionally.
 - ▶ No one can be compelled to reveal her or his thoughts or be made to adhere to a religion or belief.

International Standards

Religious freedom can be classified into:

- ▶ Freedom to Exercise Particular Individual Practices.
- ▶ Freedom to Exercise Collective Practices.
- ▶ Freedom of Particular Institutions: protects holy places and object.
- ▶ Freedom from Religion.

Apart from **Art. 18 ICCPR**, religious freedoms are also protected by the **Declaration on the Elimination of all Forms of Intolerance and of Discrimination based on religion or belief of 1981**.

Controversial issues

- ▶ **Relation between the state and religion:** such relation should not discriminate against those not being member of the official religion.
- ▶ **Apostasy:** the right to change a belief can lead to severe consequences in some countries.
- ▶ **Proselytism:** the right to disseminate a belief is restricted when it has a coercive element.
- ▶ **Inciting religious hatred.**
- ▶ **Limitations on religious freedoms:** in the cases of human sacrifice, danger for health and liberty, any practice endangering human health and physical integrity.

Implementation and Monitoring

Religious Freedoms

- ▶ Lack of effective enforcement of **Art. 18 ICCPR**.
- ▶ **1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.**
- ▶ **UN Special Rapporteur on Religious Intolerance** established in 1986 monitors the 1981 Declaration.
On 12 April 2013, the Human Rights Council adopted resolution 22/20, which, *inter alia*, extended the mandate of the Special Rapporteur for a further period of three years.
- ▶ Civil society is called upon to act and react.
- ▶ Every single individual has to work to create a culture of tolerance and respect with the fundamental right to be different.

Good Practices

Religious Freedoms

- ▶ Interfaith dialogue for Religious Pluralism.
- ▶ International NGOs promoting dialogue and peace.
- ▶ Local and regional initiatives which operate closer to the people.
- ▶ Inter-religious education fosters a culture of peace as well.

Trends



Religious Freedoms

- ▶ The role of Women in religion is discussed especially as religion might be used as an excuse to restrict their full enjoyment of human rights.
- ▶ Religious Extremism has an enormous impact on the world.
- ▶ Cults, Sects and New Religious Movements are to be protected but are also controversial.
- ▶ Defamation of religion: In 2011, the Organisation of Islamic Cooperation (OIC) proposed a revised resolution to protect persons who, on the grounds of their religion or belief, are confronted with intolerance and violence.

Chronology

- 1776 Virginia Bill of Rights, First Amendment.
- 1948 Declaration on Religious Liberty of the World Council of Churches.
- 1948 Universal Declaration of Human Rights, Arts. 2 and 18.
- 1948 Convention on the Prevention and Punishment of the Crime of Genocide, Art. 2.
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 9.
- 1965 Declaration on Religious Freedom by the Vatican Council.

Chronology

- 1966 International Covenant on Civil and Political Rights, Arts. 18, 20, 24, 26 and 27.
- 1969 American Convention on Human Rights, Arts. 12, 13, 16, 17 and 23.
- 1981 African Charter on Human and Peoples' Rights, Arts. 2, 8 and 12.
- 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
- 1989 Convention on the Rights of the Child, Art. 14.
- 1990 Cairo Declaration of Human Rights in Islam.
- 1992 UN Declaration on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities, Art. 2.

Chronology

- 1993 Declaration Towards a Global Ethic, endorsed by the Parliament of the World's Religions in Chicago.
- 1994 Arab Charter for Human Rights, Arts. 26 and 27.
- 1998 Asian Human Rights Charter, Art. 6.
- 2001 UN International Consultative Conference on School Education in relation with Freedom of Religion and Belief, Tolerance and Non-discrimination, Madrid.
- 2001 World Congress for the Preservation of Religious Diversity, New Delhi.
- 2004 Arab Charter on Human Rights, Art. 30.
- 2007 OSCE Declaration on Intolerance and Discrimination against Muslims.

Chronology

2011 UN General Assembly Resolution 66/167 on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.