

# A guide for parliamentarians promoting freedom of religion or belief.

An IPPFoRB Toolkit produced by CSW.

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## How to use this toolkit

This toolkit is designed to enable parliamentarians to advocate for the right to freedom of religion or belief (FoRB) more effectively, through increasing their understanding of FoRB and the national, regional and international mechanisms at their disposal for promoting and protecting this right.

International FoRB Day occurs annually on 27 October. You can use this guide to select a range of actions in support for FoRB on this day and throughout the year.

Suggested actions for International FoRB Day include:

- Asking a question in your legislative body;
- Tabling a debate in your legislative body;
- Raising awareness on social media;
- Writing an article in the media on the importance of FoRB, or to raise awareness of specific violations.

These actions are highlighted and explained further in the toolkit and summarised in the concluding section.

Suggested actions to promote FoRB long term include:

- Using a range of mechanisms in your legislative body;
- Engaging with civil society and the media;
- Drawing attention to FoRB violations through regional or international human rights mechanisms.

## The toolkit

This toolkit outlines the different mechanisms you can use to advocate for FoRB both at home and abroad in your capacity as international parliamentarians:

- What is freedom of religion or belief;
- How to use parliamentary mechanisms to raise FoRB with your government;
- How to use regional human rights mechanisms;
- How to use UN mechanisms;
- How to engage with civil society;
- Conclusion and summary of suggested activities for International FoRB Day

## What is freedom of religion or belief?

The right to freedom of thought, conscience, religion or belief, often referred to as 'religious freedom' or most commonly as 'freedom of religion or belief' (FoRB), is a fundamental and universal human right articulated in Article 18 of the Universal Declaration of Human Rights (UDHR) and other international human rights treaties.

FoRB is a fundamental right, as it is an essential component of the human rights framework. It is universal in that it protects all individuals, including those who hold theistic, non-theistic and atheistic beliefs, as well as those who choose not to have any religion or belief. It protects the individual, not the belief.

This right can be understood in terms of its internal or private aspect, or 'forum internum', and its external aspect, or 'forum externum'.

### Forum Internum

A person's right to form, to espouse and to change deeply held inner convictions and beliefs – the 'forum internum' – enjoys absolute protection. This means that there are no circumstances under which this freedom can be justifiably violated or limited, including for reasons of national security or in an emergency.

It includes the right to form and hold opinions based on conscience, including beliefs that may be deemed objectionable, or even offensive to and by others. It protects the right to espouse a religion or belief of one's choice, the right not to espouse a religion or belief, and the right to reject or change a religion or belief, free from coercion.

### Forum Externum

A person's right to manifest or outwardly display their religion or belief, either alone or as part of a community – the 'forum externum' – can be limited by the state, but only in exceptional situations, and with a high threshold of evidence required from those seeking to enforce limitations.

This component of FoRB protects the right to manifest a

religion or belief through teaching, worship, practice, and other forms of observance, including the right to share one's religion or belief with others, to encourage others – without coercion – to adopt similar religious beliefs, and to publish and distribute literature and other forms of information about a religion or belief. It also includes the right to own and use buildings for worship, and to express a religion or belief through clothing, rituals, and symbols.

The UN Human Rights Committee<sup>1</sup> concluded that international law permits “restrictions on the freedom to manifest religion or belief only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others”<sup>2</sup>.

## International Law

Article 18 of the UDHR states: “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 was further defined in the International Covenant on Civil and Political Rights (ICCPR), adopted by the UN General Assembly in 1966, which together with the International Covenant on Economic Social and Cultural Rights (ICESCR) make up the International Bill of Rights. General Comment 22 of the Human Rights Committee, provides important detail regarding the implementation of Article 18 in the ICCPR.

FoRB is protected in a range of other international human rights treaties, including:

- The Convention on the Rights of the Child (CRC, Article 14);
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 12)
- The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (UNGA, 25 November, 1981)
- The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNGA, 18 December 1992)

The Special Rapporteur on Freedom of Religion or Belief is the UN expert on FoRB, whose reports and recommendations help to define and shape debate on FoRB-related issues.

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1 The Human Rights Committee is the body of independent experts that monitors implementation of the ICCPR and publishes General Comments articulating its interpretation of the content of human rights provisions, thematic issues or its methods of work.

2 General Comment 22 of the Human Rights Committee. <http://hrlibrary.umn.edu/gencomm/hrcom22.htm>

## Why is FoRB important?

FoRB is a universal right, benefiting everyone. It safeguards respect for diversity, and its free exercise has been shown to contribute towards good governance, development, rule of law, peace and stability.

Almost every country in the world has pledged to uphold FoRB and 84%<sup>3</sup> of the world's population identify with a religious group. However, 2016 saw a surge in government restrictions on religion, with populist parties and organisations in Europe increasingly fuelling harassment of and restrictions on religious minorities. 83 countries (42%) had high or very high levels of restrictions on religion – whether resulting from government actions or from hostile acts by private individuals, organisations and social groups – up from 80 (40%) in 2015 and 58 (29%) in 2007<sup>4</sup>.

Consequently, not only should FoRB be promoted, respected and protected domestically; an effective foreign policy must also take account of FoRB.

Moreover, the existence of an established, official or majority religion in any given nation does not permit or justify restrictions being placed on the rights of non-adherents. “In particular, certain measures discriminating against [non-adherents], such as measures restricting eligibility for government service to members of the predominant religion or giving economic privileges to them or imposing special restrictions on the practice of other faiths, are not in accordance with the prohibition of discrimination based on religion or belief and the guarantee of equal protection under article 26 [of the ICCPR]<sup>5</sup>.”

Several of today's conflicts are rooted in, or are exacerbated by, religious differences or the misappropriation of religion, and it is important to acknowledge that in a volatile world where humanity faces new and often extreme challenges, FoRB can play an important role in securing peace and stability.

Many of the least peaceful countries also have very low levels of religious diversity, tolerance or respect. During a speech delivered in Clarence House in 2013, H.R.H Prince Ghazi bin Muhammad, Chief Advisor for Religious and Cultural Affairs and Personal Envoy of H.M. King Abdullah II of Jordan, provided a concrete example of this: “It is no accident that Somalia which is the most homogenous state in the world, religiously, racially and tribally was the weakest state in the world over the last century, and that the USA, which is the most heterogeneous and diverse state in the world was the strongest throughout the Twentieth Century.”

Research by the Institute for Economics and Peace, found that countries with greater religious freedom are generally more prosperous than countries with less religious freedom.

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3 Pew Research Foundation, The Global Religious Landscape, Dec 2012. <http://www.pewforum.org/2012/12/18/global-religious-landscape-exec/>

4 Pew Research Foundation, Global Uptick in Government Restrictions on Religion in 2016, June 2018.

5 CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion) <http://www.refworld.org/docid/453883fb22.html>

The realisation of FoRB is also correlated with economic growth<sup>6</sup>, as religious hostilities and restrictions create a climate that can drive away local and foreign investment and undermine business operations.

## How to use parliamentary mechanisms and raise FoRB with your government

States bear the primary responsibility for upholding FoRB. As a member of the legislature or parliamentarian, there may be a number of tools at your disposal within the parliamentary system that can be utilised to raise the profile of FoRB with your government and holding ensuring it fulfil its domestic and international commitments.

Government departments with responsibility for FoRB

FoRB may fall under the jurisdiction of several government departments:

- In the event violations are occurring domestically, the departments responsible are most likely to be the departments for Home Affairs and Justice
- With regard to violations occurring elsewhere, the department responsible for Home Affairs may have to process asylum applications in cases involving religious persecution, for example.
- The Foreign Ministry or equivalent will be the principal department responsible for the protection and promotion of FoRB worldwide. You can inquire about the policy positions transmitted through your country's network of embassies worldwide and in international fora such as the UN.
- The department responsible for administering foreign aid may also consider human rights, including FoRB in its work.
- Defence and trade are often key areas of cooperation between states in which human rights, including FoRB may be addressed.

In order to interrogate your government's policy on FoRB, you may wish to liaise with one or more of these departments.

Parliamentary Questions

Parliamentary questions may be known by different names depending on the country. For example in India questions may be starred (requiring an oral answer), unstarred (requiring a written answer) or short notice questions (urgent question), which require a response within ten days. Urgent questions are particularly effective when there is a pressing FoRB issue which is escalating quickly.

Parliamentary questions, both written and oral, are an opportunity to:

- Raise FoRB violations that may have occurred locally, requesting remedial action
- Ask what your government's policy is on protecting and promoting FoRB around the world
- Ask what FoRB issues or cases your government is raising

with governments of other countries

- Press for action to be taken on a specific case or FoRB violation
- Ascertain how your government is taking account of FoRB in trade, defence and aid negotiations or agreements.

### Oral questions

Oral questions are scheduled question and answer sessions in the parliamentary calendar with the ministers responsible for different departments.

#### Suggested activity:

- If there is an oral parliamentary session with the minister responsible for foreign affairs on or close to International FoRB Day, ask a question, for example:
- To ask the Foreign Minister what recent assessment he/she has made regarding respect for freedom of religion or belief worldwide and what steps the government is taking to promote it.

A supplementary question can often be asked that specifically presses the government to take further action.

In far too many parts of the world, freedom of religion or belief is being severely undermined. Will the government establish a commission/special envoy on freedom of religion or belief to advise on these important issues?

### Written questions

Written parliamentary questions do not rely on the parliamentary calendar neither is there a risk of running out of time on the ballot to pose a question to the minister in person. Written questions are useful because you are more likely to get a more comprehensive response. They are an ideal opportunity to ask a more detailed question on, for example:

To ask the Minister for International Development what assistance his/her department provides to religious minorities affected by the activities of the Islamic State (IS) in Iraq and Syria.

### Formal letter to ministers

To elicit a fuller more considered response from a minister or government department, you could write a formal letter to the relevant minister, possibly attaching a research report or briefing that gives more information. A letter signed by several parliamentarians would further communicate the level of concern about the issue, particularly if it is cross-party.

<sup>6</sup> Grim, Clark and Snyder, Is Religious Freedom Good for Business, 2014 <http://www.religjournal.com/pdf/ijr10004.pdf>

## Statements

To call attention to particular cases or situations, you could work with other like-minded colleagues to issue a joint public statement. This can engage media interest and also bring issues to a wider audience both locally and internationally. This statement could be done in conjunction with advocacy letters initiated by IPPFoRB.

## Debates

Debates provide an opportunity for a lengthier and more focussed discussion on an issue. They are also an opportunity to present recommendations to the government and to challenge the minister on his/her answers.

### Suggested activity:

- Table a debate on the worldwide situation of FoRB and the government's response.

## Hearings

Hosting a hearing provides an opportunity to discuss lesser-known issues, hear from informed civil society and/or from victims of violations (if it is safe for them to participate), and raise awareness of an issue.

### Suggested activity:

- Host a hearing on FoRB jointly with civil society, highlighting a particularly egregious situation or discussing the intersection of FoRB with another human rights issues such as freedom of expression, women's rights or children's rights.

## Legislation

You could propose new legislation on equality and non-discrimination, minority rights and FoRB and/or submit amendments to proposed legislation which would undermine fundamental rights and freedoms including FoRB. Good relations with civil society can be helpful here, as international and/or local nongovernmental organisations (NGOs) may be able to identify legislative initiatives of particular concern, and suggest amendments which would better protect FoRB.

## Constituency Activity

You can inquire about arrests, observe trials to ensure due process is observed, visit prisoners and meet civil society, including religious leaders, women's groups and young people from different faith and non-faith backgrounds in your local constituency. If violations have occurred in a different local community or even abroad, you can visit these communities, possibly with a delegation. This will show support for people

who have experienced FoRB violations and will inform and enhance your ability to engage in the aforementioned parliamentary activity. You can use social media to share details of your findings, and of the action you have taken in parliament on peoples' behalf, and in support of civil society on particular issues or cases.

## Special representatives, envoys or ambassadors

A number of countries have created the post of special envoy or ambassador for FoRB in order to enhance governmental focus on this right.

### Existing FoRB ambassador or special envoy posts:

- In the United States, the position of US Ambassador-at-Large for International Religious Freedom was created by the Congressional International Religious Freedom Act of 1998. The Ambassador-at-Large heads the Office of International Religious Freedom (IRF) in the State Department, which is tasked with promoting religious freedom as a core objective in foreign policy. The IRF produces an annual report highlighting countries of particular concern and works closely with the U.S Commission on International Religious Freedom (USCIRF). The Ambassador-at-Large is nominated by the President, before being confirmed by the Senate.
- In 2012, Norway created the position of Special Envoy for Freedom of Religion or Belief within the Ministry of Foreign Affairs to support government efforts to promote religious freedom abroad.
- The European Commission created the position of Special Envoy for the promotion of freedom of religion or belief outside the EU in May 2016, with an operational mandate focusing on respect of diversity and interreligious dialogue.
- Denmark established the Office of the Special Representative for Freedom of Religion or Belief in January 2018, under the jurisdiction of the Danish Foreign Office. The remit of the role is to promote freedom of religion and conscience throughout the world as a fundamental human right; to assist religious minorities in upholding their rights; to assist NGOs in promoting FoRB, and to strengthen Denmark's international reporting on FoRB violations.
- The German cabinet created the role of Federal Government Commissioner for Global Freedom of Religion in March 2018, under the jurisdiction of the Federal Ministry of Economic Cooperation and Development. The Commissioner will present a report on freedom of religion to the Federal Government every two years.
- The United Kingdom appointed a special envoy for FoRB in July 2018. The scope of the role is yet to be determined.

### Suggested activity:

- If your country has an envoy or ambassador, write to them and draw specific FoRB issues to their attention;
- Table a question or write a letter calling on your government to further empower this role if necessary;
- Table a question or write a letter calling on your government to create the role if it does not exist and would be beneficial.

*Please note: before undertaking this action, research must be conducted into what would be the most effective call. Relevant civil society organisations could offer recommendations on how to make the role more effective if it already exists, or whether or not the creation of such a role would be useful in advancing FoRB advocacy.*

## Cross Party Groups, Caucuses or Coalitions

Cross party groups in the European Parliament provide strong platforms for parliamentarians to collectively raise and analyse FoRB issues.

Cross Party Groups can be specific to countries, or to themes relevant to FoRB. They can host events in legislative bodies that include input from civil society. This kind of focused activity often has the added benefit of attracting the attention of the media, which is accustomed to reporting on events in parliament. For example, The UK APPG on International Freedom of Religion or Belief publishes reports in partnership with civil society and coordinates hearings and other action to promote FoRB in the UK parliament.

Other national groups include: Pakistani Parliamentarians for Freedom of Religion and Interfaith Harmony; IPPFoRB Nepal, IPPFoRB Brazil, IPPFoRB Honduras, The Norwegian Parliamentary Group for Freedom of Religion; The Danish Inter-Parliamentary Network on Freedom of Religion or Belief; Canadian Parliamentarians for Freedom of Religion or Belief; the Pancasila Caucus (a human rights group in the Indonesian Parliament which views freedom of religion or belief as a high priority.)

### Suggested activity:

- Establish or join a cross-party group or caucus on FoRB in your legislative body in order to ensure a continuing focus on FoRB.
- If you are already a member of a cross party group or caucus on FoRB, make contact with FoRB parliamentary groups in other countries to share experiences and agendas, and formulate joint-activities.

## Committees

Committees hold a government to account on its policies and can initiate inquiries into particular issues. If there is an inquiry on human rights, submit relevant information on FoRB. Engaging with human rights committees is an important way to mainstream FoRB into human rights discussions and decisions. If not, contact the Chair of the relevant committee and make a case for an inquiry on human rights that includes FoRB.

## Regional networks

In addition to international networks such as the IPPFoRB, regional networks provide an opportunity for targeted FoRB advocacy and it is recommended that parliamentarians participate.

Examples include:

- ASEAN Parliamentarians for Human Rights (APHR): Comprising current and former parliamentarians from the Association of Southeast Asian Nations (ASEAN), this body works to uphold democracy and freedom and promote sustainable human rights solutions. APHR are in the process of establishing a parliamentary network on FoRB.
- IPPFoRB Latin America: If you are a parliamentarian from Latin America you can contact IPPFoRB Latin America.
- AfriPAHR: In 2017, a number of parliamentarians from southern African states established the African Parliamentary Association for Human Rights. This Association has a particular focus on FoRB.

### Suggested future advocacy:

- If you are from a region that does not have one of these groups, consider creating one, e.g., “Balkans Parliamentarians for Human Rights”, an IPPFoRB South Caucasus or IPPFoRB Middle East.

## How to engage with regional human rights mechanisms

There are several regional human rights treaties that protect FoRB, complement the international system and reflect regional values in addition to universal ones, including:

- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- The American Convention on Human Rights (1969)
- African Charter on Human and Peoples’ Rights (1981)
- Arab Charter on Human Rights (2004)
- Charter of Fundamental Rights of the European Union (2000)

Once domestic remedies have been exhausted, or if they are impossible to access due to corruption or danger, it may be possible to escalate cases involving FoRB violations to regional human rights institutions and mechanisms.

## African Union

The Permanent Representatives’ Committee (PRC) consists of ambassadorial level representatives of accredited member states of the African Union (AU). It is an advisory body with several subcommittees (although none on FoRB), which prepares the agenda for the meetings of the Executive Council. The Executive Council, which is composed of foreign ministers, has the broad mandate of coordinating and taking ‘decisions’ on policies in areas of common interest to the member states.’ It also draws up the agenda of the organisation’s primary organ, the AU Assembly, which meets twice a year and

comprises heads of state and government or their accredited representatives, and adopts legally binding decisions or declarations that serve as guidance. Any member state, AU organ or Regional Economic Community may propose items for the agenda.

### **Suggested future advocacy:**

- In the event of a significant FoRB issue or severe and/or ongoing violations, advocate for a sympathetic government to place the issue on the AU Assembly's agenda for discussion at heads of state level.

## **Implementation of the African Charter on Human and Peoples' Rights**

The right to FoRB is mentioned several times within the African Charter on Human and Peoples Rights, most notably in Article 8: "Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms."

The African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights were established to facilitate the implementation of the Charter.

## **African Commission on Human and Peoples Rights**

The Commission, based in Banjul, The Gambia, has three major functions:

- The protection of human and peoples' rights;
- The promotion of human and peoples' rights;
- The interpretation of the African Charter on Human and Peoples' Rights.

Each state is required to submit an initial report to the Commission two years after ratification or accession to the African Charter, and a periodic report every two years thereafter on the measures it has taken to uphold the rights and freedoms outlined in the Charter. You can check your country's report on the website of the African Commission on Human and Peoples' Rights, and brief relevant commissioners in advance on pertinent issues, if the country is due for a review.

Apart from 11 Commissioners, the Commission has working groups that investigate specific issues, and several special rapporteurs to whom specific allegations can be brought. However, there is no special rapporteur on FoRB.

A complaint can be made to the Commission against a state party to the African Charter as long as domestic legal

remedies have been exhausted. The Commission can respond quickly to emergency complaints, can make findings and recommendations, and adopt thematic, country specific or administrative resolutions on human rights issues.

However, implementation remains problematic, as the Commission has neither the mandate nor the ability to monitor or enforce its recommendations. Nevertheless, resolutions do have moral force and can facilitate action in other arenas. For example, longstanding non-implementation of Commission resolutions formed the basis of a call for action that culminated in the creation of a special rapporteur and a commission of inquiry on Eritrea.

Complaints to the ACHPR can be submitted to:

The Secretary  
African Commission on Human and Peoples' Rights

31 Bijilo Annex Layout,  
Kombo North District,  
Western Region P.O. Box 673 Banjul  
The Gambia

Telephone: (220) 441 05 05 or 441 05 06  
Fax: (220) 441 05 04  
E-mail: [au-banjul@africa-union.org](mailto:au-banjul@africa-union.org)  
[www.achpr.org](http://www.achpr.org)

## **African Court on Human and Peoples' Rights**

The African Court on Human and Peoples' Rights is the judicial body charged with the protection of human rights and is expected to work closely with the Commission. In order for judgements to be binding the jurisdiction of the Court has to have been accepted by the country concerned. Only eight countries have done this<sup>7</sup>.

As long as a state has declared an acceptance of its jurisdiction, the Court can receive cases filed by the Commission, by African Intergovernmental Organisations, by NGOs with observer status at the Commission, and by individuals. It is free of charge and there is no statute of limitations on a case, apart from 'a reasonable time from the date local remedies were exhausted.'

Information on how to file a case is online. Cases must be submitted to the seat of the Court, in Arusha, Tanzania, by post, email, fax or courier:

The Registrar

African Court on Human and Peoples' Rights  
Mwalimu Julius Nyerere Conservation Centre,  
Dodoma Road,  
P.O. Box 6274, Arusha, Tanzania

Phone: +255-27 2970430  
Email: [registrar@african-court.org](mailto:registrar@african-court.org) or [info@african-court.org](mailto:info@african-court.org)

<sup>7</sup> Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Malawi, Tanzania and the Republic of Tunisia. (correct as of February 2018)

### **Suggested future advocacy:**

- Advocate for your country to submit to the jurisdiction of the African Court on Human and People's Rights, if it has not done so already.

### **Pan-African Parliament**

The Pan-African Parliament (PAP) is the legislative body of the African Union, and is charged with giving 'a voice to the African peoples and the Diaspora', and promoting 'the principles of human and peoples' rights and democracy in Africa.' It includes five members of parliament from each AU member state, who are not directly elected, and holds two plenary sessions, and two sittings of its Permanent Committees annually.

The PAP's nine Permanent Committees, and one ad-hoc one, include a Committee on Justice and Human Rights, which lists among its aims that it strives to 'promote respect for and develop sound principles of freedom, civil liberties, justice, human and peoples' rights and fundamental rights within the Union.' This committee and the PAP's five regional caucuses<sup>8</sup> are useful avenues to advocate for consensus on key concerns, including FoRB issues.

While the PAP has no binding legislative powers, Rule 72 (1) of its' Rules of Procedure states that 'any citizen of a member state has a right to address a petition to parliament on a matter which falls under the activity of the African Union and which affects him/her directly.' Thus a petition can be filed with the PAP in order to raise awareness of a FoRB violation.

Alternatively, African parliamentarians can contact their local Pan-African Parliamentarian and ask them to raise a motion for debate. Note that the motion must be seconded by another member before a discussion can be held. If the PAP decides it requires more information on a given issue, it can establish and send fact-finding or observer missions to the country in question. This too can be an effective way of drawing attention to FoRB violations.

### **Suggested future advocacy:**

- Submit a petition on a pertinent FoRB issue to the PAP;
- Press for Pan-African Parliamentarians to raise and second a motion on FoRB for debate.

### **Association of Southeast Asian Nations (ASEAN)**

There is no human rights mechanism within ASEAN's framework, which is currently limited to the ASEAN Human Rights Declaration and the ASEAN Intergovernmental Commission on Human Rights (AICHR). Both contain some flaws and contradictions. In addition there is no regional court in or mechanism by which victims can raise FoRB violations outside of their domestic legal systems.

### **Suggested future advocacy:**

- Join ASEAN Parliamentarians for Human Rights and

advocate as a network, in collaboration with civil society, for reform to the ASEAN human rights framework, including the strengthening of the Human Rights Declaration, the establishment of complaint mechanisms and a court.

### **European Union**

#### **Council of Europe (CoE)**

The CoE is the foremost human rights organisation of the European continent, comprising of 47 members. Headed by a secretary general and assistant secretary general, the CoE also has a Committee of Ministers consisting of foreign ministers of member states, which decides on policy and approves the budget and activities. It has a commissioner for human rights, who independently addresses human rights issues. As well as being a debating chamber, the Council's 324-member Parliamentary Assembly elects the secretary general, the human rights commissioner and the judges of the European Court, monitors elections, and examines current debates in its Committees. The CoE also has a Conference of International Nongovernmental Organisations (INGOs) comprising around 400 organisations.

Another of the Council's principle organs is the European Court of Human Rights (ECtHR), which guarantees the rights enshrined in the European Convention on Human Rights (ECHR).

Article 9 of the ECHR:

"1. 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 worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

The ECHR protects the rights of people in all 47 countries of the Council of Europe. In some circumstances, it can also protect the rights of people in other countries. If a person's rights under the ECHR are being breached and they cannot access domestic legal remedies, they can take their case to the European Court of Human Rights. The Court adjudicates cases by applying and interpreting the ECHR, and issues legally binding judgments that are implemented at national and local levels.

<sup>8</sup> Central Africa, Eastern Africa, Northern Africa, Southern Africa and Western Africa.

## Internal Policy:

Article 10 of the EU Charter of Fundamental Rights states:

- “1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.”

The EU Charter of Fundamental Rights brings together all the personal, civic, political, economic and social rights enjoyed by people within the EU. It became legally binding with the entry into force of the Treaty of Lisbon in December 2009. The Charter is consistent with the ECHR. It strengthens the promotion of fundamental rights by making these more visible and explicit. In 2010, the European Commission adopted a strategy to monitor and ensure the effective implementation of the rights and freedoms in the Charter.

The EU Agency for Fundamental Rights (FRA) collects data and information and provides expert advice to EU Institutions and Member States in order to ensure that the fundamental rights of people living in the EU are protected. It also promotes dialogue with civil society to raise public awareness of fundamental rights and disseminate its work. FRA addresses FoRB within its thematic work on equality and non-discrimination and seeks to identify possibilities for joint action and cooperation between those motivated by religion and those motivated by human rights to create fair and just societies.

FRA maintains continuous communication with EU Institutions and Member States. National Liaison Officers (NLOs) are the main contact points for FRA in the Member States. NLOs, who are government officials, can submit opinions on FRA’s draft annual work programmes, giving the agency a greater understanding of the kind of fundamental rights analysis and assistance that Member States need to shape informed national policy.

## External Action:

### Guidelines on FoRB

In 2013, the EU Foreign Affairs Council adopted EU Guidelines on the promotion and protection of freedom of religion or belief, aimed at advancing the promotion of FoRB in its external action, including through its financial instruments. Whilst the Guidelines form a strong basis for the protection of FoRB, there is a low awareness and literacy on FoRB amongst

EU staff and a need for more efficient monitoring systems<sup>9</sup>. Special Envoy for the promotion of FoRB outside the EU

The position of Special Envoy on FoRB, created in May 2016 by European Commission President Jean-Claude Juncker, has been held by Ján Figel since its inception. The Special Envoy also serves as Special Adviser to the Commissioner for International Cooperation and Development and works in close coordination with the European External Action Service (EEAS). The Special Envoy position currently has an annually renewable mandate.

### EU Special Representative for Human Rights

The role of the EU Special Representative for Human Rights, a position created in July 2012, is to enhance the effectiveness and visibility of EU human rights policy. The EUSR has a broad, flexible mandate and works closely with the Special Envoy on FoRB.

### EU Parliament (EP)

The EP is the EU’s only directly elected body. It has 22 Standing Committees, including on human rights (DROI) and foreign affairs (AFET), which assist the European Commission (EC)<sup>10</sup> in drafting legislation. These Committees can also create sub committees, such as the Sub Committee on Human Rights of the Committee on Foreign Affairs. The parliament also has Intergroups, the most relevant being the Intergroup on freedom of Religion or Belief and Religious Tolerance. If you are a Member of the European Parliament (MEP), you can join this non-partisan Intergroup, dedicated to ensuring that the EU’s external actions promote and protect FoRB. The Intergroup helps to mould ideas for new EU policies and legislation on FoRB, and it collaborates with civil society to bring urgent FoRB issues to the attention of key EU policymakers. Its activities include publishing an annual report on the situation of FoRB worldwide.

### Suggested future advocacy for Council of Europe parliamentarians:

- Use parliamentary mechanisms to uphold ECHR protections and support implementation of ECtHR judgments.

### For EU politicians:

- Use parliamentary mechanisms to promote and protect FoRB in the EU and beyond and encourage NLOs to engage more actively with FRA.

### For MEPs:

<sup>9</sup> Amy Shepherd, CSW EU Advocacy Manager. Diplomacy and Determination: Five Years of the EU Guidelines on Freedom of Religion or Belief, Forb in Full: A blog by CSW, 16 April 2018. <https://forbinfull.org/2018/04/16/diplomacy-and-determination-five-years-of-the-eu-guidelines-on-freedom-of-religion-or-belief/>

<sup>10</sup> The EC is the executive of the European Union. It “Promotes the general interest of the EU by proposing and enforcing legislation as well as by implementing policies and the EU budget.” [https://europa.eu/european-union/about-eu/institutions-bodies/european-commission\\_en](https://europa.eu/european-union/about-eu/institutions-bodies/european-commission_en)



- Join and support the actions of the FoRB Intergroup;
- Use parliamentary mechanisms to raise FoRB issues in the European Parliament;
- Engage with the civil society network European Platform against Religious Intolerance and Discrimination (EPRID) for further FoRB campaigning and advocacy at EU level.

#### For all:

- Invite the EUSR on Human Rights and Special Envoy on FoRB to visit your country and meet with high-level politicians;
- Meet with MEPs and other EU Delegations when they visit your country and encourage them to take action on FoRB at EU level;
- Liaise with the locally-based EU Delegation to help implement the FoRB Guidelines at national level;
- Ask for EU assistance in raising cases of FoRB and intersecting human rights violations;
- Use the FoRB Guidelines and EU Human Rights Action Plan as a template to develop/strengthen national action plans on FoRB;
- Use parliamentary mechanisms to press for FoRB to be on the agenda during EU human rights dialogues, trade negotiations and regional cooperation discussions;
- Where applicable, use parliamentary mechanisms to bring FoRB issues into GSP<sup>11</sup> reviews;
- Engage with INGOs which undertake EU advocacy and articulate national concerns to an international audience.

### The Inter-American Commission on Human Rights (IACHR)

The Commission is an autonomous organ of the Organisation of American States (OAS). It is charged with promoting and protecting human rights, and along with the Inter-American Court of Human Rights, is a key institution for the protection of human rights within the inter-American system. It can receive individual petitions; it monitors the human rights situations in member states, and examines priority thematic issues.

Article 44 of The American Convention on Human Rights states:

“Any person or group of persons, or any other nongovernmental entity legally recognized in one or more member states of the Organisation, may lodge petitions with the Commission containing denunciations or complaints of violations of this Convention by a State Party.”

The Commission can visit countries to assess human rights situations, and issue recommendations. It can also create

11 ‘The GSP+ is a component of the EU Generalised Scheme of Preferences (‘GSP’) for developing countries. It offers additional trade incentives to developing countries already benefitting from GSP to implement core international conventions on human and labour rights, sustainable development and good governance.’ [http://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/index\\_en.htm](http://ec.europa.eu/trade/policy/countries-and-regions/development/generalised-scheme-of-preferences/index_en.htm)

thematic rapporteurs to focus attention on specific violations of targeted communities. There are currently 10 special rapporteurs; however, there is none on FoRB.

The Commission considers reports from individuals regarding an alleged violation or grievance, and can explore the possibility for a ‘friendly settlement’. If this fails, the Commission can refer the matter to the Inter-American Court of Human Rights, as long as the country in question has accepted the Court’s jurisdiction. Only states and the Commission can submit cases to the Court.

In serious and urgent cases where there is an immediate danger, the Commission may request that precautionary measures be taken. These can be raised via petition by individuals or by the Commission itself.

#### How to file a petition with the Commission

A guide to filing a petition with the Commission, including petitions for precautionary measures for special and urgent situations, is available online in Spanish, French, English and Portuguese.

Any person, group of persons, or organisation, on its own or in representation of another, may file a petition. The petitioner or representative can also be changed during the process. The Commission must be informed of this in writing.

Note that the Commission cannot examine a petition unless all domestic judicial remedies have been exhausted. It defines domestic judicial remedies as those which are deemed adequate and effective, so domestic courts can be bypassed if they will not protect the violated right, or do not have the capacity to ensure their ruling is upheld.

The statute of limitations on filing a petition is within six months of domestic means being exhausted.

#### Suggested future advocacy:

- Engage with the Commission’s reports and advocate with your government on recommendations therein;
- File petitions on FoRB violations with the Commission. This may also encourage the creation of a special rapporteur on FoRB.

### How to engage with United Nations human rights mechanisms

There are a number of UN mechanisms through which FoRB issues can be raised. However, for the purposes of parliamentarians, the most appropriate form of engagement is with the Special Procedures, and in particular, the UN Special Rapporteur on freedom of religion or belief, who invites

national human rights bodies, inter-governmental and non-governmental organizations, religious or belief communities as well as individuals to submit any reliable information they may possess regarding potential or actual FoRB violations. Dr Ahmed Shaheed is the current mandate holder.

The special rapporteur is appointed by the UN Human Rights Council (HRC), with a mandate to identify existing and emerging obstacles to the enjoyment of FoRB. The special rapporteur undertakes fact-finding country visits, issues direct communications to states regarding FoRB violations that have been reported to him or her and submits annual reports and recommendations to the HRC.

Information sent to the special rapporteur of alleged violations remains confidential until the special rapporteur sends the alleged perpetrators an urgent appeal or communication (letters) outlining concerns and recommendations. The communications sent and responses received are compiled into public reports for the HRC.

In order to send a communication to a state, the special rapporteur does not require that the state in question has ratified an international or regional human rights treaty, nor that the alleged victim has exhausted domestic remedies. Individual appeals can be submitted via a questionnaire online, by mail or via email.

However, the special rapporteur cannot take any action without the express consent of the victim or any legal representative or family members, and requires consent for the victim's name to be communicated to the authorities. Urgent appeals and communications by default include names of alleged victims, except in cases where victims (or their representatives) clearly indicate security concerns. The same procedure applies to the public compilation of communications sent and responses received<sup>12</sup>.

When a UN Member State is seeking election to the HRC, they often make voluntary pledges and commitments. However, these pledges are often vague, providing limited opportunity for accountability.

#### **Suggested future advocacy:**

- Using parliamentary mechanisms detailed in the earlier section of this guide, urge your government to extend an invitation to the special rapporteur to visit your country and to implement recommendations on FoRB made to your government either in the special rapporteur's report to the

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12 Communications reports are published jointly by special procedures for each regular HRC session detailing their activities, and include short summaries of allegations communicated to states and other entities.

HRC or during your country's Universal Periodic Review (UPR)<sup>13</sup>;

- Use the special rapporteur's reports to highlight specific legislative concerns relating to FoRB and individual cases of concern;
- If your government seeks election to the HRC, engage in the pledge drafting process to ensure the inclusion of a strong commitment to FoRB. Suggested activities include formal ministerial letters, parliamentary debates and oral or written questions on the issue.

## **How to engage with civil society**

A free and vibrant civil society is crucial for democracy and good governance. Civil society organisations advocate on behalf of the public and hold governments to account. Their specialist research and experience can be invaluable for parliamentarians seeking to learn more about FoRB violations in specific countries or thematic concerns related to FoRB.

### **National Human Rights Commissions**

Many countries have national human rights commissions: independent bodies which investigate allegations of human rights violations and make recommendations for redress to the national government. These recommendations are not legally binding, but may be referred to in legal cases or in advocacy efforts. For example, in Mexico, the findings of the national human rights commission's investigation into the forced expulsion of religious communities from their homes and lands have been used to advocate for state intervention in these cases.

Some states have regional or local human rights commissions as well. For example, in India, most states in the federal system have their own human rights commissions, thus it is recommended that initial reports of human rights violations are made to the state human rights commission, then escalated through the system if deemed necessary.

### **Non-governmental organisations (NGOs)**

Credible NGOs will make recommendations on policy and legislation, undergirded by research and analysis, which can assist parliamentarians as they perform their role of scrutinising and developing policies.

Effective partnerships developed on specific campaigns between parliamentarians, civil society organisations and the media can pressure a government to act on an issue of mutual concern. Civil society should be viewed as a crucial resource and essential partner in the efforts to defend and promote FoRB.

An example of an effective NGO network is the European Platform against Religious Intolerance and Discrimination

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13 The UPR is a four-yearly review of a nation's human rights record, to which other states, national human rights bodies and members of civil society can submit reports and recommendations.

(EPRID), which seeks to strengthen EU policy and practice on FoRB through engagement with European institutions. In June 2018, EPRID launched its #FoRBDefender campaign, inspired by EU-level discussions on how the EU Guidelines on FoRB could be better implemented. The social media movement invites people of all faiths and none to declare: “Believe it or not, it’s my Right!”, raising awareness of FoRB globally and standing in solidarity with human rights defenders around the world.

## The Media

The media is important for influencing government agendas and public opinion, and raising awareness. Local media is key to raising awareness of FoRB in your community or region, while national media is likely to attract the attention of the government, place an issue under a national spotlight, and ultimately galvanise the international media.

Parliamentarians can draw attention to their work on FoRB by engaging with the media in the following ways:

- Issuing press releases
- Writing articles or blogs for the opinion section of a newspaper
- Writing joint Letters to the Editor
- Broadcasting directly on social media, including Facebook or Twitter, where journalists working for national and international outlets have a presence.

### Suggested activity:

- Share messages on social media in support of FoRB on 27 October for International Freedom of Religion or Belief Day. Visit the #FoRBdefender website and share the suggested messages on social media, for example:

*EVERYONE has the right to freedom of thought, conscience, religion or belief. Help to raise awareness of #FORB and unite with people of all faiths and none around the globe to declare that “Believe it or not, it’s my Right!” [@IPP\\_FORB](https://forb-defenders.org/take-action/#FoRBdefender)*

## Take Action

Take action on International Freedom of Religion or Belief Day on 27 October:

- Share messages in support of FoRB on social media;
- Submit a parliamentary question on a FoRB issue;
- Table a debate in your parliament on the worldwide situation of FoRB and the government’s response;
- Write to your country’s special envoy or ambassador for FoRB on an issue of concern, or advocate for the creation of a special envoy or ambassador, if one does not already exist;
- Establish or join a cross-party group on FoRB in your parliament in order to focus advocacy activities in the longer term.

- Contact the IPPFoRB Secretariat to receive the latest FoRB related news for parliamentarians.

## Useful Links and Further Reading

### Useful Links:

**Forum-Asia:** The secretariat of the Asian NGO network on National Human Rights Institutions and a key voice for change in the region, it also calls for a regional human rights mechanism in Asia. <https://www.forum-asia.org/>

**ASEAN Civil Society Conference/ASEAN Peoples’ Forum (ACSC/APF):** A grouping of civil society organisations in Southeast Asia which organise parallel activities during the ASEAN Summit. It has an extremely diverse membership, ranging from organisations interested in human rights to issues such as trade and the environment. As such it has a broad mandate and is representative of many voices. The body aims to open dialogue with ASEAN leaders and provide spaces for ordinary people to voice their issues. <http://www.acsc-apf.org/>

**CSW:** CSW is a human rights organisation specialising in freedom of religion or belief. We work on over 20 countries across Asia, Africa, the Middle East and Latin America. Our in-depth reports on the FoRB situations in these countries are available here. We also have a blog exploring issues related to this fundamental human rights: FoRB in full. <https://www.csw.org.uk/>

**European Platform against Religious Intolerance and Discrimination (EPRID):** EPRID is a network of civil society organisations, religious bodies and individuals operating at EU level to collectively promote FoRB as defined in the UDHR, ICCPR and other international human rights instruments. EPRID’s #FoRBDefender campaign invites people of all faiths and none to declare: “Believe it or not, it’s my Right!”, raising awareness of FoRB globally and standing in solidarity with human rights defenders around the world. <http://www.eprid.eu/>

### Further reading:



Thematic issues and country-specific reports by current and former holders of the UN Special Rapporteur on Freedom of Religion or Belief mandate provide in-depth analysis on the realisation of FoRB globally.




The **Freedom of Religion or Belief Learning Platform** provides resources to assist individuals, communities and decision-makers to learn of, reflect upon and promote freedom of religion or belief for all. <http://www.forb-learning.org/>

The **Religious Freedom and Business Foundation** educates the global business community on how religious freedom is good for business, encouraging it to join forces with government and non-governmental organisations to promote

respect for freedom of religion or belief (FoRB). <https://religiousfreedomandbusiness.org/about>

As Christians, we stand with everyone facing injustice because of their religion or belief.

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