

# FREEDOM OF RELIGION

## A Fundamental, Universal Human Right

### What is Freedom of Religion or Belief?

Freedom of religion or belief is a fundamental, universal human right. It is recognized in core international human rights treaties. It protects every human person, regardless of his or her religion or belief or lack thereof. Freedom of religion or belief has an internal component (*forum internum*) and an external component (*forum externum*). The significance given to religious freedom in law is a recognition that a person's religion or belief, or lack thereof, is a fundamental part of who he or she is and how he or she lives. Therefore, protection of religious freedom recognizes and preserves human dignity.

#### **Forum internum**

The *forum internum* is the internal dimension of a person's beliefs and convictions. The right to hold beliefs and to change them cannot be limited in any way. Every person must always be able to freely believe what he or she chooses and also to change those beliefs, such as by renouncing his or her religion and converting to another one. No person may be compelled or forced against his or her will to adopt beliefs.

#### **Forum externum**

The *forum externum* is the outward manifestation of one's beliefs and convictions, that is, when a person acts on those beliefs and convictions. Article 6 of the 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief outlines several freedoms inherent in the right to manifest one's religion, including (a) to assemble and maintain houses of worship with co-religionists; (b) to establish charitable and humanitarian institutions; (c) to make and use materials needed for rites and customs; (d) to publish religious materials; (e) to teach a religion; (f) to solicit and receive financial contributions; (g) to train and appoint religious leaders; (h) to celebrate holidays and ceremonies; and (i) to communicate with co-religionists around the world.

The right to manifest one's beliefs is broad and therefore the *forum externum* may be limited only in very narrow circumstances: only when those 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>1</sup>

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<sup>1</sup> International Covenant on Civil and Political Rights, Article 18.3.

## The International Legal Framework for Freedom of Religion or Belief

The Charter of the United Nations, the treaty that founded the UN in 1945, identifies the four purposes of the UN, one of which is '[t]o achieve international co-operation in [ . . . ] promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.'

In 1948, the General Assembly, an organ of the UN in which Member States have equal representation, agreed to the Universal Declaration of Human Rights (UDHR). Article 18 proclaims, '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.'

This guarantee of the freedom of religion was codified and further elaborated in the 1966 International Covenant on Civil and Political Rights (ICCPR). Article 18 states in full:

- Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.
- No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
- Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals, or the fundamental rights and freedoms of others.
- The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 4 of the ICCPR provides that freedom of religion or belief is a fundamental, non-derogable right, meaning that even in a state of emergency States cannot ignore their obligations to protect it.

The Convention on the Rights of the Child specifically protects the religious freedom of children in article 14:

- States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Similar provisions exist in regional documents such as Article 9 of the European Convention on Human Rights which provides that '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.' Article 9 is the least qualified among the qualified rights in the European Convention and has been described by the European Court of Human Rights as, 'one of the most vital elements that go to make up the identity of believers and their conception of life, but it is also a precious asset for atheists, agnostics, sceptics and the unconcerned. The pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it.'<sup>2</sup>

## Restrictions on Freedom of Religion or Belief

According to the Pew Research Center, government restrictions on religion are on the rise, as are social hostilities involving religion. As of 2015, a quarter of the world's countries have high or very high levels of restrictions and 27 percent have high or very high levels of hostilities. Apostasy laws in 13 percent

<sup>2</sup> *Kokkinakis v. Greece*, no. 14307/88, § 31.

of the world, as identified by the Pew Research Center, aim to prevent conversions away from the religion favoured by their country. Blasphemy laws in 26 percent of the world target the expression of irreverence toward God, holy people, holy places, and beliefs, which means people are punished—in some cases with the death penalty—for openly questioning other religions. Governments have created arbitrary rules for issuing permits to advertise and host worship services, for granting permission to change religions, and for deciding which specific religious materials are 'permissible' to disseminate or even for one person to possess.

Other restrictions on religion include prohibitions on proselytizing, visa denials and deportation of foreigners, and regulation of foreign funding to churches and other religious NGOs. Governments also often favour a state or majority religion, funding the activities of its houses of worship and adherents while ignoring, penalizing, or even banning other religions.

## Improving Protections for Freedom of Religion or Belief

Restrictions on religious freedom are not inevitable or immovable. Laws that hinder belief and the free exercise thereof can be amended, applied more favourably in practice, and even eliminated. To achieve this goal, ADF International focuses on the following key areas:

- Promoting laws and policies that create religious freedom and abolish those that prohibit it;
- Defending in court people whose religious freedom has been violated and setting positive legal precedents that expand religious freedom;
- Advocating at strategic institutions and in strategic countries for prioritization of religious freedom in policy and funding;
- Building a global alliance of lawyers who advocate directly for religious freedom in their communities;
- Training key stakeholders and raising awareness about religious freedom and violations thereof.

## Top 20 Countries Where It Is Most Dangerous to be a Christian

Extreme Persecution		Very High Persecution	
1	North Korea	12	Saudi Arabia
2	Afghanistan	13	Maldives
3	Somalia	14	Nigeria
4	Sudan	15	Syria
5	Pakistan	16	Uzbekistan
6	Eritrea	17	Egypt
7	Libya	18	Vietnam
8	Iraq	19	Turkmenistan
9	Yemen	20	Laos
10	Iran		
11	India		

Source: Open Doors, 2018 World Watch List

## Number of Countries with High or Very High Restrictions, Hostilities Rise in 2015

% of 198 countries with high or very high levels of ...

### ... government restrictions on religion

Year	Percentage	Number of Countries
2015	25%	(50 countries)
2014	24	(47)
2013	28	(55)
2012	29	(57)
2011	28	(56)
2010	26	(51)
2009	24	(47)
2008	22	(43)
2007	20	(40)

### ... social hostilities involving religion

Year	Percentage	Number of Countries
2015	27%	(53 countries)
2014	23	(45)
2013	27	(53)
2012	33	(65)
2011	29	(57)
2010	24	(47)
2009	18	(35)
2008	18	(36)
2007	20	(39)

Source: <http://www.pewforum.org/2017/04/11/global-restrictions-on-religion-rise-modestly-in-2015-reversing-downward-trend/>



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## What You Can Do

### Educate yourself

Learn about specific religious freedom issues in your country and in other countries. Read ADF International's Universal Periodic Review country reports, our book on genocide called *Never Again: Legal Responses to a Broken Promise in the Middle East*; and our report on the United Nations' failure to protect and promote religious freedom. You can find all these in the 'Resources' section of [www.ADFinternational.org](http://www.ADFinternational.org)

### Raise awareness

Raise awareness about religious freedom standards and the treatment of religious minorities in your country and other countries. Follow us on Twitter @IntLADF and like us on Facebook at [facebook.com/ADFInternational](https://facebook.com/ADFInternational). Share our videos and the regular news updates on your social media.

### Organize an event

Organize an event or a conference on international religious freedom or on a more specific topic of particular interest to your community. Reach out to us if we can help with speakers, materials, or arguments.

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ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.

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