



# Reports

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*Thomas Paul Schirmacher*

Statement on the “Third Report of the Federal Government on the Global Situation of Freedom of Religion or Belief (reporting period 2020 to 2022)”

2026 / 4

International Institute  
for Religious Freedom



International Institute  
for Religious Freedom

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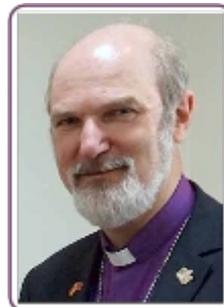
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*Thomas Paul Schirmmacher*

## **Statement on the “Third Report of the Federal Government on the Global Situation of Freedom of Religion or Belief (reporting period 2020 to 2022)”**

### **ABOUT THE AUTHOR**

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Schirmmacher earned three doctorates in ecumenical theology (Kampen, Netherlands), in cultural anthropology (Los Angeles), and in the political science and sociology of religions (Bonn, Germany) and received several honorary doctorates and honours from the USA and India. He has given guest lectures in more than 100 countries. He has authored and edited 102 books, which have been translated into 18 languages. His newest books include ‘Coffee Breaks with the Pope’ (2016), ‘Corruption’ (2016), ‘Human Rights’ (2014), ‘Human trafficking’ (2013), ‘Fundamentalism: When Religion turns violent’ (2013), and ‘Racism’ (2008).

Schirmmacher regularly testifies in Parliament, in High Courts and at the United Nations and OSCE, e.g. in the German parliament (Deutscher Bundestag), the House of Lords, the EU Parliament, the US Houses of Representatives or the Supreme Court of Brazil. He is known for his role in the first ever joint statement by the Vatican, the World Council of Churches and World Evangelical Alliance on mission and human rights, published mid 2011. The German major newspaper ‘Die Welt’ calls him one of the three leading experts on religious freedom globally and “Pope Francis’ most loved Protestant”.

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## Preliminary remarks

**Preliminary remark 1:** In the following I have endeavoured not to repeat what is said in the report under discussion (3.BBWL), what is common knowledge or what other experts can probably say just as well or better, but to give priority to things that come from my teaching activities as a sociologist of religion in Timișoara and Oxford, as President of the International Institute for Religious Freedom (Costa Rica, Vancouver, Cape Town, Bonn), and in my experience as a global religious leader and long-time participant in global dialogue programmes, not least as one of the Vice-Presidents of Religions for Peace (New York).

**Preliminary remark 2:** The phrase “freedom of religion or belief” used in the 3rd BBWL refers to the English “freedom of religion or belief,” which generally refers to world views and non-religious convictions. Worldwide, this somewhat unwieldy formulation is shortened to “religious freedom” or “religious liberty,” which includes not only the freedom of religious people, but always also the freedom of people of other worldview systems or of atheists or non-religious people—or, as in the case of indigenous peoples, forms of spirituality that cannot be placed in any of the usual categories. Human rights are based on what motivates specific people, not on predetermined standardised versions of Western character or academic research.

**Preliminary remark 3:** The report *The Indigenous World 2024* by the International Work Group for Indigenous Affairs (IWGIA) was scheduled for publication on 16 April 2024 in several languages but could not be considered for these remarks due to the submission deadline.

## Abbreviations

- 3.BBRW** = Third Report of the Federal Government on the Global Situation of Freedom of Religion or Belief (reporting period 2020 to 2022)
- IIRF** = International Institute for Religious Freedom
- zaa** = last retrieved on

## 1. Violation of the human right to freedom of religion or belief and measures to protect it

### Places and motives for the violation of religious freedom

What are typical “places” of violation of religious freedom worldwide and what are typical motives for these violations? (SPD)

As UN Special Rapporteur on Freedom of Religion or Belief, Prof Dr Heiner Bielefeldt began to give each of his annual reports a focus topic in 2010.<sup>1</sup> As a rule, they have presented the latest status quo as well as opening up or fuelling the fundamental debate. His successor and the current UN Special Rapporteur on Freedom of Religion or Belief have continued to do so. In the almost two dozen annual reports, the topics hardly overlap: education and schools, registration of religious communities, gender issues, change of religion and conversion, asylum issues, hate speech, religious dialogue, the relationship between religions and the state, child education and children’s rights, democracy and election campaigns, indigenous peoples.

This means that there is practically no socially relevant topic that does not play a role for religious freedom (here chosen as an abbreviation of FoRB) and that religious and ideological topics influence every socially relevant topic, in relatively secularised societies as well as in highly religious societies with a strongly predominant majority religion.

Unfortunately, human ingenuity is also almost infinite when it comes to racism, hate speech and discrimination, which is why the forms of violation of religious freedom are legion; indeed, new forms often emerge when the legal path is blocked for old forms or the danger of being caught in public is too great.

In addition to this diversity of hatred towards others, there is also the fact that places and forms of violation of religious freedom can affect practically every area of society, and where religious freedom is seriously violated, the situation is usually very bad for other human rights and vice versa.

Furthermore, not only are all countries in the world enormously diverse in terms of public religion—just compare Germany with its neighbouring countries France or Poland—but the respective religions and world views are so diverse—and thanks to migration, their number is constantly increasing in almost every country in the world—that they bring with them completely different expectations of states and societies.

Let me choose a simple, albeit unusual, example. For me as a Protestant church leader, the question of head coverings within my religious community is irrelevant. I know it only as a question of religious freedom in relation to other faith communities. For Khushwant Singh, Head of the Secretariat of the International Partnership on Religion and Sustainable Development (PaRD), as a Sikh, the

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<sup>1</sup> His reports are collected in Bielefeldt, H. (2017). *Freedom of Religion Belief: Thematic Reports of the UN Special Rapporteur 2010–2016*. Ed. by T. Schirmacher. 2nd revised edition. IIRF Religious Freedom Series 3. VKW. <https://iirf.global/?p=609>

Dastar, often misleadingly called the Sikh turban, is a central element of his faith. It is retied every morning to cover “the hair that is uncut for spiritual reasons,” “as well as the *dasam duar* (“tenth gate”), which the Sikhs regard as the spiritual energy centre at the top of the head. According to the Sikhs’ self-image, the headdress and hair express worldliness, nobility and respect for creation”.<sup>2</sup> As a German Sikh, Khushwant Singh not only experiences a lack of understanding for an unfamiliar religion and a lack of understanding with regard to religious clothing, but also that Sikhs are often the victims of Islamophobic attacks by people who think that anyone who supposedly looks a little different with a religious head covering and beard is an Arab Islamist. Only through listening, learning and intensive dialogue can I understand something that has no meaning in my faith.

In my opinion, one topic that is often not addressed enough, including in the 3rd BBRW, is the fact that a considerable part of the violation of religious freedom takes place within religions. In history, many more people have died as a result of intra-Christian and intra-Islamic wars and state repression than as a result of wars between Christianity and Islam.

The fact that in several countries where Islam is the state religion, conversion to another religion, to an atheistic world view or to a forbidden form of Islam is almost impossible, is punished draconically and is usually only possible for converts by fleeing or emigrating, whereby the converts often receive a great deal of media coverage, belies the fact that for every convert there are hundreds of thousands of Muslims whose religious freedom is just as radically restricted, even if they remain within Islam. In Turkey, for example, Muslims cannot open mosques of any orientation; all mosques are part of the state religious authorities. Their sermons are preached or approved by the state, and even imams cannot express dissenting views.

At an earlier expert hearing of the Human Rights Committee in 2018, I answered a similar question as follows:

“In response to the question, I would like to pick out three areas that seem to me to have the most serious consequences and to be the cause of the most serious violations of the right to freedom of religion and belief: **1. genocide of religiously determined ethnic groups, 2. fundamentalism or religious extremism, 3. religious nationalism.** The three are not separate or even unrelated, but overlap to some extent.”<sup>3</sup>

I will take the liberty of picking up on just one of the topics that is a research focus of mine, namely what I call religious nationalism.<sup>4</sup>

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<sup>2</sup> Dastar. (2024, March 19). In *Wikipedia*. <https://de.wikipedia.org/w/index.php?title=Dastar&oldid=243258144> (zaa 13.4.2024)

<sup>3</sup> Schirrmacher, T. (2018, November 27). Beantwortung des Fragenkataloges für die öffentliche Anhörung des Ausschusses für Menschenrechte und humanitäre Hilfe des Deutschen Bundestages am 28.11.2018 zum Thema „Verdrängte Ethnien – bedrohte Völker“. <https://thomasschirrmacher.info/blog/bundestag-19-17-33/> (zaa 13.4.2024)

<sup>4</sup> Stoldt, T.-R. (2015, January 19). “Religious nationalism is marching ahead”. *Welt*. <https://www.welt.de/regionales/nrw/article136538095/Menschrechtsexperte-ueber-die->

Where a country is no longer ethnically and culturally homogeneous, parties, governments, the majority religion or the media increasingly use the religious card to unite the population. This corresponds with the desire of many in the majority population to protect their own cultural identity against growing minorities of other faiths. This religious nationalism is advancing worldwide and is becoming globally acceptable. A Turk has to be a Sunni Muslim, an Indian a Hindu, a Pole a Catholic, a Russian an Orthodox Christian, a Burmese a Buddhist, a Hungarian a Christian and so on. Religion is increasingly taking on the role that the common language or culture often used to play. Unfortunately, religious nationalism is also becoming an issue in democracies or countries where elections are still reasonably open, such as Turkey, India, Sri Lanka, Israel, and to some extent Brazil or the USA, and in European countries it is also becoming increasingly evident in right-wing populist or far-right parties. Hungary and Poland provide vivid examples.

It is a basic fact of religious sociology that this is not so much the case for highly religious people who know their religion, but rather for those who are less religious and have been taught the majority religion through cultural channels. It is therefore quite possible that citizens in Germany are calling for a Christian Germany or the protection of the Christian West who do not themselves belong to a Christian church. One example of this is when a large cross is painted in the colours of the German flag, black/red/gold, during demonstrations. The seemingly meaningful symbol of a Christian Germany is a complete absurdity for churches and practising Christians, even blasphemous in a way.

This has become clear in extreme form in Russia, as the Russian Orthodox Church has officially declared a holy war in recent days. In Israel, a law was passed that grants only Jews full basic rights, while the national-religious parties openly want the Holy Land for themselves. Hamas, on the other hand, not only wants the Holy Land exclusively for its own ethnic group, but among its ethnic group only for those who share its form of Islam.

## **Religious freedom in the context of human rights**

What role does the strengthening of religious freedom play in the context of human rights in general? (SPD)

In view of the fact mentioned by the 3rd BBRW at the very beginning that 88 % of the world's population is religiously oriented (and the rest of the world's population is of course similarly characterised by non-religious world views), the question of whether these people are committed to human rights on the basis of their own religion or world view plays a central role.

People who feel that the global protection of human rights also encompasses what their deepest and most intimate motivation is and how they express this publicly will be more likely or more strongly committed to all human rights.

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gefaehrdete-Religionsfreiheit.html, reprinted in: Schirmmacher, T., & Klingberg, M. (2015). *Jahrbuch Religionsfreiheit 2015*. VKW (pp. 79–83). <https://iirf.global/?p=1236> (zaa 13.4.2024)

Almost all Christians in Germany, as well as almost all atheists in Germany, will feel that the idea of human rights and their concrete implementation as the protection of fundamental rights not only reflects central convictions of their own faith and benefits others and everyone altruistically, but also brings enormous benefits to themselves. “Love your neighbour as yourself” also points to the fact that human rights can best be upheld if they not only serve others or one’s own community, but also have both perspectives in mind at the same time.

Religious freedom is of central importance to Europe, both historically and in reality. The Europe of today would simply not exist if there were no religious freedom. A modern democracy without religious freedom is inconceivable. On the one hand, freedom of religion is profoundly linked to other fundamental rights such as freedom of conscience, freedom of expression, freedom of assembly and freedom of the press. On the other hand, a secular democratic constitutional state, which presupposes the separation of church/religion and state, can only be linked to religious freedom.

Otherwise, the state would either have to be a missionary atheist state that suppresses religions (e.g. the former Soviet Union) or a religious state in which either the religious dignitaries of a religion hold power (e.g. Iran) or the state itself dictates the religion (e.g. Saudi Arabia or Sri Lanka) or the national religion is utilised and promoted by the state for its own purposes, although the religious institutions themselves are not granted freedom by the state (e.g. Turkey or Serbia).

Religious freedom is not only the complementary counterpart to the secular democratic constitutional state, but also the prerequisite for religious peace, i.e. for the absence of civil war or war based on religion or ideology or waged against other religious communities. For religious peace is not achieved by religious communities or non-religious people giving up their claim to truth or agreeing to such an extent that the differences almost disappear (for it is well known that denominations of one religion that are very close to each other have often waged war against each other), but through a willingness to grant religious freedom, which includes presenting one’s own religion peacefully and in coexistence with followers of other religions and world views in public and passing it on in discourse, but not through the use of state power or violence or coercion against those who think differently.

It is therefore no wonder that the right to religious freedom is intrinsically linked to all other human rights. That is why there is no state in which the right to religious freedom is granted but the other human rights are trampled underfoot; that is why there is no state that has a fairly good human rights record but neglects religious freedom.

Religious freedom is interrelated with all other human rights. Equal rights and women’s rights can be formulated separately and specifically, but their realisation is obviously a cross-sectional task across all areas of society, which therefore always and everywhere interferes with practically all other human rights.

It is the great advantage of the 17 sustainability goals adopted by the United Nations in 2010 as *Agenda 2030*, which, as is well known, are propagated worldwide from the UN city of Bonn, among other places,<sup>5</sup> that they make the breadth of human rights clear, but also that they all relate to each other and can only ensure sustainable development for the better together. Moreover, despite the leading role of the states, progress towards these goals can be achieved only if all social actors work together at all levels from local/communal to global.

### **Indigenous peoples (reference)**

What possibilities do you see to protect the rights of indigenous peoples more effectively? What concrete measures do you have in mind? (SPD)

Since I would like to answer this question in more detail, as the topic is comparatively new, I have moved the answer to the end of this report and provided it with its own structure.

### **Authoritarian regimes, contribution of democracies and the BBRW**

The misuse of religion by authoritarian regimes and dictatorships to expand their power structures, among other things, often goes hand in hand with massive restrictions on religious freedom within these countries. What must the international community and, above all, democracies do to counter this trend and what can this and subsequent reports by the Federal Government on the situation of freedom of religion or belief worldwide contribute in terms of helpful analyses and documentation? (CDU/CSU)

For the first part of the question, one would actually have to write a handbook on foreign policy, and that is somewhat outside my area of expertise. Above all, Germany would have to answer the question of how to reconcile the currently very high moral standards for its own foreign policy with what is feasible, which forces it to import oil and gas from non-democratic countries, to win them as partners against Russia, or to be dependent on their goodwill when it comes to their participation in a peace solution in the Holy Land, to choose just a few examples from a long list.

It is also worrying that it does not seem as if the majority of democratic countries are pulling together and agreeing on a common approach in advance in order to serve the cause of freedom and democracy itself, but that their own interests, or the government's own re-election, or their own business—such as arms deals—take priority.

Nevertheless, I am convinced that reports such as 3.BBWL play a major role in this context, because they can often say what cannot be said in direct contact with governments. Very few governments in the world “don't care” (to put

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<sup>5</sup> United Nations. (n.d.). Ziele für nachhaltige Entwicklung. *UNRIC – Regionales Informationszentrum der Vereinten Nationen*. <https://unic.org/de/17ziele/>; cf. the view of the Federal Government at <https://bmz.de/de/agenda-2030/sdg-17> (zaa 13.4.2024)

it casually) about such reports; many do not want such negative publicity. A good example is the Universal Periodic Review of the UN Commission on Human Rights, which is occasionally chaired by states that themselves have a disastrous human rights record. The fact that all states have to present a report every three years, which not only other states can then comment on, but also global organisations of all kinds accredited with the UN, whose “shadow reports” are then available on the UN website for years, unfortunately also leads to governments creating state-controlled NGOs, which then deliver positive “shadow reports.” However, this proves just how seriously governments take official negative reporting and documented public criticism.

If there were no reports like 3.BBWL, from as many democratic countries as possible and from as many well-funded research institutions as possible, autocrats and dictators would be able to act with much less restraint.

## Anti-Semitism

What do you see as the main causes of the rampant anti-Semitism worldwide and what measures should the German government and other democratic states take to counteract this decisively and sustainably? (Alliance 90/The Greens)

It should be noted at the outset that “hatred of Jews,” a term that the German government’s National Strategy against Anti-Semitism and for Jewish Life (NASAS) of 2022<sup>6</sup> uses in parallel with “anti-Semitism,” is actually a more precise term for the problem under discussion.

I recently gave a guest lecture on the 75th anniversary of the Universal Declaration of Human Rights at Princeton University. Afterwards, I went to the university’s Centre for Jewish Life to find out about attacks on Jewish students, who make up 9.6 % of the university’s student body. I was struck by the fact that many of the students concerned were themselves harshly critical of the Israeli government. However, they were not attacked because of their political beliefs—which would be bad enough—but simply as Jews, by perpetrators whose beliefs they largely shared.

In my book *Racism*, I argue that three types of racism have been passed down from generation to generation for centuries and are manifested worldwide.

*The three most widespread racisms internationally in the past and present*

The defamation and suppression or oppression of

1. **“Blacks”** or **“coloureds”** (i.e. people with a darker skin colour than oneself)—they are supposedly stupid and uncivilised,
2. **Jews**—they are supposedly devious, greedy and domineering,

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<sup>6</sup> Federal Government Commissioner for Jewish Life in Germany and the Fight against Anti-Semitism. (n.d.). Berichte/Publikationen. <https://www.antisemitismusbeauftragter.de/Webs/BAS/DE/bekaempfung-antisemitismus/berichte/berichte-node.html>

3. the “**gypsies**”, i.e. mainly the Roma people—they are supposedly anti-social and thieving.

The reason why, out of the many forms of racism and hatred towards others and out of the thousands of ethnic groups worldwide, the Jews and Roma have been targeted globally is being discussed worldwide and is unlikely to be answered in a reasonable way. It is difficult to understand why millions of people in Indonesia are currently turning publicly against Jews and Israel, when they do not care about the persecution of the Uyghurs by China, the burning of Muslim soldiers by the Russian government, or the situation of refugees worldwide.

God be praised, but in the case of Judaism it plays a tragic role that the two largest world religions, as daughters of Judaism, together with modern secularism, have a common tragic history of anti-Semitism as grandchildren, so to speak. This is not the place to trace the history of anti-Semitism in Islam and Christianity, which has always gone hand in hand with conspiracy theories. There is also no question that European anti-Semitism fuelled Islamic anti-Semitism in the colonial era, as the Jews were long seen in Islam as a small, insignificant group in need of protection that was inferior anyway, while now, thanks to conspiracy theories, the Jews became a world threat, fuelled by the search for an explanation for the fact that the Arab countries were unable to defeat the Jewish state militarily.

However, this anti-Semitism coming from Europe was already a secular anti-Semitism, as the secularising Europe produced forms of anti-Semitism not only in the form of National Socialism, which saw the Jews not as followers of a religion, but as an ethnic group (“race”). The “Protocols of the Elders of Zion” in particular, written in Russian in 1903 but not widely distributed in German and English until 1919, provided an “upgrade” of hatred with its world conspiracy theory for the Christian world and, by the Second World War at the latest, for the Arab and Islamic world. The result was an ominous mix.

A typical example is anti-Zionism directed against Israel as a variant of anti-Semitism directed against Jews. Anti-Zionism wants the Jews not to keep a Jewish state in Palestine even if a solution is found for the Palestinians. But what is actually hated? Is it about Judaism as a religion as opposed to Islam, for example? Is it about Israel’s liberal political system? Is it about the Jews as a race? This is obvious, or otherwise the Arabic edition of Hitler’s *Mein Kampf* would not be a hit, which incidentally renders “anti-Semitism” as “anti-Judaism,” because the Nazis of course did not mean the Arabs, who are also Semites and did not understand Judaism as a religion, but as a community of descent, which is why Jews baptised as Christians were also murdered indiscriminately.

The same conflation is of course reversed in the attitude of many extremist Israelis towards the Palestinians, where it is also unclear whether Palestinians are hated as a “race” or because of their religion (as Muslims and to a lesser extent as Christians).

Germany has two excellent action catalogues and strategy papers, which are located in the Federal Ministry of the Interior and which only need to be implemented more strongly, and which I could comment on, but could hardly add to in a meaningful way.

- The report *Antisemitism in Germany: Report of the Independent Expert Group on Antisemitism–Manifestations, Conditions, Prevention Approaches*<sup>7</sup> has an excellent stocktaking and central and realisable recommendations for action.
- The *National Strategy against Anti-Semitism and for Jewish Life*, adopted by the Federal Government in 2022,<sup>8</sup> actually says everything that needs to be said; it just needs to be implemented and is even more specific.

This strategy was developed in cooperation with the *Federal Government Commissioner for Jewish Life in Germany and the Fight against Anti-Semitism*, who was appointed in 2018 and who, in my experience, does an excellent job, especially in joint appearances at home and abroad. It would be desirable to provide his office with better financial resources—also in comparison to more recent Federal Government commissioners, especially since it has become clear since the terrorist attack of 7 October 2023 that Germany must address the issue of anti-Semitism not only because of historical responsibility, but also because of a multitude of malicious motives, some of which have nothing to do with our own history. Anti-Semitism, just like other forms of racism, is always wrong, regardless of the historical background of the motives and the religious or other socialisation of the perpetrators.

It should also be noted that Germany, this time represented by the Federal Foreign Ministry, held the presidency of the International Holocaust Remembrance Alliance (IHRA) in 2020/2021. Germany has been a member of the IHRA since 1998 and adopted its legally non-binding working definition of antisemitism in 2017.

And finally, Germany supports the *EU Commission’s 2023 Declaration on antisemitic incidents in Europe* and has agreed to the *EU Commission’s excellent 2021 catalogue of measures, the EU Strategy against Antisemitism and fostering Jewish life*, a voluntary commitment by all member states.<sup>9</sup> These texts and strategies were largely developed by the EU Commission’s Office of the

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<sup>7</sup> Independent Expert Group on Anti-Semitism. (2011). Antisemitismus in Deutschland Erscheinungsformen, Bedingungen, Präventionsansätze. *Federal Ministry of the Interior (BMI)*. [https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/expertenkreis-antisemitismus/BMI11014-antisemitismus-in-deutschland-bericht.pdf?\\_\\_blob=publicationFile&v=6](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/expertenkreis-antisemitismus/BMI11014-antisemitismus-in-deutschland-bericht.pdf?__blob=publicationFile&v=6)

<sup>8</sup> Federal Ministry of the Interior. (2022, November 30). Nationale Strategie der Bundesregierung gegen Antisemitismus und für jüdisches Leben. *BMI*. <https://www.bmi.bund.de/DE/themen/heimat-integration/wehrhafte-demokratie/nationale-strategie-gegen-antisemitismus/nationale-strategie-gegen-antisemitismus-node.html> (zaa 13.4.2024)

<sup>9</sup> General Secretariat of the Council. (2020, December 2). Council Declaration on mainstreaming the fight against antisemitism across policy-areas. *Council of the European Union*. <https://www.consilium.europa.eu/media/47065/st13637-en20.pdf> (zaa 13.4.2024)

*Coordinator on combating antisemitism and fostering Jewish life*, headed by Katharina von Schnurbein from Germany since 2015.

I could go on with the 2020 *anti-Semitism situation report* from the Federal Office for the Protection of the Constitution<sup>10</sup> and many other official government statements, so the problem is less the proposed measures and strategies than the lack of implementation or funding.

## **2. Relationship between freedom of religion or belief and other human rights**

### **Indivisibility of human rights**

How do you describe the tension between freedom of religion and belief and other human rights, such as the right to freedom of expression or gender equality, and how can a holistic human rights approach that clearly focuses on the universality and indivisibility of human rights help to ensure that these legal rights are not in conflict with each other, but at best promote each other? (Alliance 90/The Greens)

No human right is unrestricted. Human dignity is expressed in many aspects, all of which must be recognised and implemented together. For example, no religious justification should enable child slavery or circumvent the ban on torture.

First, the highest legal interests are not automatically complementary but can also be in competition with each other. Paragraphs 32–34 of the German Criminal Code deal with a justifiable state of emergency and self-defence as two variants of the balancing of interests on the basis of the principle of balancing interests and duties, and many other laws deal with similar balancing of interests.

A fundamental right can be restricted only with regard to another fundamental right, but at the same time, every fundamental right must be weighed against every other fundamental right if necessary. The supreme court judgements on this are legion; the European Court of Human Rights deals with almost nothing else.

In international and European human rights standards, “interferences” or “restrictions” on fundamental human rights are permissible only on the basis of a law. The ECtHR has frequently ruled in a very positive and differentiated manner on such questions of restrictions on religious freedom in cases of conflict with other rights. This has involved restrictions on the grounds of public safety, public order and public health and to protect the rights and freedoms of others. Article 19 of the Basic Law deals directly with the question of under what

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<sup>10</sup> The German domestic intelligence services. (2020, July). Lagebild Antisemitismus. Bundesamt für Verfassungsschutz. <https://iirf.global/wp-content/uploads/2020/2020-07-lagebild-antisemitismus.pdf>

circumstances and how fundamental rights can be restricted. The emergency legislation of the Basic Law pertains here. Emergency clauses can also be found in the European Convention on Human Rights and the UN Civil Pact.

It would be welcome if everyone who invokes a fundamental right or, more generally, a human right did not do so as if it were the only or most important human right, and anyone who prevents its immediate implementation, even though they are invoking another human right, can only think and act in bad faith.

A holistic approach to human rights does not exclude but rather includes the weighing of interests. After all, there is not just one human right but several, and even when it comes to one and the same human right, the fact that two people invoke it at the same time can lead to the need to look for a sensible balance in the best case and, in the worst case, to leaving the decision to the court.

Often the legislator also has to take action, as the example of the law on non-medically indicated circumcision shows, a classic case of balancing religious freedom and other rights.

Human rights are derived from human dignity. It must be recognised that this dignity is not a one-line thing but comprises many different elements, just as people do. The right to drinking water is no more important than freedom of expression or the right to education, even if someone who dies of thirst can of course no longer express an opinion. Women’s rights are not more or less important than children’s rights, but they can of course come into conflict.

In this respect, it would be welcome if a common justification and defence of all human rights were to become the norm, particularly *in political education*, but also in the *public relations work of the Federal Government* (and all state institutions), *instead of propagating just one human right or closely related human rights in isolation from other human rights*. At times, the federal government’s human rights commissioners also give the impression that they are in competition with each other. The *17 Sustainable Development Goals of the United Nations* in particular offer the opportunity to make it clear that human dignity requires all human rights at the same time and that it is not about a competition between human rights (which is then fought out by thematic authorities or thematic NGOs), but about enabling people to live a life in dignity and self-determination—which of course also includes the freedom to live and publicly express one’s own religion or world view.

## **Equal rights and religious freedom**

What political and social structures do we need to establish and protect the balance between religious freedom and equality in terms of human rights, and how can we ensure that religions are not misused to discriminate against women and minorities (e.g. LGBTQI)? (FDP)

Everything I said about the last question applies here. Far-reaching social upheavals and legislative changes, especially if they are only supported by a parliamentary majority, do not automatically lead to everyone thinking and acting

differently. In this particular case, the problem arises even more when we leave our own state and are dealing with upheavals that hardly meet with approval in other countries.

Before the hearing, I will meet the President of Ghana, who belongs to my own religious community and who alone could still prevent the law against homosexuality passed by parliament (and is currently hesitating to sign it). As far as I can see, the law is the first in Africa to make the mere public advocacy of LGBTQI issues a criminal offence. However, this law was passed unanimously (!) in the democratically elected parliament (at least according to the media) and has the support of more than 90 % of the population. It would be no different in Russia or the Palestinian territories.

But let's stay with the religious communities in Ghana, all of whom support the law; the Catholic Bishops' Conference, for example, is urging the president to sign it. How do you influence established religious communities? Religions do not usually have party conferences and do not develop new party programmes at short intervals; it is a laborious business of dialogue behind the scenes and changes often take decades. The Vatican shows the arduousness of the business. Even if the Pope, to put it casually, were to step on the gas, this would not necessarily bring about changes beyond the resulting media response.

There is only one thing I have learned over many decades. If you simply break off the conversation, you take away any opportunity for change and enter into a war of position from which you can no longer break out in the end on principle. Which brings us to the next question.

### **3. Dialogue and exchange between religions**

#### **Interreligious dialogue**

What importance do you attach to interreligious dialogue based on the generally recognised peace-promoting effect of religion, particularly in the global fight against extremism under a religious flag (such as ISIS, Hamas, Hezbollah or the regime in Iran) and for the achievement of the United Nations' sustainability goals ... what should the Federal Government do to further support and strengthen this dialogue, e.g. through members of the Federal Government and the Commissioner for Global Freedom of Religion or Belief? (CDU/CSU)

As one of the Vice Presidents of Religions for Peace, I am a party to dialogue efforts and am deeply convinced that religions can make a significant contribution to peace, justice and development. However, one must immediately qualify this statement. This is not due to any automatic quality inherent in religion, nor to the fact that certain religions and all of their followers are inherently peaceful. This is not the case. Every religion has had its violent, even warlike wing in history and still has it today; only the size and influence of such wings has varied greatly over the course of history.

Cooperation is therefore possible only with religious leaders and religious people of good will who are committed to building a peaceful and just society. It is often even a question of winning over religious leaders and people in favour of peaceful development against forces in their own religion that are intent on legitimising violence against those who think differently or against a state religion.

That is why such cooperation is possible and important for every country in the world; you just have to practise religious literacy. In March 2020, for example, I was involved in forging an alliance in The Gambia between all Christian churches and moderate Muslim leaders representing the majority of the population, which successfully prevented a new constitution with Sharia courts, less religious freedom, and restrictions on women’s rights. (which Muslim hardliners financed from the Arab world wanted to push through). Contacts with moderate Muslims were established through the Humanitarian Islam movement based in Indonesia, which brings together moderate Muslims worldwide who are against an Islamic state and in favour of religious freedom and with which the World Evangelical Alliance maintains an extensive dialogue programme.

For thousands of years, religious beliefs have served to justify war, oppression and discrimination, whether the religion in question has been misused for this purpose or has in turn misused politics (or both). Hans Maier rightly writes in his book *Das Doppelgesicht des Religiösen: Religion–Violence–Politics*: “Religion is nothing harmless. It has winning and terrible traits, attractive and repulsive sides.”<sup>11</sup> And Susanne Heine describes the “double face of religion” in a similar way: “Religion has a dubious reputation. It can be a source of love and peace, but also of hatred and war.”<sup>12</sup>

The caste system of Hinduism gave religious legitimisation to the racist oppression of the lower castes, the theology of indulgence financed the Crusades, the anti-Semitism of medieval Christianity legitimised the persecution of the Jews, and the very different religions of the Babylonians, Incas and Ottomans legitimised violence against women, so that the ruler could, for example, forcibly choose any woman in his domain and make her his concubine.

There are probably examples from all geographic areas, all eras, all cultures and all religions to show that religious convictions can be and have been used to legitimise and use unlawful violence against others, especially in conjunction with political power. And the fact that for thousands of years wars can be better justified with religious legitimisation, so that even secular states still use at least religious language in the event of war (think of George W. Bush in view of the war against Iraq), should be undisputed in history and religious studies. There is hardly a religion that has not caused repulsive violence here, at least at times or in some of its branches. This applies to indigenous religions such as the Mayan or Aboriginal religions as well as to all ancient religions or all major world religions.

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<sup>11</sup> Maier, H. (2004). *The double face of religion: Religion – Violence – Politics*. Herder, p. 97.

<sup>12</sup> Heine, S. (2005). *Love or war? The double face of religion*. Picus, p. 15.

Oxford religious scholar (and former nun) Karin Armstrong views fundamentalism as “militant forms of spirituality” and “militant piety.” Accordingly, the use of violence would be a constitutive element of fundamentalism. “We have seen fundamentalists massacre people praying in mosques, kill doctors and nursing staff, shoot the prime minister of their own country and even bring down a strong government,” she writes<sup>13</sup> However, fundamentalist violence also includes internal violence towards its own members to ensure that they remain loyal to the line, or towards those who leave, either to punish or ostracise them or to prevent others from leaving.

One of the most significant advances of the modern constitutional state is that it alone has the monopoly on legitimate physical violence, which is also removed from the grasp of individual religious and ideological communities. Religious fundamentalism or extremism provides reasons for taking action against this legitimate violence, with recourse to ultimate truths.

What can we do about it? Strengthen the very forces that want to achieve exactly the opposite. It is no coincidence that the world’s most important dialogue organisation on this topic bears the name Religions for Peace. It was a highlight of German foreign policy that the Federal Foreign Ministry was instrumental in facilitating the Religions for Peace World Assembly in Constance in 2019 with 900 high-ranking religious leaders, and it is regrettable that this cooperation has been scaled back.

I had the honour of presenting the “Faith for Rights” declaration, drawn up under the auspices of the UN High Commissioner for Human Rights together with religious actors from all over the world, to the global public at a press conference in Beirut in 2017, and since then this combined UN declaration and voluntary commitment has set a precedent worldwide. However, although several Germans played a leading role in drafting it, Germany does not use the associated platform.

What may outwardly appear to be religious blocs chiselled in stone are actually on the move, for better or for worse. The fact that the Russian Orthodox Church, for example, has now officially proclaimed a “holy war,” which goes far beyond the conquest of Ukraine, has earthquake-like consequences for the whole of Christianity. Never before have Christians it been faced with the fact that a large church has left the Christian consensus to such an extent that there seems to be less in common with it than with peace-loving non-Christian religious communities. The Pope’s course is finding fewer and fewer friends here, while the World Council of Churches’ course of visiting its largest member church, the Russian Orthodox Church, but criticising it harshly in public is finding more and more friends.

The influence of high-ranking religious leaders of the three Abrahamic religions on each other is often enormous, because the fight against extremists in their own ranks poses very similar challenges and, in addition to state defence measures, also urgently requires a realignment on the part of the high-ranking

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<sup>13</sup> Armstrong, K. (2000). *Fighting for God: Fundamentalism in Christianity, Judaism and Islam*. Siedler (pp. 9, 11).

religious leaders themselves. My talks with the Council of Muslim Elders and the Muslim World League, along with my recent visits to the governments and Muslim leaders in Saudi Arabia, Qatar and the United Arab Emirates, show me that every effort, every personal encounter is worthwhile, even and especially in times when the world situation seems to be focusing more on warlike violence than on peace. The leaders of the three Abrahamic religions are jointly confronted with the fact that extremists are on fire in all their ranks: for example, Hamas for Islam, national religious ministers calling for the use of nuclear weapons for Judaism, and Christians (not only from the USA) who promote giving the entire Holy Land to Israel out of eschatological convictions.

I hope that the German government will follow up the detailed and warm words on the *Partnership on Religion and Sustainable Development (PaRD)* in its 3rd BBRW (pp. 20–23) with action and ensure that PaRD continues to have a firm place in the budget of the Federal Ministry for Economic Cooperation and Development. PaRD makes a significant contribution not only to the implementation of the UN’s 17 Sustainable Development Goals, but also to linking major religious players who work altruistically in favour of others and to creating potential for peace between religions from the common goals in the best sense of the word.

From my global experience with governments and religious leaders around the world, I would also like to say that few things contribute as directly to the good reputation of the Federal Republic of Germany as PaRD. Even though many states and multilateral organisations are involved here alongside important religious development organisations, everyone knows that PaRD would not continue to exist without the funding of the central office by the German government.

I am deeply convinced that there is no substitute for really getting to know other people. The basic principle is that people gain new perspectives by hearing them from other people, usually directly from person to person. Of course, this can also happen through literature or the media, which must always be taken into account during dialogue. But personal encounters are still at the centre of both everyday life and the highest level of politics.

Often, a dialogue that has perhaps even been painstakingly initiated, which then surprisingly makes the other person appear in a more trustworthy light, is the first impetus to overcome prejudices and engage in principle with the other person’s point of view. Dialogues are often initiated without either side having any serious intention of changing their opinion. Rather, they just want to demonstrate their openness and tolerance or are pursuing propaganda goals. Surprisingly, however, such dialogues often do more good than their sponsors would probably like. I have taken part in dialogue events with leading Muslims in many countries around the world. Delegates from countries that have no religious freedom and sometimes do not allow any religious dialogue in the country often take part. However, this does not change the fact that many of the expatriates leave their country for the first time in their lives and get to know Christians or others in similar positions in a new environment. They then automatically begin to compare what they themselves have learnt and often taught

others for a long time with reality. This often leads to lasting relationships with far-reaching positive consequences.

The 900 DITIB mosques in Germany are assigned their imams by the Diyanet, the Turkish state's religious authority, which also pays them and ensures that they read the correct sermons. The Diyanet regularly changes the imams sent to Germany in surprisingly short periods of time, even though the new imams do not speak a word of German and do not understand a word about Germany. The main reason seems to be that a number of imams learn to appreciate life in Germany in an astonishingly short time. I am not referring to the economic prosperity, as imams are well paid by the state in Turkey, but to values such as understanding, freedom of religion, legal certainty, and so on. If these imams stayed for 20 years each, things would probably look different. That is the power of meeting real people and the ability of people to expose their judgements as prejudices when they are confronted with reality.

The British Foreign Office (as well as the EU and others) uses the private dialogue platform of Chatham House ([www.chathamhouse.org](http://www.chathamhouse.org)), whose "Chatham House Rules" are now used worldwide for dialogue meetings. There is no room here for specific examples, but this platform, which is carefully managed from the background, has brought together governments, political actors, religious leaders, religious NGOs and scientists to an extent that hardly any other institution in the world can match. The most famous result is certainly the 2021 climate appeal that Pope Francis, together with the leaders of all major churches and important representatives of all world religions, addressed to COP26 in Glasgow—one of the most uplifting moments of my life. But it was preceded by numerous virtual and in-person meetings of religious leaders and scientists, organised by Chatham House and funded by the UK government, where, as I witnessed for myself, there was clearly a change in thinking among religious leaders listening to scientists.<sup>14</sup>

This dialogue is often most successful when it is co-moderated by state actors, as this brings in a stabilising element and ensures, for example, that the concrete financing of talks is neutral to a certain extent and does not fall to the richest religious participants in the talks.

For COP29 in Baku, Azerbaijan, we are currently setting up a group of 25 Christian and 25 Muslim young people who will participate as a group in close connection with the "Faith Pavilion," which we organised for the first time in Dubai, UAE, at the end of 2023. This creates understanding that goes far beyond theological issues and is based on a common concern. Joint activities between Israeli and Palestinian young people (for example, as part of the partnership between Bethlehem and Cologne since 1996) are almost the only thing that gives me encouragement for the Holy Land at the moment.

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<sup>14</sup> E.g. Pope Francis (2021, October 4). Meeting on "Faith and Science: Towards COP26", promoted by the Embassies of Great Britain and Italy to the Holy See, together with the Holy See. *Vatican Press*. <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/10/04/211004a.html> (zaa 13.4.2024)

Last but not least, I would like to emphasise international understanding and dialogue through cooperation between parliaments and parliamentarians. As these are, by their very nature, much more geared towards more direct encounters than the executive, and because they include all parties in a parliament and not just the governing parties, they often provide important opportunities for international understanding. One example: the International Platform of Parliamentarians for Freedom of Religion and Belief (IPPFoRB), which has already met in the German Bundestag, also includes many members of parliament who are committed to religious freedom but whose countries and governments do not stand up for real religious freedom, such as Pakistan. They are not only encouraged and better informed, but are often the bridge to understanding their countries and having an impact in these countries in favour of those affected. A lot of things happen that a meeting at the executive level could hardly achieve.

The Inter-Parliamentary Union (IPU), an association of the world’s most populous parliaments, held the Parliamentary Conference on Interfaith Dialogue<sup>15</sup> with Religions for Peace in mid-2023. Presidents of parliaments and parliamentarians discussed the role of religious communities in society with religious leaders. As the opening speaker, I, like other German speakers, would have liked Germany to have been more involved here.<sup>16</sup>

## Social cohesion

With regard to worrying developments such as the rise in anti-Semitism: in view of the tense social situation in Germany, what is necessary to strengthen social cohesion, mutual understanding and acceptance between the individual religious groups and how can we avoid placing entire religious groups under general suspicion in order to avoid fuelling social division even further? (FDP)

My answer is dialogue, dialogue, dialogue. I don’t just mean the meeting of dialogue specialists from the religious communities or religious leaders (that too, absolutely!), but at all levels: communal, national, global.

As a non-politician (if one can be such a thing as a globally active religious leader and as an academic in the field of human rights), that is, as a citizen without political office, allow me to say something about this topic outside the actual political realm.

I am in no way calling democracy into question, and autocratic states are in no way better off here, but the question must be asked as to whether, within a society in which harsh and denigrating tones are constantly increasing, trench warfare is becoming commonplace, and social groups are being set against each other with increasing determination (and this is not only reflected in the

<sup>15</sup> IPU. (n.d.). Parliamentary Conference on Interfaith Dialogue. *Inter-Parliamentary Union*. <https://www.ipu.org/event/parliamentary-conference-interfaith-dialogue> (zaa 13.4.2024)

<sup>16</sup> ISHR. (2023, July 15). ISHR Leadership at Inter-Parliamentary Union Conference. *International Society for Human Rights*. <https://ishr.org?p=17067>; see also Schirmacher, T. (2023). *Thomas Paul’s week – No. 21* [video]. <https://thomasschirmacher.info/?p=21316> (zaa 13.4.2024)

media of all kinds, but is massively reinforced), we can expect things to be any different in the area of religion, which is often very emotionally charged for many people. How can we expect religion to remain exempt from this trend and to guide us on the opposite path to greater common ground?

I don't see this as cheap social criticism; the reasons for this trend are the subject of extensive sociological and other studies and there is nobody who alone determines global and national development and could bring about rapid change. But that doesn't change the fact that what happens in all areas of society also colours the realm of religions and world views.

Unfortunately, even in democracies around the world, election campaigns are increasingly often moments when (1) parties not only try to win over certain minorities as voters on a highly emotional level but (2) conversely, other parties run a highly emotional election campaign and claim that certain minorities are being overly cosseted or are to blame for the country's major ills. Now one could simply blame the voters if they then vote for such parties and denigrate them. But what is the point of democracy if voters are told beforehand or afterwards that they shouldn't have voted that way?

I am an incorrigible democrat, but democracy also involves self-critically discussing the weaknesses of democracy and the threats to it from within, because only then can counter-strategies be considered. Democracy is not an ideology that closes its eyes to reality and exalts itself religiously, as if it had inherent miraculous powers, but a constantly evolving project that must also protect itself from itself if necessary. The consequences of not being able to change and adapt age-old electoral systems can be seen in the example of the USA, where a renegotiation of the constitution and regional electoral systems supported by all federal states is inconceivable, resulting in strange distortions of election results or threatening to make the country ungovernable in parts. It is obvious that religious issues are not the only determining factor here, just as it is obvious that religious issues are an important part of an unwelcome mix.

And that brings us to the **media**. I don't believe that the traditional media can be clearly distinguished from the general trend here, as if the problem lies in the online nature of social media, where the flood of hate and nasty comments is increasing. In fact, the condemnation of others is also increasing at an ever faster pace in the traditional media. Traditional media are also generally not a factor that reduces conflicts; on the contrary, they contribute to generalised negative images of all kinds of groups and identities worldwide and generally exacerbate intra-religious and inter-religious conflicts.

One example is the role of the international (including the German) media in dealing with a presumably mentally confused and isolated preacher in the USA who announced the burning of a Koran in 2010, a completely meaningless event in a world of 2.5 billion Muslims and Christians of all shades, had the media not reported on it in a huge campaign. They obviously wanted to finally see the Evangelicals or Christians in general in a culture war with the Muslims, so the ratings and clicks were certain. The fact that the danger of murder and manslaughter was actually accepted was of no interest. In the end, dozens of UN

employees actually died in Afghanistan, most of them neither Christians nor Muslims. The half-billion-strong worldwide Evangelical Alliance had long since loudly opposed the burning of the Koran (and incidentally also prevented it on the ground), while the Vatican addressed Muslims worldwide via Arabic television channels. In the end, no Korans were burned, but this was no longer reported. (The fact that Bibles and churches, sometimes even Christians, or Baha’i scriptures in Iran and Korans in India are constantly being burnt around the world at the same time is hardly worth reporting to any media organisation.)

In this way, the media certainly do not contribute to social peace between religions, but rather to emotional charging between groups, including and especially between religious groups, for the cheap effect of ratings, readership figures and clicks.

The media play a key role in determining whether religious tensions between major religions or towards religious minorities increase or decrease. This is because attacks against other religions often presuppose that misrepresentations or generalisations are maliciously spread beforehand and that people become accustomed to generalisations and lump the enormously differentiated and diversified world of Islam (or Christianity) all together and reduce it to manageable common denominators. Germany in particular should study the history of Jew-baiting that preceded the extermination of the Jews.

Anyone who calls the Yazidis “devil worshippers,” equates Evangelicals with violent fundamentalists (although three-quarters of the 600 million Evangelicals live in the Global South), calls all Catholic clergymen child molesters, portrays Muslims as entitled to “lie” to unbelievers,<sup>17</sup> shows images of 9/11 every time the word “Islam” is mentioned on television, or inserts a picture of Donald Trump when the word “Evangelicals” is mentioned is preparing religious groups to be “shot down” by constantly repeating generalisations and disinformation to turn readers and listeners against them.

Please do not misunderstand this as a demand to restrict the human right of freedom of expression and freedom of the press or as a denial of press diversity, as if all media always report the same thing. But the media, like every other social institution, must be ethically measured by the extent to which they contribute to peace and justice or the opposite. And the media are just as responsible for what they write and achieve and should be held just as accountable as everyone and everything else. If the media wrongly cause the bankruptcy of a company, they are liable for damages according to relevant court judgements. If they stir up discord, they should at least be held morally responsible.<sup>18</sup>

I would therefore like to see the media publish interviews, background reports and self-portrayals that convey the reality of life of religious and ideological

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<sup>17</sup> Cf. Schirmmacher, T. (2003). *Feindbild Islam*. VTR. <https://thomasschirmmacher.info/?p=11829>

<sup>18</sup> See Schirmmacher, T. (2020). “War of identities: You can’t fight discrimination and hate speech with discrimination and hate speech”. In: Schirmmacher, T., Klingberg, M., & Warnecke, M. (Eds.). *Jahrbuch Religionsfreiheit 2020*. VKW (pp. 13–16). <https://iirf.global/?p=1170>

groups in a vivid and sympathetic way so as to awaken understanding for others.

## 4. Indigenous peoples

What possibilities do you see to protect the rights of indigenous peoples more effectively? What concrete measures do you have in mind? (SPD)

**Preliminary remark:** I have met members of dozens of indigenous peoples on my travels over the last few decades, first in Indonesia in 1981 and most recently in Greenland, Papua New Guinea, New Zealand, Bangladesh, Nepal, Guatemala and Rwanda, among others. The incredible diversity of cultures is both enriching and confusing. Nothing helps us understand them better, and there is hardly any other way to learn from them than through personal encounters. And the complex legal and political problems can only be understood on the ground. I remember a long conversation with an Inuit on a fishing boat between icebergs in Greenland, where he explained to me why Greenland should become a separate state, although he admitted that this could not be financed and that he feared that without the Danish military he would be defenceless against the Chinese fishing fleets. He explained to me in detail the semi-autonomy of Greenland as it stands on paper and how he sees it in reality. All my previous reading suddenly seemed to have only scratched the surface.

### Recommendations for action are available

Our International Institute for Religious Freedom (IIRF), through our Director Prof. Dr Dennis P. Petri (Costa Rica), played a leading role on behalf of the US Commission for International Religious Freedom (USCIRF), which acts on behalf of both houses of the US Congress, in a comprehensive report on the legal situation of indigenous peoples in Latin America entitled *Religious Freedom For Indigenous Communities in Latin America*.<sup>19</sup> The report includes a comprehensive catalogue of measures, which assumes that all the legal framework conditions are already in place and that the only problem is implementation.

Interestingly, the report—like similar reports for other regions—sees criminal and mafia structures and their secret or open favouring by various governments as the most dangerous factor, not only because the tropical rainforest is being destroyed by these structures, but also because these structures often form the actual state at the local level and decide who has what power and therefore rights locally and who does not. The displacement of indigenous peoples from

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<sup>19</sup> USCIRF. (2023, June). Religious Freedom For Indigenous Communities in Latin America. *United States Commission on International Religious Freedom*. <https://uscirf.gov/publications/religious-freedom-indigenous-communities-latin-america> (zaa 13.4.2024); cf. his comments on indigenous peoples in Petri, D. P. (2022). *The Specific Vulnerability of Religious Minorities*. IIRF Religious Freedom Series 6. VKW. <https://iirf.global/?p=625>

their land by these structures also has devastating effects on the life of their traditions and spirituality related to land and to plant and animal life.

Most of the data in the report comes from the IIRF’s new Violence Incidents Database, which covers all major and minor religions and world views, both on the perpetrator and victim sides.<sup>20</sup>

Other very good recommendations for action are contained in Ahmed Shaheed’s last report as UN rapporteur<sup>21</sup> and the extensive annex of 3.BBWL.

Dr Petri used the example of Mexico to make it clear that the human rights of indigenous peoples in general, as well as religious freedom specifically, are severely affected by organised crime.<sup>22</sup> This applies to drug cartels as well as corrupt networks that make a living from cutting down the tropical rainforest or other typical habitats of indigenous peoples.

The International Work Group for Indigenous Affairs (IWGIA) sees the greatest danger for Indonesia’s 50 to 70 million indigenous people in criminal exploitation and corruption, which extends right up to the army and government circles.<sup>23</sup> This is also well known in Brazil.

Irrespective of this, I would like to make a low-cost proposal for action, which I find only hinted at in the multitude of recent documents and reports: research projects on the history of individual indigenous peoples in the context of colonial and missionary history, but also of the nation states of the Global South since their emergence. For it is the harrowing accounts of these histories that immediately awaken the desire in our society to take action against the violation of the human rights of indigenous peoples. Legal or principled representations achieve this for only a few people. People are shocked by well-founded reports of human rights violations and want to take action. Such research work does not require large expenditures but can have a far-reaching effect.

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<sup>20</sup> IIRF. (2024, January 16). The IIRF launches the Violent Incidents Database. *International Institute for Religious Freedom*. <https://iirf.global/?p=4404>; only in relation to Latin America: OLIRE. (n.d.). Violent Incidents Database. *Observatory of Religious Freedom in Latin America*. <https://olire.org/monitor/violent-incidents-database/>; see methodology OLIRE. (2020, March). Incident Reporting and Search Guide: Violations of the Right to Religious Freedom. *Observatory of Religious Freedom in Latin America*. <https://platformforsocialtransformation.org/download/religiousfreedom/Incident-Reporting-and-Search-Guide.pdf> (all zaa 13.4.2024)

<sup>21</sup> Shaheed, A. (2022, October 10). Interim report of the Special Rapporteur on freedom of religion or belief: Indigenous peoples and the right to freedom of religion or belief. *UN General Assembly*. <https://documents.un.org/doc/undoc/gen/n22/620/28/pdf/n2262028.pdf> (zaa 13.4.2024)

<sup>22</sup> Petri, D. P. (2024). Die Einflussnahme des organisierten Verbrechens auf die Religion: Eine Untersuchung eines wenig erforschten Phänomens anhand einer Fallstudie im Nordosten Mexikos. *IIRF Reports 2024/19*. <https://iirf.global/?p=4984>

<sup>23</sup> IWGIA. (n.d.). Indigenous peoples in Indonesia. *International Work Group for Indigenous Affairs*. <https://www.iwgia.org/en/indonesia.html> (zaa 13.4.2024)

## Collective human rights

The protection of the religious freedom of indigenous peoples entails to a large extent the transfer of the so-called third generation of human rights, which deal more with the rights of collectives, to the area of religious freedom. The central issue of land and property is the best-known example, the development of the third generation of human rights is still in full swing and anything but uncontroversial, and its transfer to ethnic entities is largely uncharted territory. The demand has currently given rise to intensive research into the state of affairs, from which the first tentative concrete proposals are developing state by state.

A clear distinction must be made here. Freedom of religion (FoRB) is first and foremost an individual right that can and must often also protect individuals against their own religious community. Since freedom of religion includes communal and public practice and propagation, it also applies to religious communities, but it usually requires organised forms of religion. To put it simply: in Germany, individuals or religious communities with a structure that enables legal representation can assert their rights. There is no protection of a religion or belief per se. And who or what would then be “Christianity” or “Islam” in view of the enormous range within both religions?

The protection of the religious freedom of indigenous peoples, on the other hand, is completely different, as it involves an immense range of numerically small religious communities, which tend to define themselves ethnically and are therefore protected in a different, albeit overlapping, way by the protection of indigenous minorities in addition to the protection of religious freedom. In 2019, for example, I visited the protected area around Uluru (Ayers Rock), Australia, the sacred mountain of the small Anangu people, who belong to the Aborigines, an early example of a successful redress of historical injustice against an indigenous people and their religious beliefs.

In my opinion, the 3rd BBRW does not make it clear enough that the protection of indigenous peoples—and thus also their religious beliefs and rites—goes hand in hand with the major challenge of creating ways in modern societies based on individual rights to regulate communal ownership of land, culture, history and rituals and to represent an individual indigenous group in a democratically legitimised manner. If such indigenous peoples lived in Germany, their individual protection would be very high, and almost all legal instruments would be lacking for everything else. An article in the *Harvard Law Review* recently listed the complicated issues that need to be clarified in the USA.<sup>24</sup> This should not stand in the way of progress, but it is a journey that has only just begun and poses many challenges. One difficulty is that the enormous plurality of largely unexplored religious beliefs (and languages) requires solutions for very small communities that sometimes no longer seem to fit the next community just 10 kilometres away.

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<sup>24</sup> Carpenter, K. A. (2021, April). Living The Sacred: Indigenous Peoples and Religious Freedom. *Harvard Law Review* 134(6), 2103–2156. <https://harvardlawreview.org/?p=7052> (zaa 13.4.2024)

In addition to legal issues, indigenous peoples in Germany would also encounter another problem: Not only do they know no “separation of church and state,” but also no separation of this world and the hereafter or of individualism and collectivism; they would certainly be condemned from the outside. Spirituality encompasses everything at the same time and is originally designed to ensure that the same geographic area is inhabited by people who all share the same world view.

It would be much easier (even though almost impossible) to settle an Amish settlement in Germany, where there is a common religious history, than an indigenous people. Of course, this will not happen, but one must recognise the challenge this poses for other states.

In my opinion, the Ontario Human Rights Commission of the Canadian province of Ontario has provided the best presentation of indigenous spirituality in a legal context in contrast to other issues of religious freedom.<sup>25</sup> Anyone who goes through the list in detail will realise how many unanswered questions there are and how far removed these questions are from the average German reality of life.

### **Indigenous peoples who have joined the majority religion**

Frank Schwabe has kindly contributed an article to our *Yearbook Religious Freedom 2022/2023* entitled “The spirituality of indigenous peoples: a new topic of religious freedom,” which summarises his concerns much more succinctly than a report like the 3rd BBRW can.<sup>26</sup> In the same yearbook, we have printed the section on indigenous peoples from the 3rd Ecumenical Report on Religious Freedom Worldwide (2023). I expressly welcome both.

Schwabe refers to the problem of Christian missionary activity, whereby Muslim missionary activity in countries such as Indonesia or Hindu missionary activity in India should also be mentioned. Fortunately, Schwabe refers to the voluntary commitment document “Christian Witness in a Multi-Religious World” (also 3.BBRW 11-12) adopted in 2011 by the Vatican, the World Council of Churches and the World Evangelical Alliance, which clearly rejects any coercion in missions and any violation of human rights of any kind through missions on the basis of its own religious convictions.

This is a good example: the result of this five-year intensive dialogue between all churches, in which I played a leading role from 2006–2011, which amounts to a self-commitment from the roots of one’s own religion, and its global

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<sup>25</sup> OHCR. (n.d.). Policy on preventing discrimination based on creed: 11. Indigenous spiritual practices. *Ontario Human Rights Commission*. <https://www.ohrc.on.ca/en/policy-preventing-discrimination-based-creed/11-indigenous-spiritual-practices> (zaa 13.4.2024)

<sup>26</sup> Schirmacher, T., Klingberg, M., & Warnecke, M. (Eds.). *Jahrbuch Religionsfreiheit 2022/23*. VKW. <https://doi.org/10.59484/JBNK6921> (zaa 13.4.2024)

propagation and implementation,<sup>27</sup> has probably achieved more for religious freedom than any campaign against church misconduct could ever achieve.

It should be noted that the religious freedom of indigenous peoples also applies when these peoples have partially abandoned their ancestral religion in favour of another religion, whether this happened many or a few generations ago or is happening now.

In Colombia, for example, there is currently a veritable wave of indigenous people converting to the Syrian Orthodox Church, which no one can really explain; it is often a case of Catholic syncretic movements converting in unison. The church itself cites the figure of 800,000 members who have converted; in 2013, the Syrian Orthodox Patriarch established official dioceses for this reason.<sup>28</sup>

In April 2018, I was in Bogota with the Patriarch of the Syrian Orthodox Church to discuss this strange phenomenon with the government, which changed shortly afterwards.<sup>29</sup> A similar development has been taking place in Guatemala for years,<sup>30</sup> which I also observed on site. In Guatemala, a significant proportion of the Maya have converted to Protestant churches, often in deliberate protest against their treatment by the Catholic majority culture. This has contributed to the fact that today the proportion of Catholics and non-Catholics is equal. More than half of the board of the Evangelical Alliance of Guatemala are members of the Mayan people. All of them, as I know from my own encounters, are proud Mayans, but they are divided on the question of whether they should fight against traditional Mayan religious customs or whether they should loudly protect them as part of religious freedom or as a means of preserving their own cultural history.

Colombia and Guatemala provide good examples demonstrations that the German government must establish a dialogue not only with the government

<sup>27</sup> World Council of Churches, Pontifical Council for Interreligious Dialogue, World Evangelical Alliance. (2011). *Christian Witness in a Multi-Religious World: Recommendations for Conduct*. WCC. <https://www.oikoumene.org/resources/documents/christian-witness-in-a-multi-religious-world> (zaa 13.4.2024)

<sup>28</sup> Nsilk. (2013, May 6). Syriac Orthodox Church Receives as Many as 800,000 New Converts in Central America. *Standing Conference of Oriental Orthodox Churches*. <https://web.archive.org/web/20130618065107/http://www.scooch.org/2013/05/syriac-orthodox-church-receives-as-many-as-800000-new-converts-in-central-america/> (zaa 13.4.2024)

<sup>29</sup> For literature see Hager, A. (2020). When Ephrem Meets the Maya: Defining and Adapting the Syriac Orthodox Tradition in Guatemala. *Hugoye: Journal of Syriac Studies* 23(2), 215–262. <https://web.archive.org/web/20251011153140/https://hugoye.bethmardutho.org/article/hv23n2hager#> (zaa 13.4.2024). Ephrem is the name of the Syrian patriarch; see also *Oriental Orthodoxy in Guatemala*. (2023, September 28). In *Wikipedia*. [https://en.wikipedia.org/w/index.php?title=Oriental\\_Orthodoxy\\_in\\_Guatemala&oldid=1177558933](https://en.wikipedia.org/w/index.php?title=Oriental_Orthodoxy_in_Guatemala&oldid=1177558933)

<sup>30</sup> Abba Seraphim. (2015, February). Orthodox Mission in the Twenty-First Century: Guatemala. *The Glastonbury Review* 126. <https://britishorthodox.org/glastonburyreview/issue-126-orthodox-mission-in-the-twenty-first-century-guatemala/> (zaa 13.4.2024)

and not only with indigenous peoples, but also with the churches of all denominations.

In the 2022 Canadian census, 47 % of the indigenous population stated that they were Christian, while 47 % stated “No religion, and secular perspectives.”<sup>31</sup> In Indonesia, almost all indigenous peoples have found refuge in Islam or Christianity, as the constitution has required them to belong to one of the authorised major religions for decades. A number of indigenous peoples have largely joined one of the major world religions in terms of their beliefs, while others continue to practise their own spirituality under the official umbrella, which has a long tradition in Indonesian Islam as part of so-called Javanese mysticism anyway.

The protection of the religious freedom of indigenous peoples as a whole is therefore a broader issue than the protection of traditional indigenous religions and religious rites.

In this respect, the leap from the number of 476 million members of indigenous peoples to indigenous spirituality is too simple. The majority of indigenous people officially belong to the two major world religions. Some of the various hybrid forms, especially of Christianity with indigenous spirituality, are generations old and, despite all the justified horror in view of the colonial and missionary history in relation to indigenous peoples over the last 500 years, these versions of practised religiosity are also protected by religious freedom. Incidentally, new hybrids between indigenous spirituality and Christianity or, more rarely, other world religions are also constantly emerging, on a completely voluntary basis and developed by indigenous people themselves.

Here, I also see a great need to catch up in promoting the rights of indigenous peoples. I see opportunities within the respective countries only if the members of indigenous peoples who have joined the majority religion of the respective country can be won over not only to the fight for the rights of indigenous peoples, but also for the protection of the indigenous peoples’ traditional religious beliefs, so that they can also win over the non-indigenous members of the majority religion. On the other hand, those who continuously blame the indigenous people who have joined the majority religion from outside are unlikely to bring about much change in the countries.

In West New Guinea, the Indonesian part of New Guinea, roughly half of the inhabitants are Muslim immigrants from Indonesia who live in the coastal regions, and the other half are Christian indigenous Papuans, one-third Catholic and two-thirds Protestant, who live in the tropical rainforest, which is increasingly being cut down. Small groups practising traditional indigenous spiritualities have survived in scattered form, while many beliefs and rites have survived syncretised within the churches. The struggle for the life and death of the indigenous population is almost exclusively supported by the churches worldwide as a human rights struggle, while indigenous spirituality, which is illegal in Indonesia regardless of any major religion, is almost never recognised. And if it

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<sup>31</sup> Statistics Canada. (2022, October 26). Religion by Indigenous identity: Canada, provinces and territories. *Government of Canada*. <https://iirf.global/?p=6884> (zaa 13.4.2024)

is not possible to defend the freedom of Christians, this will certainly not be possible for indigenous spirituality.

In Papua, the indigenous peoples are largely among themselves and 94 % of them belong to the entire spectrum of Christian churches. In 2019, the self-confessed Adventist James Marape became the first indigenous prime minister, for which I personally congratulated him, as well as for effectively fighting corruption for the first time in the country's history.

He was re-elected unopposed by parliament in 2022. Religious freedom is widely acknowledged in Papua New Guinea, which also benefits indigenous spirituality. Specific threats, such as murders for alleged witchcraft or sorcery, as well as widespread violence between ethnic groups that claim the same space, can affect members of all groups.

## Languages of the indigenous peoples

The irony of history has meant that the languages of many indigenous peoples—including especially the spiritual side of these languages—have survived through missionary organisations in the field of Bible translation. It is no coincidence that SIL's "Ethnologue"<sup>32</sup> has been the academic place where almost all indigenous languages and peoples have been recorded for many decades. SIL is therefore also one of the most vehement supporters<sup>33</sup> of the International Decade of Indigenous Languages 2022–2032 proclaimed by the United Nations and has translated the Universal Declaration of Human Rights and other relevant documents into many indigenous languages.

This also goes hand in hand with the dominance of a few languages in science and business. Only those who are proficient in one of a few world languages have a chance of getting a lucrative university place or a job in business. Around half of the approximately 6,000 languages worldwide are threatened with extinction, about which UNESCO keeps a detailed list,<sup>34</sup> including around 30 with more than one million speakers, such as Quechua in southern Bolivia (3 million) or Quechua in Cusco/Cuzco, Peru (1.1 million), where I found out about the situation on site, which was exciting as I had already written a paper about it decades ago as part of my ethnology degree.

The situation of individual languages varies in severity, of course, but there are undoubtedly many cases where a minority language is deliberately suppressed by an active language policy in favour of the main language of the country. In the Indonesian province of Irian Jaya (West New Guinea, West Papua), many tribal languages, spoken by members of indigenous peoples (followers of ethnic religions or the Christian faith) die out through the exclusive promotion of

<sup>32</sup> First printed in 1951, last printed in 2020–2023, currently updated at <https://www.ethnologue.com>

<sup>33</sup> Kenmogne, M. (n.d.). International Decade of Indigenous Languages 2022–2032. *SIL*. <https://www.sil.org/idil> (zaa 13.4.2024)

<sup>34</sup> Unfortunately, the UNESCO Atlas of Languages in Danger is not up to date: Moseley, C. (2011). *Atlas of the World's Languages in Danger. Memory of Peoples*. 3rd ed. UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000192416>

Indonesian, which is spoken by the forcibly resettled Muslim Javanese and Indonesians (Indonesian ‘transmigrasi’), who now make up almost half of the population and live in the dominant cities. In many cases, the state’s refusal to allow the use of a language in the education system means endless suffering and discrimination against all those who do not fully adapt to the main language.

## **The plundering of the tropical rainforests**

If we take the number of (often small) ethnic groups rather than the number of people affected as a yardstick, the main cause of the displacement of peoples is the plundering and destruction of the tropical rainforests, which cover around 10 million square kilometres on both sides of the equator. This affects South America, above all the Amazon region encompassing Brazil, Bolivia, Peru, Ecuador and Colombia; Africa, especially the countries bordering the Congo Basin; and Asia, particularly Indonesia and its neighbouring countries in South-East Asia.

These tropical rainforests are home to most of the approximately 4,000 indigenous peoples. Far more than half of these indigenous peoples live in tropical rainforests, and the loss of their territories always means the loss of their livelihoods and thus the complete end of their way of life and their communal life, and then later often the end of their physical existence for those who are then dispersed.

Today, an average of over 415 square kilometres of tropical rainforest are cleared every day. That is an area larger than Munich. It is all about luxury timber for export or timber in general, land reclamation for the cultivation of cash crops such as soya, coffee, sugar cane, cocoa, palm oil or oranges, infrastructure projects and reservoirs, and the development of mineral resources such as copper, nickel, manganese, gold or iron ore. The clearing of the rainforest has often been illegal for a long time, but is protected by huge flows of corruption right up to the highest offices.

In New Guinea alone (divided between Papua New Guinea and Indonesia), 1,020 such ethnic groups are under threat in the tropical rainforests. In Papua Indonesia, the Indonesian part, the number has already declined by hundreds of peoples, and it is currently estimated that 250 indigenous peoples remain, many of whom have already been severely decimated. Almost 800 indigenous peoples still live in Papua New Guinea, because until recently the country’s independence and strong Christianisation had a protective function there, but recently the deforestation of the tropical rainforests has also accelerated alarmingly and is threatening the indigenous peoples.

In Brazil, there are only 200 indigenous peoples left in the Amazon, but the number is poorly researched and difficult to determine, as is the case for the other countries bordering the Amazon. What is certain is that the entire Amazon rainforest is home to the largest number of so-called uncontacted peoples, who are known from the air but have never had contact with other peoples.

Papua Indonesia is also an apt example of how various ecological, social and economic causes intertwine in the displacement of ethnic groups. Since 1969, the so-called *transmigrasi* was intended to solve the problem of Java's overpopulation through the forced resettlement of Javanese to Indonesian outer islands. The takeover of the former colony of Dutch New Guinea in 1969, which was bought through corruption with the approval of the UN, came at just the right time. The Javanese, who received massive financial support, were Muslims and now largely live in newly built cities. They encountered small, often independent Melanesian ethnic groups that were predominantly Christian or at least Christianised, but some also belonged to the original ethnic religions. The military alone abducted or killed 100,000 Melanesians and made the region the world's largest supplier of the valuable tropical timber *merbau* through illegal logging.

Armed conflicts broke out in the Moluccas, Sulawesi and Papua New Guinea (formerly Irian Jaya), with the military standing firm on the side of the immigrants. So there was a linguistic conquest, a religious conquest, an economic conquest, a military conquest, an urban-rural conquest and an ecological conquest with devastating consequences, but many of the conquerors were themselves victims of misguided policies. In addition, many of the resettled people became impoverished because the cleared areas of tropical rainforest were poor in nutrients and could not be cultivated using the methods familiar from Java. Many returned to Java unauthorised and heavily indebted. At the same time, logging was the main source of income for the corrupt ruling families and the military, which directly owned many of the industrial conglomerates. Since Indonesia became a democracy again, this corruption is the main reason why little has changed over 3,000 kilometres from the capital.

The whole thing also affects us in Germany directly, not only in terms of the impact on the global climate, but also very directly, as the example of merbau wood from West Papua shows, because all of us have probably walked across wooden floors with wood from West Papua. Alongside China and Japan, the USA and the EU are among the largest buyers of illegally felled merbau trees, which practically never have FSC certification, even in Germany. Most of the extraordinarily hard merbau wood imported to Germany is used for flooring. Unfortunately, the last study on the import of merbau into the EU dates back to 2006.

### **On the third generation of human rights**

The "third generation" of human rights is quite new and still controversial at present. It does not include individual rights, but collective rights of peoples and is primarily a demand of the countries of the Global South. Here, rich countries in particular should guarantee poorer countries the protection of the environment and peace, a fair share of nature and culture and the facilitation of development. This "right to development" is the most important, but also still the most controversial right of the third generation.

As early as 1981, the Banjul Charter, the African Union’s Charter of Human Rights, placed “human rights” on an equal footing with the “rights of peoples.” In his speech to the UN in 1993, Pope John Paul II called the rights of nations “the human rights cultivated at this level of community life.” He mentioned, for example, the right to one’s own language and culture. The Council of Europe issued a “European Charter for Regional and Minority Languages” in 1992 and a “Framework Convention for the Protection of National Minorities” in 1994.

Unfortunately, no real consensus has yet been reached worldwide on the relationship between the three generations of human rights, and thus on the relationship between individual and collective rights, and in many countries there is still controversy between the political parties, even though everyone knows that only the protection of all these rights can guarantee real freedom.

Three things seem important to me:

1. Since human beings are social beings, human rights can be comprehensively enforced only if the rights of individuals and collectives of all kinds are simultaneously taken into account.
2. But if these collectives act as actors, it must again be ensured that their representatives are democratically legitimised and not the loudest, the closest to the media, even the armed or an autocrat claiming to speak for “his” people.
3. When push comes to shove, individual human rights must always take precedence over collective human rights. In the end, the protection of collectives must also serve the freedom of their members.

If, for example, a religious community tortures someone, the state must intervene, even if this is seen by the community as an interference in the collective religious community. If parents abuse their child, the state must intervene, even though marriage and family are actually protected by the state.

Conversely, collectives must not force young people to belong to them. A language group fighting for its survival must not use force to compel a young person to continue speaking their mother tongue or to give up the compulsory language that will enable them to have a professional future.

The IIRF has not only made friends when it did good research and, as part of its commitment to the religious freedom of indigenous peoples, nevertheless pointed out that the problem of individual religious freedom (and human rights) vis-à-vis religious coercion from one’s own religious community also exists within indigenous peoples, where the exclusion of members from the community often means their exclusion from local social life and thus social death.<sup>35</sup> The UN rapporteur Ahmed Shaheed has similarly drawn attention to violations

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<sup>35</sup> In the report USCIRF. (2023, June). Religious Freedom For Indigenous Communities in Latin America. *United States Commission on International Religious Freedom*. <https://uscirf.gov/publications/religious-freedom-indigenous-communities-latin-america> and using the example of Nasa in Colombia: Petri, D. P. Challenges to individual religious freedom in the Indigenous communities of Latin America. *IJRF* 16 (2023), 117–139. <https://doi.org/10.59484/DMVP2918>

of sexual self-determination rights within indigenous peoples<sup>36</sup> (Nos. 50 and 52). There is simply no group of people in this world to whom human rights violations are automatically alien; oppression of women and sexual abuse—unfortunately—take place everywhere, especially in seemingly untouchable authority structures from the family to global institutions, and must be combatted everywhere, no matter how honourable the perpetrators appear.

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<sup>36</sup> Petri, D. P. (2024). Die Einflussnahme des organisierten Verbrechens auf die Religion: Eine Untersuchung eines wenig erforschten Phänomens anhand einer Fallstudie im Nordosten Mexikos. *IIRF Reports* 2024/19. <https://iirf.global/?p=4984>

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