

IIRF Reports

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Institut International pour la Liberté Religieuse



Janet Epp Buckingham

Why and how to protect religious freedom

*A report on the International
Consultation on Religious Freedom*

Bonn – Cape Town – Colombo

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research projects, reprints and documentation**

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Table of Contents

Theology	5
Geography	5
Legal perspectives	5
Specific Threats	6
Effective approaches	7
Domestic advocacy	7
Countries with a priority on religious freedom	8
International advocacy	9
Conclusions	9



The participants of the International Consultation on Religious Freedom.

The International Consultation on Religious Freedom Research in Istanbul in March, 2013 brought together a wide variety of academics and activists who are concerned about religious persecution. The participants recognized the value in bringing together a diverse array of specialists as we usually only interact with those who deal with issues from a similar discipline. By the end of the consultation, it became clear that advocacy for those who are persecuted for their faith requires the contribution of all these disciplines.

The primary groups of experts who presented at the consultation include lawyers, theologians and geographers. Some are academics while others work for non-governmental organizations (NGOs) that advocate for the human rights of religious minorities. Participants from Sri Lanka, India, Turkey, Nigeria, South Africa, Germany, England, Canada, the USA and Brazil presented their research. In all, some forty experts participated, requiring that part of the day was spent in groups, rather than everyone giving plenary papers. It was a rich environment with many participants collaborating on future research initiatives as an outcome of the consultation.

Theology

It is not surprising to find theologians addressing the biblical perspectives of persecution. Jesus and the early church were persecuted to the point of death. Jesus, Paul and Peter all speak to the reality and expectation of persecution. In the book of Revelation, it is clear that persecution is a necessary part of God's plan. One of the responses to persecution should be the unity of the Church. In order to achieve this unity, evangelical Christians should re-examine some of the ethical theories that we apply, including the Reformation "Two Kingdoms" theory. There is a critical need for further theological reflection relating to persecution, particularly in the area of "self-help" for those who are currently being persecuted.

One positive step forward in bringing unity in the Church is the joint World Evangelical Alliance, Vatican and World Council of Churches document "Christian Witness in a Multi-Religious World." However, the value in having this document is not at the highest levels of church hierarchy, but rather that it be communicated "on the ground," encouraging various parts of the body of Christ to apply it in their own contexts.

Geography

Two areas of geography are pertinent to issues of religious persecution. The first is demographics. Todd Johnson gave an excellent paper highlighting the importance of the *Atlas of Global Christianity*. This atlas provides an historical perspective on global trends in religious demographics. Johnson highlighted regions where conversions, immigration and emigration might influence patterns of persecution.

A second area of geography, conflict geography, is fairly new but of immense value to understanding religious persecution. Geographers are now tracking where and why conflict is taking place with particular emphasis on the geographical influences. Rainer Rothfuss examined the case studies of Cyprus, South Sudan and Timor Leste to determine when forming new states is a positive response to intractable conflict.

Several surveys have been developed to attempt to quantify levels of persecution. The World Watch List, developed by Open Doors, identifies five spheres of religious life, including private life, family life, community life, church life and national life. Violence or threats in any of these areas can be a harbinger of persecution. If several areas are affected, the country is identified as having greater levels of persecution. The survey also identifies persecution engines against Christianity. The World Watch List both identifies areas of greatest persecution and also areas where there is significant change. Christian Solidarity Worldwide has also been working on a methodology for an early warning system relating to religious persecution. This is not yet well developed but could provide valuable for early intervention to prevent or minimize persecution.

Legal perspectives

It should not come as any surprise that lawyers and human rights experts are very active in addressing religious freedom. Legal experts gave papers addressing specific issues of religious persecution in several countries and regions. Several also addressed how religious minorities could be protected through domestic legislation and enforcement. A third important issue is how the international human rights systems can be utilized more effectively to protect religious minorities.

Lawyers approach issues of conflict through the lens of legal institutions and structures. Several lawyers gave legal analyses of current situations in Nigeria, Sri Lanka, Brazil, and Europe. What is remarkable

is the similarity of triggers for religious marginalization and persecution. In many non-Western countries, Christians are accused of being influenced by foreigners, largely because they sing Western music and read Western theologians. Many churches in these countries are not yet sufficiently mature to have developed indigenous religious music and theology.

Several legal experts spoke to particular issues with global reach that impact on religious freedom. Both anti-conversion laws and blasphemy laws have imposed significant restrictions on religion and religious expression. Anti-conversion laws can be used to restrict Christian outreach. Blasphemy laws are routinely misused to harass Christians. Anti-terrorism laws in various countries can also have an impact on believers.

Lawyers working in the international sphere discussed a variety of possible approaches for advocacy for the persecuted. Daniel Ottenberg, of Open Doors, gave a very helpful historical perspective on the development of freedom of religion as a human right with special protection. He then discussed the regional human rights systems. The European Court of Human Rights is a “lighthouse” and has set the standard for national protection for religious freedom. The Inter-American Court and the African Court of Human Rights have both had challenges in addressing religious freedom.

The United Nations should be a place where religious persecution is addressed but there are limitations with the Human Rights Council. While Christians can make use of UN mechanisms, particularly the UN Special Rapporteur on the Right to Freedom of Religion or Belief, they must be aware of the particular human rights approach and use appropriate definitions and criteria.

Could religious persecution be considered a “crime against humanity” and taken to the International Criminal Court? This is a possibility that was explored by several speakers but it depends very much on the particular issues and background of the persecution. It is possible, but difficult, to provide sufficient evidence to the Court that it would take up the issue. There is indicia that Christians in northern Nigeria are currently facing genocide but there appears to be little international interest in addressing this.

Specific Threats

Conference speakers addressed some specific challenges to religious freedom. One of these issues is that of a dominant religion and how religious minorities

are marginalized. There are many examples of this around the world, including Buddhists in Sri Lanka, Hindus in India and Muslims in Arab countries. My paper addressed how the historical example of the Christian majority which persecuted Jehovah’s Witnesses in Canada up through the Second World War. Dominant religions tend to ensure that public policy reflects their religious practices. Unfortunately, they also silence those who oppose them or who appear to convert adherents to a rival religion.

The specific example of Muslim-majority countries was addressed by several speakers. While there is no one “Islamic” law or theology, various countries have a dominant Muslim religion; that is, one of the schools of Islam is dominant in that country. Those who deviate from this school, or are critical of that approach - be they intellectuals, moderates, or of another faith - face prejudice, persecution and even death. Converts from Islam, considered apostates, face the death penalty in some countries. Turkey, for example, is 98% Muslim so ethnic Turks who embrace Christianity face a high level of prejudice.

In the states that have Islam as the dominant religion, 300 million Christians live. The Organisation of Islamic Cooperation (OIC), which is active at the UN, is concerned with the treatment of Muslims outside the OIC states. However, it does not address issues within the member states. What global organization is concerned with the Christians that live in the OIC member states?

Radical secularism is a significant force working to marginalize religion. Many Western countries have adopted secularism, which was supposed to be neutral towards religion. Instead, public institutions espouse secularism in the manner of a rival religion. One example of this is irreligious proselytism in education, religion is either excluded in the curriculum or it is ridiculed. There are positive economic impacts from religion, however, that a radical secular state loses when it marginalises or excludes religion.

Another paper addressed the sexual radicalism agenda and the impact on religious freedom. Religions usually impose restrictions on sexuality and sexual expression, but the sexual radicalism agenda denounces any form of restriction. Religions are seen as one of the major barriers to this agenda. The arguments for sexual radicalism are often made as equality or non-discrimination arguments. In the name of equality, religious communities can be undermined. Religious adherents must learn to develop arguments to counter these equality claims. One possibility is the concept

of “deep diversity”: that society must accept a diverse array of institutions, including religious, in order to protect human rights.

Effective approaches

There is much room to develop more effective advocacy for religious freedom, both nationally and internationally. This consultation was an important step in dialogue and collaboration. The Religious Liberty Partnership, which held its meeting following the consultation, is another important step. As noted above, unity in the Church is an important aspect of developing stronger protection for religious freedom.

The input of theology, demographics, statistics, storytelling, and law in this process is extremely valuable. These are all necessary both for building unity in the Church and presenting the case for religious freedom to public policy makers.

We look to our theologians to guide us as to how to act if we are persecuted and the limits of our advocacy on behalf of those who are persecuted. For example, Jesus says there will be persecution (Matt. 5:11-12), and that we are to love our enemies and pray for those who persecute us (Matt. 5:44). This gives some specific guidance to those who are persecuted. In the Old Testament, God instructs his people to care for the vulnerable, including the oppressed who are imprisoned (Ps. 146:7). Paul asks us to remember his chains (Col. 4:18). Hebrews 13:3 instructs “Remember the **prisoners** as if chained with them—those who are mistreated—since you yourselves are in the body also.” These verses give us specific instruction as to how to act towards those who are persecuted.

We can also look to “best practices” and learn from the successes of others. One such example is that of South Africa. For several years, religious leaders in South Africa laboured to develop a South African Charter of Religious Rights and Freedoms. In 2010, this Charter was endorsed by all the major religions in South Africa. There are currently efforts to have the Charter accepted by Parliament. While the South African Constitution guarantees religious freedom, having this Charter will allow all religions to promote religious freedom in a positive way within their communities and in society in general. This initiative by religious leaders and communities is a good example for others to follow.

Where there are political and legal approaches that can benefit fellow Christians who are oppressed, the doors are open for effective advocacy. While the

Church must always be mindful of the impact on the spread of the gospel, many governments and many at the UN are open to hearing about abuses of human rights and taking action. Some of the most effective advocacy may involve both domestic and international advocacy; they can reinforce each other.

Domestic advocacy

Domestic advocacy can take two forms: advocacy for religious minorities within the country and advocacy for those who are persecuted in other countries. The first step is to determine what constitutional and legal protection is available for religious freedom.

Looking first at advocating for religious freedom within a country, the success of this depends on the level of commitment to protecting human rights. Many countries, even those with seemingly oppressive human rights records, have constitutional protection for religious freedom. Despite non-compliance with the constitutional protection, it is something to be able to call the government to. If a country has signed on to international human rights conventions like the International Covenant on Civil and Political Rights, again, it is something to call the government to. In Western countries, most constitutions have protection for religious freedom that governments take seriously and will be enforced by the courts.

Once an advocate has determined what legal protection is available, the next step is to research the particular situation of religious persecution, or marginalisation, on which to focus. Any approach to government officials must include detailed research material. This includes documented stories and reliable statistics. It is helpful to have an executive summary as many officials are busy and do not have time to read the detailed material. Finally, any visit to a government office must include an “ask”. What do you want the official to do?

Finally, it is important to know who is responsible for what in your government. Sometimes, it is better to meet with politicians because they set the overall policy. Other times, it is better to meet with an official in the bureaucracy because the policy is in place, you are asking that it be implemented. I have experience advocating on behalf of persecuted Christians to both politicians and to the Canadian foreign service. There were times that I would be advised that a letter to a particular official would speed things along.

If one is advocating for those who are persecuted in other countries, the usual approach is to either the Minister responsible for foreign affairs, or foreign

service officers. They are called different things in different countries but they have similar functions; namely, advising the government on issues in other countries. It is most valuable to advocate for those in countries where your government has a strong working relationship. For example, the United Kingdom has strong relationships with Commonwealth countries. Look for relationships based on trade, aid or history.

There are two ways that international cooperation can assist with advocacy. At times, it is helpful to get documentation from a country where there is persecution. Going to a government official with fresh information from the field is very valuable. Many times, a government does not have access to information that religious communities share with one another. In other circumstances, international pressure can help national advocates who are approaching their government like Esther, afraid that they might be arrested for even approaching a government official. Letters and emails from advocates in other countries can let a persecuting country know that others are watching.

Countries with a priority on religious freedom

Several countries have made the issue of religious freedom a high priority in their international human rights agenda. Those who live in Canada, Germany, Italy, Norway, the United Kingdom, or the USA have governments that are particularly open to advocacy on behalf of those persecuted for their faith.

The USA was the first country to establish a specific government agency to monitor and respond to violations of religious liberty. In 1998, the US government passed the International Religious Freedom Act, which strongly affirms religious liberty as a core principle of US foreign policy. The Act established the Office of International Religious Freedom in the State Department and the US Commission on International Religious Freedom (USCIRF). The Office advises the President and the Secretary of State on international religious freedom issues. It is headed by an Ambassador at Large, who also serves as diplomatic representative in cases of religious freedom. USCIRF, comprised of 10 appointed commissioners, advises the President and Congress on issues of religious freedom. USCIRF names “countries of particular concern,” which can result in withdrawal of development assistance, restriction of trading relationship or even trade sanctions. USCIRF has a mandate to consult with NGOs so this is a place that will welcome advocacy on behalf of those persecuted for their faith.

Also in 1998, the Norwegian Ministry of Foreign Affairs convened a meeting on international religious freedom to commemorate the 50th anniversary of the UN Declaration on Human Rights. The Oslo Coalition on Freedom of Religion or Belief was formed by the participants at that meeting. It is under the Norwegian Centre for Human Rights at the University of Oslo Faculty of Law. The Norwegian Ministry of Foreign Affairs funds the secretariat for the Oslo Coalition. The Oslo Coalition works on a partnership basis with other organisations to build capacity to work for religious freedom, and in cooperation with the UN system. The Oslo Coalition is a good organisation to assist with capacity-building projects.

The United Kingdom Foreign and Commonwealth Office (FCO) appears to have a particular focus on religious freedom. They developed a “Freedom of religion or belief toolkit,” which is posted on their website for use by foreign service officers. It appears to be fairly recent as it cites 2008 legal cases. The web page introducing the toolkit states, “Promoting the right to freedom of religion or belief is important to achieving the UK’s strategic objectives, especially in preventing and resolving conflict.” Advocates in the UK can reference this in their advocacy to their own government on international religious freedom.

The German Bundestag passed a resolution in 2010 establishing religious freedom as a human rights priority. This is something German advocates on religious freedom can reference in their advocacy.

The Italian government passed legislation in January 2011 to establish an Observatory on Religious Freedom to monitor religious freedom. The Italian Minister of Foreign Affairs has strongly encouraged the European Union to make religious freedom a higher profile in human rights. One result has been the creation of a European Union task force with specific instruments that include a rapid alert mechanism. This means that there are new mechanisms both in Italy and at the EU for advocacy on religious freedom.

Finally, in February 2013, the Canadian government established the Office of Religious Freedom with an Ambassador giving leadership to the Office. The mandate of the office is to protect and advocate for religious minorities; oppose religious hatred and intolerance; and promote Canadian values of pluralism and tolerance abroad. The Office also provides funding to projects that promote these objects. This Office will provide a point of contact for advocates seeking to inform the Canadian government about issues of religious persecution.

International advocacy

Advocacy at the international level can work to enhance domestic advocacy. Most people agree that the UN system is not strong in protecting human rights. There was great hope in 2006 when the UN General Assembly replaced the previous Commission on Human Rights with the Human Rights Council. The Commission had been widely criticised for allowing countries with poor human rights records to be members. However, the Council has similarly had countries with poor human rights records as members. There is opportunity for NGOs to make short statements at meetings of the Council, allowing some “naming and shaming” of countries for human rights violations, including religious persecution.

Of particular interest to religious freedom advocates, the March session of the Human Rights Council includes the topic “freedom of religion or belief.” There is usually a parallel session on the issue during this session. The Council has a Special Rapporteur on Freedom of Religion or Belief, currently Heiner Bielefeldt, who reports annually on his work at the March session.

There are opportunities for advocacy to the Special Rapporteur directly. It is possible to contact the Special Rapporteur to report on issues of religious persecution. He cannot make an official visit to any country without an invitation and the cooperation of the host country. But the Special Rapporteur can take note of a situation in a country and include it in his annual report even if the country will not invite him. This can be a valuable way to highlight a particular issue.

A third opportunity for advocacy is the mechanism of Universal Periodic Review (UPR). The Council reviews the human rights situation in every member country of the United Nations once every three years. The upcoming countries are listed on the UN website. Anyone can submit a written report relating to the UPR and the country may respond to allegations in their written report. It is intended to treat all countries equally by submitting every country to the same mechanism. Christians have taken advantage of this to report on religious freedom violations in various countries.

Numerous Christian organizations have a presence at the Council meetings in Geneva. The World Council of Churches has their head office in Geneva so can have a presence on an on-going basis. They are not known for advocacy on religious persecution, however. The Becket Fund and Human Rights Without Frontiers regularly speak at the UN Human Rights

Council. The World Evangelical Alliance Religious Liberty Commission often has a presence at the Council and issues an annual report on religious freedom. There are opportunities for collaboration in making joint statements and in hosting parallel events to highlight religious persecution.

Member states all attend meetings of the Human Rights Council. They have missions in Geneva. The Canadian government hosts weekly briefing meetings for NGOs at the Canadian Mission to the UN in Geneva when the Council is in session. Other governments may do this as well. Presence at these meetings is reported back to Canada, which means that advocates who attend a meeting in Geneva have more credibility in their advocacy back in Canada. There is a self-reinforcing cycle of advocacy prior to a meeting of the Council, presence at the Council and follow up after the Council. This is clearly time consuming but valuable for highlighting issues of religious persecution.

Conclusions

At the end of the consultation, it was clear that it is valuable to share information and approaches. It is valuable to meet one another and collaborate. But it must be towards an end. The goal is to move forward on religious freedom internationally. Knowing that Christians in other countries are facing similar issues, that there are positive examples we can build on, that some countries and regions are making religious freedom a high priority all encourage Christians to take action on advocacy for those who are persecuted for their faith.

For advocacy to be effective, it is necessary to have the theological focus, the fact-finding and reliable stories and statistics and the legal knowledge. There is much to be done within states, at the regional level and in the UN system to enhance religious freedom and particularly to protect persecuted religious minorities. Advocacy is stronger when there is collaboration among advocates and among governments. It is helpful to have particular countries that have made religious freedom a priority issue and we look forward to seeing better collaboration among these countries in the UN system.

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