

# Freedom of Religion or Belief

## – A Toolkit for Parliamentarians

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## Introduction

Freedom of Religion, Belief or Conscience is a vital, but sadly often neglected, human right enshrined in Article 18 of the [Universal Declaration of Human Rights](#) (UDHR) and the [International Covenant on Civil and Political Rights](#). According to the latest Pew Research, over 75% of the world's population live with high or very high restrictions on the right to Freedom of Religion or Belief (hereafter FoRB).<sup>1</sup>

This is an untenable situation. The free practice of FoRB directly contributes to respect for plurality, democracy, development, rule of law, peace and stability. Violations can exacerbate intolerance and violence towards religious minorities and are often an early indicator of potential conflict. FoRB is therefore a vital component for any free, democratic and flourishing society. A Study by Grimm in 2014 examined economic growth in 173 countries and considered 24 different factors that could impact economic growth. He found that 'religious freedom contributes to better economic and business outcomes and that advances in religious freedom... [contribute] to successful and sustainable enterprises that benefit societies and individuals.'<sup>2</sup> High levels of religious conflict create unstable environments that drive away young entrepreneurs, disrupt economic sectors and deter investment.

FoRB has a crucial role in countering violent extremism and inter-religious tension. Four out of six Commonwealth states with high or very high levels of government restrictions on Freedom of Religion or Belief have high or very high levels of social hostility between religions. Government restrictions tend to increase underlying grievances, increase tensions between belief groups, and create a narrative in which minority religions are perceived as a threat and the 'other.'

These social hostilities help create violent divisions within society in which either majority religions believe they need to drive out the minority or minority religious groups feel isolated and persecuted and turn to violence to assert their rights and position. Seven out of ten of Commonwealth states with high or very high levels of social hostility towards religious groups, including the United Kingdom, are in the top 20% of the Global Terrorism Index. Six out of ten of Commonwealth states with high or very high levels of social hostility towards religious groups are in the bottom 35% of the Global Peace Index.

Violations of FoRB are also a barrier to education. The Commonwealth Heads of Government committed in the 2018 Communique to provide the opportunity for at least 12 years of quality education and learning for girls and boys by 2030.<sup>3</sup> Goal 4 of the UN Sustainable Development Goals also stipulates the need to provide all boys and girls 'complete free, equitable and quality primary and secondary education'<sup>4</sup>. Education is a multiplier right and denial perpetuates cycles of exclusion and marginalisation. According to the Minority Rights Group International the majority of

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<sup>1</sup> Pew Research Centre 'Global Uptick in Government Restrictions on Religion in 2016'  
<http://assets.pewresearch.org/wp-content/uploads/sites/11/2018/06/19155938/Restrictions-IX-FULL-REPORT-WITH-APPENDIXES.pdf>

<sup>2</sup> Grim, B., 'Is Religious Freedom Good for Business', *Interdisciplinary Journal of Research on Religion*, (Vol.10, Art. 4: 2014)

<sup>3</sup> The Commonwealth, 'Commonwealth Heads of Government Meeting Communique', p. 8  
<https://www.chogm2018.org.uk/sites/default/files/CHOGM%202018%20Communique.pdf>

<sup>4</sup> The UN, 'Sustainable Development Goals' <https://www.un.org/sustainabledevelopment/education/>

children who are out of school worldwide belong to minority and indigenous groups. Many minority religious groups face barriers to education. For example, according to the Movement for Solidarity and Peace<sup>5</sup> and the Aurat Foundation<sup>6</sup> around 1,000 young Christian and Hindu girls are kidnapped, raped and forcibly converted every year in Pakistan. This has led to many Christian and Hindu families being too afraid to send their young girls to school, as they fear that they will be kidnapped.

Parliamentarians have a vital role to play in enhancing FoRB. Parliamentarians have a duty to hold their respective executive's to account in fulfilling their pledges to protect the human right of their citizens to FoRB. Parliamentarians are the voice of the people that they represent and, therefore, should speak on behalf of the diverse range of beliefs in the world. As leaders within communities they have an opportunity and a duty to promote religious tolerance and freedom within their respective communities and legislators.

This toolkit provides information and advice to help parliamentarians to turn the tide of repression and become actively involved in promoting the right to FoRB. Given the competing and multiple demands placed on parliamentarians, this toolkit is designed as a user-friendly tool to give examples that parliamentarians can use flexibly.

In this publication you will find:

- A brief guide to FoRB;
- Recommendations for parliamentary activity utilising constituency and legislative roles; and
- Examples of existing parliamentary work in this field.

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<sup>5</sup> Movement for Solidarity and Peace, 'Forced Marriages and Forced Conversions'  
[http://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP\\_Report -  
\\_Forced Marriages and Conversions of Christian Women in Pakistan.pdf?1396724215](http://d3n8a8pro7vhm.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215)

<sup>6</sup> Aurat Foundation, 'Forced Marriages and Inheritance Deprivation in Pakistan'  
<https://aleteiaen.files.wordpress.com/2015/07/1416847483.pdf>

## A Brief FoRB Guide

Freedom of thought, conscience, religion or belief is contained in Article 18 of the Universal Declaration of Human Rights<sup>7</sup> and is guaranteed under international law within Article 18 of the International Covenant on Civil and Political Rights (ICCPR).<sup>8</sup> The Office of the High Commissioner for Human Rights issued General Comment no. 22 on the right to FoRB in 1993. This has been vital in outlining the content of FoRB.<sup>9</sup>

FoRB is far-reaching and profound. As with all human rights, FoRB belongs to individuals, whether FoRB is practised individually or part of a group or community (so the exercise of FoRB can therefore have a collective aspect), and not to the religion or belief itself. FoRB does not protect religions, religious ideas, or religious figures from criticism.

FoRB encompasses not just the freedom to hold personal thoughts and convictions, but also being able to manifest them individually or with others, publicly or in private. It also includes the freedom to subscribe to different schools of thought within a religion, and to change one's religion or beliefs, including to leave or abandon religions, or to hold non-religious convictions. It prohibits the use of coercion (including, for example, restricting access to education, medical care, employment, or other public goods) to make someone hold or change their religion or belief. It also protects the individual from being compelled to state an affiliation with any particular religion or belief.

In 1993, the UN Human Rights Committee made it clear that religion or belief includes "theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions." However, some governments continue to reject the idea that non-religious worldviews or non-monotheistic religions should be protected.

Equality and non-discrimination are core aspects of the enjoyment to FoRB. This includes discrimination against followers of theistic, atheistic, traditional, non-traditional, minority, and new religious beliefs. Even in states that have an official state religion or where there is a majority of a single religious denomination the principle of non-discrimination must be followed. As the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief (1981) and Article 2 of the ICCPR states there must be no barrier to access public positions on the basis of religion or belief or preferential treatment based on religion. The state must also combat discriminatory practices within wider society; such as school and university education, the labour market, the housing market and other societal systems. The state is also responsible for promoting a general climate of societal openness and tolerance by providing fair information about different

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<sup>7</sup> United Nations, Universal Declaration of Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>

<sup>8</sup> OHCHR, International Covenant on Civil and Political Rights, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

<sup>9</sup> OHCHR, General Comment no. 22: The Right to Freedom of Thought, Conscience and Religion (Art. 18) <http://www.equalrightstrust.org/ertdocumentbank/general%20comment%2022.pdf>

religious or belief traditions through public education and facilitating interreligious communication.<sup>10</sup>

The following is a brief description of what FoRB entails taken from the UN 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, the ICCPR and the 1993 General Comment:

- To change one's religion, discontinue one's religion or to have or adopt atheistic views;
- To express one's beliefs and to criticise the beliefs of others in a non-threatening manner;
- To worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;
- To establish and maintain appropriate charitable or humanitarian institutions;
- To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- To write, issue and disseminate relevant publications in these areas;
- To teach a religion or belief;
- To solicit and receive voluntary financial and other contributions from individuals and institutions;
- To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;
- To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief; and
- To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.<sup>11</sup>

### FoRB Limitations

As outlined in [Article 4.2 of the ICCPR](#), the private element of FoRB is a non-derogable right; even under conditions of public emergency the right to have a belief and to be free from persecution based on that belief cannot be derogated from.

However, all human rights are inter-dependent and indivisible, you cannot use a religious or any other kind of belief to justify the abuse of other human rights.

Whilst the personal right to FoRB cannot be restricted the public manifestation of religion or belief can be legitimately restricted. In accordance with Article 20 of the ICCPR no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

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<sup>10</sup> ICCPR, articles 2, 5, 26 and 27; 1981 Declaration of the General Assembly article 2, 3 and 4; UN Human Rights Committee General Comment No 22 (2).

<sup>11</sup> Foreign and Commonwealth Office, *FoRB Toolkit*, p. 6

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/561516/Freedom\\_of\\_Religion\\_or\\_Belief\\_Toolkit\\_-\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/561516/Freedom_of_Religion_or_Belief_Toolkit_-_2016.pdf)

Moreover, ICCPR, Article 18, Paragraph 3 allows for the state to place restrictions on the manifestation of one's religion or belief. However, these restrictions must meet strict criteria. They have to be legally prescribed, they have to be clearly needed to pursue a legitimate aim such as the protection of public safety, order, health, or morals or the fundamental rights and freedom of others. According to General Comment no.22 the 'moral' protected must be based on principles not deriving exclusively from a single tradition. The restrictions must meet the requirements of proportionality; they must be limited to minimum interference and must be enacted in a strictly non-discriminatory manner.

## Recommendations for Parliamentary Activity

### Scrutinising Government Work

Effective checks and balances are essential in ensuring that the various organs and agencies of government are fulfilling their duties. As FoRB is a human right that is vital for the sustainability of successful pluralistic societies every government has a duty to uphold FoRB in both their domestic policies and international relations. This can include internal domestic legislative reform, local and government officials acting with intolerance, and also international policy such as development aid, asylum policy, trade relations, and diplomatic engagement.

Parliamentarians form the legislative branch of government and therefore have a duty to hold their governments to fulfil FoRB commitments. Parliamentarians must be aware of this role at all times because the peace, stability and development of their own country and their fellow members of the international community depend on upon human rights infusing all parliamentary activity.

Parliamentarians have multiple demands on their time and attention and it is therefore vital for them to have the necessary support structure to properly investigate and advise government policy about FoRB. For this reason, 10 official Legislative Member Organisations (LMOs) have been created around the world to address violations of FoRB. LMOs are run by and for legislative members and supplement the work of official committees. There are 3 broad models:

1. Stakeholders donate funds into a budget that is used to hire staff and pay for events etc. (e.g. the UK APPG for International Freedom of Religion and Belief);
2. An outside NGO provides a secretariat to co-ordinate the organisation's activities and arrange events etc. (e.g. the APPG on the Bahá'í faith in the UK); and
3. Members of the organisation designate their staff to fulfil the requirements of the group. (e.g. the European Intergroup on FoRB and Religious Tolerance).

### Parliamentary Inquires and Reports

LMOs form easy links with NGOs, think tanks and academics and can therefore supplement the work of official committees and provide a key platform for the expert knowledge to influence policy making. For example, the European Intergroup on FoRB and Religious Tolerance publishes regular reports about violations of religious freedom and ensures that recommendations on how to tackle these violations are included in the EU's annual report on Human Rights. This work is then used by Jan Figel, the EU Special Envoy for the Promotion of Religion or Belief outside the EU.

Reports and inquiries can be run be either official parliamentary committees or by LMOs. Report writing provides civil society and persecuted minorities with the opportunity to directly reach the ears of power. This convening also fosters connecting between different civil society groups and civil society groups and government. They also highlight the existence of a FoRB crisis, calling on governments to uphold their obligations to FoRB and provides analysis on the causes and potential solutions that government can follow. For example, the US

International Religious Freedom Caucus has organised public hearings on religious freedom violations in Bangladesh, Egypt, India, China, Pakistan and Saudi Arabia amongst others. The Australian Joint Committee on Foreign Affairs, Defence and Trade ran an inquiry into the status of the human right to FoRB from 2017-2018 within Australian territories.<sup>12</sup>

A further example of this is provided by the UK APPG for FoRB who produced the [APPG report – ‘FORB in Pakistan and UK Government Policy’ \(Feb. 2016\) which highlighted persecution of](#) Pakistani religious minorities in country - Christians, Shi'a Muslims, Ahmadis, Hindus, Jews and Sikhs - and the failures of government immigration policy and practises. The report's research also led to greater attention on discriminatory material in Pakistani textbooks towards specific religious communities. Meetings with the Department for International Development (DFID) Ministers, Rory Stewart and Lord Bates and the DFID and FCO Pakistan officials in Whitehall has led to UK analysis on its funding of textbooks.

#### Focus point for long-term advocacy

LMOs provide focus points for legislative efforts to generate new ideas and political capital for future policy changes. They also help to bring disparate parliamentarians together across party lines to campaign on a joint issue. There are examples of this process in both the UK and in Pakistan. In 2015, as a result of the Pakistan Religious Freedom Initiative, run by the Asia Foundation and Pattan, Religious Freedom Caucuses were established in the National and two Provincial Assemblies in Pakistan.<sup>13 14</sup> These groups were key in helping to pass the Sindh Criminal Law (Protection of Minorities) Bill, which was then sadly blocked by the Governor of the province. However, the legislation was a crucial example of how parliamentarians can act to protect religious minorities when provided with sufficient support.

The UK APPG has provided the capacity to consistently engage with Ministers and UK civil servants in order to try to change institutional attitudes and internal policy. By engaging in a thoughtful and constructive way, they have managed to build positive relationships in order to be able to feed constructively into departmental change.

FCO Ministers have credited the APPG for getting FoRB on the UK agenda through persistent campaigning. Due to the APPG's Pakistan inquiry report and subsequent lobbying through MPs and the media the government changed the Home Office Country Guidance on Christians and Ahmadis from Pakistan, ensuring that their applications for asylum considered the religious persecution that they faced. This led to the UK changing their Pakistan report for use in Home Office assessment claims. This also led on to closer work between the APPG and the Home Office. The APPG raised concerns about the interview technique and using locally-hired UNHCR staff have when interviewing religious persecution victims. Concerns were also raised on how sufficiently UNHCR is having contact with minority religious communities who

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<sup>12</sup> Parliament of Australia, *Inquiry into the status of the human right to Freedom of Religion or Belief* [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Freedomofreligion/Interim\\_Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Freedomofreligion/Interim_Report)

<sup>13</sup> The Asia Foundation, 'Pakistan', p. 2. <http://asiafoundation.org/wp-content/uploads/2017/04/Pakistan-2017.pdf> [accessed 21/9/2017]

<sup>14</sup> Nadia Tariq-Ali, 'Signs of Hope for Pakistan's Religious Minorities', *The Asia Foundation* 9/12/2015 <http://asiafoundation.org/2015/12/09/signs-of-hope-for-pakistans-religious-minorities/> [accessed 22/9/2017]

tend to, for safety reasons, live outside camps but often do not have access to sufficient aid, support or even resettlement options. DFID, which funds for the UNHCR was also present at the meeting. UNHCR has subsequently included religious persecution case studies in its training of UNHCR staff on interview technique. The APPG staff have been asked to consult with the Home Office on how it factors in religious persecution issues better in its refugee policy post-2020. The APPG contributed to and edited the General Caseworker Training on the topic of religious persecution which is received by all Home Office caseworkers. The Home Office also brought forward recording interviews to prevent translators threatening those from a different religion, they also allowed those applying for asylum based on religious persecution grounds to bring a religious leader into their interview with them.

### Raising National and International FoRB Crises

Parliamentarians, through parliamentary questions, debates and media and social media sources, have a powerful mouthpiece to raise both urgent and systemic abuses of FoRB in domestic and international situations. This can generate greater attention on an issue and encourage public and government action to address the violations. They can also highlight potential solutions and through parliamentary debates generate wider reflection and focus on the current problems and solutions.

Parliamentarians can also contribute to positive messaging about religious groups through social media, countering online hate speech by disseminating positive content about the benefits of plurality and tolerance.

Parliamentarians can also be engaged within the UN Human Rights Committee's Universal Periodic Review (UPR) process<sup>15</sup> for their respective countries by informing themselves of their countries recommendations and take the necessary action to ensure that these recommendations are enacted. This can involve organising parliamentary monitoring of progress made and ensuring that parliament contributes to national follow up reports and that civil society and National Human Rights Institutions (NHRI) are involved in implementing recommendations.

MPs can also act as international advocates for human rights issues and concerns. This can take the form of international conferences and meetings and advocacy letters.

Regional and international forums for parliamentarians, such as the European Parliament, the Inter-Parliamentary Union, the ASEAN Inter-Parliamentary Assembly and the Commonwealth Parliamentary Association, provide platforms for advocacy on human rights concerns and the ability to develop networks. The CPA focuses upon the commitment of member countries to the Commonwealth values expressed in the [Charter](#), including the rule of law and universal human rights. Therefore, FoRB is a crucial part of the CPA's work and is therefore a good international platform to raise this important right. For example, during the CPA UK Commonwealth Parliamentarians' Forum on 28 February 2018 CIfORB helped to host a dialogue on FoRB with Commonwealth Parliamentarians, the UN Special

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<sup>15</sup> The Universal Periodic Review (UPR) is a unique mechanism of the Human Rights Council (HRC) aimed at improving the human rights situation on the ground of each of the 193 United Nations (UN) Member States. <https://www.upr-info.org/en/upr-process/what-is-it>

Rapporteur on FoRB, the Chief Executive of Humanists UK, and the Senior Adviser of the Commonwealth Human Rights Initiative.

If groups of international MPs from various countries, not just from the traditional Western powers, speak together their voice becomes greatly magnified and governments cannot brush off their concerns as Western imperialism. This is the aim of the International Panel of Parliamentarians for Freedom of Religion or Belief; 'to resource and equip parliamentarians to be change makers for the good in their respective countries and to support one another in this endeavour across geographic, political and religious boundaries.'<sup>16</sup>

#### Examples of UK Parliamentary Questions

To ask the Secretary of State for Foreign and Commonwealth Affairs, what recent representations he has made to his Nigerian counterpart on reports of violence and the destruction of churches in northern Nigeria. (4 June 2018)

Ensuring the Commonwealth Communiqué's commitment to eradicate forced marriage is realised and assessing its inter-relationship with forced conversion (24 May 2018)

To ask Her Majesty's Government what discussions they have had with the government of India about the Indian states which have passed laws criminalising religious conversions, including whether those laws are ultra vires. (11 May 2018)

Will the Secretary of State conduct an independent review of DFID aid delivery mechanisms in Iraq in order to evaluate reports that UK aid is not reaching vulnerable religious minorities? (17 Jan 2018)

To ask the Secretary of State for Foreign and Commonwealth Affairs, if he will respond to Early Day Motion 677 on the Falun Gong and harvesting organs. (15 Jan 2018)

To ask the Secretary of State for Foreign and Commonwealth Affairs if he will make a statement on the death sentence verdict made against Hamed bin Haydara, a Yemeni Bahá'í, in Sana'a on 2 January this year. (11 Jan 2018)

We rightly focus much attention on the persecution of Christians in the Middle East, but will the Minister assure us that he will raise with his counterparts in African nations such as Nigeria and Kenya the persecution of Christians in those countries, which is on an even larger scale? (9 Jan 2018)

Is the issue of religious freedom raised at every possible opportunity, particularly in countries where people are persecuted for their faith—or lack of it? (9 Jan 2018)

#### Examples of UK Parliamentary Debates

Nigeria: Fulani Herdsmen and Boko Haram (17 July 2018)

Freedom of Religion or Belief (1 March 2018)

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<sup>16</sup> IPPFoRB, *Strategic Plan 2016-2019*, p. 3 <http://ippforb.com/wp-content/uploads/2016/02/IPPFoRB-Strategic-Plan-2016-19.pdf>

To ask Her Majesty's Government what is their post-conflict strategy for protecting the rights of religious and ethnic minorities in Iraq. (11 Jan 2018)

To ask Her Majesty's Government what is their assessment of recent developments in Sudan and South Sudan. (11 Dec 2017)

International Freedom of Religion or Belief Day (26 October 2017)

The Rohingya and the Myanmar Government (17 October 2017)

Human Rights in Iran (11 October 2017)

India: Freedom of Religion (17 March 2016)

Persecution of Religious Minorities: Pakistan (11 Feb 2016)

To ask Her Majesty's Government what is their strategy for promoting freedom of religion and conscience internationally as a fundamental human right and as a source of stability for all countries. (22 Jan 2013)

### Examples of MP Letters

Advocacy Letter to [Prime Minister of the Socialist Republic of Vietnam](#) in June 2018 concerning their law on Freedom of Religion or Belief

Advocacy Letter to the [Prime Minister of Malaysia](#) in October 2017 about religious freedom abuses towards atheists and urging them to sign the ICCPR.

Advocacy Letter to [Minister of Foreign Affairs of Sudan](#) in June 2015 asking for the release of 2 pastors.

Advocacy Letter to the [Prime Minister of Pakistan](#) in November 2014 about the situation for religious minorities.

### Working within Constituencies

Parliamentarians are chosen to represent the public interest and to give a voice to the people of their constituencies. Parliamentarians should therefore encourage their constituents to come forwards with information about potential FoRB violations and raise further awareness of potential abuses. The revolution in media and information and communication technologies is altering the way citizens interact with each other and with legislatures. Citizens can communicate with their representatives through online and mobile technology creating the potential for more interactive and egalitarian mode of correspondence. These breakthroughs have made parliamentarians more available to their constituents. They can serve as an alternative form of communication for those who have denied access to traditional communication channels.

Co-operation is key for this process. Parliamentarians should maintain contacts with parties concerned by FoRB violations, local authorities, NGOs, and religious and belief groups in order to be fully informed. Parliamentarians should take extra concern to include the concerns of women, atheists and other marginalised groups who may be excluded from traditional religious institutions, structures and conceptions.

Examples of parliamentary fact-finding missions includes work by the ASEAN Parliamentarians for Human Rights (APHR) leading a delegation of parliamentarians from Indonesia, Myanmar and Thailand to Indonesia to explore issues around

religious intolerance. 'The mission was undertaken following calls from parliamentarians, civil society and other key stakeholders who were concerned by what they saw as a rise in religious intolerance and religious-based violence in the region. The MPs were keen to assess the issues and drivers behind the trend and to explore potential policy responses aimed at tackling intolerance, vigilantism and challenges to freedom of religion or belief (FoRB) in Indonesia and elsewhere in the ASEAN region.' They heard from academics, community-leaders, civil society organisations, and faith leaders.<sup>17</sup>

Parliamentarians can also teach their constituents about the values of FoRB and how it applies to them. This can be done through public meetings, social media, print media and other traditional news outlets. During CIFORB's conference for parliamentarians and faith leaders across Commonwealth West Africa in May 2018 an MP from Gambia described how he used gatherings within his constituency to teach about human rights and the value of a pluralistic and rights-based society.

### Standing up for FoRB Human Rights Defenders

All FoRB defenders are Human Rights Defenders and as such are covered by the UN Declaration on Human Rights Defenders.<sup>18</sup>

MPs can play an important role in protecting Human Rights Defenders, who are facing increasing challenges across the world from authoritarian and oppressive governments who wish to hide their crimes. The success of human rights defenders in highlighting government abuses and failures and therefore furthering the establishment of human rights has made them targets.

MPs can press their government to accept visits by the UN Special Rapporteur for Freedom of Religion or Belief. The work of the Special Rapporteur is vital to international efforts to promote FoRB and raise awareness of problems facing FoRB. Even reluctant governments, when faced with concerted pressure from their legislature, may be persuaded to grant access to the Special Rapporteur and other international human rights representatives. The Special Rapporteur also has an open invitation to submit reliable information concerning potential or actual violations of FoRB. This information can either be acted upon through the Office of the United Nations High Commissioner for Human Rights (OHCHR) as well as through inclusion in the report the Rapporteur gives to the Human Rights Council in Geneva.

MPs can press their governments to provide more funding and training to human rights defenders in threatened countries, including campaigning at the UN to ensure that the Office of the High Commissioner for Human Rights receives sufficient funds. Currently the body is severely underfunded.<sup>19</sup>

When MPs visit other countries on official delegations they should insist on meeting with FoRB human rights defenders as an integral part of their visit.

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<sup>17</sup> APHR, 'Yogyakarta Fact-Finding Mission' <https://aseanmp.org/2018/05/25/yogyakarta-fact-finding-mission-2/>

<sup>18</sup> OHCHR, 'Declaration on Human Rights Defenders' <https://www.ohchr.org/en/issues/srhrdefenders/pages/declaration.aspx>

<sup>19</sup> Oxford Human Rights hub, 'Addressing the Critical Funding Gap at the UN Human Rights Office' <http://ohrh.law.ox.ac.uk/addressing-the-critical-funding-gap-at-the-un-human-rights-office/>

MPs should consult with human rights defenders working in their country who are concerned with Freedom of Religion or Belief and maintain contact with them in order to be able to offer them help, advice and if necessary, publicity. They can also serve as crucial sources of information for MPs working on FoRB within their country.

Providing, as and when appropriate, visible recognition to human rights defenders, through suitable publicity, visits or invitations. This has to be done with consideration to the potential need of anonymity for human rights defenders.

If human rights defenders are placed on trial and as long as the appearance of an MP is not thought to compromise the position of the defender, it can be useful for an MP to attend. If the government is aware that their actions are being observed by members of their own legislature they will be aware that they are not going to be able to quietly dispose of the defender.

## Legislation

Parliamentarians have a key role in approving the budget put forward by the government. Protecting human rights requires the allocation of considerable resources and parliament must ensure that human rights instruments, like domestic National Human Rights Institutions and international institutions and initiatives, are properly funded. Parliament, by monitoring government spending can then hold governments to account.<sup>20</sup>

Parliaments are the sole institution within a democracy with the authority to scrutinise and pass legislation. Formal parliamentary committees can act to oversee the implementation of decisions or recommendations of international or regional human rights bodies. For example, the Australian parliament has a Parliamentary Joint Committee on Human Rights which examines bills and legislation for their compatibility with international human rights standards.

As detailed above the public manifestation of the right to FoRB can be limited under specific circumstances. It is part of MPs role to scrutinise any legislation that attempts to limit the right to FoRB and inquire into whether such a law fulfils the demands of international treaties and standards on FoRB.

Suggested questions for how to examine a suggested limitation:

- How and to what degree does the behaviour to be limited threaten public safety, public order, health or morals? What evidence is available to assess this?
- How and to what degree does the behaviour to be limited threaten other people's freedoms and rights? What evidence is available to assess this?
- Do we need legislation? Are there any existing legal ways of meeting the threat? 'If a religious group is involved in a fraud or assault, for example, it is not necessarily best to respond by enacting new laws on religion.'<sup>21</sup>

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<sup>20</sup> IPU and OHCHR, *Human Rights Handbook for Parliamentarians 2016*, p. 100.

<http://archive.ipu.org/PDF/publications/hrights-en.pdf>

<sup>21</sup> OSCE, *Guidelines for Review of Legislation Pertaining to Religion or Belief*, p.8

<https://www.osce.org/odihr/13993?download=true>

- Is the legislation proportional to the degree of threat?
- When targeting 'extreme' beliefs it is vital that the legislation not be used to suppress legitimate religious or anti-religious speech. Laws should focus on genuinely dangerous acts or commission of violence, and not unduly grant police powers to the State to suppress groups that are merely disfavoured or unusual.
- Will the legislation be effective in protecting other people's rights and freedoms? Are there other methods that could be more effective that do not involve a limitation of citizen's freedoms?
- Is the limitation adequately accessible and foreseeable? 'This requires that it should be formulated with sufficient precision to enable individuals or communities– if need be with appropriate advice – to regulate their conduct. For domestic law to meet these requirements, it must afford a measure of legal protection against arbitrary interference by public authorities with human rights and fundamental freedoms.'<sup>22</sup>
- What experience is available from other countries?
- Does the legislation discriminate against a specific belief or religion or does it apply to all?<sup>23</sup>

In some countries parliament's ability to engage in the legislative process may be constrained, either constitutionally, practically or, sometimes, both. 'Some jurisdictions may allow only limited opportunities for parliament to scrutinise and amend government legislation, for instance not allowing amendments that place a cost on public finances. Participation in the legislative process may also be constrained by a lack of technical resources for the researching and drafting of legislation.'<sup>24</sup>

Parliamentarians can be more effectively involved in the legislation process if they get involved earlier in the process of drafting and amending laws. Parliaments can also maximise their legislative capacity by utilising international parliamentary networks and partnering with civil society groups.

Parliamentarians can question potential legislation through debates; committee meetings, where outside experts, interest groups and civil society can be involved; or through explanatory notes (parliaments can call for explanatory notes or impact analyses of new legislation).

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<sup>22</sup> OSCE, *Guidelines on the Legal Personality of Religious or Belief Communities*, p. 11  
<https://www.osce.org/odihr/139046?download=true>

<sup>23</sup> Swedish Mission Council, *What Freedom of Religion Involves and when it can be limited*, pp.15-16  
<https://ihs.missioncouncil.se/documents/A2F9AD10-C71D-4DD0-936E-0A63596E22B2/Quick%20Guide%20Religious%20Freedom,%20English.pdf>

<sup>24</sup> Commonwealth Parliamentary Association, *Toolkit for Parliamentarians*, p.9 <https://www.uk-cpa.org/media/2314/final-2nd-edition-mdg-toolkit.pdf>

