

### **Life, liberty and security:**

This thematic note examines the right to life, liberty and security, and how the language and understanding of these human rights can help us better articulate the experience of those who face violations of the freedom of religion or belief (FoRB). The explanation of these rights provided by international human rights documents is one way of fleshing out the lived reality of those individuals who face attacks and violations of these human rights because of their religion or belief. While the life, liberty and security of individuals are important in and of themselves, the deprivation of these rights has historically been a means of depriving individuals of the enjoyment of FoRB.

These three elements therefore helps us understand the repercussions those who belong to a religious group or practice religious beliefs, or hold non-religious beliefs, face. Usually, this is the case for religious minorities. The broadness of what comes under life, liberty and security, helps us realise that beyond the more extreme forms of persecution, such as being killed, there are many forms of suffering faced by those who hold particular religious or non-religious beliefs. These forms include a culture of hostility, a culture of impunity and other acts of violence.

### **The right to life:**

The right to life is the most fundamental of rights, underpinning all other rights that will naturally be meaningless without it. All other rights add quality to the life in question, and depend on the pre-existence of life itself for their fulfilment.

A human being has the inherent right to life. This right must be protected by law, and no one ought to be arbitrarily deprived of his or her life. This right clearly has direct relevance to those who are killed because of their religious beliefs. We see this phenomenon not just during isolated events, such as the spate of recent killings of Atheists in Bangladesh, but also in the genocide of a whole group based on their ethno-religious identity – for example that of Bosnian Muslims in the 1995 Srebrenica massacre.

The right to life is not just a negative right i.e. that it should not be interfered with, such as by being killed. It also imposes a positive obligation on the state to take steps to ensure that every individual's right to life is not violated as a result of socio-economic deprivation or discrimination. For example, the United Nations Human Rights Committee has noted the effects of homelessness on health and on the right to life, stating that 'positive measures are required by article 6 [the right to life in the ICCPR] to address this serious problem.'<sup>1</sup> This broad reading of the right to life is relevant to FoRB, because religious minorities are often worse off in terms of access to basic public amenities.

### **Security and liberty**

Security of person concerns freedom from injury to the body and the mind, or bodily and mental integrity. This means that the right to life, liberty and security should be read in conjunction with other rights such as the freedom from torture or cruel, inhuman or degrading treatment or

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<sup>1</sup> United Nations Human Rights Committee, *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee*, Canada, UNHRCOR, 65<sup>th</sup> Session, UN Doc CCPR/C/79/Add.105, (1999) at para 12.

punishment,<sup>2</sup> or freedom from arbitrary arrest, detention or exile.<sup>3</sup> It also incorporates personal security, because it obliges states to take appropriate measures in response to death threats to those in the public sphere, and generally protect individuals from foreseeable threats to life or bodily harm.

Deprivation of liberty involves severe restriction of motion, including police custody, imprisonment, house arrest, involuntary hospitalisation, institutional custody of children as well as being involuntarily transported. It could also mean certain further restrictions on a person who is already detained, for example, solitary confinement or the use of physical restraining devices. States parties also have a responsibility to take appropriate measures to protect individuals against third parties operating within their territory, who may deprive individuals of their right to liberty, through abduction or detention by individual criminals or irregular groups such as armed or terrorist groups. When the deprivation of liberty is justified (since it is not an absolute right), it must not be for arbitrary reasons, meaning it cannot be used to prevent the exercise of other rights guaranteed by the Covenant, such as FoRB, the freedom of opinion and expression, and the freedom of assembly.

Furthermore, states must take both measures to prevent future injury and enforce criminal laws, in response to past injury, including patterns of violence against categories of victims such as the intimidation of human rights defenders and journalists.

### **Culture of hostility towards religious minorities**

A culture of hostility towards religious minorities can impact on the quality of life and security of religious minorities in a number of ways.

States can be, and often are, directly involved in the creation of this culture of hostility. This can happen when a state considers itself the guardian of one particular religion, which leads to the underrepresentation of people from other religious backgrounds in employment, education and citizenship. This has consequences for the quality of life of minorities, who then find themselves at the bottom of the ladder socio-economically, thereby severely impacting on the quality of life, and therefore their right to life.

This divisiveness in society provides a nurturing ground for further seeds of division to be planted; those who do not adhere to the religion and its specific interpretation promoted by the state are publicly attacked as 'deviant', 'infidels', and 'apostates'. Often they are accused of being loyal to foreign countries, which adds another layer of increasing wariness towards religious minorities. Vague anti-blasphemy or anti-proselytism laws heighten suspicion and sensitivity of the population towards religious minorities within a public sphere, which results in a threat to the security of these religious minorities, when mobs and vigilantes take the law into their own hands.

### **Culture of impunity**

A growing culture of impunity has meant assaults remain unpunished by state authorities. There is often a lack of consequences for state agents, such as police officers, who use excessive force against protestors, and for non-state agents, such as groups that attack and brutalise religious minorities or incite religious hatred through the media. These crimes are often neither investigated

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<sup>2</sup> Art 5 UDHR

<sup>3</sup> Art 9 UDHR

nor prosecuted, further decreasing the security of religious minorities. When victims have a high profile and the motivation behind these attacks appears to be their participation in the civil space, it is a clear warning for those protesting for their FoRB to refrain from publicly airing their discontent.

Many of the activists who are targeted are those advocating for FoRB, particularly when it drives social and economic injustice. For example, in India, those who campaign against exploitation of Dalits have been charged under national security legislation.

**Violence:**

Armed non-state actors, criminal networks and violent extremist organisations are responsible for an alarming number of attacks against those who express their religion or belief or campaign for this right. For example, there has been a spate of attacks against atheist and secular bloggers by violent extremists in Bangladesh. One example of this was the attack in February 2014 on founder of the blog Mukto-Mona ('Freethinkers'), Dr. Avijit Roy, who was attacked with his wife in Dhaka by machete-wielding assailants.