

Useful questions to consider when evaluating the state of freedom of religion or belief in a country

This guidance is designed to assist officials such as diplomats or development professionals to assess the state of freedom of religion or belief (FORB) in a country.

Not all questions are relevant in all contexts. Reading the list of questions below will, however, help you to identify which questions are relevant to your context and work, as well as raising your general awareness of the types of issues to watch out for, including the gender dimensions of the right.

In analyzing FORB it is important to consider both legal (*de jure*) restrictions of the right (including family and personal identity law) and *de facto* restrictions both by authorities and by members of the family, community or extremist groups.

It's also important to be aware of the legitimate limitations to FORB provided for in international law. The absolute right to have or change your religion or belief may never be limited. Any limitations to the right to manifest religion or belief must be:

- prescribed by law
- necessary to protect one of the following grounds: public safety, order, health or morals or other people's rights and freedoms
- non-discriminatory
- proportionate to the problem they are trying to solve.

National security is not a legitimate ground for limitation of freedom of religion or belief (unlike freedom of expression). FORB is also a non-derogable right – no additional limitations to the above are permitted during a state of emergency.

You can find more information about what freedom of religion involves and when it may be limited on the FORB Learning Platform at www.forb-learning.org . You will find both the introductory learning package of short films and written resources particularly useful for this purpose.

In order to ensure a rights-based approach to analysis, it is useful to consider questions linked to the following six elements of the right.

1. The right to have or change your religion or belief

- Are there legal limitations to this absolute right? For example are any groups banned or is the right to convert or adopt atheistic beliefs limited?
- Is inter-religious marriage permitted or is one spouse required to convert? Is divorce permitted for all groups, (unequal divorce rights can make conversion the only means to escape marriage)?
- Are there social hostilities such as discrimination or violence (including honour based and extremist violence) connected to having, changing or leaving a particular religion or belief?
- Are people required to reveal/register their religion, e.g. on ID cards?

2. The right to manifest religion or belief in worship, observance, teaching and practice

- Is unregistered religious or belief activity illegal or restricted?
- Are existing registration requirements for religious communities reasonable and are all groups that wish to register able to do so?
- Are there sufficient and equal rights to build, rent and maintain places of worship? Are minority groups able to get planning permission in practice? Has the state confiscated, closed or demolished places of worship?
- Is blasphemy prohibited? Are people free to speak about religion or beliefs to others, including the right to try and convince others of the truth of their religious/atheistic beliefs and the right to criticize religions or beliefs?
- Is religious or belief literature censored?
- Are any religious practices obligatory or banned, for example the wearing of religious clothing, participation in religious rites?
- Are there state limitations on women's rights to study religion and lead religious communities?
- Does the state interfere in religious communities' choice of religious leaders?

3. The state's duty to protect citizens from coercion in matters of freedom of religion or belief

- Are religious or belief activities the target of mob or terrorist violence? Are hate crimes related to religion common? Are individuals who leave a religion the target of violence? Does the state take adequate measures to prevent this and provide protection and justice?

- Do any state enforced religious laws violate human rights? (The law may coerce observance of religious norms that violate human rights.)
 - Do individuals, particularly women, face societal coercion to practice or refrain from practicing religion, or to follow religiously motivated codes of conduct? Does the state take measures to counter this?
4. The state's duty to protect citizens from discrimination on the basis of religion or belief
- Does the state show favouritism towards a particular religion or belief in such a manner that other groups are disadvantaged?
 - Are there limitations on the social, economic or civil rights of members of any groups?
 - Is social and economic discrimination on the basis of religion or belief widespread in society? Does the state take measures to counter this?
5. The right of parents to bring children up in accordance with their beliefs and in a manner that respects the child's growing capacity to make independent decisions
- Is school teaching on religion or belief confessional? Are exemptions to confessional religious education made available, both in principle and in practice, to all children/parents who do not wish to participate in it?
 - How are religious and belief minorities and their history in the country portrayed in textbooks?
 - If one party to a marriage converts are children automatically re-registered (converted) by the state without the permission of the other spouse? Can children refuse to be re-registered, at what age?
 - Are children banned from participating in religious activities?
6. The right to conscientious objection to military service
- If there is compulsory military service are there reasonable exemptions for conscientious objectors? Are any objectors imprisoned or otherwise punished?