

SESSION 2

INTRODUCING FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF

Presentation Script

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Introducing Freedom of Thought, Conscience, Religion or Belief

This script for the session 2 presentation is illustrated by slides 25-46 of the session PowerPoint.

Note: This presentation refers to the story-tale, "The Songs of the Flute and the Drum". If you do not intend to use the story-tale with your group, you will need to edit the script. You can find the story on page 55 of the facilitators guide and in the accompanying materials.

INTRODUCTION



So, who or what does freedom of religion or belief protect?

You might think the logical answer is religions and beliefs. But actually, freedom of religion or belief doesn't protect religious or other beliefs in themselves. It doesn't protect God or the sacred. Just like every other human right it protects people.

To give the right its fullest name, freedom of thought, conscience, religion or belief protects rights for every human being – no matter who they are, no matter what they believe in or what religion they belong to.



Freedom of religion or belief is based on the idea that all human beings have fundamental needs:

- to be allowed to think and decide for themselves about what is good and true
- to belong to groups with shared beliefs, practices and identities
- and to be able to question ideas and practices, change their minds about what they believe and refuse to do things which violate their conscience.

To Think, Believe, Belong, Practice, Question, Change their minds and Refuse.

WHAT RIGHTS DO WE HAVE?



So, what rights do we have? Let's take a look at what is written in the conventions.

Freedom of religion or belief is protected by Article 18 of the International Covenant on Civil and Political Rights – the ICCPR. This is a legally binding covenant and 173 countries have committed themselves to following these international laws. [Tell participants if your country has agreed to the ICCPR.]



The first sentence of Article 18 says:

"Everyone shall have the right to freedom of thought, conscience and religion."



Everyone has the right to think for themselves – like Zana in the story, who thought she should be allowed to wear the flute even though she was a girl.

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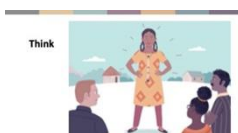
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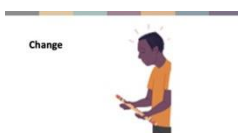
Everyone has the right to think for themselves – like Ziana in the story, who thought she should be allowed to wear the flute even though she was a girl.



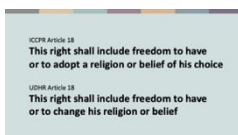
We have the have the right to listen to our conscience – like Brone who refused to help his father because he believed his father’s actions were wrong.



And we have the right to hold religious or non-religious beliefs and to have a religious or belief identity – to believe and to belong. Just like the flute and drum villagers, many of us hold sincere beliefs. Our beliefs and the community of people we share them with can mean a great deal to us.



But no matter what society we live in or how true and right our beliefs are, there will be people who, for whatever reason, lose faith in their beliefs or in their community – like Brone who took off his flute and left his community.



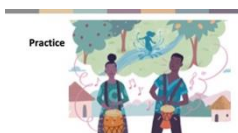
In international human rights law, the right to leave and to change your religion or belief is protected alongside the right to have your religion or belief.



These rights to think, believe, question and change our beliefs are often called inner freedoms. They are about what is happening in our mind and our soul, which relate to our identity – our sense of who we are.

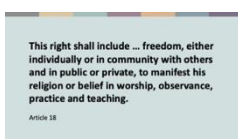
For this reason, they are absolute rights. Under international law, no person or government is allowed to limit these rights, ever.

But of course, religion and belief are about far more than what is happening in our minds and souls! It is about what we do – about how we express our beliefs in words and actions.



In our story, the lives of the villagers were full of practices that expressed their beliefs and belonging! From the wearing of flutes to the drumming of daily life.

Freedom of religion or belief also protects these rights. Let’s look at the Covenant again:



Article 18 says:

“This right shall include ... freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

We have the right to pray privately and to express our religion or belief as part of a community, with collective worship and traditions. And that community has rights too – not rights to control their members, but rights in relation to the state. For example, the state has to ensure that religious and belief communities can gain a legal identity if they want to, so that they can hold bank accounts, employ people and own buildings.

There are many different ways for individuals and groups to practice a religion or belief, and United Nations experts have provided plenty of examples of activities that are protected. For example, we have the rights:



- To come together for worship, celebrate festivals and observe days of rest.
- To wear religious clothing and follow special diets.
- To have places of worship, cemeteries and to display religious symbols.
- To play a role in society, for example by forming charitable organisations and
- To talk about and teach religion or belief, and train or appoint leaders.

At this point, you might be thinking, “Great – these are just the kind of rights I want for my community!” Or you might be getting worried!

VOLUNTARISM AND EQUALITY – DO NOT HARM OTHERS!



What about people or groups who use their religion or belief to promote hatred or violence towards others, who discriminate against others or who repress and control others within their group?

Does freedom of religion or belief mean that they are free to do this – no matter what the impact on other people?

Thankfully not!



Human rights conventions tell us both what our rights are and what the limits to our rights are. Or to put it another way – what our responsibilities are when we exercise our rights.

We can sum these responsibilities up by saying that no one should use their rights and freedoms in ways that harm other people. This is every person’s moral duty according to human rights conventions. And the government has a legal duty to respect everyone’s rights and to protect everyone from harm. Let’s look more specifically at HOW we should be protected from harm.



Firstly: No coercion!

Coercion is not allowed in matters of religion or belief. Believing and belonging are voluntary. The authorities, faith communities and families are NOT allowed to use threats, intimidation or violence to force anyone to believe or not to believe, to practice or not to practice, to belong to a religion or not belong to a religion.



Secondly: No discrimination!

Article 2 of the Covenant bans discrimination of any kind – whether it is based on religion, race, gender or language, for example. States that have signed human rights treaties have agreed to treat everyone equally and to work actively to end discrimination in society – like the market council did in our story.



Thirdly: No destroying of rights!

Article 5 states that no government, group or person is allowed to interpret one human right as giving them the right to act in a way that destroys other human rights.

And Article 20 prohibits advocating religious hatred through incitement to discrimination, hostility or violence.

Regardless of what a government or a person thinks that a religion requires of them, no one can argue that freedom of religion or belief gives them the right to trample on other peoples’ rights. So Brone’s father had no right to harass the drummers, even if he thought it was the right thing to do.

I'm sure you can think of plenty of examples of religion being used to justify or incite violence, or of religious practices that harm people. You might also be able to think of times when people are unjustly prevented from peacefully practicing their religion or belief.

LIMITATIONS TO FREEDOM OF RELIGION OR BELIEF



So, what are the rules? When are governments allowed to limit freedom of religion or belief? Let's take a quick look at the rules.

Firstly, the right to think and believe (the inner freedom) may never be limited. Secondly, the practice of religion or belief may be limited – but ONLY when the following four rules are followed.



1. There has to be a **LAW** describing the limitation. In other words, the police can't just do what they like.
2. The limitation has to be **PROPORTIONATE** to the problem it is trying to solve. For example, if the speaker system of a faith community is too loud, the faith community may be ordered to turn it down or face a fine. Banning them from meeting altogether would not be proportionate.
3. All limitations have to be **NON-DISCRIMINATORY** – they have to apply to everyone.
4. The limitation has to be **NECESSARY** to protect one of the following things: Public safety, public order, public health, public morals or the rights and freedoms of other people.

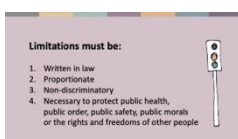
The word necessary is really important. It is not enough that the government or the majority of the population think the limitation is desirable to achieve these goals. The limitation has to be necessary. In other words, there should be no way of solving the problem created by the practices without limiting rights. Limiting rights is meant to be a last resort. None the less, it is sometimes necessary.



For example, it can be dangerous to cram too many people into a place of worship. So, it may be necessary for the authorities to limit the number of people allowed in a place of worship on the grounds of public safety.

Public health restrictions on gatherings for worship have been very common during the Corona virus pandemic – sometimes these restrictions have been necessary, proportionate and non-discriminatory. Sometimes they have been highly discriminatory and disproportionate.

Bans on female genital mutilation are an example of a limitation that protects the rights and freedoms of others – in this case girls. Regardless of whether this is seen as a cultural or religious practice, it endangers the health of girls and cannot be justified with reference to freedom of religion or belief.



These rules are really important. Without them, governments could limit any and every group or practice that they don't happen to like. Limitations are meant to be a last resort, not a tool for state control. In the coming sessions, we are going to look at different kinds of violations of freedom of religion or belief that happen around the world in more depth.