

FREEDOM DECLARED

The State of Freedom of Religion or Belief October 2016



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All Party Parliamentary
Group for International
Freedom of Religion or Belief



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Introduction

Katharine Thane (Operations Director, APPG for International Freedom of Religion or Belief)

In celebration of International Freedom of Religion or Belief (FoRB) Day – 27 October – the APPG team wanted to bring together assessments of where advancing the right to FoRB stands at different international and national levels. The team thanks all those who contributed to the report and hopes that this document - which the APPG will seek to produce annually - will help all advocates and practitioners of FoRB read the perspectives and ideas of those working on FoRB at different levels. While a section on advancing FoRB at the civil society level has not been included, the team has done so intentionally as the experience amongst actors in this sphere will be as diverse as the number of organisations and individuals advancing FoRB. Through the event on International FoRB day in UK Parliament and after the APPG hopes that civil society organisations will critically engage with this document and the work programmes of those outlined in this report. Please do email your comments, ideas and information to: katharine.thane@parliament.uk.

This is a report of the All-Party Parliamentary Group for International Freedom of Religion or Belief. It is not been produced by a Select Committee or any other Committee appointed by the House.

The All-Party Parliamentary Group for International Freedom of Religion or Belief exists to raise awareness and the profile of international freedom of religion or belief as a fundamental human right that is integral to much of the UK's foreign policy, among Parliamentarians, media, government institutions and the general public in the UK. The APPG also pursues effective implementation of policy recommendations regarding this right and seeks to increase the effectiveness of the UK's contribution to international institutions charged with enforcing it.

This report has been edited by: Katharine Thane (Operations Director, APPG IFoRB). Contributors to this report are: Anthony Peck (General Secretary, European Baptist Federation); Katharine Thane (Operations Director, APPG IFoRB); Gurinder Jhans (Research and Events Coordinator, APPG IFoRB); Charles Reed (Secretariat, IPPFoRB); Sapna Patel (Executive Officer, CIFoRB); Sue Breeze (Head of Stable World Team: Post-Holocaust Issues / FoRB, FCO).

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<https://www.freedomdeclared.org/about/stakeholders>.

Remembering Helwys and the English Origins of Freedom of Religion or Belief

Anthony Peck (General Secretary, European Baptist Federation)

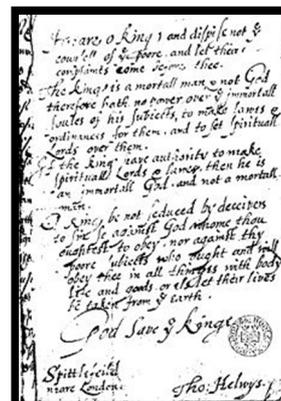
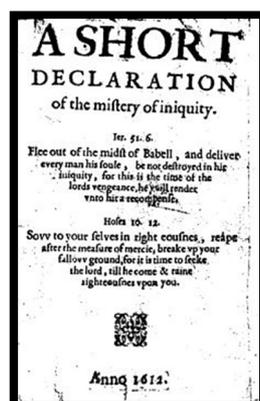
A wealthy English gentleman, Thomas Helwys (c.1570 – 1616) was one of the pioneers of the Baptist denomination worldwide, founding the first English Baptist Church in London in 1612. That same year he published a book, addressed to King James, in which he made what is widely regarded by historians as the first plea in the English language for religious freedom for all. This was a truly revolutionary idea in its time and it would be thirty years, during the time of the Commonwealth before this would gain to gain wider acceptance, and then only among non-conformists.

Helwys was clear in his absolute loyalty to the King in all 'earthly' matters, but in a time when the English King also determined the faith of his subjects or else put them outside the law, Helwys declared:

“For our Lord the King is but an earthly king, and he has no authority as a king but in earthly causes. And if the king’s people be obedient and true subjects, obeying all human laws, our lord the king can require no more. For men’s religion to God is between God and themselves. The king shall not answer for it. Neither may the King judge between God and men. Let them be heretics, Turks, Jews or whatsoever, it appertains not to the earthly power to punish them in the least measure.”

Due to his belief that all individuals ought to be entitled to have and practice their own faith freely, Helwys fled to Holland to hold Church services in peace. Due, however, to the publication of his book in *A Short Declaration* (c.1610) of which he sent a copy to King James demanding universal religious toleration, the King deemed Helwys to have committed treason and despite appeals, imprisoned Helwys in Newgate prison where he later died.

In the lead up to the 500th anniversary of the start of the Reformation in 2017 which generated religious divides and persecution in the UK, those of us working on Freedom of Religion or Belief must look to these figures and fit ourselves within a long line of individuals working to advance this human right.



UK Parliament: APPG for International Freedom of Religion or Belief – Trends and Challenges of promoting FoRB

Katharine Thane (Ops. Director, APPG) & Gurinder Jhans (Research and Events Coordinator, APPG)

Having been in post for just over a year, the APPG team shares trends and challenges they have faced while advancing Freedom of Religion or Belief (FoRB) in UK Parliament and their conclusions for what's needed to advance this right in the future:

- Due to FoRB being a niche and even controversial right in the minds of many in Parliament and Government, those working to advance FoRB inevitably find it tricky to engage with new actors not already committed and active within the FoRB field and whose faith does not lead them to deem protecting this right important. Suspicions that advancing FoRB will dangerously lead to religions being able to justify their own agendas and abhorrent actions remains prevalent, even within the human rights community. 'Imminent framework scholars' unhelpfully also continue to state that advancing FoRB masks neo-imperial, Christian agendas rather than provides a voice for the oppressed. Despite this, since September 2015 the membership of the APPG has more than doubled from c. 40 to over 90 parliamentarian members, which means growing support for the message that advancing FoRB is an important factor in achieving UK Government foreign, home affairs and international development objectives and priorities.
- Highlighting the importance of FoRB to Governmental priorities in the post-Brexit trade and 'countering violent extremism' (CVE) policy arenas, while seemingly tangential, helps build a comprehensive long-term framework through which a better world can be realised. Creatively building FoRB into this topical and popular policy work additionally provides traction and greater interest on FoRB among parliamentarians and wider audiences.
- The Foreign and Commonwealth Office, primarily thanks to Sue Breeze (Head of Stable World Team), has made links between FoRB and CVE, recently holding a two-day conference in October 2016: "*Preventing Violent Extremism by building inclusive and plural societies: How Freedom of Religion or Belief can help*". In its pledges for election to the UN Human Rights Council in October 2016, the UK has also declared that it will, if elected, advance FoRB as a means of aiding CVE efforts, demonstrating that this linkage has assisted in generating wider interest in FoRB, especially among those who have not traditionally associated or engaged with it.
- As was apparent at the FCO conference however, systematically demonstrating through empirical evidence that FoRB decreases violence and builds stable societies in every instance will not only require many hours of thorough data collection and analysis but will likely, in practice, be impossible to prove. The APPG team are looking at how this work can be carried out and finding a balance between concentrating on building such evidence and advancing FoRB as inherently valuable in and of itself.

- Now in a post-Brexit Britain, while the UK Government's focus is on securing trade agreements and the terms of leaving the EU, the APPG is also working with Amnesty, the APPG for Human Rights and CORE to help ensure that human rights, including FoRB, are not side-lined to an even greater extent than the Foreign Affairs Select Committee's April 2016 inquiry suggested was already taking place before Brexit. We hope, as part of a wider team, that as the UK will now be renegotiating its own trade and investment agreements, the UK takes the opportunity to become a leader in setting a gold standard in promoting human rights through non-discrimination clauses and through a human rights expert on all trade delegations highlighting that human rights is good for business.
- Beyond policy strategy, different faith-based and human rights organisations need now to speak out on FoRB violations in a unified voice and take action jointly for advancing FoRB most effectively. This has been reiterated over the past year or so from various actors working on FoRB. Taking such action moves beyond critics of FoRB's claims that faith-based organisations only advance issues that help their own community and ultimately fail to achieve societies in which all individuals have FoRB. The APPG team sincerely hopes to work now with its Stakeholders to develop joint action that all organisations feel that they can advance in collaboration with others. APPG Stakeholder numbers have also increased over the past year and the team are working to finalise new Hindu, Sunni and Baptist organisations as Stakeholders.
- Other priorities for the APPG team over the coming six months will, in addition to the work outlined above and any urgent or reactive work required globally, be to help advance FoRB in Iraq, Indonesia, Pakistan and Myanmar and work with the Home Office to develop its staff's knowledge and handling of religious persecution cases. If you have any information or suggestions for what needs to be tackled or where the attention should otherwise be given, please email Katharine (katharine.thane@parliament.uk).



International Parliamentarians: IPPFoRB

Berlin 2016: 'An Embattled Right: Protecting and Promoting FoRB'

Charles Reed (Secretariat, IPPFoRB – contact@ippforb.com)

- Over 100 parliamentarians from 60 countries descended on Berlin in early September (12-14 September) for 3 days of intense reflection, training and action in support of freedom of religion or belief. The catalyst for this seasonal migration of parliamentarians was the second International Panel of Parliamentarians for Freedom of Religion or Belief (IPPFoRB) conference on freedom of religion or belief that was organised in partnership with the Konrad Adenauer Foundation and the Christian Democratic Union of Germany.
- As with last year's gathering in New York this event was part financed by generous funding provided by the Norwegian Ministry of Foreign Affairs. Unlike New York, however, where

funding was also provided by the British Council to finance the attendance of OECD parliamentarians no such funding provision was in place for Berlin.

- The absence of this funding helps explain why the number of non-OECD parliamentarians present in Berlin was up on last year, while the number of OECD parliamentarians was much reduced. Baroness Elizabeth Berridge and the Lord Bishop of Leeds were present and contributed actively to proceedings.
- The event consisted of two strands: two days of capacity building and a day of public engagement. The former included closed sessions for parliamentarians on working with the media, civil society and academia as well as advice on operating in multilateral settings and establishing national and regional parliamentary caucuses. Katharine Thane, the Operations Director for the APPG for International Freedom of Religion or Belief, provided expert reflections on the lessons to be learnt from the UK.
- The latter was a more public event chaired by the Federal Chancellor, Angela Merkel, involving dignitaries and experts in the field of freedom of religion or belief as well as a wide range of civil society representatives. A number of stakeholders from the APPG for International Freedom of Religion or Belief took part in this public meeting and made positive contribution to its proceedings.
- The proceedings of both events were live streamed and many of the conference papers have now been uploaded to the IPPFoRB website (<http://ippforb.com/>) alongside the 5 advocacy letters (Pakistan, Eritrea, Vietnam, Myanmar and Sudan) that parliamentarians signed when in Berlin.
- Since Berlin IPPFoRB's Secretariat have been in touch with its network of parliamentarians to encourage them to mark International Freedom of Religion Day, 27th October. This day provides a wonderful window of opportunity for parliamentarians around the world to join together in pressing that this embattled right be given greater protection. The IPPFoRB Steering Group is keen to work with others to ensure that this year's efforts are built on in subsequent years so that in time we have a global week of action involving parliamentarians, governments, religious leaders, civil society and other actors.
- It is unlikely that there will be a Berlin or New York style gathering of parliamentarians next year or the year after. Such events have been a welcome opportunity to draw parliamentarians into the IPPFoRB network but they do require intensive resourcing.
- Going forward, IPPFoRB is likely to focus efforts on building support for and sustaining parliamentarians in their work with national and regional caucuses that advance freedom of religion or belief. Alongside these efforts IPPFoRB intends to build on its first fact finding visit to Myanmar (August 2016) by facilitating similar such solidarity and fact finding visits to meet with parliamentarians in countries where freedom of religion or belief is facing governmental restriction or societal hostility.



The Commonwealth: Commonwealth Initiative for Freedom of Religion or Belief

CIFoRB team (CIFORB@contact.bham.ac.uk)

The Commonwealth is a broadly representative subset of nations of all sizes from all corners of the globe, and is culturally and religiously diverse. Therefore, it presents both a unique context for efforts to secure political change and a distinctive forum for incubating and delivering fresh initiatives to advance Freedom of Religion or Belief (FoRB).

The Commonwealth also has considerable soft power strength. The CPA, perhaps unsurprisingly notes that “Parliaments, as the institutions that create legislation, hold governments to account, and represent citizens’ interests, are a hugely important target for soft power, with far reaching influence that extends up to governments and down to individuals through civil society and grassroots political structures. As such, focusing soft power on parliamentarians leverages its impact.

In a way, the Commonwealth is one of the most under-used networks with great potential to engage positively with FoRB through a number of angles. For example the UK itself has been transformed by the size and super-diversity of the Commonwealth diaspora community. This community connects us better to commonwealth countries & is an under-explored trans-national network of religious and ethno-religious groups. Engaging with global shared ideologies aligned with religion or ethno-religion coupled with globally connected culture are of particular importance within the trans-nationalism narrative of the commonwealth.

In focus groups with Commonwealth Parliamentarians, they themselves have spoken about the importance of being part of networks in order to be informed and aware of what is happening elsewhere. Even MPs who did not feel there was a significant FORB problem in their own countries reiterated need to be well-informed of issues across the commonwealth and connected with fellow Parliamentarians The soft power dimension was referred to by a south asia MP who said that “having networking all around (the) world, and especially in the Commonwealth, acts as a pressure group to ensure that nations uphold their constitutions and implement these in letter and spirit and parliamentarians feel supported to do it.”.

Our project, CIFORB (the Commonwealth Initiative for Freedom of Religion or Belief) is an academic research project that exists to answer the question as to “how parliamentarians can be effectively equipped to make a significant contribution to reversing the global decline in freedom of religion or belief”. We provide robust academic and empirical research to underpin parliamentary action on how effective approaches to FoRB in the commonwealth are and how they can be made better. We are also looking empirically at the vernacularisation of human rights and how that applies to FoRB i.e. just because it is not framed as a specific FORB issue, that

doesn't mean that elements of the freedom are not there. It has just been adapted to be most effective in that narrative. Rather than solely identify poor practice and negative governmental actions for FoRB our project also looks, through our Commission of Experts, to identify best practices and innovation across the Commonwealth in FoRB, including the use of networks to counter networks and re-emphasising the commitment to the Charter and democratic values, of which FoRB is a keystone. Re-framing FoRB as a positive right and using it as a tool for empowerment, rather than persecution, in addition to concerted action in addressing persecution through governmental action, training, research and literacy, will work to strengthen innovations and interventions and show that it does not have to be approached in a contentious or one-dimensional manner.

Observations on the State of Freedom of Religion or Belief at the United Nations and European Union Levels

Katharine Thane (Ops. Director, APPG)



The United Nations

While at the UN Human Rights Council 31st Session in March 2016 where the then UN Special Rapporteur for Freedom of Religion or Belief (FoRB), Prof. Heiner Bielefeldt launched his last report as Rapporteur and UN Resolution 16/18 on 'combatting intolerance against persons based on religion or belief was renewed', I spoke with a few State delegations and human rights organisations about FoRB.

There had been concerns from academics and individuals working on Res. 16/18 before the session that some States wanted to bring the language back to pre-2011 resolutions focusing on 'defamation of religions' rather than the protection of individuals' beliefs. The danger with defamation language in such resolutions is that it may be used to justify oppressive State legislation such as blasphemy laws. Indeed, when attending the State sessions on Res. 16/18 hosted by the EU, States such as Qatar, Saudi Arabia and Russia were delaying the process in renewing the Resolution, stating that they hadn't had sufficient notice of the meeting or received the documents which all others in the room had received.

During the launch of Prof. Bielefeldt's report on 'FoRB and Freedom of Expression', a controversial topic for many States when looking back to the 2005 Danish Cartoon incident and the more recent Charlie Hebdo incident in 2015. In States' responses to the report, some nations which felt that freedom of expression ought to be limited more than primarily more Western States feel it should be, were openly critical of the report and didn't think that connections could be made between the two inherently inter-linking rights of freedom of religion or belief and expression.

Although Res. 16/18 did get renewed without it containing defamation of religion language this year, while always tricky, discussions on FoRB at the UN level are at a point where different groupings of States, primarily for political reasons, are approaching discussions on FoRB from two different incompatible standpoints. This impasse is not helped by the strategy of some Western States currently being to just 'keep the status quo', not move forward with new language and not find common ground on FoRB with States who are nervous about FoRB. It will be the role of Dr Ahmed Shaheed, the new Special Rapporteur for FoRB, to move beyond this impasse and the politics which drive it and find common ground on this human right between all States - by for example using the 2012 'Rabat Action Plan', partly developed by Islamic Scholars.



The European Union

FoRB at the EU level is much harder to quantify and analyse. The 2013 EU Guidelines on FoRB although very thorough and composed by many expert organisations, have in practice, largely remained unimplemented. Despite this, the European Parliament Intergroup on FoRB and the European Platform against Religious Intolerance and Discrimination (EPRID) have very knowledgeable individuals working for them, dedicated to advancing FoRB at the EU and OSCE level and finding means to work in a unified voice across religious 'divides' and with other human rights organisations to do so.

Despite also the loss of Jean-Bernard Bolvin, an excellent Desk Officer for FoRB at the European External Action Service, replaced now by Margarida Silva, the new post of EU Special Envoy for FoRB at the Commission, taken up by Jan Figel in May 2016, is a welcome development. Those of us working on FoRB hope to see his mandate strengthened, continued beyond one year and wish to support his efforts to speak with other nations about this human right. In his interview on the freedom declared/APPG website, in a short video interview he outlines his vision for this relatively new post.



UK Foreign and Commonwealth Office: The State of Freedom of Religion or Belief

Sue Breeze (Head of Stable World Team: Post Holocaust Issues / Freedom of Religion or Belief, FCO)

The UK government continues to attach great importance to the promotion and protection of the right to Freedom of Religion or Belief (FoRB) around the world. We see it as a fundamental human right, and one that underpins many of the others. We are concerned by the regular and increasing violations that we see in many different countries, and by the difficulty of making any real progress on this issue. For this reason we have been exploring new and innovative ways of tackling it, including by holding a major international conference just last week to consider the way that FoRB can be part of the answer to violent extremism, the biggest global challenge currently facing the international community, can help to build societies that are more resilient against extremist ideologies. We have also just updated and reprinted our FoRB toolkit, which is designed to help staff at our Embassies across the world to recognise violations of FoRB and give them a variety of ideas for action. And we are supporting practical projects, such as training teachers in the Middle East to teach about FoRB, strengthening a network of human rights defenders working on FoRB in South Asia and creating an international network of post-graduate students on FoRB.

We recognise that we cannot make progress on this alone. We are an active member of the International Contact Group on FoRB and we welcome the work of the APPG on FoRB, the International Network of Parliamentarians on FoRB and the Commonwealth Parliamentary Initiative on FoRB. We are keen to explore options for closer working with all of these bodies as we work towards a world where no-one is discriminated against or persecuted simply because of what they believe.