



Implementing Religious Freedom Worldwide

Resolution by the CDU Federal Committee on Development Cooperation and Human Rights of 19 April 2011 (chair: Arnold Vaatz MP).

“We expect states and governments all over the world to grant freedom of religion. We want to support a continuing dialogue between the religions.”

(Policy Programme of the Christian Democratic Union of Germany)

Freedom of religion is greatly restricted, if it exists at all, in 64 of the countries on earth, in which live almost 70 percent of world population.

The German Basic Law guarantees religious freedom in Article 4. Positive freedom of religion comprises the right to form and have a religion, to confess one's religion and live according to one's religious belief, and to join with others in religious communities. Negative freedom of religion is also protected, i.e. the freedom to form, have, confess and live by no religion.

Accordingly it must be the task of a values-based German foreign policy to stand up for the elementary human right to freedom of religion in the international context as well. In its coalition agreement, the Christian Democrat-liberal government agreed to champion freedom of religion worldwide and, in so doing, to give special attention to the situation of Christian minorities.

The right to freedom of thought, conscience and religion is enshrined in Article 9 of the European Convention on Human Rights (ECHR), in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), in Article 18 of the Universal Declaration of Human Rights (UDHR) and in numerous regional human rights conventions. This right is universally valid and legally binding on all states. Hence the argument that human rights should be interpreted in cultural contexts is not only wrong, it is a dangerous pretext for softening human rights guarantees. It is our

responsibility, in dialogue with the political leaders in other states, to highlight these rights enshrined in international law and to make clear that freedom of religion is a universal and binding human right.

Despite the formal recognition of freedom of conscience and religion by the United Nations (UN) member states, in many countries, not least in totalitarian regimes, there are serious shortfalls when it comes to realising this right. These restrictions on freedom of religion may arise both from governments and state legislation and between social groups as a consequence of hate and violence. In addition, the former UN Special Rapporteur on freedom of religion or belief, Asma Jahangir, distinguishes in her report of December 2009 (Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir, A/HRC/13/40) between restrictions on religion and belief, on the one hand, and violence “on the grounds of religion or belief” and “in the name of religion or belief”. The former is based on “the religious affiliation of the victim”, while the latter is based on “the religious tenets of the perpetrator”.

Religious minorities, in particular, are repeatedly the object of religious, social and political persecution. The situation of the Bahai in Iran, for example, has deteriorated dramatically in the last few years. However, lack of religious freedom concerns not only minorities but also adherents of the majority religion when they express opinions in contradiction with the prevalent interpretations.

200 million Christians live in 64 states with great restrictions of religious freedom. As minorities they are often particularly affected by violence and statutory restrictions. Christians are discriminated against for their faith; they lose their jobs, their homes, are detained, abducted, mutilated and murdered. Their churches are burned down and their houses destroyed. Independent human rights organisations estimate that about 80 percent of all those persecuted on religious grounds are Christians.

In 30 countries in which Islam is the state religion, enshrined in the constitution, and/or enjoys special status, there is state-supported or state-tolerated violence against Christians. The Cairo Declaration on Human Rights in Islam adopted in 1990 by the member states of the Organisation of the Islamic Conference (OIC) does not recognise the right to free exercise of religion as set out in the UDHR.

While the number of Christians in Asia and Africa is growing vigorously, the communities in the Middle East are under enormous pressure. In the region where

Christian culture has its roots, the number of Christians has dropped dramatically in past decades.

For example, a century ago about 20 percent of the population living in the present territory of Turkey were Christians, whereas today they account for only 0.1 percent. The Christian communities in Turkey still confront restrictions on freedom of religion that imperil their survival.

The situation in Iraq is dramatic, too. There is no persecution by the state, yet – due to still weak state structures - extremists and terrorists discriminate against, persecute, hunt and kill Christians. Before the start of the Iraq war, about 1.4 million Christians lived there. After numerous waves of persecution by Islamic fundamentalists their number has more than halved. Many Christians, likewise members of other religious minorities, today live as refugees in the neighbouring countries of Iraq. They have no prospect of being able to return to their traditional home. For this reason, the European Union's ministers of justice and home affairs took an important step in November 2008 in deciding to admit 10,000 Iraq refugees to Europe. In addition, the Christians remaining in Iraq are to be supported. The churches and Christian organisations give valuable service here. Against the background of the most recent wave of violence against Christians – a prominent example is the bloody hostage-taking in a Syrian Catholic church in Baghdad with over 50 dead and numerous injured on 1 November 2010 – the Federal Committee calls for further resolute efforts to improve the security situation in the country. We want to support the new Iraqi government in its efforts to pacify the country and to mediate between Shiites, Sunnis and Christians. Economic development and the expansion of the largely destroyed infrastructure can play a major role in stabilising Iraqi society and help to sustainably improve the situation of Christians. The Christian communities see Iraq as their home with its own history dating back over 2000 years. They want to find a future in the country on an equal footing with Sunnis and Shiites. This wish must be respected and supported.

We are concerned about the situation in North Korea. The communist dictatorship with its totalitarian ideology has run the country down and isolated it internationally. Freedom and the rule of law are non-existent. In addition there are specific forms of discrimination against Christians, many of whom lose their lives in state camps.

Both the endeavour to consolidate an artificial state identity and internal conflicts about finding identity may lead to discrimination against religions and to violence against religious minorities. Christian minorities are confronted precisely with that in India, China, Indonesia, Bangladesh and Pakistan, these being countries that together constitute over half the world's population.

These developments in, for example, India have led to massive human rights violations. While the national constitution grants freedom of religion, fundamentalist Hindu nationalists drove out over 50,000 Christians in the state of Orissa between 2007 and 2009 (with 120 deaths), of whom thousands are still being prevented from returning to their villages, having to live in refugee camps. Furthermore, there are reports that there have been roughly 1.000 violent attacks on Christians in the last two years in the state of Karnataka alone. Contrary to the official Indian version, these have generally been carried out by radical Hindus and not by violent Islamists. Other religious minorities are discriminated against in India: in 2002 there were violent clashes against the Muslim minority in the state of Gujarat, with court judgements on the matter still pending.

A central component of freedom of religion is **the right to practise one's faith openly**. The expression of religious convictions is not confined to the private sphere. Rather, religious beliefs always have a public dimension. The UDHR and the ICCPR protect the right of individuals to practise their faith in public. Nevertheless this right is not granted in numerous states. The building of prayer rooms, churches, mosques and temples is greatly restricted in many states and in some states it is impossible for religious minorities. In India Muslim minorities in some regions are prevented from building mosques. In Turkey the building of prayer rooms and places of worship is greatly restricted and practically impossible for religious minorities. The communal use of private rooms for religious practices is not permitted. In its progress report on Turkey the European Commission has described in detail the greatly restricted freedom of religion in Turkey and pointed out that fundamental change must be made here.

Even more restricted in many places is **the right to promote one's own beliefs**. These restrictions are frequently accompanied by restrictions on changing religion. Particularly affected by these restrictions are religions based on a personal decision in faith as one of their core beliefs. The Federal Committee thus emphasizes that the

peaceful promotion of one's own religion is part of freedom of religion and protected by the UDHR and the ICCPR. Human rights policy must thus also involve campaigning for the worldwide implementation of this right.

A further central component of the freedom of conscience and of religion is **the right to change one's own religion** or to have no religion. The UDHR states this expressly in Article 18. Yet the right to change your own religion is frequently restricted. In many Muslim states "falling away" from Islam (apostasy) is regarded not only as a religious offence but also as a form of political uprising, to be prosecuted under criminal law. In Iran and in Saudi Arabia "apostates" face the death penalty, which may be carried out by the state. Human rights organisations such as the Gesellschaft für bedrohte Völker (society for threatened peoples) report that relatives of converts are also often exposed to reprisals and social exclusion. In India, freedom of religion is enshrined in the constitution, yet, for example, Orissa, Madhya Pradesh, Chhattisgarh and Arunachal Pradesh regulate the change of religion so strictly that it is frequently not possible at all in practice. Article 18 ICCPR provides for the freedom to have or to adopt a religion or a belief of one's own choice. It thereby offers protection against legal or religion-based obstacles to changing religion. The right to change one's belief or have no religion at all must not be restricted by state laws or regulations. The UN member states are, moreover, obliged to counter any social climate that would impede the change to another religion.

A further development provides cause for concern. In UN bodies and sub-structures a group of states has been trying for years to massively restrict the scope of human rights – in particular that of freedom of opinion. They have attempted this on the grounds of protecting Islam. But also criticism of religion is part of freedom of opinion and thus protected under international law. The attempt of the Organisation of the Islamic Conference (OIC) to enshrine the "**protection of religion**" in international law is founded on the Universal Islamic Declaration of Human Rights 1981 and on the Cairo Declaration on Human Rights in Islam of 1990. It is an attempt to counter the concept of human rights based on individual, justiciable rights with the concept of religiously defined group rights.

With great concern the Federal Committee notes that the resolution against **Defamation of religion** (A/HRC/RES/13/16) moved by Pakistan in the UN Human Rights Council in March 2010 was adopted by a slim majority. The goal of this

resolution is to introduce certain collective rights to international law, on the grounds of protecting Islam, and thereby to undermine the existing understanding of human rights. A similar goal motivates proposals of Islamic states on the additional protocol to the International Convention on the Elimination of all Forms of Racial Discrimination (CERD), which would ban public insults and defamation of religion. The Federal Committee refers to the joint declaration of the UN Special Rapporteur on freedom of opinion and expression, the OSCE (Organisation for Security and Cooperation in Europe) Representative on freedom of the media, the OAS (Organisation of American States) Special Rapporteur on freedom of expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur for freedom of expression of 9 December 2008, in which they spoke out against prohibiting the defamation of religion. A one-sided restriction of the right to freedom of expression in favour of abstract concepts or individual beliefs is not acceptable.

The Federal Committee on Development Cooperation and Human Rights

1. calls for commitment to the universal right to freedom of religion for all who are oppressed in the free exercise of their faith, or are discriminated against and persecuted on religious grounds. In view of our Christian background and our political culture we feel a particular affinity with persecuted Christians and a commitment to show solidarity, especially as Christians are particularly subject to discrimination and persecution. Hence we will continue to focus on this issue in our different areas of political activity – in external party relations, parliamentary activities and the work of government;
2. appeals for renewed activity on our part to help increase public awareness of the critical situation of Christians suffering discrimination and persecution. At the European level, too, we must speak out for Christians in other parts of the earth;
3. welcomes the fact that we guarantee freedom of religion in Germany and have ensured that commitment to freedom of religion is an important element of our value-led foreign policy. In the spirit of a coherent foreign and development policy, we seek to champion a global freedom of religion going beyond the formal recognition of human rights and contributing to a genuine improvement of people's local situation;
4. welcomes the fact that the High Representative for Foreign and Security Policy of the European Union intends to create a separate unit in the newly established

European External Action Service (EEAS) to observe restrictions on freedom of religion. We furthermore call on the High Representative to report annually on the state of freedom of religion in the world. Examples to follow are the report of the US State Department and the US Commission on International Religious Freedom. Here it will be necessary for the European Commission, the Member States and the EEAS to work closely together;

5. calls for the shortfalls in the area of religious freedom to be emphasised more in negotiations on accession to the EU. This particularly applies to Turkey in view of blatant flaws in the field of freedom of religion. The European Commission is called upon to report extensively on the matter in its annual progress reports and in negotiations to insist that Turkey show evidence of progress;

6. advocates the inclusion of provisions on guaranteeing freedom of religion in the EU's association agreements with third states. Compliance with such obligations must be continually monitored by the European Commission, the European Parliament and likewise by the High Representative and the EEAS;

7. appeals to all immigrants living in Germany to promote the right to freedom of religion in their countries of origin.