

FoRB – What is it?

Freedom of thought, conscience and religion is an important human right providing individuals a safe space to develop their own thoughts and opinions, and to act according to their own conscience within the boundaries of the law. This includes holding and manifesting religious or non-religious beliefs as laid down in article 18 of the Universal Declaration of Human Rights:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

In many countries, religious freedom has a much longer history than the Universal Declaration of Human Rights. This declaration provides an important moral guideline for all countries, but it is not legally binding. The International Covenant on Civil and Political Rights (ICCPR), however, is a binding document. There, article 18 reads:

- 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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.*
- 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
- 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Although the right to change is not explicitly mentioned here, several authoritative implementations of article 18 ICCPR have argued that there is no religious freedom without the right to change. Further, it is worth mentioning that religion is an individual choice that goes well beyond established religions.

ALONE OR IN COMMUNITY

As all human rights, Freedom of Religion or Belief is an individual human right. Every human being can decide to identify as an adherent to any religion, belief, or philosophy of life as they see fit. No government or authority can interfere with that private aspect (forum internum).

Even though the right to Freedom of Religion or Belief is an individual human right, it also has a collective component (forum externum). Within the limitations of the law, you can come together for worship, performing certain rituals and ceremonies, and for studying and teaching the tenets of your faith. You can also establish welfare and relief organisations to serve society.

As a group, you can appoint your own leaders, without any interference of the state.

In many countries, governments do ask faith or belief collectives to register. In some cases, this is just a simple administrative procedure. In other cases, however, registration requirements can be onerous and intrusive. Registration can entitle you to certain financial benefits, but it can never be a prerequisite for exerting your right to Freedom of Religion or Belief.

PLACES OF WORSHIP

Most if not all religions have sacred places dedicated for their services like temples, synagogues, churches, or mosques. Although not explicitly mentioned in the UDHR or the ICCPR, these houses of worship have a protected status. They

are included in the right to manifest your religion or belief (UN General Comment 22 para 4).

Establishing a place of worship usually requires permission from local authorities. They will check the plans against relevant (building) regulations. This should be an open and transparent process with an opportunity to challenge a negative decision if need be. Building regulations cannot be used to discriminate against certain (minority) religions, limiting their rights to manifest their religion.

LIMITATIONS

The private aspect (*forum internum*) of the right to Freedom of Religion or Belief can never be restricted. The public aspect of it (*forum externum*), however, can be limited but only as an exception to the rule and under certain clearly described conditions. Limitations to the right to Freedom of Religion or Belief should be prescribed by law, legitimate and proportionate. Locking down a church building because one member of the congregation has violated a law would not be considered proportionate. Moreover, that's not among the permissible conditions mentioned in Article 18 sub 3 ICCPR. The same is true for the protection of national unity. That's not a legal ground for banning religious practices either.