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COMMENTARY: Freedom of religion – a forgotten human right?

By Johannes Østtveit, Forum 18 board member and former Norwegian parliamentarian

Norwegian politician and religious freedom activist Johannes Østtveit recounts in this personal commentary for Forum 18 <http://www.forum18.org> how his experience meeting people who had been imprisoned in communist-ruled countries awakened him to the impact of freedom of religion and belief violations. He argues that, as Forum 18's research indicates, "it is in the cases of unpopular beliefs that the real position of the right is tested, as is also the case with freedom of expression". There is, he writes, "a challenge to each one of us. A challenge to get to know the human rights and freedoms ourselves and all our neighbours have, to get to know the situation of all our neighbours and to protest against all breaches of their freedom".

After many years' engagement in political activity, including as a member of Norway's parliament, the Storting, I also became involved with an organisation by the (self-explanatory) name of Mission Behind the Iron Curtain. Its aim was, among other things, to obtain accurate information about the situation of Christians in communist states and to bring this to the attention of the public and the authorities.

Article 18 of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights (ICCPR) had been established in law as the basis for the fight for freedom of belief. Through my involvement with the Mission [now known as the Stefanusalliansen <http://www.stefanus.no>], I got to meet people who had been imprisoned purely because of their opinions or their faith, and they opened my eyes to a truth that had been completely unknown to me.

It also became clear to me how little attention we in the West were paying to how explicit and detailed the individual elements of Article 18 in the ICCPR in the light of the United Nations (UN) Human Rights Committee's General Comment 22 are – for example, the right to have access to holy books. When the Mission took Bibles to Christians in the communist bloc via secret channels, it was attacked by both church and secular leaders for the "immorality" of breaking a state's laws. Few realised or were willing to accept the consequences of the fact that, for UN member states, human rights laws and UN conventions take precedence over national laws.

When the Soviet Union was dissolved there were great hopes that freedom of thought, conscience and religion would enjoy a new flowering. And there were indeed changes. But again we are seeing in the former Soviet states that the rights clearly spelled out in Article 18 – such as the right of people to gather together and express their opinions or beliefs in public or private – are being abandoned in favour of new national laws.

We have also seen in recent years an upsurge of nationalism combined with "traditional" religion in majority Muslim, Hindu and Buddhist countries, leading to laws and practices that conflict with Article 18. This particularly affects the fundamental right to change religion – two examples being the introduction in several Muslim-ruled states of sharia law imposing the death penalty on a Muslim who abandons Islam, and moves in several states in India to bring in legal punishments for conversion.

Why are so few protesting about this? Has Article 18 become a forgotten human right? Why don't NGOs and the media look at the violations of religious freedom that deprive thousands of people of their lives or their welfare every year in many countries? Why do these violations get so little attention in international politics and among the UN organisations?

All this is why Forum 18 <http://www.forum18.org> was founded in 1999. A group of people with a background in various organisations concerned with human rights got together to establish the Forum. It has a single-minded focus on violations of freedom of belief, thought, conscience and religion and the obligations that UN member states have under Article 18 – obligations which protect followers of all religions or beliefs and none. Later on Forum 18 News Service was added to the Forum's remit.

One of Forum 18's first projects was to produce a research report (with support from the Royal Norwegian Foreign Ministry) entitled "Freedom of Religion: A report with special emphasis on the right to choose religion and registration systems" (February 2001 – downloadable from <http://web.archive.org/web/20130512100522/http://www.forum18.org/Hearing20010305.html>). The report provides a legal analysis of Article 18 and the conventions and contains a section documenting the situation concerning freedom of religion and belief in eight countries.

"Freedom of religion and belief is one of the fundamental human rights," the report declares in its introductory chapter. It notes that

the European Court of Human Rights in Strasbourg has described freedom of religion and belief as "one of the foundations of a democratic society". Historically religious freedom was one of the first recognised human rights, it adds, arguing that protecting religious minorities was an important aspect in the development of general human rights. "It can be said that the right to freedom of thought, conscience and religion is the foundation of Western human rights ideas."

The report stressed that, although it is fruitless to compare basic human rights with each other in an attempt to determine the most important right, religion and thought constitute the "most inner part" of an individual. "In this way interference with the freedom of religion and belief will often be experienced as a grave violation." Because belief in a specific religion will often include belief in a divine god or other divine objects, with power over the life of each person in this life and the next, "the choice of religion is therefore not the same as a choice between political and other kinds of opinions. It may literally be a choice between 'heaven and hell.'" The report noted as well that freedom of religion or belief also protects non-believers and atheists.

Forum 18's report described it as "astonishing", given the many grave violations of this human right around the world, that "there has been comparatively little political pressure relating to violations in this field by the general human-rights NGOs and human-rights-friendly states; there has been comparatively little research in this field by general human-rights lecturers; there have been few complaints regarding violations of religious freedom to international supervisory organisations; and, perhaps more disturbingly, there has been a decrease in the international consensus on the specific content of the freedom of religion."

Like all freedoms – except the rights to be free of torture and slavery, to be recognised as a person in law, and be equal before the law with no discrimination – freedom of religion and belief has its permissible limitations. The report gives a clear introduction to the specific and strict rules that apply to these limitations. When these are overlooked it leaves the way open for discrimination and violations.

It is disquieting that the French "anti-sect" law adopted in June 2001, known as the About-Picard law after its authors, has aroused so little opposition. Here we see the legally-established prohibition of certain "sects" without a clear definition of what they are, so that various small and unusual religious and belief communities will be prohibited. This law has already been used in China as a model and an excuse to ban "evil sects", a definition that also includes Christian congregations with a clear biblical confession.

Yet even in Sweden there are concerns. An official report produced in September 1998 by the government's Social Department entitled "I god tro, samhället ock nyandligheten" (In good faith, society and the new religious movements – <http://www.regeringen.se/sb/d/108/a/23246>) contains a chapter on religious freedom and its limits, which maintains that "the concept of religion must not mean that it disturbs the peace of society or gives rise to general offence". "General offence" has here become a criterion not found in international law allowing followers of a group to fall outside the right to have their freedom of religion or belief protected – a dangerous move. Nowhere can this criterion be found in the permissible limitations established in the ICCPR. The most serious concern is that highly educated people can write such things in an official report.

Yet, as Forum 18's research report rightly indicates, "it is in the cases of unpopular beliefs that the real position of the right is tested, as is also the case with freedom of expression".

We are answerable for a great deal in our Western world as well. And this is primarily a challenge to each one of us. A challenge to get to know the human rights and freedoms ourselves and all our neighbours have, to get to know the situation of all our neighbours and to protest against all breaches of their freedom – and to be thankful for the extent of religious freedom we enjoy in our Christian culture. (END)

– Johannes Østtveit (18 January 1927 – 9 July 2013) was instrumental both in Forum 18's founding in 1999 and also in Forum 18's subsequent development.

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Johannes Østtveit, contributed this comment to Forum 18 News Service. Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo

