



# Library Note

## **Debate on 24 July 2014: International Compliance with Article 18 of the Universal Declaration of Human Rights Concerning Freedom of Belief**

Article 18 of the Universal Declaration of Human Rights states:

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.

This Library Note provides background reading for the debate. It briefly examines Article 18's status in international law, its role in promoting freedom of belief, and then presents sources which examine freedom of religion around the world.

A companion Briefing Pack has been produced which contains selected hardcopy extracts from the publications referred to in sections 3 and 4.

Charley Coleman  
21 July 2014  
LLN 2014/026

House of Lords Library Notes are compiled for the benefit of Members of the House of Lords and their personal staff, to provide impartial, politically balanced briefing on subjects likely to be of interest to Members of the Lords. Authors are available to discuss the contents of the Notes with the Members and their staff but cannot advise members of the general public.

Any comments on Library Notes should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to [vollmerp@parliament.uk](mailto:vollmerp@parliament.uk).

**Table of Contents**

- I. Introduction ..... 1
- 2. Article 18 of the UDHR: Status in International Law..... 2
- 3. UK Governmental and Parliamentary Commentary on Article 18 and Freedom of Belief..... 3
- 4. Sources of Analysis on Religious Freedom ..... 5
  - 4.1 United Nations Special Rapporteur on Freedom of Religion or Belief..... 5
  - 4.2 Pew Research Centre ..... 7
  - 4.3 European Union Annual Report on Human Rights and Democracy in the World..... 8
  - 4.4 United States Department of State’s Religious Freedom Reports..... 9
  - 4.5 United States Commission on International Religious Freedom..... 10



## I. Introduction

The history of the United Nations (UN) begins before the organisation was officially founded on 24 October 1945. The UN built on the principles defined by its antecessor, the League of Nations (LN). Both organisations were established in the aftermath of global war—the LN was formed in 1919 after the First World War—and the establishment of the UN was aimed at preventing the events of the Second World War from occurring again.

Between August and October 1944, representatives of China, the Soviet Union, the United Kingdom and the United States of America drafted proposals for a charter for a new international organisation, the UN.<sup>1</sup> This formed the basis of the UN Charter, which was drawn up by representatives of 50 countries at the United Nations Conference on International Organisation between 25 April and 26 June 1945. The UN formally came into existence on 24 October 1945 with the ratification of the Charter.<sup>2</sup>

The Universal Declaration of Human Rights (UDHR) was created in order to provide a framework through which the aims of the UN Charter could be realised and protected. After a drafting process which began at the first session of the UN General Assembly in 1946, the UDHR was adopted by the UN General Assembly on 10 December 1948—General Assembly resolution 217 A (III).<sup>3</sup>

The UDHR consists of 30 articles that outline basic rights and freedoms to which all people are entitled. Article 18 of the UDHR states that:

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.<sup>4</sup>

In 1993, the United Nations Human Rights Committee made a ‘general comment’ on Article 18, highlighting Article 18’s protective remit beyond traditional faith systems:

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms belief and religion are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.<sup>5</sup>

This Library Note briefly examines Article 18’s status in international law, its role in promoting freedom of belief, and then presents sources which examine freedom of religion around the world.

---

<sup>1</sup> UN, ‘[History of the United Nations](#)’, accessed 17 July 2014.

<sup>2</sup> [Charter of the United Nations](#).

<sup>3</sup> UN, ‘[UDHR—History of the Document](#)’, accessed 14 July 2014.

<sup>4</sup> UN, [UDHR](#), accessed 14 July 2014.

<sup>5</sup> United Nations Human Rights Committee, general comment no 22, 1993, para 2.

## 2. Article 18 of the UDHR: Status in International Law

The UN's website for the UDHR explains that despite the non-binding nature of the Declaration it has:

[...] inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights.<sup>6</sup>

Two International Covenants were created to give legal force to the principles contained within the UDHR, and together with the UDHR they form what is known as the International Bill of Human Rights. These are:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR); entered into force on 3 January 1976.<sup>7</sup>
- The International Covenant on Civil and Political Rights (ICCPR) (which includes two optional protocols); entered into force on 23 March 1976.<sup>8</sup>

The UN's *Fact Sheet No 2 (Rev 1), The International Bill of Human Rights*, June 1996, provides further information.<sup>9</sup> It states that:

The coming into force of the Covenants, by which States parties accepted a legal as well as a moral obligation to promote and protect human rights and fundamental freedoms, did not in any way diminish the widespread influence of the Universal Declaration. On the contrary, the very existence of the Covenants, and the fact that they contain the measures of implementation required to ensure the realisation of the rights and freedoms set out in the Declaration, gives greater strength to the Declaration.

Moreover, the Universal Declaration is truly universal in scope, as it preserves its validity for every member of the human family, everywhere, regardless of whether or not Governments have formally accepted its principles or ratified the Covenants. On the other hand, the Covenants, by their nature as multilateral conventions, are legally binding only on those States which have accepted them by ratification or accession.<sup>10</sup>

This Library Note focusses on Article 18 of the UDHR and therefore does not discuss the International Bill of Human Rights as a whole. The spirit of Article 18 of the UDHR is given legal presence by Article 18 of the ICCPR, to which 168 countries are States parties as of 16 July 2014—although it is important to note that the wording of both articles is not identical. The Human Rights Committee is the UN body of independent experts that monitors implementation of the ICCPR by its State parties. The Human Rights Committee explains that:

<sup>6</sup> United Nations, '[UDHR—The Foundation of International Human Rights Law](#)', accessed 14 July 2014.

<sup>7</sup> [International Covenant on Economic, Social and Cultural Rights \(ICESCR\)](#): adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 3 January 1976, in accordance with Article 27 of the ICESCR.

<sup>8</sup> [International Covenant on Civil and Political Rights \(ICCPR\)](#): adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 23 March 1976, in accordance with Article 49 of the ICCPR.

<sup>9</sup> UN, [Fact Sheet No 2 \(Rev 1\), The International Bill of Human Rights](#), June 1996, p 8.

<sup>10</sup> *ibid*, p 8.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests (usually every four years). The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

In addition to the reporting procedure, Article 41 of the Covenant provides for the Committee to consider inter-state complaints.<sup>11</sup>

The Human Rights Committee’s Annual Report for 2014 states that “forty-one States parties are currently at least five years overdue with either an initial or periodic report”.<sup>12</sup> The Committee meets in Geneva or New York and normally holds three sessions per year. The States parties’ reports are available on the Human Rights Committee’s website.<sup>13</sup> The Human Rights Committee has produced a factsheet which explains the operation of the Committee itself and the ICCPR.<sup>14</sup>

The UN has passed other significant declarations on freedom of religion and belief. On 25 November 1981, the UN General Assembly passed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.<sup>15</sup> In her 1984 Preliminary Report on the elimination of all forms of intolerance and of discrimination based on religion or belief, the UN’s Special Rapporteur, Elizabeth Odio Benito, stated that:

The Adoption of the Declaration is without doubt a step of immense importance in the struggle of the United Nations and the international community against discrimination based on religion or belief.<sup>16</sup>

### 3. UK Governmental and Parliamentary Commentary on Article 18 and Freedom of Belief

In answer to a written parliamentary question on 17 January 2014, Hugh Robertson, Minister of State at the Foreign and Commonwealth Office, stated that:

The British Government are committed to supporting the fundamental human right to freedom of religion or belief. Article 18 of the Universal Declaration of Human Rights is the basis of our position. We support this right [...] by regularly raising concerns with Government interlocutors; building international consensus around freedom of religion or belief; supporting practical projects on community dialogue; and engaging with civil society and faith groups...

[...] Government Ministers regularly speak out against abuses to the right to freedom of religion or belief. For instance, I discussed the situation faced by Coptic Christians in

<sup>11</sup> Human Rights Committee, [‘Introduction: Monitoring Civil and Political Rights’](#), accessed 16 July 2014.

<sup>12</sup> Human Rights Committee, [Report of the Human Rights Committee, Volume I](#), 7 July 2014, A/69/40 (vol I), summary p iii.

<sup>13</sup> Human Rights Committee, [‘Periodic Reports’](#), accessed 16 July 2014.

<sup>14</sup> Human Rights Committee, [Civil and Political Rights: The Human Rights Committee Fact Sheet No 15 \(Rev 1\)](#), May 2005.

<sup>15</sup> UN General Assembly, [A/RES/36/55](#), 25 November 1981.

<sup>16</sup> UN Economic and Social Council, [Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief. Preliminary Report](#), 3 August 1984, E/CN.4/Sub.2/1984/28.

Egypt and implications of the draft constitution in my meeting with Bishop Yulios, a representative of the Coptic Orthodox Church and an assistant to Pope Tawadros II, during a recent visit to Cairo on 16 December.<sup>17</sup>

On 10 April 2014, William Hague, the then Secretary of State for Foreign and Commonwealth Affairs, announced the publication of the *Foreign and Commonwealth Office Report on Human Rights and Democracy 2013*.<sup>18</sup> Section V of the report discusses the issue of freedom of religion and belief, citing examples from around the world of where the FCO believes that fundamental rights of religious expression may have been contravened. The report states that:

[...] a key concern [during 2013] has been the closing space for Christians, in particular in the Middle East and North Africa region, the very region where their faith was born. But there has also been a rising tide of violence and intimidation in traditionally Christian countries in Africa.<sup>19</sup>

In 2013, the All-party Parliamentary Group on International Religious Freedom published a report which examined Article 18 of the UDHR.<sup>20</sup> The APPG was established in July 2012 with the following purpose:

To raise awareness and profile of international religious freedom as a human right amongst parliamentarians, media, government and the general public in the UK; and to increase effectiveness and awareness of the UK's contribution to international institutions charged with enforcing this human right.<sup>21</sup>

The report describes Article 18 as “an orphaned right”, explaining that:

Unlike many other human rights, there is as yet no focussed United Nations Convention directly addressing the subject of freedom of religion or belief. In consequence, freedom of religion or belief has for many years been something of a “residual” right, only protected to the extent that it does not stand in the way of achieving some other goal or ambition. While the UN Vienna Declaration of 1993 asserts that all human rights are universal, indivisible, interdependent and inter-related, in practice within the family of human rights this freedom remains on the margins. It is in this respect an orphaned right, and the purpose of this report is to commence a process of reuniting this right with its family.<sup>22</sup>

The report's executive summary expresses concern that infringements of Article 18 are widespread:

This report instances examples of state intimidation, discrimination and violence towards people on account of their religion or belief, as well as situations where states do not offer adequate protection from persecution by non-state actors. This is not limited to any one region, or any one form of religion. Through evidence submissions

<sup>17</sup> HC Hansard, 17 January 2014, [col 712W](#).

<sup>18</sup> HC Hansard, 10 April 2014, [cols 27–8WS](#).

<sup>19</sup> Foreign and Commonwealth Office (FCO), [Foreign and Commonwealth Office Report on Human Rights and Democracy](#), 10 April 2014.

<sup>20</sup> APPG on International Religious Freedom, [Article 18: An Orphaned Right](#), 2013.

<sup>21</sup> APPG on International Religious Freedom, [About the APPG on International Religious Freedom](#), accessed 16 July 2014.

<sup>22</sup> *ibid*, p 5.



and other means, the group is aware of a deeply troubling scale of violation of freedom of religion or belief worldwide. This catalogue of abuse covers Shia Muslims in Bahrain, Baha'is and Zoroastrians in Iran, Christians across large swathes of the Middle East, Sufi Muslims from the Sunni tradition in Somalia, atheists in Indonesia, Falun Gong practitioners in China, Buddhists in Tibet, Jewish people in Europe and Hindus in Pakistan—truly a global concern that affects the full range of religious and non-religious belief.<sup>23</sup>

On 24 February 2009, the House of Lords debated the motion “To ask Her Majesty’s Government what is their response to the persecution of religious believers in contravention of Article 18 of the Universal Declaration of Human Rights”.<sup>24</sup> The House of Lords also debated a question for short debate on freedom of religion and conscience on 22 January 2013.<sup>25</sup>

## 4. Sources of Analysis on Religious Freedom

Attempting to systematically quantify religious freedom in different countries around the world—and therefore the extent to which Article 18 is complied with—is not straightforward. As the UDHR is not in itself an enforceable declaration, instances where Article 18 has not been adhered to are not always clearly identifiable or necessarily formally documented.

There are many organisations around the world which promote human rights and monitor and analyse abuses of them, including larger international bodies such as Amnesty International and Human Rights Watch, alongside smaller local and regional bodies. It is beyond the scope of this Library Note to cover all these available sources. This section of the Library Note instead presents a selection of larger sources of analysis and information which mainly focus on freedom of religious belief.

### 4.1 United Nations Special Rapporteur on Freedom of Religion or Belief

The Special Rapporteur on freedom of religion or belief is an independent expert appointed by the UN Human Rights Council (UNHRC). The UNHRC is an inter-governmental body within the UN made up of 47 member states. It is responsible for the promotion and protection of all human rights around the world. It is a distinct UN body from the Human Rights Committee.

The Special Rapporteur’s mandate stems from UNHRC resolution 6/37.<sup>26</sup> This establishes the Special Rapporteur’s mandate as follows:

- To promote the adoption of measures at the national, regional and international levels to ensure the promotion and protection of the right to freedom of religion or belief;
- To identify existing and emerging obstacles to the enjoyment of the right to freedom of religion or belief and present recommendations on ways and means to overcome such obstacles;

<sup>23</sup> *ibid.*

<sup>24</sup> HL *Hansard*, 24 February 2009, [cols 175–94](#).

<sup>25</sup> HL *Hansard*, 22 January 2013, [cols 1074–91](#).

<sup>26</sup> United Nations Human Rights Council (UNHRC), [Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief](#), Resolution 6/37, 13 December 2007.

- To continue her/his efforts to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate; and
- To continue to apply a gender perspective, inter alia, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations.<sup>27</sup>

The Special Rapporteur's mandate was extended for three years when the Human Rights Council adopted Resolution 22/20 on 12 April 2013.<sup>28</sup> To achieve this mandate, the Special Rapporteur:

- Transmits urgent appeals and letters of allegation to States with regard to cases that represent infringements of or impediments to the exercise of the right to freedom of religion and belief;
- Undertakes fact-finding country visits; and
- Submits annual reports to the Human Rights Council, and General Assembly, on the activities, trends and methods of work.<sup>29</sup>

The Special Rapporteur's annual reports are available on the UNHRC's website.<sup>30</sup> The last three reports have had a focus on a specific subject, for example the report of 26 December 2013 has a focus on "tackling manifestations of collective religious hatred". In this report, the Special Rapporteur explains the complexities of religious freedom:

In practice, manifestations of collective religious hatred frequently overlap with national, racial, ethnic or other forms of hatred, and in many situations it may seem impossible to clearly separate these phenomena. As a result, the label "religion" can sometimes be imprecise and problematic when used to describe complex phenomena and motives of collective hatred. Nevertheless it remains obvious that religions and beliefs can serve as powerful demarcators of "us-versus-them" groupings. Unfortunately, there are many examples testifying to this destructive potential of religion. At the same time, one should always bear in mind that anti-hatred movements exist within all religions and that most adherents of the different religious and belief traditions are committed to practising their faith as a source of peace, charity and compassion, rather than of hostility and hatred.<sup>31</sup>

The Special Rapporteur also undertakes country visits in order to gain a more in-depth understanding of the issues in a particular country or region. The Special Rapporteur then writes up these visits as reports which are accessible from the Rapporteur's website.<sup>32</sup> The three most recent visits were to Jordan, Sierra Leone and Cyprus.

<sup>27</sup> UNHRC, '[Special Rapporteur on Freedom of Religion or Belief](#)', accessed 15 July 2014.

<sup>28</sup> UNHRC, '[Resolution: 22/20. Freedom of Religion or Belief](#)', 12 April 2013.

<sup>29</sup> *ibid.*

<sup>30</sup> UNHRC, '[Special Rapporteur's Annual Reports to the Human Rights Council, Commission on Human Rights and General Assembly](#)', accessed 15 July 2014.

<sup>31</sup> Human Rights Council, *Report of the Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt*, 26 December 2013, A/HRC/25/58.

<sup>32</sup> UNHRC, '[Country Visits](#)', accessed 16 July 2014.

## 4.2 Pew Research Centre

The Pew Research Centre (PRC) is an American organisation which describes itself as a nonpartisan think tank that conducts research into a range of different areas concerned with public life. Its work is split into seven research projects; one of these is the Religion and Public Life Project.<sup>33</sup> As part of this project, the PRC has produced a series of five annual reports which have sought to provide a systematic analysis of religious freedoms in 198 countries and self-administered regions around the world. The latest report was published on 14 January 2014 (it should be noted that the latest report covers 2012 although it was published in 2014).<sup>34</sup> The analysis is based on the creation of two separate indexes:

- The Government Restrictions Index (GRI). This examines to what extent the government of a country or self-administered region has enacted policies and laws which restrict the practice of religious belief based on 20 specific measures.<sup>35</sup>
- The Social Hostilities Index (SHI). This examines instances where religious hostilities have been enacted by individuals or private organisations and groups. It is based on 13 specific measures.<sup>36</sup>

Measures used for the GRI include:

- Does the constitution or legal system specifically provide for “freedom of religion” or include language from Article 18 of the UDHR?
- Is public preaching by religious groups limited by any level of government?
- Does any level of government formally ban any religious group?<sup>37</sup>

Measures used for the SHI include:

- Was there mob violence related to religion?
- Were there acts of sectarian or communal violence between religious groups?
- Were there incidents of hostility over conversion from one religion to another?<sup>38</sup>

Annex 6 of the 2014 report provides the full list of measures used and lists the scores for individual countries. Each question is weighted equally in the creation of the indexes.<sup>39</sup>

The PRC used 18 sources which were then analysed for each country—where that country was covered in the source—with a specifically developed coding guide. Full details of the methodology can be found in the latest report, [Religious Hostilities Reach Six-year High](#), 14 January 2014, pp 35–51.

<sup>33</sup> Pew Research, Religion and Public Life Project, ‘[About the Project](#)’, accessed 18 July 2014

<sup>34</sup> Pew Research, Religion and Public Life Project, [Religious Hostilities Reach Six-year High](#), 14 January 2014.

<sup>35</sup> *ibid.*, [p. 10](#).

<sup>36</sup> *ibid.*

<sup>37</sup> Pew Research, Religion and Public Life Project, [Religious Hostilities Reach Six-year High](#), 14 January 2014, Annex 6.

<sup>38</sup> *ibid.*

<sup>39</sup> *ibid.*

The PRC has set up a website which summarises the headline findings of the report. In relation to the GRI the report found that:

The overall level of government restrictions worldwide stayed roughly the same. There were some increases on a few measures. The study finds that the share of countries where some level of government interfered with worship or other religious practices increased to 74 percent in 2012, up from 69 percent in 2011 and 57 percent in the baseline year [2009].<sup>40</sup>

The PRC also argues that looking at the data on a per country basis may be misleading where very populous countries suffer from high levels of social hostilities or have high levels of government restrictions on religion. For example, the report states that based on the indexes, 43 percent of countries analysed had high or very high government restrictions or social hostilities, but that this represented an estimated 76 percent of the global population.<sup>41</sup>

The authors state that the report makes no attempt to analyse the historical, cultural or political reasons why restrictions may or may not be in place, nor does it seek to provide an analysis of whether such restrictions may or may not be justified.

### 4.3 European Union Annual Report on Human Rights and Democracy in the World

On 13 May 2013, the Council of the European Union published the *EU Annual Report on Human Rights and Democracy in the World in 2012*.<sup>42</sup> The report is wide ranging and discusses the EU's activities to uphold all areas of human rights both within the EU and internationally. Chapter 23 of the report discusses freedom of religion or belief. The report briefly highlights a number of examples where the EU has raised concerns over freedom of religion or belief. The report argues that:

Discrimination based on religion or belief is a persistent concern in all regions of the world, and persons belonging to particular religious communities or non-confessional groups continue to be targeted in many countries. Moreover, legislation on defamation of religions is often used to mistreat persons belonging to religious minorities and to limit freedom of opinion and expression as well as freedom of religion or belief for society as a whole. The EU points out that freedom of expression also plays an important role in the fight against intolerance and that freedom of religion or belief and freedom of expression are mutually reinforcing rights.<sup>43</sup>

On 21 October 2013, the Council of the European Union published country reports from the *EU Annual Report on Human Rights and Democracy in the World in 2012*.<sup>44</sup> As with the parent report, the country reports discuss human rights issues across all subjects, but several discuss concerns related to freedom of religion or belief.

<sup>40</sup> Pew Research, Religion and Public Life Project, '[Website: Religious Hostilities Reach Six-year High](#)', 14 January 2014.

<sup>41</sup> *ibid.*

<sup>42</sup> Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2012](#), 13 May 2013.

<sup>43</sup> *ibid.*, p 92.

<sup>44</sup> Council of the European Union, [EU Annual Report on Human Rights and Democracy in the World in 2012 \(Country Reports\)](#), 21 October 2013.

On 20 September 2012, the European Union High Representative, the Organisation of Islamic Cooperation Secretary General, the Arab League Secretary General and the Chair of the Commission of the African Union issued a joint statement on peace and tolerance focussing on religious belief. They said that:

We reiterate our strong commitment to take further measures and to work for an international consensus on tolerance and full respect of religion, including on the basis of UN Human Rights Council resolution 16/18.<sup>45</sup> We further call on all leaders, whether they be political, secular or religious, to promote dialogue and mutual understanding. And we will continue our efforts to show that what joins us together across regions and religions is far greater than what separates us.<sup>46</sup>

#### 4.4 United States Department of State's Religious Freedom Reports

The United States Department of State produces an annual report to Congress on the status of religious freedom by country. The reports examine US policies to promote religious freedom internationally, however they also look at policies which infringe freedom of religious practice and belief within the countries covered. The most recent edition of the report is from 2012.<sup>47</sup> The *Religious Freedom Reports* are one of the 18 sources used by the PRC in its Religion and Public Life Project. The executive summary of the *Religious Freedom Report for 2012* states that:

This comprehensive report comprises almost two hundred individual reports on countries and territories. Each report sets forth the laws, policies, and practices of governments; describes the nature of societal respect for religious freedom; and highlights the specific efforts that the US government made in each country to promote respect for religious freedom. Some reports document religious bigotry, hatred, and oppression. Others describe examples of religious freedom, societal respect, and interfaith dialogue. Whatever the case, the Secretary of State has been clear that these reports should be accurate, objective, detailed, and frank.<sup>48</sup>

The executive summary also expresses concern that:

For 2012, some common themes regarding the status of religious freedom around the world emerged. In general, these themes reveal negative trends, and often cut across national and regional boundaries. The individual reports provide the details, but these worrying trends—and the authoritarian governments that restrict their citizens' ability to practice their religion—merit highlighting.

Laws and policies that impede the freedom of individuals to choose a faith, practice a faith, change their religion, tell others about their religious beliefs and practices, or reject religion altogether remain pervasive. Numerous governments imposed such

<sup>45</sup> UNHRC, [Resolution 16/18: Combating Intolerance, Negative Stereotyping and Stigmatisation of, and Discrimination, Incitement to Violence and Violence Against, Persons Based on Religion or Belief](#), 12 April 2011, A/HRC/RES/16/18

<sup>46</sup> European Union Delegation to the United Nations, '[Joint statement on Peace and Tolerance by EU High Representative, OIC Secretary General, Arab League Secretary General, and AU Commissioner for Peace and Security](#)', 20 September 2012.

<sup>47</sup> US Bureau of Democracy, Human Rights and Labor, [International Religious Freedom Report for 2012](#).

<sup>48</sup> *ibid*, [Executive Summary](#), p 2.

undue and inappropriate restrictions on religious groups and abused their members, in some cases as part of formal government law and practice.<sup>49</sup>

Reports for individual countries can be accessed through the Report's website.<sup>50</sup>

#### 4.5 United States Commission on International Religious Freedom

The United States Commission on International Religious Freedom (USCIRF) is “the first of its kind in the world”.<sup>51</sup> It is an independent, bipartisan US federal government commission, the role of which is to defend the universal right to freedom of religion internationally. The USCIRF makes policy recommendations to the President, the Secretary of State and Congress. USCIRF's website explains that:

These recommendations are formally presented through USCIRF's Annual Report. The 2012 report covers 25 countries. Country chapters begin with a one-page overview of USCIRF's findings, the reasons for the country's designation by USCIRF, and priority recommendations for action. Each chapter documents events that took place over the reporting period, discusses relevant legal and human rights issues, emphasizes important elements of the bilateral relationship with the US, and details recommendations that would promote freedom of thought, conscience, religion or belief as a more integral part of US policy.<sup>52</sup>

It should be noted that the US Department of State's *Religious Freedom Reports* are distinct from the USCIRF:

USCIRF is an independent, bipartisan federal government entity, while the Office of International Religious Freedom (IRF)—also established under IRFA [International Religious Freedom Act 1998]—is part of the US State Department. Both USCIRF and the State Department release annual reports on international religious freedom, but each has different purposes. The State Department's report documents religious freedom violations in every country in the world. USCIRF's Annual Report, by statute, recommends countries to be designated as “countries of particular concern” which the Executive Branch must consider. The report also examines select countries, and while also documenting abuses, makes policy recommendations to the executive and legislative branches of government. USCIRF's report also comments on the effectiveness of the State Department's efforts to promote international religious freedom.<sup>53</sup>

The USCIRF makes clear that its role is to uphold Article 18 of the UDHR and that “by relying on international human rights standards as specified in IRFA, USCIRF is not attempting to impose American values on other nations, but rather examines the actions of foreign governments against these universal standards and by their freely undertaken international commitments”.<sup>54</sup>

---

<sup>49</sup> *ibid.*, pp 2–3.

<sup>50</sup> *ibid.*

<sup>51</sup> United States Commission on International Religious Freedom (USCIRF), '[About USCIRF](#)', accessed 15 July 2014.

<sup>52</sup> USCIRF, '[Frequently Asked Questions](#)', accessed 15 July 2014.

<sup>53</sup> *ibid.*

<sup>54</sup> *ibid.*

The USCIRF's *Annual Report 2014* contains a focus on fifteen years of US international religious freedom policy, but pages 39 to 164 present country reports which specifically look at religious freedom.<sup>55</sup> The report explains that the USCIRF must assess countries based on standards contained in the IFRA 1998. The USCIRF then classifies countries as either Tier 1 or Tier 2.

Tier 1 Countries of Particular Concern (CPCs) are those “whose government engages in or tolerates particularly severe violations of religious freedom that are systematic, ongoing and egregious”.<sup>56</sup>

Tier 2 CPCs are those “where the violations engaged in or tolerated by the government are serious and are characterised by at least one of the elements of the ‘systematic, ongoing, and egregious’ standard but do not fully meet the CPC standard”.<sup>57</sup>

The 2014 Report recommends that the following countries be re-designated as CPCs:

- Burma, China, Eritrea, Iran, North Korea, Saudi Arabia, Sudan and Uzbekistan.<sup>58</sup>

The 2014 Report also found that the following countries met the CPC standard:

- Egypt, Iraq, Nigeria, Pakistan, Syria, Tajikistan, Turkmenistan and Vietnam.<sup>59</sup>

The 2014 Report placed the following countries in Tier 2:

- Afghanistan, Azerbaijan, Cuba, India, Indonesia, Kazakhstan, Laos, Malaysia, Russia and Turkey.<sup>60</sup>

A companion Briefing Pack has been produced which contains selected hardcopy extracts from the publications referred to in Sections 3 and 4.

---

<sup>55</sup> USCIRF, [Annual Report 2014](#), 2014.

<sup>56</sup> *ibid*, p 39.

<sup>57</sup> *ibid*.

<sup>58</sup> *ibid*.

<sup>59</sup> *ibid*.

<sup>60</sup> *ibid*.