



People of Faith: Persecution in the 21st Century Debate on 11 July 2019

Introduction

On 11 July 2019, the House of Lords is scheduled to debate a motion moved by Lord Elton (Conservative) on the “extent of persecution of people of faith in this century”. This House of Lords Library Briefing provides background information on freedom of religion and belief as a human right, before summarising recent reports on religious freedom worldwide. It concludes with an overview of the UK Government’s response to a reported rise in religious intolerance internationally. The Bishop of Truro is currently conducting an independent review into Foreign and Commonwealth Office support for persecuted Christians. The review was commissioned by Jeremy Hunt, the Foreign Secretary.¹

Freedom of Religion and Belief as a Human Right

Freedom of religion is a fundamental human right.² According to Professor Christian Walter, chair of Public International Law and Public Law at the Ludwig Maximilian University in Munich, it is viewed as the oldest internationally accepted human right following both the religious civil wars of the 16th and 17th centuries in Europe and the development of individual rights during the Enlightenment.³

International Agreements and Treaties

In modern international law, all major human rights agreements and treaties include clauses concerning the free exercise of religion and the prohibition of discrimination on religious grounds.⁴ Prominent examples include:

- the Universal Declaration of Human Rights (UDHR) (1948);
- the International Covenant on Civil and Political Rights (ICCPR) (1966);
- the European Convention for the Protection of Human Rights and Fundamental Freedoms (also known as the European Convention on Human Rights or ECHR) (1950); and
- the American Convention on Human Rights (ACHR) (1969).⁵

Article 18 of the UDHR, for example, 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.⁶

However, Professor Walter has noted that this text constituted a “compromise rather than the reflection of a common understanding of freedom of religion” at the time the UDHR was drafted.⁷ He

has argued that there were three main points of disagreement that are instructive in terms of subsequent issues of interpretation and/or application of the right to freedom of religion. These were in relation to:

- the right to change one's religion;
- the limitations of freedom of religion; and
- the correct balance between religion and belief.⁸

In respect of the first, Professor Walter has observed that almost half the UDHR drafting committee did not “expressly endorse” the inclusion of a right to change one's religion. This had implications for future developments in this area. In respect of the second, proposals to expand possible limitations on the right were rejected. These included a ‘requirement of public morality’ and a prohibition to ‘interfere unduly with the personal liberty of anybody else’. In respect of the third, there was “little agreement” on the precise meaning of both religion and belief as terms at the time.⁹

Subsequent Developments at the United Nations

During the 1960s and 1970s, attempts to adopt a convention on freedom of religion to clarify issues of interpretation were unsuccessful. However, the United Nations General Assembly did adopt a declaration on the subject in 1981. The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion, which does not have binding force, did not include a formal guarantee concerning changes of religion. Professor Walter has suggested that this may have weakened the existing law in this area because it represented a “fall[ing] back” in the level of protection provided for in the UDHR.¹⁰

In 1986, the UN Commission on Human Rights (UNCHR) adopted a resolution providing for a special rapporteur on religious intolerance. This post is now known as the special rapporteur on freedom of religion and belief and is mandated by the Human Rights Council, which replaced the UNCHR in 2006.¹¹ Today, the special rapporteur examines cases in which it is alleged that religion and belief-related rights have been infringed and/or impeded. The postholder also undertakes fact-finding country visits and submits annual reports to both the Human Rights Council and the UN General Assembly.¹² Ahmed Shaheed has served as special rapporteur since 2016. He is a former diplomat for the Maldives and is currently also a deputy director of the Human Rights Centre at the University of Essex.¹³

In May 2019, the UN General Assembly adopted a resolution to designate 22 August each year as an International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief.¹⁴ The United Kingdom was among 88 states that co-sponsored the resolution.¹⁵ The Government is to be asked what plans it has to recognise the newly-designated day in the House of Lords on 10 July 2019.¹⁶

United Kingdom: Domestic Legislation

The Human Rights Act 1998 gives further effect in the UK to the right to freedom of religion or belief under the ECHR. Article 9 of the ECHR 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 worship, teaching, practice and observance.

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.¹⁷

The Equality and Human Rights Commission has stated that this right “protects a wide range of non-religious beliefs including atheism, agnosticism, veganism and pacifism”. It has added that, for a belief to be protected under article 9, “it must be serious, concern important aspects of human life or behaviour, be sincerely held, and be worthy of respect in a democratic society”.¹⁸

Religious Persecution: Reports on the International Situation

The European Union subscribes to the right to freedom of religion or belief, as set out in the UDHR and ICCPR, as a fundamental human right.¹⁹ In 2013, the EU adopted guidelines on the promotion and protection of freedom of religion or belief under which it committed to advance the right in its external action.²⁰ In line with this commitment, it publishes annual reports on the status of human rights and democracy worldwide. The most recent edition, adopted in May 2019, observed that freedom of religion or belief “continued to be under attack” in 2018.²¹ It also noted that the EU had raised concerns over the past year in respect of the right. These concerns related to countries in the Middle East and North Africa, and in South, Central and South East Asia.

In 2016 the European Commission appointed Ján Figel', a former European Commissioner, as a special envoy for the promotion of freedom of religion or belief outside the EU. Mr Figel' has worked closely with the European External Action Service in this capacity. Brief synopses of his mission itineraries are available.²² He visited India and Israel and Palestine earlier this year for meetings on religious issues. Within the EU, Denmark has appointed a special representative on freedom of religion or belief. Hungary funds an initiative to assist persecuted Christians around the world.²³

In the United States, the International Religious Freedom Act (IRFA) 1998 created the United States Commission on International Religious Freedom (USCIRF). It is an independent, bipartisan federal government commission that monitors freedom of religion and belief worldwide.²⁴ USCIRF publishes annual reports, the most recent of which was published in April 2019. This report included a list of 16 countries that the commission concluded met the standard to be named “countries of particular concern”. These included China, Pakistan and Russia.²⁵ The report noted an increase in the “securitisation and politicisation of religion” in several countries with deteriorating conditions for religious freedom. It concluded that, despite efforts, “innumerable believers and nonbelievers across the globe continued in 2018 to experience manifold suffering due to their beliefs”.²⁶

In addition, the US State Department produces an annual report for the US Congress on international religious freedom.²⁷ The most recent edition, published in an online format in June 2019, outlines the status of religious freedom in every country.²⁸ Speaking at the launch of the report, US Secretary of State Mike Pompeo said that it was the “ongoing mission” of his department to advance international religious freedom.²⁹ He characterised the report as a “report card” for countries. He praised Uzbekistan for no longer being a designated “country of particular concern”. He also welcomed the decision of Pakistan's supreme court to acquit Asia Bibi of blasphemy after almost a decade in prison on the charge. However, he described 2018 as “far from perfect”, drawing attention to the persecution of religious minorities in Iran, Russia, Burma and China. He closed his remarks by highlighting that a ministerial conference on advancing religious freedom was due to be held in Washington DC 16–18 July 2019.³⁰

A number of non-governmental organisations also report on freedom of religion and belief in an international context. Examples include the Pew Research Centre in the US, which has noted an increase in government restrictions on religion around the world in recent years.³¹ The Religious Freedom Institute (RFI), also a US-based body, is another example. The RFI grew out of a research project based at Georgetown University's Berkley Centre for Religion, Peace and World Affairs and its recent work has focused on the persecution of religious minorities in China, Pakistan and Burma.³²

In addition, and as noted above, the UN special rapporteur on freedom of religion or belief publishes annual reports on issues relating to freedom of religion. Recent reports have focused on areas such as the restrictions imposed on expression on account of religion or belief; the relationship between freedom of religion or belief and national security; and state-religion relationships and their impact on freedom of religion or belief.³³

UK Government Policy

In the UK, the Foreign and Commonwealth Office (FCO) monitors the international situation in respect of religious freedom. In its 2018 *Human Rights and Democracy* report, the FCO stated that denial of the right to freedom of religion or belief was a “matter of increasing international concern”. It continued:

Violations in 2018 ranged from inhibiting the freedom to worship, for example in the Maldives and Russia, to discrimination or targeted attacks against members of minority groups because of their religious identity, such as in Iran, Iraq, Pakistan and Burma.³⁴

The report highlighted that in July 2018, Prime Minister Theresa May appointed Lord Ahmad of Wimbledon, Minister of State at the FCO, as a special envoy on freedom of religion or belief.³⁵ In this capacity, Lord Ahmad has represented the UK during visits to a number of countries to promote freedom of religion and belief, including Indonesia, Iraq and Algeria. In addition, the UK Government has increased financial support for efforts to defend the right over the past year. This included allocating £12 million for a programme to “find innovative solutions to promote and defend freedom of religion and belief”. There was also £1 million for religious freedom-related projects in Iraq, Malaysia, Burma and Sudan.³⁶

The report also drew attention to the estimated 215 million Christians worldwide who had faced religious persecution in 2018. It noted that Christian women and children are “particularly vulnerable and are often subjected to sexual violence as a result of their beliefs”. In response to this issue, on Boxing Day 2018 Foreign Secretary Jeremy Hunt asked the Bishop of Truro to lead an independent review of the support provided by the FCO to persecuted Christians worldwide.

Independent Review: FCO Support for Persecuted Christians

Speaking at the formal launch of the review in January 2019, Mr Hunt cited evidence that “80 percent of all the people who are suffering religious persecution are Christian”.³⁷ The Government has asked the review to map “levels of persecution and other discrimination against Christians in key countries around the world”. This would provide an “objective assessment of the impact and levels of FCO support”. The review will also make recommendations to the Foreign Secretary.³⁸

The review had aimed to report by Easter 2019. However, the Bishop of Truro has stated that it “rapidly became apparent that the scale and nature of the phenomenon simply required more time”.³⁹

An interim report was therefore published in late April, ahead of a final report expected in summer 2019. The interim report argued that persecution on grounds of religious faith was a “global phenomenon” that was “growing in scale and intensity”. It analysed the situation in a number of different regions around the world before reaching interim conclusions. These included that the “level and nature” of the persecution of Christians in some regions was “arguably coming close to meeting the international definition of genocide”. The report also concluded that the international community had yet to fully implement article 18 of the UDHR:

The challenge that faces us at the beginning of the 21st century is not that we need to fight for a just legal system, it is rather that to our shame, we have abjectly failed to implement the best system that women and men have yet devised to protect universal freedoms.⁴⁰

Responding to the Bishop of Truro’s interim report, Jeremy Hunt said there was “nothing more medieval than to hate someone on the basis of their faith”.⁴¹ He added that the report’s conclusion that religious discrimination was on the rise “should shock us all”. Mr Hunt also stated that he looked forward to the final report, due shortly, as a means to “identifying further specific steps” the FCO could take to “do more to address the fate of persecuted Christians around the world”.

Key Documents

- Christian Walter, ‘[Religion or Belief, Freedom of, International Protection](#)’, Max Planck Encyclopedia of Public International Law (£), January 2008
- European Union, [EU Annual Report on Human Rights and Democracy in the World 2018](#), May 2019, pp 41–6
- United States Commission on International Religious Freedom, [2019 Annual Report: Key Findings and Recommendations](#), April 2019, pp 1–7
- Foreign and Commonwealth Office, [Human Rights and Democracy: 2018](#), June 2019, CP 104, pp 16–17
- Bishop of Truro’s Independent Review for the Foreign Secretary of FCO Support for Persecuted Christians, ‘[Interim Report](#)’, accessed 2 July 2019

Further Information

- United Nations Human Rights, ‘[Annual Reports](#)’, accessed 2 July 2019
- House of Lords Library, [Incidence of Antisemitism Worldwide](#), 13 June 2019
- House of Lords Library, [Debate on 24 July 2014: International Compliance with Article 18 of the Universal Declaration of Human Rights Concerning Freedom of Belief](#), 21 July 2014
- [Debate on ‘International Freedom of Religion or Belief Day’](#), HC Hansard, 25 October 2018, cols 191–234WH
- [Debate on ‘Freedom of Religion or Belief’](#), HC Hansard, 1 March 2018, cols 419–60WH
- All-Party Parliamentary Group for International Freedom of Religion or Belief [website](#)

- ¹ Copies of the key documents listed at the end of the Briefing are available for collection from the Library.
- ² Christian Walter, '[Religion or Belief, Freedom of, International Protection](#)', Max Planck Encyclopedia of Public International Law (€), January 2008. See also: Foreign and Commonwealth Office, '[Persecution of Christians Across the Globe Independent Review: Foreign Secretary's Launch Speech](#)', 30 January 2019 (and [video](#)).
- ³ *ibid*; and Ludwig-Maximilians-Universität München, '[Faculty of Law: Christian Walter](#)', accessed 1 July 2019.
- ⁴ Christian Walter, '[Religion or Belief, Freedom of, International Protection](#)', Max Planck Encyclopedia of Public International Law (€), January 2008.
- ⁵ *ibid*. In addition, several treaties concerning specific human rights also contain clauses relating to freedom of religion. Examples include the Convention Relating to the Status of Refugees (1951) and the Convention on the Rights of the Child (1989). See also: UN Human Rights, '[International Standards on Freedom of Religion or Belief](#)', accessed 1 July 2019.
- ⁶ United Nations, '[Universal Declaration of Human Rights](#)', accessed 1 July 2019. Other rights in the UDHR are connected to Article 18. For example, Articles 19 and 20 regarding freedom of opinion and expression and freedom of peaceful assembly and association respectively.
- ⁷ Christian Walter, '[Religion or Belief, Freedom of, International Protection](#)', Max Planck Encyclopedia of Public International Law (€), January 2008.
- ⁸ *ibid*.
- ⁹ *ibid*.
- ¹⁰ *ibid*.
- ¹¹ *ibid*.
- ¹² UN Human Rights, '[Special Rapporteur on Freedom of Religion or Belief](#)', accessed 1 July 2019.
- ¹³ *ibid*; and University of Essex, '[Dr Ahmed Shaheed](#)', accessed 1 July 2019. Dr Shaheed is the fifth occupant of the post after Angelo d'Almeida Ribeiro (Portugal) 1986–93; Abdelfattah Amor (Tunisia) 1993–2004; Asma Jahangir (Pakistan) 2004–10; and Heiner Bielefeldt (Germany) 2010–16.
- ¹⁴ United Nations General Assembly, '[Resolution: International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief](#)', 3 June 2019, A/RES/73/296. See also: United Nations, '[International Day Commemorating the Victims of Acts of Violence Based on Religion or Belief: 22 August](#)', accessed 1 July 2019; and '[General Assembly Proclaims 22 August International Day for Victims of Violence Based on Religion, Other Beliefs](#)', 28 May 2019.
- ¹⁵ Foreign and Commonwealth Office, '[UK Co-sponsors a UN Resolution to Commemorate Victims of Acts of Violence Based on Religion or Belief](#)', 3 June 2019. The Government had previously indicated that it had "no plans to support moves to establish an official United Nations day on this theme" (House of Lords, '[Written Question: Religious Freedom](#)', 19 July 2018, HL9365).
- ¹⁶ At the time of writing, the wording of the tabled oral question was as follows: "Baroness Berridge to ask Her Majesty's Government what plans they have to recognise the newly designated United Nations day for commemorating the victims of acts of violence based on religion or belief on 22 August".
- ¹⁷ Human Rights Act 1998, schedule 1. See also: Council of Europe, '[European Convention on Human Rights](#)', accessed 1 July 2019, p 11.
- ¹⁸ Equality and Human Rights Commission, '[Article 9: Freedom of Thought, Belief and Religion](#)', accessed 15 November 2018.
- ¹⁹ European Commission, '[Freedom of Religion or Belief](#)', accessed 2 July 2019.
- ²⁰ Council of the European Union, '[EU Guidelines on the Promotion and Protection of Freedom of Religion or Belief](#)', 24 June 2013.
- ²¹ European Union, '[EU Annual Report on Human Rights and Democracy in the World 2018](#)', May 2019, pp 41–6.
- ²² European Commission, '[Special Envoy Ján Figel](#)', accessed 2 July 2019; and '[Ján Figel: Overview of Country Visits: Main Meetings and Activities \(October 2016–March 2019\)](#)', 15 March 2019. See also: Ján Figel, '[Personal Blog](#)', accessed 2 July 2019. His most recent mandate ran until May 2019.
- ²³ House of Lords, '[Written Question: Religious Freedom](#)', 22 January 2018, HL4445.
- ²⁴ United States Commission on International Religious Freedom, '[About Us](#)', accessed 2 July 2019; and '[Frequently Asked Questions](#)', accessed 2 July 2019.
- ²⁵ United States Commission on International Religious Freedom, '[2019 Annual Report: Key Findings and Recommendations](#)', April 2019, pp iii–6.
- ²⁶ *ibid*, pp 2–3. See also: United Nations, '[National Security is No Excuse for Limiting Freedom of Religion: UN Expert](#)', 24 October 2018.
- ²⁷ The State Department hosts the Office of International Religious Freedom. Samuel D Brownback serves as the current US Ambassador at Large for International Religious Freedom (US Department of State, '[Office of International Religious Freedom](#)', accessed 2 July 2019).
- ²⁸ US Department of State, '[2018 Report on International Religious Freedom](#)', accessed 2 July 2019.
- ²⁹ US Department of State, '[Secretary of State Michael R Pompeo at the Release of the 2018 Annual Report on International Religious Freedom](#)', 21 July 2019.
- ³⁰ US Department of State, '[Ministerial to Advance Religious Freedom: 16–18 July 2019](#)', 21 June 2019.

- ³¹ Pew Research Centre, '[Global Uptick in Government Restrictions on Religion in 2016](#)', 21 June 2018; '[Restrictions on Religion Among the World's 25 Most Populous Countries](#)', 21 June 2018; and '[Key Findings on the Global Rise in Religious Restrictions](#)', 21 June 2018.
- ³² Religious Freedom Institute, '[Our History](#)', accessed 2 July 2019; '[Religious Freedom Institute Blog](#)', accessed 2 July 2019; and Georgetown University Berkley Centre, '[Religious Freedom Research Project](#)', accessed 2 July 2019.
- ³³ United Nations Human Rights, '[Annual Reports](#)', accessed 2 July 2019.
- ³⁴ Foreign and Commonwealth Office, '[Human Rights and Democracy: 2018](#)', June 2019, CP 104, p 16.
- ³⁵ *ibid*; and UK Government website, '[Lord Ahmad of Wimbledon](#)', accessed 2 July 2019.
- ³⁶ Foreign and Commonwealth Office, '[Human Rights and Democracy: 2018](#)', June 2019, CP 104, p 16.
- ³⁷ Foreign and Commonwealth Office, '[Persecution of Christians Across the Globe Independent Review: Foreign Secretary's Launch Speech](#)', 30 January 2019 (and [video](#)). The 80 percent figure cited was sourced from a report entitled *Response to Persecution: Findings of the Under Caesar's Sword Project on Global Christian Communities*, led by the Notre Dame Centre for Ethics and Culture, the Religious Freedom Institute and Georgetown University's Religious Freedom Research Project. The Government has also cited a 2016 Pew Research Centre study which found that "Christians were the most widely targeted group in 144 countries, up from 128 in 2015" (House of Commons, '[Written Question: Christianity: Oppression](#)', 6 March 2019, 226109).
- ³⁸ Foreign and Commonwealth Office, '[Independent Review of FCO Support for Persecuted Christians, Commissioned by the Foreign Secretary: Terms of Reference](#)', 8 February 2019.
- ³⁹ Bishop of Truro's Independent Review for the Foreign Secretary of FCO Support for Persecuted Christians, '[Interim Report](#)', accessed 2 July 2019.
- ⁴⁰ *ibid*.
- ⁴¹ Foreign and Commonwealth Office, '[Independent Review of FCO Support for Persecuted Christians Interim Report: Foreign Secretary's Statement](#)', 3 May 2019.

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