

The image shows a large, empty assembly hall or parliament chamber. The desks are arranged in a semi-circle, and each desk is equipped with a microphone and a small screen. The desks are blue, and the chairs are black. The floor is a light-colored wood or laminate. The lighting is bright and even.

## LESSON 5

# *Is Religious Freedom a Global Priority?*

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### INTRODUCTION

Lesson 5 asks if religious freedom is simply an American or Western idea. After World War II both the United Nations and many individual nations endorsed religious freedom in their declarations, legal covenants, and constitutions. Their actions suggest that religious freedom has become a standard for almost all societies, providing further evidence for the Founders' view that religious freedom is necessary for human flourishing. Unfortunately, in the 21<sup>st</sup> century, religious freedom in many of these nations, including the United States, is in decline. Will the countries of the world continue to promote this important, but fragile, human and political good? Fortunately, a growing global network of government agencies and private organizations have been created to make this a reality. However, we will also see that it is not enough to endorse religious freedom in constitutions and laws, but it must also be embraced, or at least accepted, by the public at large.

### LEARNING OBJECTIVES

- 5.1 Identify foundational principles established in key international declaration and covenants
- 5.2 Compare key religious freedom themes in international and national documents to those in foundational US documents
- 5.3 Explain the function of US agencies and offices created to promote religious freedom
- 5.4 Identify countries where religious freedom is protected in law but is nevertheless in decline
- 5.5 Analyze US domestic conditions to identify threats to religious freedom
- 5.6 Develop an informed response to various domestic and international threats

### KEY TERMS AND CONCEPTS

*Ambassador-at-Large*

*Declarations*

*Intolerance*

*Commissioners*

*Discrimination*

*IRF*

*CPC*

*EPC*

*Special Rapporteur*

*Covenants*

*Humanitarian*

*USCIRF*

## Lesson 5: Is Religious Freedom a Global Priority?

### The Emergence of Religious Freedom as a Universal Ideal

Historically, religious freedom in its fullest and most successful form emerged in the American constitutional settlement and its development over the next two centuries. While the Founders' vision of religious freedom is threatened in 21<sup>st</sup> century America, its underlying principles remain a powerful example for the world. Those principles include a conviction that the presence of *religion* is important for individual and social flourishing in a constitutional democracy and that a successful democracy must guarantee the *free exercise of religion* for all individuals and all non-governmental institutions.

For many years, the robust American model of religious freedom was not fully adopted anywhere, even by other democracies. However, in the years following World War II, religious freedom began to emerge as a universal ideal. In part because of widespread revulsion at the Nazi Holocaust against Jews and other minorities, numerous international covenants and national constitutions were written to recognize and protect fundamental rights, including religious freedom. While many of these documents did not contain a full expression of American constitutional protections, they were consistent with the Founder's understanding that religious freedom is important because religion is important.

Unfortunately, the international enthusiasm for religious liberty did not last. The rapid deterioration of religious freedom and the growth of violent religious persecution in many parts of the world—including states with legal protections for religion and religious freedom—demonstrates that laws, while important, are not enough. If religious freedom is to be sustained in society, its value must be understood and embraced by society. In other words, it must be protected in both law and culture.

As we look to the future, there is still much to be done to end the widespread repression of religion in general, or certain religions in particular, throughout the world. To accomplish that goal, we first need to understand how religious freedom was expressed, however imperfectly, in international and national documents. Understanding this modern development will help us see how wise the American founders were. These documents strongly suggest that religious freedom is a universal ambition. Even despots like the Chinese communists must pretend to support it. The documents you will read about will also show that it is possible to envision a world in which religious freedom is embraced as the natural right of every person.

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## Global Recognition that Religious Freedom is Distinctively Important

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Since World War II, religious freedom has been given some level of legal protection in many countries around the world as well as in numerous international declarations and covenants. As noted, a global trend emerged that treated religion and religious freedom in

a way that is similar to the American Founders. Most constitutions regarded religious freedom as an important part of what it means to be human and a liberty that should be protected for all. Some examples include:

- ❖ The Constituent Assembly of India, while drafting the Constitution, included the “Right to Freedom of Religion,” defining that right in these terms: “All persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.”
- ❖ Article 36 of the Constitution of the People’s Republic of China states, “Citizens of the People’s Republic of China enjoy freedom of religious belief.”
- ❖ Section 14 of the Constitution of Argentina affirms, “No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.”
- ❖ Article 4 of the German Constitution says, “Freedom of faith and of conscience, and freedom to profess a religious or philosophical creed, shall be inviolable. The undisturbed practice of religion shall be guaranteed.”

Such documents provide reason for encouragement. However, in at least two of the constitutions cited above (India and China), religious freedom is in sharp decline.

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## Building Global Consensus

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The universal right to religious freedom was affirmed by the **United Nations Human Rights Commission** in 1947. Charles Malik, a Lebanese educator, theologian, and diplomat

who was motivated by his Christian beliefs, was chosen to chair the Commission in 1951. He proposed four principles to guide the work of the Commission. These principles were:

- ❖ The individual comes before any state or ethnic/cultural group.
- ❖ The most valuable possessions of individuals are their minds and consciences.
- ❖ Coercion by states, governments, or religions of individuals is wrong.
- ❖ An individual’s conscience is the best judge of right and wrong.

**1948**

Building on the principles established by Charles Malik, the United Nations General Assembly approved in 1948 the **Universal**

**Declaration of Human Rights (UDHR)** by a vote of 48 to 0 with 8 countries choosing not to vote. Prominent drafters included Eleanor

Roosevelt of the United States, René Cassin of France, P.C. Chang of (pre-Communist) China,

and Malik. The key section referring to religious freedom is Article 18 which 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.**

Article 18, Universal Declaration of Human Rights

1966

The *International Covenant on Civil and Political Rights* (ICCPR) was adopted by the UN General Assembly in 1966 and sent to states for signature and ratification. For those states that signed and ratified the ICCPR, the document “entered into force” in 1976. In most cases, a Declaration, such as the UDHR, signifies that states are agreeing to an important international moral standard, but their participation is not binding in law. However, an international “covenant” like the ICCPR is essentially a treaty between states. For states that sign and ratify a covenant, it is legally binding.

- ❖ The ICCPR affirmed Article 18 when it declared: “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”
- ❖ The ICCPR clarifies that the only time when the rights and freedoms associated with religion may be limited is when “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” This and similar ideas in national documents became a source of much tension during the COVID pandemic as governments around the world occasionally used this idea to prohibit religious communities from gathering for long periods of time.

#### REFLECT

In Lesson 1, we asked if religious freedom is an absolute right. In Lesson 4, we explored different Court decisions regarding the free exercise of religion, and in this chapter we discussed how the principles and practices of religious freedom became embedded in international law during the 20<sup>th</sup> century. Use your knowledge of all 3 to answer the following question:

*Under what conditions can a government justly restrict religious expression? Be specific.*

1981

The United Nations General Assembly in 1981 issued a *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*.

- ❖ According to this *Declaration*, no one should be subject to religious intolerance or discrimination “by any state, institution, group of persons, or person on grounds of religion or other beliefs.”
- ❖ Further, the Declaration defines discrimination rather broadly calling it any “distinction, exclusion, restriction, or preference” that compromises the “recognition, enjoyment, or exercise of human rights and fundamental freedom.”
- ❖ Such discrimination based on someone’s religion or belief “constitutes an affront to human dignity, and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the *Universal Declaration of Human Rights*.”
- ❖ Other rights asserted in the *Declaration* include:
  - The rights of parents or legal guardians “to organize the life within the family in accordance with their religion or belief”
  - The right to establish charitable institutions
  - The right to develop and distribute written publications
  - The right to teach a religion or belief
  - The right to train, appoint, or designate leaders according to the standards of the community
  - The right to peaceably worship or assemble in places so designated by the religious community
- ❖ The *Declaration* also led in 1986 to the establishment of the position of United Nations Special Rapporteur on Freedom of Religion or Belief.

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## The Legacy of Religious Freedom Advanced in the US

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**1998**

As global support for religious freedom grew, the United States Congress drew upon its longstanding commitment to religious freedom to pass in 1998 the *International Religious Freedom Act* (IRFA). It was later amended in 2016 by the Frank R. Wolf International Religious Freedom Act. The goal of IRFA was to advance religious freedom in

US foreign policy, as a fundamental human right, and a source of flourishing and stability that can benefit all societies. For these reasons, success in advancing religious freedom around the world would also benefit the United States and its national interests. To carry out this new emphasis, Congress created several key offices and requirements.

### **Office of International Religious Freedom (IRF)**

The Office of International Religious Freedom exists to promote religious freedom as a core objective of U.S. foreign policy. The Office is headed by an Ambassador-at-Large for International Religious Freedom who reports directly to the Secretary of State. The Office is responsible for monitoring religious persecution and discrimination worldwide, making policy recommendations, and developing programs to support religious freedom around the world.

## United States Commission on International Religious Freedom (USCIRF)

USCIRF is an independent, bipartisan U.S. federal government advisory commission dedicated to advancing religious freedom around the world. Specifically, USCIRF collects and analyzes information on religious freedom violations and makes policy recommendations to the President, the Secretary of State, and Congress. USCIRF is led by a group of Commissioners appointed by the President or Congressional leaders and includes a professional staff led by an Executive Director.



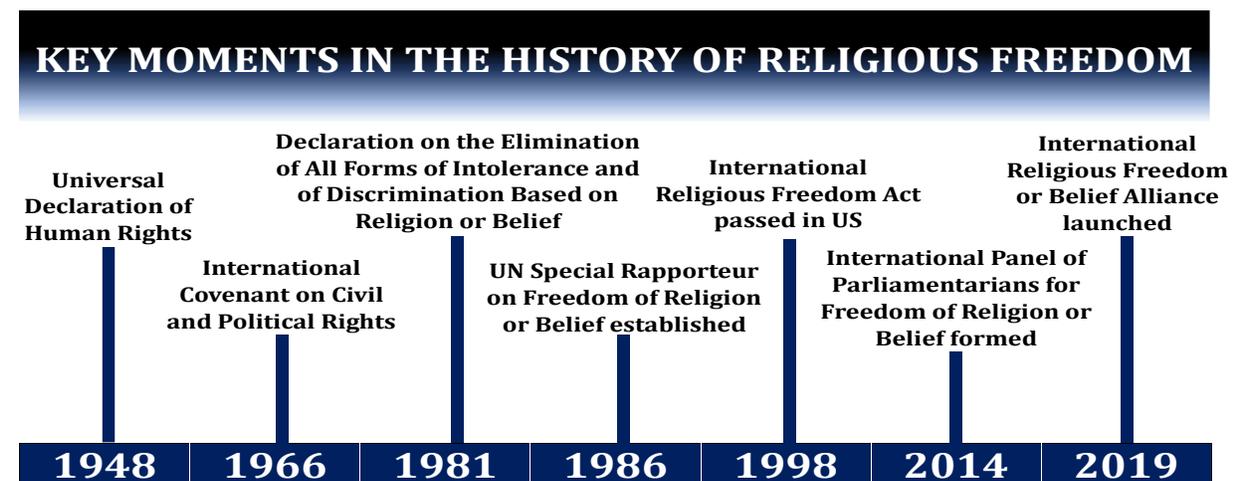
Both the IRF Office and USCIRF release annual reports on International Religious Freedom with chapters on virtually every nation in the world. Both reports provide reliable and important information. The State Department IRF report provides the basis for designating the worst violators as “Countries of Particular Concern” or CPCs. The Secretary of State makes these designations and may also impose penalties such as economic sanctions or withdrawal of financial aid.

### 2016

The 2016 amendment to IRFA added new, or strengthened existing, reporting requirements for the annual State Department report, including the following:

- ❖ religious freedom violations in a country without a functioning government
- ❖ the identification of freedom of conscience prisoners and persecuted human rights advocates
- ❖ action taken by the government of a country to censor online religious content and activity
- ❖ country-specific analysis of the impact of U.S. actions on religious freedom

### Milestones



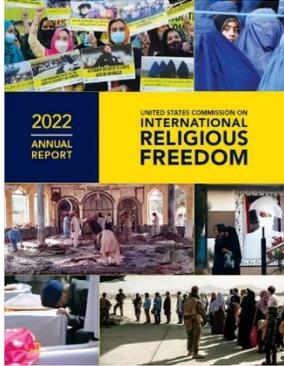
*The graphic above shows some of the key moments in the advance of Human Rights and Religious Freedom*

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## Surveying Areas Where Religious Freedom Is in Decline

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In a recent report, the Pew Research Center reported that 83% of countries with a population of at least two million offered constitutional guarantees of religious freedom, and another 8% offered additional legal guarantees of religious freedom.



Unfortunately, these legal guarantees have done little to protect religious freedom in increasing numbers of nations around the world. In 2019 the Pew Research Center released a comprehensive report on the status of religious freedom around the globe. It found high levels of both social hostilities and government restrictions in a large number of countries with government restrictions remaining at the highest levels since the study was begun a decade earlier.

While the Pew data suggests a growing problem worldwide, the annual reports released by USCIRF highlight some of the worst violators. In its 2022 report, USCIRF recommended 15 countries for “country of particular concern” (CPC) designation, 12 countries for the “Special Watch List” (SWL) and 7 entities for “entity of particular concern” (EPC) designation. The details behind these designations help tell the true human cost of the violations. Consider the below sample from its findings:

- 130,000 Rohingya Muslims remain in government-run internment camps in Burma
- 1 to 3 million Uyghur Muslims are currently interred in Chinese concentration camps, including up to 880,000 Uyghur children separated from their parents
- 85 religious groups in Vietnam designated as “strange,” “evil,” or “heretical” religions
- Nearly 6,000 religious organizations in India targeted by harsh financial regulations
- Recurring killings of Ahmadi Muslims in Pakistan
- 105 guilty verdicts against Jehovah’s Witnesses in Russia for expressing their faith
- Kidnapping of Christian pastors and priests in Nigeria
- Imprisonment of 2,200 individuals in Uzbekistan for religious reasons
- 2,255 antisemitic incidents reported in the United Kingdom in the previous year
- Surveillance, intimidation, and arrests of Christian leaders in Cuba

When a nation is designated a Country of Particular Concern, its government must be found to engage in or tolerate “particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious.” Tier 2 CPCs and EPCs meet at least one element of that standard. Violations include:

- Torture or cruel, inhuman, or degrading treatment or punishment
- Prolonged detention without charges
- Causing the disappearance of persons by abduction or clandestine detention
- Other flagrant denials of the right to life, liberty, or the security of persons

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## The Global Situation Summarized

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Despite the growth of religious freedom protections in national and international law, the gap between law and reality is, unfortunately, often a stark one.

- ❖ Protection of religious freedom by governments is eroding worldwide, as is the value placed on religious freedom by societies themselves.
- ❖ Hundreds of millions of people are subject to severe restrictions on their religious freedom, many of them suffering violent persecution.
- ❖ The establishment of legal norms has been an important step, but laws clearly are insufficient.
- ❖ Notwithstanding the legal protections the laws are supposed to provide, the decline of religious freedom worldwide has increased dramatically. It has contributed to a humanitarian crisis, a decline of social and political stability in many countries, and a threat to international security.
- ❖ One lesson, or takeaway, from these unfortunate realities is that legal protections for religious freedom, while important, must also be embraced by culture—that is, by ordinary citizens and private groups—as a basic human right if it is to yield its benefits.

### America's First Freedom: A Summary

This brings us back to where the America's First Freedom Curriculum began. In **Lesson 1**, we asked “Is Religious Freedom a Basic Human Right?” The overwhelming evidence from the field of social science suggests that to be human is to be religious. It suggests that humans, by their nature, seek truths about a greater-than-human source of being and ultimate meaning and inevitably order their lives in accord with those truths.

In **Lesson 2**, we saw how the American Founders set down certain core principles that reflected this reality and justified the American Revolution—especially the idea that “all men are created equal.” That powerful, religion-based idea became the engine of American democracy. It sustained our unity as a country despite a brutal civil war over slavery, and—although under growing threat today—continues to provide the foundation for American success and leadership in the modern world.

In **Lesson 3**, we explored the impact of the Founders' belief in universal equality and the effects of the first sixteen words of the First Amendment. We saw how America's First Freedom positively impacts politics in this country (and elsewhere) and allows religious people to contribute to the Common Good in overwhelmingly positive ways. In short, the last 250 years of American history have confirmed what the Founders understood—that when religious people are allowed to freely exercise their faith, the Common Good is advanced in remarkable ways.

Despite that fact, religion and religious freedom have been challenged often over the centuries. In **Lesson 4**, we explored many of these challenges through the lens of American jurisprudence. Those challenges, and the threats they often represent, remain an important part of the Court's work to the present day.

So, we conclude here in **Lesson 5** that if the American Experiment is to endure, its “first freedom” must remain a priority. Without this commitment, American freedoms and American leadership are both in jeopardy. Additionally, the gains that have been made in other parts of the world over the last 80 years, gains that are also under grave threat, could become historical footnotes in a world that is far less hospitable to human flourishing. We hope that through your studies of America’s First Freedom, you have developed this commitment and are now ready to become a champion of religious freedom!

## KEY QUESTIONS

1. What are recurring themes in recent international documents dealing with religious freedom?
2. To what extent do post World War II international religious freedom declarations and covenants reflect the beliefs and actions of the US founders?
3. To what extent does recent US legislation on international religious freedom reflect an American commitment to religious freedom for everyone?
4. How can we explain the disconnect in many countries between the rhetoric and laws that protect religious freedom and the continued hostility toward religious freedom?

## ADDITIONAL READING

Barker, Jeremy P. [Advancing Religious Freedom for All Requires a Multi-Faceted, Global Effort](#) (2020)

Barker, Jeremy P. [On World Refugee Day, Remember the People at the Center of the Global Displacement Crisis](#) (2020)

Barker, Jeremy P. [Will religious freedom play on the world stage?](#) (2019)

Hurd, Nathaniel. [Count Religious Freedom Among the Policy Responses to Putin’s Invasion of Ukraine](#). (2022)

Marshall, Paul. [Robert Kagan and the Many Meanings of Liberalism](#). (2019)

Pew Research Center. [“A Closer Look at How Religious Restrictions Have Risen Around the World.”](#) (2019)

Philpott, Daniel. [“Religious Freedom in International Human Rights Law.”](#) (2020)

[All Party Parliamentary Group for International Freedom of Religion or Belief](#)

[International Panel of Parliamentarians for Freedom of Religion or Belief \(IPPFORB\)](#)

[Office of International Religious Freedom](#) (US State Department)

[U.S. Commission on International Religious Freedom \(USCIRF\)](#)

[Universal Declaration of Human Rights](#)

