

The Right to Believe: Religious freedom as a human right today

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Forum 18

What is religious freedom, and why should it be defended? Much of the modern understanding of human rights started to be codified on this date in 1948, when the UN General Assembly adopted the Universal Declaration of Human Rights' (UDHR). But the origins of what we now call freedom of religion or belief go back many centuries. Professor Malcolm Evans, well-known to some of us here, has pointed out that known attempts to legally define it date back to Cyrus the Great of Persia in the the 6th century BC. The drafters of the Universal Declaration saw that human rights are not just of historical interest. They were amongst those who came to recognise that, as the UDHR opens, "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

That statement was based on the horrors of the Second World War. While a student here in Cardiff in the 1980s, I met one of the survivors of the 20 July 1944 bomb plot against Hitler. That former German army officer told a small group of us students, over coffee and cake by the River Danube, that he faced a choice when he realised what the Nazi regime was doing to "others" such as Jews, Poles, Russians, homosexuals, Jehovah's Witnesses – our fellow human beings – or our neighbours as he noted Jesus described them. That choice was either to stop being a Christian or to join the bomb plot. "Everything else was relatively easy," he said.

In his case, "everything else" meant his family being put in concentration camps, he himself being under a death sentence on the run from the Gestapo, most of his friends being horribly murdered, and living with the guilt of failure to stop the Holocaust and the war. His words challenged me then and now about the need for Christians to always practically love "others" – all "others" - whoever we identify them as.

The UDHR is quite clear that human rights are for all, with no exceptions. Article 18, in language which is unfortunately not gender-inclusive, 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 freedom is very wide-ranging, and includes the right to be atheist and to criticise any or all religious or philosophical beliefs. It also covers such activities as conscientious objection to military service. For example, this right is violated by Armenia currently holding 58 Jehovah's Witness conscientious objectors in jail for terms of between one and three years.

Religious freedom is inextricably intertwined with the rule of law and other fundamental freedoms, such as the freedoms of speech, of association, of the media, of expression and of movement. A police raid on a meeting for worship, for example, is also a violation of freedom of association.

Take the case of Uzbekistan, a Central Asian state where almost complete control over society is exercised by President Islam Karimov, a dictator who has never faced a free election. Forum 18 <www.forum18.org> has documented that the government imposes total control of the public face of the majority Muslim religious community, and engages in torture, arbitrary arrests, bans on meeting for worship, arbitrary jailing, police raids, the overt incitement of religious hatred of minorities on state-run mass media and other violations against members of both the majority community and minority religious communities of Baha'is, Christians, Jews, Jehovah's Witnesses and Hare Krishna devotees. All religious activity without state permission is a criminal offence, as is sharing any religious beliefs with anyone. The state's violations of human rights, along with widespread poverty, has fuelled the appeal of extremist and terrorist groups and increased the prospect of violent instability.

Let's look at one of the human rights linked with religious freedom. The UDHR's article 5 states that: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Torture in Uzbekistan is "routine", to quote the UN Committee Against Torture. Women (and occasionally men) detained to punish them for their religious activity by the police or NSS secret police can be targeted by male officials with overt or implied threats of sexual violence. Forum 18 has found that – for very good reason - it is unusual for male and female victims to want to document their experiences publicly, for fear of state reprisals, because of the traumatic nature of their experiences, and because of strong social pressures against women in particular speaking out about male violence. Cultural traditions of "honour" can destroy a woman's good name if she is known to or thought to have been the victim of sexual violence or even if she has been alone - for example overnight - with male police officers who are unrelated to her.

In a fairly typical incident - the month, location, belief involved and details of which are confidential - female religious believers detained during a police raid were threatened with having their clothes forcibly removed, being tortured with electricity, and then pictures of them being raped by male criminals being made public. This leads to a climate of fear, where the authorities do not need to use a specific threat of torture to enforce their will.

Angren is a city in Uzbekistan with a population of between a half and one third that of Cardiff's. In mid-October the Baptist church that the authorities allow to exist was raided during its Sunday morning service by the city's police Criminal Investigation and Struggle against Terrorism Division. Seven teenagers aged between 13 and 15 were present, and the police confiscated the consent letters parents must write allowing their children to attend the Church. Later, two schoolgirls were summoned for questioning at a police station, and the police threatened them that they would be in police records and thrown out of school if they kept coming to church and didn't write statements against the Minister. They stopped going to church and wrote the statements – and I suspect that none of us here would want to criticise those girls for doing that.

Torture is far from the only possible punishment used by oppressive regimes. Last month, Azerbaijan in the south Caucasus has proposed the latest in what has become an annual routine of increasing punishments for exercising the right to religious freedom. Among the changes was a new "crime" of the: "Production, sale and distribution of religious literature, religious items and other informational materials of a religious nature with the aim of import, sale and distribution without appropriate authorisation" – i.e without passing compulsory state censorship. The maximum possible punishment at the moment – for such punishments have been regularly increased – would be a fine of just under nine years' minimum wage, or imprisonment for between two and five years.

Roy here is a published author whose books call on Christians to campaign against torture. It is safe to strongly suggest that the State Committee for Work with Religious Organisations would ban his books, if he were an Azeri author. Assuming a 40 hour week, in Britain the minimum wage is £12,646.40 a year. Nine years minimum wage would be £113,870.60. Most authors – to say nothing of booksellers - would think very hard indeed about what they wrote or stocked, faced with those kind of penalties.

When thinking about religious freedom, some people only talk about people of their faith, or seem to be engaged in a kind of race to insist that their group is the most persecuted. One hears talk of "Islamophobia" and "Christianophobia". Should we also speak of Baha'iophobia or Jehovah's Witnessophobia, as in different parts of the world followers of both these faiths experience extremely serious religious freedom violations?

Similarly, some conflate the serious threats to religious freedom that Christians and others face in many parts of the world with the consequences of changing social assumptions in western Europe. Is it really very wise or Christian to bracket together what people face in countries like Azerbaijan or Uzbekistan with what one sees in Britain? Is it reasonable to see direct state attacks on basic human rights, including torture, as the same thing as what one Vicar friend – another former Cardiff student - described in Britain as "the loss of automatic state favouritism towards Christianity" ? Indeed, it is noticeable that some of those who have been most vocal in promoting Islamophobia, Christianophobia and the like are mainly interested in western Europe. And they pay little attention to even their co-religionists in places such as Belarus, Central Asia, or the South Caucasus who experience severe violations of freedom of religion or belief – let alone the plight of other people.

Naming particular kinds of intolerance and discrimination – for example against women – can indeed be helpful. But the "phobias" all too easily lend themselves to special pleading. This encourages a view that those who put forward the claims only of their own group – no matter how legitimate they are – are motivated by partisanship and not by any principled concern. The phobias also take up time that would be better spent focusing the attention of the international community on the severe violations of religious freedom that continue against people of all religions and beliefs. Indeed, the phobias run the risk of caricaturing the reality that governments, which are worldwide the worst violators of human rights, invariably target followers of any religion or belief which they see as outside their control – not just the followers of one religion or belief. Not to recognise this is to deceive oneself about the reality of the world and human rights violations. As former UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir commented: "When I am asked which community is persecuted most, I always reply 'human beings'".

An illustration of this truth is Kazakhstan, whose government claims it promotes religious tolerance with "Congresses of leaders of world and traditional religions". Yet it promotes intolerance of people exercising human rights such as freedom of religion or belief. The passage of two repressive new laws in October was preceded by officials and state-funded NGOs holding public meetings and media campaigns praising so-called "traditional religions" and attacking so-called "non-traditional religions". As an Ahmadi Muslim, who wished to remain unnamed for fear of state reprisals, put it to Forum 18, the campaign was to "prepare the public for a discriminatory new law".

The laws, among other things:

- ban meetings without state permission for worship or other religious activity;
- empower state officials to check a group's ideas for it to gain permission to exist;
- impose compulsory censorship of religious literature and objects, also restricting where they can be distributed;
- and require a licence for institutions to send students to study abroad.

The laws limit the interlocking freedoms of religion or belief, assembly, association, and expression. For example, officials now have the power to censor books as varied as the Catechism of the Catholic Church and Richard Dawkins' *The God Delusion*.

New security threats this year are claimed by the government as the reason for the laws. Kazakhstan does face threats, with bomb attacks claiming lives. Yet as a study published by Cambridge University Press "The Price of Freedom Denied" by Brian Grim and Roger Finke shows, restricting religious freedom fuels social tensions and violence. They also find that where freedom of religion or belief flourishes, democracy and development goals such as wider availability of health care and educational opportunities for women benefit. Human rights are part of the solution, not part of the problem – as Northern Ireland's experience demonstrates.

Despite claims that security threats this year are the reason, Forum 18 has documented that these laws have been in preparation since at least 2009. As the Norwegian Helsinki Committee and others have documented, attempts to make religious freedom subject to state permission are part of wider state attempts to control society. This has seen the jailing for six years of Natalya Sokolova, a lawyer representing striking oil workers, the rejection of an appeal by jailed human rights defender Yevgeny Zhovtis, and an April presidential election in which Nursultan Nazarbaev allegedly won over 95 per cent of the vote on a nearly 90 per cent turnout.

After the laws Muslim and Russian Orthodox churches and prayer rooms in prisons and social institutions are now being closed. Muslim Board spokesperson Ongar Omirbek told Forum 18 that "those who initiated and adopted such laws will answer before Allah". The Muslim Board is now to be taken over by the state. One Almaty care home staff member told Forum 18 that "faith is often a help for people in difficult times. There was no harm in what the imam and the Orthodox priest did". Orthodox Bishop Gennady of Kaskelen stated that this took away "the last consolation from those people who, for health reasons, find themselves in a desperate, helpless situation". Elsewhere, two more Baptists have been prosecuted for worship without state permission.

The laws were enforced before they came into legal force. Police and secret police officers raided a meeting of an officially registered Protestant church, as under the new Religion Law it cannot meet outside its legal address – even though the secret police had stopped the church meeting there. During the raid a 17-year old woman was hit by a policeman, leaving her unconscious. No action seems to have been taken against the policeman responsible, even though church members told Forum 18 that a Public Prosecutor's Office official was a witness. Elsewhere, the Military Affairs Directorate of one Almaty district wrote to local religious communities ordering them to "provide information on citizens on record as followers of non-traditional religions and radical religious views". But the military officials were unable to explain what these views were when asked by Forum 18.

There is not time to cover all the kinds of problems people face in the countries Forum 18 covers. These include but are not limited to: in Russia Muslim readers of the works of theologian Said Nursi and Jehovah's Witnesses are targeted with literature bans and criminal prosecutions under "anti-extremism" legislation, with Hare Krishna devotees being the latest target. Protestants and Jehovah's Witnesses have also been experiencing raids on their meetings for worship; in Armenia there are 58 jailed conscientious objectors and minority groups are bullied by a dominant Christian church linked to national identity and a compliant state apparatus; in Belarus freedom of religion or belief continues to be denied to political prisoners of conscience; Turkey continues to deny the right to conscientious objection and independent legal status for religious communities; and Tajikistan has an almost complete ban on religious activity by children up to the age of 18, and mosque closure campaigns.

But why should Christians care about everyone's freedom of religion or belief? There are many reasons, such as the statement in Genesis 1:27 that humanity is "made in the image and likeness of God." This sharply contrasts with contemporaneous Mesopotamian creation accounts, in which humanity is made as a kind of slave labour for gods. One reason, though, has a name: Jesus Christ. The Incarnation we will celebrate at Christmas has extraordinary implications, for everyone and for all of Creation. God became a human being, living a fully human life. Christ's humanity tells us that everyone has the potential to bear God, and so has an incalculable value which no-one can take from them.

Christians are therefore committed to work for the human dignity of everyone – including the dignity of oppressors, such as the Uzbek officials who put a Muslim prisoner's wife on trial to "show who is boss here", or the Kazakh official who told Forum 18 that human rights agreements "mean nothing to us". As Archbishop Desmond Tutu said in apartheid South Africa, liberation is for all - both oppressor and oppressed.

Oppression is doomed to ultimate failure. Our faith tells us that Jesus' resurrection means that everything that serves death and not life has no future – however great its temporary triumphs may be. Desmond Tutu put it this way to South African State President P.W. Botha - when apartheid was brutally powerful - "Why stick with the losing side? Why not join the winners?"

One of the principal drafters of the UDHR, René Cassin, a French Jew who lost many relatives in the Holocaust, said: "Now that we possess an instrument capable of lifting or easing the burden of oppression and injustice in the world, we must learn to use it." Christians are committed to following another Jew, who in Luke 4:18 quoted from Isaiah 58:6 to proclaim part of his mission as "to let the oppressed go free".

Attacks on freedom of religion or belief - perhaps especially against people we see as different - challenge us about our love of God and neighbour which, Jesus told us, are the greatest commandments. So when we think about religious freedom, we must recommit ourselves to putting into practice Jesus' command to love God and all our neighbours – most especially those neighbours who live in lands where the state actively violates human rights.

The German theologian Dietrich Bonhoeffer put that point this way, writing in his prison cell in August 1944 before he was martyred for his part in the failed bomb plot against Hitler: "The Church is only the Church when it is there for others". If we are to truly live as Christians, those words of Bonhoeffer's must be seen to be a reality in our lives as a church and as individual believers.

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